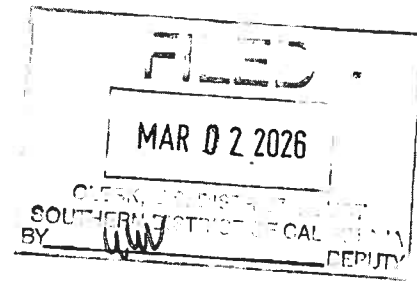


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
Kevin David Paniagua-Padilla
Petitioner,

V.

Pamela Bondi, U.S. Attorney General
Kristi Noem, Secretary of DHS,
Todd Lyons, Director of ICE,
Christopher LaRose, Warden of, Otay Mesa Detention Center
Respondent(s).



'26CV1332 JO VET

**PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO U.S.C 2241 UNDER
IMMIGRATION DETAINEE PROLONGED DETENTION AND A TEMPORARY
RESTRAINING ORDER, INJUNCTIVE RELIEF**

I. INTRODUCTION

1. Petitioner Kevin David Paniagua-Padilla, native and citizen of Guatemala, currently detained by U.S. Immigration and Customs Enforcement ICE at Otay Mesa Detention Center San Diego, CA 92143, respectfully petitions this Court for a Writ Of Habeas Corpus under U.S.C. 2241 and request for a Temporary Restraining Order, Injunctive Relief.
2. Petitioner has been in Immigration proceedings since 3-15-2025 approximately six months pursuant to 8 U.S.C. 1231 (a), despite ICE inability to execute the removal order due to the lack of diplomatic cooperation or practical ability to carry out removals to Guatemala for Petitioner.
3. Petitioner seeks immediate release from detention on the grounds that continued detention violates the Due Process Clause of the Fifth Amendment and the Supreme Court ruling in *Zadvydas v. Davis* 533 U.S. 678 (2001).

II. JURISDICTION AND VENUE

4. This court has Jurisdiction under 28 U.S.C. 2241 and Article I, Section 9, Clause 2 of the U.S. Constitution.
5. Venue is proper in this District under in this District under 28 U.S.C. 1391 (e) because Petitioner is detained within the Jurisdiction of this Court at Otay Mesa Detention Center San Diego, CA 92143,

III. PARTIES

6. Petitioner is a native and citizen of Guatemala who is currently detained by ICE.
7. Respondent's are U.S. Government officials with custody over Petitioner or authority over Immigration detention and removal.

IV. FACTUAL BACKGROUND

8. Petitioner was ordered removed to Guatemala on 12-10-2025 by an Immigration Judge and is currently on Appeal with the Board of Immigration Appeals (BIA) where Petitioner has a high probability to succeed.
9. Petitioner has remained in ICE custody continuously since 3-15-2025.
10. ICE has been unable to secure travel documents or deport Petitioner to Guatemala due to the lack of diplomatic cooperation or practical ability to carry out removals to Guatemala.
11. Petitioner has fully cooperated with ICE efforts to secure travel documents.
12. More than six months have passed since the apprehension of Petitioner by ICE.
13. There is no significant likelihood of removal in the foreseeable future.

V. LEGAL FRAMEWORK

14. Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), post-final order detention beyond six months is presumptively unreasonable if there is no significant likelihood of removal in the reasonably foreseeable future.
15. Continued detention Violates the Due Process Clause of the Fifth Amendment.
16. ICE bears the burden to show a significant likelihood of removal; it has not met that burden.

VI. CLAIM FOR RELIEF

Violation of the Fifth Amendment Due Process Clause and 8 U.S.C. 1231 (a) (6)

17. Petitioner's continued detention violate the Constitution' and *Zadvydas* because:
 - * There is no significant likelihood of removal in the reasonably foreseeable future.
 - * Petitioner ha fully cooperated with removal efforts.
 - * ICE's prolonged detention is punitive and lacks justification.

VII. PRAYER FOR RELIEF

- A. Issues a writ of Habeas Corpus directing Respondent's to immediately release Petitioner from custody and request for Injunctive Relief, Temporary Restraining Order.
- B, Grant such further relief as the Court deems just and proper.


Respectfully Submitted,

Date: 2-23-2026
Kevin David Paniagua-Padilla


Otay Mesa Detention Center
P.O. Box 439049
San Diego, CA 92143