

**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

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](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