

District Judge Kymberly K. Evanson
Magistrate Judge Brian A. Tsuchida

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

PAOLA AMPARO GUZMAN ALFARO,

Petitioner,

v.

CAMMILA WAMSLEY¹, *et al.*,

Respondents.

Case No. 2:25-cv-01706-KKE-BAT

FEDERAL RESPONDENTS'²
RESPONSE TO PETITIONER'S
APPLICATION FOR ISSUANCE OF
ORDER TO SHOW CAUSE

Noted for Consideration:
September 16, 2025

Federal Respondents submit this response to Petitioner's application for an order to show cause. Dkt. No. 8, 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 for this Court to direct "Respondents to file a return within seven days." *Id.*, ¶ 7. Federal Respondents ask this Court, in its discretion, to utilize the usual practice in this District to provide Respondents with

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Federal Respondents substitute Cammila Wamsley for Drew Bostock.

² Respondent Bruce Scott is not a Federal Respondent.

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1 30 days from the date of the Order to file the return. This will allow Federal Respondents to
2 obtain the necessary documents and information necessary to prepare a return.

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

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

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1 DATED this 16th day of September, 2025.

2 Respectfully submitted,

3 TEAL LUTHY MILLER
4 Acting United States Attorney

5 *s/ Michelle R. Lambert*

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15 *Attorneys for Federal Respondent's*

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