

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.

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