

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JAMES GLENN BARLOW,
Petitioner,

vs.

TAUESE VA'AOMALA SUNIA,
SOLIALI'I FALEPO
Respondents.

CIVIL NO. 18-00423 JAO-KJM

**ORDER TO SHOW CAUSE AND
DIRECTING RESPONDENTS TO
ANSWER HABEAS PETITION**

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On October 31, 2018, Petitioner James Glenn Barlow filed a Petition for Writ of Habeas Corpus (the "Habeas Petition") pursuant to 28 U.S.C. § 2241. ECF No. 1. Petitioner avers that he is currently incarcerated in a Territorial Correctional Facility in the United States Territory of American Samoa. *Id.* Petitioner named as Respondents the Warden of the American Samoa Territorial Correctional Facility Department, Tauese Va'aomala Sunia, as well as the Hawai'i Office Director and Hawai'i Liaison Officer of American Samoa, Soliali'i Falepo. *Id.* Petitioner alleges that his criminal conviction under American Samoa criminal statutes violated several of his constitutional rights, and seeks an order vacating his conviction. *Id.* at 23.

After a preliminary review of the Habeas Petition, it is not plainly apparent that Petitioner is not entitled to relief. *See* 28 U.S.C. § 2243; Rule 4 of the Rules Governing § 2254 Cases in the United States District Courts.¹ The Court therefore **ORDERS** Respondents to show cause why the petition should not be granted and to file an Answer and/or a dispositive motion by **September 6, 2019**.

In addition to addressing the merits of the Habeas Petition, Respondents should address any jurisdictional or procedural barriers, including whether Hawai‘i is the appropriate venue. Respondents are **ORDERED** to attach all *relevant* transcript portions, briefs on appeal, opinions, or dispositive orders relating to Petitioner’s conviction or sentence as exhibits to the answer or dispositive motion as required by Rule 5 of the Rules Governing § 2254 Cases in the United States District Courts. Petitioner may file a reply or opposition to Respondents’ answer or dispositive motion by **September 20, 2019**. The parties must comply with the page limitations specified in Local Rule 7.5 unless leave of court to exceed the page limitations is granted.

The Clerk of Court is directed to serve this Order and a copy of the Habeas Petition to the Respondents and to the Attorney General of American Samoa at the following addresses:

¹ Although the Petition is brought pursuant to § 2241, Rule 1(b) of the Rules Governing Section 2254 Cases (“the Rules”) allows courts to apply the Rules to a Habeas Petition not expressly covered by Section 2254.

Soliali'i Felepo

1427 Dillingham Boulevard, Suite 210
Honolulu, HI 96817

Tauese Va'aomala Sunia

Tafuna Correctional Facility
Tafuna, American Samoa 96799

Eleasalo Va'alele Ale

Attorney General of American Samoa
Department of Legal Affairs
P.O. Box 7
Utulei, American Samoa 96799

IT IS SO ORDERED.

DATED: Honolulu, Hawai'i, August 9, 2019.



A handwritten signature in black ink, appearing to read "Jill A. Otake".

Jill A. Otake
United States District Judge