

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

VICENTE ESTEBAN GUZMAN CORDOVA,)

Petitioner,)

v.)

Case No. '25CV2426 BAS DDL

PETITION FOR WRIT OF
HABEAS CORPUS AND
COMPLAINT FOR INJUNCTIVE
AND DECLARATORY RELIEF

ORAL ARGUMENT REQUESTED

FERNANDO VALENZUELA, Assistant Field)

Office Director, San Diego Field Office, Imperial)

Regional Detention Facility, GREGORY J.)

ARCHAMBEAULT, Field Office Director, San)

Diego Field Office, U.S. Immigration and Customs)

Enforcement; TODD LYONS, Acting Director,)

United States Immigration and Customs)

Enforcement; KRISTI NOEM, Secretary of the)

U.S. Department of Homeland Security; and)

PAMELA BONDI, Attorney General of the)

United States, in their official capacities,)

Respondents.)

COMES NOW Petitioner, Vicente Esteban Guzman Cordova, for his Petition for a Writ of Habeas Corpus and Complaint against Respondents alleges as follows:

PRELIMINARY STATEMENT

1. Petitioner, Vicente Esteban Guzman Cordova (hereafter referred to as "Petitioner" or "Mr. Guzman Cordova") brings this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241; the All Writs Act, 28 U.S.C. § 1651; and Article I, Section 9, Clause 2 of the United States Constitution (Suspension Clause).

2. Petitioner Guzman Cordova is a 20-year-old citizen of Chile currently confined at the Imperial Regional Detention Facility under the jurisdiction of the San Diego Field Office.

3. Petitioner's indefinite detention violates the Immigration and Nationality Act ("INA") and its regulations, the Administrative Procedures Act ("APA"), and the U.S. Constitution's Due Process guarantee. Unless habeas relief or immediate injunctive relief is granted, a young LGBT asylum seeker with no criminal history and extensive family ties in the United States, faces continued detention away from his mother and faces imminent removal to Chile, a country where he has a credible fear of persecution.

4. Mr. Guzman Cordova has been detained since June 3, 2024--over fifteen months--more than 469 days -- without a final hearing on the merits of his claims for relief. *See Exhibit A.*

5. Mr. Guzman Cordova entered the United States on June 3, 2024. On June 9, 2024, Mr. Guzman Cordova received a positive reasonable possibility credible fear determination from a USCIS asylum officer. Petitioner's identity was credibly established by the Asylum Office through his own consistent and truthful testimony.

6. Petitioner has remained in detention for over fifteen months while his hearings have been repeatedly rescheduled through no fault of his own. *See Exhibit A.*

7. Since April 10 2025, his Individual Hearings have been postponed at least six times and often reassigned to different immigration judges or canceled due to "court administrative issues". *See Exhibit A.*

8. Most recently, his September 10, 2025, Individual Hearing was postponed indefinitely, and no new hearing date has been set. *See Exhibit B.* Counsel was notified on the day of the hearing

after waiting in the Webex hearing room for over an hour that “all detention cases for the day have been rescheduled.” No one could provide a reason as to why, other than the court supervisor, Rosa Colunga who stated to counsel “the Trump administration has been doing this and even we do not know what is going on”.

9. Counsel has made consistent efforts to pursue less restrictive alternatives to detention. A Bond Redetermination request was submitted on October 14, 2024, but the Immigration Judge declined jurisdiction.

10. Seven ICE Parole Requests were submitted between October 2024 and August 2025 to the Ice officers. *See Exhibit C*. Not one parole request was responded to until September 2, 2025, where Ice declined the request simply stating that “there is no significant information that would warrant a change in Petitioner’s custody status” - despite clear evidence that Petitioner is not a flight or security risk and has strong community and family ties.

11. Petitioner is not a flight risk. If released, he will reside with his family, specifically his mother and her lawful permanent resident spouse, Imanol Parra Gutiérrez, at their residence in Miami, Florida. Mr. Parra Gutiérrez is fully committed to financially supporting the Petitioner, ensuring his compliance with all immigration obligations, and providing transportation to all ICE check-ins, hearings, and appointments. *See Exhibit D*.

12. Petitioner filed a strong asylum application on November 11, 2024, claiming persecution based on his LGBT sexual orientation. He provided evidence in support and counsel prepared a pre hearing statement on March 27, 2025, in preparation of his first scheduled individual hearing set for April 10, 2025.

13. Petitioner is also eligible for Special Immigrant Juvenile Status (SIJS) – only if he is

let out of detention so jurisdiction can reside with the family court. He is under 21 years old, unmarried, has been abandoned by his father, and has a guardian in the United States. However, due to his prolonged detention, he has been unable to pursue this critical form of relief.

14. Petitioner's continued detention serves no legitimate government purpose. It is prolonged, indefinite, and punitive in nature, violating his due process rights under the Fifth Amendment. The Respondents' repeated failure to provide timely hearings, coupled with the arbitrary denial of parole, has left Petitioner in legal limbo, unable to advance his asylum or SIJS applications.

15. Petitioner currently has no new hearing scheduled. No notice was provided as to his next individual hearing date. His case status regarding his next hearing remains N/A as of the day of this filing. *See Exhibit B.*

16. The Petitioner's prolonged and inhumane detention has placed him in an untenable position, causing severe desperation and distress. He has stopped eating and suffers from chronic insomnia as a result of the ongoing psychological and physical toll of his confinement.

17. Accordingly, to vindicate Petitioner's constitutional rights, this Court should grant the instant petition for a writ of habeas corpus, and order the immediate release of Petitioner.

JURISDICTION AND VENUE

18. This Court has subject matter jurisdiction over this Petition pursuant to 28 U.S.C. § 2241; 28 U.S.C. § 1331; Article I, § 9, cl. 2 of the United States Constitution; the All Writs Act, 28 U.S.C. § 1651; the Administrative Procedure Act, 5 U.S.C. § 701.

19. This Court has authority to grant declaratory relief pursuant to 28 U.S.C. §§ 2201 and 2202, 5 U.S.C §§ 702 and 706 and Rule 57 of the Federal Rules of Civil Procedure.

This Court has authority to grant injunctive relief in this action pursuant to 5 U.S.C. §§ 702 and 706, and Rule 65 of the Federal Rules of Civil Procedure.

20. While the courts of appeals have jurisdiction to review removal orders directly through petitions for review, *see* 8 U.S.C. § 1252(a)(1), (b), the federal district courts have jurisdiction under 28 U.S.C. § 2241(d) to hear habeas claims by non-citizens challenging the lawfulness or constitutionality of Immigration and Customs Enforcement's ("ICE") conduct. *See, e.g., Demore v. Kim*, 538 U.S. 510, 516-517 (2003); *Zadvydas v. Davis*, 533 U.S. 678,687 (2001).
21. Petitioner's current detention as enforced by Respondents constitutes a "severe restraint on Petitioner's individual liberty," such that Petitioner is "in custody in violation, of the laws of the United States." *Hensley v. Municipal Court*, 411 U.S. 345,351 (1973); 28 U.S.C. § 2241.
22. Venue is proper in the United States District Court for the Southern District of California because at least one Respondent is in this District, Petitioner is detained in this District, and Petitioner's immediate physical custodian is in this District. 28 U.S.C. §1391(b).
23. The Court may grant declaratory relief under the Declaratory Judgment Act, 28 U.S.C. §§ 2201–2202, and may issue injunctive relief pursuant to Federal Rule of Civil Procedure 65 and its inherent equitable powers.
24. Petitioner is challenging the legality of his indefinite detention, as well as the Respondents' repeated failure to move his case forward in immigration court, which has deprived him of the opportunity to have his fair day in court. The jurisdiction-stripping provisions of 8 U.S.C. § 1252 do not bar habeas review of such detention claims.
25. Federal district courts therefore retain jurisdiction under § 2241 to hear noncitizens' challenges to the legality of their immigration detention.

REQUIREMENTS OF 28 U.S.C. § 2243

26. The Court must grant the petition for writ of habeas corpus or issue an order to

show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

27. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

28. Petitioner Vicente Esteban Guzman Cordova (A ) is a 20-year-old citizen of Chile, confined at the Imperial Regional Detention Facility (hereinafter “IRDF”) for more than fifteen months. He is in the custody, and under the direct control, of Respondents and their agents.

29. Respondent Fernando Valenzuela is sued in his official capacity as the Assistant Field Office Director of San Diego Field Office, the controlling facility over Imperial Regional Detention Facility. Respondent Valenzuela has immediate physical custody of Petitioner pursuant to the facility’s contract with U.S. Immigration and Customs Enforcement to detain noncitizens. Respondent Valenzuela is a legal custodian of Petitioner.

30. Respondent Gregory J. Archambeault is sued in his official capacity as the Acting Director of the San Diego Field Office of U.S. Immigration and Customs Enforcement. Respondent Archambeault is a legal custodian of Petitioner and has authority to release him.

Respondent Todd Lyons is sued in his official capacity as the acting director of the U.S. Immigration and Customs Enforcement (“ICE”) is a law enforcement agency of the federal government of the United States tasked to enforce the immigration laws of the United States.

ICE is charged with detaining and removing individuals from the United States under the authority and direction of the United States Department of Homeland Security. Respondent Lyons is a legal custodian of Petitioner and has the power to order his release.

31. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner.
32. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

STATEMENT OF FACTS

33. Petitioner is a 20-year-old citizen of Chile who fled his country of nationality due to fear of persecution.
34. Mr. Guzman Cordova has been detained since June 3, 2024--over fifteen months--more than 469 days -- without a final hearing on the merits of his claims for relief. *See Exhibit A.*
35. Petitioner entered the United States on or about June 3, 2024, and was immediately placed into immigration detention. He has remained in continuous custody since that date, for over 15 months.
36. On June 9, 2024, Mr. Guzman Cordova received a positive reasonable possibility credible fear determination from an asylum officer.
37. On October 10, 2024, Petitioner filed a bond redetermination request with the immigration

court. However, the court found it lacked jurisdiction because Petitioner was an arriving alien.

38. Seven ICE Parole Requests were submitted between October 2024 and August 2025 to the Ice officers. *See Exhibit C*. Not one parole request was responded to until September 2, 2025, where Ice declined the request simply stating that “there is no significant information that would warrant a change in Petitioner’s custody status” - despite clear evidence that Petitioner is not a flight or security risk and has strong community and family ties.
39. Petitioner is not a flight risk. If released, he will reside with his family, specifically his mother and her lawful permanent resident spouse, Imanol Parra Gutiérrez, at their residence in Miami, Florida. Mr. Parra Gutiérrez is fully committed to financially supporting the Petitioner, ensuring his compliance with all immigration obligations, and providing transportation to all ICE check-ins, hearings, and appointments. *See Exhibit D*.
40. Petitioner filed a strong asylum application on November 11, 2024, claiming persecution based on his LGBT sexual orientation. He provided evidence in support and counsel prepared a pre hearing statement on March 27, 2025, in preparation of his first scheduled individual hearing set for April 10, 2025.
41. Petitioner is also eligible for Special Immigrant Juvenile Status (SIJS) – only if he is let out of detention so jurisdiction can reside with the family court. He is under 21 years old, unmarried, has been abandoned by his father, and has a guardian in the United States. However, due to his prolonged detention, he has been unable to pursue this critical form of relief.
42. Since April 10 2025, his Individual Hearings have been postponed at least six times and often reassigned to different immigration judges or canceled due to “court administrative issues”. *See Exhibit A*.
43. Petitioner was initially scheduled for his first Individual Hearing on April 10, 2025. However, this hearing was rescheduled to May 27, 2025. *See Exhibit A*.

44. On May 27, 2025, the hearing was rescheduled and reassigned as a Master Hearing before a different immigration judge set for a later date. *See Exhibit A.*
45. A Second Individual Hearing was scheduled for August 18, 2025. However, it was inexplicitly rescheduled to July 24, 2025. *See Exhibit A.*
46. The July 24, 2025, Individual hearing was then again rescheduled to August 11, 2025. *See Exhibit A.*
47. The individual hearing set for August 11, 2025, was again rescheduled to August 18, 2025. *See Exhibit A.*
48. On August 18, 2025, the day of the individual hearing, the immigration court informed counsel that the hearing would be postponed again because the assigned judge was fired. *See Exhibit A.*
49. The case was reset for September 10, 2025, before a different immigration judge; however, this hearing did not occur, and no new hearing date has been set. *See Exhibit A.*
50. Petitioner's September 10, 2025, Individual Hearing was postponed indefinitely, and no new hearing date has been set. *See Exhibit B.* Counsel was again notified on the day of the hearing after waiting in the Webex hearing room for over an hour that "all detention cases for the day have been rescheduled."
51. No one could provide a reason as to why, other than the court supervisor, Rosa Colunga who stated to counsel "the Trump administration has been doing this and even we do not know what is going on".
52. A Bond Redetermination request was first submitted to the Imperial Immigration Court on October 14, 2024, but the Immigration Judge declined jurisdiction.
53. On October 29, 2024, Petitioner submitted an Ice parole request explaining he has no criminal history, has a strong application for relief, and has strong ties to the United States. There was no

response to Peittioner's request. *See Exhibit C.*

54. On November 5, 2024, Petitioner again submitted an Ice parole request explaining he has no criminal history, has a strong application for relief, and has strong ties to the United States.

There was no response to Peittioner's request. *See Exhibit C.*

55. On November 18, 2024, Petitioner submitted an Ice parole request explaining he has no criminal history, has a strong application for relief, and has strong ties to the United States.

There was no response to Peittioner's request while Petitioner patiently waited and followed up regularly for a decision with his Ice officer. *See Exhibit C.*

56. On June 12, 2025, Petitioner submitted another Ice parole request explaining he has no criminal history, has a strong application for relief, and has strong ties to the United States. This time an Ice officer responded on June 13, 2025, stating he was temporarily detailed to Louisiana and would forward the matter to his supervisor. No follow-up was received. *See Exhibit C.*

57. On June 18, 2025, counsel again submitted a parole request to Ice Supervisor Concepcion Arredondo and Ice Officer Murguia. There was again no response to the Ice parole request. *See Exhibit C.*

58. On August 21, 2025, another parole request was sent to Supervisor Arredondo, Officer Murguia, and Officer Hernandez. *See Exhibit C.*

59. On August 22, 2025, Supervisor Arredondo confirmed the matter was routed to Deportation Officer Olvera. *See Exhibit C.*

60. On September 2, 2025, Petitioner received a denial letter signed by Fernando Valenzuela, Assistant Field Office Director, San Diego Field Office, stating that after consideration, parole was denied without further explanation. *See Exhibit C.*

61. Petitioner has been detained for more than fifteen (15) months with Individual Hearings

indefinitely postponed, and with ICE delaying and ultimately denying a parole request to a minor who has no criminal history and clear ties to the United States.

62. Petitioner has never been charged with nor convicted of any crime in the United States of America, in his country of nationality of Chile, or anywhere in the world.
63. He has filed a strong case for asylum and has family ties here in the United States, including his mother who is devastated that her child has been in prolonged indefinite detention without his day in court.
64. Petitioner also qualifies for Special Immigrant Juvenile Status (SIJS). He is under 21 years of age, unmarried, has been abandoned by his father, and has a legal guardian in the United States. However, because of his prolonged detention, he has been unable to pursue this relief.
65. If he is released, he will be under the jurisdiction of the family court and can obtain special immigrant juvenile status with a pathway to permanent residency in the U.S.
66. Petitioner's detention has taken a devastating toll on his physical and mental health. He suffers from severe distress, has stopped eating regularly, and experiences chronic insomnia.
67. Each postponed hearing causes extreme mental anguish. It is easy for the immigration court to continue to postpone his hearing, but no one considers each time he has sleepless nights preparing for his trial the following day, only for him to be informed the morning of his hearings there will not be a day in court.
68. Then he has to wait in stressful anticipation for another date without any hope that he will actually be called to testify on that day.
69. Petitioner is clearly being blocked from administrative relief. He remains detained with no hearing scheduled, no review, and no end in sight.
70. Petitioner seeks the most basic relief: to be released from this unlawful custody.

71. Accordingly, Petitioner respectfully requests that this Court issue a writ of habeas corpus ordering his immediate release.

72. Petitioner further seeks a declaration that his continued detention is unlawful and unconstitutional.

CLAIMS FOR RELIEF

**COUNT ONE: Violation of the Fifth Amendment –
Unlawful Prolonged Detention (Due Process)
(As to All Respondents)**

73. Petitioner re-alleges and incorporates by reference all preceding paragraphs as if fully set forth herein.
74. Respondents' continued detention of Petitioner violates the Due Process Clause of the Fifth Amendment to the United States Constitution.
75. The Fifth Amendment guarantees that no person shall "be deprived of life, liberty, or property, without due process of law.
76. This protection extends to all persons on U.S. soil, including noncitizens such as Petitioner, and encompasses both substantive and procedural due process rights.
77. It is well established that the "Fifth Amendment entitles aliens to due process of Law[.]" *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). "Freedom of imprisonment from government custody, detention, or other forms of physical restraint lies at the heart of the liberty that the Due Process Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *see also Id.* at 718 (Kennedy, J., dissenting) ("Liberty under the Due Process Clause includes protection against unlawful or arbitrary personal restraint or detention.").
78. Due process therefore requires "adequate procedural protections" to ensure that the government's asserted justification for its conduct infringing on protected interests "outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Id.* at 690 (internal quotation marks omitted).
79. In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention: (1) to mitigate the risks of danger to the community; and (2) to prevent flight. *Demore*, 538

U.S. at 528. Those purposes are “ensuring the appearance of aliens at future immigration proceedings and preventing danger to the community.” *Zadvydas*, 533 U.S. at 690 (quotations omitted).

80. Other than as punishment for a crime, due process permits the government to take away liberty only “in certain special and narrow non-punitive circumstances where a special justification outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at 690 (internal quotations omitted). Such special justification exists only where a restraint on liberty bears a “reasonable relation” to permissible purposes. *Jackson v. Indiana*, 406 U.S. 715, 738 (1972); *see also Foucha v. Louisiana*, 504 U.S. 71, 79 (1992); *Zadvydas*, 533 U.S. at 690.

81. ***Substantive Due Process Violation.*** Petitioner’s detention has surpassed a duration that is constitutionally permissible for civil immigration custody, especially given that his removal is not reasonably foreseeable. Civil detention becomes unreasonable and punitive when it is no longer tied to its regulatory purpose.

82. Those substantive limitations on detention are closely intertwined with procedural due process protections. *Foucha*, 504 U.S. 78-80. Noncitizens have a right to adequate procedures to determine whether their detention in fact serves the purposes of ensuring their appearance or protecting the community. *Id* at 79; *Zadvydas*, 533 U.S. 692; *Casas-Castrillon v. Dep’t of Homeland Sec.*, 535 F.3d 942, 949 (9th Cir. 2008).

83. Where laws and regulations fail to provide such procedures, the habeas court must assess whether the noncitizen’s immigration detention is reasonably related to the purposes of ensuring her appearance or protecting the community. *Zadvydas*, 533 U.S. at 699.

84. Here, there is no legitimate governmental purpose served by continuing to detain Petitioner. Petitioner’s ongoing imprisonment is indefinite as he has been held for over 15 months with no end in sight and no viable reason to keep him separated from his family.

85. This unlawful indefinite detention is also blocking Petitioner from receiving a benefit of Special

Immigrant Juvenile Status, which can only be obtained if he is released.

86. Under *Zadvydas*, even where detention begins as lawful, it “violates [due process]” once it extends beyond a reasonable period with no prospect of removal.
87. Petitioner’s detention well beyond reasonable standards with respect to an arrest and charges asserted, with removal not in sight and no viable reason for DHS to detain him as he is not a danger to the community or a flight risk, constitutes an excessive and arbitrary infringement of his liberty. It is not narrowly tailored to any sufficient government interest and thus amounts to punishment, which is forbidden in civil detention.
88. ***Procedural Due Process Violation:*** Petitioner’s prolonged detention without any opportunity for a hearing to contest his confinement by receiving a decision in his removal case also violates procedural due process.
89. The Fifth Amendment requires that a person detained by the government be given a meaningful opportunity to be heard at a meaningful time.
90. The Respondents’ continued postponement of Petitioner’s hearing and their unwillingness to release him on bond, even with clear ties to the United States and no criminal record, has not allowed any meaningful opportunity to be heard, have his day in court, and win his release from DHS custody.
91. Respondent Merrick Garland is legally responsible for administering Petitioner’s removal proceedings and the standards used in those proceedings. It is his agency that continues to arbitrarily reschedule Petitioner’s hearings and cause indefinite unlawful detention depriving him of his day in court.
92. Moreover, ICE did not respond to Petitioner’s ICE parole requests for 11 months, and ultimately denied the request without citing to any reason.
93. This leaves Petitioner with no process at all to challenge his detention whether by ICE Officer or

with his day in court at his individual hearing.

94. Fundamental fairness dictates that Petitioner should receive, at minimum, an individualized hearing where the government must justify any further detention. By depriving him of this, Respondent has violated procedural due process.
95. The *Mathews v. Eldridge* balancing test confirms the procedural due process violation.
96. ***Private Interest:*** Petitioner's interest in freedom from bodily restraint is paramount – the Supreme Court recognizes physical liberty as a fundamental interest. Petitioner has been inexplicitly detained for over 15 months with no opportunity for his trial date. He suffers constantly from the mental toll of his detention which has become punishment in nature. Such conditions surely take a toll and are clear violations of physical liberty.
97. ***Risk of Erroneous Deprivation:*** The risk of error in Petitioner's case is exceedingly high because no neutral decision-maker has reviewed whether Petitioner's detention is necessary. ICE's custody decisions are entirely opaque and one-sided, with no adversarial testing of the facts. Petitioner is not be a flight risk or danger at all and he remains jailed based on unreviewed assumptions.
98. ***Government's Interest:*** The government's interest in detaining Petitioner and removing him to Chile is minimal or nonexistent at this stage. Due to his fifteen month and counting confinement, continued detention no longer serves the immigration system's goals of ensuring removal or protecting the community.
- Petitioner has no serious criminal history and has demonstrated compliance when not detained (indeed, he has never had the chance to be on supervision). Any generalized interest in deterrence or immigration enforcement does not justify indefinite detention of an individual who cannot be removed. Moreover, the administrative burden of providing a bond hearing is small, and the government has no valid interest in detaining people who are neither removable in the

foreseeable future nor dangerous.

99. On balance, due process required the government to provide Petitioner with a custody hearing before a neutral adjudicator. Its failure to do so is unconstitutional.

100. By detaining Petitioner for an unreasonably prolonged period with no realistic prospect of removal, and by denying him any hearing to win his case and end his detention, Respondent has violated Petitioner's Fifth Amendment right to due process.

101. Petitioner has suffered and continues to suffer harm as a direct and proximate result of these violations. **Each additional day of unlawful detention compounds the injury to Petitioner's liberty and well-being.**

102. Declaratory and injunctive relief are warranted to remedy this ongoing constitutional violation.

**COUNT TWO: Violation of 28 U.S.C. § 2241 and Immigration Laws
(Unlawful Detention Not Authorized by Statute)
(As to All Respondents)**

103. Petitioner re-alleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

104. Petitioner's continued detention is not authorized by any statute and is therefore "in violation of the laws... of the United States" within the meaning of the federal habeas statute, 28 U.S.C. § 2241(c)(3).

105. The immigration detention scheme set forth in the Immigration and Nationality Act (INA) does not permit DHS to detain a noncitizen under these circumstances.

106. DHS appears to be holding Petitioner under the general rubric of immigration custody, but without identifying a valid statutory basis: 8 U.S.C. § 1226 governs detention of aliens "pending a decision on whether the alien is to be removed."

107. 8 U.S.C. § 1231 governs detention after an alien is ordered removed (i.e., during

and after the 90-day removal period following a final removal order).

108. Petitioner has not been ordered removed, so § 1231 by its terms is inapplicable.

Petitioner is not in the removal period because there is no final order.

109. Even if § 1231 did apply hypothetically, *Zadvydas* instructs that it “implicitly limits” detention to a reasonable period (with six months as the baseline) and “does not permit indefinite detention”.

110. **Petitioner’s detention would violate § 1231 as construed in *Zadvydas* because §1231 cannot be stretched to cover a person who has no removal order at all and even if it did, Petitioner is well over the six month reasonable period.**

111. In short, no provision of the INA authorizes Respondent to keep Petitioner locked up in this posture. DHS’s detention power is tethered to the removal process.

112. By continuing to detain Petitioner in legal limbo, Respondent is acting ultra vires, beyond any congressionally delegated authority. The detention is unlawful under the INA and violates the Administrative Procedure Act (APA) as agency action “not in accordance with law” and “in excess of statutory jurisdiction” (5 U.S.C. § 706(2)(A), (C)). Petitioner is entitled to habeas relief because he is “in custody in violation of ... laws ... of the United States.” 28 U.S.C. § 2241.

113. Additionally, even if some general detention authority could be asserted, prolonging detention in the face of no foreseeable removal violates the constitutional canon of constitutional avoidance, § 1231(a)(6) should be interpreted (as in *Zadvydas*) to forbid continued custody here.

114. Petitioner’s detention fails *Zadvydas*’s test: “if removal is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized”.

115. Because Petitioner’s removal is not foreseeable at all in the current posture, his

detention is not authorized.

116. By detaining Petitioner without statutory authority and in violation of the constraints recognized in *Zadvydas v. Davis*, Respondent has acted unlawfully. Petitioner asks this Court to declare his detention unlawful and order his release.

**COUNT THREE: Writ of Habeas Corpus (28 U.S.C. § 2241) –
Unlawful Custody in Violation of the Constitution and Laws
(As to All Respondents)**

117. Petitioner re-alleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

118. By this Count, Petitioner expressly invokes 28 U.S.C. § 2241 to challenge his custody as unlawful. The foregoing facts demonstrate that Petitioner is held in violation of both constitutional and statutory law.

119. Habeas corpus is the appropriate remedy to address his unlawful detention. Petitioner has a fundamental right to be free from restraints on his liberty except as permitted by law.

120. Respondents' actions (and inaction) have resulted in Petitioner's imprisonment "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3).

121. Petitioner has established multiple independent grounds for relief: (a) violation of the Due Process Clause (as alleged in Count One); (b) detention exceeding statutory authority (as alleged in Count Two); (c) violation of *Zadvydas* constitutional standards; and (d) violation of DHS's own regulations and duties to effectuate removal or release within a reasonable time.

122. Any one of these grounds renders his detention unlawful; combined, they present a compelling case for immediate habeas relief.

123. Petitioner has no alternate remedy at law. Monetary damages cannot redress the

loss of liberty and hardship he is enduring.

124. Only release from custody can remedy the ongoing unlawful restraint on Petitioner's freedom. Each additional day of detention is irreparable harm to Petitioner.

125. Accordingly, pursuant to 28 U.S.C. § 2241, this Court should issue the writ of habeas corpus or an equivalent order commanding Respondent to release Petitioner from custody forthwith.

126. In the alternative, the Court should order Respondent to provide Petitioner with a constitutionally adequate custody hearing by a date certain, and if release is not granted at such hearing, report back to this Court with justification for continued detention.

**COUNT FOUR: PETITIONER'S DETENTION AND REMOVAL VIOLATES THE
ADMINISTRATIVE PROCEDURE ACT 5 U.S.C. §706(2)**

(As to All Respondents)

127. Under the Administrative Procedures Act, "final agency action for which there is no other adequate remedy in a court [is] subject to judicial review." 5 U.S.C. § 704. The reviewing court "shall hold unlawful and set aside agency action, findings, and conclusions found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law," or "unsupported by substantial evidence." 5 U.S.C. §§ 706(2)(A),(E).

128. A court reviewing agency action "must assess whether the decision was based on a consideration of the relevant factors and whether there has been a clear error of judgment"; it must "examin[e] the reasons for agency decisions or, as the case may be, the absence of such reasons." *Judulang v. Holder*, 565 U.S. 42, 53 (2011) (quotations omitted).

129. Petitioner's detention and any efforts to remove Petitioner under the facts alleged here, including the fact that he was seized, absent any criminal conviction, and Respondents continued refusal to permit him a Bond Redetermination, and failure to provide him with an individual hearing

to attempt to end his removal proceedings, violates the INA and is arbitrary and capricious under the APA.

130. Respondents' actions are "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law" and "in excess of statutory jurisdiction, authority or limitations, or short of statutory right." 5 U.S.C. §706(2)(C).

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- A. **ISSUE** a Writ of Habeas Corpus (28 U.S.C. § 2241) or an order in the nature of a writ, directing Respondent to immediately RELEASE Petitioner from ICE custody. Petitioner is prepared to comply with any appropriate conditions of release, such as reporting or monitoring, that the Court or ICE may require to reasonably assure public safety and future appearance.
- B. **ORDER**, in the alternative to outright release, Respondent to provide Petitioner with a prompt individualized bond hearing before an immigration judge (or, if that is not available, before this Court), to take place within five (5) days of the Court's order. At that hearing, the government should bear the burden of proving by clear and convincing evidence that Petitioner's continued detention is justified (i.e., that he poses a flight risk or danger that cannot be mitigated). If the government cannot meet that burden, Petitioner should be released on appropriate terms.
- C. **DECLARE** that Petitioner's continued detention is unlawful and unconstitutional. Specifically, declare that Petitioner's detention for over 15 months without a final hearing with an immigration court and without a foreseeable removal or a bond

hearing violates the Due Process Clause of the Fifth Amendment and exceeds statutory authority.

- D. **DECLARE** that Respondents' arrest and detention policies, practices, acts, and omissions described herein as applied to the Petitioner are unlawful and exceed Respondents' constitutional and statutory authority in violation of 5 U.S.C. §§ 706(2)(A)—(D);
- E. **DECLARE** declaration that Respondent's detention policies, practices, acts, and omissions described herein are unlawful and violate Petitioner's rights under the Fifth Amendment to the United States Constitution;
- F. **ENJOIN** Respondents from moving the Petitioner from the San Diego area while habeas proceedings are pending;
- G. **ENJOIN** Respondent, their agents, employees, and all persons acting under their direction or control, from continuing to detain Petitioner in violation of the law. This may include a permanent injunction against Petitioner's further detention on the same basis absent a significant change in circumstances (such as securing of travel documents and a likelihood of immediate removal).
- H. **ENJOIN** Respondents, their subordinates, agents, employees, and all others acting in concert with them from subjecting Petitioner to these statutory violations and unconstitutional arrest and detention policies, practices, acts and omissions described herein, and issue injunctive relief sufficient to rectify those statutory and constitutional violations.
- I. **AWARD** Petitioner his reasonable attorneys' fees and costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, or other applicable law, if Petitioner prevails in this action.
- J. **GRANT** such other and further relief as the Court deems just and proper in the interests of justice. This includes any relief necessary to ensure Petitioner's rights are protected during the pendency of this action (such as the TRO requested below, or an

order for periodic status reports on efforts to remove Petitioner).

Dated: September 16, 2025

Respectfully Submitted:

/s/ Curtis Lee Morrison
Curtis Lee Morrison (SBN
321106)
RED EAGLE LAW, L.C.
5256 S. Mission Road, Ste 135
Bonsall, CA 92003
Telephone: (714) 661-3446
curtis@redeaglelaw.com

VERIFICATION

Counsel for Petitioner (Counsels for Petitioner certify that, pursuant to 28 U.S.C. § 2242, this Petition is verified by the undersigned counsel upon information and belief, as Petitioner is in custody and unable to personally sign. The facts stated herein have been either directly witnessed by counsel or reliably reported by Petitioner and documentary evidence.)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

VICENTE ESTEBAN CORDOVA CORDOVA,)

Petitioner,)

v.)

FERNANDO VALENZUELA, Assistant Field)
Office Director, San Diego Field Office, Imperial)
Regional Detention Facility, **GREGORY J.**)
ARCHAMBEAULT, Field Office Director, San)
Diego Field Office, U.S. Immigration and Customs)
Enforcement; **TODD LYONS**, Acting Director,)
United States Immigration and Customs)
Enforcement; **KRISTI NOEM**, Secretary of the)
U.S. Department of Homeland Security; and)
PAMELA BONDI, Attorney General of the)
United States, in their official capacities,)

Respondents.)

Case No. **'25CV2426 BAS DDL**

**EVIDENCE IN SUPPORT OF
WRIT OF HABEAS CORPUS AND
COMPLAINT FOR INJUNCTIVE
AND DECLARATORY RELEIF**

EVIDENCE LIST

Exhibit A: Petitioner's Immigration Court Individual Hearing Notices.....1-17

Exhibit B: Current Immigration Court Status Evidencing No Hearing Scheduled...18-19

Exhibit C: ICE Parole Request and Correspondence.....20-40

Exhibit D: Evidence in Support of ICE Parole Request..... 41-59

Dated: September 16, 2025

Respectfully Submitted:

/s/ Curtis Lee Morrison
Curtis Lee Morrison (SBN
321106)
RED EAGLE LAW, L.C.
5256 S. Mission Road, Ste 135
Bonsall, CA 92003
Telephone: (714) 661-3446
curtis@redeaglelaw.com