

**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA**

Diego Alejandro Lara Urriola v. Christopher J. LaRose, et al.

Lara Urriola v. LaRose · No. 3:25-cv-03556 · Decided December 30, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 Case No.: 25cv3556 DMS MMP DIEGO ALEJANDRO LARA 12
URRIOLA, ORDER GRANTING PETITION 13 Petitioner, 14 v. 15 CHRISTOPHER J.
LAROSE, Senior 16 Warde, Otay Mesa Detention Center; DANIEL A. BRIGHTMAN, San Diego
17 Field Office Director, Immigration and 18 Customs Enforcements and Removal Operations
("ICE/ERO"); TODD M. 19 LYONS, Acting Director of Immigration 20 Customs Enforcement
("ICE"); U.S. Immigration and Customs Enforcements; 21 KRISTI NOEM, Secretary of the 22
Department of Homeland Security ("DHS"); U.S. Department of Homeland 23 Security; and
PAMELA BONDI, Attorney 24 General of the United States.

25 Respondents. 26 This case comes before the Court on the Petition for Writ of Habeas Corpus
and 27 Order to Show Cause Within Three Days. As set out in the Petition, Petitioner is a citizen
28 and national of Venezuela.

On December 23, 2023, he entered the United States near Eagle 1 Pass, Texas. After crossing the
border Petitioner was apprehended by border patrol agents 2 and taken into custody. On December
28, 2023, Petitioner was released on his own 3 recognizance with a Notice to Appear before an
immigration judge on February 27, 2024. 4 Thereafter, Petitioner was monitored through the
Intensive Supervision Appearance 5 Program ("ISAP"), and he "complied with every request,
demand and requirement imposed 6 by Respondents, in addition to complying with all the court
and legal timelines in pursuing 7 immigration relief." (Pet. ¶ 36.)

8 According to the Petition, the Government initiated removal proceedings against 9 Petitioner on
January 31, 2024. On December 4, 2024, Petitioner applied for asylum. On 10 June 24, 2025,
Petitioner filed a petition in San Diego Superior Court seeking appointment 11 of a guardian and
Special Immigrant Juvenile Findings. (Id. ¶ 35.)

On July 1, 2025, 12 Petitioner appeared for a hearing before an immigration judge during which
Respondents 13 moved to dismiss Petitioner's case so they could place him in expedited removal
14 proceedings. The immigration judge denied that motion, but Respondents nevertheless 15 took
Petitioner into custody. He has been in custody since that time and is currently being 16 detained
at Otay Mesa Detention Center.

After Petitioner was taken into custody, the state 17 court issued its Special Immigrant Juvenile Status (“SIJS”) findings. On July 31, 2025, 18 Petitioner filed his petition for SIJS with Respondents. 19 On December 12, 2025, Petitioner filed the present case seeking his release from 20 custody. He alleges three claims for relief: (1) that Respondents’ revocation of his release 21 without a change in circumstances was an abuse of discretion under the Administrative 22 Procedures Act (“APA”), (2) that the revocation of his parole was pursuant to a policy as 23 opposed to an exercise of individual discretion in violation of the APA, and (3) that the 24 revocation of his release violated his procedural due process rights because it was arbitrary 25 and failed to consider whether he posed a safety risk or risk of flight and because there was 26 no change in circumstances justifying his re-detention.

In response to the Petition, 27 Respondents argue the Court lacks jurisdiction to consider Petitioner’s claims and 28 Petitioner is lawfully detained under 8 U.S.C. § 1225(b)(2)(A). Respondents did not 1 address the merits of Petitioner’s claims under the APA or the Fifth Amendment.

In their 2 supplemental response, Respondents acknowledge Petitioner’s detention is governed by 8 3 U.S.C. § 1226(a), and that he is therefore entitled to a bond hearing pursuant to a series of 4 decisions by the United States District Court for the Central District of California in 5 *Maldonado Bautista v. Santacruz*, Case No. 5:25-cv-01873-SSS-BFM. Petitioner filed a 6 traverse disputing Respondents’ jurisdiction argument and asserting he is properly detained 7 under section 1226(b).

Petitioner also maintains his detention is unlawful, and the 8 appropriate remedy in this case is release as opposed to a bond hearing. 9 To the extent Respondents maintain the Court lacks jurisdiction to consider the 10 claims alleged in this case, the Court rejects that argument, as it has in several previous 11 cases. See, e.g., *Arellano v. LaRose*, No. 3:25-cv-03316-DMS-AHG, ECF No. 6; *Fanfan 12 v. Noem*, No. 25cv3291 DMS (BJW), ECF No. 13, *Medina-Ortiz v. Noem*, No. 25-cv-2819- 13 DMS-MMP, ECF No. 7; *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MMP, 2025 14 WL 2549431, at *3–4 (S.D.

Cal. Sept. 3, 2025). There is also no longer a dispute that 15 Petitioner’s re-detention is governed by section 1226(a), not section 1225(b)(2)(A). This 16 leaves only the merits of Petitioner’s claims, which Respondents failed to address. Absent 17 any rebuttal from Respondents, the Court grants the Petition, and orders Respondents to 18 release Petitioner forthwith, and subject to the terms of his previous release.

See *N-E-M- 19 B v. Wamsley*, No. 3:25-cv-989-SI, 2025 WL 3527111, at *7-8 (D. Ore. Dec. 9, 2025) 20 (granting petition and ordering petitioner’s release where respondents failed to contest 21 merits); *F.B. v. Noem*, No. CV-25-04271-PHX-JJT (JZB), 2025 WL 3628652, at *1-2 (D. 22 Ariz. Dec. 4, 2025) (similar). See also *Rios v. Noem*, No. 25-cv-2866-JES-VET, 2025 WL 23 3141207, at *2-4 (S.D.

Cal. Nov. 10, 2025) (granting petition on grounds respondents 24 violated the APA and due process in re-detaining petitioner); Makuey v. Scott, No. 2:25- 25 cv-02135-DGE-BAT, 2025 WL 3640900, at *4-7 (W.D. Wash. Dec. 16, 2025) (granting 26 petition on ground petitioner's re-detention violated due process); Singh v. Andrews, No. 27 1:25-cv-01438-EPG-HC, 2025 WL 3563221, at *4-8 (E.D.

Cal. Dec. 12, 2025) (same); 28 Faizyan v. Casey, No. 3:25-cv-02884-RBM-JLB, 2025 WL 3208844, at *6-8 (S.D. Cal. 1 || Nov. 17, 2025) (same); Rodriguez Cabrera v. Mattos, ____ F.Supp.3d ____, 2025 WL 2 3072687 (D. Nev. Nov. 3, 2025) (same); E.A. T.-B. v. Wamsley, 795 F.Supp.3d 1316, 1320- 3 (W.D. Wash. 2025) (same). 4 IT IS SO ORDERED. 5 ||Dated: December 30, 2025 6 nm bby 4 Hon. Dana M. Sabraw 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