

District Judge Richard A. Jones
Magistrate Judge Brian A. Tsuchida

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HUOT KUOT,

Petitioner,

v.

PAMELA BONDI, *et al.*,

Respondents.

Case No. 2:25-cv-02313-RAJ-BAT

FEDERAL RESPONDENTS'
RESPONSE TO PETITIONER'S
APPLICATION FOR ISSUANCE OF
ORDER TO SHOW CAUSE

Federal Respondents submit this response to Petitioner's application for an order to show cause. Dkt. No. 2, Proposed Petition, at page 1 (Preliminary Matters). Federal Respondents do not object to Petitioner's request for this Court to issue an order pursuant to 28 U.S.C. § 2243 directing Respondents to show cause why the habeas petition should not be granted, if this Court should determine that a return is required. Federal Respondents object to Petitioner's suggestion to require Respondents to file a return within five days. *Id.* Federal Respondents ask this Court, in its discretion, to provide Respondents with 14 days to file a return, far less than the usual practice in this District to provide Respondents with 30 days from the date of the Order to file the return. This will allow undersigned counsel to obtain the necessary documents and information necessary to prepare a return. Given the high volume of habeas cases filed in this District, five

1 days does not provide the U.S. Attorney's Office with sufficient time to obtain complete and
2 accurate information from Respondents while also balancing the needs of other habeas cases that
3 have been pending longer and/or that present more time sensitive factual circumstances.

4 Petitioner bases his request for a five-day response time based on the language in 28
5 U.S.C. 2243 stating that the return shall be provided "within three days unless good cause
6 additional time, not exceeding twenty days, is allowed." 28 U.S.C. § 2243. But "[i]t is long-
7 established law that Habeas Rule 4 supersedes and overrides the prior enactment in § 2243 with
8 regard to the time allowed for a response in § 2254 and § 2241 habeas proceedings." *Peters v.*
9 *Wofford*, No. 1:25-cv-00497, 2025 WL 1307796, at *1 (E.D. Cal. May 6, 2025) (collecting cases).
10 "[T]he Ninth Circuit has held there is no fixed time requirement for responding to a habeas
11 petition, and district courts have discretion to set appropriate deadlines for responses to habeas
12 petitions." *Hernandez Velasquez v. McAleenan*, No. 19-cv-1887, 2019 WL 8017813, at *1 (C.D.
13 Cal. Oct. 31, 2019) (collecting cases).

14 Federal Respondents respectfully request that this Court utilize its discretion and allow
15 Federal Respondents 14 days from the date of its order, if issued, to file a return. *See Wofford*,
16 2025 WL 1307796, at *1 (requiring return to be filed within 45 days).

17 //

18 //

19 //

20 //

1 Dated this 19th day of November, 2025.

2 Respectfully submitted,

3 CHARLES NEIL FLOYD
4 United States Attorney

5 s/ Alixandria K. Morris

6 ALIXANDRIA K. MORRIS, TX No. 24095373
7 Assistant United States Attorney
8 United States Attorney's Office
9 Western District of Washington
10 700 Stewart Street, Suite 5220
11 Seattle, Washington 98101
12 Phone: 206-553-7970
13 Fax: 206-553-4067
14 Email: alixandria.morris@usdoj.gov

15 *Attorneys for Federal Respondents*

16 I certify that this memorandum contains 383
17 words, in compliance with the Local Civil Rules.