

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Mohammad Rash v. Christopher LaRose, Warden of Otay Mesa
Detention Center, et al.

Rash · No. 26cv0008-LL-DEB · Decided January 2, 2026

SUMMARY

The United States District Court for the Southern District of California screened Mohammad Rash’s petition for a writ of habeas corpus under 28 U.S.C. § 2241 and found it sufficiently cognizable to warrant a response. The court ordered Respondents to respond by January 13, 2026, allowed a reply by January 20, 2026, and preliminarily enjoined removal of the Petitioner from the district pending further order.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Linda Lopez
JURISDICTION	United States District Court for the Southern District of California
DECIDED	January 2, 2026
DOCKET	26cv0008-LL-DEB
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241. The district court screened the petition, found it sufficiently cognizable to require a response, set a briefing schedule, and issued a limited preliminary injunction barring removal from the district pending further order.
STANDARD OF REVIEW	Under Rule 4, the court must dismiss a habeas petition if it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief. At screening, the petitioner need only state a sufficiently cognizable claim warranting a return or answer; summary dismissal is appropriate only when the allegations are vague, conclusory, palpably incredible, patently frivolous, or false.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown in the source metadata.

PARTIES

Mohammad Rash v. Christopher LaRose, Warden of Otay Mesa Detention Center, et al.

TOPICS

federal habeas corpus

immigration detention

injunctions

immigration

civil procedure

PRACTICE AREAS

federal habeas corpus

immigration detention

immigration

injunctive relief

QUESTIONS PRESENTED

1. Whether the § 2241 petition should be summarily dismissed at the screening stage under Rule 4.
2. Whether the petition stated a sufficiently cognizable claim to warrant a response from the government.
3. Whether the court should issue a limited injunction preventing petitioner's removal from the district pending further order.

HOLDINGS

1. The petition was not subject to summary dismissal because, based on the alleged background, it stated a claim sufficiently cognizable to warrant an answer.
2. The court preliminarily enjoined respondents and persons acting in concert with them from removing petitioner from the Southern District of California pending further order.

KEY QUOTATIONS

“as long as a petition has any potential merit, it is not so frivolous or incredible as to justify summary dismissal under Rule 4.” (at 1)

“Respondents, their agents, employees, successors, attorneys, and all persons acting in active concert or participation with them are also preliminarily ENJOINED from removing Petitioner from this district pending further order of the Court, to maintain the status quo and allow the Court to provide a reasoned decision.” (at 2)

FACTUAL BACKGROUND

Mohammad Rash was detained at the Otay Mesa Detention Center and filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241. The petition alleged circumstances that raised a potentially cognizable habeas claim. The court also determined that preventing Rash's removal from the Southern District of California was necessary to preserve the status quo while the petition was briefed and considered.

PROCEDURAL HISTORY

The petition was pending before the United States District Court for the Southern District of California. On screening, the court declined to summarily dismiss the petition, ordered respondents to respond by January 13, 2026, permitted petitioner to reply by January 20, 2026, and stated that it would thereafter set a hearing or take

the matter under submission. The court also enjoined removal of petitioner from the district pending further order.

DISPOSITION

other

CASES CITED

- Neiss v. Bludworth, 114 F.4th 1038, 1045 (9th Cir. 2024)
- Hendricks v. Vasquez, 908 F.2d 490, 491 (9th Cir. 1990)
- E-C-R- v. Noem, No. 25-cv-1230-SI, 2025 WL 2300543, at *1 n.1 (D. Or. July 16, 2025)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 MOHAMMAD RASH, Case No.: 26cv0008-LL-DEB 12 Petitioner,
ORDER SCREENING PETITION, 13 v. SETTING BRIEFING SCHEDULE, AND ISSUING
LIMITED 14 CHRISTOPHER LAROSE, Warden of INJUNCTION Otay Mesa Detention Center,
et al., 15 Respondents. [ECF No. 1] 16 17 18 Pending before the Court is Petitioner Mohammad
Rash’s Petition for Writ of 19 Habeas Corpus under 28 U.S.C. § 2241.

ECF No. 1. Courts must screen habeas petitions 20 and dismiss them “if it plainly appears from
the petition and any attached exhibits that the 21 petitioner is not entitled to relief.” See Rules
Governing Section 2254 Cases in the United 22 States District Courts, Rule 4; id., Rule 1(b)
(permitting use of Rules Governing Section 23 2254 Cases to any “habeas corpus petition”).

To survive screening, a petitioner need only 24 make out a claim that is sufficiently “cognizable”
to warrant a return or answer from the 25 government. See Neiss v. Bludworth, 114 F.4th 1038,
1045 (9th Cir. 2024). Indeed, “as 26 long as a petition has any potential merit, it is not so frivolous
or incredible as to justify 27 summary dismissal under Rule 4.” Id.; see Hendricks v. Vasquez, 908
F.2d 490, 491 (9th 28 Cir.

1990) (“Summary dismissal is appropriate only where the allegations in the petition 1 vague or
conclusory or palpably incredible or patently frivolous or false.” (citations, 2 || quotation marks,
and brackets omitted)).

Here, based on the alleged background, the Court 3 || finds that Petitioner has adequately stated a
claim that is cognizable enough to warrant an 4 || answer. 5 Accordingly, by January 13, 2026,
Respondents shall file a response to the Petition. 6 || By January 20, 2026, Petitioner may file a
reply. Following briefing, the Court will set a 7 || hearing or take the matter under submission
pursuant to Local Civil Rule 7.1.

Respondents, 8 ||their agents, employees, successors, attorneys, and all persons acting in active concert or 9 || participation with them are also preliminarily ENJOINED from removing Petitioner from 10 |this district pending further order of the Court, to maintain the status quo and allow the 11 Court to provide a reasoned decision. See 28 U.S.C. § 1651(a) (“[A]ll courts established 12 || by an Act of Congress may issue all writs necessary or appropriate in aid of their respective 13 jurisdictions and agreeable to the usages and principles of law.”); E-C-R- v. Noem, No. 25- 14 || cv-1230-SI, 2025 WL 2300543, at *1 n.1 (D.

Or. July 16, 2025) (‘Courts around the 15 country exercise their authority under the All Writs Act to maintain their jurisdiction over 16 || pending immigration matters by preserving the status quo.’ (collecting cases)).

The Clerk 17 transmit this Order and the Petition to the U.S. Attorney’s Office for the Southern 18 || District of California. 19 IT IS SO ORDERED. 20 Dated: January 2, 2026 NO 21 DE | 22 Honorable Linda Lopez 33 United States District Judge 24 25 26 27 28