

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Ahmed Ali Farah v. Jeremy Casey, et al.

Case No. 25-cv-3858-AGS-VET · No. 25-cv-3858-AGS-VET · Decided January 2, 2026

SUMMARY

The United States District Court for the Southern District of California orders the respondents to respond to Ahmed Ali Farah’s 28 U.S.C. § 2241 petition challenging his immigration detention. The court finds that the petition presents a sufficiently cognizable and potentially meritorious claim that the government improperly detained him under 8 U.S.C. § 1225(b)(2)(A) rather than under 8 U.S.C. § 1226(a). The order sets deadlines for the answer and any reply and schedules oral argument.

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	January 2, 2026
DOCKET	25-cv-3858-AGS-VET
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging his immigration detention. The court determined that the petition was sufficiently cognizable to warrant a response and ordered respondents to answer.
STANDARD OF REVIEW	At the screening stage under Rule 4 of the Rules Governing Section 2254 Cases, as applied to a § 2241 petition through Rule 1(b), the court determines whether the petition is plainly not entitled to relief or instead presents a sufficiently cognizable claim to warrant a response.
PRECEDENTIAL VALUE	Unknown; preliminary district-court order requiring a response
PARTIES	Ahmed Ali Farah v. Jeremy Casey, et al.

TOPICS

- immigration detention
- immigration
- due process
- civil procedure

PRACTICE AREAS

immigration

habeas corpus

immigration detention

federal civil procedure

constitutional law

QUESTIONS PRESENTED

1. Whether Farah's § 2241 petition challenging his classification and statutory basis for immigration detention presented a sufficiently cognizable claim to warrant a response.
2. Whether the petition's allegation that 8 U.S.C. § 1226(a), rather than 8 U.S.C. § 1225(b)(2)(A), governed Farah's detention had potential merit at the initial screening stage.

HOLDINGS

1. A habeas petition should not be summarily dismissed at screening when it presents a claim with potential merit; Farah's challenge to the statutory basis for his immigration detention was sufficiently cognizable to require a response.

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 1)

FACTUAL BACKGROUND

Ahmed Ali Farah, a native and citizen of Somalia, arrived in the United States on or about June 23, 2022, was briefly detained by DHS, and was affirmatively released on parole. After living and working in the United States for several years, DHS arrested him on December 7, 2025, without advance notice or an allegation that he violated parole or supervision conditions. DHS detained him under INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A), while Farah contended that INA § 236(a), 8 U.S.C. § 1226(a), governed his detention.

PROCEDURAL HISTORY

Farah filed a § 2241 habeas petition challenging his detention under 8 U.S.C. § 1225(b)(2)(A), arguing that 8 U.S.C. § 1226(a) instead governed and required an individualized custody determination. The court did not decide the merits; it ordered respondents to answer the petition by January 16, 2026, allowed a reply by January 23, 2026, and set oral argument for January 30, 2026.

DISPOSITION

other

CASES CITED

- Neiss v. Bludworth, 114 F.4th 1038, 1045 (9th Cir. 2024)
- Maldonado Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3678485, at *1 (C.D. Cal. Dec. 18, 2025)
- Barco Mercado v. Francis, No. 25-cv-6582 (LAK), 2025 WL 3295903, at *4 (S.D.N.Y. Nov. 26, 2025)

- 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)

OPINION

1 UNITED STATES DISTRICT COURT 2 SOUTHERN DISTRICT OF CALIFORNIA 3 Ahmed Ali FARAH, Case No.: 25-cv-3858-AGS-VET 4 Petitioner, ORDER REQUIRING RESPONSE 5 v. 6 Jeremy CASEY, et al., 7 Respondents. 8 9 Petitioner Ahmed Ali Farah seeks a writ of habeas corpus under 28 U.S.C. § 2241 10 to free him from immigration detention. (See ECF 1.) 11 At this stage, he need only make out a claim that is sufficiently cognizable to warrant 12 a response.

See Rules Governing Section 2254 Cases in the United States District Courts, 13 Rule 4 (authorizing summary dismissal “if it plainly appears from the petition and any 14 attached exhibits that the petitioner is not entitled to relief”); *id.*, Rule 1(b) (permitting 15 application of Rules Governing Section 2254 Cases to any “habeas corpus petition”).

In 16 this context, the relevant federal rules permit “summary dismissal of claims that are clearly 17 not cognizable.” *Neiss v. Bludworth*, 114 F.4th 1038, 1045 (9th Cir. 2024) (cleaned up). 18 But “as long as a petition has any potential merit, it is not so frivolous or incredible as to 19 justify summary dismissal[.]” *Id.* 20 Petitioner, “a native and citizen of Somalia,” “last arrived” in the United States “on 21 or about June 23, 2022, where he was encountered by DHS, briefly detained, and then 22 affirmatively released on parole rather than detained as an arriving noncitizen pending 23 proceedings.” (ECF 1, at 2.)

After living and working in the United States for years without 24 issue, on “December 7, 2025, without advance notice and without any allegation that 25 Petitioner violated parole or supervision conditions, DHS arrested Petitioner.” (*Id.* at 3.) 26 Farah claims that “DHS now detains him under INA § 235(b)(2)(A), 8 U.S.C. 27 § 1225(b)(2)(A), treating him as though he were currently ‘seeking admission.’” (*Id.*)

Farah 28 asserts that “[i]f any detention authority applies in Petitioner’s posture, it is INA § 236(a), 1 U.S.C. § 1226(a), which requires an individualized custody determination and permits 2 || release on bond or conditions.” (/d.). He argues that his misclassified detention violates 3 || due process and the declaratory judgment in *Maldonado Bautista v. Santacruz*, No. 5:25- 4 || CV-01873-SSS-BFM, 2025 WL 3678485, at *1 (C.D.

Cal. Dec. 18, 2025). 5 This challenge has sufficient potential merit to warrant a response. Beside 6 || *Maldonado Bautista* itself, functionally identical cases across the country have been found 7 have a “likelihood of success on the merits” or have resulted in the writ being issued. 8 || See, e.g., *Barco Mercado v. Francis*, __ F. Supp. 3d. __, No. 25-cv-6582 (LAK), 2025 9 || WL 3295903, at *4 (S.D.N.Y.

Nov. 26, 2025) (noting that, in “350” of the “362” opinions 10 address this issue, the petitioners “have prevailed, either on a preliminary or final basis,” 11 these cases were “decided by over 160 different judges sitting in about fifty different 12 || courts”); *Mosqueda v. Noem*, No. 5:25-cv-02304 CAS (BFM), 2025 WL 2591530, at *5 13 }(C.D. Cal. Sept. 8, 2025) (“[P]etitioners are likely to succeed on the merits of their claims 14 || because section 1226(a), not section 1225(b) (2), likely governs their detention.”); *Vazquez* 15 ||v.

Feeley, No. 2:25-cv-01542-RFB-EJY, 2025 WL 2676082, at *11 (D. Nev. Sept. 17, 16 ||2025) (same); *Rodriguez v. Bostock*, No. 3:25-cv-05240-TMC, 2025 WL 2782499, at *1 17 || (W.D. Wash. Sept. 30, 2025) (“[T]he government’s position belies the statutory text of the 18 ||INA, canons of statutory interpretation, legislative history, and longstanding agency 19 || practice.”).

20 By January 16, 2026, respondents must answer the petition. Any reply by petitioner 21 || must be filed by January 23, 2026. The Court will hold oral arguments on the petition on 22 || January 30, 2026, at 10:00 a.m. 23 Dated: January 2, 2026 5 Hon. rew G. Schopler United States District Judge 26 27 28