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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

'26CV2339 TWR MSB

DANIEL RAMALES MATA,,

Plaintiff,

vs.

**TODD M. LYONS, ACTING DIRECTOR,
U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT;**

**MARKWAYNE MULLIN, ACTING
SECRETARY, DEPARTMENT OF
HOMELAND SECURITY;**

**PAMELA P. BONDI, ATTORNEY
GENERAL OF THE UNITED STATES;**

**CHRISTOPHER J. LAROSE, WARDEN,
OTAY MESA DETENTION CENTER,,**

Respondents

PETITION FOR WRIT OF HABEAS CORPUS:



PLEADING TITLE

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

PURSUANT TO 28 U.S.C. § 2241

I. INTRODUCTION

Petitioner, **Daniel Rames Mata** respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241.

PLEADING TITLE - 1

1 Petitioner is currently detained by the Department of Homeland Security at the **Otay Mesa**
2 **Detention Center in San Diego, California** while in removal proceedings before the
3 Immigration Court.

4 Petitioner's continued detention violates the **Due Process Clause of the Fifth Amendment**
5 because the Government cannot demonstrate that Petitioner poses a danger to the community or
6 a serious risk of flight.

7 Petitioner has **no criminal history**, maintains strong family ties in the United States, including a
8 **United States citizen child**, and maintained **gainful employment prior to detention**.

9 The Government relies solely on **two prior administrative encounters with Customs and**
10 **Border Protection**, which do not constitute evidence of dangerousness or flight risk.

11 Because immigration detention is civil in nature, it must remain reasonably related to its
12 regulatory purposes. Continued detention without sufficient justification violates constitutional
13 limits recognized by the Supreme Court and the Ninth Circuit.

14 Accordingly, Petitioner respectfully requests that this Court order his **immediate release or a**
15 **constitutionally adequate bond hearing**.

16 **II. JURISDICTION**

17 This Court has jurisdiction over this petition pursuant to:

- 18 • 28 U.S.C. § 2241 (federal habeas corpus jurisdiction)
- 19 • 28 U.S.C. § 1331 (federal question jurisdiction)

20 Federal district courts retain jurisdiction to review challenges to immigration detention. See
21 **Zadvydas v. Davis**, 533 U.S. 678 (2001).

22 **III. VENUE**

23 Venue is proper in this Court because Petitioner is currently detained within this judicial district
24 at the **Otay Mesa Detention Center located in San Diego, California**.

25 **IV. PARTIES**

26 **Petitioner**

27 Petitioner **DANIEL RAMALES MATA** is a noncitizen currently detained by U.S. Immigration
28 and Customs Enforcement at the Otay Mesa Detention Center.

Petitioner:

- Has **no criminal record**
- Has a **United States citizen child**
- Maintains strong family ties in the United States
- Maintained **gainful employment prior to detention**
- Is currently pursuing **asylum and protection claims**

Respondents

Respondents are federal officials responsible for Petitioner's detention.

Respondent **Christopher J. LaRose**, Warden of Otay Mesa Detention Center, is the immediate custodian of Petitioner.

The remaining Respondents exercise legal authority over immigration detention policy and enforcement.

V. FACTUAL BACKGROUND

Petitioner is currently detained under the authority of INA §236(a) pending removal proceedings.

DHS seeks to justify detention based solely on **two prior encounters with Customs and Border Protection**.

Petitioner has no criminal history and has not engaged in conduct suggesting dangerousness or flight risk.

Despite the absence of such evidence, Petitioner remains detained.

VI. IMMIGRATION DETENTION IS SUBJECT TO CONSTITUTIONAL LIMITS

Immigration detention is civil in nature.

The Supreme Court held in **Zadvydas v. Davis**, 533 U.S. 678 (2001), that immigration detention is subject to constitutional limitations under the Due Process Clause.

The Court explained:

"Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty protected by the Due Process Clause."

Civil detention is permissible only when reasonably related to legitimate regulatory purposes.

VII. PROLONGED DETENTION REQUIRES MEANINGFUL PROCEDURAL PROTECTIONS

1 The Ninth Circuit has recognized that prolonged immigration detention raises serious
2 constitutional concerns.

3 See:

- 4 • **Casas-Castrillon v. DHS**, 535 F.3d 942 (9th Cir. 2008)
- 5 • **Diouf v. Napolitano**, 634 F.3d 1081 (9th Cir. 2011)
- 6 • **Singh v. Holder**, 638 F.3d 1196 (9th Cir. 2011)

7 These cases establish that detainees are entitled to meaningful custody review supported by
8 individualized evidence.

9 **VIII. GOVERNMENT MUST JUSTIFY DETENTION**

10 When the Government seeks to deprive an individual of liberty through civil detention, it must
11 satisfy a heightened evidentiary standard.

12 See **Addington v. Texas**, 441 U.S. 418 (1979).

13 The Government must demonstrate by **clear and convincing evidence** that detention is
14 necessary.

15 DHS cannot satisfy that burden in this case.

16 **IX. PETITIONER'S DETENTION IS UNJUSTIFIED**

17 Petitioner has:

- 18 • No criminal history
- 19 • Strong family ties in the United States
- 20 • A United States citizen child
- 21 • A history of gainful employment
- 22 • A pending asylum claim

23 DHS relies only on **two administrative CBP encounters**, which do not demonstrate
24 dangerousness or flight risk.

25 Absent individualized evidence justifying detention, continued confinement violates the Fifth
26 Amendment.

27 **X. PRAYER FOR RELIEF**

28 Petitioner respectfully requests that this Court:

PLEADING TITLE - 4

1. Grant the Petition for Writ of Habeas Corpus;
2. Declare Petitioner's continued detention unconstitutional;
3. Order Petitioner's **immediate release**; or
4. Order a **constitutionally adequate bond hearing** before an Immigration Judge where the Government bears the burden of proof.

XI. VERIFICATION

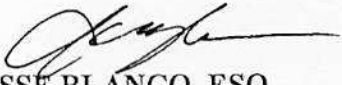
I, DANIEL RAMALES MATA, declare under penalty of perjury under the laws of the United States that the foregoing petition is true and correct to the best of my knowledge.

Executed on:

Signature:


Daniel Rames Mata
Petitioner

Respectfully submitted,


JESSE BLANCO, ESQ.
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Immigration detention must remain regulatory and cannot become punitive.

The Supreme Court held in *Zadvydas v. Davis*, 533 U.S. 678 (2001):

“Freedom from imprisonment... lies at the heart of the liberty protected by the Due Process Clause.”

Detention is permissible only when reasonably related to its regulatory purpose.

See:

- *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011)
- *Diouf v. Napolitano*, 634 F.3d 1081 (9th Cir. 2011)
- *Casas-Castrillon v. DHS*, 535 F.3d 942 (9th Cir. 2008)

These decisions require individualized custody determinations supported by reliable evidence.

Civil detention requires proof by clear and convincing evidence.

See *Addington v. Texas*, 441 U.S. 418 (1979).

The Government must demonstrate that detention is necessary.

DHS relies solely on two administrative CBP encounters.

These encounters do not demonstrate:

- dangerousness

- criminal conduct
- flight risk

VI. CONTINUED DETENTION IS UNCONSTITUTIONAL

Where detention no longer serves a regulatory purpose, continued confinement violates the Fifth Amendment.

RELIEF REQUESTED

Petitioner respectfully requests:

- Immediate release, or
- A constitutionally adequate bond hearing.

Attorney Signature



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TABLE OF AUTHORITIES

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2 U.S. Const. amend. V
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9 **Optional (Recent Detention Litigation References)**

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