

**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).

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