

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RUPFF HEINZ,

Petitioner,

v.

IMMIGRATION CUSTOM  
ENFORCEMENT ICE-DHS,

Respondent.

Case No. C17-0761-RAJ-MAT

ORDER FOR RETURN AND STATUS  
REPORT, § 2241 PETITION

Petitioner has filed a 28 U.S.C. § 2241 habeas petition and a motion for release challenging his detention by U.S. Immigration and Customs Enforcement (“ICE”). Having reviewed the petition, the Court ORDERS:

(1) If not previously accomplished, electronic posting of this Order and petitioner’s § 2241 habeas petition shall effect service upon the United States Attorney of the petition and all supporting documents, including the motion for release. Service upon the United States Attorney is deemed to be service upon U.S. Immigration and Customs Enforcement.

(2) **Within 30 days of the date this Order is posted**, respondent(s) shall show cause why a writ of habeas corpus should not be granted by filing a return as provided in 28 U.S.C. § 2243. As a part of such return, respondent(s) shall address and submit evidence relevant to

1 petitioner's allegation that his detention is unlawful because ICE is unable to effectuate his  
2 removal in the reasonably foreseeable future, and respond to petitioner's motion for release, Dkt.  
3 3. Respondent(s) shall file the return with the Clerk of the Court and shall serve a copy upon  
4 petitioner.

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

11 (4) If petitioner's custody status changes at any point during this litigation,  
12 **respondent(s) shall file a status update with the Court as soon as possible and no later than**  
13 **14 days after the change.**

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

16 Dated this 22nd day of June, 2017.

17  
18   
19 Mary Alice Theiler  
United States Magistrate Judge