Anastacio De La Cruz, Esq. SBN 285782
Law Offices of Anastacio De La Cruz
82632 Hwy 111, Suite B3
Indio, CA 92201
Phone:(760) 444-4211 | Fax: (760) 670-3757
Email: delacruzlaw1@gmail.com

Attorney for Petitioner Jose Reynaldo Valdez-Barraza

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.:

MOTION FOR ORDER TO SHOW CAUSE WHY THE PETITION FOR WRIT OF HABEAS CORPUS SHOULD NOT BE GRANTED | PETITIONER DHS NO.:A# [redacted]

I. INTRODUCTION

Petitioner, Jose Reynaldo Valdez-Barraza, by and through counsel, respectfully moves this Court for an Order to Show Cause ("OSC") directing Respondents to explain why the Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2241 should not be granted. Petitioner is currently civilly detained by the Department of Homeland Security ("DHS") and Immigration and Customs Enforcement ("ICE") at the Imperial Regional Detention Center in Calexico, California. Crucially, Petitioner's ongoing detention is the direct product of a warrantless enforcement action executed by ICE inside the interior country 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). Accordingly, Petitioner challenges the legality and constitutionality of his continued civil immigration detention by DHS.

Petitioner remains subject to continued civil detention without any individualized pre-deprivation process or independent assessment of whether a flight risk or danger actually exists. Petitioner does **not** seek review of a discretionary immigration decision, but rather challenges the very constitutionality of his continued executive detention as well as the egregious circumstances of his warrantless arrest—claims falling squarely within this Court's habeas corpus jurisdiction. Specifically, Petitioner maintains that he was subject to a profound breakdown of individualized due process and targeted carceral enforcement in violation of the Fourth and Fifth Amendments.

\\

\\

\\

\\

II. FACTUAL BACKGROUND

1. **Long-Term Interior Residence and Compliance**: Petitioner is a 51-year-old native and citizen of Mexico who first entered the United States without inspection in 1994 and has resided openly and peacefully in the Coachella Valley region of California for over thirty-two (32) years. For thirteen (13) consecutive years following an enforcement encounter in 2013, Petitioner complied with conditions of his federal administrative release, attended check-ins and maintained stable residence [redacted]

2. **Deep, Localized Family Equities and Established Community Roots**: For over three decades, Petitioner has been the emotional and financial anchor of his family. He has built a deeply rooted life in California with his partner of over two decades, Ericka Lizbet Romero Barraza. Together, they continue to raise three (3) United States citizen children: [redacted] Petitioner's entire immediate family resides locally in Coachella, California. Additionally, Petitioner was the primary financial provider for his household, working full-time as a stable agricultural laborer at [redacted] in Thermal, California.

3. **Petitioner's Reliance on Dismissal**: On April 29, 2022, the DHS Office of the Principal Legal Advisor ("OPLA") exercised prosecutorial discretion to offer a formal dismissal of his prior removal proceedings, which the Immigration Court terminated without prejudice. Petitioner continued to live openly and peacefully, secure in his reliance on the government's formal determination that his case was not an enforcement priority.

4. **Egregious, Unwarranted Arrest and Material Misrepresentation:** On May 21, 2026, at approximately 07:50 AM, ICE ERO San Diego officers Joshua Reyes and David Bagirov conducted a targeted, warrantless operation at the Red Earth Casino Gas Station in Thermal, California. Without presenting an arrest warrant, without detailing probable cause, and without any reasonable suspicion of a traffic infraction or criminal activity, armed agents stopped Petitioner while driving his personal 2001 Ford F-150, ordered him out, and placed him in handcuffs based on a targeted match on the "ACRIME queries system". To compound this violation, ERO officers committed a gross administrative failure on the Form I-213 by falsely recording under the "Family Information" section that Petitioner had no children or dependents, attempting to systematically erase his family equities.

5. **Absence of Criminal Triggers and Blanket Misclassification**: Petitioner has a summary history of minor, non-violent offenses followed by successful rehabilitation and a pristine record for over a decade. Crucially, he has **no convictions for any crime that triggers mandatory detention** under 8 U.S.C. § 1226(c). Despite his long-term interior residency, Respondents have retroactively reclassified him as an "applicant for admission" under *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) to justify a system of blanket, mandatory detention under 8 U.S.C. § 1225(b)(2)(A), denying him any opportunity to request a bond hearing.

6. **Irreparable Class and Individual Harm**: Petitioner has been continuously incarcerated **for 47 days and counting** at the time of this filing. He is the primary financial provider for his household, and his sudden, unwarranted incarceration has resulted in substantial loss of income, threatening his family's wellbeing and means of support. His sudden

detention is also causing his children and partner extreme emotional trauma. Petitioner is an undisputed member of the certified nationwide "Bond Eligible Class" in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.), which **mandates** that interior unadmitted detainees are governed by 8 U.S.C. § 1226(a) and entitled to constitutionally compliant bond determinations.

III. LEGAL STANDARD

Federal district courts retain subject-matter habeas jurisdiction under 28 U.S.C. § 2241, 28 U.S.C. § 1331, and Article I, Section 9, Clause 2 of the United States Constitution (the Suspension Clause) to review statutory and constitutional challenges to executive immigration detention. While 8 U.S.C. § 1226(e) strips jurisdiction over "discretionary" choices, it does not bar review of claims asserting that the custody determination process was itself structurally, legally, or procedurally flawed under the Fifth Amendment. Civil immigration detention must comport with due process and bear a reasonable relation to its purpose; where an administrative process is structurally defective, a district court *must* intervene.

IV.

GOOD CAUSE EXISTS FOR ISSUANCE OF AN ORDER TO SHOW CAUSE

Good cause exists because Petitioner has raised substantial, uncontroverted claims that his ongoing detention and confinement is entirely unlawful:

1. **Violation of Fifth Amendment and Judicial Directives**: Respondents have utilized an unlawful retroactive reclassification policy under *Yajure Hurtado* to actively bypass the statutory and constitutional requirements established in *Hernandez v. Sessions* and the

final judgment in *Maldonado Bautista*, completely denying Petitioner an individualized custody review.

2. **Gross Abuse of Discretion and Lack of Material Change Triggering Mandatory Detention:** Petitioner's historical record completely refutes a finding of flight risk or danger. Petitioner possesses 32 years of peaceful interior residence, deep local family ties, stable employment, and civil compliance.
3. **Constitutional Burden Shifting and Failure to Consider Alternatives**: Petitioner was detained without written notice of reasons, without explanation, and without any pre-deprivation opportunity to be heard or evaluation of non-custodial alternatives (e.g., electronic GPS monitoring), forcing an unconstitutional system of blanket detention where the government has failed to justify confinement by clear and convincing evidence.
4. **Egregious Fourth Amendment Violations**: Petitioner's arrest was a warrantless interior vehicle stop and seizure conducted at a gas station well inside the United States, predicated exclusively on targeted "ethnic insignia" queries, in flagrant violation of the Fourth Amendment and equal protection principles.
5. **Inadequacy and Futility of Administrative Remedies**: Exhaustion must be waived because seeking a bond hearing before the Immigration Court or an appeal through the BIA is a **hollow formality**; the BIA cannot provide a timely remedy to ongoing constitutional deprivations, lacks final authority over pure questions of constitutional law, and operates under documented structural capture where jurists face career repercussions for granting release. Under Chief IJ Teresa L. Riley's nationwide guidance and *Matter of Yajure Hurtado*, IJs have been instructed to ignore *Maldonado Bautista* class-wide relief,

rendering any attempt to request an administrative bond hearing a summary dismissal for "lack of jurisdiction".

V. REQUEST FOR RELIEF

For the foregoing reasons, Petitioner respectfully requests that the Court:

1. **Issue an Order to Show Cause** directing Respondents to explain why the Petition for Writ of Habeas Corpus should not be granted;
2. **Set an expedited briefing schedule** requiring Respondents to file a return within three (3) days pursuant to 28 U.S.C. § 2243, unless good cause is shown;
3. **Order Petitioner's immediate release** under the same conditions as his initial release, or reasonable, non-custodial conditions of supervision, or in the alternative, **conduct an independent District Court federal bail hearing**; or in the alternative, **remand for an individualized bond hearing** before an IJ within seven (7) days with instructions that the government bears the burden of proof by clear and convincing evidence, that alternatives to detention must be explicitly considered, and that **Respondents are prohibited from invoking an automatic stay**; and
4. **Grant such other relief** this Court deems equitable and proper, including an award of attorney's fees under the Equal Access to Justice Act (EAJA).

Dated this 07 of July, 2026.

Respectfully submitted,

Anastacio De La Cruz, Esq.
Attorney for Petitioner