

Manrique Garcia Johann

California City Immigration
Processing Center
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FILED

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CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION**

MARIQUE GARCIA JOHANN,

Petitioner, Pro Se

vs.

CHRISTOPHER CHESTNUT,
Warden of California City Detention Facility
PAM BONDI, Attorney General of the
United States; KRISTI NOEM, Secretary,
United States Department of Homeland
Security; TODD M. LYONS, Acting
Director, Immigration and Customs
Enforcement, SERGIO ALBARRAN, Acting
San Francisco Field Office Director, U.S.
Immigration and Customs Enforcement
Respondents.

Case. No. 1:26CV05184 VC(HC)

**PETITION FOR WRIT OR HABEAS
CORPUS UNDER 28 U.S.C. § 2241
AND REQUEST FOR INJUNCTIVE
RELIEF AND TEMPORARY
RESTRAINING ORDER**

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

Petitioner respectfully petitions this Honorable Court for a writ of habeas corpus to

remedy petitioner's unlawful detention by respondents, as follows:

(1). Petitioner is currently detained by Immigration and Customs Enforcement (ICE) at the California City Immigration Processing Center pending removal proceedings.

(2). Petitioner has been detained in immigration custody since June 3, 2026 even though no neutral decision maker whether a federal judge or immigration judge (IJ) has conducted a hearing to determine whether this lengthy incarceration is warranted based on danger or flight risk.

(3). Petitioner's prolonged detention without a hearing on danger and flight risk violates the Due Process Clause of the Fifth Amendment.

(4). Petitioner therefore respectfully request that this Court issue a writ of habeas, determine that Petitioner's detention is not justified because the government has not establish by clear and convincing evidence that Petitioner's release, with appropriate conditions of supervision if necessary, taking into account Petitioner's ability to pay bond.

(5). Alternatively, Petitioner request that the Court issue a writ of habeas corpus and order petitioner's release within 30 days unless Respondents schedule a hearing before an IJ where: (1) to continue detention, the government must establish by clear and convincing evidence that Petitioner presents a risk of flight or danger, even after consideration of alternatives to detention that could mitigate any risk that Petitioner's release would present; and (2) if the government cannot meet its burden, the IJ shall order Petitioner's release on appropriate conditions of supervision, taking into account Petitioner's ability to pay a bond.

JURISDICTION

(6). Petitioner is detained in the custody of Respondents at California City Immigration Processing Center.

(7). This Action arises under the Due Process Clause of the Fifth Amendment of the U.S. Constitution. Jurisdiction is proper under 28 U.S.C. § 1331 (federal question); 2241 (habeas corpus); U.S. Const. Art. I, § 2; (Suspension Clause); and 5 U.S.C. § 702 (Administrative Procedure Act. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.* And the All Writs Act, 28 U.S.C. § 1651.

(8). Congress has preserved judicial review of challenges to Prolonged immigration detention. *See Jennings v. Rodriguez*, 138 S. CT. 830, 839-841 (2018) (holding that 8 U.S.C. § 1226(e), 1252(b)(9) do not bar review of challenges to prolonged immigration detention); see also *id.* at 876 (Breyer, J., dissenting). (8 U.S.C. § 1252(b)(9)... by its terms applies only with respect to review of and order of removal) (internal quotation marks and brackets omitted).

VENUE

(9). Venue is proper in this District under 28 U.S.C. § 1391 (b)(1) (e) because at least one Respondent is in this District and because Petitioner is presently detained under the authority of the Director of the San Francisco ICE Field Office, a Respondent in this Action. *See Doe v. Garland*, 109 F.4th 1188, 1197-99 (9th Cir. 2024).

(10). California City Immigration Processing Center is operated by a private contractor and controller by the San Francisco Field Office of ICE Enforcement and Removal Operation (ERO). The San Francisco Field Office of ICE ERO is responsible for carrying out I.C.E.'s detention operations at this detention center and for adjudicating request for release form those detained there.

REQUIREMENTS OF 28 U.S.C. §§ 2243

(11). The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to Respondent forthwith, unless Petitioner is not entitled to relief.

28 U.S.C. § 2243. IF the Court issue an OSC, it must require Respondent to file a return within three days unless for good cause additional time, not exceeding twenty days, is allowed. *Id* (emphasis added).

(12). Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ affords a swift and imperative remedy in all case of illegal restraint or confinement. *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added); see also *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000) (explaining that habeas statue requires expeditious determinations of petitions).

PARTIES

(13). Petitioner is subject to a final order of removal from the United States and is detained by ICE.

(14). The first listed Respondent in the caption of this petition is the Warden or Director of the facility in which Petitioner is detained. This person has immediate physical custody of Petitioner pursuant to a contract with ICE to detain non-citizens. This person is sued in his/her official capacity.

(15). Respondent Pamela Bondi is the Attorney General of the United States. Respondent Bondi is the legal custodian of Petitioner. Respondent Bondi is sued in his/her official capacity.

(16). Respondent Kristi Noem is the Secretary of the Department of Homeland Security ("DHS"). Respondent Noem is the legal custodian of Petitioner. Respondent Noem is sued in his/her official capacity.

(17). Respondent Todd M. Lyons is the Acting Director of the United States Immigration and Customs Enforcement ("ICE") and as such can authorize Petitioner's detention or release. Respondent Lyons is sued in his/her official capacity.

STATEMENT OF FACTS

(18). Petitioner is a non-citizen and national of Colombia currently detained by Respondents pending immigration removal. Petitioner is pursuing the following claims in

removal. Petitioner lawfully entered the United States on October 14, 2019 at the age of eleven years old, with a tourist visa. Two years later Petitioner's mother then filed for Asylum. At the moment Petitioner has not filed for any applications for relief in immigration court, because he to this day has not had an initial court hearing. But will be filing for Asylum Deferral of Removal and Convention Against Torture (CAT), Cancellation of Removal, and Petition for Family Relative I-130 among other applications for relief.

(19). Petitioner has been detained in DHS custody since June 3, 2026.

(20). Petitioner has not been provided a bond hearing before a neutral decision maker to determine whether his prolonged detention is justified based on danger or flight risk.

(21). Pursuant to 8 U.S.C. § 1226 (c), the Immigration Court lacks jurisdiction and authority to provide Petitioner with a bond hearing to determine whether Petitioner's detention is justified. There is no statutory or regulatory pathway for petitioner to seek a bond hearing before a neutral decision maker.

(22). Absent intervention by this Court, Petitioner cannot and will not be provided with a bond hearing by a neutral decision maker to assess the propriety of petitioner's continued detention.

(23) Additional facts that support Petitioner's entitlement to relief on or about June 1, 2026, Petitioner called the police to report his step father for verbally abusing Petitioner and threatening to kill him because he was asking him to reimburse petitioner's rent money because Petitioner was the the one paying the rent all by himself and neither his mom or step father was paying any rent (see Attached Exhibit-A) Utah Residential Lease Agreement. On June 3, 2026, while being released from the Utah County Jail I.C.E. Agents detained and placed him in Removal Proceedings. Petitioner was issued a Notice to Appear stating the reason why I.C.E. Is detaining him, In the Notice to Appear Department of Homeland Security "DHS" alleges that Petitioner has violated section 237 (a) (1) (B) of the Immigration And Nationality Act It is now going on a month since this took place and petitioner has not had an initial court hearing in violation of petitioner's

Due Process. Petitioner has no criminal record in the 7 years he lived in the United States. (see Attached Exhibit-B) Notice to Appear "DHS form I-862". Furthermore, Petitioner is the sole provider for his family, including his mother Monica Juliana Garcia Patino, his little sister Sara Valentina Manrique Garcia they depend on him for financial and emotional support and this process is taking a psychological toll and hardship on both petitioner and family and not being able to see them while he is over here in California and they are over in Utah. (please see Attached Exhibit-C) letters of support from family and friends in support 15 pages in total. Petitioner also has been employed with  at the time of his detention to this day he is still employed by the same company or the owner of company and has his employment waiting for him upon his release from I.C.E. detention (see Attached Exhibit-D). letters of company's owner and co-worker's support letters 3 pages in total. Petitioner has demonstrated with facts and herein exhibits in support that he lawfully entered the United States, has no criminal record, is a law abiding citizen, was/is employed, is not a flight risk and that he is not a danger to society and Respondents still have kept him unlawfully detained and therefore ask this court for expedited immediate release and grant petitioner his (TRO) and Petition for Habeas Corpus.

LEGAL BACKGROUND

(24). It is well established that the Fifth Amendment entitles [non-citizens] to due process of law in deportation proceedings. *Demore v. KIM*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). Freedom from imprisonment from government custody, detention, or other forms of physical restraint lies at the heart of the

liberty that the Due Process Clause Protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *see also id.* At 718 (Kennedy, J., dissenting) (Liberty under the Due Process Clause includes protection against unlawful or arbitrary personal restraint or detention.). This fundamental due process protections applies to all non-citizens, including both removable and inadmissible non-citizens. *see if. at 721* (Kennedy, J., dissenting) (Both

removable and inadmissible [non-citizens] are entitled to be free from detention that is arbitrary or capricious).

(25). Due process require adequate procedural protection to ensure that the government's asserted justification for physical confinement outweighs the individual's constitutionally protected interest in avoiding physical restraint. *Zadvydas*, 533 U.S. At 690 (internal quotation marks omitted). In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention to mitigate the risk of danger to the community and to prevent flight. *Id.*; *Demore*, 538 U.S. At 528.

(26). Due process requires that the government provide bond hearings to non-citizens facing prolonged detention. The Due Process Clause foresees eligibility for bail as part of due process because bail is basic to our system of law. *Jennings*, 138 S. Ct at 862 (Breyer, J., dissenting) (internal quotation marks omitted). While the Supreme Court upheld the mandatory detention of a non-citizen under Section 1226(c) in *Demore*, it did so based on the petitioner's concession of deportability and the Court's understanding at the time that detention under Section 1226(c) are typically brief. *Demore*, 538 U.S. at 522 n.6, 528. Where a non-citizen has been detained for prolonged period or is pursuing a substantial defense to removal or claims to relief, due process requires and individualized determination that such a significant deprivation of liberty is warranted. *Id.* at 532 (Kennedy, J., concurring) (Individualized determination as to his risk of flight and dangerousness may be warranted if the continued detention become unreasonable or unjustified); *see also Jackson v. Indiana*, 406 U.S. 715, 733 (1972) (holding that detention beyond the initial commitment requires additional safeguards);

McNeil v. Dir., Patuxent Inst., 407 U.S. 245, 249-50 (1972) (holding that lesser safeguards may be appropriate for short-term confinement); *Hutto v. Finney*, 437 U.S. 678, 685-86 (1978) (holding that, in the Eighth Amendment context, the length of confinement cannot be ignored in deciding whether [a] confinement meets constitutional standards); *Reid v. Donelan*, 17 F.4th 1,7 (1st Cir. 2021) (holding that Due Process Clause

imposes some form of reasonableness limitation upon the duration of detention under section-1226(c)) (- internal-quotation-mark omitted.)

A. Detention That Exceeds Six Months Without A Bond Hearing Is Unconstitutional.

(27). Detention without a bond hearing is unconstitutional when it exceeds six months. *see Demore*, 538 U.S. At 529-30 (upholding only brief detentions under Section 1226(c), which last roughly a month and a half in the vast majority of cases in which it is invoked, and about five months in the minority of cases in which the [noncitizen] chooses to appeal); *Zadvydas*, 533 U.S. At 701 (Congress previously doubted the constitutionality of detention for more than six months.); *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1091 (9th Cir.2022) ([O]nce the [noncitizen] has been detained for approximately six months, continuing detention becomes prolonged (cleaned up)(quoting *Diouf v. Napolitano*, 634 F.ed 1081, 1091 (9th Cir. 2011))); *Rodriguez v. Nielsen*, 2019 U.S. Dist. LEXIS 4228, 2019 WL 7491555, at *6 (N.D.Cal. Jan.7,2019) ([Detention becomes prolonged after six months and entitles [Petitioner] to a bond hearing).

(28) The recognition that six months is a substantial period of confinement and is the time after which additional process is required to support continued incarceration is deeply rooted in our legal tradition. With few exceptions, in the late 18th century in America crimes triable without a jury were for the most part punishable by no more than a six-months prison term. *Duncan v. Louisiana*, 391 U.S. 145, 161 & n.34 (1968). *also see* 8 U.S.C. § 1325 (a). Consistent with this tradition, the Supreme Court has found six months to be the limit of confinement for a criminal offense that a federal court may

impose without the protection afforded by jury trial. *Cheff v. Schnackenberg*, 384 U.S. 373, 380 (1966) (plurality opinion). The Court has also looked to six months as a benchmark in other contexts involving civil detention. *See McNeil v. Dir., Patuxent Inst.*, 407 U.S. 245, 249, 250-52 (1972) (recognizing six months as an outer limit for confinement without individualized inquiry for civil commitment). The Court has

likewise recognized the need for bright line constitutional rules in other areas of law. See *Maryland v. Shazer*, 559 U.S. 98, 110 (2010) (holding that 14 days must elapse following invocation of Miranda rights before re-interrogation permitted); *Cnty. of Riverside v. McLaughlin*, 500 U.S. 44, 55-56 (1991) (holding that a probable cause hearing must take place within 48 hours of warrantless arrest).

B. Even Absent A Bright-Line Six -month Standard, An Individualized Bond Hearing is Required When Detention Becomes Unreasonably Prolonged.

(29). Petitioner detention without any individualized review, is unreasonable under the *Mathews v. Eldridge* due process test. Alternatively, petitioner prevails under the multi-factor reasonableness test the Third Circuit adopted in *German Santos v. Warden Pike Correctional Facility*, 965 F.3d 203, 211 (3d Cir.2020)

(30). Each year, thousands of non-citizens are incarcerated for lengthy periods pending the resolution of their removal proceedings. See *Jennings*, 138 S. Ct. at 860 (Breyer, J., dissenting) (observing that class member, numbering in the thousands, had been detained on average one year and some had been detained for several years). For a non-citizen who have some criminal history, their immigration detention often dwarfs the time spent in criminal custody, if any. *Id.* (between one-half and two-thirds of the class served [criminal] sentences less than six months.)

(31). Petitioner faces severe hardships while detained by I.C.E. Petitioner is held in locked down facility, with limited freedom of movement and access to Petitioner's family or support network: The circumstances of their detention are similar, so far as we can tell, to those in many prisons and jails. *Jennings*, 138 S.Ct at 861 (Breyer, J.,

dissenting); accord *Chavez Alvarez v. Warden York Cnty. Prison*, 738 F.3d 469, 478 (3d Cir. 2015); *Ngo v. INS*, 192 f.3d 390, 397-98 (3d Cir.1999); *Sopo v. U.S. Atty Gen.*, 825 F.3d 1199, 1218, 1221 (11th Cir. 2016); *John Doe v. Christopher Chestnut* 2025 U.S. Dist. Lexis 228839 *70 (E.D. Cal. Nov. 20, 2025). And in some cases the conditions of their confinement are inappropriately poor including, for example, invasive procedures,

substandard care, and mistreatment, *eg.*, indiscriminate strip search, long wait for waits for medical care and hygiene products; and in the case of one detainee, a multi-day lock—down for sharing a cup of coffee with another detainee, Jennings, 138 S. Ct. at 861 (Breyer, J., dissenting) (citing Press Release, Off. Of Inspector Gen., Dept. of Homeland Sec., DHS OIG Inspection Cites Concerns with Detainee Treatment and care at ICE Detention Facilities (Dec. 14, 2017)); see also Tom Dreisbach, Government's own experts found 'barbaric' and 'negligent' conditions in ICE detention, NPR (Aug. 16 2023, 5:01 AM) (reporting on the negligent medical care (including mental health care), unsafe and filthy conditions, racist abuse of detainees, inappropriate pepper-spraying of mentally ill detainees and other problems that, in some cases, contributed to detainee deaths contained in inspection reports prepared by experts from the Department of Homeland security's Office for Civil Rights and Civil Liberties after examining detention facilities between 2017 and 2019). Individuals at the California City Immigration Processing Center, have continue to complain about the harsh confinement at the facility more harsher than the actual confinement of a prison setting. The restrictions to medical access, Telephone calls, access to law Library, a Bright light that on all night long and very cold cells to sleep in and the low calories of food provided to individual's, the limited amount of real sun light one hour per day. The Condition at the California City Immigration Processing Center are at a higher security level of that of a United States Penitentiary (BOP) contrary to the fact that detainees are in civil confinement. The conditions and restrictions imposed are more punitive based rather than being civil in nature.

(32). The Mathews test for procedural due process claims balances: (1) the private interest threatened by governmental action; (2) the risk of erroneous deprivation of such interest and the value of additional or substitute; and (3) the government interest. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976); see also *Romero-Romero, v. Wofford*, 2025 U.S. Dist. LEXIS 19805 *14 (E.D. Cal., Feb 4, 2025) (Most district courts in the

Ninth Circuit have employed the Mathews test, at least in the context of evaluating whether due process entitles a petitioner to a bond hearing) Here, each factor weighs in Petitioner's favor, requiring this Courts to promptly hold a hearing to evaluate whether the government can justify their ongoing detention.

(33). First, Petitioner indisputably has a weighty interest in their, the core private interest at stake here. *Zadvydas*, 533 U.S. At 690 (Freedom from imprisonment... lies at the heart of the liberty [the Due process Clause] protects. Petitioner, who is being held in incarceration-like condition, has an overwhelming interest here, regardless of the length of his immigration detention, because any length of detention implicates the same fundamental rights. *Rajnish v. Jennings*, No. 3:20-cv-07819-who, 2020 WL 7626414, at *6 (N.D. Cal. Dec. 22, 2020).

(34). Second, petitioner will suffer the erroneous risk of deprivation of their liberty without and individualized evidentiary hearing. The risk of erroneous deprivation of their liberty is high, as they have been detained since August 11, 2025 with out any evaluation of whether the government can justify detention under their individualized circumstances. The risk of an erroneous deprivation of liberty in the absence of a hearing before a neutral decision maker is substantial. *Diouf*, 634 F.3d at 1092. Conversely, the probable value of additional procedural safeguards an individualized evaluation of the justification for his detention is high, because Respondent have provided virtually no procedural safeguards at all. *Jimenez v. Wolf*, 2020 U.S. Dist. LEXIS 39518 *2 (N.D. Cal. Jan 30,2020) (granting habeas petition for persons who had been detained for one year without a bond hearing.)

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(35). Third, the government's interest is very low in continuing to detain petitioner without providing any neutral review. *see Mathews*, 424 U.S. At 335. The specific interest at stake herein not the government's ability to continue to detain Petitioner, but rather the government's ability to continue to detain them for months on end without any individualized review. *See Marroquin Ambriz v. Barr*, 420 F.Supp. 3D 953, 964 (N.D. Cal. 2019) *Hernriquez v. Garland*, 2022 U.S. Dist. LEXIS 106045 *12 (N.D. Cal.,2022). The

cost of providing an individualized inquiry is minimal. See *Hernriquez* 2022 U.S. Dist. LEXIS 106045*15. The government has repeatedly conceded this fact. see *Lopez Reyes v. Bonnar*, 362 F. Supp.3d 762,777 (N.D. Cal. 2019); *Singh v. Barr*, 400 F. Supp.3d 1005, 10211 (SD. Cal. 2019); *Marroquin Ambriz*, 420 F. Supp.3d at 964.

(36). In sum, Mathews factors establish that Petitioner is entitled to an evidentiary hearing before a neutral adjudicator. Unsurprisingly, courts applying these standards in this District and Circuit have repeatedly held that prolonged detention without a hearing before a neutral adjudicator violates procedural due process for individual who were held under the same detention statute. See, e.g., *Romero Romero v. Wolf* 2025 U.S. Dist. LEXIS 19805 *12 (E.D. Cal., Feb 4, 2025) (holding that the petitioner's detention under § 1226(c) of just over one year without a custody hearing was not compatible with due process and granting habeas); *Jimenez*, 2020 WL 510347, at 1*2*4 (holding that the petitioner's detention under 1226(c) of just one year without a custody hearing violated his due process rights and granting habeas); *Gonzalez v. Bonnar*, 2019 U.S. Dist. LEXIS 12636 *8 *9 (N.D. Cal. 2019) (holding that the petitioner's detention under § 1226(c) for just over one year without a custody hearing violated his due process rights and granting habeas.) This Court should so hold as well.

(37). *Rodriguez Diaz v. Garland*, 53 F.4th 1189 (9th Cir. 2022), does not disturb this result. In *Rodriguez Diaz*, the Ninth Circuit applied the Mathews test to hold the detention of a non-citizen detained under a different detention statute, 8 U.S.C. § 1226(a), did not violate procedural due process. 53 F.4th at 1195. Unlike § 1226(c),

§ 1226(a) mandates that detained individual receive and individualized bond hearing at the outset of detention and provides for further bond hearing upon a material change in circumstances. See 8 C.F.R. § 1003.19. The panel's decision in *Rodriguez Diaz* was predicated on the immediate and ongoing availability of this administrative process under § 1226(a). 53 F.4th at 1202(Section 1226(a) and its implementing regulations provided extensive procedural protections that are unavailable under other detention provisions....).

Unlike the petitioner in *Rodriguez Diaz*, Petitioner has no Statutory access to individualized review of his detention.

(38). Alternatively, courts that apply a reasonableness test have considered four non-exhaustive factors in determining whether detention is reasonable. *German Santos v. Warden pike Cnty. Corr Facility*, 965 F.3d 203, 210-22 (3d. Cir. 2020). The reasonableness inquiry is highly fact-specific. *Id* at 210. The most important factor is the duration of detention. *Id* at 211; see also *Gonzalez v. Bonnar*, 2019 U.S. Dist. LEXIS 12636 *14 (N.D. Cal. 2019) (concluding that the petitioner's detention under § 1226(c) for just over one year without a custody hearing weighed strongly in favor of finding detention unreasonable, and violated his due process rights and granting habeas). Duration is evaluated along with all the other circumstances, including (1) whether detention is likely to continue, (2). reasons for the delay, and (3) whether the conditions of confinement are meaningfully different from criminal punishment *Id* at 211.

(39). As noted, Petitioner has been detained for a substantial length of time, *supra* ¶ 19 and Petitioner's detention is likely to continue as Petitioner asserts his right to seek immigration relief, *Supra* ¶ 18. Non-citizens should not be punished for pursuing legitimate proceedings to seek relief. *See Masood v. Barr*, 2020 U.S. Dist. LEXIS 4809 *9 (N.D. Cal. 2020) (It is ill suit the United States to suggest that [Petitioner] could shorten his detention by giving up these rights and abandoning his asylum application.). Thus, courts should not count a continuance against the noncitizen when they obtained it in good faith to prepare their removal case, including effort to obtain counsel.

see Hernandez Gomez, 2023 U.S. Dist. LEXIS 60069 *4 (N.D. Cal 2023) (The duration and frequency of these request [for continuances do not diminish his significant liberty interest in his release or his irreparable injury of continued detention without a bond hearing.) Moreover, Petitioner's confinement and experiences at a facility operated by a private, for-profit prison contractor, demonstrate that their conditions of confinement are not meaningfully different from those of criminal punishment. *see supra* ¶¶ 10, 23, 31

C. At Any Hearing, The Government Must Justify ongoing detention by Clear and convincing evidence

(40) At a bond hearing, due process requires certain minimum protections to ensure that a non-citizen's detentions is warranted: the government must bear the burden of proof by clear and convincing evidence to justify continued detention, taking into consideration available alternatives to detention; and, if the government cannot meet its burden, the non-citizen's ability to pay a bond must be considered in determining the appropriate condition of release.

(41). To justify prolonged immigration detention, the government must bear the burden of proof by clear and convincing evidence that the non-citizen is a danger or flight risk. *See Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011); *Aleman Gonzalez v. Barr*, 955 F.3d 762, 781 (9th Cir. 2020). Rev'd on other grounds by *Garland v. Aleman Gonzalez*, 142 S. Ct. 2057, 213 L. Ed. 2D 102 (2022). (*Jennings's* rejection of layering [the clear and convincing burden of proof standard] onto § 1226(a) as a matter of statutory construction cannot... undercut our constitutional due process holding in *Singh*.) "In a series of decisions, the [Ninth Circuit] . . . grappled in piece-meal fashion with whether the various immigration detention statutes may authorize indefinite or prolonged detention of detainees and, if so, may do so without providing a bond hearing." *Rodriguez v. Hayes* (Rodriguez I), 591 F.3d 1105, 1114 (9th Cir. 2010). In *Diouf v. Napolitano* (Diouf II), 634 F.3d 1081 (9th Cir. 2011), the Ninth Circuit applied "the canon of constitutional avoidance and construe[d] § 1231(a)(6) as requiring an

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individualized bond hearing, before an immigration judge, for aliens facing prolonged detention under that provision" and held that "[s]uch aliens are entitled to release on bond unless the government establishes that the alien is a flight risk or will be a danger to the community." *Id.* at 1086.

(42). Where the Supreme Court has permitted civil detention in other context, it as relied on the fact that the Government bore the burden of proof by at least clear and

convincing evidence. *see United States v. Salerno*, 481 U.S. 739, 750, 752 (1987)

- (upholding pre-trial detention after a full-blown adversary hearing requiring clear and convincing evidence and a neutral decision maker); *Foucha v. Louisiana*, 504 U.S. 71, 81-83 (1992) (striking down civil detention scheme that placed burden on the detainee); *Zadvydas*, 533 U.S. at 692 (finding post-final-order custody review procedures deficient because, *inter alia*, they placed burden on detainee).

(43). The requirement that the government bear the burden of proof by clear and convincing evidence is also supported by application of the three-factor balancing test from *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). First, an individual's private interest in freedom from prolonged detention is unquestionably substantial. *See Rodriguez Diaz*, 53 F.4th at 1207 (citing *Singh*, 638 F.3d at 1208). Second, the risk of error is great where the government is represented by trained attorneys and detained non-citizens are often unrepresented and may lack English proficiency. *see Santosky v. Kramer*, 455 U.S. 745, 763 (1982) (requiring clear and convincing evidence at parental termination proceedings because numerous factors combine to magnify the risk of erroneous factfinding including that parents subject to termination proceedings are often poor, uneducated, or members of minority groups and [t]he state's attorney usually will be expert on the issues contested). Moreover, detained noncitizens are incarcerated in prison-like conditions that severely hamper their ability to obtain legal assistance, gather evidence, and prepare for a bond hearing. *see supra* 31. Third, placing the burden on the government imposes minimal cost or inconvenience to it, as the government has access to

the non-citizen's immigration records and other information that it can use to make its case for continued detention.

D. Due Process Requires Consideration Of Alternatives to Detention

(44). Due Process also requires consideration of alternatives to detention. The primary purpose of immigration detention to ensure a noncitizen's appearance during civil removal proceedings. *Zadvydas*, 533 U.S. at 697. Detention is not reasonably related to

this purpose id there are alternative conditions of release that could mitigate risk of flight. — see *Bell-v. Wolfish* 441-U.S. 520, 538-39 (1979) (civil pretrial detention may be unconstitutionally punitive if it is excessive in relation to its legitimate purpose). ICE's alternatives to detention program the Intensive Supervision Appearance Program has achieved extraordinary success in ensuring appearance at removal proceedings, reaching compliance rate close to 100 percent. *Hernandez v. session*, 872 F.3d 976,991 (9th Cir. 2017) (observing that ISAP resulted in a 99% attendance rate at all EOIR hearings and a 95% attendance rate at final Hearings⁰. Thus alternatives to detention must be considered in determining whether prolonged incarceration is warranted.

(45). Due process likewise requires consideration of a noncitizen's ability to pay a bond. Detention of an indigent for inability to post money bail is impermissible if the individual's appearance at trial could reasonably be assured by one of the alternate forms of release. *Hernandez*, 872 F.3d at 990 (quoting *Pugh v. Rainwater*, 572 F.2d 1053,1058 (5th Cir. 1978)(en banc)). Therefore, when determining the appropriate condition of release for people detained for immigration purposes, due process requires consideration of financial circumstances and alternative condition of release. *Id.*; see also *Martinez v. Clark*, 36 F.4th 1219,1231 (9th Cir. 2022)(While the government had legitimate interest in protecting the public and ensuring the appearance of noncitizens in immigration proceedings, we held [in *Hernandez*] that detaining an indigents alien without consideration of financial circumstances and alternative release condition was unlikely to result in a bond determination reasonably related to the government's legitimate interests. (citation omitted).)

CLAIM FOR RELIEF

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION

(46) Petitioner re-alleges and incorporates by reference the paragraphs above.

(47). 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.

(48). To Justify Petitioner's ongoing prolong detention, due Process requires that the government establish, at an individualized hearing before a neutral decision maker, that Petitioner's detention is justified by clear and convincing evidence of flight risk or danger, taking into account whether alternatives to detention could sufficiently mitigate that risk.

(49). For these reasons, Petitioners ongoing prolong detention without a hearing violates due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully request that this Court:

- 1). Assume jurisdiction over this matter;
- 2). Issue a Writ of Habeas Corpus, hold a hearing before this Court if warranted, determine that Petitioner's detention is not justified because the government has not established by clear and convincing evidence that Petitioner presents a risk of flight or danger in light of available alternatives to detention, and order Petitioner's release (with appropriate condition of supervision if necessary), taking into account Petitioner's ability to pay a bond.
- 3). In the alternative, issue a Writ of Habeas Corpus and order Petitioner's release within 30 days unless respondents schedule a hearing before an immigration judge where: (1) to continue detention, the government must

establish by clear and convincing evidence that Petitioner presents a risk of flight or danger, even after consideration of alternatives to detention that could mitigate any risk that Petitioner's release would present; and (2) if the government cannot meet its burden, the immigration judge order

Petitioner's release on appropriate condition of supervision, taking into account Petitioner's ability to pay a bond; —

- 4). Issue a declaration that Petitioner's ongoing prolonged detention violates the Due Process Clause of the Fifth Amendment;
- 5). Award Petitioner his costs and reasonable attorneys fee in this action as provided for by the Equal Access to Justice Act, 28 U.S.C. § 2412; and
- 6). Grant such further relief as the Court deems just and proper.

CONCLUSION

Respondent has not provide the adequate Due Process warranted by the Fifth and Fourteen Amendment, Petitioners prolong detention as become punitive instead of civil detention. Due process violation occurs when detention become excessive in relation to its regulatory purpose, detention beyond six months is impermissible unless the government proves that further detention is justified by clear and convincing evidence.

Dated: June 27, 2026

Respectfully Submitted,

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Manrique Garcia Johann

A black rectangular box with a white 'X' inside, used to redact an address.

California City Immigration
Processing Center
22844 Virginia Blvd
California City, CA 93505

CERTIFICATE OF SEERVICE

— I here certify that a true copy of this Certificate of Service and a petition for Habeas Corpus 2241 was deposited at the California City Immigration Processing Center in a prepaid postage envelope mailing system authorize by the detainees on June 27, 2026 in California City, and address to the following.

Office of the Clerk
Unites States District Court
Eastern District of California
2500 Tulare Street, Suite 1501
Fresno, Ca 93721

U.S. Department of Justice
United States Attorneys Office
Eastern District of California
501 I Street, Suite 10-100
Sacramento, Ca 95814

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

Johann
Manrique Garcia Johann

California City Immigration
Processing Center
22844 Virginia Blvd
California City, CA 93505

Manrique Garcia Johann

California City Immigration
Processing Center
22844 Virginia Blvd

Exhibit A