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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

HERNANDEZ-HERNANDEZ, CLAUDIO Petitioner,

v.

CHRISTOPHER J. LAROSE, Warden at Otay Mesa Detention Center; **GREGORY J. ARCHAMBEAULT**, San Diego Field Office Director ICE Enforcement Removal Operations; **TODD M. LYONS,** Acting Director, Immigration and Customs Enforcement. **MARKWAYNE MULLIN,** Secretary of the Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY; **TODD BLANCHE**, Attorney General of the United States; U.S. IMMIGRATION CUSTOMS ENFORCEMENT; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,

Respondents

CIVIL CASE NO.: **'26CV3924 BAS VET**

PETITION FOR WRIT OF HABEAS CORPUS AND ORDER TO SHOW CAUSE WITHIN THREE DAYS

Agency No: [redacted]

Immediate Release Requested

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Petitioner, Mr. Claudio Hernandez-Hernandez, petitions this Court for a Writ of Habeas Corpus under 28 U.S.C. § 2241 to remedy Respondents' detaining his unlawfully, and states as follows:

I. INTRODUCTION

1. The petitioner, Mr. Claudio Hernandez-Hernandez, was arrested violently by ICE agents near his home while dropping off his son at school on November 14, 2025, and has been detained at Otay Mesa Detention Center since then.

2. Petitioner's re-detention has no legitimate governmental purpose. In 2024, Petitioner was granted humanitarian parole for one year as a material witness, incident to a crime. He complied fully with all ICE check-in's during this period. No pre-deprivation hearing was held before Petitioner's re-detention. Where there is no material change in circumstances, a pre-deprivation hearing before re-detention is required to ensure constitutional rights are protected. U.S. Const. Amend. V; *J.A.E.M. v. Wofford*, 812 F. Supp. 3d 1058, 1066 (2025).

3. On February 9, 2026, District Judge Bencivengo granted Petitioner's first habeas petition and ordered Respondents to provide a section 1226(a) bond hearing which was held on February 12, 2026. The Digital Audio Recording ("DAR") revealed significant shortcoming in the bond proceedings that unfortunately warrant further constitutional oversight by this Court. *See* Tab A, Unofficial Transcription of Digital Audio Recording 2/12/2026. Consequently, Immigration Judge Olga Attia denied bond to Petitioner as well as every other detainee during

the hearing. *While an illusion of a bond proceeding occurred, in fact, no bond proceeding was held. (emphasis added).*

4. As shown by a recent study, a significant trend in increasing bond denials is seen in the past two years, therefore, it is not likely Respondents could or now can provide an impartial bond hearing. *See* Tab B, Declaration of Zabda J. Salazar on Nation Immigration Court Bond Outcomes and Recorded Bond Amounts. In reality, Petitioner's situation is not hypothetical. The petitioner received no meaningful, legally sufficient, or constitutionally required bond hearing. Immediate release is the only appropriate remedy to ensure Petitioner's constitutional rights.

5. Petitioner has now been detained at Otay Mesa Detention Center for eight months as of the date of this filing. Under Supreme Court precedent, this length of detention is "presumptively unreasonable" and thus is appropriate for review under a writ of habeas corpus. Petitioner is entitled to meaningful process to ensure this prolonged detention is justified. Because of the foregoing reason of defective bond hearing, immediate release is the only Constitutionally appropriate remedy for Petitioner.

6. Additionally, Petitioner has reported health issues including diarrhea, high blood pressure, and weight loss. *See* Tab C, Claudio Hernandez-Hernandez's health Statement. He also suffers anxiety from separation with his family. The ICE detention centers, including Otay Mesa Detention Center which Petitioner is detained at, have an documented record for providing sub-optimal healthcare

accommodations for detainees, which has resulted in multiple deaths. To avoid further irreparable harm to Petitioner, immediate release is the appropriate remedy. After the last habeas filing on April 27, 2026, reports have shown new evidence that Detention Centers fail to accommodate to the requirements of medical needs of detainees[1].

7. In order to address issues of exhaustion directly with this court, Petitioner also submitted the only available review in the EOIR of the constitutionally deficient bond denial. He has submitted an entirely new bond re-determination based on materially changed circumstances. This new bond package was accepted on June 10, 2026 and included the evidence of new, never existing severe health conditions that had emerged in detention, the inability to review the corrupted DAR, additional sponsors to mitigate any potential flight risks, and evidence of the efficacy of Alternative to Detention which are essentially being enforced blindly on all those released.

8. While inquiries have consistently been made with Otay Mesa Immigration Court, there is no timeline for review of the above-mentioned submission. In fact, in furtherance of the patent bias in the EOIR system, the same judge who denied the bond determination, is solely responsible for when, and if at all, the Petitioner

[1] Jake Kincaid & Sofía Mejías-Pascoe, *Amid Escalating Medical Concerns, Otay Mesa Detention Center Faces a Question of Oversight*, **KPBS** (June 26, 2026, 6:00 AM), https://www.kpbs.org/news/border-immigration/2026/06/26/amid-escalating-medical-concerns-otay-mesa-detention-center-faces-a-question-of-oversight.

will even have the new bond redetermination reviewed. To date, counsel to the Petitioner has been told, the judge will review when the docket allows.

9. Therefore, Petitioner respectfully requests that the Court expeditiously grant the immediate release of this wrongfully detained individual.

II. JURISDICTION

10. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et. seq.

11. This court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

12. 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. § 2201 et. seq., the All Writs Act, 28 U.S.C. § 1651, and the Immigration and Nationality Act, 8 U.S.C. § 1252 (e)(2).

III. VENUE

13. Venue is proper because Petitioner is in Respondents' custody in San Diego, California. Venue is further proper because a substantial part of the events or omissions giving rise to Petitioner's claims occurred in this District, where Petitioner is now in Respondent's custody. 28 U.S.C. § 1391(e).

14. For the same reasons, a divisional venue is proper under Local 5 Rule HC. 1.

IV. REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

15. 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.*

16. Courts 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 or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963).

17. Petitioner is "in custody" for the purpose of § 2241 because she is arrested and detained by Respondents.

V. PARTIES

18. Claudio Hernandez-Hernandez ("Petitioner") is a 46-year-old citizen of Mexico. He is presently detained by Otay Mesa Detention Center, within the state of California, as of the time of the filing of this petition.

19. Respondent Christopher J. LaRose is the Warden of the Otay Mesa City Detention Center and is a legal custodian of Petitioner.

20. Respondent Gregory J. Archambeault is the San Diego Field Office Director ("FOD") for ICE Enforcement and Removal Operations ("ERO"). As such, Respondent Gregory J. Archambeault is responsible for the oversight of ICE

operations at the California City Detention Center. Respondent Gregory J. Archambeault is being sued in his official capacity.

21. Respondent Todd Lyons is the Acting Director of Immigration and Customs Enforcement ("ICE"). As such, Respondent Lyons is responsible for the oversight of ICE operations. Respondent Lyons is being sued in his official capacity.

22. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security (DHS) and has authority over the actions of all other DHS Respondents in this case, as well as all operations of DHS. Respondent Mullin is a legal custodian of Petitioner and is charged with faithfully administering the immigration laws of the United States.

23. Respondent Todd Blanche is the Attorney General of the United States, and as such has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.

24. Respondent U.S. Immigration Customs Enforcement is the federal agency responsible for custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens.

25. Respondent U.S. Department of Homeland Security is the federal agency that has authority over the actions of ICE and all other DHS Respondents. This action is commenced against all Respondents in their official capacities.

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

VI. FACTUAL BACKGROUND

27. Petitioner, Mr. Claudio Hernandez-Hernandez first entered the United States in 1999. Since then, he has built close ties to the community including his wife and children. Before being detained, he lived with his family and worked in the construction and remodeling industry and was the primary financial support for his family.

28. In 2024, Petitioner was granted parole for one year as a "material witness" after an incident at the San Ysidro border. The parole allowed Petitioner into the United States under the discretion granted to DHS under the federal statutes that govern immigration laws. Petitioner was then arrested by ICE on November 14, 2025, while taking his 12-year-old son to school. Officers yelled at him, threatened to break his car window and then handcuffed him, searched him, seized his wallet and phone, moved his car with the key inside, never showing a warrant or giving a justification for the arrest. These types of warrantless arrests, absent probable cause, that have become commonplace currently, are exactly the type which require the Constitution be upheld and demand immediate release.

29. In response to this unconstitutional arrest and detention, Petitioner cooperated fully and did not resist. Ultimately, Petitioner was processed at the

downtown ICE ERO office and transferred to Otay Mesa Detention Center, where he remains detained.

30. Petitioner filed habeas solely as a Maldonado class member on February 2, 2026. On February 9, 2026, this Court granted Petitioner an order requesting Respondents to provide a bond hearing pursuant to section 1226(a), directing the immigration court to find jurisdiction to hear the bond proceeding.

31. At this federally directed bond hearing, the Immigration Judge Olga Attia denied this bond request prejudicially and unconstitutionally thus depriving Petitioner of due process further instead of correcting the initial warrantless arrest. On that same day, this immigration judge denied every detainee's bond request on her docket, stating that no bond amounts could mitigate any of the detainees flight risk and/ or danger to the community. The immigration judge's decision here manifest the trend that the DOJ and its sub-agencies, the EOIR and the Board of Immigration Appeals (BIA), in apparent coordination with DHS, have systematically dismantled the integrity of the immigration court system. Instead the courts are operating as an extension of DHS's deportation and detention operations over the last year. *See* Tab B. After the bond was denied, Petitioner filed a new habeas petition, asking the court to order his immediate release because Respondents did not provide a Constitutionally adequate bond hearing.

32. Since the deprivation of his liberty, Mr. Hernandez-Hernandez has reported multiple new medical conditions. *See* Tab C. He suffers diarrhea, constipation, high

blood pressure, and weight loss. He also now has an anxiety problem, which is intensifying because of the separation from his family, including his twelve-year-old son. In fact, Petitioner has new diagnoses and has been prescribed new medications never previously taken while in detention.

33. The petitioner is already suffering irreparable harm in detention, which is likely to persist if detention is continued. It seems apparent that the current state of immigration detention, taken in connection with the bias present in EOIR and the BIA, is punitive in nature. Systemic bias and unconstitutionality in the arrest, detention, and deprivation hearings is so fundamentally flawed that to ensure due process is upheld only immediate release of Petitioner can cure the injustice.

VII. LEGAL FRAMEWORK

A. The Due Process Clause of Fifth Amendment Warrants Petitioner's Immediate Release Because His Detention Is Prolonged.

34. Individuals in civil detention are afforded "more considerate treatment, and conditions of confinement" than individuals in criminal custody "whose conditions of confinement are designed to punish." *Youngberg v. Romeo*, 457 U.S. 307, 321–22 (1982). Immigrant detainees are civil detainees held pursuant to civil immigration laws. *Zadvydas*, 533 U.S. at 690.

35. Immigration detention, as a type of civil detention in nature, must not be punitive. The Due Process Clause prohibits the use of civil detention as punishment but must be justified by a non-punitive governmental purpose. Where

detention is prolonged and serves no legitimate immigration enforcement purpose, it becomes punitive in effect and violates due process. In Ninth Circuit, a bright-line six-month standard was applied to request mandatory bond hearings for prolonged detainees pursuant to section 1226(c). *See Rodriguez v. Robbins*, 715 F.3d 1127 (9th Cir. 2013), *abrogated by Jennings v. Rodriguez*, 583 U.S. 281 (2018). There is no legitimate governmental purpose for detaining an asylee. The Supreme Court has recognized that civil immigration detention must serve a legitimate purpose tied to removal or immigration proceedings. *See Nken v. Holder*, 556 U.S. 418 (2009). Where an alien has been granted asylum, the traditional purposes underlying immigration detention, for example, ensuring appearance at removal proceedings and preventing flight from removal, are absent. Without danger to the community or flight risk, his continued detention serves no legitimate governmental interest.

B. Petitioner Should Be Released Because ICE Re-Detained Him When Facts and Circumstances Do Not Warrant Revocation or Reconsideration.

36. Petitioner's due process rights do not rely on whether the parole has expired when he was arrested because "petitioner's liberty interest did not expire along with his parole." *Omer G.G. v. Kaiser, et al.*, 2025 WL 3254999, *5 (E.D. Cal. 2025); *see also, e.g.*, *Ramirez Tesara v. Wamsley*, 800 F. Supp. 3d 1130, 1136 (W.D. Wash. 2025) (finding, on similar facts, that "[c]ontrary to Respondents'

arguments, this private interest did not expire along with Petitioner's parole agreement."). As noted by the Supreme Court, "implicit in the system's concern with parole violation is the notion that the parolee is entitled to retain his liberty as long as he substantially abides by the conditions of his parole." *Morrissey v. Brewer*, 408 U.S. 471, 479 (1972). It was reasonable to expect that the petitioner's liberty would remain protected in abiding by the conditions of his immigration parole, regardless of whether the parole has expired.

C. ICE Agents Warrantlessly Arrested Petitioner, Violating His Fourth Amendment Right Against Unreasonable Seizure

37. The Fourth Amendment protects "[t]he right of the people to be secure in their persons … against unreasonable searches and seizures." U.S. Const. Amend. IV.

38. "Except at the border and its functional equivalents," immigration agents may stop individuals in public only after identifying "specific articulable facts, together with rational inferences from those facts, that reasonably warrant suspicion" of a violation of immigration law. *United States v. Brignoni-Ponce*, 422 U.S. 873, 884 (1975).

39. Reasonable suspicion for an immigration stop cannot be based "on broad profiles which cast suspicion on entire categories of people without any individualized suspicion of the particular person to be stopped." *United States v. Rodriguez Sanchez*, 23 F.3d 1488, 1492 (9th Cir. 1994). Rather, reasonable

suspicion must be "particularized and objective," *United States v. Arvizu*, 534 U.S. 266, 273 (2002), meaning the officer has reasonable suspicion as to "the particular person being stopped." *United States v. Montero-Camargo*, 208 F.3d 1122, 1129 (9th Cir. 2000) (*en banc*).

40. If an immigration officer makes a warrantless arrest, at the time of an arrest and "as soon as it is practical and safe to do so," immigration officers must identify themselves as immigration officers authorized to make arrests, inform the person arrested that they are under arrest, and state the reason for the arrest. 8 C.F.R. § 287.8(c)(2)(iii).

D. Immediate Release Is the Only Appropriate Remedy Because EOIR Is Not Likely a Neutral Tribune to Provide a Bond Hearing.

41. The current immigration system is under scrutiny regarding its ability systemically to conform with the requirements of due process. In part, this is because no "neutral and detached" hearing body is available at all. Instead, in practice, DHS and ICE officers have sole discretion to determine who is detained. The deprivation of liberty is happening with no individualized determination and remains unchecked. Therefore, a writ of habeas corpus is necessary to enforce Petitioner's rights.

42. According to contemporary and relevant research by Zabdi J. Salazar, a Ph.D. candidate at Berkeley Law, a broad shift toward more denial-heavy outcomes is observed in the data from 2024 to 2026. *See* Declaration of Zabda J.

Salazar on Nation Immigration Court Bond Outcomes and Recorded Bond Amounts. For example, denial share in bond hearings significantly rose from 36.1% in 2024 to 43.2% in 2025. Even more evidently, the bond-amount has increased more significantly than the denial rate. Only in Quarter 1 2026, the typical bond amount increased from a median of $6,000 to $7,500. The high amount of bond certainly would present an obstacle for Petitioner's Due Process Right, but in the present case, this immigration judge is essentially subjected each person, uniformly and without the individualization required, to no bond. There is no legitimate basis of such burden when Petitioner entitles full protection by Due Process Clause and prima facie meets eligibility for bond outside the current skewed system. Simply stating on the record, individualized merits were considered does not make it so. The specifics of Petitioner's case are, unfortunately, not unique and quite pervasive as is illustrated by research and accounts of those working within the system.

43. The same trend was also reported by a whistle-blower on how ICE functions. This declaration described a shift that can

> "only be described as a seismic shift in bond hearing outcomes for individuals who had been granted federal habeas relief and ordered § 1226(a) bond hearings by this Court and other judges in the Eastern District of Virginia. Prior to this shift, while bond amounts had increased in recent months, bond was routinely granted in post-habeas cases where individuals demonstrated: (a) lack of significant criminal history; (b) strong family ties in the United States; (c) lengthy residence in the country; (d) viable claims for relief from removal; and (e) community

> support including stable housing and employment prospects."

Tab D, Declaration of Jorge E. Artieda.

44. Because of the biased bond hearings, immediate release is the only appropriate remedy for Respondent.

VIII. EXHAUSTION OF REMEDIES

45. With regard to habeas claims, exhaustion of administrative remedies is prudential, not jurisdictional. *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017). 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 *Liang 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) their continued detention results in irreparable harm.

46. Petitioner has pursued many avenues to be afforded his basic due process rights to date. He has complied with all obligations pursuant to his obligations with DHS, adhering to scheduled monitoring and check ins mandated by ICE since 2024. With no notice or objective change in circumstances Petitioner was re-detained. He again did not resist and submitted to the warrantless arrest and eventual detention. Petitioner then submitted to EOIR's procedure for bond, but was denied on jurisdictional grounds. Then Petitioner sought assistance through a

Writ of Habeas Corpus which was granted and directed a bond proceeding be held. Ultimately a sham bond hearing happened in name only. The lack of due process and procedure in this bond hearing was plentiful. *See* Tab C, Digital Audio Recording; *see also* Tab D. Petitioner disputed the decision with the immigration court and submitted another request for custody redetermination through the proscribed agency procedure. To date, that motion remains unreviewed. Respondents provide a protracted appeal procedure which has been revealed objectively to be subject to the same bias present at the EOIR, Petitioner finds that seeking administrative remedy would be a futile endeavor.

47. Substantial new evidence regarding the systemic bias surrounding bond denials has surfaced and become available in the last several weeks which is relevant to this writ. These new pieces of evidence directly address the procedural and factual history of the Petitioner herein such they warrant careful review.

48. For example, specific memorandums have been leaked by whistleblowers evidencing that immigration judges were specifically ordered to deny bond based on flight risk and/or danger to the community. *See* Tab D. Additionally, many previous judges and former DOJ attorneys have offered declarations evidencing the bias in the system which has created a *per se* unconstitutional context in which Petitioner, and those similarly situated, are navigating the federal court's desire for them to exhaust administrative remedies.

49. Petitioner's continued detention will result in irreparable harm. First, Petitioner has severe mental and physical health issues after months in detention. *See* Tab B. He suffers diarrhea, constipation, high blood pressure, and weight loss. There are typical issues that will deteriorate in highly stressful situations, such as being detained. Petitioner has reported anxiety from separation with his family, including his twelve-year-old son. A prolonged detention will also worsen his mental health. ICE detention centers have a record for failing to accommodate detainees' needs, which has resulted in a significant number of deaths of detainees just in the last two years. The Petitioner's mental and physical health will continue to suffer irreparable harm if he keeps being detained in this environment.

IX. CLAIMS FOR RELIEF

COUNT ONE

Violation of Mr. Hernandez-Hernandez's Substantive Due Process Rights under the Fifth Amendment

50. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

51. The Fifth Amendment of the Constitution guarantees that civil detainees, including all immigrant detainees, may not be subjected to punishment. Immigration detention is civil, not punitive, and must always "bear[] a reasonable relation to the purpose for which the individual was committed." *Demore v. Kim*, 538 U.S. 510, 527 (2003) (citing *Zadvydas*, 533 U.S. at 690). The Supreme Court

has stated that the purpose or civil detention in this context is to "ensur[e] the appearance of [noncitizens] at future proceedings," *Zadvydas*, 533 U.S. at 690, and to prevent flight, *Demore*, 538 U.S. at 528. The federal government violates Fifth Amendment substantive due process rights when it subjects civil detainees to cruel treatment and conditions of confinement that amount to punishment or does not ensure those detainees' safety and health.

52. Petitioner's detention bears no relation to the purposes of civil commitment because he poses no flight risk or danger to the community. He was paroled in 2024 for being a material witness and has complied with all requirements. This parole can only be granted when he is not a danger to community or flight risk. There has been no material change regarding danger to community or flight risk since Petitioner was released in 2024. In fact, Petitioner's tie to the community has only been strengthened in this period. He is a good neighbor and has received sponsor letters from many community members for his bond hearing. He has a twelve-year-old son and is the main economical provider of his family. In fact, he was arrested right on the way when he was driving his son to school. Therefore, he is no danger to the community and no flight risk.

53. Because the detention of Petitioner serves no legitimate governmental purpose, this detention is a violation of Petitioner's rights under the Due Process Clause.

COUNT TWO

Violation of Mr. Hernandez-Hernandez's Procedural Due Process Rights under the Fifth Amendment

54. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

55. Due process requires that government action be rational and non-arbitrary. See, *United States v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007). While the government has discretion to detain individuals under 8 U.S.C. § 1226(a) and to revoke custody decisions under 8 U.S.C. § 1226(b), this discretion is not "unlimited" and must comport with constitutional due process. *See*, *Zadvydas*, 533 U.S. at 698. Although the Ninth Circuit no longer applies the six-month bright-line rule for prolonged detention, the courts have increasingly required bond hearings for noncitizens facing prolonged detention. At this bond hearing, the government bears the burden of proof and cannot continue to detain the individual unless it meets a heightened evidentiary standard to prove that the detainee is a flight risk or a danger to the community to justify the denial of bond. *Diouf v. Napolitano*, 634 F.3d 1081, 1091 (2011).

56. Here, Mr. Hernandez-Hernandez was detained November 14, 2025. He has been detained for eight months at Otay Mesa Detention Center as of the time of this filing, and no individualized bond hearing complying with the requirements of due process has been provided. No circumstances have changed since DHS used its discretion to parole Mr. Hernandez-Hernandez into the United States, and the

expiration of the parole does not itself deprive him of his Fifth Amendment right. Because the initial arrest occurred without a warrant, the detention is prolonged, and no meaningful bond proceeding is possible, immediate release is warranted.

COUNT THREE

Immediate Release Is Appropriate Remedy for Violation of Petitioner's Fourth Amendment Right by Warrantless Seizure of Person

57. The Fourth Amendment clearly requires immigration agents to have reasonable suspicion before seizing a non-citizen. *Brignoni-Ponce*, 422 U.S. at 886-7; *Orhorhaghe v. INS*, 38 F.3d 488, 494 (9th Cir. 1994).

58. Reasonable suspicion must provide a "rational basis for separating out the illegal aliens from American citizens and legal aliens." *Nicacio v. INS*, 797 F.2d 700, 704 (9th Cir. 1985). Reasonable suspicion also requires "specific articulable facts." *Gonzalez-Rivera v. I.N.S.*, 22 F.3d 1441, 1445 (9th Cir. 1994). Articulable facts standard has been defined by the Ninth Circuit as "measured against an objective reasonable man standard not by the subjective impressions of a particular officer." *Nicacio v. INS*, 797 F.2d at 703.

59. Here, Petitioner asked the agents to show warrants when he was arrested. However, the agents did not present a warrant. Additionally, Respondents violated Petitioner's Fourth Amendment Rights because they did not have a reasonable suspicion, based on specific articulable facts, to arrest Petitioner. Absent a warrant, probable cause is required to arrest and ultimately detain an individual.

COUNT FOUR

Immediate Release is the Appropriate Remedy

60. Release is the customary remedy in habeas proceedings. *See* § 2243 (the habeas should "dispose of the matter as law and justice require."); *Preiser v. Rodriguez,* 411 U.S. 475, 484 (1973) (finding "that the traditional function of the writ is to secure release from illegal custody"). The most appropriate remedy in a case like this, where Petitioner has been detained in violation of both the INA and due process, is release. *See Nadarajah v. Gonzales*, 443 F.3d 1069, 1080 (9th Cir. 2006) (holding that immediate release is the appropriate remedy when "the length of the detention [is] unreasonable"). Hundreds of courts across the country have agreed. *See, e.g., Munoz Materano v. Arteta*, 2025 WL 2630826, at *20 (S.D.N.Y. Sept. 12, 2025) (ordering immediate release); *Chipantiza-Sisalema v. Francis*, 2025 WL 1927931, at *4 (S.D.N.Y. July 13, 2025) (ordering immediate release); *Rueda Torres v. Francis*, No. 25-cv-8408, 2025 WL 3168759, at *6 (S.D.N.Y. Nov. 13, 2025) (ordering immediate release); *Cifuentes v. Soto*, No. 25-cv-18029, 2025 WL 3771380, at *4 (D.N.J. Dec. 31, 2025) (ordering immediate release).

61. Mr. Hernandez-Hernandez is under prolonged detention. With the situation that bond hearings are systematically biased, ordering another bond hearing will only further prolong Petitioner's detention and irreparably harm his physical and mental health. Therefore, immediate release should be granted without the need for any proceedings that will extend his detention unnecessarily.

X. PRAYER FOR RELIEF

WHEREFORE, Mr. Hernandez-Hernandez asks that this Court grant the following relief:

1. Assume jurisdiction over this matter;

2. Order that Mr. Hernandez-Hernandez shall not be transferred outside the Southern District of California or deported pending these proceedings;

3. Declare that Mr. Hernandez-Hernandez's prolonged detention is unlawful;

4. Issue a Writ of Habeas Corpus requiring Respondents to release Mr. Hernandez-Hernandez immediately without conditions;

5. Enjoin Respondents from re-detaining Mr. Hernandez-Hernandez unless his re-detention is ordered at a custody hearing before a neutral arbiter in which the government bears the burden of proving, by clear and convincing evidence, that Mr. Hernandez-Hernandez is a flight risk or danger to the community;

6. Award Mr. Hernandez-Hernandez attorney's fees and costs under the Equal Access to Justice Act, as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

7. Grant any other and further relief that this Court deems just and proper.

8. I affirm, under penalty of perjury, that the foregoing is true and correct.

XI. CONCLUSION

For all these reasons, this Court should grant the petition.

Dated: 07/08/2026

/s/Caroline G. Matthews
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Pro Bono Attorney for Petitioner

CERTIFICATE OF SERVICE

I, Caroline Matthews, CERTIFY

I am over the age of 18 and not a party to this matter. My business address is 120 Stevens Avenue, Solana Beach, CA 92075. On July 6, 2026, I served a copy of this Petition for Writ of Habeas Corpus and Order to Show Cause Within Three Days.

Dated: 07/08/2026

/s/Caroline G. Matthews

Caroline Matthews, Esq.

Pro Bono Attorney for Petitioner