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10 **UNITED STATES DISTRICT COURT**  
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12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 MYKHAILO VELYCHKO,  
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Petitioner,

v.

CHRISTOPHER J. LAROSE,  
Respondent.

Case No.: 3:26-cv-02520-DMS-MSB

**RESPONSE TO PETITION**

Petitioner has filed a habeas petition under 28 U.S.C. § 2241. ECF 1. While the Petition was filed *Pro Se*, Petitioner is now represented by appointed counsel. ECF 3, 4. An Amended Petition has not been filed in this action as of the time of submission of this Response. Review of the signature page of the Petition reflects that the Petition is not signed. ECF 1, at Page ID 9. Likewise review of the attachments to the Petition reflect that Petitioner's name is typed on ECF 1 Page ID 11, 12 but the attachments are not signed.

Rule 2(c) of the Rules Governing Section 2254 Cases in the United States District Court provides, in relevant part, "[t]he petition must: . . . (4) be printed, typewritten, or

legibly handwritten; and (5) be signed under penalty of perjury by the petitioner or by a person authorized to sign it for the petitioner under 28 U.S.C. § 2242.” Rule 2(c), 28 U.S.C. foll. *See also* Rule 1(a), (b), Rules Governing Section 2254 Cases in the United States District Court (“These rules govern a petition for a writ of habeas corpus filed in a United States district court under 28 U.S.C. § 2254 . . . The district court may apply any or all of these rules to a habeas corpus petition not covered by Rule 1(a)”); *Lane v. Feather*, 584 Fed.Appx. 843 (9<sup>th</sup> Cir. 2014) (citing to Rule 1(b) and holding district court did not err in applying Rules Governing Section 2254 Cases in the United States District Court to a habeas petition filed under 28 U.S.C. 2241). Likewise, 28 U.S.C. § 2242 provides, in relevant part, “Application for a writ of habeas corpus shall be in writing signed and verified by the person for whose relief it is intended or by someone acting in his behalf.”

Based upon the above-cited authority, Respondents respectfully submit that the Petition should be dismissed by the Court because it is not signed. *See Alazar v. Warden*, No. 26-cv-1388-DMS-BJW, ECF No. 5 (S.D. Cal. Apr. 20, 2026); *Avendano Martinez v. ICE*, No. 26-cv-2328-JES-MSB, 2026 WL 1121932 (S.D. Cal. Apr. 24, 2026).

DATED: April 30, 2026

Respectfully submitted,

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