IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

FRESNO DIVISION

FILED
JUL 07 2026
CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY DEPUTY CLERK

EDUARDO ALVARADO REYES, [redacted]

Petitioner,

1:26CV05222 KES HBK(HC)

v.

WARDEN, CALIFORNIA CITY IMMIGRATION PROCESSING CENTER;

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT;

U.S. DEPARTMENT OF HOMELAND SECURITY;

ATTORNEY GENERAL OF THE UNITED STATES,

Respondents.

Case No.: _____

PETITION FOR WRIT OF HABEAS CORPUS

PURSUANT TO 28 U.S.C. § 2241

Petitioner Eduardo Alvarado Reyes, a native and citizen of Cuba, is currently detained by U.S. Immigration and Customs Enforcement ("ICE") at the California City Immigration Processing Center, California City, California. He has been in continuous immigration detention since October 24, 2025 — a period now exceeding 240 days. He has two United States citizen sons, four United States citizen grandchildren, and a United States citizen wife who depend on him and have been devastated by his detention. He respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, and states as follows:

I. JURISDICTION AND VENUE

This Court has jurisdiction pursuant to 28 U.S.C. § 2241(c)(3). Petitioner is detained at California City Immigration Processing Center, within the Eastern District of California. Venue is proper in this Court. Petitioner challenges only the lawfulness of his continued detention, not the validity of the underlying removal order.

Petitioner notes that a habeas petition raising related claims was filed in the United States District Court for the Middle District of Florida on January 23, 2026 (*Alvarado Reyes v. Warden*, Case No. 3:26-cv-128-JEP-PDB (M.D. Fla.)). In that proceeding, Judge Jordan E. Pratt dismissed the *Zadvydas* claim without prejudice as premature — filed approximately three months into detention — and ordered supplemental briefing on Petitioner's due process claim regarding the OSUP revocation. *See* Doc. 12 (Apr. 9, 2026). Petitioner was subsequently transferred to this District. This petition is filed as a protective measure and does not seek duplicative or inconsistent relief. The *Zadvydas* claim, premature in Florida at approximately three months, is now fully ripe: detention has extended beyond eight months with no prospect of removal to Cuba.

II. PARTIES

1. Petitioner Eduardo Alvarado Reyes (A# [redacted] is a native and citizen of Cuba, born [redacted] who entered the United States on October 25, 1993 and became a lawful permanent resident on July 12, 1996. He is currently detained at California City Immigration Processing Center, California City, California.

2. Respondent Warden is the officer with immediate day-to-day custody over Petitioner at California City Immigration Processing Center.

3. Respondents U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security, and the Attorney General of the United States are the federal officials who exercise legal custody over Petitioner.

III. FACTUAL BACKGROUND

A. Petitioner's History, Family Ties, and Over Two Decades of Supervision Compliance

4. Petitioner entered the United States on October 25, 1993 and became a lawful permanent resident on July 12, 1996. He has lived in the United States for over thirty years. He is the husband of a United States citizen, the father of two United States citizen sons, and the grandfather of four United States citizen grandchildren — all of whom reside in the United States and rely on him for financial and emotional support.

5. On June 13, 2002, Petitioner was convicted in the United States District Court for the Middle District of Florida at Orlando for Possession and Concealing Counterfeit Federal Reserve Notes in violation of 18 U.S.C. § 472. He was sentenced to 13 months of confinement and two years' probation. He served his full sentence. He has not been accused of any additional criminal conduct since that conviction, over twenty years ago.

6. On September 12, 2003, an immigration judge ordered Petitioner removed to Cuba based on the 2002 conviction. ICE detained Petitioner following that order. In January 2004, ICE conducted a post-order custody review and released Petitioner under an Order of Supervision because it had been unable to accomplish his removal to Cuba. ICE's release letter expressly acknowledged that removal to Cuba had not been accomplished. (Exhibit, Post-Order Custody Review – Release Decision, Jan. 13, 2004.)

7. Critically, at the time of Petitioner's release in January 2004, ICE had full and unambiguous knowledge of the 2002 conviction. The conviction was the very basis of the removal order. ICE reviewed it, weighed it against all relevant circumstances, and nevertheless determined that supervised release was appropriate because removal to Cuba was impossible. ICE then maintained that determination — with the conviction continuously on record — for over twenty-one years, through multiple administrations and more than a dozen annual reporting cycles. The 2002 conviction cannot constitute a newly arising changed circumstance in 2025. It was known to ICE at every stage.

8. Following his 2004 release, Petitioner complied fully with all supervision requirements. ICE's own records confirm consistent compliance: he reported as required to the Orlando ERO office, most recently on March 24, 2025, at which time he was assigned a next reporting date of September 26, 2025. (Exhibit, Form I-220R, March 24, 2025.) He never absconded, never missed a check-in, and maintained a known address in the Orlando, Florida area throughout his supervision.

9. In September 2025, ICE issued a Call-In Letter directing Petitioner to report on October 30, 2025 for "case review/travel arrangements" and to bring "Id, Passport travel documents." (Exhibit, DHS Call-In Letter, Sept. 26, 2025.) A mandatory reporting appointment for October

24, 2025 was also issued. Petitioner appeared as directed. He was detained at the October 24, 2025 appointment and has remained in continuous custody since.

B. The OSUP Revocation: Boilerplate Notice, No Changed Circumstances, No Individualized Review

10. Petitioner was detained at the mandatory reporting appointment on October 24, 2025 without any pre-deprivation hearing. The revocation of his Order of Supervision identified no new violations of supervision conditions and no changed circumstances. The sole stated basis was the continued existence of the 2003 removal order — the same order that existed in 2004 when ICE released Petitioner because removal could not be accomplished. The revocation notice was a standard boilerplate form containing no individualized analysis of Petitioner's circumstances, his decades of compliance, or the reasons ICE previously determined supervision was appropriate.

11. On December 15, 2025, ICE served Petitioner with a Notice of Removal to Mexico — a country not designated in his September 12, 2003 order of removal, which directs removal to Cuba. Petitioner refused to sign. A speculative possibility of third-country removal does not constitute a changed circumstance justifying revocation of a decades-old Order of Supervision. See *Rodriguez Romero v. Warden*, Case No. 3:25-cv-01106-JWD-EWD (M.D. La. Feb. 6, 2026) (granting habeas relief; notice that Cuba was "under review" for travel documents — after two decades of failed removal attempts — did not demonstrate changed circumstances or significant likelihood of removal); *Lanvin-Valdez v. Warden*, No. 3:26-cv-00284-MMH-MCR (M.D. Fla. Apr. 14, 2026); *Fuentes v. Ripa* (*Padron Fuentes*), No. 2:26-cv-00085 (M.D. Fla. 2026).

12. The Federal Respondents' response to the Florida habeas petition did not address Petitioner's OSUP revocation claim at all. The Florida court independently noted this omission

and ordered supplemental briefing. *Alvarado Reyes*, No. 3:26-cv-128-JEP-PDB, Doc. 12 at 5 (M.D. Fla. Apr. 9, 2026).

C. Proceedings Before the Immigration Court

13. In October 2025, counsel filed a Sua Sponte Motion to Reopen before the Atlanta Immigration Court. The motion was denied on December 10, 2025 by Immigration Judge Andrew Hewitt as number-barred under INA § 240(c)(7)(A) and declined for sua sponte reopening.

14. On January 6, 2026, counsel filed a Motion to Reconsider, presenting arguments not previously addressed — including Petitioner's potential eligibility for a waiver under INA § 212(h) pursuant to *Matter of J-H-J-*, 26 I&N Dec. 563 (BIA 2015) — and extraordinary humanitarian circumstances including Petitioner's cancer history, ongoing medical needs, and the severe hardship to his U.S. citizen wife, two U.S. citizen sons, and four U.S. citizen grandchildren. The Motion to Reconsider was pending as of the filing of this petition.

D. Medical Condition

15. Petitioner has significant and documented ongoing medical conditions. He underwent a partial colectomy in August 2018 following a colon cancer diagnosis. He is a cancer survivor who requires ongoing oncological follow-up to ensure he remains in remission. His September 29, 2025 medical records — one month before re-detention — document "History of colon cancer" with a Gastroenterology referral for evaluation. (Exhibit, Sanitas Patient Visit Summary, Sept. 29, 2025.)

16. Petitioner also suffers from hypertension, Type II diabetes, venous insufficiency with associated ulceration, elevated cholesterol, and benign prostatic hyperplasia. As of September

29, 2025, he was prescribed nine daily medications. Petitioner requires ongoing specialist follow-up and chronic disease management that has been disrupted by detention. He has no access to cancer surveillance or chronic disease care in Cuba, where he has not lived since 1993 and has no family or support network.

E. Cuba's Documented Refusal to Accept Repatriates and Absence of Foreseeable Removal

17. Petitioner's final order directs removal to Cuba. Cuba has consistently refused to accept the repatriation of Cuban nationals subject to U.S. removal orders. ICE's own 2004 records confirm this: it released Petitioner because it had been unable to remove him to Cuba as ordered. Twenty-one years have passed. There is no evidence Cuba's position has changed. There is no significant likelihood of removal to Cuba in the reasonably foreseeable future.

18. ICE's proposed removal to Mexico is not a lawful substitute. The 2003 order directs removal to Cuba. No court has authorized removal to Mexico. Petitioner's refusal to consent to unauthorized third-country removal cannot extend his detention. ICE has no lawful path to removal in the reasonably foreseeable future.

19. As of the filing of this petition, Petitioner has been in continuous detention for more than 240 days since October 24, 2025. ICE previously detained him for months in 2003–2004 before releasing him because removal to Cuba could not be accomplished. The total time he has spent in post-order detention arising from the same 2003 removal order now exceeds 500 days. During his current detention he has received no meaningful individualized custody review addressing whether there is a significant likelihood of removal in the reasonably foreseeable future.

IV. LEGAL ARGUMENT

A. Prolonged Detention Beyond Six Months Without Foreseeable Removal Violates Due Process Under *Zadvydas v. Davis*

20. *Zadvydas v. Davis*, 533 U.S. 678 (2001), held that detention under 8 U.S.C. § 1231(a)(6) beyond a presumptively reasonable six-month period is unlawful unless the government can demonstrate a significant likelihood of removal in the reasonably foreseeable future. Once the six-month threshold is passed, the burden shifts to the government. *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 (11th Cir. 2002). Petitioner has exceeded that threshold by more than two months. The government cannot meet its burden.

21. Cuba refuses repatriation. ICE has no travel documents for removal to Cuba — a fact confirmed by ICE's own 2004 records. ICE's proposed third-country removal to Mexico has no legal basis. Petitioner's lawful refusal to consent to unauthorized removal cannot extend his confinement. The government has no path to removal.

22. Moreover, where a petitioner has previously been released under an OSUP after ICE was unable to accomplish removal, the burden to justify re-detention shifts immediately upon re-detention — not after six additional months. See *Rodriguez Romero v. Warden*, Case No. 3:25-cv-01106-JWD-EWD (M.D. La. Feb. 6, 2026) (where Cuban national had been released on OSUP since 2003–2004 and ICE had been unable to remove him to Cuba for over two decades, revocation notice citing that Cuba was "under review" did not satisfy changed-circumstances requirement and did not demonstrate significant likelihood of removal; release ordered).

23. Courts in this Circuit have consistently granted habeas relief in materially identical circumstances. See *Nadarajah v. Gonzales*, 443 F.3d 1069 (9th Cir. 2006) (detention without limit where removal not reasonably foreseeable violates due process); *Diouf v. Napolitano*, 634 F.3d 1081 (9th Cir. 2011) (prolonged detention requires adequate procedural safeguards);[1]

Prieto-Romero v. Clark, 534 F.3d 1053, 1063 (9th Cir. 2008) ("uncertain prospect of removal" may not justify continued detention); *Casas-Castrillon v. DHS*, 535 F.3d 942 (9th Cir. 2008) (prolonged detention without individualized review raises serious constitutional concerns). The Middle District of Florida has likewise consistently ordered release of Cuban nationals held under these circumstances. See *Franco v. Warden*, No. 3:26-cv-176-JEP-SJH (M.D. Fla. Apr. 22, 2026); *Lanvin-Valdez v. Warden*, No. 3:26-cv-00284-MMH-MCR (M.D. Fla. Apr. 14, 2026); *Benet Doval v. Warden*, No. 3:26-cv-718-JEP-PDB (M.D. Fla. Apr. 29, 2026). Most recently, this Court ordered immediate release in *Eduardo V.M. v. Warden of Golden State Annex ICE Detention Facility*, No. 1:26-cv-00017-TLN-AC (E.D. Cal. Mar. 24, 2026), where a Cuban petitioner challenged prolonged detention, OSUP revocation on unchanged facts, and proposed removal to Mexico without legal authorization.

[1] In *Prieto-Romero*, the Ninth Circuit acknowledged that an "uncertain prospect of removal" could not by itself justify indefinite detention. 534 F.3d at 1063. Cuba's documented, twenty-year refusal to repatriate, confirmed by ICE's own records, presents precisely that situation here.

B. The OSUP Revocation Lacked Changed Circumstances, Was Supported Only by Boilerplate, and Violated Due Process and ICE's Own Regulations

24. Courts have repeatedly rejected the government's argument that a speculative possibility of third-country removal, or the mere issuance of a boilerplate revocation notice, constitutes a material changed circumstance sufficient to justify revocation of a long-standing Order of Supervision. *Rodriguez Romero*, Case No. 3:25-cv-01106-JWD-EWD (M.D. La. Feb. 6, 2026); *Fuentes v. Ripa* (*Padron Fuentes*), No. 2:26-cv-00085 (M.D. Fla. 2026) (rejecting argument that 8 U.S.C. § 1252(g) bars review of OSUP revocation, that boilerplate notices satisfy changed-

circumstances requirement, and that speculative Mexico removal constitutes changed circumstance); *Lanvin-Valdez*, No. 3:26-cv-00284-MMH-MCR (M.D. Fla. Apr. 14, 2026); *Franco*, No. 3:26-cv-176-JEP-SJH (M.D. Fla. Apr. 22, 2026).

25. This Court itself has recently granted habeas relief under nearly identical circumstances. In *Eduardo V.M. v. Warden of Golden State Annex ICE Detention Facility*, No. 1:26-cv-00017-TLN-AC (E.D. Cal. Mar. 24, 2026), the court held that ICE failed to establish changed circumstances under 8 C.F.R. § 241.13(i)(2) where a Cuban national had been released on supervision for years, was re-detained at a routine check-in, and ICE relied on a conclusory revocation notice and speculative efforts to remove him to Mexico. The court found that the government failed to demonstrate a significant likelihood of removal in the reasonably foreseeable future and ordered the petitioner's immediate release. The facts of *Eduardo V.M.* are materially indistinguishable from those presented here: a Cuban national, long-term release under an Order of Supervision, re-detention at a routine reporting appointment, boilerplate revocation notice, and a proposed third-country removal to Mexico with no legal authorization.

26. The revocation here identifies no changed circumstance. The sole stated basis — the finality of the 2003 removal order — has been true for over twenty years. It was equally true in 2004 when ICE released Petitioner because removal could not be accomplished. Re-detention on unchanged facts after twenty-one years of perfect supervision compliance is arbitrary and constitutionally impermissible.

27. As in *Eduardo V.M.*, ICE has identified no material event occurring between Petitioner's long-standing release under supervision and the October 2025 revocation. The only alleged change is the government's renewed effort to pursue removal to a third country. The Eastern District rejected that rationale: as the court expressly held, "Without any other facts to rely on,

this Court must find there were no changed circumstances in Petitioner's case to warrant the revocation of his release." The same result is compelled here, where ICE has likewise produced no new facts beyond a later-developed intent to pursue third-country removal.

28. The argument fails for an independent reason: the 2002 conviction was fully known to ICE when it released Petitioner in January 2004. ICE reviewed it, weighed it, and released Petitioner under supervision because removal was impossible. ICE then maintained that determination for over twenty-one years with the conviction plainly on record at every annual check-in. A fact known continuously to an agency for more than two decades cannot be invoked in 2025 as a newly arising changed circumstance. To hold otherwise would allow ICE to weaponize ancient, fully-adjudicated criminal history to justify re-detention at any time without any change in facts — a result incompatible with due process and with 8 C.F.R. § 241.13(i)(2).

29. To the extent the government argues that 8 U.S.C. § 1252(g) strips this Court of jurisdiction over the OSUP revocation claim, that argument has been squarely rejected. Section 1252(g) bars review only of the discrete executive decisions to "commence proceedings, adjudicate cases, or execute removal orders." It does not bar habeas jurisdiction over constitutional challenges to the lawfulness of detention, which is a distinct liberty interest protected by the Fifth Amendment and reviewable under 28 U.S.C. § 2241. See *INS v. St. Cyr*, 533 U.S. 289, 305 (2001); *Fuentes v. Ripa* (*Padron Fuentes*), No. 2:26-cv-00085 (M.D. Fla. 2026); *Zadvydas*, 533 U.S. at 687 n.3.

30. 8 C.F.R. § 241.13(i)(3) separately requires ICE to conduct an initial informal interview "promptly" after revocation to afford the alien a meaningful opportunity to respond. A multi-month delay between re-detention and any meaningful interview is not "prompt" under any standard. *Eduardo V.M. v. Warden of Golden State Annex ICE Detention Facility*, No. 1:26-cv-

00017-TLN-AC (E.D. Cal. Mar. 24, 2026) further held that the absence of the informal interview required by 8 C.F.R. § 241.13(i)(3) independently rendered the revocation likely unlawful. See also *Rodriguez Romero*, Case No. 3:25-cv-01106-JWD-EWD (M.D. La. Feb. 6, 2026) (petitioner Gaston Sanchez received no revocation documents for over three months; release ordered); *Franco*, No. 3:26-cv-176-JEP-SJH (M.D. Fla. Apr. 22, 2026) (four-month delay; release ordered); *Benet Doval*, No. 3:26-cv-718-JEP-PDB (M.D. Fla. Apr. 29, 2026).

31. ICE must follow its own regulations. "Where the rights of individuals are affected, it is incumbent upon agencies to follow their own procedures." *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 265 (1954). Failure to comply with liberty-protective regulations renders the resulting detention unlawful. See *Gonzalez v. Reno*, 212 F.3d 1338, 1349 (11th Cir. 2000); *Ramirez v. U.S. Immigration & Customs Enf't*, 471 F. Supp. 3d 88, 103 (D.D.C. 2020).

C. Proposed Removal to Mexico Is Not Authorized by the Order of Removal

32. The September 12, 2003 order of removal directs removal to Cuba. No court has authorized removal to any third country. 8 U.S.C. § 1231(b)(2) provides a sequential framework for designating alternative countries of removal; Respondents have not demonstrated compliance. Petitioner's refusal to consent to removal to Mexico was lawful. That refusal cannot be used to justify indefinite detention. See *Eduardo V.M. v. Warden of Golden State Annex ICE Detention Facility*, No. 1:26-cv-00017-TLN-AC (E.D. Cal. Mar. 24, 2026) (proposed Mexico removal without legal authorization not a changed circumstance); *Lanvin-Valdez*, No. 3:26-cv-00284-MMH-MCR (M.D. Fla. Apr. 14, 2026).

D. Continued Detention Serves No Legitimate Penological Purpose

33. Petitioner poses no flight risk. He reported faithfully to ICE for over twenty years following his 2004 release. He is the husband of a U.S. citizen, the father of two U.S. citizen sons, and the grandfather of four U.S. citizen grandchildren. He has a known address in Orlando, Florida, and no criminal history since 2002.

34. Petitioner poses no danger to the community. No allegation of new criminal conduct has been made. The government maintained supervision for over two decades without incident.

35. Continued detention serves no legitimate purpose under *Zadvydas* and operates as unconstitutional punishment in violation of the Fifth Amendment. The government cannot detain Petitioner indefinitely simply because it has been unable — for over twenty years — to obtain travel documents to Cuba.

E. Petitioner's Medical Conditions and Family Circumstances Further Support Release

36. Petitioner is a cancer survivor requiring ongoing oncological follow-up, as well as management of hypertension, Type II diabetes, and venous insufficiency. Petitioner requires ongoing specialist follow-up and chronic disease management that has been disrupted by detention. His U.S. citizen wife, two U.S. citizen sons, and four U.S. citizen grandchildren face continuing hardship from his confinement. These circumstances independently and collectively support immediate release. See *Estelle v. Gamble*, 429 U.S. 97, 104 (1976); *Gordon v. Cnty. of Orange*, 888 F.3d 1118, 1124–25 (9th Cir. 2018).

V. PRIOR PETITION AND EXHAUSTION

37. A habeas petition was filed in the Middle District of Florida on January 23, 2026 (Case No. 3:26-cv-128-JEP-PDB). The Florida court dismissed the *Zadvydas* claim without prejudice as premature and ordered supplemental briefing on the OSUP revocation claim. *Alvarado Reyes*,

No. 3:26-cv-128-JEP-PDB, Doc. 12 (M.D. Fla. Apr. 9, 2026). Petitioner was subsequently transferred to this District. This petition is filed as a protective measure and does not seek duplicative or inconsistent relief.

38. There is no administrative exhaustion requirement for these claims. No adequate administrative process exists to challenge the lawfulness of post-order detention under 8 U.S.C. § 1231(a)(6). See *Zadvydas*, 533 U.S. at 687.

VI. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter;

2. Issue an Order to Show Cause directing Respondents to explain the legal basis for Petitioner's continued detention;

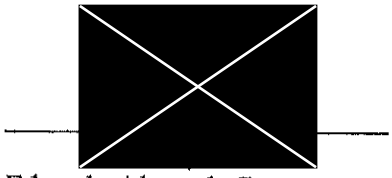
3. Grant the Petition and order Petitioner's immediate release under the conditions of his preexisting Order of Supervision;

4. Issue a Temporary Restraining Order barring any removal of Petitioner, including to any third country, pending resolution of this petition; and

5. Grant any additional relief the Court deems just and proper.

Petitioner respectfully requests liberal construction of this pro se filing. *Haines v. Kerner*, 404 U.S. 519, 520–21 (1972).

Respectfully submitted,



Eduardo Alvarado Reyes, pro se

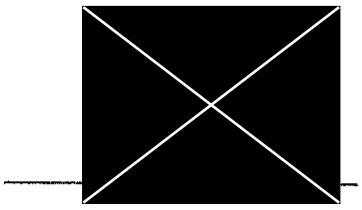
California City Immigration Processing Center

California City, California

Date: June 30, 2026

CERTIFICATE OF SERVICE

I, Eduardo Alvarado Reyes, hereby certify that on the date below I deposited a copy of the foregoing Petition for Writ of Habeas Corpus in the institutional mail system at California City Immigration Processing Center, first-class postage prepaid, addressed to the Clerk of the United States District Court for the Eastern District of California.



Eduardo Alvarado Reyes

Date: June 30, 2026