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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

MARIO REBELLON LONDONO
(A-Numbe[redacted]
Petitioner,

vs.

MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security;
TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement;
PATRICK DIVVER, San Diego Field Office Director, ICE;
WARDEN, OTAY MESA DETENTION CENTER; and
TODD BLANCHE, Attorney General of the United States

Respondents.

Case No. **'26CV4053 JES SBC**

Agency No. [redacted]

PETITION FOR WRIT OF HABEAS CORPUS and MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF

Expedited Hearing Requested

PETITION FOR WRIT OF HABEAS CORPUS AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT

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PETITION FOR WRIT OF HABEAS CORPUS

I. INTRODUCTION

1. Petitioner Mario Rebellon Londono ("Petitioner" or "Mr. Rebellon Londono"), a detained noncitizen with an immaculate, non-criminal record, a severe medical vulnerability (asthma), and a fully approved immigrant relative visa petition filed by his United States citizen spouse, seeks a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 to challenge his unlawful, mandatory, and indefinite detention without an individualized bond hearing.
2. Petitioner is currently incarcerated by U.S. Immigration and Customs Enforcement ("ICE") at the Otay Mesa Detention Center in San Diego, California. The Government's purported authority to deny Petitioner a bond hearing rests entirely on a legally deficient, retroactive agency reinterpretation formalized in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Under this precedent, the Executive branch treats individuals who entered without inspection ("EWI") years ago and are apprehended deep in the interior of the United States as perpetual "applicants for admission" subject to mandatory detention under the border-inspection statute, INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A), rather than under the interior-apprehension statute, INA § 236(a), 8 U.S.C. § 1226(a).
3. The Government's application of mandatory detention to Mr. Rebellon Londono is particularly egregious. When Petitioner first crossed the border in March 2022, U.S. Customs and Border Protection ("CBP") apprehended him, evaluated him, and **affirmatively released him on his own recognizance (OREC)**, finding him suitable for community release. In the more than four years since that release, Petitioner has maintained a flawless record, built a family, and proactively pursued multiple lawful pathways to regularize his status, including a pending 2023 asylum application, an approved marital visa petition, and a pending provisional unlawful presence waiver.

4. Because Petitioner was apprehended in the interior of the United States more than four years after his entry, his detention is governed by INA § 236(a), which guarantees him the right to an individualized bond hearing. The Government's refusal to provide Petitioner with a bond hearing violates the statutory scheme of the Immigration and Nationality Act ("INA"), procedural and substantive due process under the Fifth Amendment, the Excessive Bail Clause of the Eighth Amendment, and the Suspension Clause of the Constitution. Accordingly, Petitioner requests that this Court order his immediate release or, in the alternative, direct Respondents to provide him with an individualized bond hearing before an Immigration Judge ("IJ") where the Government bears the burden of proof by clear and convincing evidence.

II. JURISDICTION AND VENUE

5. Jurisdiction is conferred upon this Court by 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, Section 9, Clause 2 of the United States Constitution (the Suspension Clause). See also *Demore v. Kim*, 538 U.S. 510, 517–18 (2003) (confirming habeas jurisdiction over statutory and constitutional challenges to pre-removal detention).
6. Venue is proper in the Southern District of California because Petitioner is currently detained at the Otay Mesa Detention Center in San Diego, California, which lies within this judicial district, and his immediate custodian is located within this district. 28 U.S.C. § 1391(b).

III. PARTIES

7. **Petitioner Mario Rebellon Londono** is a citizen and national of Colombia. He is currently incarcerated under ICE custody at the Otay Mesa Detention Center.
8. **Respondent Warden of the Otay Mesa Detention Center** is the immediate physical custodian of Petitioner.

9. **Respondent Patrick Divver, Field Office Director, San Diego Field Office, ICE,** is the local supervisor responsible for enforcing immigration detention within this district and is an authorized custodian of Petitioner.
10. **Respondent Todd Lyons, Acting Director, U.S. Immigration and Customs Enforcement**, is the head of the federal agency directly tasked with executing immigration enforcement and civil detention.
11. **Respondent Markwayne Mullin, Secretary of the Department of Homeland Security**, is the head of the agency responsible for ICE and immigration enforcement.
12. **Respondent Todd Blanche, Attorney General of the United States**, is the nation's chief law enforcement officer and maintains ultimate authority over the Executive Office for Immigration Review ("EOIR").

IV. STATEMENT OF FACTS AND PROCEDURAL HISTORY

13. Petitioner entered the United States without inspection on or about March 24, 2022, near San Luis, Arizona.
14. Immediately upon entry, Petitioner was apprehended by CBP Border Patrol. After evaluating Petitioner's equities and risk profile, the government determined he posed no safety or flight risk and **affirmatively released him on his own recognizance (OREC)**.
15. For more than four years, Petitioner resided peacefully in the United States. He is married to Esmeralda Garcia Perez, a citizen of the United States.
16. During his four years in the United States, Petitioner maintained an exemplary, non-criminal record. As confirmed by his Form I-213, Petitioner has **no criminal convictions, no arrests, no active wants, and no warrants**. He also suffers from **severe asthma**, which requires a daily rescue inhaler.
17. Since his release in 2022, Petitioner's only actions have been proactive, good-faith efforts to regularize his immigration status through established civil channels:

- On June 15, 2023, Petitioner filed a Form I-589 Application for Asylum, which remains active and pending.
- On January 28, 2026, U.S. Citizenship and Immigration Services ("USCIS") fully approved a Form I-130, Petition for Alien Relative, filed by Petitioner's spouse on his behalf.
- On March 3, 2026, Petitioner paid all required National Visa Center ("NVC") fees to prepare for consular processing.
- On May 19, 2026, Petitioner proactively filed his Form I-601A Application for Provisional Unlawful Presence Waiver. His biometrics for this waiver were successfully captured and cleared on June 11, 2026.

18. On June 23, 2026, while his provisional waiver was actively processing, Petitioner was encountered by Military Police at Gate 06 of the Naval Air Station North Island in San Diego, California. Because he lacked active physical documentation on his person, he was transferred to ICE custody.

19. ICE issued a Form I-862 Notice to Appear ("NTA") on June 24, 2026, charging Petitioner with removability under INA § 212(a)(6)(A)(i). He has been held in mandatory detention at the Otay Mesa Detention Center ever since.

20. On July 6, 2026, Petitioner appeared before the Otay Mesa Immigration Court for his initial Master Calendar Hearing. Undersigned counsel requested a custody redetermination (bond) hearing. The presiding Immigration Judge, Hon. Eugene H. Robinson Jr., stated on the record that under the binding agency precedent of *Matter of Yajure Hurtado*, the Immigration Court lacks jurisdiction to conduct a bond hearing for any respondent present in the United States "without admission."

21. On July 14, 2026, Petitioner's Motion to Terminate or, in the alternative, Administratively Close Removal Proceedings was denied following opposition from the Department of Homeland Security.

22. Consequently, Petitioner is trapped in a mandatory detention bed with zero administrative or judicial recourse to seek release or bond, despite having been

previously vetted and released by Border Patrol in 2022, having no criminal history, and possessing a fully approved marital pathway to permanent residency.

V. CLAIMS FOR RELIEF

COUNT I: VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT

(Unlawful Classification and Denial of Statutory Bond Hearing under 8 U.S.C. § 1226(a))

23. Petitioner realleges and incorporates by reference all preceding paragraphs.
24. The detention of noncitizens in removal proceedings is governed by a distinct statutory framework. Under 8 U.S.C. § 1226(a) (INA § 236(a)), DHS may arrest and detain a noncitizen "pending a decision on whether the alien is to be removed." Section 1226(a) explicitly permits the release of such individuals on a bond of at least $1,500.
25. Conversely, 8 U.S.C. § 1225(b) (INA § 235(b)) applies strictly to "applicants for admission" who are "seeking admission" at borders and ports of entry. Section 1225(b)(2)(A) mandates the detention of individuals who are not clearly and beyond a doubt entitled to be admitted.
26. Respondents have unlawfully classified Petitioner under § 1225(b)(2)(A), asserting that because he entered without inspection in 2022, he remains an "applicant for admission" perpetually "seeking admission" even though he was apprehended in the interior of the United States more than four years after his entry.
27. This expansive interpretation contradicts the plain text and structure of the INA. An individual apprehended in the interior of the United States is not "seeking admission" at a port of entry. The Supreme Court has repeatedly affirmed that § 1225(b) is

concerned "primarily with those seeking entry" at "the Nation's borders and ports of entry." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

28. Federal district courts within the Ninth Circuit have overwhelmingly rejected the BIA's expansion of § 1225(b)(2)(A) to interior-apprehended EWIs, holding that § 1226(a), not § 1225(b), governs their detention. See, e.g., *Vasquez Garcia v. Noem*, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Arrazola-Gonzalez v. Noem*, 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025).

29. By treating Petitioner as an applicant for admission under § 1225(b)(2)(A) rather than a deportable noncitizen under § 1226(a), Respondents have unlawfully deprived Petitioner of his statutory right to a bond hearing before an Immigration Judge.

COUNT II: VIOLATION OF THE FIFTH AMENDMENT DUE PROCESS CLAUSE

(Procedural Due Process — Deprivation of Liberty Without a Custody Hearing and Unlawful Allocation of the Burden of Proof)

30. Petitioner realleges and incorporates by reference all preceding paragraphs.

31. Freedom from bodily restraint lies at the heart of the liberty protected by the Due Process Clause of the Fifth Amendment. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Noncitizens physically present within the United States, regardless of the manner of their initial entry, are protected by the Due Process Clause.

32. Under the procedural due process balancing test set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976), the mandatory detention of Petitioner without any individualized custody hearing is unconstitutional:

    - **Private Interest:** Petitioner's interest in bodily freedom is of the highest constitutional magnitude. This interest is amplified by his severe, chronic medical condition (asthma), which makes carceral confinement physically hazardous.

- **Risk of Erroneous Deprivation:** The risk of erroneous deprivation is absolute. Petitioner has zero opportunity to present evidence of his deep ties, approved I-130 relative petition, and flawless post-release record to a neutral arbitrator.
- **Government Interest:** The government's interest in detaining Petitioner without a hearing is non-existent. The government itself already evaluated Petitioner in 2022 and deemed him suitable for release. He has verified that evaluation by remaining arrest-free for over four years.

33. Furthermore, the Fifth Amendment's Due Process Clause mandates that when the government seeks to compromise an individual's physical liberty through civil confinement, the **burden of proof must lie squarely upon the Government** to justify that detention. Under long-standing constitutional jurisprudence, it is a violation of due process to require a detainee to prove their own eligibility for freedom. *Addington v. Texas*, 441 U.S. 418, 427 (1979) (holding that the individual's liberty interest is so profound that due process requires the state to justify civil confinement under an elevated standard of proof).

34. Consistent with these constitutional mandates, the Ninth Circuit has repeatedly held that in civil immigration detention hearings, the Government must bear the burden of proving that continued detention is justified. *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011). This allocation of the burden of proof is of constitutional dimension; forcing a noncitizen to prove they are not a flight risk or a danger to the community, rather than requiring the Government to demonstrate these factors by **clear and convincing evidence**, is a patent violation of procedural due process. See also *Velasco Lopez v. Decker*, 978 F.3d 842, 855-57 (2d Cir. 2020). By categorically denying Petitioner any hearing in which the Government must meet this standard, Respondents are holding Petitioner in violation of the Fifth Amendment.

COUNT III: VIOLATION OF THE FIFTH AMENDMENT DUE PROCESS CLAUSE

(Substantive Due Process — Arbitrary and Punitive Detention)

35. Petitioner realleges and incorporates by reference all preceding paragraphs.

36. Substantive due process prohibits the government from detaining an individual in civil immigration proceedings unless the detention is reasonably related to a legitimate, non-punitive government purpose, such as preventing flight risk or danger to the community. *Zadvydas*, 533 U.S. at 690.

37. Detaining a noncitizen who has zero criminal history, who has resided peacefully in the country for years, who is actively pursuing multiple lawful pathways to regularize his status, and who suffers from a chronic respiratory disease, without any individualized judicial inquiry into the necessity of his detention, is arbitrary, punitive, and completely unrelated to any legitimate regulatory goal.

COUNT IV: VIOLATION OF THE EIGHTH AMENDMENT EXCESSIVE BAIL CLAUSE

(Categorical Denials and Excessive Bail Restrictions)

38. Petitioner realleges and incorporates by reference all preceding paragraphs.

39. The Eighth Amendment to the United States Constitution explicitly mandates: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." U.S. Const. amend. VIII. The protections of the Excessive Bail Clause apply directly to civil immigration detention. See *Carlson v. Landon*, 342 U.S. 524, 545 (1952); *Hernandez v. Sessions*, 872 F.3d 976, 981 (9th Cir. 2017).

40. The Excessive Bail Clause prohibits the government from categorically denying bail or pre-hearing release options without an individualized inquiry into flight risk,

danger to the community, and alternative conditions of release. An absolute deprivation of liberty without any mechanism for bail is a *de facto* absolute denial of bail, which is unconstitutionally excessive where the individual is neither a danger nor a flight risk. See *Lopez-Valenzuela v. Arpaio*, 770 F.3d 1058, 1073-75 (9th Cir. 2014) (en banc) (holding that categorical denial of pre-hearing bail to certain classes of noncitizens violates constitutional limits).

41. By executing a statutory reinterpretation under *Matter of Yajure Hurtado* that categorically bars any pre-hearing release or bond assessment for interior-apprehended noncitizens, Respondents have forced Petitioner into mandatory, non-bailable civil custody. This absolute failure to evaluate individualized release conditions or reasonable bail equivalents constitutes a severe violation of the Excessive Bail Clause of the Eighth Amendment.

VI. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

A. Assume jurisdiction over this matter;

B. Grant a Writ of Habeas Corpus directing Respondents to immediately release Petitioner from custody;

C. In the alternative, issue a Writ directing Respondents to provide Petitioner with an individualized custody (bond) hearing before an Immigration Judge within seven (7) days, at which the Government bears the burden of proving by clear and convincing evidence that Petitioner's continued detention is justified; and

D. Award Petitioner reasonable attorney's fees and costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412.

Dated: 7/14/2026

Respectfully submitted,

/s/Hernando De Cima

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION & PRELIMINARY STATEMENT

This memorandum is submitted in support of Petitioner Mario Rebellon Londono's ("Petitioner" or "Mr. Rebellon Londono") Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. Petitioner challenges his unlawful civil detention by Respondents at the Otay Mesa Detention Center without an individualized bond hearing.

The Government's justification for Mario's detention rests entirely on a legally deficient, retroactive agency reinterpretation set forth in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Under this ruling, the Executive branch classifies individuals who entered the United States without inspection ("EWI") years ago and are apprehended deep in the interior of the United States as perpetual "applicants for admission" subject to mandatory detention under the border-inspection statute, INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A), rather than under the interior-apprehension statute, INA § 236(a), 8 U.S.C. § 1226(a).

This expansion of mandatory border-detention statutes to interior-apprehended noncitizens is a severe statutory misinterpretation and an unconstitutional deprivation of civil liberty. Crucially, in March 2022, U.S. Customs and Border Protection ("CBP") vetted Mario, found him safe for the community, and **affirmatively released him on his own recognizance (OREC)**. In the four years since, Mario has maintained a spotless, non-criminal record, married a United States citizen, and actively complied with every civil pathway to regularize his status.

Because Mario is neither a flight risk nor a danger to the community, and his underlying detention is governed by INA § 236(a), this Court should grant the writ and order his immediate release, or, in the alternative, order Respondents to provide him with an individualized bond hearing where the Government bears the burden of proof by clear and convincing evidence.

II. STANDARD OF REVIEW

Federal district courts maintain independent jurisdiction under 28 U.S.C. § 2241 to review statutory and constitutional challenges to civil immigration detention. *Demore v. Kim*, 538 U.S. 510, 517–18 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

Following the Supreme Court's landmark decision in *Loper Bright Enterprises v. Raimondo*, 144 S. Ct. 2244 (2024), federal courts no longer defer to agency interpretations of ambiguous statutes under the *Chevron* doctrine. Instead, a habeas court must exercise independent judgment to decide whether the civil detention provisions of the Immigration and Nationality Act ("INA") authorize the mandatory, non-bailable confinement of interior-apprehended noncitizens like Mr. Rebellon Londono.

III. LEGAL ARGUMENTS

POINT I: PETITIONER'S CIVIL DETENTION IS GOVERNED BY INA § 236(a), NOT INA § 235(b)(2)(A)

The statutory text, structure, and history of the INA demonstrate that the border-inspection provision, INA § 235(b), 8 U.S.C. § 1225(b), and the interior-apprehension provision, INA § 236(a), 8 U.S.C. § 1226(a), are distinct frameworks.

A. The Plain Text of INA § 235(b) Confines Its Scope to the Border

Section 235(b) governs "applicants for admission" who are "seeking admission" at borders and ports of entry. As the Supreme Court held in *Jennings v. Rodriguez*, § 235(b) is concerned "primarily with those seeking entry" at "the Nation's borders and ports of entry, where the Government must determine whether an alien seeking to enter the country is admissible." 583 U.S. 281, 287 (2018).

An individual like Mr. Rebellon Londono, who crossed the border more than four years ago, resided peacefully in the interior, and was apprehended by ICE ERO deep inside the country, is not actively "seeking entry" or "seeking admission" at a border.

B. INA § 236(a) Exclusively Governs Interior Apprehensions

Detention of noncitizens apprehended inside the interior of the United States is governed by INA § 236(a), which provides that "an alien may be arrested and detained pending a decision on whether the alien is to be removed." Section 1226(a) explicitly grants Immigration Judges the authority to release such individuals on a bond of at least $1,500.

By categorizing Mr. Rebellon Londono under § 235(b) based on a retroactive application of *Matter of Yajure Hurtado*, Respondents have committed a clear error of law. District courts within the Ninth Circuit have repeatedly and overwhelmingly rejected the BIA's expansion of § 235(b)(2)(A) to interior-apprehended EWIs. See, e.g., *Zaragoza Mosqueda et al. v. Noem*, 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Vasquez Garcia et al. v. Noem*, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Arrazola-Gonzalez v. Noem*, 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025).

POINT II: MANDATORY DETENTION OF AN INTERIOR-APPREHENDED NONCITIZEN WITHOUT A BOND HEARING VIOLATES PROCEDURAL DUE PROCESS

The Fifth Amendment's Due Process Clause guarantees that no person shall be deprived of liberty without due process of law. Freedom from bodily restraint is a core liberty interest protected by the Constitution. *Zadvydas*, 533 U.S. at 690.

To determine whether Mr. Rebellon Londono's mandatory detention is constitutionally permissible, this Court must apply the three-factor balancing test from *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976):

1. **The Private Interest Affected:** Mario's interest in physical liberty is of the highest magnitude. This interest is severely compounded by his chronic respiratory disease (**severe asthma**), which requires a daily rescue inhaler. Prolonged civil incarceration in a carceral facility poses an immediate, unnecessary risk to his physical survival.
2. **The Risk of Erroneous Deprivation:** The risk is absolute. Under *Yajure Hurtado*, Mario is categorically barred from presenting any evidence of his extensive family ties, approved marital petition, or flawless record to a neutral arbitrator.
3. **The Government's Interest:** The government's regulatory interest is completely non-existent. In March 2022, CBP already evaluated Mario's risk profile and **affirmatively released him on his own recognizance (OREC).** He has validated that initial release by remaining completely arrest-free for over four years.

Under *Mathews*, holding an individual with zero criminal history and a fully approved path to legal status in a mandatory civil detention bed without a single custody assessment violates the basic core of procedural due process.

POINT III: DUE PROCESS MANDATES THAT THE GOVERNMENT BEAR THE BURDEN OF PROOF BY CLEAR AND CONVINCING EVIDENCE

Furthermore, the allocation of the burden of proof is a matter of profound constitutional importance. Under long-standing constitutional jurisprudence, when the state seeks to compromise an individual's physical liberty through civil confinement, the burden of proof must lie on the government. *Addington v. Texas*, 441 U.S. 418, 427 (1979) (holding that due process is violated when a civil detainee is forced to prove their own eligibility for freedom).

Consistent with this principle, the Ninth Circuit has repeatedly held that in civil immigration detention hearings, the Government must bear the burden of proving that continued detention is justified. *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011). To justify

mandatory deprivation of physical liberty, the Government must meet this burden under an elevated **clear and convincing evidence** standard. See also *Velasco Lopez v. Decker*, 978 F.3d 842, 855-57 (2d Cir. 2020).

By categorically denying Petitioner any custody hearing, Respondents are holding Petitioner in direct, ongoing violation of the Fifth Amendment.

POINT IV: CATEGORICAL CIVIL DETENTION WITHOUT AN INDIVIDUALIZED RELEASE OPTION VIOLATES THE EIGHTH AMENDMENT

The Eighth Amendment's Excessive Bail Clause applies to civil immigration detention and prohibits the government from categorically denying bail or pre-hearing release options. *Carlson v. Landon*, 342 U.S. 524, 545 (1952); *Hernandez v. Sessions*, 872 F.3d 976, 981 (9th Cir. 2017).

An absolute, non-bailable deprivation of civil liberty without any individual safety or flight assessment is a *de facto* absolute denial of bail. The Ninth Circuit en banc has held that such blanket, categorical bans on bail are unconstitutionally excessive where the individual is neither a danger nor a flight risk. *Lopez-Valenzuela v. Arpaio*, 770 F.3d 1058, 1073-75 (9th Cir. 2014) (en banc).

By applying *Matter of Yajure Hurtado* to strip Mr. Rebellon Londono of any release or bail assessment, Respondents are enforcing an unconstitutional, categorical bail prohibition in violation of the Eighth Amendment.

IV. CONCLUSION & PRAYER FOR RELIEF

For the foregoing reasons, Petitioner Mario Rebellon Londono respectfully requests that this Court:

A. Assume jurisdiction over this matter;

B. Grant a Writ of Habeas Corpus directing Respondents to immediately release Petitioner from custody;

C. In the alternative, issue a Writ directing Respondents to provide Petitioner with an individualized custody (bond) hearing before an Immigration Judge within seven (7) days, at which the Government bears the burden of proving by clear and convincing evidence that Petitioner's continued detention is justified; and

D. Award Petitioner reasonable attorney's fees and costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412.

Dated: 7/14/2026

Respectfully submitted,

/s/Hernando De Cima
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Attorney for Petitioner

ATTORNEY VERIFICATION

I, Hernando De Cima, declare as follows under penalty of perjury:

1. I am an attorney licensed to practice law in the State of California and am counsel of record for Petitioner in these federal habeas corpus proceedings.
2. I have read the foregoing Petition for Writ of Habeas Corpus and Memorandum of Points and Authorities. I am familiar with the contents thereof.
3. The factual allegations concerning Petitioner's immigration history, removal charges, detention status, and scheduled Immigration Court hearings are true and correct to the best of my personal knowledge, based on an exhaustive review of official Department of Homeland Security and Executive Office for Immigration Review documents provided to my firm.
4. I execute this verification on behalf of Petitioner because he is currently detained at a secure facility located away from my office, making an immediate client signature logistically unfeasible before emergency filing deadlines.

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

Dated: 7/14/2026

Respectfully submitted,

/s/Hernando De Cima
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Attorney for Petitioner

CERTIFICATE OF SERVICE

I, Hernando De Cima, certify that on 7/14/2026, I filed the foregoing with the Clerk of the Court via CM/ECF and will serve the Respondents and the U.S. Attorney's Office for the Southern District of California.

Dated: 7/14/2026

Respectfully submitted,

/s/Hernando De Cima
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Attorney for Petitioner

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

PROPOSED ORDER TO SHOW CAUSE

Upon consideration of the verified Petition for a Writ of Habeas Corpus filed by Petitioner on 7/14/2026:

IT IS HEREBY ORDERED that Respondents show cause before this Court why a Writ of Habeas Corpus should not issue directing Petitioner's release from civil immigration custody or, in the alternative, ordering Respondents to provide Petitioner with an individualized, constitutional custody redetermination hearing before an Immigration Judge.

IT IS FURTHER ORDERED THAT:

1. Respondents shall file a Return to the Petition and Show Cause Response, including any supporting briefs, declarations, or administrative records within three (3) calendar days of the date of service of this Order;
2. Petitioner may file a Traverse/Reply to Respondents' Return on or before within two (2) calendar days of the filing of Respondents' Return; and
3. A hearing on the Petition is scheduled before the Honorable District Court Judge on **_____, 2026, at ___:___ __.m.** in Courtroom ___ of the United States District Court for the Southern District of California, located at 333 West Broadway, San Diego, CA 92101.

IT IS SO ORDERED.

Dated: _____, 2026

_____

UNITED STATES DISTRICT JUDGE