

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RAGHEED AKRAWI,

Petitioner,

v.

Case No. 05-CV-74518-DT

RAYMOND BOOKER,

Respondent.

**ORDER GRANTING PETITIONER'S MOTION FOR CLARIFICATION
AND SETTING DEADLINE FOR PETITIONER'S REPLY BRIEF**

On November 29, 2005, Petitioner filed an application for writ of habeas corpus, which was randomly assigned to United States District Judge Denise Page Hood. After the case was reassigned to this court, Petitioner asked the court to recuse itself. On June 29, 2006, the court denied Petitioner's motion for recusal and directed Petitioner to

file his reply [to the responsive pleading] within twenty-eight (28) days from the date of this order. If, alternatively, he appeals the court's decision and is unsuccessful in obtaining a recusal, then Petitioner shall file his reply within twenty-eight days of the appellate court issuing a mandate from its decision on the matter(s) appealed.

Doc. #30, June 29, 2006, at 9. Currently pending before the court is Petitioner's motion for clarification of this language.

Petitioner alleges that a mandamus petition is not the equivalent of an appeal. Consequently, he seeks to know whether the deadline for his reply to the responsive pleading was due twenty-eight days from the court's order of June 29, 2006, or whether the reply is due twenty-eight days from the appellate court's decision on his mandamus petition.

IT IS ORDERED that Petitioner's motion for clarification [Dkt. # 32] is GRANTED. The court clarifies its June 29, 2006 order as follows: the deadline for Petitioner's reply to the responsive pleading is twenty-eight days from this court's decision on Petitioner's motion for recusal **or** twenty-eight days from the date of the Court of Appeals decision on Petitioner's mandamus petition, whichever is later. Twenty-eight days elapsed from this court's order of June 29, 2006, on July 27, 2006. However, the Court of Appeals only recently denied Petitioner's mandamus petition. See *In re Akrawi*, No. 06-2014 (6th Cir. Oct. 30, 2006). Therefore, the deadline for Petitioner's reply to the responsive pleading is twenty-eight days from October 30, 2006, or **November 27, 2006**.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: November 15, 2006

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 15, 2006, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522