

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Hector Rodriguez Plascencia v. Pamela Bondi, et al.

No. CV-25-04140-PHX-DWL (ASB) (D. Ariz. Nov. 21, 2025) · No. No. CV-25-04140-PHX-DWL (ASB); 2:25-cv-04140 · Decided November 21, 2025

SUMMARY

The United States District Court for the District of Arizona granted Hector Rodriguez Plascencia’s petition for a writ of habeas corpus challenging his immigration detention. The court held that the jurisdictional bars asserted by the government did not preclude review and declined to revisit its prior conclusion that similarly situated noncitizens are generally subject to discretionary detention under 8 U.S.C. § 1226(a), rather than mandatory detention under § 1225(b)(2). Respondents were ordered to provide a bond redetermination hearing within seven days or release Plascencia, and to file a notice of compliance.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Dominic W. Lanza
JURISDICTION	United States District Court for the District of Arizona
DECIDED	November 21, 2025
DOCKET	No. CV-25-04140-PHX-DWL (ASB); 2:25-cv-04140
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for writ of habeas corpus under 28 U.S.C. § 2241 and complaint for injunctive and declaratory relief challenging immigration detention; petition granted.
STANDARD OF REVIEW	De novo review of the legal issues concerning statutory interpretation and jurisdiction; habeas relief was considered under 28 U.S.C. § 2241.
PRECEDENTIAL VALUE	unpublished district-court order; nonprecedential
PARTIES	Hector Rodriguez Plascencia v. Pamela Bondi, et al.

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether 8 U.S.C. §§ 1252(g), 1252(b)(9), or 1252(a)(5) deprived the district court of jurisdiction over Petitioner's § 2241 challenge to his immigration detention.
2. Whether a noncitizen who entered the United States without inspection in 1998 and was later apprehended within the United States is subject to mandatory detention under 8 U.S.C. § 1225(b)(2) or discretionary detention and a bond hearing under 8 U.S.C. § 1226(a).

HOLDINGS

1. The court had jurisdiction because Petitioner was not directly challenging a final order of removal and no final order of removal had been issued.
2. Petitioner was entitled to a bond redetermination hearing or release; the court declined to revisit its conclusion in *Echevarria* that individuals in Petitioner's circumstances are not categorically subject to mandatory detention under § 1225(b)(2).

KEY QUOTATIONS

“Post-REAL ID Act cases considering the applicability of § 1252 have also distinguished between challenges to orders of removal and challenges that arise independently” (at 2)

“Although [Respondents’] approach has surface appeal, the Court perceives at least two problems with it: first, it ignores some of the additional requirements imposed by § 1225(b)(2)(A); and second, it fails to account for the broader statutory scheme, particularly in light of how that broader scheme has been interpreted by the Supreme Court.” (at 3)

“Rather, it must place the provision in context, interpreting the statute to create a symmetrical and coherent regulatory scheme.” (at 3-4)

FACTUAL BACKGROUND

Petitioner, a citizen of Mexico, entered the United States without inspection in 1998. ICE arrested and detained him on September 11, 2025. Although he requested a custody redetermination before an Immigration Judge, the request was denied because DHS classified him as subject to 8 U.S.C. § 1225(b)(2), based on *Matter of Yajure Hurtado*. Petitioner challenged that classification and sought release or a bond hearing.

PROCEDURAL HISTORY

Petitioner filed a verified § 2241 habeas petition and a complaint seeking injunctive and declaratory relief, along with a motion for temporary restraining order and preliminary injunction. The court ordered Respondents to show cause, and the parties fully briefed the order. The court granted the petition, ordered a bond redetermination hearing within seven days or release, granted the motion to supplement, and directed entry of judgment for Petitioner and closure of the case.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents must provide Petitioner a bond redetermination hearing within seven days or release him from custody under the same conditions that existed before his detention. Respondents must file a notice of compliance within three days after releasing Petitioner or providing the bond hearing.

CASES CITED

- Echevarria v. Bondi, 2025 WL 2821282 (D. Ariz. 2025)
- Singh v. Gonzales, 499 F.3d 969, 977-78 (9th Cir. 2007)
- Matter of Yajure Hurtado, 29 I&N Dec. 216 (B.I.A. 2025)
- Vargas Lopez v. Trump, 2025 WL 2780351 (D. Neb. 2025)
- Chavez v. Noem, 2025 WL 2730228 (S.D. Cal. 2025)
- Sandoval v. Acuna, 2025 WL 3048926 (W.D. La. 2025)
- Garibay-Robledo v. Noem, No. 1:25-CV-177-H, Doc. 9 (N.D. Tex. Oct. 24, 2025)
- Rojas v. Olson, 2025 WL 3033967 (E.D. Wis. 2025)
- Valencia v. Chestnut, 2025 WL 3205133 (E.D. Cal. 2025)
- Alonzo v. Noem, 2025 WL 3208284 (E.D. Cal. 2025)
- Mejia Olalde v. Noem, 2025 WL 3131942 (E.D. Mo. 2025)
- Quinapanta v. Bondi, 2025 WL 3157867, at *6 (W.D. Wis. 2025)