JOHN WELLS, SBN 358423
Global Law Group San Diego, P.C.
1455 Frazee Road, Suite 500
San Diego, CA 92108
Tel: (619) 858-0001
Fax: (619) 829-3152

Attorney for Petitioner Blanca Gloria Ventura Caballero

DETAINED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BLANCA GLORIA VENTURA CABALLERO,

Petitioner,

v.

CHRISTOPHER J. LAROSE, Senior Warden of the Otay Mesa Detention Center; PATRICK DIVVER, or his successor, Field Office Director, Enforcement and Removal Operations, San Diego Field Office, U.S. Immigration and Customs Enforcement; DAVID J. VENTURELLA, Acting Director, U.S. Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security; and TODD BLANCHE, Acting Attorney General of the United States,

Respondents-Defendants.

Case No.: '26CV3978 BJC DEB

A#: [redacted]

PETITION FOR WRIT OF HABEAS CORPUS AND ORDER TO SHOW CAUSE WITHIN THREE DAYS; COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

CHALLENGE TO UNLAWFUL INCARCERATION; REQUEST FOR DECLARATORY AND INJUNCTIVE RELIEF

PETITION FOR WRIT OF HABEAS CORPUS AND ORDER TO SHOW CAUSE WITHIN THREE DAYS; COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

PRELIMINARY STATEMENT

1. Petitioner Blanca Gloria Ventura Caballero ("Ms. Ventura Caballero") petitions this Court for a writ of habeas corpus under 28 U.S.C. § 2241, for an order to show cause under 28 U.S.C. § 2243, and for declaratory and injunctive relief to remedy her unlawful civil immigration detention at Otay Mesa Detention Center in San Diego, California.

2. This petition challenges custody only. It does not ask this Court to decide removability, admissibility, asylum, withholding, Convention Against Torture protection, cancellation, adjustment, or any merits issue assigned to the immigration court. The issue is simpler and urgent: Respondents are holding a long-time interior resident and mother of several U.S. citizens with no criminal history without the custody process Congress provided in 8 U.S.C. § 1226(a).

3. Ms. Ventura Caballero entered the United States without inspection in 2001 at or near Laredo, Texas. She was not apprehended at the border, upon arrival, or placed in expedited removal proceedings at that time. She then lived and worked in the United States for approximately twenty-five years, built a family and work life, and became the primary caregiver for a seventeen-year-old U.S.-citizen daughter with serious mental health disabilities.

4. She is not subject to a final order of removal on the information presently available. She has no criminal history. She is not alleged to fall within the mandatory criminal detention provision, 8 U.S.C. § 1226(c). Thus, unless Respondents can identify a different lawful custody authority, her detention is governed by 8 U.S.C. § 1226(a), which permits release on bond or conditional parole and provides a custody redetermination process before an Immigration Judge.

5. Respondents may rely on the recent administrative theory that a person who entered without inspection years ago and is later arrested in the interior is categorically detained under 8 U.S.C. §

1225(b)(2), with no bond hearing. That theory should be rejected here. The Supreme Court has described § 1225(b) as governing certain noncitizens seeking admission, while § 1226(a) governs certain noncitizens already in the country pending removal proceedings. *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018).

6. The Southern District of California has repeatedly ordered bond hearings for similarly situated Otay Mesa Detention Center detainees, including long-time interior residents who entered without inspection and were not apprehended upon arrival. *See Ros Montejo v. LaRose*, No. 26-CV-1685-GPC-JLB (S.D. Cal. Mar. 24, 2026) (ordering § 1226(a) bond hearing within seven days and prohibiting denial based on § 1225(b)(2)); *Ruiz Zazueta v. Lyons*, No. 3:26-cv-00149-BTM-MSB (S.D. Cal. Jan. 22, 2026) (holding long-term interior resident may not be denied bond on § 1225 theory); *Espinoza-Lopez v. Blanche*, No. 26-cv-3158-JES-BJW (S.D. Cal. June 1, 2026) (finding § 1226(a), not § 1225(b), governed detention of a noncitizen apprehended well after entry).

7. This case presents an even stronger custody profile than many recent habeas cases. Ms. Ventura Caballero has no criminal history, has lived here for decades, has children and family members in the United States, has stable employment and business responsibilities, and is indispensable to the care of a minor child with serious mental health conditions. No legitimate immigration purpose is served by treating her as categorically ineligible for bond.

8. The requested relief is narrow and case-specific. Ms. Ventura Caballero asks this Court to issue the writ and order her release under reasonable conditions. In the alternative, she asks the Court to order a prompt, meaningful, individualized bond hearing under 8 U.S.C. § 1226(a), before a neutral Immigration Judge, at which Respondents bear the burden of proving, by clear and convincing evidence, that continued detention is necessary because no condition or combination of conditions can reasonably mitigate any proven risk of flight or danger. Any hearing ordered by this Court must also require individualized consideration of ability to pay and less restrictive alternatives to detention,

and detention may continue only if legally justified after those findings. *See Singh v. Holder*, 638 F.3d 1196, 1203–05 (9th Cir. 2011); *Hernandez v. Sessions*, 872 F.3d 976, 990–91 (9th Cir. 2017).

JURISDICTION

9. This action arises under the Constitution of the United States, the Immigration and Nationality Act ("INA"), the Administrative Procedure Act ("APA"), and the federal habeas statute, 28 U.S.C. § 2241.

10. This Court has subject-matter jurisdiction under 28 U.S.C. § 2241(c)(3) because Ms. Ventura Caballero is in federal custody in violation of the Constitution and laws of the United States. A district court may grant habeas relief when a person is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3).

11. Federal habeas remains available to challenge unlawful immigration detention. *INS v. St. Cyr*, 533 U.S. 289, 301 (2001); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); *Demore v. Kim*, 538 U.S. 510, 516-17 (2003).

12. This Court also has jurisdiction under 28 U.S.C. § 1331 because the claims arise under federal statutes and the Fifth Amendment. The Court may grant declaratory relief under 28 U.S.C. §§ 2201-2202, issue orders necessary to protect jurisdiction under 28 U.S.C. § 1651, and enter case-specific injunctive relief under its equitable powers.

13. This petition does not seek review of a final order of removal. It challenges a collateral custody decision: whether Respondents may continue physically confining Ms. Ventura Caballero without the custody process required by the INA and the Constitution. The REAL ID Act channels review of removal orders to the courts of appeals, but it does not eliminate habeas jurisdiction over detention claims independent of the removal merits. *Nadarajah v. Gonzales*, 443 F.3d 1069, 1076 (9th Cir. 2006), abrogated on other grounds by *Jennings v. Rodriguez*, 583 U.S. 281 (2018).

14. Section 1252(f)(1) does not bar individualized habeas relief. *Garland v. Aleman Gonzalez*, 596 U.S. 543 (2022), limited certain class wide injunctions, but it did not strip district courts of authority to grant case-specific habeas relief to an individual detained person within the district.

VENUE

15. Venue is proper in this District under 28 U.S.C. § 1391(e) and Local Civil Rule HC.1 because Ms. Ventura Caballero is detained at Otay Mesa Detention Center in San Diego County, California, within the Southern District of California.

16. The immediate physical custodian is located in this District, and the events causing the challenged custody continue to occur here. A habeas petition challenging present physical confinement is properly filed in the district of confinement. *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004).

CUSTODY AND REQUIREMENTS OF 28 U.S.C. §§ 2241 AND 2243

17. Ms. Ventura Caballero is "in custody" for purposes of 28 U.S.C. § 2241 because Respondents hold her in immigration detention at Otay Mesa Detention Center. She is under Respondents' legal and physical control and cannot leave.

18. The habeas statute requires this Court to act promptly. Section 2243 provides that a court shall award the writ or issue an order directing the respondent to show cause unless the petition shows the petitioner is not entitled to relief. If an order to show cause issues, the respondent must make a return within three days unless good cause is shown, and any additional time may not exceed twenty days. 28 U.S.C. § 2243.

19. Habeas is designed to provide a swift remedy for unlawful restraint. *Fay v. Noia*, 372 U.S. 391, 400 (1963), described the writ as an imperative remedy against illegal restraint. That function is especially important where civil detention separates a parent from minor children and prevents the parent from caring for a disabled child.

PARTIES

20. Petitioner Blanca Gloria Ventura Caballero is a citizen and national of Honduras. She was born on [redacted]. Her Alien Registration Number is A[redacted]. She is currently detained at Otay Mesa Detention Center in San Diego, California.

21. Respondent Christopher J. LaRose is the Senior Warden of Otay Mesa Detention Center and is Ms. Ventura Caballero's immediate physical custodian. He is named in his official capacity.

22. Respondent Patrick Divver, or the current successor Field Office Director, Enforcement and Removal Operations, San Diego Field Office, U.S. Immigration and Customs Enforcement, is responsible for ICE custody operations and custody decisions affecting Ms. Ventura Caballero in this District. He is named in his official capacity, and any successor is automatically substituted under Federal Rule of Civil Procedure 25(d).

23. Respondent David J. Venturella is the Acting Director of U.S. Immigration and Customs Enforcement. He has authority over ICE custody policies and the actions of subordinate ICE officials. He is named in his official capacity.

24. Respondent Markwayne Mullin is the Secretary of the U.S. Department of Homeland Security. DHS includes ICE and is responsible for administration and enforcement of the immigration laws. He is named in his official capacity.

25. Respondent Todd Blanche is the Acting Attorney General of the United States. The Attorney General has authority over the immigration courts and the Board of Immigration Appeals through the Executive Office for Immigration Review. He is named in his official capacity.

EXHAUSTION

26. No statutory exhaustion requirement bars this habeas petition. Ms. Ventura Caballero seeks judicial review of unlawful detention and the denial of a lawful custody mechanism. Where

detention is challenged as contrary to statute and the Constitution, district courts routinely hear § 2241 petitions without requiring futile or inadequate administrative steps.

27. To the extent Respondents contend that Ms. Ventura Caballero first had to seek bond from the immigration court, that argument proves the need for habeas relief. If Respondents classify her under § 1225(b)(2), the Immigration Court is likely to conclude that it lacks custody jurisdiction and cannot provide the bond hearing she seeks. That futility is concrete, not speculative: the Board's precedential decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), holds that Immigration Judges lack authority to hear bond requests or grant bond to certain noncitizens treated as applicants for admission under § 1225(b)(2). *Maldonado Bautista* rejected that no-bond theory and vacated *Yajure Hurtado*. *See Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2026 WL 468284, at *12 (C.D. Cal. Feb. 18, 2026). The Ninth Circuit stayed the vacatur of *Yajure Hurtado* and stayed the class wide judgment insofar as it extends beyond the Central District of California. *See Bautista v. U.S. Dep't of Homeland* Sec., Nos. 25-7958, 26-1044, Dkt. 17.1 (9th Cir. Mar. 31, 2026). Requiring Ms. Ventura Caballero to exhaust before an adjudicator who would likely disclaim authority to act would therefore be futile. *Laing v. Ashcroft*, 370 F.3d 994, 1000–01 (9th Cir. 2004).

28. Nor should Ms. Ventura Caballero be forced to remain detained while waiting for an agency appeal that cannot provide prompt relief from the unlawful no-bond classification. Liberty lost through detention cannot be fully restored after the fact.

FACTUAL BACKGROUND

A. Long Residence, Work, and Family Stability

29. Ms. Ventura Caballero entered the United States in 2001 without inspection at or near Laredo, Texas. She entered alone and left her young son in Honduras. She was not apprehended upon entry.

30. After entry, Ms. Ventura Caballero lived in Texas for approximately two years. She later established her life in Charlotte, North Carolina. In or about May 2025, she and her family moved from Charlotte to Gastonia, North Carolina, where they resided before her arrest.

31. Ms. Ventura Caballero has lived in the United States for approximately twenty-five years. During that time, she has worked, raised children, maintained a household, and built substantial family and community ties.

32. She is married to Marlon Chavez Andrade. They have been married for approximately thirteen years. They do not have children together, but together they maintain a blended household with Ms. Ventura Caballero's children and her husband's adult children.

33. Before detention, Ms. Ventura Caballero worked two jobs. She worked as a restaurant manager and managed the accounting and finances for a construction and remodeling business that she and her husband founded approximately fifteen years ago. Her husband oversaw the construction work, while she handled the company's financial records and administration.

34. Her work history and business responsibilities demonstrate reliability, stability, and strong incentives to appear for immigration proceedings. Detention has disrupted not only her liberty but also her family's income, business administration, and ability to care for children in the household.

B. Children and Caregiving Responsibilities

35. Ms. Ventura Caballero has five children from prior relationships. Her oldest son is twenty-seven years old, was born in Honduras, and is a lawful permanent resident of the United States.

36. Her other children were born in the United States: a twenty-three-year-old child, a seventeen-year-old daughter, and thirteen-year-old twins. Except for the twenty-seven-year-old son, the children live with Ms. Ventura Caballero and her husband.

37. Her husband's two adult children, a twenty-year-old son and a twenty-two-year-old daughter, also live with the family. The household depends on Ms. Ventura Caballero's labor, caregiving, financial management, and emotional support.

38. Ms. Ventura Caballero's seventeen-year-old daughter has significant mental health conditions, including bipolar disorder, hyperactivity, concentration challenges, and related diagnoses. She takes medication to manage her symptoms and can become aggressive without appropriate support.

39. Ms. Ventura Caballero is her seventeen-year-old daughter's primary caregiver. She is solely responsible for taking her daughter to medical appointments and therapy and for coordinating the care that allows her daughter to remain stable.

40. Detention has therefore caused immediate collateral harm to a disabled U.S.-citizen minor. The law does not permit Respondents to ignore this individualized family reality when deciding whether detention is necessary. A lawful custody process must consider alternatives to detention and the concrete harm caused by confinement.

C. No Criminal History and the School-Attendance Misunderstanding

41. Ms. Ventura Caballero has no criminal history according to the information currently available. There is no indication that she presents a danger to persons or property.

42. In or about May 2025, the family moved from Charlotte to Gastonia, North Carolina. Ms. Ventura Caballero notified the children's former school about the move. The former school apparently treated the children as absent and reported the matter to Social Services, which then referred the matter to law enforcement.

43. The resulting court-related issue arose in or about May 2025 from the school-attendance and social-services misunderstanding after the move, not from any criminal conviction, violence, or threat to public safety. Ms. Ventura Caballero attended the initial court hearing as required but was

informed by court personnel prior to the hearing her name was wrong on the court paperwork, and was directed to fix her name by speaking to other court personnel. Ms. Ventura Caballero did as she was told and went to the basement of the courthouse to resolve the apparent issue with her name. When she returned to the courtroom, court personnel then told her the judge would not hear her case and had already ruled that Ms. Ventura Caballero had missed her court hearing, despite her presence in the courthouse.

44. On January 29, 2026, officers came to the family's home in Gastonia and arrested Ms. Ventura Caballero. Nothing in the available information indicates that she presents a danger or that the arrest was based on any criminal conviction, violent conduct, or threat to public safety. These circumstances demonstrate why an individualized custody hearing is essential.

D. Detention and Pending Immigration Proceedings

45. Ms. Ventura Caballero is currently detained at Otay Mesa Detention Center in San Diego, California. DHS served her with a Notice to Appear on April 6, 2026. The currently available ICE Form I-830, Notice to EOIR: Alien Address, dated June 12, 2026, reflects that ICE transferred her to Otay Mesa Detention Center, 7488 Calzada de la Fuente, San Diego, California 92154, on June 3, 2026. Thus, June 3, 2026, is the documented transfer date to Otay Mesa, not the date of her initial arrest.

46. Her next immigration court date is July 15, 2026, for a master calendar hearing. She speaks Spanish and English.

47. Because Ms. Ventura Caballero is detained far from her home in Gastonia, North Carolina, detention imposes serious practical barriers to family coordination, counsel access, document gathering, and the medical care of her daughter. Transfer outside this District would further magnify those harms and obstruct this Court's ability to provide timely habeas relief.

LEGAL BACKGROUND

A. Section 1226(a) Governs Detention of Noncitizens Arrested in the Interior Pending Removal Proceedings, Unless a Specific Mandatory Detention Provision Applies

48. Section 1226(a) provides 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. It further authorizes release on bond or conditional parole. 8 U.S.C. § 1226(a)(1)-(2).

49. The § 1226(a) regulations provide a custody process, including custody determinations and review before an Immigration Judge. 8 C.F.R. §§ 236.1(d), 1003.19. The Ninth Circuit has recognized that § 1226(a) provides an initial bond hearing before a neutral decisionmaker, the opportunity to be represented by counsel and present evidence, appeal rights, and the possibility of a new hearing when circumstances materially change. *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1202 (9th Cir. 2022).

50. Section 1225(b), by contrast, addresses inspection and detention of certain noncitizens seeking admission at or near the threshold of entry. The Supreme Court's statutory description matters: § 1225(b) covers certain noncitizens seeking admission, while § 1226(a) covers certain noncitizens already in the country pending the outcome of removal proceedings. *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018).

51. Ms. Ventura Caballero is not an arriving border detainee or designated as an arriving alien. She entered the United States without inspection at or near Laredo, Texas, in 2001 and lived in the interior for decades before the present detention. Consistent with that history, DHS's Notice to Appear does not designate her as an arriving alien; it identifies her as "an alien present in the United States who has not been admitted or paroled." She was not apprehended upon arrival. She has no criminal history. She is not alleged to be subject to § 1226(c), § 1225(b)(1), or § 1231. Therefore, § 1226(a) is the statutory custody authority that fits her case.

B. Recent Southern District of California Authority Strongly Supports Relief

52. In *Ros Montejo v. LaRose et al.*, the Southern District of California granted habeas relief to a Guatemala national who entered without inspection in 2002, was not apprehended upon arrival, was later detained in 2026, and was held at Otay Mesa without a bond hearing. The court ordered a § 1226(a) bond hearing within seven days, prohibited denial of bond based on § 1225(b)(2), and prohibited transfer from the district pending the bond hearing. *Ros Montejo v. LaRose et al.*, No. 26-CV-1685-GPC-JLB (S.D. Cal. Mar. 24, 2026).

53. In *Ruiz Zazueta v. Lyons et al.*, the Southern District of California held that a long-term resident apprehended in the interior, not near the border or a port of entry, was not an applicant for admission for purposes of denying a bond hearing. The court enjoined detention under § 1225 and ordered an individualized bond hearing under § 1226(a). *Ruiz Zazueta v. Lyons et al.*, No. 3:26-cv-00149-BTM-MSB (S.D. Cal. Jan. 22, 2026).

54. In *Espinoza-Lopez v. Blanche et al.*, the court held that § 1226(a), not § 1225(b), governed the detention of a noncitizen who had lived and worked in California for years and was apprehended well after entry. The court ordered an individualized bond hearing under § 1226(a) within ten days after granting habeas relief. *Espinoza-Lopez v. Blanche et al.*, No. 26-cv-3158-JES-BJW (S.D. Cal. June 1, 2026).

55. In *Gonzalez-Ramos v. Mullin*, the court granted in part a habeas petition by an Otay Mesa detainee who had resided in the United States for twenty-five years and challenged detention without the § 1226(a) process. The court ordered an initial custody determination and, if not released, an individualized bond hearing under § 1226(a). *Gonzalez-Ramos v. Mullin*, No. 26-CV-3159-JLS-GC (S.D. Cal. June 29, 2026).

56. These decisions are persuasive here. Ms. Ventura Caballero entered without inspection in 2001, remained in the interior for approximately twenty-five years, has no criminal history, and was

not apprehended at the threshold of entry. Her case is at least as compelling as those in which this District ordered prompt custody process.

57. Even if Respondents invoke *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), that agency precedent does not foreclose this Court's habeas authority. *Yajure Hurtado* is the very precedent that makes immigration-court exhaustion futile when DHS invokes § 1225(b)(2), because it directs Immigration Judges to disclaim bond jurisdiction in cases DHS treats as mandatory detention cases. The Central District of California rejected that interpretation in *Maldonado Bautista*, and while the Ninth Circuit has stayed the broader class wide relief outside the Central District of California and the vacatur of *Yajure Hurtado*, the stay did not resolve the merits of whether § 1225(b)(2) applies to long-time interior residents like Ms. Ventura Caballero. This Court therefore retains authority to decide her individual habeas petition and to order release or case-specific custody process if her detention violates the INA or the Constitution.

C. Due Process Protects All Persons in the United States from Arbitrary Civil Detention

58. The Fifth Amendment applies to all persons within the United States, including noncitizens. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *Reno v. Flores*, 507 U.S. 292, 306 (1993). Freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause. *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

59. Civil detention is not punishment. It is permitted only when it is reasonably related to legitimate regulatory purposes such as ensuring appearance and protecting the community, and only with procedures adequate to prevent erroneous confinement. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

60. The procedures required depend on the private liberty interest, the risk of erroneous deprivation, the value of additional safeguards, and the government's interest. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). Those factors favor prompt custody review here: the private interest is

physical liberty and family caregiving; the risk of error is high if Respondents use a categorical no-bond rule; and the government can protect its interests through a bond hearing and conditions of supervision.

61. A meaningful hearing must consider the individual. It cannot reduce Ms. Ventura Caballero to a manner-of-entry label tied to her 2001 entry while ignoring approximately twenty-five years of residence, no criminal record, U.S.-citizen children, employment, business responsibilities, and the medical needs of her disabled daughter.

62. When a bond or custody hearing is ordered as a remedy for unlawful or constitutionally suspect detention, the adjudicator should consider ability to pay and alternatives to detention. *Hernandez v. Sessions*, 872 F.3d 976, 990-91 (9th Cir. 2017).

D. The APA Prohibits Arbitrary, Unlawful, and Unexplained Custody Action

63. The APA directs courts to hold unlawful and set aside agency action that is arbitrary, capricious, an abuse of discretion, contrary to constitutional right, in excess of statutory authority, or without observance of required procedure. 5 U.S.C. § 706(2)(A)-(D).

64. An agency must provide a reasoned explanation and must consider the important aspects of the problem before it. *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983); *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009).

65. A detention decision that categorically denies a bond pathway to a noncriminal, long-time interior resident without addressing individual risk, family caregiving, disability-related harm, ability to pay, and alternatives to detention is arbitrary and contrary to law.

CLAIMS FOR RELIEF

COUNT ONE: Violation of the INA and 28 U.S.C. § 2241 — Unlawful Denial of Custody Process Under 8 U.S.C. § 1226(a)

66. Ms. Ventura Caballero realleges and incorporates by reference the preceding paragraphs.

67. Section 1226(a) governs the arrest and detention of noncitizens already in the United States pending removal proceedings, unless a specific statutory exception applies. It authorizes release on bond or conditional parole.

68. Ms. Ventura Caballero entered without inspection in 2001, was not apprehended upon arrival, has lived in the interior for approximately twenty-five years, has no criminal history, and is not subject to a final removal order. She is not alleged to fall within § 1226(c), § 1225(b)(1), or § 1231.

69. Respondents therefore must treat her detention as governed by § 1226(a), unless they can identify a lawful alternative basis. Denying her any bond hearing or custody redetermination based on § 1225(b)(2) is contrary to the INA and violates § 2241.

70. The proper remedy is release under reasonable conditions or, at minimum, a prompt individualized bond hearing under § 1226(a) at which Respondents may not deny bond based on the theory that § 1225(b)(2) requires mandatory detention.

COUNT TWO: Violation of the Administrative Procedure Act — Arbitrary and Capricious Detention

71. Ms. Ventura Caballero realleges and incorporates by reference the preceding paragraphs.

72. Respondents' custody decision is final agency action, or at minimum agency action reviewable in habeas and under the APA, because it determines Ms. Ventura Caballero's present physical confinement and denies access to a bond process.

73. Respondents have failed to provide a reasoned individualized explanation for detaining a noncriminal mother and primary caregiver with decades of residence, stable work, family ties, and a disabled U.S.-citizen child who relies on her for medication, therapy, and medical appointments.

74. Respondents have failed to consider important aspects of the custody problem, including alternatives to detention, release on recognizance, supervision, reporting, ability to pay, family hardship, disability-related caregiving, and the absence of any criminal history or danger evidence.

75. Continued detention without a lawful custody hearing is arbitrary, capricious, contrary to law, in excess of statutory authority, and without observance of procedure required by law. 5 U.S.C. § 706(2).

COUNT THREE: Violation of the Fifth Amendment — Procedural Due Process

76. Ms. Ventura Caballero realleges and incorporates by reference the preceding paragraphs.

77. The Fifth Amendment prohibits the federal government from depriving any person of liberty without due process of law. Ms. Ventura Caballero has a fundamental liberty interest in freedom from physical confinement. The weight of that liberty interest is heightened by her approximately twenty-five years of residence in the United States, during which she has lived, worked, raised children, and developed substantial family and community ties.

78. Respondents have deprived her of that liberty without a meaningful opportunity to be heard before a neutral adjudicator on whether detention is necessary to prevent flight or danger.

79. The risk of erroneous deprivation is extreme if Respondents rely on a categorical no-bond rule tied to manner of entry decades ago. The value of a custody hearing is substantial because Ms. Ventura Caballero can present facts showing no criminal history, no danger, stable residence, family ties, work responsibilities, a sponsor, and severe hardship to a disabled minor child.

80. The government's interest can be fully protected by a prompt bond hearing and reasonable conditions of supervision. Due process does not permit unnecessary incarceration when less restrictive alternatives can ensure appearance and community safety.

81. Respondents' detention of Ms. Ventura Caballero without adequate custody process violates procedural due process.

COUNT FOUR: Violation of the Fifth Amendment — Substantive Due Process and Excessive Civil Detention

82. Ms. Ventura Caballero realleges and incorporates by reference the preceding paragraphs.

83. Civil immigration detention must bear a reasonable relation to its nonpunitive purposes. Detention becomes unconstitutional when it is excessive in relation to those purposes or when it is imposed arbitrarily.

84. Detaining Ms. Ventura Caballero categorically, without considering her actual risk and without allowing a bond hearing, is excessive. She is a long-time resident, has no criminal history, has a household and business, has children in the United States, and is the only parent coordinating care for a disabled minor daughter.

85. The government has no legitimate interest in unnecessary detention, in using detention to pressure a person to abandon rights, or in separating a primary caregiver from a disabled U.S.-citizen child when reasonable release conditions are available.

86. Respondents' detention violates substantive due process unless and until they justify confinement through a constitutionally adequate, individualized process.

REQUEST FOR ORDER TO SHOW CAUSE WITHIN THREE DAYS AND CASE-SPECIFIC INJUNCTIVE RELIEF

87. Section 2243 commands expedited habeas review. Because the petition does not show on its face that Ms. Ventura Caballero is disentitled to relief, the Court should issue an Order to Show Cause requiring Respondents to make a return within three days and to justify the statutory and constitutional basis for her continued detention.

88. The requested injunctive relief is narrow, individual, and custody-focused. Ms. Ventura Caballero asks the Court to preserve effective habeas review by prohibiting transfer outside the Southern District of California without Court approval or reasonable advance notice to the Court

and counsel, by maintaining reasonable access to counsel and family communication, and by requiring production of the custody records on which Respondents rely.

89. This relief does not ask the Court to adjudicate removability, admissibility, asylum, withholding, Convention Against Torture protection, cancellation, adjustment, or any merits issue pending before the immigration court. It asks only that Respondents comply with the custody statute that governs her detention and provide the process that follows from that statute.

90. Transfer outside this District could impair counsel access, disrupt records and communication, create avoidable uncertainty about custody, and frustrate the swift habeas remedy Congress required. A case-specific no-transfer order while the Court conducts expedited review protects jurisdiction without burdening lawful immigration adjudication.

91. The public interest favors prompt judicial review of unlawful custody, individualized custody decisions, family unity, and faithful adherence to the INA, the APA, and the Fifth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court grant the following relief:

a) Assume jurisdiction over this matter;

b) Issue an Order to Show Cause requiring Respondents to show cause within three days why the writ should not issue;

c) Declare that, absent proof of a different lawful detention authority, Petitioner's detention is governed by 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225(b)(2);

d) Declare that Respondents may not deny Petitioner a bond hearing or custody redetermination based solely on the theory that her 2001 entry without inspection makes her categorically subject to mandatory detention under § 1225(b)(2);

e) Declare that Petitioner's detention without individualized custody process violates the INA, the APA, and the Due Process Clause of the Fifth Amendment;

f) Issue a writ of habeas corpus ordering Respondents to release Petitioner under reasonable conditions of supervision;

g) In the alternative, order Respondents to provide Petitioner a meaningful individualized bond hearing under 8 U.S.C. § 1226(a) within seven days, before a neutral Immigration Judge, at which Respondents bear the burden of proving by clear and convincing evidence that continued detention is necessary because no condition or combination of conditions can reasonably assure appearance and community safety, and at which the adjudicator must consider ability to pay and alternatives to detention;

h) Order that Respondents may not deny bond on the ground that § 1225(b)(2) requires mandatory detention;

i) Order that if Respondents fail to provide the required hearing within the time ordered, Petitioner must be released under reasonable conditions;

j) Issue case-specific injunctive relief prohibiting Respondents from transferring Petitioner outside the Southern District of California without Court approval or reasonable advance notice to the Court and counsel while this petition is pending;

k) Order Respondents to maintain Petitioner's reasonable access to counsel, legal calls, legal materials, and family communication necessary to coordinate care for her children;

l) Order Respondents to produce the custody basis, custody determination, charging documents, warrant or warrant request if any, notices, and any custody hearing or bond records on which Respondents rely;

m) Grant such other and further relief as the Court deems just, equitable, and proper.

Dated: July 10, 2026

Respectfully submitted,

//s// John Wells
John Wells,
Attorney for Petitioner Blanca Gloria Ventura Caballero