

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 26 2026

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

YANUARIO DUARTE-DUARTE,

Petitioner - Appellant,

v.

ERIC ROKOSKY, in his official capacity as
Warden of Eloy Detention Center,

Respondent - Appellee.

No. 26-3988

D.C. No.

2:26-cv-03603-MTL--MTM

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Michael T. Liburdi, District Judge, Presiding

Submitted August 25, 2026**

Before: SILVERMAN, N.R. SMITH, and DE ALBA, Circuit Judges.

Yanuario Duarte-Duarte appeals from the district court's judgment denying his 28 U.S.C. § 2241 habeas corpus petition. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *see Martinez v. Clark*, 124 F.4th 775, 781 (9th Cir.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

2024), and we vacate and remand.

Duarte-Duarte contends the district court erred by summarily denying his § 2241 petition. We agree. Duarte-Duarte’s petition raises a cognizable, non-frivolous claim regarding his detention. *See Rodriguez Vazquez v. Bostock*, --- F.4th ---, No. 25-6842, 2026 WL 2196424 (9th Cir. July 30, 2026). We vacate the district court’s May 22, 2026, judgment and order denying his § 2241 petition and remand for the district court to direct the government to be served and to file a response. *See Neiss v. Bludworth*, 114 F.4th 1038, 1047 (9th Cir. 2024) (“[The] petition alleged a cognizable, non-frivolous claim, and thus, the district court erred by summarily dismissing his petition.”); *see also id.* at n.2 (remanding to the district court for further proceedings without weighing in on the merits of the petition).

The mandate will issue forthwith.

VACATED and REMANDED.