

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

KAPIL DOGRA, A 072-487-024,

Petitioner,

DECISION AND ORDER
09-CV-918A

v.

ERIC H. HOLDER, JR. et al.,

Respondents.

This case comes before the Court on a petition, filed on October 27, 2009, for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Respondents filed opposition papers, including a memorandum of law, on January 20, 2010. Petitioner filed reply papers on February 3, 2010.

Petitioner filed his latest petition for habeas corpus relief just 55 days after the Court adopted a Report and Recommendation from Magistrate Judge Jeremiah J. McCarthy denying petitioner's prior petition. (See Case No. 09-CV-65, Dkt. Nos. 7, 8.) In this latest petition, petitioner does not cite to or acknowledge his prior petition, let alone explain how his compliance with respondents' directives improved in the 55 days before this case commenced. Additionally, the Court finds that petitioner has not explained adequately the Notices of Failure to Comply issued to him on September 9, 2009 and January 7, 2010. The Court finds, as it found when it denied the prior petition, that petitioner

continues to frustrate respondents' efforts to gather the information necessary to obtain travel documents from the Consulate of India. Under these circumstances, the Court finds that continued detention is permitted at this time for the reasons set forth in the adopted Report and Recommendation for the prior petition.

Accordingly, the Court hereby denies the pending petition. This denial shall be without prejudice to refile after 90 days and to demonstrate to the Court at that time that petitioner has complied with respondents' requests for information.

The Clerk of the Court is directed to close this case.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: March 10, 2010