

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Gustavo Castaneda Hernandez v. Kristi Noem, et al.

No. CV-25-04786-PHX-KML (JFM) · No. No. CV-25-04786-PHX-KML (JFM) · Decided December 29, 2025

SUMMARY

The United States District Court for the District of Arizona ordered respondents to show cause why a habeas petition under 28 U.S.C. § 2241 should not be granted to require the petitioner's release or a bond hearing under 8 U.S.C. § 1226. The order relies on prior District of Arizona decisions, a Seventh Circuit decision, and a Central District of California class-action judgment concerning mandatory detention under 8 U.S.C. § 1225(b)(2).

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Krissa M. Lanham
JURISDICTION	United States District Court for the District of Arizona
DECIDED	December 29, 2025
DOCKET	No. CV-25-04786-PHX-KML (JFM)
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging his detention and seeking release or a bond hearing.
PRECEDENTIAL VALUE	unpublished
PARTIES	Gustavo Castaneda Hernandez v. Kristi Noem, et al.

TOPICS

immigration detention removal proceedings immigration administrative law statutory interpretation

PRACTICE AREAS

immigration law habeas corpus administrative law civil procedure

QUESTIONS PRESENTED

- Whether petitioner may be subject to mandatory detention under 8 U.S.C. § 1225(b)(2).
- Whether respondents must show cause why petitioner should not be released or provided a bond hearing under 8 U.S.C. § 1226.

HOLDINGS

1. Respondents must show cause why the petition should not be granted to the extent petitioner should be released or provided a bond hearing under 8 U.S.C. § 1226.

KEY QUOTATIONS

- “not likely to succeed on the merits of their argument” (at 1)
- “respondents must show cause why the petition should not be granted to the extent that petitioner be released or provided a bond hearing under 8 U.S.C. § 1226.” (at 2)

FACTUAL BACKGROUND

Gustavo Castaneda Hernandez was detained in an immigration matter and filed a habeas petition under 28 U.S.C. § 2241. The petition raised whether his detention was mandatory under 8 U.S.C. § 1225(b)(2), rather than governed by the bond-hearing provisions of 8 U.S.C. § 1226. The court noted conflicting district-court decisions, a Seventh Circuit decision finding the government’s position on mandatory detention under § 1225(b)(2)(A) unlikely to succeed, and a Central District of California judgment addressing similarly situated detainees.

PROCEDURAL HISTORY

Hernandez filed a § 2241 petition challenging whether he was subject to mandatory detention under 8 U.S.C. § 1225(b)(2). The court ordered service and required respondents to show cause why the petition should not be granted to the extent Hernandez should be released or provided a bond hearing under 8 U.S.C. § 1226.

DISPOSITION

other

CASES CITED

- Zepeda v. Noem, CV-25-4236-PHX-KML (JFM), ECF No. 13 at 2–3 (D. Ariz. Dec. 11, 2025)
- Castanon-Nava v. U.S. Dep’t of Homeland Sec., No. 25-3050, 2025 WL 3552514, at *9 (7th Cir. Dec. 11, 2025)
- Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM, Doc. 94 (C.D. Cal. Dec. 18, 2025)

OPINION

1 WO 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE DISTRICT OF ARIZONA 8 9 Gustavo Castaneda Hernandez, No. CV-25-04786-PHX-KML (JFM) 10 Petitioner, ORDER 11 v. 12 Kristi Noem, et al., 13 Respondents. 14 15 Petitioner filed a petition under 28 U.S.C. § 2241. (Doc. 1.)

The petition presents 16 the recurring issue whether a particular individual is subject to mandatory detention under 17 8 U.S.C. § 1225(b)(2). District courts have split on this issue as set forth in Zepeda v. Noem, 18 CV-25-4236-PHX-KML (JFM), ECF No. 13 at 2–3 (D. Ariz. Dec. 11, 2025).

On 19 December 11, 2025, the Seventh Circuit concluded the Department of Homeland Security 20 and the U.S. Immigration and Customs Enforcement were “not likely to succeed on the 21 merits of their argument” regarding “mandatory detention under § 1225(b)(2)(A).” 22 Castanon-Nava v. U.S. Dep’t of Homeland Sec., No. 25-3050, 2025 WL 3552514, at *9 23 (7th Cir.

Dec. 11, 2025). And on December 18, 2025, the Central District of California 24 entered judgment in a class action likely covering petitioner declaring “the Bond Eligible 25 Class members are detained under 8 U.S.C. § 1226(a) and are not subject to mandatory 26 detention under § 1225(b) (2)” and vacating “the Department of Homeland Security policy 27 described in the July 8, 2025, ‘Interim Guidance Regarding Detention Authority for 28 Applicants for Admission’ under the Administrative Procedure Act as not in accordance □□ with law.

5 U.S.C. § 706(2)(A).” Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM, 2|| Doc. 94 (C.D. Cal. Dec. 18, 2025). 3 Based on prior decisions in the District of Arizona, the Seventh Circuit’s opinion, 4|| and the final judgment entered by the Central District of California, respondents must show 5 || cause why the petition should not be granted to the extent that petitioner be released or 6 || provided a bond hearing under 8 U.S.C. § 1226.

7 Accordingly, 8 IT IS ORDERED: 9 1. Counsel for petitioner must immediately serve the petition upon respondents. 10 2. If not already issued, the clerk’s office must issue any properly completed 11 summonses. 12 3.

The clerk of court must immediately transmit by email a copy of this order and the 13 petition to the United States Attorney for the District of Arizona, to the attention of 14 Katherine Branch at katherine.branch@usdoj.gov, Melissa Kroeger at 15 melissa.kroeger@usdoj.gov, Lon Leavitt at lon.leavitt@usdoj.gov, and Theo 16 Nickerson at Theo.Nickerson2 @usdoj.gov.

17 4. Respondents must show cause no later than December 30, 2025 why the petition 18 should not be granted. Petitioner may file a reply no later than January 2, 2025. 19 Dated this 23rd day of December, 2025. 20 Honorable Krissa M. Lanham 23 United States District Judge 24 25 26 27 28
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