

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Rodolfo Rodriguez Rodriguez ("N.A.") v. Christopher J. Larose, et
al.

Rodriguez Rodriguez v. Larose · No. 25-cv-3306-AGS-AHG · Decided November 28, 2025

SUMMARY

The United States District Court for the Southern District of California finds that a habeas petition challenging the petitioner's immigration detention under 28 U.S.C. § 2241 presents a sufficiently cognizable claim to warrant a response. The order concerns whether detention is governed by the discretionary framework of 8 U.S.C. § 1226(a) or the mandatory detention procedures of § 1225(b). Respondents must answer by December 16, 2025, with any reply due December 23, 2025, and oral argument set for January 7, 2026.

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	November 28, 2025
DOCKET	25-cv-3306-AGS-AHG
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner brought a 28 U.S.C. § 2241 habeas petition challenging his immigration detention. The court determined that the petition stated a sufficiently cognizable claim to warrant a response and ordered respondents to answer.
STANDARD OF REVIEW	At the preliminary screening stage, the court asks whether the habeas petition presents a sufficiently cognizable claim to warrant a response; summary dismissal is appropriate only when it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is not established by the source.
PARTIES	Rodolfo Rodriguez Rodriguez ("N.A.") v. Christopher J. Larose, et al.

TOPICS

immigration detention

removal proceedings

statutory interpretation

civil procedure

PRACTICE AREAS

immigration law

habeas corpus

immigration detention

statutory interpretation

QUESTIONS PRESENTED

1. Whether the § 2241 petition presented a sufficiently cognizable and potentially meritorious challenge to petitioner's immigration detention to require a response rather than summary dismissal.
2. Whether petitioner's allegation that he was improperly transferred from the discretionary detention framework of 8 U.S.C. § 1226(a) to the mandatory detention framework of § 1225(b) was sufficient at the screening stage to warrant further proceedings.

HOLDINGS

1. The petition had sufficient potential merit to warrant a response and was not subject to summary dismissal at that stage.
2. The alleged challenge to petitioner's reclassification from detention under 8 U.S.C. § 1226(a) to detention under § 1225(b) presented sufficient potential merit to proceed beyond initial screening.

KEY QUOTATIONS

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

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

“By December 16, 2025, respondent must answer the petition.” (2)

FACTUAL BACKGROUND

Petitioner is a 26-year-old citizen and national of Venezuela who alleged that he fled political persecution. He entered the United States on or about March 11, 2024, through the CBP One application process, and filed an application for asylum and/or withholding of removal on or about February 11, 2025. Immigration and Customs Enforcement detained him on August 9, 2025. The petition alleged that dismissal of his proceedings placed him in expedited removal proceedings and resulted in an allegedly unlawful reclassification from discretionary detention under 8 U.S.C. § 1226(a) to mandatory detention under § 1225(b).

PROCEDURAL HISTORY

Petitioner alleged that, after entering the United States and applying for asylum and/or withholding of removal, he was detained by Immigration and Customs Enforcement and placed in expedited removal proceedings. He contended that he was improperly reclassified from discretionary detention under 8 U.S.C. § 1226(a) to mandatory detention under § 1225(b). The court did not resolve the merits, but ordered respondents to answer the petition and set deadlines for a reply and oral argument.

DISPOSITION

other

CASES CITED

- Neiss v. Bludworth, 114 F.4th 1038, 1045 (9th Cir. 2024)
- 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)
- Quispe v. Crawford, No. 1:25-cv-1471-AJT-LRV, 2025 WL 2783799, at *6 (E.D. Va. Sept. 29, 2025)

OPINION

1 UNITED STATES DISTRICT COURT 2 SOUTHERN DISTRICT OF CALIFORNIA 3 Rodolfo RODRIGUEZ RODRIGUEZ Case No.: 25-cv-3306-AGS-AHG (“N.A.”),1 4 ORDER REQUIRING RESPONSE Petitioner, 5 v. 6 Christopher J. LAROSE, et al., 7 Respondents. 8 9 Petitioner seeks a writ of habeas corpus under 28 U.S.C. § 2241 challenging his 10 immigration detention. At this stage, he need only make out a claim that is sufficiently 11 cognizable to warrant a response.

See Rules Governing Section 2254 Cases in the United 12 States District Courts, Rule 4 (authorizing summary dismissal “if it plainly appears from 13 the petition and any attached exhibits that the petitioner is not entitled to relief”); id., 14 Rule 1(b) (permitting use of those Rules to any “habeas corpus petition”).

In this context, 15 the relevant federal rules permit “summary dismissal of claims that are clearly not 16 cognizable.” Neiss v. Bludworth, 114 F.4th 1038, 1045 (9th Cir. 2024) (cleaned up). But 17 “as long as a petition has any potential merit, it is not so frivolous or incredible as to justify 18 summary dismissal[.]” Id. 19 Petitioner is “a 26-year-old citizen and national of Venezuela” who “fled his home 20 country” after facing “political persecution.” (ECF 1, at 8.)

Petitioner “entered” the 21 United States “on or about March 11, 2024, through the CBP One application process.” 22 (Id.) “On or about February 11, 2025,” petitioner filed an application for asylum and/or 23 withholding of removal. (Id.)

On “August 9, 2025,” over one year after arriving in the 24 United States, petitioner “was detained by Immigration and Customs Enforcement.” (Id. 25 26 27 1 Petitioner suggests that he will move for leave to file pseudonymously (using 28 1 |} at 2.)

The petition does not specify why petitioner was detained. But it later states that “the 2 ||dismissal of his proceedings [placed] him in expedited removal” proceedings, which 3 suggests that

petitioner was re-classified, allegedly without “due process,” from 8 U.S.C. 4 §§ 1226(a)’s discretionary detention framework to § 1225(b)’s mandatory detention 5 || procedures.

(See *id.* at 9.) 6 This challenge has sufficient potential merit to warrant a response. Functionally 7 || identical cases across the country have been found to have a “likelihood of success on the 8 || merits” or have resulted in the writ being issued. See, e.g., *Mosqueda v. Noem*, No. 5:25- 9 || cv-02304-CAS-BFM, 2025 WL 2591530, at *5 (C.D. Cal. Sept. 8, 2025) (“[T]he Court 10 || concludes that petitioners are likely to succeed on the merits of their claims because section 11 || 1226(a), not section 1225(b)(2), likely governs their detention.”); *Vazquez v. Feeley*, No. 12 || 2:25-cv-01542-RFB-EJY, 2025 WL 2676082, at *11 (D.

Nev. Sept. 17, 2025) (same); 13 || see also *Rodriguez v. Bostock*, No. 3:25-cv-05240-TMC, 2025 WL 2782499, at *1 14 || (W.D. Wash. Sept. 30, 2025) (“Every district court to address this question has concluded 15 the government’s position belies the statutory text of the INA, canons of statutory 16 || interpretation, legislative history, and longstanding agency practice.”); *Quispe v.* 17 || *Crawford*, No. 1:25-cv-1471-AJT-LRV, 2025 WL 2783799, at *6 (E.D.

Va. Sept. 29, 18 || 2025) (“Petitioner’s detention is governed by § 1226(a)’s discretionary framework, not 19 || § 1225(b)’s mandatory detention procedures, as at least thirty federal district courts around 20 || the country, including two in this Circuit, have concluded when faced with habeas petitions 21 || from comparably situated petitioners.”). 22 By December 16, 2025, respondent must answer the petition.

Any reply by 23 || petitioner must be filed by December 23, 2025. The Court will hold oral arguments on the 24 || petition on January 7, 2026, at 2:00 p.m. 25 || Dated: November 28, 2025 17
Hon. re w G. Schopler United States District Judge 28