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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

OSCAR RICARDO ARGUETA VASQUEZ,

Petitioner,

v.

WARDEN *of the Golden State Annex Detention Facility*; ORESTES CRUZ, *in his official capacity as Acting Field Office Director, Enforcement and Removal Operations, San Francisco Field Office, U.S. Immigration and Customs Enforcement*; MARKWAYNE MULLIN, *in his official capacity as Secretary of Homeland Security*; TODD BLANCHE, *in his official capacity as Attorney General of the United States*,

Respondents.

No.

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

INTRODUCTION

1. Petitioner Oscar Ricardo Argueta Vasquez ("Mr. Argueta") brings this petition for a writ of habeas corpus because he is being unlawfully detained by Respondents as a result of the Department of Homeland Security ("DHS") and the Executive Office for Immigration Review's ("EOIR") erroneous conclusion that he is subject to mandatory detention without the possibility of release on bond.

2. Since June 9, 2026, Mr. Argueta has been in the physical custody of Respondents, including at the Golden State Annex Detention Facility ("Golden State Annex") in McFarland, California, where he is currently being held. While Respondents have yet to serve Mr. Argueta with a formal Notice to Appear, he is presumably being charged with having entered the United States "without being admitted or paroled." See 8 U.S.C. § 1182(a)(6)(A)(i). His manner of entry, along with his lack of any criminal history, should place him within the default detention authority of 8 U.S.C. § 1226(a).

3. Under that statute, Mr. Argueta is eligible to pursue discretionary release on bond from an immigration judge ("IJ").

4. Despite this clear statutory authority, Respondents are disclaiming any jurisdiction to consider bond requests for noncitizens such as Mr. Argueta, because they are enforcing the Board of Immigration Appeals' ("BIA") misguided decision from *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). In that decision, which constituted an abrupt and drastic departure from decades of agency policy and practice, the BIA held that an IJ has no jurisdiction to consider bond requests for any person who is present in the United States without admission, and it determined that such individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A) as "applicants for admission" and therefore ineligible to be released on bond. As a result, any individualized review of Mr. Argueta's custody has become unobtainable through the typical administrative channels.

5. This Court and countless others across the nation have uniformly rejected this flawed legal theory. *Morales-Flores v. Lyons*, 2025 U.S. Dist. LEXIS 256842, 2025 WL 3552841, at *3 (E.D. Cal. Dec. 10, 2025) (collecting cases) ("Courts nationwide, including this

one, have overwhelmingly rejected respondents' arguments and found DHS's new policy unlawful."); see also *Trejo-Bautista v. President of the United States*, No. 1:26-cv-20376-KMW, at *8 n.3 (S.D. Fla. Mar. 4, 2026) ("This string citation is non-exhaustive. The Court has ceased attempting to catalog every district court decision addressing this issue but is aware of approximately 3,500 decisions nationwide reaching the same conclusion.").

6. Mr. Argueta's detention on this basis violates the plain language of the Immigration and Nationality Act ("INA"), since § 1225(b)(2) only applies to noncitizens who are apprehended while "seeking admission" to the United States. It does not apply to individuals like Mr. Argueta who are alleged to have previously entered the country without admission or parole and were residing in the United States at the time of apprehension. By the express provisions of the statute, such individuals are instead subject to § 1226(a), which allows for release on conditional parole or bond.

7. Although Mr. Argueta has not yet had a bond hearing, seeking one would be futile. Immigration Judges at the Adelanto Immigration Court, Mr. Argueta's local immigration court—routinely refuse to exercise jurisdiction over bond requests for individuals charged as entering without inspection, based on *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), a direct result of Respondents' unlawful policy of non-compliance with the *Maldonado Bautista* judgment. Undersigned counsel's firm has handled cases in which Adelanto Immigration Judges have declined to conduct bond hearings on this basis, rendering any attempt by Mr. Argueta to seek bond a futile exercise. Ex. 1, Order of IJ Badrinath, Jan. 26, 2026, at 1–2; Ex. 2, Order of IJ Mullins, Mar. 9, 2026, at 1–2.

8. The categorical denial of a bond hearing deprives Mr. Argueta of the right to present these facts and have an impartial adjudicator assess whether his continued detention is justified.

9. Accordingly, Mr. Argueta seeks a writ of habeas corpus requiring that he be immediately released from custody, with all of his personal property, or, in the alternative, that he be released pending a bond hearing before an IJ pursuant to 8 U.S.C. § 1226(a), at which the government bears the burden of justifying his detention by clear and convincing evidence. See,

e.g., *Santos v. Warden of the Golden State Annex Det. Facility*, No. 1:26-cv-01497-DC-AC, 2026 U.S. Dist. LEXIS 86690, at *2 (E.D. Cal. Apr. 17, 2026) (ordering immediate release with return of all personal property and documents, and enjoining respondents from re-detaining petitioner absent a pre-deprivation bond hearing pursuant to 8 C.F.R. § 1236.1(c)(8)); *Cortes-Ontiveros v. Warden, Cal. City Corr. Ctr.*, No. 1:26-cv-01259-DC-CSK, 2026 U.S. Dist. LEXIS 48247, at *10 (E.D. Cal. Mar. 9, 2026) (ordering the government to bear the burden of showing flight risk and dangerousness by clear and convincing evidence at bond hearing, to be held within 7 days).

10. This remedy is necessary to efficiently vindicate Mr. Argueta's rights and to ensure that he receives a fair bond hearing for which he can adequately prepare.

JURISDICTION

11. Mr. Argueta incorporates the preceding paragraphs as if fully set forth herein.

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

13. This Court has subject matter jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

14. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

15. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Eastern District of California, the judicial district in which Mr. Argueta is currently detained.

VENUE

16. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Eastern District of California.

17. Venue is proper within the Fresno Division because Respondent Warden of the Golden State Annex has a principal place of business in McFarland, California.

18. Federal district courts have jurisdiction to hear habeas claims by noncitizens challenging the lawfulness of their detention. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

19. Administrative exhaustion is unnecessary, as it would be futile. *Singh v. Andrews*, 2025 U.S. Dist. LEXIS 254952, 2025 WL 3523057, at *4-5 (E.D. Cal. Dec. 9, 2025) (citing Matter of Yajure Hurtado, 29 I. & N. Dec. 216 (BIA 2025)); *see also Chavez v. Noem*, 801 F. Supp. 3d 1133, 1140 (S.D. Cal. 2025). The Government has not afforded, and will not afford, Mr. Argueta a bond hearing because the Government asserts, contrary to a temporarily stayed class-wide judgment, that he is ineligible for bond under 8 U.S.C. § 1225(b).

PARTIES

20. Petitioner incorporates the preceding paragraphs as if fully set forth herein.

21. Petitioner Oscar Ricardo Argueta Vasquez ("Petitioner") is a native and citizen of El Salvador who has been in Immigration and Customs Enforcement ("ICE") custody since June 9, 2026, and is currently detained at Golden State Annex in McFarland, California. Ex. 3, ICE Online Detainee Locator Results at 1.

22. Respondent Warden of the Golden State Annex is employed by The Geo Group, Inc., a private jail that contracts with ICE to detain noncitizens. The Warden is responsible for overseeing the administration and management of the Golden State Annex. Though the Warden does not have the legal authority to release Mr. Argueta, without ICE's permission, the Warden is the immediate custodian of Petitioner and is sued in an official capacity.

23. Respondent Orestes Cruz is the Field Office Director of the ICE Enforcement and Removal Operations ("ERO") San Francisco Field Office. In that capacity, he is charged with overseeing all ICE detention centers in California, including the Golden State Annex, and has the authority to make custody determinations regarding individuals detained there. Mr. Cruz is a legal custodian of Petitioner. He is sued in his official capacity.

24. Respondent Markwayne Mullin is the Secretary of Homeland Security. He supervises ICE, an agency within DHS which is responsible for the administration and enforcement of immigration laws and has supervisory responsibility for and authority over the

detention and removal of noncitizens throughout the United States. Secretary Mullin is the ultimate legal custodian of Petitioner. He is sued in his official capacity.

25. Respondent Todd Blanche is the Attorney General of the United States. As the Attorney General, he oversees EOIR, including all IJs and the Board of Immigration Appeals ("BIA"), and has authority over immigration detention. He is sued in his official capacity.

LEGAL FRAMEWORK

26. Petitioner incorporates the preceding paragraphs as if fully set forth herein.

27. There are several relevant provisions for immigration detention that have existed largely the same in their current form since Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA") nearly 30 years ago. Sections 1226(a) and 1225(b)(2) are particularly relevant for purposes of resolving the current petition.

28. 8 U.S.C. § 1226(a) (INA § 236(a)) sets forth the "default rule" for "[noncitizens] already present in the United States" by "permitting—but not requiring—the Attorney General to issue warrants for their arrest and detention pending removal proceedings." *Jennings v. Rodriguez*, 583 U.S. 281, 303 (2018). It states that "on a warrant issued by the Attorney General, a[] [noncitizen] may be arrested and detained pending a decision on whether the [noncitizen] is to be removed from the United States." 8 U.S.C. § 1226(a). Noncitizens arrested upon a warrant and in ongoing removal proceedings are eligible to seek release on bond before an IJ. Id. § 1226(a)(2).

29. A separate provision, 8 U.S.C. § 1225(b) (INA § 235(b)) governs the detention of noncitizens who seek admission to the United States at the border at § 1225(b)(1) and § 1225(b)(2). Section 1225(b)(1) applies to noncitizens in "expedited removal" proceedings, while § 1225(b)(2) explains that, notwithstanding several limited statutory exceptions, "in the case of a[] [noncitizen] who is an applicant for admission, if the examining immigration officer determines that a[] [noncitizen] seeking admission is not clearly and beyond a doubt entitled to be admitted, the [noncitizen] shall be detained for a [removal] proceeding under section 1229a of this title." 8 U.S.C. § 1225(b)(2). "In other words, noncitizens subject to [Section] 1225(b)(2) are not eligible for expedited removal but are subject to mandatory detention while their full removal proceedings are pending . . . in contrast to the default detention regime under § 1226(a), which

allows for discretionary release and review of detention through a bond hearing." *Salcedo Aceros v. Kaiser*, No. 25-CV-06924-EMC (EMC), 2025 WL 2637503, at *3 (N.D. Cal. Sept. 12, 2025). Consequently, IJs do not have jurisdiction to grant bond for such "applicant[s] for admission," though DHS retains the discretion to release such noncitizens on a specific type of parole "for urgent humanitarian reasons or significant public benefit." 8 U.S.C. § 1182(d)(5)(A).

30. Summing up the relationship between these two statutory provisions, "Section 1225 'authorizes the Government to detain certain [noncitizens] seeking admission into the country,' whereas [S]ection 1226 'authorizes the Government to detain certain [noncitizens] already in the country pending the outcome of removal proceedings." *J.A.C.P. v. Wofford*, No. 1:25-CV-01354-KES-SKO (HC), 2025 WL 3013328, at *5 (E.D. Cal. Oct. 27, 2025) (citing *Jennings*, 583 U.S. at 289) (emphasis in original). Reflecting that understanding, "[f]or decades, whenever [ICE] detained a noncitizen within the interior part of the United States who did not have a pending order of removal, [it] detained them under [8 U.S.C. § 1226]." *Mendoza Gutierrez v. Baltasar*, No. 25-CV-2720-RMR, 2025 WL 2962908, at *1 (D. Colo. Oct. 17, 2025) (cleaned up). Consequently, "[u]ntil mid-2025, DHS applied § 1226(a) and its discretionary release and review of detention to the vast majority of noncitizens allegedly in this country without valid documentation," providing them with the opportunity to seek bond before an IJ. *Aguirre Villa v. Normand*, No. 5:25-CV-89, 2025 WL 3095969, at *5 (S.D. Ga. Nov. 4, 2025) (internal quotation marks omitted).

31. Additionally, current binding "[f]ederal regulations provide that [noncitizens] detained under § 1226(a) receive bond hearings at the outset of detention." *Jennings*, 583 U.S. at 306 (citing 8 C.F.R. §§ 236.1(d)(1), 1236.1(d)(1)). Those regulations—which the Department of Justice promulgated in 1997, and which remain in effect—explicitly state that "[noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) will be eligible for bond and bond redetermination," and that "inadmissible [noncitizens], except for arriving [noncitizens], have available to them bond redetermination hearings before an immigration judge, while arriving noncitizens do not." Inspection and Expedited Removal of [Noncitizens]; Detention and Removal of [Noncitizens];

Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

32. On July 8, 2025, DHS radically upended this longstanding interpretation and practice when it issued a notice to all ICE employees that "DHS, in coordination with the Department of Justice (DOJ), has revisited its legal position on detention and release authorities." See AILA Doc. No. 25071607, ICE Memo: Interim Guidance Regarding Detention Authority for Applications for Admission at 1, American Immigration Lawyers Association (July 8, 2025). In the memo, DHS announced that it considered "applicants for admission" to now encompass any noncitizen "present in the United States who has not been admitted or who arrives in the United States," in conjunction with its novel stance "that [Section 1225] of the Immigration and Nationality Act (INA), rather than [Section 1226], is the applicable immigration detention authority for all applicants for admission." Id. As a result, DHS concluded that these noncitizens "are also ineligible for a custody redetermination hearing ('bond hearing') before an immigration judge and may not be released for the duration of their removal proceedings absent a parole by DHS." Id.

33. On September 5, 2025, the government further doubled down on this position when the BIA issued a precedential decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). In that decision, the BIA concluded that the "plain text" of the INA mandates that noncitizens who are "present in the United States without admission are applicants for admission as defined under section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), and must be detained for the duration of their removal proceedings." Id. at 220. The BIA conceded that even though "section 236(c) of the INA, 8 U.S.C.A. § 1226(c), mandates detention of a subset of the category of [noncitizens] that are also subject to mandatory detention under section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A)"—effectively rendering Section 1225(b)(2) superfluous and redundant under this novel interpretation—this concern is irrelevant because "redundancies are common in statutory drafting." Id. at 222.

34. The BIA's decision in *Matter of Yajure Hurtado*, which IJs across the nation believe they are required to follow as binding precedent, effectively mandates that noncitizens

"who surreptitiously cross into the United States remain applicants for admission until and unless they are lawfully inspected and admitted by an immigration officer," even if they "[r]emain[] in the United States for a lengthy period of time following entry without inspection." Id. at 228. Consequently, IJs "have no authority to redetermine the custody conditions of a[] [noncitizen] who crossed the border unlawfully without inspection." Id. "This sweeping new policy subjects millions of undocumented residents to prolonged detention without the opportunity for release on bond, in contravention of decades of agency practice and robust due process protections hitherto afforded to such residents to enable them to challenge the government's basis for detaining them." *Rodriguez Cabrera v. Mattos*, No. 2:25-CV-01551-RFB-EJY, 2025 WL 3072687, at *3 (D. Nev. Nov. 3, 2025).

35. Courts in this district have repeatedly rejected Respondents' novel and unlawful interpretation of the law and ordered immediate release or bond hearings as a remedy. See, e.g., *Morales-Flores v. Lyons*, No. 1:25-cv-01640-TLN-EFB (E.D. Cal. Dec. 10, 2025) (Nunley, J.); *Menjivar Sanchez v. Wofford*, No. 1:25-CV-01187-SKO (HC), 2025 WL 3089712 (E.D. Cal. Dec. 8, 2025) (Oberto, J.); *J.A.C.P. v. Wofford*, No. 1:25-CV-01354-KES-SKO (HC) (E.D. Cal. Oct. 27, 2025) (Sheriff, J.). These decisions rely in part on this Court's pre-*Matter of Yajure Hurtado* caselaw regarding ICE's invocation of an ultra vires regulation to "automatically stay" IJ bond grants under § 1226(a) for noncitizens whom ICE believed should be detained under § 1225(b). Multiple jurists in this district ruled that these noncitizens were in fact detained under § 1226(a) and should be released immediately. See, e.g., *Lepe v. Andrews*, 801 F. Supp. 3d 1104, 1120 (E.D. Cal. 2025).

36. This Court has joined the vast majority of courts "around the country [that] have rejected [the government's] new interpretation of the INA." See, e.g., *Hortua v. Chestnut*, No. 1:25-cv-01670-TLN-JDP, 2025 WL 3525916 (E.D. Cal. Dec. 9, 2025); *Estrada-Samayoa v. Cruz*, No. 1:25-CV-01565-EFB, 2025 WL 3268280, at *4 (E.D. Cal. Nov. 24, 2025) (collecting cases); *Bautista Pico v. Noem*, No. 25-CV-08002-JST, 2025 WL 3295382, at *2 (N.D. Cal. Nov. 26, 2025) (collecting cases).

37. Additionally, on November 25, 2025, the United States District Court for the

Central District of California certified a nationwide Bond Eligible Class and issued a declaratory judgment that class members—noncitizens who (a) lack lawful status, (b) entered without inspection and were not apprehended upon arrival, and (c) are not detained under §§ 1226(c), 1225(b)(1), or 1231—are detained under § 1226(a) and may not be denied bond under § 1225(b)(2)(A). *Maldonado Bautista*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025).

38. On December 18, 2025, that court also entered declaratory judgement in *Maldonado Bautista* which: (1) certified a nationwide Bond Eligible Class; (2) declared that class members are detained under § 1226(a) and not subject to mandatory detention under § 1225(b)(2); (3) vacated the July 8, 2025 DHS "Interim Guidance" policy that underpins *Yajure Hurtado*; and (4) clarified that *Yajure Hurtado* is "no longer controlling." *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3713987, at *3 (C.D. Cal. Dec. 18, 2025).

39. The Ninth Circuit has, however, recently issued a temporary stay relative to the declaratory judgment in *Bautista* outside the Central District of California, coupled with a temporary stay of the court's order to enforce the judgment and vacating *Matter of Yajure Hurtado*. *Maldonado Bautista v. U.S. Dep't of Homeland Sec.*, No. 26-1044 (9th Cir. Mar. 6, 2026). The Ninth Circuit's temporary stay, however, does not foreclose this Court's authority to grant individual habeas relief based on the same statutory and due process analysis. See *Maradiaga v. Warden of the Golden State Annex Det. Facility*, No. 1:25-cv-1779-DJC-JDP, 2026 U.S. Dist. LEXIS 69678, at *2 (E.D. Cal. Mar. 31, 2026) (denying respondents' request to stay individual habeas action pending the Ninth Circuit's resolution of *Maldonado Bautista* because the Court of Appeals' "forthcoming decision . . . will not be dispositive of petitioner's due process claim").

40. For a brief period between mid-December and mid-January, some IJs around the country, including those in Adelanto Immigration Court, Mr. Argueta's local immigration court, recognized the *Maldonado Bautista* final judgement and their jurisdiction to grant bond for people previously impacted by *Matter of Yajure Hurtado*. However, on January 13, 2026, EOIR Chief Immigration Judge Theresa Riley issued nationwide guidance by email to IJs around the

nation, stating that "*Maldonado Bautista* is not a nationwide injunction and does not purport to vacate, stay or enjoin *Yajure Hurtado*." Chief IJ Riley further erroneously instructed IJs that "*Yajure Hurtado* remains binding precedent on agency adjudicators." AILA Doc. No. 26011404, Practice Alert: EOIR Issues Nationwide Guidance on Maldonado Bautista, American Immigration Lawyers Association (Jan. 16, 2026).

41. Subsequently, IJs, including those in Adelanto, refused to recognize *Maldonado Bautista* prior to its recent stay, and again denied bond based on lack of jurisdiction, occasionally also making alternative, unsupported findings of flight risk without adjudicating the merits of the bond requests. Ex. 1, Order of IJ Badrinath, Jan. 26, 2026, at 1–2; Ex. 2, Order of IJ Mullins, Mar. 9, 2026, at 1–2.

42. Additionally, on February 18, 2026, the *Maldonado Bautista* court granted a Motion to Enforce Judgment. See *Maldonado Bautista*, 2026 WL 468284, at *10 (C.D. Cal. Feb. 18, 2026). In its order, the court discussed the "ample evidence demonstrat[ing] Respondents' noncompliance with the Final Judgment" that it had issued on December 18, 2025, based on the fact that "IJs continue to rely on *Yajure Hurtado* despite the fact its underlying legal interpretation was found irreconcilable with this Court's declaration of law." Id. at *6. Noting that "Respondents have far crossed the boundaries of constitutional conduct" by "still insist[ing] they can continue their campaign of illegal action," the court "vacate[d] *Matter of Yajure Hurtado* as contrary to law under the APA." Id. at *7 (emphasis in original). Despite the Ninth Circuit's recently issued temporary stay of such judgement, the *Bautista* court's reasoning remains illustrative of the reasoning adopted in approximately 3,500 similar decisions issued across the nation that challenge the Government's novel re-interpretation of the statutory framework posited in *Yajure Hurtado*. See *Trejo-Bautista*, No. 1:26-cv-20376-KMW, at *8 n.3.

43. Moreover, independent of the nationwide judgment and as this Court has repeatedly held in individual habeas petitions, the mandatory detention provision of § 1225(b)(2)(A) does not apply to individuals like Mr. Argueta, who have already entered and were residing in the United States at the time they were apprehended by ICE. If any provision authorizes his detention, it is § 1226(a).

FACTS

44. Petitioner incorporates the preceding paragraphs as if fully set forth herein.

45. Mr. Argueta is a 58-year-old native and citizen of El Salvador. He entered the United States without inspection in or about February 2004 and has lived here continuously ever since, more than twenty-two years, without leaving the country. He made his home in Sacramento, California, where he lives near his family and works alongside his brother, Walter Argueta, a United States citizen. Mr. Argueta earns his living as a tradesman, installing tile and remodeling bathrooms for his brother's construction company. He is devoted to his family: he remains close to his brother, and he is the financial provider for his mother, a lawful permanent resident. Mr. Argueta has no criminal convictions and no criminal charges, and nothing in his record subjects him to mandatory detention under 8 U.S.C. § 1226(c). In more than two decades in this country, he has never been deported or removed, never sought or been granted voluntary departure, never been placed in removal proceedings, and never before been detained by immigration authorities.

46. Mr. Argueta was detained by ICE on June 9, 2026, and has been held in Respondents' custody at the Golden State Annex ever since. On the morning of his arrest, Mr. Argueta was on his way to work at a construction site in Sacramento, his son was driving, when officers in unmarked vehicles boxed in the car from the front and the rear. The officers pulled his son from the vehicle first, then approached Mr. Argueta, identified themselves as ICE, and took him into custody. They seized his cell phone and wallet, which Respondents continue to withhold from him and his family, and left the car at the scene.

47. To date, Respondents have failed to serve Mr. Argueta with a Form I-862, Notice to Appear ("NTA"), a Notice of Custody Determination, or any other document explaining the legal basis for his arrest and continued detention, and his family has received no such paperwork. Despite being held since June 9, 2026, Mr. Argueta has never been told in writing why he is being detained or what charges of removability have been lodged against him. Information about his detention is available only through online government databases. The ICE Online Detainee Locator System lists him as in "ICE Custody" at the "GOLDEN STATE ANNEX" in McFarland,

California. Ex. 3, ICE Online Detainee Locator Results at 1. The EOIR Automated Case Information system reflects that a case was docketed under his name and A-Number on June 17, 2026, and is pending before Immigration Judge Brent A. Carr at the Adelanto Immigration Court, with a Master Calendar hearing set for July 16, 2026. Ex. 4, EOIR Automated Case Information Results at 1.

48. Mr. Argueta has been placed in removal proceedings before the Adelanto Immigration Court and has retained counsel to pursue relief from removal.

49. Pursuant to Matter of Yajure Hurtado, the immigration judge is unable to consider Petitioner's bond request, and any request for a bond hearing at the Adelanto Immigration Court would be futile.

50. As a result, Mr. Argueta has remained detained at the Golden State Annex, without bond, since his arrest. His detention has taken a serious emotional and financial toll on his family, with no end in sight, and his mother depends on the support he can no longer provide. If released, Mr. Argueta will return home to Sacramento and resume his work with his brother's company. His brother, Walter Argueta, is prepared to receive him and to help ensure his appearance at all future proceedings. His mother, a lawful permanent resident, has filed a Form I-130, Petition for Alien Relative, on his behalf, which USCIS received on November 5, 2024 (Receipt No. [redacted] and which remains pending. Ex. 5, USCIS Form I-130 Receipt Notice. That pending petition, together with his more than two decades of residence and his close family here, reflects his deep ties to this community and his incentive to appear at all future proceedings.

CLAIMS FOR RELIEF

COUNT I

Violation of the INA and the APA

51. Petitioner incorporates the preceding paragraphs as if fully set forth herein.

52. 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 present without having been admitted or paroled. By its terms, it applies only to those noncitizens who are apprehended while they are

applying for admission near the border or at a port of entry. For those like Mr. Argueta, detention must be pursuant to § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

53. Mr. Argueta cannot be subject to mandatory detention under § 1225(b)(1), including because he does not meet the criteria for Expedited Removal. See *Make the Road New York v. Noem*, No. 25-190, 2025 WL 2494908, at *23 (D.D.C. Aug. 29, 2025).

54. Mr. Argueta cannot be subject to mandatory detention under § 1225(b)(2), including because, as a person already present in the United States, he is not currently "seeking admission" to the United States. See, e.g., *Lepe v. Andrews*, 801 F. Supp. 3d 1104 (E.D. Cal. 2025).

55. Mr. Argueta is not lawfully subject to mandatory detention under § 1226(c), including because he has not been convicted of any crime that triggers such detention. See *Demore v. Kim*, 538 U.S. 510, 513-14, 531 (2003) (allowing mandatory detention under § 1226(c) for brief detention of persons convicted of certain crimes and who concede removability).

56. Since Mr. Argueta is not "seeking admission," nor is he an "arriving alien" subject to § 1225(b), and nor does he have disqualifying criminal arrests or convictions subjecting him to § 1226(c), he is, accordingly, entitled to a bond hearing by an immigration judge pursuant to § 1226(a). The application of § 1225(b)(2) to Mr. Argueta unlawfully mandates his continued detention and violates the INA by depriving him of his rights under § 1226(a).

57. Mr. Argueta is prima facie eligible for release: he has no criminal convictions; nothing in his record triggers mandatory detention under 8 U.S.C. § 1226(c); he has resided continuously in the United States for more than twenty-two years; and he maintains strong family and community ties here, including a United States citizen brother and a lawful permanent resident mother who has petitioned for him.

58. To the extent that Respondents assert that *Matter of Yajure Hurtado* nevertheless requires Mr. Argueta's mandatory detention, the BIA's interpretation in that case is ultra vires and in conflict with the careful balance of factors clearly established in the INA with regard to bond eligibility, and is not subject to deference by this Court. See *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024). Moreover, the policy and legal theory behind *Matter of Yajure*

Hurtado have now been vacated, with the BIA's decision itself also being vacated as contrary to law, notwithstanding the aforementioned temporary stay thereof recently issued by the Ninth Circuit. *Maldonado Bautista*, 2026 WL 468284, at *7 (C.D. Cal. Feb. 18, 2026).

59. Respondents' denial of Mr. Argueta's bond eligibility also violates the APA, as it is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; contrary to constitutional right, power, privilege, or immunity; and in excess of statutory jurisdiction, authority, or limitations, or short of statutory right. 5 U.S.C. § 706(2)(A)-(C).

COUNT II

Violation of the Substantive Due Process

60. Petitioner incorporates the preceding paragraphs as if fully set forth herein.

61. The Due Process Clause's guarantee to substantive due process prohibits the government from infringing upon certain "fundamental" liberty interests, "unless the infringement is narrowly tailored to support a compelling government interest." *Reno v. Flores*, 507 U.S. 292, 302 (1993). It applies to "all 'persons' within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693.

62. The Government's interest in detaining a noncitizen during removal proceedings is limited to ensuring appearance and protecting the community. See *Demore v. Kim*, 538 U.S. 510, 531 (2003). Indefinite detention without an individualized determination is punitive and arbitrary, violating substantive due process. *Zadvydas*, 533 U.S. at 690. Here, Mr. Argueta's detention is not based on any individualized finding of flight risk or dangerousness. It is based solely on an erroneous legal classification (as an "applicant for admission") and on pretextual flight risk findings that ignore long-standing community ties. This blanket detention is not "narrowly tailored to support a compelling government interest," *Flores*, 507 U.S. at 302, and is therefore substantively unreasonable and unconstitutional.

63. To that end, immediate release, with all personal property, would be an appropriate remedy for Respondents' constitutional violations in this case, including the lack of pre-deprivation notice or individualized review before Mr. Argueta's arrest, which cannot be

remedied by a post-deprivation hearing. See *Agama A v. Warden of the Golden State Annex ICE Det. Facility*, No. 1:26-cv-0022-DAD-CKD-P, 2026 U.S. Dist. LEXIS 78242, at *11 (E.D. Cal. Apr. 8, 2026) ("A post-deprivation of liberty hearing at this juncture is not an adequate remedy . . . because it would condone the violation of petitioner's right to due process in the first instance."); see also *E.A.T.-B. v. Wamsley*, 795 F. Supp. 3d 1316, 2025 WL 2402130, at *5 (W.D. Wash. Aug. 19, 2025); *Hector H.G. v. Warden of the Golden State Annex Facility*, No. 1:26-cv-00198-TLN-SCR (E.D. Cal. Jan. 12, 2026) (ordering petitioner's immediate release and enjoining Respondents from re-detaining him absent compliance with constitutional protections, including notice and a hearing before a neutral fact-finder).

COUNT III

Violation of Procedural Due Process

64. Petitioner incorporates the preceding paragraphs as if fully set forth herein.

65. "In our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception." *United States v. Salerno*, 481 U.S. 739, 755 (1987).

66. This fundamental principle of our free society is enshrined in the Fifth Amendment's Due Process Clause, which specifically forbids the Government to "deprive[] any person . . . of liberty . . . without due process of law." U.S. Const. amend. V.

67. "[T]he Due Process Clause applies to all 'persons' within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693; see *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 212 (1953) ("Noncitizens who have once passed through our gates, even illegally, may be expelled only after proceedings conforming to traditional standards of fairness encompassed in due process of law"); cf. *Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103, 139-40 (2020) (holding noncitizens' due process rights were limited where the person was not residing in the United States, but rather had been arrested 25 yards into U.S. territory, apparently moments after he crossed the border, while he was still "on the threshold").

68. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects." *Zadvydas*,

533 U.S. at 690. The Supreme Court has "repeatedly recognized that civil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection," including an individualized detention hearing. *Addington v. Texas*, 441 U.S. 418, 425 (1979) (collecting cases); see also *Salerno*, 481 U.S. at 755; *Foucha v. Louisiana*, 504 U.S. 71, 81-83 (1992); *Kansas v. Hendricks*, 521 U.S. 346, 357 (1997).

69. Respondents' policy, as implemented through *Matter of Yajure Hurtado* and the January 13, 2026 EOIR guidance, and in defiance of the *Maldonado Bautista* judgment prior to its temporary stay, categorically denies Mr. Argueta a bond hearing, as required by law. Respondents' outright refusal to provide any process whatsoever to determine the necessity of Mr. Argueta's detention is a per se violation of procedural due process. See, e.g., *Zinermon v. Burch*, 494 U.S. 113, 127 (1990) ("the Constitution requires some kind of a hearing before the State deprives a person of liberty or property"). By instructing IJs that they lack jurisdiction to consider bond for individuals like Mr. Argueta, Respondents have deprived him of the most basic procedural safeguard—a hearing. This is the antithesis of due process.

70. Due process requires a meaningful opportunity to be heard before a neutral decision-maker. To ensure that Mr. Argueta receives a fair bond hearing, he asks this Court to impose two sets of procedures consistent with due process: (1) that he be released immediately, with all personal property, pending a future bond hearing for which he can adequately prepare from outside detention, see *Santos v. Warden of the Golden State Annex Det. Facility*, No. 1:26-cv-01497-DC-AC, 2026 U.S. Dist. LEXIS 86690, at *2 (E.D. Cal. Apr. 17, 2026); and (2) that the Government bear the burden of proof by clear and convincing evidence at the bond hearing, see *Cortes-Ontiveros v. Warden, Cal. City Corr. Ctr.*, No. 1:26-cv-01259-DC-CSK, 2026 U.S. Dist. LEXIS 48247, at *10 (E.D. Cal. Mar. 9, 2026).

71. Under the framework of *Mathews v. Eldridge*, 424 U.S. 319 (1976), categorically denying Mr. Argueta an individualized review of his custody based on the *Matter of Yajure Hurtado* decision violates procedural due process for several reasons, including but not limited to:

i. Mr. Argueta's private interest in freedom from imprisonment weighs heavily. "Freedom from imprisonment—from government custody, detention, or other

forms of physical restraint—lies at the heart of the liberty [the Due Process] Clause protects." *Zadvydas*, 533 U.S. at 690; see also *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004). The Ninth Circuit has likewise emphasized that an individual's "private interest in 'freedom from prolonged detention' is 'unquestionably substantial.'" *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1207 (9th Cir. 2022) (quoting *Singh v. Holder*, 638 F.3d 1196, 1208 (9th Cir. 2011)). Every additional day of Mr. Argueta's detention inflicts significant and irreparable harm on his health, family, and ability to assist in his own defense. He was detained without any pre-detention determination of whether he posed a flight risk or risk of dangerousness, and without any material change in circumstances; rather, it appears he was detained simply because Respondents readily identified him as a long-time noncitizen resident during an enforcement operation as he traveled to work. See *Manzanarez v. Bondi*, No. 1:25-cv-01536-DC-CKD (HC), 2025 U.S. Dist. LEXIS 228976, at *11 (E.D. Cal. Nov. 20, 2025).

ii. The risk of erroneous deprivation of liberty is extremely high. Respondents' interpretation of the immigration detention provisions categorically deprives individuals such as Mr. Argueta of the opportunity to prove, as required by the INA, that bond is appropriate. See *A.E. v. Andrews*, No. 25-cv-00107-KES-SKO, 2025 U.S. Dist. LEXIS 94233, at *5 (E.D. Cal. May 16, 2025); *Khatir v. Chestnut*, No. 1:26-CV-00094-TLN-SCR, 2026 WL 206084, at *3 (E.D. Cal. Jan. 27, 2026). Mr. Argueta is precisely the type of individual for whom discretionary release under § 1226(a) was designed: a noncitizen with substantial community ties, no criminal convictions, more than two decades of continuous residence, and a pending family-based visa petition filed by his lawful permanent resident mother. "[T]he purpose of a bond hearing employed when the government seeks to exercise its discretion in detaining a noncitizen under § 1226(a) is to provide procedures which will better ensure that people who are, in fact, a risk of flight or danger to the community are the people [who] are ultimately detained." *Hyppolite*

v. Noem, No. 25-cv-4304, 2025 WL 2829511, at *34-35 (E.D.N.Y. Oct. 6, 2025).

iii. The burden on the Government is low. For decades, until Respondents' abrupt re-interpretation of the INA in *Matter of Yajure Hurtado*, IJs regularly conducted individualized bond hearings for individuals like Mr. Argueta. His detention is, as this Court has recognized, not authorized by § 1225, and its continuation without individualized review serves no legitimate purpose. See *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019); *Doe v. Becerra*, 787 F. Supp. 3d 1083, 1094 (E.D. Cal. 2025) ("Custody hearings in immigration court are routine and impose a minimal cost on the government."); *Manzanarez*, 2025 U.S. Dist. LEXIS 228976, at *12. This Court has recognized that the cost of continued detention significantly exceeds the cost of providing a pre-detention hearing. See *Ericka P.S. v. Chestnut*, No. 1:25-cv-02049 (TLN/CKD), at *9 (E.D. Cal. Dec. 30, 2025) (quoting *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1036 (N.D. Cal. July 24, 2025)). The Government's legitimate interest in the efficient administration of immigration laws is not undermined by affording Mr. Argueta his core due process right of notice and an opportunity to be heard before a neutral decisionmaker.

72. Mr. Argueta's continued detention, without opportunity for individualized review, is accordingly unlawful and violative of his constitutionally protected rights.

COUNT IV

Access to Records

73. Petitioner incorporates the preceding paragraphs as if fully set forth herein.

74. Mr. Argueta also requests that the Court order Respondents to produce all records relating to decisions on his arrest and detention held by Respondents, including, but not limited to, DHS Form I-286, Notice of Custody Determination, and all other records bearing upon the "true cause of the [petitioner's] detention," 28 U.S.C. § 2243, as part of their response to the petition. See 28 U.S.C. § 2247 ("On application for a writ of habeas corpus documentary evidence, transcripts of proceedings upon arraignment . . . shall be admissible in evidence.");

Harris v. Nelson, 394 U.S. 286, 292 (1969) ("[T]he power of inquiry on federal habeas is plenary.") (punctuation and citation omitted).

75. Review of these records would be directly relevant and probative to the Court's inquiry into Mr. Argueta's statutory and constitutional claims, and production of these records would be a minimal burden on Respondents. At a minimum, Respondents are far better positioned to provide this evidence. See *Harris*, 394 U.S. at 291.

76. The existence (or nonexistence) of records regarding Respondents' custody determination, legal justifications, and factual basis for Mr. Argueta's arrest and detention are all directly relevant to his claims in this petition for habeas corpus. See *Harris*, 394 U.S. at 300.

PRAYER FOR RELIEF

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

a. Assume jurisdiction over this matter;

b. Order, under the All Writs Act, 28 U.S.C. § 1651, that Petitioner shall not be transferred outside of this jurisdiction while this habeas petition is pending;

c. Issue an Order requiring Respondents to show cause within three days why this Petition should not be granted;

d. Declare that Petitioner's detention is unlawful, that he is not an applicant for admission "seeking admission" or "an arriving alien" subject to 8 U.S.C. § 1225(b);

e. Declare that Respondents' actions, as set forth herein, violate the INA, APA, and Petitioner's substantive and procedural due process rights;

f. Declare that Respondents may properly detain Petitioner, if at all, only pursuant to 8 U.S.C. § 1226(a);

g. Issue a Writ of Habeas Corpus requiring that Respondents immediately release Petitioner, with all personal property, outright, or, in the alternative, release Petitioner pending a bond hearing pursuant to 8 U.S.C. § 1226(a), at which Respondents bear the burden of demonstrating Petitioner's dangerousness and flight risk;

h. Order Respondents to produce all records relating to decisions on Petitioner's arrest and detention held by Respondents, including but not limited to DHS Form I-286, Notice of Custody Determination, and all other records bearing upon the "true cause of Petitioner's detention";

i. Issue appropriate injunctive relief; and

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

Dated: July 8, 2026

Respectfully Submitted,

/s/ Tatevik Jennifer Auld

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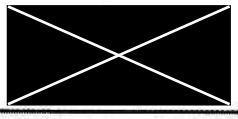
Counsel for Petitioner

VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF PURSUANT TO 28 U.S.C. 2242

I, Walter Argueta, submit this verification on behalf of Petitioner, Oscar. Petitioner is my brother. As a result of our lifelong relationship, I have intimate personal knowledge of the facts set forth in this Petition, as well as the circumstances surrounding his arrest and ongoing detention. I have also discussed the contents of this Petition with Petitioner. I hereby declare under penalty of perjury, pursuant to the laws of the United States, that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: July 8, 2026

Respectfully Submitted,



Walter Argueta

CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date, I filed Petitioner's Petition for Writ Of Habeas Corpus And Order to Show Cause using the CM/ECF system, which will send a notice of electronic filing (NEF) to all counsel of record.

Dated: July 8, 2026

Respectfully Submitted,

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