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CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

# UNITED STATES DISTRICT COURT
# SOUTHERN DISTRICT OF CALIFORNIA

*Petitioner*
Angel Abdon Vera Vera

v.

*Respondents*
Christopher J. LaRose, Warden of Otay Mesa Detention Center, Todd Lyons, Director of ICE.

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

'26CV4071 TWR JAC

I respectfully present to Your Honor this petition for writ of habeas corpus *pro se*.

1. My name is Angel Abdon Vera Vera, 32 years old, I was born in Ecuador and am a citizen of that country. My A# is [redacted] I entered the USA in March 2024 through the Tecate, Baja California Norte border. I have no criminal record, I have a 7 years old son who depends completely on me.

2. I am currently detained in the Otay Mesa Detention Center, at 7488 Calzada de la Fuente, San Diego, California, 92143.

3. I was arbitrary detained in the street on June 21, 2026 with no warrant against me. Since my detention is arbitrary and illegal, the Court should order my immediate release because my Fifth Amendment rights and due process where violated, which the government is obligated to comply with according to the Constitution and the laws.

4. As has already been demonstrated in various precedents in other Districts, it is possible to grant immediate release and therefore it is unnecessary to exhaust the administrative remedies because they are futile. The Rhode Island District Court deems it unnecessary for a person to wait months in detention for a decision from the Board of Immigration Appeals (BIA) *See Picado v. Hyde*, No. 26-cv-065-JJM-PAS, 2026 LX 18501 (D.R.I. Feb 9, 2026), which is likely to be negative, since the number

of its members was recently reduced, and those who remain are aligned with the current Administration's anti-immigrant policies. *See Exhibit 1.*

5. On March 3, 2026, in my final hearing I was denied all kind of relief by the Immigration Judge (IJ). I appealed the IJ's decision last April 3, 2026, and the result from the BIA is not foreseeable. If the BIA do not render a favorable decision, I plan on appealing again to the subsequent Courts. This period is well beyond the presumptively reasonable six-month period set forth in *Zadvydas*, 533 U.S. at 701. Currently, the BIA takes 9 to 12 months to resolve an appeal.

6. Courts throughout the country have acknowledge the unpredictability of immigration court proceedings and the variances in length of detention. While the Court cannot definitively determine the duration of my future detention, based on the current record, it appears likely I will face many more months and potentially years in detention.

7. Due process extends to 'all persons' within the United States, including [non citizens], whether their presence here is lawful, unlawful, temporary, or permanent. *Zadvydas v. Davis* 533 U.S. 678, 693 (2001).

8. The Supreme Court has long recognized that the Fifth and Fourteen Amendments refer to "all persons", not just "citizens". Aliens, even inadmissible or removable aliens, must be afforded due process protection. *See Yick Wo v. Hopkins,* 118 U.S. 356, 369 (1886) ("The Fourteenth Amendment of the Constitution is not confined to the protection of citizens.") As stated by the Court the provisions of the Fourteenth "are universal in their application, to all persons within the territorial jurisdiction, without regard to any differences of race, of color, or of nationality".

9. Immigration detention *must* serve "two regulatory goals: ensuring the appearance of [noncitizens] at future immigration proceedings and preventing danger to the community." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (internal quotations and citations omitted). *See* also *Hernandez,* 872 F.3d at 900 (any detention incident to removal proceedings must "bear[] [a] reasonable relation" to the government's interest in mitigating the risks of danger to community and preventing flight); *Velasco Lopez v. Decker,* 978 F.3d 842, 857 (2d Cir. 2020) (the government "has no interest in the continued incarceration of an individual who it cannot show to be

either a flight risk or a danger to his community".).

10. In the event that the Court grants me a bond hearing, prevent the IJ from denying bond under the assumptions of danger to the community or flight risk. The first argument would be unfounded because I have no criminal record and have never committed any crime. Regarding the second argument, I have demonstrated that I am not a flight risk because I attended each and every one of my hearings during my asylum application proceedings.

11. Indeed, "deprivation of liberty should be a rare circumstance for noncitizens in immigration detention, reserved only for those who are a threat to national security or poor bail risks". *Obregon,* 2017 WL 1407889 at *9. In the context of criminal pretrial detention, the Supreme Court has provided that the clear and convincing evidence standard requires the Government to prove that a detained person "presents an identified and articulable threat to and individual or the community", and "no conditions of release can reasonably assure the safety of the community or any person". *Salerno,* 481 U.S. At 750-51; *see also Hechavarria v. Whitaker,* 358 F. Supp. 3d 227, 241 (W.D.N.Y. 2019) ("If the clear and convincing standard means what it says, it cannot permit detention based on mere speculation that [a noncitizen's] release might possibly pose a danger".). Therefore, and given that I have not committed any crime nor do I have a criminal record, the Court should order my immediate release.

12. Conditions at the Otay Mesa Detention Center are punitive in nature, in violation of the Fifth and Eighth Amendment and the Due Process Clause, such conditions of detention are punitive and not rationally related to any legitimate government purpose. Every day that I remain detained causes me harm that cannot be repaired. I suffer from insomnia, anxiety and depression. My continued detention puts my physical and mental health at greater risk.

13. Courts have recognized that the conditions at the Otay Mesa Detention Center are "indistinguishable from penal confinement". *See Hamideh Sadeqi v. Larose,* 809 Supp. 3D 1090; *Amado v. United States DOJ,* 2025 U.S. Dist. LEXIS 217453; *Kadir v. Larose,* 2025 U.S. Dist. LEXIS 203614. My mental condition has been exacerbated by my detention and puts me at risk of further deterioration. I have also been subject to verbal abuse, uneatable food quality and unsanitary conditions. These conditions of

confinement also raise constitutional concerns as my mental health is deteriorating by the day.

If the Court finds any error or omissions, please apply the precedent: "This court recognizes that it has a duty to ensure that *pro se* litigants do not lose their right to hearing on the merits of their claim due to ignorance of technical procedural requirements." *See Balistreri v. Pacifica Police Dept.* 901 F.2d 696.699 (9th Cir. 1988).

## CONCLUSION

As already been demonstrated, I have legal and factual grounds that justify the issuance of a writ of habeas corpus. Since my detention was arbitrary and illegal, therefore the Court should order my immediate release or at least a bond hearing before a neutral Immigration Judge. Furthermore, since I have not committed any crime, mandatory detention does not apply to me. The above arguments constitute strong grounds in my favor. Furthermore, the conditions of my detention are inadequate and violate my constitutional rights.

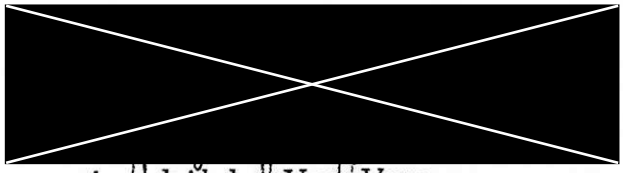
For the reasons mentioned above, I respectfully request the following to the Court:

1. Issue a writ of Habeas Corpus ordering Respondents to release me from custody immediately;
2. Order to provide an attorney for my representation;
3. Enjoin Respondents from transferring me outside the jurisdiction of District Court of Southern California;
4. In the option, grant me a bond hearing before a neutral Immigration Judge;
5. In the alternative, and because several immigration courts have recently been granting extremely high bond amounts, order the IJ to grant me a reasonable fair and affordable bond because the Ninth Circuit has correctly suggested that serious questions may arise concerning the reasonableness of the amount of the bond if it has the effect of preventing an alien's release. *See Phong Doan v. INS*, 311 F.3d 1160, 1162 (9th Cir. Cal. 2002).

I declare under penalty or perjury that the foregoing is true and correct, to the best of my knowledge and belief.

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Sincerely,



Angel Abdon Vera Vera
Petitioner *Pro Se*
A# [redacted]

July 8, 2026.