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IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JACOBO ANDRES-MATIAS, Petitioner, v. WARDEN, CALIFORNIA CITY CORRECTIONAL CENTER Respondent.	CASE NO. 1:26-CV-05280-RLP **MOTION TO DISMISS; ANSWER TO HABEAS PETITION; OPPOSITION TO MOTION FOR TEMPORARY RESTRAINING ORDER; OPPOSITION TO ALL RELIEF**

BACKGROUND

On April 21, 2026, Petitioner filed a Petition for Writ of Habeas Corpus in the United States District Court for the Middle District of Florida in Case Number 3:26-cv-00970-WWB-LLL. Exhibit 1. The case has been briefed and is awaiting adjudication by the court. *Id.*

On July 9, 2026, Petitioner filed the instant habeas petition along with a motion for temporary restraining order. ECF 1-2. Thus, the instant petition and motion for temporary restraining order should be dismissed under the first-to-file rule.[1] Alternatively, the Court should stay the instant matter until the Middle District of Florida case concludes. Finally, all requested relief should be denied since Petitioner is subject to mandatory detention.

[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)).

Respondents do not request a hearing and do not intend to file additional affirmative briefing but may supplement the record. Respondents do not oppose converting the request for a TRO into a preliminary injunction without further briefing but oppose injunctive relief.

FACTUAL HISTORY

ICE advised Petitioner entered without inspection, was previously released, and has an order of removal issued against him. That order of removal has been appealed to the Board of Immigration Appeals, which is pending. *Id.*[2]

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),

[2] Requisite records have been requested from DHS but have not yet been received. As soon as records have been received, they will be filed as a supplement to the record.

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.").

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 at least under the first two factors. First, the Petition in the Middle District of Florida was filed first. Second, the Petitioner is the same party. The third factor is currently unknown, but the court docket indicates he is challenging his ICE detention.[3] Exhibit 1. Thus, the chronology of suits, similarity of parties, and potential similarity in issues favor dismissing this action in

[3] Respondent will file the habeas petition previously filed in the Middle District of Florida as a supplement to the record, once it has been received.

favor of petitioner's earlier-filed Middle District of Florida petition.

Indeed, the action in the Middle District of Florida is pending judgment as the case has been briefed. 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. Allowing two cases to proceed at the same time risks parallel adjudication and conflicting orders.

A judge in this district already granted a motion to dismiss in a similar situation. *See Bakhronov v. Warden, Golden State Annex*, No. 1:26-cv-04342-NW, 2026 WL 1826486 (E.D. Cal. June 24, 2026)(court applied the first-to-file rule and even though alien was transferred to California, the Northern District of Texas retained jurisdiction to hear the case, denied TRO and dismissed the habeas case)

Dismissal fits Ninth Circuit precedent where the first-filed forum can fully resolve the dispute, and no jurisdiction or timing risk exists. The Ninth Circuit has affirmed dismissal in similar circumstances. *Pacesetter Sys., Inc. v. Medtronic, Inc.*, 678 F.2d 93, 94–95 (9th Cir. 1982). It has favored a stay only to protect a unique statutory-appeal concern and jurisdictional issues absent here. *Alltrade, Inc. v. Uniweld Prods., Inc.*, 946 F.2d 622, 623–25 (9th Cir. 1991). The Supreme Court also endorses "wise judicial administration," and leaves the decision to the Court's discretion. *Kerotest Mfg. Co. v. C-O-Two Fire Equip. Co.*, 342 U.S. 180, 183–84 (1952).

The Court should dismiss without prejudice under the first-filed rule. If the Court declines to dismiss the proceedings, it should stay them pending the Middle District of Florida judgment. A short stay here avoids duplicate briefing, keeps this Court free to address any remaining issues after the Middle District of Florida judgment is rendered, and prevents a two-track custody regime.

B. Petitioner is subject to mandatory detention under 8 USC § 1225(b)(2)

Petitioner entered the United States illegally. Petitioner is thus an "applicant for admission" who is subject to mandatory detention by ICE under 8 U.S.C. § 1225(b)(2). *Joaquin Herrera Avila v. Bondi*, No. 25-3741 (8th Cir. March 25, 2026); *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330, at *1 (5th Cir. Feb. 6, 2026); *see also Cortes Alonzo v. Noem*, 1:25-cv-01519-WBS-SCR at Dkt. 14 (E.D. Cal. Nov. 17, 2025).

An "alien who 'arrives in the United States,' or 'is present' in this country but 'has not been admitted,' is treated as 'an applicant for admission.'" *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018) (quoting 8 U.S.C. § 1225(a)(1)). As an applicant for admission, petitioner is subject to mandatory detention and thus ineligible for a bond hearing. Petitioner does not possess a right to freedom from immigration detention in any form other than the form provided by Congress. *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 212 (1953), *reaffirmed in DHS v. Thuraissigiam*, 591 U.S. 103, 139 (2020). The Court should deny the petition for writ of habeas corpus, motion for temporary restraining order, and all requested relief because there is no such liberty interest, and petitioner's detention is mandated by statute.

CONCLUSION

For the forgoing reasons, the Court should dismiss or deny all relief. Alternatively, the Court should stay the proceedings pending the outcome of the Middle District of Florida case.

Respectfully submitted,

ERIC GRANT
United States Attorney

Dated: July 14, 2026

By: */S/ ANTHONY ANDREWS*
ANTHONY ANDREWS
Assistant United States Attorney

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that I am 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; that on July 14, 2026, I served a copy of Respondents' Motion to Dismiss; Answer to Habeas Petition; Opposition to Motion for Temporary Restraining Order; Opposition to All Relief by forwarding this document to a legal assistant of the same office who subsequently placed said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below which is the last known address, and by depositing said envelope and its contents in the United States Mail at Fresno, California.

/s/ Anthony Andrews
ANTHONY ANDREWS
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Addressee: Jacobo Andres-Matias
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