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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MAXIMINO SANTIAGO PEREZ,
Plaintiff,
v.
RON MURRAY, et al.,
Defendants.

Case No. [18-cv-01437-JSC](#)

ORDER TO SHOW CAUSE

Re: Dkt. No. 1

Petitioner, a detainee in immigration custody, filed a habeas corpus petition pursuant to 28 U.S.C. § 2241. Petitioner has paid the \$5.00 filing fee. His petition sets forth four claims challenging the constitutionality of petitioner’s detention: (1) statutory violations of 8 U.S.C. § 1231(a) and 8 U.S.C. § 1226(c), (2) violation of Fifth Amendment substantive due process, (3) violation of the Fourteenth Amendment, and (4) violation of Fifth Amendment procedural due process. (Dkt. No. 1 at 9-11.)

These claims, when liberally construed, are cognizable and potentially meritorious. Good cause appearing, Respondent is 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 respondent and the respondent’s attorney, the Attorney General of the United States, with a copy of this order and the petition with all attachments.

2. Respondent 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. Respondent shall file with the answer and serve on petitioner a copy of all portions of the administrative record that have been transcribed

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previously and that are relevant to a determination of the issues presented by the petition.

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

3. The Clerk shall send notice to respondent regarding consenting to the jurisdiction of a magistrate judge.

IT IS SO ORDERED.

Dated: March 12, 2018


JACQUELINE SCOTT CORLEY
United States Magistrate Judge