

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Jose Adalberto Rivas-Pimentel v. Pamela Bondi, et al.

No. CV-25-04720-PHX-KML (CDB) · No. No. CV-25-04720-PHX-KML (CDB) · Decided December 23, 2025

SUMMARY

The United States District Court for the District of Arizona issued an order to show cause in a 28 U.S.C. § 2241 habeas petition concerning whether the petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2). The court denied the motion for a temporary restraining order, directed service of the petition, and ordered respondents to show cause by December 30, 2025, why the petitioner should not be released or provided a bond hearing under 8 U.S.C. § 1226(a).

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Krissa M. Lanham
JURISDICTION	United States District Court for the District of Arizona
DECIDED	December 23, 2025
DOCKET	No. CV-25-04720-PHX-KML (CDB)
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a 28 U.S.C. § 2241 habeas petition challenging his detention and separately moved for a temporary restraining order. The court denied the temporary restraining order, ordered service, and directed respondents to show cause why the petition should not be granted to the extent petitioner should be released or provided a bond hearing.
PRECEDENTIAL VALUE	nonprecedential interlocutory district-court order
PARTIES	Jose Adalberto Rivas-Pimentel v. Pamela Bondi, et al.

TOPICS

- immigration detention
- immigration
- injunctions
- civil procedure

PRACTICE AREAS

- Immigration detention
- Federal habeas corpus
- Immigration litigation
- Temporary restraining orders

QUESTIONS PRESENTED

1. Whether petitioner may be subject to mandatory detention under 8 U.S.C. § 1225(b)(2).
2. Whether respondents should be required to show cause why the § 2241 petition should not be granted to the extent petitioner is released or provided a bond hearing under 8 U.S.C. § 1226.
3. Whether petitioner was entitled to a temporary restraining order.

KEY QUOTATIONS

“not likely to succeed on the merits of their argument” (at 1)

“mandatory detention under § 1225(b)(2)(A).” (at 1)

“the Bond Eligible Class members are detained under 8 U.S.C. § 1226(a) and are not subject to mandatory detention under § 1225(b)(2)” (at 1-2)

“Based on prior decisions in the District of Arizona, the Seventh Circuit’s opinion, and the final judgment entered by the Central District of California, respondents must show cause why the petition should not be granted to the extent that petitioner be released or provided a bond hearing under 8 U.S.C. § 1226.” (at 2)

FACTUAL BACKGROUND

Jose Adalberto Rivas-Pimentel is detained in an immigration matter and challenged whether he is subject to mandatory detention under 8 U.S.C. § 1225(b)(2). The opinion notes a split among district courts concerning that issue. It also references decisions concluding that certain individuals are detained under 8 U.S.C. § 1226(a), rather than subject to mandatory detention under § 1225(b)(2).

PROCEDURAL HISTORY

Petitioner filed a petition under 28 U.S.C. § 2241 and a motion for a temporary restraining order. Without deciding the ultimate detention question, the court relied on prior decisions, a Seventh Circuit opinion, and a Central District of California class-action judgment in directing respondents to show cause by December 30, 2025. The court denied the temporary restraining order as moot because of the order to show cause.

DISPOSITION

other

CASES CITED

- Zepeda v. Noem, CV-25-4236-PHX-KML (JFM), ECF No. 13 at 2–3 (D. Ariz. Dec. 11, 2025)
- Castanon-Nava v. U.S. Dep’t of Homeland Sec., No. 25-3050, 2025 WL 3552514, at *9 (7th Cir. Dec. 11, 2025)
- Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM, Doc. 94 (C.D. Cal. Dec. 18, 2025)

OPINION

1 WO 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE DISTRICT OF
ARIZONA 8 9 Jose Adalberto Rivas-Pimentel, No. CV-25-04720-PHX-KML (CDB) 10
Petitioner, ORDER 11 v. 12 Pamela Bondi, et al., 13 Respondents. 14 15 Petitioner filed a petition
under 28 U.S.C. § 2241. (Doc. 1.)

The petition presents 16 the recurring issue whether a particular individual is subject to mandatory
detention under 17 8 U.S.C. § 1225(b)(2). District courts have split on this issue as set forth in
Zepeda v. Noem, 18 CV-25-4236-PHX-KML (JFM), ECF No. 13 at 2–3 (D. Ariz. Dec. 11, 2025).

On 19 December 11, 2025, the Seventh Circuit concluded the Department of Homeland Security
20 and the U.S. Immigration and Customs Enforcement were “not likely to succeed on the 21
merits of their argument” regarding “mandatory detention under § 1225(b)(2)(A).” 22 Castanon-
Nava v. U.S. Dep’t of Homeland Sec., No. 25-3050, 2025 WL 3552514, at *9 23 (7th Cir.

Dec. 11, 2025). And on December 18, 2025, the Central District of California 24 entered judgment
in a class action likely covering petitioner declaring “the Bond Eligible 25 Class members are
detained under 8 U.S.C. § 1226(a) and are not subject to mandatory 26 detention under § 1225(b)
(2)” and vacating “the Department of Homeland Security policy 27 described in the July 8, 2025,
‘Interim Guidance Regarding Detention Authority for 28 Applicants for Admission’ under the
Administrative Procedure Act as not in accordance □□ with law.

5 U.S.C. § 706(2)(A).” Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM, 2|| Doc. 94 (C.D.
Cal. Dec. 18, 2025). 3 Based on prior decisions in the District of Arizona, the Seventh Circuit’s
opinion, 4|| and the final judgment entered by the Central District of California, respondents must
show 5 || cause why the petition should not be granted to the extent that petitioner be released or 6||
provided a bond hearing under 8 U.S.C. § 1226.!

7 Accordingly, 8 IT IS ORDERED: 9 1. The Motion for Temporary Restraining Order (Doc. 2) is
DENIED. 10 2. Counsel for petitioner must immediately serve the petition upon respondents. 11 3.
If not already issued, the clerk’s office must issue any properly completed 12 summonses. 13 4.

The clerk of court must immediately transmit by email a copy of this order and the 14 petition to
the United States Attorney for the District of Arizona, to the attention of 15 Katherine Branch at
katherine.branch@usdoj.gov, Melissa Kroeger at 16 melissa.kroeger@usdoj.gov, Lon Leavitt at
lon.leavitt@usdoj.gov, and Theo 17 Nickerson at Theo.Nickerson2 @usdoj.gov.

18 5. Respondents must show cause no later than December 30, 2025 why the petition 19 should
not be granted. Petitioner may file a reply no later than January 2, 2026. 20 Dated this 23rd day of
December, 2025. 21 Honorable Krissa M. Lanham 24 United States District Judge 25 26 27 28] |
Petitioner also filed a motion for temporary restraining order. (Doc. 2.)

That motion 1s rendered moot by issuance of this order to show cause and is denied. _2-

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