

**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

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. rew G. Schopler United States District Judge 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28