

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Bismarck Alfredo Martinez Obando v. Warden, Golden State Annex

Martinez Obando · No. 1:24-cv-01328-SAB-HC · Decided May 23, 2025

OPINION

(HC) Martinez Obando v. United States Department of Homeland Security

PER CURIAM.

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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

8 9 BISMARCK ALFREDO MARTINEZ Case No. 1:24-cv-01328-SAB-HC

OBANDO,

10 FINDINGS AND RECOMMENDATION TO

Petitioner, GRANT RESPONDENT’S MOTION TO

11 DISMISS AND TO DISMISS PETITION

v. FOR WRIT OF HABEAS CORPUS AS

12 MOOT

WARDEN, GOLDEN STATE ANNEX,¹

13 (ECF No. 10) Respondent.

14 ORDER DIRECTING CLERK OF COURT

TO RANDOMLY ASSIGN DISTRICT

15 JUDGE AND SUBSTITUTE WARDEN,

GOLDEN STATE ANNEX, AS

16 RESPONDENT

17 18 Petitioner is proceeding pro se with a petition for writ of habeas corpus pursuant to 28 19
U.S.C. § 2241. 20 I.

21 BACKGROUND

22 On October 30, 2024, Petitioner filed the instant petition for writ of habeas corpus. (ECF

23 No. 1). Petitioner alleged that he has been detained by U.S. Immigration and Customs

24 Enforcement (“ICE”) beyond the removal period authorized by law, in violation of 8 U.S.C. 25

1 “[L]ongstanding practice confirms that in habeas challenges to present physical confinement
—‘core challenges’— 26 the default rule is that the proper respondent is the warden of the facility
where the prisoner is being held” *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004). In the
immigration detention context, the Ninth Circuit has held that 27 “[u]nder *Padilla*, [Petitioner]

must name his immediate custodian[.]” *Doe v. Garland*, 109 F.4th 1188, 1197 (9th Cir. 2024). As noted by Respondent, at the time the instant petition was filed, Petitioner’s immediate custodian was the 1 § 1231(a)(6) and the Fifth Amendment. (ECF No. 1 at 6.2) Petitioner requested immediate 2 release from custody. (Id. at 7.) 3 On February 3, 2025, Respondent filed a motion to dismiss the petition as moot because 4 Petitioner has been released on supervision. (ECF No. 10.) Petitioner has not filed an opposition, 5 and the time to do so has passed. 6 II.

7 DISCUSSION

8 Article III of the United States Constitution limits the jurisdiction of federal courts to 9 “actual, ongoing cases or controversies.” *Lewis v. Continental Bank Corp.*, 494 U.S. 472, 477 10 (1990). “This case-or-controversy requirement subsists through all stages of federal judicial 11 proceedings,” which “means that, throughout the litigation, the plaintiff ‘must have suffered, or 12 be threatened with, an actual injury traceable to the defendant and likely to be redressed by a 13 favorable judicial decision.’” *Spencer v. Kemna*, 523 U.S. 1, 7 (1998) (quoting *Lewis*, 494 U.S. 14 at 477). 15 In the petition, Petitioner requested immediate release from ICE custody. (ECF No. 1 at 16 7.) On December 18, 2024, Petitioner was released on an order of supervision. (ECF No. 10-1 at 17 13–21.) Given that Petitioner has received the remedy to which he would have been entitled had 18 this Court rendered a favorable judicial decision on his petition, the Court finds that no case or 19 controversy exists. See *Abdala v. INS*, 488 F.3d 1061, 1064 (9th Cir. 2007) (noting that “a 20 petitioner’s release from detention under an order of supervision ‘moot[ed] his challenge to the 21 legality of his extended detention’” (alteration in original) (quoting *Riley v. INS*, 310 F.3d 1253, 22 1256–57 (10th Cir. 2002))). 23 III.

24 RECOMMENDATION & ORDER

25 Accordingly, the Court HEREBY RECOMMENDS that: 26 1. Respondent’s motion to dismiss (ECF No. 10) be GRANTED; and 27 2. The petition for writ of habeas corpus be DISMISSED as moot. 1 Further, the Clerk of Court is DIRECTED to: 2 1. Randomly assign this action to a District Judge; and 3 2. SUBSTITUTE Warden, Golden State Annex, as Respondent in the instant matter. 4 This Findings and Recommendation is submitted to the assigned United States District 5 | Court Judge, pursuant to the provisions of 28 U.S.C. § 636 (b)(1)(B) and Rule 304 of the Local 6 | Rules of Practice for the United States District Court, Eastern District of California. Within 7 | FOURTEEN (14) days after service of the Findings and Recommendation, any party may file 8 | written objections with the Court, limited to fifteen (15) pages in length, including any 9 | exhibits. Such a document should be captioned “Objections to Magistrate Judge’s Findings and 10 | Recommendation.” Replies to the objections shall be served and filed within fourteen (14) days 11 | after service of the objections. The assigned District Judge will then review the Magistrate 12 | Judge’s ruling pursuant to 28 U.S.C. § 636(b)(1)(C). The parties are advised that failure to file 13 | objections within the specified time may waive the right to appeal the District Court’s order. 14 | *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 15 | 1391, 1394 (9th Cir. 1991)). 16

7 IT IS SO ORDERED. FA. ee

1g | Dated: _ May 22, 2025

STANLEY A. BOONE

19 United States Magistrate Judge 20 21 22 23 24 25 26 27 28

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