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UNITED STATES DISTRICT COURT FOR

THE SOUTHERN DISTRICT OF CALIFORNIA

Jafet Estrada Solis,
A No. [redacted]

Petitioner,

v.

Christopher La Rose, Warden, Otay Mesa Detention Center;
Daniel Brightman, in his official capacity as Director of the San Diego Field Office, U.S. Immigration and Customs Enforcement
Director, Todd Blanche in his official capacity as Acting Attorney General

Respondents.

Case No. '26CV4050 AGS JAC

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

INTRODUCTION

1. Petitioner Jafet Estrada-Solis ("Mr. Estrada Solis" or "Petitioner") is a 52-year-old native and citizen of Mexico who has lived continuously in the United States since 2004. He has four United States citizen children. He has no criminal history. He was taken into custody following a routine traffic stop for an equipment violation on a truck he was driving and remains in custody.

2. He is a member of the Bond Eligible Class certified in *Maldonado Bautista v. Santacruz*, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment).

3. On or about June 15, 2026, Florida police stopped Mr. Estrada Solis while driving a truck for an equipment violation. He was not arrested for any criminal offense.

4. Following the stop, immigration authorities took Petitioner into custody in Florida. On June 16, 2026, DHS issued Petitioner a Notice to Appear, charging him with removability under INA § 212(a)(6)(A)(i), 8 U.S.C. § 1182(a)(6)(A)(i), as a noncitizen present in the United States without having been admitted or paroled. **Exhibit A, Notice to Appear**.

5. Petitioner's immigration counsel timely filed a request for a custody redetermination while Petitioner was detained in Florida. Before that motion could be heard, and while it was pending, Respondents transferred Petitioner to the Otay Mesa Detention Center.

6. The Immigration Judge in Orlando, Florida, then denied the motion for lack of jurisdiction and improper venue because Petitioner was now detained in this District. **Exhibit B, Order of the Immigration Judge** (July 9, 2026) (citing 8 C.F.R. § 1003.19(c)(1) and *Matter of Vizcaino Aybar*, 29 I&N Dec. 736 (BIA 2026)).

7. Respondents' own transfer thus extinguished the only bond proceeding Petitioner had pending, leaving him with no forum in which his eligibility for release has ever been meaningfully considered. And any renewed request Petitioner might file with the San Diego Immigration Court would be futile: consistent with Respondents' nationwide practice, immigration judges within this District continue to treat noncitizens like Petitioner who were arrested in the interior long after entry, without inspection, as "applicants for admission" subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), and therefore categorically ineligible for a bond hearing before an Immigration Judge under 8 U.S.C. § 1226(a). *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

8. Petitioner's continued detention without any hearing, before any neutral decisionmaker since his arrest violates the INA and the Due Process Clause of the Fifth Amendment.

9. This Court should grant the writ, declare that Petitioner is not subject to mandatory detention under § 1225(b)(2)(A), and order Respondents to immediately release him or provide a bond hearing before an Immigration Judge with jurisdiction over his case within seven days.

JURISDICTION AND VENUE

10. This Court has jurisdiction under 28 U.S.C. § 2241(c)(3) (habeas corpus); 28 U.S.C. § 1331 (federal question); and Article I, Section 9, Clause 2 of the United States Constitution (the Suspension Clause). This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

11. Venue is proper in this Court because Petitioner is detained at Otay Mesa Detention Center, 7488 Calzada de la Fuente, San Diego, California 92154, within the Southern District of California.

12. Venue is also proper under 28 U.S.C. § 1391(e) because Respondents are officers, employees, and agencies of the United States, and a substantial part of the events giving rise to this action including Petitioner's ongoing detention is within this District.

REQUIREMENTS OF 28 U.S.C. § 2243

10. Under 28 U.S.C. § 2243, this Court must grant the petition for writ of habeas corpus or issue an Order to Show Cause "forthwith," unless Petitioner is not entitled to relief. If an Order to Show Cause is issued, the Court must require Respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." The legal questions presented here are ones this Court has already resolved in Petitioner's favor in multiple prior decisions. Expedited resolution is warranted.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

11. No statute requires exhaustion of administrative remedies before filing a habeas petition challenging the lawfulness of immigration detention. The exhaustion requirement of 8 U.S.C. § 1252(d)(1) applies only to petitions for review of final orders of removal, not to detention challenges such as this one. *Jennings v. Rodriguez*, 583 U.S. at 301; *Zadvydas* 533 U.S. 678 (2001).

12. Moreover, the government's failure to schedule a bond hearing itself demonstrates the inadequacy of the administrative remedy. To require Petitioner to continue waiting an indefinite amount of time would compound rather than remedy the constitutional deprivation.

PARTIES

13. Petitioner Jafet Estrada Solis is a native and citizen of Mexico, Agency number [redacted] who is presently detained by Respondents at the Otay Mesa Detention Center in San Diego, California.

14. Respondent Christopher LaRose is the Warden of the Otay Mesa Detention Center, where Petitioner is detained. He has immediate physical custody of Petitioner and is sued in his official capacity.

15. Respondent Gregory J. Archambeault is the San Diego Field Office Director for ICE Enforcement and Removal Operations, with responsibility for the custody of noncitizens detained

within the San Diego area of responsibility, including Petitioner. He is sued in his official capacity.

16. Todd Blanche is the Acting Attorney General of the United States, with authority over EOIR and the detention of noncitizens under the INA. He is sued in his official capacity.

STATEMENT OF FACTS

17. Petitioner has resided in the United States since 2004, and has lived at his current residence for approximately thirteen years.

18. He has four United States citizen children.

19. Petitioner and his wife also took custody of Petitioner's nephew when the nephew was a young child and raised him in their household. Although the nephew is now an adult, the family describes Petitioner as his father figure, reflecting Petitioner's longstanding role as a caretaker within his family and community.

20. Petitioner has no criminal history.

21. On or about June 15, 2026, Petitioner was stopped in Florida while driving a truck for an equipment violation.

22. Following the stop, immigration authorities took Petitioner into custody. He was initially detained at the Baker Correctional Institution in Sanderson, Florida, and his case was calendared before the Orlando Immigration Court.

23. While Petitioner was detained in Florida, Petitioner's counsel filed a request for a custody redetermination with the Orlando Immigration Court, seeking Petitioner's release on bond under 8 U.S.C. § 1226(a).

24. After that motion was filed, but before it was decided, Respondents transferred Petitioner out of the Baker Correctional Institution to the Otay Mesa Detention Center in San Diego, California.

25. On July 9, 2026, an Immigration Judge in Florida denied Petitioner's custody redetermination request and held that Petitioner's request "shall be filed with the Immigration Court

having jurisdiction over the place of the respondent's detention." **Exhibit B.**

26. As a result of Respondents' transfer, Petitioner has never received a hearing before any neutral decisionmaker addressing whether his detention is justified. More than a month has passed since his arrest, and Petitioner remains detained at Otay Mesa without any individualized determination that he is a flight risk or a danger to the community which are determinations the Immigration Judge in Orlando expressly declined to reach.

27. Consistent with Respondents' nationwide litigation position and the BIA's decision in *Matter of Yajure Hurtado*, Immigration Courts within the Southern District of California continue to treat noncitizens apprehended in the interior of the United States without having been inspected and admitted as "applicants for admission" subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), foreclosing any bond hearing under § 1226(a).

ARGUMENT

28. Petitioner is a member of the *Maldonado Bautista* Bond eligible class. On November 20, 2025, the United States District Court for the Central District of California granted partial summary judgment in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025), holding that Bond Eligible Class members are detained under 8 U.S.C. § 1226(a), not § 1225(b)(2)(A), and may not be categorically denied bond consideration. On November 25, 2025, the court certified a nationwide Bond Eligible Class and extended that declaratory judgment to all class members. *Id.*, 2025 WL 3288403, at *9. The judgment has the "force and effect of a final judgment." 28 U.S.C. § 2201(a).

29. The Bond Eligible Class consists of noncitizens who: (a) do not have lawful status in the United States and are currently detained; (b) entered the United States without inspection over a year ago and were not apprehended upon arrival; and (c) are not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

30. Mr. Estrada Solis satisfies all three criteria:

a. He does not have lawful status in the United States and is currently detained at the Otay Mesa Detention Center;

b. He entered the United States without inspection in 2004, and was not apprehended upon arrival; and

c. He is not detained under 8 U.S.C. § 1226(c) (no disqualifying criminal convictions); § 1225(b)(1) (no expedited removal or credible fear screening was conducted); or § 1231 (no final order of removal has issued).

31. Petitioner is accordingly a member of the Bond Eligible Class and is entitled to all relief afforded class members under the *Maldonado Bautista* declaratory judgment. Respondents have nonetheless continued to detain him without a bond hearing in defiance of that judgment.

COUNT ONE

Enforcement of *Maldonado Bautista* Declaratory Judgment/Violation of 8 U.S.C. § 1226(a)

32. Petitioner incorporates by reference all preceding paragraphs.

33. Mr. Estrada Solis is a member of the Bond Eligible Class certified in *Maldonado Bautista*. As a class member, he is entitled as a matter of law to the benefit of the declaratory judgment that his detention is governed by 8 U.S.C. § 1226(a) and that he may not be categorically denied bond consideration. Respondents are bound by that judgment and have violated it by detaining Mr. Estrada Solis without a bond hearing.

COUNT TWO

Violation of 8 U.S.C. § 1226(a) and the Fifth Amendment Due Process Clause

Denial of a Bond Hearing

34. Petitioner incorporates by reference all preceding paragraphs.

35. Petitioner's detention is governed by 8 U.S.C. § 1226(a), a discretionary regime that entitles him to an individualized bond hearing before a neutral Immigration Judge at which the government must demonstrate by clear and convincing evidence that he poses a flight risk or danger to the community. But no official has made any individualized finding that he poses any such risk. His continued detention violates § 1226(a), its implementing regulations at 8 C.F.R. §§ 236.1,

1003.19(a)–(f), and the Due Process Clause of the Fifth Amendment. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

36. The Fifth Amendment guarantees that the government will not deprive any person, including a noncitizen, of liberty without due process of law. *Zadvydas*, 533 U.S. at 690; *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1197 (9th Cir. 2022). Freedom from imprisonment lies "at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas*, 533 U.S. at 690.

36. Where a noncitizen is detained under § 1226(a), due process requires, at minimum, an initial bond hearing before a neutral decisionmaker, the opportunity to be heard and present evidence, and a decision on the merits of whether continued detention is justified. *Rodriguez Diaz*, 53 F.4th at 1202; 8 C.F.R. § 1236.1(d)(1).

37. Where a noncitizen is detained under § 1226(a), due process requires, at minimum, an initial bond hearing before a neutral decisionmaker, the opportunity to be heard and present evidence, and a decision on the merits of whether continued detention is justified. *Rodriguez Diaz*, 53 F.4th at 1202; 8 C.F.R. § 1236.1(d)(1).

38. Petitioner has received none of this. His only custody redetermination request was rendered moot by Respondents' mid-proceeding transfer.

39. Respondents cannot satisfy due process by moving a detainee out of the jurisdiction of the immigration court in which his bond motion is pending and then asserting that no other immigration court may consider that same motion. The result is precisely what the Due Process Clause forbids: detention without any hearing at all.

40. Petitioner's continued detention without any custody redetermination hearing violates the Due Process Clause of the Fifth Amendment.

COUNT THREE

Violation of the Fifth Amendment Due Process Clause

Detention Without Adequate Procedural Safeguards or Consideration of Petitioner's Individual Circumstances

41. Petitioner incorporates by reference all preceding paragraphs.

42. Due process requires that the process afforded be adequate considering the private interest

at stake, the risk of erroneous deprivation, and the government's interest in the procedure used. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976); *Rodriguez Diaz*, 53 F.4th at 1197–98.

43. Petitioner's liberty interest is substantial. He has resided in the United States for approximately two decades, has four United States citizen children, and has served as a father figure to his nephew since the nephew was a young child. He has no criminal history, and the only law enforcement encounter giving rise to his detention was a routine traffic stop for an equipment violation.

44. The risk of erroneous deprivation is high: Respondents' own transfer is the sole reason Petitioner has never had his eligibility for bond considered by a neutral decisionmaker.

45. Respondents' interest in continuing to detain Petitioner without any hearing is minimal. Petitioner presents no flight risk or danger to the community that would be jeopardized by releasing him, or at the very least affording him a hearing at which those questions could actually be considered and resolved.

COUNT FOUR

Immediate Release, Rather Than a Further Custody Redetermination Hearing, Is the Remedy Required by Law and Justice

46. Petitioner repeats and incorporates by reference each of the foregoing paragraphs.

47. Upon receiving a § 2241 petition and any response, the habeas court "shall summarily hear and determine the facts and dispose of the matter as law and justice require." 28 U.S.C. § 2243. That standard is not limited to remanding a detainee to the same process that has already failed him; where a further administrative hearing would be futile, courts order immediate release as the only remedy that provides complete relief.

48. A further hearing here would be futile for the same reason Petitioner has never received one: Respondents' own transfer extinguished his only custody redetermination request before it could be decided on the merits, and the agency's position as reflected in *Matter of Yajure Hurtado* and *Matter of Vizcaino Aybar*, and left undisturbed within this District by decisions such as *Chavez v. Noem*, No. 3:25-cv-02325-CAB-SBC, 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025) would predictably produce the same refusal to reach the merits if Petitioner were sent back to renew his

request before the San Diego Immigration Court. Ordering that same process to run again would not vindicate Petitioner's statutory and constitutional rights; it would simply prolong an unlawful detention while producing the same result

49. Courts confronting materially identical circumstances, an Immigration Judge's refusal to reach the merits of a bond request based on the agency's *Yajure Hurtado* line of authority have concluded that ordering a further bond hearing "would be futile" and that "immediate release from custody is the only means to provide complete relief." *Calixtro v. Mullin*, 2026 WL 1288654, at *3–4 (C.D. Cal. May 7, 2026) (collecting cases).

50. Petitioner's circumstances make the case for release still stronger than in a case involving only delay. Respondents should not be permitted to manufacture a jurisdictional defect through their own custodial decisions and then rely on that defect to justify continued detention without any hearing at all.

PRAYER FOR RELIEF

Petitioner Jafet Estrada Solis respectfully requests that this Court:

1. Assume jurisdiction over this matter
2. Issue a writ of habeas corpus and declare that Petitioner is detained pursuant to 8 U.S.C. § 1226(a) and is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A);
3. Order Petitioner's immediate release from custody; or
4. Declare that Petitioner is a member of the Bond Eligible Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.), and is entitled to all relief afforded class members under that declaratory judgment;
5. If the Court concludes that further administrative proceedings are warranted, order Respondents to provide Petitioner a custody redetermination hearing before an Immigration Judge with jurisdiction over his case within seven (7) days of the Court's order, that reaches the merits of Petitioner's eligibility for bond under 8 U.S.C. § 1226(a), with Petitioner's immediate release to follow automatically if Respondents fail to timely comply or if the hearing does not reach the merits;

6. Enjoin Respondents from transferring Petitioner outside the jurisdiction of this Court pending resolution of this petition and, if applicable, pending the custody redetermination hearing ordered by the Court;

7. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

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

Date: July 14, 2026.

Respectfully Submitted,

/s/ Vanessa Molina
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Counsel for Petitioner

VERIFICATION

I, Vanessa Molina, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I interviewed Petitioner's immigration counsel and reviewed his part of immigration records and the facts stated herein are true and correct to the best of my knowledge, information, and belief.

Date: July 14, 2026.

Respectfully Submitted,

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