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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID MARTINEZ-HERNANDEZ,
Petitioner,
v.
KRISTI NOEM, Secretary, et al.,
Respondents.

No. 2:26-cv-00449-KES-FJS (HC)
ORDER DISCHARGING ORDER TO SHOW
CAUSE RE: SANCTIONS
[ECF No. 9]

Petitioner is an immigration detainee proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On February 17, 2026, Petitioner filed a habeas petition complaining that his detention since August 29, 2023, has become unreasonably prolonged in violation of his constitutional rights. (ECF No. 1.) On February 20, 2026, the Court issued an order directing Respondent to show cause why the petition should not be granted. (ECF No. 7.) Respondent was provided thirty (30) days to respond. Over thirty (30) days passed, and Respondent failed to file a responsive pleading. Thus, on March 30, 2026, the Court issued an order directing Respondent to show cause why sanctions should not be imposed for failure to comply with a court order pursuant to Local Rule 11-110. (ECF No. 9.)

On April 9, 2026, Respondent filed a response to the petition. (ECF No. 10.) As to the order regarding sanctions, Counsel for Respondent submits that the failure to respond was due to

1 oversight. (ECF No. 10 at 1.) Counsel states she requested information from her contacts in the
2 U.S. Immigration and Customs Enforcement (“ICE”) necessary to prepare the response on March
3 4, 2025. (ECF No. 10 at 5.) Counsel states that for a substantial portion of the response period,
4 she was out of the country without access to a work computer or a secure phone necessary for
5 access to case files and electronic notifications. Upon her return, she realized the order had been
6 overlooked, and further, that the requested information from ICE had not been received until after
7 the deadline had passed. Counsel acknowledges the failure and requests sanctions not be imposed.

8 The Court does not find sanctions warranted in this instance. Counsel provides a valid
9 reason for the oversight. While the failure is significant due to a person’s potential liberty is at
10 stake, it is apparent the oversight was not intentional.

11 Accordingly, the Order to Show Cause is HEREBY DISCHARGED. The Court notes that
12 the response has been filed, and the matter is now pending an optional reply from Petitioner, after
13 which the petition will be fully briefed.

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15 IT IS SO ORDERED.

16 Dated: April 20, 2026

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19 FRANK J. SINGER
20 UNITED STATES MAGISTRATE JUDGE
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