

1 nothing more th[a]n a[n] Immigration Detainer.” (*Id.*, citing Doc. 14 [modifications in original].)
2 The magistrate judge found that “an order of expedited removal under section 235(b)(1) of the
3 Immigration and Nationality Act was issued on February 14, 2023, with respect to Petitioner.”
4 (*Id.* at 3, citing Doc. 19 and Doc. 10-1 at 27, 34.) The magistrate judge observed such an
5 “expedited removal” includes a process for “certain non-citizens... without a hearing before an
6 immigration judge.” (*Id.* at 3 n.2, quoting *Alvarado-Herrera v. Garland*, 993 F.3d 1187, 1190
7 (9th Cir. 2021).) Because Petitioner is the subject of a removal order under immigration laws, the
8 magistrate judge found “Petitioner is statutorily ineligible to apply earned time credits towards
9 prerelease custody or supervised release and cannot obtain the relief he seeks in the petition.”
10 (*Id.*, citing 18 U.S.C. § 3632(d)(4)(E)(i).) Therefore, the magistrate judge recommended the
11 motion to dismiss be granted. (*Id.*)

12 Petitioner filed objections to the Findings and Recommendations, reiterating his assertion
13 that “time credits should be applied and Petitioner should be released.” (Doc. 22 at 2.) Petitioner
14 maintains “nothing has been issued by an Immigration Judge.” (*Id.*)

15 Petitioner’s objections do not meaningfully respond to the findings of the magistrate
16 judge. As the magistrate judge observed, the record before the Court shows a final order of
17 removal was issued regarding Petitioner, and Petitioner was the subject of an expedited removal.
18 (*See* Doc. 10-1 at 34; *see also* Doc. 19 [under seal].) The Ninth Circuit explained, “Expedited
19 removal proceedings involve, as the name suggests, a streamlined process through which certain
20 non-citizens ... may be removed from the United States *without a hearing before an immigration*
21 *judge.*” *Alvarado-Herrera*, 993 F.3d at 1190, citing 8 U.S.C. § 1225(b)(1) (emphasis added).
22 Furthermore, “[e]xpedited removal orders are entered by DHS immigration officers, *not by*
23 *immigration judges.* *Id.* (emphasis added); *see also* 8 U.S.C. § 1225(b)(1)(A)(i) (noncitizens
24 subject to removal orders are not afforded a hearing before an immigration judge or review of the
25 removal order). Thus, although Petitioner protests that he did not see an immigration judge—and
26 suggests that as a result there is no removal order—the expedited removal process did not require
27 an immigration judge to enter the order of removal.

28 According to 28 U.S.C. § 636(b)(1)(C), this Court performed a *de novo* review of this

1 case. Having carefully reviewed the matter, the Court concludes the Findings and
2 Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:
3 1. The Findings and Recommendations issued on November 21, 2023 (Doc. 21) are
4 **ADOPTED** in full.
5 2. Respondent's motion to dismiss (Doc. 10) is **GRANTED**.
6 3. The petition for writ of habeas corpus is **DISMISSED**.
7 4. The Clerk of Court is directed to close this case.

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9 IT IS SO ORDERED.

10 Dated: March 26, 2024


UNITED STATES DISTRICT JUDGE

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