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PEDRO DIEGO LUCAS MARTIN

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'26CV4040 JO BJW

Pedro Diego LUCAS MARTIN,

Petitioner,

v.

CHRISTOPHER J. LAROSE, Senior Warden, Otay Mesa Detention Center, San Diego, California; GREGORY J. ARCHAMBEAULT, Field Office Director, San Diego Office of Detention and Removal, U.S. Immigrations and Customs Enforcement; U.S. Department of Homeland Security; DAVID J. VENTURELLA, Acting Director, Immigration and Customs Enforcement, U.S. Department of Homeland Security; DAREN K. MARGOLIN, Acting Director for Executive Office for Immigration Review; MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security; TODD BLANCHE, Attorney General of the United States;

Respondents.

CIVIL CASE NO.:

AGENCY NO. [redacted]

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

INTRODUCTION

1. Petitioner, Pedro Diego Lucas Martin (hereinafter "Mr. Lucas Martin" or "Petitioner"), has been residing continuously in the United States since 2016, and was apprehended by immigration authorities on or around June 24, 2026 in California, during an immigration enforcement action.

2. Mr. Lucas Martin currently detained at the Otay Mesa Detention Center by immigration authorities and is the subject of pending removal proceedings.

3. Mr. Lucas Martin is charged with having entered the United States without inspection and being present without valid immigration documents. 8 U.S.C. § 1182(a)(6)(A)(i), § 1182(a)(7)(A)(i).

4. Pursuant to *Matter of Yajure-Hurtado* 29 I&N Dec. 216 (BIA 2025) and Executive Office for Immigration Review ("EOIR") policy, Respondents have taken the position that 8 U.S.C. § 1225(b)(2)(A) applies to all noncitizens who entered the United States without valid entry documents, regardless of the length of their residence in the United States or the location at which they were apprehended, and therefore such individuals are subject to mandatory detention pending removal proceedings.

5. This reading is a violation of the statute and due process.

6. As such, Petitioner seeks an order of declaratory and injunctive relief and set aside relief under the Administrative Procedure Act requiring that they be released, or in the alternative, be provided an individualized bond redetermination hearing before an immigration judge.

7. In the interim, Petitioner seeks an order from the Court that they are not removed from this judicial district pending disposition of their petition for writ of habeas corpus.

PARTIES

8. Petitioner, Pedro Diego Lucas Martin, is a 24-year-old native and citizen of Guatemala, who has been detained by Immigration and Customs Enforcement ("ICE") since approximately June 24, 2026.

9. Respondent Christopher J. LaRose is the Senior Warden of Otay Mesa. He is employed by CoreCivic, a private, for-profit corporation that owns and manages private prisons and detention centers. Respondent LaRose is the immediate physical custodian of Petitioner. He is sued in his official capacity.

10. Respondent Gregory J. Archambeault is the San Diego ICE Field Office Director. In this capacity, he has responsibility for and authority over the detention and removal of noncitizens housed at Otay Mesa; is authorized to release Petitioner; and is a legal and immediate custodian of Petitioner. He has supervisory

authority over ICE detention and deportation officers assigned to Otay Mesa. He is sued in his official capacity.

11. Respondent David J. Venturella is the Acting Director of U.S. Immigration and Customs Enforcement. As the highest-ranking officer for ICE, he has authority over all of the policies challenged in this action. He is sued in his official capacity.

12. Respondent Daren K. Margolin is the Acting Director for Executive Office for Immigration Review, which is a component agency of the Department of Justice responsible for conducting removal and bond hearings of noncitizens. EOIR is comprised of a lower adjudicatory body administered by immigration judges and an appellate body known as the Board of Immigration Appeal (BIA). Immigration judges issue bond redetermination hearing decisions, which are then subject to appeal to the BIA. He is sued in his official capacity.

13. Respondent Markwayne Mullin is the Secretary of the U.S. Department of Homeland Security ("DHS"), and is sued in his official capacity. The Secretary of Homeland Security is charged with the administration and enforcement of immigration laws. 8 U.S.C. § 1103(a).

14. Respondent Todd Blanche is the Attorney General of the United States and is sued in his official capacity as the head of the Department of Justice. The Attorney General is responsible for the fair administration of the laws of the United States.

JURISDICTION AND VENUE

15. This Court has jurisdiction under 28 U.S.C. § 2241 (federal habeas statute); 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 2201-2 (declaratory judgment); United States Constitution Article I, Section 9 (Suspension Clause).

16. Petitioner is currently detained in the custody of Respondents at the Otay Mesa Detention Facility in San Diego, California. Venue lies in the United States District Court for the Southern District of California, the judicial district in which Petitioner is currently in custody. Venue is proper in the Southern District of California under 28 U.S.C.A. § 1391, as venue is proper in any district in which a defendant resides, and a substantial part of the events giving rise to Petitioner's claims occurred in this District.

REQUIREMENTS OF 28 U.S.C. § 2243

17. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause "forthwith," unless Petitioner is not entitled to relief. *See* 28 U.S.C. § 2243. If an order to show cause is issued, the Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

18. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . affording as it does a swift and imperative remedy in all cases

of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added) (citation omitted).

EXHAUSTION OF REMEDIES

19. Habeas claims are generally accompanied by a prudential exhaustion requirement. *Hernandez v. Sessions*, 872 F.3d 976, 988(9th Cir. 2017)("The exhaustion requirement is prudential, rather than jurisdictional, for habeas claims").

20. "[A] court may waive the prudential exhaustion requirement if 'administrative remedies are inadequate or not efficacious, pursuit of administrative remedies would be a futile gesture, irreparable injury will result, or the administrative proceedings would be void.'" *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017) (quoting *Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004)).

21. In this case, exhaustion would be futile because the Board of Immigration Appeals is obligated to apply the binding precedent of *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025) to find that detention is mandatory under 8 U.S.C. § 1225(b)(2). *See, e.g., Garcia v. Noem*, No. 25-CV-2180-DMS-MMP, 2025 WL 2549431, at *4-5 (S.D. Cal. Sept. 3, 2025); *Valdovinos v. Noem*, No. 25-CV-2439 TWR (KSC), slip op. at 9 (S.D. Cal. Sept. 25, 2025).

22. If required to go through EOIR, Petitioner will suffer irreparable harm in the form of continued detention without a legally adequate opportunity to demonstrate his entitlement to bond.

23. Therefore, a writ of habeas corpus is the sole avenue to vindicate Mr. Lucas Martin's constitutional, statutory, and regulatory rights and restore his liberty.

LEGAL FRAMEWORK

24. The Immigration and Nationality Act (INA) prescribes three basic forms of detention for noncitizens in removal proceedings.

25. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard non-expedited removal proceedings before an immigration judge (IJ). *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

26. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).

27. Last, the Act also provides for detention of noncitizens who have been previously ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

28. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

29. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104-–208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section 1226(a) was most recently amended last year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

30. Following enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

31. Thus, in the decades that followed, most people who entered without inspection, unless they were subject to some other detention authority, received bond hearings. That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed "arriving" were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); see also H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply "restates" the detention authority previously found at § 1252(a)).

32. On July 8, 2025, ICE, "in coordination with" DOJ, announced a new policy that rejected well-established understanding of the statutory framework and reversed decades of practice.[1]

33. The new policy, entitled "Interim Guidance Regarding Detention Authority for Applicants for Admission," claims that all persons who entered the United States without inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A). *Id.* The policy applies regardless of when a person is apprehended, and affects those who have resided in the United States for months, years, and even decades.

34. On September 5, 2025, the BIA adopted this same position in a published decision, *Matter of Yajure Hurtado*. There, the Board held that all noncitizens who entered the United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are ineligible for IJ bond hearings.

35. Courts have uniformly rejected DHS's and EOIR's new interpretation because it defies the INA. *See, e.g., Arias Torres v. Bondi,* No. 25-cv-2457-BAS-MSB, 2025 WL 3214773 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose,* No. 25-cv-2717-JES-AHG, 2025 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Lagarda-Vega v. Noem,* No. 25-cv-2970-GPC-DDL, 2025 WL 3558931 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-AGS-DDL, ECF No. 7 (S.D. Cal. Dec.

[1] Available at https://www.aila.org/library/ice-memo-interim-guidance-regardingdetention-authority-for-applications-for-admission

12, 2025); *Amaya v. Noem,* No. 25cv2892-BTM-DEB, 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025).

36. Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

37. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute's entire framework is premised on inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies "at the Nation's borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

38. Moreover, Petitioner meets the criteria of the Bond Eligible Class certified in *Maldonado Bautista v. Santacruz*, 813 F. Supp. 3d 1084 (C.D. Cal. 2025). Petitioner lacks lawful immigration status in the United States, entered the United States without inspection approximately ten years ago, was not apprehended upon entry, and is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231. Accordingly, Petitioner would fall within the class definition adopted by the district court in *Maldonado Bautista*. *See id.* at 1127.

39. Petitioner acknowledges the Ninth Circuit has stayed certification of the class and entry of final judgment in *Maldonado Bautista* outside the Central

District of California. *See Bautista v. U.S. Dep't of Homeland Security*, No. 26-1044 (9th Cir. Mar. 31, 2026). Petitioner does not contend that his membership in the *Maldonado-Bautista* class alone entitles him to relief. Rather, Petitioner submits that there are no material factual differences between his circumstances and those identified by the *Maldonado-Bautista* court.

40. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply to people like Petitioner, who have already entered and were residing in the United States at the time they were apprehended.

STATEMENT OF FACTS

41. Mr. Lucas Martin is a 24-year-old native and citizen of Guatemala.

42. Mr. Lucas Martin entered the United States without inspection over in May 2016, over 10 years ago, and was not apprehended upon arrival.

43. Since 2016, Mr. Lucas Martin has resided in the United States for the past decade.

44. On June 24, 2026, he was arrested by immigration authorities as part of a widescale immigration enforcement action.

45. Petitioner was traveling as a passenger in a vehicle driven by Petitioner's brother near Temecula, California. The vehicle was stopped by Immigration and Customs Enforcement ("ICE") officers. Several ICE officers approached the vehicle and questioned Petitioner and Petitioner's brother regarding their immigration status.

46. Petitioner's brother attempted to explain that he had a pending Form I-589 application. According to Petitioner, the officers did not permit him to fully explain his immigration status. The officers then opened the vehicle doors and took both Petitioner and Petitioner's brother into custody.

47. Petitioner states that the officers did not advise either individual of any rights before taking them into custody.

48. Following the arrest, Petitioner and Petitioner's brother were transported to a detention facility. While there, Petitioner requested the opportunity to contact relatives or an attorney. Petitioner states that officers informed him that he could only contact the Guatemalan Consulate and was not permitted to make a telephone call to family members or counsel.

49. After various hours after being taken into custody, Petitioner's brother was released.

50. Petitioner, however, remained in ICE custody and was subsequently transferred to the Otay Mesa Detention Center, where he remains detained.

51. On June 26, 2026, Respondents commenced removal proceedings against Mr. Lucas Martin as someone who entered the United States without inspection.

52. As a result, Petitioner remains in detention.

53. Without relief from this court, he faces the prospect of months, or even years, in immigration custody, separated from his family and community.

CLAIMS FOR RELIEF

COUNT ONE
Violation of the INA

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

55. Pursuant to *Matter of Yajure Hurtado* 29 I&N Dec. 216 (BIA 2025), the government has a policy and practice of applying § 1225(b)(2) to individuals like Petitioner.

56. The government has taken the position that noncitizens who have entered the country without inspection are applicants for admission under § 1225(a)(1) and are seeking admission under § 1225(b)(2)(A), whether they are passively residing in the country or not.

57. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

58. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates the INA.

59. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner's statutory rights under the INA.

COUNT TWO

Violation of 8 C.F.R. § 287.8(c)(2)(ii): Warrantless Arrests Without Probable Cause of Flight Risk

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

61. Respondents ICE arrested Petitioner without a warrant and without "reason to believe" that they were "likely to escape before a warrant can be obtained" in violation of 8 C.F.R. § 287.8(c)(2)(ii). The reason to believe standard meets the probable cause standard of the Fourth Amendment. *Perez Cruz v. Barr*, 926 F.3d 1128, 1137 (9th Cir. 2019).

62. Arrest in violation of the regulation is unlawful. See Sanchez v. Sessions, 904 F.3d 643, 650 (9th Cir. 2018); Perez Cruz v. Barr, 926 F.3d 1128, 1137 (9th Cir. 2019).

COUNT THREE

Fifth Amendment: Violation of Due Process

63. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

64. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

65. Petitioner has a fundamental interest in liberty and being free from official restraint.

66. The government's detention of Petitioner violates his rights to due process because he has been detained without lawful authority, infringing on his fundamental right to liberty.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully prays the Court to:

1) Assume jurisdiction over this matter;
2) Order that Petitioner shall not be transferred outside the Southern District of California while this habeas petition is pending;
3) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three (3) days;
4) Issue a Writ of Habeas Corpus requiring that Respondents immediately release Petitioner;

5) In the alternative, provide Petitioner with an individualized bond hearing pursuant to 8 U.S.C. § 1226(a) within 10 days;

6) Award Petitioner his costs and reasonable attorneys' fees in this action as provided for by the Equal Access to Justice Act, 28 U.S.C. § 2412, other statute; and

7) Grant any other and further relief this Court deems just and proper.

DATED this 14th of July, 2026

By: /s/ Priscilla Merida

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28 U.S.C. § 2242 VERIFICATION STATEMENT

I am submitting 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.

Dated this 14th of July, 2026

By: /s/ Priscilla Merida

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