

1 RON QUIJADA (SBN 363726)
2 LAW OFFICES OF RON QUIJADA
3 750 E. GREEN STREET, SUITE 302
4 PASADENA, CA 91101
5 TELEPHONE: (626) 437-0724
6 FACSIMILE: (626) 604-8329
7 E-MAIL: RON@QUIJADALEGAL.COM

8 ATTORNEY FOR PETITIONER
9
10
11
12
13

11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA
13

14 PONCIANO NAVA-MOJICA

15 Petitioner,
16

17 vs.

18 FERETI SEMAIA, Warden, Adelanto
19 ICE Processing Center; JAIME
20 RIOS, Field Office Director, Los
21 Angeles Field Office, ICE; TODD
22 LYONS, Acting Director, U.S.
23 Immigration and Customs
24 Enforcement; MARKWAYNE
25 MULLIN, Secretary of Homeland
26 Security; and TODD BLANCHE,
27 Acting Attorney General of the
28 United States,

Respondents

Case No.: 2:26-cv-5955

PETITION FOR WRIT OF
HABEAS CORPUS

Alien No.: 

INTRODUCTION

1
2 1. Petitioner PONCIANO NAVA-MOJICA is a native and citizen of
3 Mexico who has been physically present in the United States since approximately
4 January 1995.

5 2. Petitioner is currently detained at the ADELANTO ICE
6 PROCESSING CENTER in Adelanto, California by immigration authorities and is
7 the subject of a pending removal proceedings.

8 3. Petitioner brings this petition for writ of habeas corpus pursuant to 28
9 U.S.C. § 2241, challenging his continued civil immigration detention by
10 Respondents under 8 U.S.C. § 1226(a).

11 4. Petitioner has been detained since on or about November 3, 2025
12 approximately seven months without release on bond, despite posing no danger to
13 the community and having deep, decades-long ties to the United States that refute
14 any finding of flight risk.

15 5. Following a *Rodriguez* bond hearing on May 27, 2026, the
16 Immigration Judge expressly found that Petitioner is not a danger to the
17 community. Nevertheless, the Immigration Judge denied bond on flight risk
18 grounds alone, without meaningfully applying the governing legal standards and
19 without giving adequate consideration to the substantial evidence of Petitioner's
20 ties to this country. That determination was an abuse of discretion and a violation
21 of Petitioner's Fifth Amendment right to due process.

22 6. The Immigration Judge's flight risk finding cannot survive scrutiny.
23 Petitioner has resided continuously in the United States for over thirty years. He is
24 the father of three United States citizen children. He has maintained lawful
25 employment and filed federal income taxes every year since 1998. His sole
26 criminal history consists of a 1998 domestic dispute arrest with no documented
27 conviction records of which have been destroyed due to age and a 2004
28 misdemeanor DUI, fully satisfied over twenty years ago. He is the victim of a

1 violent crime and has a meritorious U visa application pending before USCIS,
2 giving him every incentive to remain available to immigration authorities and no
3 rational basis to abscond.

4 7. In denying bond, the Immigration Judge failed to properly apply
5 *Matter of Patel*, 25 I&N Dec. 774 (BIA 2012), and *Matter of Guerra*, 24 I&N Dec.
6 37 (BIA 2006), which require individualized consideration of all relevant factors
7 bearing on flight risk and danger, including the strength of available relief, family
8 ties, length of residence, and community ties.

9 8. The Immigration Judge's failure to weigh these factors in any
10 meaningful way and to instead rest a flight risk finding on a criminal record that is
11 over two decades old and consists solely of a single misdemeanor constitutes a
12 fundamental due process violation that warrants this Court's intervention.
13 Furthermore, Petitioner's prolonged detention violates due process.

14 9. Petitioner respectfully requests that this Court issue a writ of habeas
15 corpus ordering his immediate release from custody

16 **JURISDICTION AND VENUE**

17 10. This Court has jurisdiction under 28 U.S.C. § 2241 (federal habeas
18 statute); 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 2201-2 (declaratory
19 judgment). This his action arises under the Fifth Amendment to the United States
20 Constitution, the Immigration and Nationality Act (INA), United States
21 Constitution Article I, Section 9 (Suspension Clause).

22 11. Venue is proper in the Central District of California under 28 U.S.C. §
23 2241 because Petitioner is currently detained within this District at the Adelanto
24 ICE Processing Center. Venue properly lies within the Central District of
25 California under 28 U.S.C. § 1391, because this is a civil action in which
26 Respondents are agencies of the United States, Petitioner is detained in this
27 District, and a substantial part of the events or omissions giving rise to this
28 action occurred in the district.

REQUIREMENTS OF 28 U.S.C. § 2243

12. 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.*

13. 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

14. Petitioner PONCIANO NAVA-MOJICA resides in San Bernardino, CA. He is currently detained at the ADELANTO immigration detention center.

15. Respondent, FERETI SEMAIA, is the warden of Adelanto Detention Center, and is sued in his official capacity. The Adelanto Detention Center has immediate physical custody of Petitioner pursuant to the facility’s contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner.

16. Respondent, JAIME RIOS, is the ICE Field Office Director of the Los Angeles ICE Field Office and is sued in his official capacity. ICE Field Office Director is responsible for the detention of Petitioner.

17. Respondent TODD LYONS is the Acting Director of U.S. Immigration and Customs Enforcement (ICE) and is sued in HIS official capacity. ICE is responsible for the detention of Petitioners.

18. Respondent MARKWAYNE MULLIN is the Secretary of the Department of Homeland Security (“DHS”), and is sued in his official capacity.

1 The Secretary of Homeland Security is charged with the administration and
2 enforcement of immigration laws. 8 U.S.C. § 1103(a).

3 19. Respondent TODD BLANCHE is the Attorney General of the United
4 States and is sued in his official capacity as the head of the Department of Justice.
5 The Attorney General is responsible for the fair administration of the laws of the
6 United States.

7 **STATEMENT OF FACTS**

8 20. Petitioner is a native and citizen of Mexico currently detained by
9 Immigration and Customs Enforcement ("ICE") at the Adelanto ICE Processing
10 Center. Petitioner is a fifty-two-year-old man who has resided in the United States
11 continuously since 1995 over thirty years. (**See Exhibit 1 - Driver's License**). He
12 arrived in his early twenties and has spent more than half his life in this country.

13 21. Petitioner has a U visa application pending before USCIS. (**See**
14 **Exhibit 2 - U Visa Receipt Notices**). In 2018, Petitioner was the victim of crime.
15 He was the victim of attempted murder. (**See Exhibit 3 - Police Report for the U**
16 **Visa**). This pending relief constitutes a substantial legal basis for Petitioner's
17 continued presence in the United States and further demonstrates that he has every
18 incentive to remain available to immigration authorities.

19 **Petitioner's Criminal History**

20 **First Arrest**

21 22. Petitioner has two arrests in the United States, neither of which
22 reflects a pattern of criminal conduct. His first arrest occurred in 1998 and arose
23 from a domestic dispute with his then-wife; he was cited under California Penal
24 Code § 243(e)(1). This was a simple domestic battery. Petitioner was convicted on
25 or about July 21, 1998. The records for that matter have been destroyed due to age.

26 23. This arrest was nothing but a misunderstanding between Petitioner
27 and his wife. No one got injured out of this incident. (**See Exhibit 4 – Petitioner's**
28 **Criminal Record**).

1 **Second Arrest**

2 24. His second and most recent arrest occurred in 2004 over twenty years
3 ago for misdemeanor DUI, for which Petitioner paid all fines, completed all
4 required classes, and fully satisfied the terms of his case. (**See Exhibit 4 –**
5 **Petitioner’s Criminal Record**). Petitioner has not been arrested or convicted of
6 any offense in the more than two decades since.

7 **Arrest and Initial Bond Denial #1**

8 25. On or about November 3, 2025, Petitioner was arrested by ICE in
9 Santa Ana, California, and charged with inadmissibility for entry without
10 inspection or admission under 8 U.S.C. § 1182(a)(6)(A)(i). (**See Exhibit 5 - Notice**
11 **to Appear**).

12 26. On or about December 22, 2025, an Immigration Judge denied bond,
13 citing danger and flight risk without further explanation or analysis. (**See Exhibit 6**
14 **- Bond Order dated December 22, 2025**).

15 **Rodriguez Bond Denial #2**

16 27. On or about May 27, 2026, following a *Rodriguez* bond hearing, the
17 Immigration Judge again denied bond. The court expressly found that Petitioner
18 does not pose a danger to the community, but concluded that he presents a flight
19 risk that “no amount of bond or alternative to detention would be sufficient to
20 mitigate it. (**See Exhibit 7 - Bond Order dated May 27, 2026**). No conditions of
21 release were considered or imposed. Petitioner has now been detained for
22 approximately seven months.

23 28. Petitioner is not a flight risk. He has resided in the United States for
24 over thirty years, has three United States citizen children, maintains deep family
25 and community ties, files taxes, and has a meritorious relief application pending
26 before USCIS. He has every reason to appear and no rational basis to abscond.
27 (**See Exhibit 8 - Children’s Birth Certificates**).

28 ///

1 29. He has maintained consistent employment and has filed federal
2 income taxes every year since 1998. (*See Exhibit 9 - Tax Returns*).

3 **EXHAUSTION TO**
4 **THE BOARD OF IMMIGRATION APPEALS IS NOT REQUIRED**

5 30. 48. There is no requirement of statutory exhaustion for a petition for
6 writ of habeas corpus. However, exhaustion may be required as a prudential
7 matter. *Ward v. Chavez*, 678 F.3d 1042, 1045 (9th Cir. 2012).

8 31. “Courts may require prudential exhaustion if (1) agency expertise
9 makes agency consideration necessary to generate a proper record and reach a
10 proper decision; (2) relaxation of the requirement would encourage the deliberate
11 bypass of the administrative scheme; and (3) administrative review is likely to
12 allow the agency to correct its own mistakes and to preclude the need for judicial
13 review.” *Puga v. Chertoff*, 488 F.3d 812, 815 (9th Cir. 2007) (internal citations and
14 quotations omitted). 50. Because exhaustion is not jurisdictional, courts “have
15 discretion to waive a prudential requirement.” *Laing v. Ashcroft*, 370 F.3d 994, 998
16 (9th Cir. 2004). 51. A court may waive the exhaustion requirement “when
17 administrative remedies are inadequate or their exercise would be futile, or
18 irreparable injury would result without immediate judicial intervention.” *Ward v.*
19 *Chavez*, 678 F.3d at 1045.

20 32. Prudential exhaustion should be waived because administrative
21 remedies are inadequate and exhaustion would be futile. Of the 59 Board of
22 Immigration Appeals decisions issued in the months May through September 2025
23 in cases where the noncitizen appealed Adelanto immigration court bond decisions,
24 none of those cases overturned an immigration judge’s finding that the noncitizen
25 was a danger to others or a flight risk.¹

26 ¹ The decisions are posted at EOIR Freedom of Information Act (FOIA) Reading
27 Room at <https://foia.eoir.justice.gov/app/ReadingRoom.aspx>. They are not
28 available after September of 2025.

1 33. Of the six decisions which sustained the appeal and remanded the
2 case, all were due to procedural errors made by the immigration judge.

3 34. The precedent decisions issued by the Board of Immigration Appeals
4 under the Trump Administration further indicate that it is futile to require
5 prudential exhaustion in this case.

6 35. A March 30, 2026 report issued by the National Public Radio found
7 that last year, 97 percent of Board published decisions were in favor of the
8 Department of Homeland Security.² On April 9, 2026, *The New York Times*
9 reported that “The administration has instructed judges to stop granting bond to
10 immigrants who crossed the border illegally, a change from decades of practice.
11 The new policy has required people to remain in detention for extended periods
12 even if they do not have a criminal record and have lived in the country for years.”³

13 36. Here, requiring Petitioner to exhaust before the Board would serve
14 none of the purposes that prudential exhaustion is designed to achieve. The Board
15 is not positioned to correct the legal errors presented here; it has demonstrated a
16 consistent practice of affirming bond denials on these precise grounds.
17 Administrative exhaustion would not generate a more complete record; it would
18 simply delay judicial review while Petitioner remains detained.

19
20
21 ² Ximena Bustillo, Rahul Mukherjee, “An Immigration Court Few Have Heard of
22 is Quietly Shaping Policy Behind the Scenes,” npr.org,
23 (Mar. 20, 2026) [https://www.npr.org/2026/03/20/nx-s1-5707535/trump-](https://www.npr.org/2026/03/20/nx-s1-5707535/trump-immigration-detention-appeals-board-deportation)
24 [immigration-detention-appeals-board-deportation](https://www.npr.org/2026/03/20/nx-s1-5707535/trump-immigration-detention-appeals-board-deportation)

25 ³ Nicholas Nehamas, Allison McCann, Steven Rich, Jazmine Ulloa and Hamed
26 Aleaziz, “How Trump Purged Immigration Judges to Speed Up Deportations,” *The*
27 *New York Times*, April 9, 2026
28 [https://www.nytimes.com/2026/04/09/us/politics/trump-miller-immigration-](https://www.nytimes.com/2026/04/09/us/politics/trump-miller-immigration-judges-purge.html)
[judges-purge.html](https://www.nytimes.com/2026/04/09/us/politics/trump-miller-immigration-judges-purge.html)

1 37. In this case, even if an appeal to the Board were not futile, requiring
2 Petitioner to exhaust would cause irreparable injury. Based on the fifty-nine
3 Adelanto bond appeal decisions referenced above, processing times at the Board
4 ranged from approximately two to ten months. (*See Exhibit 10 - Report and*
5 **Declaration of Zabdi J. Salazar Re: BIA Bond Appeal Outcomes and**
6 **Processing Times (Adelanto Immigration Court, 2024–2026)).**

7 38. Petitioner has already been detained for approximately seven months.
8 Forcing him to wait an additional two to ten months for a Board decision that the
9 data overwhelmingly suggests will affirm the denial would extend his civil
10 detention to potentially over a year.

11 39. Civil immigration detention is not a sanction. It is a regulatory
12 measure. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Every additional month
13 Petitioner spends separated from his three United States citizen children, unable to
14 work, and unable to participate in the adjudication of his pending U visa
15 application constitutes ongoing, irreparable harm that an eventual Board decision
16 cannot remedy retroactively.

17 40. Prudential exhaustion should be waived, and this Court should reach
18 the merits of Petitioner's habeas claims.

19 **THE COURT HAS JURISDICTION OVER MIXED QUESTIONS OF**
20 **LAW AND LEGAL QUESTIONS**

21 41. The jurisdiction stripping provision at 8 U.S.C. § 1226(e) applies only
22 to a challenge to a “discretionary judgment by the Attorney General or a decision
23 that the Attorney General has made regarding his detention or release.” *Jennings v.*
24 *Rodriguez*, 583 U.S. 281, 295 (2018) (plurality) (cleaned up).

25 42. The Court has jurisdiction to address legal claims and mixed questions
26 of law. *Martinez v. Clark*, 124 F.4th 775, 783 (9th Cir. 2024).

27 43. The Court must apply Board of Immigration Appeals precedent to
28 determine whether Petitioner presents such a risk of flight that a decision denying

1 bond in its entirety is warranted. *Matter of Guerra*, 24 I. & N. Dec. 37 (BIA 2006);
2 *Matter of Patel*, 15 I. & N. Dec. 666, 666–67 (BIA 1976). In bond proceedings
3 based on prolonged detention, such as here pursuant to *Rodriguez v. Holder*, No.
4 CV 07-2129 TJH (RNBx), 2013 WL 5229795 (C.D.Cal Aug. 6, 2013), the burden
5 is on the government to establish by clear and convincing evidence that Petitioner
6 is a flight risk or danger. *Martinez v. Clark*, 124 F.4th 775, 785 (9th Cir. 2024).

7 44. The application of these precedent decisions to undisputed facts is
8 reviewable as a mixed question of law. *Wilkinson v. Garland*, 601 U.S. 209, 221
9 (2024).

10 **DIRECT RELEASE OR MINIMAL BOND**
11 **IS AN APPROPRIATE REMEDY**

12 45. Direct release, or a minimal bond, is an appropriate remedy in this
13 case, as Petitioner has already been detained for more ten months in pending
14 removal proceedings.

15 46. Here, Petitioner has been denied bond two times in immigration court.

16 47. He has already had the constitutionally required hearing set forth in
17 *Rodriguez v. Holder*, No. CV 07-2129 TJH (RNBx), 2013 WL 5229795 (C.D.Cal
18 Aug. 6, 2013).

19 48. Further, recent data from the Adelanto immigration court shows that
20 the immigration judges are categorically denying release on bond. (*See Exhibit 10*)

21 49. The data shows a significant shift in Adelanto bond decisions on
22 November 10, 2025, at which the denial rate of bonds changed from 39.3 percent
23 to 57.4 percent:
24
25
26
27
28

Exhibit B. Adelanto Immigration Court Bond Outcomes and Bond Amounts

These tables and figures summarize Adelanto Immigration Court bond outcomes and recorded bond amounts before and after November 10, 2025. Section I presents the core Adelanto outcome and bond-amount statistics, including corresponding grant-rate and bond-amount figures. Section II reports sensitivity checks using alternative analysis windows. Section III summarizes IJ-level patterns. Section IV provides descriptive context comparing Adelanto with other California detention-facility immigration courts.

Note: Unless stated otherwise, the analysis window is Jan. 1, 2024–Apr. 30, 2026; Nov. 10, 2025 is the cutoff, with records on or after that date treated as post-cutoff. Grant/denial rates exclude withdrawals and Other outcomes; bond-amount statistics use only positive recorded bond amounts. Percentages are rounded; pp changes use unrounded values.

I. Core Adelanto Bond Outcomes and Bond Amount Changes

Table 1. Adelanto Bond Outcomes Before and After Nov. 10, 2025

Metric	Before Nov. 10	After Nov. 10	Change
Total completed bond records	4,445	4,110	—
Grants as share of all completed records	23.1% (1,027/4,445)	19.9% (816/4,110)	-3.3 pp*
Denials as share of all completed records	39.3% (1,748/4,445)	57.4% (2,361/4,110)	+18.1 pp*
Withdrawals as share of all completed records	35.3% (1,570/4,445)	20.3% (833/4,110)	-15.1 pp*
Other outcomes as share of all completed records	2.2% (100/4,445)	2.4% (100/4,110)	+0.2 pp
Grant rate among grant/denial outcomes	37.0% (1,027/2,775)	25.7% (816/3,177)	-11.3 pp*

Key point: After November 10, denials increased from 39.3% to 57.4% of all completed bond records, while the grant rate fell from 37% to 25.7%. Withdrawals also declined substantially as a share of completed records.

Note: An asterisk indicates $p < 0.05$ from a two-proportion test. Shares use all completed Adelanto bond records; grant rates use only grant/denial outcomes and exclude withdrawals and Other outcomes.

50. It is futile to demand this case to the Adelanto Immigration court for a third time.

51. Petitioner continues to languish in custody even though, by law, he should be granted release. He has already been provided with a constitutionally required bond hearing, with the burden of proof on DHS, and remains unlawfully detained.

52. This COURT is aware of the practices of the Immigration judges denying bond hearings. Given the constitutional issues at stake, the Court should not require yet another bond hearing before the immigration judge. The Court should order immediate release. *See Singh v. Larose*, 2026 WL 1387428 (S.D. Cal. May 18, 2026); *Nola v. DHS*, No. 5:26-CV-02180-MBK, 2026 WL 1330294, at *10 (C.D. Cal. May 13, 2026); *Perez Velasquez v. Bondi*, No. 26-CV-01759-GPC-DDL, 2026 WL 1042479, at *7 (S.D. Cal. Apr. 16, 2026); *Espana v. Nessinger*, No. 26-CV-014-JJM-PAS, 2026 WL 821788, at *13 (D.R.I. Mar. 25, 2026); *Miri v. Bondi*, No. 5:26-CV-00698-MEMF MAR, 2026 WL 622302, at *12 (C.D. Cal.

1 Mar. 5, 2026); *Soriano v. Hernandez*, No. 2:26-CV-00900-DGE, 2026 WL
2 969764, at *6 (W.D. Wash. Apr. 10, 2026); *Perdomo v. Noem*, No. 2:25-CV-
3 05605-MEMF-SP, 2025 WL 3050056, at *7 (C.D. Cal. July 30, 2025);
4 *Hechavarria v. Whitaker*, 358 F. Supp. 3d 227, 243 (W.D.N.Y. 2019); *Enoh v.*
5 *Sessions*, No. 16-CV-85(LJV), 2017 WL 2080278, at *10 (W.D.N.Y. May 15,
6 2017).

7 53. As such, the Court should grant immediate release or, alternatively,
8 require a minimal \$1500 bond. 8 U.S.C. § 1226(a)(2).

9 **CAUSES OF ACTION**

10 **COUNT ONE**

11 ***Abuse of Discretion and Due Process Violation in Failing to Properly Apply***
12 ***Matter of Patel and Matter of Guerra***

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

15 55. The denial of release on bond is a final agency action where, as here,
16 prudential exhaustion not required.

17 56. Under the Administrative Procedure Act, a court must “hold unlawful
18 and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or
19 otherwise not in accordance with the law,” that is “contrary to constitutional right
20 [or] power,” or that is “in excess of statutory jurisdiction, authority, or limitations,
21 or short of statutory right.” 5 U.S.C. § 706(2)(A)-(C).

22 57. Immigration judges are required to follow precedent. 8 C.F.R. §
23 1003.1(g) (“decisions of the Board and decisions of the Attorney General are
24 binding on all officers and employees of DHS or immigration judges in the
25 administration of the immigration laws of the United States.”).

26 58. The application of precedent is required by due process. *Perez*
27 *Velasquez v. Bondi*, No. 26-CV-01759-GPC-DDL, 2026 WL 1042479, at *6 (S.D.
28 Cal. Apr. 16, 2026) (“The IJ’s misapplication of the legal standard also bears on

1 Petitioner's due process rights.”). “[D]ue process requires [an] IJ to consider the
2 relevant evidence[.]” *Vilchez v. Holder*, 682 F.3d 1195, 1198 (9th Cir. 2012)
3 (citing *Larita–Martinez v. I.N.S.*, 220 F.3d 1092, 1095 (9th Cir.2000)).

4 59. The Board of Immigration Appeals’ precedent decision in *Matter of*
5 *Guerra*, 24 I. & N. Dec. 37, 40 (BIA 2006) requires that the noncitizen
6 demonstrate that he is not “a threat to national security, a danger to the community
7 at large, likely to abscond, or otherwise a poor bail risk.” *Id.* If these factors are
8 met, the immigration judge is required to order release. *Rodriguez Diaz v. Garland*,
9 53 F.4th 1189, 1197 (9th Cir. 2022).

- 10 60. The *Matter of Guerra* factors include any or all of the following:
- 11 (1) whether the alien has a fixed address in the United States;
 - 12 (2) the alien's length of residence in the United States;
 - 13 (3) the alien's family ties in the United States, and whether they may
 - 14 entitle the alien to reside permanently in the United States in the
 - 15 future;
 - 16 (4) the alien's employment history;
 - 17 (5) the alien's record of appearance in court;
 - 18 (6) the alien's criminal record, including the extensiveness of criminal
 - 19 activity, the recency of such activity, and the seriousness of the
 - 20 offenses;
 - 21 (7) the alien's history of immigration violations;
 - 22 (8) any attempts by the alien to flee prosecution or otherwise escape
 - 23 from authorities; and
 - 24 (9) the alien's manner of entry to the United States.

25 *Matter of Guerra*, 24 I. & N. Dec. 37, 40 (BIA 2006).

26 61. In this case, the immigration judge failed to apply the full set of
27 *Matter of Guerra*.

28 ///

1 62. Further, BIA precedent in *In Matter of Patel*, 15 I. & N. Dec. 666,
2 666–67 (BIA 1976), requires a finding that Petitioner is not a flight risk. 83. Matter
3 of Patel found that an initial violation of immigration law bears “little if any
4 relevance to the issue of whether or not the [noncitizen] is likely to appear for his
5 deportation proceeding.” *Id.* According to the BIA, “[s]uch a broad interpretation
6 of what constitutes an ‘adverse factor’ in this context could result in requiring a
7 bond of almost every alien who is held in deportation proceedings.” *Id.*

8 63. The BIA held that an individual with long residence and ties to the
9 United States who is eligible for relief from removal should not be held in
10 detention at all, and ordered release on his own recognizance. *Id. See Chavarria*
11 *Mejia v. Crawford*, No. 1:26-CV-253 (LMB/LRV), 2026 WL 819603, at *5 (E.D.
12 Va. Mar. 25, 2026).

13 64. Here, Petitioner has fixed address with his family, and has resided in
14 the United States since 1995. Petitioner does not have an immigration violation
15 other than Entry Without Inspection. He has paid taxes since 1998. He has a U visa
16 application pending before USCIS. Although Petitioner was arrest twice in the past
17 more than 20 years ago, there is no evidence that Petitioner has attempted to escape
18 the authorities.

19 65. Petitioner’s criminal record states the opposite. It shows that
20 Petitioner has attended all of his criminal proceedings in the past and has paid all
21 of his fines associated with his misdemeanor convictions.

22 66. In this case, the finding that Petitioner was a flight risk that no amount
23 of bond or alternative to detention would be sufficient to mitigate is an abuse of
24 discretion in light of the *Matter of Guerra* and *Matter of Patel* factors.

25 67. Thus, Petitioner’s continued detention is a violation of due process.

26 ///

27 ///

28 ///

COUNT TWO

Violation of Administrative Procedure Act: Abuse of Discretion in Failing to Set Reasonable Bond Amount

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

69. The denial of release on bond is a final agency action where, as here, prudential exhaustion not required.

70. Under the Administrative Procedure Act, a court must “hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law,” that is “contrary to constitutional right [or] power,” or that is “in excess of statutory jurisdiction, authority, or limitations, or short of statutory right.” 5 U.S.C. § 706(2)(A)-(C).

71. The immigration judge was required to set a reasonable bond amount to address any concerns that Petitioner is a flight risk, unless no bond amount would secure attendance in removal proceedings. *See e.g. Matter of R-A-V-P-*, 27 I. & N. Dec. 803, 807 (BIA 2020) (finding no amount of bond would secure attendance where the noncitizen had limited avenue for relief and minimal ties to the United States).

72. Here, the Immigration Judge's categorical denial of bond without setting any bond amount or meaningfully considering whether a monetary condition could address the flight risk finding was arbitrary, capricious, and contrary to governing law for three independent reasons. The May 27, 2026 bond order contains no such analysis. The IJ's silence on this point is not a permissible exercise of discretion. It is the absence of the required legal analysis, which renders the denial arbitrary on its face.

73. The record does not show that Petitioner has failed to attend any hearings in the past. On the contrary, Petitioner has taken care of his criminal

1 record in the past. Furthermore, Petitioner has an immigration relief pending before
2 USCIS (U visa).

3 74. Petitioner's criminal history consists of two arrests spanning over
4 twenty years ago a 1998 domestic dispute arrest for which he was convicted, but
5 such records have been destroyed due to age, and a 2004 misdemeanor DUI for
6 which Petitioner paid all fines, completed all required classes, and fully satisfied
7 the terms of his case. Petitioner has not been arrested or convicted of any offense
8 in over twenty years.

9 **COUNT THREE**

10 ***Violation of Fifth Amendment***

11 ***Prolonged Detention - Substantive Due Process***

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

14 76. Petitioner has been detained for approximately seven months under §
15 1226(a) with no release. Under *Diouf v. Napolitano*, 634 F.3d 1081 (9th Cir. 2011),
16 and *Rodriguez v. Robbins*, 715 F.3d 1127 (9th Cir. 2013), prolonged civil
17 immigration detention raises serious due process concerns that require the
18 government to justify continued detention by clear and convincing evidence. Seven
19 months is well within the range courts in the C.D. Cal. have found sufficient to
20 trigger heightened scrutiny.

21 77. Petitioner possesses a fundamental liberty interest in freedom from
22 physical restraint. *Zadvydas*, 533 at 690.

23 78. Civil immigration detention is only permissible where it bears a
24 "reasonable relation to the purpose for which the individual was committed."
25 *Jackson v. Indiana*, 406 U.S. 715, 738 (1972); *Zadvydas*, 533 U.S. at 690. Those
26 purposes are limited: preventing flight and protecting the community. *Demore v.*
27 *Kim*, 538 U.S. 510, 528 (2003).

28 ///

1 79. In this case, neither community protection nor flight risk applies to the
2 Petitioner, and therefore, the detention no longer bears a reasonable relation to the
3 purpose for which it was committed.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Petitioner respectfully requests that this court:

- 6 a. Assume jurisdiction over this matter;
7 b. Declare that the Immigration Judge's bond decision unlawful;
8 c. Issue a writ of habeas corpus directing Respondents to immediately release
9 Petitioner from Custody
10 d. Alternative, order a bond of \$1,500
11 e. Enjoin Respondents from re-detaining Petitioner unless his re-detention is
12 ordered at a custody hearing before a neutral arbiter in which he is
13 determined to be a flight risk or danger to the community in compliance
14 with governing law and due process;
15 f. Award reasonable attorneys' fees and costs pursuant to the Equal Access to
16 Justice Act, 28 U.S.C. § 2412(d), 5 U.S.C. § 504, or any other applicable
17 law; and
18 g. Order further relief as this Court deems just and appropriate.

19 Respectfully Submitted,

20 Dated: 06/01/2026

21 /s/ Ron Quijada

22 Ron Quijada (SBN: 363736)
23 LAW OFFICES OF RON QUIJADA
24 750 E. Green Street, Suite 302
25 Pasadena, California 91101
26 Telephone: (626) 437-0724
27 Facsimile: (626) 604-8329
28 E-mail: ron@quijadalegal.com

VERIFICATION PURSUANT TO 28 U.S.C. 2242

I am submitting this verification on behalf of the Petitioner because I am one of Petitioner's attorneys. I have discussed with the Petitioner the events described in the Petition. Based on those discussions, I hereby verify that the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Respectfully Submitted,

Dated: 06/01/2026

/s/ Ron Quijada

Ron Quijada (SBN: 363736)
LAW OFFICES OF RON QUIJADA
750 E. Green Street, Suite 302
Pasadena, California 91101
Telephone: (626) 437-0724
Facsimile: (626) 604-8329
E-mail: ron@quijadalegal.com

LIST OF EXHIBITS

Exhibit 1 – Driver's License

Exhibit 2 – U Visa Receipt Notices

Exhibit 3 – Police Report for the U Visa

Exhibit 4 – Petitioner's Criminal Record

Exhibit 5 – Notice to Appear

Exhibit 6 – Bond Order dated December 22, 2025

Exhibit 7 – Bond Order dated May 27, 2026

Exhibit 8 – Children's Birth Certificates

Exhibit 9 – Tax Returns

**Exhibit 10 – Report and Declaration of Zabdi J. Salazar Re: Bond Outcome
and Recorded Bond Amounts dated May 18, 2026**