

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)

OPINION

1 UNITED STATES DISTRICT COURT 2 SOUTHERN DISTRICT OF CALIFORNIA 3 Warley BATISTA SILVA, Case No.: 25-cv-3158-AGS-BLM 4 Petitioner, ORDER REQUIRING RESPONSE 5 v. 6 Gregory John ARCHAMBEAULT, et al., 7 Respondents. 8 9 Petitioner Warley Batista Silva seeks a writ of habeas corpus under 28 U.S.C. § 2241 10 challenging his immigration detention. At this stage, he need only make out a claim that is 11 sufficiently cognizable to warrant a response.

See Rules Governing Section 2254 Cases in 12 the United States District Courts, Rule 4 (authorizing summary dismissal “if it plainly 13 appears from the petition and any attached exhibits that the petitioner is not entitled to 14 relief”); *id.*, Rule 1(b) (permitting use of those Rules to any “habeas corpus petition”).

In 15 this context, the relevant federal rules permit “summary dismissal of claims that are clearly 16 not cognizable.” *Neiss v. Bludworth*, 114 F.4th 1038, 1045 (9th Cir. 2024) (cleaned up). 17 But “as long as a petition has any potential merit, it is not so frivolous or incredible as to 18 justify summary dismissal[.]” *Id.* 19 Batista Silva alleges that he’s been in immigration custody since “September 8, 20 2025.” (ECF 1, at 2.)

He claims to be subject to mandatory detention and “categorically 21 ineligible for a bond hearing under” 8 U.S.C. § 1225(b), and he has thus been denied bond 22 during the pendency of removal proceedings. (ECF 1, at 3, 10.) This is because a Board of 23 Immigration Appeals’ opinion in “*Matter of Yajure Hurtado*” held that “noncitizens who 24 entered without inspection and were later apprehended in the interior are categorically 25 ineligible for bond hearings.” (ECF 1, at 14.)

Petitioner charges that Yajure Hurtado and 26 its resulting decisions “contradict the plain language of the [§ 1225(b) and § 1226] by 27 expanding the scope of ‘arriving aliens’ beyond the clear meaning of the law.” (*Id.* at 21.) 28 “The decision’s interpretation effectively erases the distinction between individuals 1 || apprehended at the border and those who have already entered the United States, which is 2 critical distinction in the Immigration and Nationality Act.” (*d.*) “By doing so, it subjects 3 || a broader category of individuals to mandatory detention under [§ 1225(b)], despite the 4 || fact that they would otherwise be eligible for a bond hearing under [§ 1226].” *Ud.*)

5 This challenge has sufficient potential merit to warrant a response. Functionally 6 identical cases across the country have been found to have a “likelihood of success on the 7 || merits” or have resulted in the writ being issued. See, e.g., *Mosqueda v. Noem*, No. 5:25- 8 || cv-02304 CAS (BFM), 2025 WL 2591530, at *5 (C.D. Cal. Sept. 8, 2025) (“[T]he Court 9 || concludes that

petitioners are likely to succeed on the merits of their claims because section 10 || 1226(a), not section 1225(b)(2), likely governs their detention.”); *Vazquez v. Feeley*, No. 11 2:25-cv-01542-RFB-EJY, 2025 WL 2676082, at *11 (D.

Nev. Sept. 17, 2025) (same); 12 ||see also *Rodriguez vy. Bostock*, No. 3:25-cv-05240-TMC, 2025 WL 2782499, at *1 13 ||(W.D. Wash. Sept. 30, 2025) (“Every district court to address this question has concluded 14 || that the government’s position belies the statutory text of the INA, canons of statutory 15 |/interpretation, legislative history, and longstanding agency practice.”); *Quispe v. 16 || Crawford*, No. 1:25-cv-1471-AJT-LRV, 2025 WL 2783799, at *6 (E.D.

Va. Sept. 29, 17 2025) (“Petitioner’s detention is governed by § 1226(a)’s discretionary framework, not 18 |} § 1225(b)’s mandatory detention procedures, as at least thirty federal district courts around 19 || the country, including two in this Circuit, have concluded when faced with habeas petitions 20 || from comparably situated petitioners.”). 21 By December 3, 2025, respondent must answer the petition.

Any reply by petitioner 22 be filed by December 17, 2025. The Court will hold oral arguments on the petition 23 December 23, 2025, at 1:00 p.m. 24 || Dated: November 17, 2025 Hon. rew G. Schopler United States District Judge 27 28