FILED
JUL 08 2026
CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____ DEPUTY CLERK

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the

EASTERN DISTRICT OF CALIFORNIA

Pedro Viel Lariot
Petitioner

v.

VS Attorney General
Immigration Customs Enforcement
Department of Homeland Security
Warden, California City (ICE)
Respondent
(name of warden or authorized person having custody of petitioner)

Case No. 1:26-CV-05261-JLT-EGL (HC)
(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Pedro Viel Lariot
   (b) Other names you have used: N/A
2. Place of confinement:
   (a) Name of institution: California City Immigration Processing center facility
   (b) Address: 22844 Virginia Blvd.
   California City, CA 93505
   (c) Your identification number: [redacted]
3. Are you currently being held on orders by:
   ☒ Federal authorities ☐ State authorities ☐ Other - explain:
   Immigration Customs and Enforcement, and California City Immigration processing
4. 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 number of criminal case:
   (c) Date of sentencing:
   ☐ Being held on an immigration charge
   ☒ Other *(explain)*: Held on Post-Final order of removal for more than 90-days. Arrest on mandatory detention since January 28, 2026

Decision or Action You Are Challenging

5. What are you challenging in this petition:
   ☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

☐ Pretrial detention

☒ Immigration detention

☐ Detainer

☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)

☐ Disciplinary proceedings

☒ Other *(explain)*: Challenges the legality of this detention under a framework devised by the supreme court in Zadvydas V. Davis 533 US 678 (2001).

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: Immigration customs Enforcement, and California City Immigration processing Center Facility.

(b) Docket number, case number, or opinion number:

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*:

Challenging this present facts. Deprivation of freedom and Liberty, indicating that ICE is incapable of executing his removal, therefore, this detention is indefinite.

(d) Date of the decision or action: 01/28/2026

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

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

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not appeal:

8. **Second appeal**

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

☐ Yes ☒ No

(a) If "Yes," provide:

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

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a second appeal:

9. **Third appeal**

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

☐ Yes ☒ No

(a) If "Yes," provide:

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

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a third appeal:

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes ☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: 01/29/2026

(b) Date of the removal or reinstatement order: 11/15/2007

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes ☒ No

If "Yes," provide:
(1) Date of filing:
(2) Case number:
(3) Result:
(4) Date of result:
(5) Issues raised:

(d) Did you appeal the decision to the United States Court of Appeals?
☐ Yes ☒ No
If "Yes," provide:
(1) Name of court:
(2) Date of filing:
(3) Case number:
(4) Result:
(5) Date of result:
(6) Issues raised:

12. **Other appeals**
Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?
☐ Yes ☒ No
If "Yes," provide:
(a) Kind of petition, motion, or application:
(b) Name of the authority, agency, or court:
(c) Date of filing:
(d) Docket number, case number, or opinion number:
(e) Result:
(f) Date of result:
(g) Issues raised:

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Prolonged time exceeding the statutory period for Final removal violate the due process clause of the Fifth amendment and the Law of the nation and treaty of United States under Zadvydas v. Davis 533 U.S. 678 (2001). Siguenza v. Moniz, 2025 U.S. Dist. LEXIS 188746, at *7 (D. Mass. Sept. 25, 2025).

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Petitioner is a cuban national admitted to united states on sep, 1995 as a Permanent Resident. Petitioner was arrested on criminal charges on 2005, sentenced and convicted. on 2007, DHS Loged on Immigeration hearing on Final deportation. After petitioner was release from Doc, DHS detainer petitioner for 90-days on Final deportation, from February to May 2008 and release Petitioner on Supervision Release.

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

☐ Yes ☒ No

GROUND TWO: Petitioner argues that he is entitled to releases because his post-removal order detentions exceeds six months and there is no significant Likelihood of removal in the reasonably foreseeable future. 8 U.S.C. § 1231 (a)(1)(A). See e.g., MaKuey v. Scott, 2025 U.S. Dist. LEXIS 259981, at *31-33 (W.D. Wash. Dec. 16, 2025).

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Numerous courts have thus similarly expressly held that the six month presumptive period does not reset when DHS detains, releases, and later re-detains a noncitizen under section 1231(a). Several courts have held that the six months period does not reset when the government detains an alien under 8 U.S.C. § 1231(a), releases him from detention, and then re-detains him again. Therefore this detention violates substantive due Process Right.

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

☐ Yes ☒ No

GROUND THREE: The traditional test for evaluating due process claims set forth in can and must account for the heightened governmental interest in the immigration detention context. the fundamental requirement of due process is the opportunity to be heard at a meaningful time and ina meaningful manner. Determining whether a governmental action violated

(a) Supporting facts *(Be brief. Do not cite cases or law.)*: the due process Mathews, 424 U.S. at 335.

Petitioner has carried his initial burden by showing a good reason to believe there is no significant Likelihood of removal in the reasonably foreseeable future. in fact, ICE made that determination when it released Petitioner in 2008. In fact, Cuba again refused to accept Petitioner now in 2026. There's no significant Likelihood Petitioner will be removed in the Reasonably Foreseeable Future.

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

☐ Yes ☒ No

GROUND FOUR: The Due process clause of the fifth Amendment protects against deprivation of liberty without proper process, and this protection extends to deportation proceedings U.S. const. Amend V. Mathews v. eldridge U.S, 424 U.S 319,96 S.Ct (1976). Can and must account for the heightened governmental interest in the Immigration detention context.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

freedom from imprisonment from government custody detention, or other form of physical restraint lies at the heart of the liberty that Due process clause protects the Zadvydas court concluded, once removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute. the presumptively reasonable period for detention following a removal order is six months. Petitioner request expedited consideration because this detention is causing loss of liberty without a realistic prospect of removal.

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

☐ Yes ☒ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: Petitioner respectfully request that this courts grant the writ of Habeas corpus and order petitioner a immediate release from ICE custody under reasonable conditions of supervision, or grant any other relief the court deems just and proper.

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

06/29/26

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 06/29/26

[redacted]

Signature of Petitioner

Signature of Attorney or other authorized person, if any