

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Kennedy Ndolo Timina v. Minga Wofford, et al.

No. 1:25-cv-00804 JLT SAB (HC) · No. No. 1:25-cv-00804 JLT SAB (HC) · Decided December 4, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations and granted an immigration detainee’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court directed respondents to immediately release the petitioner subject to an order of supervision and ordered the clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 4, 2025
DOCKET	No. 1:25-cv-00804 JLT SAB (HC)
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought a writ of habeas corpus under 28 U.S.C. § 2241 challenging his immigration detention. The district court reviewed and adopted the magistrate judge's findings and recommendations and granted the petition.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1)(C) of the magistrate judge's findings and recommendations.
PRECEDENTIAL VALUE	Unpublished district court order; limited precedential value.
PARTIES	Kennedy Ndolo Timina v. Minga Wofford, et al.

TOPICS

- immigration detention
- federal habeas corpus
- immigration
- remedies

PRACTICE AREAS

- Immigration
- Federal habeas corpus
- Immigration detention

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's findings and recommendations after the time for objections expired.
2. Whether the petition for a writ of habeas corpus under 28 U.S.C. § 2241 should be granted and petitioner released from immigration detention subject to appropriate supervision.

HOLDINGS

1. The district court adopted the magistrate judge's findings and recommendations in full after conducting de novo review and determining that they were supported by the record and proper analysis.
2. The petition for a writ of habeas corpus was granted, and respondents were directed to immediately release petitioner subject to an order of supervision.

KEY QUOTATIONS

“Respondents are directed to IMMEDIATELY RELEASE Petitioner subject to an order of supervision in accordance with 8 U.S.C. § 1231(a)(3) and 8 C.F.R. § 241.5.” (at 2)

FACTUAL BACKGROUND

Petitioner was an immigration detainee proceeding under 28 U.S.C. § 2241. The magistrate judge recommended that the petition be granted and that petitioner be released on appropriate conditions. The district court found the recommendation supported by the record and ordered petitioner released subject to an order of supervision.

PROCEDURAL HISTORY

The matter was referred to a magistrate judge under 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. On November 19, 2025, the magistrate judge recommended granting the habeas petition and releasing petitioner on appropriate conditions. No party filed objections within the prescribed period, and the district court conducted de novo review, adopted the findings and recommendations in full, granted the petition, ordered petitioner's immediate release subject to supervision, and closed the case.

DISPOSITION

writ_granted

CASES CITED

- Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014)
- Forde v. U.S. Parole Commission, 114 F.3d 878 (th Cir. 1997)
- Ojo v. INS, 106 F.3d 680, 681-682 (Sth Cir. 1997)

OPINION

Wofford

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10

11 KENNEDY NDOLO TIMINA, No. 1:25-cv-00804 JLT SAB (HC)

12 Petitioner, ORDER ADOPTING FINDINGS AND

RECOMMENDATIONS, GRANTING THE

13 v. PETITION FOR WRIT OF HABEAS

CORPUS, DIRECTING RESPONDENTS TO

14 MINGA WOFFORD, et al., RELEASE PETITIONER ON APPROPRIATE

CONDITIONS, AND DIRECTING CLERK

15 Respondents. OF COURT TO CLOSE CASE 16 (Docs. 1, 20) 17 Petitioner is an immigration
detainee proceeding with a petition for writ of habeas corpus 18 pursuant to 28 U.S.C. § 2241.

This matter was referred to a United States Magistrate Judge 19 pursuant to 28 U.S.C. § 636(b)(1)

(B) and Local Rule 302. 20 On November 19, 2025, the magistrate judge issued findings and

recommendations 21 recommending that the petition for writ of habeas corpus be granted and

Petitioner be released on 22 appropriate conditions. (Doc. 20.) The Court served the findings and

recommendations on the 23 parties and notified them that any objections were due in 14 days. (Id.)

The Court further warned 24 the parties “that failure to file objections within the specified time

may waive the right to appeal 25 the District Court’s order.” (Id. at 7 (citing *Wilkerson v. Wheeler*,

772 F.3d 834, 839 (9th Cir. 26 2014)).) To date, no objections have been filed, and the time for

doing so has passed. 27 According to 28 U.S.C. § 636(b)(1)(C), the Court has conducted a de novo

review of the 28 case. Having carefully reviewed the entire file, the Court concludes the findings

and 1 || recommendations are supported by the record and proper analysis.' 2 Accordingly, the

Court ORDERS: 3 1. The findings and recommendations issued on November 19, 2025 (Doc. 20)

are 4 ADOPTED IN FULL. 5 2. The petition for writ of habeas corpus is GRANTED. 6 3.

Respondents are directed to IMMEDIATELY RELEASE Petitioner subject to an 7 order of

supervision in accordance with 8 U.S.C. § 1231(a)(3) and 8 C.F.R. § 241.5. 8 4. The Clerk of

Court is directed to CLOSE THE CASE. 9 10 IT IS SO ORDERED. 11 | Dated: _December 4,

2025 Cerin | Tower

TED STATES DISTRICT JUDGE

12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 ! In the event a notice of appeal is filed, a certificate

of appealability is not required because this is an order 27 | dismissing a petition for writ of habeas

corpus pursuant to 28 U.S.C. § 2241, and 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. U.S. Parole* 28

Commission, 114 F.3d 878 (th Cir. 1997); see also *Ojo v. INS*, 106 F.3d 680, 681-682 (Sth Cir.

1997).

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-eastern-district-of-california-united-states-district-court-for/2025/kennedy-ndolo-timina-v-minga-wofford-et-al-f33qja3y>