

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

A.E. v. Andrews

No. 1:25-cv-00107-KES-SKO (HC) (E.D. Cal. June 30, 2025) · No. 1:25-cv-00107-KES-SKO (HC) · Decided
July 1, 2025

OPINION

(HC) A.E. v. Andrews

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 A.E., No. 1:25-cv-00107-KES-SKO (HC) 12 Petitioner, ORDER ADOPTING FINDINGS
AND

RECOMMENDATIONS, DENYING

13 v. MOTION TO DISMISS, GRANTING

PETITION FOR WRIT OF HABEAS

14 TONYA ANDREWS, Facility CORPUS, DIRECTING RESPONDENT TO
Administrator, PROVIDE BOND HEARING BEFORE AN

15 IMMIGRATION JUDGE, AND DIRECTING

Respondent. CLERK OF COURT TO ENTER JUDGMENT

16 AND CLOSE CASE

17 Docs. 1, 11, 14

18 19 Petitioner A.E. is an immigration detainee proceeding with a petition for writ of habeas 20
corpus pursuant to 28 U.S.C. § 2241. This matter was referred to a United States Magistrate 21
Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 22 On May 16, 2025, the
assigned magistrate judge issued findings and recommendations to 23 deny respondent Tonya
Andrews' motion to dismiss, to grant the petition, and to direct 24 respondent to provide petitioner
with a bond hearing before an immigration judge at which 25 respondent must justify petitioner's
continued detention by clear and convincing evidence.

26 Doc. 14.1 Those findings and recommendations were served upon all parties and contained
notice

27 1 The findings and recommendations also recommended dismissing all named respondents
except 28 Andrews, the warden of the facility where petitioner is being held. Doc. 14 at 1 n.1. 1
that any objections thereto were to be filed within twenty-one (21) days after service. No 2
objections have been filed, and the deadline to do so has passed. 3 In accordance with the
provisions of 28 U.S.C. § 636(b)(1), the Court has conducted a de 4 novo review of the case.

Having carefully reviewed the file, the Court concludes that the findings 5 and recommendations are supported by the record and proper analysis. 6 In the event a notice of appeal is filed, a certificate of appealability will not be required 7 because this is not a final order in a habeas proceeding in which the detention complained of 8 arises out of process issued by a state court. Forde v. U.S. Parole Commission, 114 F.3d 878 (9th

9 Cir. 1997); see Ojo v. INS, 106 F.3d 680, 681-682 (5th Cir. 1997); Bradshaw v. Story, 86 F.3d 10 164, 166 (10th Cir. 1996). 11 /// 12 /// 13 /// 14 /// 15 /// 16 /// 17 /// 18 /// 19 /// 20 // / 21 /// 22 /// 23 /// 24 /// 25 /// 26 /// 27 /// 28 /// 1 Accordingly, 2 1. The findings and recommendations issued on May 16, 2025, Doc. 14, are adopted 3 in full; 4 2. All named respondents except Tonya Andrews, the warden of the facility where 5 petitioner is being held, are dismissed; 6 3. The Clerk of Court is directed to update the docket to reflect that all respondents 7 except Tonya Andrews have been terminated; 8 4. Respondent Andrews' motion to dismiss, Doc. 11, is denied; 9 5. The petition for writ of habeas corpus, Doc. 1, is granted; 10 6. Respondent is directed to schedule a bond hearing before an immigration judge 11 within thirty (30) days of the date of service of this Order, wherein respondent 12 must justify petitioner's continued detention by clear and convincing evidence, or 13 in the alternative, release petitioner under appropriate conditions of supervision. 14 7. The Clerk of Court is directed to enter judgment and close the case; and 15 8. In the event a notice of appeal is filed, a certificate of appealability is not required. 16 17

1g | IT IS SO ORDERED. _

19 Dated: _ June 30, 2025 4h

UNITED STATES DISTRICT JUDGE

21 22 23 24 25 26 27 28