

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Raul Sanchez Bueno v. Gregory J. Archambeault, et al.

Case No. 25-cv-2509-AGS-MMP · No. 25-cv-2509-AGS-MMP · Decided October 23, 2025

SUMMARY

The United States District Court for the Southern District of California screened Raul Sanchez Bueno’s 28 U.S.C. § 2241 petition challenging his immigration detention and found the claim sufficiently cognizable to require a government response. The court ordered respondents to answer by November 12, 2025, allowed petitioner to reply by November 26, 2025, and set oral argument for December 3, 2025.

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	October 23, 2025
DOCKET	25-cv-2509-AGS-MMP
DISPOSITION	other
PROCEDURAL POSTURE	Screening order in a federal habeas corpus proceeding under 28 U.S.C. § 2241 concerning immigration detention.
STANDARD OF REVIEW	At the screening stage, the court may summarily dismiss a habeas petition if it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief; claims that are clearly not cognizable may also be summarily dismissed. A petition with any potential merit is not frivolous or incredible enough for summary dismissal.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Raul Sanchez Bueno, petitioner v. Gregory J. Archambeault, et al., respondents

TOPICS

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

PRACTICE AREAS

immigration

federal habeas corpus

immigration detention

QUESTIONS PRESENTED

1. Whether the § 2241 petition challenging prolonged immigration detention stated a sufficiently cognizable and nonfrivolous claim to require a response rather than summary dismissal at screening.

HOLDINGS

1. The petition stated a claim that was sufficiently cognizable and neither frivolous nor incredible to warrant summary dismissal; respondents were required to answer.

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 claim is neither “frivolous” nor “incredible.” The government must respond.” (at 2)

FACTUAL BACKGROUND

Petitioner, a Mexican citizen, alleged that he had been subject to a final order of removal since June 14, 2013, and that after removal, unauthorized reentry, and reinstatement of the order, he was granted withholding of removal in November 2022. Immigration and Customs Enforcement took him into custody in May 2025 to attempt removal to a third country. At the time of the order, he alleged that he had been detained for 201 days, that no third country had been identified, and that there was no significant likelihood of removal in the reasonably foreseeable future.

PROCEDURAL HISTORY

Petitioner filed a § 2241 petition challenging his continued detention after a final order of removal. The court screened the petition under Rule 4 of the Rules Governing Section 2254 Cases, applied through Rule 1(b), concluded that the claim was sufficiently cognizable and neither frivolous nor incredible, and ordered respondents to answer.

DISPOSITION

other

CASES CITED

- Neiss v. Bludworth, 114 F.4th 1038, 1045 (9th Cir. 2024)
- Zadvydas v. Davis, 533 U.S. 678, 690, 701 (2001)

OPINION

Archambeault
PER CURIAM.

1 UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF CALIFORNIA

3 Raul SANCHEZ BUENO, Case No.: 25-cv-2509-AGS-MMP 4 Petitioner, ORDER
SCREENING PETITION

AND REQUIRING RESPONSE

5 v. 6 Gregory J. ARCHAMBEAULT, et al., 7 Respondents. 8 9 Petitioner seeks a writ of habeas corpus under 28 U.S.C. § 2241 challenging his 10 immigration detention. At this stage, the Court need not assess his likelihood of success, 11 but he has set out a claim that is sufficiently cognizable to warrant a response. See Rules 12 Governing Section 2254 Cases in the United States District Courts, Rule 4 (authorizing 13 summary dismissal “if it plainly appears from the petition and any attached exhibits that 14 the petitioner is not entitled to relief”); *id.*, Rule 1(b) (permitting court to apply Rules 15 Governing Section 2254 Cases to any “habeas corpus petition”). In this context, the 16 relevant federal rules permit “summary dismissal of claims that are clearly not cognizable.” 17 *Neiss v. Bludworth*, 114 F.4th 1038, 1045 (9th Cir. 2024) (cleaned up). But “as long as a 18 petition has any potential merit, it is not so frivolous or incredible as to justify summary 19 dismissal[.]” *Id.* 20 Petitioner, a “Mexican citizen,” claims to have been under a final order of removal 21 since “June 14, 2013.” (ECF 1, at 7, 9.) After removal, unauthorized reentry, and 22 “reinstatement” of that final order of removal, petitioner was ultimately granted 23 “Withholding from Removal” status under “18 U.S.C. § 1231(b)(3) on November 2, 2022.” 24 (*Id.* at 2.) He was taken back into custody in “May 9, 2025,” so ICE could attempt to 25 remove him to a “third country.” (*Id.* at 7, 9.) To date, in total, he’s been held in post-final- 26 removal-order custody for “201 days,” longer than the 90-day standard removal period and 27 the six-month presumptively reasonable period before due process is implicated. See 28 8 U.S.C. § 1231(a)(1) (A) (“[W]hen an alien is ordered removed, the Attorney General shall 1 ||remove the alien from the United States within a period of 90 days[.]”); *Zadvydas v. Davis*, 2 U.S. 678, 701 (2001) (discussing “6-month presumption” that detention is reasonable). 3 || And he contends that, since ICE has still not even identified a third country to remove him 4 ||to, there is no “significant likelihood that Petitioner’s removal from the U.S. will be 5 || accomplished in the foreseeable future.” (ECF 1, at 9); see also *Zadvydas*, 533 U.S. at 690. 6 || This claim is neither “frivolous” nor “incredible.” The government must respond. 7 By November 12, 2025, respondents must answer the petition. Petitioner may reply 8 ||by November 26, 2025. The Court will hold oral argument on December 3, 2025, 9 || at 11:00 a.m. 10 Dated: October 23, 2025 1 _Af— 12 Hon. rew G. Schopler United States District Judge 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28