

1 ADAM GORDON
United States Attorney
2 JACOB T. METZGER
Special Assistant U.S. Attorney
3 Ohio State Bar No. 104783
Office of the U.S. Attorney
4 880 Front Street, Room 6293
San Diego, CA 92101-8893
5 Telephone: (619) 546-8693
Mobile: (619) 885-2119
6 Facsimile: (619) 546-7751
Email: jacob.metzger@usdoj.gov

7 Attorneys for Respondents

8
9 **UNITED STATES DISTRICT COURT**

10 **SOUTHERN DISTRICT OF CALIFORNIA**

11
12 JESUS JULIAN RIVERA GONZALEZ,

13 Petitioner,

14 v.

15 WARDEN, OTAY MESA DETENTION
16 CENTER,

17 Respondents.
18

Case No.: 26-cv-03103-RSH-VET

**RETURN TO PETITION FOR A
WRIT OF HABEAS CORPUS**

19
20 Petitioner has filed for a habeas petition under 28 U.S.C. § 2241. The government
21 has carefully reviewed the petition and asks the Court to deny the petition as it lacks
22 sufficient information for the Court to adjudicate the claim.

23 The Constitution limits federal judicial power to designated “cases” and
24 “controversies.” U.S. Const., art. III, § 2; *see also SEC v. Med. Comm. for Human Rights*,
25 404 U.S. 403, 407 (1972) (federal courts may only entertain matters that present a “case”
26 or “controversy” within the meaning of Article III). “Absent a real and immediate threat of
27 future injury there can be no case or controversy, and thus no Article III standing for a party
28 seeking injunctive relief.” *Wilson v. Brown*, No. 05-cv-1774-BAS-MDD, 2015 WL

1 8515412, at *3 (S.D. Cal. Dec. 11, 2015) (citing *Friends of the Earth, Inc. v. Laidlaw Env'tl.*
2 *Servs. (TOC), Inc.*, 528 U.S. 167, 190 (2000) (“[I]n a lawsuit brought to force compliance,
3 it is the plaintiff’s burden to establish standing by demonstrating that, if unchecked by the
4 litigation, the defendant’s allegedly wrongful behavior will likely occur or continue, and
5 that the threatened injury is certainly impending.”) (simplified)). At the “irreducible
6 constitutional minimum,” standing requires that a petitioner demonstrate the following: (1)
7 an injury in fact (2) that is fairly traceable to the challenged action of the United States and
8 (3) likely to be redressed by a favorable decision. *Lujan v. Defenders of Wildlife*, 504 U.S.
9 555, 560–61 (1992).

10 Moreover, an individual may seek habeas relief under 28 U.S.C. § 2241 if he is “in
11 custody” under federal authority “in violation of the Constitution or laws or treaties of the
12 United States.” 28 U.S.C. § 2241(c). But habeas relief is available to challenge only the
13 legality or duration of confinement. *Pinson v. Carvajal*, 69 F.4th 1059, 1067 (9th Cir.
14 2023); *Crawford v. Bell*, 599 F.2d 890, 891 (9th Cir. 1979); *Dep’t of Homeland Security v.*
15 *Thraissigiam*, 591 U.S. 103, 117 (2020) (The writ of habeas corpus historically “provide[s]
16 a means of contesting the lawfulness of restraint and securing release.”). The Ninth Circuit
17 squarely explained how to decide whether a claim sounds in habeas jurisdiction: “[O]ur
18 review of the history and purpose of habeas leads us to conclude the relevant question is
19 whether, based on the allegations in the petition, release is *legally required* irrespective of
20 the relief requested.” *Pinson*, 69 F.4th at 1072 (emphasis in original); *see also Nettles v.*
21 *Grounds*, 830 F.3d 922, 934 (9th Cir. 2016) (The key inquiry is whether success on the
22 petitioner’s claim would “necessarily lead to immediate or speedier release.”); *Guselnikov*
23 *v. Noem*, No. 25-cv-1971-BTM-KSC, 2025 WL 2300873, at *1 (S.D. Cal. Aug. 8, 2025)
24 (finding petitioners’ claims did not arise under § 2241 because they were not arguing they
25 were unlawfully in custody and receiving the requested relief would not entitle them to
26 release); *Giron Rodas v. Lyons*, No. 25cv1912-LL-AHG, 2025 WL 2300781, at *3 (S.D.
27 Cal. Aug. 1, 2025) (“Like in *Pinson*, the Court lacks jurisdiction over Petitioner’s § 2241
28

1 habeas petition since it cannot be fairly read as attacking ‘the legality or duration of
2 confinement.’”) (quoting *Pinson*, 69 F.4th at 1065).

3 Moreover, the Supreme Court has held that “[h]abeas Corpus Rule 2(c) is more
4 demanding [than Federal Rule of Civil Procedure 8(a)]. It provides that the petition must
5 ‘specify all the grounds for relief available to the petitioner’ and ‘state the facts supporting
6 each ground.’” *Mayle v. Felix*, 545 U.S. 644, 655 (2005) (citing Rules Governing Section
7 2254 Cases in the United States District Court (“Federal Habeas Rules”); *see also James*
8 *v. Borg*, 24 F.3d 20, 26 (9th Cir. 1994) (“Conclusory allegations which are not supported
9 by a statement of specific facts do not warrant habeas relief.”). As stated by the Advisory
10 Committee’s Note on Habeas Corpus Rule 4, 28 U.S.C., p. 471, “notice pleading is not
11 sufficient, for the petition is expected to state facts that point to a real possibility of
12 constitutional error.”) (internal quotation marks omitted).

13 Here, Petitioner’s habeas petition fails to supply sufficient information for the Court
14 to adjudicate Petitioner’s claims. In Petitioner’s habeas petition, Petitioner does not state
15 any ground to support their claim that they are being held in violation of the Constitution,
16 laws, or treaties of the United States. ECF 1 at 6. As such, the Court should deny the
17 petition. *See Alonso Velasquez v. LaRose*, No. 25-cv-3216-JES-AHG, 2025 WL 3473773
18 (S.D. Cal. Dec. 3, 2025) (dismissing without prejudice habeas petition that failed to allege
19 sufficient factual information).

20
21 DATED: June 3, 2026

Respectfully submitted,

22 ADAM GORDON
23 United States Attorney

24 s/ Jacob T. Metzger
25 JACOB T. METZGER
26 Special Assistant U.S. Attorney
27 Attorney for Respondents
28