

**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

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. Blutworth*, 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