

[Query](#) [Reports](#) [Utilities](#) [Help](#) [Log Out](#)

[R Create an Alert for This Case on RECAP](#)

194,CLOSED

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)
CIVIL DOCKET FOR CASE #: 2:20-cv-04247-CJC-JEM**

Daniel Sweeney v. Juan Herrera et al
Assigned to: Judge Cormac J. Carney
Referred to: Magistrate Judge John E. McDermott
Cause: 28:2241 Petition for Writ of Habeas Corpus (federal)

Date Filed: 05/11/2020
Date Terminated: 06/08/2020
Jury Demand: None
Nature of Suit: 530 Habeas Corpus
(General)
Jurisdiction: U.S. Government Defendant

Petitioner

Daniel Sweeney

represented by **Daniel Sweeney**
69628-112
Orion RRC
8141 Orion Ave.
Van Nuys, CA 91406
PRO SE

V.

Respondent

Juan Herrera

*in his capacity as the Residential Relocation
Manager of the Federal Bureau of Prisons
for the District of Los Angeles*

represented by **Susan S Har**
AUSA - Office of US Attorney
312 North Spring Street Suite 1200
Los Angeles, CA 90012
213-894-3289
Fax: 213-894-0141
Email: susan.har@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Assistant 2241-194 US Attorney LA-CV

AUSA - Office of US Attorney
Criminal Division - US Courthouse
312 North Spring Street 12th Floor
Los Angeles, CA 90012-4700
213-894-2434
Email: USACAC.Habeas@usdoj.gov
ATTORNEY TO BE NOTICED

Respondent

Kim Beakey

in her capacity as Regional Reentry

represented by **Susan S Har**
(See above for address)
LEAD ATTORNEY

Administrator, for the Federal Bureau of
Prisons

ATTORNEY TO BE NOTICED

Assistant 2241-194 US Attorney LA-CV
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/11/2020	1	PETITION for Writ of Habeas Corpus by a Person In Federal Custody (28:2241) Case assigned to Judge Ronald S.W. Lew and referred to Magistrate Judge John E. McDermott,(Filing fee \$ due), filed by petitioner Daniel Sweeney. (esa) (Entered: 05/11/2020)
05/11/2020	2	EMERGENCY PETITION for Relief for Injunctive and Declaratory Relief for Release from Custody due to risk of exposure and imminent death from Covid-19/Corona virus due to conditions of confinement at Orion House RRC filed by petitioner Daniel Sweeney. (esa) (Entered: 05/11/2020)
05/11/2020	3	NOTICE OF REFERENCE to a U.S. Magistrate Judge. This case has been assigned to the calendar of the Honorable District Judge Ronald S.W. Lew and referred to Magistrate Judge John E. McDermott, who is authorized to consider preliminary matters and conduct all further hearings as may be appropriate or necessary. Pursuant to Local Rule 83-2.4, the Court must be notified within five (5) days of any address change. See notice for additional details. (esa) (Entered: 05/11/2020)
05/12/2020	4	ORDER RETURNING CASE FOR REASSIGNMENT by Judge Ronald S.W. Lew. ORDER case returned to the Clerk for random reassignment pursuant to General Order 19-03. Case randomly reassigned from Judge Ronald S.W. Lew to Judge Cormac J. Carney for all further proceedings. The case number will now reflect the initials of the transferee Judge 2:20-cv-04247 CJC(JEM). (rn) (Entered: 05/12/2020)
05/13/2020	5	NOTICE OF APPEARANCE of Assistant United States Attorney Susan S. Har on behalf of Respondents Kim Beakey, Juan Herrera. (Attorney Susan S Har added to party Kim Beakey(pty:res), Attorney Susan S Har added to party Juan Herrera(pty:res))(Har, Susan) (Entered: 05/13/2020)
05/13/2020	6 R	Supplemental Exhibits and Affidavit in Support of Emergency Petition for Writ of Habeas Corpus (2241) 2 Filed filed by Petitioner Daniel Sweeney. (es) (Entered: 05/14/2020)
05/19/2020	7	MINUTES (IN CHAMBERS) ORDER RE REQUEST TO PROCEED IN FORMA PAUPERIS by Magistrate Judge John E. McDermott: The Court is in receipt of Petitioner's Declaration in Support of Request to Proceed In Forma Pauperis filed with the Petition for Writ of Habeas Corpus on May 11, 2020. The request is GRANTED. (es) (Entered: 05/19/2020)
05/19/2020	8	ORDER REQUIRING RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS AND INSTRUCTIONSGOVERNING FURTHER PROCEEDINGS (FEDERAL CUSTODY) by Magistrate Judge John E. McDermott. that Respondent Kim Beakey file Answer to the Petition not later than 6/16/2020; Juan Herrera file Answer to the Petition not later than 6/16/2020. Notice: The court has issued a ruling on preliminary review. Pursuant to the Agreement on Acceptance of Service between the Clerk of Court and the United States Attorneys Office, this Notice constitutes service under Fed. R. Civ. P. 4. Motions to Dismiss shall be filed by 6/16/2020. (Attachments: # 1 Petition, # 2 Consent) (es) (Entered: 05/19/2020)

05/27/2020	9	NOTICE OF MOTION AND MOTION to Dismiss Case filed by Respondents Kim Beakey, Juan Herrera. (Attachments: # 1 Declaration) (Har, Susan) (Entered: 05/27/2020)
05/28/2020	10	CERTIFICATE OF SERVICE filed by Respondents Kim Beakey, Juan Herrera, re NOTICE OF MOTION AND MOTION to Dismiss Case 9 served on May 28, 2020. (Har, Susan) (Entered: 05/28/2020)
05/28/2020	11	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: NOTICE OF MOTION AND MOTION to Dismiss Case 9 . The following error(s) was/were found: Proposed Document was not submitted as separate attachment. In response to this notice, the Court may: (1) order an amended or correct document to be filed; (2) order the document stricken; or (3) take other action as the Court deems appropriate. You need not take any action in response to this notice unless and until the Court directs you to do so. (es) (Entered: 05/28/2020)
05/29/2020	12	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Proof of Service (subsequent documents) 10 . The following error(s) was/were found: Title page is missing. Other error(s) with document(s): Pursuant to Local Rule 11-3.8, the filer should prepare a separate title page. In response to this notice, the Court may: (1) order an amended or correct document to be filed; (2) order the document stricken; or (3) take other action as the Court deems appropriate. You need not take any action in response to this notice unless and until the Court directs you to do so. (es) (Entered: 05/29/2020)
06/04/2020	13	CONSENT TO PROCEED before Magistrate Judge, in accordance with Title 28 Section 636(c) and F.R.CIV.P 73(b), (Attachments: # 1 Certificate of Service)(Har, Susan) (Entered: 06/04/2020)
06/08/2020	14	ORDER GRANTING RESPONDENTS' MOTION TO DISMISS 9 AND DISMISSING PETITIONER'S EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS 2 by Judge Cormac J. Carney. For the foregoing reasons, Respondents' motion to dismiss is GRANTED, and this action is DISMISSED for lack of jurisdiction. Nothing in this Order prohibits Petitioner from asserting these claims in a civil rights action or from seeking compassionate release under 18 U.S.C. § 3582(c)(1)(A) from the BOP and sentencing Court. (lom) (Entered: 06/09/2020)
06/08/2020	15 R	JUDGMENT by Judge Cormac J. Carney. The Court hereby ORDERS that: 1. Respondents' motion to dismiss is GRANTED. 2. The Petition is DISMISSED WITHOUT PREJUDICE, as set out in the Court's concurrently issued Order 14 . (MD JS-6, Case Terminated). (lom) (Entered: 06/09/2020)

PACER Service Center			
Transaction Receipt			
01/18/2021 14:21:03			
PACER Login:	CRClearinghouse	Client Code:	Boyer
Description:	Docket Report	Search Criteria:	2:20-cv-04247-CJC-JEM End date: 1/19/2021
Billable Pages:	3	Cost:	0.30
Exempt flag:	Not Exempt	Exempt reason:	Not Exempt