

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Oscar Lemus Martinez v. Warden Christopher Larose

Martinez · No. 26-cv-00658-BAS-BLM · Decided February 5, 2026

SUMMARY

The United States District Court for the Southern District of California orders the Government to respond to Oscar Lemus Martinez's pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241 concerning his immigration detention and bond proceedings. The Court requires a response addressing the petition's allegations, relevant documents, potential class membership under Maldonado Bautista v. Noem, and the application of Matter of Yajure Hurtado.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Cynthia Bashant
JURISDICTION	United States District Court for the Southern District of California
DECIDED	February 5, 2026
DOCKET	26-cv-00658-BAS-BLM
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging his immigration detention. The court declined to summarily dismiss the petition and ordered the Government to respond.
STANDARD OF REVIEW	The court reviewed the petition to determine whether summary dismissal was appropriate at the pleading stage.
PRECEDENTIAL VALUE	Unpublished procedural order; precedential status is unknown.
PARTIES	Oscar Lemus Martinez v. Warden Christopher Larose

TOPICS

- immigration detention
- federal habeas corpus
- removal proceedings
- immigration
- civil procedure

PRACTICE AREAS

immigration

immigration detention

federal habeas corpus

QUESTIONS PRESENTED

1. Whether the petition should be summarily dismissed because its allegations were vague, conclusory, incredible, frivolous, or false.
2. Whether the Government should be required to respond to the § 2241 petition and address the petitioner's possible membership in the class certified in *Maldonado Bautista v. Noem* and the potential application of *Matter of Yajure Hurtado*.

HOLDINGS

1. Summary dismissal was unwarranted at that time because the petition did not appear to be vague or conclusory, palpably incredible, or patently frivolous or false.

KEY QUOTATIONS

“Summary dismissal is appropriate only where the allegations in the petition are vague or conclusory, palpably incredible, or patently frivolous or false.” (at 1)

FACTUAL BACKGROUND

Oscar Lemus Martinez alleged that he had been detained by Immigration and Customs Enforcement since May 27, 2025, apparently away from the border. He alleged that an Immigration Judge granted him bond on August 1, 2025, but that the Government appealed. The petition appeared to indicate that the Board of Immigration Appeals set aside the bond ruling.

PROCEDURAL HISTORY

Martinez alleged that Immigration and Customs Enforcement had detained him since May 27, 2025. He alleged that an Immigration Judge granted him bond on August 1, 2025, but that the Government appealed and the Board of Immigration Appeals set aside the bond ruling. After reviewing the petition, the district court ordered the Government to address the allegations and provide relevant documents.

DISPOSITION

other

CASES CITED

- *Kourteva v. INS*, 151 F. Supp. 2d 1126, 1128 (N.D. Cal. 2001)
- *Maldonado Bautista v. Noem*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3678485 (C.D. Cal. Dec. 18, 2025)
- *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 OSCAR LEMUS MARTINEZ, Case No. 26-cv-00658-BAS-BLM 12
Petitioner, ORDER REQUIRING THE 13 v. GOVERNMENT TO RESPOND TO PETITION
FOR WRIT OF HABEAS 14 WARDEN CHRISTOPHER LAROSE, CORPUS (ECF No. 1) 15
Respondent. 16 17 18 Petitioner Oscar Lemus Martinez filed a Petition for Writ of Habeas Corpus
pursuant 19 to 28 U.S.C. § 2241.

(ECF No. 1.) Petitioner is self-represented. He claims that he has 20 been detained by Immigration
and Customs Enforcement “since May 27, 2025,” but it 21 appears that he was not detained at the
border. (See *id.*) Petitioner alleges that he received 22 a bond hearing on August 1, 2025, where
the Immigration Judge granted bond, but the 23 Government appealed the ruling.

(*Id.*) It appears that the Board of Immigration Appeals 24 (“BIA”) set aside the bond ruling. (See
id.) 25 Having reviewed the Petition, the Court finds that summary dismissal is unwarranted 26 at
this time. See *Kourteva v. INS*, 151 F. Supp. 2d 1126, 1128 (N.D. Cal. 2001) (“Summary 27
dismissal is appropriate only where the allegations in the petition are vague or conclusory, 28 1 ||
palpably incredible, or patently frivolous or false.”).

Therefore, the Court will order the 2 Government to respond to the Petition. Accordingly, the
Court ORDERS as follows: 3 1. The Government must file a response to the Petition no later than
February 4 2026. The Government’s response must address the allegations in the Petition and 5
||must include any documents relevant to the determination of the issues raised in the 6 || Petition.

The Government must also address whether Petitioner is a member of the class 7 |) under the
Central District’s decision in *Maldonado Bautista v. Noem*, No. 5:25-CV-01873- 8 || SSS-BFM,
2025 WL 3678485 (C.D. Cal. Dec. 18, 2025), as well as whether the BIA 9 ||applied Matter of
Yajure Hurtado, 29 1. & N. Dec. 216 (BIA 2025), to Petitioner’s case. 10 2. No Reply from
Petitioner will be necessary unless requested by the Court.

11 3. The Clerk of Court shall provide the Civil Division of the U.S. Attorney’s 12 || Office with a
copy of the Petition (ECF No. 1) and this Order. 13 IT IS SO ORDERED. 14 15 DATED:
February 5, 2026 (atta Bahar 16 Hon. Cynthia Bashant, Chief Judge 7 United States District Court
18 19 20 21 22 23 24 25 26 27 28 ~_9_