Melissa Jaqueline Espinoza Ibarra
NAME
[redacted]
PRISON NUMBER

Imperial Regional Detention Facility
PLACE OF CONFINEMENT

1572 Gateway Rd, Calexico, CA. 92231
ADDRESS

United States District Court
Southern District Of California

MELISSA J. ESPINOZA IBARRA,
(FULL NAME OF PETITIONER)
Petitioner

v.

WARDEN OF IMPERIAL REGIONAL F.,,
(NAME OF WARDEN, SUPERINTENDENT, JAILOR, OR AUTHORIZED PERSON HAVING CUSTODY OF PETITIONER, E.G. PAROLE OFFICER)
Respondent

Civil No. '26CV3923 RBM DEB
(TO BE FILLED IN BY CLERK OF U.S. DISTRICT COURT)

PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2241

1. Are you currently:
   - ❑ A pretrial detainee (waiting for trial on criminal charges)
   - ❑ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
     If you are currently serving a sentence, provide:
     (a) Name and location of court that sentenced you: _____
     _____
     (b) Docket or case number (if you know): _____
     (c) Date of sentencing: _____
   - ☒ Being held on immigration charge
   - ❑ Other (explain): _____
     _____

2. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain:

3. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities
☐ Pretrial detention
☒ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed
☐ Disciplinary proceedings
☐ Other (specify):

4. Provide more information about the decision or action you are challenging:
(a) Name and location of the court or agency: U.S. Department of Homeland Security (DHS), EOIR Imperial Immigration Court, Imperial Regional Detention Facility (IRDF), Calexico, CA.

(b) Case number, docket number or opinion number (if you know): [redacted]
(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): Continued immigration detention and denial of access to an Immigration Judge custody redetermination (bond) hearing based on DHS treating Petitioner as an applicant for admission detained under Section 1225(b)(2).

(d) Date of the decision or action: In the month of June 2026, continuing to present.

5. Did you **appeal** the decision, file a grievance or seek an administrative remedy?
☐ Yes ☒ No

(a) If your answer to 5 was "Yes," give the following information:

(1) Name of court, agency or authority:
(2) Date of filing:
(3) Case number, docket number or opinion number:
(4) Result:
(5) Date of result:
(6) Issues raised:

(b) If your answer to 5 was "No,"explain why you did not appeal: Petitioner is being treated categorically ineligible for an Immigration Judge bond hearing. Immigration Courts are using Matter of Yahure-Hurtado to deny bond hearing 29 I&N Dec. BIA 216 (BIA 2025).

6. After the first appeal, did you file a **second appeal** to a higher authority, court or agency?

☐ Yes ☒ No

(a) If your answer to 6 was "Yes," give the following information:

(1) Name of court, agency or authority: _____

(2) Date of filing: _____
(3) Case number, docket number or opinion number: _____
(4) Result: _____
(5) Date of result: _____
(6) Issues raised: _____

(b) If your answer to 5 was "No,"explain why you did not appeal: Petitioner is being treated categorically ineligible for an Immigration Judge bond hearing. Immigration Courts are using Matter of Yahure-Hurtado do deny bond hearing 29 I&N Dec. BIA 216 (BIA 2025).

7. After the second appeal, did you file a **third appeal** to a higher authority, agency or court?

☐ Yes ☒ No

(a) If your answer to 7 was "Yes," give the following information:

(1) Name of court, agency or authority: _____

(2) Date of filing: _____
(3) Case number, docket number or opinion number: _____
(4) Result: _____
(5) Date of result: _____
(6) Issues raised: _____

(b) If your answer to 7 was "No,"explain why you did not appeal: Not Applicable.

8. **State *concisely* every ground on which you claim that you are being held in violation of the constitution, law or treaties of the United States. Summarize *briefly* the facts supporting each ground.** If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available court remedies as to each ground on which you request action by the federal court. Moreover, if you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

You should *raise in this petition **all** available grounds* on which you base your allegations that you are being held in custody unlawfully.

GROUND ONE: Petitioner is being unlawfully detained under the wrong statutory authority and unlawfully denied an Immigration Judge custody redetermination bond hearing, because DHS is treating her as detained under 8 U.S.C. § 1225(b)(2) when she is eligible.

(a) Supporting FACTS (state *briefly* without citing cases or law) Petitioner is in DHS immigration custody at Imperial Regional Detention Facility located in Calexico, California. ICE arrested Petitioner on the month of June 2026, and has remained detained since then. ICE arrested Petitioner and placed her in court proceedings with the Immigration Court. Petitioner has been in the United States for more than twenty (20) years and has a Legal Permanent Resident father. Petitioner will be seeking asylum (I-589) and EOIR Cancellation of Removal Relief (EOIR 42B) in immigration court. Petitioner has no criminal record has cooperated with DHS, and is not a danger or flight risk. Petitioner seeks an order allowing DHS to identify the statutory authority for his detention and provide a custody redetermination bond hearing before an Immigration Judge, or alternatively, release her on reasonable condition.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes ☒ No

GROUND TWO: Petitioner is entitled to bond hearing because she falls within the Maldonado-Bautista Bond Eligible Class. Bautista, 2025 WL 328961 at 11; Bautista v. Santacruz -- FRD --- 2025 WL 3288403 at 9 (C.D Cal. Nov. 25, 2025).

(a) Supporting FACTS (state *briefly* without citing cases or law): The U.S. Federal Central District Court of California has recently granted summary judgement to petitioners after it found that DHS' mandatory detention policy, pursuant to 8 U.S.C. 1225(b) is unlawful. Despite Maldonado-Bautista being currently stayed or limited in effect outside the Central District due to appeal, Petitioner qualifies as a member of the Bautista Bond Eligible Class and should be treated as bond eligible under the standard pre removal detention framework. DHS is applying a categorical no bond assessment to persons who falls within the bond eligible class criteria. (B) The Southern District of California Court granted a bond hearing through a Habeas petition upon government's acknowledement that "Petitioner(s) detained under 8 U.S.C. Section 1226(a) [are] [is] entitled to an order from this court directing a bond hearing to be held pursuant to 8 U.S.C. Section 1226(a). (Case Number: 26CV01278-BAS-DDL): This court held that "the rationale of Maldonado-Bautista is still applicable to petitioner" thus, the Court granted the Habeas Corpus petition.

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes ☒ No

GROUND THREE: Noncompliance with the class judgement and continued categorical no bond policy claim. DHS and Immigraiton Courts continue to maintain Matter of Yahure-Hurtado controls on the issue of bond hearings.

(a) Supporting FACTS (state *briefly* without citing cases or law): Petitioner entered without inspection, was not apprehended upon arrival, and was not subject to mandatory detention or post order detention at the time of the relevant custody determination. Petitioner meets the definition of a bond eligible class member described in the attached judgment and is being denied the bond process that applies to such detainees. (See Exhibit A, B).

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes ☒ No

GROUND FOUR: _____

(a) **Supporting FACTS** (state *briefly* without citing cases or law): _____

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes ☒ No

9. If any of the grounds listed in 4A, B, C, and D were not previously presented in any other court, state or federal, state briefly what grounds were not presented, and give your reasons for not presenting them:

The custody redetermination process is being categorically denied under DHS and or EOIR's position, so Petitioner has not had an available administrative remedy to exhaust on these

claims.

10. Do you have any petition or appeal now pending in any court, either state or federal, as to the execution of sentence under attack?

☐ Yes ☒ No

11. Give the name and address, if known, of each attorney who represented you in the following stages of the execution of sentence attacked herein:

(a) In any post-conviction proceeding Not applicable, no criminal convictions.

(b) On appeal from any adverse ruling in a post-conviction proceeding

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

/s/ Joseph A. Mbacho

SIGNATURE OF ATTORNEY (IF ANY)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

(DATE)

SIGNATURE OF PETITIONER