

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

**Roberto Antonio Pernaletе Ures v. Warden of the Mesa Verde
Detention Facility, et al.**

No. 1:25-CV-02037-DAD-DMC · No. No. 1:25-CV-02037-DAD-DMC · Decided December 31, 2025

SUMMARY

The United States District Court for the Eastern District of California denied as moot an immigration detainee's application to proceed in forma pauperis because the filing fee had already been paid. The court granted the motion to appoint counsel, directed appointment and service procedures, required the parties to submit a briefing schedule, and prohibited transferring the petitioner outside the district pending further order.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dennis M. Cota
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 31, 2025
DOCKET	No. 1:25-CV-02037-DAD-DMC
DISPOSITION	other
PROCEDURAL POSTURE	An immigration detainee filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 and moved to proceed in forma pauperis and for appointment of counsel. On preliminary review, the court denied in forma pauperis status as moot, appointed the Federal Defender, and ordered interim measures concerning briefing and Petitioner's transfer.
STANDARD OF REVIEW	Preliminary review under Rule 4 of the Rules Governing Habeas Corpus Cases Under Section 2254, applied to the § 2241 petition pursuant to Rule 1(b).
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Roberto Antonio Pernaletе Ures v. Warden of the Mesa Verde Detention Facility, et al.

TOPICS

federal habeas corpus

immigration detention

immigration

injunctions

civil procedure

PRACTICE AREAS

immigration

federal habeas corpus

civil procedure

constitutional law

remedies

QUESTIONS PRESENTED

1. Whether the application to proceed in forma pauperis should be denied as moot because Petitioner had already paid the filing fee.
2. Whether counsel should be appointed for an indigent or unrepresented § 2241 petitioner when the legal issues are complex and the alleged constitutional violation, if proved, may warrant relief.
3. Whether Respondent should be prohibited from transferring Petitioner outside the district to preserve the court's jurisdiction over the pending § 2241 petition.

HOLDINGS

1. The application to proceed in forma pauperis was denied as moot because Petitioner had already paid the required filing fee.
2. The court appointed the Federal Defender to represent Petitioner because of the complexity of the legal issues and the possibility that Petitioner could obtain relief if his claimed constitutional violation were proved.
3. Respondent was ordered not to transfer Petitioner outside the Eastern District of California pending further order of the court.

KEY QUOTATIONS

“issue all writs necessary or appropriate in aid of their respective jurisdictions” (at 2)

“to preserve the court’s Jurisdiction or maintain the status quo by injunction pending review of an agency’s action” (at 2)

FACTUAL BACKGROUND

Roberto Antonio Pernalet Ures is an immigration detainee proceeding without counsel who filed a § 2241 habeas petition. He alleged a violation of constitutional rights and sought relief that, if established, could entitle him to relief. He had already paid the filing fee despite filing an application to proceed in forma pauperis.

PROCEDURAL HISTORY

Petitioner filed a § 2241 habeas petition and an application to proceed in forma pauperis. The docket showed that he had already paid the filing fee. After preliminary review under Rule 4 of the Rules Governing Habeas Corpus Cases Under Section 2254, the court appointed counsel and entered case-management and jurisdiction-preserving orders.

DISPOSITION

other

CASES CITED

- Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983)
- 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 ROBERTO ANTONIO PERNALETE No. 1:25-CV-02037-DAD-DMC
URES, 12 Petitioner, 13 ORDER v. 14 WARDEN OF THE MESA VERDE 15 DETENTION
FACILITY, et. al., 16 Respondents. 17 18 Petitioner, an immigration detainee who is representing
himself, filed a petition for 19 a writ of habeas corpus pursuant to 28 U.S.C. § 2241 together with
an application to proceed in 20 forma pauperis.

However, the docket indicates that Petitioner already paid the required filing fee. 21 See ECF No.
1. Accordingly, the application to proceed in forma pauperis will be denied as 22 moot. 23 The
court has conducted a preliminary review of the petition pursuant to Rule 4 of 24 the Rules
Governing Habeas Corpus Cases Under Section 2254.1 In light of the complexity of 25 the legal
issues involved, the court has determined that the interests of justice require the 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 appointment of counsel for Petitioner and Petitioner's motion for appointment of counsel will be
2 granted. See 18 U.S.C. § 3006A(a)(2)(B); see also Weygandt v. Look, 718 F.2d 952, 954 (9th 3
Cir. 1983). 4 Because Petitioner may be entitled to the requested relief if the claimed violation 5 of
constitutional rights is proved, Petitioner's counsel, once appointed, shall meet and confer with 6
Respondent's counsel regarding a briefing schedule for this case.

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 DENIED 9 AS MOOT. 10 2. Petitioner's motion to
appoint counsel, ECF No. 3, is GRANTED and The 11 Federal Defender is appointed to represent
Petitioner. 12 3.

The Clerk of the Court shall serve a copy of this order, along with a copy 13 of the § 2241 petition,
on the Federal Defender, Attention: Habeas Appointment. 14 4. Within ten days of this order, the
appointing authority for the Eastern 15 District of California shall identify counsel and send
counsel's contact information to the 16 undersigned's courtroom deputy Jodi Palmer at
jpalmer@caed.uscourts.gov, and counsel 17 will be added as counsel for Petitioner.

If counsel is not a member of the Eastern District 18 of California Criminal Justice Act Panel, within ten days of this Order the Federal 19 Defender shall file a motion to appoint counsel as CJA counsel pro hac vice. 20 5. Additionally, the Clerk of the Court shall serve a copy of this order 21 together with a copy of Petitioner’s application for a writ of habeas corpus pursuant to 28 22 U.S.C. § 2241 on the United States Attorney.

23 6. New counsel for Petitioner shall meet and confer with opposing counsel on 24 a briefing schedule and jointly file that schedule with the court within fourteen (14) days 25 of this order. 26
/// 27 /// 28 /// 1 2 7.

In order to ensure this court’s jurisdiction to resolve the pending § 2241 3 petition, Respondent shall not transfer Petitioner outside of this judicial district, pending 4 further order of the court. See 28 U.S.C. § 1651(a) (establishing the All Writs Act which 5 empowers the federal courts to “issue all writs necessary or appropriate in aid of their 6 respective jurisdictions....”); see also *F.T.C. v. Dean Foods Co.*, 384 U.S. 597, 604 7 (1966) (emphasizing that federal courts have the power to “to preserve the court’s 8 Jurisdiction or maintain the status quo by injunction pending review of an agency’s 9 action’).

10 11 | Dated: December 31, 2025 Ss..c0_, 12 DENNIS M. COTA 13 UNITED STATES
MAGISTRATE JUDGE 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28