



period. *See Okopju v. Ridge*, 115 Fed. Appx. 302, 2004 WL 2943629 (5th Cir., No. 3-11145, Dec. 20, 2004) (“The district court properly denied [Petitioner’s] claim regarding his continued detention as premature because, at the time of the district court’s ruling, [Petitioner] had not yet been in custody longer than the presumptively reasonable six-month post removal order period”). Because Petitioner states he appealed his removal order, but he does not state whether his appeal is still pending. Therefore, it is not clear the removal order is final.

Furthermore, because the six-month period has not expired, Petitioner has not exhausted his administrative remedies by giving the Bureau of Immigration and Customs Enforcement an opportunity to address the issue, and consequently this Court does not have a sufficient record to review this issue. *See Noriega-Lopez v. Ashcroft*, 335 F. 3d 874, 881 (9th Cir. 2003) (federal courts may require prudential exhaustion of administrative remedies where: “(1) agency expertise makes agency consideration necessary to generate a proper record and reach a proper decision; (2) relaxation of the requirement would encourage the deliberate bypass of the administrative scheme; and (3) administrative review is likely to allow the agency to correct its own mistakes and to preclude the need for judicial review”).

Habeas corpus procedure provides “[i]f it plainly appears from the petition . . . that the petitioner is not entitled to relief in the district court, the judge must dismiss the petition . . .” *See* Rule 4(b) of the Rules Governing § 2254 Cases. **Petitioner is directed to show cause within twenty-one (21) days why his § 2241 Petition should not be dismissed as conclusory and for failure to exhaust his administrative remedies by filing an amended Petition curing these deficiencies.**

Petitioner also has not paid the \$5 filing fee applicable to § 2241 habeas corpus proceeding

or filed an in forma pauepris application. **Petitioner shall also within twenty-one (21) days pay the \$5 filing fee or submit a completed IFP application.** If Petitioner fails to comply with this Order, this case will be dismissed for failure to prosecute and comply with an order of this Court pursuant to Fed. R. Civ. P. 41(b). *See Martinez v. Johnson*, 104 F.3d 769, 772 (5th Cir. 1997).

**SIGNED** on March 12, 2010.



NANCY STEIN NOWAK  
UNITED STATES MAGISTRATE JUDGE