

ERIC GRANT
United States Attorney
SHELLEY D. WEGER
Assistant United States Attorney
501 I Street, Suite 10-100
Sacramento, CA 95814
Telephone: (916) 554-2700
Attorneys for Respondents

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Ismel Arley Francisco,


Petitioner,

v.

WARDEN, *et al.*,

Respondents.

No. 1:26-CV-05243-TLN-SCR

MOTION TO DISMISS OR STAY
DUPLICATIVE PETITION

Respondents move to dismiss this case because Petitioner has a habeas case pending in the United States District Court for the Northern District of Texas, *Francisco-Casas v. Warden of Bluebonnet Detention Facility*, No. 1:26-cv-84 (N.D. TX), which addresses the same petitioner and period of detention. Ex. 1 (docket). The habeas petition in the Northern District of Texas pre-dates this petition and is fully briefed, pending a decision. On May 22, 2026, Petitioner's address was updated to reflect the Golden State Annex and Petitioner filed a motion to asking the Northern District of Texas to retain jurisdiction over his habeas petition. *Id.*, Dkt. 14. On June 2, 2026, the district court in Texas found the motion to retain jurisdiction was unnecessary because that court retains jurisdiction under the law despite Petitioner's transfer to the Golden State Annex. *Id.*, Dkt. 16 (Ex. 2).

The first-to-file rule is intended to "serve[] the purpose of promoting efficiency well and should not be disregarded lightly." *Kohn Law Group, Inc. v. Auto Parts Mfg. Mississippi, Inc.*, 787 F.3d 1237,

1 1239 (9th Cir. 2015) (citation omitted). When applying the first-to-file rule, courts should be driven to
2 maximize “economy, consistency, and comity.” *Id.* (quoting *Cadle Co. v. Whataburger of Alice,*
3 *Inc.*, 174 F.3d 599, 604 (5th Cir.1999)). The first-to-file rule may be applied “when a complaint
4 involving the same parties and issues has already been filed in another district.” *Id.* (citation omitted).

5 Respondents request that the Court close, or stay, the instant case as duplicative. Respondents
6 will provide a substantive response if the Court indicates by further order that it intends to proceed to a
7 substantive review of the instant petition despite the pendency of the habeas case in the Texas district
8 court.

9
10 Dated: July 9, 2026

Respectfully submitted,

ERIC GRANT
United States Attorney

11
12
13 By: /s/ Shelley D. Weger
SHELLEY D. WEGER
Assistant United States Attorney

14
15 Attorneys for Respondents
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Eastern District of California and is a person of such age and discretion to be competent to serve papers. She also certifies that on July 9, 2026, a copy of the MOTION TO DISMISS OR STAY DUPLICATIVE PETITION was served by placing said copy in a postpaid envelope addressed to the person(s) hereinafter named, at the place(s) and address(es) stated below, which is/are the last known address(es), and by depositing said envelope and contents in the United States Mail at Sacramento, California.

Addressee: **Ismel Arley Francisco**


**GOLDEN STATE ANNEX
611 Frontage Road
McFarland, CA 93250-1075**

/s/ Shelley D. Weger
SHELLEY D. WEGER