

**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

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 JOSE CASTRO MARTINEZ, Case No.: 3:25-cv-03449-DMS-MMP 12
Petitioner, ORDER: 13 v. (1) GRANTING PETITIONER’S 14 CHRISTOPHER J. LAROSE,
Warden, PETITION FOR WRIT OF HABEAS Otay Mesa Detention Center, et al., 15 CORPUS;
and Respondents. 16 (2) DENYING PETITIONER’S 17 MOTION FOR TEMPORARY
RESTRAINING ORDER 18 19 [ECF Nos. 1, 5] 20 Pending before the Court is Petitioner’s
petition for writ of habeas corpus 21 (“Petition”), (Pet., ECF No. 1) and motion for temporary
restraining order (“TRO 22 Motion”), (ECF No. 5).

Respondents filed an opposition, (Opp’n, ECF No. 6), and 23 Petitioner filed a reply to both,
(ECF No. 9). After reviewing the briefs, the Court finds 24 this matter is suitable for decision
without oral argument. S.D. Cal. Civ. R. 7.1(d)(1); 25 *Tijerina v. Thornburgh*, 884 F.2d 861, 866
(5th Cir. 1989) (holding that an evidentiary 26 hearing is not necessary when deciding only
questions of law).

For the following reasons, 27 the Court grants Petitioner’s Petition and denies the TRO Motion as
moot. 28 1 I. BACKGROUND 2 Petitioner, a native of Mexico, entered the United States in 1987.
(Pet. ¶ 2). On 3 November 10, 2025, Immigration and Customs Enforcement (“ICE”) agents
arrested 4 Petitioner while he was walking to work. (Id. ¶¶ 25, 26). Petitioner alleges that he was 5
arrested “without reasonable suspicion” and “because he looks Hispanic.” (Id. ¶¶ 3, 28).

6 Petitioner further alleges that an ICE agent told him he was arrested “for being here 7 illegally,”
but “was not given a reason for his arrest, and he was not shown any warrant.” 8 (Id. ¶¶ 26, 28).
Petitioner is charged with inadmissibility under 8 U.S.C. § 1182(a)(6)(A)(i) 9 (as being present in
the United States without being admitted or paroled) and is currently 10 in removal proceedings
pursuant to 8 U.S.C. § 1229a.

(Opp’n 1). 11 On November 21, 2025 and again on December 5, 2025, Petitioner was denied 12
release from custody under bond per the recent Board of Immigration decision, *Matter of* 13
Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025). (Pet. ¶ 4, Ex. C); (id. ¶ 5, Ex. D). Petitioner 14 is
still detained at Otay Mesa Detention Center. (Id. ¶¶ 22, 32). 15 The Petition asserts that

Petitioner’s detention violates the Immigration and Nationality Act (“INA”), the Fourth Amendment’s protections against unreasonable search and seizure, and the Fifth Amendment’s Due Process Clause.

(Id. at 10–19). Petitioner requests a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody; alternatively, ordering Respondents to immediately release Petitioner from custody under reasonable conditions of supervision; or, alternatively, ordering Respondents to provide Petitioner with a prompt and individualized bond hearing under 8 U.S.C. § 1226(a).

(Id., Prayer for Relief, ¶¶ 4, 7, 8). Petitioner also requests an order enjoining Respondents from further detaining Petitioner. (Id., Prayer for Relief, ¶ 5). II. LEGAL STANDARD “Writs of habeas corpus may be granted by... the district courts... within their respective jurisdictions.” 28 U.S.C. § 2241(a). A petitioner prevails in his petition for writ of habeas corpus if he shows that his custody violates the Constitution or laws of the United States.

Id. § 2241(c)(3). The writ of habeas corpus is “available to every individual detained within the United States.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004). III. DISCUSSION A. Jurisdiction Respondents argue that the Court lacks jurisdiction per 8 U.S.C. § 1252(b)(9) and 5 (g). (Opp’n 6–10).

The Court has previously considered and rejected this argument. See *Vasquez Garcia v. Noem*, -- F.Supp.3d ----, 2025 WL 2549431, at *3–4 (S.D. Cal. Sept. 7 3, 2025); *Medina-Ortiz v. Noem*, No. 25-cv-02819-DMS-MMP, ECF No. 7, at 3–4 (S.D. Cal. Oct. 30, 2025). Based on the reasoning of those cases, the Court again rejects this argument. B. Exhaustion In a footnote, Respondents argue that the Court should “ensure Petitioner properly exhausts administrative remedies.” (Opp’n 10 n.1).

The Courts, as other courts have, that prudential exhaustion would be futile in light of the BIA’s decision, *Yajure Hurtado*. See *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361, at *3–4 (S.D. Cal. Oct. 24, 2025) (finding exhaustion would be futile in light of *Yajure Hurtado*); *Vasquez v. Feeley*, --- F. Supp. 3d ----, 2025 WL 2676082, at *10 (D.

Nev. Sept. 17, 2025) (same). C. Merits—INA’s Detention Statutes Petitioner argues that his mandatory detention under 8 U.S.C. § 1225(b)(2) is unlawful and that he instead falls under § 1226(a)’s discretionary detention framework. 21 (Pet. ¶¶ 47, 49). Respondents maintain that Petitioner is properly detained under § 1225(b)(2). (See Opp’n 1).

The Court agrees with Petitioner. Section 1225(b)(2)(A) provides that “an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted,... shall be detained for a proceeding under [§ 1229a].” 8 U.S.C. § 1225(b)(2)(A) (emphasis added).

An “applicant for admission” is an 27 “alien present in the United States who has not been admitted or who arrives in the United 28 States (whether or not at a designated port of arrival...)” Id. § 1225(a)(1). Respondents 1 do not contend that Petitioner affirmatively applied for admission. Rather, Respondents 2 argue that an applicant for admission is automatically understood to be “seeking 3 admission” within the meaning of § 1225(b)(2)(A).

(See Opp’n 13–14). However, 4 Respondents’ understanding of “seeking admission” would “seemingly render that phrase 5 mere surplusage, such that the language could be deleted while retaining the same statutory 6 meaning.” *Castellanos Lopez v. Warden*, 25-cv-2527-RSH-SBC, 2025 WL 3005346, at 7 *3 (S.D. Cal. Oct. 27, 2025).

Thus, “seeking admission requires an affirmative act such as 8 entering the United States or applying for status, and it does not apply to individuals who, 9 like [Petitioner], have been residing in the United States and did not apply for admission 10 or a change of status.” *Esquivel-Ipina v. Larose*, No. 25-CV-2672 JLS (BLM), 2025 WL 11 2998361, at *5 (S.D.

Cal. Oct. 24, 2025); *Vasquez Garcia*, 2025 WL 2549431, at *6. 12 Further, Respondents’ interpretation would render the *Laken Riley Act*, Pub. L. No. 13 119-1, 139 Stat. 3 (2025), superfluous. Section 1226(c) carves out exceptions to § 1226(a), 14 requiring certain people be detained. 8 U.S.C. § 1226(c). Specifically, § 1226(c)(1)(E) 15 (enacted by the *Laken Riley Act*) requires mandatory detention for people who are 16 inadmissible under § 1182(a)(6)(A), (6)(C), or (7) and charged with certain crimes not 17 relevant here.

Id. § 1226(c)(1)(E). As a practical matter, if § 1225(b)(2) already 18 encompassed all inadmissible noncitizens, there would be no need to pass an amendment 19 that required detention for those who are inadmissible under the same statutes and are being 20 charged with specific crimes. *Vasquez Garcia*, 2025 WL 2549431, at *6. “A plain reading 21 of this exception implies that the default discretionary bond procedures in Section 1226(a) 22 apply to a noncitizen who... is present without being admitted or paroled but has not been 23 implicated in any crimes as set forth in Section 1226(c).” *Rodriguez v. Bostock*, 779 F. 24 Supp. 3d 1239, 1256 (W.D.

Wash. 2025). 25 The Court’s holding maintains a “general distinction” between §§ 1225(b) and 26 1226(a) as explained by the Supreme Court: § 1225(b) applies to “aliens seeking admission 27 into the country” and § 1226 applies to “aliens already in the country.” *Castellanos Lopez*, 28 2025 WL 3005346, at *3 (citing *Jennings v. Rodriguez*, 583 U.S. 281, 294–95 (2018)).

1 || Thus, the Court finds that Petitioner is being unlawfully detained under § 1225(b)(2), and 2 ||GRANTS the Petition.’ Because the Court has ruled on the Petition, the Court DENIES 3 || Petitioner’s TRO Motion as moot. 4 D. Relief 5 Because § 1226(a) establishes a discretionary detention framework, there remains 6 || the possibility that Petitioner will be detained after a bonding hearing.

As such, the Court 7 || declines to immediately release Petitioner from custody. Instead, the harm suffered—that 8 || Petitioner is not receiving a bond hearing under the proper statute—is remedied by ordering 9 || Respondents to conduct a bond hearing under § 1226(a) and enjoining Respondents from 10 || denying bond on the basis that Petitioner is detained under § 1225(b)(2).

See Rodriguez, 11 ||779 F. Supp. 3d at 1263. Thus, the Court ORDERS Respondents to provide Petitioner 12 || with an individualized bond hearing pursuant to § 1226(a). 13 IV. CONCLUSION
14 Based on the foregoing, the Court GRANTS the Petition and DENIES the TRO 15 ||Motion as moot.

The Court ORDERS Respondents to provide Petitioner with a bond 16 || hearing under § 1226(a) within seven days of the entry of this Order. Respondents shall 17 ||not deny Petitioner’s bond on the basis that § 1225(b)(2) requires mandatory detention. 18 || The parties are ORDERED to file a Joint Status Report within ten days of this Order’s 19 || filing, confirming Petitioner received a bond hearing under § 1226(a).

20 IT IS SO ORDERED. 21 Dated: December 16, 2025 2 ins Yn. LA\ Hon. Dana M. Sabraw 23 United States District Judge 24 25 ||} 27 tn light of this determination, the Court declines to address Petitioner’s arguments concerning the Fourth 28 and Fifth Amendments.