

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Vishal Kumar v. Warden of Imperial Regional Detention Facility, et
al.

Kumar · No. 26-cv-0460-AGS-AHG · Decided January 26, 2026

SUMMARY

The United States District Court for the Southern District of California orders the government to respond to Vishal Kumar's 28 U.S.C. § 2241 petition challenging his immigration detention and denial of an individualized bond hearing. The court finds that the petition presents a sufficiently cognizable and potentially meritorious challenge, and directs respondents to state whether Kumar is a member of the Maldonado Bautista class and whether they will concede his right to a bond hearing, or otherwise answer the petition.

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 26, 2026
DOCKET	26-cv-0460-AGS-AHG
DISPOSITION	other
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention; the court ordered respondents to state whether they would concede petitioner's right to a bond hearing or, alternatively, answer the petition.
STANDARD OF REVIEW	At initial habeas screening, summary dismissal is appropriate only when the petition is plainly meritless or the claims are clearly not cognizable; a petition with any potential merit warrants a response.
PRECEDENTIAL VALUE	Unknown; interlocutory screening order requiring a government response.
PARTIES	Vishal Kumar v. Warden of Imperial Regional Detention Facility, et al.

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Kumar's § 2241 challenge to his immigration detention and denial of an individualized bond determination was sufficiently cognizable and potentially meritorious to require a response rather than summary dismissal.
2. Whether respondents should state whether Kumar is a member of the Maldonado Bautista class and whether they will concede his right to a bond hearing under that authority.

HOLDINGS

1. The petitioner's challenge to his immigration detention had sufficient potential merit to warrant a response and was not subject to summary dismissal at that stage.

KEY QUOTATIONS

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

“This challenge has sufficient potential merit to warrant a response.” (at 2)

FACTUAL BACKGROUND

Kumar, an Indian citizen, entered the United States without inspection on November 11, 2023. The government initiated removal proceedings under 8 U.S.C. § 1229a and arrested him on December 5, 2025. After he sought a bond hearing, the Immigration Judge indicated that the request would be denied as a matter of law under *Matter of Yajure Hurtado* because the Immigration Court lacked authority to conduct an individualized custody determination.

PROCEDURAL HISTORY

Kumar filed a § 2241 habeas petition challenging his detention and the Immigration Judge's stated inability to conduct an individualized custody determination under *Matter of Yajure Hurtado*. At the initial screening stage, the court found that the challenge had sufficient potential merit to warrant a response and ordered the government to address class membership and possible concession, or otherwise answer the petition.

DISPOSITION

other

CASES CITED

- *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025)

- Neiss v. Bludworth, 114 F.4th 1038, 1045 (9th Cir. 2024)
- Maldonado Bautista v. Noem, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3678485, at *1 (C.D. Cal. Dec. 18, 2025)
- Barco Mercado Francis, ___ F. Supp. 3d ___, No. 25-cv-6582 (LAK), 2025 WL 3295903, at *4 (S.D.N.Y. Nov. 26, 2025)
- Mosqueda v. Noem, No. 5:25-cv-02304 CAS (BFM), 2025 WL 2591530, at *5 (C.D. Cal. Sept. 8, 2025)
- Vazquez v. Feeley, No. 2:25-cv-01542-RFB-EJY, 2025 WL 2676082, at *11 (D. Nev. Sept. 17, 2025)
- Rodriguez v. Bostock, No. 3:25-cv-05240-TMC, 2025 WL 2782499, at *1 (W.D. Wash. Sept. 30, 2025)

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