

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

Hector Arnulfo German Reyes v. Warden, F.C.I. Mendota

Reyes v. Warden · No. 1:24-cv-01543 JLT CDB (HC) · Decided December 15, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 HECTOR ARNULFO GERMAN REYES, Case No. 1:24-cv-01543 JLT
CDB (HC) 12 Petitioner, ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND
DISMISSING 13 v. PETITION FOR WRIT OF HABEAS CORPUS WITHOUT PREJUDICE 14
WARDEN, F.C.I. MENDOTA, (Doc. 11) 15 Respondent. 16 17 Petitioner Hector Arnulfo German
Reyes, a federal prisoner, is proceeding pro se with a 18 petition for writ of habeas corpus
pursuant to 28 U.S.C. § 2241.

(Doc. 1.) 19 On November 17, 2025, the assigned magistrate judge issued findings and 20
recommendations to dismiss the petition for failure to prosecute this action and comply with the
21 Court’s orders. (Doc. 11.) The magistrate judge noted that the Court’s order setting a briefing
22 schedule was returned by the U.S. Postal Service marked “Undeliverable, No Longer at this 23
Address,” as was the Court’s order to show cause directing Petitioner to respond in writing 24
regarding his failure to update his address with the Court.

(Id. at 2.) In addition, Petitioner failed 25 to update his address within 30 days, as required by
Local Rule 183(b). (Id. at 4.) The magistrate 26 judge evaluated the factors set forth in *Carey v.*
King, 856 F.2d 1439, 1440-41 (9th Cir. 1988), 27 regarding dismissal for lack of prosecution and
recommended dismissal. (Doc. 11 at 4-5.)

The Court served the findings and recommendations on Petitioner and informed him that 1 | any
objections were due within 14 days. (Doc. 11 at 5.) The findings and recommendations 2 | advised
Petitioner that failure to file objections within the specified time may result in the waiver 3 | of
rights on appeal. /d. (citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir.

2014)). The 4 || case opening documents also advised Petitioner that, absent notice to the Court of
any change of 5 || address, “service at the prior address shall be fully effective.” (Doc. 4 at 2); see
also Local Rule 6 || 182(f).

On December 2, 2025, the findings and recommendations were returned by the U.S. 7 | Postal
Service marked as “Undeliverable, No Longer at this Address.” As of the date of this 8 || Order,
more than 14 days have passed, and Petitioner has not filed any objections. 9 According to 28
U.S.C. § 636(b)(1)(C), this Court performed a de novo review of this 10 || case.

Having carefully reviewed the matter, the Court concludes the findings and 11 || recommendations are supported by the record and proper analysis. 12 Accordingly, the Court ORDERS: 13 1. The findings and recommendations (Doc. 11) issued on November 17, 2025, are 14 ADOPTED in full. 15 2.

The petition for writ of habeas corpus is DISMISSED without prejudice. 16 3. The Clerk of Court is directed to close the case. 17 In the event a notice of appeal is filed, no certificate of appealability is required.' 18 19 IT IS SO ORDERED. 20 | Dated: _December 15, 2025 Charis [Tourn TED STATES DISTRICT JUDGE 21 22 23 24 25 26 A certificate of appealability will not be required because this is an order dismissing without 97 || prejudice a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, not a final order in a habeas proceeding in which the detention complained of arises out of process issued by a state court.

Forde v. 28 | U.S. Parole Commission, 114 F.3d 878 (9th Cir. 1997); see Ojo v. INS, 106 F.3d 680, 681-682 (Sth Cir. 1997); Bradshaw v. Story, 86 F.3d 164, 166 (10th Cir. 1996).