

**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

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