

District Judge Marsha J. Pechman Chief  
Magistrate Judge Theresa L. Fricke

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

G.S.,

Petitioner,

v.

CAMMILLA WAMSLEY, *et al.*,

Respondents.

Case No. 2:25-cv-01255-MJP-TLF

FEDERAL RESPONDENTS'<sup>1</sup>  
RESPONSE TO PETITIONER'S  
APPLICATION FOR ISSUANCE OF  
ORDER TO SHOW CAUSE

Noted for Consideration:  
August 4, 2025

Federal Respondents submit this response to Petitioner's application for an order to show cause. Dkt. No. 21, Application. 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. Application, ¶ 1. Federal Respondents object to Petitioner's request to require "Respondents to file a return within three days of the Court's Order." *Id.*, ¶ 8. Federal Respondents ask this Court, in its discretion, to utilize 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 Federal

<sup>1</sup> Respondent Bruce Scott is not a Federal Respondent.

1 Respondents to obtain the necessary documents and information necessary to prepare a return.

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

12       Federal Respondents respectfully request that this Court utilize its discretion and follow  
13 they typical practice in this District of allowing Federal Respondents 30 days from the date of its  
14 order, if issued, to file a return. *See Wofford*, 2025 WL 1307796, at \*1 (requiring return to be filed  
15 within 45 days).

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1 DATED this 28th day of July, 2025.

2 Respectfully submitted,

3 TEAL LUTHY MILLER  
4 Acting United States Attorney

5 s/ Michelle R. Lambert  
6 MICHELLE R. LAMBERT, NYS #4666657  
7 Assistant United States Attorney  
8 United States Attorney's Office  
9 Western District of Washington  
10 1201 Pacific Ave., Ste. 700  
11 Tacoma, WA 98402  
12 Phone: (253) 428-3824  
13 Fax: (253) 428-3826  
14 Email: [michelle.lambert@usdoj.gov](mailto:michelle.lambert@usdoj.gov)

15 *Attorneys for Federal Respondents*

16 *I certify that this memorandum contains 331 words,*  
17 *in compliance with the Local Civil Rules.*