

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.

OPINION

Rodriguez-Sanchez

PER CURIAM.

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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

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