

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Jose Monteroso Agustin v. Fereti Semaia, et al.

Agustin · No. 5:25-cv-02788-SRM-JDE · Decided November 25, 2025

SUMMARY

The United States District Court for the Central District of California ordered the petitioner to show cause why his habeas action should not be dismissed as moot after he received an individualized bond hearing under 8 U.S.C. § 1226(a). The court denied the request for a preliminary injunction as moot and noted that challenges to the immigration judge’s bond determination generally must first be appealed to the Board of Immigration Appeals. The court set deadlines for the parties’ responses regarding dismissal.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Serena R. Murillo
JURISDICTION	United States District Court for the Central District of California
DECIDED	November 25, 2025
DOCKET	5:25-cv-02788-SRM-JDE
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought habeas relief, a temporary restraining order, and a preliminary injunction concerning his immigration detention and bond hearing. After the Court ordered an individualized bond hearing under 8 U.S.C. § 1226(a), Respondents reported that the hearing had occurred. The Court denied the preliminary-injunction request as moot and ordered Petitioner to show cause why the action should not be dismissed in its entirety.
STANDARD OF REVIEW	The Court considered whether a present controversy remained for which effective relief could be granted and whether administrative exhaustion should be excused before habeas review of the Immigration Judge's bond determination.
PRECEDENTIAL VALUE	Unknown; interlocutory district-court order
PARTIES	Jose Monteroso Agustin v. Fereti Semaia, et al.

TOPICS

immigration detention

removal proceedings

exhaustion of remedies

injunctions

administrative law

PRACTICE AREAS

immigration law

federal habeas corpus

administrative law

civil procedure

constitutional law

QUESTIONS PRESENTED

1. Whether Petitioner's request for a preliminary injunction became moot after he received the individualized bond hearing ordered by the Court.
2. Whether Petitioner was required to exhaust administrative remedies by appealing the Immigration Judge's bond determination to the Board of Immigration Appeals before seeking habeas review.
3. Whether the circumstances warranted excusing or waiving the administrative-exhaustion requirement.

HOLDINGS

1. After receiving an Immigration Judge's bond hearing, a detainee ordinarily must pursue the available administrative appeal to the Board of Immigration Appeals before seeking habeas review of the bond determination.
2. The Court did not find circumstances at that juncture warranting waiver of administrative exhaustion.
3. The request for a preliminary injunction was moot because Petitioner received the individualized § 1226(a) bond hearing that was the principal relief sought at that stage.

KEY QUOTATIONS

“Because of this established procedure, habeas review of an IJ's bond determination prior to appealing to the BIA would in most circumstances be improper.” (at 2)

“Whether a matter is moot depends on if “there is a present controversy as to which effective relief can be granted.”” (at 3)

“Courts may excuse, or rather, waive the exhaustion requirement when “administrative remedies are inadequate or not efficacious, pursuit of administrative remedies would be a futile gesture, irreparable injury will result, or the administrative proceedings would be void.”” (at 3)

FACTUAL BACKGROUND

Petitioner was detained in immigration custody and initially claimed that he was subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) even though he was entitled to an individualized bond hearing under § 1226(a). The Court ordered Respondents to provide a § 1226(a) bond hearing and to refrain from transferring, relocating, or removing Petitioner outside the Central District of California pending resolution of the case. Petitioner received the hearing, but the Immigration Judge denied a change in custody status after finding that Petitioner had not demonstrated that he was not a flight risk. Petitioner had not shown that he appealed the bond determination to the Board of Immigration Appeals.

PROCEDURAL HISTORY

The Court previously granted in part Petitioner's ex parte application for a temporary restraining order, ordered a § 1226(a) bond hearing, and enjoined transfer or removal outside the Central District of California pending final resolution. Respondents reported that Petitioner received the ordered bond hearing, but an Immigration Judge denied a change in custody status. Petitioner challenged the adequacy of that hearing, while Respondents argued that he was required to appeal to the Board of Immigration Appeals before seeking habeas review. The Court concluded that the preliminary-injunction request was moot and issued an order to show cause regarding dismissal of the action.

DISPOSITION

other

CASES CITED

- Singh v. Holder, 638 F.3d 1196, 1203-04 (9th Cir. 2011)
- Aroldo Rodriguez Diaz v. Merrick Garland, Rodriguez Diaz v. Garland, 53 F.4th 1189, 1199 (9th Cir. 2022)
- Leonardo v. Crawford, 646 F.3d 1157, 1159-60 (9th Cir. 2011)
- Puga v. Chertoff, 488 F.3d 812, 814-15 (9th Cir. 2007)
- Laing v. Ashcroft, 370 F.3d 994, 1000 (9th Cir. 2004)
- Nw. Env't Def. Ctr. v. Gordon, 849 F.2d 1241, 1244 (9th Cir. 1988)
- United States v. Alder Creek Water Co., 823 F.2d 343, 345 (9th Cir. 1987)