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DETAINED AT OTAY MESA DETENTION CENTER

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

EDWIN DANILO SIGCHA-ANTE	**'26CV3966 JES DEB**
[redacted]	
Petitioner,	Civil Action No.
v.	
TODD BLANCHE, **Acting Attorney General of the United States of America, and,**	Hon.
MARKWAYNE MULLIN, **Secretary of the Department of Homeland Security, (DHS) and,**	
TODD M. LYONS, **Acting Director,** **United States Immigration and Customs Enforcement (ICE), and,**	
Warden **Otay Mesa Detention Center** **Respondents.**	

VERIFIED HABEAS CORPUS PETITION

INTRODUCTION

1. Petitioner by and through undersigned counsel, respectfully petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. Through this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, Petitioner challenges the legality of his continued civil immigration detention, which violates the Due Process Clause of the Fifth Amendment and the Administrative Procedure Act ("APA").

2. This is an immigration habeas corpus action brought by a noncitizen currently detained by ICE inside a California facility.

3. The Petitioner is a 36-year-old male, native and citizen of Ecuador[1], who is currently detained by U.S. Immigration and Customs Enforcement ("ICE") at the Otay Mesa Detention Center in San Diego, California[2].

4. Petitioner is not subject to a final administrative order of removal.

5. Accordingly, Petitioner's ongoing, unreviewed detention constitutes an egregious violation of the Due Process Clause of the Fifth Amendment. He seeks immediate release or, in the alternative, a judicially mandated bond hearing.

6. Petitioner challenges only the legality of his detention, not the merits of his removal proceedings.

[1] See attached Exhibit A – Copy of Petitioner's Ecuadorian Passport.
[2] See attached Exhibit B – Copy of ICE Detainee's locator search showing Petitioner's current location.

7. Civil immigration detention is constitutionally permissible only when authorized by statute and reasonably related to a legitimate regulatory purpose. Because Petitioner has no final order of removal, no disqualifying criminal convictions, and his continued detention lacks a valid statutory predicate and violates the Due Process Clause of the Fifth Amendment.

8. Despite the absence of a final removal order, Respondents have detained Petitioner under a mandatory no-bond detention framework.

9. Petitioner therefore seeks a writ of habeas corpus declaring his detention unlawful and ordering his immediate release from immigration custody, or such other relief as this Court deems just and proper.

JURISDICTION

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

11. This Court has Subject Matter Jurisdiction under 28 U.S.C. § 2241 (habeas corpus), and 28 U.S.C. § 1331 (federal question), and Art. I & 9, Clause 2 of the United States Constitution (Suspension Clause). Petitioner is detained at the Otay Mesa Detention Center, in San Diego, California, under the authority of the United States in violation of the Constitution and laws of the United States.

VENUE

12. Venue is proper in the U.S. District Court for the Southern District of California under 28 U.S.C. § 1391(b) because Petitioner is currently physically detained in the Otay Mesa Detention Center in San Diego, California, within the territorial

jurisdiction of this Court, and Respondent Warden has immediate physical custody over him.

PARTIES

13. Petitioner is a 36-year-old male, native and citizen of Ecuador, who is detained by ICE at the Otay Mesa Detention Center in San Diego, California. He seeks issuance of a writ of habeas corpus.

14. Respondent Todd Blanche is sued in his official capacity as the Acting Attorney General of the United States. In this capacity, he is responsible for administering and enforcing the immigration laws pursuant to 8 U.S.C. § 1103 and is the Petitioner's legal custodian.

15. Respondent Markwayne Mullin is sued in his official capacity as Secretary of the Department of Homeland Security the agency in charge of administering and enforcing the immigration laws in Pennsylvania and is the Petitioner's legal custodian.

16. Respondent Todd M. Lyons is sued in his official capacity as the Acting Director of the United States Immigration and Customs Enforcement (ICE) the department within the Department of Homeland Security and in this capacity, he is responsible for administering and enforcing the immigration laws in Pennsylvania and is Petitioner's legal custodian.

17. Respondent, the Warden of the Otay Mesa Detention Center, is sued in his official capacity as the Warden of Otay Mesa Detention Center, and in this capacity, he is the Petitioner's actual physical custodian.

FACTS

18. Petitioner, a 36-year-old native and citizen of Ecuador, was detained on or about June 27, 2026, and then taken to the ICE Delaney Hall Detention Facility, in Newark, New Jersey, from there Petitioner was transferred to the Otay Mesa Detention Center in San Diego, California, where he remains detained.

19. On or about September 28, 2021, Petitioner entered the United States without inspection.

20. Following his entry, Petitioner established residence in the State of New Jersey, where he has been living since he arrived in the United States on September 28, 2021, and up until June 27, 2026, when he was arrested by ICE.

21. Prior to his detention by ICE, Petitioner worked full-time as a construction worker in the State of New Jersey. He has worked as a construction worker since 2021.

22. Petitioner has no felony convictions, no convictions involving violence, serious bodily injury, or weapons, any other criminal conviction, or any encounter with the criminal justice system either in the United States or in his native Ecuador.

23. Other than entering the United States without inspection, petition has never been convicted of any crime or charged with any criminal offense.

24. On or about June 27, 2026, ICE officers detained Petitioner while he was at Home Depot in Springfield, New Jersey. Petitioner was then taken into ICE Delaney Hall Detention Facility in Newark, New Jersey, and from there Petitioner was transferred to the Otay Mesa Detention Center in San Diego, California where he remains in custody. ICE placed Petitioner in civil immigration custody and initiated removal proceedings.

25. At the time of his arrest, and continuously through the present day, Petitioner has not been issued a final administrative order of removal by an Immigration Judge or the Board of Immigration Appeals. No final order of removal exists in his immigration administrative record.

26. The Petitioner does not have a final order of removal.

27. The Petitioner is statutorily eligible for Asylum and protection under the Convention Against Torture.

28. Petitioner's removal from the United States cannot be effectuated in the reasonably foreseeable future. Absent judicial review of his custody claim, Petitioner will suffer irreparable injury by being deprived of his physical liberty. He seeks the only avenue of judicial review of his detention available to him, habeas review.

COUNT I

29. The allegations contained in paragraphs 1 through 28 above are repeated and realleged as though fully set forth herein. Petitioner's continued detention violates the Due Process Clause of the United States Constitution.

30. The Fifth Amendment's Due Process Clause prohibits the government from depriving any person—including noncitizens within our borders—of liberty without due process of law. *Zadvydas v. Davis*, 533 U.S. 678 (2001).

COUNT II

31. The allegations contained in paragraphs 1 through 28 are repeated and realleged as though fully set forth herein. Petitioner's detention is unlawful under the Administrative Procedures Act.

COUNT III

32. The allegations contained in paragraphs 1 through 28 are repeated and realleged as though fully set forth herein. Petitioner's detention is unlawful under the Immigration and Nationality Act.

33. Under the Immigration and Nationality Act (INA), an individual who does not have a valid, unexpired final order of removal must be detained, if at all, under pre-order detention frameworks (such as 8 U.S.C. § 1226) which provide clear paths to bond hearings and administrative trials.

34. Petitioner challenges only the legality of his detention, not the merits of his removal proceedings.

35. Because Petitioner has no final order of removal, his current detention is unauthorized by statute and is unlawful.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court:

1. Issue a Writ of Habeas Corpus directed to Respondents requiring them to immediately release the Petitioner from ICE custody, as he is being detained unlawfully.
2. In the alternative, Order Respondents to immediately bring Petitioner before an Immigration Judge for a comprehensive bond hearing where the government bears the burden of justifying his ongoing detention;
3. Enjoin/Stay Respondents from removing Petitioner from the United States or transferring him out of the territorial jurisdiction of the Southern District of California during the pendency of these proceedings;

4. Award Petitioner costs and attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.
5. Grant any such other and further relief as this Court deems just and equitable.

Maribel J. Allen

MARIBEL J. ALLEN, ESQ
Counsel for *Petitioner*

Dated: July 9, 2026

VERIFICATION BY COUNSEL

I, Maribel J. Allen, Esq., declare under penalty of perjury in accordance with 28 U.S.C. § 1746 as follows:

1. I am the attorney for plaintiff-petitioner in this matter and am personally familiar with the facts of his case;
2. I have read the allegations contained in the foregoing Petition, and to the best of my knowledge, those allegations are true based upon my personal knowledge, information, and belief.
3. I have also reviewed the documents attached to this habeas petition and confirm that they are true copies of the originals and that all the facts or allegations ascertained therein are true and correct to the best of my knowledge and experience.

Executed on July 9, 2026

Maribel J. Allen

MARIBEL J. ALLEN, ESQ.

VERIFICATION

I, Edwin Danilo Sigcha-Ante, declare under penalty of perjury in accordance with 28 U.S.C. § 1746 as follows:

1. I am the Petitioner in this matter.

2. I have read the allegations contained in the foregoing Petition, and to the best of my knowledge, those allegations are true based upon my personal knowledge, information and belief.

3. I have also reviewed the documents attached to this habeas petition and confirm that they are true copies of the originals and that all the facts or allegations ascertained therein are true and correct to the best of my knowledge and experience.

Executed on July 9, 2026

EdwinSigchaAnte

EDWIN DANILO SIGCHA-ANTE