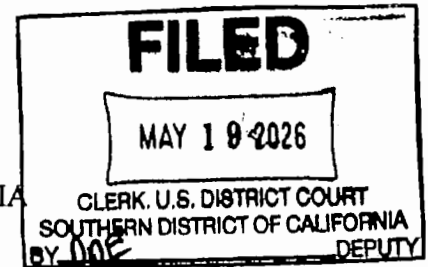


UNITED STATES DISTRICT
COURT SOUTHERN DISTRICT OF CALIFORNIA



WOSBELY ISAAC VASQUEZ GONZALES
Proceeding Pro Se,
Petitioner,

v.

_____, WARDEN, Imperial Regional Detention Facility;
_____, FIELD OFFICE DIRECTOR, ICE San Diego Field
Office; PATRICK J. LECHLEITNER, Acting Director,
United States Immigration and Customs Enforcement;
ALEJANDRO MAYORKAS, Secretary of Homeland
Security; MERRICK B. GARLAND, United States
Attorney General,

Respondents.

Civil Action No.: '26CV3121 CAB AHG

PETITION FOR WRIT OF HABEAS
CORPUS

PETITION FOR A WRIT OF HABEAS CORPUS

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

INTRODUCTION

Petitioner WOSBELY ISAAC VÁSQUEZ GONZÁLEZ 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 by the United States Department of Homeland Security and Immigration and Customs Enforcement (ICE).

Petitioner, an asylum seeker with a pending application, has been detained since October 30, 2025. His detention commenced under circumstances that demonstrate a profound injustice: he was arrested by ICE agents while traveling to work with his brother-in-law in Salisbury,

CUSTODY

Petitioner is in the physical custody of Respondents at the Imperial Regional Detention Facility, 1572 Gateway Road, Calexico, California 92231. He is under the direct control of:

- Warden, Imperial Regional Detention Facility;
- 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 Calexico, California, within Imperial County;
- The Facility and the Respondents' custodial officers are located in this District.

PARTIES

Party	Description
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	I, Wosbely Isaac Vásquez González, A-Number [REDACTED] citizen of
Petitioner	Guatemala, presently detained at the Imperial Regional Detention Facility.

Respondent

1	Warden, Imperial Regional Detention Facility, named in official capacity.
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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.
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Respondent

5	Attorney General, United States, named in official capacity.
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STATEMENT OF FACTS

1. Petitioner WOSBELY ISAAC VÁSQUEZ GONZÁLEZ is a native and citizen of Guatemala, [REDACTED]
2. He entered the United States on or about December 5, 2015, by crossing the border and seeking protection from persecution in his home country.

3. Petitioner has a pending application for asylum (Form I-589) and is currently in removal proceedings. He does not have a final order of removal.
4. His asylum claim is based on a credible fear of persecution if returned to Guatemala.
5. On or about October 30, 2025, Petitioner was traveling to work with his brother-in-law in Salisbury, Maryland, when ICE agents stopped them at a gas station.
6. ICE agents informed Petitioner that his work permit “did not mean anything” and took him into custody. His brother-in-law, a lawful permanent resident, was allowed to leave.
7. Petitioner has resided in the United States for approximately ten years, since December 2015.
8. Petitioner completed his high school education at James M. Bennett High School in Salisbury, Maryland, graduating on June 4, 2019.
9. Petitioner has been employed in the construction industry for approximately seven years, most recently with [REDACTED]. He has been a responsible, reliable, and valuable worker.
10. Following his arrest by ICE in Maryland, Petitioner was transferred across the country without explanation to his current location at the Imperial Regional Detention Facility in Calexico, California, where he has been detained for approximately six and one-half months.
11. This interstate transfer has severely hampered his ability to communicate with his family, gather evidence for his asylum case, and maintain ties to his community in Maryland.
12. Petitioner is the father of [REDACTED] in Maryland, who is a United States citizen.
13. Petitioner is the sole financial provider for his mother, age 45, and his sister, age 7, who

reside in Salisbury, Maryland.

14. His prolonged detention has plunged his family into a severe financial crisis, as his mother is unable to work and support his young sister and U.S. citizen daughter alone.
15. Petitioner has strong ties to his community in Maryland, including his church, employer, and friends, demonstrating that he is not a flight risk.
16. Petitioner has a single DUI offense from Maryland, for which he took full responsibility. He attended court, retained counsel, completed DUI education classes on September 18, 2025, and performed community service hours at his church. He is not a danger to the community.
17. 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, his U.S. citizen child, and the extreme hardship his detention is causing his dependent family members.
18. His continued detention has caused him significant stress and anxiety and prevents him from providing for his family and preparing his defense against removal.

LEGAL FRAMEWORK

1. **Statutory Basis for Detention.** Petitioner's detention is governed by 8 U.S.C. § 1226. Because Petitioner's single DUI offense does not constitute an aggravated felony or crime involving moral turpitude triggering mandatory detention under § 1226(c), his custody is governed by § 1226(a), which provides for discretionary release on bond and requires an individualized custody determination. Respondents' failure to provide such a hearing is a violation of the statute.

2. **Due Process Clause.** The Fifth Amendment prohibits the government from depriving any “person” within the United States of liberty without due process of law. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). This protection applies to all individuals within the United States, regardless of their immigration status.
3. **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). The hearing must include consideration of the detainee’s individual circumstances, including family ties and the impact of detention on minor children.
4. **Best Interests of the Child.** Federal courts have recognized the government’s interest in policies that avoid unnecessarily separating children from their parents. Petitioner’s detention directly contravenes this interest by removing the sole financial provider from his U.S. citizen daughter and dependent family members, causing extreme hardship. An individualized custody determination must weigh the “best interests of the child” as a significant factor.
5. ***Mathews v. Eldridge* Balancing.** Applying the three-part test from *Mathews v. Eldridge*, 424 U.S. 319 (1976), confirms that Petitioner’s detention violates due process. First, Petitioner has a fundamental private interest in his liberty and in the care and custody of his U.S. citizen daughter and dependent family members. Second, the risk of erroneous deprivation is extremely high, as he has been denied a meaningful hearing to present evidence of his family ties, his rehabilitation following his DUI offense, and his pending asylum claim. Third, the governmental interest in providing a proper hearing is minimal