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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TONGJIN YANG,
Plaintiff,
v.
JEFFERSON SESSIONS, et al.,
Defendants.

Case No. [17-cv-03007-JSC](#)
ORDER TO SHOW CAUSE
Re: Dkt. No. 1

Petitioner, a prisoner of U.S. Immigration and Customs Enforcement (“ICE”), filed a habeas corpus petition pursuant to 28 U.S.C. § 2241 challenging his detention in an ICE facility for over 180 days. Petitioner makes three claims: (1) statutory violation of 8 U.S.C. 1231(a)(6); (2) Fifth Amendment substantive due process; and (3) Fifth Amendment procedural due process.

These claims, when liberally construed, are cognizable and potentially meritorious. Good cause appearing, respondents are hereby ordered to show cause why the petition should not be granted.

In order to expedite the resolution of this case, it is further ordered as follows:

1. The Clerk shall serve respondents with a copy of this order and the petition with all attachments.
2. Respondents shall file with the court and serve on petitioner, within 60 days of service of the petition and this order, an answer showing cause why a writ of habeas corpus should not be granted based on the claims found cognizable herein. Respondents shall file with the answer and serve on petitioner a copy of all portions of the deportation record that have been transcribed previously and that are relevant to a determination of the issues presented by the petition.

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If petitioner wishes to respond to the answer, he shall do so by filing a traverse with the court and serving it on respondents within 30 days of the date the answer is filed.

3. Respondents may file, within 60 days, a motion to dismiss on procedural grounds in lieu of an answer. If Respondents files such a motion, petitioner shall file with the court and serve on respondents an opposition or statement of non-opposition within 30 days of the date the motion is filed, and respondents shall file with the court and serve on petitioner a reply within 14 days of the date any opposition is filed.

4. The Clerk shall send a notice to petitioner and respondents regarding consenting to the jurisdiction of a magistrate judge.

IT IS SO ORDERED.

Dated: June 12, 2017


JACQUELINE SCOTT CORLEY
United States Magistrate Judge