

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Alfredo Garibay v. FCI Lompoc II

No. 2:24-cv-09367-SVW-SHK, United States District Court for the Central District of California (March 27, 2025)

SUMMARY

The United States District Court for the Central District of California ordered pro se habeas petitioner Alfredo Garibay to show cause why his 28 U.S.C. § 2241 action should not be dismissed. The court noted that Garibay was no longer listed in Bureau of Prisons custody, had not updated his address, and had not opposed the respondent's motion to dismiss, potentially violating Local Civil Rule 41-6 and failing to prosecute the action.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Shashi H. Kewalramani
JURISDICTION	United States District Court for the Central District of California
DECIDED	March 27, 2025
DOCKET	2:24-cv-09367-SVW-SHK
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241. Respondent moved to dismiss, and petitioner did not oppose the motion. After learning that petitioner was no longer in Bureau of Prisons custody and appeared not to have updated his address, the court issued an order to show cause why the action should not be dismissed.
PRECEDENTIAL VALUE	Nonprecedential district court order; precedential status is not specified in the document.
PARTIES	Alfredo Garibay v. FCI Lompoc II

TOPICS

- federal habeas corpus
- post-conviction relief
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should require petitioner to show cause why the action should not be dismissed for failure to prosecute, failure to follow court orders, and failure to comply with Local Civil Rule 41-6.

KEY QUOTATIONS

“Petitioner is ORDERED TO SHOW CAUSE, by April 9, 2025, why this case should not be dismissed for failure to prosecute, follow Court orders, and follow Local Rule 41-6.” (Document at 2)

FACTUAL BACKGROUND

Garibay was an inmate at the Federal Correctional Institution in Lompoc, California, when he filed his § 2241 petition. The Bureau of Prisons inmate locator indicated that he was no longer in Bureau of Prisons custody as of February 7, 2025. He had not opposed the respondent's motion to dismiss or kept the court apprised of his current address.

PROCEDURAL HISTORY

Garibay filed a § 2241 petition on October 15, 2024. The respondent moved to dismiss on February 17, 2025, but petitioner filed no opposition. The court independently checked the Bureau of Prisons inmate locator, took judicial notice of the result, and ordered petitioner to update his address and respond to the motion to dismiss by April 9, 2025.

DISPOSITION

other

CASES CITED

- United States v. Basher, 629 F.3d 1161, 1165 n.2 (9th Cir. 2011)
- Douglas v. Noelle, 567 F.3d 1103, 1107 (9th Cir. 2009)