

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

**Biniam Gebreslase Kidane v. Immigration and Customs Enforcement
(ICE); Warden, Otay Mesa Detention Center**

Kidane · No. 26-CV-599 JLS (SBC) · Decided February 3, 2026

OPINION

Kidane

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

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11 BINIAM GEBRESLASE KIDANE, Case No.: 26-CV-599 JLS (SBC)

12 Petitioner,

ORDER REFERRING PETITION TO

13 v. FEDERAL DEFENDERS FOR

EVALUATION REGARDING

14 IMMIGRATION AND CUSTOMS

APPOINTMENT OF COUNSEL

ENFORCEMENT (ICE); WARDEN,

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OTAY MESA DETENTION CENTER,

(ECF No. 1) 16 Respondents. 17 18 Presently before the Court is Biniam Gebreslase Kidane’s
Petition for Writ of 19 Habeas Corpus pursuant to 28 U.S.C. § 2241 (“Pet.,” ECF No. 1).
Petitioner alleges that 20 he has been detained by the United States Department of Homeland
Security’s (“DHS”) 21 Immigration and Customs Enforcement (“ICE”) division at the Otay Mesa
Detention 22 Center since November 28, 2024. Pet. ¶ 11. 23 Having reviewed the Petition, the
Court finds that summary dismissal of the Petition 24 is unwarranted at this time. See *Kourteva v.*
INS, 151 F. Supp. 2d 1126, 1128 (N.D. Cal. 25 2001) (“Summary dismissal is appropriate only
where the allegations in the petition are 26 vague or conclusory, palpably incredible, or patently
frivolous or false.”) (citing *Hendricks v. Vasquez*, 908 F.2d 490, 491 (9th Cir. 1990)). However,
the Court finds that the Petition 28 lacks sufficient detail for the Court to meaningfully consider
the requested relief. 1 || Accordingly, the Court REFERS this Petition to Federal Defenders for an
evaluation of 2 || whether appointment of counsel would be beneficial to Petitioner. The Court
requests that 3 Federal Defenders make its evaluation and file a status report or appropriate

motion by

4 March 3, 2026. The Clerk of the Court SHALL SERVE a copy of this Order and the

5 || Petition on the Federal Defenders of San Diego, Inc. 6 IT IS SO ORDERED. 7 ||Dated:
February 3, 2026 . tt f Le 8 on. Janis L. Sammartino 9 United States District Judge 10 11 12 13 14
15 16 17 18 19 20 21 22 23 24 25 26 27 28

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