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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 GERMAN RUVALCABA,

10 Petitioner,

Case No. C16-1970-RAJ-MAT

11 v.

12 ICE FIELD OFFICE,

Respondent.

ORDER WITHDRAWING REPORT
AND RECOMMENDATION AND
DIRECTING RETURN AND STATUS
REPORT, § 2241 PETITION

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14 Petitioner filed a petition for writ of habeas corpus under 28 U.S.C. § 2241 and an
15 application for leave to proceed *in forma pauperis* (“IFP”). Because petitioner had sufficient funds
16 to pay the \$5.00 filing fee, the Court recommended that his IFP application be denied. (Dkt. 5.)
17 Petitioner has since paid the filing fee, and the Court’s Report and Recommendation remains
18 pending. Based on the foregoing, the Court finds and ORDERS:

19 (1) The Court’s February 9, 2017 Report and Recommendation regarding petitioner’s
20 IFP application (Dkt. 5) is WITHDRAWN as moot.

21 (2) If not previously accomplished, electronic posting of this Order and petitioner’s §
22 2241 habeas petition shall effect service upon the United States Attorney of the petition and all
23 supporting documents. Service upon the United States Attorney is deemed to be service upon the

ORDER - 1

1 ICE Field Office Director.

2 (3) **Within 30 days of the date this Order is posted**, respondent(s) shall show cause
3 why a writ of habeas corpus should not be granted by filing a return as provided in 28 U.S.C. §
4 2243. As a part of such return, respondent(s) shall submit a memorandum of authorities in support
5 of her position, and should state whether an evidentiary hearing is necessary. Respondent(s) shall
6 file the return with the Clerk of the Court and shall serve a copy upon petitioner.

7 (4) The return will be treated in accordance with LCR 7. Accordingly, on the face of
8 the return, respondent(s) shall note it for consideration on the fourth Friday after it is filed, and the
9 Clerk shall note the return accordingly. Petitioner may file and serve a response not later than the
10 Monday immediately preceding the Friday appointed for consideration of the matter, and
11 respondent(s) may file and serve a reply brief not later than the Friday designated for consideration
12 of the matter.

13 (5) The Clerk is directed to send copies of this Order to petitioner and to the Honorable
14 Richard A. Jones.

15 DATED this 28th day of February, 2017.

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18 Mary Alice Theiler
19 United States Magistrate Judge
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