

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

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
summons. 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
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