

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

OPINION

Rivas-Pimentel

PER CURIAM.

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
summons. 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-