

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Kelvin Douglas Godinez-Juarez v. Kristi Noem, et al.

No. CV-25-04409-PHX-KML (DMF) (D. Ariz. Dec. 23, 2025) · No. No. CV-25-04409-PHX-KML (DMF) ·
Decided December 23, 2025

SUMMARY

The District of Arizona granted Kelvin Douglas Godinez-Juarez’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court ordered respondents to release him or provide a bond hearing within ten days, without regard to Matter of Yajure Hurtado, and required a notice of compliance.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Krissa M. Lanham
JURISDICTION	United States District Court for the District of Arizona
DECIDED	December 23, 2025
DOCKET	No. CV-25-04409-PHX-KML (DMF)
DISPOSITION	granted
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2241 from his continued immigration detention without a bond hearing. After ordering respondents to show cause and receiving briefing, the court granted the petition.
STANDARD OF REVIEW	The court evaluated the § 2241 petition and the asserted statutory basis for mandatory detention; no separate formal standard-of-review formulation appears in the opinion.
PRECEDENTIAL VALUE	District-court order; precedential status not stated in the source.

TOPICS

- federal habeas corpus
- immigration detention
- removal proceedings
- administrative procedure act

PRACTICE AREAS

- immigration detention
- federal habeas corpus
- administrative law

QUESTIONS PRESENTED

1. Whether petitioner was entitled to habeas relief requiring his release or a bond hearing notwithstanding respondents' contention that he was an arriving alien subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A).
2. Whether the court should require that any bond hearing proceed without regard to Matter of Yajure Hurtado.

HOLDINGS

1. Petitioner was entitled to relief under § 2241; respondents had to release him immediately or provide a bond hearing within ten days.
2. The required bond hearing had to be provided without regard to Matter of Yajure Hurtado.

KEY QUOTATIONS

“The petition is granted and respondents must release petitioner or provide him a bond hearing.” (at 1)

“The petition is granted, and petitioner must be released immediately or provided a bond hearing within ten days without regard to Matter of Yajure Hurtado.” (at 2)

FACTUAL BACKGROUND

Petitioner was born in Guatemala and had lived in the United States for approximately eighteen years. He applied for a U visa in December 2023 and received a bona fide determination and employment authorization from U.S. Citizenship and Immigration Services on May 14, 2025. Federal agents arrested him on September 10, 2025, and he had not received a bond hearing. Respondents maintained that he was an arriving alien subject to mandatory detention, despite acknowledging prior decisions rejecting that position.

PROCEDURAL HISTORY

Godinez-Juarez filed a § 2241 habeas petition challenging his detention and lack of a bond hearing. The court issued an order to show cause on December 3, 2025, respondents filed a response, and petitioner filed a reply. The court granted the petition and ordered respondents either to release petitioner or provide a bond hearing within ten days, followed by a notice of compliance.

DISPOSITION

granted

REMAND INSTRUCTIONS

Respondents must release petitioner immediately or provide a bond hearing within ten days without regard to Matter of Yajure Hurtado. Respondents must file a notice of compliance within five days. The clerk was directed to enter judgment for petitioner and close the case.

CASES CITED

- Matter of Yajure Hurtado, 29 I&N 216 (B.I.A. 2025)

- Zepeda v. Noem, CV-25-4236-PHX-KML (D. Ariz. Dec. 11, 2025)
- Castanon-Nava v. U.S. Dep't of Homeland Sec., No. 25-3050, 2025 WL 3552514, at *9 (7th Cir. Dec. 11, 2025)
- Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM, Doc. 94 (C.D. Cal. Dec. 18, 2025)

OPINION

Godinez-Juarez

PER CURIAM.

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6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE DISTRICT OF ARIZONA

8 9 Kelvin Douglas Godinez-Juarez, No. CV-25-04409-PHX-KML (DMF) 10 Petitioner, ORDER
 11 v. 12 Kristi Noem, et al., 13 Respondents. 14 15 Petitioner filed a petition for writ of habeas
 corpus under 28 U.S.C. § 2241. (Doc. 16 1.) In a December 3, 2025 order (“the OSC”), the court
 ordered respondents to show cause 17 why the petition should not be granted. (Doc. 5.) The OSC
 is fully briefed. (Docs. 8, 9.) 18 The petition is granted and respondents must release petitioner or
 provide him a bond 19 hearing. 20 Petitioner was born in Guatemala but has lived in the United
 States for 21 approximately eighteen years. (Doc. 1 at 2, 4.) He applied for a U-visa in December
 2023 22 and received a bona fide determination and employment authorization from U.S. 23
 Citizenship and Immigration Services on May 14, 2025. (Doc. 1-1 at 51–52.) Yet Petitioner 24 was
 arrested by federal agents on September 10, 2025. (Doc. 1-1 at 41.) Petitioner has not 25 been
 provided a bond hearing and he believes “filing a motion for bond redetermination 26 would be
 futile” because of Matter of Yajure Hurtado, 29 I&N 216 (B.I.A. 2025). (Doc. 2 27 at 4.)
 Respondents state they are aware of prior decisions by this court and others rejecting 28 their
 position that individuals such as petitioner should be deemed “arriving aliens” not 1 entitled to
 bond hearings. (Doc. 8 at 11.) Respondents, however, “respectfully maintain 2 that Petitioner falls
 within the definition of an ‘arriving alien’ warranting mandatory 3 detention as the removal
 process unfolds.” (Doc. 8 at 11.) 4 The court recently considered and rejected respondents’
 arguments on this point in 5 a similar case. Zepeda v. Noem, CV-25-4236-PHX-KML (D. Ariz.
 Dec. 11, 2025). On the 6 same day this court issued Zepeda, the Seventh Circuit concluded the
 Department of 7 Homeland Security and the U.S. Immigration and Customs Enforcement were
 “not likely 8 to succeed on the merits of their argument” regarding “mandatory detention under 9 §
 1225(b)(2)(A).” Castanon-Nava v. U.S. Dep’t of Homeland Sec., No. 25-3050, 2025 WL 10
 3552514, at *9 (7th Cir. Dec. 11, 2025). And on December 18, 2025, the Central District 11 of
 California entered judgment in a class action that respondents concede covers petitioner 12 (Doc. 8
 at 15) declaring “the Bond Eligible Class members are detained under 8 U.S.C. 13 § 1226(a) and
 are not subject to mandatory detention under § 1225(b)(2)” and vacating 14 “the Department of
 Homeland Security policy described in the July 8, 2025, ‘Interim 15 Guidance Regarding

Detention Authority for Applicants for Admission' under the 16 Administrative Procedure Act as not in accordance with law. 5 U.S.C. § 706(2)(A)." 17 Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM, Doc. 94 (C.D. Cal. Dec. 18, 2025). 18 Based on these events and respondents' failure to point to any argument this court 19 and others have overlooked, petitioner is entitled to relief. The petition is granted, and 20 petitioner must be released immediately or provided a bond hearing within ten days without 21 regard to Matter of Yajure Hurtado. 22 / 23 / 24 / 25 / 26 / 27 / 28 / 1 IT IS ORDERED: 2 1. Petitioner's petition for writ of habeas corpus (Doc. 1) is granted. 3 2. Within ten days of this order respondents must either release petitioner or provide a 4 bond hearing without regard to Matter of Yajure Hurtado. 5 3. Respondents must provide a notice of compliance within five days. 6 4. The clerk of court shall enter judgment in petitioner's favor and close this 7 case. 8 Dated this 23rd day of December, 2025. 9 Honorable Krissa M. Lanham 12 United States District Judge 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 -3-