

Lilia Rodriguez, Esq. (SBN 313007)
The Law Office of Erika Rodriguez
1450 Frazee Rd, Ste 303
San Diego CA 92108
lilia@erlawsd.com

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

**Alberto Alonso Vallejo
Petitioner,**

v.

**CHRISTOPHER J. LAROSE,
WARDEN OF OTAY MESA
DETENTION CENTER; GREGORY J.
ARCHAMBEAULT, IMMIGRATION
AND CUSTOMS ENFORCEMENT
(ICE) SAN DIEGO FIELD OFFICE
DIRECTOR; TODD M. LYONS,
ACTING DIRECTOR OF
IMMIGRATION AND CUSTOMS
ENFORCEMENT (ICE/ERO);
MARKWAYNE MULLIN, Secretary of
the Department of Homeland Security;
TODD BLANCHE, U.S. Attorney
General, in their official capacities.**

)
)
) **Case No. '26CV3536 JAO VET**

) **PETITION FOR WRIT OF HABEAS
CORPUS**

INTRODUCTION

1. Petitioner, Alberto Alonso Vallejo, is a citizen of Mexico who Respondents have detained at Otay Mesa Detention Center (AKA Otay Mesa) since May 27, 2026, for sixteen (16) days. His continued detention is unlawful due to Respondent's failure to properly interpret and apply the Immigration and Nationality Act (INA) and subsequent failure to adhere to an

article III Judge's order on *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner brings this action to seek release or a bond hearing in accordance with the law.

2. On November 20, 2025, the district court granted partial summary judgment on behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (Nov. 25, 2025 C.D. Cal.) (Order Granting Plaintiff-Petitioners' Motion for Class Certification, incorporating declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment).
3. The declaratory judgment held that the Bond Denial Class members are detained under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under § 1225(b)(2)(A).
4. The Ninth Circuit temporarily stayed a district court's 12/18/25 declaratory judgment and 2/18/26 order which ruled that nationwide class members are entitled to a bond hearing and vacated Matter of Yajure Hurtado, pending a ruling on the government's emergency motion for a stay pending appeal.
5. Petitioner is a member of the Bond Denial Class, as he:
 - a. does not have lawful status in the United States and is currently detained at the Otay Mesa Detention facility after being apprehended by U.S. Immigration and Customs Enforcement (ICE) on or about May 27, 2026;
 - b. entered the United States without inspection in 2006 and was not detained immediately after arrival, *cf. id.*; and
 - c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

6. Petitioner's detention on May 27, 2026, is also in violation of Due Process Clause of the Fifth Amendment to the U.S. Constitution Procedural Due Process and Substantive Due Process.
7. The Court should expeditiously grant this petition.
8. Respondents are bound by the judgment in *Rodriguez Vazquez*, as it has the full "force and effect of a final judgment." 28 U.S.C. § 2201(a). Nevertheless, Respondents continue to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful detention despite his clear entitlement to consideration for release on bond as a Bond Denial Class member.
9. The Court should accordingly order that within one day, Respondent DHS must release Petitioner.
10. Alternatively, the Court should order Petitioner's release unless Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

JURISDICTION

11. Petitioner is in the physical custody of Respondents and Immigration and Customs Enforcement (ICE), an agency with the Department of Homeland Security (DHS). He is detained at the Otay Mesa Detention Center in San Diego, California and is under the direct control of Respondents and their agents.
12. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.
13. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, clause 2 of the United States Constitution (the Suspension Clause).

14. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

15. Nothing in the INA deprives this Court of jurisdiction, including 8 U.S.C. §§ 1252(b)(9),(f)(1), or 1226(e). Congress has preserved judicial review of challenges to prolonged immigration detention. See *Jennings v Rodriguez*, 138 S. Ct. 830, 839-41 (2018) (holding that 8 U.S.C. §§ 1252(b)(9) and 1226(e) do not bar review of challenges to prolonged immigration detention).

VENUE

16. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Southern District of California, the judicial district in which the Petitioner is currently in custody.

17. Venue is also properly vested in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies in the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the District of Arizona.

PARTIES

18. Petitioner is a citizen of Mexico who most recently arrived in the United States on or about in 2006. He has been in custody of the Department of Homeland Security (DHS) since May 27, 2026. Since that time, his case is currently pending before the Otay Mesa Immigration Court.

19. Christopher J. Larose the Warden of Otay Mesa Detention Center is Petitioner's Immediate Custodian.

20. Gregory J. Archambeault, the Acting Director of the San Diego District Office of Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement,

Department of Homeland Security. As such, Mr. Archambeault is Petitioner's immediate custodian. He is named in his official capacity.

21. Respondent Todd Lyons is the acting director of U.S. Immigration and Customs Enforcement, and he has authority over the actions of respondent Gregory J Archambeault and ICE in general. Respondent Lyons is a legal custodian of Petitioner.
22. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security (OHS) and has authority over the actions of all other DHS Respondents in this case, as well as all operations of DHS. Respondent Mullin is a legal custodian of Petitioner and is charged with faithfully administering the immigration laws of the United States.
23. Respondent Todd Blanche is the Attorney General of the United States, and as such has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.
24. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention of noncitizens.
25. Respondent U.S. Immigration Customs Enforcement is the federal agency responsible for custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens.

STATEMENT OF FACTS

26. Petitioner Alberto Alonso Vallejo was processed by Immigration Enforcement Authorities on May 27, 2026, while in the United States and placed in removal proceedings.
27. The petitioner entered the United States without inspection in or about 2006.
28. Petitioner since then has worked and lived in the United States without incident.
29. The petitioner does not have any arrests or convictions.

30. Petitioner is married to a U.S Citizen Maria Alonso, and together they have two U.S. Citizen children, [REDACTED] age seven and [REDACTED] age four years old.
31. On July 20, 2022, Mrs. Alonso filed an I-130 Petition for Alien Relative for her husband which was subsequently approved. On March 14, 2025, Petitioner filed an I-601A Provisional Unlawful Presence Waiver with USCIS that is currently still pending. Petitioner and his wife were awaiting this approval in order to proceed to a lawful permanent residence appointment at a consulate abroad.
32. On the morning of May 27, 2026, Petitioner went to work at about 6:30 a.m. He was followed by DHS Officers and pulled over. Officers identified him, noted they were looking for someone else who lived at the home and then processed Petitioner to detention.
33. Petitioner is currently detained and awaiting his removal proceedings.

CLAIMS FOR RELIEF

Violation fo the INA:

First Claim Request for Relief Pursuant to *Maldonado Bautista*

34. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
35. As members of the Bond Denial Class, Petitioners are entitled to consideration for release on bond under 8 U.S.C. § 1226(a).
36. The order granting class certification in Maldonado Bautista further orders that “[w]hen considering this determination with the MJS Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”

37. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioners' statutory rights under the INA and the Court's judgment in *Maldonado Bautista*.

**Second Claim Violation of the Due Process Clause of the Fifth Amendment to the U.S.
Constitution
Procedural Due Process**

38. The Due Process Clause of the Fifth Amendment forbids the government from depriving any "person" of liberty "without due process of law." U.S. Const. amend. V.

39. Petitioner has a vested liberty interest in his release from immigration custody. Due Process does not permit the government to strip him of that liberty without a hearing before a neutral adjudicator. See *Morrissey*, 408 U.S. at 487-488.

**Second Claim Violation of the Due Process Clause of the Fifth Amendment to the U.S.
Constitution
Substantive Due Process**

40. The Due Process Clause of the Fifth Amendment forbids the government from depriving any individuals of their right to be free from unjustified deprivations of liberty. U.S. Const. amend. V.

41. Due Process does not permit the government to strip Petitioner of liberty without it being tethered to one of the two constitutional bases for civil immigration detention: to mitigate against the risk of flight or to protect the community from danger.

42. Civil detention that is unrelated to a valid regulatory purpose or excessive in relation to that purpose is punitive, in violation of substantive due process. See *Jones*, 393 F.3d at 934.

43. Additionally, during the twenty years Petitioner was at liberty, Petitioner contributed to his community through he work in construction, he married and raised a family, when he

became eligible for immigration benefits he proactively sought those benefits. He has no criminal history and thus poses no danger.

44. The government's arrest of Petitioner is untethered from any valid basis for civil immigration detention, is excessive in relation to any risk that does exist, and is therefore punitive in violation of substantive due process. Petitioner's continued detention is unlawful and violates due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioners pray that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus requiring that within one day, Respondents **release Petitioner** and return him to the position he was in prior to his detention;
- c. Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;
- d. Award Petitioners 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
- e. Grant any other and further relief that this Court deems just and proper.

/s/Lilia Rodriguez
Attorney Name

Counsel for Petitioner

Dated:6.12.26

<u>1</u>	<u>Civil Documents</u> <u>Petitioner's Marriage Certificate</u> <u>Petitioner's wife adn children's Birth Certificates</u>	12-15
<u>2</u>	<u>USCIS I-130 Petition for Alien Relative Filing Receipt</u> <u>USCIS I-601a Provisional Unlawful Presence Filing Receipt</u>	17-18