

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

HORACIO MUNOZ-SAUCEDO,

Petitioner,

v.

YOLANDA PITTMAN, et al.,

Respondents.

Civil Action
No. 25-2258 (CPO)

ORDER

O’HEARN, District Judge.

Before the Court is Petitioner’s Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. (ECF No. 1.) In accordance with Rule 4 of the Rules Governing Section 2254 Cases, which is applicable to § 2241 cases through Rule 1(b) of the Rules Governing Section 2254 Cases, this Court has screened the Petition for dismissal and determined that dismissal without an expedited answer and the record is not warranted. Accordingly,

IT IS, on this 25th day of April 2024,

ORDERED that the Clerk of the Court shall serve a copy of the Petition, (ECF No. 1), and this Order upon Respondents by regular mail, with all costs of service advanced by the United States; and it is further

ORDERED that the Clerk of the Court shall forward a copy of the Petition, (ECF No. 1), and this Order to the Chief, Civil Division, United States Attorney’s Office, at the following email address: USANJ-HabeasCases@usdoj.gov; and it is further

ORDERED that within 10 days of the date of the entry of this Order, Respondents shall file and serve an expedited answer which responds to the allegations and grounds in the Petition,

and which includes all affirmative defenses Respondents seek to invoke, and responds to Petitioner's motion for a temporary restraining order, (ECF No. 4); and it is further

ORDERED that Respondents shall file and serve with the expedited answer certified copies of all documents necessary to resolve Petitioner's claim(s) and affirmative defenses; and it is further

ORDERED that within 7 days of receipt of the expedited answer, Petitioner may file a reply to the answer; and it is further

ORDERED that within 7 days of Petitioner's release, be it transfer to supervised release or otherwise, Respondents shall electronically file a written notice of the same with the Clerk of the Court; and it is further

ORDERED that Petitioner's request for an order to show cause as to why the Petition should not be granted under 28 U.S.C. § 2243, (ECF No. 3), is DENIED AS MOOT;¹ and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Order upon Petitioner by regular U.S. mail.

/s/ Christine P. O'Hearn
Christine P. O'Hearn
United States District Judge

¹ The Court may choose to order an answer rather than issue an order to show cause in response to a habeas petition. *E.g.*, *Capistrano v. Knight*, No. 23-2813, 2024 WL 772542, at *1–2 (D.N.J. Feb. 23, 2024) (explaining that Habeas Rule 4, regarding orders to answer, “provides the Court with an alternative procedure, one that takes priority over the [order to show cause] requirements of 28 U.S.C. § 2243”).