

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Malkeet S. v. Christopher Chestnut, et al.

No. 1:26-cv-00045-TLN-JDP · No. No. 1:26-cv-00045-TLN-JDP · Decided January 8, 2026

SUMMARY

The United States District Court for the Eastern District of California construed Malkeet S.’s pro se petition under 28 U.S.C. § 2241 as a request for a temporary restraining order. The court ordered respondents to respond by noon on January 9, 2026, and prohibited transferring the petitioner outside the district pending further order. The court also granted in forma pauperis status and appointed counsel.

OPINION

1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA
9 10 MALKEET S., No. 1:26-cv-00045-TLN-JDP 11 Petitioner, 12 v. ORDER 13
CHRISTOPHER CHESTNUT, et al., 14 Respondents. 15 16 Petitioner Malkeet S.1 (“Petitioner”),
an immigration detainee who is representing himself, 17 filed a petition for a writ of habeas
corpus pursuant to 28 U.S.C. § 2241.

Based on the substance 18 of Petitioner’s brief and the relief requested therein, the Court
construes Petitioner’s pleading as a 19 motion for a temporary restraining order. *Estelle v.*
Gamble, 429 U.S. 97, 106 (1976) (stating that 20 pleadings by pro se litigants must be held to less
stringent standards than formal pleadings drafted 21 by lawyers). 22 Respondents shall file a
response to Petitioner’s request for injunctive relief by noon on 23 January 9, 2026.

Any opposition shall provide the Court with copies of all referenced/relevant 24 1 As
recommended by the Committee on Court Administration and Case Management of 25 the
Judicial Conference of the United States, the Court omits petitioner’s full name, using only his
first name and last initial, to protect sensitive personal information. See Memorandum re: Privacy
26 Concern Regarding Social Security and Immigration Opinions, Committee on Court
Administration and Case Management, Judicial Conference of the United States (May 1, 2018),
27 https://www.uscourts.gov/sites/default/files/18-cv-l-suggestion_cacm_0.pdf.

The Clerk of Court is directed to update the docket to reflect this change accordingly. 28 1
portions of Petitioner’s A-File and any and all available records related to Petitioner’s allegations.
2 Pending the Court’s ruling on this petition, Respondents shall not take any action to 3 transfer
Petitioner out of this District. See *F.T.C. v. Dean Foods Co.*, 384 U.S. 597, 608 (1966) 4

(acknowledging the Court’s “express authority under the All Writs Act to issue such temporary 5 injunctions as may be necessary to protect its own jurisdiction”).

6 Petitioner filed a motion to proceed in forma pauperis, which is granted. See 28 U.S.C. § 7 1914. Petitioner has also filed a motion for the appointment of counsel. In light of the 8 complexity of the legal issues involved, the Court has determined that the interests of justice 9 require the appointment of counsel for Petitioner. See 18 U.S.C. § 3006A(a)(2)(B); see also 10 Weygandt v. Look, 718 F.2d 952, 954 (9th Cir.

1983). Within seven days from the date of this 11 order, the appointing authority for the Eastern District of California shall identify counsel and 12 send counsel’s contact information to Michele Krueger, Courtroom Deputy for Chief Judge Troy 13 Nunley, via email at mkrueger@caed.uscourts.gov, who shall update the docket to reflect 14 counsel’s appointment.

If counsel is not a member of the Eastern District of California Criminal 15 Justice Act (“CJA”) Panel, the Court hereby authorizes them to serve as CJA counsel for 16 petitioner for the duration of the proceedings in this Court pursuant to Local Rule 180(b)(1). 17 In accordance with the above, IT IS HEREBY ORDERED that: 18 1. Respondents shall file a response to Petitioner’s request for immediate injunctive relief 19 by noon on Friday, January 9, 2026; 20 2.

In order to ensure this Court’s jurisdiction to resolve the pending § 2241 petition, 21 Respondent shall not transfer Petitioner to another detention center outside of this 22 judicial district, pending further order of the Court; 23 3. Petitioner’s motion to proceed in forma pauperis (ECF No. 2) is granted; 24 4. Petitioner’s motion to appoint counsel (ECF No. 3) is granted; Within seven days from 25 the date of this order, the appointing authority for the Eastern District of California 26 shall identify counsel and send counsel’s contact information to Michele Krueger, 27 Courtroom Deputy for Chief Judge Troy Nunley, who shall update the docket to 28 reflect counsel’s appointment; 1 5.

The Clerk of the Court shall serve a copy of this order on the Federal Defender, 2 Attention: Habeas Appointment, along with a copy of the § 2241 petition; 3 6. The Clerk of the Court shall serve a copy of this order together with a copy of 4 Petitioner’s application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 on 5 the United States Attorney; and 6 7.

The Clerk of Court is directed to update the docket to only list Petitioner’s first name 7 and last initial. 8 IT IS SO ORDERED. 9 | Date: January 7, 2026 10 12 13 TROY L. NUNLEY CHIEF UNITED STATES DISTRICT JUDGE 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28