

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

OPINION

Martinez

PER CURIAM.

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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_