

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

OPINION

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

PER CURIAM.

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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

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