

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Christian Javier Calderon Perez v. Luis Rosa, Jr., et al.

No. CV-26-00038-PHX-KML (JZB) · No. No. CV-26-00038-PHX-KML (JZB) · Decided January 7, 2026

SUMMARY

The United States District Court for the District of Arizona ordered respondents to show cause why a habeas petition under 28 U.S.C. § 2241 should not be granted to require the petitioner's release or a bond hearing under 8 U.S.C. § 1226. The order addresses whether the petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2), in light of conflicting district court decisions, a Seventh Circuit decision, and a related Central District of California class-action judgment.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Krissa M. Lanham
JURISDICTION	United States District Court for the District of Arizona
DECIDED	January 7, 2026
DOCKET	No. CV-26-00038-PHX-KML (JZB)
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging his detention and asserting that he was not subject to mandatory detention under 8 U.S.C. § 1225(b)(2). The court issued an order to show cause rather than resolving the petition on the merits.
PRECEDENTIAL VALUE	unpublished
PARTIES	Christian Javier Calderon Perez v. Luis Rosa, Jr., et al.

TOPICS

immigration detention removal proceedings judicial review of agency action administrative law
civil procedure

PRACTICE AREAS

immigration detention habeas corpus administrative law civil procedure

QUESTIONS PRESENTED

1. Whether petitioner may be subject to mandatory detention under 8 U.S.C. § 1225(b)(2).
2. Whether respondents should be required to release petitioner or provide a bond hearing under 8 U.S.C. § 1226.

KEY QUOTATIONS

“Based on prior decisions in the District of Arizona, the Seventh Circuit’s opinion, and the final judgment entered by the Central District of California, respondents must show cause why the petition should not be granted to the extent that petitioner be released or provided a bond hearing under 8 U.S.C. § 1226.” (2)

FACTUAL BACKGROUND

Petitioner was detained in immigration custody and challenged the statutory basis for that detention. The petition raised whether he was subject to mandatory detention under 8 U.S.C. § 1225(b)(2), rather than detention under § 1226(a) with access to a bond hearing. The order noted potentially applicable decisions from the District of Arizona, the Seventh Circuit, and the Central District of California.

PROCEDURAL HISTORY

Petitioner filed a § 2241 petition. Relying on prior District of Arizona decisions, a Seventh Circuit decision, and a Central District of California class-action judgment, the court ordered respondents to show cause why the petition should not be granted to the extent petitioner should be released or provided a bond hearing under 8 U.S.C. § 1226.

DISPOSITION

other

CASES CITED

- Zepeda v. Noem, CV-25-4236-PHX-KML (JFM), ECF No. 13 at 2–3 (D. Ariz. Dec. 11, 2025)
- Castanon-Nava v. U.S. Dep’t of Homeland Sec., 2025 WL 3552514, at *9 (7th Cir. Dec. 11, 2025)
- Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM, Doc. 94 (C.D. Cal. Dec. 18, 2025)

OPINION

1 WO 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE DISTRICT OF ARIZONA 8 9 Christian Javier Calderon Perez, No. CV-26-00038-PHX-KML (JZB) 10 Petitioner, ORDER 11 v. 12 Luis Rosa, Jr., et al., 13 Respondents. 14 15 Petitioner filed a petition under 28 U.S.C. § 2241. (Doc. 1.)

The petition presents 16 the recurring issue whether a particular individual is subject to mandatory detention under 17 8 U.S.C. § 1225(b)(2). District courts have split on this issue as set forth in Zepeda v. Noem, 18 CV-25-4236-PHX-KML (JFM), ECF No. 13 at 2–3 (D. Ariz. Dec. 11, 2025).

On 19 December 11, 2025, the Seventh Circuit concluded the Department of Homeland Security 20 and U.S. Immigration and Customs Enforcement were “not likely to succeed on the merits 21 of their argument” regarding “mandatory detention under § 1225(b)(2)(A).” Castanon- 22 Nava v. U.S. Dep’t of Homeland Sec., --- F.4th ----, 2025 WL 3552514, at *9 (7th Cir. Dec.

23 11, 2025). And on December 18, 2025, the Central District of California entered judgment 24 in a class action likely covering petitioner declaring “the Bond Eligible Class members are 25 detained under 8 U.S.C. § 1226(a) and are not subject to mandatory detention under 26 § 1225(b) (2)” and vacating “the Department of Homeland Security policy described in the 27 July 8, 2025, ‘Interim Guidance Regarding Detention Authority for Applicants for 28 Admission’ under the Administrative Procedure Act as not in accordance with law.

5 U.S.C. § 706(2)(A).” Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM, Doc. 94 (C.D. Cal. Dec. 18, 2025). 3 Based on prior decisions in the District of Arizona, the Seventh Circuit’s opinion, 4|| and the final judgment entered by the Central District of California, respondents must show 5 || cause why the petition should not be granted to the extent that petitioner be released or 6 || provided a bond hearing under 8 U.S.C. § 1226.

7 Accordingly, 8 IT IS ORDERED: 9 1. Counsel for petitioner must serve the petition upon respondents. 10 2. If not already issued, the clerk’s office must issue any properly completed 11 summonses. 12 3. The clerk of court must immediately transmit by email a copy of this order and the 13 petition to the United States Attorney for the District of Arizona, to the attention of 14 Katherine Branch at katherine.branch@usdoj.gov, Melissa Kroeger at 15 melissa.kroeger@usdoj.gov, Lon Leavitt at lon.leavitt@usdoj.gov, and Theo 16 Nickerson at Theo.Nickerson2 @usdoj.gov.

17 4. Respondents must show cause no later than January 9, 2026 why the petition 18 should not be granted. Petitioner may file a reply no later than January 12, 2026. 19 Dated this 7th day of January, 2026. 20 Honorable Krissa M. Lanham 23 United States District Judge 24 25 26 27 28 _2-