

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable Marcia S. Krieger

Civil Action No. 06-cv-00936-MSK-BNB

ISSAC KALULE,

Petitioner,

v.

DOUGLAS MAURER, Acting District Director, United States Immigration and Customs
Enforcement,

Respondent.

ORDER SETTING HEARING AND DIRECTING RESPONSE

THIS MATTER comes before the Court pursuant to the Petitioner's Petitioner for Issuance of an Emergency Temporary Restraining Order (# 2).

The Respondent shall file a Return to the Petition on or before **Friday, May 26, 2006**.

The Court will conduct a non-evidentiary hearing on **Tuesday, May 23, 2006 at 10:00 a.m.** for the purpose of determining whether an evidentiary hearing is necessary. At the hearing, counsel shall be familiar with and prepared to address generally all issues presented in the Petition and request for Temporary Restraining Order, and shall be specifically prepared to address the following issues:

1. Whether a stay of deportation must be sought from United States Court of Appeals for the 10th Circuit and the Board of Immigration Appeals where appeals are currently pending?
2. Whether an alleged violation of 8 C.F.R. § 208.6 in the circumstances presented here gives rise to a independent

claim for violation of Due Process, or whether the matter is simply a basis for seeking to reopen the asylum adjudication and/or appeal any such denial of reopening to the Court of Appeals?

3. If an alleged violation of 8 C.F.R. § 208.6 gives rise to an independent claim for violation of Due Process, what is the appropriate forum for adjudication of such a claim?

Dated this 19th day of May, 2006

BY THE COURT:



Marcia S. Krieger
United States District Judge