

1 DANIEL S. CASTANEDA, ESQ. (SBN276762)
2 EOIR ID: AT547914
3 3065 Rosecrans Place, Suite 204
4 San Diego, CA 92110
5 Tel:(619)710-6095
6 Fax:(619)5664128
7 daniel@castalegal.com

8 Counsel for Petitioner
9 Enrique Ramos Resendiz

10
11 UNITED STATES DISTRICT COURT
12
13 SOUTHERN DISTRICT OF CALIFORNIA
14

15 ENRIQUE RAMOS RESENDIZ,

16
17 Petitioner,

18
19 v.

20 MARKWAYNE MULLIN, Secretary, U.S.
21 Department of Homeland Security; Pamela BONDI,
22 U.S. Attorney General; Todd LYONS, Acting
23 Director, Immigration and Customs Enforcement;
24 JOSEPH FREDEN, Acting Field Office Director,
25 U.S. Immigration & Customs Enforcement (ICE),
26 CHRISTOPHER J. LAROSE, Senior Warden Otay
27 Mesa Detention Facility; EXECUTIVE OFFICE
28 FOR IMMIGRATION REVIEW; IMMIGRATION
AND CUSTOMS ENFORCEMENT; and U.S.
DEPARTMENT OF HOMELAND SECURITY,

Respondents.

Case No. '26CV3031 BAS MMP

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

PETITIONER'S A NO. 

I. INTRODUCTION

1. Petitioner Enrique Ramos Resendiz respectfully challenges his ongoing civil immigration detention by the Department of Homeland Security (“DHS”) and U.S. Immigration and Customs Enforcement (“ICE”) at the Otay Mesa Detention Center in San Diego County, California.
2. Petitioner was born [REDACTED] in Queretaro, Mexico, and is thirty-three years old.
3. Petitioner entered the United States without inspection in approximately 2007 and has continuously resided in this country for approximately nineteen years.
4. Petitioner has never departed the United States since his entry.
5. Petitioner is married to Mitzy Yesenia Diaz Paredes.
6. Petitioner’s wife is a recipient of Deferred Action for Childhood Arrivals (“DACA”) and possesses a valid employment authorization document and DACA approval valid through March 6, 2027.
7. Petitioner and his wife have one United States citizen daughter, [REDACTED]
[REDACTED]
8. Petitioner has worked in the construction industry for many years and has filed federal income taxes for approximately ten years.
9. Petitioner’s known criminal history consists primarily of traffic-related infractions for driving without a license, with the most recent citation occurring in 2025.
10. Petitioner has no known violent felony convictions, no aggravated felony convictions, and no history suggesting danger to the community.

1 11. At some point prior to the detention challenged here, Petitioner filed an
2 application for asylum or related relief and was granted employment
3 authorization, although he later did not renew that employment authorization
4 document.

5
6 12. On or about early May 2026, ICE arrested Petitioner without prior notice and
7 placed him into immigration detention.

8 13. Petitioner was initially detained at the Broward Transitional Center in Florida.

9 14. Petitioner was thereafter transferred by ICE to the Otay Mesa Detention
10 Center in San Diego County, California.

11
12 15. Prior to the transfer, Petitioner had been scheduled for a master calendar
13 hearing on May 19, 2026, at 8:00 a.m. before Immigration Judge Michael G.
14 Walleisa at the Broward Transitional Center Immigration Court.

15 16. Because Petitioner has now been transferred to California, venue for future
16 immigration proceedings is expected to change.

17
18 17. Petitioner does not challenge any final order of removal. He challenges only
19 the legality of his present detention and the lack of a lawful and
20 constitutionally adequate custody determination.

21 18. Because Petitioner was detained after living in the United States for nearly
22 two decades, the discretionary detention framework of 8 U.S.C. § 1226
23 governs his custody, not the entry-focused detention provisions of 8 U.S.C. §
24 1225(b) and not the post-final-order detention provisions of 8 U.S.C. § 1231.

25
26 19. Petitioner was arrested during interior enforcement operations, not upon entry
27 or attempted entry.
28

1 20. Petitioner's detention is unlawful for several independent reasons. First, it is
2 contrary to the Immigration and Nationality Act ("INA") because, on the facts
3 known here, § 1226 governs. Second, it violates the Fifth Amendment because
4 Petitioner was taken into civil immigration custody without any individualized
5 pre-detention process or timely constitutionally adequate custody
6 determination. Third, it is arbitrary and capricious under the Administrative
7 Procedure Act ("APA") because Respondents have provided no reasoned
8 explanation for the detention decision and no individualized findings. Fourth,
9 the detention is arbitrary civil confinement not reasonably tied to any
10 demonstrated present need.

11 21. Immediate release is the proper primary remedy. As multiple federal courts
12 have explained, a post-detention bond hearing does not undo the injury
13 already inflicted by an unlawful deprivation of liberty.

14 22. In the alternative, if the Court declines to order immediate release outright,
15 Petitioner requests a prompt custody determination within five (5) days before
16 a neutral decisionmaker under the § 1226(a) framework, with the burden on
17 the government to establish by clear and convincing evidence that continued
18 detention is necessary.

19 23. Each additional day of detention inflicts irreparable harm.

20 **II. JURISDICTION**

21 24. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in
22 custody under federal authority and alleges that he is in custody in violation of
23

1 the Constitution and laws of the United States. See 28 U.S.C. § 2241(a),
2 (c)(3); Preiser v. Rodriguez, 411 U.S. 475, 484 (1973).

3
4 25. This Court also has jurisdiction under 28 U.S.C. § 1331 because this action
5 arises under federal law, including the Constitution, the INA, and the APA.

6 26. The Court's habeas jurisdiction extends to immigration-detention claims
7 asserting statutory error and constitutional violations. See Zadvydas v. Davis,
8 533 U.S. 678, 687–88, 699 (2001); Rodriguez Diaz v. Garland, 53 F.4th 1189,
9 1208–09 (9th Cir. 2022); Hernandez v. Sessions, 872 F.3d 976, 986–88 (9th
10 Cir. 2017).

11
12 27. Petitioner does not seek review of any final order of removal.

13 28. Jurisdiction is not barred by 8 U.S.C. § 1252(g) or § 1252(b)(9) because
14 Petitioner challenges the legality of his detention and the statutory and
15 constitutional framework governing that detention, not any decision to
16 commence proceedings, adjudicate removability, or execute a final removal
17 order. See Jennings v. Rodriguez, 583 U.S. 281, 293–95 (2018); Reno v. Am.-
18 Arab Anti-Discrimination Comm., 525 U.S. 471, 482 (1999); Dep't of
19 Homeland Sec. v. Regents of the Univ. of Cal., 140 S. Ct. 1891, 1907 (2020).

20
21 29. The APA independently authorizes review of final agency action that is
22 arbitrary, capricious, contrary to law, or in excess of statutory authority. 5
23 U.S.C. § 706(2).

24
25 30. Accordingly, this Court has jurisdiction to determine the legality of
26 Petitioner's custody and to order appropriate habeas, declaratory, and
27 injunctive relief.
28

III. VENUE

31. Venue is proper in this District because Petitioner is detained within the Southern District of California at the Otay Mesa Detention Center.

32. Venue is also proper because Petitioner's immediate custodian is located within this District. See *Braden v. 30th Judicial Circuit Court*, 410 U.S. 484 (1973); *Rumsfeld v. Padilla*, 542 U.S. 426, 434–35 (2004).

33. The detention challenged in this Petition is presently occurring within this District, and this Court is therefore the proper forum to adjudicate the legality of Petitioner's confinement.

IV. REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

34. Under 28 U.S.C. § 2241, federal courts may entertain petitions for habeas corpus filed by persons who are in custody in violation of the Constitution or laws of the United States.

35. This is a classic habeas case. Petitioner challenges the fact and legality of his civil confinement and seeks release from allegedly unlawful detention.

36. Section 2243 requires prompt judicial action. The statute directs that the Court shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it plainly appears from the petition that the petitioner is not entitled to relief.

1 37. The urgency of habeas review is especially acute where a person is deprived
2 of physical liberty and where immigration proceedings remain pending.

3 38. Nothing on the face of this Petition shows that Petitioner is not entitled to
4 relief.

5 39. To the extent any form of prudential exhaustion could be argued, it should be
6 excused because Petitioner is asserting statutory and constitutional challenges
7 to detention itself, because no final administrative custody determination has
8 been provided, because a post-detention hearing cannot fully remedy the
9 injury already suffered, and because delay would cause continuing irreparable
10 harm.
11

12 40. Prompt intervention is warranted.
13

14
15 V. PARTIES

16 41. Petitioner Enrique Ramos Resendiz is a noncitizen currently detained by ICE
17 at the Otay Mesa Detention Center in San Diego County, California.

18 42. Petitioner was born [REDACTED] in Queretaro, Mexico.

19 43. Petitioner entered the United States without inspection in approximately 2007.
20

21 44. Petitioner has continuously resided in the United States for approximately
22 nineteen years and has never departed since entry.

23 45. Petitioner is married to Mitzy Yesenia Diaz Paredes.

24 46. Petitioner's wife possesses valid DACA protection and employment
25 authorization through March 6, 2027.

26 47. Petitioner and his wife have one infant United States citizen daughter, [REDACTED]
27
28 [REDACTED]

1 48. Petitioner has worked in construction and has filed taxes for approximately
2 ten years.

3 49. Petitioner's criminal history consists primarily of traffic-related infractions for
4 driving without a license, with the most recent citation occurring in 2025.

5 50. Petitioner previously filed an application for asylum or related relief and was
6 granted employment authorization.

7 51. Petitioner was initially detained at the Broward Transitional Center before
8 being transferred to Otay Mesa Detention Center.

9 52. Prior to transfer, Petitioner had a master calendar hearing scheduled for May
10 19, 2026, before Immigration Judge Michael G. Walleisa.

11
12
13 **VI. RESPONDENTS**

14 53. CHRISTOPHER J. LAROSE is the warden of Otay Mesa Detention Center and
15 has immediate physical custody over Petitioner. As the local custodian, the
16 Warden is responsible for the day-to-day administration of the detention facility
17 where Petitioner is held. The Warden is sued in his/her official capacity as a
18 representative of the entity exercising direct custody over Petitioner.

19
20 54. Respondent JOSEPH FREDEN is the Acting Field Office Director of U.S.
21 Immigration and Customs Enforcement (ICE), in San Diego California. ICE is the
22 component of the Department of Homeland Security (DHS) which is responsible
23 for detaining and removing noncitizens according to immigration law and
24 oversees custody determinations. Mr. Freden is named in his official capacity. In
25 his official capacity, he is a legal custodian of the petitioner.
26
27
28

1 55. Respondent MARKWAYNE MULLIN, in his official capacity as the Secretary of
2 the Department of Homeland Security, is the highest-ranking official in DHS. He
3 has ultimate authority over ICE and the enforcement of immigration laws,
4 including detention policy. DHS, under Respondent Noem's direction, is
5 responsible for the decision to continue Petitioner's detention and to designate
6 him as subject to mandatory custody. He is sued in his official capacity.
7

8 56. Respondent PAMELA BONDI, in her official capacity as the Attorney General of
9 the United States, oversees the U.S. Department of Justice, which includes the
10 Executive Office for Immigration Review (EOIR). EOIR encompasses the
11 nation's Immigration Courts and the Board of Immigration Appeals (BIA). The
12 Attorney General has ultimate authority over immigration court procedures,
13 including the availability of bond hearings and the interpretation of detention
14 statutes through precedent decisions. Respondent Bondi is sued in her official
15 capacity.
16
17
18

19 VII. LEGAL FRAMEWORK

20 57. Federal immigration law contains different detention frameworks depending on a
21 noncitizen's procedural posture.
22

23 58. Section 1225(b) governs detention of certain applicants for admission and recent
24 entrants.
25

26 59. Section 1226 governs detention of noncitizens already present in the United States
27 pending removal proceedings.
28

60. Section 1231 governs detention after a final order of removal.

1 61. The Supreme Court has recognized that § 1226(a) governs detention of
2 noncitizens “already in the country pending the outcome of removal
3 proceedings.” *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018).

4
5 62. Petitioner falls squarely into that category. He entered in approximately 2007 and
6 was arrested by ICE in the interior after nearly two decades of residence in the
7 United States.

8 63. There is no dispute that Petitioner was detained after having resided in the United
9 States for many years. Therefore, the discretionary detention procedures of § 1226
10 govern Petitioner’s detention, and the Petition should be granted. See *Ramirez v.*
11 *Noem*, No. 3:26-cv-01880-RBM-VET, slip op. at 3 (S.D. Cal. Apr. 9, 2026).

12 64. Recent authority confirms that long-term interior residents detained years after
13 entry are governed by § 1226, not § 1225. See *Beltran v. Noem*, No. 25cv2650-
14 LL-DEB, 2025 WL 3078837, at *4–7 (S.D. Cal. Nov. 4, 2025).

15
16 65. On the present facts known to Petitioner, Respondents have not established that
17 Petitioner falls within any mandatory detention category under § 1226(c).

18 66. The known criminal history consists only of minor traffic infractions involving
19 driving without a license.

20
21 67. Respondents have not provided Petitioner with any individualized custody
22 determination identifying a lawful basis for mandatory detention.

23
24 68. In any event, whether or not Respondents may ultimately attempt to rely on some
25 detention provision, the Fifth Amendment imposes independent constitutional
26 limits on civil immigration detention. See *Zadvydas*, 533 U.S. at 690.

1 69. “Freedom from imprisonment, from government custody, detention, or other
2 forms of physical restraint, lies at the heart of the liberty that [the Due Process]
3 Clause protects.” *Id.*

4
5 70. Civil detention must bear a reasonable relation to a legitimate governmental
6 purpose and cannot be excessive in relation to that purpose. *Foucha v. Louisiana*,
7 504 U.S. 71, 80 (1992).

8 71. The Due Process Clause also requires procedures adequate to guard against
9 erroneous deprivation of liberty. *Mathews v. Eldridge*, 424 U.S. 319, 334–35
10 (1976).

11
12 72. Courts have recognized that a later bond hearing does not necessarily cure the
13 injury from unlawful detention already imposed. See *E.A. T.-B. v. Wamsley*, 795
14 F. Supp. 3d 1316, 1324 (W.D. Wash. 2025); *Jorge M.F. v. Jennings*, 534 F. Supp.
15 3d 1050, 1055 (N.D. Cal. 2021); *Domingo v. Kaiser*, No. 25-cv-05893-RFL, 2025
16 WL 1940179, at *3 (N.D. Cal. July 14, 2025).

17
18 73. In *E.A. T.-B.*, the court explained: “Although the Government notes that
19 Petitioner may request a bond hearing while detained, such a post-deprivation
20 hearing cannot serve as an adequate procedural safeguard because it is after the
21 fact and cannot prevent an erroneous deprivation of liberty.”

22
23 74. Likewise, *Jorge M.F.* held that “if Petitioner is detained, he will already have
24 suffered the injury he is now seeking to avoid.”

25 75. These authorities collectively support immediate release here.

26 **VIII. FACTS**

27 76. Petitioner entered the United States without inspection in approximately 2007.
28

1 77. Petitioner has continuously resided in the United States for approximately
2 nineteen years.

3 78. Petitioner has never departed the United States since his entry.

4 79. Petitioner is married to Mitzy Yesenia Diaz Paredes.

5 80. Petitioner's wife possesses valid DACA protection through March 6, 2027.

6 81. Petitioner and his wife have one infant United States citizen daughter, 

7 
8
9 82. Petitioner has worked in construction for many years.

10 83. Petitioner has filed taxes for approximately ten years.

11 84. Petitioner previously filed an asylum application or related immigration
12 application through which he obtained employment authorization.

13 85. Petitioner's known criminal history consists only of traffic infractions for driving
14 without a license.

15 86. The most recent traffic-related matter occurred in 2025.

16 87. Petitioner has no known violent criminal history and no aggravated felony
17 convictions.

18 88. On or about early May 2026, ICE arrested Petitioner without prior notice or
19 warning.

20 89. Petitioner was initially detained at the Broward Transitional Center in Florida.

21 90. ICE subsequently transferred Petitioner to the Otay Mesa Detention Center in
22 California.

23 91. Prior to transfer, Petitioner's first master calendar hearing had been scheduled for
24 May 19, 2026, at 8:00 a.m. before Immigration Judge Michael G. Walleisa.
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28

1 92. Petitioner's detention occurred after approximately nineteen years of presence in
2 the United States.

3 93. Petitioner was not provided any individualized pre-detention custody hearing
4 before being taken into immigration custody.

5 94. Petitioner has not received any meaningful individualized custody determination
6 explaining why detention is necessary.

7 95. To Petitioner's knowledge, Respondents have not articulated any present facts
8 showing that he is a danger to the community or a flight risk.

9 96. Petitioner has substantial equities in the United States, including nearly two
10 decades of residence, stable employment history, long-term tax compliance, a
11 marriage to a DACA recipient, and an infant United States citizen daughter. These
12 facts strongly undermine any assertion that Petitioner presents a flight risk or
13 danger warranting continued civil detention.

14 97. Petitioner's detention separates him from his wife and infant United States citizen
15 daughter and inflicts continuing irreparable harm.

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20 **IX. FIRST CLAIM FOR RELIEF**

21 **Violation of the Immigration and Nationality Act (Detention Contrary to Law)**

22 Petitioner incorporates by reference the allegations of fact set forth in the preceding
23 paragraphs:

24 98. Petitioner is not in post-final-order detention. Section 1231 therefore does not
25 apply.

1 99. Petitioner is also not an arriving noncitizen or recent entrant within the meaning
2 contemplated by § 1225(b).

3 100. Petitioner entered the United States in approximately 2007 and was
4 arrested by ICE in the interior nearly nineteen years later.

5 101. Under Jennings, Beltran, and Ramirez, detention in that posture is
6 governed by § 1226.

7 102. Thus, Respondents may not lawfully confine Petitioner under an entry-
8 focused mandatory detention theory under § 1225(b).

9 103. At minimum, Respondents are required to proceed under the discretionary
10 detention framework of § 1226(a), which requires lawful individualized custody
11 procedures.

12 104. Petitioner's continued detention outside the proper statutory framework is
13 contrary to the INA and exceeds Respondents' statutory authority.

14 105. Because Petitioner is in custody in violation of federal law, habeas relief is
15 warranted under 28 U.S.C. § 2241.

16
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20 **X. SECOND CLAIM FOR RELIEF**

21 **Violation of the Fifth Amendment (Procedural Due Process)**

22 Petitioner incorporates by reference all preceding paragraphs as if set forth fully herein:
23

24 106. The Fifth Amendment prohibits the federal government from depriving
25 any person of liberty without due process of law.

26 107. Petitioner's interest in physical liberty is profound.
27
28

1 108. Petitioner was detained without any individualized pre-detention hearing
2 and without any meaningful custody determination explaining why detention was
3 necessary despite his nearly two decades in the United States, stable work history,
4 tax history, marriage, and U.S. citizen child.
5

6 109. The risk of error is especially high where Respondents have not identified
7 any present facts demonstrating dangerousness or flight risk.

8 110. Any later custody process cannot erase the liberty deprivation already
9 inflicted.
10

11 111. As federal courts have explained, a post-detention bond hearing is not an
12 adequate substitute for procedures that could have prevented an erroneous
13 detention in the first place. See E.A. T.-B., 795 F. Supp. 3d at 1324; Jorge M.F.,
14 534 F. Supp. 3d at 1055; Domingo, 2025 WL 1940179, at *3.

15 112. Because Petitioner was deprived of liberty without constitutionally
16 sufficient procedures, his detention violates the Due Process Clause of the Fifth
17 Amendment.
18

19 113. Habeas relief is warranted.
20

21 **XI. THIRD CLAIM FOR RELIEF**

22 **Violation of the Administrative Procedure Act**

23 *(5 U.S.C. § 706 – Arbitrary, Capricious, and Contrary to Law Agency Action)*

24 Petitioner incorporates by reference all preceding paragraphs as if set forth fully herein:
25

26 114. The APA requires courts to hold unlawful and set aside agency action that
27 is arbitrary, capricious, contrary to law, or in excess of statutory authority.
28

1 115. DHS's decision to arrest and continue detaining Petitioner subjected him
2 to ongoing confinement without a reasoned individualized explanation.

3 116. Respondents failed to account for critical facts, including Petitioner's
4 nearly two decades of residence in the United States, marriage, infant U.S. citizen
5 daughter, employment history, tax history, and minimal traffic-related record.
6

7 117. Respondents also failed to articulate why alternatives short of detention
8 would be inadequate.

9 118. By detaining Petitioner without a reasoned and individualized explanation
10 and contrary to the proper statutory framework, Respondents acted arbitrarily,
11 capriciously, and contrary to law.
12

13 119. Petitioner is therefore entitled to relief under the APA.

14 **XII. FOURTH CLAIM FOR RELIEF**

15 **Violation of the Fifth Amendment**

16 ***(Substantive Due Process – Arbitrary Civil Detention)***

17
18 Petitioner incorporates by reference all preceding paragraphs as if set forth fully herein:

19 120. Substantive due process imposes limits on the government's authority to
20 subject persons to civil detention.

21 121. Civil detention is constitutionally permissible only where it is reasonably
22 related to a legitimate governmental objective and not excessive in relation to that
23 purpose.
24

25 122. Respondents have not identified any individualized present facts showing
26 that Petitioner poses a danger to the community or a flight risk.

27 123. Petitioner's known history consists primarily of traffic-related infractions.
28

1 124. Petitioner has longstanding community and family ties in the United States,
2 including his wife and infant United States citizen daughter.

3 125. The current record does not show that continued detention is necessary to
4 secure Petitioner's appearance or protect the community.

5 126. Civil detention based on no demonstrated present need is arbitrary.

6 127. Because Petitioner's detention is not shown to be reasonably related to any
7 proven legitimate governmental objective, and is excessive in relation to any
8 articulated objective, it violates substantive due process.
9
10

11
12 **XIII. FIFTH CLAIM FOR RELIEF**

13 **Immediate Release Required; Alternatively, Prompt Custody Determination Under 8**

14 **U.S.C. § 1226(a)**

15 Petitioner incorporates by reference all prior allegations as if fully set forth herein.
16

17 128. Recent authority confirms that immediate release is an appropriate remedy
18 where a person is detained under the wrong statutory framework or without
19 constitutionally adequate process.
20

21 129. In Ramirez, the court held that where the petitioner had lived in the United
22 States for over twenty years before being detained, "the discretionary detention
23 procedures of § 1226 govern Petitioner's detention, and the Petition must be
24 granted."
25

26 130. The court further held that immediate release, rather than a bond hearing,
27 was the appropriate remedy.
28

1 131. That reasoning applies here. Petitioner entered in approximately 2007 and
2 was detained after nearly nineteen years in the country.

3
4 132. Petitioner's detention is therefore governed by § 1226.

5 133. Immediate release is appropriate because a later hearing would not undo
6 the injury from detention already imposed.

7
8 134. Immediate release is especially appropriate here because:

9
10 135. (a) Respondents have not provided a lawful individualized custody
11 determination;

12 136. (b) the current record does not show present danger or flight risk;

13
14 137. (c) Petitioner's criminal history is limited to traffic-related infractions; and

15 138. (d) Petitioner has substantial ties to the United States, including a DACA-
16 recipient spouse and infant U.S. citizen daughter.

17
18 139. In the alternative, if the Court declines to order immediate release outright,
19 the Court should require Respondents to provide Petitioner with a prompt custody
20 determination within five (5) days before a neutral decisionmaker under the §
21 1226(a) framework.

22
23 140. At that hearing, Respondents should bear the burden of proving by clear
24 and convincing evidence that Petitioner poses a danger to the community or a risk
25 of flight.

26
27 141. If Respondents fail to provide such a hearing within the time ordered by
28 the Court, Petitioner should be immediately released.

1 142. The Court should also prohibit Respondents from transferring Petitioner
2 outside this District during the pendency of this action absent prior Court
3 authorization.

4
5 **XIV. PRAYER FOR RELIEF**

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

- 7 a. Assume jurisdiction over this Petition pursuant to 28 U.S.C. §§ 2241 and 1331;
8
9 b. Issue the writ or an order to show cause under 28 U.S.C. § 2243;
10
11 c. Declare that Petitioner's continued detention is unlawful and violates the INA, the
12 Fifth Amendment, and the APA;
13
14 d. Declare that Petitioner's detention is governed by 8 U.S.C. § 1226 and not by 8
15 U.S.C. § 1225(b) or § 1231;
16
17 e. Declare that Respondents' detention of Petitioner without any constitutionally
18 adequate individualized custody determination violates procedural due process;
19
20 f. Declare that Respondents' continued detention without any demonstrated present
21 need violates substantive due process;
22
23 g. Declare that Respondents acted arbitrarily, capriciously, and contrary to law within
24 the meaning of 5 U.S.C. § 706;
25
26 h. Issue a writ of habeas corpus directing Respondents to immediately release Petitioner
27 from custody, subject to reasonable conditions of supervision if the Court deems
28 appropriate;
29
30 i. In the alternative, order Respondents to provide Petitioner with a prompt custody
31 determination within five (5) days before a neutral decisionmaker under 8 U.S.C. §
32 1226(a);

j. Order that at any such custody determination the burden shall be on the government to establish by clear and convincing evidence that Petitioner poses a danger to the community or a risk of flight;

k. Order that if Respondents fail to provide such a custody determination within the time specified, Petitioner shall be immediately released;

l. Issue appropriate injunctive relief prohibiting Respondents from continuing Petitioner's unlawful detention during the pendency of this action;

m. Enjoin Respondents from transferring Petitioner outside the jurisdiction of this Court while this Petition is pending, absent prior leave of Court;

n. Award Petitioner reasonable attorneys' fees and costs to the extent authorized by law, including under the Equal Access to Justice Act, 28 U.S.C. § 2412; and

o. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted on:

Dated: May 12, 2026

/s/ Daniel S. Castaneda
DANIEL S. CASTANEDA,
3065 Rosecrans Place, Suite 204 San Diego, CA 92110
Tel:(619)710-6095
Fax:(619)5664128
daniel@castalegal.com
Counsel for Petitioner-Plaintiff

28 U.S.C. § 2242 VERIFICATION STATEMENT

I, Daniel S. Castaneda, submit this verification on behalf of the petitioner because I am the Petitioner's attorney. I have discussed with the Petitioner the events described in this Petition and Complaint. On the basis of those discussions, I hereby verify that the statements made in this Petition and Complaint are true and correct to the best of my knowledge.

Respectfully submitted on:

Dated: May 12, 2026

/s/ Daniel S. Castaneda
DANIEL S. CASTANEDA,
3065 Rosecrans Place, Suite 204 San Diego, CA 92110
Tel: (619) 710-6095
Fax: (619) 5664128
daniel@castalegal.com
Counsel for Petitioner-Plaintiff