Jessie Agatstein
Cal. Bar No. 319817
Federal Defenders of San Diego, Inc.
225 Broadway, Suite 900
San Diego, California 92101-5030
Telephone: (619) 234-8467
Facsimile: (619) 687-2666
jessie_agatstein@fd.org

Attorneys for Mr. Campa

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

LUIS ENRIQUE CAMPA,

Petitioner,

v.

MARKWAYNE MULLIN, Secretary of the Department of Homeland Security, TODD BLANCHE, Acting Attorney General, TODD M. LYONS, Acting Director, Immigration and Customs Enforcement, JESUS ROCHA, Acting Field Office Director, San Diego Field Office, CHRISTOPHER LAROSE, Warden of Otay Mesa Detention Center,

Respondents.

Case No.: 26-cv-3879-LL-AHG

Amended Petition for a Writ of Habeas Corpus

TABLE OF CONTENTS

I. Introduction 1
II. Statement of Facts 3
III. Legal argument 4
A. Noncitizens who enter without inspection are entitled to the process outlined in 8 U.S.C. § 1226(a). 4
1. In *Yajure Hurtado*, the BIA stripped most noncitizens who enter without inspection of the right to seek bond. 4
2. Courts disagree with the BIA's reasoning. 6
B. The proper remedy in a case without the issuance of an administrative warrant is immediate release and an order that Petitioner cannot be re-detained absent the procedures of § 1226(a). 7
IV. Prayer for Relief 9

I. Introduction

Respondents have improperly detained Luis Enrique Campa since April 15, 2025. That is when ICE agents arrested him outside the Santa Barbara County jail when looking for a different man named Luis Trujillo Mendoza. Mr. Campa explained he was not that man. The agents arrested him anyways; threatened they would deport him to El Salvador to be incarcerated in CECOT; and started a case against him under the wrong name, Luis Trujillo Mendoza, to which he is still subject to this day. Exhibit A; Exhibit B.

As someone who has lived in the United States for the last twenty-two years, Mr. Campa can be detained only under 8 U.S.C. § 1226. Yet respondents did not "compl[y] with the express terms of section 1226 when [they] detained" Mr. Campa and did not, among other things, "[i]ssu[e an administrative] warrant." *J.A.C.P. v. Wofford*, No. 25-cv-1354-KES-SKO, 2025 WL 3013328, *8 (E.D. Cal. Oct. 27, 2025). This Court should order his "immediate release." *Id.*

"The language of § 1226(a)'s warrant requirement is unequivocal and does not afford the Government forgiveness simply by providing a bond hearing after the fact." *Jesus Emery M.F. v. Warden*, No. 26-cv-1374-TLN-CKD, 2026 WL 849762, *2 (E.D. Cal. Mar. 27, 2026). "As a general proposition, detention without a warrant for in excess of 48 hours is, minimally, problematic or suspect, and is, in any event, contrary to presumptions set out in agency regulations." *Makuiza v. Wesling*, 826 F. Supp. 3d 176, 182 (D. Maine 2026) (citing 8 C.F.R. § 287.3(d) and *Cnty. of Riverside v. McLaughlin*, 500 U.S. 44, 56–57 (1991)). "When the government does 'not comply with the plain language of section 1226(a), [a petitioner's] immediate release is justified.'" *Cruz-Pedraza v. Larose*, No. 26-cv-2697-LL-MSB, 2026 WL 1484326, at *2 (S.D. Cal. May 27, 2026) (quoting *Chogllo Chafla v. Scott*, 804 F. Supp. 3d 247, 264 (D. Me. 2025)); *accord Regina Valle v. Mullin*, No. 26-cv-3450-LL-GC, 2026 WL 2076024 (S.D. Cal. July 17, 2026)); *Gregorio v. LaRose*, No. 26-cv-3918-RBM-SBC, 2026 WL

2059095, *1–*2 (S.D. Cal. July 16, 2026).

This situation appears to arise from a sudden change in the way that the Board of Immigration Appeals interprets §§ 1225 and 1226. "For decades, and across administrations, DHS has acknowledged that § 1226(a) applies to individuals who entered the United States unlawfully, but who were later apprehended within the borders of the United States long after their entry." *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1260 (W.D. Wash. 2025) (quoting Petitioner's brief and noting that Respondents had not contested that claim). And § 1226, of course, contains a requirement that a noncitizen remain in custody only upon issuance of a warrant.

But in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), the Board of Immigration Appeals ("BIA") accepted the government's new position that inadmissible immigrants are not eligible for bond under § 1226(a), even if they have been living in the United States for years or decades. Instead, the BIA held that all inadmissible immigrants are subject to the mandatory detention provisions in 8 U.S.C. § 1225(b)(2)(A). Section 1225(b)'s text, by contrast, contains no warrant requirement, nor any initial custody review.

"Respondents may not detain first, and justify later." *Quezada-Estrada v. Lyons*, No. 26-cv-1599-NYW, 2026 WL 1361880, *5 (D. Colo. May 2026). This Court should therefore "concur[] with the other district courts to conclude that a *post hoc* warrant does not permit detention that arose from an unlawful warrantless arrest." *Id.* Mr. Campa can only be detained under § 1226 and, under that provision's plain text and principles of due process, upon an initial custody review by an ICE officer and upon a warrant issued before or within 48 hours after his arrest. None of that occurred in his case. This Court should order Mr. Campa's immediate release.

II. Statement of Facts

Luis Enrique Campa is from Guatemala and has lived in the United States for the last 22 years. Exhibit A ¶ 1. He has lived with his U.S. citizen wife and four children in Santa Maria, California, in northern Santa Barbara County, for the last decade and a half. *Id.* ¶ 11. He has worked "in restaurants and construction in the United States for over two decades." *Id.* ¶ 12.

On April 15, 2025, Luis Enrique Campa was released after being arrested for a DUI in Santa Barbara County. *Id.* ¶ 2. When he was released, "three ICE agents were waiting outside the jail and approached him." *Id.* He explains the problem of mistaken identity that happened next:

> [The ICE agents] called me Luis Trujillo Mendoza. One of the agents showed me, with his phone, a photo of an ID from California for a man named Luis Mendoza Trujillo. I told them I'm not that person. I don't even have a driver's license from California.
>
> The agents asked me for my ID, and I told them I didn't have it with me. They asked me whether I was a green card [holder] or a citizen, and I told them I was not able to answer that question. Then they arrested me and brought me to immigration detention. I do not think they had an arrest warrant for the other guy, Luis Trujillo Mendoza. They definitely didn't have an arrest warrant for me.
>
> My wife came to the Santa Maria ICE officer and brought my passport and explained who I was. The officers still insisted I was the other person. An officer asked me to take off my sweater to see if I had any tattoos, and when he saw that I had a few tattoos for my family on my forearms, he told me that they would deport me to El Salvador to be incarcerated in CECOT. I told him I'm not from El Salvador. I'm from Guatemala. My tattoos are of a wolf, a logo of my family; one of a lion, that my wife also has; [and] one of a cross memorializing my mom, in English.
>
> Then another officer came with another document with my photo and my date of birth, but it had the wrong name. The document did not say "warrant" anywhere.
>
> My immigration attorney told the immigration judge that they had the wrong person and [wrong] name. Supposedly they changed the case to my correct name in the immigration case. But I'm still being held in immigration custody as "Mendoza" and I'm still in the immigration system as "Mendoza."

Exhibit A ¶¶ 2–6.

Mr. Campa has been detained at Otay Mesa Detention Center as "Luis Trujillo Mendoza" ever since. *Id.* ¶ 1. His application for cancellation of removal was denied in February 2026 and he appealed to the BIA. *Id.* ¶ 8. He filed his appellate brief in late June 2026; the government did not respond. Exhibit B (noting "no DHS brief was received").

While in custody, Mr. Campa has faced significant issues managing his health. He has diabetes, for which he takes four medications. The facility often does not have one or more of his medications. Exhibit A ¶ 9. He explains, "In any given month, I have gone without at least one of my medications for 5 to 10 days because the facility has not been able to refill it or give it to me. Without my medications, I get headaches, spikes in my blood pressure, muscle aches, and feel very tired." *Id.* ¶ 10.

III. Legal argument

A. Noncitizens who enter without inspection are entitled to the process outlined in 8 U.S.C. § 1226(a).

1. In *Yajure Hurtado*, the BIA stripped most noncitizens who enter without inspection of the right to seek bond.

As mentioned above, this habeas petition turns, at least in part, on the BIA's recent decision in *Yajure Hurtado*. The issue in *Yajure Hurtado* revolves around two statutes, 8 U.S.C. § 1226(a) and 8 U.S.C. § 1225(b)(2)(A).

"Section 1226(a) provides for the arrest and detention of noncitizens 'pending a decision on whether the alien is to be removed from the United States.'" *Hernandez Nieves*, 2025 WL 2533110, at *3. It instructs that, "*[o]n a warrant issued by the Attorney General*, an alien may be arrested and detained." 8 U.S.C. § 1226(a) (emphasis added). Then, the Attorney General "may continue to detain" arrestees or "may release [them] on bond of at least $1,500 with security approved by, and containing conditions prescribed by, the Attorney General." *Id.* (punctuation altered).

The problem for Respondents, it seems, is that "[f]ederal regulations" implementing this statute "provide that aliens detained under § 1226(a) receive bond hearings at the outset of detention." *Jennings v. Rodriguez*, 583 U.S. 281, 306 (2018) (citing 8 C.F.R. § 1236.1(d)(1)). Generally speaking, Respondents would prefer not to provide such bond hearings.

Section 1225(b)(2)(A), by contrast, provides that "in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien *shall be detained* for" certain immigration proceedings. 8 U.S.C. § 1225(b)(2)(A). Meanwhile, federal regulations do not require bond hearings for people detained under that section. Instead, "DHS has the sole discretion to temporarily release on parole 'any alien applying for admission to the United States' on a 'case-by-case basis for urgent humanitarian reasons or significant public benefit.'" *Hernandez Nieves*, 2025 WL 2533110, at *3 (quoting 8 U.S.C. § 1182(d)(5)(A)). Section 1225's text also does not require that the government obtain a warrant or make an initial custody determination before or shortly after detaining a noncitizen. Respondents appear to prefer this lack of process.

The catch is that by their terms, these statutes apply to different groups of immigrants. "Section 1226(a) sets out the default rule," which governs unless some other, more specific detention provision overrides it. *Rodriguez*, 779 F. Supp. 3d at 1246 (cleaned up). Section 1225(b)(2)(A) is more specific, but it applies only to an "applicant for admission" who is also an "alien seeking admission." 8 U.S.C. § 1225(b)(2)(A).

In *Yajure Hurtado*, the BIA considered which of these provisions—the default rule in § 1226(a) or the mandatory detention provision in § 1225(b)(2)(A)—applies to immigrants who, like Mr. Campa, enter the United States without inspection but live for years in the country's interior. 29 I.&N.

Dec. at 216. The BIA concluded that noncitizens who enter without inspection have no right to seek bond from an IJ, regardless of how long they have been residing in the country and irrespective of whether they were apprehended by immigration authorities. *Id.* at 228. In other words, they are detained under § 1225 and—as far as Respondents are concerned—neither a bond hearing nor a warrant are required for detention. Problem solved.

2. Courts disagree with the BIA's reasoning.

Since *Yajure Hurtado* was decided, many immigrants who otherwise would have received the process outlined in § 1226(a) have challenged that decision in the federal courts. Courts broadly agree—in this district and others—that the BIA's novel constructions of § 1225(b)(2)(A) and § 1226(a) are incorrect.

That is because "[§] 1225(b) applies to noncitizens arriving at the border or w*ho very recently entered the United States*." *Pedraza*, 2026 WL 1484326, at *2 (citing *Beltran v. Noem*, No. 25CV2650-LL-DEB, 2025 WL 3078837, at *4–7 (S.D. Cal. Nov. 4, 2025)). They take their cues not just from the statutory text and structure, but also the Supreme Court's explanation that "As the Supreme Court explained, "the government may 'detain certain [noncitizens] seeking admission into the country under §§ 1225(b)(1) and (b)(2),' while § 1226(a) allows the government to 'detain certain [noncitizens] *already in the country* pending the outcome of removal proceedings.'" *Id.* (alterations in original) (quoting *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018)).

Thus, the best reading of 8 U.S.C. §§ 1225 and 1226 shows that Mr. Campa is not subject to detention under § 1225 and can instead only fall within § 1226. And under the Supreme Court's recent decision in *Loper Bright v. Raimondo*, this Court must independently interpret the meaning and scope of §§ 1225(b), § 1226(a) using the traditional tools of statutory construction. 603 U.S. 369, 385, 401 (2024); *see also Rodriguez*, 779 F. Supp. 3d at 1251; *Kostak*, 2025 WL 2472136, at *2 n.29; *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL

1869299, at *8 n.9 (D. Mass. July 7, 2025). Because the BIA's decision in *Yajure Hurtado* is a deviation from the agency's long-standing interpretation of §§ 1225 and 1226; is not guidance issued contemporaneously with enactment of the relevant statutes; and contradicts the statutory interpretations of dozens of federal courts, this Court should give it no weight. If anything, the government's "decades of practice" providing bond hearings to those who entered without inspection is a more persuasive guide. *Martinez*, 2025 WL 2084238, at *4.

That means two things. First, Respondents can detain Mr. Campa only if they have a warrant and follow the initial custody review process of § 1226(a). Second, Respondents cannot "cure an unlawful detention by obtaining [an] untimely warrant." *Quezada-Estrada*, 2026 WL 1361880 at *5.

B. The proper remedy in a case without the issuance of an administrative warrant is immediate release and an order that Petitioner cannot be re-detained absent the procedures of § 1226(a).

Under section 1226's plain text, "the '[i]ssuance of a warrant is a necessary condition to justify discretionary detention under section 1226(a).'" *Cruz-Pedraza*, 2026 WL 1484326, at *2 (quoting *J.A.C.P*, 2025 WL 3013328 at *8). The statute provides that, *"[o]n a warrant issued by the Attorney General*, an alien may be arrested and detained." 8 U.S.C. § 1226(a) (emphasis added). "[I]t follows that absent a warrant a noncitizen may *not* be arrested and detained under section 1226(a)." *Chogllo Chafla*, 804 F. Supp. 3d at 264 (emphasis in original). Even in the "more limited" category of authorized warrantless immigration arrests, "the Government generally must make a custody determination within 48 hours and decide 'whether the alien will be continued in custody or released on bond or recognizance and whether a notice to appear and warrant of arrest . . . will be issued.'" *Quezada-Estrada*, 2026 WL 1361880 at *5 (quoting 8 C.F.R. § 287.3(d)).

Here, Mr. Campa has never been shown a warrant for his own case, and it appears he was arrested and detained without one. Exhibit A ¶ 2. Instead, he has continued to be processed as if he were an entirely different person. *Id.*

As courts have concluded for petitioners in even less extreme circumstances than Mr. Campa's mistaken-identity circumstances, his "arrest and detention are therefore unauthorized, and the appropriate remedy for detention that lacks a proper statutory basis under § 1226(a) is release." *Eslid. B.G. v. Bondi*, No. 26-cv-5020-RAL, 2026 WL 734992, *6 (D.S.D. Mar. 16, 2026) (collecting cases ordering release absent an administrative warrant under § 1226(a)); *Juan R. v. Bondi*, No. 26-cv-252-SRN-DTS, 2026 WL 125255 (D. Minn. Jan. 16, 2025) (same).

That is because "[h]abeas is at its core a remedy for unlawful executive detention. The typical remedy for such detention is, of course, release." *Cruz-Pedraza*, 2026 WL 1484326, at *2 (citing *Munaf v. Geren*, 553 U.S. 674, 693 (2008)). Furthermore, "[t]he language of § 1226(a)'s warrant requirement is unequivocal and does not afford the Government forgiveness simply by providing a bond hearing after the fact." *Jesus Emery M.F. v. Warden*, No. 26-cv-1374-TLN-CKD, 2026 WL 849762, *2 (E.D. Cal. Mar. 27, 2026).

This is particularly the case because the statute and regulations implement the due process protection that attends any civil detention. The Supreme Court has "repeatedly recognized that civil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection." *Addington v. Texas*, 441 U.S. 418, 425 (1979); *see also United States v. Salerno,* 481 U.S. 739, 755 (1987); *Foucha v. Louisiana*, 504 U.S. 71, 81–83 (1992); *Kansas v. Hendricks*, 521 U.S. 346, 357 (1997).

Here, Petitioner was apparently arrested without a warrant, based on a case of mistaken identity; detained without an initial custody review or the issuance of a warrant based on his own identity, case details, and name; and processed with

the wrong name. That violated the statute, regulations, and due process. This Court should therefore grant the petition and order his release.

IV. Prayer for Relief

For the above reasons, this Court should order that:

1. Petitioner is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2), and is instead subject to detention, if at all, pursuant to the discretionary provisions of 8 U.S.C. § 1226, pursuant to which a timely warrant is required for his detention;
2. Respondents shall immediately release Petitioner from custody;
3. Respondents shall return to Petitioner any personal property; and
4. If Respondents seek to re-detain Petitioner, they shall obtain a warrant and hold a pre-deprivation bond hearing before a neutral arbiter pursuant to section 1226(a) and its implementing regulations, at which Respondents shall demonstrate the issuance of a warrant and at which petitioner's eligibility for bond must be considered, *see, e.g.*, *JAACP*, 2025 WL 3013328 at *8; and
5. Any other relief that the Court deems just and proper.

Respectfully submitted,

Dated: July 20, 2026

s/ Jessie Agatstein

Jessie Agatstein
Federal Defenders of San Diego, Inc.
Attorneys for Mr. Campa
Email: Jessie_Agatstein @fd.org