

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Miguel Angel Tercero Briones v. Christopher J. LaRose, Senior
Warden, Otay Mesa Detention Center, et al.

Tercero Briones v. LaRose · No. 3:25-cv-03421-RBM-AHG · Decided January 2, 2026

SUMMARY

The United States District Court for the Southern District of California grants Miguel Angel Tercero Briones’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court holds that immigration officials unlawfully detained Briones by revoking his release without providing notice of the revocation or the required informal interview, violating applicable regulations and due process. Respondents are ordered to immediately release him subject to his preexisting Order of Supervision.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Ruth Bermudez Montenegro
JURISDICTION	United States District Court for the Southern District of California
DECIDED	January 2, 2026
DOCKET	3:25-cv-03421-RBM-AHG
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 challenging the lawfulness of his immigration detention. The district court granted the petition and ordered his immediate release subject to his preexisting Order of Supervision.
STANDARD OF REVIEW	The court considered whether Petitioner was in custody in violation of the Constitution or laws of the United States under 28 U.S.C. § 2241(c)(3).
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown
PARTIES	Miguel Angel Tercero Briones v. Christopher J. LaRose, Senior Warden, Otay Mesa Detention Center, et al.

TOPICS

federal habeas corpus

immigration detention

procedural due process

due process

administrative law

PRACTICE AREAS

Immigration detention

Federal habeas corpus

Administrative law

Constitutional law

QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1252(g) or § 1252(b)(9) barred the district court's jurisdiction over Petitioner's challenge to the legality of his continued detention.
2. Whether ICE's failure to provide notice of revocation and an informal interview before revoking Petitioner's release violated due process and rendered his detention unlawful.
3. Whether Petitioner was prejudiced by ICE's failure to comply with its own regulations governing revocation of release.

HOLDINGS

1. Sections 1252(g) and 1252(b)(9) did not bar jurisdiction because Petitioner challenged the legality of his detention rather than the validity of his removal order, the commencement of removal proceedings, or an act to execute a removal order.
2. ICE's failure to provide Petitioner with notice of revocation and an informal interview before revoking his release violated his due process rights and rendered his detention unlawful.
3. Petitioner was prejudiced by ICE's failure to comply with its own regulations because he was deprived of due process protections, including sufficient notice and a prompt interview to respond to the reasons for revocation.

KEY QUOTATIONS

“The essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and . . . the traditional function of the writ is to secure release from illegal custody.” (at 2)

“For those same reasons, ICE’s failure to comply with its regulations in revoking Petitioner’s release violated Petitioner’s due process rights and rendered his detention unlawful.” (at 4)

FACTUAL BACKGROUND

Petitioner, a Honduran citizen, entered the United States in 1991 and was placed in removal proceedings. After returning in 1995 pursuant to advance parole, he was placed on an Order of Supervision in 1999 and complied with its conditions for more than twenty-six years. He had no criminal record, maintained employment authorization, had an approved Form I-130 petition filed by his United States citizen daughter, and had a motion to reopen pending before the BIA. DHS detained him during an October 16, 2025 check-in, stating that his Temporary Protected Status had expired, but did not provide a notice of revocation or an informal interview.

PROCEDURAL HISTORY

Petitioner filed a verified § 2241 habeas petition after DHS detained him during an annual check-in. Respondents opposed the petition, arguing that the claims were jurisdictionally barred, that the detention was within the presumptively reasonable period recognized in *Zadvydas*, and that any regulatory violations caused no prejudice. The court rejected those arguments, found that ICE failed to comply with required procedures for revoking Petitioner's release, and granted the petition.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents were ordered to immediately release Petitioner from custody, subject to his preexisting Order of Supervision.

CASES CITED

- *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004)
- *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973)
- *Rasakhamdee v. Noem*, 2025 WL 3102037 (S.D. Cal. Nov. 6, 2025)
- *Ghafouri v. Noem*, 2025 WL 3085726 (S.D. Cal. Nov. 4, 2025)
- *Alatorre Rodriguez v. LaRose*, 2025 WL 3456475 (S.D. Cal. Dec. 2, 2025)
- *Touch v. Noem*, 2025 WL 3278019 (S.D. Cal. Nov. 25, 2025)
- *Touch v. Noem*, 2025 WL 3296280 (S.D. Cal. Nov. 26, 2025)

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