

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Rosaura Pablo Miguel v. Christopher LaRose, et al.

Case No. 25-cv-2644-AGS-MSB · No. 25-cv-2644-AGS-MSB · Decided October 7, 2025

SUMMARY

The United States District Court for the Southern District of California orders the respondent to respond to Rosaura Pablo Miguel’s 28 U.S.C. § 2241 habeas petition challenging mandatory immigration detention and denial of a bond hearing. The court finds that the petition has sufficient potential merit, particularly concerning whether 8 U.S.C. § 1226(a) or § 1225(b)(2)(A) governs the petitioner’s detention.

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 7, 2025
DOCKET	25-cv-2644-AGS-MSB
DISPOSITION	other
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention; the court ordered the respondent to answer rather than summarily dismissing the petition.
STANDARD OF REVIEW	At the screening stage under Rule 4 of the Rules Governing Section 2254 Cases, the court may summarily dismiss a 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 be dismissed, but a petition with any potential merit is not subject to summary dismissal.
PRECEDENTIAL VALUE	Unpublished district court order; persuasive rather than binding beyond the case.
PARTIES	Rosaura Pablo Miguel v. Christopher LaRose, et al.

TOPICS

immigration detention

removal proceedings

immigration

statutory interpretation

civil procedure

PRACTICE AREAS

immigration law

federal habeas corpus

immigration detention

QUESTIONS PRESENTED

1. Whether the § 2241 petition presented a sufficiently cognizable and potentially meritorious challenge to immigration detention to require a response rather than summary dismissal.
2. Whether the court should summarily dismiss the petition at the initial screening stage under Rule 4.

HOLDINGS

1. The petition's challenge to the statutory basis for petitioner's mandatory immigration detention had sufficient potential merit to warrant a response and was not subject to summary dismissal at that stage.

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 2)

“This challenge has sufficient potential merit to warrant a response.” (at 2)

FACTUAL BACKGROUND

Rosaura Pablo Miguel alleged that she had been held in immigration custody since August 10, 2025, and denied bond during removal proceedings under a Department of Homeland Security policy treating certain persons present without admission as applicants for admission subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). She alleged that, after initially succeeding at a bond hearing, an immigration judge determined that he lacked jurisdiction to redetermine her custody in light of *Matter of Yajure Hurtado*. She challenged that interpretation as contrary to the statutory framework and longstanding agency practice applying § 1226(a).

PROCEDURAL HISTORY

Petitioner filed a § 2241 habeas petition alleging that she was subject to mandatory immigration detention without bond under 8 U.S.C. § 1225(b)(2)(A). The court concluded that the challenge had sufficient potential merit to warrant a response and ordered respondent to answer by October 28, 2025, with petitioner's reply due November 18, 2025.

DISPOSITION

other

CASES CITED

- *Neiss v. Bludworth*, 114 F.4th 1038, 1045 (9th Cir. 2024)

- 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)
- Luna Quispe v. Crawford, No. 1:25-CV-1471-AJT-LRV, 2025 WL 2783799, at *6 (E.D. Va. Sept. 29, 2025)

OPINION

Miguel v. LaRose

PER CURIAM.

1 UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF CALIFORNIA

3 Rosaura PABLO MIGUEL, Case No.: 25-cv-2644-AGS-MSB 4 Petitioner, ORDER
REQUIRING RESPONSE 5 v. 6 Christopher LAROSE, et al., 7 Respondent. 8 9 Petitioner
Rosaura Pablo Miguel seeks a writ of habeas corpus under 28 U.S.C. 10 § 2241 challenging her
immigration detention. At this stage, she need only make out a 11 claim that is sufficiently
cognizable to warrant a response. See Rules Governing Section 12 2254 Cases in the United States
District Courts, Rule 4 (authorizing summary dismissal “if 13 it plainly appears from the petition
and any attached exhibits that the petitioner is not 14 entitled to relief”); *id.*, Rule 1(b) (permitting
use of those Rules to any “habeas corpus 15 petition”). In this context, the relevant federal rules
permit “summary dismissal of claims 16 that are clearly not cognizable.” *Neiss v. Bludworth*, 114
F.4th 1038, 1045 (9th Cir. 2024) 17 (cleaned up). But “as long as a petition has any potential merit,
it is not so frivolous or 18 incredible as to justify summary dismissal[.]” *Id.* 19 Petitioner claims to
have been in immigration custody since “August 10, 2025.” 20 (ECF 1, at 2.) She alleges that she
has been “subject to mandatory detention pursuant to 8 21 U.S.C. § 1225(b)(2)(A),” and thus
denied bond during the pendency of removal 22 proceedings. (ECF 1, at 2) This is due to a “new
DHS policy issued on July 8, 2025, 23 instructing all Immigration and Customs Enforcement
(ICE) employees to consider anyone 24 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i)—i.e.,
present without admission—to be an 25 ‘applicant for admission’ under 8 U.S.C. § 1225(b)(2)(A)
and therefore subject to 26 mandatory detention during the removal hearing process.” (ECF 1, at 3
(footnote omitted).) 27 Despite originally succeeding at a bond hearing, the immigration judge
allegedly changed 28 course thereafter and determined that he “lacked jurisdiction to redetermine
Respondent’s | custody” “in light of’ the Board of Immigration Appeals’ opinion in “*Matter of*
Yajure 2 || Hurtado.” (*Id.* at 4.) She charges that Yajure Hurtado and the “new legal interpretation
of 3 INA is plainly contrary to the statutory framework and contrary to decades of agency 4
||practice applying § 1226(a) to people like Petitioner who are present within the 5 || United
States.” *Ud.* at 5.) 6 This challenge has sufficient potential merit to warrant a response. The Court
notes 7 || functionally identical ones across the country have been found to have a “likelihood of 8
||success on the merits” or have resulted in the writ being issued. See, e.g., *Mosqueda v.* 9 || *Noem*,
No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530, at *5 (C.D. Cal. Sept. 8, 2025) 10 (‘T]he

Court concludes that petitioners are likely to succeed on the merits of their claims 11 || because section 1226(a), not section 1225(b)(2), likely governs their detention.”); Vazquez 12 ||v. Feeley, No. 2:25-CV-01542-RFB-EJY, 2025 WL 2676082, at *11 (D. Nev. Sept. 17, 13 |}2025) (same); see also Rodriguez v. Bostock, No. 3:25-CV-05240-TMC, 2025 WL 14 2782499, at *1 (W.D. Wash. Sept. 30, 2025) (“Every district court to address this question 15 concluded that the government’s position belies the statutory text of the INA, canons 16 statutory interpretation, legislative history, and longstanding agency practice.”); Luna 17 || Quispe v. Crawford, No. 1:25-CV-1471-AJT-LRV, 2025 WL 2783799, at *6 (E.D. Va. 18 ||Sept. 29, 2025) (““Petitioner’s detention is governed by § 1226(a)’s discretionary 19 || framework, not § 1225(b)’s mandatory detention procedures, as at least thirty federal 20 || district courts around the country, including two in this Circuit, have concluded when faced 21 || with habeas petitions from comparably situated petitioners.””). 22 By October 28, 2025, respondent must answer the petition. Petitioner’s reply must 23 filed by November 18, 2025. 24 || Dated: October 7, 2025 Hon. rew G. Schopler United States District Judge 27 28