

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

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. 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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