

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

Jaswinder Singh v. Christopher Chestnut, et al.

No. 1:26-cv-00127 DC SCR (E.D. Cal. Jan. 9, 2026) · No. No. 1:26-cv-00127 DC SCR · Decided January 12, 2026

SUMMARY

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

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                | No. 1:26-cv-00127 DC SCR                                                                                                                                                                                                                                                                                                                                                                               |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                                  |
| PROCEDURAL POSTURE    | An immigration detainee proceeding pro se filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241, a motion 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, ordered respondents to show cause, and temporarily restricted transfer of petitioner outside the district. |
| STANDARD OF REVIEW    | Preliminary screening under Rule 4 of the Rules Governing Habeas Corpus Cases Under Section 2254, as applied to a § 2241 petition under Rule 1(b).                                                                                                                                                                                                                                                     |
| PRECEDENTIAL VALUE    | Nonprecedential district court order                                                                                                                                                                                                                                                                                                                                                                   |
| PARTIES               | Jaswinder Singh v. Christopher Chestnut, et al.                                                                                                                                                                                                                                                                                                                                                        |

TOPICS

federal habeas corpus

immigration detention

injunctions

procedural due process

## PRACTICE AREAS

immigration

federal habeas corpus

civil procedure

remedies

## 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 should proceed to an answer or return after preliminary review.
4. Whether the court should restrict respondent from transferring petitioner outside the district while the court's jurisdiction over the § 2241 petition is being resolved.

## HOLDINGS

1. Petitioner's application to proceed in forma pauperis was granted because the application showed that he was unable to afford the costs of suit.
2. There is no absolute right to appointment of counsel in habeas proceedings, and appointment was not warranted at this early stage because the interests of justice did not require it; the denial was without prejudice to renewal.
3. Because petitioner may be entitled to relief if the alleged constitutional violation is proven, respondents were ordered to file an answer or return addressing the petition.
4. Respondents were ordered not to transfer petitioner to another detention center outside the judicial district pending further order of the court.

## KEY QUOTATIONS

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

*"In order to ensure this court's jurisdiction to resolve the pending § 2241 petition, respondent shall not transfer petitioner to another detention center outside of this judicial district, pending further order of the court."* (2)

## FACTUAL BACKGROUND

Jaswinder Singh, an immigration detainee representing himself, filed a § 2241 habeas petition alleging a constitutional-rights violation. He also sought leave to proceed in forma pauperis and appointment of counsel. The court found that he could not afford the costs of suit and that the petition might warrant relief if the alleged violation were proven.

## PROCEDURAL HISTORY

The court conducted a preliminary review of the § 2241 petition under Rule 4 of the Rules Governing Habeas Corpus Cases Under Section 2254, applied to the petition under Rule 1(b). Because the petition could warrant

relief if its alleged constitutional violation were proven, the court directed respondents to file an answer or return within 14 days and permitted petitioner to file a reply within 7 days thereafter.

#### 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 JASWINDER SINGH, No. 1:26-cv-00127 DC SCR 12 Petitioner, 13 v.  
ORDER 14 CHRISTOPHER CHESTNUT, et al., 15 Respondents. 16 17 Petitioner, an  
immigration detainee who is representing himself, filed a petition for a writ 18 of habeas corpus  
pursuant to 28 U.S.C. § 2241 together with a motion to proceed in forma 19 pauperis.

Examination of the in forma pauperis application reveals that petitioner is unable to 20 afford the  
costs of suit. Accordingly, the application to proceed in forma pauperis is granted. See 21 28  
U.S.C. § 1915(a). 22 Petitioner has also requested the appointment of counsel. ECF No. 3. There  
currently 23 exists no absolute right to appointment of counsel in habeas proceedings.

See Nevius v. Sumner, 24 105 F.3d 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A  
authorizes the appointment of 25 counsel at any stage of the case “if the interests of justice so  
require.” See Rule 8(c), Fed. R. 26 Governing § 2254 Cases. At this early stage of the case, the  
undersigned does not find that the 27 interests of justice would be served by the appointment of  
counsel.

Therefore, petitioner’s motion 28 for counsel is denied without prejudice to renewal. 1 The  
undersigned has conducted a preliminary review of the petition pursuant to Rule 4 of 2 the Rules  
Governing Habeas Corpus Cases Under Section 2254.1 Because petitioner may be 3 entitled to the  
requested relief if the claimed violation of constitutional rights is proved, 4 respondent will be  
directed to show cause why the writ should not be granted by filing an 5 answer/return within 14  
days from the date of this order.

See 28 U.S.C. § 2243. Petitioner may 6 file a reply/traverse to the answer/return within 7 days  
after being served a copy of it. 7 In accordance with the above, IT IS HEREBY ORDERED that: 8  
1. Petitioner’s motion to proceed in forma pauperis (ECF No. 2) is granted. 9 2. Petitioner’s  
motion to appoint counsel (ECF No. 3) is denied without prejudice to 10 renewal.

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

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

In order to ensure this court's jurisdiction to resolve the pending § 2241 petition, 23 respondent shall not transfer petitioner to another detention center outside of this judicial district, 24 pending further order of the court. See 28 U.S.C. § 1651(a) (establishing the All Writs Act which 25 empowers the federal courts to "issue all writs necessary or appropriate in aid of their respective 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 jurisdictions...."); see also *F.T.C. v. Dean Foods Co.*, 384 U.S. 597, 604 (1966) (emphasizing that 2 || federal courts have the power to "to preserve the court's jurisdiction or maintain the status quo by 3 || injunction pending review of an agency's action"). 4 | DATED: January 9, 2026 Kink 6 SEAN C. RIORDAN 7 UNITED STATES MAGISTRATE JUDGE 8 9 10 1] 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28