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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

JOSE REYNALDO VALDEZ-BARRAZA,

Petitioner,

vs.

GREGORY J. ARCHAMBEAULT, FIELD OFFICE DIRECTOR, SAN DIEGO FIELD OFFICE; **DAVID J. VENTURELLA**, ACTING DIRECTOR OF IMMIGRATION AND CUSTOMS ENFORCEMENT; **DAREN K. MARGOLIN**, DIRECTOR OF THE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; **SIXTO MARRERO**, WARDEN AND ADMINISTRATOR OF THE IMPERIAL REGIONAL DETENTION CENTER; **TODD BLANCHE**, ACTING ATTORNEY GENERAL OF THE UNITED STATES; **MARKWAYNE MULLIN**, SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY,

Respondents.

CASE NO.: '26CV3956 RBM MSB

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C § 2241; VERIFIED PETITION | PETITIONER DHS NO.: A# [redacted]

I. INTRODUCTION

Petitioner, Jose Reynaldo Valdez-Barraza, by and through counsel, respectfully petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 and files this Complaint for Declaratory and Injunctive Relief. Petitioner challenges the legality of his continued civil immigration detention by the Department of Homeland Security ("DHS") and Immigration and Customs Enforcement ("ICE") at Imperial Regional Detention Center in Calexico, California.

This challenge is specifically brought to address a profound deprivation of individualized due process and a coordinated executive campaign to systematically strip long-term interior residents of their physical liberty. Specifically, Petitioner's detention is the direct product of a warrantless arrest executed by ICE on **May 21, 2026,** which abruptly revoked a thirteen-year-old Order of Release on Own Recognizance ("OR") issued under 8 U.S.C. § 1226(a). Despite Petitioner's formal dismissal of his prior removal proceedings under prosecutorial discretion in 2022, ICE re-detained him without a warrant, probable cause, or the required regulatory notice and interview procedures.

More importantly, Respondents seek to justify Petitioner's mandatory detention by retroactively reclassifying him as an "applicant for admission" under 8 U.S.C. § 1225(b)(2)(A). This classification relies on the Board of Immigration Appeals' ("BIA") widely rejected precedent in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Because Petitioner entered the United States without inspection in 1994 and has resided in the interior of the country for over thirty-two years, his detention is governed exclusively by the discretionary framework of 8 U.S.C. § 1226(a). Petitioner is an **undisputed member** of the certified nationwide class in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.), which declared

this exact mandatory detention policy unlawful. Because Petitioner resides in the interior of the United States and was apprehended inside the country, his detention is governed by the discretionary framework of 8 U.S.C. § 1226(a). Under the binding law of this District, interior unadmitted detainees are legally entitled to individualized bond determinations.

While Petitioner has yet to request a custody redetermination hearing before an Immigration Judge ("IJ"), it has become unequivocally clear that it is utterly futile to do so. Instead, Petitioner submits this habeas petition because requesting a bond hearing before the Immigration Court has systemically proven to be fruitless. In direct defiance of Article III court orders, the Executive Office for Immigration Review ("EOIR") has instructed IJ's nationwide to ignore the *Maldonado Bautista* class-wide relief and continue to deny bond hearings for "lack of jurisdiction" under *Yajure Hurtado*. Requiring Petitioner to exhaust these compromised administrative channels would only subject him to prolonged, unconstitutional confinement.

Accordingly, Petitioner seeks immediate release from DHS custody. In the alternative, while Petitioner appreciates the opportunity for a bond hearing, he specifically asks for one before this Court. As Petitioner will argue herein, a custody redetermination in Immigration Court has proven to be completely futile as bond proceedings before IJ's nationwide are contaminated by egregious and abhorrent cases of administrative overreach, abuse of discretion, and procedural due process violations. To prevent the ongoing unlawful deprivation of Petitioner's physical liberty, this Court must intervene, waive exhaustion, and order his immediate release or directly conduct a federal bail hearing.

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II. JURISDICTION AND VENUE

1. This Court has subject-matter jurisdiction over this Petition pursuant to 28 U.S.C. § 2241 (*habeas corpus*), 28 U.S.C. § 1331 (*federal question*), and Article I, Section 9, Clause 2 of the United States Constitution (*the Suspension Clause*). The Suspension Clause specifically authorizes a grant of a writ of habeas corpus to a person "in custody in violation of the Constitution or laws or treaties of the United States". Further, this Court has authority to grant relief under the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.
2. Federal district courts retain habeas jurisdiction under 28 U.S.C. § 2241 to review statutory and constitutional challenges to civil immigration detention independent of the merits of a removal order. The Supreme Court has historically affirmed that the writ of habeas corpus is the primary vehicle for challenging the legality of executive detention, including the unlawful detention of noncitizens within the territorial United States. *See Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); *Lopez-Marroquin v. Barr*, 955 F.3d 759, 759 (9th Cir. 2020).
3. Although 8 U.S.C. § 1226(e) strips courts of jurisdiction to review "discretionary" judgments, this bar does not apply to constitutional claims or mixed questions of law and fact, nor does it preclude review of claims that the discretionary process itself was legally or procedurally flawed. *See Singh v. Holder*, 638 F.3d 1196, 1202 (9th Cir. 2011); *Calderon-Rodriguez v. Wilcox*, 374 F. Supp. 3d 1024, 1030 (W.D. Wash. 2019).
4. Venue and territorial jurisdiction are proper in the Southern District of California. Under the core "district of confinement" rule established by the Supreme Court, habeas jurisdiction under 28 U.S.C. § 2241 lies only with the federal judicial district where the claimant is

physically confined and can only name the petitioner's immediate physical custodian. *See* *Rumsfeld v. Padilla*, 542 U.S. 426, 434-35 (2004) ; *Trump v. J.G.G.*, 604 U.S. 670, 671-72 (2025). Petitioner is currently physically detained at the Imperial Regional Detention Facility (IRDF), located at 1572 Gateway Road, Calexico, California 92231. Calexico and Imperial County reside squarely within the geographic boundaries of the Southern District of California pursuant to 28 U.S.C. § 84(d).

5. Venue is further proper under 28 U.S.C. § 1391 and 28 U.S.C. § 2242 because at least one Respondent operates in this District, Petitioner is detained in this District, Petitioner's immediate physical custodian is located in this District, and a substantial part of the events giving rise to the claims in this action have taken place in this District.

6. This Court has personal and territorial jurisdiction over Respondents, including Warden Sixto Marrero—the immediate physical custodian of Petitioner —and Gregory J. Archambeault—the ICE San Diego Field Office Director who oversees ERO operations in San Diego and Imperial counties. The Respondents, in their official capacities, oversee the facilities and policies within this jurisdiction that directly impact the Petitioner's statutory and constitutional rights.

III. PARTIES

7. The Petitioner, JOSE REYNALDO VALDEZ-BARRAZA ([redacted] is a 51-year-old citizen of Mexico currently detained in the custody of U.S. Immigration and Customs Enforcement ("ICE") at the Imperial Regional Detention Center in Calexico, California.

8. Respondent, GREGORY J. ARCHAMBEAULT, is the Field Office Director for the San Diego Field Office of ICE Enforcement and Removal Operations. He is the principal officer responsible for the enforcement of immigration laws and the custody of detained noncitizens in this district, including Petitioner. Respondent is sued in his official capacity.

9. Respondent, DAVID J. VENTURELLA, is the Acting Director of ICE and is legally responsible for the administration of the immigration laws and the physical detention of Petitioner. Respondent is sued in his official capacity.

10. Respondent, DAREN K. MARGOLIN, is the Director of EOIR and has ultimate responsibility for overseeing the operation of the immigration courts and the Board of Immigration Appeals, including bond proceedings. Respondent is a legal custodian of Petitioner and is sued in his official capacity.

11. Respondent, SIXTO MARRERO, is the Warden and Facility Administrator of the Imperial Regional Detention Center in Calexico, California, where Petitioner is held. Respondent has immediate physical custody of Petitioner, oversees the daily conditions of Petitioner's confinement, and is sued in his official capacity.

12. Respondent, TODD BLANCHE, is the Acting Attorney General of the United States and is responsible for the administration of the DOJ and the supervision of all immigration proceedings. Respondent is sued in his official capacity.

13. Respondent, MARKWAYNE MULLIN, is the Secretary of the Department of Homeland Security, which oversees the agency ("ICE") that initiated the enforcement action against Petitioner. In that capacity, he exercises ultimate authority over DHS, which includes ICE and U.S. Citizenship and Immigration Services ("USCIS"). Respondent is responsible for the

implementation of the "applicant for admission" classification policy and is sued in his official capacity.

IV. REQUIREMENTS OF 28 U.S.C. § 2243

14. 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. *See* 28 U.S.C. § 2243. If an order to show cause 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.* (emphasis added).

15. 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." *See Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

V. WAIVER OF PRUDENTIAL EXHAUSTION

16. While habeas petitions are generally subject to a prudential exhaustion requirement, exhaustion is not a jurisdictional prerequisite in the immigration context, and federal courts routinely waive it **where administrative remedies are inadequate or futile**. *See Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017); *Gomes v. Hyde*, No. 25-11571, 2025 WL 1869299, at *4 (D. Mass. July 7, 2025) ("[E]xhaustion is not required by statute in this context."). Waiving exhaustion is appropriate where administrative appeals would be futile, the remedy is inadequate to protect the petitioner's constitutional rights, and requiring

exhaustion would result in severe, irreparable harm. *See* Perez Velasquez v. Bondi, No. 3:26-cv-01759-GPC-DDL, 2026 U.S. Dist. LEXIS 85165, at *18 (S.D. Cal. Apr. 16, 2026).

17. The Ninth Circuit explicitly waives exhaustion where administrative remedies are futile or incapable of providing relief. It further held that exhaustion is futile where an agency has already pre-determined its structural position. *See* Castro-Cortez v. INS, 239 F.3d 1037, 1047 (9th Cir. 2001), abrogated on other grounds by *Fernandez-Vargas v. Gonzales*, 548 U.S. 30 (2006).

18. Exhaustion must be waived in this case for three independent reasons:

a) **Absolute Futility of the Immigration Court Forum:** First, awaiting an appeal to the BIA is completely futile because the BIA systematically affirms decisions where IJ's abuse discretion and cannot provide a timely remedy to ongoing constitutional deprivations. The BIA's structural bias and capture make a standard administrative appeal a "circular trap of due process violations". Petitioner challenges his detention on the ground that he is subject to discretionary detention under 8 U.S.C. § 1226(a) and is eligible for bond. However, the Board of Immigration Appeals in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) held that unadmitted noncitizens are subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), stripping IJs of jurisdiction to hold bond hearings. On January 13, 2026, Chief IJ Teresa L. Riley issued nationwide guidance directing all IJ's that *Maldonado Bautista* is "declaratory only" and that they remain bound to apply *Yajure Hurtado* to deny bond hearings.

Although District Judge Sykes vacated *Yajure Hurtado* on February 18, 2026, the Ninth Circuit temporarily stayed that vacatur on March 6, 2026, pending appeal (Case

No. 26-1044). As a consequence of this stayed posture, IJs outside the physical borders of the Central District have resumed denying bond hearings under *Yajure Hurtado*. Thus, any attempt by Petitioner—who is physically detained at IRDF—to request a bond hearing before the Immigration Court would result in a summary dismissal for "lack of jurisdiction". The BIA lacks the authority to resolve the constitutional and statutory questions raised herein, rendering administrative appeals a **"circular trap of due process violations"**. *See* Castro-Cortez v. INS, 239 F.3d 1037, 1047 (9th Cir. 2001) ; *Chesme Bazurto v. Noem*, No. 25-cv-12829, 2025 WL 3171738 (S.D. Cal. 2025). *See Flores-Powell v. Holder,* 677 F. Supp. 2d 455, 463 (S.D.N.Y. 2010) (holding "exhaustion is excused by the BIA's lack of authority to adjudicate constitutional questions and its prior interpretation").

The issues raised herein are pure questions of law and constitutional fact over which the Board has no final authority. In the same vein, the Immigration Court also specifically lacks jurisdiction to adjudicate the constitutional claims raised by Petitioner, rendering any attempt to raise them there futile.

b) **Severe, Irreparable Harm to Petitioner and His Family**: Petitioner's sudden and unlawful re-detention has caused, and continues to cause immediate, catastrophic emotional, physical, and financial devastation to his family. Petitioner has been married for over twenty (20) years to his partner, Ericka Lizbet Romero Barraza, and is the father of three (3) United States citizen children: [redacted] Petitioner was the primary financial provider for his household,

working full-time as an agricultural laborer at [redacted] in Thermal, California, earning a stable wage to support his family. His sudden removal has made it challenging for his family to meet basic living expenses and are now experiencing severe clinical anxiety and emotional trauma. Awaiting an administrative process that takes many months would render any eventual relief entirely meaningless. Ninth Circuit federal courts consistently waive prudential exhaustion requirements under such conditions of severe irreparable harm.

c) **Clear Prejudicial Delay and Lack of Notice**: Petitioner was detained on May 21, 2026, yet DHS has failed to provide him with any meaningful, individualized review of his custody status, a legitimate notice of revocation, or an informal interview to contest the arrest. Forcing Petitioner to remain incarcerated while pursuing a structurally biased and legally foreclosed administrative process is a flagrant violation of fundamental fairness under the Fifth Amendment.

VI. FACTUAL BACKGROUND

A. Petitioner's Thirty-Two-Year History of Residence and Family Equities

19. Petitioner is a 51-year-old native and citizen of Mexico, [redacted]. He first entered the United States without inspection in 1994 and has maintained residence, openly and peacefully, in the Coachella Valley region of California for over thirty-two years. Petitioner has also developed extensive, deeply rooted family ties in California. He has built a deeply rooted life with his partner of over two decades, Ericka Lizbet Romero Barraza (born October 5, 1978). Together, they continue to raise three (3) United States citizen children in California: [redacted]

[redacted]

20. Petitioner's parents, Anastacio Valdez-Barraza and Francisca Barraza Ruiz, are deceased. His entire immediate family, including his partner and children, reside in Coachella, California. For over three decades, Petitioner has been the emotional and financial anchor of his family.

B. Petitioner's Previous Release on Own Recognizance

21. On February 24, 2013, Border Patrol agents apprehended Petitioner near Indio, California, following his release from Indio Jail. DHS initiated removal proceedings by serving him with a Notice to Appear. On February 25, 2013, acting under the statutory authority of 8 U.S.C. § 1226(a), Acting Patrol Agent in Charge William A. Brett of the Indio Border Patrol Station executed an **Order of Release on Own Recognizance (Form I-220A).** Petitioner signed this order, acknowledging his understanding of the conditions set forth. *See* Exhibit 2; Form I-220A dated February 25, 2013.

22. During his removal proceedings, Petitioner filed an application for INA § 240A(b) Cancellation of Removal. On April 29, 2022, the DHS Office of the Principal Legal Advisor ("OPLA"), acting pursuant to prosecutorial discretion guidelines (the Doyle Memo), **offered to dismiss Petitioner's removal proceedings.** Petitioner accepted the offer, and the Immigration Court formally terminated his removal proceedings without prejudice. Following this termination, Petitioner continued to live openly and peacefully in Coachella,

California, secure in his reliance on the government's formal determination that his case was not an enforcement priority.

C. Petitioner's Non-Violent Criminal History Does Not Trigger Mandatory Detention

23. A comprehensive review of Petitioner's summary criminal record is limited to non-violent offenses, followed by successful rehabilitation and a pristine civil record for over a decade. Petitioner has completed all sentencing terms and rehabilitative requirements, and has paid all ordered court fines in full.

24. Importantly, Petitioner has **no convictions** for any crime that triggers mandatory detention under 8 U.S.C. § 1226(c). Under the INA, the offenses for which Petitioner was convicted of do not constitute crimes involving moral turpitude, aggravated felonies, or trafficking offenses that would legally strip him of eligibility for bond or discretionary release.

D. The Unlawful May 2026 Arrest and Petitioner's Re-Detention

25. On May 21, 2026, at approximately 07:50 AM, ICE Enforcement and Removal Operations (ERO) San Diego officers, including Joshua Reyes and David Bagirov, conducted a targeted, warrantless operation under the purported authority of DHS. Petitioner was at the Red Earth Casino Gas Station, located at 3089 Norm Niver Road, Thermal, California, driving his tan 2001 Ford F-150. Without presenting any warrant of arrest, without probable cause, and without any reasonable suspicion of criminal activity or traffic infractions, the armed ICE officers stopped Petitioner, ordered him out of his vehicle, and placed him in handcuffs. The officers extracted admissions of alienage and transported Petitioner for processing.

26. DHS served Petitioner with a new **Notice to Appear dated May 21, 2026,** charging him with inadmissibility under 8 U.S.C. § 1182(a)(6)(A)(i) for being present in the United States without being admitted or paroled. *See* Exhibit 3; NTA dated May 21, 2026. He was immediately transferred to the Imperial Regional Detention Facility in Calexico, California, where he has been continuously detained for **47 days and counting** at the time of this filing.

27. In preparing Petitioner's Form I-213, ERO officers committed a gross administrative failure by recording the following under the "Family Information" section: "Spouse: Subject is not married. Child: Subject does not have children or dependents." *See* Exhibit 4; Form I-213 dated May 21, 2026. This material misrepresentation directly blinded the agency, attempting to erase Petitioner's thirty-two years of residence, his stable relationship with Ericka Lizbet Romero, and his three (3) United States citizen children, whose birth certificates confirm Petitioner's paternity.

VII. LEGAL FRAMEWORK AND CLAIMS FOR RELIEF

COUNT 1: VIOLATION OF THE FIFTH AMENDMENT'S DUE PROCESS CLAUSE

(Detention Without an Individualized Bond Hearing)

28. Petitioner incorporates the foregoing allegations as if fully set forth herein.

29. The Due Process Clause of the Fifth Amendment prohibits the deprivation of physical liberty without adequate procedural safeguards, a protection that extends fully to noncitizens within the United States, regardless of their entry method or legal status. *See Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *Iuliia Pavlova v. Markwayne Mullin*, No. 5:26-cv-01756, slip op. at 3 (C.D. Cal. May 13, 2026). Substantive due process demands that civil immigration detention "bear a reasonable relation to the purpose for which the individual was committed"—namely,

preventing flight risk or danger to the community. *See* Demore v. Kim, 538 U.S. 510, 527 (2003).

30. To satisfy the procedural constraints of the Fifth Amendment, the government must bear the burden of justifying continued civil detention by clear and convincing evidence. *See* Singh v. Holder, 638 F.3d 1196, 1203-04 (9th Cir. 2011). Due process also **mandates** that an adjudicator *explicitly* consider a detainee's financial ability to pay bond and evaluate alternative, non-custodial supervisory measures (such as electronic GPS monitoring, telephonic reporting, or intensive supervision programs) before ordering categorical detention. *See* Hernandez v. Sessions, 872 F.3d 976, 990-91 (9th Cir. 2017).

31. Respondents have violated Petitioner's due process rights by subjecting him to a system of blanket, mandatory detention that completely deprives him of an individualized custody review. By reclassifying Petitioner under 8 U.S.C. § 1225(b)(2)(A), Respondents have denied him any opportunity to present evidence of his deep family ties, long-term employment, rehabilitation, and lack of flight risk or danger to the public. Furthermore, Respondents have failed to carry their burden of proving that Petitioner poses a flight risk or danger that cannot be mitigated by standard non-custodial alternatives. Because Petitioner is detained without any individualized process, his ongoing incarceration is a flagrant violation of the Fifth Amendment.

COUNT 2: EGREGIOUS FOURTH/FIFTH AMENDMENT VIOLATIONS BY DHS

(Violation of the Equal Protection Component of the Fifth Amendment)

32. Petitioner incorporates the foregoing allegations as if fully set forth herein.

33. The circumstances of Petitioner's arrest on May 21, 2026, constitute an egregious violation of the Fourth Amendment. The Ninth Circuit has held that the exclusionary rule applies in civil immigration proceedings where the government's conduct is deemed "egregious" or when a regulation enacted for the benefit of a noncitizen is violated. *See* Gonzalez-Rivera v. INS, 22 F.3d 1441 (9th Cir. 1994).

34. Warrantless vehicle stops and seizures conducted by ICE officers in the interior of the United States must be supported by reasonable suspicion of illegal activity or unlawful presence. To stop a vehicle, officers must have specific, articulable facts; a stop based solely on a person's perceived Hispanic appearance, language, or presence in a highly Hispanic demographic area is a flagrant violation of the Fourth and Fifth Amendments. Furthermore, 8 C.F.R. § 287.8(b)(2) expressly requires immigration officers to identify themselves and articulate a valid, lawful cause before executing a stop or arrest.

35. Petitioner was stopped by ERO San Diego officers Joshua Reyes and David Bagirov while peacefully driving his personal vehicle at a gas station in Thermal, California—a community situated well inside the United States where Fourth Amendment protections are at their zenith. ERO officers had no warrant of arrest, no reasonable suspicion of any traffic infraction, and no probable cause of any crime, in flagrant violation of the Equal Protection component of the Due Process Clause. The stop was predicated exclusively on DHS' targeted match on the "ACRIME queries system".

36. By relying on evidence obtained through this egregious, racially motivated enforcement action to justify Petitioner's civil detention, Respondents have undermined the integrity of the judicial system. This Court must intervene to vindicate Petitioner's constitutional rights.

37. Importantly, Petitioner's arrest and subsequent detention are part of an enforcement surge that disproportionately targets individuals based on "ethnic insignia," amounting to racial profiling in flagrant violation of the Equal Protection component of the Due Process Clause of the Fifth Amendment. The use of covert and warrantless searches and seizures in communities like Thermal, California, which represents a predominant Hispanic demographic, is a mechanism of "eliminatory carceral immigration enforcement" that deprives individuals of equal protection under the law. The Ninth Circuit in *Gonzalez-Rivera v. INS* held that a stop based solely on Hispanic appearance is an egregious violation of the Fourth Amendment precisely because it violates Equal Protection principles. *See* Gonzalez-Rivera v. INS, 22 F.3d 1441 (9th Cir. 1994). The government cannot justify the detention of long-term residents through tactics that would be summarily unacceptable if applied to U.S. citizens.

COUNT 3: STATUTORY MISCLASSIFICATION AND VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT

(Unlawful application of 8 U.S.C. §§ 1225, 1226 and Violation of 5 U.S.C. § 706(2))

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

39. The detention of noncitizens arrested in the interior of the United States is governed by 8 U.S.C. § 1226(a), which provides that "on a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed". In *Jennings v. Rodriguez*, 583 U.S. 281, 300-03 (2018), the Supreme Court reaffirmed that 8

U.S.C. § 1225(b) applies to those "seeking admission" at a port of entry, while 8 U.S.C. § 1226(a) governs those already residing within the interior of the country.

40. To justify its aggressive re-detention campaign, DHS suddenly abandoned this settled statutory framework, issuing an internal policy memo on July 8, 2025, that claimed all uninspected entrants are "applicants for admission" perpetually "seeking admission" and are subject to mandatory detention under § 1225(b)(2)(A). Under the facts and circumstances present here, this Court should not defer to the BIA's decision in *Matter of Yajure Hurtado*. *See Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 400 (2024). An individual who has resided openly in the interior of the United States **for over thirty-two years** is, by definition, not "seeking admission" as a recent arrival at the border.

41. The field office's unwritten operational re-detention policy and individualized custody decision marks the definitive "consummation" of the agency's decision-making process, determining substantive rights and carrying immediate carceral consequences that satisfy the pragmatic finality requirement for judicial review under the APA. *See* 5 U.S.C. § 551(13); *Bennett v. Spear*, 520 U.S. 154, 178 (1997); *Al Otro Lado, Inc. v. McAleenan*, 394 F. Supp. 3d 1168, 1206-07 (S.D. Cal. 2019).

42. In *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, the U.S. District Court for the Central District of California certified a nationwide class—the Bond Eligible Class—defined as all noncitizens in the United States without lawful status who: 1) entered the United States without inspection; 2) were not apprehended upon arrival at the border; 3) are not subject to mandatory detention under 8 U.S.C. § 1226(c) (criminal grounds), § 1225(b)(1) (expedited removal), or § 1231 (post-final removal order). The Court entered

Final Judgment declaring that class members are detained under 8 U.S.C. § 1226(a), not § 1225(b)(2)(A), and are legally entitled to consideration for release on bond. The Court further declared the July 2025 DHS "no-bond" policy unlawful and vacated it under the Administrative Procedure Act ("APA"), 5 U.S.C. § 706(2). On February 18, 2026, the Court issued an enforcement order explicitly vacating *Matter of Yajure Hurtado* in its entirety.

43. Petitioner is an undisputed member of the certified *Maldonado Bautista* class. Although the Ninth Circuit temporarily stayed the nationwide effect of the *Yajure Hurtado* vacatur on March 6, 2026, it explicitly left the district court's final judgment in place as to the Central District of California. This Court has consistently reached the same conclusion as the Central District of California and held that *Yajure Hurtado* is statutory error. *See Chesme Bazurto v. Noem*, No. 25-cv-12829 (S.D. Cal. 2025). By denying Petitioner a bond hearing under § 1226(a) and asserting that Petitioner is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner's statutory rights under the INA and the Court's judgment in *Maldonado Bautista*, rendering his ongoing detention ultra vires and unlawful under the *APA, 5 U.S.C. § 706(2).*

44. Thus, Petitioner cannot be subject to mandatory detention under 8 U.S.C. § 1225(b)(1) because he does not meet the criteria for Expedited Removal. *See United States v. Raya-Vaca*, 771 F.3d 1195, 1202-03 (9th Cir. 2014). He cannot be subject to mandatory detention under 8 U.S.C. § 1225(b)(2) because, **as an individual already present in the country for over thirty-two (32) years**, he is not presently an "applicant for admission" or "seeking admission" in the same posture as one arriving at a port of entry. *See Jennings v. Rodriguez*, 583 U.S. 281, 300-03 (2018); *Rodriguez v. Marin*, 909 F.3d 252 (9th Cir. 2018). Petitioner

was not paroled under § 1182(d)(5)(A) and cannot "be returned" to mandatory custody under that provision. He is also not subject to mandatory detention under 8 U.S.C. § 1226(c) because he has no disqualifying criminal convictions. *See Demore v. Kim*, 538 U.S. 510, 513-14 (2003); *Aleman Gonzalez v. Barr*, 955 F.3d 762 (9th Cir. 2020); *Nielsen v. Preap*, 586 U.S. 392 (2019).

45. Because ICE completely failed to articulate a contemporaneous, lawful rational explanation driven by risk of flight or dangerousness at the moment of re-detention, its action violates the APA as arbitrary and capricious. *See* 5 U.S.C. § 706(2)(A); *Motor Vehicle Mfrs. Ass'n of U.S. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983). Moreover, the agency is strictly prohibited from relying upon impermissible, post-hoc rationalizations in litigation to rectify an originally deficient arrest order. *See DHS v. Regents of the Univ. of Cal.*, 591 U.S. 1, 21 (2020).

VIII. EOIR'S INSTITUTIONAL COLLAPSE RENDERS A STANDARD REMAND FUTILE

46. Due process requires that civil immigration detention "bear a reasonable relation to the purpose for which the individual was committed". *See Demore v. Kim*, 538 U.S. 510, 527 (2003). Confinement must be reasonably related to the government's goals of preventing flight and protecting the community, and must be accompanied by robust procedural protections. *See Zadvydas*, 533 U.S. at 690-91. Chief among these is "the guarantee of an impartial and disinterested tribunal," which the Due Process Clause requires in both civil and criminal cases. *See Marshall v. Jerrico*, Inc., 446 U.S. 238, 242 (1980).

47. Today, the administrative court system has devolved into an **instrument of the executive branch's enforcement agenda**, rendering it structurally incapable of acting as an impartial tribunal or providing an adequate remedy upon standard remand. Jurists today operate under an explicit directive that neutrality or failure to align with pro-government mandates is cause for termination under the guise of performance reviews.

48. Most egregious is EOIR leadership actively instructing IJs to ignore district court orders—specifically, the nationwide class relief in *Maldonado Bautista*—by maintaining that agency action is not bound by declaratory judgments.

49. Because the EOIR has shown deliberate defiance of federal Article III orders, and remaining jurists face career termination for granting bonds, a standard remand to the same compromised agency is a hollow formality that creates a circular trap of due process violations. The "equitable and flexible nature of habeas relief" affords this Court broad authority to directly intervene, vindicate its own prior judgments under its ancillary enforcement jurisdiction, and protect Petitioner's Fifth Amendment rights by **ordering *immediate* and *direct* release,** or in the alternative, hosting an independent federal bail hearing. *See* Peacock v. Thomas, 516 U.S. 349, 356 (1996); Land v. Deeds, 878 F.2d 318 (9th Cir. 1989).

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PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. **Assume jurisdiction** over this matter;
2. **Order Respondents to show cause** why this Writ should not be granted as to Petitioner within three (3) days, and set a hearing on this Petition within five (5) days of the return, as required by 28 U.S.C. § 2243;
3. **Enjoin Respondents from transferring Petitioner** out of the jurisdiction during the pendency of the Habeas Petition;
4. **Waive any prudential requirement to exhaust administrative remedies** as completely futile and causing immediate, severe, and irreparable harm to Petitioner and his family;
5. **Issue a writ of habeas corpus** declaring that Petitioner's continued detention at the Imperial Regional Detention Center is unlawful under the INA, its implementing regulations, and the United States Constitution;
6. **Order Petitioner's immediate release from custody** under the same conditions as his initial release, or in the alternative, order reasonable, non-custodial conditions of supervision given Petitioner's **thirty-two (32) years** of residency, lack of criminal history triggering mandatory detention, and the government's "deliberate choice" to circumvent and defy the *Maldonado Bautista* judgment. **It is the most appropriate remedy.** In the alternative;
7. **Conduct an independent District Court custody hearing** pursuant to this Court's inherent equitable authority to ensure the "guarantee of an impartial and fair tribunal" and determine whether the government can justify confinement. In the alternative;

8. **Remand for an Individualized Bond Hearing before an IJ within seven (7) days,** with mandatory safeguards to ensure Due Process compliance, at which:
   1. The government bears the absolute burden of establishing, by *clear and convincing* evidence, that Petitioner represents an active flight risk requiring detention;
   2. The IJ must meaningfully engage with the evidence and explicitly consider Petitioner's financial ability to pay a bond and alternative, non-custodial conditions of release (such as electronic GPS monitoring or intensive supervision) as required by *Hernandez v. Sessions*;
   3. Respondents are prohibited from invoking an Automatic Stay of any bond grant, as it constitutes a structural violation of Due Process;
9. **Prohibit the Automatic Stay** if the Court remands the matter to an IJ as it constitutes a procedural violation of Due Process in this District;
10. **Issue a Temporary Restraining Order and Preliminary Injunction** ordering Petitioner's release and enjoining Respondents from further detaining him without providing notice to the Court and Petitioner's counsel, and a hearing at which Respondents prove changed circumstances regarding risk of danger or risk of flight warranting detention;
11. **Declare** that Petitioner's detention violates the Due Process Clause of the Fifth Amendment, the INA, and the APA;
12. **Set aside Respondents' unlawful practice** pursuant to 5 U.S.C. § 706(2) as contrary to established law, contrary to Petitioner's constitutional rights, and in excess of statutory authority;
13. **Award Petitioner reasonable attorney's fees and costs** pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412; and

14. **Grant such other and further relief** as this Court deems just, equitable, and proper.

Dated this 07 of July, 2026.

Respectfully submitted,

Anastacio De La Cruz, Esq.
Attorney for Petitioner