

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Frias-Guevara v. FCI Mendota Warden

No. 1:23-cv-00195-KES-CDB (HC) · No. 1:23-cv-00195-KES-CDB (HC) · Decided August 26, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge's findings and recommendations and dismissed Moises Frias-Guevara's 28 U.S.C. § 2241 petition without prejudice as moot. The petition challenged the Bureau of Prisons' denial of First Step Act earned time credits based on an immigration detainer, and the court directed the clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 26, 2025
DOCKET	1:23-cv-00195-KES-CDB (HC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Federal habeas petition under 28 U.S.C. § 2241; the district court reviewed and adopted a magistrate judge's findings and recommendations to dismiss the petition as moot.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation or stated precedential designation.
PARTIES	Moises Frias-Guevara, Petitioner v. FCI Mendota Warden, Respondent

TOPICS

- federal habeas corpus
- post-conviction relief
- immigration
- remedies

PRACTICE AREAS

- Federal habeas corpus
- Post-conviction relief
- Federal prison law
- Immigration detention

QUESTIONS PRESENTED

- Whether the petition for a writ of habeas corpus under 28 U.S.C. § 2241 should be dismissed as moot.

2. Whether a certificate of appealability was required for this § 2241 petition.

HOLDINGS

1. The petition was dismissed without prejudice as moot.
2. No certificate of appealability was required because the petition was brought under § 2241 and the challenged detention did not arise from a process issued by a state court.

KEY QUOTATIONS

“As the petition is brought under § 2241 and the detention complained of does not arise out of a process issued by a state court, no certificate of appealability is required.” (at 2)

“The petition for writ of habeas corpus, Doc. 1, is DISMISSED without prejudice as moot;” (at 2)

FACTUAL BACKGROUND

Moises Frias-Guevara, a federal prisoner, filed a petition under 28 U.S.C. § 2241 challenging the Bureau of Prisons' denial of earned time credits under the First Step Act. He alleged that the denial was based on his being subject to an immigration detainer. The magistrate judge recommended dismissal as moot, and the district court found the recommendation supported by the record and proper analysis.

PROCEDURAL HISTORY

Petitioner filed a § 2241 petition alleging that the Bureau of Prisons improperly denied him earned time credits under the First Step Act because he was subject to an immigration detainer. The matter was referred to a magistrate judge, who issued findings and recommendations on July 25, 2025, recommending dismissal as moot. The findings and recommendations were returned as undeliverable, petitioner filed no objections, and the district court conducted de novo review, adopted the findings and recommendations, dismissed the petition without prejudice as moot, and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Porter v. Adams, 244 F.3d 1006, 1006-07 (9th Cir. 2001)
- Forde v. U.S. Parole Comm'n, 114 F.3d 878, 879 (9th Cir. 1997)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 MOISES FRIAS-GUEVARA, No. 1:23-cv-00195-KES-CDB (HC) 12
Petitioner, ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, DISMISSING THE
13 v. PETITION FOR WRIT OF HABEAS CORPUS AS MOOT, AND DIRECTING THE 14

FCI MENDOTA WARDEN, CLERK OF THE COURT TO CLOSE THIS CASE 15 Respondent.
Doc.

7 16 17 Moises Frias-Guevara, a federal prisoner, proceeds with a writ of habeas corpus pursuant
18 to 28 U.S.C. § 2241, asserting that the U.S. Bureau of Prisons (“BOP”) improperly denied him
19 earned time credits under the First Step Act because he is the subject of an immigration
20 detainer. Doc. 1. This matter was referred to a United States Magistrate Judge pursuant to 28
21 U.S.C. § 636(b)(1)(B) and Local Rule 302.

22 On July 25, 2025, the assigned magistrate judge issued findings and recommendations to 23
dismiss the petition as moot. Doc. 7. The findings and recommendations stated that any 24
objections were to be filed within fourteen (14) days. Doc. 7 at 3.

The findings and 25 recommendations were mailed to petitioner but returned as undeliverable.
Petitioner did not file 26 objections, and the time to do so has passed. 27 According to 28 U.S.C. §
636(b)(1), the Court performed a de novo review of the case. 28 Having carefully reviewed the
matter, the Court concludes the findings and recommendations are 1 | supported by the record and
proper analysis.

2 As the petition is brought under § 2241 and the detention complained of does not arise out 3 | of
a process issued by a state court, no certificate of appealability is required. See *Porter v. 4 | Adams*,
244 F.3d 1006, 1006-07 (9th Cir. 2001) (citing *Forde v. U.S. Parole Comm’n*, 114 F.3d 5 | 878,
879 (9th Cir. 1997)). 6 Accordingly, 7 1.

The findings and recommendations issued on July 25, 2025, Doc. 7, are ADOPTED in 8 full; 9 2.
The petition for writ of habeas corpus, Doc. 1, is DISMISSED without prejudice as moot; 10 and
11 3. The Clerk of Court is directed to close the case. 12 13 14 | IIS SO ORDERED. _ 15 Dated: _
August 26, 2025 4h 6 UNITED STATES DISTRICT JUDGE 17 18 19 20 21 22 23 24 25 26 27 28