

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

September 21, 2009

No. 09-30008
Summary Calendar

Charles R. Fulbruge III
Clerk

VIKTOR PAVLOVICH MYTYUK

Petitioner - Appellant

v.

Warden YOUNG

Respondent - Appellee

Appeal from the United States District Court
for the Western District of Louisiana
(08-CV-1338)

Before HIGGINBOTHAM, CLEMENT, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Victor Pavlovich Mytyuk appeals the district court's denial of his petition for writ of habeas corpus. Mytyuk is a native and citizen of Ukraine. He entered the United States as a visitor on March 28, 2001. On July 5, 2007 he was taken into custody on the grounds that he had remained in the United States longer than permitted and for failing to comply with the conditions of his admission.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Formal requests for issuance of travel documents for petitioner's return to the Ukraine were made on April 24, May 15 and May 19 of 2008. On May 20, 2008, the Embassy of the Ukraine responded by notifying immigration officials that the forms were missing and provided the forms to the officials. Petitioner has consistently refused to complete the passport application required by the Ukraine for issuance of travel documents.

Petitioner filed this habeas petition claiming that he has been detained beyond the 90 day statutory removal period under 8 U.S.C. § 1231(a)(1). However, as the petitioner has consistently refused to "make a timely application in good faith for travel documents" the removal period was lawfully extended under 8 U.S.C. § 1231(a)(1)(C).¹ Petitioner has also filed motions for release from detention, to institute proceedings, for oral argument, to appoint counsel for oral argument or alternatively for representation by a lay person, to strike appellee's brief and to file a motion regarding postdated brief. These motions are DENIED. The district court's denial of habeas corpus in AFFIRMED.

¹ See *Balogun v. I.N.S.*, 9 F.3d 347, 350-51 (5th Cir. 1993).