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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

VU DANG,	)	CASE NO. C06-76-JCC-MAT
	)	
Petitioner,	)	
	)	
v.	)	ORDER DIRECTING RESPONSE TO
	)	MOTION FOR TEMPORARY
ALBERTO R. GONZALES, <i>et al.</i> ,	)	RESTRAINING ORDER
	)	
Respondents.	)	
_____	)	

Petitioner, through counsel, has filed a motion for temporary restraining order. (Dkt. #8).  
Petitioner requests in his motion for temporary restraining order that this Court issue an order directing that he be immediately released from the custody of the Immigration and Customs Enforcement. The Court, having reviewed petitioner’s motion, and the balance of the record, does hereby ORDER:

(1) Petitioner has not demonstrated, as is required by Rule 65(b) of the Federal Rules of Civil Procedure, that he will suffer immediate and irreparable injury, loss, or damage before respondent can be heard in opposition. The Court therefore construes petitioner’s motion as one for preliminary injunction rather than as one for temporary restraining order and directs

ORDER DIRECTING RESPONSE TO MOTION  
FOR TEMPORARY RESTRAINING ORDER  
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01 respondents to file a response to the motion no later than Friday, February 10, 2006.

02 (2) Petitioner may file a reply in support of his motion not later than Monday, February  
03 13, 2006. The motion will be deemed ripe for consideration on that date. The Court will also  
04 consider at that time whether a hearing is necessary.

05 (3) The Clerk shall re-note petitioner's motion for temporary restraining order (Dkt. #8)  
06 on the Court's calendar for consideration February 13, 2006.

07 (4) The Clerk shall send copies of this Order to petitioner's counsel, to the United States  
08 Attorney's Office, and to the Honorable John C. Coughenour.

09 DATED this 31st day of January, 2006.

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12 Mary Alice Theiler  
13 United States Magistrate Judge  
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