Nanya Thompson, Esq.
NANYA THOMPSON LAW, INC.
1446 Front St., Ste. 102
San Diego, CA 92101
Tel: (619) 269-2955
Fax: (619) 269-5402
Email: nanya.esq@gmail.com

Counsel for Petitioner Milton Antonio Parada Chavez

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MILTON ANTONIO PARADA CHAVEZ,

Petitioner,

v.

Markwayne MULLIN, in his official capacity as Secretary of the Department of Homeland Security,

Todd BLANCHE, in his official capacity as Acting Attorney General,

Christopher CHESTNUT, in his official capacity as Warden of California City Detention Facility,

Sergio ALBARRAN, in his official capacity as ICE Field Office Director, San Francisco

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,

Case No.

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS AND ORDER TO SHOW CAUSE WITHIN THREE DAYS; COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Challenge to Unlawful Incarceration; Request for Declaratory and Injunctive Relief

U.S. DEPARTMENT OF HOMELAND SECURITY,

Respondents.

INTRODUCTION

1. Petitioner, Mr. Milton Antonio Parada Chavez, brings this petition for a writ of habeas corpus to obtain immediate release from Respondents' custody, as his continued prolonged detention of two years and eight months is unlawful and violates his right to due process. Immediate release is the appropriate remedy, as a bond hearing would be futile because he will be unable to obtain a fair hearing with an Immigration Judge (IJ) under the current structure of the Executive Office for Immigration Review (EOIR).

JURISDICTION AND VENUE

2. This Court has jurisdiction over the present action pursuant to 28 U.S.C. § 1331, general federal question jurisdiction; 5 U.S.C. §§ 701 et seq., the APA; habeas jurisdiction pursuant to 28 U.S.C. § 2241 et seq.; Art I., § 9, Cl. 2 of the United States Constitution (the Suspension Clause); 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201-02 (Declaratory Judgment Act); the Fourth and Fifth Amendments to the U.S. Constitution; and the common law.

3. This action arises under the Due Process Clause of the Fifth Amendment of the U.S. Constitution and the Immigration and Nationality Act (INA). 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. § 2001 et seq., and the All-Writs Act, 28 U.S.C. § 1651.

4. Federal district courts possess broad authority to issue writs of habeas corpus when a person is held "in custody in violation of the Constitution or laws or treaties of the United States" (28 U.S.C. § 2241(c)(3)), and this authority extends to immigration detention challenges that survived the REAL ID Act's jurisdictional restrictions. Because Petitioner seeks the traditional habeas remedy of release from alleged unlawful detention, his petition presents precisely the type of threshold legality-of-detention question that § 2241 was designed to address. *See INS v. St. Cyr*, 533 U.S. 289, 301 (2001); *see also Lopez-Marroquin v. Barr*, 955 F.3d 759, 759 (9th Cir. 2020) (*citing Singh v. Holder*, 638 F.3d 1196, 1211–12 (9th Cir. 2011)). Federal courts are not stripped of jurisdiction under 8 U.S.C. § 1252. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). No court has ruled on the legality of Petitioner's detention.

5. Further, Petitioner is detained at the California City Detention Center[1], as such venue lies in the United States District Court for the Eastern District of California, the judicial district in which Petitioner currently is detained.

6. 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,

[1] The ICE Online Detainee Locator System incorrectly lists Petitioner's country of birth as Mexico.

and because a substantial part of the events or omissions giving rise to the claims occurred in this District.

REQUIREMENTS OF 28 U.S.C. § 2243

7. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to Respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243.

8. 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) *overruled on other grounds by Wainwright v. Sykes*, 433 U.S. 72 (1977) (emphasis added).

9. "'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. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000) (quoting *Ruby v. United States*, 341 F.2d 585, 587 (9th Cir. 1965)).

PARTIES

10. Petitioner, Mr. Milton Antonio Parada Chavez, is a citizen of El Salvador who has been in the custody of the Department of Homeland Security (DHS or the Department) since October 5, 2023. He is currently detained at the California City Detention Center in California City, California.

11. Respondent Markwayne Mullin, the Secretary of the DHS, is the highest-ranking official within the DHS. Respondent Mullin, by and through his agency for the DHS, is responsible for the implementation of the INA, and for ensuring compliance with applicable federal law. He is also responsible for the detention of non-citizens by DHS. Respondent Mullin is sued in his official capacity as an agent of the government of the United States.

12. Respondent Todd Blanche, the Acting Attorney General, is the highest-ranking official within the Department of Justice (DOJ). Respondent Blanche has responsibility for the administration and enforcement of the immigration laws pursuant to 8 U.S.C. § 1103. As the Immigration and Nationality Act (INA) has not been amended to reflect the designation of the Secretary of the DHS as the administrator and enforcer of immigration laws, Respondent Blanche is sued in his official capacity to the extent that 8 U.S.C. § 1102 gives him authority over immigration law.

13. Respondent Christopher Chestnut is the warden at California City Detention Facility. He oversees Petitioner's place of custody.

14. Respondent Sergio Albarran is the Field Office Director of the San Francisco office of ICE. He oversees the custody of all ICE detainees at the California City Detention Facility. Respondent Albarran is sued in his official capacity as an agent of the government of the United States.

15. Respondent Executive Office for Immigration Review is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings.

16. Respondent Department of Homeland Security is the agency responsible for detaining Petitioner.

FACTUAL ALLEGATIONS & PROCEDURAL HISTORY

17. Petitioner is a citizen of El Salvador. He presented himself at the San Ysidro Port of Entry seeking asylum on October 5, 2023, and has been detained since that time.[2] He was issued a Notice to Appear on January 19, 2024, and was placed in removal proceedings.[3] *See* Exhibit A. Although the Department initially sought to remove him to Mexico, this country of removal was withdrawn and the Department pursued only removal to El Salvador.

18. Petitioner initially arrived in the United States in the early 1990s and has suffered various criminal convictions including: 1996 receipt of stolen

---

[2] Petitioner previoulsy suffered several prior removals to Mexico; however, he is not a citizen of Mexico and never had any legal documents allowing him to lawfully reside in that country. He returned to the United States at the end of 2023 seeking assistance after being subjected to horrific abuse in Mexico. *See* Exhibit B; C.

[3] The Department initially charged Petitioner with removability under U.S.C. § 1182(a)(6)(A)(i) for being present without admission or parole but later withdraw that charge and Mr. Parada was found removable only under 8 U.S.C. § 1182(a)(7)(A)(i)(I), for lacking valid entry documents. Although the NTA was never formally amended, it is believed that Petitioner is charged as an "arriving alien."

property; from 1997 to 2005 various convictions including domestic battery, possession of a stolen vehicle, and theft of a vehicle; his final conviction occurred in 2006 where he was sentenced to about sixteen years in prison for assault with a firearm. *See* Exhibit B[4]. While incarcerated in prison in Mississippi, Petitioner joined the MS-13 gang for protection in 2009, and he was a member of MS-13 until he renounced his membership in or around 2013. After leaving the gang, Mr. Parada was forced into solitary confinement for his safety, [redacted] [redacted] *See* Exhibit C.[5]

19. In proceedings, Petitioner applied only for deferral of removal under the U.N. Convention Against Torture (CAT), arguing that he would more likely than not be tortured [redacted] He submitted expert testimony and voluminous country condition evidence in support of his claim. *See* Exhibit D; E.

[4] This exhibit contains the FBI background check and conviction documents submitted by the Department during proceedings.

[5] The references to the abuse that occurred in Mexico in Petitioner's declaration were only included during proceedings because the Department initially planned to remove Petitioner to Mexico but as noted above later withdrew that as a country for removal purposes.

20. The Immigration Judge granted Petitioner's CAT application on December 27, 2024. *See* Exhibit F. The Department appealed the grant to the Board of Immigration Appeals (BIA or the Board), which reversed the IJ's grant of relief on October 3, 2025. *See* Exhibit G. In rendering its decision, the BIA entirely ignored the expert testimony that the IJ had, in part, relied on to grant relief. *Id.*

21. Petitioner timely sought review of the Board's decision with the Ninth Circuit Court of Appeals filing his petition for review (case no. 25-6336) on October 8, 2025. *See* Exhibit H. A temporary stay is currently in effect, as such Petitioner cannot lawfully be removed from the United States at this time.[6] *Id.* Petitioner filed his opening brief on February 11, 2026, after obtaining one filing extension. *Id.* The government filed their answering brief on June 15, 2026, after seeking and obtaining four filing extensions. *Id.* Petitioner will forthcoming be filing his reply brief. On June 18, 2026, the Court indicated that the case was being considered for oral argument in October 2026.

EXHAUSTION

[6] Although the government filed an opposition to the stay on December 8, 2025, and Petitioner filed his reply on December 15, 2025, the Court has not yet ruled on the motion, as such the temporary stay remains in effect. Further, as a stay is in effect, Petitioner is not being detained under § 1231(a).

22. There is no requirement to exhaust because no other forum exists in which Petitioner can raise the claims herein. Further, for habeas claims, exhaustion of administrative remedies is prudential, not jurisdictional. *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017).

23. A court may waive the prudential exhaustion requirement if "'administrative remedies are inadequate or not efficacious, pursuit of administrative remedies would be a futile gesture, irreparable injury will result, or the administrative proceedings would be void.'" *Id.* (*quoting Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004). Petitioner asserts that exhaustion should be waived because administrative remedies are (1) futile and (2) his continued detention results in irreparable harm.

24. Under 8 U.S.C. § 1226(c)[7] noncitizens subject to mandatory detention have no statutory right to a bond hearing during their detention and, therefore, lack recourse through statutory or administrative means. As Petitioner is subject to mandatory detention, he cannot obtain a bond hearing from EOIR. Further, Petitioner will "suffer irreparable harm if unable to secure immediate judicial

[7] Petitioner may also be detained pursuant to U.S.C. § 1255 as an "arriving alien," however, for purposes of this habeas, Petitioner is assuming that based on his criminal record he is detained under § 1226(c). In either event detention is mandatory under both statutes and there is no right to a bond hearing.

consideration of his claim." *McCarthy v. Madigan*, 503 U.S. 140, 147 (1992) (internal citation omitted).

LEGAL FRAMEWORK

25. Courts are authorized to "dispose of [a habeas petition] as law and justice require," 28 U.S.C. § 2243, and are allowed "broad discretion ... in fashioning the judgment granting relief to a habeas petitioner[.]" *Hilton v. Braunskill*, 481 U.S. 770, 775 (1987). "[H]abeas corpus is, at its core, an equitable remedy." *Schlup v. Delo*, 513 U.S. 298, 319 (1995). "Moreover, in constitutional adjudication as elsewhere, equitable remedies are a special blend of what is necessary, what is fair, and what is workable." *Lemon v. Kurtzman*, 411 U.S. 192, 200 (1973) (footnote omitted).

26. "Once a [constitutional] right and a violation have been shown, the scope of a district court's equitable powers to remedy past wrongs is broad, for breadth and flexibility are inherent in equitable remedies." *Swann v. Charlotte-Mecklenburg Bd. of Educ.*, 402 U.S. 1, 15, (1971); *see also Stone v. City & County of San Francisco*, 968 F.2d 850, 861 (9th Cir. 1992) ("Federal courts possess whatever powers are necessary to remedy constitutional violations because they are charged with protecting these rights.").

27. 8 U.S.C. § 1226(c) governs Petitioner's detention; the statute dictates that noncitizens rendered inadmissible or deportable due to certain criminal convictions are subject to mandatory detention pending removal proceedings.

28. In *Demore v. Kim*, 538 U.S. 510, 526 (2003), the U.S. Supreme Court rejected a facial challenge to § 1226(c), finding that "the Government may constitutionally detain deportable [noncitizens] during the *limited* period necessary for their removal proceedings." (emphasis added).

29. However, constitutional challenges against the statute's application to individual cases remain available. *See Nielsen v. Preap*, 586 U.S. 392, 420 (2019) ("Our decision today on the meaning of that statutory provision [§ 1226(c)] does not foreclose as-applied challenges—that is, constitutional challenges to applications of the statute as we have now read it."); *see also Jennings v. Rodriguez*, 583 U.S. 281, 312 (2018) (remanding for consideration of constitutional claims); *Tropskii v. Bondi*, 2025 WL 3016518, at *5 (E.D. Pa. Oct. 28, 2025) ("Section 1226(c) does not contain an implicit time limit on detention; rather, ICE detainees must bring an as-applied challenge under the Fifth Amendment for unreasonable detention.").

30. In addition, "[M]ost district courts have not interpreted Justice Kennedy's concurrence [in *Demore*] as limiting unconstitutional detention to situations where the government unreasonably delays the proceedings." *Jensen v.*

Garland, 2023 WL 3246522, at *3 (C.D. Cal. May 3, 2023) (quoting *Martinez v. Clark*, 2019 WL 5968089, at *8 (W.D. Wash., May 23, 2019)).

31. Further, in upholding mandatory detention under 8 U.S.C. § 1226(c) in *Demore*, the Supreme Court did so on the (later proven to be mistaken)[8] belief that such detention during proceedings was "brief" and "limited." *See Demore*, 538 U.S. at 513 ("brief period"); *id.* at 523 (("brief period"); *id.* at 526 ("limited period"); *id.* at 529 n.12 ("[t]he very limited time of the detention at stake under § 1226(c)"); *id.* at 531 ("limited period"). "*Demore* specifically noted that 'the

[8] *See Doe v. Wofford*, 2025 WL 1305859, at *7 (E.D. Cal. May 6, 2025) ("'Thirteen years after the decision in *Demore*, the government admitted that the figures it provided to the Court, and which the Court relied on, contained 'several significant errors,'" and for the years 1999–2001, the 'average length of detention in cases where the [noncitizen] appealed [was] 382 days, or a little more than a year.' *Rodriguez v. Nielsen*, No. 18-CV-04187-TSH, 2019 WL 7491555, at *5 (N.D. Cal. Jan. 7, 2019) (citing Letter from Acting Solicitor General Ian H. Gershengorn to Hon. Scott S. Harris (Aug. 26, 2016), at 2, 3, *Demore v. Kim*, 538 U.S. 510 (2003) (No. 01-1491)). 'The data from the *Jennings* case show that 460 members of the respondent section 1226(c) subclass were detained for an average of 427 days (over fourteen months) with some individual detention periods exceeding four years." *Rodriguez*, 2019 WL 7491555, at *5 (citing Joint Appendix (Table 20) (Aug. 26, 2016), *Jennings v. Rodriguez*, 583 U.S. 281 (2018) (No. 15-1204)). The Government Accountability Office conducted a study and 'found that as of 2015, the median length of time it takes the BIA to complete an appeal of a removal order exceeds 450 days.' *Rodriguez*, 2019 WL 7491555, at *5 (citing United States Government Accountability Office, *Immigration Courts: Actions Needed to Reduce Case Backlog and Address Long-Standing Management and Operational Challenges* 33 (2017), https://www.gao.gov/assets/690/685022.pdf).").

detention at stake under § 1226(c) lasts 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. . .'" *Doe v. Wofford*, 2025 WL 1305859, at *7 (E.D. Cal. May 6, 2025) (quoting *Demore* at 530).

32. "It is undisputed that at some point, pretrial detention can 'become excessively prolonged, and therefore punitive,' resulting in a due process violation." *United States v. Torres*, 995 F.3d 695, 708 (9th Cir. 2021) (quoting *United States v. Salerno*, 481 U.S. 739, 747 n.4 (1987)); *see also Carlson v. Landon*, 342 U.S. 524, 545–546, (1952) (upholding temporary detention of noncitizen during deportation proceeding while noting that "problem of ... unusual delay" was not present).

33. Several district courts have granted immediate release in habeas filings for noncitizens detained under § 1226(c) in situations similar to Petitioner. *See Doe v. Becerra*, 732 F. Supp. 3d 1071 (N.D. Cal. 2024) (ordering immediate release after finding substantive due process violation); *Doe v. Chestnut*, 810 F.Supp.3d 1169 (E.D. Cal. 2025) (following *Becerra* and directing release of petitioner on account of prolonged detention and substantive due process violation); *Tropskii v. Bondi*, 2025 WL 3016518, at *6 (E.D. Pa. Oct. 28, 2025) ("immediate release is still an available remedy when granting a Section 1226(c) detainee's habeas petition."); *Mathon v. Searls*, 623 F. Supp. 3d 203 (W.D.N.Y.

2022) (directing immediate release after bond denial on dangerousness grounds); *Enoh v. Sessions*, 2017 WL 2080278, at *10–11 (W.D.N.Y. May 15, 2017) (granting immediate release); *Hechavarria v. Whitaker*, 358 F. Supp. 3d 227, 243 (W.D.N.Y. 2019) (directing release notwithstanding some risk, with conditions to reduce but not eliminate risk posed by his release); *Quituizaca v. Barr*, 2021 WL 6797494, at *8 (W.D.N.Y. Jan. 5, 2021) (same).

34. Further support that immediate release is the appropriate remedy here is established because of the futility of Petitioner attempting to seek a bond from EOIR, as EOIR is no longer a neutral body and "[a] neutral judge is one of the most basic due process protections." *Castro-Cortez v. INS*, 239 F.3d 1037, 1049 (9th Cir. 2001), *abrogated on other grounds by Fernandez-Vargas v. Gonzales*, 548 U.S. 30 (2006). *See also Diouf v. Napolitano* ("*Diouf II*"), 634 F.3d 1081, 1091-92 (9th Cir. 2011) (neutral adjudication decreases the risk of erroneous deprivation). As a former senior EOIR official and military judge recently observed: "I don't think the immigration-court system is a court system . . . What this Administration wants is a rubber stamp."[9]

[9] Kim, Tammy E., "Inside Donald Trump's Attack on Immigration Courts," The New Yorker, Oct. 23, 2025 https://www.newyorker.com/inside-donald-trumps-attack-on-immigration-court.

35. Beginning in 2025, the immigration court system has been transformed into a body that is structurally incapable of upholding Petitioner's statutory and constitutional rights. EOIR has never been an independent judicial body but rather it is an Article I administrative court, which bows to the directives of the Executive. The collusion between DHS and EOIR has become even more readily apparent than in past years due to (1) the firing of immigration judges with high asylum (or bond) grant rates, (2) the reduction of BIA members, (3) the rebranding of immigration judges into deportation judges, (3) the substantial increase in precedential decisions issued by the BIA that disfavor noncitizens (without any countervailing favorable precedent), (4) directives by EOIR to favor the Department, and (5) instructions by EOIR for IJs to defy federal court rulings.

36. First, as of September 26, 2025, the administration terminated 128 IJs.[10] The terminated and resigned judges report three consistent themes. First, explicit pressure to serve as instruments of mass deportation rather than neutral adjudicators. Former Baltimore IJ Emmett Soper stated: "I think the current administration of the immigration courts does not fundamentally see the immigration courts as neutral decision-makers. I think that they see the immigration courts as a tool for this administration to advance its policy

[10] Trump Administration Continues Firing Immigration Judges – IFPTE responds, Sept 26, 2025 https://www.ifpte.org/news/trump-administration-continues-firing-immigration-judges-ifpte-respondsnbsp.

objectives."[11] Former San Francisco IJ Jeremiah Johnson similarly understood "the hint that they should be hearing cases a certain way, deciding cases a certain way. Move faster. Less due process, essentially."[12] Former San Francisco IJ George Pappas was even more direct: "We were told to facilitate deportation. . . Due process is dead in immigration courts."[13]

37. Further, IJs fear they will lose their jobs if they do not comply with directives. "Judges feel like, if they step a toe out of line right now…or they're one [asylum] grant away from being fired because of the arbitrary nature of the firings."[14] Bloomberg News reported that "[t]op immigration court leaders are telling new judges to refrain from granting migrants asylum in most cases, multiple people familiar with the matter said as the Trump administration carries out its detention and deportation agenda. Justice Department Board of Immigration

---

[11] PBS News, Ousted immigration judge describes deepening court backlog, Nov 12, 2025 https://www.pbs.org/newshour/show/ousted-immigration-judge-describes-deepening-court-backlog.

[12] NBC Bay Area. 'An all-out attack on immigration court:' SF immigration judges speak out after firings, Nov. 25, 2025 https://www.nbcbayarea.com/investigations/san-francisco-immigration-judges-speak-out-firings/3986850/.

[13] Law 360, Judges See an Immigration Court Gutted from Inside https://www.law360.com/articles/2381003/judges-see-an-immigration-court-gutted-from-inside.

[14] 'Climate of fear': Immigration judges say functioning of their court system is in jeopardy due to Trump's firings, Nov 14, 2025 https://www.govexec.com/management/2025/11/climate-fear-immigration-judges-say-functioning-their-court-system-jeopardy-due-trumps-firings/409544/.

Appeals judges and others who assisted with training of three dozen new judges in October told the recruits asylum should be granted only in rare circumstances. . ."[15] A recently hired temporary military judge was swiftly fired shortly after being hired. Although an official reason for his firing was not provided, the available statistics show that "[o]f the 11 cases he concluded in November, he granted asylum or some other type of relief allowing the migrant to remain in the United States a total of six times."[16]

38. There is also clear data that was analyzed for Sacramento and San Francisco immigration courts showing that the IJs fired from those courts had higher asylum grant rates than other judges. "[E]ach of the three judges denied asylum claims at far lower rates than other judges in Sacramento and nationwide. Maggard, for instance, denied less than 5% of claims — far below the national average of roughly 60% for immigration judges."[17]

39. For San Francisco, "[a]lmost all of the judges fired this year offered asylum or other forms of deportation relief at rates significantly higher than the

---

[15] Bloomberg Law News, Feb 4, 2026 Trump Immigration Judges Pushed to Deny Asylum in Swift Training https://news.bloomberglaw.com/us-law-week/trump-immigration-judges-pushed-to-deny-asylum-in-swift-training.

[16] Military lawyer swiftly fired from immigration bench after defying Trump deportation push, Dec 9, 2025 https://www.courthousenews.com/military-lawyer-swiftly-fired-from-immigration-bench-after-defying-trump-deportation-push/.

[17] Former judges say mass firings could undermine immigration court system, Sept 30, 2025 https://www.capradio.org/articles/2025/09/30/former-judges-say-mass-firings-could-undermine-immigration-court-system/.

national average of 45% in federal fiscal 2024, according to information from the Transactional Records Access Clearinghouse at Syracuse University. Eleven of the 12 had grant rates higher than 90%."[18] All of this fear has led to the erosion of judicial independence. Former San Francisco IJ Elizabeth Young explained: "I've talked to many of [the judges still serving], and they're like, 'When I go into court, I am concerned about applying the law, but I'm also concerned that I should deny more, because if I don't, then I'll get fired."[19]

40. Newly available bond statistics also establish the steady increase of bond denials by IJs since 2025. "The data shows that the national bond grant rate has in fact declined to unprecedented levels during the second Trump administration. In every year of the first Trump administration, for example, a noncitizen was more likely to be granted bond than denied it. This has changed radically in the second Trump administration: in 2026, immigration judges have denied bond more than twice as often as they granted it."[20]

---

[18] How firing 57% of the bench remade SF's immigration court, Dec 4, 2025, https://sfstandard.com/2025/12/04/sf-immigration-judges-fired-asylum-data/.

[19] *See supra* note 12.

[20] Joseph Gunther and Brandon Marrow, bklg blog, Immigration Bonds in the Second Trump Administration, May 12, 2026 (updated May 26, 2026) https://bklg.org/blog/immigration-bonds-in-second-trump-admin/?utm_source=bento&utm_medium=email&utm_campaign=broadcast&bento_uuid=d047674d-eafe-42da-ae7d-09f00774298a.

41. Acting Attorney General Blanche was also recently quoted stating: "'If there's [sic] judges that are just not applying the law in the way that it needs to be applied, delaying inappropriately, have backlogs that are just unacceptable, they're the folks that we're going to try to find somebody different to fill that spot.'"[21]

42. Remaining immigration judges, thus, have a clear directive to deny more cases or be fired. No adjudicator can remain impartial when faced with the choice between upholding due process or maintaining their livelihood. Any immigration judge assigned to a noncitizen's bond hearing now operates under the understanding that granting bond may cost them their job.

43. Specifically in the context of bond hearings, "One current judge said the "pressure to deny bond is overt." The judge said that there was a requirement to inform a supervisor every time bond was granted, underscoring how closely the administration was monitoring decisions."[22] Further, "Teresa Riley, the chief immigration judge, has received daily reports about bond rulings, according to a

---

[21] Rebecca Santana, AP News, Justice Department targets slow immigration judges as Trump pushes faster deportations, May 6, 2026, https://apnews.com/article/immigration-blanche-doj-trump-judges-backlog-deportations-daa36a2e3b0c7b26115bafcae04817c6.

[22] Nicholas Nehamas et al., How Trump Purged Immigration Judges to Speed Up Deportations, The New York Times, Apr. 9, 2026, https://www.nytimes.com/2026/04/09/us/politics/trump-miller-immigration-judges-purge.html.

Justice Department official. Her office has sometimes emailed judges asking for an explanation about their decisions to grant bond, three people said."[23]

44. Along the same lines, beginning in 2025, the Trump administration reduced the number of BIA members.[24] This move is seen by many as an attempt to ensure that the smaller number of Board members are politically aligned with the Administration's anti-immigrant goals.[25] In addition, the administration published Appellate Procedures for the Board of Immigration Appeals, which were to make summary dismissal of all appeals, the default.[26] Despite these rules being temporarily blocked by a federal court[27], by promulgating these rules, the agency is attempting to render administrative review obsolete.

---

[23] *Supra* note 14.

[24] Federal Register, Reducing the Size of the Board of Immigration Appeals (https://www.federalregister.gov/documents/2025/04/14/2025-06294/reducing-the-size-of-the-board-of-immigration-appeals last accessed March 19, 2026).

[25] CLINIC, Precedent or Policy? A Quiet Transformation of the Board of Immigration Appeals (https://www.cliniclegal.org/resources/precedent-or-policy-quiet-transformation-board-immigration-appeals last accessed March 19, 2026) ("5 ("The Trump administration's own purge of the Board echoes efforts by the Bush administration to turn the tide of Board adjudications against noncitizens. Prior Board members with extensive experience advocating for noncitizens have been dismissed. On April 14, 2025, the Trump administration published an interim final rule restricting the size of the Board to 15 members. This step goes beyond the Bush administration's strategy. A smaller Board permits decisions to be published based on a smaller majority of members. The attorney general can ensure that this smaller majority consists of politically aligned appointees.").

[26] Federal Register, Appellate Procedures for the Board of Immigration Appeals (https://www.federalregister.gov/documents/2026/02/06/2026-02326/appellate-procedures-for-the-board-of-immigration-appeals last accessed March 19, 2026),

[27] *AMICA v. EOIR*, Case 1:26-cv-00696 (March 8, 2026).

45. Next, the Board has issued a record number of precedential decisions that are devastating and detrimental to noncitizens. As of March 19, 2026, the reconstituted BIA has issued 89 published decisions.[28] In 2025, all but two favored the Department (97%).[29] In 2026, of the twenty-one decisions decided as of March 19, 2026, all but one favored the Department.[30] By contrast, during the entire four-year span of the prior administration, the BIA issued 76 published decisions.[31] Of those, 46 decisions (60%) favored the administration. A historical look at BIA decisions spanning 2009 to 2026 shows that under both Trump presidencies the BIA favored the Department more than under any other president.[32] The transformation from 60% to 97% pro-government outcomes—achieved through wholesale termination of the prior administration's appointees—speaks for itself.

---

[28] Including decisions issued by the Attorney General. *See* EOIR Agency Decisions Vol 29 (https://www.justice.gov/eoir/volume-29 last accessed March 19, 2026).

[29] NPR, An immigration court few have heard of is quietly shaping policy behind the scenes March 20, 2026 (https://www.npr.org/2026/03/20/nx-s1-5707535/trump-immigration-detention-appeals-board-deportation last accessed Mach 20, 2026) (in the only case against DHS, the DHS attorney failed to appear at the hearing); *see also* National Immigration Project Chart; however, note that as of the date the chart was published in February 2026, the BIA issued twelve additional precedential decisions that are against noncitizens (https://nipnlg.org/sites/default/files/2026-02/BIA-Decisions-Trump-2.0.pdf last accessed March 20, 2026).

[30] *Supra* note 26 NPR (the one case involved the noncitizen withdrawing the appeal).

[31] EIOR Agency Decisions Vol 28 (https://www.justice.gov/eoir/volume-28 last accessed March 19, 2026).

[32] *Supra* note 26 NPR.

46. The Board has issued twelve precedential decisions specifically related to bond. In two of the decisions from 2025, the Board sweepingly eliminated bond hearings as a remedy for large groups of noncitizens. *See Matter of Q. LI*, 29 I&N Dec. 66 (BIA 2025); *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). The other ten cases deal with the reversal of bond grants after appeals by the Department. *See Matter of Choc-Tut*, 29 I&N Dec. 48 (BIA 2025) ("We reverse the Immigration Judge's determination that the respondent met his burden to show that he is not a danger to the community."); *Matter of Beltrand-Rodriguez*, 29 I&N Dec. 76 (BIA 2025) ("we hold that the Immigration Judge erred in determining that the findings of fact did not support a determination that DHS met its burden of proving by clear and convincing evidence that the respondent is a danger."); *Matter of E-Y-F-G-*, 29 I&N Dec. 103 (BIA 2025) ("upon our de novo review, we conclude that the respondent has not met her burden of demonstrating to our satisfaction that she is not a flight risk."); *Matter of C-M-M-*, 29 I&N Dec. 141 (BIA 2025) ("We disagree with the Immigration Judge's determination that DHS did not meet its burden to demonstrate that the applicant is a danger to the community or alternatively, a flight risk."); *Matter of Akhmedov*, 29 I&N Dec. 166 (BIA 2025) ("No monetary bond, even if coupled with alternatives to detention, would be sufficient to ensure the respondent's appearance at future immigration hearings and, if necessary, his surrender for removal from this country."); *Matter*

of Salas Pena, 29 I&N Dec. 173 (BIA 2025) ("Upon de novo review, we reverse the Immigration Judge's determination that the respondent met his burden to show that he is not a danger to the community."); *Matter of Dobrotvorskii*, 29 I&N Dec. 211 (BIA 2025) ("Thus, upon our de novo review, we conclude that DHS has met its burden of proving by clear and convincing evidence that the respondent is a flight risk such that his continued detention is justified."); *Matter of Z-N-L-*, 29 I&N Dec. 511 (BIA 2026) ("Overall, the discrepancies in the record regarding whether the respondent resides in Oklahoma, where he was apprehended, or California, as claimed in his application, when considered as part of the totality of the circumstances, demonstrate that the respondent is a flight risk and does not warrant release on bond."); *Matter of Shentu*, 29 I&N Dec. 595 (BIA 2026) ("Upon de novo review, we conclude that the Immigration Judge gave insufficient weight to DHS' evidence and that the respondent did not carry her burden to show that her release would not pose a danger to persons or property."); *Matter of Martinez-Rodrgiuez*, 29 I&N Dec. 656 (BIA 2026) ("Upon our de novo review, we conclude that the Immigration Judge erred in determining that the respondent met his burden to show he is not a danger to the community.").

47. Thus, even if Petitioner managed to get a bond grant from an IJ, the Department would undoubtedly appeal and the Board, based on the above-listed cases, would in all probability reverse any grant.

48. To replace purged judges, the DOJ launched recruitment for what it explicitly marketed as "deportation judges."[33] DHS—the party opposing noncitizens in immigration proceedings before EOIR— promoted these openings on social media with enforcement-focused language: "Bring the hammer down on criminal illegal aliens" and "Defend your communities, your culture, your very way of life."[34] In addition, DOJ authorized up to 600 military lawyers to serve as temporary judges for a renewable term not to exceed six months, while simultaneously eliminating requirements to serve as a temporary judge.[35] Previously, temporary judge candidates were required to have served as a former immigration judge, appellate immigration judge, or administrative judge within another agency, or to have at least 10 years of immigration law experience. The administration removed those requirements entirely, allowing "any attorney" to be selected as a temporary immigration judge and reduced training to approximately two weeks—far less than the standard training for permanent immigration judges,

[33] https://join.justice.gov/

[34] Dhsgov Instagram Nov 21, 2025 (https://www.instagram.com/p/DRVUMVfCRzP/ last accessed March 19, 2026).

[35] Federal Register, Designation of Temporary Immigration Judges (https://www.federalregister.gov/documents/2025/08/28/2025-16573/designation-of-temporary-immigration-judges last accessed March 19, 2026).

which includes six weeks of initial training, one year of mentorship by an experienced judge, and two years of quarterly reviews.[36]

49. In addition to personnel changes, EOIRs new acting director, Sirce E. Owen, issued new policy directives including a memorandum dated June 27, 2025 warning judges not to demonstrate "bias directed against DHS" or to be "adjudicatory outliers," at risk of "close examination and potential action";[37] a memo encouraging judges to deny asylum applications without full evidentiary hearings, styled as efficiency guidance but functioning as a directive to reduce due process protections;"[38] and memorandums restricting immigration judges ability to grant continuance[39] and administrative closure.[40]

50. Finally, the clearest evidence that EOIR has abandoned its role as a neutral tribunal comes from its response to federal court orders protecting bond hearing rights. In *Maldonado Bauitista v. Santacruz,* the Central District of

---

[36] Brennan Center For Justice, Using Military Lawyers as Immigration Judges is Ill-Advised and Potentially Illegal Sept 29, 2025 (https://www.brennancenter.org/our-work/analysis-opinion/using-military-lawyers-immigration-judges-ill-advised-and-potentially last accessed March 19, 2026).

[37] EOIR PM 25-33 (https://www.justice.gov/eoir/media/1404956/dl?inline last accessed March 19, 2026).

[38] EOIR PM 25-28 (https://www.justice.gov/eoir/media/1396411/dl?inline last accessed March 19, 2026).

[39] EOIR PM 25-27 (https://www.justice.gov/eoir/media/1394086/dl?inline last accessed March 19, 2026).

[40] EOIR PM 25-29 (https://www.justice.gov/eoir/media/1397161/dl?inline last accessed March 19, 2026).

California issued both declaratory and injunctive relief holding that noncitizens who entered without inspection but were not apprehended at the border are detained under § 1226(a), not §1225(b)(2), and are therefore entitled to bond hearings. *Maldonado Bautista v. Santacruz*, 813 F.Supp.3d 1075, 2025 WL 3713982 (C.D. Cal. Dec. 18, 2025). Judge Sunshine Sykes certified a nationwide class and entered final judgment. *Id.* Rather than comply with the order, EOIR leadership directed all immigration judges to ignore the order. "On January 13, 2026, Chief Immigration Judge Teresa L. Riley issued guidance instructing IJs that, notwithstanding the district court's amended order and final judgment, IJs continued to be bound by *Yajure Hurtado*."[41]

51. When presented with a federal court order protecting noncitizens' rights, EOIR's response was to order judges to violate it. The ultimate victim is the detained noncitizen, who like Petitioner, remains detained in violation of due process, and is denied their fundamental right to have an impartial adjudicator determine whether their continued detention serves any legitimate purpose related to flight risk or community safety.

[41] NWIRP, PRACTICE ADVISORY Seeking Bond Hearings for Maldonado Bautista Class Members – Noncitizens Who Entered Without Inspection and Are Detained Subject to Matter of Yajure Hurtado Feb 11, 2026 (https://www.nwirp.org/uploads/2026/2026.02.11DraftBautistaPracticeAdvisoryUpdate.pdf last accessed March 19, 2026).

52. In the Central District where the *Maldonado Bautista* order remains binding despite the Ninth Circuit's temporary stay, IJs continue to blatantly ignore the order. *See Alonzo Calixtro v. Mullin, et al.*, No. EDCV 26-1797-AS, 2026 WL 1288654, at *3 (C.D. Cal. May 7, 2026); *Garcia Aguilar v. Mullin, et al.*, No. CV 26-3709-AS, 2026 WL 1196090, at *4 (C.D. Cal. Apr. 28, 2026); *Herrera Castro v. Johnson, et al.*, No. EDCV 26-1592 PVC, 2026 WL 1104766, at *3 (C.D. Cal. Apr. 17, 2026).

53. In light of these changes, numerous district courts have been ordering immediate release, finding that a fair bond hearing with an IJ is no longer available. *See Singh v. Valdez, et al*, No. 26-CV-1109-WJM, 2026 WL 890240, at *5 (D. Colo. Apr. 1, 2026) ("To the contrary, the mounting evidence that bond determination hearings conducted in Immigration Court under § 1226(a) have preordained outcomes has become impossible to ignore. As a result, courts across the country have, with increasing frequency, ceased 'order[ing] even initial bond hearings in cases like this one involving unlawful detention under § 1225(b) because Respondents' conduct can no longer be attributed to mere negligence or ineptitude,...and doing so would effectively allow the Government to transform an unlawful detention into a lawful one through post-hoc justifications.'") *(quoting Zheng v. Rokosky*, No. 26-CV-01689, 2026 WL 800203, at *11 (D.N.J. Mar. 23, 2026) (collecting cases); *Avilez Aguinaga v. Warden, Joe Corley Processing Ctr.*,

No. CV 4:26-0137, 2026 WL 266510, at *1 (S.D. Tex. Feb. 2, 2026) (ordering immediate release rather than a bond hearing after acknowledging the argument that "immigration courts have been systematically transformed and are no longer capable of providing an impartial tribunal and individualized assessment"); *Perez Velasquez v. Bondi, et al.*, No. 26-CV-01759-GPC-DDL, 2026 WL 1042479, at *3 (S.D. Cal. Apr. 16, 2026 ("the statistics support the position that the reconstituted BIA is far less likely to provide Petitioner with any efficacious relief."); *Qazi v. Albarran*, No. 2:25-CV-02791-TLN-CSK, 2025 WL 3033713, at *6 (E.D. Cal. Oct. 10, 2025) ("Based on Petitioner's request, the Court orders the hearing to occur before a neutral adjudicator. However, the Court expresses serious doubt as to whether the use of Immigration Officers to make factual findings and determinations comports with due process.") (citations omitted); *Briceno Solano v. Mason*, No. 2:26-CV-00045, 2026 WL 311624, at *20 (S.D.W. Va. Feb. 4, 2026) (ordering immediate release of re-detained petitioner initially released by DHS on own recognizance, and finding "there is no chance any [bond] hearing that occurred would comport with due process."); *Umarov v. Mason*, No. 2:26-CV-00081, 2026 WL 381614, at *8 (S.D.W. Va. Feb. 11, 2026) (same, quoting *Briceno Solano*).

54. If the Court does not order immediate release, Petitioner requests that the Court require that the Department bear the burden of clear and convincing

evidence at any scheduled bond hearing and that this Court maintain jurisdiction over this case so Petitioner has recourse if he receives a constitutionally inadequate bond hearing. *See Singh*, 638 F.3d at 1200 ("We also hold that, given the substantial liberty interests at stake. . . the government must prove by clear and convincing evidence that continued detention is justified.").

CAUSES OF ACTION

FIRST CAUSE OF ACTION

VIOLATION OF THE FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION (SUBSTANTIVE DUE PROCESS – DETENTION)

55. Petitioner re-alleges and incorporates each allegation contained in paragraphs 1–54.

56. The Due Process Clause of the Fifth Amendment protects all "person[s]" from deprivation of liberty "without due process of law." U.S. Const. amend. V. "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. 690 (2001).

57. "The Due Process Clause of the Fifth Amendment mandates that '[n]o person shall ... be deprived of life, liberty, or property, without due process of law.'" *United States v. Quintero*, 995 F.3d 1044, 1051 (9th Cir. 2021) (quoting

U.S. Const. amend. V). "The Due Process Clause 'protects individuals against two types of government action': violations of substantive due process and procedural due process." *Id.* (*quoting United States v. Salerno*, 481 U.S. 739, 746 (1987)).

58. "[S]ubstantive due process prevents the government from engaging in conduct that shocks the conscience, or interferes with rights implicit in the concept of ordered liberty." *Salerno*, 481 U.S. at 746 (internal quotation marks and citations omitted).

59. "[A]n individual's private interest in 'freedom from prolonged detention' is 'unquestionably substantial.'" *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1207 (9th Cir. 2022) (*quoting Singh v. Holder*, 638 F.3d 1196, 1208 (9th Cir. 2011) (assuming the petitioner's detention qualified as prolonged because it was longer than six months).

60. Further, "[d]ue process protections do not disappear simply because mandatory detention under Section 1226(c) is at least initially permissible." *Doe v. Becerra*, 732 F. Supp. 3d at 1079. Mandatory "detention violates due process if it becomes punitive and the detainee has not been accorded the full constitutional protections required before such punishment may be imposed." *Id.*

61. "At some point [civil] detention can become excessively prolonged, and therefore punitive, resulting in a due process violation." *Torres*, 995 F.3d at 708. This can be true even if the detention will necessarily end." *Id.* at 709–10. In

addition, "[i]f conditions of civil confinement are equivalent to or more restrictive than criminal detention or civil post-commitment detention, they are presumptively punitive. . ." *Doe v. Becerra*, 732 F. Supp. 3d at 1080.

62. The *Becerra* court considered five factors[42] this Court should utilize to determine if continued detention under § 1226(c) violates substantive due process: (1) the length of detention and whether it is excessive in relation to its regulatory purpose; (2) the government's contribution to any delay; (3) the evidence supporting the determination that detention is warranted to prevent flight risk or community danger; (4) whether the government interests in ensuring appearance at future proceedings and protecting the community could be protected through alternatives to detention that are less harsh; and (5) the conditions of detention and how they compare to conditions under which pretrial criminal detainees or people convicted of crimes are held. *See id.*

63. There is no brightline rule for when detention is excessive; however, the Court should find that a detention of two years and eight months has become

[42] These factors are similar to the six articulated in *Banda v. McAleenan*, 385 F. Supp. 3d 1099, 1116 (W.D. Wash. 2019), which several courts in the Ninth Circuit have utilized to consider prolonged detention claims under § 1255: 1) total length of detention to date; (2) likely duration of future detention; (3) conditions of detention; (4) delays in the removal proceedings caused by the detainee; (5) delays in the removal proceedings caused by the government; and (6) the likelihood that the removal proceedings will result in a final order of removal.

excessively prolonged. Additionally, the Court should view this detention in consideration of the ongoing case at the Ninth Circuit, and that detention will continue until the Court adjudicates the petition. Further, as Petitioner believes that he will prevail on his petition because, at a minimum, the Board ignored the expert testimony,[43] Petitioner's detention will continue for an extended period of time.

64. The second factor also supports Petitioner, as the government made the initial decision to appeal the IJ's proper grant of relief to Petitioner, had the Department not filed an appeal Petitioner would have been released from custody in December 2024. The Board in turn took about nine months to issue its decision despite Petitioner's detention status.[44] Although Petitioner is the one who sought review with the Ninth Circuit, this was necessary to rectify the Board's serious

---

[43] *See Sagaydak v. Gonzales*, 405 F.3d 1035, 1040 (9th Cir. 2005) (the BIA is "not free to ignore arguments [or evidence] raised by a petitioner.").

[44] During those intervening months, the Board published three decisions, all reversing CAT grants by dismissing country condition evidence as anecdotal and/or general, which was also part of the basis for the Board's denial here. *See Matter of S-S-*, 29 I&N Dec. 136 (BIA 2025) ("Anecdotal reports of some criminal deportees being indefinitely detained in torturous conditions are insufficient to establish that the respondent is more likely than not to have that experience."); *Matter of A-A-R-*, 29 I&N Dec. 38, 41–42 (BIA 2025) ("The anecdotal reports of some instances of people having been severely harmed or killed in detention in El Salvador, while deplorable, are not sufficient. . ."); *Matter of A-A-F-V-*, 29 I&N Dec. 118 (BIA 2025) ("anecdotal incidents of mistreatment or death that fall well short of supporting a clear probability of torture.").

errors. Further, this factor alone should not be held against him. *See Liban M.J. v. Sec'y of Dep't of Homeland Sec.*, 367 F. Supp. 3d 959, 965 (D. Minn. 2019) (a noncitizen is "entitled to raise legitimate defenses to removal ... and such challenges to his removal cannot undermine his claim that detention has become unreasonable."); *Hernandez v. Decker*, 2018 WL 3579108, at *9 (S.D.N.Y. July 25, 2018) ("the mere fact that a noncitizen opposes his removal is insufficient to defeat a finding of unreasonably prolonged detention, especially where the Government fails to distinguish between bona fide and frivolous arguments in opposition"); *Manley v. Delmonte*, No. 17-cv-953, 2018 WL 2155890, at *2 (W.D.N.Y. May 10, 2018) (noting that "petitioner should [not] be punished or blamed for seeking additional review of administrative and judicial decisions."); *Gonzalez v. Bonnar*, 2019 WL 330906, at *4 (N.D. Cal. Jan. 25, 2019) ("the government cites no authority for the proposition that a petitioner who pursues his available legal remedies must forego any challenge to the reasonableness of his detention in the interim and the Court is unaware of any."). Additionally, the government obtained four extension requests for the answering brief and Petitioner only sought one for his opening.

65. As to the third factor, although Petitioner admittedly has an extensive *past* criminal record, his last conviction is from twenty years ago. He, therefore, does not present a *current* risk of danger and his past record alone cannot be relied

on to find that he is presently a danger, given how much time has passed since his last conviction. *See Judulang v. Chertoff*, 562 F. Supp. 2d 1119 (S.D. Cal. 2008) (evidence of 20-year-old conviction for manslaughter and seven-year-old conviction for DUI was not sufficient, as a matter of law, to establish dangerousness); *Obregon v. Sessions*, No. 17-CV-01463-WHO, 2017 WL 1407889, at *7 (N.D. Cal. Apr. 20, 2017) ("Case law demonstrates that establishing dangerousness by 'clear and convincing evidence' is a high burden and must be demonstrated in fact, not 'in theory.'") (*quoting United States v. Patriarca*, 948 F.2d 789, 792 (1st Cir. 1991) (affirming the district court's conclusion that, although the government had demonstrated the defendant was a Mafia Boss and that "in theory a Mafia Boss was an intimidating and highly dangerous character" it had failed to show that "this Boss posed a significant danger"). Additionally, regarding flight risk, Petitioner has been diligently working with Counsel since the outset of his case, and this is unlikely to change if he is released from custody.

66. As to the next factor, with his case at the Ninth Circuit there are no current future appearances at this time, and in any event, less harsh alternatives to detention are available.

67. Finally, the conditions at California City Detention Center were the subject of a recent report by the California Attorney General and were found to be

inadequate. "Cal DOJ observed extensive violations of ICE detention standards during the site visit to Cal City. Detainees described insufferable conditions, specifically relating to cold temperatures and the lack of protective clothing, and several detainees wept during their interviews. The conditions at Cal City were so inadequate that Cal DOJ determined that the facility required an expedited notification regarding the substandard conditions to relevant stakeholders in advance of the publication of this report." California Department of Justice, Immigration Detention in California a review of Conditions of Confinement, 2026, https://oag.ca.gov/system/files/media/immigration-detention-2026.pdf at 143–167 .

68. The report found the facility is understaffed, there were long period of lockdown, excessive headcounts, yelling by staff, inadequate healthcare, inadequate food, "[f]or detainees who had been held at different facilities, Cal DOJ received repeated detainee reports that conditions were consistently worse at Cal City than other facilities in which they had been housed." *Id.*; *see also Ruiz v. U.S. Immigr. & Customs Enf't*, No. 1:26-CV-02546 JLTCDB, 2026 WL 1356024 (E.D. Cal. May 14, 2026) (ACLU lawsuit over conditions at California City).

69. On balance, the factors favor release of Petitioner because his continued detention was caused by the Department's decision to appeal the IJ's proper grant of relief, his detention will continue for a significant period of time,

he does not present a current danger, as his most recent conviction is twenty years old, California City Detention Center is unsafe, and alternatives to detention exist.

CAUSES OF ACTION

SECOND CAUSE OF ACTION

VIOLATION OF THE FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION (PROCEDURAL DUE PROCESS – DETENTION)

70. Petitioner re-alleges and incorporates each allegation contained in paragraphs 1–54.

71. As part of the liberty protected by the Due Process Clause, Petitioner has a weighty liberty interest in avoiding incarceration. *See Young v. Harper*, 520 U.S. 143, 146—47 (1997); *Gagnon v. Scarpelli*, 411 U.S. 778, 781–82 (1973). Further, the procedural component of the Due Process Clause prohibits the government from imposing even permissible physical restraints without adequate procedural safeguards. Chief among these procedural protections is "the guarantee of an impartial and disinterested tribunal," which the Due Process Clause requires "in both civil and criminal eases." *Marshall v. Jerrico, Inc.*, 446 U.S. 238, 242 (1980).

72. Accordingly, "[i]n the context of immigration detention, it is well-settled that due process requires adequate procedural protections to ensure that the

government's asserted justification for physical confinement outweighs the individual's constitutional protected interest in avoiding physical restraint." *Hernandez*, 872 F.3d at 990 (internal quotations and citations omitted).

73. Immediate release is the appropriate remedy here, as Petitioner has established that he will be denied his fundamental right to have an impartial adjudicator determine whether his detention serves any legitimate purpose related to danger or flight risk, thus, depriving him of his right to procedural due process.

PRAYER FOR RELIEF

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

1. Assume jurisdiction over this matter;
2. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
3. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from custody immediately;
4. Declare the continued detention of Petitioner violates the Due Process Clause of the U.S. Constitution;
5. Alternatively, order an immediate bond hearing "be before a fair, neutral, and open-minded immigration judge" who will comply with the Constitution and all applicable statutes and regulations where the Department bears the burden of justifying Petitioner's continued detention by clear and convincing

evidence and where alternatives to detention and Petitioner's ability to pay a bond are considered. *Domingos v. Casey*, No. 3:26-CV-01151-BTM-JLB, 2026 WL 797425, at *3 (S.D. Cal. Mar. 23, 2026); *Perez Oropeza v. LaRose*, No. 3:26-CV-00656-BTM-DEB, 2026 WL 785535, at *3 (S.D. Cal. Mar. 19, 2026);

6. Award Petitioner his costs and reasonable attorneys' fees in this action as provided for by the Equal Access to Justice Act, 28 U.S.C. § 2412, and on any further basis justified under law;

7. Grant such further relief as the Court deems just and proper.

RESPECTFULLY SUBMITTED this 7th day of July, 2026.

/s/ Nanya Thompson
Nanya Yoshiko Morinaga Thompson, Esq.
For: Nanya Thompson Law, Inc.

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I, Nanya Thompson, declare as follows:

1. I am an attorney admitted to practice law in the State of California and I am Petitioner, Milton Antonio Parada Chavez's, *pro bono* counsel.

2. Because many of the allegations of this Petition require a legal knowledge not possessed by Petitioner, I am making this verification on his behalf.

3. I have read the foregoing Petition for Writ of Habeas Corpus and know the contents thereof to be true to my knowledge, information, or belief. The facts stated in the verified petition for habeas corpus are true and of my own personal knowledge, except as to any matters stated on information and belief, and as to those matters, I am informed and believe them to be true. Those matters pleaded on information and belief are based on information and documentation I have received from Petitioner.

4. I certify under penalty of perjury that the foregoing is true and correct and that this declaration was executed on July 2, 2026.

5. In support of this Petition for Writ of Habeas Corpus, I submit the following exhibits. All of the following exhibits are true and correct copies of the documents listed below:

Exhibit A: Notice to Appear

Exhibit B: Criminal Record

- FBI Rap Sheet
- Conviction Documents Case No. PA044102
- Conviction Documents Case No. LA050129

Exhibit C: Petitioner's Declaration submitted in support of CAT

Exhibit D: Expert's Declaration submitted in support of CAT

Exhibit E: Table of Contents of Country Conditions submitted in support of CAT

Exhibit F: Immigration Judge's decision granting CAT

Exhibit G: BIA decision reversing CAT

Exbibit H: ACMS Docket Report for Petition 25-6336

/s/ Nanya Thompson
Nanya Yoshiko Morinaga Thompson, Esq.
For: Nanya Thompson Law, Inc.
Attorney for Petitioner