

**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

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 27 28