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**HABEAS,CLOSED**

**U.S. District Court  
Eastern District of California - Live System (Fresno)  
CIVIL DOCKET FOR CASE #: 1:26-cv-00657-DJC-JDP**

(HC) Garcilazo v. Warden  
Assigned to: District Judge Daniel J. Calabretta  
Referred to: Magistrate Judge Jeremy D. Peterson  
Cause: 8:1105(a) Aliens: Habeas Corpus to Release INS  
Detainee

Date Filed: 01/26/2026  
Date Terminated: 05/22/2026  
Jury Demand: None  
Nature of Suit: 463 Habeas Corpus -  
Alien Detainee  
Jurisdiction: U.S. Government Defendant

**Petitioner**

**Oscar Morales Garcilazo**

represented by **Oscar Morales Garcilazo**  
205-314-214  
1842 Rodgers Rd  
#2K  
Hanford, CA 93230  
(661) 792-2731  
PRO SE

V.

**Respondent**

**Warden**  
*Golden State Annex, Detention Facility*

represented by **US Attorney's Office- 463 Unit**  
Eastern District of California  
Email: usacae.ecf2241-imm@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Cody S. Chapple**  
U.S. Attorney's Office  
2500 Tulare St  
Ste 4401  
Fresno, CA 93721  
559-497-4000  
Email: Cody.chapple@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
01/26/2026	<a href="#"><u>1</u></a>	PETITION for WRIT of HABEAS CORPUS against Warden by Oscar Morales Garcilazo. (Deputy Clerk AMW) (Entered: 01/27/2026)

01/27/2026	<a href="#">2</a>	PRISONER NEW CASE DOCUMENTS and ORDER RE CONSENT ISSUED; Consent or Decline due by 3/2/2026. (Attachments: # <a href="#">1</a> Litigant Letter) (Deputy Clerk AMW) (Entered: 01/27/2026)
01/27/2026		SERVICE BY MAIL: <a href="#">2</a> Prisoner New Case Documents served on Oscar Morales Garcilazo. (Deputy Clerk AMW) (Entered: 01/27/2026)
01/27/2026	<a href="#">3</a>	DESIGNATION of COUNSEL FOR SERVICE. Added attorney Cody S. Chapple for Warden (Chapple, Cody) (Entered: 01/27/2026)
01/27/2026	<a href="#">4</a>	CONSENT/DECLINE of U.S. Magistrate Judge Jurisdiction. Pursuant to Fed. R. Civ. P. 73(b)(1), this document is restricted to attorneys and court staff only. Judges do not have access to view this document and will be informed of a party's response only if all parties have consented to the referral. (Chapple, Cody) (Entered: 01/27/2026)
01/27/2026	<a href="#">5</a>	CERTIFICATE of SERVICE by Warden re <a href="#">3</a> Designation of Counsel, <a href="#">4</a> Consent/Decline of Magistrate Judge Jurisdiction, (Chapple, Cody) (Entered: 01/27/2026)
01/27/2026	<a href="#">6</a>	MINUTE ORDER signed by District Judge Daniel J. Calabretta on 1/27/2026: The Court has reviewed Petitioner's Petition for Writ of Habeas Corpus (ECF No. <a href="#">1</a> ). Based on the relief requested in the Petition, the Court also construes it as a Motion for Temporary Restraining Order. Respondents shall file any Opposition to the Motion for Temporary Restraining Order on or before January 30, 2026. Respondents should address whether they oppose conversion of the Motion for Temporary Restraining Order to a Motion for Preliminary Injunction. The matter is not set for a hearing though the Court may set one should it later be determined that a hearing is necessary. The Clerk of the Court shall serve a copy of this Order together with a copy of Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 on the United States Attorney. [TEXT ONLY ORDER] (Deputy Clerk GJM) (Entered: 01/27/2026)
01/27/2026	<a href="#">7</a>	CLERK'S NOTICE: <a href="#">1</a> Petition for Writ of Habeas Corpus, <a href="#">6</a> Minute Order served electronically on the U.S. Attorney at <a href="mailto:usacae.ecf2241-imm@usdoj.gov">usacae.ecf2241-imm@usdoj.gov</a> . (Deputy Clerk GJM) (Entered: 01/27/2026)
01/27/2026		SERVICE BY MAIL: <a href="#">6</a> Minute Order, <a href="#">7</a> Clerk's Notice served on Oscar Morales Garcilazo. (Deputy Clerk GJM) (Entered: 01/27/2026)
02/01/2026	<a href="#">8</a>	MINUTE ORDER signed by District Judge Daniel J. Calabretta on 2/1/26: On January 27, 2026, the Court issued an Order directing Respondents to file an Opposition to Petitioner's Motion for Temporary Restraining Order, on or before January 30, 2026. (ECF No. <a href="#">6</a> .) Respondents failed to file an Opposition. Accordingly, Respondents are ORDERED TO SHOW CAUSE, on or before February 2, 2026, why Petitioner's Motion should not be granted. Failure to file a response will be construed as non-opposition to the Court granting Petitioner's Motion. IT IS SO ORDERED. [TEXT ORDER ONLY] (Deputy Clerk JZ) (Entered: 02/01/2026)
02/02/2026	<a href="#">9</a>	RESPONSE to <a href="#">8</a> ORDER to SHOW CAUSE by Warden. (Chapple, Cody) (Entered: 02/02/2026)

02/02/2026	<a href="#">10</a>	MOTION to APPOINT COUNSEL by Oscar Morales Garcilazo. (Deputy Clerk KEZ) (Entered: 02/03/2026)
02/03/2026		RECEIPT number 100007082 for the filing fee in the amount of \$5.00 paid on 2/3/2026 by Oscar M Carcilazo. (Deputy Clerk CRM) (Entered: 02/03/2026)
02/05/2026	<a href="#">11</a>	ORDER signed by District Judge Daniel J. Calabretta on 2/5/2026 CONSTRUING Petitioner's <a href="#">1</a> Petition for Writ of Habeas Corpus as a Motion for Temporary Restraining Order, CONVERTING said motion to a Motion for Preliminary Injunction, and GRANTING Petitioner's motion; ORDERING Respondents to immediately release Petitioner O.M.G. from custody and to not impose any additional restrictions on him; ENJOINING AND RESTRAINING Respondents from re-arresting or re-detaining Petitioner absent compliance with constitutional protections; REFERRING this matter to the assigned Magistrate Judge for all further proceedings. (Deputy Clerk GJM) (Entered: 02/05/2026)
02/05/2026		SERVICE BY MAIL: <a href="#">11</a> Order served on Oscar Morales Garcilazo. (Deputy Clerk GJM) (Entered: 02/05/2026)
02/06/2026		SERVICE BY MAIL: 8 Minute Order served on Oscar Morales Garcilazo. (Deputy Clerk HAH) (Entered: 02/06/2026)
02/17/2026		MAIL RETURNED 8 Minute Order, sent to Oscar Morales Garcilazo. (Deputy Clerk LMS) (Entered: 02/24/2026)
02/17/2026		MAIL RETURNED as Detainee not in custody: <a href="#">11</a> Order, sent to Oscar Morales Garcilazo. (Deputy Clerk LMS) (Entered: 02/24/2026)
03/12/2026	<a href="#">12</a>	NOTICE of CHANGE of ADDRESS to 1842 Rodgers Rd., Apt. K, Hanford, CA 93230 by Oscar Morales Garcilazo. (Deputy Clerk VLK) (Entered: 03/13/2026)
03/12/2026	<a href="#">13</a>	CONSENT/DECLINE of U.S. Magistrate Judge Jurisdiction. Pursuant to Fed. R. Civ. P. 73(b)(1), this document is restricted to attorneys and court staff only. Judges do not have access to view this document and will be informed of a party's response only if all parties have consented to the referral. (Deputy Clerk VLK) (Entered: 03/13/2026)
03/17/2026		RE-SERVICE BY MAIL: 8 Minute Order, <a href="#">11</a> Order, served on Oscar Morales Garcilazo at 1842 Rodgers Rd. (Deputy Clerk HAH) (Entered: 03/17/2026)
04/07/2026	<a href="#">14</a>	ORDER signed by Magistrate Judge Jeremy D. Peterson on 4/7/2026 ORDERING that within seven days of the date of service of this order, respondent must file a response to the petition. Within seven days of the date of service of this order, respondent must file any documents necessary for resolving the issues presented in the petition. (Deputy Clerk LMS) (Entered: 04/07/2026)
04/07/2026		SERVICE BY MAIL: <a href="#">14</a> Order, served on Oscar Morales Garcilazo. (Deputy Clerk LMS) (Entered: 04/07/2026)
04/14/2026	<a href="#">15</a>	RESPONSE by Warden to <a href="#">1</a> Petition for Writ of Habeas Corpus. (Chapple, Cody) (Entered: 04/14/2026)
04/27/2026	16	ORDER; FINDINGS and RECOMMENDATIONS (Text only) signed by Magistrate Judge Jeremy D. Peterson on 4/27/2026: After petitioner initiated this action, the court granted injunctive relief by way of ordering petitioner's release. (ECF No. <a href="#">11</a> .)

		<p>Still pending is petitioner's petition for writ of habeas corpus under 28 U.S.C. § 2241. (ECF No. <a href="#">1</a> .) The primary dispute between the parties is whether re-detention without a pre-deprivation hearing violated petitioner's Fifth Amendment rights. I have addressed this issue previously and have consistently found that re-detention without a pre-deprivation hearing violates a noncitizen's due process rights. See, e.g., <i>Amarillo v. Robbins</i>, No. 1:25-cv-1623-JDP, 2026 WL 279856 (E.D. Cal. Feb. 3, 2026). After considering the parties' filings, and for the reasons stated in <i>Amarillo</i> and similar cases, I find that petitioner's Fifth Amendment due process rights were violated. Accordingly, it is hereby ORDERED that petitioner's motion for the appointment of counsel, ECF No. <a href="#">10</a> , is DENIED. Further, it is hereby RECOMMENDED that: (1) the petition for writ of habeas corpus, ECF No. <a href="#">1</a> , be GRANTED; (2) the preliminary injunctive relief previously granted, ECF No. <a href="#">11</a> , be made permanent; and (3) the Clerk of Court be ordered to enter judgment accordingly and close this case. These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within seven days of service of these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Any such document should be captioned "Objections to Magistrate Judge's Findings and Recommendations," and any response shall be served and filed within seven days of service of the objections. The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. See <i>Turner v. Duncan</i>, 158 F.3d 449, 455 (9th Cir. 1998); <i>Martinez v. Ylst</i>, 951 F.2d 1153 (9th Cir. 1991). (Deputy Clerk NAC) (Entered: 04/27/2026)</p>
04/27/2026		SERVICE BY MAIL: 16 Order; Findings and Recommendations served on Oscar Morales Garcilazo. (Deputy Clerk NAC) (Entered: 04/27/2026)
05/22/2026	<a href="#">17</a>	ORDER signed by District Judge Daniel J. Calabretta on 5/21/2026 ADOPTING 16 Findings and Recommendations. The <a href="#">1</a> petition for writ of habeas corpus is GRANTED. The <a href="#">11</a> preliminary injunctive relief previously granted is PERMANENT. The Clerk to enter judgment accordingly. CASE CLOSED. (Deputy Clerk KEZ) (Entered: 05/22/2026)
05/22/2026	<a href="#">18</a>	JUDGMENT dated *5/22/2026* pursuant to order signed by District Judge Daniel J. Calabretta on 5/21/2026 in favor of Petitioner. (Deputy Clerk KEZ) (Entered: 05/22/2026)
05/22/2026		SERVICE BY MAIL: <a href="#">17</a> Order Adopting Findings and Recommendations and <a href="#">18</a> Judgment served on Oscar Morales Garcilazo. (Deputy Clerk KEZ) (Entered: 05/22/2026)

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