

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
CALIFORNIA

Francisco Javier Quiroz Figueroa v. Christopher LaRose, et al.

Quiroz Figueroa · No. 25-cv-3623-AGS-DEB · Decided December 17, 2025

SUMMARY

The United States District Court for the Southern District of California orders the respondents to respond to Francisco Javier Quiroz Figueroa’s 28 U.S.C. § 2241 petition challenging his immigration detention. The court finds that his claim—that he is subject to detention under 8 U.S.C. § 1226(a), rather than mandatory detention under § 1225(b)(2)(A)—has sufficient potential merit to warrant a response and sets deadlines for the response, reply, and 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 17, 2025                                                                                                                                                                                                                                                                         |
| DOCKET                | 25-cv-3623-AGS-DEB                                                                                                                                                                                                                                                                        |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                     |
| PROCEDURAL POSTURE    | Petitioner filed a 28 U.S.C. § 2241 petition challenging his immigration detention and moved for an order to show cause. The court screened the petition and ordered respondents to answer.                                                                                               |
| STANDARD OF REVIEW    | At habeas-petition screening, summary dismissal is appropriate if it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief; a petition with any potential merit is not sufficiently frivolous or incredible to justify summary dismissal. |
| PRECEDENTIAL VALUE    | Unknown; district-court per curiam screening order                                                                                                                                                                                                                                        |
| PARTIES               | Francisco Javier Quiroz Figueroa v. Christopher LaRose, et al.                                                                                                                                                                                                                            |

TOPICS

- immigration detention
- removal proceedings
- statutory interpretation
- due process
- civil procedure

PRACTICE AREAS

Immigration

Federal habeas corpus

Immigration detention

Statutory interpretation

Constitutional due process

## QUESTIONS PRESENTED

1. Whether the § 2241 petition stated a sufficiently cognizable and potentially meritorious challenge to petitioner's immigration detention to warrant a response rather than summary dismissal.
2. Whether petitioner's argument that § 1226(a), rather than § 1225(b)(2)(A), governs his detention presented a potentially meritorious statutory and due-process claim.

## HOLDINGS

1. The petition should not be summarily dismissed because the challenge to petitioner's immigration detention had 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

Francisco Javier Quiroz Figueroa, a Venezuelan citizen, entered the United States around August 20, 2023, was later released, and was detained by ICE again in August 2025. An immigration judge authorized his release on a \$1,500 bond, but the Board of Immigration Appeals concluded that *Matter of Yajure Hurtado* deprived the immigration judge of jurisdiction because Quiroz Figueroa was treated as an applicant for admission subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). He challenged that classification, arguing that 8 U.S.C. § 1226(a), rather than § 1225(b)(2)(A), governed his detention and that the detention violated due process.

## PROCEDURAL HISTORY

Petitioner alleged that ICE detained him after an immigration judge authorized release on bond and that the Board of Immigration Appeals concluded the immigration judge lacked jurisdiction under *Matter of Yajure Hurtado*. The district court determined that the detention-classification challenge had sufficient potential merit to warrant a response, directed respondents to answer, set a reply deadline, and scheduled oral argument.

## DISPOSITION

other

## CASES CITED

- *Neiss v. Bludworth*, 114 F.4th 1038, 1045 (9th Cir. 2024)
- *Matter of Yajure Hurtado*, 29 I.&N. Dec. 216 (BIA 2025)

- Barco Mercado y. Francis, 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  
 Francisco Javier QUIROZ FIGUEROA, Case No.: 25-cv-3623-AGS-DEB 4 Petitioner, ORDER  
 REQUIRING RESPONSE 5 v. 6 Christopher LaROSE, et al., 7 Respondents. 8 9 Petitioner  
 Francisco Quiroz Figueroa seeks a writ of habeas corpus under 28 U.S.C. 10 § 2241 challenging  
 his immigration detention. He also moves for an order to show cause.

11 (ECF 2.) 12 The Court must first screen his petition, and to survive screening he need only  
 make 13 out a claim that is sufficiently cognizable to warrant a response. See Rules Governing 14  
 Section 2254 Cases in the United States District Courts, Rule 4 (authorizing summary 15 dismissal  
 “if it plainly appears from the petition and any attached exhibits that the petitioner 16 is not  
 entitled to relief”); *id.*, Rule 1(b) (permitting application of Rules Governing Section 17 2254  
 Cases to any “habeas corpus petition”).

In this context, the relevant federal rules 18 permit “summary dismissal of claims that are clearly  
 not cognizable.” *Neiss v. Bludworth*, 19 114 F.4th 1038, 1045 (9th Cir. 2024) (cleaned up). But “as  
 long as a petition has any 20 potential merit, it is not so frivolous or incredible as to justify  
 summary dismissal[.]” *Id.* 21 Quiroz Figueroa “is a national and citizen of Venezuela[] who  
 arrived in the 22 United States on or about August 20, 2023.” (ECF 1, at 2.)

The next month, he was 23 “released” “on his own recognizance,” and Immigration and Customs  
 Enforcement again 24 detained him nearly two years later, in August 2025. (*Id.* at 2, 4.) On  
 “September 3, 2025,” 25 an immigration judge “authorized” his “release from ICE custody on a  
 \$1,500 bond.” (*Id.* 26 at 4.) But the government appealed, and the Board of Immigration Appeals  
 found that 27 *Matter of Yajure Hurtado*, 29 I.&N.

Dec. 216, (BIA 2025), “divested” the immigration 28 judge “of jurisdiction to consider” his  
 “eligibility for release on bond.” (*Id.* at 5.) He now 1 ||“remains in ICE custody” because that  
 decision categorizes him as an “applicant for 2 ||admission” subject to mandatory detention under  
 “8 U.S.C. § 1225(b)(2)(A).” (*Id.* at 5-6.) 3 || Quiroz Figueroa asks the Court to “declare” him  
 “detained under...

8 U.S.C. § 1226(a)” 4 ||instead because he crossed into the United States years ago and thus is not  
 an “applicant 5 || for admission.” (*Id.* at 6, 68.) Detention under § 1226(a) would allow potential  
 “release” 6 || on “bond or conditional parole.” (*Id.* at 69.)

The statutory misclassification, he argues, thus 7 || renders his detention unlawful and in violation of “the Due Process Clause.” (/d. at 6.) 8 This challenge has sufficient potential merit to warrant a response. Functionally 9 || identical cases across the country have been found to have a “likelihood of success on the 10 || merits” or have resulted in the writ being issued.

See, e.g., *Barco Mercado y. Francis*, 11 || \_\_-F. Supp. 3d.\_\_, No. 25-cv-6582 (LAK), 2025 WL 3295903, at \*4 (S.D.N.Y. Nov. 26, 12 2025) (noting that, in “350” of the “362” opinions to address this issue, the petitioners 13 || “prevalled, either on a preliminary or final basis,” and these cases were “decided by over 14 || 160 different judges sitting in about fifty different courts”); *Mosqueda v. Noem*, No. 5:25- 15 || cv-02304 CAS (BFM), 2025 WL 2591530, at \*5 (C.D.

Cal. Sept. 8, 2025) (“[P]etitioners 16 || are likely to succeed on the merits of their claims because section 1226(a), not section 17 || 1225(b)(2), likely governs their detention.”); *Vazquez v. Feeley*, No. 2:25-cv-01542-RFB- 18 || EJY, 2025 WL 2676082, at \*11 (D. Nev. Sept. 17, 2025) (same); *Rodriguez v. Bostock*, 19 || No. 3:25-cv-05240-TMC, 2025 WL 2782499, at \*1 (W.D.

Wash. Sept. 30, 2025) (“[T]he 20 || government’s position belies the statutory text of the INA, canons of statutory 21 || interpretation, legislative history, and longstanding agency practice.”). 22 By December 19, 2025, respondent must answer the petition. Any reply by 23 || petitioner must be filed by December 22, 2025.

The Court will hold oral arguments on the 24 || petition on December 23, 2025, at 3:00 p.m. 25 || Dated: December 17, 2025 7 Hon. rew G. Schopler United States District Judge 28