

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

AUG 03 2026

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____
DEPUTY CLERK

MARCOS JOSE BARBOSA VALLENILLA,

Case No. 1:26-cv-05241-DAD-SCR

(captioned as BARBOZA VALENILLA),



PETITIONER'S OBJECTIONS TO

Petitioner,

FINDINGS AND

RECOMMENDATIONS;

REQUEST FOR LIMITED STAY

v.

(ECF No. 4)

WARDEN, CALIFORNIA CITY

IMMIGRATION PROCESSING CENTER,

Respondent.

Petitioner Marcos Jose Barbosa Vallenilla, captioned on the California docket as "Barboza Valenilla," proceeding pro se, timely objects to the July 15, 2026 Findings and Recommendations ("F&R"), filed July 16, 2026, ECF No. 4. Petitioner does not seek duplicative merits proceedings or inconsistent rulings. He respectfully requests that the District Judge decline to dismiss this action

immediately and instead stay it for a short, defined period while the Middle District of Florida decides Petitioner's contemporaneous motion for prompt adjudication or, alternatively, transfer.

BACKGROUND

1. The F&R correctly recognizes that Petitioner's first-filed action, *Barbosa Vallenilla v. Warden, Baker County Detention Center*, No. 3:26-cv-00144-JEP-PDB (M.D. Fla.), was filed on January 26, 2026 and has been fully briefed for several months. ECF No. 4 at 1–2.
2. Petitioner is now confined at California City Immigration Processing Center in this District. His present immediate custodian, current detention records, and current medical care are located here. He has filed in Florida a motion requesting prompt adjudication or, alternatively, transfer of the first-filed action to this District. A copy may be submitted as Exhibit A.
3. Material developments postdate the original Florida petition. The Board of Immigration Appeals dismissed the government's appeal on May 19, 2026, leaving operative Petitioner's deferral of removal to Venezuela under the Convention Against Torture. Petitioner alleges that no accepting third country, travel document, or concrete lawful removal plan has been identified. He remains detained and has serious medical needs, including HIV requiring uninterrupted treatment.

OBJECTIONS

I. TORRES CRUZ CONFIRMS THAT THIS COURT CAN EFFECTIVELY ADDRESS PRESENT CALIFORNIA CUSTODY DESPITE AN EARLIER FLORIDA ACTION.

A closely related procedural example supports a stay rather than immediate dismissal. In *Torres Cruz v. Chestnut*, No. 1:26-cv-04690-DAD-SCR, this Court granted a § 2241 petition on July 16, 2026 and ordered the petitioner's immediate release from California City Immigration Processing Center. ECF No. 8. Public docket records reflect that Torres Cruz had previously filed a habeas action in the Middle District of Florida on May 1, 2026, *Torres Cruz v. North Florida*

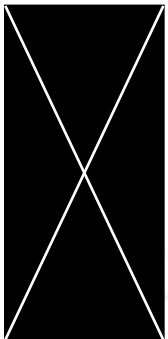
Detention Center, No. 3:26-cv-01093-WWB-SJH, and that the government responded there before the California petition was filed on June 18, 2026.

Petitioner does not represent that the Torres Cruz court was asked to apply the first-to-file rule, and he does not accuse Torres Cruz of failing to disclose the Florida action. The comparison is offered for the narrower proposition that this Court can efficiently adjudicate the legality of detention at California City and provide effective relief even when an earlier Florida habeas docket exists. The July 16 order demonstrates the concrete importance of the current custodian, current detention record, and this Court's ability to order and supervise release from the California facility.

II. A LIMITED STAY WOULD ACCOMPLISH THE PURPOSES OF THE FIRST-TO-FILE RULE WITHOUT RISKING A GAP IN HABEAS REVIEW.

The F&R correctly explains that, when the first-to-file rule applies, the second court has discretion to "transfer, stay, or dismiss" the later action. ECF No. 4 at 2 (quoting *In re Bozic*, 888 F.3d 1048, 1052 (9th Cir. 2018)). Dismissal is therefore not required. A limited stay would preserve comity and prevent inconsistent rulings just as effectively as dismissal while the first-filed court decides whether to rule or transfer.

A stay is particularly appropriate because Petitioner's custody changed involuntarily after the Florida filing, and his present immediate custodian is within this District. The F&R itself describes the Florida ruling as "potentially imminent." ECF No. 4 at 2. A 60-day stay therefore imposes little practical cost: if Florida rules promptly, this Court can lift the stay and act accordingly. If this action is dismissed first and Florida later concludes that transfer or adjudication there is impracticable, Petitioner could temporarily be left without a pending action challenging his ongoing physical confinement. A short stay avoids that procedural gap without requiring Respondent to brief two cases.



Federal courts possess inherent authority to stay proceedings to control their dockets with economy of time and effort for the court, counsel, and litigants. *Landis v. North American Co.*, 299 U.S. 248, 254–55 (1936). Here, the requested stay is limited and tied to a concrete event: resolution of the Florida motion for prompt adjudication or alternative transfer. Petitioner proposes a 60-day stay, with a status report within seven days after the Florida court rules or at the end of 60 days, whichever occurs first.

III. THE POST-FILING DEVELOPMENTS AND PRESENT CUSTODY WARRANT PRESERVING THIS ACTION TEMPORARILY.

The first-to-file analysis addresses chronology, similarity of parties, and similarity of issues. Petitioner does not dispute that the actions substantially overlap. But the current record includes material developments after the Florida petition: a final May 19, 2026 BIA decision, operative CAT protection barring return to Venezuela absent lawful termination, continued confinement in California, current medical needs, and the alleged absence of an identified lawful destination. These circumstances support preserving the California action temporarily while the first court determines the proper path.

Petitioner is not attempting to obtain two merits decisions. He requests only that dismissal be deferred long enough for the Florida court to choose between adjudication and transfer. If Florida promptly adjudicates the petition, Petitioner will notify this Court and the stay can be lifted for appropriate disposition. If Florida transfers the action, this Court can relate or consolidate the matters as permitted by local procedures. If Florida denies transfer without reaching the merits, this Court can then determine whether dismissal remains appropriate.

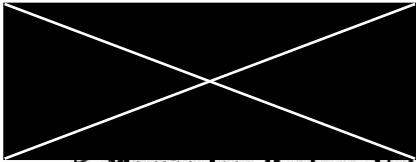
REQUEST FOR RELIEF

Petitioner respectfully requests that the District Judge:

1. decline to adopt the recommendation of immediate dismissal at this time;

2. stay this action for 60 days, or until the Middle District of Florida resolves Petitioner's motion for prompt adjudication or alternative transfer, whichever occurs first;
3. direct Petitioner to file a status notice within seven days after the Florida ruling or at the end of the stay; and
4. grant any other relief the Court deems just and appropriate.

Respectfully submitted,



Marcos Jose Barbosa Vallenilla



Petitioner, Pro Se

California City Immigration Processing Center

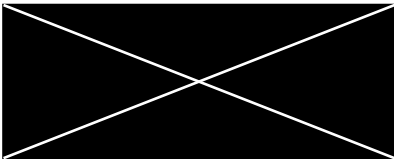
22844 Virginia Boulevard

California City, California 93505

Date: 07/28, 2026

CERTIFICATE OF SERVICE

I certify that on July 28, 2026, I placed a true and correct copy of these objections, with any attached exhibit, in the institution's legal-mail system, postage prepaid, addressed to Respondent at California City Immigration Processing Center/



Marcos Jose Barbosa Vallenilla