

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Mirian E. Menjivar Sanchez v. Minga Wofford, et al.

Sanchez v. Wofford · No. 1:25-cv-01187-SKO (HC) · Decided December 8, 2025

SUMMARY

The court granted a habeas corpus petition challenging the detention of an immigration detainee under 8 U.S.C. § 1225(b)(2)(A) rather than § 1226(a). It held that § 1225(b)(2)(A) did not apply to the petitioner, who had previously entered the United States without inspection and was in standard removal proceedings, and concluded that she was wrongfully denied release on a \$3,000 bond. The court barred re-arrest or re-detention absent specified constitutional protections and directed the Clerk to enter judgment and close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sheila K. Oberto
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 8, 2025
DOCKET	1:25-cv-01187-SKO (HC)
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention and denial of release on bond.
STANDARD OF REVIEW	Review under 28 U.S.C. § 2241 of whether Petitioner was detained in violation of the Constitution or laws of the United States.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Mirian E. Menjivar Sanchez v. Minga Wofford, Warden, Mesa Verde Immigrant Processing Center, Nancy Gonzalez, Acting Director of Bakersfield, California Field Office, U.S. Immigration and Customs Enforcement, Kristi Noem, Secretary of the U.S. Department of Homeland Security, Pamela Bondi, Attorney General of the United States

TOPICS

immigration detention

federal habeas corpus

statutory interpretation

procedural due process

removal proceedings

PRACTICE AREAS

immigration detention

federal habeas corpus

immigration

statutory interpretation

procedural due process

QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1225(b)(2)(A) mandates detention of a noncitizen who entered the United States without inspection, has been present in the country for years, and is placed in standard removal proceedings.
2. Whether Petitioner was detained under 8 U.S.C. § 1226(a) and therefore eligible for a bond determination by an immigration judge.
3. Whether habeas relief was appropriate where Petitioner was wrongfully denied release on the bond previously granted by the immigration judge.

HOLDINGS

1. Section 1225(b)(2)(A) does not apply to Petitioner merely because she is a noncitizen present in the United States who has not been admitted. Petitioner was not subject to mandatory detention under § 1225(b)(2)(A).
2. Petitioner was detained pursuant to 8 U.S.C. § 1226(a), not § 1225(b), and was eligible for discretionary release on bond after the immigration judge determined that she was not a danger and posed only a minimal flight risk.
3. The petition for a writ of habeas corpus was granted because Petitioner was wrongfully denied release on bond after being placed under the wrong detention authority.

KEY QUOTATIONS

“In sum, the Court finds Petitioner was re-detained pursuant to § 1226(a), was not subject to mandatory detention under section 1225(b)(2)(A), and was wrongfully denied her release on bond by the IJ.” (Discussion II.A)

“Respondent is ORDERED not to re-arrest or re-detain Petitioner absent compliance with constitutional protections, which include at a minimum, pre-deprivation notice of at least seven (7) days before a pre-deprivation hearing at which the Government will bear the burden of demonstrating by clear and convincing evidence that Petitioner is likely to flee or pose a danger to the community, if not arrested, and at which Petitioner may be represented by her counsel;” (Order)

FACTUAL BACKGROUND

Petitioner, a citizen of El Salvador, entered the United States without admission in January 2005 and was later ordered removed in absentia. After living primarily in California for approximately twenty years and raising three children, she was arrested by ICE in June 2025 and detained at the Mesa Verde Detention Center. Petitioner

has diabetes requiring insulin and experienced uncontrolled hyperglycemia during detention. The immigration judge initially granted release under 8 U.S.C. § 1226(a) on a \$3,000 bond, but later reversed that decision after determining that 8 U.S.C. § 1225(b) mandated her detention.

PROCEDURAL HISTORY

Petitioner was detained by immigration authorities in June 2025. An immigration judge initially determined that detention was governed by 8 U.S.C. § 1226(a), found Petitioner not dangerous and only a minimal flight risk, and granted release on a \$3,000 bond. After DHS appealed, the IJ reversed course based on *Matter of Yajure Hurtado* and determined that Petitioner was subject to mandatory detention under 8 U.S.C. § 1225(b). The district court granted a temporary restraining order, converted it to a preliminary injunction, and then granted the habeas petition in this final order; Respondent filed no response.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents were ordered not to re-arrest or re-detain Petitioner absent constitutional protections, including at minimum seven days' pre-deprivation notice, a pre-deprivation hearing at which Petitioner may be represented by counsel, and a requirement that the Government prove by clear and convincing evidence that Petitioner is likely to flee or pose a danger to the community. The Clerk was directed to enter judgment and close the case.

CASES CITED

- *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004)
- *Lopez-Marroquin v. Barr*, 955 F.3d 759 (9th Cir. 2020)
- *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011)
- *Jennings v. Rodriguez*, 583 U.S. 281 (2018)
- *Gomes v. Hyde*, 25 Civ. 11571 (D. Mass. July 7, 2025)
- *Lopez Benitez v. Francis*, No. 25 Civ. 5937 (DEH) (S.D.N.Y. Aug. 13, 2025)
- *Hernandez v. Sessions*, 872 F.3d 976 (9th Cir. 2017)
- *In re Guerra*, 24 I. & N. Dec. 37 (BIA 2006)
- *Guerrero Lepe v. Andrews*, 25-cv-01163-KES-SKO (E.D. Cal. Sept. 23, 2025)
- *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025)
- *Lopez Benitez v. Francis*, No. 25-Civ-5937, 2025 WL 2267803 (S.D.N.Y. Aug. 8, 2025)
- *Martinez v. Hyde*, No. CV 25-11613-BEM, 2025 WL 2084238 (D. Mass. July 24, 2025)
- *Vasquez Garcia v. Noem*, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025)
- *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025)
- *Kostak v. Trump*, No. 3:25-cv-01093-JE, Doc. 20 (W.D. La. Aug. 27, 2025)
- *Benitez v. Noem*, No. 5:25-cv-02190, Doc. 11 (C.D. Cal. Aug. 26, 2025)

- Leal-Hernandez v. Noem, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025)
- Romero v. Hyde, No. 25-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025)
- Arrazola-Gonzalez v. Noem, No. 5:25-cv-01789-ODW, 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025)
- Aguilar Maldonado v. Olson, No. 25-cv-3142, 2025 WL 2374411 (D. Minn. Aug. 15, 2025)
- Dos Santos v. Noem, No. 1:25-cv-12052-JEK, 2025 WL 2370988 (D. Mass. Aug. 14, 2025)
- Rocha Rosado v. Figueroa, No. CV 25-02157, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025)
- Maldonado Bautista v. Santacruz, No. 5:25-cv-01874-SSS-BFM, *13 (C.D. Cal. July 28, 2025)
- Cortes Alonzo v. Noem, 25-cv-01519-WBS-SCR (E.D. Cal. Nov. 17, 2025)
- Chavez v. Noem, 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025)
- Vargas Lopez v. Trump, 2025 WL 2780351 (D. Neb. Sept. 30, 2025)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-eastern-district-of-cal/2025/mirian-e-menjivar-sanchez-v-minga-wofford-et-al-7k85s9i0>