

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Rolando Chach-Ciprian v. Kristi Noem; Todd Lyons; Patrick Divver;
Christopher Larose; Sirce Owens; Pamela Bondi

Chach-Ciprian v. Noem · No. 3:25-cv-3233-JES-VET · Decided December 2, 2025

SUMMARY

The Southern District of California granted Rolando Chach-Ciprian’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court held that 8 U.S.C. § 1226(a), rather than § 1225(b)(2), governed his detention and ordered respondents to provide a bond redetermination hearing within ten days.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	James E. Simmons Jr.
JURISDICTION	United States District Court for the Southern District of California
DECIDED	December 2, 2025
DOCKET	3:25-cv-3233-JES-VET
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2241 challenging his immigration detention and requesting release or a bond hearing under 8 U.S.C. § 1226. Respondents opposed the petition, asserting that jurisdiction was barred, administrative remedies had not been exhausted, and detention was governed by 8 U.S.C. § 1225(b)(2).
STANDARD OF REVIEW	The court considered whether petitioner was in custody in violation of the Constitution or federal law under 28 U.S.C. § 2241(c)(3).
PRECEDENTIAL VALUE	Unpublished district-court order; precedential status unknown
PARTIES	Rolando Chach-Ciprian v. Kristi Noem, Todd Lyons, Patrick Divver, Christopher Larose, Sirce Owens, Pamela Bondi

TOPICS

- federal habeas corpus
- immigration detention
- removal proceedings
- subject matter jurisdiction

PRACTICE AREAS

immigration law

federal habeas corpus

immigration detention

QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1252 stripped the district court of jurisdiction to consider petitioner's challenge to detention without an adequate bond hearing.
2. Whether petitioner was required to exhaust administrative remedies before seeking § 2241 habeas relief.
3. Whether petitioner's detention was governed by 8 U.S.C. § 1225(b)(2) or 8 U.S.C. § 1226(a).
4. Whether petitioner was entitled to a meaningful bond redetermination hearing under § 1226(a).

HOLDINGS

1. The jurisdiction-stripping provisions of 8 U.S.C. § 1252 do not strip the district court of jurisdiction to hear a habeas challenge to immigration detention without an adequate bond hearing.
2. Any further administrative-exhaustion requirement was waived in light of *Matter of Yajure-Hurtado*.
3. Because petitioner was detained by ICE after residing in the United States for many years, his detention was governed by the discretionary-detention provisions of 8 U.S.C. § 1226(a), rather than the mandatory-detention provision of § 1225(b)(2).
4. Petitioner was entitled to a meaningful bond redetermination hearing under 8 U.S.C. § 1226(a), and respondents could not deny bond solely on the ground that petitioner was detained under § 1225(b)(2).

KEY QUOTATIONS

“A court may grant a writ of habeas corpus to a petitioner who demonstrates to be in custody in violation of the Constitution or federal law.” (at 1)

“Therefore, it is § 1226’s discretionary detention that applies to him, rather than § 1225’s mandatory discretion as Respondents urge and Petitioner is entitled to a meaningful bond determination, not solely based on Matter of Yajure Hurtado.” (at 2)

FACTUAL BACKGROUND

Petitioner, a native of Guatemala, entered the United States without inspection in 2013. ICE apprehended him in Maryland on August 3, 2025, and he was detained at the Otay Mesa Detention Center while removal proceedings were pending. After an immigration judge denied a bond redetermination hearing based on *Matter of Yajure-Hurtado*, petitioner sought habeas relief, arguing that his detention was governed by § 1226(a), not the mandatory-detention provision in § 1225(b)(2).

PROCEDURAL HISTORY

Petitioner was detained by ICE and removal proceedings were pending before the Otay Mesa Immigration Court. An immigration judge denied bond redetermination jurisdiction based on *Matter of Yajure-Hurtado*. Petitioner filed this § 2241 petition; respondents filed a return, petitioner filed no traverse, and the district court granted the petition and ordered a bond redetermination hearing.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents must provide petitioner with a bond redetermination hearing under 8 U.S.C. § 1226(a) within ten days of the order. Respondents may not deny bond on the basis that petitioner is detained under 8 U.S.C. § 1225(b)(2), and they must file a notice of compliance within ten days after providing the hearing. The clerk was ordered to enter judgment for petitioner and close the case.

CASES CITED

- Hamdi v. Rumsfeld, 542 U.S. 507, 525 (2004)
- Preiser v. Rodriguez, 411 U.S. 475, 484 (1973)
- I.N.S. v. St. Cyr, 533 U.S. 289, 301 (2001)
- Zadvydas v. Davis, 533 U.S. 678, 687 (2001)
- Demore v. Kim, 538 U.S. 510, 517 (2003)
- Matter of Yajure-Hurtado, 29 I&N Dec. 216 (BIA 2025)
- Martinez Lopez v. Noem et al., No. 25-cv-2717-JES-AHG, 2025 WL 3030457, at *2-3 (S.D. Cal. Oct. 30, 2025)
- Beltran et al. v. Noem et al., No. 25CV2650-LL-DEB, 2025 WL 3078837, at *3-4 (S.D. Cal. Nov. 4, 2025)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 ROLANDO CHACH-CIPRIAN, Case No.: 3:25-cv-3233-JES-VET 12
Petitioner, ORDER GRANTING PETITION 13 v. FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241 14 KRISTI NOEM; TODD LYONS; PATRICK DIVVER;
CHRISTOPHER 15 [ECF NO. 1] LAROSE; SIRCE OWENS; PAMELA 16 BONDI, 17
Respondents.

18 Before the Court is Petitioner Rolando Chach-Ciprian’s (“Petitioner”) Petition for a 19 Writ of
Habeas Corpus pursuant to 28 U.S.C. § 2241. ECF No. 1. Pursuant to the Court’s 20 order to show
cause (ECF No. 2), Respondents filed a return to the petition. ECF No. 5. 21 The deadline to file
an optional traverse has passed, and Petitioner did not file any traverse.

22 For the reasons set forth below, the Court GRANTS the petition. 23 I. BACKGROUND 24
Petitioner, a native of Guatemala, entered the United States in 2013 without 25 inspection. ECF
No. 1 ¶ 31. On August 3, 2025, Petitioner was apprehended in Maryland 26 by Immigration and
Custom Enforcement (“ICE”) while he was on his way to work. Id. 27 ¶ 35. He is currently being
detained at the Otay Mesa Detention Center.

Id. ¶ 37. 28 1 Removal proceedings are now pending for Petitioner before Otay Mesa Immigration
2 Court. Id. ¶ 37. On September 19, 2025, Petitioner states that he was given a bond 3
redetermination hearing, but the Immigration Judge denied the request on the basis that it 4 lacked
jurisdiction to redetermine bond under Matter of Yajure-Hurtado, 29 I&N Dec. 216 5 (BIA 2025).

Id. ¶ 40. 6 Petitioner alleges in his complaint that he should not be subject to mandatory 7
detention under 8 U.S.C. § 1225(b)(2), and should rather be subject to § 1226(a). Id. ¶¶ 43- 8 49.
As such, his detention without a meaningful bond hearing violates § 1226. He seeks 9 either
release or that the Court order a bond hearing pursuant to § 1226. 10 II. LEGAL STANDARD 11
A writ of habeas corpus is “available to every individual detained within the United 12 States.”
Hamdi v. Rumsfeld, 542 U.S. 507, 525 (2004) (citing U.S. Const., Art I, § 9, cl.

2). 13 “The essence of habeas corpus is an attack by a person in custody upon the legality of that
14 custody, and... the traditional function of the writ is to secure release from illegal custody.” 15
Preiser v. Rodriguez, 411 U.S. 475, 484 (1973). A court may grant a writ of habeas corpus 16 to a
petitioner who demonstrates to be in custody in violation of the Constitution or federal 17 law.

28 U.S.C. § 2241(c)(3). Traditionally, “the writ of habeas corpus has served as a means 18 of
reviewing the legality of Executive detention, and it is in that context that its protections 19 have
been strongest.” I.N.S. v. St. Cyr, 533 U.S. 289, 301 (2001).

Accordingly, challenges 20 to immigration-related detention are within the purview of a district
court's habeas 21 jurisdiction. Zadvydas v. Davis, 533 U.S. 678, 687 (2001); see also Demore v.
Kim, 538 22 U.S. 510, 517 (2003). 23 III. DISCUSSION 24 In Respondents’ return to the petition,
they raise several issues: (1) Petitioner’s claim 25 and requested relief is jurisdictionally barred by
8 U.S.C. § 1252; (2) alternatively, if not 26 barred, Petitioner must exhaust administrative
remedies; and (3) Petitioner is lawfully 27 detained under § 1225 and it is that section, rather than
§ 1226, that applies to his detention.

28 ECF No. 3. 1 Respondents’ arguments with regards to jurisdiction, administrative exhaustion,
and 2 applicability of § 1225 versus § 1226 are identical to those recently addressed by the 3
undersigned in Martinez Lopez v. Noem et al., No: 25-cv-2717-JES-AHG, 2025 WL 4 3030457, at
*2-3 (S.D. Cal. Oct. 30, 2025).

In that decision, this Court held that the Court 5 finds that the jurisdiction stripping provisions of 8
U.S.C. § 1252 do not strip it of 6 jurisdiction to hear similar claims challenging detention without
an adequate bond hearing, 7 and that any further administrative exhaustion requirements are
waived in light of Matter 8 of Yajure Hurtado. Further, the Court, along with many others, held
that it is § 1226 that 9 applies to noncitizens that have been detained when after residing in the
United States for 10 a period of time.

The Court adopts its reasoning as to these issues and incorporates it by reference. See also *Beltran et al. v. Noem et al.*, No. 25CV2650-LL-DEB, 2025 WL 12 3078837, at *3-4 (S.D. Cal. Nov. 4, 2025) (holding same). As applied here, there is no dispute that Petitioner was detained by ICE after having already resided in the United States for many years.

Therefore, it is § 1226's discretionary detention that applies to him, rather than § 1225's mandatory discretion as Respondents urge and Petitioner is entitled to a meaningful bond determination, not solely based on *Matter of Yajure Hurtado*.

Accordingly, the Court GRANTS Petitioner's petition on this ground. IV. CONCLUSION For the reasons discussed above, the Court ORDERS as follows: (1) Petitioner's petition for writ of habeas corpus is GRANTED; (2) The Court ORDERS Respondents to provide Petitioner with a bond redetermination hearing under 8 U.S.C. § 1226(a) within ten days of this Order.

At the hearing, Respondents may not deny Petitioner bond on the basis that he is detained under 8 U.S.C. § 1225(b)(2); // (4) Respondents are ORDERED to File a Notice of Compliance within ten days of providing Petitioner with a bond redetermination hearing; (5) The Clerk of Court SHALL enter judgment in Petitioner's favor and close this case.

IT IS SO ORDERED. || Dated: December 2, 2025 Honorable James E. Simmons Jr. United States District Judge