United States District Court Southern District of Texas

ENTERED

July 25, 2025 Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

RASHID GOCHIIAEV,
A
Petitioner,

V.
CIVIL ACTION NO. H-25-2801

MARTIN FRINK, Warden, Houston
Processing Center,

Respondent.

Respondent.

ORDER TO ANSWER

The petitioner, Rashid Gochiiaev (A perisented by counsel, has filed an amended petition for a writ of habeas corpus under 28 U.S.C. § 2241. (Docket Entry No. 13). Gochiiaev is currently in the custody of United States Immigration and Customs Enforcement ("ICE") at the Houston Processing Center. (See id. at 1). Gochiiaev alleges that he is being illegally detained in immigration custody. After reviewing the petition as required by 28 U.S.C. § 2241, et seq., and Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, the court orders as follows:

- 1. The Clerk will serve a copy of the petition, (Docket Entry No. 13), and this Order to the United States Attorney for the Southern District of Texas, Nicholas J. Ganjei, by certified mail, return receipt requested to the Civil Process Clerk, 1000 Louisiana Street, Suite 2300, Houston, Texas 77002, and by electronic mail to USATXS.CivilNotice@usdoj.gov.
- 2. The Clerk will also serve copies of the petition, (Docket Entry No. 13), and this Order by certified mail upon: (1) the United States Attorney General, U.S. Department of Justice,

950 Pennsylvania Avenue NW, Washington D.C., 20530-0001; and (2) Warden, Houston Processing Center, 15850 Export Plaza Drive, Houston, Texas 77032.

- 3. Respondent(s) must file an answer or other appropriate responsive pleading within sixty (60) days of the date of service. See Fed. R. Civ. P. 12(a)(2).
- 4. In addition to any defense (in law or fact) to a claim for relief by the petitioner, the respondent's answer must contain: (a) a statement of the authority by which the petitioner is held and, if held under the judgment of a court or administrative tribunal, the name of such court or tribunal and the number and style of the case(s) in which those judgments were entered; and (b) a statement as to whether the petitioner has exhausted all available administrative remedies.
- 5. The petitioner will file a response within thirty (30) days to any answer or dispositive motion filed by the respondent. Under this court's Local Rule 7.4, any failure to respond to a motion filed by the respondent "will be taken as a representation of no opposition." Failure of the petitioner to respond to the respondent's motion or answer within the time allowed may result in dismissal of this action for want of prosecution under Rule 41(b) of the Federal Rules of Civil Procedure.

SIGNED on July 23, 2025, at Houston, Texas.

Lee H. Rosenthal

Senior United States District Judge