

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

LORENZO FLORENTINO DELGADO
DIAZ,

Petitioner,

v.

WAYNE MULLER et al.,

Respondents.

Civil Action No. 11-4029 (SRC)

ORDER

CHESLER, U.S.D.J.

This matter comes before the Court on the application by Petitioner Lorenzo Florentino Delgado Diaz (“Diaz”) for an order to show cause, seeking to bring on his § 2241 Petition for a hearing on an expedited basis. On June 10, 2011, Diaz filed his Petition and application in the United States District Court for the Southern District of New York. Respondents opposed the Petition on the ground that, *inter alia*, jurisdiction lay in only the district of confinement, New Jersey, pursuant to Rumsfeld v. Padilla, 542 U.S. 426, 443 (2004). On July 7, 2011, the Court, agreeing with Respondents, transferred the case to the District of New Jersey. This Court now has before it Petitioner’s application for an order to show cause.

Petitioner’s application for an order to show cause to bring on an expedited hearing of his Petition must be denied. Plaintiff has failed to comply with L. Civ. R. 65.1(a), which states: “No order to show cause to bring on a matter for hearing will be granted except on a clear and specific showing by affidavit or verified pleading of good and sufficient reasons why a procedure other than by notice of motion is necessary.” Petitioner has supplied no such affidavit or verified

pleading of good and sufficient reasons why a procedure other than by notice of motion is necessary. Nor does the brief in support of the application for an order to show cause even address the question of what such reasons might be. In the absence of a clear and specific showing of a reason why this application should receive the expedited treatment appropriate for applications for emergency relief, the application must be denied. This Court declines to hear the Petition on an expedited basis, and it will be heard according to the usual schedule for hearing motions on notice.

For these reasons,

IT IS THEREFORE on this 18th day of July, 2011,

ORDERED that Petitioner's application for an order to show cause is **DENIED**, and the Petition shall not be heard on an expedited basis.

s/ Stanley R. Chesler
Stanley R. Chesler, U.S.D.J.