

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

OPINION

Archambeault

PER CURIAM.

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.” (*Id.*) “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].” *Id.*) 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