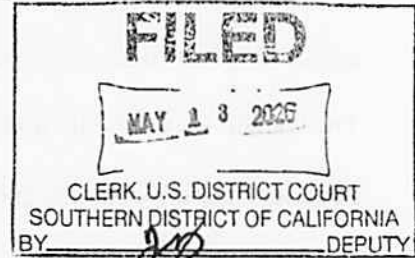


UNITED STATES DISTRICT
COURT SOUTHERN DISTRICT OF CALIFORNIA



FREDDY LEONEL SEVERICHE SUAREZ
Proceeding Pro Se,
Petitioner,

v.

_____, Warden, Otay Mesa Detention Center;
_____, Field Office Director, ICE San Diego Field Office;
TODD M. LYONS, Acting Director, United States
Immigration and Customs Enforcement;
KRISTI NOEM, Secretary of Homeland Security;
MERRICK GARLAND, United States Attorney General,

Respondents.

Civil Action No.: '26CV2990 JES JLB

PETITION FOR WRIT OF HABEAS
CORPUS

PETITION FOR A WRIT OF HABEAS CORPUS

(Verified Petition Pursuant to 28 U.S.C. § 2241)

INTRODUCTION

Petitioner FREDDY LEONEL SEVERICHE SUAREZ respectfully petitions this Honorable Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his unlawful and unconstitutional civil immigration detention.

Mr. Severiche's detention, which commenced on May 3, 2026, is a profound abuse of governmental power against a man who has diligently complied with United States immigration laws. Mr. Severiche is not a fugitive or a danger; he is an asylum seeker with a valid Employment Authorization Document (EAD), a Social Security number, and a state-issued driver's license. On the day of his arrest, he was not committing a crime or hiding from

authorities. Instead, he was lawfully working as a DoorDash delivery driver in Escondido, California, to support his wife, three children, and elderly mother. He was apprehended by ICE agents at a Taco Bell while picking up a customer's order.

This detention is not only arbitrary but also critically timed to interfere with his legal rights. Mr. Severiche has a Master Calendar Hearing scheduled for May 12, 2026—tomorrow—before an Immigration Judge. His continued detention deprives him of the fundamental ability to prepare for this imminent hearing and presents a grave risk of irreparable harm. The Government has failed to provide any individualized custody determination that accounts for his pending asylum claim, his valid work authorization, his complete lack of criminal history, and his role as the sole provider for his family.

Freedom from arbitrary physical restraint is the bedrock of liberty. Detaining a man who has followed the rules, obtained legal authorization to work, and was actively contributing to his community at the moment of his arrest is a fundamental violation of due process. Because Mr. Severiche's detention is statutorily and constitutionally infirm, habeas relief is necessary.

Petitioner respectfully requests that this Court grant the writ and order his immediate release, or, in the alternative, order an immediate individualized bond hearing where the Government bears the burden of justifying his continued detention.

CUSTODY

Petitioner is in the physical custody of Respondents at the Otay Mesa Detention Center, 7488 Calzada de la Fuente, San Diego, CA 92154. He is under the direct control of:

- Warden, Otay Mesa Detention Center;
- Field Office Director, ICE San Diego Field Office;

- Acting Director, United States Immigration and Customs Enforcement;
- Secretary, Department of Homeland Security;
- Attorney General, United States.

JURISDICTION

This Court has subject-matter jurisdiction under 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 2241 (writ of habeas corpus).

1. Personal jurisdiction attaches to the named respondents in their official capacities.
2. The Court's jurisdiction is further supported by the Due Process Clause of the Fifth Amendment and the Suspension Clause of the United States Constitution.

VENUE

Venue is proper in this District pursuant to 28 U.S.C. § 1391 and 28 U.S.C. § 2242 because:

- Petitioner is detained in San Diego, California;
- The Facility and the Respondents' custodial officers are located in this District.

PARTIES

Party	Description
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	I, Freddy Leonel Severiche Suarez, A-Number  , citizen of
Petitioner	Colombia, presently detained at the Otay Mesa Detention Center.

Respondent	
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1	Warden, Otay Mesa Detention Center, named in official capacity.
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Party	Description
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Respondent	Field Office Director, ICE San Diego Field Office, named in official
2	capacity.

Respondent	Acting Director, United States Immigration and Customs Enforcement,
3	named in official capacity.

Respondent	
4	Secretary, Department of Homeland Security, named in official capacity.

Respondent	
5	Attorney General, United States, named in official capacity.

STATEMENT OF FACTS

1. Petitioner FREDDY LEONEL SEVERICHE SUAREZ is a native and citizen of Colombia, 
2. He entered the United States on or about December 12, 2023, near Calexico, California, to seek protection from persecution in his home country.
3. Petitioner has a pending application for Asylum and Withholding of Removal (Form I-589), which was filed with the Executive Office for Immigration Review (EOIR) on September 27, 2024.
4. His next court date is a Master Hearing scheduled for May 12, 2026, before Immigration Judge Mark Sameit at the Otay Mesa Immigration Court.
5. In full compliance with immigration law, Petitioner applied for and was granted work

authorization. He possesses a valid Employment Authorization Document (EAD), Category C08, which is valid from April 15, 2025, through April 14, 2030.

6. Based on this authorization, he was also issued a Social Security card marked "Valid for work only with DHS authorization" and a valid New Jersey driver's license.
7. Petitioner has no criminal history. He has no felony convictions and no history of violence, drugs, or any other criminal conduct.
8. Prior to his detention, Petitioner was gainfully employed as a delivery driver for DoorDash, Amazon Flex, and Spark Driver, using his lawful work authorization to support his family. In Colombia, he served as a protection officer (escort) for the National Protection Unit (UNP) from 2008 to 2023.
9. On May 3, 2026, Petitioner was arrested by ICE agents in Escondido, California. At the moment of his arrest, he was engaged in the routine and lawful activity of picking up a customer's order at a Taco Bell restaurant while working for DoorDash.
10. This arrest was not based on any new criminal conduct; he was targeted and detained solely based on his immigration status while he was lawfully working.
11. Petitioner is the sole financial provider for his wife, Kelly Johana Rodriguez Echeverria, who is also in the United States, and their three dependent children, ages 18, 12, and 8. He also provides for his elderly mother.
12. His sudden detention has deprived his family of their only source of income, causing them extreme and immediate financial and emotional hardship.
13. His detention severely prejudices his ability to prepare for his imminent immigration hearing on May 12, 2026, and to meaningfully participate in his asylum case.
14. The Government has not afforded Petitioner a meaningful, individualized bond hearing to

assess whether his detention is necessary, particularly in light of his pending asylum claim, valid EAD, lack of criminal history, and role as his family's sole provider.

LEGAL FRAMEWORK

1. Statutory Basis for Detention. Petitioner's detention is governed by 8 U.S.C. § 1226.

Because Petitioner has not been convicted of any crime that would subject him to mandatory detention under § 1226(c), his custody is governed by the discretionary standard of § 1226(a). This section requires an individualized custody determination. Respondents' failure to provide such a hearing, or to release him, violates the statute.

2. Due Process Clause. The Fifth Amendment prohibits the government from depriving any "person" of liberty without due process of law. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Detaining an asylum seeker who has followed the rules to obtain work authorization, and who was arrested while lawfully working, without a meaningful opportunity to be heard on bond, violates fundamental fairness.

3. Asylum Seeker Protections. Congress established asylum to protect individuals fleeing persecution. Detaining a bona fide asylum applicant with an imminent court date and valid work authorization, without justification, undermines the very purpose of these humanitarian protections.

4. Bond-Hearing Requirement. The Ninth Circuit has held that due process requires the government to provide individualized bond hearings where it must prove by clear and convincing evidence that a non-citizen is a flight risk or a danger to the community. *Hernandez v. Sessions*, 872 F.3d 976, 995 (9th Cir. 2017). A proper hearing must include consideration of all relevant factors, including strong equities like a pending

asylum claim, lawful employment, and family ties.

5. *Mathews v. Eldridge* Balancing. Applying the three-part test from *Mathews v. Eldridge*, 424 U.S. 319 (1976), confirms that Petitioner's detention is unconstitutional. First, Petitioner has a fundamental private interest in his liberty. Second, the risk of erroneous deprivation is extremely high, as his detention prevents him from preparing for a hearing that is less than 24 hours away and was imposed without any consideration of his overwhelming positive equities. Third, the governmental interest in detaining a law-abiding, working asylum seeker is negligible compared to the severe and ongoing harm to Petitioner's legal case and his family's stability.

CLAIMS FOR RELIEF

COUNT ONE – VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT (INA)

1. Petitioner realleges and incorporates by reference each allegation set forth above.
2. Petitioner is being detained without a bond hearing that properly considers the unique and powerful evidence in his favor. As he has not been convicted of any disqualifying crime, his detention is governed by 8 U.S.C. § 1226(a).
3. Section 1226(a) and its implementing regulations (8 C.F.R. § 236.1, § 1003.19) require that Petitioner be afforded a prompt and individualized bond determination where his eligibility for release can be properly assessed.
4. Respondents have detained Petitioner since May 3, 2026, without such a hearing, in direct violation of the INA.
5. Accordingly, Petitioner's detention is unlawful under the INA, and he is entitled to immediate release or a proper bond hearing.

COUNT TWO – VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH
AMENDMENT

1. Petitioner realleges and incorporates by reference each allegation set forth above.
2. The Due Process Clause requires that any deprivation of liberty be accompanied by fair procedures, including a hearing before a neutral decision-maker. *Zadvydas*, 533 U.S. at 690.
3. Detaining Petitioner—an asylum seeker with a valid EAD, no criminal record, and an imminent court hearing—without a bond hearing where the Government demonstrates that he poses a flight risk or a danger to the community, constitutes arbitrary detention in violation of his fundamental right to due process.
4. Petitioner has therefore suffered an unconstitutional deprivation of his liberty and is entitled to relief.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court grant the following relief:

1. Issue an immediate Temporary Restraining Order enjoining Respondents from transferring, removing, or deporting Petitioner pending resolution of this application.
2. Assume jurisdiction over this matter.
3. Order Respondents to show cause why a writ of habeas corpus should not be granted, within three (3) days, and set a hearing on this petition within five (5) days of the return, as required by 28 U.S.C. § 2243.
4. Declare that Petitioner's continued detention without an individualized bond hearing violates the Immigration and Nationality Act and the Due Process Clause of the Fifth

Amendment.

5. Grant a writ of habeas corpus ordering Respondents to immediately release Petitioner from the Otay Mesa Detention Center.
6. In the alternative, order Respondents to provide Petitioner with an immediate bond hearing before an Immigration Judge, at which the Government must prove by clear and convincing evidence that his continued detention is necessary, and at which the Immigration Judge must consider his lack of criminal history, his pending asylum application, his valid work authorization, his strong family ties, and alternative conditions of release.
7. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, and 28 U.S.C. § 2412.
8. Grant such further relief as this Court deems just and proper.

VERIFICATION

I, Freddy Leonel Severiche Suarez, being the petitioner, hereby certify under penalty of perjury that the statements set forth herein are true and correct to the best of my knowledge and belief.

Date: May 11, 2026

/s/ Freddy Leonel Severiche Suarez
Freddy Leonel Severiche Suarez
Pro Se