

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Josue Daniel Cruz Banos v. Sergio Alberran, et al.

Cruz Banos v. Alberran · No. 1:25-cv-01634-DC-CSK (HC) · Decided November 28, 2025

SUMMARY

The United States District Court for the Eastern District of California denied, without prejudice, a detained immigration petitioner’s motion for a temporary restraining order filed alongside a 28 U.S.C. § 2241 habeas petition. The court held that the petitioner had not named the immediate custodian at the detention facility as the respondent, as required for a core habeas challenge. The matter was referred to the assigned magistrate judge for further proceedings, including possible amendment of the petition.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dena Coggins
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 28, 2025
DOCKET	1:25-cv-01634-DC-CSK (HC)
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a 28 U.S.C. § 2241 habeas petition challenging his ongoing immigration detention and concurrently moved for a temporary restraining order. The district court denied the temporary restraining order without prejudice and referred the matter to the assigned magistrate judge.
STANDARD OF REVIEW	To obtain a temporary restraining order, petitioner had to show a likelihood of success on the merits; the court assessed that likelihood based on whether the § 2241 petition named the proper respondent and was within the court's jurisdiction.
PRECEDENTIAL VALUE	Unpublished district court order; persuasive but not generally binding beyond the case.
PARTIES	Josue Daniel Cruz Banos v. Sergio Alberran, Pam Bondi, Kristi Noem, Todd M. Lyons

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether petitioner was entitled to a temporary restraining order when his § 2241 petition challenging present physical confinement did not name the immediate custodian.
2. Whether the Eastern District of California was the proper district for petitioner's core § 2241 habeas challenge.

HOLDINGS

1. A petitioner challenging present physical custody under § 2241 must generally name the immediate custodian, ordinarily the warden of the facility where the petitioner is detained; naming remote supervisory officials does not satisfy that requirement.
2. Petitioner was not entitled to a temporary restraining order because he had not shown a likelihood of success on the merits of his § 2241 petition.

KEY QUOTATIONS

“The consistent use of the definite article in reference to the custodian indicates that there is generally only one proper respondent” (at 1)

“Whenever a § 2241 habeas petitioner seeks to challenge his present physical custody within the United States, he should name his warden as respondent and file the petition in the district of confinement.” (at 1)

FACTUAL BACKGROUND

Josue Daniel Cruz Banos was detained at the California City Detention Center in Kern County, California, and filed a § 2241 petition challenging his immigration detention. He named the Attorney General, the Secretary of Homeland Security, the Acting Director of Immigration and Customs Enforcement, and the ICE San Francisco Field Office Director as respondents, but did not name the warden or other immediate custodian of the detention facility. The petition was filed in the Eastern District of California, the district where he was detained.

PROCEDURAL HISTORY

Petitioner filed a § 2241 petition and a motion for a temporary restraining order. Respondents opposed the motion. The court determined that the petition named remote supervisory officials rather than the immediate custodian at the detention facility, concluded that petitioner had not shown a likelihood of success on the merits, denied the motion without prejudice, and referred the case for further proceedings, including possible amendment of the petition.

DISPOSITION

other

REMAND INSTRUCTIONS

The matter was referred to the assigned magistrate judge for further proceedings, including consideration of any request by petitioner for leave to file an amended petition naming the proper respondent.

CASES CITED

- *Rumsfeld v. Padilla*, 542 U.S. 426, 434-35, 447 (2004)
- *Doe v. Garland*, 109 F.4th 1188, 1199 (9th Cir. 2024)
- *Singh v. Field Off. Dir., S.F. Field Off., U.S. Immigr. & Customs Enf't*, No. 24-cv-03472-RMI, 2024 WL 4454824, at *1 (N.D. Cal. Sept. 9, 2024)

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