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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES
DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

EDGAR ANTONIO BARRIOS SOLORZANO
[redacted]
Petitioner, Pro Se,

'26CV3999 JES VET

v.

WARDEN, OTAY MESA DETENTION CENTER;
SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY;
DIRECTOR OF U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE),
Respondents.

PETITION FOR WRIT OF HABEAS CORPUS
28 U.S.C. § 2241

I. INTRODUCTION

Petitioner, Edgar Antonio Barrios Solórzano, proceeding pro se, respectfully submits this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging the legality of his detention by the Department of Homeland Security ("DHS") and U.S. Immigration and Customs Enforcement ("ICE").

Petitioner remains detained at the Otay Mesa Detention Center without having received an individualized custody hearing, under a legal classification that he contends is erroneous and that has prevented him from obtaining an individualized determination as to whether he poses a danger to the community or a risk of flight.

This action does not seek a determination by this Court on the merits of Petitioner's pending removal proceedings. Rather, it seeks judicial review solely of the legality of Petitioner's detention and of the legal classification relied upon by DHS to subject him to mandatory detention.

Before his detention, Petitioner lawfully entered the United States through the CHNV Humanitarian Parole Program, subsequently obtained Temporary Protected Status (TPS), filed an Application for Asylum and for Withholding of Removal (Form I-589) with USCIS, appeared for his scheduled biometrics appointment, and was issued an Employment Authorization Document (EAD) under Category C08, which remained valid at the time of his detention.

On April 29, 2026, while lawfully employed as a delivery driver for a FedEx contractor in West Palm Beach, Florida, Petitioner was detained and subsequently taken into ICE custody, despite having an active immigration proceeding pending before USCIS, valid employment authorization, a fixed residence known to the immigration authorities, and absolutely no criminal history.

Thereafter, the Immigration Judge denied Petitioner's request for a custody redetermination, not because he posed a danger to the community or a risk of flight, but because the Court concluded that it lacked jurisdiction to conduct a bond hearing due to the legal classification adopted by DHS.
For these reasons, Petitioner respectfully requests that this Honorable Court declare his detention unlawful and order his immediate release or, in the alternative, order an individualized custody hearing.

II. JURISDICTION AND VENUE
This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 2241 because Petitioner is presently in federal immigration custody under the authority of U.S. Immigration and Customs Enforcement ("ICE").
Federal courts have jurisdiction to review the constitutional and statutory legality of immigration detention when a petitioner challenges the legal basis for his deprivation of liberty.

This action challenges the legality of Petitioner's continued detention, the legal classification adopted by DHS to justify that detention, and the denial of an individualized custody determination.
Venue is proper in the United States District Court for the Southern District of California because Petitioner is currently detained at:
Otay Mesa Detention Center
7488 Calzada de la Fuente
San Diego, California 92154.
Respondents exercise authority over Petitioner's custody and are the proper parties to respond to this Petition.

III. FACTUAL BACKGROUND
Petitioner, Edgar Antonio Barrios Solórzano, is a citizen of Venezuela and has no criminal record, criminal convictions, history of violence, or traffic violations.
On October 20, 2022, USCIS received Form I-134, submitted by Petitioner's sponsor under the CHNV Humanitarian Parole Program.

Thereafter, on December 10, 2022, Petitioner was lawfully admitted into the United States through Fort Lauderdale International Airport, Florida, under the VHP (Venezuelan Humanitarian Parole) classification, as reflected in his Form I-94, authorizing him to remain in the United States until December 8, 2024.

Following his admission, Petitioner established his residence in West Palm Beach, Florida, where he resided with his wife and continuously maintained a residence known to the immigration authorities.

Subsequently, USCIS approved Petitioner's application for Temporary Protected Status (TPS). Before the expiration of that benefit, Petitioner timely filed an Application for Asylum and for Withholding of Removal (Form I-589) with USCIS.

USCIS accepted the application for processing, scheduled Petitioner's biometrics appointment, and Petitioner timely appeared as required.
As a result of his pending asylum application, USCIS issued Petitioner an Employment Authorization Document (EAD) under Category C08, valid through October 22, 2030.

Pursuant to that employment authorization, Petitioner obtained lawful employment as a delivery driver for a FedEx contractor in West Palm Beach, Florida, where he remained continuously employed until the date of his detention.

On April 29, 2026, while performing his regular duties as a delivery driver for a FedEx contractor in West Palm Beach, Florida, Petitioner was detained and subsequently taken into the custody of U.S. Immigration and Customs Enforcement (ICE).
At the time of his detention, Petitioner:
maintained a fixed residence known to the immigration authorities;
was lawfully employed;
possessed a valid Employment Authorization Document (EAD);
had a pending Application for Asylum and for Withholding of Removal (Form I-589) before USCIS;
had no criminal record;
had no history of violence; and
had never failed to comply with any immigration requirement of which he had been notified.

Following his detention, Petitioner was transferred to the Broward Transitional Center in the State of Florida and, shortly thereafter, to the Otay Mesa Detention Center in San Diego, California, more than two thousand miles from his residence, separating him from his wife, his community, and the documentary and testimonial evidence necessary to adequately prepare his defense.

Following Petitioner's detention, DHS issued a Notice to Appear (Form I-862) initiating removal proceedings against him.
Thereafter, on June 18, 2026, DHS issued Form I-261 (Additional Charges of Inadmissibility/Deportability), modifying the original charges and alleging that Petitioner should be treated as an "applicant for admission" pursuant to INA § 212(a)(7)(A)(i)(I).

However, that legal classification failed to recognize that Petitioner remained within the United States immigration system through a pending affirmative asylum application before USCIS after having previously obtained Temporary Protected Status (TPS) and a valid Employment Authorization Document issued by USCIS.
On June 25, 2026, Petitioner appeared before the Otay Mesa Immigration Court requesting a Custody Redetermination.
The Immigration Judge denied Petitioner's request, not because Petitioner posed a danger to the community or a risk of flight, but because the Court concluded that it lacked jurisdiction to review Petitioner's custody due to the legal classification adopted by DHS.

As a result, Petitioner continues to be deprived of his liberty without any authority having conducted an individualized determination regarding whether his continued detention is necessary.

IV. LEGAL ARGUMENTS

A. Improper Application of the Mandatory Detention Provisions Under INA § 235(b)

The Government continues to detain Petitioner under the mandatory detention provisions of INA § 235(b) based upon its determination that Petitioner is an "applicant for admission." However, at the time of his detention, Petitioner was not seeking admission into the United States, was not present at a port of entry, and was not attempting to re-enter the country.

Instead, Petitioner had been residing within the United States for more than three years, was lawfully employed, possessed a valid Employment Authorization Document, and maintained a pending affirmative asylum application before USCIS.

Furthermore, following his lawful admission through the CHNV Humanitarian Parole Program, Petitioner obtained Temporary Protected Status (TPS), timely filed his asylum application, and received an Employment Authorization Document (EAD) issued by USCIS.

Under these circumstances, Petitioner respectfully submits that the automatic application of the detention provisions set forth in INA § 235(b) is legally improper and warrants judicial review by this Honorable Court.

B. Violation of the Fifth Amendment – Due Process

The Fifth Amendment to the United States Constitution prohibits the Government from depriving any person of liberty without due process of law.

In the present case, Petitioner remains detained without any individualized determination that he poses a danger to the community or a risk of flight.

The denial of Petitioner's custody hearing was based exclusively upon a jurisdictional determination arising from the legal classification adopted by DHS, rather than upon any individualized assessment of Petitioner's particular circumstances.

As a result, Petitioner's continued detention without an individualized custody determination violates the guarantees of substantive and procedural due process protected by the Fifth Amendment.

C. Violation of the Fourth Amendment

Petitioner was detained while lawfully performing his employment and was subsequently taken into ICE custody.

Petitioner submits that his detention occurred without a judicial warrant and without individualized probable cause justifying the deprivation of his liberty, despite the fact that he maintained an active immigration proceeding, valid employment authorization, and a residence known to the immigration authorities.

Accordingly, Petitioner respectfully requests that this Honorable Court determine whether his detention is consistent with the protections guaranteed by the Fourth Amendment to the United States Constitution.

D. Erroneous Legal Classification and Denial of an Individualized Custody Determination Under INA § 236(a)

Petitioner respectfully submits that the particular circumstances of his case warranted, at a minimum, an individualized custody determination pursuant to INA § 236(a).

At the time of his detention, Petitioner:

had lawfully entered the United States;

maintained a permanent residence known to the immigration authorities;

had been granted Temporary Protected Status (TPS);

had a pending affirmative asylum application before USCIS;

possessed a valid Employment Authorization Document (EAD);

was lawfully employed; and

had no criminal record or history of violence.

Despite these circumstances, the Immigration Judge never determined whether Petitioner posed a danger to the community or a risk of flight. Instead, Petitioner's request for a custody redetermination was denied solely because the Immigration Court concluded that it lacked jurisdiction to review his custody due to the legal classification adopted by DHS.

As a result, Petitioner remains detained without ever having received an individualized custody determination.

E. Violation of the Suspension Clause – Article I, Section 9

The Suspension Clause of the United States Constitution protects the right of every person to obtain judicial review of the legality of his detention through the writ of habeas corpus.

In the present case, Petitioner remains detained without having received meaningful judicial review concerning the necessity of his continued detention. The inability to obtain an individualized custody hearing due solely to the legal classification adopted by DHS makes this Petition for a Writ of Habeas Corpus necessary to protect Petitioner's constitutional rights.

F. Applicable Legal Authority

The Supreme Court of the United States has consistently recognized that immigration detention is a form of civil detention subject to constitutional limitations.

In Zadvydas v. Davis, 533 U.S. 678 (2001), the Supreme Court held that civil detention may not be indefinite or arbitrary and must comply with the requirements of due process.

In Demore v. Kim, 538 U.S. 510 (2003), the Court recognized Congress's authority to authorize certain forms of immigration detention, while reaffirming that such detention remains subject to judicial review when its legal basis is challenged.

In Jennings v. Rodriguez, 583 U.S. 281 (2018), the Supreme Court confirmed that constitutional challenges to immigration detention may be reviewed through a petition filed pursuant to 28 U.S.C. § 2241.

These decisions support this Court's authority to review the legality of Petitioner's continued detention.

G. Improper Initiation of Removal Proceedings

Petitioner further submits that the legality of his detention is undermined because the removal proceedings were initiated without fully considering his complete immigration history.

Before his detention, Petitioner had lawfully entered the United States through the CHNV Humanitarian Parole Program, obtained Temporary Protected Status (TPS), timely filed an affirmative asylum application with USCIS, appeared for his scheduled biometrics appointment, and received a valid Employment Authorization Document based upon that pending asylum application.

Nevertheless, DHS later relied upon the expiration of Petitioner's original parole and subsequently amended the charging document through Form I-261, alleging that Petitioner should be treated as an "applicant for admission," without taking into account that he remained within active immigration proceedings administered by USCIS.

Petitioner does not request that this Court determine the merits of the underlying removal proceedings. Rather, Petitioner respectfully submits that these circumstances provide an additional basis for reviewing the legality of his continued detention and determining whether the legal classification adopted by DHS justifies subjecting him to mandatory detention without an individualized custody determination.

V. PRAYER FOR RELIEF

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

A. Declare that Petitioner's continued detention is unlawful and incompatible with the Constitution and the laws of the United States.

B. Order that Petitioner not be transferred outside the jurisdiction of this Court while this Petition remains pending.

C. Order Petitioner's immediate release.

D. Alternatively, order that Petitioner receive an individualized custody hearing at which the Government bears the burden of demonstrating that Petitioner poses a danger to the community or a significant risk of flight sufficient to justify his continued detention.

E. Grant such other and further relief as this Honorable Court deems just and proper.

VI. VERIFICATION

I, Edgar Antonio Barrios Solórzano, A-Number [redacted], declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I have read the foregoing Petition for a Writ of Habeas Corpus and that the facts set forth herein are true and correct to the best of my knowledge and belief.

Respectfully submitted,

Edgar Barrios

EDGAR ANTONIO BARRIOS SOLORZANO
[redacted]
Petitioner, Pro Se
Otay Mesa Detention Center
7488 Calzada de la Fuente
San Diego, California 92154
Date: July 4, 2026

DECLARATION OF EDGAR ANTONIO BARRIOS SOLORZANO IN SUPPORT OF MOTION TO PROCEED IN FORMA PAUPERIS

I, Edgar Antonio Barrios Solórzano, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

My name is Edgar Antonio Barrios Solórzano, A-Number [redacted] I am currently detained at the Otay Mesa Detention Center in San Diego, California.

I respectfully request permission to proceed in forma pauperis because I am unable to pay the filing fee required by this Court.

I have been continuously detained by U.S. Immigration and Customs Enforcement (ICE) since my arrest on or about April 29, 2026. Because I remain in detention, I have no ability to work or earn income.

Prior to my detention, I lawfully worked in West Palm Beach, Florida, as a FedEx delivery driver. I possessed a valid Employment Authorization Document issued by USCIS based on my pending asylum application and maintained lawful employment until I was taken into ICE custody.

Since my detention, I have received no wages or employment income. I do not own real estate, businesses, investments, or other significant assets that could be used to pay court costs.

I do not have sufficient savings or financial resources available to pay the filing fee without depriving myself of basic necessities.

My wife has been forced to bear the financial burden created by my detention, including our living expenses and the costs associated with maintaining communication with me while I remain detained.

Before my detention, I entered the United States through the CHNV humanitarian parole program on December 10, 2022. I later received Temporary Protected Status (TPS), timely filed an affirmative asylum application with USCIS, and received employment authorization based on that pending asylum application.

I have no criminal convictions or history of violence. I was arrested while working and have continuously attempted to comply with United States immigration laws.

My continued detention has completely eliminated my ability to generate income or contribute financially to my household.

Because of these circumstances, I respectfully request that this Court grant my Motion to Proceed In Forma Pauperis so that I may pursue my habeas corpus petition despite my financial inability to pay the filing fee.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Edgar Barrios

Edgar Antonio Barrios Solórzano

[redacted]

Otay Mesa Detention Center, San Diego, California

07-02-2026

DECLARATION OF EDGAR ANTONIO BARRIOS SOLORZANO

I, Edgar Antonio Barrios Solórzano, A-Number [redacted] declare under penalty of perjury pursuant to the laws of the United States that the following statements are true and correct:

My name is Edgar Antonio Barrios Solórzano. I am a citizen of Venezuela and I am currently detained at the Otay Mesa Detention Center in San Diego, California, under the custody of U.S. Immigration and Customs Enforcement (ICE).

I lawfully entered the United States on December 10, 2022, through Fort Lauderdale International Airport, Florida, under the CHNV Humanitarian Parole Program authorized by the United States Government. Before my arrival, a financial sponsor filed Form I-134 with USCIS, and I complied with all the requirements established for my lawful entry into the country.

From the moment I arrived in the United States, I made every effort to comply with all U.S. laws and all immigration requirements. I was later granted Temporary Protected Status (TPS) by USCIS. Before any of my immigration benefits expired, I timely filed my affirmative asylum application with USCIS because I fear returning to Venezuela. As a result of my pending asylum application, USCIS issued me an Employment Authorization Document (EAD), which remained valid at the time of my detention.

With that employment authorization, I lawfully worked as a delivery driver for a FedEx contractor in West Palm Beach, Florida. I always performed my job responsibly and honestly. I supported myself and my household through lawful employment and lived a peaceful life with my wife. I never depended on public assistance and always worked hard to provide for my family through honest employment.

During the entire time I remained at liberty, I maintained a fixed residence, possessed a valid driver's license, and held valid authorization to work. I have never been arrested for any criminal offense, never been convicted of any crime, and have never even received a traffic citation. I have always respected the laws of the United States and have tried to demonstrate through my actions that I sincerely wanted to build an honest and productive life in this country.

On April 29, 2026, while I was working and performing my regular delivery route for FedEx, I was stopped by a police officer and later transferred into ICE custody. My detention occurred while I was engaged in lawful employment authorized by the United States Government. From that day forward, my life changed completely.

I was initially detained at the Broward Detention Center in Florida and, only a few days later, I was transferred to the Otay Mesa Detention Center in California, thousands of miles away from my home, my wife, and my community. This transfer has made it extremely difficult for me to maintain contact with my family and to adequately prepare my legal defense.

While I have remained detained, my wife has had to face alone all of the financial and emotional burdens caused by my detention. Our separation has been extremely difficult, and the uncertainty surrounding my future has caused both of us tremendous emotional hardship.

I requested a custody redetermination hearing before an Immigration Judge.

However, my request was denied because the Court concluded that it lacked jurisdiction to grant me a bond hearing based on the legal classification assigned to my case by DHS. The Immigration Judge did not find that I was a danger to the community or that I presented a flight risk. The decision was based solely on a legal determination regarding the Court's jurisdiction.

I respectfully wish to state that I have never attempted to evade the immigration authorities. To the contrary, throughout my time in the United States I have consistently relied on the legal immigration processes established by the Government.

I entered through a humanitarian parole program, obtained TPS, timely filed my asylum application, received employment authorization from USCIS, and worked lawfully until the day I was detained.

I sincerely wish to continue pursuing my request for protection under the immigration laws of the United States. It has never been my intention to violate the immigration laws or to hide from the authorities. I have always complied with the procedures established by the United States Government.

I respectfully ask this Honorable Court to consider my history of compliance with the law, my complete lack of any criminal record, my strong ties to the United States, my lawful employment history, and the fact that I was detained while performing authorized employment. I firmly believe that I do not pose a danger to the community or a flight risk, and that my continued detention is unnecessary while my immigration proceedings remain pending.

I sincerely thank this Honorable Court for considering my circumstances and for allowing me the opportunity to present this declaration.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Edgar Barrios

EDGAR ANTONIO BARRIOS SOLORZANO

[redacted]

Date: 07-02-2026

To **Whom It May Concern,**

I am writing this letter to highly recommend **Mr.** Edgar Barrios as a person of excellent character and strong work ethic. I have known Edgar for some time, and during that period he has always shown himself **to be** respectful, honest, responsible, and hardworking.

Mr. Edgar is a dedicated individual who takes his responsibilities seriously and always does his best **in** any task assigned **to him. He is dependable, punctual, and** works well with others. His **positive attitude and willingness to help make him a valuable person** both professionally and **personally.**

In addition to being a hardworking employee, Mr. Edgar Barrios is also a person of good moral character and integrity. He treats others with kindness and respect, consistently **demonstrating professionalism and good conduct.**

I strongly recommend Mr. Edgar for any employment or opportunity he may pursue. I am confident that he will continue to be a trustworthy and valuable individual wherever he goes.

If you need any additional information, please feel free to contact me.

[redacted]

Sincerely,

Gilberto Cardenas

[redacted]

PROOF OF SERVICE

I certify that on 07-06-2026, I served a true and correct copy of this Petition upon:

U.S. Attorney – Southern District of California
880 Front Street, Room 6293
San Diego, CA 92101

Secretary of Homeland Security
2707 Martin Luther King Jr. Ave SE
Washington, DC 20528

ICE – OPLA San Diego
880 Front Street, Suite 2246
San Diego, CA 92101

Director, Otay Mesa Detention Center
7488 Calzada de la Fuente
San Diego, CA 92154

Edgar Barrios
Name: Edgar Antonio Barrios Solorzano
Pro Se
[redacted]
Dated:07-06-2026

Location: Otay Mesa Detention Center
7488 Calzada de la Fuente
San Diego, CA 92154