

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Daniel Castellanos Lopez v. Warden, Otay Mesa Detention Center, et
al.

Castellanos Lopez v. Warden · No. 25-cv-2527-RSH-SBC · Decided October 27, 2025

SUMMARY

The United States District Court for the Southern District of California granted Daniel Castellanos Lopez’s 28 U.S.C. § 2241 petition challenging his immigration detention without a bond hearing. The Court held that 8 U.S.C. § 1225(b)(2)(A) did not mandate his detention because he had lived in the United States for many years and was not seeking admission when apprehended. The Court ordered Respondents to arrange a bond hearing under 8 U.S.C. § 1226(a) within seven days, while denying immediate release and other relief.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Robert S. Huie
JURISDICTION	United States District Court for the Southern District of California
DECIDED	October 27, 2025
DOCKET	25-cv-2527-RSH-SBC
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 challenging his immigration detention and requesting release or a bond hearing. The district court granted the petition in part and ordered an immigration-court bond hearing.
STANDARD OF REVIEW	The petitioner bears the burden under 28 U.S.C. § 2241(c)(3) to show that he is in custody in violation of the Constitution or laws or treaties of the United States.
PRECEDENTIAL VALUE	unpublished district court opinion; persuasive only
PARTIES	Daniel Castellanos Lopez v. Warden, Otay Mesa Detention Center, Director of ICE's San Diego Field Office for Enforcement and Removal Operations, United States Attorney General

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QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1252(g) or § 1252(b)(9) deprived the district court of jurisdiction over a habeas challenge to the legality of Petitioner's immigration detention.
2. Whether Petitioner was subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) or instead was detained under the discretionary detention and bond framework of § 1226(a).
3. Whether Petitioner was entitled to a bond hearing before an immigration judge.

HOLDINGS

1. The jurisdictional bars in 8 U.S.C. § 1252(g) and § 1252(b)(9) did not bar the district court from hearing Petitioner's habeas challenge because he challenged the legality of his detention rather than a removal order, the decision to commence proceedings, or the process by which removability would be determined.
2. Petitioner was not subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A); because he had long been present in the United States and was not actively seeking admission when arrested, his detention was governed by § 1226(a).
3. Petitioner was entitled to a bond hearing before an immigration judge under 8 U.S.C. § 1226(a).

KEY QUOTATIONS

“The Court concludes that Petitioner is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), and that detention, bond, and release in Petitioner’s case are instead governed by 8 U.S.C. § 1226(a).” (at 5)

“The Court concludes that Petitioner is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), and that detention, bond, and release in Petitioner’s case are instead governed by 8 U.S.C. § 1226(a).” (at 5)

FACTUAL BACKGROUND

Daniel Castellanos Lopez, a citizen of Mexico, entered the United States in or around 2003 without a valid visa and remained in the country for more than twenty years. His U.S.-citizen wife filed an I-130 petition for him in 2018, and the petition was approved. ICE arrested him at his San Diego residence on August 21, 2025, charged him as removable, and detained him at Otay Mesa without providing a bond hearing; the record did not indicate that he was apprehended upon entry, within two years of entry, actively seeking admission, or involved in an enumerated criminal offense.

PROCEDURAL HISTORY

Petitioner filed a § 2241 petition on September 25, 2025, challenging his detention by ICE without a bond hearing. Respondents opposed the petition, and Petitioner filed a traverse. The district court held that the jurisdictional bars in 8 U.S.C. § 1252(g) and (b)(9) did not apply, concluded that detention was governed by § 1226(a) rather than the mandatory-detention provision in § 1225(b)(2)(A), and granted the petition to the extent of ordering a bond hearing.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents must arrange a bond hearing for Petitioner before an immigration court pursuant to 8 U.S.C. § 1226(a) within seven days of the order. The request for immediate release was denied.

CASES CITED

- *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999)
- *Jennings v. Rodriguez*, 583 U.S. 281, 288-89, 294-95, 303 (2018)
- *Flores-Miramontes v. INS*, 212 F.3d 1133, 1139 (9th Cir. 2000)
- *Corley v. United States*, 556 U.S. 303, 314 (2009)
- *Contreras-Cervantes v. Raycraft*, No. 2:25-cv-13073, 2025 WL 2952796, at *8 & n.4 (E.D. Mich. Oct. 17, 2025)
- *Cerritos Echevarria v. Bondi*, No. CV-25-3252-PHX-DWL (ESW), 2025 WL 2821282, at *4 (D. Ariz. Oct. 3, 2025)
- *Chavez v. Noem*, 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025)

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