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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

YUSNEY FIGUEROA ARGUELLES,

Petitioner,

v.

U.S. ATTORNEY GENERAL, ET AL.,

Respondents.

CASE NO. 1:26-CV-05321-JLT-FJS

**RESPONDENTS' MOTION TO DISMISS OR
TRANSFER PETITION FOR WRIT OF
HABEAS CORPUS**

FACTUAL BACKGROUND

On March 23, 2026, Petitioner completed a petition for writ of habeas corpus in the U.S. District Court for the Middle District of Florida, while detained at the North Florida Detention Center. Ex. 1. The briefing period on the merits of the petition ended July 8, 2026. *Id.* On July 10, 2026, Petitioner filed the present petition.

LEGAL ARGUMENT

I. Application of the first-to-file rule would best meet the interests of judicial economy while preserving the interests of justice.

“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). Known as the “first-to-file rule,” it “applies when two cases involving substantially similar

1 issues and parties have been filed in different districts.” *In re Bozic*, 888 F.3d 1048, 1051 (9th Cir.
2 2018) (citation modified).

3 Under the first-to-file rule, when two qualifying cases are filed in different districts, “the second
4 district court has discretion to transfer, stay, or dismiss the second case in the interest of efficiency and
5 judicial economy.” *Id.* at 1051–52 (quoting *Cedars-Sinai Med. Ctr. v. Shalala*, 125 F.3d 765 (9th Cir.
6 1997)). The rule “is intended to serve the purpose of promoting efficiency well and should not be
7 disregarded lightly.” *Kohn Law Grp., Inc. v. Auto Parts Mfg. Miss., Inc.*, 787 F.3d 1237, 1239 (quoting
8 *Alltrade, Inc. v. Uniweld Prods., Inc.*, 946 F.2d 622 (9th Cir. 1991)) (citation modified). It is also
9 “designed to avoid placing an unnecessary burden on the federal judiciary, and to avoid the
10 embarrassment of conflicting judgments.” *WCDS Buyer, Inc. v. Sohrab*, No. 8:24-cv-02523-FWS-KES,
11 2025 WL 2093422, at *2 (C.D. Cal. June 20, 2025) (quoting *Church of Scientology of Cal. v. U.S. Dep't*
12 *of Army*, 611 F.2d 738 (9th Cir. 1979)); *see also* *Melvin v. United States*, No. EDCV 16-800-AG (GJS),
13 2016 WL 3125703, at *2 (C.D. Cal. May 31, 2016) (dismissing a habeas petition brought under 28
14 U.S.C. § 2241 based on the first-to-file rule because “comity [would not be] not served by allowing this
15 action to proceed in addition to the identical action filed first.”).

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18 **A. Three threshold factors**

19 District courts consider “three threshold factors in deciding whether to apply the first-to-file rule:
20 (1) the chronology of the two actions; (2) the similarity of the parties; and (3) the similarity of the
21 issues.” *Krikorian v. Post Consumer Brands, LLC*, No. CV 25-2122-JFW(JRPx), 2025 WL 2092825, at
22 *2 (C.D. Cal. June 25, 2025) (citations omitted). The first-to-file rule is not “inflexible . . . but rather is
23 to be applied with a view to the dictates of sound judicial administration.” *Id.* (quoting *Pacesetter*, 678
24 F.2d at 95).

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26 Here, all three threshold factors support applying the first-to-file rule. The petition in the Middle
27 District of Florida was filed first. As for the parties, the Petitioner is the same party, and the
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1 Respondents both include the U.S. Attorney General and detention center wardens, while the present
2 petition the Department of Homeland Security and Immigration and Customs Enforcement.¹ Finally,
3 the issue is the same in both Petitions: whether Petitioner's immigration custody is currently lawful.

4 Thus, the chronology of suits, similarity of parties, and similarity of issues all favor dismissing or
5 transferring this action in favor of Petitioner's first-filed petition.
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7 **B. Three pillars**

8 "In most circumstances, courts have applied the first-to-file rule when the first-filed action is still
9 pending in the district court or was dismissed pending resolution on appeal." *Young v. L'Oreal USA,*
10 *Inc.*, 526 F. Supp. 3d 700, 706 (N.D. Cal. 2021). However, a court is "not stripped of its discretion to
11 apply the first-to-file rule even though the first-filed action is no longer pending. Rather, a court must
12 see if the three pillars supporting the first-to-file rule—economy, consistency, and comity—still warrant
13 a transfer, stay, or dismissal of the subsequently filed action." *Id.* (internal citations omitted); *see also*
14 *Kohn Law Grp., Inc.*, 787 F.3d at 1241 ("When applying the first-to-file rule, courts should be driven to
15 maximize economy, consistency, and comity." (citation modified)); *see also MMAS Research LLC v.*
16 *Johnson & Johnson Innovative Med.*, No. 2:25-cv-01057-RGK-SK, 2025 WL 2659226, at *5-6 (C.D.
17 Cal. Aug. 25, 2025).
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19 Applying the three pillars here likewise supports applying the first-to-file rule. The action in the
20 Middle District of Florida has been fully briefed by all parties, and it is reasonable to believe that a
21 decision is forthcoming. Here, on the other hand, the Petition is in the early stages and has not been
22 completely briefed. Dismissal or transfer would serve comity, economy, and consistency by allowing
23 the Middle District of Florida to decide the case on the merits without risking conflicting judgments.
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26 ¹ Generally, a court retains jurisdiction of a habeas petition even after a petitioner's transfer. *Winders v.*
27 *United States*, No. CV-24-03052-PHX-JAT (ESW), 2024 WL 5200492, at *1-2 (D. Ariz. Dec. 23, 2024) (citing
28 *Braden v. 30th Jud. Cir. Ct. of Ky*, 410 U.S. 484 (1973)). "[J]urisdiction 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 (9th Cir. 2005)).

1 Accordingly, this case satisfies the three pillars of the first-to-file rule.

2 **CONCLUSION**

3 For the reasons set forth above, Respondents respectfully request that the Court dismiss or
4 transfer the Petition for Writ of Habeas Corpus. Respondents do not request a hearing.
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6 Dated: August 3, 2026

7 ERIC GRANT
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9 By: /s/ Sean Davis
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