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

EDUARDO CARRILLO-RIVERA,

Petitioner,

v.

MARKWAYNE MULLIN, Secretary of
the Department of Homeland Security;
et al.,

Respondents.

Case No.: 3:26-cv-03854-TWR-JLB

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

On July 2, 2026, Petitioner filed a petition for writ of habeas corpus challenging the legality of his civil immigration detention. ECF No. 1. However, Petitioner is not in immigration custody. Petitioner is currently in the custody of the United States Marshall's Service in a pending criminal case.¹ Though Petitioner has been ordered released from criminal custody subject to conditions, Petitioner has yet to satisfy those conditions and no abstract of release has been issued. *See* Exhibit 1 (Bond Order).

¹ Southern District of California Case No. 3:26-mj-03954-MMP.

1 Accordingly, the Court does not have jurisdiction over the habeas petition as it
2 fails to attack the legality or duration of Petitioner's confinement. *See Guselnikov v.*
3 *Noem*, No. 25-cv-1971-BTM-KSC, 2025 WL 2300873, at *1 (S.D. Cal. Aug. 8, 2025)
4 (finding petitioners' claims did not arise under § 2241 because they were not arguing
5 they were unlawfully in custody and receiving the requested relief would not entitle
6 them to release); *Giron Rodas v. Lyons*, No. 25cv1912-LL-AHG, 2025 WL 2300781,
7 at *3 (S.D. Cal. Aug. 1, 2025) ("Like in *Pinson*, the Court lacks jurisdiction over
8 Petitioner's § 2241 habeas petition since it cannot be fairly read as attacking 'the
9 legality or duration of confinement.'") (quoting *Pinson*, 69 F.4th at 1065).

10 Respondents respectfully request that the Court dismiss the Petition.

11 Dated: July 10, 2026

Respectfully submitted,

12 ADAM GORDON
13 United States Attorney

14 s/ Hunter V. Norton
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16 Attorneys for Respondents
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