

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Angel Liliguishuzca-Chuqi v. Patrick Divver, et al.

Case No. 25-cv-3816-AGS-DEB · No. 25-cv-3816-AGS-DEB · Decided December 31, 2025

SUMMARY

The court finds that Angel Liliguishuzca-Chuqi's habeas petition challenging immigration detention presents a sufficiently cognizable and potentially meritorious claim to warrant a response. The petition argues that the government improperly classified the petitioner as subject to mandatory detention under 8 U.S.C. § 1225 rather than discretionary detention under § 1226(a), which would permit a bond hearing. The court orders the respondent to answer and respond to the motion for injunctive relief by January 7, 2026, sets a reply deadline of January 12, 2026, and schedules oral argument for January 14, 2026.

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 31, 2025
DOCKET	25-cv-3816-AGS-DEB
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a 28 U.S.C. § 2241 habeas petition challenging immigration detention and a motion for injunctive relief. The court found the petition sufficiently cognizable to require a response and scheduled briefing and oral argument.
STANDARD OF REVIEW	At the preliminary screening stage, the court asks whether the habeas petition presents a sufficiently cognizable claim to warrant a response; summary dismissal is appropriate only when it plainly appears that the petitioner is not entitled to relief.
PRECEDENTIAL VALUE	Unpublished district-court preliminary order; persuasive value only.
PARTIES	Angel Liliguishuzca-Chuqi v. Patrick Divver, et al.

TOPICS

immigration detention

federal habeas corpus

removal proceedings

statutory interpretation

PRACTICE AREAS

immigration

federal habeas corpus

immigration detention

civil procedure

QUESTIONS PRESENTED

1. Whether the petition sufficiently alleged a cognizable challenge to the statutory basis for petitioner's immigration detention to warrant a response.
2. Whether the court should summarily dismiss the petition at the initial screening stage.

HOLDINGS

1. The petition presented a challenge with sufficient potential merit to warrant a response and was not subject to summary dismissal at the initial screening stage.

KEY QUOTATIONS

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

“This challenge has sufficient potential merit to warrant a response.” (2)

FACTUAL BACKGROUND

Liliguishuzca-Chuqi alleged that she is a citizen of Ecuador who entered the United States without inspection around January 21, 2024. She was apprehended on September 8, 2025, and placed in expedited removal proceedings. The government denied her a bond hearing based on its position that she was subject to mandatory detention under 8 U.S.C. § 1225. She argued that § 1226(a), rather than § 1225, governed her detention because she entered the United States in 2024.

PROCEDURAL HISTORY

Liliguishuzca-Chuqi, an Ecuadorian citizen detained after being placed in expedited removal proceedings, filed a petition under 28 U.S.C. § 2241 asserting that the government unlawfully classified her as subject to mandatory detention under 8 U.S.C. § 1225 rather than detention under § 1226(a), which would permit a bond hearing. The court did not decide the ultimate legality of the detention; it ordered the respondent to answer the petition and respond to the request for injunctive relief.

DISPOSITION

other

CASES CITED

- Neiss v. Bludworth, 114 F.4th 1038, 1045 (9th Cir. 2024)

- Barco Mercado v. Francis, No. 25-cv-6582 (LAK), 2025 WL 3295903, at *4 (S.D.N.Y. Nov. 26, 2025)
- Mosqueda v. Noem, No. 5:25-cv-02304 CAS (BFM), 2025 WL 2591530, at *5 (C.D. Cal. Sept. 8, 2025)
- Vazquez v. Feeley, No. 2:25-cv-01542-RFB-EJY, 2025 WL 2676082, at *11 (D. Nev. Sept. 17, 2025)
- Rodriguez v. Bostock, No. 3:25-cv-05240-TMC, 2025 WL 2782499, at *1 (W.D. Wash. Sept. 30, 2025)

OPINION

1 UNITED STATES DISTRICT COURT 2 SOUTHERN DISTRICT OF CALIFORNIA 3 Angel LILIGUISHUZCA-CHUQI, Case No.: 25-cv-3816-AGS-DEB 4 Petitioner, ORDER REQUIRING RESPONSE 5 v. 6 Patrick DIVVER, et al., 7 Respondents. 8 9 Petitioner Angel Liliguishuzca-Chuqi seeks a writ of habeas corpus under 28 U.S.C. 10 § 2241 to free her from immigration detention. (See ECF 1.) 11 At this stage, he need only make out a claim that is sufficiently cognizable to warrant 12 a response.

See Rules Governing Section 2254 Cases in the United States District Courts, 13 Rule 4 (authorizing summary dismissal “if it plainly appears from the petition and any 14 attached exhibits that the petitioner is not entitled to relief”); *id.*, Rule 1(b) (permitting 15 application of Rules Governing Section 2254 Cases to any “habeas corpus petition”).

In 16 this context, the relevant federal rules permit “summary dismissal of claims that are clearly 17 not cognizable.” *Neiss v. Blutworth*, 114 F.4th 1038, 1045 (9th Cir. 2024) (cleaned up). 18 But “as long as a petition has any potential merit, it is not so frivolous or incredible as to 19 justify summary dismissal[.]” *Id.* 20 Around January 21, 2024, Liliguishuzca-Chuqi, “a citizen of Ecuador,” “entered the 21 United States without inspection.” (ECF 1, at 3, 5.)

Over a year and a half later, on 22 September 8, 2025, petitioner was “apprehended” and “placed in expedited removal 23 proceedings.” (*Id.* at 3.) Petitioner asserts that he has been “den[ied] [] a bond hearing under 24 [8 U.S.C.] § 1226(a)” because of the government’s position that he is “subject to 25 mandatory detention” under “8 U.S.C. § 1225,” which pertains to applicants for admission.

26 (*Id.* at 7.) He asserts that, because he crossed into the United States “in 2024,” he is not an 27 applicant for admission, and the governing statute is thus not § 1225, but “§ 1226(a),” 28 which would allow his release “on bond.” (*Id.* at 6.) This statutory misclassification, he 1 || argues, renders his detention “unlawful.” (*d.* at 3.) 2 This challenge has sufficient potential merit to warrant a response.

Functionally 3 || identical cases across the country have been found to have a “likelihood of success on the 4 || merits” or have resulted in the writ being issued. See, e.g., *Barco Mercado vy. Francis*, 5 F. Supp.3d. ___, No. 25-cv-6582 (LAK), 2025 WL 3295903, at *4 (S.D.N.Y. Nov. 26, 6 2025) (noting that, in “350” of the “362” opinions to address this issue, the petitioners 7 “have prevailed, either on a preliminary or final basis,” and these cases were “decided by 8 160 different judges

sitting in about fifty different courts”); *Mosqueda v. Noem*, No. 9 ||5:25-cv-02304 CAS (BFM), 2025 WL 2591530, at *5 (C.D.

Cal. Sept. 8, 2025) 10 || (“[P]etitioners are likely to succeed on the merits of their claims because section 1226(a), 11 ||not section 1225(b)(2), likely governs their detention.”); *Vazquez v. Feeley*, No. 2:25-cv- 12 ||01542-RFB-EJY, 2025 WL 2676082, at *11 (D. Nev. Sept. 17, 2025) (same); *Rodriguez* 13 ||*v. Bostock*, No. 3:25-cv-05240-TMC, 2025 WL 2782499, at *1 (W.D.

Wash. Sept. 30, 14 2025) (“[T]he government’s position belies the statutory text of the INA, canons of 15 statutory interpretation, legislative history, and longstanding agency practice.”). 16 By January 7, 2026, respondent must answer the petition and respond to the 17 || injunctive-relief motion. Any reply by petitioner must be filed by January 12, 2026.

The 18 || Court will hold oral arguments on the petition and injunctive-relief motion on January 14, 19 2026, at 11:00 a.m. 20 || Dated: December 31, 2025 2 Hon. rew G. Schopler United States District Judge 23 24 25 26 27 28