

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Filadelfo Rodriguez-Sanchez v. Patrick Divver, San Diego Field Office Director, Enforcement and Removal Operations, United States Immigration and Customs Enforcement (ICE); Christopher J. LaRose; Kristi Noem; United States Department of Homeland Security; Pamela Bondi; Executive Office for Immigration Review; Daren K. Margolis

Rodriguez-Sanchez · No. 25-cv-2868-JES-AGH · Decided October 24, 2025

SUMMARY

The United States District Court for the Southern District of California orders the respondents to show cause why Filadelfo Rodriguez-Sanchez’s petition for a writ of habeas corpus under 28 U.S.C. § 2241 should not be granted. The Court establishes deadlines for the response, service, and any traverse, and sets an order-to-show-cause hearing. The Court also stays the petitioner’s removal from the United States or the Southern District of California pending further order to preserve jurisdiction.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	James E. Simmons Jr.
JURISDICTION	United States District Court for the Southern District of California
DECIDED	October 24, 2025
DOCKET	25-cv-2868-JES-AGH
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner's 28 U.S.C. § 2241 habeas petition and motion for a temporary restraining order and preliminary injunction were pending before the district court. The court ordered respondents to show cause, set a briefing schedule and hearing, and stayed petitioner's removal to preserve jurisdiction.
PRECEDENTIAL VALUE	Unknown; interlocutory order requiring a response and preserving jurisdiction.

PARTIES

Filadelfo Rodriguez-Sanchez v. Patrick Divver, Christopher J. LaRose, Kristi Noem, United States Department of Homeland Security, Pamela Bondi, Executive Office for Immigration Review, Daren K. Margolis

TOPICS

removal proceedings

immigration detention

immigration

injunctions

subject matter jurisdiction

PRACTICE AREAS

Immigration

Federal habeas corpus

Civil procedure

Injunctive relief

QUESTIONS PRESENTED

1. Whether the court should temporarily prevent respondents from removing petitioner while the court determines the petition and its subject-matter jurisdiction.
2. What response, briefing, service, and hearing schedule should govern the pending § 2241 petition and request for injunctive relief.

HOLDINGS

1. The court may stay petitioner's removal from the United States or the district pending further order to preserve the status quo and the court's jurisdiction while the petition is pending.
2. Respondents must show cause by filing a written response explaining why the petition should not be granted by the specified deadline.

KEY QUOTATIONS

“Federal courts retain jurisdiction to preserve the status quo while determining whether it has subject matter jurisdiction over a case and while a petition is pending resolution from the court.” (at 1)

“the power to issue injunctive relief to prevent irreparable harm to the applicant and to preserve [] jurisdiction over the matter.” (at 1)

FACTUAL BACKGROUND

Filadelfo Rodriguez-Sanchez was apparently detained in connection with immigration removal proceedings and filed a petition for habeas corpus under 28 U.S.C. § 2241. He also sought temporary and preliminary injunctive relief. The court acted to prevent his removal from the United States or the Southern District of California while it considered the petition and its subject-matter jurisdiction.

PROCEDURAL HISTORY

Petitioner filed a petition for writ of habeas corpus and a motion for temporary restraining order and preliminary injunction on October 23, 2025, and paid the filing fee. On October 24, 2025, the court ordered respondents to file a response, directed petitioner to serve the petition and order, scheduled a show-cause hearing, and prohibited petitioner's removal pending further order.

DISPOSITION

other

CASES CITED

- Doe v. Bondi, Case No. 25-cv-805-BJC-JLB, 2025 WL 1870979, at *2 (S.D. Cal. June 11, 2025)
- A.M. v. LaRose et al., 25-cv-01412, ECF No. 2 (S.D. Cal. June 4, 2025)
- A.A.R.P. v. Trump, 605 U.S. 91, 97 (2025)
- Nguyen v. Scott, No. 2:25-CV-01398, 2025 WL 2097979, at *3 (W.D. Wash. July 25, 2025)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 Case No.: 25-cv-2868-JES-AGH FILADELFO RODRIGUEZ-SANCHEZ
12 Petitioner, ORDER: 13 v. (1) REQUIRING A RESPONSE TO 14 THE PETITION FOR WRIT
OF PATRICK DIVVER, San Diego Field 15 HABEAS CORPUS; Office Director, Enforcement
and 16 Removal Operations, United States (2) SETTING A BRIEFING Immigration and Customs
Enforcement 17 SCHEDULE AND MOTION (ICE); CHRISTOPHER J. LAROSE, HEARING;
and 18 Senior Warden, Otay Mesa Detention Center; KRISTI NOEM, Secretary of 19 (3)
STAYING REMOVAL OF Homeland Security; UNITED STATES PETITIONER TO PRESERVE
20 DEPARTMENT OF HOMELAND JURISDICTION SECURITY (DHS); PAMELA BONDI,
21 Attorney General of the United States; [ECF NO. 1, 2] 22 EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW (EOIR); 23 DAREN K. MARGOLIS Director EOIR; 24 in their
official capacities 25 Respondents.

26 // 27 // 28 // 1 Before the Court is Petitioner Filadelfo Rodriguez-Sanchez’s Petition for Writ of
2 Habeas Corpus pursuant to 28 U.S.C. § 2241 (ECF No. 1) and Motion for Temporary 3
Restraining Order and Preliminary Injunction (ECF No. 2). Petitioner filed the Petition and 4
Motion and paid the required filing fee on October 23, 2025. ECF Nos. 1, 2. 5 To preserve the
Court’s jurisdiction pending a ruling in this matter, Petitioner shall 6 not be removed from the
United States or this District unless and until the Court orders 7 otherwise.

See Doe v. Bondi, Case. No. 25-cv-805-BJC-JLB, 2025 WL 1870979 at *2 (S.D. 8 Cal. June 11,
2025) (“Federal courts retain jurisdiction to preserve the status quo while 9 determining whether it
has subject matter jurisdiction over a case and while a petition is 10 pending resolution from the
court.”) (citing cases); A.M. v. LaRose et al., 25-cv-01412, 11 ECF No. 2 (S.D.

Cal. June 4, 2025) (“Pursuant to Petitioner’s request for a Temporary 12 restraining order, the
Court hereby (1) RESTRAINS and ENJOINS Respondents, their 13 agents, employees,
successors, attorneys, and all persons in active concert and participation 14 with them, from
removing Petitioner A.M. from the United States or this District pending 15 further order of this

Court”); see also *A.A.R.P v. Trump*, 605 U.S. 91, 97 (2025) (finding 16 that federal courts have “the power to issue injunctive relief to prevent irreparable harm to 17 the applicant and to preserve [] jurisdiction over the matter.”); *Nguyen v. Scott*, No. 2:25- 18 CV-01398, 2025 WL 2097979, at *3 (W.D.

Wash. July 25, 2025) (enjoining the 19 Respondents from removing Petitioner without approval from the court). 20 The Court sets forth the following: 21 1. Respondents are hereby ORDERED TO SHOW CAUSE as to why the 22 Petition should not be granted by filing a written Response no later than 5:00 23 p.m. on Wednesday, October 29, 2025. 24 2. Petitioner SHALL SERVE on Respondents copies of both the Petition and 25 this Order as soon as practicable and SHALL FILE proof of such service no 26 later than 5:00 p.m. on Friday, October 24, 2025.

27 3. Petitioner MAY FILE an optional Traverse in support of the Petition no later 28 than 5:00 p.m. on October 30, 2025. 1 4. Finally, the Court SETS an Order to Show Cause Hearing for Friday, October 2 31, 2025, at 1:00 p.m. in Courtroom 4B. 3 IT IS SO ORDERED. 4 || Dated: October 24, 2025 6 Honorable James E. Simmons Jr. 7 United States District Judge 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 23