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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ISRAEL CRUZ,

Case No. 2:17-cv-01396-APG-VCF

Petitioner,

ORDER

vs.

IMMIGRATION AND CUSTOMS
ENFORCEMENT,

Respondent.

This immigration habeas matter under 28 U.S.C. § 2241 comes before the Court for initial review. The filing fee has been paid.

Petitioner was in local custody at the time that he filed the petition on a municipal court conviction. The sole relief requested in the petition is that an immigration detainer or “hold” be removed, with petitioner explicitly stating that “nothing more” is requested. (ECF No. 1, at 9.) A bare immigration detainer or hold alone does not place an alien in the custody of federal immigration authorities for purposes of federal habeas jurisdiction. *See, e.g., Campos v. Immigration and Naturalization Service*, 62 F.3d 311, 314 (9th Cir. 1995); *Bederian v. Apker*, 2017 WL 880416, at *1 (E.D. Cal., March 6, 2017); *Bone v. Holder*, 2015 WL 2345545, at *2 (E.D. Cal., May 14, 2015)(collecting cases); *Montalvo v. United States*, 2010 WL 1418193 (D. Nev., April 6, 2010)(denying a COA on the issue). This action accordingly will be dismissed for lack of jurisdiction.¹

IT THEREFORE IS ORDERED that the petition shall be DISMISSED without prejudice for lack of jurisdiction.


IT FURTHER IS ORDERED that a certificate of appealability is DENIED, as jurists of reason would not find the Court’s dismissal of the action for lack of jurisdiction to be debatable or wrong.

¹Nothing herein suggests that the petition is not subject to other deficiencies. *Inter alia*, it does not appear that petitioner has named a proper respondent, and the factual allegations presented further do not appear to state a claim for relief under the Due Process Clause. The Court does not reach any such issues given that the matter is being dismissed for lack of jurisdiction.

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The Clerk of Court shall enter final judgment accordingly, dismissing this action without prejudice.

Dated: November 13, 2017.



ANDREW P. GORDON
United States District Judge