NAME
Chilel Monson Nicolas
PRISON NUMBER
[redacted]
PLACE OF CONFINEMENT
DHS/MTC IRDF
ADDRESS
1572 Gateway Road
Calexico, CA 92231

FILED
JUL 13 2026
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DGE DEPUTY

United States District Court
Southern District Of California

Chilel Monson Nicolas
(FULL NAME OF PETITIONER)
Petitioner

v.

Warden Jeremy Casey,
(NAME OF WARDEN, SUPERINTENDENT, JAILOR, OR AUTHORIZED PERSON HAVING CUSTODY OF PETITIONER, E.G. PAROLE OFFICER)
Respondent

and
The Attorney General of the State of California, Additional Respondent.

Civil No. '26CV4029 JLS SBC
(TO BE FILLED IN BY CLERK OF U.S. DISTRICT COURT)

PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2241

1. Are you currently:
   - ☐ A pretrial detainee (waiting for trial on criminal charges)
   - ☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
     If you are currently serving a sentence, provide:
     (a) Name and location of court that sentenced you: _____
     _____
     (b) Docket or case number (if you know): _____
     (c) Date of sentencing: _____
   - ☑ Being held on immigration charge
   - ☐ Other (explain): _____
     _____

2. Are you currently being held on orders by:
☑ Federal authorities ☐ State authorities ☐ Other - explain: Department of Homeland Security (DHS)

3. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities
☐ Pretrial detention
☑ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed
☐ Disciplinary proceedings
☐ Other (specify):

4. Provide more information about the decision or action you are challenging:
(a) Name and location of the court or agency: Imperial Immigration Court 2409 La Brucherie Rd, Imperial CA 92251
(b) Case number, docket number or opinion number (if you know) [redacted]
(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): Ice redetermination Custody and Prolonged Detention
(d) Date of the decision or action: September 19, 2025

5. Did you appeal the decision, file a grievance or seek an administrative remedy?
☑ Yes ☐ No

(a) If your answer to 5 was "Yes," give the following information:

(1) Name of court, agency or authority: DHS/ICE/MTC, IRDF 1572 Gateway Road Calexico, CA, Imperial Court 92251
(2) Date of filing: July 14, 2026
(3) Case number, docket number or opinion number: [redacted]
(4) Result: Pending.
(5) Date of result: Pending.
(6) Issues raised: I was asking ICE for another Custody review Appealing the Immigration Judge's denial in my merits proceedings to the (BIA)

(b) If your answer to 5 was "No,"explain why you did not appeal: _____

6. After the first appeal, did you file a **second appeal** to a higher authority, court or agency?

☐ Yes ☐ No

(a) If your answer to 6 was "Yes," give the following information:

(1) Name of court, agency or authority: _____

(2) Date of filing: _____
(3) Case number, docket number or opinion number: _____
(4) Result: _____
(5) Date of result: _____
(6) Issues raised: _____

(b) If your answer to 5 was "No,"explain why you did not appeal: _____

7. After the second appeal, did you file a **third appeal** to a higher authority, agency or court?

☐ Yes ☐ No

(a) If your answer to 7 was "Yes," give the following information:

(1) Name of court, agency or authority: _____

(2) Date of filing: _____
(3) Case number, docket number or opinion number: _____
(4) Result: _____
(5) Date of result: _____
(6) Issues raised: _____

(b) If your answer to 7 was "No,"explain why you did not appeal: _____

8. **State *concisely* every ground on which you claim that you are being held in violation of the constitution, law or treaties of the United States. Summarize *briefly* the facts supporting each ground.** If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available court remedies as to each ground on which you request action by the federal court. Moreover, if you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

You should *raise in this petition all available grounds* on which you base your allegations that you are being held in custody unlawfully.

GROUND ONE: Jurisdiction and Venue of petitioner

(a) **Supporting FACTS** (state *briefly* without citing cases or law) This Court has jurisdiction under 28 U.S.C 2241 because Petitioner is in Custody under the authourity of the United States, and Challenges the legality of Continued detention. Venue is proper in the Southern District of California, where Petitioner is detained. Petitioner, Chilel Monson Nicolas (A# [redacted]), is currently detained by The U.S Immigration and Customs Enforament (ICE) at Imperal Regional Detention facility, 1572 Gateway Road Calexico, California 92231.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes ☐ No

GROUND TWO: Legal Claims (Statement of facts)

(a) Supporting FACTS (state *briefly* without citing cases or law): Petitioner is a non citizen Currently detained by responding pending removal Proceedings. Petitioner is pursing the following Claims. Ices Continued detention of Petitioner is Unconstitutional and unlawful because Petitioner has been detained for over Six months the Presumed limit for unlawful detention in this Court Circuit. The total length of detention to date is over 10 months. The approach adopted by the United States Court of appeals for the Ninth Circuit is to apply a bright line rule to Cases of Mandatory detention, where the governments Statutory mandatory detention authority is limited to a Six months period, Subject to a finding of flight risk or dangerousness

I have been detained for over 10 months and I have exhausted administrative remedies by appealing to the BIA, Sending request upon release to the Warden and to Enforcement and removal Operations (ICE) and none haven responded upon my requests. (See attached Exhibit A)

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes ☐ No

GROUND THREE: Violation of the Due process clause of the Fifth Amendment of the United States Constitution.

(a) **Supporting FACTS** (state *briefly* without citing cases or law): It is well settled that the fifth amendment entitles aliens to due process in deportation proceedings. The Due Process Proven Clause applies to all persons within the United States including aliens, whether their presence here is lawful, unlawful temporary or permanent. More than a decade ago in the Zadvydas decision, the United States Supreme Court signaled its concerns about the constitutionality of a statutory scheme that ostensibly authorized indefinite detention of noncitizens. Two years later, when the Court upheld the Constitutionality of 1226(C), in the Demore decision it emphasized that for detention under the statute to be reasonable, it must be for a brief period of time. Justice Kennedy explained in his concurrence in the Demore decision that were to be an unreasonable delay by the Immigration and Naturalization Service in pursuing and completing deportation proceedings it could become necessary then to inquire whether the detention is not to facilitate deportation or to protect against risk of flight or dangerousness but to incarcerate for other reasons.

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes ☐ No

GROUND FOUR: Prolonged Detention

(a) **Supporting FACTS** (state *briefly* without citing cases or law): "I am detained under 1226(b), because I was not not arriving" when I was arrested by Ice since I am not a recent entrant or Seeking Asylum. My Continued detention without a bond hearing violates the Immigration and Nationality act and the fifth amendment of the United States Constitution. Petitioner have lived in the country for over 23 years and he entered without inspection. He is a resident of Lacashim California.

Petitioner reflected a determination by the government that he was neither a flight risk nor danger to the Community and has a strong interest in remaining at liberty Unless he no longer needs the Criteria.

Petitioner was not provided with any document regarding his arrest. He asserted that he has been denied Due process. Petitioner have no Criminal record and has never been Convicted. Despite his pending removal proceedings he has been in Ice's Custody for over 10 months such prolonged detention violates The Supreme Court's decision in Zadvydas v. Davis.

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes ☐ No

9. If any of the grounds listed in 4A, B, C, and D were not previously presented in any other court, state or federal, state briefly what grounds were not presented, and give your reasons for not presenting them:

Chilel Monson Nicolas (A[redacted]

GROUND FIVE: (Continued detention and total length of detention to date)

Petitioner entered the United States without Inspection and has continously resided in the Country for over twenty two years. Petitioner argues that his detention is under 1226(a) not 1225(b) because he was not arriving, or seeking admission and not a recent entrant. Petitioner Continued detention violates the Immigration and Nationality Act and the fifth amendment.

Petitioner unreasonable prolonged detention violates the Constitution. In Demore the Supreme Court Considered a Due process challenge to 1226(c) which mandates detention during removal proceedings for non-citizens convicted of certain crimes. In so holding the Court stressed the brief nature of the majority detention under 1226(c) which a definite termination point that, in the majority of cases resulted in detention of less than 90 days, and in the vast majority, less than about 5 months, Justice Kennedy who provided the fifth case, Concurred, Separatively to state that a non-citizen Could still be Constitutionally entitled to an individualized 14 determination as to his risk of flight and dangerousness if Continued detention becomes unreasonable and unjustified.

Following Demore, the Ninth Circuit, has Continued to expressed grave doubts that any statue that allows for abitrary prolonged detention without any process is un-Constitutional or that those who founded Our democracy Precisely to protect against the government's arbitrary deprivation of liberty would have though so.

District Courts in the Ninth Circuit have been extremely-way of Permitting Continued Custody absent a bond hearing

Chilel Monson Nicolas (A# [redacted])
after Habeas Petitioners have spent a long time in mandatory detention. The Court Concludes that unreasonably prolonged detention without a bond hearing may violate the Due Process.

Petitioner's prolonged detention without a bond hearing violates his Due Process rights. District Courts apply a variety of tests to access prolonged detention Claims and the Mathews test is one of them. Courts routinely apply the Mathews test to access the Contitutionality of Immigration detention Procedures observing that the Ninth Circuit and other Circuits Continued to apply the Mathews test nothwithstanding the government's heightened interest in detaining immigrants and applying the Mathews test to determine whether detainee entitled to bond hearing

Petitioner's Constitutional entitlement to a bond hearing under the mathews test weighing

(1) The private interest at stake
(2) The risk of an erroneous deprivation of that private interest and the value of additional safeguards and;
(3) The government interest

Petitioner's have a clear private interest in their own liberty freedom from bodily restriant has always at the Core of the liberty, Protected by the Due Process Clause from arbitrary government action. When assessing the strength of that interest, length of detention is the most important factor, some district Courts Consider a year in detention to be a benchmark. Others have released petitioners as little as two months, granting bonds after 11 months of detention, granting bond after 8 months.

The reason for delay is also relevant to the significance of the petitioner's liberty interest, petitioner's liberty interest maybe diminished when they prolonged their detention by taking advantage of their right to appeal, or where they

Chilel Monson Nicolas (A# [redacted]) received bond hearings in detention, but where determined ineligible for release. Under the first Mathews prong of analysis, we cannot simply count petitioners months of detention, and leave it like that, we must consider the process he received during this time, the full process that was available to him, and the fact that his detention was prolonged due to his decision to challenge his removal order.

Petitioner's liberty interest is also implicated by the conditions under which he is confined. Petitioner pleads the Court should consider evidence of harsh, inhumane or unsanitary conditions under the Mathews first factor in immigration detention cases. Petitioner alleges that medical care in Imperial regional detention facility is poor, and that he was obliged to clean himself without appropriate cleaning products, these conditions adds to stakes of depriving petitioner of his liberty. Petitioner has a highly significant interest in liberty, firstly 10 months in detention is sufficiently long to establish a strong liberty interest.

Petitioner has also provided evidence that has liberty is hightened because the alternative keeping him in detention would mean subjecting him to conditions that are unhygiene and inhumane.

The (BIA) properly noted that the government bore the burden to establish by clear and convincing evidence that the detained non citizen is a danger to community in the content of prolonged detention under 8 U.S.C 226(c)

Petitioner alleges that the government has a strong interest in the efficient administration of immigration laws, including those regarding detention of non citizens, however governments interest in detention will still be adequate, protected if immigrants are afforded some minimal procedural

Chilel Monson Nicolas (A# [redacted])

Guarantees. Furthermore it is not costly or difficult for the government to provide citizens with a bond hearing (Custody hearings are routine and impose a "minimal cost"

Although a final Order of Removal is a relevant factor in the (flight risk) calculus, it alone does not constitute clear and convincing evidence that SRJH presented a flight risk justifying denial of bond.

Under penalty of perjury, I declare that the above information is true and correct to the best of my knowledge.

Respectfully Submitted)

Chilel Monson Nicolas

• Nicolas chilel monson

July 09, 2026

Chilel Monson Nicolas (A# [redacted])

GROUND SIX: Prayer for Relief

(a) Supporting facts:

Wherefore, Petitioner respectfully request that the Court;

(1) Issue a Writ of Habeas Corpus Ordering Petitioner release from ICE Custody; OR

(2) In the alternative Order an Individualised bond hearing before an Immigration Judge within 7 days, with the government bearing the burden of the proof;

(3) Declare that the Petitioners prolonged detention violates the fifth Amendment;

(4) Grant any other relief the Court deems just and Proper

Respectfully Submitted,

Chilel Monson Nicolas

*Nicolas Chilel MONSON

July 09, 2026

10. Do you have any petition or appeal now pending in any court, either state or federal, as to the execution of sentence under attack?

☐ Yes ☐ No

11. Give the name and address, if known, of each attorney who represented you in the following stages of the execution of sentence attacked herein:

(a) In any post-conviction proceeding _____

(b) On appeal from any adverse ruling in a post-conviction proceeding _____

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

_____
SIGNATURE OF ATTORNEY (IF ANY)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

July 09, 2026
(DATE)

[redacted]
SIGNATURE OF PETITIONER