

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BRENDA DENISE BERG,)	
)	
Petitioner,)	4:05cv3323
)	
vs.)	ORDER on INITIAL REVIEW
)	
TERRY HOMER ROBBINS, Sheriff of)	
Sheridan County, Nebraska, JEFFREY)	
C. AURICH and JOHN A. HILL,)	
United States Probation Officers,)	
)	
Respondents.)	

This matter is before the court for initial review of filing no. 1, the Petition for Writ of Habeas Corpus filed by the pro se petitioner, Brenda Denise Berg. Ms. Berg, the defendant in a related case, No. 4:04cr3146, United States v. Brenda Denise Berg, has been serving a term of supervised release imposed as part of her sentence for bank fraud and related offenses. In Case No. 4:04cr3146, respondents-Jeffrey C. Aurich and John A. Hill, federal probation officers, sought and obtained an arrest warrant to bring the petitioner before this court to determine whether she violated the conditions of supervised release and whether her supervised release should be revoked.

The petitioner states that she has been held in the Sheridan County Jail since August 22, 2005. She has posted bail for the state charges on which she is being held, but she remains in custody on a federal detainer to answer for the federal charge relating to violation of her conditions of supervised release. However, the petitioner has not been scheduled for a hearing, brought before this court, or otherwise provided due process of any kind in connection with the federal proceedings for revocation of supervised release. Liberally construed, the petition requests relief pursuant to 28 U.S.C. § 2241.

Upon my initial review of the § 2241 petition, I provisionally find that summary dismissal is not required and that respondents-Jeffrey C. Aurich and John A. Hill ("the federal respondents")¹ shall answer or otherwise respond to the petition.

IT IS THEREFORE ORDERED:

¹If respondents-Jeffrey C. Aurich and John A. Hill believe that a different federal official or the United States of America should be substituted as the respondent in this matter, they may file an appropriate motion. However, any such motion shall be filed promptly so as not to delay the respondent's answer to the § 2241 petition.

1. That the Clerk of Court shall mail copies of the § 2241 petition to all of the respondents;

2. That by January 13, 2006, the federal respondents shall answer or otherwise respond to the § 2241 petition and shall file an accompanying brief; and

3. That by January 30, 2006, the petitioner may file a reply brief.

DATED this 30th day of December, 2005.

BY THE COURT:

s/ Joseph F. Bataillon

JOSEPH F. BATAILLON
Chief District Judge