

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)

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