

Benito Mariano Micha Angono
NAME

PRISON NUMBER

Imperial Regional Detention Facility
PLACE OF CONFINEMENT

1572 Gateway Road
ADDRESS
Calexico, California 92231

FILED

APR 28 2026

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY ODE DEPUTY

United States District Court
Southern District Of California

Benito Mariano Micha Angono
(FULL NAME OF PETITIONER)

Petitioner

v.

Warden Jeremy Casey
(NAME OF WARDEN, SUPERINTENDENT, JAILOR, OR AUTHORIZED
PERSON HAVING CUSTODY OF PETITIONER, E.G. PAROLE OFFICER)

Respondent

and

The Attorney General of the State of
California, Additional Respondent.

Civil No. Case No. 3:26-cv-02313-CAB-DEB
(TO BE FILLED IN BY CLERK OF U.S. DISTRICT COURT)

Amended
PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2241

1. Are you currently:

- ☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

(a) Name and location of court that sentenced you: _____

(b) Docket or case number (if you know): _____

(c) Date of sentencing: _____

☒ Being held on immigration charge

☐ Other (explain): _____

2. Are you currently being held on orders by:

☒ Federal authorities ☐ State authorities ☐ Other - explain:

DHS

3. What are you challenging in this petition:

☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities

☐ Pretrial detention

☒ Immigration detention

☐ Detainer

☐ The validity of your conviction or sentence as imposed

☐ Disciplinary proceedings

☐ Other (specify):

4. Provide more information about the decision or action you are challenging:

(a) Name and location of the court or agency: Imperial Court, 2409 La

Brucherie Road, Imperial CA 92251

(b) Case number, docket number or opinion number (if you know):

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): Immigration and Customs Enforcement (ICE),

decision to detain me and custody review
prolonged detention.

(d) Date of the decision or action: December 15, 2024

5. Did you appeal the decision, file a grievance or seek an administrative remedy?

☒ Yes ☐ No

(a) If your answer to 5 was "Yes," give the following information:

(1) Name of court, agency or authority: Board of Immigration and
Appeal (BIA)

(2) Date of filing: December 19, 2025

(3) Case number, docket number or opinion number:

(4) Result: Pending

(5) Date of result: Pending

(6) Issues raised: Immigration Judge did not consider all the evidence
presented during the hearing (2) Immigration Judge erred in the
application of the law to the facts of the case (3) Immigration
Judge erred in finding inconsistencies "material" between
testimony and documentary evidence.

(b) If your answer to 5 was "No," explain why you did not appeal: _____

6. After the first appeal, did you file a **second appeal** to a higher authority, court or agency?

☐ Yes ☐ No

(a) If your answer to 6 was "Yes," give the following information:

(1) Name of court, agency or authority: _____

(2) Date of filing: _____

(3) Case number, docket number or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If your answer to 5 was "No," explain why you did not appeal: _____

7. After the second appeal, did you file a **third appeal** to a higher authority, agency or court?

☐ Yes ☐ No

(a) If your answer to 7 was "Yes," give the following information:

(1) Name of court, agency or authority: _____

(2) Date of filing: _____

(3) Case number, docket number or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If your answer to 7 was "No," explain why you did not appeal: _____

8. State *concisely* every ground on which you claim that you are being held in violation of the constitution, law or treaties of the United States. Summarize *briefly* the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available court remedies as to each ground on which you request action by the federal court. Moreover, if you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

You should raise in this petition *all* available grounds on which you base your allegations that you are being held in custody unlawfully.

GROUND ONE: Jurisdiction and venue of petitioner

(a) Supporting FACTS (state *briefly* without citing cases or law) This court has jurisdiction under 28 U.S.C. 2241 because petitioner is in custody under the authority of the United States, and challenges the legality of continued detention. Venue is proper in the Southern District of California, where petitioner is detained.

Petitioner Benito Mariano Micha Angono , is currently detained by the U.S. Immigration and Customs Enforcement (ICE), at the Imperial Regional detention facility, 1572 Gateway Road, Calexico CA 92231. ✓

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes ☐ No

GROUND TWO: Legal Claims (Statement of facts)

(a) Supporting FACTS (state briefly without citing cases or law): Petitioner is a non-citizen currently detained by respondents pending Immigration removal proceedings. Petitioner is pursuing the following claims in his removal proceedings.

- ICE's continued detention of petitioner is unconstitutional and unlawful because:

① It exceeds the presumptively reasonable 6 months period set by Zadvydas v. Davis;

② There is a pending appeal with the BIA and petitioner removal has not become final

③ Petitioner has been detained in DHS custody since December 15, 2024, till present date

④ Petitioner has been detained by ICE for more than 6 months and has never been provided with a bond hearing before a neutral decision maker to determine whether petitioner prolonged detention is justified based on danger or flight risk back dated December 15, 2024 which is unlawful.

⑤ Petitioner contends that his mandatory detention violates the Due Process Clause of the Fifth Amendment

⑥ Petitioner contends he is entitled to relief because he does not assert a substantive, not procedural, due process claim, which does require he was to be given a bond hearing.

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes ☐ No

GROUND THREE: I am entitled to Due process under the fifth amendment of the United States Constitution.

(a) Supporting FACTS (state briefly without citing cases or law): The fifth Amendment provides that no person shall be deprived of life, liberty, or property with due process of law. The Due Process Clause of the fifth amendment applies to all persons within the United States including (Non-Citizens) whether their presence here is lawful, unlawful, temporary or permanent, and it is well established that the fifth amendment entitles aliens to Due process of law in deportation proceedings. The Supreme Court has recognized that detention during deportation proceedings is a Constitutionally valid aspect of the deportation process. Detention of Non-Citizens pending their removal proceedings serves the purpose of preventing non-citizens from fleeing before or during the removal proceedings. Detention order of removal is not yet final and the undersigned cannot determine how long petitioner removal proceedings will remain pending. Courts should not hold a Non-Citizen good faith challenge to removal against him even when his appeals or petitions have drawn out the proceedings. Petitioner detention has become unreasonable and violates the Due process.

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes ☐ No

GROUND FOUR: I am not a flight risk and Not a danger to the Community.

(a) Supporting FACTS (state *briefly* without citing cases or law): I am not a flight risk and Not a danger to the Community. I have my sponsor Ms. Karen Hester who is a United States citizen. She wishes to sponsor me and house me for the duration of my removal proceedings. She will ensure that I will attend all scheduled hearings in Immigration Court and report to ICE at any time, and ICE officer demands my appearance at a field office. I am not a danger to the Community and not a threat to US national security. I also have ties including my sponsor, Ms. Karen Hester, who is a United States citizen.

Should you have any questions or need further information from my sponsor please contact her with this address and can be reached by [REDACTED]

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes ☐ No

9. If any of the grounds listed in 4A, B, C, and D were not previously presented in any other court, state or federal, state briefly what grounds were not presented, and give your reasons for not presenting them:

10. Do you have any petition or appeal now pending in any court, either state or federal, as to the execution of sentence under attack?

☐ Yes ☐ No

11. Give the name and address, if known, of each attorney who represented you in the following stages of the execution of sentence attacked herein:

(a) In any post-conviction proceeding _____

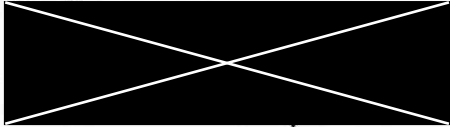
(b) On appeal from any adverse ruling in a post-conviction proceeding _____

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

SIGNATURE OF ATTORNEY (IF ANY)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

April 24, 2026.
(DATE)



SIGNATURE OF PETITIONER

Ground Five: Request for Relief

Wherefore, petitioner respectfully request that this Court:

- (1) Assume Jurisdiction Over the matter
- (2) Issue a Writ of Habeas Corpus, holding a hearing before this Court if warranted; determine that petitioner's detention is not justified because the government has not establish by clear and convincing evidence that petitioner presents a flight risk or danger in light of available alternative to detention; and Order petitioner's release, with appropriate conditions of supervision if necessary, taking into account petitioner's ability to pay a bond
- (3) In the alternative, issue a Writ of Habeas Corpus and Order petitioner's release within 30 days unless Defendant schedule a hearing before an Immigration judge where: (1) to continue detention, the government must establish by clear and convincing evidence that petitioner presents a risk of flight, or danger, even after consideration of alternatives to detention that could mitigate any risk that petitioner's release would present; and (2) if the government cannot meet its burden, the Immigration Judge Order petitioner's release on appropriate conditions of supervision, taking into account petitioner's ability to pay a bond
- (4) Issue a declaration that petitioner's ongoing prolonged detention violates the Due process clause of the Fifth Amendment;
- (5) Award petitioner his costs and reasonable attorney's fees in this action as provided for by the Equal Access to Justice Act, 28 USC 2412, Other Statute; and