

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
LOUISIANA, LAFAYETTE DIVISION

Benita Cruz Antonio v. U.S. Immigration & Customs Enforcement

Cruz Antonio · No. Civil Action No. 26-404-P · Decided April 7, 2026

SUMMARY

A magistrate judge recommends sua sponte dismissal without prejudice of an immigration detainee’s 28 U.S.C. § 2241 habeas petition for failure to prosecute after court mail was returned as undeliverable and the petitioner failed to provide a new address. The recommendation relies on Federal Rule of Civil Procedure 41(b), the court’s inherent docket-control authority, and applicable objection procedures under 28 U.S.C. § 636(b)(1)(C) and Rule 72(b).

CASE DETAILS

COURT	United States District Court for the Western District of Louisiana, Lafayette Division
WRITING FOR THE COURT	Mark L. Hornsby
JURISDICTION	United States District Court for the Western District of Louisiana, Lafayette Division
DECIDED	April 7, 2026
DOCKET	Civil Action No. 26-404-P
DISPOSITION	other
PROCEDURAL POSTURE	Pro se immigration detainee filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241. The magistrate judge issued a Report and Recommendation recommending sua sponte dismissal without prejudice for failure to prosecute after an order to amend was returned as undeliverable and the petitioner failed to provide a new address.
STANDARD OF REVIEW	Dismissal for failure to prosecute under Federal Rule of Civil Procedure 41(b) and the court’s inherent power to control its docket; the Report and Recommendation was subject to de novo review of properly objected-to portions under 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 72(b), with plain-error review otherwise.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

immigration detention

federal habeas corpus

civil procedure

motions to dismiss

PRACTICE AREAS

immigration law

federal habeas corpus

civil procedure

QUESTIONS PRESENTED

1. Whether the petition should be dismissed without prejudice for failure to prosecute when the petitioner failed to maintain a current mailing address and did not comply with an order to file amended pleadings.
2. Whether the court may dismiss the action sua sponte under Federal Rule of Civil Procedure 41(b) and its inherent power to control its docket.

HOLDINGS

1. The magistrate judge recommended that the petition be dismissed without prejudice, sua sponte, for failure to prosecute because the petitioner failed to provide a current address after the court's order was returned as undeliverable.

KEY QUOTATIONS

"Failure to do so shall be considered cause for dismissal for failure to prosecute." (Page 1)

"A party's failure to file written objections to the proposed findings, conclusions and recommendation set forth above, within fourteen (14) days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the proposed factual findings and legal conclusions that were accepted by the district court and that were not objected to by the aforementioned party." (Page 2)

FACTUAL BACKGROUND

Benita Cruz Antonio, an immigration detainee, filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241 while detained in Louisiana. The court ordered her to file amended pleadings, but the order was returned by the Postal Service as undeliverable because the detainee could not be found. She did not inform the court of a new mailing address.

PROCEDURAL HISTORY

Petitioner filed the § 2241 petition on February 9, 2026, while detained at the South Louisiana ICE Processing Center. On February 12, 2026, the court ordered her to file amended pleadings within 30 days. The order was returned on March 5, 2026, marked "RETURN TO SENDER- Detainee Not Found," and petitioner did not notify the court of a new address. The matter was referred to Magistrate Judge Mark L. Hornsby, who recommended dismissal without prejudice under Federal Rule of Civil Procedure 41(b) and the court's inherent docket-control authority.

DISPOSITION

other

CASES CITED

- Link v. Wabash Railroad Company, 370 U.S. 626, 82 S. Ct. 1386 (1962)
- Rogers v. Kroger Company, 669 F.2d 317, 320-321 (5th Cir. 1982)
- Douglas v. U.S.A.A., 79 F.3d 1415 (5th Cir. 1996) (en banc)

OPINION

Benita Cruz Antonio v. U.S. Immigration & Customs Enforcement

PER CURIAM.

UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

BENITA CRUZ ANTONIO CIVIL ACTION NO. 26-404-P

VERSUS JUDGE JERRY EDWARDS, JR.

U.S. IMMIGRATION & MAGISTRATE JUDGE HORNSBY

CUSTOMS ENFORCEMENT

REPORT AND RECOMMENDATION

In accordance with the standing order of this court, this matter was referred to the undersigned Magistrate Judge for review, report, and recommendation.

STATEMENT OF CLAIM

Before the court is a petition for writ of habeas corpus filed by pro se petitioner Benita Cruz Antonio (“Petitioner”), pursuant to 28 U.S.C. §2241. This petition was received and filed in this court on February 9, 2026. Petitioner, an immigration detainee, was detained in the South Louisiana ICE Processing Center in Basile, Louisiana, when she filed this petition. Petitioner names U.S. Immigration & Customs Enforcement as respondent. Petitioner was ordered on February 12, 2026 to file, within 30 days of the service of the order, amended pleadings (Doc. 5). However, that order was returned to this court on March 5, 2026, by the United States Postal Service marked “RETURN TO SENDER- Detainee Not Found.” To date, Petitioner has not informed this court of her new address. All parties have the responsibility of promptly reporting to the court and to all other parties any change in the mailing address. Failure to do so shall be considered cause for dismissal for failure to prosecute. See LR 41.3D. Accordingly; IT IS RECOMMENDED that this petition be DISMISSED WITHOUT PREJUDICE, sua sponte, for failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure as interpreted by the court and under the court's inherent power to control its own docket. See Link v. Wabash Railroad Company, 370 U.S. 626, 82 S.Ct. 1386 (1962); Rogers v. Kroger Company, 669 F.2d 317, 320-321 (5th Cir. 1982).

OBJECTIONS

Under the provisions of 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b), parties aggrieved by this recommendation have fourteen (14) days from service of this Report and Recommendation to file specific, written objections with the Clerk of Court unless an extension of time is granted under Fed. R. Civ. P. 6(b). A party may respond to another party's objections within fourteen (14) days after being served with a copy thereof. Counsel are directed to furnish a courtesy copy of any objections or responses to the District Judge at the time of filing. A party's failure to file written objections to the proposed findings, conclusions and recommendation set forth above, within fourteen (14) days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the proposed factual findings and legal conclusions that were accepted by the district Page 2 of 3 court and that were not objected to by the aforementioned party. See *Douglas v. U.S.A.A.*, 79 F.3d 1415 (Sth Cir. 1996) (en banc). **THUS DONE AND SIGNED**, in chambers, at Shreveport, Louisiana, on this 7th day of April 2026. Mark L. Hornsby
U.S. Magistrate Judge Page 3 of 3