

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Jorge Luis Manuel Sebastian; Evaristo Jose Quirino; and Yuxing Gao v. Jeremy Casey, et al.

Case No. 26-cv-00306-BAS-AHG · No. 26-cv-00306-BAS-AHG · Decided January 20, 2026

SUMMARY

The United States District Court for the Southern District of California declined to summarily dismiss Petitioners’ 28 U.S.C. § 2241 habeas petition challenging their immigration detention. The court ordered the Government to respond by January 30, 2026, permitted Petitioners to reply by February 6, 2026, and directed the Clerk to serve the petition and order on the U.S. Attorney’s Office.

CASE DETAILS

|                       |                                                                                                                                                                                                                      |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Southern District of California                                                                                                                                                 |
| WRITING FOR THE COURT | Cynthia Bashant                                                                                                                                                                                                      |
| JURISDICTION          | United States District Court for the Southern District of California                                                                                                                                                 |
| DECIDED               | January 20, 2026                                                                                                                                                                                                     |
| DOCKET                | 26-cv-00306-BAS-AHG                                                                                                                                                                                                  |
| DISPOSITION           | other                                                                                                                                                                                                                |
| PROCEDURAL POSTURE    | Petitioners filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging their immigration detention. The court declined to summarily dismiss the petition and ordered the Government to respond. |
| STANDARD OF REVIEW    | At the initial screening stage, summary dismissal is appropriate only when the petition's allegations are vague or conclusory, palpably incredible, or patently frivolous or false.                                  |
| PRECEDENTIAL VALUE    | Unpublished district court order; limited persuasive value.                                                                                                                                                          |
| PARTIES               | Jorge Luis Manuel Sebastian, Evaristo Jose Quirino, Yuxing Gao v. Jeremy Casey, et al.                                                                                                                               |

TOPICS

- federal habeas corpus
- immigration detention
- removal proceedings
- immigration
- civil procedure

## PRACTICE AREAS

immigration

federal habeas corpus

civil procedure

## QUESTIONS PRESENTED

1. Whether the § 2241 petition should be summarily dismissed at the initial review stage.
2. Whether the Government should be required to respond to the petition and provide documents relevant to the issues raised.

## HOLDINGS

1. Summary dismissal was unwarranted at that time because the petition's allegations were not shown to be vague or conclusory, palpably incredible, or patently frivolous or false.
2. The Government must file a response addressing the petition's allegations and including documents relevant to determining the issues raised.

## KEY QUOTATIONS

*“Summary dismissal is appropriate only where the allegations in the petition are vague or conclusory, palpably incredible, or patently frivolous or false.”* (1)

## FACTUAL BACKGROUND

Petitioners Jorge Luis Manuel Sebastian, Evaristo Jose Quirino, and Yuxing Gao alleged that they were being detained by Immigration and Customs Enforcement in violation of immigration laws and the Central District of California's decision in *Maldonado Bautista v. Noem*. They filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241.

## PROCEDURAL HISTORY

On January 18, 2026, Petitioners filed a § 2241 habeas petition alleging that Immigration and Customs Enforcement was detaining them in violation of immigration laws and the Central District of California's decision in *Maldonado Bautista v. Noem*. After reviewing the petition, the court found summary dismissal unwarranted and ordered the Government to file a response, with Petitioners permitted to reply.

## DISPOSITION

other

## CASES CITED

- *Maldonado Bautista v. Noem*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3678485 (C.D. Cal. Dec. 18, 2025)
- *Kourteva v. INS*, 151 F. Supp. 2d 1126, 1128 (N.D. Cal. 2001)

## OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF  
CALIFORNIA 10 11 JORGE LUIS MANUEL SEBASTIAN; Case No. 26-cv-00306-BAS-AHG  
EVARISTO JOSE QUIRINO; AND 12 YUXING GAO, ORDER REQUIRING THE 13  
GOVERNMENT TO RESPOND TO Petitioners, PETITION FOR WRIT OF HABEAS 14 v.  
CORPUS (ECF No. 1) 15 JEREMY CASEY, et al., 16 Respondents. 17 18 19 On January 18,  
2026, Petitioners Jorge Luis Manuel Sebastian, Evaristo Jose 20 Quirino, and Yuxing Gao filed a  
Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. 21 § 2241.

(ECF No. 1.) Petitioners claim that they are being detained by Immigration and 22 Customs  
Enforcement in violation of the immigration laws and the Central District's 23 decision in  
Maldonado Bautista v. Noem, No. 5:25-CV-01873-SSS-BFM, 2025 WL 24 3678485 (C.D. Cal.  
Dec. 18, 2025). (Id.) 25 Having reviewed the Petition, the Court finds summary dismissal is  
unwarranted at 26 this time.

See *Kourteva v. INS*, 151 F. Supp. 2d 1126, 1128 (N.D. Cal. 2001) ("Summary 27 dismissal is  
appropriate only where the allegations in the petition are vague or conclusory, 28 1 || palpably  
incredible, or patently frivolous or false.").

Therefore, the Court will order the 2 Government to respond to the Petition. Accordingly, the  
Court ORDERS as follows: 3 1. The Government must file a response to the Petition no later than  
January 4 ||30, 2026. The Government's response must address the allegations in the Petition and 5  
||must include any documents relevant to the determination of the issues raised in the 6 || Petition.

7 2. Petitioners may file a reply in support of their Petition no later than February 8 || 6, 2026. 9 3.  
The Clerk of Court shall provide the Civil Division of the U.S. Attorney's 10 || Office with a copy  
of the Petition (ECF No. 1) and this Order. 11 IT IS SO ORDERED. 12 13 || DATED: January 20,  
2026 i ly A (Dipharb 14 H@€n. Cynthia Bashant, Chief Judge 5 United States District Court 16 17  
18 19 20 21 22 23 24 25 26 27 28