

**FILED**

UNITED STATES DISTRICT COURT

for the

JUL 02 2026

CLERK U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY 210  
DEPUTY CLERK

REINIER PEREZ RIVES  
Petitioner

v.

U.S. DEPARTMENT OF HOMELAND SECURITY  
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
WARDEN, CALIFORNIA CITY IMMIGRATION PROC. CENTER  
Respondent

(name of warden or authorized person having custody of petitioner)

Case No. 1:26-CV-5091-VC (HC)  
(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: REINIER PEREZ RIVES  
(b) Other names you have used: \_\_\_\_\_
2. Place of confinement:  
(a) Name of institution: CALIFORNIA CITY IMMIGRATION PROCESSING CENTER  
(b) Address: P.O. BOX 2513 / 22844 VIRGINIA BLVD  
CALIFORNIA CITY, CA. 930505  
(c) Your identification number: 
3. Are you currently being held on orders by:  
☒ Federal authorities    ☐ State authorities    ☐ Other - explain:  
ICE DETENTION
4. 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 number of criminal case: \_\_\_\_\_  
(c) Date of sentencing: \_\_\_\_\_  
☒ Being held on an immigration charge  
☐ Other (explain): \_\_\_\_\_

Decision or Action You Are Challenging

5. What are you challenging in this petition:

☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

☐ Pretrial detention

☒ Immigration detention

☐ Detainer

☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)

☐ Disciplinary proceedings

☐ Other (explain):

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: U.S. IMMIGRATION AND CUSTOMS  
ENFORCEMENT

(b) Docket number, case number, or opinion number:

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

PETITIONER IS CHALLENGING THAT HIS DETENTION IS UNLAWFUL BECAUSE ICE  
NEVER REVOKED HIS "OSUP" WHICH MEANS ICE VIOLATED ITS MANDATORY  
REGULATORY OBLIGATION UNDER THE ACCARDI DOCTRINE.

(d) Date of the decision or action: 4/28/2026

Your Earlier Challenges of the Decision or Action

7. First appeal

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes

☒ No

(a) If "Yes," provide:

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

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not appeal: no legal counsel

8. **Second appeal**

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

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not file a second appeal: no legal counsel

9. **Third appeal**

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

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not file a third appeal:

no legal counsel

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Date of filing: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Date of filing: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: \_\_\_\_\_

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☒ Yes ☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 4/28/2026  
(b) Date of the removal or reinstatement order: DATE OF REMOVAL 4/2/2019  
(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes ☒ No

If "Yes," provide:

- (1) Date of filing: \_\_\_\_\_  
(2) Case number: \_\_\_\_\_  
(3) Result: \_\_\_\_\_  
(4) Date of result: \_\_\_\_\_  
(5) Issues raised: \_\_\_\_\_

- (d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☒ No

If "Yes," provide:

- (1) Name of court: \_\_\_\_\_  
(2) Date of filing: \_\_\_\_\_  
(3) Case number: \_\_\_\_\_

(4) Result: \_\_\_\_\_  
(5) Date of result: \_\_\_\_\_  
(6) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: \_\_\_\_\_  
(b) Name of the authority, agency, or court: \_\_\_\_\_  
\_\_\_\_\_  
(c) Date of filing: \_\_\_\_\_  
(d) Docket number, case number, or opinion number: \_\_\_\_\_  
(e) Result: \_\_\_\_\_  
(f) Date of result: \_\_\_\_\_  
(g) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Grounds for Your Challenge in This Petition**

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: VIOLATION OF THE ACCARDI DOCTRINE / FAILURE TO  
FOLLOW MANDATORY REGULATORY PROCEDURE GOVERNING DETENTION.  
\_\_\_\_\_  
\_\_\_\_\_

(a) Supporting facts (Be brief. Do not cite cases or law.):

PETITIONER HAS A FINAL ORDER OF REMOVAL TO CUBA ON 4/2/2019. PETITIONER WAS DETAINED BY ICE FROM 4/2/2019 TO 7/2019 FOR 90 DAYS, AND THEN RELEASED UNDER ORDER OF SUPERVISION "OSUP". PETITIONER WAS RE-DETAINED ON 4/28/2026 BY ICE, BUT ICE DID NOT REVOKE HIS "OSUP", PRESENT AN ARREST WARRANT, OR ADMINISTER AN INFORMAL INTERVIEW. ICE HAS FAILED TO COMPLY WITH ITS MANDATORY REGULATORY OBLIGATION UNDER 8 C.F.R. §§ 241.4 AND 241.13.

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

☐ Yes☒ No

GROUND TWO: UNLAWFUL RE-DETENTION WITHOUT PROPER REVOCATION OF ORDER OF SUPERVISION "OSUP" (VIOLATION OF AGENCY REGULATION AND DUE PROCESS.

(a) Supporting facts (Be brief. Do not cite cases or law.):

PETITIONER WAS PREVIOUSLY RELEASED FROM ICE CUSTODY UNDER AN "OSUP" ON 7/2019. AFTER DEMONSTRATING COMPLIANCE OVER AN EXTENDED PERIOD ICE RE-DETAINED PETITIONER ON 4/28/2026 BUT FAILED TO REVOKE THE EXISTING "OSUP". UNDER THE ACCARDI DOCTRINE, FEDERAL AGENCIES MUST FOLLOW THEIR OWN REGULATIONS. DETAINING PETITIONER WHILE THE "OSUP" REMAINS IN EFFECT AND WITHOUT A PROPER REVOCATION RENDERS THE CURRENT DETENTION UNLAWFUL.

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

☐ Yes☒ No

GROUND THREE: ARBITRARY AND CAPRICIOUS DETENTION BASED ON POST-HOC JUSTIFICATION.

(a) Supporting facts (Be brief. Do not cite cases or law.):

ICE RE-DETAINED PETITIONER WITHOUT PROVIDING A CONTEMPORANEOUS EXPLANATION OR LAWFUL CUSTODY DETERMINATION. ANY JUSTIFICATION FOR DETENTION WAS PROVIDED ONLY AFTER THE FACT. NO MEANINGFUL EXPLANATION WAS GIVEN AT THE TIME OF RE-DETAINMENT, NO CONTEMPORANEOUS CUSTODY DETERMINATION WAS DOCUMENTED. DETENTION BASED ON AFTER-THE-FACT REASONING IS ARBITRARY AND VIOLATES DUE PROCESS.

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

☐ Yes☒ No

GROUND FOUR: PROLONGED DETENTION / REMOVAL IS NOT IN THE  
REASONABLY FORESEEABLE FUTURE.

(a) Supporting facts (Be brief. Do not cite cases or law.):

PETITIONER PRIOR DETAINMENT IN 2019 WAS FOR 90 DAYS POST-ORDER.  
U.S./ICE WAS NOT ABLE TO COMPLETE REMOVAL TO CUBA, AND PLACED  
PETITIONER UNDER ORDER OF SUPERVISION, THAT SCENARIO IS STILL TRUE  
TODAY. ICE HAS NOT BEEN ABLE TO OBTAIN TRAVEL DOCUMENTS FROM THE CUBAN  
GOVERNMENT OR ANY OTHER THIRD-COUNTRY. THERE IS NO EVIDENCE OF COUNTRY  
ACCEPTANCE. PETITIONER HAS A U.S. CITIZEN CHILD AND STRONG COMMUNITY  
TIES,

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

☐ Yes

☒ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: PETITIONER RESPECTFULLY REQUEST THAT THIS  
COURT GRANT THIS WRIT OF HABEAS CORPUS AND ORDER PETITIONER'S  
IMMEDIATE RELEASE FROM ICE CUSTODY. PETITIONER REQUEST ANY OTHER  
RELIEF THE COURT DEEMS JUST AND PROPER.

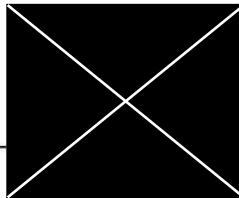
**Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date did you place this petition in the prison mail system:

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I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 06-24-26



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*Signature of Petitioner*

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*Signature of Attorney or other authorized person, if any*