

**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.

OPINION

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 U.S.C. § 1231(a)(1)(A) (“[W]hen an alien is ordered removed, the Attorney General shall 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