

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Castillo v. Johnson

Castillo · No. 3:25-cv-00928-JAH-BLM · Decided August 5, 2025

SUMMARY

The United States District Court for the Southern District of California denied Jose L. Castillo’s 28 U.S.C. § 2241 petition challenging his pretrial detention as moot. The court concluded that Castillo’s release on bond eliminated the live case or controversy and denied the accompanying motions, closing the matter without prejudice.

OPINION

Castillo v. Johnson

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 JOSE L. CASTILLO, Case No.: 3:25-cv-00928-JAH-BLM 12 Petitioner,

ORDER DENYING PETITION AS

13 v. MOOT

14 TIMOTHY JOHNSON,

[ECF No. 1] 15 Respondent. 16 17 On April 17, 2025, Petitioner Jose L. Castillo (“Petitioner”) filed a petition for a writ 18 of habeas corpus pursuant to 28 U.S.C. § 2241, challenging his pretrial detention in federal 19 custody. ECF No. 1. On July 9, 2025, Respondent United States of America, on behalf of 20 Warden Timothy Johnson of the Western Region Detention Facility in San Diego, 21 (“Respondent”) filed its response in opposition to the petition. ECF No. 9.

22 Under 28 U.S.C. § 2241, the “writ of habeas corpus shall not extend to a prisoner 23 unless” the prisoner is in custody under the authority of the United States or its courts, in 24 custody for an act done or omitted pursuant to an Act of Congress, or in custody for 25 violation of the Constitution or laws or treaties of the United States, among other 26 provisions. See 28 U.S.C. § 2241(c). The pretrial detainee must demonstrate that he 27 remains “in custody” of the United States or in custody for violations of federal law in 28 order to proceed with his habeas petition. See *Boumediene v. Bush*, 553 U.S. 723, 737, 745 1 (2008) (finding that the writ of habeas corpus allows a person held in government custody 2 to appear before a court, “most frequently to ensure that the party’s imprisonment or 3 detention is not illegal,” and that the “essence of habeas corpus is an attack by a person in 4 custody upon the legality of that custody.”)

(citations omitted). 5 Petitioner challenged his pretrial detention in federal custody pending his criminal 6 trial in the Southern District of California in case number 3:20-cr-01570-JAH-1. ECF No. 7 1 at 2. Petitioner argued, at the time his petition was filed, that he had been unlawfully 8 held in detention pending his criminal case since April 28, 2024. Id. Respondent contends, 9 however, that the petition is now moot because the Petitioner was granted bond in his 10 criminal matter. ECF No. 9 at 6. Respondent argues that, if Petitioner has been released 11 from federal custody, he would no longer be a pre-trial detainee under the federal habeas 12 statute and his petition would be moot. Id. 13 A petition becomes moot when “it no longer present[s] a case or controversy” under 14 Article III of the Constitution. *Wilson v. Terhune*, 319 F.3d 477, 479 (9th Cir. 2003). 15 Petitioner was released from federal custody in the criminal matter at issue on July 11, 16 2025. See 3:20-cr-01570-JAH-1, ECF No. 85 at 1. Petitioner filed bond on July 10, 2025 17 after the Court held a Nebbia hearing on the same day. See *id.*, ECF No. 83. Because 18 Petitioner has since been released from custody, Petitioner is no longer a pretrial detainee 19 under 28 U.S.C. § 2241. As a result, his petition for habeas relief from pretrial detention 20 no longer presents a live case or controversy. Accordingly, Petitioner’s petition is 21 DENIED as moot, and all other pending motions accompanying the petition are similarly 22 DENIED. The Clerk of Court is instructed to close this matter.1 23 /// 24 25 26 27 1 The Court’s decision is without prejudice to Petitioner’s ability to raise future writs for 28 I IT IS SO ORDERED. 2 3 || DATED: August 5, 2025 Ms

6 J JOHN A. HOUSTON

UNITED STATES DISTRICT JUDGE

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