

**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

OPINION

Singh

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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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

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