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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DELFINO REYES-CASTILLO,

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, Delfino Reyes-Castillo ("Petitioner") to remedy his unlawful detention.

2. Petitioner is a 35-year-old citizen of Mexico.

3. On August 2, 2025, Petitioner was taken into custody and is currently detained at the Adelanto Detention Facility.

4. On November 25, 2025, he was denied release on bond due to "no jurisdiction," per INA section 235(b), leaving him in continued custody without a constitutionally adequate opportunity to seek release. [*See* **Exhibit A**: "Order of the Immigration Judge Denying Custody Redetermination"].

5. 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

6. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq*.

7. 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).

8. 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.

9. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in federal custody and challenges the statutory and constitutional validity of that detention. Federal courts retain jurisdiction to review claims that immigration detention violates the Constitution or exceed statutory authority including claims arising under 8 U.S.C. § 1226(a).

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).

PARTIES

14. Petitioner was arrested by ICE officers on August 02, 2025, and was transferred to Adelanto Detention Center where he is currently detained 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 Executive Office for Immigration Review (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 November 25, 2025.

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).

STATUTORY FRAMEWORK: 8 U.S.C. §1226(a)(2)

21. INA §236(a), codified at 8 U.S.C. §1226(a), governs discretionary pre-final order detention. Section 1226(a)(2) expressly authorizes the release of detained noncitizens:

"The Attorney General may release the alien on (A) bond of at least $1,500…or (B) conditional parole."

22. Unlike mandatory detention provisions, §1226(a)(2) presumes the availability of release and requires individualized custody determination. Detention without access to a bond hearing under this provision is ultra vires and unconstitutional.

STATEMENT OF FACTS

23. On August 02, 2025, Petitioner was taken into custody.

24. Petitioner is currently detained at the Adelanto Detention Center, in Adelanto California pending removal proceedings under 8 U.S.C. §1226(a).

25. Petitioner requested a custody redetermination hearing seeking release on bond or conditional parole pursuant to §1226(a)(2).

26. On November 25, 2025, Petitioner was denied release from custody under bond by the Immigration Judge based on the Courts alleged lack of jurisdiction per INA section 235(b). [*See* **Exhibit A**: "Order of the Immigration Judge Denying Custody Redetermination"].

27. The IJ relied on Matter of Yajure Hurtado (BIA 2025) and declined to conduct any individualized inquiry into danger, flight risk, or conditions of release.

28. As a result, Petitioner remains detained even though he has no criminal history and poses no flight risk.

29. Petitioner remains detained despite the discretionary nature of §1226(a) detention and without a hearing guaranteed by statute and due process.

30. Petitioner has resided continuously and permanently in the United States since approximately the year 2007.

31. ICE has not identified any exceptional circumstances warranting Petitioner's continued detention under ICE policy.

LEGAL FRAMEWORK

32. The Due Process Clause requires that the deprivation of Petitioner's 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.

33. 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.

34. On September 5, 2025, the Board of Immigration Appeals issued *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 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.

35. 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.

36. 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.*

CLAIMS FOR RELIEF

COUNT ONE
Violation Of Immigration and Nationality Act, 8 U.S.C. § 1226(a)

37. Petitioner realleges and incorporates by reference the paragraphs above.

38. 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.

39. 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).

40. 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).

41. 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).

42. 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 her continued detention is arbitrary, excessive, and contrary to law.

43. 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.

44. The IJ's reliance on *Matter of Yajure Hurtado* does not divest this Court of jurisdiction. Federal District Courts retain habeas authority to review unlawful detention, even where the agency claims it lacks jurisdiction to provide relief. Where no bond hearing is available within the administrative system, habeas relief is not only appropriate, but also essential.

45. 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.*

46. Here, Petitioner is in the same posture as the Petitioners in *Maldonado Bautista*. He was arrested in the interior of the United States and denied a bond hearing solely because DHS asserted INA section 235(b) 8 U.S.C § 1225(b) applied. Under *Maldonado Bautista*, 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.

47. Petitioner has lived in the United States since 2007 and has built his life and support network here. Petitioner has no criminal history, and nothing in hid record places him within the mandatory detention provisions of §1226(c). He is also not subject to post-final-order detention under §1231(a). As a noncitizen detained under §1226(a), he is entitled to an

individualized bond determination. Respondents' refusal to provide such a hearing contradicts the discretionary framework Congress established in §1226(a) and exceeds the limited detention authority permitted by statute.

48. Accordingly, the Court should declare that Respondents' lack of 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 TWO
Violation of Fifth Amendment Due Process Clause

49. The allegations in the above paragraphs are realleged and incorporated herein.

50. 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).

51. 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 her of the procedural protections mandated by §1226(a), rendering her continued detention fundamentally inconsistent with the Fifth Amendment. This concern is heightened because Respondent was previously denied a bond hearing based on "No jurisdiction, per INA section 235(b)" relying on the same misapplication of §1225(b) that the district court rejected.

52. Civil immigration detention is lawful only when accompanied by adequate procedural protection. Detention without any hearing based solely on categorical jurisdictional reasoning results in punishment rather than regulation and offends fundamental principles of due process.

53. *Matter of Yajure Hurtado* cannot be applied to authorize detention without a hearing. Administrative precedent cannot override constitutional guarantees. To the extent that Yajure Hurtado is interpreted to bar all bond hearings for certain noncitizens, it raises serious constitutional concerns and must be limited or rejected as applied.

54. First, Petitioner does not pose a danger to the community. Petitioner has lived in the United

States since 2007. Petitioner has no criminal history, and nothing in his record places him within the mandatory detention provisions of §1226(c).

55. Second, Petitioner does not pose a risk of flight. He has a stable residence, and a reliable support network in the United States. He is represented by counsel in his immigration proceedings demonstrating his commitment to pursuing his case through lawful channels. These factors collectively establish that Petitioner can and will comply with any conditions of release set by the Court or an Immigration Judge.

56. By refusing to consider bond, the IJ imposed mandatory detention without individualized findings. Due process requires more. In the Ninth Circuit, detention under INA §236(a) requires a bond hearing where the government bears the burden of justifying continued detention. The Constitution does not permit indefinite detention based on a legal label alone.

57. The Immigration Judge's refusal to conduct a bond hearing deprived Petitioner of (1) an individualized assessment of danger or flight risk, (2) any burden placed on the government to justify detention, and (3) consideration of less restrictive alternatives to detention.

58. For these reasons, Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment, and he must be immediately released. The Court should order Respondents to provide Petitioner with a prompt and constitutionally adequate bond hearing before an Immigration Judge, at which the Government bears the burden of demonstrating flight risk or danger.

COUNT FOUR
Request for Attorney's Fees Under the Equal Access to Justice Act

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 Petitioner's 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 Petitioner.

(6) In the alternative, grant a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody under reasonable conditions of supervision.

(7) In the alternative, grant a writ of habeas corpus ordering Respondents to provide Petitioner with a prompt and individualized bond determination hearing pursuant to 8 U.S.C. §1226(a), before a neutral Immigration Judge, at which the Government bears the burden of proving that Petitioner is a danger to the community by clear and convincing evidence or a flight risk by a preponderance of the evidence.

(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,

Dated: December 24, 2025

/s/Alfonso Morales
Alfonso Morales, Esq.
Attorney for Delfino Reyes Castillo

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

I represent Petitioner, Delfino Reyes Castillo, 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 24 day of December, 2025.

/s/Alfonso Morales
Alfonso Morales, Esq.
Attorney for Delfino Reyes Castillo