

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Anthony Jose Mendoza Perez v. Christopher LaRose, et al.

Mendoza Perez v. LaRose · No. 25-cv-3845-AGS-MMP · Decided December 31, 2025

SUMMARY

The United States District Court for the Southern District of California determined that a habeas petition challenging immigration detention under 28 U.S.C. § 2241 presented a sufficiently cognizable claim to warrant a response. The petitioner alleges that the government improperly classified him as subject to mandatory detention under 8 U.S.C. § 1225 rather than discretionary detention under § 1226(a). The court ordered the respondent to answer the petition and respond to the motion for injunctive relief, set a deadline for any reply, and scheduled oral argument.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Andrew G. Schopler
JURISDICTION	United States District Court for the Southern District of California
DECIDED	December 31, 2025
DOCKET	25-cv-3845-AGS-MMP
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a 28 U.S.C. § 2241 habeas petition challenging immigration detention and a motion for injunctive relief. The district court ordered respondents to answer the petition and respond to the motion.
STANDARD OF REVIEW	At the screening stage, the court determines whether the petition presents a sufficiently cognizable and potentially meritorious claim to warrant a response; summary dismissal is appropriate only when it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief.
PRECEDENTIAL VALUE	Unpublished, nonprecedential district court order; persuasive only.

TOPICS

- immigration detention
- removal proceedings
- asylum
- statutory interpretation
- civil procedure

PRACTICE AREAS

immigration

habeas corpus

federal civil procedure

immigration detention

QUESTIONS PRESENTED

1. Whether the habeas petition presented a sufficiently cognizable and potentially meritorious challenge to immigration detention to warrant a response rather than summary dismissal.
2. Whether the petitioner's allegation that 8 U.S.C. § 1226(a), rather than 8 U.S.C. § 1225(b)(2), governs his detention was sufficiently plausible at the screening stage.

HOLDINGS

1. The petition should not be summarily dismissed because the detention challenge has sufficient potential merit to warrant a response.

KEY QUOTATIONS

“But “as long as a petition has any potential merit, it is not so frivolous or incredible as to justify summary dismissal[.]”” (at 1)

“This challenge has sufficient potential merit to warrant a response.” (at 2)

FACTUAL BACKGROUND

Mendoza Perez alleges that he entered the United States from Venezuela on or about September 16, 2023, and was released on his own recognizance. He states that he later filed applications for asylum, withholding of removal, and protection under the Convention Against Torture, but the government allegedly dismissed his ongoing claim and placed him in expedited removal proceedings. He was allegedly redetained without a meaningful opportunity to seek a bond or custody redetermination hearing, based on the government's position that mandatory detention under 8 U.S.C. § 1225 applied to him.

PROCEDURAL HISTORY

Anthony Jose Mendoza Perez filed a habeas petition alleging that the government unlawfully detained him under 8 U.S.C. § 1225 rather than 8 U.S.C. § 1226(a), thereby denying him a meaningful opportunity to seek bond or a custody redetermination hearing. The court did not resolve the merits at this stage. Instead, it concluded that the challenge had sufficient potential merit to warrant a response and set deadlines for respondents' answer, petitioner's reply, and oral argument.

DISPOSITION

other

CASES CITED

- Neiss v. Bludworth, 114 F.4th 1038, 1045 (9th Cir. 2024)

- Barco Mercado v. Francis, F. Supp. 3d ___, No. 25-cv-6582 (LAK), 2025 WL 3295903, at *4 (S.D.N.Y. Nov. 26, 2025)
- Mosqueda v. Noem, No. 5:25-cv-02304 CAS (BFM), 2025 WL 2591530, at *5 (C.D. Cal. Sept. 8, 2025)
- Vazquez v. Feeley, No. 2:25-cv-01542-RFB-EJY, 2025 WL 2676082, at *11 (D. Nev. Sept. 17, 2025)
- Rodriguez v. Bostock, No. 3:25-cv-05240-TMC, 2025 WL 2782499, at *1 (W.D. Wash. Sept. 30, 2025)

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