

**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.

OPINION

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

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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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 28 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

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