

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Naveen v. Archambeault

No. 25-cv-3728-AGS-AHG (S.D. Cal. Dec. 24, 2025) · No. 25-cv-3728-AGS-AHG · Decided December 24, 2025

SUMMARY

The United States District Court for the Southern District of California orders respondents to respond to Naveen Naveen’s 28 U.S.C. § 2241 petition challenging his immigration detention. The court finds the petition sufficiently cognizable to warrant a response and sets deadlines for the response and reply, as well as 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	December 24, 2025
DOCKET	25-cv-3728-AGS-AHG
DISPOSITION	other
PROCEDURAL POSTURE	Initial screening of a petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention; the court ordered respondents to answer rather than summarily dismissing the petition.
STANDARD OF REVIEW	At preliminary habeas screening, summary dismissal is appropriate only when it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief; claims that have any potential merit are not summarily dismissed as frivolous or incredible.
PRECEDENTIAL VALUE	Unknown; preliminary district court order requiring a response
PARTIES	Naveen Naveen v. Gregory J. Archambeault, et al.

TOPICS

- immigration detention
- federal habeas corpus
- removal proceedings
- statutory interpretation
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the § 2241 petition presented a sufficiently cognizable and potentially meritorious challenge to petitioner's immigration detention to warrant a response rather than summary dismissal.
2. Whether petitioner's argument that 8 U.S.C. § 1226(a), rather than § 1225(b)(2)(A), governs his detention warranted further consideration at the response stage.

HOLDINGS

1. The petition was sufficiently cognizable and had sufficient potential merit to warrant a response; summary dismissal was therefore inappropriate at that stage.

KEY QUOTATIONS

“This challenge has sufficient potential merit to warrant a response.” (at 1)

“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

Naveen, a citizen of India, entered the United States from Mexico without inspection on April 18, 2023. Customs and Border Patrol apprehended him, and he was later released on an Order of Release on Recognizance and issued a Notice to Appear charging him as present without admission or parole. ICE arrested him at a scheduled check-in on November 3, 2025, and determined that he was subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), while Naveen argued that 8 U.S.C. § 1226(a) governed and permitted release on conditional parole or bond.

PROCEDURAL HISTORY

Petitioner filed a § 2241 habeas petition challenging his detention by immigration authorities. The court reviewed the petition at the preliminary screening stage and determined that the challenge had sufficient potential merit to warrant a response. The court ordered respondents to answer by December 30, 2025, permitted a reply by January 7, 2026, and set oral argument for January 14, 2026.

DISPOSITION

other

CASES CITED

- Neiss v. Bludworth, 114 F.4th 1038, 1045 (9th Cir. 2024)
- Barco Mercado v. Francis, 2025 WL 3295903, at *4 (S.D.N.Y. Nov. 26, 2025)
- Mosqueda v. Noem, 2025 WL 2591530, at *5 (C.D. Cal. Sept. 8, 2025)
- Vazquez v. Feeley, 2025 WL 2676082, at *11 (D. Nev. Sept. 17, 2025)

- Rodriguez v. Bostock, 2025 WL 2782499, at *1 (W.D. Wash. Sept. 30, 2025)

OPINION

1 UNITED STATES DISTRICT COURT 2 SOUTHERN DISTRICT OF CALIFORNIA 3 Naveen
NAVEEN, Case No.: 25-cv-3728-AGS-AHG 4 Petitioner, ORDER REQUIRING RESPONSE 5 v.
6 Gregory J. ARCHAMBEAULT, et al., 7 Respondents. 8 9 Petitioner Naveen Naveen seeks a writ
of habeas corpus under 28 U.S.C. § 2241 10 challenging his immigration detention. At this stage,
he need only make out a claim that is 11 sufficiently cognizable to warrant a response.

See Rules Governing Section 2254 Cases in 12 the United States District Courts, Rule 4
(authorizing summary dismissal “if it plainly 13 appears from the petition and any attached
exhibits that the petitioner is not entitled to 14 relief”); *id.*, Rule 1(b) (permitting application of
Rules Governing Section 2254 Cases to 15 any “habeas corpus petition”).

In this context, the relevant federal rules permit “summary 16 dismissal of claims that are clearly
not cognizable.” *Neiss v. Bludworth*, 114 F.4th 1038, 17 1045 (9th Cir. 2024) (cleaned up). But “as
long as a petition has any potential merit, it is 18 not so frivolous or incredible as to justify
summary dismissal[.]” *Id.* 19 Naveen “is a citizen of India” who “entered the United States on
April 18, 2023, 20 from Mexico without inspection.” (ECF 1, at 1, 4.) “He was apprehended by
Customs and 21 Border Patrol (CBP) shortly thereafter and ultimately he was released on an Order
of 22 Release on Recognizance (OREC).” (*Id.* at 1.) “On that same date, he was issued a Notice 23
to Appear (NTA) in Immigration Court, charging him as being an alien present in the 24 United
States without admission or parole.” (*Id.*)

Later, on “November 3, 2025, Petitioner 25 was arrested by ICE at his pre-scheduled ICE check-
in.” (*Id.* at 2.) ICE has concluded that 26 petitioner is “subject to detention under 8 U.S.C. §
1225(b)(2)(A) and therefore ineligible 27 to be released on bond.” (*Id.*) Petitioner disagrees,
arguing that he should be treated as 28 detained under “§ 1226(a), that allows for release on
conditional parole or bond.” (*Id.*)

1 This challenge has sufficient potential merit to warrant a response. Functionally 2 ||identical
cases across the country have been found to have a “likelihood of success on the 3 ||merits” or
have resulted in the writ being issued. See, e.g., *Barco Mercado v. Francis*, F. Supp.3d. ___, No. 25-
cv-6582 (LAK), 2025 WL 3295903, at *4 (S.D.N.Y. Nov. 26, 5 2025) (noting that, in “350” of the
“362” opinions to address this issue, the petitioners 6 || “have prevailed, either on a preliminary or
final basis,” and these cases were “decided by 7 160 different judges sitting in about fifty different
courts”); *Mosqueda v. Noem*, No. 8 ||5:25-cv-02304 CAS (BFM), 2025 WL 2591530, at *5
(C.D.Cal.

Sept. 8, 2025) 9 || (“[P]etitioners are likely to succeed on the merits of their claims because section
1226(a), 10 ||not section 1225(b)(2), likely governs their detention.”); *Vazquez v. Feeley*, No. 2:25-

cv- 11 /01542-RFB-EJY, 2025 WL 2676082, at *11 (D. Nev. Sept. 17, 2025) (same); Rodriguez
12 ||v. Bostock, No. 3:25-cv-05240-TMC, 2025 WL 2782499, at *1 (W.D.

Wash. Sept. 30, 13 }}2025) (“[T]he government’s position belies the statutory text of the INA,
canons of 14 || statutory interpretation, legislative history, and longstanding agency practice.”). 15
By December 30, 2025, respondent must answer the petition. Any reply by 16 || petitioner must be
filed by January 7, 2026.

The Court will hold oral arguments on the 17 || petition on January 14, 2026, at 10:00 a.m. 18
Dated: December 24, 2025 0 Hon. rew G. Schopler United States District Judge 21 22 23 24 25 26
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