

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.

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