

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

OPINION

Godinez-Juarez

PER CURIAM.

1 WO 2 3 4 5

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-