

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Ihab Nadhim Kifah v. John Zaroni, Sheriff

Kifah v. Sheriff · No. 1:24-cv-00856-JLT-SKO (HC) · Decided March 4, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends granting the respondent’s motion to dismiss a state pretrial detainee’s habeas petition. The court concludes that it lacks jurisdiction under 28 U.S.C. §§ 2254 and 2241 because the petitioner is in state custody and a federal detainer does not establish federal custody, and it also finds the claims unexhausted.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sheila K. Oberto
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 4, 2025
DOCKET	1:24-cv-00856-JLT-SKO (HC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner, a state pretrial detainee proceeding pro se, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging a federal detainer. Respondent moved to dismiss for lack of jurisdiction and failure to exhaust state remedies. The magistrate judge issued findings and a recommendation that the motion be granted and the petition dismissed.
STANDARD OF REVIEW	The court reviewed the pleadings and considered whether subject-matter jurisdiction existed under 28 U.S.C. §§ 2254 and 2241 and whether available state remedies had been exhausted.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Ihab Nadhim Kifah v. John Zaroni, Sheriff

TOPICS

- federal habeas corpus
- habeas corpus
- post-conviction relief
- bail
- criminal procedure

PRACTICE AREAS

federal habeas corpus

post-conviction relief

criminal procedure

constitutional law

QUESTIONS PRESENTED

1. Whether a state pretrial detainee may obtain habeas relief under 28 U.S.C. § 2254 when he is not held pursuant to a state-court judgment.
2. Whether a federal detainer, standing alone, places a state detainee in federal custody sufficient to establish jurisdiction under 28 U.S.C. § 2241.
3. Whether the petition should be dismissed for failure to exhaust available state remedies.

HOLDINGS

1. A state pretrial detainee is not held pursuant to a state-court judgment and therefore cannot invoke 28 U.S.C. § 2254 jurisdiction on that basis.
2. A federal detainer or hold, without more, does not place a state detainee in federal custody for purposes of § 2241; therefore, the court lacked jurisdiction over Kifah's petition.
3. The petition was unexhausted because Kifah had not presented his claims to the available California appellate courts or the California Supreme Court.

KEY QUOTATIONS

“Because Petitioner is a pretrial detainee, he is not being held “pursuant to the judgment of a State court.””
(at 1)

“A federal detainer is also insufficient to establish federal custody.” (at 3)

“For the foregoing reasons, the Court RECOMMENDS that Respondent’s motion to dismiss be GRANTED and the petition for writ of habeas corpus be DISMISSED for lack of jurisdiction and failure to exhaust state remedies.” (at 4)

FACTUAL BACKGROUND

Kifah was a state pretrial detainee held at the Fresno County Jail. He challenged a federal detainer lodged by the United States Marshals Service and sought its removal so that he could pursue pretrial bail release. He had not demonstrated that he sought relief in the California appellate courts or Supreme Court.

PROCEDURAL HISTORY

Kifah filed the habeas petition on July 25, 2024, while detained at the Fresno County Jail. The petition challenged a detainer lodged by the United States Marshals Service and sought removal of the detainer so Kifah could seek pretrial bail release. Respondent moved to dismiss on December 20, 2024. Kifah did not reply, and the magistrate judge recommended dismissal for lack of jurisdiction and failure to exhaust state remedies, subject to objections and review by the assigned district judge.

DISPOSITION

dismissed

CASES CITED

- *Braden v. Judicial Circuit Court*, 410 U.S. 484, 503 (1973)
- *Jacobs v. McCaughtry*, 251 F.3d 596, 597 (7th Cir. 2001)
- *Bingaman v. Warden, El Dorado Cnty. Jail*, 2023 WL 7338852, at *1 (E.D. Cal. 2023)
- *Bingaman v. Warden*, 2023 WL 8452775 (E.D. Cal. 2023)
- *Garcia v. Taylor*, 40 F.3d 299, 303 (9th Cir. 1994)
- *Carter v. Uribe*, 2010 WL 234803, at *2 (C.D. Cal. 2010)
- *Campos v. INS*, 62 F.3d 311, 313 (9th Cir. 1995)
- *Rose v. Lundy*, 455 U.S. 509, 518-22 (1982)
- *Gatlin v. Madding*, 189 F.3d 882, 888 (9th Cir. 1999)
- *Duncan v. Henry*, 513 U.S. 364, 365-66 (1995)
- *Toft v. D'Agostini*, 2022 WL 1433525, at *1-2 (E.D. Cal. 2022)
- *Sinclair v. Shaber*, 2023 WL 5280144, at *2 (E.D. Cal. 2023)
- *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014)