

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.

OPINION

(HC) Frias-Guevara v. FCI Mendota Warden

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

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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 detainer.

20 Doc. 1. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C.

21 § 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

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