

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

RICARDO A. GARCIA VALLES
Petitioner,

v.

Case No. 11-C-0811

LT. SHANNON RAWSON,
Kenosha County Detention Center
Respondent.

ORDER

Ricardo A. Garcia Valles has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Although he is in the direct custody of the Kenosha County Sheriff, he is being held under the authority of U.S. Immigration and Customs Enforcement (“ICE”). Garcia Valles challenges ICE’s decision to detain him without bond on the ground that 8 U.S.C. § 1226(c) renders him ineligible for release on bond.

Pursuant to 28 U.S.C. § 2243, I issued an order to show cause to the respondent, and the respondent has filed a response to my order. Section 2243 provides that the court must hold a hearing within five days of the filing of the response, unless for good cause additional time is allowed. However, in the present case, it appears that there are no factual disputes that need to be resolved at a hearing. Rather, the only issue is the proper interpretation of 8 U.S.C. § 1226(c). Both Garcia Valles and the respondent have already filed briefs setting forth their legal arguments on that issue. Thus, in lieu of a hearing, I will allow Garcia Valles to file a reply brief in support of his petition. Once the reply brief is received (or Garcia Valles notifies the court that he does not wish to file a reply brief), the

court will take the petition under advisement and issue a written decision as soon as possible.

Accordingly, **IT IS ORDERED** that Garcia Valles is granted leave to file a reply brief in support of his petition. If Garcia Valles does not wish to file a reply brief, he should notify the court. The matter will be taken under advisement as soon as either the reply brief or the notice that no reply brief will be filed is received.

Dated at Milwaukee, Wisconsin, this 27th day of September 2011.

s/ _____
LYNN ADELMAN
District Judge