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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JUAN GONZALEZ,

Petitioner,

v.

WARDEN, CALIFORNIA CITY DETENTION
CENTER,

Respondent.

CASE NO. 1:26-CV-05334-TLN-AC

**MOTION TO DISMISS PETITION
FOR WRIT OF HABEAS CORPUS**

BACKGROUND

The instant habeas action challenges Petitioner's detention while DHS is effectuating his final order of removal. Prior to this petition, Petitioner sought habeas relief in the Middle District of Florida, while detained at the North Florida Detention Facility in Florida. Exhibit A (Middle District of Florida court docket sheet); *Gonzalez v. Warden, North Florida Detention Facility, et al.*, Case No. 3:26-cv-01409-JEP-LLL (MD. Fla. 2026) (hereafter "*Petition I*"). As of the time of this filing, *Petition I* has not yet been adjudicated with the petition and government's motion to dismiss and response are pending.

Id.

On July 10, 2026, Petitioner filed the instant habeas petition challenging the legality of his immigration detention. Dkt. 1. Thus, the instant Petition should be dismissed under the first-to-file

rule.¹

A. First to File Rule

“There is a generally recognized doctrine of federal comity which permits a district court to decline jurisdiction over an action when a complaint involving the same parties and issues has already been filed in another district.” *Pacesetter Sys., Inc. v. Medtronic, Inc.*, 678 F.2d 93, 94-95 (9th Cir. 1982). Referred to as the “first-to-file rule,” it “applies when two cases involving ‘substantially similar issues and parties’ have been filed in different districts.” *In re Bozic*, 888 F.3d 1048, 1051 (9th Cir. 2018) (quoting *Kohn Law Grp., Inc. v. Auto Parts Mfg. Miss., Inc.*, 787 F.3d 1237, 1239 (9th Cir. 2015)).

Under the first-to-file rule, when two qualifying cases are filed in different districts, “the second district court has discretion to transfer, stay, or dismiss the second case in the interest of efficiency and judicial economy.” *Id.* at 1051-52 (quoting *Cedars-Sinai Med. Ctr. v. Shalala*, 125 F.3d 765, 769 (9th Cir. 1997)). The rule “is intended to ‘serve[] the purpose of promoting efficiency well and should not be disregarded lightly.’” *Kohn Law Grp., Inc.*, 787 F.3d at 1239 (quoting *Alltrade, Inc. v. Uniweld Prods., Inc.*, 946 F.2d 622, 625 (9th Cir. 1991)) (brackets in original). It is also “designed to avoid placing an unnecessary burden on the federal judiciary, and to avoid the embarrassment of conflicting judgments.” *WCDS Buyer, Inc. v. Sohrab*, No. 8:24-cv-02523-FWS-KES, 2025 WL 2093422, at *2 (C.D. Cal. June 20, 2025) (quoting *Church of Scientology of California v. U.S. Dep’t of Army*, 611 F.2d 738, 750 (9th Cir. 1979), overruled on other grounds by *Animal Legal Def. Fund v. U.S. Food & Drug Admin.*, 836 F.3d 987 (9th Cir. 2016)); *see also* *Melvin v. United States*, No. EDCV 16-800-AG (GJS), 2016 WL 3125703, at *2 (C.D. Cal. May 31, 2016) (dismissing a habeas petition brought under 28 U.S.C. § 2241 based on the first-to-file rule because the petitioner had “duplicative requests for habeas relief pending in two different courts,” and ruling that “[a]s comity is not served by allowing this action to proceed in addition to the identical action filed first ... the Court concludes that this action should be dismissed without prejudice.”).

¹ Generally, habeas jurisdiction is not destroyed by a subsequent transfer of the petitioner. *Winders v. United States*, No. CV-24-03052-PHX-JAT (ESW), 2024 WL 5200492, at *1-2 (D. Ariz. Dec. 23, 2024) (citing *Braden v. 30th Jud. Circuit Ct. of Kentucky*, 410 U.S. 484, 494-495 (1973)). “Accordingly, jurisdiction over a § 2241 petition attaches when a petitioner files a petition in his district of confinement and names his custodian.” *Id.* (citing *Mujahid v. Daniels*, 413 F.3d 991, 994 (9th Cir. 2005)).

District courts consider “three threshold factors in deciding whether to apply the first-to-file rule: (1) the chronology of the two actions; (2) the similarity of the parties; and (3) the similarity of the issues.” *Krikorian v. Post Consumer Brands, LLC*, No. CV 25-2122-JFW (JRPx), 2025 WL 2092825, at *2 (C.D. Cal. June 25, 2025) (citations omitted). However, the first-to-file rule is “not a rigid or inflexible rule to be mechanically applied,” but is to be more generally considered with a “view to the dictates of sound judicial administration.” *Id.* (quoting *Pacesetter*, 678 F.2d at 95).

“In most circumstances, courts have applied the first-to-file rule when the first-filed action is still pending in the district court or was dismissed pending resolution on appeal.” *Young v. L’Oreal USA, Inc.*, 526 F. Supp. 3d 700, 706 (N.D. Cal. 2021). However, “a court is not stripped of its discretion to apply the first-to-file rule even though the first-filed action is no longer pending.” *Id.* Instead, “a court must see if the three pillars supporting the first-to-file rule – economy, consistency, and comity – still warrant a transfer, stay, or dismissal of the subsequently filed action.” *Id.*; *see also Kohn Law Grp., Inc.*, 787 F.3d at 1241 (“When applying the first-to-file rule, courts should be driven to maximize economy, consistency, and comity.”) (citation and internal quotation marks omitted); *see also MMAS Research LLC v. Johnson and Johnson Innovative Medicine*, No. 2:25-cv-01057-RGK-SK, 2025 WL 2659226, at *5-6 (C.D. Cal. Aug. 25, 2025) (“the Court finds the three pillars – economy, consistency, and comity – support applying the first-to-file rule in this case” where the first action had been dismissed).

Here, dismissal is warranted under all three factors. First, the Petition in the Middle District of Florida was filed first. Second, the Petitioner is the same party. Finally, the issues are similar in both Petitions. Thus, the chronology of suits, similarity of parties, and similarity of issues all favor dismissing this action in favor of petitioner’s earlier-filed Middle District of Florida petition.

Indeed, the action in the Middle District of Florida is pending and not yet adjudicated. Here, on the other hand, the Petition is in the early stage and has not been briefed on the merits. Thus, in this situation, dismissal would serve comity, economy, or consistency. Additionally, dismissing this case will not risk conflicting judgments. Alternatively, should this Court decline dismissal without prejudice, it should stay the matter pending the outcome of the Florida petition. A brief stay avoids duplicative briefing and frees this Court to address any residual issues unaddressed by the Florida petition, and

1 prevents a two-track custody regime.

2 **CONCLUSION**

3 For the forgoing reasons, the Court should dismiss this action under the first-filed rule. If the
4 Court prefers to retain jurisdiction, then Respondent requests a stay pending the result of the Florida
5 petition.

6 Respectfully submitted,

7
8 ERIC GRANT
United States Attorney

9 Dated: July 24, 2026

10 By: /S/ ELISA M. RODRIGUEZ
ELISA M. RODRIGUEZ
Assistant United States Attorney

EXHIBIT A

3:26cv1409, Gonzalez V. Warden, North Florida Detention Facility Et Al. (Baker)

US District Court Docket
United States District Court, Florida Middle
(Jacksonville)

This case was retrieved on 07/25/2026

Header

Case Number: 3:26cv1409

Date Filed: 05/28/2026

Assigned To: Judge Jordan Emery Pratt

Referred To: Magistrate Judge Laura Lothman Lambert

Nature of Suit: Habeas Corpus - Alien Detainee (463)

Cause: Petition for Writ of Habeas Corpus (Federal)

Lead Docket: None

Other Docket: None

Jurisdiction: U.S. Government Defendant

Class Code: Open

Statute: 28:2241

Jury Demand: None

Demand Amount: \$0

NOS Description: Habeas Corpus - Alien Detainee

Participants

Litigants

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Petitioner

Warden, North Florida Detention Facility
Respondent

U.S. Attorney General
Respondent

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Proceedings

#	Date	Proceeding Text	Source
1	05/28/2026	PETITION for Writ of Habeas Corpus - Federal filed by Juan Gonzalez. (No service copies provided) (Attachments: # 1 Mailing Envelope)(JVC) (Entered: 05/28/2026)	

#	Date	Proceeding Text	Source
2	05/28/2026	MOTION to Proceed In Forma Pauperis by Juan Gonzalez. (Attachments: # 1 Mailing Envelope)(JVC) Motions referred to Magistrate Judge Laura Lothman Lambert. (Entered: 05/28/2026)	
3	05/29/2026	ENDORSED ORDER granting doc. 2 petitioner's request to proceed in forma pauperis. Signed by Magistrate Judge Laura Lothman Lambert on 5/29/2026. (JLD) (Entered: 05/29/2026)	
4	06/01/2026	ORDER to respond and show cause why the petition should not be granted. The Clerk is directed to serve the petition. Response to petition due by 6/15/2026. The Petitioner has 14 days to reply to the response to petition. Signed by Judge Jordan Emery Pratt on 6/1/2026. (CAW) (Entered: 06/01/2026)	
5	06/01/2026	NOTICE of change of address by Juan Gonzalez. (Attachments: # 1 Mailing Envelope)(ELA) (Entered: 06/01/2026)	
7	06/15/2026	NOTICE of Lead Counsel Designation by Nicholas John Peter Meros on behalf of Warden, North Florida Detention Facility. Lead Counsel: Nicholas J.P. Meros. (Meros, Nicholas) (Entered: 06/15/2026)	
8	06/15/2026	MOTION to Dismiss Petition for Writ of Habeas Corpus by Warden, North Florida Detention Facility. (Meros, Nicholas) (Entered: 06/15/2026)	
9	06/15/2026	RESPONSE to 1 Petition for Writ of Habeas Corpus by U.S. Attorney General. (Attachments: # 1 Exhibit I-213 Record of Deportable/Inadmissible Alien, Dated November 7, 2025, # 2 Exhibit Order of the Immigration Judge, Dated July 12, 2006, # 3 Exhibit Detention History, # 4 Exhibit Notice of Revocation of Release and Informal Interview, Dated May 9, 2026)(Brodersen, Matthew) (Entered: 06/15/2026)	
10	06/29/2026	REPLY to Respondents' Opposition to Petition for Writ of Habeas Corpus re 9 Response to habeas petition by Juan Gonzalez. (Attachments: # 1 Mailing Envelope)(CKS) (Entered: 06/30/2026)	

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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 24, 2026, a copy of the MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS 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 Fresno, California.

Addressee: **Juan Gonzalez**


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/s/ Elisa M. Rodriguez
ELISA M. RODRIGUEZ