Jacobo Andres-Matias
[redacted]
California City Correctional Center
P.O. Box 2513
22844 Virginia Boulevard
California City, CA 93505
Petitioner, Pro Se

FILED
AUG 17 2026
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY
DEPUTY CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JACOBO ANDRES-MATIAS, [redacted] Petitioner, Pro Se, *Petitioner,* v. **WARDEN, CALIFORNIA CITY CORRECTIONAL CENTER,** *Respondent.*	**Case No. 1:26-cv-05280-RLP** **PETITIONER'S NOTICE OF CONCLUSION OF MIDDLE DISTRICT OF FLORIDA PROCEEDING AND REQUEST TO LIFT STAY AND RESUME PROCEEDINGS**

TO THE HONORABLE COURT:

Petitioner Jacobo Andres-Matias, proceeding pro se, respectfully submits this Notice to inform the Court that the related habeas proceeding in the United States District Court for the Middle District of Florida has concluded, and respectfully requests that the stay in this action be lifted so that this case may proceed in the normal course.

1. On July 31, 2026, this Court entered a Minute Order (ECF No. 10) granting Respondent's Motion to Dismiss in part and staying this action until the Middle District of Florida case concluded. The Court further directed Respondents to file a notice within one week of the conclusion of the Florida case indicating whether a ruling on the Petition in this action is required or whether this case is moot.

2. The Middle District of Florida case has now concluded. In Andres-Matias v. Correctional Institute et al., Case No. 3:26-cv-00970-WWB-LLL, the United States District Court for the Middle District of Florida entered an Endorsed Order on August 13, 2026 granting Petitioner's Motion for Voluntary Dismissal Without Prejudice. The Clerk was directed to terminate all pending motions and close the file. The Florida docket reflects a termination date of August 13, 2026.

3. Accordingly, the event on which this Court based the stay has occurred: the Middle District of Florida proceeding is closed.

4. Although ECF No. 10 directs Respondents to file the post-conclusion notice, Petitioner respectfully submits this Notice independently so that the Court is promptly informed that the Florida proceeding has ended.

5. Petitioner respectfully requests that the Court lift the stay and permit this California action to continue in the normal course, including resuming consideration of the Petition for Writ of Habeas Corpus (ECF No. 1), the Motion for Temporary Restraining Order (ECF No. 2), and any remaining matters properly before the Court.

6. Petitioner submits this Notice solely to advise the Court of the closure of the Florida action and to request that proceedings in this case resume. Petitioner respectfully requests that no further stay be maintained on the basis of the now-closed Florida proceeding.

WHEREFORE,

Petitioner respectfully requests that the Court lift the stay and allow this matter to proceed in the normal course.

Dated: August 13, 2026

Respectfully submitted,

/s/ Jacobo Andres-Matias
Jacobo Andres-Matias
Petitioner, Pro Se
[redacted]
California City Correctional Center
P.O. Box 2513
22844 Virginia Boulevard
California City, CA 93505

HABEAS

U.S. District Court
Middle District of Florida (Jacksonville)
CIVIL DOCKET FOR CASE #: 3:26-cv-00970-WWB-LLL

Andres-Matias v. Correctional Institute et al
Assigned to: Judge Wendy W. Berger
Referred to: Magistrate Judge Laura Lothman Lambert
Cause: 28:1651 Petition for Writ of Habeas Corpus

Date Filed: 04/21/2026
Jury Demand: None
Nature of Suit: 463 Habeas Corpus - Alien Detainee
Jurisdiction: U.S. Government Defendant

Petitioner

Jacobo Andres-Matias

represented by **Anny Leon**
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ATTORNEY TO BE NOTICED

V.

Respondent

Warden, Florida Baker Correctional Institution

Respondent

ICE / U.S. Immigration and Customs Enforcement,

represented by **Lacy R. Harwell , Jr.**
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ATTORNEY TO BE NOTICED

Respondent

Garret Ripa

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Respondent

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Attorney for Petitioner

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

Jacobo Andres-Matias

Petitioner,

v.

Warden, Florida Baker Correctional Institution

Garrett J. Ripa Field Office Director for Miami Immigration and Customs Enforcement

Todd Lyons, Director of Immigration and Customs Enforcement;

Markwayne Mullin, Secretary of the U.S. Department of Homeland Security; and

Todd Blanche, Acting Attorney General of the United States;

Respondents.

Case No.: 3:26-cv-00970-WWB-LLL

PETITIONER'S MOTION FOR VOLUNTARY DISMISSAL WITHOUT PREJUDICE
AND
INCORPORATED MEMORANDUM OF LAW

LOCAL RULE 3.01(g) CERTIFICATION

Pursuant to Local Rule 3.01(g), undersigned counsel certifies that she conferred with counsel for Respondents, by email on August 11 2026, regarding the relief requested in this Motion. As of filing, Respondents have not stated a position and reserve the right to respond.

I. INTRODUCTION

1.Petitioner Jacobo Andres-Matias, by and through undersigned counsel, respectfully moves this Court, pursuant to Federal Rule of Civil Procedure 41(a)(2), for entry of an order dismissing the above-captioned Petition for Writ of Habeas Corpus (Doc. 1) without prejudice.

2.At the time this action was filed, Petitioner was detained at the Florida Baker Correctional Institution in Sanderson, Florida, within the territorial jurisdiction of this Court. (Doc. 1 ¶¶ 6, 12.)

3.On or about June 2026, Petitioner was transferred out of the custody of the Respondents named in this action and out of the Middle District of Florida. Petitioner is now detained at the California City Immigration Processing Center in California, within the jurisdiction of the United States District Court for the Eastern District of California.

4.As a result of this transfer, Petitioner's immediate custodian — who under controlling Supreme Court precedent is the proper respondent to a petition under 28 U.S.C. § 2241 — is no longer located within, or subject to the jurisdiction of, this Court.

II. LEGAL STANDARD

5.Federal Rule of Civil Procedure 41(a)(2) permits a plaintiff (or, in a habeas proceeding, a petitioner) to obtain dismissal of an action without prejudice by court order, on terms the

court considers proper, where dismissal by stipulation or notice under Rule 41(a)(1) is unavailable because the opposing party has already served a responsive pleading. Fed. R. Civ. P. 41(a)(2).

6. The decision whether to grant a Rule 41(a)(2) dismissal rests within the sound discretion of the district court, and such a dismissal should ordinarily be granted "unless the defendant will suffer clear legal prejudice, other than the mere prospect of a second lawsuit, as a result." Pontenberg v. Boston Scientific Corp., 252 F.3d 1253, 1255 (11th Cir. 2001)

7. It is well established that jurisdiction over a habeas petition brought under 28 U.S.C. § 2241 challenging present physical confinement lies in the district in which the petitioner is confined, and that the proper respondent is the petitioner's immediate custodian at the place of confinement. Rumsfeld v. Padilla, 542 U.S. 426, 434–35, 442–43 (2004)

III. ARGUMENT

8. Petitioner's transfer to California situates proper habeas jurisdiction over his claims in the district of confinement in California, not in the Middle District of Florida. See Rumsfeld v. Padilla, 542 U.S. at 442–43. Continued litigation of this Petition in this District would require the parties and the Court to expend resources on a threshold jurisdictional dispute that can be avoided altogether.

9. Rather than litigate that jurisdictional question here, Petitioner seeks to voluntarily dismiss this action without prejudice so that he may promptly file a new petition under 28 U.S.C. § 2241, raising the same due process and statutory claims presented in the instant Petition, in the district where he is now confined.

10. Dismissal without prejudice will not work any clear legal prejudice on Respondents. This action remains at an early procedural stage. Respondents filed their Certified Habeas Return and Response on May 26, 2026 (Doc. 5), in which they acknowledged that, under the Eleventh Circuit's decision in *Hernandez Alvarez v. Warden, Fed. Det. Ctr. Miami*, Petitioner is detained under 8 U.S.C. § 1226(a) and is entitled to an individualized bond hearing. No dispositive motion has been filed, no evidentiary hearing has occurred, and the Court has not entered any substantive ruling. Respondents remain free to raise any defenses — including exhaustion — in the district where Petitioner is now confined.

11. Dismissal without prejudice also serves the interests of judicial economy and comity, allowing the custodian and venue questions raised by Petitioner's transfer to be resolved, if necessary, by the district court with jurisdiction over Petitioner's current custodian, rather than by this Court.

IV. CONCLUSION

WHEREFORE, Petitioner Jacobo Andres-Matias respectfully requests that this Court enter an Order granting this Motion and dismissing this action without prejudice, with each party to bear its own costs and fees.

8/12/2026

Respectfully submitted,

/s/ Anny Leon
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904-293-7626
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Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on [DATE], a true and correct copy of the foregoing Motion was electronically filed with the Clerk of the Court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record, including counsel for Respondents.

/s/ Anny Leon
Anny Leon, Esq.