

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Roberto Maceo Rodriguez v. Warden, Otay Mesa Detention Center

Rodriguez · No. 25-cv-3626-AGS-MSB · Decided December 17, 2025

SUMMARY

The United States District Court for the Southern District of California denied Roberto Maceo Rodriguez’s 28 U.S.C. § 2241 habeas petition challenging his immigration detention. The court found that the petition did not sufficiently explain why his August 5, 2025, re-detention was unlawful, while granting leave to amend by January 16, 2026, and directing him to identify respondents by name in their official capacities.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Andrew G. Schopler
JURISDICTION	United States District Court for the Southern District of California
DECIDED	December 17, 2025
DOCKET	25-cv-3626-AGS-MSB
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Self-represented petitioner sought a writ of habeas corpus under 28 U.S.C. § 2241 challenging his immigration detention. The court summarily denied the petition for failure to explain why the detention was unlawful, while granting leave to amend.
STANDARD OF REVIEW	Under Rule 4 of the Rules Governing Section 2254 Cases, as applied to habeas petitions under Rule 1(b), the court may summarily dismiss a petition if it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief. Claims are not subject to summary dismissal if the petition has any potential merit.
PRECEDENTIAL VALUE	Unknown; district court order designated per curiam and no precedential status is stated.
PARTIES	Roberto Maceo Rodriguez v. Warden, Otay Mesa Detention Center

TOPICS

immigration detention

federal habeas corpus

removal proceedings

immigration

PRACTICE AREAS

immigration detention

federal habeas corpus

immigration

QUESTIONS PRESENTED

1. Whether the § 2241 petition stated a sufficiently cognizable and potentially meritorious challenge to Rodriguez's immigration detention to avoid summary dismissal.
2. Whether the petition adequately identified a basis for concluding that Rodriguez's re-detention was unlawful or constitutionally prolonged.
3. Whether Rodriguez should be granted leave to amend and instructed to identify the proper habeas respondent.

HOLDINGS

1. A habeas petition may be summarily dismissed when it plainly appears that the petitioner is not entitled to relief, and Rodriguez's petition did not meet the low standard requiring only some potential merit because it did not sufficiently explain why his current immigration detention was unlawful.
2. The petition did not allege facts suggesting that Rodriguez's post-removal-order detention had become unconstitutionally prolonged.
3. If Rodriguez files an amended petition challenging his present physical confinement, he must identify the respondent or respondents by name in their official capacities, with the facility warden generally serving as the proper respondent.

KEY QUOTATIONS

“But “as long as a petition has any potential merit, it is not so frivolous or incredible as to justify summary dismissal[.]”” (Opinion at 1)

“In habeas challenges to present physical confinement—‘core challenges’—the default rule is that the proper respondent is the warden of the facility where the prisoner is being held.” (Opinion at 2)

FACTUAL BACKGROUND

Rodriguez alleged that he had previously been subject to an I-220B order of supervision and had complied with ICE requirements and appointments. Immigration officials allegedly re-detained him on August 5, 2025, but his petition did not explain why the re-detention was unlawful or identify any procedural defect or excessive post-removal-order detention.

PROCEDURAL HISTORY

Rodriguez filed a § 2241 habeas petition challenging his re-detention by immigration officials on August 5, 2025. The district court concluded that the petition did not present a sufficiently cognizable or potentially meritorious basis for relief and denied it, with leave to file an amended petition by January 16, 2026.

DISPOSITION

writ_denied

CASES CITED

- Neiss v. Bludworth, 114 F.4th 1038, 1045 (9th Cir. 2024)
- Zadvydas v. Davis, 533 U.S. 678, 701 (2001)
- Rumsfeld v. Padilla, 542 U.S. 426, 435 (2004)

OPINION

Rodriguez

PER CURIAM.

1 UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF CALIFORNIA

3 Roberto MACEO RODRIGUEZ, Case No.: 25-cv-3626-AGS-MSB 4 Petitioner, ORDER
DENYING HABEAS

PETITION (ECF 1)

5 v. 6 WARDEN, Otay Mesa Detention Center, 7 Defendant. 8 9 Self-represented petitioner
Roberto Maceo Rodriguez seeks a writ of habeas corpus 10 under 28 U.S.C. § 2241 challenging
his immigration detention. At this stage, he need only 11 make out a claim that is sufficiently
cognizable to warrant a response. See Rules Governing

12 Section 2254 Cases in the United States District Courts, Rule 4 (authorizing summary

13 dismissal “if it plainly appears from the petition and any attached exhibits that the petitioner 14
is not entitled to relief”); id., Rule 1(b) (permitting application of Rules Governing Section 15
2254 Cases to any “habeas corpus petition”). In this context, the relevant federal rules 16 permit

“summary dismissal of claims that are clearly not cognizable.” Neiss v. Bludworth, 17 114 F.4th

1038, 1045 (9th Cir. 2024) (cleaned up). But “as long as a petition has any 18 potential merit, it is

not so frivolous or incredible as to justify summary dismissal[.]” Id. 19 Though this “any potential

merit” standard is low, Maceo Rodriguez’s petition does 20 not meet it. That is, he does not

sufficiently explain why his current immigration detention 21 is unlawful, so as to require habeas

relief. The petition references a prior “I-220B order of 22 supervision,” which suggests that Maceo

Rodriguez was previously ordered removed from 23 the United States, only to be later released

and allowed to stay in the country on an order 24 of supervision. (See ECF 1, at 2–3.) Although he

allegedly “complied with all ICE 25 requirements and appointments,” immigration officials re-

detained him on “August 5, 26 2025.” (Id.) Yet the petition gives no inkling as to why this re-

detention should be 27 considered unlawful. For example, he does not mention any procedural

defects, such as the 28 denial of “prompt” interview after his arrest. See 8 C.F.R. § 241.13(i)(3).

Nor does he 1 || suggest there is any other post-removal-order detention time that might render his

current 2 || custodial period unconstitutionally prolonged. See *Zadvydas v. Davis*, 533 U.S. 678, 701 3 (2001) (holding that “six months” is a “presumptively reasonable period of detention” for 4 those detained under 8 U.S.C. § 1231). 5 The habeas petition is therefore DENIED. But the Court grants Maceo Rodriguez 6 leave to amend. By January 16, 2026, he may file an amended petition that remedies the 7 || defects identified above. If he files an amended petition, Maceo Rodriguez must also list 8 ||the respondent(s) by name, in their official capacity. See 28 U.S.C. § 2242; *Rumsfeld v. 9 || Padilla*, 542 U.S. 426, 435 (2004) (“[I]n habeas challenges to present physical 10 || confinement—‘core challenges’—the default rule is that the proper respondent is the 11 || warden of the facility where the prisoner is being held.”). 12 ||Dated: December 17, 2025 14 Hon. rew G. Schopler United States District Judge 15 16 17 18 19 20 21 22 23 24 25 26 27 28