

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PRECEDENTIAL VALUE	unpublished district court order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)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 SERGIO ZAMORA-VEGA, No. 1:26-cv-00143 DAD SCR 12 Petitioner, 13
v. ORDER 14 WARDEN OF THE DETENTION FACILITY, et al., 15 Respondents. 16 17 18
Petitioner, an immigration detainee who is representing himself, filed a petition for a writ 19 of
habeas corpus pursuant to 20 U.S.C. § 2241 together with a motion to proceed in forma 20
pauperis.

ECF Nos. 1 and 2. Examination of the in forma pauperis application reveals that 21 petitioner is
unable to afford the costs of suit. Accordingly, the application to proceed in forma 22 pauperis is
granted. See 28 U.S.C. § 1915(a). 23 Petitioner has also requested the appointment of counsel.
ECF No. 3. There currently 24 exists no absolute right to appointment of counsel in habeas
proceedings.

See Nevius v. Sumner, 25 105 F.3d 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A
authorizes the appointment of 26 counsel at any stage of the case “if the interests of justice so
require.” See Rule 8(c), Fed. R. 27 Governing § 2254 Cases. At this early stage of the case, the
undersigned does not find that the 28 interests of justice would be served by the appointment of
counsel.

Therefore, petitioner’s motion 1 for counsel is denied without prejudice to renewal. 2 The
undersigned has conducted a preliminary review of the petition pursuant to Rule 4 of 3 the Rules
Governing Habeas Corpus Cases Under Section 2254.1 Because petitioner may be 4 entitled to the
requested relief if the claimed violation of constitutional rights is proved, 5 respondent will be
directed to show cause why the writ should not be granted by filing an 6 answer/return within 14
days from the date of this order.

See 28 U.S.C. § 2243. Petitioner may 7 file a reply/traverse to the answer/return within 7 days
after being served a copy of it. 8 In accordance with the above, IT IS HEREBY ORDERED that: 9

1. Petitioner's motion to proceed in forma pauperis (ECF No. 2) is granted. 10 2. Petitioner's motion to appoint counsel (ECF No. 3) is denied without prejudice to 11 renewal.

12 3. Respondent is directed to file an answer/return within 14 days from the date of this 13 order. If an answer/return is filed, respondent shall include with the answer/return any and all 14 transcripts or other documents relevant to the determination of the issues presented in the 15 application. 16 4. Petitioner's reply/traverse, if any, is due within 7 days after being served a copy of 17 respondent's answer/return.

18 5. Absent a further order of the court, the petition will be taken under submission 19 after the filing of the reply/traverse. 20 6. The Clerk of the Court shall serve a copy of this order together with a copy of 21 petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 on the United 22 States Attorney. 23 7.

In order to ensure this court's jurisdiction to resolve the pending § 2241 petition, 24 respondent shall not transfer petitioner to another detention center outside of this judicial district, 25 pending further order of the court. See 28 U.S.C. § 1651(a) (establishing the All Writs Act which 26 27 1 Rule 1(b) of the Rules Governing Habeas Corpus Cases Under Section 2254 allows a district court to apply any or all of the rules to other types of habeas corpus petitions including § 2241 28 petitions.

1 || empowers the federal courts to "issue all writs necessary or appropriate in aid of their respective 2 | jurisdictions...."); see also *F.T.C. v. Dean Foods Co.*, 384 U.S. 597, 604 (1966) (emphasizing that 3 || federal courts have the power to "to preserve the court's jurisdiction or maintain the status quo by 4 || injunction pending review of an agency's action").

5 | DATED: January 12, 2026 6 7. 8 SEAN C. RIORDAN 9 UNITED STATES MAGISTRATE JUDGE 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28