Jose Garrido Nieto
NAME
[redacted]
PRISON NUMBER

Otay Mesa Detention Center
PLACE OF CONFINEMENT

7488 Calzada de la Fuente, San Diego CA 92154
ADDRESS

FILED
JUN 29 2026
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY GAU DEPUTY

United States District Court
Southern District Of California

Jose Garrido Nieto,
(FULL NAME OF PETITIONER)
Petitioner

v.

Christopher J. LaRose - Warden
Jesus Rocha - FOD/ERO,
(NAME OF WARDEN, SUPERINTENDENT, JAILOR, OR AUTHORIZED PERSON HAVING CUSTODY OF PETITIONER, E.G. PAROLE OFFICER)
Respondent

and
The Attorney General of the State of California, Additional Respondent.

Civil No. '26CV3771 JO AHG
(TO BE FILLED IN BY CLERK OF U.S. DISTRICT COURT)

PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2241

1. Are you currently:
   - ❑ A pretrial detainee (waiting for trial on criminal charges)
   - ❑ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
     If you are currently serving a sentence, provide:
     (a) Name and location of court that sentenced you: _____
     _____
     (b) Docket or case number (if you know): _____
     (c) Date of sentencing: _____
   - ☒ Being held on immigration charge
   - ❑ Other (explain): _____
     _____

2. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain:
and removal operations - San Diego Field Office

3. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities
☐ Pretrial detention
☒ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed
☐ Disciplinary proceedings
☐ Other (specify): _____

4. Provide more information about the decision or action you are challenging:
(a) Name and location of the court or agency: U.S Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) San Diego Area Office. San Diego CA.

(b) Case number, docket number or opinion number (if you know): _____
(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): continued civil immigration detention without a bond hearing. Petitioner has been detained since June 02 2026 at the Otay Mesa Detention center has not received any individualized custody determination and is not subject to mandatory detention under 8 U.S.C § 1226(c). The continued detention without a bond hearing violates due process.
(d) Date of the decision or action: 06/02/2026

5. Did you **appeal** the decision, file a grievance or seek an administrative remedy?
☐ Yes ☒ No

(a) If your answer to 5 was "Yes," give the following information:

(1) Name of court, agency or authority: _____
(2) Date of filing: _____
(3) Case number, docket number or opinion number: _____
(4) Result: _____
(5) Date of result: _____
(6) Issues raised: _____

(b) If your answer to 5 was "No,"explain why you did not appeal: No prior appeal filed, detention is ongoing and this is the first time petition challenging it.

6. After the first appeal, did you file a **second appeal** to a higher authority, court or agency?

☐ Yes ☒ No

(a) If your answer to 6 was "Yes," give the following information:

(1) Name of court, agency or authority: _____

(2) Date of filing: _____
(3) Case number, docket number or opinion number: _____
(4) Result: _____
(5) Date of result: _____
(6) Issues raised: _____

(b) If your answer to 5 was "No,"explain why you did not appeal: No prior appeal filed detention is ongoing and this is the first time petition challenging it.

7. After the second appeal, did you file a **third appeal** to a higher authority, agency or court?

☐ Yes ☒ No

(a) If your answer to 7 was "Yes," give the following information:

(1) Name of court, agency or authority: _____

(2) Date of filing: _____
(3) Case number, docket number or opinion number: _____
(4) Result: _____
(5) Date of result: _____
(6) Issues raised: _____

(b) If your answer to 7 was "No," explain why you did not appeal: No prior appeal filed.

8. **State *concisely* every ground on which you claim that you are being held in violation of the constitution, law or treaties of the United States. Summarize *briefly* the facts supporting each ground.** If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available court remedies as to each ground on which you request action by the federal court. Moreover, if you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

You should *raise in this petition all available grounds* on which you base your allegations that you are being held in custody unlawfully.

GROUND ONE: Unlawful Detention

(a) **Supporting FACTS** (state *briefly* without citing cases or law) Petitioner was arrested by ICE on June 2, 2026 at approximately 7:00AM while sitting in his vehicle in Eastvale California. Petitioner was not charged with any crime at the time of arrest and has no trimnal history. Petitioner has lived in the united states since 2008 and has established long-term residence and family ties. Petitioner is the primary financial provider for his family. Petitioner was placed in ICE custody at Otay Mesa Detention Center and has remained continuously detained since his arrest. Petitioner has not received any bond hearing or individualized custody determination during detention.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes ☐ No NO Prior appeals

GROUND TWO: Denial of Bond Hearing/Due Process violation

(a) **Supporting FACTS** (state *briefly* without citing cases or law):

No bond hearing or individualized custody determination

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes ☐ No No prior appeals

GROUND THREE: Unreasonable and prolonged civil detention

(a) **Supporting FACTS** (state *briefly* without citing cases or law):

Petitioner remains detained despite strong community ties and lack of any criminal record Petitioner has not been informed of any criminal basis for mandatory detention.

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes ☐ No No prior appeals.

GROUND FOUR: Arbitrary Detention without Procedural Safeguards

(a) **Supporting FACTS** (state *briefly* without citing cases or law):

Petitioner has a schecluled Master calendar hearing on July 9, 2026 in Immigration court

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes ☐ No No Prior appeals

9. If any of the grounds listed in 4A, B, C, and D were not previously presented in any other court, state or federal, state briefly what grounds were not presented, and give your reasons for not presenting them: No Prior appeals.

10. Do you have any petition or appeal now pending in any court, either state or federal, as to the execution of sentence under attack?

☐ Yes ☐ No

11. Give the name and address, if known, of each attorney who represented you in the following stages of the execution of sentence attacked herein:

(a) In any post-conviction proceeding _____

(b) On appeal from any adverse ruling in a post-conviction proceeding _____

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding. Petitioner respectfully request immediate release from custody or in the alternative an order requiring an immediate bond hearing

_____
SIGNATURE OF ATTORNEY (IF ANY)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

6/24/26
(DATE)

[redacted]
SIGNATURE OF PETITIONER