

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Jose Paz Molina v. Gregory J. Archambeault, et al.

No. 25-cv-3629-AGS-MMP (S.D. Cal. Dec. 17, 2025) · No. 25-cv-3629-AGS-MMP · Decided December 17,
2025

OPINION

Molina

PER CURIAM.

1 UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF CALIFORNIA

3 Jose PAZ MOLINA, Case No.: 25-cv-3629-AGS-MMP 4 Petitioner, ORDER REQUIRING
RESPONSE 5 v. 6 Gregory J. ARCHAMBEAULT, et al., 7 Respondents. 8 9 Petitioner Jose Paz
Molina seeks a writ of habeas corpus under 28 U.S.C. § 2241 10 challenging his immigration
detention. At this stage, he need only make out a claim that is 11 sufficiently cognizable to warrant
a response. See Rules Governing Section 2254 Cases in 12 the United States District Courts, Rule
4 (authorizing summary dismissal “if it plainly 13 appears from the petition and any attached
exhibits that the petitioner is not entitled to 14 relief”); id., Rule 1(b) (permitting application of
Rules Governing Section 2254 Cases to 15 any “habeas corpus petition”). In this context, the
relevant federal rules permit “summary 16 dismissal of claims that are clearly not cognizable.”
Neiss v. Bludworth, 114 F.4th 1038, 17 1045 (9th Cir. 2024) (cleaned up). But “as long as a
petition has any potential merit, it is 18 not so frivolous or incredible as to justify summary
dismissal[.]” Id. 19 Paz Molina “is a citizen of Honduras who has been in immigration detention
since

20 November 4, 2025.” (ECF 1, at 5.) He claims he “is a member” of a class certified in
21 “Maldonado Bautista.” (Id. at 3.) “The declaratory judgment held that the Bond Denial 22
Class members are detained under 8 U.S.C. § 1226(a), and thus may not be denied 23
consideration for release on bond under § 1225(b)(2)(A).” (Id. at 2.) “Nonetheless, the 24
Executive Office for Immigration Review and its subagency the Immigration Court and 25 the
Department of Homeland Security (DHS) have blatantly refused to abide by the 26 declaratory
relief and have unlawfully ordered that Petitioner be denied the opportunity to 27 be released on
bond.” (Id. at 2–3.) So, “[b]y denying Petitioner a bond hearing under 28 § 1226(a) and asserting
that he is subject to mandatory detention under § 1225(b)(2), 1 Respondents violate Petitioner’s
statutory rights under the INA and the Court’s judgment 2 ||in Maldonado Bautista.” (Id. at 7.) 3
This challenge has sufficient potential merit to warrant a response. Whether the 4 || opinion in
Maldonado Bautista 1s a final judgment or otherwise supports collateral estoppel 5 || or res
judicata is an open question. More to the point, functionally identical cases across 6 || the country

have been found to have a “likelihood of success on the merits” or have resulted 7 ||in the writ being issued on the underlying issue of whether § 1225 or § 1226 applies to 8 || petitioner’s custody. See, e.g., *Barco Mercado v. Francis*, ___ F. Supp. 3d. ___, No. 25- 9 || cv-6582 (LAK), 2025 WL 3295903, at *4 (S.D.N.Y. Nov. 26, 2025) (noting that, in “350” 10 ||of the “362” opinions to address this issue, the petitioners “have prevailed, either on a 11 preliminary or final basis,” and these cases were “decided by over 160 different judges 12 sitting in about fifty different courts”); *Mosqueda v. Noem*, No. 5:25-cv-02304 CAS 13 ||(BFM), 2025 WL 2591530, at *5 (C.D. Cal. Sept. 8, 2025) (“[P]etitioners are likely to 14 || succeed on the merits of their claims because section 1226(a), not section 1225(b)(2), likely 15 governs their detention.”); *Vazquez v. Feeley*, No. 2:25-cv-01542-RFB-EJY, 2025 WL 16 2676082, at *11 (D. Nev. Sept. 17, 2025) (same); *Rodriguez v. Bostock*, No. 3:25-cv- 17 05240-TMC, 2025 WL 2782499, at *1 (W.D. Wash. Sept. 30, 2025) (“[T]he government’s 18 || position belies the statutory text of the INA, canons of statutory interpretation, legislative 19 || history, and longstanding agency practice.”). 20 By December 26, 2025, respondent must answer the petition. Any reply by 21 petitioner must be filed by January 2, 2026. The Court will hold oral arguments on the 22 || petition on January 9, 2026, at 3:00 p.m. 23 || Dated: December 17, 2025 5 Hon. rew G. Schopler United States District Judge 26 27 28