United States District Court
Southern District of California
Jorge-Alberto-Alejandre-Servin
Petitioner

V.

Todd Blanche, U.S. Attorney General
Markwayne Mullin, Secretary of DHS.
Todd Lyons, Director of ICE
Cristopher LaRose Warden of Otay Mesa Detention-Center.
Respondent(S.)

FILED
JUL 06 2026
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY ww DEPUTY

'26CV3902 JLS JLB

Petition For Writ of Haveas Corpus Pursuant to U.S.C. 2241 under Immigration Detainee Prolonged Detention and Temporary Restraining order, Injunctive Relieve

I. Introduction

1. Petitioner Jorge-Alberto-Alejandre-Servin Native and citizen of Mexico Currently Detained by U.S-Immigration and Customs Enforcements (ICE) at Otay Mesa Detention Center San Diego, CA. 92143. Respectfully Petition this Court for a Writ of Habeas Corpus under U.S.C. 2241 and request for a temporary Restraining order, Injunctive relieve

2. Petitioner has been in immigration proceedings since 11-01-2025 approximately eight months pursuant to 8 U.S.C. 1231 (a) despite ICE inability to execute the removal order due to lack of diplomatic Cooperation or practical ability to Carry out removals to Mexico for petitioner.

3. Petitioner seeks immediate release from detention on the grounds that continued detention violates the due process of the fifth amendment and the Supreme Court ruling in Zadvydas V. Davis 533 U.S. 678 (2001)

II Jurisdiction And Venue

4. This court has jurisdiction under 28 U.S.C. 2241 and article I, section 9 Clause 2 of the U.S. Constitution.
5. Venue is proper in this district under 28 U.S.C. 1391(e) because Petitioner is detained within the jurisdiction of this court at imperial regional detention facility.

III. Parties

6. Petitioner is a native and citizen of Mexico who is currently detained by ICE.
7. Respondent's are U.S. Government officials with custody over petitioner or authority over immigration detention and removal.

IV Factual Background

8. Petitioner has an ongoing asylum apeal case were petitioner will likely succeed on.
9. Petitioner has remained in ICE custody continuosly since 11-01-2025.
10. ICE has not been able to secure travel documents or deport petitioner to a third country due to the lack of diplomatic-cooperation or practical ability to carry out removals to a third country.
11. Petitioner has fully cooperated with ICE efforts to secure travel documents.
12. More than six months have passed since the aprehention of petitioner by ICE.
13. There is no significant likehood of removal in the foreseable future.

V Legal Framework

Prolonged Immigration Detention Violates Due Process (Fifth Amendment)

14. My detention for the past eight months without release violates the due process Clause of the fifth amendment. Immigration detention is civil, not punitive.

15. Habeas corpus relief extends to a person in custody under or by color of the authority of the United States" if a person can show he is "in custody in violation of the constitution or laws or treaties of the united States." 28 U.S.C. 2241 (c)(1), (c)-(3); see also Antonelli V. Warden, U.S.P. Atlanta, 542 F. 3d 1352 (11th Cir. 2008) holding a petitioner's claims are proper under 28-U.S.C. Section 2241 if they concern the Continuation of confinement).

16. Under Zadvydas V. Davis, 533 U.S. 678 (2001), post-final order detention beyond six months is presumptively unreasonable if there is no significant likehood of removal in the foreseable future.

17. Continued detention Violated the due process Clause of the fifth amendment.

18. ICE. bears the burden to show a significant likelihood of removal; it has not met that burden.

Conditions and length of Detention Render Custody Excessive Relative to its Purpose.

19. Immigration detention is ment to ensure appearance at proceedings and protect the community. Defention lasting more than few months is not reasonable related to those purposes and has become punitive. Lesser restrictions can achieve those goals.

Existence of pendings Proceedings Before Immigration court Does Not Divest District Court of Habeas Corpus Jurisdiction

20. In Fofana V. Albence, Petitioner filed a Habeas Corpus petition requesting their immediate release from detention lasting while they await decisions in pending removal or asylum proccedings before the immigration courts (Fofana V. Albence 454 F. Supp. 3d 651 (2020). The court exercised jurisdiction over the detention challenge despite the ongoing immigration proceedings.

21. Similarly, In Valdez V. Joyce, F Supp. 3d.. (2025), a petitioner with removal proseedings and an asylum application pending

before Immigration Court. Petitioner filed for a writ of habeas corpus challenging his detention, and a court granted immediate release from custody (Valdez V. Joyce, F. Supp. 3d. (2025)

VI Claim for Relief

Violation of the fifth Amendment Due Process Clause and 8 U.S.C. 1231 (a) (6).

22. Petitioner's continued detention violates the constitution and Zadvydas because *There is no significant likelihood of removal in the foreseable future. * petitioner has fully cooperated with removal efforts. * ICE's prolonged detention is punitive and lacks jurisdiction

VII. Prayer for Relief

A. Issues a writ of Habeas Corpus directing respondent's to immediately release petitioner from custody and request for injunctive relief temporary restraining order.

B. Grant such further relief as the court deems Just proper.

Respectfully Submitted,

Jorge Alberto-Alejandre-Servin
[redacted]
Otay Mesa Detention Center
Po. Box 439049
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