

**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

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. Bludworth*, 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.” (*Id.* 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