

to properly interpret and apply the Immigration and Nationality Act (INA) Petitioner brings this action to seek immediate release.

2. On November 25, 2025, the district court granted partial summary judgment on behalf of individual plaintiffs and certified a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (Nov. 25, 2025 C.D. Cal.) (Order Granting Plaintiff-Petitioners' Motion for Class Certification, incorporating declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment).
3. Petitioner is a member of the Bond Denial Class, as he:
 - a. does not have lawful status in the United States and is currently detained at the Otay Mesa Detention facility after being apprehended by U.S. Immigration and Customs Enforcement (ICE) on or about September 24, 2025];
 - b. entered the United States without inspection in 2024 and was not detained immediately after arrival, *cf. id.*; and
 - c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.
4. Petitioner's detention on May 3, 2026, is also in violation of Due Process Clause of the Fifth Amendment to the U.S. Constitution Procedural Due Process and Substantive Due Process.
5. The Court should expeditiously grant this petition.
6. The Court should order Petitioner's immediate release. In the alternative the Court should order Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days where the Respondents bear the burden.

JURISDICTION

7. Petitioner is in the physical custody of Respondents and Immigration and Customs Enforcement (ICE), an agency with the Department of Homeland Security (DHS). She is

detained at the Otay Mesa Detention Center in San Diego, California and is under the direct control of Respondents and their agents.

8. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.
9. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, clause 2 of the United States Constitution (the Suspension Clause).
10. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.
11. Nothing in the INA deprives this Court of jurisdiction, including 8 U.S.C. §§ 1252(b)(9), (f)(1), or 1226(e). Congress has preserved judicial review of challenges to prolonged immigration detention. See *Jennings v Rodriguez*, 138 S. Ct. 830, 839–41 (2018) (holding that 8 U.S.C. §§ 1252(b)(9) and 1226(e) do not bar review of challenges to prolonged immigration detention).

VENUE

12. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493–500 (1973), the venue lies in the United States District Court for the Southern District of California, the judicial district in which the Petitioner is currently in custody.
13. Venue is also properly vested in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies in the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Southern District of California.

PARTIES

14. Petitioner is a citizen of Mexico who most recently arrived in the United States on or about August 14, 2024, along with three minor children ([REDACTED] 3 years old; [REDACTED] 8 years old; [REDACTED] 13 years old). At present, she has been in custody of the Department of Homeland Security (DHS) since May 3, 2026. Since that time she has not had any hearings.

15. Christopher J. Larose the Warden of Otay Mesa Detention Center is Petitioner's Immediate Custodian.

16. Gregory J. Archambeault, the Acting Director of the San Diego District Office of Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement, Department of Homeland Security. As such, Mr. Archambeault is Petitioner's immediate custodian. He is named in his official capacity.

17. Respondent Todd Lyons is the acting director of U.S. Immigration and Customs Enforcement, and he has authority over the actions of respondent Gregory J Archambeault and ICE in general. Respondent Lyons is a legal custodian of Petitioner.

18. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security (OHS) and has authority over the actions of all other DHS Respondents in this case, as well as all operations of DHS. Respondent Mullin is a legal custodian of Petitioner and is charged with faithfully administering the immigration laws of the United States.

19. Respondent Todd Blanche is the Attorney General of the United States, and as such has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.

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

21. Respondent U.S. Immigration Customs Enforcement is the federal agency responsible for custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens.

STATEMENT OF FACTS

22. Petitioner Laura E Solis Valdovino entered the U.S on August, 14, 2024, with her three minor children.
23. After entering, Petitioner was processed by the Department of Homeland Security and released on recognizance and enrolled into the alternates to detention program through which she has home visits once a month, had to take her picture for officers once a week, and routinely checked in.
24. Petitioner took up residence in San Diego, CA, with her three children.
25. In November 2025, a car struck the vehicle she was in and she suffered extensive injuries including a traumatic brain injury, multiple rib fractures, thoracic spine fractures, multiple pelvic fractures, and left arm fracture. She underwent several surgeries, was hospitalized for weeks. Still, Petitioner made sure to inform DHS ICE of her inability to temporarily comply with her alternatives to detention.
26. When Petitioner was released from the hospital and subsequently the rehabilitation center, Petitioner moved in with a friend and continued to comply with her alternatives to detention and check ins.
27. On May 3, 2026, Petitioner was a passenger in a vehicle with a friend driving back from Jamul Casino. One of their tires gave out and they pulled over to the side of the road. After they were on the side of the road a Customs and Border Patrol vehicle pulled over and began asking them about their immigration status. Petitioner gave them all her information

and then took her into custody indicating that they would just run her fingerprints and release her.

28. On or about May 6, 2026, undersigned Counsel was finally able to speak with CBP Sector Counsel, Supervisor Alexander regarding the three minor children that were left behind with no family or anyone to care for them. Supervise Alexander indicated that she would be processed to an ICE detention center without further rationale as to the reasons for her detention.

29. Petitioner was transferred to ICE on May 7, 2026. That is the date she arrived at Otay Mesa Detention Center.

30. Petitioner has a pending asylum claim with EOIR, she has never violated the terms of her release, and at this time her children face an uncertain future without a guardian or family.

CLAIMS FOR RELIEF

Violation fo the INA;

First Claim Request for Relief Pursuant to *Maldonado Buatista*

31. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

32. As members of the Bond Denial Class, Petitioners are entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

33. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioners' statutory rights under the INA and the Court's judgment in *Maldonado Bautista*.

**Second Claim Violation of the Due Process Clause of the Fifth Amendment to the U.S.
Constitution
Procedural Due Process**

34. 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.
35. Petitioner has a vested liberty interest in her immediate release from immigration custody. Due Process does not permit the government to strip him of that liberty without a hearing before a neutral adjudicator. See *Morrissey*, 408 U.S. at 487-488.
36. When the government fails to provide a required bond hearing, or when that hearing is rendered a “pro forma”; exercise, **immediate release is the only adequate remedy**. As the Supreme Court held in *Zadvydas v. Davis*, 533 U.S. 678 (2001), when detention loses its relationship to its underlying purpose—such as when there is no significant likelihood of a lawful hearing or removal in the reasonably foreseeable future—it loses its legal justification.

**Second Claim Violation of the Due Process Clause of the Fifth Amendment to the U.S.
Constitution
Substantive Due Process**

37. The Due Process Clause of the Fifth Amendment forbids the government from depriving any individuals of their right to be free from unjustified deprivations of liberty. U.S. Const. amend. V.

38. Due Process does not permit the government to strip Petitioner of liberty without it being tethered to one of the two constitutional bases for civil immigration detention: to mitigate against the risk of flight or to protect the community from danger.
39. Petitioner, has demonstrated she is not a flight risk in even the most adverse circumstances when she was hospitalized for weeks but never failed to inform DHS/ ICE of her whereabouts. Petitioner has never committed a crime in the U.S. or abroad and thus does not pose a danger to the community. While her continued detention creates a danger for her three minor children who have no immediate custodian and at any time may be processed to child protective services or foster care without their mother.
40. Civil detention that is unrelated to a valid regulatory purpose or excessive in relation to that purpose is punitive, in violation of substantive due process. See Jones, 393 F.3d at 934.
41. The government's arrest of Petitioner is untethered from any valid basis for civil immigration detention, is excessive in relation to any risk that does exist, and is therefore punitive in violation of substantive due process. Petitioner's continued detention is unlawful and violates due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioners pray that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner and return her to the position she was in prior to her detention;
- c. Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;

d. Award Petitioners attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

e. Grant any other and further relief that this Court deems just and proper.

/s/Lilia Rodriguez
Attorney Name

Counsel for Petitioner

Dated: 5.13.26

	<u>Exhibits</u>	
1	Notices to Appear for Petitioner and her children	12-14
2	Release and Alternatives to Detention Paperwork originally provided to Petitioner	16-19
3	Verification of Petitioner's medical conditions	21-22

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

I represent Petitioner, Laura E Solis Valdovino and submit this verification on her 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 13th day of May, 2026.

/s/ Lilia Rodriguez
Attorney Name

EXHIBIT 1

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED]

FINS #: [REDACTED]

File No: [REDACTED]

DOB: [REDACTED]

Event No: [REDACTED]

In the Matter of:

Respondent:

LAURA ELENA SOLIS-VALDOVINO

currently residing at:

7978 LINDA VISTA RD APT 1 SAN DIEGO, CALIFORNIA, 92111-5151

+1 (858) 829-5636

(Number, street, city, state and ZIP code)

(Area code and phone number)

- ☐ You are an arriving alien.
- ☒ You are an alien present in the United States who has not been admitted or paroled.
- ☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of MEXICO and a citizen of MEXICO ;
3. You arrived in the United States at or near SAN YSIDRO, CA , on or about August 14, 2024 ;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

- ☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- ☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

880 FRONT STREET, SUITE 4240 SAN DIEGO CA 92101

(Complete Address of Immigration Court, including Room Number, if any)

on September 26, 2024 at 08:30 AM to show why you should not be removed from the United States based on the

(Date)

(Time)

charge(s) set forth above.

KURTIS J KANTURA
Date: 2024.08.14 09:04:17-07:00
0709180715.CBP

Acting/Patrol Agent in Charge

(Signature and Title of Issuing Officer)

Date: August 14, 2024

San Diego, California

(City and State)

EXHIBIT 2

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

ORDER OF RELEASE ON RECOGNIZANCE

File No.: 

Name: SOLIS-VALDOVINO, LAURA

Date: Aug 14, 2024

You have been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance provided you comply with the following conditions:

- ☒ You must report for any hearing or interview as directed by Immigration and Customs Enforcement or the Executive Office for Immigration Review.
- ☒ You must surrender for removal from the United States if so ordered.
- ☒ You must report in (writing) (person) to Duty officer at San Diego Sub Office on August 21, 2024, 11:00 AM as directed.

If you are allowed to report in writing, the report must contain your name, alien registration number, current address, place of employment, and other pertinent information as required by the officer listed above.

- ☒ You must not change your place of residence without first securing written permission from the officer listed above.
- ☒ You must not violate any local, State or Federal laws or ordinances.
- ☒ You must assist Immigration and Customs Enforcement in obtaining any necessary travel documents.
- ☒ Other: *Your release is contingent upon your enrollment and successful participation in an Alternatives to Detention (ATD) program as designated by the U.S. Department of Homeland Security. As part of the ATD program, you will be subject to electronic monitoring and may be subject to a curfew. Failure to comply with the requirements of the ATD program will result in a redetermination of your release conditions or your arrest and detention.*

If fitted with a U.S. Immigration and Customs Enforcement GPS tracking ankle bracelet, do not tamper with or remove the device. Under federal law, it is a crime to willfully damage or attempt to damage property of the United States. Damaging or attempting to damage the GPS tracking ankle bracelet or any of its associated equipment (including, but not limited to, the charging station, batteries, power cords, etc.) may result in your arrest, detention, and prosecution under 18 U.S.C. § 1361 and/or 18 U.S.C. § 641, each punishable by a fine, up to ten years imprisonment, or both.

- ☒ See attached sheet containing other specified conditions (Continue on separate sheet if required)

NOTICE: Failure to comply with the conditions of this order may result in revocation of your release and your arrest and detention by Immigration and Customs Enforcement.

T. Walkenhorst
Supervisory Detention and Deportation Officer
(Name and Title of ICE Official)

Allen's Acknowledgement of Conditions of Release under an Order of Recognizance

I hereby acknowledge that I have (read) (had interpreted and explained to me in the SPANISH language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.

Aleki Noa

(Signature of ICE Official Serving Order)

Aug 14, 2024

Date


(Signature of Alien)

I hereby cancel this order of release because:

- ☐ The alien failed to comply with the conditions of release.
- ☐ The alien was taken into custody for removal.

(Signature of ICE Official Cancelling Order)

Date

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement
ATD ENROLLMENT - NOTICE TO ALIEN

Name: SOLIS-VALDOVINO, LAURA	Field Office: SAN DIEGO, CA, DOCKET CONTROL OFFICE	A Number:
Your release is contingent upon your enrollment and successful participation in an Alternatives to Detention (ATD) program as designated by the U. S. Department of Homeland Security. As part of the ATD program, you will be subject to electronic monitoring and may be subject to a curfew. Failure to comply with the requirements of the ATD program will result in a redetermination of you release conditions or your arrest and detention. If fitted with a U.S. Immigration and Customs Enforcement GPS monitoring device do not tamper with or remove the device. Under federal law, it is a crime to willfully damage or attempt to damage property of the United States. The unauthorized removal of the GPS monitoring device will result in damage to property of the United States. Damaging or attempting to damage the GPS monitoring device or any of its associated equipment (including, but not limited to, the charging station, batteries, and power cords) may result in your arrest, detention and prosecution under 18 U.S.C. § 1361 and/or 18 U.S.C. § 641, each punishable by a fine, up to ten year's imprisonment, or both.		
RECORD OF SERVICE		
Served On: (Alien's Signature) 		Date: Aug 14, 2024
<i>By signing I acknowledge that this form was provided to me in a language I understand or was read to me in a language I understand. I further acknowledge that tampering with, damaging, and/or removing the GPS Device, or any of its associated equipment, without permission may result in damage to federal property for which I may be criminally prosecuted.</i>		
Served By: (Print Name and Title of Officer) Aleki Noa, Deportation Officer		Location of Service: SAN DIEGO, CA
Officer's Signature: 		Date: Aug 14, 2024

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement
**ORDER OF RELEASE ON RECOGNIZANCE
(OUT-PROCESSING CHECKLIST)**

Sex Offenders

- ☐ Probation/Parole Officer Notified
- ☐ Registered as sex-offender as required by state statute within 7 days
- ☐ Victim/Witness Coordinator Notified
- ☐ Victim/Witness Notified
- ☐ Written Proof of Counseling

Substance Abusers

- ☐ Probation/Parole Officer Notified
- ☐ Written Proof of Counseling

All Aliens

- ☐ Probation/Parole Officer Notified
- ☐ Obtain address where living and telephone number
- ☐ Enter into IDENT FINS#: 
- ☐ NCIC Check
- ☐ Travel Document Application
- ☐ Other: _____

Completed By	
Deportation Officer: Aleki Noa, Deportation Officer	Date Aug 14, 2024

Concurrence By	
Supervisory Detention and Deportation Officer: T. Walkenhorst, Supervisory Detention and Deportation Officer	Date Aug 14, 2024

Alien Name SOLIS-VALDOVINO, LAURA		Picture 	Right Index Print
File Number 	Date Aug 14, 2024		
Alien's Signature 			
Alien's Telephone Number (if any) 			
Alien's Address 			

[illegible]

Deportation Officer