

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Marcos B.D.S. v. Warden of the Mesa Verde Detention Facility, et al.

Marcos B.D.S. · No. 1:25-cv-02032-TLN-CSK · Decided December 30, 2025

SUMMARY

The United States District Court for the Eastern District of California construed a pro se immigration detainee’s 28 U.S.C. § 2241 petition as including a request for a temporary restraining order. The court ordered respondents to respond, barred transfer of the petitioner outside the district pending further order, granted in forma pauperis status, and appointed counsel.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Troy L. Nunley
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 30, 2025
DOCKET	1:25-cv-02032-TLN-CSK
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. The court construed the pleading as a motion for a temporary restraining order, temporarily barred transfer of petitioner outside the district, granted in forma pauperis status, and appointed counsel.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown
PARTIES	Marcos B.D.S. v. Warden of the Mesa Verde Detention Facility, et al.

TOPICS

- immigration detention
- federal habeas corpus
- injunctions
- remedies
- civil procedure

PRACTICE AREAS

- immigration
- habeas corpus
- civil procedure
- remedies

QUESTIONS PRESENTED

1. Whether the substance of the pro se § 2241 pleading and requested relief warranted construction as a motion for a temporary restraining order.
2. Whether the court could temporarily prohibit respondents from transferring petitioner outside the district to preserve the court's jurisdiction over the pending habeas petition.
3. Whether petitioner should be granted leave to proceed in forma pauperis.
4. Whether the interests of justice required appointment of counsel for petitioner.

HOLDINGS

1. The court construed petitioner's § 2241 pleading as a motion for a temporary restraining order based on the substance of the brief and the relief requested.
2. Pending further order, respondents were prohibited from transferring petitioner to another detention center outside the Eastern District of California.
3. The interests of justice required appointment of counsel for petitioner because of the complexity of the legal issues involved.

KEY QUOTATIONS

“Pending the Court’s ruling on this petition, Respondents shall not take any action to transfer Petitioner out of this District.” (at 1)

“In light of the complexity of the legal issues involved, the Court has determined that the interests of justice require the appointment of counsel for Petitioner.” (at 2)

FACTUAL BACKGROUND

Marcos B.D.S. is an immigration detainee held at the Mesa Verde Detention Facility and is representing himself. He filed a § 2241 petition seeking relief that the court understood to include immediate injunctive relief. The court was concerned that transferring him outside the district could impair its ability to resolve the pending petition and determined that the legal issues were sufficiently complex to warrant appointed counsel.

PROCEDURAL HISTORY

The case was initiated in the Eastern District of California through a § 2241 habeas petition. Before respondents filed a response, the court construed the request for relief as seeking immediate injunctive relief, ordered respondents to respond, temporarily restrained transfer of petitioner outside the district, granted petitioner's in forma pauperis motion, and granted appointment of counsel.

DISPOSITION

other

CASES CITED

- Estelle v. Gamble, 429 U.S. 97, 106 (1976)

- F.T.C. v. Dean Foods Co., 384 U.S. 597, 608 (1966)
- Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983)

OPINION

1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 FOR THE EASTERN DISTRICT OF
CALIFORNIA 9 10 Marcos B.D.S., No. 1:25-cv-02032-TLN-CSK 11 Petitioner, 12 v. ORDER 13
Warden of the Mesa Verde Detention Facility, et al., 14 Respondents. 15 16 Petitioner Marcos
B.D.S.1 (“Petitioner”), an immigration detainee who is representing 17 himself, filed a petition for
a writ of habeas corpus pursuant to 28 U.S.C. § 2241.

Based on the 18 substance of Petitioner’s brief and the relief requested therein, the Court construes
Petitioner’s 19 pleading as a motion for a temporary restraining order. *Estelle v. Gamble*, 429 U.S.
97, 106 20 (1976) (stating that pleadings by pro se litigants must be held to less stringent standards
than 21 formal pleadings drafted by lawyers). 22 Respondents shall file a response to Petitioner’s
request for injunctive relief by Monday, 23 24 1 As recommended by the Committee on Court
Administration and Case Management of 25 the Judicial Conference of the United States, the
Court omits petitioner’s full name, using only his first name and last initials, to protect sensitive
personal information.

See Memorandum re: 26 Privacy Concern Regarding Social Security and Immigration Opinions,
Committee on Court Administration and Case Management, Judicial Conference of the United
States (May 1, 2018), 27 https://www.uscourts.gov/sites/default/files/18-cv-l-suggestion_cacm_0.pdf.

The Clerk of Court is directed to update the docket to reflect this change accordingly. 28 1 January
5, 2026. Any opposition shall provide the Court with copies of all referenced/relevant 2 portions of
Petitioner’s A-File and any and all available records related to Petitioner’s allegations. 3 Petitioner
may file a reply, if any, by Thursday, January 8, 2026.

4 Pending the Court’s ruling on this petition, Respondents shall not take any action to 5 transfer
Petitioner out of this District. See *F.T.C. v. Dean Foods Co.*, 384 U.S. 597, 608 (1966) 6
(acknowledging the Court’s “express authority under the All Writs Act to issue such temporary 7
injunctions as may be necessary to protect its own jurisdiction”). 8 Petitioner’s motion to proceed
in forma pauperis is granted.

(ECF No. 2.) 9 Petitioner has also filed a motion for the appointment of counsel. (ECF No. 3.) In
light of 10 the complexity of the legal issues involved, the Court has determined that the interests
of justice 11 require the appointment of counsel for Petitioner. See 18 U.S.C. § 3006A(a)(2)(B);
see also 12 *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983).

Within seven days from the date of this 13 order, the appointing authority for the Eastern District
of California shall identify counsel and 14 send counsel’s contact information to Michele Krueger,

Courtroom Deputy for Chief Judge Troy 15 Nunley, via email at mkrueger@caed.uscourts.gov, who shall update the docket to reflect 16 counsel's appointment. If counsel is not a member of the Eastern District of California Criminal 17 Justice Act ("CJA") Panel, the Court hereby authorizes them to serve as CJA counsel for 18 Petitioner for the duration of the proceedings in this Court pursuant to Local Rule 180(b)(1).

19 In accordance with the above, IT IS HEREBY ORDERED that: 20 1. Respondents shall file a response to Petitioner's request for immediate injunctive relief 21 by Monday, January 5, 2026; Petitioner may file a reply, if any, by Thursday, January 22 8, 2026; 23 2.

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 25 judicial district, pending further order of the Court; 26 3. Petitioner's motion to proceed in forma pauperis (ECF No. 2) is granted; 27 4. Petitioner's motion to appoint counsel (ECF No. 3) is granted; Within seven days from 28 the date of this order, the appointing authority for the Eastern District of California 1 shall identify counsel and send counsel's contact information to Michele Krueger, 2 Courtroom Deputy for Chief Judge Troy Nunley, who shall update the docket to 3 reflect counsel's appointment; 4 5.

The Clerk of the Court shall serve a copy of this order on the Federal Defender, 5 Attention: Habeas Appointment, along with a copy of the § 2241 petition; 6 6. The Clerk of the Court shall serve a copy of this order together with a copy of 7 Petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 on 8 the United States Attorney; and 9 7.

The Clerk of Court is directed to update the docket to only list Petitioner's first name 10 and last initials. 11 IT IS SO ORDERED. 12 | Date: December 30, 2025 7, 14 TROY L. NUNLEY CHIEF UNITED STATES DISTRICT JUDGE 15 16 17 18 19 20 21 22 23 24 25 26 27 28