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7 Attorneys for Petitioner,

8 **JUAN FRANCISCO MARTINEZ CAMPOS**

9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**

11 **JUAN FRANCISCO MARTINEZ CAMPOS**

12 Petitioner,

13 v.

14 **MARKWAYNE MULLIN,**
15 **Secretary, United States Department of**
16 **Homeland Security; RODNEY S.**
17 **SCOTT, Commissioner, United States**
18 **Customs and Border Protection;**
19 **GREGORY J. ARCHAMBEAULT, in**
20 **his official capacity as Acting Field**
21 **Office Director for San Diego, U.S.**
22 **Immigration and Customs Enforcement;**
23 **DOUG GLEN, Special Agent in Charge**
24 **for San Diego, Homeland Security**
25 **Investigations, U.S. Immigration and**
Customs Enforcement; JEREMY
CASEY, in his official capacity as
Warden of Imperial Regional Detention
Facility

Respondents.

Case No. **'26CV3188 JLS VET**

VERIFIED PETITION FOR WRIT
OF HABEAS CORPUS

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INTRODUCTION

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4 1. JUAN FRANCISCO MARTINEZ CAMPOS is a 47-year-old male
5 imprisoned by the federal government under color of the immigration laws under
6 Alien Registration number A# . He is a resident of Indio, California.
7 He is married to a United States citizen wife age 66 who suffers from Chronic
8 obstructive pulmonary disease (COPD) and is presently hospitalized. His wife is
9 the mother of one child and has two grand- children. Mr. Martinez Campos was
10 arrested by ICE on May 5, 2026, as he drove home from work. ICE agents
11 conducted what appeared to be a traffic stop and then proceeded to detain Mr.
12 Martinez Campos. He was not stopped or detained for any other reason.

13 Through this petition he seeks immediate release from his incarceration. His
14 continued imprisonment is unlawful because of the confluence of three separate
15 unlawful government practices: First, Respondents have held Mr. Martinez
16 Campos virtually incommunicado. He was denied contact with the outside world
17 for the first five days of his incarceration, including from family and counsel, and
18 since then has permitted him only one fifteen-minute phone call with his attorney.

19 Second, although Respondents have ostensibly held Mr. Martinez Campos
20 under color of the immigration laws, they have incarcerated him since on or about
21 May 5, 2026. Third, Mr. Martinez Campos has been denied a bond due to a
22 claimed lack of jurisdiction by the Immigration Court.

23 2. Petitioner Mr. Martinez Campos has lived in the United States since
24 1998 and was arrested by ICE on May 5, 2026, and placed in custody first at an
25 ICE processing center Indio, California. He was then transferred and is now held at

1 the Imperial ICE Processing Center in Calexico, California. The Immigration
2 Judges have denied bond jurisdiction, holding that DHS classified individuals like
3 Mr. Martinez Campos under 8 U.S.C. § 1225(b)(2)(A) as an “arriving alien[s]”
4 subject to mandatory detention. This application of § 1225(b)(2)(A) to individuals
5 like Petitioner—who were long-term residents already present in the United
6 States—is a new policy resulting from recent DHS guidance and the BIA’s
7 precedential decision in *Matter of Jonathan Javier Yajure Hurtado*, 29 I. & N.
8 Dec. 216 (BIA 2025). Prior to *Yajure Hurtado*, individuals in Petitioner’s position
9 were eligible for bond hearings under § 1226(a). This misclassification deprives
10 him of a bond hearing in violation of three decades of settled law, the Immigration
11 and Nationality Act’s text and structure, and the Fifth Amendment’s Due Process
12 Clause. Multiple federal courts have already rejected the government’s new policy
13 as unlawful and ultra vires. *See Guerrero Orellana v. Moniz*, No. 25-12664-PBS
14 (D. Mass. Sept. 22, 2025) and *Mendoza Gutierrez v. Baltasar*, No. 25-2720-RMR
15 (D. Colo. Oct. 17, 2025). This Court should do the same and restore Respondent’s
16 right to a bond hearing under § 236(a).

17 Federal courts and the Supreme Court have long recognized that § 235(b)
18 governs “applicants for admission at the border or port of entry,” while § 236
19 applies to those “already present in the United States.” *Jennings v. Rodriguez*, 583
20 U.S. 281, 288 (2018).

21 The Massachusetts class petition in *Guerrero-Orellana* held that DHS’s new
22 practice of applying § 235(b) to interior arrests is “contrary to almost 30 years of
23 settled law and practice.” Similarly, *Mendoza Gutierrez* found that DHS lacks
24 statutory authority to classify such individuals as “arriving aliens” and ordered
25 release pending a bond hearing.

1 Mr. Martinez Campos was arrested in Indio several miles from any port of
2 entry, and is plainly detained under § 236(a).

3 The BIA's decision in *Matter of Yajure Hurtado* (2025) abruptly overturned
4 decades of interpretation without reasoned analysis, violating the Administrative
5 Procedure Act and *Encino Motorcars v. Navarro*, 579 U.S. 211 (2016). Under
6 *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024), courts owe no
7 Chevron deference to such agency redefinitions.

8 The 1997 interim rule explicitly stated that EWIs "will be eligible for bond
9 and bond redetermination." 62 Fed. Reg. 10,323 (Mar. 6, 1997). The BIA's attempt
10 to read this history out of existence is entitled to no weight.

11 2. Under these unique circumstances, the Constitution requires his
12 immediate release from further imprisonment.

13 3. Petitioner challenges his detention as unlawful because:

14 (a) The application of § 1225(b)(2)(A) to his is ultra vires, inconsistent with
15 statutory text and longstanding regulatory practice;

16 (b) His continued detention without bond violates the Immigration and
17 Nationality Act (INA) and the Fifth Amendment's Due Process Clause; and

18 (c) The new policy violates the Administrative Procedure Act because it was
19 adopted without notice-and-comment and in excess of statutory authority.

20 Petitioner respectfully requests an order:

21 (1) Declaring that § 1226(a), not § 1225(b)(2)(A), governs his detention; and

22 (2) Requiring that he receive a prompt individualized bond hearing before an
23 Immigration Judge where the Government bears the burden of proving flight risk
24 or danger by clear and convincing evidence.
25

JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. § 2241, § 1331, and § 1651, because Petitioner is “in custody in violation of the Constitution or laws or treaties of the United States.” Venue lies in the Southern District of California under 28 U.S.C. § 1391(e) because Petitioner is detained at Imperial and the responsible ICE officials reside in this district. This petition challenges only the legality of custody, not any final order of removal, and is therefore not barred by 8 U.S.C. § 1252(a)(5) or § 1252(b)(9). *See Jennings v. Rodriguez*, 583 U.S. 281 (2018); *Nielsen v. Preap*, 586 U.S. 392 (2019); *Crespin De Paz v. Noem*, No. 2:25-cv-06649, slip op. at 5 (C.D. Cal. Oct. 10, 2025).

PARTIES

Petitioner Mr. Martinez Campos is a noncitizen currently detained by the U.S. Department of Homeland Security (“DHS”) through U.S. Immigration and Customs Enforcement (“ICE”) at the Imperial ICE Processing Center in Imperial, California. Petitioner has resided in the United States for many years and is seeking release from custody pending resolution of his immigration proceedings.

Respondent MARKWAYNE MULLIN is the Secretary of the United States Department of Homeland Security (“DHS”). As Secretary, Respondent NOEM exercises ultimate authority over DHS and its component agencies, including U.S. Customs and Border Protection (“CBP”) and U.S. Immigration and Customs

1 Enforcement (“ICE”), and is responsible for the administration and enforcement of
2 the Immigration and Nationality Act (“INA”). He is sued in his official capacity.

3
4 Respondent RODNEY S. SCOTT is the Commissioner of U.S. Customs and
5 Border Protection (“CBP”), a component agency of DHS. In this capacity,
6 Respondent SCOTT is responsible for the policies, practices, and operations of
7 CBP, including the apprehension and initial processing of individuals alleged to be
8 inadmissible under the INA. He is sued in his official capacity.

9
10 Respondent GREGORY J. ARCHAMBEAULT, is the Field Office Director
11 for the San Diego Field Office of U.S. Immigration and Customs Enforcement
12 (“ICE”), a component agency of DHS. In this role, Respondent Archambault
13 exercises direct supervisory authority over ICE Enforcement and Removal
14 Operations (“ERO”) officers responsible for the detention, transfer, and release of
15 individuals within this District, including those held at the Imperial ICE Processing
16 Center. He is the immediate custodian of Petitioner and is sued in his official
17 capacity.

18
19
20 Respondent Doug Glen is the Special Agent in Charge for the San Diego
21 office of Homeland Security Investigations (“HSI”), a component division of ICE
22 within DHS. In this capacity, Respondent Wang oversees investigations and
23 enforcement operations in the San Diego area that lead to the apprehension and
24 referral of individuals to ERO for detention. He is sued in his official capacity.

1 Respondent, JEREMY CASEY, in his official capacity as Warden of
2 Imperial Regional Detention Facility. In this capacity Respondent Casey oversees
3 the Imperial Regional Detention Facility where Petitioner is currently housed. He
4 is sued in his official capacity.
5

6 Each Respondent is an officer or employee or agent or subcontractor of the
7 United States acting under color of federal law and within the scope of their
8 respective official duties. Collectively, Respondents have legal custody over
9 Petitioner and are responsible for the policies, practices, acts, and omissions giving
10 rise to this Petition.
11

12 **FACTUAL BACKGROUND**

13
14 Petitioner is a resident of Indio, California. He is married to a United States
15 citizen wife age 66 who suffers from Chronic obstructive pulmonary disease
16 (COPD), and is presently hospitalized. His wife is the mother of one child, and has
17 two grand- children. Mr. Martinez Campos was arrested by ICE on May 5, 2026 as
18 he drove home from work. ICE agents conducted what appeared to be a traffic stop
19 and then proceeded to detain Mr. Martinez Campos. He was not stopped or
20 detained for any other reason. DHS has issued a Notice to Appear charging
21 inadmissibility under § 212(a)(7)(A)(i)(I) (“present without admission”).
22
23

24 The Imperial Immigration Court has ruled that the Court lacks bond
25 jurisdiction, citing *Matter of Yajure Hurtado* and the DHS memorandum extending

1 § 1225(b)(2)(A) to “arriving aliens” already present in the U.S. The Immigration
2 Court has further ruled that it lacks jurisdiction in light of *Matter of Maldonado*
3 *Bautista v. Santacruz*, Case No. 5:25-cv-01873-SSS-BFM. As a result, Petitioner
4 has remained in custody without any opportunity for a bond determination, despite
5 strong family and community ties and no danger to the community.
6

7 **LEGAL CLAIMS**

8 **A. This Court Has Jurisdiction**

9
10 As held in *Crespin De Paz and Doe v. Garland*, 109 F.4th 1188 (9th Cir.
11 2024), a habeas petition seeking a bond hearing lies “within the core of habeas”
12 jurisdiction under § 2241. The claim is collateral to removal and not barred by §
13 1252(g) or § 1252(b)(9).
14

15 **B. Petitioner’s Detention Is Governed by § 1226(a), Not § 1225(b)(2)(A)**

16 The statutory structure and decades of agency practice distinguish § 1225(b)
17 (for “arriving” or “recently encountered” aliens at the border) from § 1226(a) (for
18 arrests inside the country).
19

20 Until 2025, DHS consistently treated long-term residents arrested inside the
21 U.S. as § 1226(a) detainees eligible for bond hearings. See 62 Fed. Reg. 10312,
22 10323 (Mar. 6, 1997) (“aliens present without admission ... will be eligible for
23 bond”). The new DHS policy, endorsed in *Yajure Hurtado*, reverses nearly 30
24 years of practice without statutory amendment or rulemaking.
25

1 Courts addressing this precise issue in 2025 have overwhelmingly rejected
2 DHS's position. *See Rodriguez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash.
3 2025); *Barrera v. Tindall*, 2025 WL 2690565 (W.D. Ky.); *Vazquez v. Feeley*, 2025
4 WL 2676082 (D. Nev.); *Crespin De Paz*, slip op. at 7–8. Each held that § 1226(a),
5 not § 1225(b), governs detention of long-term residents.
6

7 Because Petitioner's arrest occurred well inside U.S. territory after many
8 years of residence, § 1225(b)(2)(A) cannot lawfully apply. His detention under that
9 provision is therefore *ultra vires*.
10

11 **C. Mandatory Detention Under § 1225(b)(2)(A) Violates Due Process**

12 Even if § 1225(b)(2)(A) were construed to apply, its application without
13 individualized review violates the Fifth Amendment's Due Process Clause.
14

15 “Freedom from imprisonment—from government custody, detention, or
16 other forms of physical restraint—lies at the heart of the liberty the Due Process
17 Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
18

19 The government's categorical denial of bond hearings to long-term
20 residents, based solely on its re-characterization of them as “arriving aliens,” is
21 arbitrary and disproportionate to any legitimate immigration purpose.
22

23 **D. The 2025 DHS Policy and Yajure Hurtado Decision Violate the APA**

24 The DHS policy expanding § 1225(b)(2)(A) detention to individuals long
25 present in the U.S. constitutes a substantive rule adopted without notice-and-

1 comment. It exceeds the statutory authority granted by Congress and is arbitrary
2 and capricious under 5 U.S.C. § 706(2). The BIA’s decision in *Matter of Yajure*
3 *Hurtado* (2025) abruptly overturned decades of interpretation without reasoned
4 analysis, violating the Administrative Procedure Act and *Encino Motorcars v.*
5 *Navarro*, 579 U.S. 211 (2016). Under *Loper Bright Enterprises v. Raimondo*, 603
6 U.S. 369 (2024), courts owe no Chevron deference to such agency redefinitions.
7

8
9 The 1997 interim rule explicitly stated that EWIs “will be eligible for bond
10 and bond redetermination.” 62 Fed. Reg. 10,323 (Mar. 6, 1997). The BIA’s attempt
11 to read this history out of existence is entitled to no weight.

12
13 No other court or administrative tribunal can provide Petitioner any relief.
14 Under ordinary circumstances, an individual detained under color of the
15 immigration laws could seek redress for unreasonable delay in the government’s
16 pursuit of removal proceedings by filing a motion to terminate before an
17 Immigration Judge. *See, e.g., In re Qayyum*, 2004 WL 848576 (B.I.A. Feb. 25,
18 2004) (considering motion to terminate based on government delay and finding, on
19 the facts of that case, no unreasonable delay).
20

21 Respondents have further demonstrated their fundamental inability to
22 provide even rudimentarily safe or humane conditions of confinement at the
23 Imperial ICE Processing Center. Conditions within the facility—overcrowding,
24
25

1 inadequate medical care, and the heightened risk of harm to detainees—have
2 rendered continued detention not merely unlawful but dangerous.

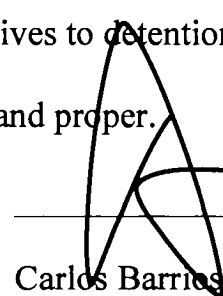
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4 Under these circumstances, any remedy short of immediate judicial
5 intervention would be insufficient. Petitioner's continued detention violates
6 statutory, constitutional, and humanitarian standards. Simply put, Mr. Martinez
7 Campos cannot wait.

8
9 **PRAYER FOR RELIEF**

10 WHEREFORE, Petitioner respectfully requests that this Court:

- 11 1. Issue a Writ of Habeas Corpus declaring Petitioner's detention under 8
12 U.S.C. § 1225(b)(2)(A) unlawful;
13
14 2. Order Respondents to release Petitioner immediately in light of the
15 pending I-130; or
16
17 3. Order that Petitioner be provided a prompt individualized bond hearing
18 before a neutral Immigration Judge within 7 days, at which:
19 (a) The government bears the burden of proving flight risk or danger by
20 clear and convincing evidence; and
21 (b) The IJ must consider less restrictive alternatives to detention;
22
23 4. Award any further relief this Court deems just and proper.

24 Date: 5/21/2026

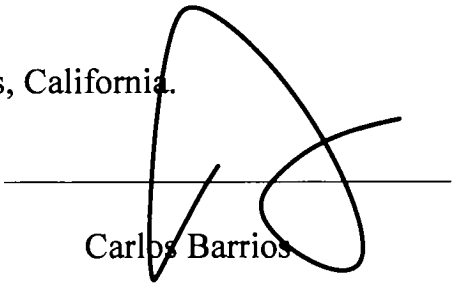
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Carlos Barrios

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

I, CARLOS BARRIOS am submitting this verification on behalf of JUAN FRANCISCO MARTINEZ CAMPOS, who is currently detained by the U.S. Department of Homeland Security at the Imperial Regional Detention center in Calexico, California. Petitioner is being held under conditions that severely restrict or prevent meaningful communication with the outside world. As a result, he is unable to review or sign this petition personally or to prepare and file it on his own behalf.

I have communicated with Petitioner to the extent possible and have obtained the factual information contained in this Petition from my direct knowledge, records, and reliable sources. I hereby verify that, to the best of my knowledge and belief, the factual statements contained in the attached Petition for Writ of Habeas Corpus are true and correct, and that I could testify to those facts if called upon to do so.

Executed this 21st day of May, 2026, at Los Angeles, California.



Carlos Barrios