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UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Jose Lopez Camacho *Petitioner,* v. JEREMY CASEY, Facility Administrator at the Imperial Regional Detention Facility, GREGORY J. ARCHAMBEAULT, Director of the U.S. Immigration and Customs Enforcement San Diego Field Office, TODD LYONS, acting Director of U.S. Immigration and Customs Enforcement, MARKWAYNE MULLIN, Secretary of the U.S. Department of Homeland Security, and TODD BLANCHE, Acting U.S. Attorney General.	**VERIFIED EMERGENCY PETITION FOR A WRIT OF HABEAS CORPUS, ORDER TO SHOW CUASE WITHIN THREE DAYS AND COMPLAINT FOR DECLARATORY RELIEF** **'26CV3919 AGS DEB**

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. §2241

INTRODUCTION

1. Petitioner Jose Lopez Camacho is in the physical custody of Respondents at the Imperial Regional Detention Facility. He is being unlawfully detained because the Department of Homeland Security (DHS) and the Executive Office of Immigration Review have concluded that Petitioner is subject to mandatory detention.

2. Petitioner entered the United States without inspection on or about March 1, 2009. He was initially placed into removal proceedings in 2019. He was provided a custody redetermination hearing on October 1, 2019, in the immigration court in Tucson, Arizona and subsequently released from immigration custody on bond. Ex. A.

3. In January, 2020, Petitioner applied for cancellation of removal for permanent residents.

4. He obtained an employment authorization card on May 7, 2020. He applied each year to renew his card from 2021 through 2024. On October 21, 2024, he was issued a card that was valid from October 28, 2024, through October 27, 2029. Ex. B. He was issued a social security card on October 29, 2024. Ex. C.

5. The Immigration Judge ordered that Petitioner's immigration case be administratively closed on November 4, 2022. Ex. D.
6. Petitioner was re-detained on June 15, 2026, while driving from Arizona to Santa Monica. He was stopped at the border patrol checkpoint on Highway 86 and taken into custody by border patrol officials at the checkpoint.
7. Petitioner was re-detained consistent with a new DHS policy issued on July 8, 2025, instructing all Immigration and Customs Enforcement (ICE) employees to consider anyone inadmissible under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without admission or inspection—to be subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.
8. On September 5, 2025, the Board of Immigration Appeals (BIA) issued a precedent decision, binding on all immigration judges, holding that an immigration judge has no authority to consider bond requests for any person who entered the United States without admission. *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). The Board determined that such individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.
9. Petitioner's detention on this basis violates the plain language of the Immigration and Nationality Act. Section 1225(b)(2)(A) does not apply to

individuals like Petitioner who entered without inspection. Instead, such individuals are subject to a different statute, § 1226(a), that allows for release on conditional parole or bond. That statute expressly applies to people who, like Petitioner, are charged as inadmissible for having entered the United States without inspection.

10. Respondents' new legal interpretation is plainly contrary to the statutory framework and contrary to decades of agency practice applying § 1226(a) to people like Petitioner.

11. Mr. Lopez Camacho must be released from custody unless and until DHS proves to a neutral adjudicator, by clear and convincing evidence that he is a flight risk or a danger to the community. Because he had previously been released on bond and had been living at liberty in the United States with an employment authorization document valid through 2029, he possesses a protected liberty interest. *Fernandez Lopez v. Wofford*, Case. No. 25-cv-01226-KES-SKO (HC), 2025 WL 2959319, at *6-7 (E.D. Cal. Oct. 17, 2025).

12. Due Process requires the government to provide noncitizens with notice and a hearing prior to re-detention, and that re-detention without prior notice, a showing of changed circumstances, or a meaningful opportunity to respond, violates procedural due process under the Fifth Amendment. *See e.g. Ariza Garcia v. Mullin*, No. 3:26-CV-02241-RBM-MSB, 2026 WL 1142629, at *2

(S.D. Cal. Apr. 27, 2026); *Faizyan v. Casey*, No.: 3:25-cv-02884-RBM-JLB, 2025 WL 3208844, at *7 (S.D. Cal. Nov. 17, 2025); *Ramirez-Bibiano v. LaRose*, No. 25-CV-3429-JLS (SBC), 2025 WL 3632748, at *4–5 (S.D. Cal. Dec. 15, 2025) (ordering immediate release subject to conditions of petitioner's preexisting parole where DHS had summarily revoked parole and re-detained without notice or a hearing); *see also Maceo-Aguilera v. LaRose*, 26-CV-532-LL-MSB, 2026 WL 381633 (S.D. Cal. Feb. 11, 2026); *Escamilla Alvarado v. Casey* Case No. 26-cv-2593-JO-BJW (S.D. Cal. May, 7, 2026), Dkt. No. 6; *Magana-Hernandez v. Casey* Case No. 26-cv-2952-JLS (MSB) (S.D. Cal. May 18, 2026), Dkt. No. 5.

JURISDICTION AND VENUE

13. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201-02 (declaratory relief), and art. I sec. 9, cl. 2 of the United States Constitution (Suspension Clause), as Mr. Lopez Camacho is presently in custody under the authority of the United States and challenges his detention as in violation of the Constitution, laws, or treaties of the United States.

14. The federal district courts have jurisdiction under Section 2241 to hear habeas claims by individuals challenging the lawfulness of their detention by ICE. *See Jennings v. Rodriguez*, 583 U.S. 281, 290-92 (2018).

15. "A federal district court has habeas jurisdiction under 28 U.S.C. § 2241 to review bond hearing determinations for "constitutional claims and legal error." *Singh v. Holder*, 638 F.3d 1196, 1206 (9th Cir. 2011), 638 F.3d at 1200-01; *De La Cruz Sales v. Johnson,* 323 F. Supp. 3d 1131, 1139 (N.D. Cal. 2017) (concluding that immigrant's claims were reviewable by district court where bond determination challenged as constitutionally flawed); *Martinez v. Clark*, 124 F.4th 775, 785 (9th Cir. 2024)(concluding that a federal court has discretion to review a bond denial when a "district court…ordered the bond hearing under the Due Process Clause"); *Hasratyan v. Bondi*, 2026 WL 288909 at *3-4 (C.D. Cal. Feb. 2, 2026)(ordering the release of an immigration detainee following the court's review of an IJ's bond denial that was based on procedural and legal error); *Mayancela v. FCI Berlin, Warden*, No. 25-cv-348-LM-TSM, 2025 WL 3215638, at *4 (D.N.H. Nov. 18, 2025) (If the government does not meet its burden and the IJ determines that the noncitizen must remain in custody, then "a petition for a writ of habeas corpus, filed in the appropriate district court, is the only mechanism by which a noncitizen may seek judicial review of an IJ's bond decision."). (citations omitted).

16. Venue is proper in the Southern District of California, pursuant to 28 U.S.C. §§ 1391 and 2241(d) because Mr. Lopez Camacho is detained at the Imperial Regional Detention Facility in Calexico, California.

REQUIREMENTS OF 28 U.S.S. § 2243

17. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days is allowed." *Id.*

18. Court have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint and 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). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

19. Petitioner Jose Lopez Camacho is currently detained by Respondents in the Imperial Regional Detention Facility.

20. Respondent Jeremy Casy is the facility administrator at the Imperial Detention Facility in San Diego, California where Mr. Lopez Camacho in currently detained. He is thus Petitioner's immediate custodian. He is sued in his official capacity.

21. Respondent Patrick Divver is the Director of ICE's San Diego Field Office, which has jurisdiction over ICE detention facilities in San Diego and Imperial County, including the Imperial Regional Detention Center, and is thus Petitioner's immediate custodian. He is sued in his official capacity.

22. Respondent Todd Lyons is the Director of ICE. He is responsible for the administration of ICE and the implementation and enforcement of the immigration laws, including immigrant detention. As such, Mr. Lyons is a legal custodian of Mr. Lopez Camacho. He is sued in his official capacity.

23. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security (DHS), which is responsible for the administration of ICE, a subunit of DHS, and the implementation and enforcement of the immigration laws. As such, Mr. Mullin is the ultimate legal custodian of Mr. Lopez Camacho. He is sued in his official capacity.

24. Respondent Todd Blanche is the Attorney General of the United States and head of the Department of Justice, which encompasses the Board of Immigration Appeals and the Immigration Courts. Mr. Blanche shares responsibility for

implementation and enforcement of the immigration laws with Respondent Mullin. Mr. Blanche is a legal custodian of Mr. Lopez Camacho. He is sued in his official capacity.

LEGAL FRAMEWORK

25. The INA prescribes three basic forms of detention for most noncitizens in removal proceedings.

26. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

27. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).

28. Last, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

29. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

30. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104-–208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

31. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 but were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

32. Thus, in the decades that followed, most people, including people like Mr. Lopez Camacho, who entered without inspection and were placed in standard removal proceedings received bond hearings, unless their criminal history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed "arriving" were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply "restates" the detention authority previously found at § 1252(a)). Indeed, Mr. Lopez Camacho

was previously released from custody in 2019 after a bond hearing before the immigration court in Tucson, Arizona. He remained at liberty in the United States with valid employment authorization until he was arbitrarily re-detained on June 15, 2026.

33. On July 8, 2025, ICE, "in coordination with" DOJ, announced a new policy that rejected well-established understanding of the statutory framework and reversed decades of practice. Respondents' new policy turns the well-established understanding of immigration detention and bond on its head and violates the statutory scheme.

34. In an about face, the new policy, entitled "Interim Guidance Regarding Detention Authority for Applicants for Admission,"[1] claims that all persons who entered the United States without inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended and affects those who have resided in the United States for months, years, and even decades.

35. On September 5, 2025, the BIA adopted this same position in a published decision, *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216. There, the Board held that all noncitizens who entered the United States without admission or parole

[1] *Available at* https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission.

are subject to detention under § 1225(b)(2)(A) and are ineligible for IJ bond hearings.

36. Since Respondents adopted their new policies, dozens of federal courts have rejected their new interpretation of the INA's detention authorities. Courts have likewise rejected *Matter of Yajure Hurtado*, which adopts the same reading of the statute as ICE.

37. Even before ICE or the BIA introduced these nationwide policies, IJs in the Tacoma, Washington, immigration court stopped providing bond hearings for persons who entered the United States without inspection. There, the U.S. District Court in the Western District of Washington found that such a reading of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025).

38. Subsequently, court after court has adopted the same reading of the INA's detention authorities and rejected ICE and EOIR's new interpretation. *See, e.g.*, *Lopez-Mendez v. LaRose,* No. 25-cv-03037-BAS-DDL, 2025 WL 3295331 (S.D. Cal. Nov. 26, 2025); *Vasquez-Diaz v. LaRose,* No. 25-cv-3038-TWR-JLB (S.D. Cal. Nov. 13, 2025); *N.A. v. LaRose* 2025 WL 2841989 (S.D. Cal. Oct. 7, 2025); *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*, No. CV 25-11613-BEM, --- F. Supp. 3d --

--, 2025 WL 2084238 (D. Mass. July 24, 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), *report and recommendation adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588, at *1 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051 (ECT/DJF), --- F. Supp. 3d ----, 2025 WL 2466670, at *8 (D. Minn. Aug. 27, 2025) *Lopez-Campos v. Raycraft*, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025), *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *see also, e.g.*, *Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566 at *2 (D. Neb. Sept. 3, 2025) (noting that "[t]he Court tends to agree" that § 1226(a) and not § 1225(b)(2)

authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 at *3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14, 2025) (same); *Barrera v. Tindall*, 2025 WL 2690565 (W.D. Ken Sep 19. 2025).

39. Courts have uniformly rejected DHS's and EOIR's new interpretation because it defies the INA. As the *Rodriguez Vazquez* court and others have explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

40. Mr. Lopez Camacho is a member of the Bond Eligible Class certified in *Maldonado Bautista v. Santa Cruz,* No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025) reconsideration granted in part, --- F. Supp. 3d ---, 2025 WL 3713982 (C.D. Cal. Dec. 18, 2025) ("*Maldonado Bautista*") (entering final judgment as to the Bond Eligible Class). On November 25, 2025, the U.S. District Court for the Central District of California issued an order in *Maldonado Bautista*, certifying a nationwide class of noncitizens who are in immigration detention and being denied access to a bond hearing based on the government's allegation that they entered the U.S. without admission or inspection.

41. On February 18, 2026, the district court issued an order vacating the Board's decision in *Matter of Yajure Hurtado* and enforcing the Petitioner's request for a

final judgement. *Bautista v. Santacruz,* ---F. Supp. 3d---, No. 25-CV-1873-SSS-BFM, WL 468284 (C.D. Cal. Feb. 18, 2026). The Government filed a notice of appeal and on March 6, 2026, the Ninth Circuit issued a temporary stay pending a ruling on the government's emergency motion for a stay pending appeal. *See* 25-CV-1873 Dkt. No. 129.

42. Section 1226(a) applies by default to all persons "pending a decision on whether the [noncitizen] is to be removed from the United States." These removal hearings are held under § 1229a, to "decid[e] the inadmissibility or deportability of a[] [noncitizen]."

43. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)'s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). As the *Rodriguez Vazquez* court explained, "[w]hen Congress creates 'specific exceptions' to a statute's applicability, it 'proves' that absent those exceptions, the statute generally applies." *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); *see also Gomes*, 2025 WL 1869299, at *7.

44. Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who, like Petitioner, are present without admission or parole.

45. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute's entire framework is premised on inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies "at the Nation's borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

46. Moreover, the government's recent decision to apply §1225(b) to people like Petitioner who are already present in the United States is inconsistent with the recently passed Laken Riley Act, which added a new subsection under §1226(c) that mandates detention for individuals who entered the United States without inspection or admission and have been charged with certain criminal offenses. District courts have noted "If 1225(b)(2) already mandated detention of any alien who has not been admitted, regardless of how long they have been here, then adding §1226(c)(1)(E) to the statutory scheme was pointless." *See Barrera v. Tindall*, 2025 WL 2690565 (W.D. Ky. Sep 19, 2025) (quoting *Lopez-Campos*

v. Raycraft, 2025 WL 2496379 at *8 (E.D. Mich. Aug 29, 2025). "If Congress has intended for Section 1225 to govern all noncitizens present in the country, who had not been admitted, then it would not have recently adopted an amendment to Section 1226 that prescribes a subset of noncitizens exempt from the discretionary bond framework." *Id.*

47. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply to people like Petitioner, who entered the United States without inspection.

STATEMENT OF FACTS

48. Mr. Lopez Camacho was born in Mexico [redacted]. He arrived in the United States without inspection at or near San Luis, Arizona on or about March 1, 2009. Prior to his detention, he was living with his partner in Phoenix, Arizona. He has three children, one of whom is a United States citizen.

49. Petitioner was initially placed in removal proceedings in 2019. He was provided a custody redetermination hearing on October 1, 2019, in the immigration court in Tucson, Arizona and subsequently released from immigration custody in 2019. Ex. A.

50. He obtained an employment authorization card on May 7, 2020. Ex. C. He applied each year to renew his card from 2021 through 2024. On October 21, 2024, he was issued a card that was valid from October 28, 2024, through

October 27, 2029. Ex. B. He was issued a social security card on October 29, 2024. Ex. C.

51. He has worked for over 15 years as a roofer.

52. In January, 2020, Mr. Lopez Camacho filed an application for cancellation of removal.

53. The Immigration Judge ordered that Petitioner's immigration case be administratively closed on November 4, 2022. Ex. D.

54. If he is released from custody, Mr. Lopez Camacho will return to live with his partner at his home in Phoenix, Arizona.

55. Petitioner has been held in detention for almost a month. Without relief from this court, he faces the prospect of additional months, or even years, in immigration custody.

CLAIMS FOR RELIEF

COUNT ONE

Violation 8 U.S.C. § 1226(a)

56. Mr. Lopez Camacho re-alleges and incorporates by reference each allegation contained above.

57. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of

inadmissibility. As relevant here, it does not apply to those who are charged with having entered without inspection. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

58. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates the INA.

59. Instead, Mr. Lopez Camacho should be subject to §1226(a) and eligible for immediate release from detention or release on immigration bond.

COUNT TWO

Violation of the Administrative Procedure Act Unlawful Denial of Bond

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

61. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to noncitizens residing in the United States who are subject to the grounds of inadmissibility because they originally entered the United States without inspection or parole. Such noncitizens are detained under § 1226(a), unless they are subject to another detention provision, such as § 1225(b)(1), § 1226(c) or § 1231. 57.

62. The application of § 1225(b)(2) to bar Petitioner from release or from receiving a bond hearing before an immigration judge is arbitrary, capricious, and not in accordance with law, and as such, it violates the APA. See 5 U.S.C. § 706(2).

COUNT THREE

Violation of Procedural Due Process
Revocation of Release without Neutral Decision Maker

63. Petitioner re-alleges and incorporates by reference each allegation contained above.

64. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person 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. 678, 690 (2001) (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)).

65. An individual released from immigration custody has a liberty interest in remaining free from detention. *Morrissey v. Brewer*, 408 U.S. 471, 482 1972). Thus, Petitioner has a fundamental interest in liberty and being free from official restraint.

66. The liberty interest applies to individuals who are released on bond to attend removal proceedings. *Garcia v. Andrews*, No. 1:25-CV- 01006 JLT SAB, 2025 WL 2420068, at *11 (E.D. Cal. Aug. 21, 2025); *Valencia Zapata v. Kaiser*, No. 25-CV-07492-RFL, 2025 WL 2578207, at *3 (N.D. Cal. Sept. 5, 2025); *Bostock*, No. 3:25-CV-965-SI, 2025 WL 1898025, at *13 (D. Or. July 9, 2025).

67. While DHS has discretion to revoke release, it may not do so in a manner that is inconsistent with constitutional protections.

68. Due Process requires that Petitioner be afforded a bond determination before a neutral adjudicator if the government is to re-detain Petitioner. *Mathews v. Eldridge*, 424 U.S. 319; *Ramirez-Bibiano*, 2025 WL 3632748, at *5; *Ramirez Tesara*, 800 F. Supp. 3d at 1136; *Fernandez Lopez v. Wofford*, 2025 WL 2959319, at *7.

69. The government's detention of Petitioner without a bond hearing to determine whether he is a flight risk or danger to others violates his right to due process.

PRAYER FOR RELIEF

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

1. Assume jurisdiction over this matter.
2. Order that Mr. Lopez Camacho not be transferred outside the Southern District of California.
3. Issue a Writ of Habeas Corpus ordering Respondents to immediately release Mr. Lopez Camacho because he was previously ordered released on bond. *See Lopez-Mendez v. LaRose,* No. 25-cv-03037-BAS-DDL, 2025 WL 32995331 (S.D. Cal. Nov. 25, 2025). Aside from *Matter of Yajure Hurtado,* the government has alleged no meaningful change in circumstances such that

detention is warranted now. If the Court is not prepared to order immediate release, in the alternative, the Court should order Respondents to provide Petitioner with a bond hearing pursuant to 8 U.S.C. §1226(a) within seven days where the burden of proof is on the government to establish through clear and convincing evidence that Mr. Lopez Camacho is a danger or a flight risk if released. *See Sadeqi v. LaRose* No. 25-cv-2587-RSH-BJW, 2025 WL 3154520, at *4 (S.D. Cal. Nov. 12, 2025) (citing *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011)) ("Petitioner is entitled to a prompt and individualized bond hearing, at which Respondents must justify her continued detention by a showing of clear and convincing evidence that Petitioner would likely flee or pose a danger to the community if released."). The Court should further require the government to provide him with a bond hearing before a "fair, neutral, and open-minded immigration judge." *Domingos v. Casey*, No. 3:26-cv-01151-BTM-JLB, 2026 LX 176120, at *9 (S.D. Cal. Mar. 23, 2026).

4. Issue an Order to Show Cause why this Petition should not be granted within three days and set a hearing on this Petition within five days of the return pursuant to 28 U.S.C. § 2243.

5. Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Mr. Lopez Camacho.

6. Declare that Mr. Lopez Camacho's detention violates the Immigration and Nationality Act.
7. Declare that Mr. Lopez Camacho's detention violates the Due Process Clause of the Fifth Amendment.
6. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412.
7. Grant such further relief as this Court deems just and proper.

Respectfully submitted,

Cassandra Lopez
AL OTRO LADO

Pro Bono Counsel for Petitioner

Dated: July 8, 2026

VERIFICATION BY ATTORNEY ACTING ON MR. LOPEZ CAMACHO'S BEHALF PURSUANT TO 28 U.S.C. §2242

I am submitting this verification on behalf of Mr. Lopez Camacho because I am his attorney. As Petitioner's attorney, I hereby verify that the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: July 8, 2026 By: /s/ Cassandra Lopez