

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the
Southern District of California

Jalron Enrique Borjas Castillo

Petitioner

v.

Patrick Divver, et al.

Case No. **'26CV2909 BAS VET**
(Supplied by Clerk of Court)

Respondent

(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Jalron Enrique Borjas Castillo
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: Otay Mesa Detention Center
(b) Address: 7488 Calzada de la Fuente
7488 Calzada de la Fuente San Diego, CA 92154
(c) Your identification number: 
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. 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 number of criminal case: _____
(c) Date of sentencing: _____
☒ Being held on an immigration charge
☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- ☐ Pretrial detention
☒ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other (*explain*): _____

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

(a) Name and location of the agency or court: Otay Mesa Detention Center

(b) Docket number, case number, or opinion number: _____

(c) Decision or action you are challenging (*for disciplinary proceedings, specify the penalties imposed*): _____

(d) Date of the decision or action: 11/08/2025

Your Earlier Challenges of the Decision or Action

7. **First appeal**

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

☒ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: Otay Mesa Immigration Court

(2) Date of filing: 12/19/2025

(3) Docket number, case number, or opinion number: _____

(4) Result: Denied

(5) Date of result: 12/29/2025

(6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: _____

8. **Second appeal**

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

☐ Yes ☒ No

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(a) If "Yes," provide:

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

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: Immigration Judges lack authority to hear bond requests or to grant bond to aliens who are present in the United States without admission.
INA 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A), Maldonado Bautista v. DHS

9. **Third appeal**

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

☐ Yes

☐ No

(a) If "Yes," provide:

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

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes

☐ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes

☐ No

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If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☐ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes

☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: 11/08/2025

(b) Date of the removal or reinstatement order: _____

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☐ No

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If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☐ No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes

☐ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

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Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: See attached.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

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

☐ Yes

☐ No

GROUND TWO:

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

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

☐ Yes

☐ No

GROUND THREE:

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

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

☐ Yes

☐ No

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GROUND FOUR: _____

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

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

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: _____

Request for Relief

15. State exactly what you want the court to do: Order Respondents to immediately release petitioner from immigration detention, or in the alternative order Petitioner's release unless Respondents provide him with a bond hearing.

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 5/8/2026

Signature of Petitioner

/s/ Sanjay Sobti

Signature of Attorney or other authorized person, if any

1 U.S. LAW CENTER
2 Sanjay Sobti, Esq. SBN: 202636
3 4230 Green River Rd.
4 Corona, CA 92878
5 Ph. (951) 371-0027
6 Email: uslawcorona@gmail.com
7 Counsel for Petitioner

8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

10 Jairon Enrique Borjas Castillo,
11 

12 **Petitioner,**

13 vs.

14 Patrick Divver, San Diego
15 Field Office Director, Enforcement
16 and Removal Operations, United
17 States Immigration and Customs
18 Enforcement (ICE);

19 Christopher J. Larose, Senior Warden
20 Otay Mesa Detention Center;
21 Markwayne Mullin, Secretary, United
22 States Department of Homeland
23 Security;

24 Todd Blanche, Acting Attorney General
25 Of the United States; Executive
26 For Immigration Review (EOIR);

27 Respondents.
28

Case No: _____

'26CV2909 BAS VET

**PETITION FOR WRIT OF HABEAS CORPUS
AND COMPLAINT FOR ADMINISTRATIVE
PROCEDURE ACT RELIEF**

INTRODUCTION

1. Petitioner Jairon Enrique Borjas Castillo (“Petitioner”) seeks a writ of habeas corpus under 28 U.S.C. § 2241 ordering his immediate release from immigration detention or, in the alternative, a prompt and constitutionally adequate bond hearing.
2. Petitioner has been detained in the custody of Immigration and Customs Enforcement since November 8, 2025.
3. His detention has become prolonged and constitutionally suspect.
4. The Fifth Amendment requires a meaningful opportunity to challenge detention.
5. Petitioner seeks immediate release, or at minimum, a constitutionally adequate bond hearing within seven (7) days where the government bears the burden of proof by clear and convincing evidence.

JURISDICTION AND VENUE

6. Jurisdiction arises under 28 U.S.C. §§ 2241 and 1331.
7. The Court may grant declaratory and injunctive relief under 28 U.S.C. §§ 2201–2202 and 28 U.S.C. § 1651.
8. Venue is proper in the Southern District of California because Petitioner is detained in San Diego, California.

PARTIES

9. Petitioner, Jairon Enrique Borjas Castillo , is a 35-year-old native and citizen of Honduras who is currently detained at the Otay Mesa Detention Center in San Diego, California.

1 10. Respondent Patrick Divver is the Field Office Director for ICE Enforcement and
2 Removal Operations (ERO) in San Diego, California. He is Petitioner's immediate
3 custodian, responsible for his detention at Otay Mesa Detention Center and the person
4 with the authority to authorize his detention or release. Respondent Patrick Divver is sued
5 in his official capacity.
6

7 11. Respondent Christopher J. Larose Senior Warden of the Otay Mesa Detention Center
8 oversees the day-to-day functioning of the facility, and has immediate physical custody
9 of Petitioner pursuant to a contract with ICE to detain noncitizens. Respondent Warden is
10 sued in his official capacity as the Warden of a federal detention facility.
11

12 12. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security.
13 As Secretary, he oversees the federal agency responsible for implementing and enforcing
14 the INA, including the detention of noncitizens. He is sued in his official capacity.
15

16 13. Respondent Department of Homeland Security (DHS) is the federal agency responsible
17 for implementing and enforcing the INA, including the detention of noncitizens.

18 14. Respondent Todd Blanche is the Acting Attorney General of the United States and head
19 of the U.S. Department of Justice. In that capacity, he oversees Executive Office for
20 Immigration Review (EOIR) and the immigration court system the agency administers.
21 He is ultimately responsible for the agency's operation. He is sued in his official capacity.
22

23 15. The Otay Mesa Immigration Court is the adjudicatory body within EOIR with
24 jurisdiction over the removal and bond cases of all individuals detained at the Otay Mesa
25 Detention Center.
26

27 **STATEMENT OF FACTS**

28 16. Petitioner entered the United States on or about November 30, 2019, without inspection.

1 17. On November 8, 2025, the Department of Homeland Security initiated removal
2 proceedings against Petitioner.

3 18. Petitioner fears returning to his home country of Honduras and has applied for asylum,
4 withholding of removal, and protection under the Convention Against Torture before an
5 Immigration Judge.
6

7 **FACTUAL ALLEGATIONS**

8 **A. Prolonged Detention Timeline**

9 19. Petitioner has been continuously detained since November 8, 2025.
10

11 20. He has now been detained for six months.

12 21. His removal proceedings remain ongoing, with a hearing scheduled for May 11, 2026,
13 and are likely to continue for a substantial additional period.

14 22. The duration of detention is therefore indeterminate and potentially lengthy, dependent
15 on the pace of immigration proceedings outside Petitioner's control.

16 23. As detention becomes prolonged, due process demands greater procedural protections,
17 which have not been provided here.
18

19 **B. Individual Circumstances and Release Plan**

20 24. He poses no danger to the community and has strong family ties, including one U.S.
21 citizen child.
22

23 25. Petitioner has a stable residence available upon release and a verified sponsor willing to
24 ensure compliance with all court and ICE requirements.

25 26. He is prepared to comply with any conditions of supervision, including reporting, GPS
26 monitoring, or other alternatives to detention.
27
28

1 27. These factors overwhelmingly demonstrate that continued detention is unnecessary to
2 serve the government's interests.

3 **C. Conditions and Hardship of Detention**

4
5 28. Petitioner is detained at the Otay Mesa Detention Center, a facility where civil detainees
6 are held under restrictive conditions.

7 29. Prolonged detention imposes significant physical, emotional, and psychological hardship,
8 particularly given Petitioner's family separation.

9 30. These harms underscore the need for prompt judicial intervention.

10
11 **LEGAL FRAMEWORK**

12 **A. Constitutional Limits on Civil Detention**

13 31. Civil immigration detention must remain reasonably related to its regulatory purpose.
14 *Zadvydas v. Davis*, 533 U.S. 678 (2001).

15 32. Even where statutes authorize detention, the Constitution imposes limits. *Jennings v.*
16 *Rodriguez*, 583 U.S. 513 (2018).

17 33. Courts within the Ninth Circuit—including this District—have repeatedly held that
18 prolonged detention without a bond hearing violates due process.

19 34. Under § 1231, detention beyond six months is presumptively unreasonable unless
20 removal is reasonably foreseeable. *Zadvydas v. Davis*, 533 U.S. 678 (2001).

21 35. A constitutionally adequate bond hearing requires that: (1) The government bears the
22 burden, (2) the burden is clear and convincing evidence, and (3) the decisionmaker
23 considers alternatives to detention. *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011).

24 36. Under *Mathews v. Eldridge*, the risk of erroneous deprivation here is substantial absent
25 such procedures.
26
27
28

CLAIMS FOR RELIEF

COUNT I

Violation of Fifth Amendment – Procedural Due Process

37. Petitioner realleges and incorporates the preceding paragraphs.

38. Petitioner's continued detention without a constitutionally adequate bond hearing violates the Fifth Amendment.

39. Due process requires an individualized determination of whether detention is justified, with the government bearing the burden of proof by clear and convincing evidence.

40. Respondents' failure to provide a constitutionally adequate bond hearing violates the Fifth Amendment.

COUNT II

Violation of the Fifth Amendment – Substantive Due Process

41. Petitioner's detention is excessive and punitive in relation to the government's regulatory interests, and has exceeded a reasonable timeframe.

42. Less restrictive alternatives to detention, such as release on bond or conditions of supervision, would adequately serve the government's interests.

43. Continued detention under these circumstances is arbitrary and unconstitutional.

COUNT III

Declaratory and Injunctive Relief

44. An actual and ongoing controversy exists between the parties regarding the legality of Petitioner's detention.

45. Petitioner is entitled to declaratory relief under 28 U.S.C. § 2201 and injunctive relief prohibiting Respondents from continuing his unlawful detention.

EVIDENTIARY SUPPORT

46. Petitioner will submit declarations and supporting exhibits in bond proceedings, including: petitioner declaration, family/sponsor declaration, proof of residence, evidence of community ties.

47. These materials will further demonstrate that Petitioner is neither a flight risk nor a danger.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Immediate release from custody;
2. Alternatively, an order requiring a bond hearing within 7 days where:
3. Government bears burden by clear and convincing evidence;
4. IJ considers ability to pay and alternatives;
5. Automatic release if hearing is not timely provided;
6. Declaration that detention violates the Fifth Amendment;
7. Injunction prohibiting continued detention absent a lawful hearing;
8. Attorneys' fees under EAJA;
9. Any further relief the Court deems proper.

Respectfully submitted,

/s/ Sanjay Sobti

Sanjay Sobti (SBN 202636)
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Attorney for the Petitioner

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