

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
CALIFORNIA

Morales-Vichi v. Noem

Case No. 25-cv-3754-GPC-KSC (S.D. Cal. Dec. 30, 2025) · No. 25-cv-3754-GPC-KSC · Decided December 30, 2025

SUMMARY

The United States District Court for the Southern District of California granted in part Jorge Morales-Vichi’s 28 U.S.C. § 2241 habeas petition challenging his immigration detention. The court held that, because Petitioner was apprehended in the interior and was not seeking admission under 8 U.S.C. § 1225(b)(2), his detention was governed by 8 U.S.C. § 1226(a), entitling him to a bond hearing. The court ordered Respondents to provide the hearing within seven days, declined to order immediate release, and closed the case after directing entry of judgment.

CASE DETAILS

|                    |                                                                                                                                                                                                                                                                                                                                       |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT              | United States District Court for the Southern District of California                                                                                                                                                                                                                                                                  |
| JURISDICTION       | United States District Court for the Southern District of California                                                                                                                                                                                                                                                                  |
| DECIDED            | December 30, 2025                                                                                                                                                                                                                                                                                                                     |
| DOCKET             | 25-cv-3754-GPC-KSC                                                                                                                                                                                                                                                                                                                    |
| DISPOSITION        | other                                                                                                                                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE | Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention and seeking release, a bond hearing, and related relief.                                                                                                                                                                                |
| STANDARD OF REVIEW | The court considered de novo the statutory question whether 8 U.S.C. § 1225(b)(2) or § 1226(a) governed petitioner's detention. Habeas relief was available upon a showing that petitioner was in custody in violation of the Constitution or laws of the United States.                                                              |
| PRECEDENTIAL VALUE | Unpublished district-court decision; persuasive authority only and not binding precedent outside the case.                                                                                                                                                                                                                            |
| PARTIES            | Jorge Morales-Vichi v. Kristi Noem, in her official capacity as Secretary of Homeland Security, Christopher J. Larose, in his official capacity as Warden of Otay Mesa Detention Center, Gregory J. Archambeault, in his official capacity as San Diego Field Office Director, ICE Enforcement Removal Operations, Todd Lyons, in his |

official capacity as Acting Director of ICE, Pamela Bondi, U.S.  
Attorney General, Immigration and Customs Enforcement,  
Department of Homeland Security

## TOPICS

immigration detention federal habeas corpus removal proceedings statutory interpretation  
plain meaning rule

## PRACTICE AREAS

immigration immigration detention federal habeas corpus statutory interpretation

## QUESTIONS PRESENTED

1. Whether a noncitizen who entered without inspection, has lived in the United States for years, and was arrested in the interior while in removal proceedings is an applicant for admission seeking admission within the meaning of 8 U.S.C. § 1225(b)(2)(A).
2. Whether petitioner's detention was governed by the discretionary detention and bond-hearing framework of 8 U.S.C. § 1226(a) rather than the mandatory-detention provision of § 1225(b)(2)(A).
3. Whether petitioner was entitled to immediate release or instead to a bond hearing under § 1226(a).

## HOLDINGS

1. A noncitizen who entered without inspection, has resided in the United States for years, and is arrested in the interior while in removal proceedings is not seeking admission under § 1225(b)(2)(A). The phrase is best understood to require an affirmative act such as entering the United States or applying for status.
2. Petitioner's detention was governed by the discretionary detention framework of 8 U.S.C. § 1226(a), and an immigration judge retained authority to conduct a bond hearing.
3. Petitioner was not entitled to immediate release because a bond hearing, rather than release as a matter of law, was sufficient to remedy the unlawful detention under § 1225(b)(2).

## KEY QUOTATIONS

*“In sum, the Court concludes that Petitioner is not “seeking admission” under § 1225(b)(2) and that an immigration judge retains authority to grant conditions of bail under §1226(a).”* (ECF pagination 8)

*“Section 1226 requires only consideration of release on bond, and a bond hearing is therefore sufficient to correct Respondents’ ongoing violation of the INA as to Petitioner.”* (Conclusion, ECF pagination 8)

*“The overwhelming majority of courts to address the issue have agreed that Section 1226(a), rather than the mandatory detention provision of Section 1225(b)(2)(A), applies to a noncitizen in Petitioner's position who has resided in the United States for many years.”* (ECF pagination 7)

## FACTUAL BACKGROUND

Petitioner is a Mexican national who entered the United States on October 1, 2007, without lawful status. Respondents arrested and detained him at the Otay Mesa Detention Center on December 10, 2025, while he was attending a scheduled ICE appointment in the interior of the United States. He remained detained while in removal proceedings, with an individual merits hearing scheduled for February 5, 2026.

## PROCEDURAL HISTORY

Morales-Vichi filed a § 2241 habeas petition on December 23, 2025, after being detained by immigration authorities on December 10, 2025. Respondents filed a return on December 29, 2025. The district court granted the petition in part, declined to order immediate release, ordered a bond hearing under 8 U.S.C. § 1226(a) within seven days, required a notice of compliance, and directed entry of judgment for petitioner.

## DISPOSITION

other

## REMAND INSTRUCTIONS

Respondents must provide petitioner with a bond hearing under 8 U.S.C. § 1226(a) within seven days of the order and file a notice of compliance within ten days after providing the hearing. The clerk was directed to enter judgment for petitioner and close the case.

## CASES CITED

- Rasul v. Bush, 542 U.S. 466, 473 (2004)
- Hamdi v. Rumsfeld, 542 U.S. 507, 525 (2004)
- Preiser v. Rodriguez, 411 U.S. 475, 484 (1973)
- Pinson v. Carvajal, 69 F.4th 1059, 1067 (9th Cir. 2023)
- Espinoza v. Sabol, 558 F.3d 83, 89 (1st Cir. 2009)
- Jennings v. Rodriguez, 583 U.S. 281, 288-89, 296-300 (2018)
- Lepe v. Andrews, -- F. Supp. 3d --, 2025 WL 2716910, at \*3 (E.D. Cal. Sept. 23, 2025)
- Lopez Benitez v. Francis, -- F. Supp. 3d --, 2025 WL 2371588, at \*3 (S.D.N.Y. Aug. 13, 2025)
- Aroldo Rodriguez Diaz v. Merrick Garland, Rodriguez Diaz v. Garland, 53 F.4th 1189, 1196 (9th Cir. 2022)
- Hernandez v. Sessions, 872 F.3d 976, 982 (9th Cir. 2017)
- In re Guerra, 24 I. & N. Dec. 37, 38 (BIA 2006)
- Cmty. for Creative Non-Violence v. Reid, 490 U.S. 730, 739 (1989)
- King v. Burwell, 576 U.S. 473, 486 (2015)
- Shulman v. Kaplan, 58 F.4th 404, 410-11 (9th Cir. 2023)
- Mosqueda v. Noem, No. 25-CV-2304 CAS (BFM), 2025 WL 2591530, at \*5 (C.D. Cal. Sept. 8, 2025)
- Esquivel-Ipina v. LaRose, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361, at \*5 (S.D. Cal. Oct. 24, 2025)
- Rodriguez v. Bostock, No. 3:25-CV-05240-TMC, 2025 WL 2782499, at \*1 (W.D. Wash. Sept. 30, 2025)
- Matter of Yajure Hurtado, 29 I. & N. Dec. 216, 223, 226-27 (BIA 2025)

- Edwards' Lessee v. Darby, 25 U.S. 206, 210 (1827)
- Loper Bright Enters. v. Raimondo, 603 U.S. 369, 386 (2024)
- NLRB v. Noel Canning, 573 U.S. 513, 525 (2014)
- McCulloch v. Maryland, 17 U.S. 316, 401 (1819)
- Marbury v. Madison, 5 U.S. 137, 177 (1803)
- N.L.R.B. v. Bell Aerospace Co. Div. of Textron Inc., 416 U.S. 267, 274-75 (1974)
- Bethancourt Soto v. Soto, -- F. Supp. 3d --, 2025 WL 2976572, at \*2 n.1 (D.N.J. Oct. 22, 2025)
- Vasquez v. Feeley, -- F. Supp. 3d --, 2025 WL 2676082, at \*5 n.2 (D. Nev. Sept. 17, 2025)
- Zumba v. Bondi, Civ. No. 25-cv-14626 (KSH), 2025 WL 2753496, at \*4 (D.N.J. Sept. 26, 2025)
- Quijada Cordoba v. Knight, -- F. Supp. 3d --, 2025 WL 3228945, at \*6 (D. Idaho Nov. 19, 2025)
- Lopez v. Warden, Otay Mesa Det. Ctr., No. 25-CV-2527-RSH-SBC, 2025 WL 3005346, at \*3-4 (S.D. Cal. Oct. 27, 2025)
- Medina-Ortiz v. Noem, No. 25-cv-02819-DMS-MMP, at \*5 (S.D. Cal. Oct. 30, 2025)