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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO

J. P. [1],
Petitioner,

v.

Todd Blanche, Acting Attorney General of the United States, Department of Justice; Markwayne Mullin, Secretary of Homeland Security; Todd Lyons, Senior Official Performing the Duties of the Director of U.S. Immigration and Customs Enforcement; Patrick Divver, Field Office Director of the San Diego Immigration and Customs Enforcement Office; Jorge Velarde, Assistant Field Office Director of the Immigration and Customs Enforcement, Otay Mesa Detention Center; Christopher J. LaRose; Senior Warden, Otay Mesa Detention Center;

Respondents.

Case No. '26CV3288 BAS VET

Agency No. [redacted]

PETITION FOR WRIT OF HABEAS CORPUS BY A PERSON IN FEDERAL CUSTODY UNDER 28 U.S.C. § 2241 AND ORDER TO SHOW CAUSE

[1] Petitioner requests this petition move forward under this pseudonym. The federal government prohibits disclosure of the identity of asylum seekers and asylees without their consent, recognizing that such people or their family members may face harm if an asylee's name is disclosed. See 8 C.F.R. § 208.6; cf. Fed. R. Civ. P. 5.2(c) (limiting remote access to case files in cases actions involving "immigration benefits or detention"). Counsel for Petitioner has disclosed his full identity to the U.S. Attorney's office in San Diego, California.

INTRODUCTION

1. Petitioner, J. P. ([redacted]) (hereinafter "Petitioner"), alleges he has been detained unjustly in violation of his U.S. Constitutional right to liberty. Additionally, that he has been detained without access to a bond hearing. Therefore, he requests this court make an order to show cause and that he may not be transferred during the pendency of this petition.

2. Petitioner prefers not to file a temporary restraining order given the clear legal precedent in this case substantiating Petitioner's claims, and would instead request Respondents be required to provide a response within three days or alternatively timing pursuant to Chief Judge Order No. 144.

JURISDICTION

3. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

4. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

5. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

6. The provisions in 8 U.S.C. §§ 1252(g) and 1252(b)(9) do not strip this Court of

jurisdiction. Petitioner is not contesting the commencement or adjudication of removal proceedings against him, nor is he raising an issue with respect to the execution of removal. Petitioner does challenge his re-detention and prolonged detention. The petition is independent of the removal proceedings and all questions related to the commencement of removal proceedings or any part of the removal process. "[C]laims that are independent of or collateral to the removal process do not fall within the scope of § 1252(b)(9)." *J.E.F.M. v. Lynch*, 837 F.3d 1026, 1032 (9th Cir. 2016). Additionally, Section 1252(g) "does not prohibit challenges to unlawful practices merely because they are in some fashion connected to removal orders." *Ibarra-Perez v. United States*, 154 F.4th 989, 997 (9th Cir. 2025). Thus, this Court is not stripped of jurisdiction by Sections 1252(g) and 1252(b)(9).

VENUE

7. Venue is proper because Petitioner is detained at the Otay Mesa Detention Center in the County of San Diego, which is within the jurisdiction of this District. When he was not detained, he lived in Vista, California. Further, a substantial part of the events or omissions giving rise to his claims occurred in this District and no real property is involved in this action. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243

8. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless the petitioner is not

entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return "within *three days* unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

9. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

Petitioner

10. Petitioner, Petitioner, is a Venezuelan national who is in custody at the Otay Mesa Detention Center located at 7488 Calzada De La Fuente, San Diego, CA 92154. He is in the custody, and under the direct control, of Respondents and their agents.

Respondents

11. Respondent Todd Blanche, Acting U.S. Attorney General, is sued in their official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice ("DOJ"). In that capacity, they have the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review ("EOIR"), which administers the immigration courts and the Board of

Immigration Appeals. Respondent U.S. Attorney General is a legal custodian of Petitioner.

12. Respondent Markwayne Mullin Secretary of U.S. Department of Homeland Security ("DHS") is sued in their official capacity as the Secretary of the DHS. In this capacity, Respondent Secretary is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement ("ICE"), the component agency responsible for Petitioner's detention and custody. Respondent Secretary is a legal custodian of Petitioner.

13. Respondent Todd Lyons is sued in his official capacity as the Senior Official Performing the Duties of the Director ICE. Respondent Lyons is the legal custodian of Petitioner.

14. Respondent Patrick Divver is sued in his official capacity as the Field Office Director of the San Diego ICE Office. Respondent Divver is a legal custodian of Petitioner and has authority to release him.

15. Respondent Jorge Velarde is sued in his official capacity as Assistant Field Office Director of the ICE at the Otay Mesa Detention Center. Respondent Velarde is a legal custodian of Petitioner and has direct authority to release him.

16. Respondent Christopher J. LaRose is sued in his official capacity as the Senior Warden, Otay Mesa Detention Center. Respondent LaRose is the direct physical custodian of Petitioner and has direct authority to release him.

STATEMENT OF FACTS

17. The below information is gathered by Counsel's office's direct communication with Petitioner during legal visits at the Otay Mesa Detention Center, a full review of his immigration-related paperwork, and by conferring with his separate attorney, Mr. Edgar Diaz-Niesta, who represents him before the Executive Office for Immigration Review ("EOIR").

18. Petitioner is a Venezuelan national, who entered the United States without inspection in September 2023 alongside his partner and adult son. They turned themselves in to U.S. immigration officials where they were briefly detained, Petitioner and his partner were released on recognizance and issued Notices to Appear ("NTA") in removal proceedings in San Diego, California. Petitioner's adult son was detained and eventually deported.

19. Petitioner went on to attend court hearings and file relief applications at the San Diego Immigration Court on the non-detained docket.

20. On or about March 17, 2026, Petitioner was stopped and arrested for alleged driving under the influence of alcohol ("DUI"). The next day, Immigration and Customs Enforcement ("ICE") took him into immigration custody when he appeared at his regularly scheduled ICE check-in. At some point, charges were

filed against Petitioner related to the DUI, but ICE did not present him for a scheduled hearing. According to the District Attorney's office, a failure to appear resulted in a warrant for Petitioner's arrest, despite his being in ICE custody and unable to attend his hearing.

21. Petitioner continued his removal proceedings while detained based on previously filed relief applications for asylum, withholding of removal, and relief pursuant to the Convention Against Torture ("CAT").

22. On April 30, 2026, the Immigration Judge ordered Petitioner removed to Venezuela, but that removal is withheld pursuant to the CAT. The Immigration Judge further ordered that Petitioner may be alternatively removed to Chile, a country where Petitioner temporarily lived between 2019 and 2023.

23. On or about May 14, 2026, counsel for Petitioner filed a Notice of Appeal with EOIR. With the appeal pending, Petitioner is ineligible for removal through automatic regulatory stay of removal. 8 C.F.R. § 1003.6(a)

24. Meanwhile, Petitioner remains detained without an ability to address the criminal charges against him for his alleged DUI and without access to a custody determination. He has been detained for two months and 10 days as of the date of this filing.

25. Therefore, upon consideration of the legal bases below, Petitioner requests this court issue a habeas order requiring he be immediately released from custody

because there is no basis for his continued detention or that he be provided a lawful bond hearing before a fair, neutral, and open-minded arbiter where DHS must provide by clear and convincing evidence that he should not be released from his detention.

LEGAL FRAMEWORK

26. The Immigration and Nationality Act ("INA") prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings conducted pursuant to 8 U.S.C. § 1229a. The INA provides for mandatory detention of noncitizens subjected to an expedited removal order imposed pursuant to 8 U.S.C. § 1225(b)(1) and for certain other noncitizen applicants for admission to the U.S. who are deemed not clearly entitled to be admitted. *See* 8 U.S.C. § 1225(b)(2).

27. Immigration detention "has two regulatory goals: ensuring the appearance of [noncitizens] at future immigration proceedings and preventing danger to the community." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) (internal citations omitted); *see also* 8 U.S.C. 1226(a), (b); 8 C.F.R. 1236.1(c)(8).

28. Someone like Petitioner who was previously released from custody has been deemed, to be neither a flight risk nor a danger. 8 C.F.R 1236.1(c)(8) (authorizing release of noncitizens under 1226(a) if they "would not pose a danger to property or persons," and are "likely to appear for any future proceeding"); 8 C.F.R. 212.5(b) (authorizing parole from custody of noncitizens deemed "neither a

security risk nor a risk of absconding"). Notably, in this case, Petitioner was arrested following a DUI related arrest, but before that arrest could be litigated and guilt found. A presumption of innocence is a foundational quality of American jurisprudence. *Coffin v. United States*, 156 U.S. 432 (1895).

29. In cases of individuals previously released by DHS, re-detention under section 1226(a) requires an individualized determination of a material change in circumstances relating to flight risk or danger. *See Ortega*, 415 F.Supp.3d at 968 ("DHS re-arrests individuals only after a 'material' change in circumstances." (citing *Saravia*, 280 F.Supp.3d at 1197)); *see also Matter of Sugay*, 171 I&N Dec. 637, 640 (BIA 1981) ("[W]here a previous bond determination has been made by an immigration judge, no change should be made by [DHS] absent a change of circumstance.").

30. The Constitution establishes due process rights for "all 'persons' within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017) (quoting *Zadvydas v. Davis*, 533 U.S. 678 (2001)). These due process rights are both substantive and procedural.

31. "The touchstone of due process is protection of the individual against arbitrary action of government," *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), including "the exercise of power without any reasonable justification in the service of a

legitimate government objective." *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998).

32. These protections extend to noncitizens facing detention, as "[i]n our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception." *United States v. Salerno*, 481 U.S. 739, 755 (1987). Accordingly, "[f]reedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas*, 533 U.S. at 690.

33. Substantive due process thus requires that all forms of civil detention—including immigration detention—bear a "reasonable relation" to a non-punitive purpose. *See Jackson v. Indiana*, 406 U.S. 715, 738 (1972). The Supreme Court has recognized only two permissible non-punitive purposes for immigration detention: ensuring a noncitizen's appearance at immigration proceedings and preventing danger to the community. *Zadvydas*, 533 U.S. at 690–92; *see also Demore v. Kim*, 538 U.S. 510, 519–20, 527–28, 31 (2003).

34. Generally, "the Constitution requires some kind of a hearing *before* the State deprives a person of liberty or property." *Zinermon v. Burch*, 494 U.S. 113, 127 (1990) (emphasis added). This is so even in cases where that freedom is lawfully revocable. *See Hurd v. D.C., Gov't*, 864 F.3d at 683 (citing *Young v. Harper*, 520 U.S. 143, 152 (1997) (re-detention after pre-parole conditional supervision

requires pre-deprivation hearing)); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973) (same, in probation context); *Morrissey v. Brewer*, 408 U.S. 471 (1972) (same, in parole context).

35. After an initial release from custody on conditions, even a person paroled following a conviction for a criminal offense for which they may lawfully have remained incarcerated, has a protected liberty interest in that conditional release. *Morrissey* at 408 U.S. at 482. As the Supreme Court recognized, "[t]he parolee has relied on at least an implicit promise that parole will be revoked only if he fails to live up to the parole conditions." *Id.* "By whatever name, the liberty is valuable and must be seen within the protection of the [Constitution]." *Id.*

36. This reasoning applies with equal if not greater force to people who were granted release on their own recognizance from civil immigration detention and were apprehended before their removal order became final, like Petitioner. Noncitizens living in the United States, like Petitioner, have a protected liberty interest in their ongoing freedom from confinement. *See Zadvydas*, 533 U.S. at 690. "Given the civil context [of immigration detention], [the] liberty interest [of noncitizens released from custody] is arguably greater than the interest of parolees in *Morrissey*." *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019) (citing *Morrissey*, 408 U.S. at 487).

37. Moreover, even should Petitioner's detention be deemed permissible, he remains eligible for a bond hearing for the same reasons provided in *Maldonado Bautista*[2], that Section 1226(a) governs the detention of noncitizens "inside the United States" and "present in the country." *Jennings v. Rodriguez*, 583 U.S. 281, 288–89 (2018). Given that Petitioner is not in the removal period because he has a pending appeal, his detention remains governed by Section 1226(a).

CLAIMS FOR RELIEF

CLAIM ONE

Violation of the Fifth Amendment to the United States Constitution (Substantive Due Process – Detention)

38. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

39. The Due Process Clause of the Fifth Amendment protects all "person[s]" from deprivation of liberty "without due process of law." U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas*, 533 U.S. at 690.

[2] Notably, on March 6, 2026, the U.S. Court of Appeals for the Ninth Circuit granted an administrative stay of the *Maldonado Bautista* decision "insofar as the district court's judgment extends beyond the Central District of California." *Maldonado Bautista, et al. v. United States Department of Homeland Security, et al.*, No. 26-1044, ECF No. 5 (9th Cir. March 6, 2026).

40. Immigration detention is constitutionally permissible only when it furthers the government's legitimate goals of ensuring the noncitizen's appearance during removal proceedings and preventing danger to the community. *See id.* When the Government has previously decided to release a noncitizen and there is no evidence in the record of any changed circumstance that might have caused the Government to reconsider its initial decision to release the noncitizen, courts have found the Government's interest in re-detention is low. *Doe v. Chestnut*, No. 1:25-cv-01372CDB (HC), 2025 WL 3295154, at *10 (E.D. Cal. Nov. 26, 2025) (citations omitted).

41. "[E]ven when ICE has the initial discretion to detain or release a noncitizen pending removal proceedings, after that individual is released from custody she has a protected liberty interest in remaining out of custody." *Pinchi v. Noem*, 792 F. Supp 3d 1025, 1032 (N.D. Cal. 2025) (citing *Romero v. Kaiser*, No. 22-cv-02508, 2022 WL 1443250, at *2 (N.D. Cal. May 6, 2022); *Jorge M. F. v. Wilkinson*, No. 21-cv-01434, 2021 WL 783561, at *2 (N.D. Cal. Mar. 1, 2021); *Ortiz Vargas v. Jennings*, No. 20-cv-5785, 2020 WL 5074312, at *3 (N.D. Cal. Aug. 23, 2020); *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 969 (N.D. Cal. 2019)).

42. Many courts in this district have joined a number of district courts to recognize that noncitizens have a significant liberty interest in "continued freedom after release on own recognizance," *Alegria Palma v. Larose*, No. 25-cv-1942-BJC-

MMP, ECF No. 14, at *6 (S.D. Cal. Aug. 11, 2025) (emphasis added), and in "freedom from imprisonment" after "the government grants a [noncitizen] parole into the country," *Sanchez v. LaRose*, No. 25-CV-2396-JESMMP, 2025 WL 2770629, at *3 (S.D. Cal. Sept. 26, 2025) (emphasis added). *See also Miguel v. Bondi et al.*, 26-CV-1636 JLS (SBC) (S.D. Cal. Mar. 27, 2026) ("Petitioner has a protected liberty interest in remaining out of custody."); *Prieto-Cordova*, No. 25-cv-2824-CAB-DDL, 2025 WL 3228953 (S.D. Cal. Nov. 19, 2025); *Faizyan v. Casey*, No. 25-cv-02884-RBM-JLB, 2025 WL 3208844 (S.D. Cal. Nov. 17, 2025); *Ramazan M. v. Andrews*, No. 25-cv-01356-KES-SKO (HC), 2025 WL 3145562 (E.D. Cal. Nov. 20, 2025); *Gomez Vilela v. Robbins*, No. 25-cv-01393-KES-HBK (HC), 2025 WL 3101334 (E.D. Cal. Nov. 6, 2025); *Pablo Sequen v. Albarran*, No. 25-cv-06487-PCP, 2025 WL 2935630 (N.D. Cal. Oct. 15, 2025); *Hyppolite v. Noem*, No. 24-cv-4304 (NRM), 2025 WL 2829511 (E.D. N.Y. Oct. 6, 2025); *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 WL 2691828 (W.D. Tex. Sept. 22, 2025); *Ramirez Tesara v. Wamsley*, No. 25-cv-01723-MJPTLF, 2025 WL 2637663 (W.D. Wash. Sept. 12, 2025); *E.A. T.-B. v. Wamsley*, No. C25-1192-KKE, 2025 WL 2402130 (W.D. Wash. Aug. 19, 2025).

43. Petitioner is not a flight risk or danger to the community, as evidenced by his complete lack of criminal convictions and his award of deferral of removal to Venezuela. His outstanding criminal matter related to a DUI is only outstanding

because DHS took him into custody before charges were filed and a hearing commenced. In fact, the Government has refused him access to justice by preventing his appearance at his criminal court hearing related to that sole DUI accusation. Accordingly, Petitioner is being detained in violation of the Due Process Clause of the Fifth Amendment.

CLAIM TWO

Violation of the Fifth Amendment to the United States Constitution (Procedural Due Process – Detention)

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

45. As part of the liberty protected by the Due Process Clause, Petitioner has a weighty liberty interest in avoiding re-detention after his release. *See Young v. Harper*, 520 U.S. 143, 146–47 (1997); *Gagnon v. Scarpelli*, 411 U.S. 778, 781–82 (1973); *Morrissey*, 408 U.S. at 482–83; *see also Ortega*, 415 F. Supp. 3d at 969–70 (holding that a noncitizen has a protected liberty interest in remaining out of custody following an IJ's bond determination).

46. Accordingly, "[i]n the context of immigration detention, it is well-settled that due process requires adequate procedural protections to ensure that the government's asserted justification for physical confinement outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Hernandez*, 872 F.3d at 990 (cleaned up); *Zinermon*, 494 U.S. at 127 (Generally, "the Constitution

requires some kind of a hearing *before* the State deprives a person of liberty or property."). In the immigration context, for such hearings to comply with due process, the government must bear the burden to demonstrate, by clear and convincing evidence, that the noncitizen poses a flight risk or danger to the community. *See Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011); *see also Martinez v. Clark*, 124 F.4th 775, 785, 786 (9th Cir. 2024).

47. Petitioner's re-detention without a pre-deprivation hearing violated due process. Almost two and a half years after his release in 2023, Respondents re-detained Petitioner with no notice, no explanation of the justification for his re-detention, and no opportunity to contest his re-detention in front of a neutral adjudicator before being taken into custody. Petitioner appeared at his regularly scheduled ICE check in and was detained without notice.

48. Petitioner has a profound personal interest in his liberty. *See Alvarenga Matute v. Wofford*, 2025 WL 2996577, * 4 (E.D. Ca. Oct. 24, 2025) (confirming that noncitizen with an outstanding removal order had a protected liberty interest due to his previous conditional release).

49. Prior to his re-detention in March of 2026, Petitioner had no notice of Respondents' intention to re-detain him and no opportunity to contest that action. Because the private interest in freedom from immigration detention is substantial, due process requires the government to bear the burden of proving by clear and

convincing evidence that Petitioner is a flight risk or danger to the community *before* re-detaining him. *See e.g.*, *Rodriguez Diaz v. Kaiser*, 2025 WL 3011852, *11 (N.D. Ca. Sep. 16, 2025).

50. The government has no legitimate interest in detaining Petitioner without a hearing. *See e.g.*, *Peters v. Wofford*, 2025 WL 2299801, *7 (E.D. Ca. Aug. 8, 2025) (finding that "the government's asserted interest is hinged on mere speculation about [the noncitizen's] risk of flight or dangerousness" given that noncitizen was complying with terms of his probation when detained); *Noori*, 2025 WL 2800149 at *11 ("Respondents did not provide Petitioner individualized notice and reasoning prior to his arrest and detention on June 12, 2025 and have presented no legitimate reason for why those decisions were made. Any governmental interest of efficient administration of immigration laws . . . does not outweigh these first two factors."). Bond hearings are a routine part of immigration court proceedings, imposing a minimal cost to the government. *See Doe v. Becerra*, --- F.Supp.3d ----, 2025 WL 691664, *6 (E.D. Ca. March 3, 2025). Nothing in Petitioner's record suggests that he would abscond or endanger the community before a bond hearing could be carried out given his history of complying with court orders. *See, e.g.*, *Jorge M.F. v. Wilkinson*, 2021 WL 783561 *3 (N.D. Cal. Mar. 1, 2021); *Vargas v. Jennings*, 2020 WL 5074312, *3 (N.D. Cal. Aug. 23, 2020) (finding that "the government's concern that delay in

scheduling a hearing could exacerbate flight risk or danger is unsubstantiated in light of petitioner's strong family ties and his continued employment during the pandemic as an essential agricultural worker"). In fact, Petitioner is represented by counsel and has a demonstrated record of attendance when scheduled for hearings and immigration-related appointments. The government has not sufficiently demonstrated the changed circumstances of an alleged DUI offense required his detention given that Petitioner had been released on recognizance and out of custody for almost two and a half years and no findings of guilt had been made in a court of law. There is no reason to think that his compliance will change if he is released pending a pre-deprivation custody hearing.

CLAIM THREE
Violation of the INA - 8 U.S.C. 1226(a)

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

52. In an alternative claim for relief, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a), given the clock for the 90-day removal period is stayed by his pending appeal. 8 U.S.C. § 1231(a)(1)(B)(ii). The immigration courts have been instructed to follow the decision in *Matter of Yajure Hurtado*, an administrative decision that goes against longstanding law defining who is eligible for a bond hearing. *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) (holding a person who enters the United States without inspection is subject to

mandatory detention under 8 U.S.C. § 1225(b)(2)(A)) . On this basis, Petitioner has been unable to request a bond hearing.

53. Petitioner was not "seeking admission" at the time of his entry to the United States or his redetention, so his detention is governed by section 1226(a). *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB, 2025 WL 3214773 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, 2025 WL 3030457 (S.D. Cal. Oct. 302025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal. 2025); *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D. Cal. Oct. 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB, ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9 (S.D. Cal. Nov. 19, 225); *Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025 WL 3228953 (S.D. Cal. Nov. 19, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-DDL, 2025 WL 3558931 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-AGS-DDL, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-DEB, 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025).

54. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner's statutory rights under the INA.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

1) Assume jurisdiction over this matter;
2) Issue an order preventing Respondents from transferring Petitioner away from the Otay Mesa Detention Center, the closest detention center to counsel's office;
3) Issue an order to show cause and require a response within three days from Respondents as to why this petition should not be granted, pursuant to 28 U.S.C. § 2243 or another timeline so determined by the Court;
4) Declare that Petitioner's detention is unlawful;
5) Issue a writ of habeas corpus requiring Respondents to release Petitioner under the same conditions as before he was detained and that re-detention may not be in violation of the Constitution, any law, or any regulation; or that EOIR must provide a bond hearing before a fair, neutral, open-minded arbiter, where the DHS bears the burden by clear and convincing evidence and if the bond hearing is not fair and neutral, and the burden of proof incorrectly applied, that Petitioner be released immediately;

6) Award Petitioner 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

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

Respectfully submitted,

Dated: May 28, 2026

/s/ *Leah L. Chavarria*
Leah L. Chavarria
Counsel for Petitioner

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

I represent Petitioner, J.P., and submit this verification on his behalf. I hereby verify under penalty of perjury under the laws of the United States and the State of California 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 28th day of May, 2026.

/s/ *Leah L. Chavarria*
Leah L. Chavarria
Counsel for Petitioner