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**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA
Fresno Division**

Yovani Madai Barrios Morales,

Petitioner,

v.

Markwayne Mullin, *Secretary of Homeland Security;*
David Venturella, *Acting Director, U.S. Immigration*
and Customs Enforcement;
Orestes Cruz, *Field Office Director, San Francisco*
Field Office, Immigration and Customs Enforcement;
Todd Blanche, *Attorney General;*
Warden, *Central Valley Annex Detention Facility,*

Respondents.

Case No.:

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner Yovani Madai Barrios Morales  is a native and citizen of Guatemala. He has resided continuously in the United States for over twelve years, maintaining an exemplary life, deeply rooted family ties, and no criminal history. On June 9, 2026, Petitioner was arrested by Immigration and Customs Enforcement ("ICE") without an administrative warrant at an interior immigration checkpoint while driving to work. Such facts and circumstances place him squarely within ICE's general detention authority under 8 U.S.C. § 1226(a). Under this statute, Petitioner is legally entitled to seek a custody redetermination hearing and discretionary release on bond before an Immigration Judge ("IJ").

2. However, due to a new policy announced by ICE in July 2025, and a September 2025 Board of Immigration Appeals (BIA) decision that overturns decades of settled law, Respondents contend that Petitioner is detained under 8 U.S.C. § 1225(b)(2). While § 1225(b) requires mandatory detention and does not allow release on bond, it only applies to noncitizens apprehended at the border “seeking admission.” Petitioner therefore brings this action to enjoin Respondents from subjecting him to mandatory detention under 8 U.S.C. § 1225(b)(2) and seeking an order to release Petitioner from custody, or in the alternative that Respondents provide him a discretionary bond hearing pursuant to § 1226(a) before an IJ within 7 days.

JURISDICTION AND VENUE

3. This Court has jurisdiction to hear this case under 28 U.S.C. § 2241 and 28 U.S.C. § 1331, Federal Question Jurisdiction. In addition, the individual Respondents are United States officials or their agents. 28 U.S.C. § 1346(a)(2).

4. This Court also has federal question jurisdiction, through the APA, to “hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). APA review of a final agency action may proceed, absent a special statutory review proceeding, by “any applicable form of legal action, including actions for declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus, in a court of competent jurisdiction.” 5 U.S.C. § 703.

5. Venue lies in this District because Petitioner is currently detained within the territorial jurisdiction of this division of this District; and each Respondent is an agency or officer of the United States sued in his or her official capacity. 28 U.S.C. § 2241; 28 U.S.C. § 1391(e)(1).

THE PARTIES

6. Petitioner Yovani Madai Barrios Morales  is a citizen and native of Guatemala and is currently held in civil immigration custody by Respondents at the Central Valley Annex in McFarland, California, within the territorial jurisdiction of this Court.

7. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security (“DHS”). She is the cabinet-level secretary responsible for all immigration enforcement in the United States.

1 8. Respondent David Venturella is the Acting Director of U.S. Immigration and
2 Customs Enforcement (“ICE”). He is the head of the federal agency responsible for all
3 immigration enforcement in the United States.

4 9. Respondent Orestes Cruz is the Director of the San Francisco Immigration and
5 Customs Enforcement (“ICE”) Field Office in San Francisco, California. In that capacity, he
6 exercises authority over ICE detention operations within the Field Office’s jurisdiction, including
7 the detention of Petitioner. Respondent Cruz is responsible for Petitioner’s custody and detention
8 and is therefore her immediate legal custodian.

9 10. Respondent Todd Blanche is the Attorney General of the United States. The
10 Immigration Judges who decide removal cases and application for relief from removal do so as
11 her designees.

12 11. Respondent Warden of the California City Detention Facility in California City,
13 California is the immediate custodian who is currently holding Petitioner in physical custody. He
14 is sued in his official capacity.

15 12. All government Respondents are sued in their official capacities.

16 **LEGAL BACKGROUND**

17 **A. Immigration Detention Legal Framework**

18 13. When a noncitizen is alleged to have violated immigration laws, they are generally
19 placed into traditional removal proceedings, during which an immigration judge will determine
20 whether they are removable and then whether they have a legal basis to remain in the United
21 States. *See* 8 U.S.C. § 1229a.

22 14. Detention is authorized for “certain aliens already in the country pending the
23 outcome of removal proceedings under § 1226(a) and 1126(c).” *See Jennings v. Rodriguez*, 583
24 U.S. 281, 289 (2018). The statute provides that an individual may be subject to either
25 discretionary detention under 8 U.S.C. § 1226(a) generally, or mandatory detention under 8
26 U.S.C. § 1226(c) if they have been arrested or convicted of certain crimes. Discretionary detention
27 under § 1226(a) has been described as the “default” provision for immigration detention for those
28 subject to traditional removal proceedings. *Id.* at 288. Under § 1226(a), “[e]xcept as provided in

1 subsection (c) of this section,’ the Attorney General ‘may release’ an alien detained under §
2 1226(a) ‘on ...bond’ or ‘conditional parole.’” *Id.*

3 15. Alternatively, mandatory detention is authorized for “certain [noncitizens] seeking
4 admission into the country under §§ 1225(b)(1) and 1225(b)(2),” [emphasis added]. *Jennings*,
5 583 U.S. at 289. Individuals inspected under § 1225(b) and determined to be “applicants for
6 admission” may be subject to mandatory detention under two separate subsections. Applicants
7 for admission include someone:

8 “present in the United States who has not been admitted or who arrives in the United
9 States (whether or not at a designated port of arrival and including an alien who is
10 brought to the United States after having been interdicted in international or United
States waters) shall be deemed for the purposes of this chapter to be an applicant
for admission.”

11 § 1225(a)(1).

12 16. The first subset of noncitizens, under 8 U.S.C. § 1225(b)(1), may be subject to
13 expedited removal and mandatory detention if they are determined to be an “arriving alien,” and
14 if they have not been physically present in the United States continuously for a two-year period
15 immediately prior to their apprehension. The regulations define an “arriving alien” as:

16 “an applicant for admission coming or attempting to come into the United States at
17 a port-of-entry, or an alien seeking transit through the United States at a port-of-
18 entry, or an alien interdicted in international or United States waters and brought
into the United States by any means, whether or not to a designated port-of-entry,
and regardless of the means of transport.”

19 8 C.F.R. §

20 17. Otherwise, 8 U.S.C. § 1225(b)(2)(A) provides for the detention of an “applicant
21 for admission” specifically when “the examining immigration officer determines that an alien
22 seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be
23 detained for a proceeding under section 1229a of this title,” *i.e.* for traditional removal
24 proceedings [emphasis added].

25 18. An “arriving alien” or an applicant for admission “seeking admission” may only
26 be released from detention on parole (which is a form of release on recognizance), under 8 U.S.C.
27 § 1182(d)(5). *Jennings*, 583 U.S. at 288. There is no bond available to an arriving alien or
28 applicant for admission seeking admission. *Id.* There is no such thing as a “parole bond” – a

1 release must be either parole under § 1182(d)(5) or a bond (conditional parole) under § 1226(a).
2 *Id.*

3 19. For a noncitizen subject to discretionary detention under 8 U.S.C. § 1226(a), ICE
4 makes an initial custody determination to either set a bond or hold the individual at no bond. The
5 noncitizen may then seek a review of ICE's initial custody determination before the IJ (a "custody
6 review hearing"), who has the authority to modify ICE's custody determination and set bond in a
7 case in which ICE has designated no bond, lower bond when ICE has set a cash bond amount, or
8 deny bond completely. 8 C.F.R. § 1003.19.

9 20. Custody review hearings are separate from hearings in the underlying removal
10 proceedings. 8 C.F.R. § 1003.19(d). If a noncitizen is granted bond by the IJ, he or she must still
11 appear in immigration court for the IJ to determine her removability and hear any claim for relief
12 from removal. At a custody review hearing, once jurisdiction over bond is established, the IJ's
13 inquiry is limited to whether the detainee is a danger to the community or a flight risk, and bond
14 may only be granted when an IJ has determined that the detainee meets her burden of proof to
15 show that she is neither. *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006).

16 21. For decades, it has been Respondents' practice to afford § 1226(a) discretionary
17 bond hearings and custody review hearings to those individuals who have been encountered
18 neither at a point of entry nor while seeking admission to the United States. *See Rosado v.*
19 *Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099, at *10 (D. Ariz. Aug. 11,
20 2025), *report and recommendation adopted sub nom. Rocha Rosado v. Figueroa*, No. CV-25-
21 02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025) ("Respondents' proposed
22 application of § 1226 is also belied by the Department of Homeland Security's 'longstanding
23 practice' of treating noncitizens taken into custody while living in the United States, including
24 those detained and found inadmissible upon inspection and then released into the United States
25 with the government's acquiescence, who have committed no crime after release, as detained
26 under § 1226(a)." citing *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 386 (2024)).

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28 **B. New ICE memo reinterpreting 8 U.S.C. § 1225(b)(2)**

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22. On July 8, 2025, Respondent ICE issued new interim guidance that announced a breathtakingly broad interpretation of 8 U.S.C. § 1225(b)(2). *See* ICE memorandum “Interim Guidance Regarding Detention Authority for Applications for Admission.”¹ This memo concerns the detention of “applicants for admission” as defined by § 1225(a)(1). “Effective immediately, it is the position of DHS that such aliens are subject to detention under INA § 235(b) [8 U.S.C. § 1225(b)(2)] and may not be released from ICE custody except by INA § 212(d)(5) [8 U.S.C. § 1182(d)(5)].” *Id.* DHS is explicit that this new policy is a marked deviation from prior interpretation and treatment of affected noncitizens. *Id.* (“For custody purposes, these aliens are now treated in the same manner that “arriving aliens” have historically been treated.”)

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23. In addition to the announcement re-interpreting § 1225(b)(2), the memo further clarifies that “[t]he only aliens eligible for a custody determination and release on recognizance, bond or other conditions under INA § 236(a) [8 U.S.C. § 1226(a)] during removal proceedings are aliens admitted to the United States and chargeable with deportability under INA § 237 [8 U.S.C. § 1227], with the exception of those subject to mandatory detention under INA § 236(c) [8 U.S.C. § 1226(c)].” *Id.*

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24. Moreover, ICE maintains that “DHS does not take the position that prior releases of applicants for admission pursuant to INA § 236(a) were releases on parole under INA § 212(d)(5) based on this change in legal position.” *Id.* ICE fails to clarify under what legal authority, then, those prior releases were effectuated. Rather, ICE signals the resulting lack of “correct” paperwork is nonetheless permissible. *Id.* (“Accordingly, ERO and HIS are not required to ‘correct’ the release paperwork by issuing INA § 212(d)(5) parole paperwork.”)

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25. Nationwide implementation of the ICE § 1225(b)(2) mass detention policy ensued.

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C. BIA decision in *Matter of Q. Li*

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26. On May 15, 2025, the BIA issued its decision in *Matter of Q. Li*, 29 I. & N. Dec. 66 (BIA 2025), which held that an applicant for admission “who was arrested without a warrant while arriving in the United States and thereafter placed in removal proceedings, is detained under

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¹ Available at <https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission> (last visited on February 13, 2026).

1 section 235(b)(2)(A), until the conclusion of removal proceedings.” *Id.* at 71.

2 27. Q. Li was encountered upon entry into the United States, she was arrested by
3 immigration officers, and paroled into the U.S. under 8 U.S.C. § 1182(d)(5). *Id.* at 67. Part of the
4 condition of her §1182(d)(5) parole was to report regularly to ICE. *Id.* Following a subsequent
5 alert as to an international arrest warrant, she was taken back into custody, issued a Notice to
6 Appear (NTA) commencing removal proceedings, and issued a new Notice of Custody
7 Determination and detained. *Id.* She requested a custody redetermination before an IJ and was
8 denied for lack of jurisdiction, because she was subject to mandatory detention under §
9 1225(b)(2). *Id.*

10 28. In particular, the BIA reasoned that the termination of parole restored Q. Li to her
11 prior custody status. *Id.* at 69. (“When parole granted by DHS is terminated, “the alien shall
12 forthwith return or be returned to the custody from which he was paroled.” INA § 212(d)(5)(A),
13 8 U.S.C. § 1182(d)(5)(A); see also 8 C.F.R. § 212.5(e)(2)(i).”). Additionally, Q. Li had been
14 arrested without a warrant, and had never been subject to 8 U.S.C. § 1226(a) authority. *Id.* at 70.
15 Ultimately, the BIA agreed that she was subject to § 1225(b)(2) and ineligible for bond. *Id.* at 71.

16 29. While Respondents have attempted to apply Q. Li more broadly to individuals
17 encountered at the interior of the country – or in the absence of a parole under § 1182(d)(5) – this
18 argument has been consistently rejected. See *Valerio v. Joyce*, No. CV 25-17225 (ZNQ), 2025
19 WL 3251445, at *3 (D.N.J. Nov. 21, 2025); *Diaz Rudecindo v. Florentino*, No. CV 25-16942
20 (ES), 2025 WL 3470299, at *2 (D.N.J. Dec. 3, 2025); *Leal-Hernandez v. Noem*, No. 1:25-CV-
21 02428-JRR, 2025 WL 2430025, at *9-11 (D. Md. Aug. 24, 2025); *Vasque Romero v. Noem*, No.
22 CV 3:25-524, 2026 WL 116379, at *1 (W.D. Pa. Jan. 15, 2026); and *Hasan v. Crawford*, 800 F.
23 Supp. 3d 641, 657, n.11 (E.D. Va. 2025).

24 **D. BIA decision Matter of Yajure Hurtado**

25 30. On September 5, 2025, the Board of Immigration Appeals (BIA), which oversees
26 all appeals of IJ decisions including custody redeterminations, upheld ICE’s re-interpretation of
27 § 1225(b)(2). *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).
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1 31. The BIA held that the respondent was an “applicant for admission” within the
2 scope of § 1225(b), and therefore subject to mandatory detention.

3 32. The BIA characterized the issue before it as “one of statutory construction: Does
4 the INA require that *all* applicants for admission, even those like the respondent who have entered
5 without admission or inspection and have been residing in the United States for years without
6 lawful status, be subject to mandatory detention for the duration of their immigration proceedings,
7 and thus the Immigration Judge lacks authority over a bond request filed by an alien in this
8 category?” (emphasis added). *Id.* at 220.
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10 33. The BIA reasoned that individuals “who surreptitiously cross into the United
11 States remain applicants for admission until and unless they are lawfully inspected and admitted
12 by an immigration officer.” *Id.* at 228.

13 34. The BIA acknowledged the decades of precedent preceding its decision that
14 authorized release of individuals present without having been inspected and admitted or paroled
15 under § 1226(a). *Id.* at 225, FN6 (“We acknowledge that for years Immigration Judges have
16 conducted bond hearings for aliens who entered the United States without inspection. However,
17 we do not recall either DHS or its predecessor, the Immigration and Naturalization Service,
18 previously raising the current issue that is before us. In fact, the supplemental information for the
19 1997 Interim Rule titled ‘Inspection and Expedited Removal of Aliens; Detention and Removal
20 of Aliens; Conduct of Removal Proceedings; Asylum Procedures,’ 62 Fed. Reg. 10312, 10323
21 (Mar. 6, 1997), reflects that the Immigration and Naturalization Service took the position at that
22 time that ‘[d]espite being applicants for admission, aliens who are present without having been
23 admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible
24 for bond and bond redetermination.’”)
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27 35. Ultimately, the BIA upheld the decision that the IJ lacked jurisdiction under 8
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U.S.C. § 1225(b)(2) to consider the respondent for discretionary bond. *Id.* at 229.

36. The BIA decision is binding on all immigration judges nationwide.

37. Respondents’ new policy and interpretation of 8 U.S.C. § 1225(b)(2) stand to sweep millions of noncitizens into mandatory detention, without any consideration for release on bond (regardless of their ties to their community or lack of dangerousness or flight risk). *Rosado*, 2025 WL 2337099, at *11 (“It has been estimated that this novel interpretation would require the detention of millions of immigrants currently residing in the United States.”).

38. Currently, three out of the five federal circuit courts that have weighed in on Government’s interpretation of “applicant for admission” in *Yajure Hurtado*, have rejected the Government’s interpretation. *Compare Herrera Avila v. Bondi*, 170 F.4th 1128 (8th Cir. 2026) (agreeing with the Government’s interpretation), and *Buenrostro-Mendez v. Bondi*, 166 F.4th 494 (5th Cir. 2026) (same) with *Cunha v. Freden*, 175 F.4th 61, 2026 WL 1146044 (2d Cir. 2026) (disagreeing with the Government’s interpretation), *Lopez-Campos v. Raycraft*, 175 F.4th 713 (6th Cir. 2026) (same), and *Hernandez Alvarez v. Warden, Fed. Detention Cen. Miami*, 175 F.4th 1258 (11th Cir. 2026) (same)².

39. Even so, the BIA has not reconsidered *Yajure Hurtado*, but rather expanded that decision’s reach. *See Matter of N-A-G-C-*, 29 I&N Dec. 662 (BIA 2026) (applying *Yajure Hurtado* even to noncitizens who entered the United States as unaccompanied alien children and received Special Immigrant Juvenile Status).

² In denying a stay pending appeal in *Castañon-Navas v. DHS*, the Seventh Circuit found that the Government was unlikely to succeed on its claim about the correctness of its interpretation of 8 U.S.C. § 1225(b)(2). *See* 161 F.4th 1048, 1060–62 (7th Cir. 2025). Nonetheless, at the time that the Seventh Circuit decided the appeal, only one judge of the three-judge merits panel rejected the Government’s interpretation of 8 U.S.C. § 1225(b)(2). *Compare Castañon-Navas v. DHS*, 2026 WL 1223250, at *8–22 (7th Cir. May 5, 2026) (Lee, J.) (rejecting the Government’s interpretation) with *id.*, at *25–27 (Pryor, J.) (declining to reach the merits of the Government’s interpretation) and *id.*, at *34–39 (Kirsch, J., dissenting) (agreeing with the Government’s interpretation).

FACTS

40. Petitioner Yovani Madai Barrios Morales is a native and citizen of Guatemala, [REDACTED] Petitioner initially entered the United States without inspection in or around 2006. In 2012, he voluntarily departed the United States to Guatemala. In August 2014, Petitioner returned to the United States without inspection and traveled to Easton, Maryland, where he has resided continuously for twelve years, maintaining a stable life and an unblemished record.

41. On June 9, 2026, Petitioner was driving to his employment when he was stopped by law enforcement officers at an interior immigration checkpoint. Following that interior stop, Petitioner was taken into immigration custody without an administrative or judicial warrant.

42. He was processed through the Baltimore Hold Room, where DHS commenced removal proceedings and issued a Notice of Custody Determination denying bond based entirely on the interim policy governing "applicants for admission." To severely disrupt his defense and access to his family, DHS immediately transferred Petitioner across the country to the Central Valley Annex in McFarland, California.

43. Petitioner is legally married, having solemnized his marriage on September 20, 2012. Petitioner and his wife are the parents of four children, including two young United States citizen children. Furthermore, Petitioner's family unit is in an extremely delicate state; on June 9, 2026, the Talbot County Health Department officially certified that Petitioner's wife is pregnant with a high-risk medical status, with an estimated due date of [REDACTED] 2027.

44. On June 9, 2026, while driving to his employment, Petitioner was stopped by law enforcement officials at an interior immigration checkpoint. Following that interior stop, Petitioner was taken into immigration custody under an administrative warrant issued pursuant to interior immigration authority. Prior to this event, Petitioner had never been detained by civil or criminal immigration authorities since his arrival. On the same day, DHS processed Petitioner through the Baltimore Hold Room and issued a Notice of Custody Determination completely denying his eligibility for release on bond. Respondents immediately transferred Petitioner across

1 the country to the Central Valley Annex in McFarland, California, away from his legal counsel
2 and his home state.

3 45. Petitioner is currently detained at the Central Valley Annex Detention Facility in
4 McFarland, California, within the territorial jurisdiction of this Court.” *See* ICE Detainee Locator
5 information (available at <https://locator.ice.gov/> (last visited on July 2, 2026)):

6  locator.ice.gov/odis/#/details

7 < BACK TO RESULTS

8 Facility Page

9 Detention Information For:

10 **YOVANI MADAI BARRIOS MORALES**

11 Country of Birth: Guatemala

12 A-Number: 

13 Current Detention Facility:

14 CENTRAL VALLEY ANNEX

15 254 TAYLOR AVE

16 NA

17 MCFARLAND, CA 932500000

18 Visitor Information: (661) 792-3492

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22 46. As of July 2, 2026, Petitioner has pending removal proceedings before the
23 Immigration Court, with an outer hearing date scheduled for September 6, 2026, but he is not
24 subject to a final administrative order of removal. *See* EOIR Automated Case Information
25 (available at <https://acis.eoir.justice.gov/> (last visited on July 2, 2026)):



Información automatizada de casos

Nombre: BARRIOS MORALES, YOVANI | Número de registro de extranjero: 
Fecha de la lista de causas: 9/6/2026

Información acerca de la próxima audiencia

No hay audiencias futuras para este caso.

Información sobre Pedimentos y Fallos Judiciales

Este caso está pendiente.

Información de un caso ante la Junta de Apelaciones de Inmigración

No se recibió una apelación para este caso.

Información acerca del Tribunal

Si necesita más información sobre su caso, o desea presentar documentos adicionales, por favor comuníquese con el tribunal de inmigración.

DIRECCIÓN DEL TRIBUNAL
10250 RANCHO RD, SUITE 201A
ADELANTO, CA 92301

NUMERO DE TELÉFONO
(760) 561-6500

47. Petitioner plays an irreplaceable physical, emotional, and structural role in the care and stability of his children. His 8-year-old son, is a special education student 


 Petitioner is a vital, mandatory component of the diagnostic and therapeutic IEP team, and his absence directly hinders the child's developmental progress. His son's second-grade teacher, has formally attested to the severe, observable emotional trauma, regression, and psychological distress that the child has suffered since his father's sudden removal from the home.

48. Financially, Petitioner functions as the sole economic support of his dependent family. He is a full-time hourly employee at  where he has worked constantly since at least 2018. Petitioner has consistently met his tax obligations by filing joint family Form 1040 U.S. Individual Income Tax Returns with the Internal Revenue Service.

49. All Respondents consider that Petitioner is detained pursuant to 8 U.S.C. § 1225(b)(2). *See Matter of Q. Li*, 29 I. & N. Dec. 216 (BIA 2025). Respondents maintain that

1 Petitioner is subject to mandatory detention, thereby precluding her from seeking a custody
2 redetermination hearing. As such, administrative exhaustion would be futile.

3 **FIRST CLAIM FOR RELIEF:**

4 **No-Bond Detention in Violation of 8 U.S.C. § 1226(a)**

5 50. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1–49.

6 51. Since Petitioner is not an applicant for admission “seeking admission” or “an
7 arriving alien” subject to 8 U.S.C. §§ 1225(b)(1) or (b)(2), and has no disqualifying criminal
8 arrests or convictions subject to 8 U.S.C. § 1226(c), he is entitled to a bond redetermination
9 hearing by an immigration judge pursuant to 8 U.S.C. § 1226(a).

10 52. Respondents’ actions, as set forth herein, violate Petitioner’s statutory right to a
11 bond redetermination hearing in front of an immigration judge.

12 **SECOND CLAIM FOR RELIEF:**

13 **Detention in Violation of Due Process**

14 53. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1–49.

15 54. Immigration detention is civil, not criminal, in nature. There are only two
16 permissible reasons for immigration detention: to avoid flight risk, and to avoid danger to the
17 community.

18 55. After entering the United States unlawfully, Petitioner went on to develop strong
19 ties to the community over a decade. Petitioner is therefore a “person” within the meaning of the
20 Due Process Clause of the Fifth Amendment to the U.S. Constitution, and he has a liberty interest
21 in freedom from physical restraint.

22 56. Respondents’ actions in detaining Petitioner without a bond hearing before a
23 neutral and detached magistrate deprives Petitioner of his rights without due process of law.

REQUEST FOR RELIEF

Petitioner prays for judgment against Respondents and respectfully requests that the Court enters an order:

- a) Issuing an Order to Show Cause, ordering Respondents to justify the basis of Petitioner's detention in fact and in law, forthwith;
- b) Enjoin Respondents from holding Petitioner subject to detention under 8 U.S.C. § 1225(b)(2) and denying him a bond hearing on that basis;
- c) Enjoin Petitioner's transfer outside of this judicial district pending this litigation;
- d) Enjoin Respondents from re-arresting Petitioner subject to § 1225(b)(2);
- e) Order Petitioner's immediate release from custody;
- f) Order, in the alternative, that Respondents conduct a bond hearing for Petitioner pursuant to 8 U.S.C. § 1226(a) within 7 days;
- g) Order, as a second alternative, Petitioner's immediate release and that Respondents conduct a bond hearing for Petitioner pursuant to 8 U.S.C. § 1226(a) within 7 days;
- h) Grant the writ of habeas corpus and order Respondents to release Petitioner forthwith, or upon payment of the bond as ordered by the Immigration Judge; and
- i) Grant any other relief that this Court deems just and proper.

Respectfully submitted,

Dated: July 2, 2026

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Counsel for Petitioner

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this 16th day of March 2026, I uploaded the foregoing, with all attachments thereto, to this court's CM/ECF system, which will send a Notice of Electronic Filing (NEF) to all case participants. I furthermore will send a copy by certified U.S. mail, return receipt requested, to:

Civil Process Clerk
U.S. Attorney's Office for the Eastern
District of California
4550 California Avenue, Suite 640
Bakersfield, CA 93309

Orestes Cruz, Field Office Director,
San Francisco Field Office
U.S. Immigration and Customs
Enforcement
630 Sansome Street, Room 690
San Francisco, CA 94111

Office of the General Counsel
U.S. Department of Homeland Security
245 Murray Lane, SW, Mail Stop 0485
Washington, DC 20528-0485

Warden
Central Valley Annex
Detention Facility
P.O. Box 2513
California City, CA 93505

Todd Blanche
Attorney General of the U.S.
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Washington, DC 20530-0001

Respectfully submitted,

Dated: July 2, 2026

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