

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

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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