

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Jose Castro Martinez v. Christopher J. LaRose, Warden, Otay Mesa Detention Center, et al.

Castro Martinez v. LaRose · No. 3:25-cv-03449-DMS-MMP · Decided December 16, 2025

SUMMARY

The United States District Court for the Southern District of California held that the petitioner, a long-term resident detained in removal proceedings, was unlawfully detained under 8 U.S.C. § 1225(b)(2). The court granted the habeas petition and ordered respondents to provide an individualized bond hearing under 8 U.S.C. § 1226(a) within seven days, while denying the motion for a temporary restraining order as moot.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Dana M. Sabraw
JURISDICTION	United States District Court for the Southern District of California
DECIDED	December 16, 2025
DOCKET	3:25-cv-03449-DMS-MMP
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention, together with a motion for a temporary restraining order.
STANDARD OF REVIEW	The court reviewed the habeas petition under 28 U.S.C. § 2241(c)(3), determining whether Petitioner's custody violated the Constitution or laws of the United States.
PRECEDENTIAL VALUE	Unpublished district-court order; nonprecedential
PARTIES	Jose Castro Martinez v. Christopher J. LaRose, Warden, Otay Mesa Detention Center, et al.

TOPICS

- immigration detention
- federal habeas corpus
- removal proceedings
- statutory interpretation
- remedies

PRACTICE AREAS

immigration law

federal habeas corpus

immigration detention

statutory interpretation

QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1252(b)(9) or § 1252(g) deprived the district court of jurisdiction over Petitioner's § 2241 challenge to his immigration detention.
2. Whether prudential exhaustion of administrative remedies should be required when exhaustion would be futile in light of *Matter of Yajure Hurtado*.
3. Whether Petitioner, an individual residing in the United States who had not affirmatively applied for admission or a change of status, was subject to mandatory detention under 8 U.S.C. § 1225(b)(2) or instead the discretionary detention framework of § 1226(a).
4. What relief was appropriate if detention under § 1225(b)(2) was unlawful.

HOLDINGS

1. Sections 1252(b)(9) and 1252(g) did not deprive the district court of jurisdiction to consider Petitioner's § 2241 challenge to the statutory basis for his detention.
2. Prudential exhaustion was excused because requiring exhaustion would have been futile in light of the Board of Immigration Appeals' decision in *Matter of Yajure Hurtado*.
3. An individual who has been residing in the United States and has not affirmatively applied for admission or a change of status is not subject to mandatory detention under § 1225(b)(2) merely because the individual is inadmissible and has not been admitted or paroled.
4. The appropriate relief was an individualized bond hearing under 8 U.S.C. § 1226(a), rather than immediate release, because § 1226(a) permits continued detention following a lawful discretionary bond determination.

KEY QUOTATIONS

“Thus, the Court finds that Petitioner is being unlawfully detained under § 1225(b)(2), and GRANTS the Petition.” (1-2)

“Because § 1226(a) establishes a discretionary detention framework, there remains the possibility that Petitioner will be detained after a bonding hearing.” (2)

“The Court ORDERS Respondents to provide Petitioner with an individualized bond hearing pursuant to § 1226(a).” (2)

FACTUAL BACKGROUND

Petitioner, a native of Mexico who entered the United States in 1987, was arrested by ICE agents on November 10, 2025, while walking to work. He was charged with inadmissibility under 8 U.S.C. § 1182(a)(6)(A)(i) and placed in removal proceedings under 8 U.S.C. § 1229a. After he was denied release on bond under *Matter of Yajure Hurtado*, he remained detained at the Otay Mesa Detention Center.

PROCEDURAL HISTORY

Petitioner, who was detained by Immigration and Customs Enforcement while in removal proceedings, filed a § 2241 habeas petition asserting that his detention under 8 U.S.C. § 1225(b)(2) was unlawful and that he was entitled to detention under § 1226(a). Respondents opposed the petition and argued that the court lacked jurisdiction and that administrative remedies had not been exhausted. The court rejected those arguments, granted the petition, denied the TRO motion as moot, and ordered an individualized bond hearing under § 1226(a).

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents must provide Petitioner with an individualized bond hearing under 8 U.S.C. § 1226(a) within seven days of entry of the order, may not deny bond on the basis that § 1225(b)(2) requires mandatory detention, and must file a joint status report within ten days confirming that the hearing occurred. The TRO motion was denied as moot.

CASES CITED

- *Tijerina v. Thornburgh*, 884 F.2d 861, 866 (5th Cir. 1989)
- *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025)
- *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004)
- *Vasquez Garcia v. Noem*, 2025 WL 2549431, at *3-4, *6 (S.D. Cal. Sept. 3, 2025)
- *Medina-Ortiz v. Noem*, No. 25-cv-02819-DMS-MMP, ECF No. 7, at 3-4 (S.D. Cal. Oct. 30, 2025)
- *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361, at *3-5 (S.D. Cal. Oct. 24, 2025)
- *Vasquez v. Feeley*, 2025 WL 2676082, at *10 (D. Nev. Sept. 17, 2025)
- *Castellanos Lopez v. Warden*, 2025 WL 3005346, at *3 (S.D. Cal. Oct. 27, 2025)
- *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1256, 1263 (W.D. Wash. 2025)
- *Jennings v. Rodriguez*, 583 U.S. 281, 294-95 (2018)