

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

MD Nurulhuda Shapan v. Warden, Otay Mesa Detention Center

Case No. 25-cv-3817-AGS-VET · No. 25-cv-3817-AGS-VET · Decided January 2, 2026

SUMMARY

The United States District Court for the Southern District of California ordered the government to respond to MD Nurulhuda Shapan’s 28 U.S.C. § 2241 habeas petition challenging his prolonged immigration detention. The court found that, although the petition did not clearly identify a legal basis for relief, it was not frivolous in light of authority recognizing that prolonged detention may require an individualized bond hearing. The court set deadlines for the response and reply and scheduled oral argument.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Andrew G. Schopler
JURISDICTION	United States District Court for the Southern District of California
DECIDED	January 2, 2026
DOCKET	25-cv-3817-AGS-VET
DISPOSITION	other
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention; the court ordered the respondent to answer rather than summarily dismissing the petition.
STANDARD OF REVIEW	At the initial screening stage, the petition may be summarily dismissed only if it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief; claims that have any potential merit should not be summarily dismissed.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	MD Nurulhuda Shapan, petitioner v. Warden, Otay Mesa Detention Center, respondent

TOPICS

- immigration detention
- removal proceedings
- procedural due process
- civil procedure
- immigration

PRACTICE AREAS

immigration

constitutional law

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether the § 2241 petition was sufficiently cognizable and nonfrivolous to require a response rather than summary dismissal.
2. Whether prolonged detention of an arriving alien subject to mandatory detention under 8 U.S.C. § 1225(b) may implicate due process and support a potential claim for an individualized bond hearing.

HOLDINGS

1. The petition was not so frivolous, incredible, or clearly noncognizable as to justify summary dismissal; the respondent must respond.
2. The allegations presented a potentially cognizable due-process claim because prolonged detention under 8 U.S.C. § 1225(b) without an individualized bond hearing may violate due process.

KEY QUOTATIONS

“But “as long as a petition has any potential merit, it is not so frivolous or incredible as to justify summary dismissal[.]”” (Document at 1)

“the Court joins the majority of courts across the country in concluding that an unreasonably prolonged detention under 8 U.S.C. § 1225(b) without an individualized bond hearing violates due process.” (Document at 1-2)

FACTUAL BACKGROUND

Shapan alleged that he is a native and citizen of Bangladesh who entered the United States on January 8, 2025, avoided inspection by an immigration officer, and was detained that same day. He asserted a credible fear of prosecution and was transferred from expedited removal proceedings to regular removal proceedings. After nearly a year in custody, he requested parole or a bond hearing.

PROCEDURAL HISTORY

Shapan filed a § 2241 habeas petition seeking release from immigration detention through parole or a bond hearing. The court concluded that the petition was not frivolous or clearly noncognizable and required the respondent to file an answer, with a reply and oral argument scheduled thereafter.

DISPOSITION

other

CASES CITED

- Neiss v. Bludworth, 114 F.4th 1038, 1045 (9th Cir. 2024)

- *Kydyrali v. Wolf*, 499 F. Supp. 3d 768, 772 (S.D. Cal. 2020)

OPINION

1 UNITED STATES DISTRICT COURT 2 SOUTHERN DISTRICT OF CALIFORNIA 3 MD
Nurulhuda SHAPAN, Case No.: 25-cv-3817-AGS-VET 4 Petitioner, ORDER REQUIRING
RESPONSE 5 v. 6 WARDEN, Otay Mesa Detention Center, 7 Respondent. 8 9 Petitioner MD
Nurulhuda Shapan, who is self-represented, seeks a writ of habeas 10 corpus under 28 U.S.C. §
2241 to free him from immigration detention.

(See ECF 1.) 11 At this stage, he need only make out a claim that is sufficiently cognizable to
warrant 12 a response. See Rules Governing Section 2254 Cases in the United States District
Courts, 13 Rule 4 (authorizing summary dismissal “if it plainly appears from the petition and any
14 attached exhibits that the petitioner is not entitled to relief”); *id.*, Rule 1(b) (permitting 15
application of Rules Governing Section 2254 Cases to any “habeas corpus petition”).

In 16 this context, the relevant federal rules permit “summary dismissal of claims that are clearly
17 not cognizable.” *Neiss v. Bludworth*, 114 F.4th 1038, 1045 (9th Cir. 2024) (cleaned up). 18 But
“as long as a petition has any potential merit, it is not so frivolous or incredible as to 19 justify
summary dismissal[.]” *Id.* 20 On “January 8, 2025,” petitioner, a “native” and “citizen” of
“Bangladesh,” “came 21 to the U.S.” (ECF 1, at 6, 9.)

He was caught the same day, after avoiding “inspect[ion] by 22 an Immigration Officer,” and has
been detained “since.” (*Id.* at 6, 12.) He thereafter 23 asserted a credible fear of prosecution and
was moved from expedited removal proceedings 24 to normal removal proceedings. (*Id.* at 9.) He
asks that, after nearly a year of custody, the 25 Court “grant [him] parol[e] or bond.” (*Id.* at 7.)

26 But Farah does not identify any particular claim for relief or any authority this Court 27 may
have to grant his request. (See generally *id.*) Given this, the Court struggles to predict 28 how
likely Farah’s petition is to succeed. Yet it is not frivolous.

After all, some courts have 1 || concluded that prolonged detention can violate due process, even
for arriving aliens subject 2 ||to mandatory detention under 8 U.S.C. § 1225(b). See, eg., *Kydyrali*
v. Wolf, 3 ||499 F. Supp. 3d 768, 772 (S.D. Cal. 2020) (“[T]he Court joins the majority of courts
across 4 ||the country in concluding that an unreasonably prolonged detention under 8 U.S.C. § 5 ||
1225(b) without an individualized bond hearing violates due process.”).

Thus, the 6 || government must respond. 7 By January 16, 2026, respondents must answer the
petition. Any reply by petitioner 8 || must be filed by January 23, 2026. The Court will hold oral
arguments on the petition on 9 || January 30, 2026, at 11:00 a.m. 10 Dated: January 2, 2026 12
Hon. re w G. Schopler United States District Judge 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27
28

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