

**UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA**

Raul De La Torre v. Todd M. Lyons, et al.

De La Torre v. Lyons · No. 25-cv-08998-JSC · Decided October 24, 2025

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
RAUL DE LA TORRE, Case No. 25-cv-08998-JSC 8 Plaintiff, ORDER VACATING
TEMPORARY 9 v. RESTRAINING ORDER AND DISMISSING PETITION WITHOUT 10
TODD M. LYONS, et al., PREJUDICE 11 Defendants. Re: Dkt. Nos. 1, 10, 13 12 13 Petitioner
filed a writ of habeas corpus in the Northern District of California on October 14 19, 2025 and
moved for a temporary restraining order the following day, which the Court granted.

15 (Dkt. No. 10.) After the Court granted the TRO, the government filed an opposition noting that
16 Petitioner was detained in Fresno, California, in the Eastern District of California. (Dkt. No.
11.) 17 The government also released Petitioner from custody, in compliance with the Court's
order. 18 (Dkt. No. 12.)

On October 22, 2025, the Court issued an order to Petitioner to show why the 19 petition should
not be dismissed, noting the Court does not have jurisdiction to entertain the 20 petition as the
Northern District of California is not where Petitioner was detained. (Dkt. No. 11.) 21 Petitioner
filed a Response the next day, arguing the case should be transferred “in the interest of 22 justice”
under 28 U.S.C. Sections 1404(a) and 1406(a).

(Dkt. No. 14.) 23 These statutes do not authorize the Court to hear this petition. First, Petitioner
does not 24 address and thus does not dispute this Court never had jurisdiction to issue the
temporary 25 restraining order in the first instance. So, the temporary restraining order must be
vacated. 26 Second, sections 1404(a) and 1406(a) allow transfer only to districts where the
petition “might 27 have been brought.” 28 U.S.C. §§ 1404(a), 1406(a).

The petition could not have been filed here 1 entertain a habeas petition is one located in the
‘district in which the applicant is held,’ in other 2 words, the district of confinement.” Doe v.
Garland, 109 F.4th 1188, 1198 (9th Cir. 2024) (citing 3 28 U.S.C. § 2242); (Dkt. No. 13.)

Third, as Petitioner has been released, he is no longer in 4 || custody. 5 Accordingly, the Court
VACATES the Temporary Restraining Order and DISMISSES 6 || Petitioner's habeas petition
without prejudice. 7 This order disposes of Dkt. Nos. 1 and 10.

The Clerk shall close the case. 8 IT IS SO ORDERED. 9 Dated: October 24, 2025 ACQUELINE
SCOTT CORLE I United States District Judge 12 15 16 17 Z 18 19 20 21 22 23 24 25 26 27 28

