

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Saul Isaac Hernandez Flores v. Christopher J. LaRose, et al.

Hernandez Flores v. LaRose · No. 3:25-cv-03023-RBM-DDL · Decided November 10, 2025

SUMMARY

The United States District Court for the Southern District of California orders the respondents to show cause why Saul Isaac Hernandez Flores’s 28 U.S.C. § 2241 habeas petition should not be granted. The order sets response and reply deadlines, requires relevant evidence and a recommendation concerning an evidentiary hearing, and prohibits the petitioner’s transfer outside the Southern District of California while the petition is pending.

CASE DETAILS

COURT	United States District Court for the Southern District of California
JURISDICTION	United States District Court for the Southern District of California
DECIDED	November 10, 2025
DOCKET	3:25-cv-03023-RBM-DDL
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a verified petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging his continued immigration detention and seeking a custody redetermination and bond decision. The district court declined to summarily dismiss the petition, ordered respondents to show cause, set a briefing schedule, and prohibited petitioner's transfer outside the Southern District of California pending resolution of the petition.
STANDARD OF REVIEW	Summary dismissal of a habeas petition is appropriate only when the allegations are vague or conclusory, palpably incredible, or patently frivolous or false.
PRECEDENTIAL VALUE	nonprecedential interlocutory district-court order
PARTIES	Saul Isaac Hernandez Flores v. Christopher J. LaRose, et al.

TOPICS

federal habeas corpus

immigration detention

subject matter jurisdiction

procedural due process

administrative law

PRACTICE AREAS

immigration law

federal habeas corpus

administrative law

civil procedure

constitutional law

QUESTIONS PRESENTED

1. Whether the petition should be summarily dismissed at the pleading stage.
2. Whether respondents should be required to respond to the § 2241 petition concerning the statutory basis for petitioner's immigration detention and entitlement to a bond hearing.
3. Whether the court should preserve its jurisdiction and the status quo by prohibiting petitioner's transfer outside the Southern District of California while the petition is pending.

HOLDINGS

1. Summary dismissal was unwarranted at that time because the petition's allegations were not shown to be vague or conclusory, palpably incredible, or patently frivolous or false.
2. Respondents were ordered to show cause why the petition should not be granted and to provide relevant documents or evidence and a recommendation regarding the need for an evidentiary hearing.
3. Petitioner could not be transferred outside the Southern District of California pending the court's resolution of the petition.

KEY QUOTATIONS

“Summary dismissal is appropriate only where the allegations in the petition are vague or conclusory, palpably incredible, or patently frivolous or false.” (at 2)

“Federal courts retain jurisdiction to preserve the status quo while determining whether it has subject matter jurisdiction over a case and while a petition is pending resolution from the court.” (at 3)

FACTUAL BACKGROUND

Petitioner Saul Isaac Hernandez Flores was detained by the U.S. Department of Homeland Security. He alleged that his continued detention was governed by 8 U.S.C. § 1226(a), rather than 8 U.S.C. § 1225, and that he had not received a bond hearing and decision on the merits. He sought an order requiring an immigration judge to accept jurisdiction over a custody redetermination hearing and issue a bond decision.

PROCEDURAL HISTORY

On November 6, 2025, Petitioner filed a § 2241 habeas petition alleging that his detention was governed by 8 U.S.C. § 1226(a), rather than § 1225, and that the absence of a bond hearing violated the INA, the Administrative Procedure Act, and the Fifth Amendment Due Process Clause. On November 10, 2025, the district court found summary dismissal unwarranted at that stage, ordered a response by November 14, allowed a reply by November 19, and preserved the status quo by barring transfer outside the district.

DISPOSITION

other

CASES CITED

- Kourteva v. INS, 151 F. Supp. 2d 1126, 1128 (N.D. Cal. 2001)
- Hendricks v. Vasquez, 908 F.2d 490 (9th Cir. 1990)
- Doe v. Bondi, Case No. 25-cv-805-BJC-JLB, 2025 WL 1870979, at *2 (S.D. Cal. June 11, 2025)

OPINION

LaRose

PER CURIAM.

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6 UNITED STATES DISTRICT COURT

7 SOUTHERN DISTRICT OF CALIFORNIA

8 9 SAUL ISAAC HERNANDEZ FLORES, Case No.: 3:25-cv-03023-RBM-DDL 10 Petitioner,
ORDER: 11 v.

(1) REQUIRING A RESPONSE TO

12 CHRISTOPHER J. LAROSE, et al.,

THE PETITION FOR WRIT OF

13 Respondents. HABEAS CORPUS; AND 14

(2) SETTING THE BRIEFING

15 SCHEDULE; 16

17 18 On November 6, 2025, Petitioner Saul Isaac Hernandez Flores (“Petitioner”) filed a 19
Verified Petition for Writ of Habeas Corpus (“Petition”) pursuant to 28 U.S.C. § 2241. 20 (Doc. 1.)
Petitioner claims his continued detention by the U.S. Department of Homeland 21 Security
 (“DHS”) is governed by 8 U.S.C. § 1226(a), as opposed to 8 U.S.C. § 1225, which 22 in the
absence of a bond hearing and decision on the merits violates: (1) the Immigration 23 and
Nationality Act (“INA”); (2) the Administrative Procedure Act; and (3) the Fifth 24 Amendment’s
Due Process Clause. (Id. ¶¶ 28–39.)1 Petitioner therefore “seeks an order 25 compelling the
immigration judge to accept jurisdiction to conduct a custody 26 27 28 1 redetermination hearing
and afford him a bond decision on the merits.” (Ud. 4 1.) 2 Having reviewed the Petition, the
Court concludes that summary dismissal is 3 ||unwarranted at this time. See Kourteva v. INS, 151
F. Supp. 2d 1126, 1128 (N.D. Cal. 4 ||2001) (“Summary dismissal is appropriate only where the
allegations in the petition are 5 || vague or conclusory, palpably incredible, or patently frivolous or
false.”) (citing Hendricks 6 || v. Vasquez, 908 F.2d 490 (9th Cir. 1990)). Accordingly, the Court
ORDERS as follows: 7 1. Respondents are hereby ORDERED TO SHOW CAUSE as to why the
Petition 8 should not be granted by filing a written Response on or before Friday, November 9 14,

2025, at 4:30 p.m. The response shall: (1) include all documents or evidence 10 relevant to the determination of the issues raised in the Petition; and (2) make a 11 recommendation regarding the need for an evidentiary hearing on the Petition. 12 2. Petitioner may file a Reply on or before Wednesday November 19, 2025, at 4:30 13 p.m. The matter will be deemed under submission at that time and the Parties shall 14 await further orders from the Court. 15 3. To preserve the Court's jurisdiction pending a ruling in this matter, and to maintain 16 the status quo, Petitioner SHALL NOT be transferred outside of the Southern 17 District of California pending the Court's resolution of the Petition. See Doe v. 18 Bondi, Case No.: 25-cv-805-BJC-JLB, 2025 WL 1870979 at *2 (S.D. Cal. June 11, 19 2025) ("Federal courts retain jurisdiction to preserve the status quo while 20 determining whether it has subject matter jurisdiction over a case and while a petition 21 is pending resolution from the court.") (citing cases). 22 4. The Clerk of the Court is DIRECTED TO TRANSMIT a copy of the Petition (Doc. 23 1) and this Order to the United States Attorneys' Office. 24 IT IS SO ORDERED. 25 ||DATE: November 10, 2025

7 HON. RUTH BERMUDEZ MONTENEGRO

UNITED STATES DISTRICT JUDGE

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