

**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.

OPINION

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).