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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT

Ernesto Domingo-Mejia,

Petitioner,

v.

Divver, Field Office Director of Enforcement and Removal Operations, San Diego Field Office, Immigration and Customs Enforcement; et al.

Respondents.

Case No. '26CV3892 JAO GC

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner Ernesto Domingo-Mejia ("Mr. Domingo-Mejia") brings this petition for a writ of habeas corpus to challenge his ongoing detention at the Otay Mesa Detention Center. Respondents are treating Mr. Domingo-Mejia as subject to mandatory detention under 8 U.S.C. § 1225(b)(2), even though he last entered the United States without inspection in approximately 2015 through Altar, Arizona, was not apprehended upon arrival, and was instead taken into immigration custody years later, on or about March 11, 2026. Mr. Domingo-Mejia has lived in the United States for approximately eleven years, has resided in Florida since his arrival, has no criminal history, and supports his longtime partner and children, including two U.S. citizen children. Mr. Domingo-Mejia is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231. Because he was not apprehended upon arrival and was taken into custody years after his entry, his detention is governed by 8 U.S.C. § 1226(a), and he is entitled to an individualized bond hearing and consideration for release on bond.

2. On December 18, 2025, the district court in *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Dec. 18, 2025), entered final judgment declaring that members of the certified Bond Eligible Class are detained under 8 U.S.C. § 1226(a), are not subject to mandatory detention under 8 U.S.C. § 1225(b)(2), and are entitled to bond consideration under 8 C.F.R. § 236.1, 8 C.F.R. § 1236.1, and 8 C.F.R. § 1003.19. The government appealed. On April 2, 2026, the Ninth Circuit stayed the judgment pending appeal to the extent it required relief for class members outside the Central District of California but did not stay its application within the Central District. See *Maldonado Bautista v. Santacruz*, No. 26-1044 (9th Cir. Apr. 2, 2026).

3. Because Mr. Domingo-Mejia is detained in the Southern District of California, he does not seek to enforce the stayed extraterritorial portion of the classwide judgment in *Maldonado Bautista*. He instead seeks individual habeas relief based on the same statutory interpretation adopted by the district court and the plain text of the INA.

4. Mr. Domingo-Mejia falls within the same category of noncitizens addressed in *Maldonado Bautista*. Mr. Domingo-Mejia does not have lawful status in the United States, is currently detained at the Otay Mesa Detention Center, last entered the United States without inspection in approximately 2015 through Altar, Arizona, was not apprehended upon arrival, and was taken into immigration custody only years later, on or about March 11, 2026. He is not detained under 8 U.S.C. § 1226(c), 8 U.S.C. § 1225(b)(1), or 8 U.S.C. § 1231. Because Mr. Domingo-Mejia was not apprehended upon arrival and was instead taken into immigration custody years after his entry, his detention is governed by 8 U.S.C. § 1226(a), and he is entitled to an individualized bond hearing and consideration for release.

5. After apprehending Mr. Domingo-Mejia on March 11, 2026, DHS placed him in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged him as inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States without inspection. That charge does not convert his detention into mandatory detention under § 1225(b)(2), particularly where he was not apprehended upon arrival and was instead arrested years after entry.

6. Respondents continue to detain Mr. Domingo-Mejia without affording him the bond process required by 8 U.S.C. § 1226(a). The Court should expeditiously grant this petition and order Respondents to treat Mr. Soto-Urbina as detained under 8 U.S.C. § 1226(a), to provide prompt bond consideration, and, if he is not released by DHS, to provide a prompt custody

redetermination hearing before an Immigration Judge. Alternatively, if Respondents do not provide that process within seven (7) days, the Court should order Mr. Domingo-Mejia's release.

JURISDICTION

7. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Otay Mesa Detention Center in San Diego, California.

8. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

9. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

10. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Southern District, the judicial district in which Petitioner currently is detained.

11. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Southern District.

REQUIREMENTS OF 28 U.S.C. § 2243

12. The Court should grant the petition for writ of habeas corpus "forthwith," as the legal issues have already been resolved for class members in *Maldonado Bautista.*

13. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or

confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

14. Mr. Domingo-Mejia (A-Number: [redacted] is a native and citizen of Guatemala who is currently detained at the Otay Mesa Detention Center. Mr. Domingo-Mejia does not have lawful status in the United States and last entered the United States without inspection in approximately 2015 at or near Altar, Arizona. He was not apprehended upon arrival.

15. Respondent Patrick Divver is the Field Office Director of ICE Enforcement and Removal Operations, San Diego Field Office. In that official capacity, he is responsible for Petitioner's immigration custody and continued detention within this District. He is sued in his official capacity only.

16. Respondent Christopher J. LaRose is the Warden of the Otay Mesa Detention Center, where Petitioner is detained. He has day-to-day physical custody of Petitioner and is sued in his official capacity only.

17. Respondent Department of Homeland Security is the federal agency responsible for implementing and enforcing the Immigration and Nationality Act, including the detention and removal of noncitizens.

18. This Petition challenges Petitioner's present physical confinement under 28 U.S.C. § 2241. Respondents are the officials and agency responsible for Petitioner's custody and continued detention.

CLAIM FOR RELIEF

Violation of the INA:
Request for Relief Pursuant to *Maldonado Bautista*

19. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

20. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

21. The order granting partial summary judgment in *Maldonado Bautista* concluded that Respondents violate the INA when they apply the mandatory detention statute at 8 U.S.C. § 1225(b)(2) to noncitizens who fall within the Bond Eligible Class.

22. The order granting class certification in *Maldonado Bautista* extended the same declaratory relief granted to the named petitioners to the Bond Eligible Class as a whole. After final judgment, however, the Ninth Circuit stayed the judgment pending appeal to the extent it required relief for class members outside the Central District of California.

23. Because Petitioner is detained in the Southern District of California, he does not seek to enforce the stayed extraterritorial portion of the classwide judgment in *Maldonado Bautista*. He instead seeks individual habeas relief based on the INA, 8 U.S.C. § 1226(a), and the same statutory interpretation adopted by the district court in *Maldonado Bautista*.

24. By denying Petitioner bond consideration under 8 U.S.C. § 1226(a) and treating him as subject to mandatory detention under 8 U.S.C. § 1225(b)(2), Respondents violate Petitioner's statutory rights under the INA. Petitioner therefore asks this Court to order Respondents to treat him as detained under § 1226(a) and to provide prompt bond consideration and, if necessary, a custody redetermination hearing before an Immigration Judge.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

a. Assume jurisdiction over this matter;

b. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;

c. Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;

d. Award Petitioner attorney's fees as permitted by law; and

e. Grant any other and further relief that this Court deems just and proper.

DATED this July 07, 2026.

/s/ Jose Torres
Jose Torres
Counsel for Petitioner