

1  
2  
3  
4  
5  
6 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 VITALY SHEVYAKOV,

9 Petitioner,

10 v.

11 JEFFERSON SESSIONS, et al.,

12 Respondents.

Case No. C17-923-JCC-JPD

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

13  
14 Petitioner initiated this 28 U.S.C. § 2241 action by filing an application to proceed *in*  
15 *forma pauperis* (“IFP”), a proposed habeas petition challenging his detention by U.S.  
16 Immigration and Customs Enforcement (“ICE”), a motion to appoint counsel, and a letter of  
17 support from the Office of the Federal Public Defender. On June 28, 2017, the Court issued a  
18 Report and Recommendation recommending that petitioner’s IFP application be denied. Dkt. 3.  
19 On July 7, 2017, petitioner paid the filing fee. Based on the foregoing, the Court ORDERS:

20 (1) The Report and Recommendation regarding petitioner’s IFP application, Dkt. 3, is  
21 WITHDRAWN as moot.

22 (2) If not previously accomplished, electronic posting of this Order and petitioner’s  
23 § 2241 habeas petition shall effect service upon the United States Attorney of the petition and all

ORDER WITHDRAWING REPORT AND  
RECOMMENDATION AND DIRECTING  
RETURN AND STATUS REPORT, § 2241  
PETITION - 1

1 supporting documents. Service upon the United States Attorney is deemed to be service upon  
2 the Secretary of Homeland Security, the Seattle Field Office Director for ICE, the Warden of the  
3 Northwest Detention Center, and ICE.

4 (3) **Within 30 days of the date this Order is posted**, respondent(s) shall show cause  
5 why a writ of habeas corpus should not be granted by filing a return as provided in 28 U.S.C. §  
6 2243. As a part of such return, respondent(s) shall address and submit evidence relevant to  
7 petitioner's allegation that his detention is unlawful because ICE is unable to effectuate his  
8 removal in the reasonably foreseeable future. Respondent(s) shall file the return with the Clerk  
9 of the Court and shall serve a copy upon petitioner.

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

16 (5) If petitioner's custody status changes at any point during this litigation,  
17 **respondent(s) shall file a status update with the Court as soon as possible and no later than**  
18 **14 days after the change.**

19 //

20 //

21 //

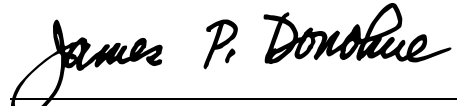
22 //

23 //

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

(6) The Clerk is directed to send copies of this Order to petitioner, the Federal Public Defender, and the Honorable John C. Coughenour.

Dated this 11th day of July, 2017.

  
\_\_\_\_\_  
JAMES P. DONOHUE  
Chief United States Magistrate Judge