

THE HONORABLE JOHN C. COUGHENOUR

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HEVER ESCALANTE-RODAS,

Plaintiff,

v.

NATHALIE R. ASHER, et al.,

Defendants.

CASE NO. C14-0648-JCC

ORDER

This matter comes before the Court on the Report and Recommendations (“R & R”) of the Honorable James P. Donohue (Dkt. No. 12), and Petitioner’s objections to the R & R (Dkt. No. 13). On January 14, 2014, an immigration judge ordered Petitioner removed to El Salvador but allowed him to voluntarily depart on or before March 14, 2014, a deadline that was subsequently extended to May 14, 2014.¹ (Dkt. No. 8, Ex. F.) Petitioner was arrested on April 25, 2014 for Assault 4 Domestic Violence and taken into the custody of ICE on April 29, 2014. He filed the habeas corpus petition in this case on May 1, 2014. (Dkt. No. 1.) On May 8, 2014, ICE released him so that he could voluntarily depart by May 14, 2014. He did not do so. After being arrested on May 19th for violation of a no-contact order, he was transferred to ICE custody.

¹ As the Magistrate Judge noted, any factual dispute about this extension is irrelevant. (Dkt. No. 12 at 2.)

1 Petitioner's objections reiterate the same objections that he made in his original response
2 to the Government's motion to dismiss. As the Magistrate Judge found, his current detention is
3 authorized, and extending the deadline for him to leave would directly challenge the validity of
4 the order, which this Court lacks jurisdiction to do. (Dkt. No. 12.) Petitioner fails to engage with
5 or identify any weaknesses in the Magistrate Judge's legal analysis, nor can this Court find any.

6 The Court therefore Orders as follows:

- 7 1. The Court ADOPTS the Report and Recommendation. (Dkt. No. 12.)
- 8 2. The Court GRANTS Respondents' motion to dismiss (Dkt. No. 7), and DENIES
9 Petitioner's habeas petition (Dkt. No. 1).
- 10 3. The Court VACATES the temporary stay of removal. (Dkt. No. 2.)
- 11 4. This action is DISMISSED with prejudice.
- 12 5. The Clerk shall send a copy of this Order to the parties and to Judge Donohue.

13 DATED this 23rd day of September 2014.

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UNITED STATES DISTRICT JUDGE