

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PRECEDENTIAL VALUE	Unpublished, nonprecedential district court order; persuasive only.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)

OPINION

1 UNITED STATES DISTRICT COURT 2 SOUTHERN DISTRICT OF CALIFORNIA 3
 Anthony Jose MENDOZA PEREZ, Case No.: 25-cv-3845-AGS-MMP 4 Petitioner, ORDER
 REQUIRING RESPONSE 5 v. 6 Christopher LaROSE, et al., 7 Respondents. 8 9 Petitioner
 Anthony Mendoza Perez seeks a writ of habeas corpus under 28 U.S.C. 10 § 2241 to free her from
 immigration detention. (See ECF 1.) 11 At this stage, he need only make out a claim that is
 sufficiently cognizable to warrant 12 a response.

See Rules Governing Section 2254 Cases in the United States District Courts, 13 Rule 4
 (authorizing summary dismissal “if it plainly appears from the petition and any 14 attached
 exhibits that the petitioner is not entitled to relief”); *id.*, Rule 1(b) (permitting 15 application of
 Rules Governing Section 2254 Cases to any “habeas corpus petition”).

In 16 this context, the relevant federal rules permit “summary dismissal of claims that are clearly
 17 not cognizable.” *Neiss v. Bludworth*, 114 F.4th 1038, 1045 (9th Cir. 2024) (cleaned up). 18 But
 “as long as a petition has any potential merit, it is not so frivolous or incredible as to 19 justify
 summary dismissal[.]” *Id.* 20 “On or about September 16, 2023,” Mendoza Perez, a “Venezuelan
 asylum seeker” 21 “entered the United States and was released on his own recognizance.” (ECF 1,
 at 2.)

After 22 some allegedly attorney-driven delays, on “September 18, 2025,” he filed his
 “Application 23 for Asylum, Withholding of Removal, and Protection under the Convention
 Against 24 Torture with the immigration court.” (*Id.*) Respondents then allegedly “dismissed” his
 25 ongoing claim and placed him in “expedited removal” proceedings. (*Id.* at 3.) He was then 26
 “redetained” “without a meaningful opportunity to seek a bond or custody redetermination 27
 hearing” because of the government’s position that he is “subject to mandatory detention” 28
 under “8 U.S.C. § 1225.” (*Id.* at 3.)

He asserts that, because he crossed into the United 1 || States in “2023,” he is not an applicant for
 admission, and the governing statute is thus not 2 || § 1225, but “§ 1226(a),” which would allow
 his release “on bond.” (*Id.* at 2-3, 7, 10.) This 3 || statutory misclassification, he argues, renders his
 detention “unlawful.” *Id.* at 7.) 4 This challenge has sufficient potential merit to warrant a
 response.

Functionally 5 identical cases across the country have been found to have a “likelihood of success on the merits” or have resulted in the writ being issued. See, e.g., *Barco Mercado v. Francis*, 7 F.Supp.3d.____, No. 25-cv-6582 (LAK), 2025 WL 3295903, at *4 (S.D.N.Y. Nov. 26, 2025) (noting that, in “350” of the “362” opinions to address this issue, the petitioners “have prevailed, either on a preliminary or final basis,” and these cases were “decided by 10 160 different judges sitting in about fifty different courts”); *Mosqueda v. Noem*, No. 11 |]/5:25-cv-02304 CAS (BFM), 2025 WL 2591530, at *5 (C.D.Cal.

Sept. 8, 2025) 12 || (“[P]etitioners are likely to succeed on the merits of their claims because section 1226(a), 13 |not section 1225(b)(2), likely governs their detention.”); *Vazquez v. Feeley*, No. 2:25-cv- 14 01542-RFB-EJY, 2025 WL 2676082, at *11 (D. Nev. Sept. 17, 2025) (same); *Rodriguez* 15 ||v. *Bostock*, No. 3:25-cv-05240-TMC, 2025 WL 2782499, at *1 (W.D.

Wash. Sept. 30, 16 |}2025) (“[T]he government’s position belies the statutory text of the INA, canons of 17 statutory interpretation, legislative history, and longstanding agency practice.”). 18 By January 7, 2026, respondent must answer the petition and respond to the 19 || injunctive-relief motion. Any reply by petitioner must be filed by January 12, 2026.

The 20 || Court will hold oral arguments on the petition and injunctive-relief motion on January 14, 21 || 2026, at 10:00 a.m. 22 ||Dated: December 31, 2025 4 Hon. re w G. Schopler United States District Judge 25 26 27 28