UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JESUS ALFONSO LARCO GOMEZ, Petitioner, v. WARDEN OF CALIFORNIA CITY DETENTION FACILITY, et al., Respondents.	Case No. 1:26-cv-05977-KES-EPG-HC ORDER SETTING BRIEFING SCHEDULE

Petitioner is a federal immigration detainee proceeding *pro se* with a petition of writ of habeas corpus pursuant to 28 U.S.C. § 2241.

On July 30, 2026, Petitioner filed a petition for writ of habeas corpus and motion for temporary restraining order ("TRO"). (ECF Nos. 1, 5.) On August 4, 2026, Respondents filed a motion to dismiss the petition. (ECF No. 9.) On August 12, 2026, the assigned district judge referred the petition and motion for TRO to the undersigned for the preparation of findings and recommendations or other appropriate action. (ECF No. 10.)

For purposes of judicial efficiency, the Court intends to issue findings and recommendation on the merits of the petition for writ of habeas corpus, with the understanding that the Court will also consider any arguments made and exhibits submitted in support of the motion for TRO. See Fed. R. Civ. P. 65(a)(2) ("Before or after beginning the hearing on a motion for a preliminary injunction, the court may advance the trial on the merits and consolidate it with the hearing."); Dzhabrailov v. Decker, No. 20-CV-3118 (PMH), 2020 WL 2731966, at *4

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(S.D.N.Y. May 26, 2020) (considering preliminary injunction and merits of habeas petition simultaneously).

Accordingly, the Court HEREBY ORDERS:

1. Within **TWENTY-ONE (21) days** of the date of service of this order, Petitioner SHALL FILE an opposition or statement of non-opposition to Respondents' motion to dismiss.

2. Any reply to an opposition to the motion to dismiss SHALL be filed within **FOURTEEN (14) days** after the Opposition has been filed in CM/ECF. The motion to dismiss will be deemed submitted when the time to reply has expired.

3. The Court defers ruling on the motion to appoint counsel (ECF No. 6) pending further proceedings in this case.

All motions shall be submitted on the record and briefs filed without oral argument unless otherwise ordered by the Court. Local Rule 230(l). These dates should be considered as firm by all parties. If any party requires additional time, it should file a motion for amendment of the schedule before a deadline has passed and explain in detail why the party cannot comply with this schedule. Extensions of time will only be granted upon a showing of good cause. All provisions of Local Rule 110 are applicable to this order.

IT IS SO ORDERED.

Dated: **August 12, 2026**

/s/ Eric P. Grosjean
UNITED STATES MAGISTRATE JUDGE