UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DANIEL RAMIREZ MEDINA,

Petitioner,

v.

U.S. DEPARTMENT OF HOMELAND SECURITY, et al.,

Respondents.

Case No. C17-218-RSM-JPD

MINUTE ORDER

The following minute order is made at the direction of the Court, the Honorable James P. Donohue, United States Magistrate Judge:

Petitioner's response to the Government's motion to dismiss, which is due Friday, March 3, 2017, at 5:00 p.m., shall include a discussion of the following:

(1) In the amended habeas petition and complaint for declaratory and injunctive relief, petitioner alleges violations of the Fifth Amendment's procedural and substantive due process clauses, the Fourth Amendment's prohibition against unlawful seizure, and the Fifth Amendment's equal protection clause. Dkt. 41 at 22-41. As relief, he primarily seeks immediate release, declaratory judgment, and an injunction prohibiting the Government from re-arresting or detaining him on the basis of the conduct described in the petition. Dkt. 41 at 27.

However, the amended petition does not assert which form(s) of relief are appropriate for which alleged constitutional violations. In responding to the Government's motion to dismiss, petitioner should cite any habeas cases that grant the particular relief requested for the constitutional violations petitioner alleges. For example, petitioner should cite any habeas cases that grant release based on a Fourth Amendment violation related to arrest.

(2) What authorities support the proposition that a habeas case seeking release as one form of relief can proceed on a parallel track with removal proceedings, as opposed to being deemed inextricably intertwined with the removal proceedings?

(3) The Government's motion to dismiss relies heavily on *J.E.F.M. v. Lynch*, 837 F.3d 1026 (9th Cir. 2016), in arguing that 8 U.S.C. §§ 1252(a)(5) and 1252(b)(9) preclude this Court's jurisdiction over petitioner's claims. Petitioner's brief regarding jurisdiction, Dkt. 46, discussed *J.E.F.M.* only briefly and primarily in a footnote. Petitioner's response should provide a more thorough discussion of *J.E.F.M.*

(4) The Clerk is directed to send a copy of this minute order to counsel for the parties and to the Honorable Ricardo S. Martinez.

DATED this 28th day of February, 2017.

William M. McCool
Clerk of the Court

s/ Tim Farrell
Deputy Clerk