

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

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. rew G. Schopler United States District Judge 28