

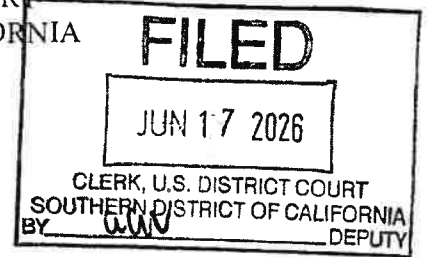
IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

HENRY ISMAEL LOPEZ PASCUAL,


Petitioner,

v.

Case No. '26CV3593 JO JAC



WARDEN, Imperial Regional Detention
Facility; FIELD OFFICE DIRECTOR, ICE
ERO San Diego; DAVID VENTURELLA,
Acting Director, ICE; MARKWAYNE
MULLIN, Secretary of Homeland Security;
TODD BLANCHE, Acting Attorney General,

Respondents.

**PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241**

Petitioner Henry Ismael Lopez Pascual, appearing pro se, respectfully petitions this Court for a writ of habeas corpus under 28 U.S.C. § 2241. Petitioner is detained by U.S. Immigration and Customs Enforcement ("ICE") at the Imperial Regional Detention Facility in Calexico, California, within this judicial district. Petitioner challenges his continued detention without an individualized bond hearing as a violation of the Due Process Clause of the Fifth Amendment and the governing immigration statutes. In support, Petitioner states as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction under 28 U.S.C. § 2241, Article I, Section 9, Clause 2 of the United States Constitution (the Suspension Clause), and 28 U.S.C. § 1331. Petitioner is held within the Southern District of California, and his immediate custodian is located within this district. Venue is therefore proper here.

2. Petitioner is in the physical custody of Respondents at the Imperial Regional Detention Facility, 1572 Gateway Road, Calexico, California 92231.

II. PARTIES

3. Petitioner Henry Ismael Lopez Pascual is a native and citizen of Guatemala, . He is currently detained by ICE at the Imperial Regional Detention Facility.

4. Respondent Warden of the Imperial Regional Detention Facility is Petitioner's immediate custodian.

5. Respondent Field Office Director, ICE Enforcement and Removal Operations, San Diego Field Office, exercises authority over Petitioner's detention.

6. Respondent David Venturella is the Acting Director of ICE. Respondent Markwayne Mullin is the Secretary of Homeland Security. Respondent Todd Blanche is the Acting Attorney General of the United States. Each is sued in his official capacity pursuant to Fed. R. Civ. P. 25(d).

III. FACTUAL BACKGROUND

7. Petitioner entered the United States in or about 2022 without inspection. He has resided continuously in the United States for approximately three years.

8. On June 8, 2026, Petitioner was detained by immigration authorities in Indio, California, while driving, and was taken into ICE custody.

9. Petitioner has substantial ties to the United States, including family members residing here. He has worked in construction during his time in the United States. He has no prior removal order and no criminal convictions.

10. Petitioner has a pending immigration court proceeding. His next master calendar hearing is scheduled for June 17, 2026, before the immigration court.

11. Petitioner has been detained since June 8, 2026, and has not received an individualized bond hearing before a neutral decisionmaker at which the Government bears the burden of justifying his continued detention.

IV. LEGAL FRAMEWORK AND GROUNDS FOR RELIEF

12. Petitioner entered without inspection and has been residing in the interior of the United States. As such, his detention is governed by 8 U.S.C. § 1226(a), which authorizes discretionary detention and expressly permits release on bond, and not by 8 U.S.C. § 1225(b), which applies to arriving aliens. The Government may not treat an individual apprehended in the interior after a period of residence as an arriving applicant for admission for purposes of mandatory, no-bond detention.

13. Because Petitioner is detained under § 1226(a), he is entitled to an individualized bond hearing. The continued denial of any such hearing, or the denial of bond without an individualized determination at which the Government bears the burden, violates the Due Process Clause of the Fifth Amendment.

14. Procedural due process requires that a detained person receive a hearing before a neutral decisionmaker, with the Government bearing the burden of demonstrating that continued detention is justified by flight risk or danger to the community. Petitioner has not received such a hearing.

15. Petitioner's strong family and community ties, his lengthy residence, his consistent work history, and his lack of any criminal record demonstrate that he is neither a flight risk nor a danger, and that his continued detention without a bond hearing serves no legitimate purpose.

V. CLAIMS FOR RELIEF

COUNT ONE — Violation of the Fifth Amendment Due Process Clause

16. Petitioner incorporates the preceding paragraphs. His continued detention without an individualized bond hearing before a neutral decisionmaker, at which the Government bears the

burden of justifying detention, deprives him of liberty without due process of law in violation of the Fifth Amendment.

COUNT TWO — Statutory Violation of 8 U.S.C. § 1226(a)

17. Petitioner incorporates the preceding paragraphs. As a person apprehended in the interior of the United States, Petitioner is detained under 8 U.S.C. § 1226(a) and is entitled to release on bond. The denial of a bond hearing and the treatment of Petitioner as subject to mandatory detention violates the governing statute.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus directing Respondents to provide Petitioner an individualized bond hearing before an immigration judge within seven (7) days, at which the Government bears the burden of justifying continued detention by clear and convincing evidence;
- c. In the alternative, order Petitioner's immediate release from custody;
- d. Grant such other relief as the Court deems just and proper.

Dated: June 13, 2026

Respectfully submitted,

X 

Henry Ismael Lopez Pascual
Petitioner, Pro Se



Imperial Regional Detention Facility
1572 Gateway Road
Calexico, CA 92231

VERIFICATION

I, Henry Ismael Lopez Pascual, declare under penalty of perjury under the laws of the United States that the foregoing Petition is true and correct to the best of my knowledge and belief. Executed on June 13, 2026.

X

Henry Ismael Lopez Pascual

CERTIFICATE OF SERVICE

I certify that on June 13, 2026, I served a true and correct copy of the foregoing Petition for Writ of Habeas Corpus by placing it in the U.S. Mail, first-class postage prepaid, addressed to the following:

Civil Process Clerk
United States Attorney's Office
Southern District of California
880 Front Street, Room 6293
San Diego, CA 92101

Warden
Imperial Regional Detention Facility
1572 Gateway Road
Calexico, CA 92231

Field Office Director
ICE Enforcement and Removal Operations
San Diego Field Office
880 Front Street, Suite 2242
San Diego, CA 92101

David Venturella, Acting Director
U.S. Immigration and Customs Enforcement
500 12th Street, SW
Washington, DC 20536

Markwayne Mullin, Secretary
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave., SE
Washington, DC 20528

Todd Blanche, Acting Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

X


Henry Ismael Lopez Pascual
Petitioner, Pro Se