

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Batista Silva v. Archambeault, et al.

Batista Silva · No. 25-cv-3158-AGS-BLM · Decided November 17, 2025

SUMMARY

The United States District Court for the Southern District of California ordered respondents to respond to Warley Batista Silva’s 28 U.S.C. § 2241 petition challenging his mandatory immigration detention and denial of a bond hearing. The court concluded that the petition had sufficient potential merit based on the dispute over whether 8 U.S.C. § 1225(b) or § 1226(a) governs detention of certain noncitizens apprehended in the interior, and set deadlines for the response, reply, and oral argument.

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	November 17, 2025
DOCKET	25-cv-3158-AGS-BLM
DISPOSITION	other
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention; the court ordered the respondents to answer after finding that the petition presented a sufficiently cognizable claim.
STANDARD OF REVIEW	At the initial habeas-screening stage, summary dismissal is appropriate when it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief; claims with any potential merit are not clearly frivolous or incredible and warrant a response.
PRECEDENTIAL VALUE	Unknown; the document is an interlocutory district-court order requiring a response and does not decide the merits.
PARTIES	Warley Batista Silva v. Gregory John Archambeault, et al.

TOPICS

- immigration detention
- removal proceedings
- statutory interpretation
- plain meaning rule
- civil procedure

PRACTICE AREAS

immigration

habeas corpus

immigration detention

statutory interpretation

QUESTIONS PRESENTED

1. Whether the petition presented a sufficiently cognizable and potentially meritorious challenge to petitioner's immigration detention to warrant a response rather than summary dismissal.
2. Whether petitioner's claim that 8 U.S.C. § 1226(a), rather than 8 U.S.C. § 1225(b)(2), governs the detention of similarly situated noncitizens had sufficient potential merit at the initial screening stage.

HOLDINGS

1. The petition should not be summarily dismissed because petitioner's challenge to the statutory basis for his mandatory immigration detention had sufficient potential merit to warrant a response.

KEY QUOTATIONS

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

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

FACTUAL BACKGROUND

Warley Batista Silva alleged that he had been in immigration custody since September 8, 2025. He claimed that the government treated him as subject to mandatory detention under 8 U.S.C. § 1225(b) and denied him a bond hearing during removal proceedings. He challenged the application of Matter of Yajure Hurtado, asserting that it improperly expanded the category of arriving aliens and subjected individuals who had entered the United States to mandatory detention rather than discretionary detention under 8 U.S.C. § 1226(a).

PROCEDURAL HISTORY

Petitioner alleged that he had been detained since September 8, 2025, denied a bond hearing, and subjected to mandatory detention under 8 U.S.C. § 1225(b) based on the Board of Immigration Appeals' decision in Matter of Yajure Hurtado. The court conducted an initial screening and concluded that the challenge had sufficient potential merit to warrant a response. Respondents were ordered to answer by December 3, 2025, petitioner could reply by December 17, 2025, and oral argument was scheduled for December 23, 2025.

DISPOSITION

other

CASES CITED

- Neiss v. Bludworth, 114 F.4th 1038, 1045 (9th Cir. 2024)
- Matter of Yajure Hurtado
- 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)
- Quispe v. Crawford, No. 1:25-cv-1471-AJT-LRV, 2025 WL 2783799, at *6 (E.D. Va. Sept. 29, 2025)

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