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E-Filed 6/6/05

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FAHMI AL HAIKI,
Petitioner,
v.
ALBERTO GONZALES, Attorney General, et al.,
Respondents.

Case Number C-04-5346-JF
ORDER TO SHOW CAUSE WHY
THIS ACTION SHOULD NOT BE
TRANSFERRED TO THE NINTH
CIRCUIT

On May 13, 2005, Respondents filed a notice of change in law asserting that this Court no longer has jurisdiction over the instant petition for writ of habeas corpus pursuant to the recently enacted REAL ID Act of 2005, Pub.L. No. 109-13, 119 Stat. 231 (2005). On May 16, 2005, Petitioner filed a motion for extension of time to respond to Respondent's notice.

Petitioner has had ample time to consider the impact of the REAL ID Act on the instant action. Accordingly, the Court will grant Petitioner until June 13, 2005 to either stipulate to transfer of the action to the Ninth Circuit as a petition for review or file a brief opposing transfer. If Petitioner files a brief opposing transfer, Respondents shall file any reply brief on or before

1 June 17, 2005.

2 IT IS SO ORDERED.

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9 DATED: 6/6/05

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/s/ electronic signature authorized

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JEREMY FOGEL
United States District Judge

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1 Copies of Order served on:
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