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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10
11 LUIS FELIPE-BENITEZ,

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13 Petitioner,

14 v.

15 MARKWAYNE MULLIN, *et al.*,

16 Respondents.
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Case No.: 26-cv-03645-RBM-SBC

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

I. INTRODUCTION

Petitioner requests the Court to order his immediate release from Immigration and Customs Enforcement (ICE) custody; however, Petitioner has failed to state a claim upon which relief can be granted as there are no facts asserted in the Petition. Accordingly, the Court should deny Petitioner's requests for relief.

A. Petitioner Fails to Plead Sufficient Information

The Constitution limits federal judicial power to designated "cases" and "controversies." U.S. Const., art. III, § 2; *see also SEC v. Med. Comm. for Human Rights*, 404 U.S. 403, 407 (1972) (federal courts may only entertain matters that present a "case" or "controversy" within the meaning of Article III). "Absent a real and immediate threat of future injury there can be no case or controversy, and thus no Article III standing for a party seeking injunctive relief." *Wilson v. Brown*, No. 05-cv-1774-BAS-MDD, 2015 WL 8515412, at *3 (S.D. Cal. Dec. 11, 2015) (citing *Friends of the Earth, Inc. v. Laidlaw Envtl. Servs. (TOC), Inc.*, 528 U.S. 167, 190 (2000) ("[I]n a lawsuit brought to force compliance, it is the plaintiff's burden to establish standing by demonstrating that, if unchecked by the litigation, the defendant's allegedly wrongful behavior will likely occur or continue, and that the threatened injury is certainly impending.") (simplified)). At the "irreducible constitutional minimum," standing requires that a petitioner demonstrate the following: (1) an injury in fact (2) that is fairly traceable to the challenged action of the United States and (3) likely to be redressed by a favorable decision. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (1992).

Moreover, an individual may seek habeas relief under 28 U.S.C. § 2241 if he is "in custody" under federal authority "in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c). But habeas relief is available to challenge only the legality or duration of confinement. *Pinson v. Carvajal*, 69 F.4th 1059, 1067 (9th Cir. 2023); *Crawford v. Bell*, 599 F.2d 890, 891 (9th Cir. 1979); *Dep't of Homeland Security v. Thraissigiam*, 591 U.S. 103, 117 (2020) (The writ of habeas corpus historically "provide[s] a means of contesting the lawfulness of restraint and securing

1 release.”). The Ninth Circuit squarely explained how to decide whether a claim sounds
2 in habeas jurisdiction: “[O]ur review of the history and purpose of habeas leads us to
3 conclude the relevant question is whether, based on the allegations in the petition,
4 release is *legally required* irrespective of the relief requested.” *Pinson*, 69 F.4th at 1072
5 (emphasis in original); *see also Nettles v. Grounds*, 830 F.3d 922, 934 (9th Cir. 2016)
6 (The key inquiry is whether success on the petitioner’s claim would “necessarily lead
7 to immediate or speedier release.”); *Guselnikov v. Noem*, No. 25-cv-1971-BTM-KSC,
8 2025 WL 2300873, at *1 (S.D. Cal. Aug. 8, 2025) (finding petitioners’ claims did not
9 arise under § 2241 because they were not arguing they were unlawfully in custody and
10 receiving the requested relief would not entitle them to release); *Giron Rodas v. Lyons*,
11 No. 25cv1912-LL-AHG, 2025 WL 2300781, at *3 (S.D. Cal. Aug. 1, 2025) (“Like in
12 *Pinson*, the Court lacks jurisdiction over Petitioner’s § 2241 habeas petition since it
13 cannot be fairly read as attacking ‘the legality or duration of confinement.’”) (quoting
14 *Pinson*, 69 F.4th at 1065).

15 Moreover, the Supreme Court has held that “[h]abeas Corpus Rule 2(c) is more
16 demanding [than Federal Rule of Civil Procedure 8(a)]. It provides that the petition
17 must ‘specify all the grounds for relief available to the petitioner’ and ‘state the facts
18 supporting each ground.’” *Mayle v. Felix*, 545 U.S. 644, 655 (2005) (citing Rules
19 Governing Section 2254 Cases in the United States District Court (“Federal Habeas
20 Rules”); *see also James v. Borg*, 24 F.3d 20, 26 (9th Cir. 1994) (“Conclusory allegations
21 which are not supported by a statement of specific facts do not warrant habeas relief.”).
22 As stated by the Advisory Committee’s Note on Habeas Corpus Rule 4, 28 U.S.C., p.
23 471, “notice pleading is not sufficient, for the petition is expected to state facts that point
24 to a real possibility of constitutional error.”) (internal quotation marks omitted).

25 Here, Petitioner’s habeas petition fails to supply sufficient information for the
26 Court to adjudicate his claims. Petitioner concedes that it cannot confirm “the specific
27 factual allegations and statutory charges asserted against Respondent.” ECF No. 1 at 3.
28 The only fact is that the petition notes are Petitioner’s birthday and Petitioner’s

1 detention location. *Id.* at 6. Further, the petition does not address any essential facts like
2 when Petitioner was detained; thus, the Petition is factually deficient. *Id.* As such, the
3 Court should deny the petition. *See Alonso Velasquez v. LaRose*, No. 25-cv-3216-JES-
4 AHG, 2025 WL 3473773 (S.D. Cal. Dec. 3, 2025) (dismissing without prejudice habeas
5 petition that failed to allege sufficient factual information). For the reasons stated
6 herein, Respondents respectfully request that the Court dismiss this petition for lack of
7 jurisdiction or deny it on the merits.

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11 DATED: July 8, 2026

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