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Counsel for Petitioner
Jose De Jesus Cruz Ojeda,

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

Jose De Jesus Cruz Ojeda,

Petitioner,

v.

MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security; TODD BLANCHE, U.S. Attorney General; Todd LYONS, Acting Director, Immigration and Customs Enforcement; JOSEPH FREDEN, Acting Field Office Director, U.S. Immigration & Customs Enforcement (ICE), CHRISTOPHER J. LAROSE, Senior Warden, Otay Mesa Detention Facility; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; IMMIGRATION AND CUSTOMS ENFORCEMENT; and U.S. DEPARTMENT OF HOMELAND SECURITY,

Respondents.

Case No. '26CV4022 JO JLB

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

PETITIONER'S A NO [redacted]

I. INTRODUCTION

1. Petitioner Jose De Jesus Cruz Ojeda, [redacted], by and through undersigned counsel, respectfully submits this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, together with claims for declaratory and injunctive relief, challenging his ongoing and unlawful civil immigration detention by the Department of Homeland Security ("DHS") and U.S. Immigration and Customs Enforcement ("ICE").
2. Petitioner is a native and citizen of Mexico.
3. Petitioner was born in 1988.
4. Petitioner entered the United States without inspection in or about 2011.
5. Petitioner has never departed the United States since his entry.
6. Petitioner has therefore resided continuously in the United States for approximately fifteen years.
7. Petitioner is married and resides with his wife and their two United States citizen daughters, ages thirteen and eleven.
8. Petitioner has substantial family and community ties within the United States.
9. Petitioner has no criminal history.
10. Petitioner has no prior immigration history, prior removal orders, or prior immigration-related arrests.
11. Petitioner qualifies to seek Non-Lawful Permanent Resident Cancellation of Removal under INA § 240A(b).
12. Petitioner is currently detained by ICE at the Otay Mesa Detention Center in San Diego County, California.

13. Petitioner was arrested by ICE on or about July 7, 2026, while residing in the interior of the United States.

14. Petitioner does not challenge a final order of removal because no administratively final order of removal has been entered against him.

15. Petitioner challenges only the legality of his present detention and the absence of a lawful and constitutionally adequate custody determination.

16. Petitioner's continued detention is unlawful for several independent reasons.

17. First, because Petitioner was detained after approximately fifteen years of continuous residence in the United States, his detention is governed by the discretionary detention provisions of 8 U.S.C. § 1226, not the entry-focused detention provisions of 8 U.S.C. § 1225(b) or the post-final-order detention provisions of 8 U.S.C. § 1231.

18. Second, Respondents have not established that Petitioner is subject to mandatory detention under 8 U.S.C. § 1226(c).

19. Third, Respondents have failed to provide Petitioner with a constitutionally adequate custody determination supported by individualized findings demonstrating that his continued detention is necessary.

20. Fourth, Petitioner's continued detention is arbitrary because Respondents have not demonstrated that he presents a current danger to the community or a flight risk that cannot be addressed through reasonable conditions of release.

21. Fifth, Petitioner's continued detention is particularly unjustified given his approximately fifteen years of continuous residence in the United States, his two United States citizen daughters, his eligibility for Non-Lawful Permanent

Resident Cancellation of Removal, his complete lack of criminal history, and the absence of any final order of removal.

22. Federal courts have repeatedly recognized that immigration detention must comply with both statutory and constitutional limitations and that physical liberty lies at the core of the Due Process Clause. See Jennings v. Rodriguez, 583 U.S. 281 (2018); Zadvydas v. Davis, 533 U.S. 678 (2001).

23. Immediate judicial intervention is warranted.

24. Immediate release is the appropriate remedy because Petitioner is detained under an unlawful or constitutionally deficient custody framework.

25. In the alternative, if the Court declines to order Petitioner's immediate release, Petitioner respectfully requests a prompt constitutionally adequate custody determination before a neutral decision-maker within five (5) days, with the Government bearing the burden of establishing by clear and convincing evidence that continued detention is necessary.

26. Each additional day of Petitioner's unlawful detention inflicts continuing and irreparable harm upon him and his family.

II. JURISDICTION

27. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody under federal authority and challenges the legality of that custody. See 28 U.S.C. §§ 2241(a), (c)(3); Preiser v. Rodriguez, 411 U.S. 475, 484 (1973).

28. Habeas jurisdiction extends to claims that immigration detention violates the Constitution or exceeds statutory authority. See Zadvydas v. Davis, 533 U.S. 678, 687–88, 699 (2001).

29. Petitioner does not seek review of a final order of removal.

30. Rather, Petitioner challenges only the legality of his present detention and the absence of constitutionally adequate custody procedures.

31. This Court also has jurisdiction under 28 U.S.C. § 1331 because this action arises under the Constitution, the Immigration and Nationality Act ("INA"), and the Administrative Procedure Act ("APA").

32. The Administrative Procedure Act, 5 U.S.C. § 706, further authorizes judicial review to the extent Respondents' detention decisions are arbitrary, capricious, contrary to law, or in excess of statutory authority.

33. Jurisdiction is not barred by 8 U.S.C. § 1252(g) or § 1252(b)(9) because Petitioner does not challenge the decision to commence removal proceedings, adjudicate removability, or execute a final order of removal. Instead, Petitioner challenges only the legality of his present detention and the statutory and constitutional framework governing that detention. See Jennings v. Rodriguez, 583 U.S. 281, 293–95 (2018); Reno v. American-Arab Anti-Discrimination Committee, 525 U.S. 471, 482 (1999).

34. Petitioner was arrested by ICE after approximately fifteen years of continuous residence within the interior of the United States and remains detained while removal proceedings are pending.

35. Because Petitioner seeks only habeas, declaratory, and injunctive relief regarding the legality of his detention, this Court possesses subject-matter jurisdiction to adjudicate these claims and to order appropriate relief.

36. Accordingly, this Court has jurisdiction to determine the legality of Petitioner's continued detention and to grant habeas, declaratory, and injunctive relief.

III. VENUE

37. Venue is proper in this District pursuant to 28 U.S.C. § 1391(e) because Petitioner is detained within the Southern District of California, specifically at the Otay Mesa Detention Center in San Diego County, and Respondents are officers and employees of the United States who operate and maintain immigration detention facilities within this District.

38. Venue is also proper under Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484, 493–500 (1973), because Petitioner's immediate custodian is located within this District and Petitioner's confinement is within the territorial jurisdiction of this Court.

IV. REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

39. Under 28 U.S.C. § 2241, federal courts may entertain petitions for habeas corpus filed by persons who are in custody in violation of the Constitution or laws of the United States.

40. Petitioner satisfies these requirements because he is presently detained under federal authority and alleges that his continued detention violates the Constitution and laws of the United States.

41. This is a classic habeas corpus case.

42. Petitioner challenges the fact and legality of his present civil immigration confinement and seeks release from unlawful detention.

43. Section 2243 requires prompt judicial action in habeas corpus proceedings.

44. The statute directs that the Court shall forthwith award the writ or issue an order directing Respondents to show cause why the writ should not be granted, unless it plainly appears from the petition that Petitioner is not entitled to relief.

45. The need for prompt habeas review is particularly compelling because Petitioner remains deprived of his physical liberty while removal proceedings are ongoing and no administratively final order of removal has been entered.

46. Petitioner challenges only the legality of his present detention under the Immigration and Nationality Act and the United States Constitution.

47. Petitioner does not seek review of any final order of removal, nor does he ask this Court to interfere with the Immigration Court's adjudication of his underlying removal proceedings.

48. Rather, Petitioner seeks judicial review of Respondents' authority to continue depriving him of his liberty under an unlawful statutory framework and without constitutionally adequate procedural protections.

49. Petitioner has significant and longstanding ties to the United States, including his wife and two United States citizen daughters, has continuously resided in this country for approximately fifteen years, has no criminal history, and is eligible to seek Non-Lawful Permanent Resident Cancellation of Removal under INA § 240A(b).

50. Continued detention under these circumstances causes ongoing and irreparable harm, including the deprivation of Petitioner's physical liberty, separation from

his family, and the inability to care for and support his minor United States citizen children.

51. Habeas corpus has long served as the principal safeguard against unlawful executive detention, and prompt judicial review is especially appropriate where continued confinement raises substantial statutory and constitutional concerns.

52. Nothing appearing on the face of this Petition demonstrates that Petitioner is not entitled to relief.

53. To the extent Respondents contend that Petitioner was required to exhaust administrative remedies before seeking habeas relief, any such requirement should be excused because Petitioner raises pure questions of statutory interpretation and constitutional law concerning the legality of his detention, further administrative proceedings would be futile, and continued detention causes irreparable harm that cannot be remedied through delayed judicial review.

54. Accordingly, pursuant to 28 U.S.C. §§ 2241 and 2243, this Court should promptly issue an Order directing Respondents to show cause why the writ should not be granted and thereafter grant appropriate habeas relief.

V. PARTIES

55. Petitioner Jose De Jesus Cruz Ojeda, [redacted] is a native and citizen of Mexico.

56. Petitioner was born in 1988.

57. Petitioner entered the United States without inspection in or about 2011.

58. Petitioner has remained continuously present in the United States since his entry and has never departed.

59. Petitioner has resided in the United States for approximately fifteen years.

60. Petitioner is married and lives with his wife and their two United States citizen daughters, who are currently thirteen and eleven years old.

61. Petitioner has substantial family and community ties within the United States.

62. Petitioner has no criminal history and no prior immigration history, including no prior removal orders or prior immigration-related arrests.

63. Petitioner qualifies to seek Non-Lawful Permanent Resident Cancellation of Removal pursuant to INA § 240A(b) based upon his more than ten years of continuous physical presence, good moral character, and the exceptional and extremely unusual hardship that his removal would cause to his two United States citizen daughters.

64. Petitioner was arrested by U.S. Immigration and Customs Enforcement on or about July 7, 2026, after approximately fifteen years of continuous residence within the interior of the United States.

65. Petitioner is currently detained at the Otay Mesa Detention Center in San Diego County, California.

66. No administratively final order of removal has been entered against Petitioner.

67. Petitioner remains detained without a lawful and constitutionally adequate custody determination.

VI. RESPONDENTS

68. Respondent CHRISTOPHER J. LAROSE is the warden of Otay Mesa Detention Facility and has immediate physical custody over Petitioner. As the local custodian, the Warden is responsible for the day-to-day administration of the detention facility where Petitioner is held. The Warden is sued in his/her official capacity as a representative of the entity exercising direct custody over Petitioner.

69. Respondent JOSEPH FREDEN is the Acting Field Office Director of U.S. Immigration and Customs Enforcement (ICE), in San Diego California. ICE is the component of the Department of Homeland Security (DHS) which is responsible for detaining and removing noncitizens according to immigration law and oversees custody determinations. Mr. Freden is named in his official capacity. In his official capacity, he is a legal custodian of the petitioner.

70. Respondent MARKWAYNE MULLIN, in her official capacity as the Secretary of the Department of Homeland Security, is the highest-ranking official in DHS. She has ultimate authority over ICE and the enforcement of immigration laws, including detention policy. DHS, under Respondent Noem's direction, is responsible for the decision to continue Petitioner's detention and to designate him as subject to mandatory custody. She is sued in her official capacity.

71. Respondent TODD BLANCHE, in her official capacity as the Attorney General of the United States, oversees the U.S. Department of Justice, which includes the Executive Office for Immigration Review (EOIR). EOIR encompasses the nation's Immigration Courts and the Board of Immigration Appeals (BIA). The Attorney General has ultimate authority over immigration court procedures,

including the availability of bond hearings and the interpretation of detention statutes through precedent decisions. Respondent Bondi is sued in her official capacity.

72. Respondent EOIR (Executive Office for Immigration Review) is a component of the U.S. Department of Justice responsible for adjudicating immigration proceedings. EOIR includes the Immigration Judges who conduct removal and bond proceedings, as well as the BIA which issues appellate administrative decisions. EOIR is sued as a Respondent because it is responsible for administering the bond hearing process (or lack thereof) at issue in this case. EOIR has failed to provide Petitioner a custody redetermination process, and Petitioner seeks relief to compel EOIR to perform its duty to afford him a bond hearing under the correct legal standards.

VII. LEGAL FRAMEWORK

73. Federal immigration law establishes distinct detention schemes under the Immigration and Nationality Act ("INA") depending upon a noncitizen's procedural posture.

74. Section 1225(b) governs the detention of certain applicants for admission and recent entrants seeking admission into the United States.

75. Section 1226 governs the arrest and detention of noncitizens already present in the United States while removal proceedings remain pending.

76. Section 1231 governs detention following the entry of a final administrative order of removal.

77. The Supreme Court has recognized that these statutory provisions establish separate detention authorities depending upon a noncitizen's procedural posture. See Jennings v. Rodriguez, 583 U.S. 281, 289 (2018).

78. Petitioner falls within the category of long-term interior residents whose detention is governed by 8 U.S.C. § 1226.

79. Petitioner entered the United States without inspection in or about 2011 and has continuously resided within the United States ever since.

80. Petitioner was not apprehended at a port of entry, near the border, or immediately following his entry into the United States.

81. Rather, Petitioner was detained after approximately fifteen years of continuous residence within the interior of the United States.

82. Under these circumstances, the discretionary detention provisions of 8 U.S.C. § 1226 govern Petitioner's detention.

83. Recent district court authority has recognized that long-term interior residents detained years after entry into the United States are detained pursuant to § 1226 rather than § 1225. See Beltran v. Noem, No. 25-cv-2650-LL-DEB, 2025 WL 3078837, at *4–7 (S.D. Cal. Nov. 4, 2025).

84. Likewise, in Ramirez v. Noem, No. 3:26-cv-01880-RBM-VET (S.D. Cal. Apr. 9, 2026), the court concluded that where the petitioner had resided in the United States for many years before detention, the discretionary detention provisions of § 1226 controlled and habeas relief was warranted.

85. The same reasoning applies here.

86. Petitioner has established substantial ties to the United States through approximately fifteen years of continuous residence, his wife, and his two United States citizen daughters.

87. Petitioner also qualifies to seek Non-Lawful Permanent Resident Cancellation of Removal under INA § 240A(b), providing him with a substantial incentive to appear for all immigration proceedings.

88. Respondents have not established that Petitioner is subject to mandatory detention under 8 U.S.C. § 1226(c).

89. Petitioner has no criminal history and no prior immigration history that would justify mandatory detention.

90. Respondents therefore bear the burden of demonstrating that Petitioner's continued detention is authorized under the proper statutory framework and supported by individualized findings.

91. The Fifth Amendment imposes independent constitutional limitations upon all forms of civil immigration detention. See Zadvydas v. Davis, 533 U.S. 678, 690 (2001).

92. As the Supreme Court explained, "freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." Id.

93. Civil detention must bear a reasonable relationship to a legitimate governmental objective and may not become excessive in relation to that purpose. See Foucha v. Louisiana, 504 U.S. 71, 80 (1992).

94. Due process further requires procedures adequate to guard against the erroneous deprivation of liberty. See Mathews v. Eldridge, 424 U.S. 319, 334–35 (1976).

95. Courts have also recognized that delayed or constitutionally inadequate custody procedures do not necessarily cure the injury caused by unlawful civil detention. See E.A. T.-B. v. Wamsley, 795 F. Supp. 3d 1316, 1324 (W.D. Wash. 2025); Jorge M.F. v. Jennings, 534 F. Supp. 3d 1050, 1055 (N.D. Cal. 2021); Domingo v. Kaiser, No. 25-cv-05893-RFL, 2025 WL 1940179, at *3 (N.D. Cal. July 14, 2025).

96. In E.A. T.-B., the court held that a post-deprivation custody hearing "cannot serve as an adequate procedural safeguard because it is after the fact and cannot prevent an erroneous deprivation of liberty."

97. Similarly, Jorge M.F. recognized that once an individual has been detained, the constitutional injury has already occurred.

98. Domingo likewise concluded that even a prompt post-detention hearing cannot remedy the deprivation of liberty already suffered.

99. These principles apply with full force here.

100. Respondents continue to detain Petitioner despite his lengthy residence in the United States, his strong family ties, his eligibility for cancellation of removal, his lack of criminal history, and the absence of any individualized showing that continued detention is necessary to ensure his appearance or protect the community.

101. Under these circumstances, Petitioner's continued detention violates both the Immigration and Nationality Act and the Due Process Clause of the Fifth

Amendment, warranting immediate habeas relief or, at minimum, a prompt constitutionally adequate custody determination.

VIII. FACTS

102. Petitioner Jose De Jesus Cruz Ojeda, [redacted] is a native and citizen of Mexico.

103. Petitioner was born in 1988.

104. Petitioner entered the United States without inspection in or about 2011.

105. Petitioner has continuously resided in the United States since his entry and has never departed.

106. Petitioner has therefore lived in the United States for approximately fifteen years.

107. During that time, Petitioner established substantial family, community, and personal ties within the United States.

108. Petitioner is married and resides with his wife.

109. Petitioner's wife does not have lawful immigration status.

110. Petitioner and his wife are the parents of two United States citizen daughters.

111. Petitioner's daughters are currently thirteen and eleven years old.

112. Petitioner's daughters depend upon him for their financial support, guidance, care, and emotional well-being.

113. Petitioner's continued detention separates him from his family and prevents him from caring for and supporting his children.

114. Petitioner has no criminal history.

115. Petitioner likewise has no prior immigration history, including no prior removal proceedings, removal orders, or prior immigration-related arrests.

116. Petitioner has maintained continuous physical presence in the United States for well over ten years.

117. Based upon his continuous physical presence, good moral character, and his two United States citizen daughters, Petitioner is eligible to seek Non-Lawful Permanent Resident Cancellation of Removal pursuant to INA § 240A(b).

118. Petitioner's eligibility for cancellation of removal provides him with a strong incentive to appear for all immigration proceedings and pursue relief lawfully.

119. On or about July 7, 2026, Petitioner was arrested by officers of U.S. Immigration and Customs Enforcement while residing in the interior of the United States.

120. Petitioner was not apprehended at the border, at a port of entry, or immediately following his entry into the United States.

121. Rather, Respondents detained Petitioner after approximately fifteen years of continuous residence within the interior of the United States.

122. Petitioner is currently detained at the Otay Mesa Detention Center in San Diego County, California.

123. No administratively final order of removal has been entered against Petitioner.

124. Respondents continue to detain Petitioner despite his lengthy residence in the United States, his substantial family ties, his complete lack of criminal history,

his eligibility for Non-Lawful Permanent Resident Cancellation of Removal, and the absence of any individualized showing that continued detention is necessary to ensure his appearance at future proceedings or to protect the community.

IX. FIRST CLAIM FOR RELIEF

Violation of the Immigration and Nationality Act

Detention Contrary to Law

Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs:

125. The Immigration and Nationality Act establishes separate detention authorities depending upon a noncitizen's procedural posture. See 8 U.S.C. §§ 1225, 1226, 1231.

126. Petitioner does not challenge any administratively final order of removal because no such order has been entered against him.

127. Petitioner entered the United States without inspection in or about 2011 and has continuously resided within the interior of the United States since that time.

128. Petitioner was not apprehended at a port of entry or immediately following his entry. Rather, Respondents detained him after approximately fifteen years of continuous residence within the United States.

129. Under these circumstances, Petitioner's detention is governed by the discretionary detention provisions of 8 U.S.C. § 1226 rather than the entry-based detention provisions of § 1225 or the post-final-order detention provisions of § 1231. See Jennings v. Rodriguez, 583 U.S. 281, 289 (2018); Beltran v. Noem, No.

25-cv-2650-LL-DEB, 2025 WL 3078837 (S.D. Cal. Nov. 4, 2025); Ramirez v. Noem, No. 3:26-cv-01880-RBM-VET (S.D. Cal. Apr. 9, 2026).

130. Respondents have not established that Petitioner is subject to mandatory detention under 8 U.S.C. § 1226(c).

131. Even where detention is authorized under § 1226(a), Respondents must exercise that authority through an individualized custody determination consistent with the Immigration and Nationality Act and the Constitution.

132. By continuing to detain Petitioner without establishing that his detention is authorized under the proper statutory framework or supported by individualized findings, Respondents have exceeded their authority under the Immigration and Nationality Act.

133. Because Petitioner is presently in custody in violation of the laws of the United States, habeas relief is authorized under 28 U.S.C. § 2241.

134. Petitioner respectfully requests that this Court declare his continued detention contrary to the Immigration and Nationality Act and grant appropriate habeas relief.

X. SECOND CLAIM FOR RELIEF

Violation of the Fifth Amendment

Procedural Due Process

Petitioner incorporates by reference all preceding paragraphs as if set forth fully herein:

135. The Fifth Amendment prohibits the federal government from depriving any person of liberty without due process of law.

136. Civil immigration detention constitutes a significant deprivation of liberty and therefore must be accompanied by constitutionally adequate procedural safeguards. See Zadvydas v. Davis, 533 U.S. 678, 690 (2001).

137. The adequacy of those procedures is evaluated under the balancing test set forth in Mathews v. Eldridge, 424 U.S. 319, 334–35 (1976).

138. Petitioner's interest in physical liberty is fundamental, and his continued detention separates him from his wife and two United States citizen daughters.

139. The risk of erroneous deprivation is substantial because Respondents continue to detain Petitioner without demonstrating through individualized findings that he presently poses a danger to the community or a flight risk requiring continued confinement.

140. Petitioner has approximately fifteen years of residence in the United States, substantial family ties, no criminal history, and eligibility to seek Non-Lawful Permanent Resident Cancellation of Removal.

141. Additional procedural safeguards, including a constitutionally adequate custody determination applying the correct statutory framework, would substantially reduce the risk of an erroneous deprivation of liberty.

142. Although the Government has legitimate interests in ensuring appearance at removal proceedings and protecting the public, those interests do not justify

continued detention absent constitutionally sufficient procedures and individualized findings.

143. Respondents have failed to provide Petitioner with constitutionally adequate procedures to justify his continued confinement.

144. Accordingly, Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment, and he is entitled to habeas, declaratory, and injunctive relief.

XI. THIRD CLAIM FOR RELIEF

Violation of the Administrative Procedure Act

5 U.S.C. § 706 – Arbitrary, Capricious, and Contrary to Law Agency Action

Petitioner incorporates by reference all preceding paragraphs as if set forth fully herein:

145. To the extent judicial review is available under the Administrative Procedure Act ("APA"), this Court must hold unlawful and set aside agency action that is arbitrary, capricious, contrary to law, or in excess of statutory authority. 5 U.S.C. § 706(2)(A), (C).

146. Respondents' decision to arrest and continue detaining Petitioner constitutes final agency action because it directly determines Petitioner's continued confinement.

147. Respondents failed to meaningfully consider Petitioner's lengthy residence in the United States, his substantial family ties, his lack of criminal history, his eligibility for Non-Lawful Permanent Resident Cancellation of Removal, and the absence of individualized evidence demonstrating that continued detention is necessary.

148. Respondents likewise failed to adequately consider reasonable alternatives to detention or provide a reasoned explanation why continued confinement, rather than less restrictive conditions of supervision, was warranted.

149. Agency action is arbitrary and capricious where the agency fails to consider important aspects of the problem or provides a decision unsupported by a reasoned explanation. See Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43 (1983).

150. By continuing Petitioner's detention without adequately considering the relevant facts or providing an individualized basis for its decision, Respondents acted arbitrarily, capriciously, contrary to law, and in excess of their statutory authority.

151. Accordingly, Petitioner is entitled to relief under 5 U.S.C. § 706.

XII. FOURTH CLAIM FOR RELIEF

Violation of the Fifth Amendment

Substantive Due Process – Arbitrary Civil Detention

Petitioner incorporates by reference all preceding paragraphs as if set forth fully herein:

152. The Due Process Clause of the Fifth Amendment imposes substantive limits on the Government's authority to subject individuals to civil immigration detention. See Zadvydas v. Davis, 533 U.S. 678, 690 (2001).

153. Civil detention is constitutionally permissible only where it bears a reasonable relationship to a legitimate governmental objective and is not excessive in relation to that objective. See Foucha v. Louisiana, 504 U.S. 71, 80 (1992).

154. Petitioner's continued detention does not satisfy these constitutional requirements.

155. Respondents have not identified individualized facts demonstrating that Petitioner presently poses a danger to the community or a flight risk that cannot be addressed through reasonable conditions of release.

156. Petitioner has approximately fifteen years of continuous residence in the United States, substantial family ties, two United States citizen daughters, no criminal history, and eligibility to seek cancellation of removal.

157. Respondents have not demonstrated that continued detention remains reasonably necessary to ensure Petitioner's appearance or accomplish any other legitimate regulatory purpose.

158. Where, as here, Respondents continue civil detention without an individualized showing that confinement remains necessary, the detention becomes arbitrary and violates the substantive protections of the Fifth Amendment.

159. Accordingly, Petitioner's continued detention constitutes unconstitutional arbitrary civil detention, and he is entitled to habeas, declaratory, and injunctive relief.

XIII. FIFTH CLAIM FOR RELIEF

Immediate Release Required; Alternatively, Prompt Constitutionally Adequate Custody Determination

Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs:

160. Immediate release is the appropriate remedy where a noncitizen is detained under an unlawful statutory framework or without constitutionally adequate procedural protections.

161. As recognized in Ramirez v. Noem, No. 3:26-cv-01880-RBM-VET (S.D. Cal. Apr. 9, 2026), a long-term interior resident detained under the wrong detention framework may be entitled to immediate habeas relief.

162. Petitioner has resided in the United States for approximately fifteen years, has substantial family ties, has no criminal history, is eligible to seek Non-Lawful Permanent Resident Cancellation of Removal, and Respondents have failed to establish that his continued detention is necessary under the proper statutory framework or supported by individualized findings.

163. Federal courts have likewise recognized that a delayed or inadequate custody hearing cannot fully remedy the constitutional injury caused by unlawful detention. See E.A. T.-B. v. Wamsley, 795 F. Supp. 3d 1316, 1324 (W.D. Wash. 2025); Jorge M.F. v. Jennings, 534 F. Supp. 3d 1050, 1055 (N.D. Cal. 2021); Domingo v. Kaiser, No. 25-cv-05893-RFL, 2025 WL 1940179, at *3 (N.D. Cal. July 14, 2025).

164. Under these circumstances, immediate release is the only remedy capable of fully addressing Petitioner's ongoing statutory and constitutional injuries.

165. In the alternative, if the Court declines to order Petitioner's immediate release, it should require Respondents to provide Petitioner with a prompt

constitutionally adequate custody determination before a neutral decision-maker within five (5) days, with Respondents bearing the burden of proving by clear and convincing evidence that continued detention is necessary.

166. If Respondents fail to provide such a constitutionally adequate custody determination within the time ordered by the Court, Petitioner should be immediately released from custody.

167. The Court should further prohibit Respondents from transferring Petitioner outside the jurisdiction of this Court during the pendency of this action absent prior authorization from the Court.

168. Because Petitioner's continued detention violates both the Immigration and Nationality Act and the Fifth Amendment, this Court should grant the requested writ of habeas corpus and such further relief as justice requires.

XIV. PRAYER FOR RELIEF

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

1. Assume jurisdiction over this Petition pursuant to 28 U.S.C. §§ 2241 and 1331;
2. Issue the Writ of Habeas Corpus or, alternatively, issue an Order directing Respondents to show cause why the writ should not be granted pursuant to 28 U.S.C. § 2243;
3. Declare that Petitioner's continued detention is unlawful and violates the Immigration and Nationality Act, the Administrative Procedure Act, and the Due Process Clause of the Fifth Amendment;

4. Declare that Petitioner's detention is governed by 8 U.S.C. § 1226 and not by the detention provisions of 8 U.S.C. § 1225(b) or 8 U.S.C. § 1231;
5. Declare that Respondents have failed to provide Petitioner with constitutionally adequate procedural protections sufficient to justify his continued civil immigration detention;
6. Declare that Petitioner's continued detention, absent individualized findings demonstrating present necessity, violates both procedural and substantive due process under the Fifth Amendment;
7. Declare that Respondents' continued detention of Petitioner is arbitrary, capricious, contrary to law, and in excess of their statutory authority within the meaning of the Administrative Procedure Act, 5 U.S.C. § 706;
8. Issue a Writ of Habeas Corpus directing Respondents to immediately release Petitioner from immigration custody, subject to reasonable conditions of supervision if the Court deems such conditions appropriate;
9. In the alternative, if the Court declines to order Petitioner's immediate release, order Respondents to provide Petitioner with a prompt and constitutionally adequate custody determination before a neutral decision-maker within five (5) days of the Court's Order;
10. Order that, at any such custody determination, Respondents bear the burden of proving by clear and convincing evidence that Petitioner presently poses either a danger to the community or a risk of flight that cannot reasonably be mitigated through appropriate conditions of release;

11. Order that, if Respondents fail to provide the constitutionally adequate custody determination required by this Court within the prescribed time, Petitioner shall be immediately released from custody;
12. Issue appropriate declaratory and injunctive relief prohibiting Respondents from continuing Petitioner's unlawful detention during the pendency of this action;
13. Enjoin Respondents from transferring Petitioner outside the jurisdiction of this Court while this Petition remains pending, absent prior authorization from this Court;
14. Award Petitioner his reasonable attorneys' fees and costs to the extent authorized by law, including pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412;
15. Grant such other and further relief as this Court deems just, proper, and equitable under the circumstances.

Respectfully submitted on:
July 11, 2026

/s/ Daniel S. Castaneda

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28 U.S.C. § 2242 VERIFICATION STATEMENT

I, Daniel S. Castaneda, submit this verification on behalf of the petitioner because I am the Petitioner's attorney. I have discussed with the Petitioner the events described in this Petition and Complaint. On the basis of those discussions, I hereby verify that the statements made in this Petition and Complaint are true and correct to the best of my knowledge.

Respectfully submitted on:

Dated: July 11, 2026

/s/ Daniel S. Castaneda

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