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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CESAR LEONARDO LOPEZ-AGUILAR)

Petitioner,)

v.)

Warden of ADELANTO DETENTION)
FACILITY; Ernesto Santacruz Jr in his official)
Capacity as Field Office Director of the)
Immigration and Customs Enforcement,)
Enforcement and Removal Operations)
ADELANTO DETENTION FACILITY; KRISTI)
NOEM, in her official capacity as Secretary of the)
U.S. Department of Homeland Security; and PAM)
BONDI, in her official capacity as Attorney)
General of the United States,)

Respondents.)

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. This petition for Writ of Habeas Corpus filed on behalf of Petitioner Cesar Leonardo Lopez-Aguilar ("Petitioner") to remedy his unlawful detention.
2. Petitioner is a 40-year-old citizen of Guatemala and the father of five children, three of which are U.S. citizens.

3. On June 17, 2025, Petitioner was taken into custody and is currently detained at the Adelanto Detention Facility. *Id.* Petitioner was arrested by Immigration and Customs Enforcement (ICE) agents without individualized reasonable suspicion, in violation of the Fourth Amendment's safeguard against unreasonable seizures.
4. On September 04, 2025, he was denied release on bond based on the Immigration Judge finding no jurisdiction, leaving him in continued custody without a constitutionally adequate opportunity to seek release. [*See* Exhibit B: "Bond Denial for Petitioner Cesar Lopez Aguilar"].
5. Petitioner is currently in removal proceedings and has a pending Cancellation of Removal application filed on December 05, 2025, with the Adelanto Immigration Court, Executive Office for Immigration Review (EOIR). [*See* Exhibit C: "EOIR 42-B Application Uploaded for Petitioner Cesar Lopez Aguilar"]. Petitioner also has a pending Asylum case with EOIR. [*See* Exhibit D: "Asylum Application Uploaded for Petitioner Cesar Lopez Aguilar"].
6. Accordingly, Petitioner respectfully requests that this Court order Respondents to provide him with a prompt and constitutionally adequate bond hearing before an Immigration Judge, or, in the alternative, to release him from custody if such a hearing is not provided within a reasonable period.

JURISDICTION

7. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*
8. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

9. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

10. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(c)(3) and 28 U.S.C. § 1391(b)(2) and (e)(1) because Petitioner is detained within this district Adelanto Detention Facility in Adelanto, California, which is within the jurisdiction of this District.
11. Venue is proper in this District because a substantial part of the events or omissions giving rise to this action occurred and continue to occur Adelanto Detention Facility in Adelanto, California. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243

12. 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).
13. 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).

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PARTIES

14. Petitioner was arrested by ICE officers on June 17, 2025, and was transferred to Adelanto Detention Center where he is currently detained. He is in custody, and under the direct control, of Respondents and their agents.
15. The acting Warden of Adelanto Detention Facility has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent is a legal custodian of Petitioner.
16. Respondent Ernesto Santacruz Jr is sued in his official capacity as the Acting Director of the Los Angeles Field Office of U.S. Immigration and Customs Enforcement. Respondent Santacruz is a legal custodian of Petitioner and has authority to release him.
17. 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 and custody. Respondent Noem is a legal custodian of Petitioner.
18. Respondent Pam 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 EOIR, which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

EXHAUSTION OF REMEDIES

19. Petitioner has exhausted all administrative remedies available to him. He is currently detained at the Adelanto Detention Facility under the custody of U.S. Immigration and

Customs Enforcement (“ICE”). After his arrest, Petitioner sought release from custody through a bond request, which was denied by an Immigration Judge on September 04, 2025.

[See Exhibit B: “Bond Denial for Petitioner Cesar Lopez Aguilar”].

20. No further administrative process exists to challenge his ongoing detention or to obtain the relief sought. Petitioner does not challenge the discretionary denial of bond itself but rather the legality of his continued detention without a meaningful opportunity for release.

Accordingly, the filing of this habeas corpus petition under 28 U.S.C. § 2241 is proper. *See Singh v. Holder*, 638 F.3d 1196, 1203–04 (9th Cir. 2011); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

STATEMENT OF FACTS

21. Petitioner is a 40-year-old citizen of Guatemala.
22. Petitioner has been living in the United States since August of 2008. He alleges having originally entered on or around August 27, 2008, near Altar Sonora, New Mexico. He unlawfully entered the United States without inspection and without ever being encountered or apprehended by immigration authorities.
23. He is in a long-term relationship and is a father to four children, three of which are United States citizens. [See Exhibit F: “Birth Certificates for Children of Petitioner Cesar Lopez Aguilar”].
24. Petitioner is gainfully employed in addition to being the sole owner and operator of a small landscaping business. [See Exhibit G: “Business License for Petitioner Cesar Lopez Aguilar”]. Further, he has lived at his current fixed address for many years. He and his family are devout and religious and upstanding members of their community.

25. Petitioner was previously in removal proceedings with his spouse and child at the Van Nuys Immigration Court when proceedings were terminated pursuant to prosecutorial discretion a few years ago. They had been seeking asylum together as a family.
26. Petitioner has no history of violent convictions. His most recent case involved a non-violent misdemeanor offense that has already been adjudicated and resolved through the criminal justice system. Further, his prior arrests were all dismissed in the interests of justice following judicial findings that he had been wrongfully charged as a result of mistaken identity, not because of criminal conduct on his part.
27. Petitioner has three prior cases on his record that were all dismissed under California Penal Code § 1385 “in the interests of justice,” after courts determined that he was not the correct individual who should have been charged. These dismissals reflect the integrity of the system in recognizing that Petitioner was not culpable, and they must not be held against him in evaluating his character or risk to the public.
28. On August 24, 2024, Petitioner was arrested for carrying a concealed firearm in a vehicle following an argument with his partner. Importantly, there was no allegation of discharge, brandishing, or use of the firearm in a threatening manner. The record shows that Petitioner did not engage in any physical violence, and the firearm was not used to intimidate or harm anyone. After reviewing the circumstances, he was granted release on bond and placed under supervised release conditions, including a no-contact order with the alleged victim, which he complied with fully over the course of several months.
29. On November 25, 2024, the no-contact order was formally terminated at the recommendation of the Ventura County District Attorney’s Office, signaling both the prosecutor’s and the court’s determination that continued restrictions were unnecessary.

30. On June 17, 2025, Petitioner accepted responsibility by pleading to a non-violent misdemeanor offense of carrying of a concealed firearm in a vehicle under California law. The resolution of this case as a misdemeanor, rather than a felony, further reflects the lack of aggravating or dangerous conduct.
31. Petitioner's conduct since his arrest has been exemplary. He has complied with all terms of his release, made every required appearance, and respected the authority of the court. His ability to follow orders, abstain from further incidents, and complete proceedings without issue demonstrates that he can be trusted to comply with conditions of release, and does not present a danger to the community.
32. Further, the conviction does not impact his statutory eligibility for the requested relief. He has no disqualifying criminal convictions, his past cases were dismissed on factual innocence grounds, and his only conviction is a non-violent misdemeanor that arose from a singular incident involving no threats or harm to others. He poses no ongoing risk to the public and has shown full compliance with legal obligations, underscoring that his release is consistent with public safety and due process.
33. Petitioner has since been taken into immigration custody after leaving a criminal court hearing in Ventura county on June 15, 2025, and had a new Notice to Appear lodged with the immigration court in Adelanto on or around June 17, 2025. [See Exhibit E: "Notice to Appear for Petitioner Cesar Lopez Aguilar"].
34. Petitioner currently has a pending Asylum application filed on August 21, 2025, based on his well-founded fear of abuse, violence, threats and envy in his home country. [See Exhibit D: "Asylum Application Uploaded for Petitioner Cesar Lopez Aguilar"]. He also has a pending Cancellation of Removal application filed on December 05, 2025, with the Adelanto

Immigration Court, EOIR. [See Exhibit C: “EOIR 42-B Application Uploaded for Petitioner Cesar Lopez Aguilar”].

35. Petitioner has been detained by U.S. Immigration and Customs Enforcement (ICE) for nearly 6 months, with no end in sight. [See Exhibit A: “Copy of Declaration for Cesar Leonardo Lopez-Aguilar”].
36. ICE has not identified any exceptional circumstances warranting Petitioner’s continued detention under ICE policy.

LEGAL FRAMEWORK

37. The Due Process Clause requires that the deprivation of Petitioners’ liberty be narrowly tailored to serve a compelling government interest. See *Reno v. Flores*, 507 U.S. 292, 301–02 (1993) (holding that due process “forbids the government to infringe certain ‘fundamental’ liberty interests at all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest”). As the Supreme Court held in *Zadvydas*, indefinite detention, and detention without adequate procedural protections, would raise a “serious constitutional problem” and run afoul of the Due Process Clause. 533 U.S. at 690.
38. Section 1226(a) authorizes the Attorney General to arrest and detain a noncitizen “pending a decision on whether the alien is to be removed.” Detention under § 1226(a) is discretionary and permits release on bond or conditional parole unless the person falls within the limited mandatory detention provisions of § 1226(c). The Ninth Circuit has held that individuals detained under § 1226(a) are entitled to individualized bond hearings where the government bears the burden to show, by clear and convincing evidence, that continued detention is justified by flight risk or danger. *Rodriguez v. Robbins*, 804 F.3d 1060, 1078 (9th Cir. 2015),

vacated on other grounds, *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018). When detention under § 1226(a) becomes prolonged, it must remain reasonably related to its purposes of ensuring appearance and protecting the community. See *Demore v. Kim*, 538 U.S. 510, 531 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Continued detention without a final order of removal, absent these justifications, is arbitrary, excessive, and violates the Due Process Clause.

39. On September 5, 2025, the Board of Immigration Appeals issued *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (B.I.A. 2025). The Board held that any noncitizen present in the United States without inspection or admission is subject to detention under INA § 235(b)(2) (8 U.S.C. § 1225(b)(2)), rather than § 236(a) (8 U.S.C. § 1226(a)). This interpretation treats all such noncitizens as “applicants for admission” and places them in mandatory detention without bond eligibility before immigration judges.
40. The decision overruled longstanding agency practice that classified interior arrests of noncitizens who entered without inspection under INA § 236(a) (8 U.S.C. § 1226(a)), which permits discretionary release on bond or parole. Under *Yajure Hurtado*, only those noncitizens who have been formally “admitted,” as defined in INA § 101(a)(13)(A), retain bond eligibility.

CLAIMS FOR RELIEF

COUNT ONE

Violation Of Immigration and Nationality Act, 8 U.S.C. § 1231(A)(6)

41. Petitioner realleges and incorporates by reference the paragraphs above.
42. 8 U.S.C. § 1226(a) authorizes the Attorney General to arrest and detain a noncitizen “pending a decision on whether the alien is to be removed,” but expressly permits release on bond or conditional parole. This provision governs the detention of individuals, like

Petitioner, who have not been ordered removed and whose proceedings remain pending.

43. Detention under § 1226(a) must remain reasonably related to its purposes of ensuring appearance at removal proceedings and protecting the community. When those justifications no longer apply, continued custody exceeds the scope of the statute. See *Demore v. Kim*, 538 U.S. 510, 529–31 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
44. The Supreme Court in *Jennings v. Rodriguez*, 583 U.S. 830 (2018), distinguished between the discretionary detention authority in § 1226(a) and the mandatory detention provisions of § 1226(c). *Jennings* held that § 1226(a) allows for release on bond or conditional parole and does not itself impose mandatory custody. While the Court rejected the imposition of automatic, periodic bond hearings as a matter of statutory interpretation, it left open the constitutional question of whether prolonged detention without an individualized hearing violates due process. See *id.* at 851 (remanding to consider constitutional claims).
45. Subsequent courts have recognized that such prolonged detention without a hearing raises serious due process concerns. See *Hernandez-Lara v. Lyons*, 10 F.4th 19, 41 (1st Cir. 2021) (holding that due process requires the government to justify continued § 1226(a) detention by clear and convincing evidence of danger or by a preponderance of evidence of flight risk).
46. Petitioner is detained under 8 U.S.C. § 1226(a), which governs pre-final-order detention for individuals in ongoing removal proceedings. Respondents' continued detention of Petitioner without affording a bond hearing violates § 1226(a)'s plain language and structure. Detention under § 1226(a) must be justified by legitimate governmental interests, however Respondents have not demonstrated that Petitioner presents a flight risk or danger to the community, making his continued detention is arbitrary, excessive, and contrary to law.
47. Following *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (B.I.A. 2025), Respondents have

adopted a blanket interpretation that classifies all noncitizens who entered without inspection as subject to mandatory detention under § 1225(b), thereby denying bond eligibility to those properly detained under § 1226(a). This interpretation is inconsistent with the statute and longstanding practice, resulting in the unlawful denial of individualized bond determinations.

48. Notably, The Central District of California has rejected DHS's attempt to treat interior-arrest noncitizens as mandatory detainees under § 1225(b). (*Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873, TRO Order (C.D. Cal. July 28, 2025)). In *Maldonado Bautista v. Santacruz*, the court granted a Temporary Restraining Order enjoining DHS from detaining similarly situated individuals without providing an individualized § 1226(a) bond hearing, holding that DHS's reliance on § 1225(b) for interior arrests was unconvincing and inconsistent with the statutory framework. *Id.* The court concluded that individuals arrested inside the United States and detained under § 1226(a) were being unlawfully deprived of the procedural protections guaranteed by that statute, including a bond hearing before a neutral adjudicator. *Id.*

49. Here, Petitioner is in the same posture as the Petitioners in *Maldonado Bautista*. He was arrested in the interior and denied a bond hearing solely because DHS asserted, they did not have jurisdiction. Petitioner's Notice to Appear expressly charges him as an alien present in the United States without being admitted or paroled, not as an arriving alien. [See Exhibit E: "Notice to Appear for Petitioner Cesar Lopez Aguilar"]. Under *Maldonado Bautista* and long-standing practice, such detention is unlawful, and Petitioner is entitled to habeas relief directing the government to provide a prompt § 1226(a) bond hearing or order his release.

50. Petitioner has strong family and community ties in the United States. He has resided in the United States continuously since 2008. He has a long-term partner and is a devoted father to

four children, three of whom are United States citizens. He is also the sole owner and operator of a small landscaping business. Petitioner has no history of violent convictions. His only conviction is a non-violent misdemeanor arising from a single incident that involved no threats, harm, or use of a firearm, and does not render him a danger to the community or subject him to mandatory detention under 8 U.S.C. § 1226(c). Because Petitioner is detained under 8 U.S.C. § 1226(a), he is statutorily entitled to seek release on bond following an individualized custody determination. Respondents' refusal to provide such a bond hearing contravenes § 1226(a)'s discretionary framework and exceeds the detention authority Congress has authorized.

51. Accordingly, the Court should declare that Respondents lack statutory authority to detain Petitioner under § 1226(a) without providing a constitutionally adequate bond hearing and should order either (1) a prompt bond hearing before an Immigration Judge at which the government bears the burden of proof, or (2) Petitioner's release from custody pursuant to 28 U.S.C. § 2241.

COUNT THREE
Violation of Fifth Amendment Due Process Clause

52. The allegations in the above paragraphs are realleged and incorporated herein.
53. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. amend. V. "Freedom from 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*, 533 U.S. at 690 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)). Civil immigration detention violates due process if it is not reasonably related to its statutory purpose. See *id.* at 690 (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). In the immigration context, the

Supreme Court has recognized only two valid purposes for civil detention: to mitigate the risk of flight and prevent danger to the community. *Id.*; *Demore v. Kim*, 538 U.S. 510, 514–15, 528 (2003). Courts have further held that prolonged detention under 8 U.S.C. § 1226(a) implicates due process and requires the government to justify continued confinement at a meaningful bond hearing. See *Hernandez-Lara v. Lyons*, 10 F.4th 19, 41 (1st Cir. 2021) (requiring the government to prove danger by clear and convincing evidence or flight risk by a preponderance of the evidence).

54. The due process concerns identified in *Maldonado Bautista v. Santacruz* further demonstrate that Respondent’s continued detention without a bond hearing is unconstitutional. In granting the TRO, the court found that DHS’s misapplication of § 1225 deprived interior-arrest noncitizens of the legal protections guaranteed under § 1226(a), raising “serious question[s]” as to whether DHS had permissibly altered its detention practices to withhold statutory and constitutional safeguards. TRO Order at 5–7. The court emphasized that continued detention under an unlawful policy serves “neither equity nor the public interest,” and “potentially arbitrarily violates due process rights.” *Galvez v. Jaddou*, 52 F.4th 821, 832 (9th Cir. 2022); see also *Xuyue Zhang v. Barr*, 612 F. Supp. 3d 1005, 1017 (C.D. Cal.) (public interest is implicated whenever constitutional rights are denied). As in *Maldonado Bautista*, Respondent’s detention under the incorrect statutory framework deprives him of the procedural protections mandated by § 1226(a), rendering his continued detention fundamentally inconsistent with the Fifth Amendment. This concern is heightened because Respondent was previously denied a bond hearing based on *Matter of Yajure-Hurtado*, which relied on the same misapplication of § 1225(b) that the district court rejected.

55. First, Petitioner does not pose a danger to the community. He has significant ties to the United States. His entire immediate family resides in this country and specifically, in the State of California. Petitioner is a devoted father to four children, three of whom are United States citizens, all of whom are fully integrated into American life and depend on him for daily care, guidance, and stability. He is an active and hands-on parent who provides consistent emotional support, financial stability, and practical assistance, including transporting his children to and from school and ensuring their day-to-day needs are met. Their physical and emotional health is tied to their father's continued presence in their lives. Petitioner was gainfully employed in the United States up to the date of his detention by ICE. Without his support, the family will be in dire financial situation.
56. Petitioner has no history of violent convictions and no pattern of conduct suggesting a risk to public safety. His sole conviction is a non-violent misdemeanor arising from a single incident that involved no threats, no physical harm, and no use of force. After his arrest, Petitioner was released on bond, fully complied with all court-ordered conditions, including a no-contact order, and made every required appearance. The termination of the no-contact order at the recommendation of the District Attorney further confirms that authorities did not view him as a continuing risk. Petitioner's consistent compliance with court supervision, combined with his long-standing family and employment ties, demonstrates that he is capable of following legal directives and poses no danger to the community if released under appropriate conditions.
57. Second, Petitioner does not pose a risk of flight. He is not a flight risk as demonstrated by his appearances in multiple hearings in immigration court and state court in Ventura County after being released on bond. He is committed to pursuing his applications for relief in the

United States since his arrival. His objective is to remain in the United States in a lawful manner. He has every incentive to, and will, comply with all obligations required to enable him to remain in the United States. In addition, the strength of Petitioner's eligibility for relief and pending application is a positive factor to consider in a flight risk assessment.

Another factor that should be afforded weight is that Petitioner is represented by undersigned counsel. Retaining the services attorney is a significant financial commitment. It is an indication that he is invested in his case and willing to follow through with any requirements imposed by ICE in order to continue litigating his claim. His willingness to invest in his litigating his claim should mitigate any flight risk concerns. Petitioner is planning to stay in the jurisdiction to fully litigate his relief applications. His investment contradicts any likelihood of absconding, as flight risk might try to leave the jurisdiction to avoid arrest or to abscond. The act of securing legal representation suggests that Petitioner is very likely remaining within the country or region to actively pursue his relief applications.

58. For these reasons, Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment, and he must be immediately released.

COUNT FOUR

59. If he prevails, Petitioner requests attorney's fees and costs in the amount of \$5,000 under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter.
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.

- (3) Declare that Petitioners' detention violates the Immigration and Nationality Act and Due Process Clause of the Fifth Amendment.
- (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately.
- (5) Enjoin Respondents from further unlawfully detaining Petitioners.
- (6) Grant a writ of habeas corpus ordering Respondents to immediately release Petitioners from custody.
- (7) In the alternative, grant a writ of habeas corpus ordering Respondents to immediately release Petitioners from custody under reasonable conditions of supervision.
- (8) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law and
- (9) Grant any further relief this Court deems just and proper.

Respectfully submitted,

/s/Alfonso Morales
Alfonso Morales, Esq.
Attorney for Petitioner Cesar Leonardo Lopez-Aguilar

Dated: December 15, 2025

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Cesar Leonardo Lopez-Aguilar, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 15 day of December 2025.

/s/Alfonso Morales
Alfonso Morales, Esq.
Attorney for Petitioner Cesar Leonardo Lopez-Aguilar