

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Sergio Zamora-Vega v. Warden of the Detention Facility, et al.

Zamora-Vega · No. 1:26-cv-00143 DAD SCR · Decided January 12, 2026

SUMMARY

The United States District Court for the Eastern District of California grants Sergio Zamora-Vega's motion to proceed in forma pauperis in his 28 U.S.C. § 2241 habeas petition. The court denies his request for appointed counsel without prejudice and orders the respondent to file an answer or return within 14 days, with a reply due within 7 days thereafter. The court also directs that the petitioner not be transferred outside the district pending further order.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	January 12, 2026
DOCKET	1:26-cv-00143 DAD SCR
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner, an immigration detainee proceeding pro se, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241, an application to proceed in forma pauperis, and a motion for appointment of counsel. The court granted in forma pauperis status, denied appointment of counsel without prejudice, conducted preliminary review, and ordered respondents to show cause.
STANDARD OF REVIEW	Preliminary review under Rule 4 of the Rules Governing Habeas Corpus Cases Under Section 2254, as applied to the § 2241 petition pursuant to Rule 1(b).
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Sergio Zamora-Vega v. Warden of the Detention Facility, et al.

TOPICS

- federal habeas corpus
- immigration detention
- injunctions
- civil procedure

PRACTICE AREAS

federal habeas corpus

immigration detention

civil procedure

QUESTIONS PRESENTED

1. Whether petitioner should be permitted to proceed in forma pauperis.
2. Whether counsel should be appointed at the early stage of the habeas proceeding.
3. Whether the petition warranted an order requiring respondents to show cause and file an answer or return.
4. Whether the court should prevent petitioner's transfer outside the judicial district to preserve its jurisdiction and maintain the status quo.

HOLDINGS

1. A petitioner who is unable to afford the costs of suit may proceed in forma pauperis; petitioner's application was therefore granted.
2. There is no absolute right to appointed counsel in habeas proceedings, and appointment is discretionary when the interests of justice so require. On the present record and at this early stage, appointment was not warranted.
3. When preliminary review indicates that the petitioner may be entitled to relief if the alleged constitutional violation is proved, the respondent must be ordered to show cause by filing an answer or return.
4. To preserve its jurisdiction over the pending § 2241 petition, the court may direct that petitioner not be transferred outside the judicial district pending further order.

KEY QUOTATIONS

"There currently exists no absolute right to appointment of counsel in habeas proceedings." (at 1)

"At this early stage of the case, the undersigned does not find that the interests of justice would be served by the appointment of counsel." (at 1)

FACTUAL BACKGROUND

Sergio Zamora-Vega is an immigration detainee representing himself. He filed a § 2241 habeas petition alleging a constitutional-rights violation, together with an application to proceed in forma pauperis and a request for appointed counsel. The court found that he could not afford the costs of suit and that the petition warranted a response because he might be entitled to relief if his allegations were proved.

PROCEDURAL HISTORY

The petition was filed in the Eastern District of California under 28 U.S.C. § 2241. On preliminary review, the court determined that petitioner could be entitled to relief if his alleged constitutional violation were proved,

directed respondents to file an answer or return within 14 days, allowed a reply within 7 days thereafter, and restricted transfer of petitioner outside the district pending further order.

DISPOSITION

other

CASES CITED

- Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996)
- F.T.C. v. Dean Foods Co., 384 U.S. 597, 604 (1966)

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