

**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.

OPINION

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