

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Flor Alvarez v. Moises Becerra, et al.

Alvarez v. Becerra · No. 1:26-cv-00008 DC SCR · Decided January 6, 2026

SUMMARY

The court orders respondents to show cause within seven days why a habeas petition under 28 U.S.C. § 2241 should not be granted. The order also sets a three-day period for any reply, directs service on the United States Attorney, and prohibits transferring the petitioner outside the judicial district pending further order.

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 6, 2026
DOCKET	1:26-cv-00008 DC SCR
DISPOSITION	other
PROCEDURAL POSTURE	Preliminary review of a counseled immigration detainee's petition for a writ of habeas corpus under 28 U.S.C. § 2241.
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), requiring the court to determine whether the petition may warrant relief before directing a response.
PRECEDENTIAL VALUE	Unpublished interlocutory district court order; limited precedential value.
PARTIES	Flor Alvarez v. Moises Becerra, et al.

TOPICS

- immigration detention
- federal habeas corpus
- injunctions
- immigration
- procedural due process

PRACTICE AREAS

- immigration detention
- federal habeas corpus
- injunctive relief
- civil procedure

QUESTIONS PRESENTED

1. Whether the § 2241 petition warranted an order requiring respondents to show cause why habeas relief should not be granted.
2. Whether the court should prohibit respondents from transferring petitioner outside the judicial district to preserve the court's jurisdiction over the pending habeas petition.

HOLDINGS

1. Because the petition alleged facts that, if proven, could entitle petitioner to relief and raised serious allegations concerning the basis for her immigration detention, respondents must file an answer or return showing cause why the writ should not be granted.
2. To preserve its jurisdiction over the pending § 2241 petition, the court prohibited respondents from transferring petitioner to another detention center outside the judicial district pending further order.

KEY QUOTATIONS

“issue all writs necessary or appropriate in aid of their respective jurisdictions....” (at 1)

“to preserve the court’s jurisdiction or maintain the status quo by injunction pending review of an agency’s action” (at 1)

FACTUAL BACKGROUND

Petitioner was an immigration detainee proceeding through counsel. She alleged that respondents had not articulated a basis for her detention, that she did not appear in the online detainee locator system or the EOIR system, and that respondents were pressuring her to sign documents she did not understand while she was represented. The court found that petitioner could be entitled to relief if her alleged constitutional-rights violations were proven.

PROCEDURAL HISTORY

Petitioner filed a paid § 2241 habeas petition challenging her immigration detention. The district court conducted a preliminary review under Rule 4 of the Rules Governing Habeas Corpus Cases Under Section 2254, applied to the § 2241 petition through Rule 1(b), and ordered respondents to show cause why the writ should not issue. The court also barred transfer of petitioner outside the district pending further order.

DISPOSITION

other

CASES CITED

- 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 FLOR ALVAREZ, No. 1:26-cv-00008 DC SCR 12 Petitioner, 13 v. ORDER
14 MOISES BECERRA, et al., 15 Respondents. 16 17 Petitioner is an immigration detainee
proceeding through counsel in this habeas action 18 filed pursuant to 28 U.S.C. § 2241. Petitioner
had paid the required filing fee.

District Judge 19 Coggins has referred the proceedings to the undersigned pursuant to Local Rule
302(c) and 28 20 U.S.C. § 636(b)(1). ECF No. 4. 21 The undersigned has conducted a preliminary
review of the petition pursuant to Rule 4 of 22 the Rules Governing Habeas Corpus Cases Under
Section 2254.1 Because petitioner may be 23 entitled to the requested relief if the claimed
violation of constitutional rights is proved, and 24 because of the serious nature of the allegations
that respondents have not articulated a basis for 25 her detention, that she does not appear in either
the online detainee locator system or the EOIR 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 | system, and that respondents are pressuring her to sign documents she does not understand
while 2 || represented, respondents will be directed to show cause why the writ should not be
granted by 3 | filing an answer/return within 7 days from the date of this order. See 28 U.S.C. §
2243. 4 | Petitioner may file a reply/traverse to the answer/return within 3 days after being served a
copy of 5 || it.

6 In accordance with the above, IT IS HEREBY ORDERED that: 7 1. Respondent is directed to
file an answer/return within 7 days from the date of this 8 | order. If an answer/return is filed,
respondent shall include with the answer/return any and all 9 || transcripts or other documents
relevant to the determination of the issues presented in the 10 | application.

11 2. Petitioner's reply/traverse, if any, is due within 3 days after being served a copy of 12 |
respondent's answer/return. 13 3. Absent a further order of the court, the petition will be taken
under submission after the 14 | filing of the reply/traverse. 15 4.

The Clerk of the Court shall serve a copy of this order together with a copy of 16 || petitioner's
application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 on the United 17 | States
Attorney. 18 5. In order to ensure this court's jurisdiction to resolve the pending § 2241 petition,
19 | respondent shall not transfer petitioner to another detention center outside of this judicial
district, 20 || pending further order of the court.

See 28 U.S.C. § 1651(a) (establishing the All Writs Act which 21 || empowers the federal courts to
"issue all writs necessary or appropriate in aid of their respective 22 | jurisdictions...."); see also
F.T.C. v. Dean Foods Co., 384 U.S. 597, 604 (1966) (emphasizing that 23 || federal courts have the

power to “to preserve the court’s jurisdiction or maintain the status quo by 24 | injunction pending review of an agency’s action”).

25 || DATED: January 6, 2026 27 SEAN C. RIORDAN 28 UNITED STATES MAGISTRATE
JUDGE

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