

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Loba L.M. v. Tonya Andrews

No. 1:25-cv-00611 JLT SAB (HC) (E.D. Cal. Nov. 14, 2025) · No. No. 1:25-cv-00611 JLT SAB (HC) · Decided
November 14, 2025

OPINION

Andrews

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 LOBA L.M., No. 1:25-cv-00611 JLT SAB (HC) 12 Petitioner, ORDER ADOPTING
FINDINGS AND

RECOMMENDATIONS, GRANTING THE

13 v. PETITION FOR WRIT OF HABEAS

CORPUS, GRANTING RESPONDENT’S

14 TONYA ANDREWS, MOTION TO DISMISS AND STRIKE
UNLAWFULLY NAMED RESPONDENTS,

15 Respondent. DENYING RESPONDENT’S MOTION TO
DISMISS THE PETITION, DIRECTING

16 RESPONDENT TO PROVIDE PETITIONER
WITH BOND HEARING BEFORE

17 IMMIGRATION JUDGE, AND DIRECTING
CLERK OF COURT TO CLOSE CASE

18 (Docs. 1, 10, 12, 25) 19 20 Petitioner, who has been in immigration custody pursuant to 8
U.S.C. § 1226(c) for 21 approximately 22 months without an individualized bond hearing, is
proceeding with a petition 22 for writ of habeas corpus pursuant to 28 U.S.C. § 2241. This matter
was referred to a United 23 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and
Local Rule 302. 24 On October 16, 2025, the magistrate judge issued findings and
recommendations 25 recommending that the petition for writ of habeas corpus be granted,
Respondent’s motion to 26 dismiss and strike unlawfully named respondents be granted,
Respondent’s motion to dismiss the 27 petition be denied, and Respondent be directed to provide
Petitioner with an initial bond hearing 28 before an immigration judge. (Doc. 25.) The Court
served the findings and recommendations on 1 the parties and notified them any objections thereto
were to be filed within fourteen days. (Id.) 2 The parties were also warned that “failure to file
objections within the specified time may waive 3 the right to appeal the District Court’s order.”

(Id. at 17 (citing *Wilkerson v. Wheeler*, 772 F.3d 4 834, 839 (9th Cir. 2014).) To date, no objections have been filed, and the time for doing so has 5 passed. 6 According to the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a de 7 novo review of the case. Having carefully reviewed the entire file, the Court concludes that the 8 findings and recommendations are supported by the record and proper analysis.1 9 In the event a notice of appeal is filed, a certificate of appealability is not required because 10 this is an order dismissing a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, and 11 not a final order in a habeas proceeding in which the detention complained of arises out of 12 process issued by a state court. *Forde v. U.S. Parole Comm’n*, 114 F.3d 878 (9th Cir. 1997); see 13 also *Ojo v. INS*, 106 F.3d 680, 681-682 (5th Cir. 1997). Thus, the Court ORDERS: 14 1. The findings and recommendations issued on October 16, 2025 (Doc. 25) are 15 ADOPTED IN FULL. 16 2. The petition for writ of habeas corpus is GRANTED. 17 3. Respondent’s motion to dismiss and strike unlawfully named respondents (Doc. 10) is 18 GRANTED. All respondents other than Tonya Andrews are DISMISSED. 19 1 After surveying and acknowledging the various factor-based tests that have been applied by other courts in similar 20 circumstances, the findings and recommendations applied the three-factor test set forth in *Lopez v. Garland*, 631 F. Supp. 3d 870, 879 (E.D. Cal. 2022) (“[T]o determine whether § 1226(c) detention has become unreasonable, the 21 Court will look to the total length of detention to date, the likely duration of future detention, and the delays in the removal proceedings caused by the petitioner and the government.”). The magistrate judge also concluded that the 22 Mathews factors, which have been applied by some other courts in cases involving lengthy detentions under 8 U.S.C. § 1226(c), are “more suited to determining whether due process requires a second bond hearing.” (Doc. 25 at 10.) 23 The Court notes that this may be a distinction without much of a difference. In cases applying Mathews to § 1226(c) detainees who had not yet received any form of bond determination, the disputed aspects of the Mathews analysis 24 focused on the same subjects highlighted in *Lopez*, namely how long the petitioner had been detained and whether the reason for the period of detention was due to the petitioner’s own actions. See, e.g., *Doe v. Andrews*, No. 1:25- 25 CV-00680-KES-SKO (HC), 2025 WL 2390725, at *5 (E.D. Cal. Aug. 18, 2025), report and recommendation adopted, No. 1:25-CV-00680-KES-SKO (HC), 2025 WL 2896045 (E.D. Cal. Oct. 12, 2025) Other Mathews considerations were resolved in favor of the petitioners without much discussion, given that a detainee’s private 26 interest in freedom from prolonged detention is unquestionably substantial, the risk of erroneous deprivation is high given the absence of any bond hearing, and the fact that providing a bond hearing would not undercut the 27 government’s interest in preventing flight or a danger to the community or in effecting prompt removal. See, e.g., *Peters v. Wofford*, No. 1:25-CV-00497-SKO (HC), 2025 WL 2299801, at *7 (E.D. Cal. Aug. 8, 2025). The more 28 focused *Lopez* test is appropriate under the circumstances and was correctly applied to the facts of this case. 1 4. Respondent’s motion to dismiss the petition (Doc. 12) is DENIED. 2 5. Within 30 days of the date of service of this order, Respondent is DIRECTED to 3 provide Petitioner with an individualized bond hearing before an

immigration judge 4 that complies with the requirements set forth in *Singh v. Holder*, 638 F.3d 1196 (9th

5 Cir. 2011), and where “the government must prove by clear and convincing evidence

6 that [Petitioner] is a flight risk or a danger to the community to justify denial of bond,” 7 id. at

1203. In the event Petitioner is “determined not to be a danger to the community 8 and not to be

so great a flight risk as to require detention without bond,” the 9 immigration judge should

consider Petitioner’s financial circumstances and alternative 10 conditions of release. *Hernandez*

v. Sessions, 872 F.3d 976, 1000 (9th Cir. 2017). 11 6. The Clerk of Court is directed to CLOSE

THE CASE. 12 B IT IS SO ORDERED. 4 Dated: _ November 14, 2025 Cerin | Tower

TED STATES DISTRICT JUDGE

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