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

Guillermo Manuel Gonzalez-Ruiz
[redacted]
7488 Calzada de la Fuente, San Diego, CA 92154
Pro Se
Petitioner

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

Guillermo Manuel Gonzalez-Ruiz
Proceeding Pro Se,
Petitioner,
v.
WARDEN/FACILITY ADMINISTRATOR, Otay Mesa Detention Center; FIELD OFFICE DIRECTOR, ICE San Diego Field Office; DAVID J. VENTURELLA, Acting Director, United States Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary, Department of Homeland Security; TODD BLANCHE, Acting Attorney General, United States,
Respondents.

Civil Action No.: **'26CV4045 RBM BJW**

PETITION FOR WRIT OF HABEAS CORPUS

I. INTRODUCTION

Petitioner Guillermo Manuel González Ruiz, proceeding pro se, respectfully petitions this Court for a writ of habeas corpus under 28 U.S.C. § 2241 and seeks his immediate release from immigration detention.

Petitioner does not seek merely a future bond hearing. His claim is that Respondents unlawfully deprived him of his existing liberty when they arrested him during a voluntary immigration appointment, without advance notice, without a neutral hearing, without an individualized finding that he presented a danger or flight risk, and without identifying any new or materially changed circumstance justifying his detention.

For approximately two and one-half years before his arrest, Petitioner lived openly in Miami, Florida, while pursuing his pending asylum case. He complied with his immigration obligations,

maintained a fixed residence, obtained lawful employment authorization, worked steadily, paid the annual fee associated with his asylum application, and voluntarily appeared for his scheduled immigration appointment. He has no criminal history and no documented history of failing to appear or attempting to evade immigration authorities.

On or about July 4, 2026, Petitioner appeared voluntarily for an immigration appointment in Miami. Rather than permitting him to continue pursuing his pending removal proceedings from liberty, immigration officers arrested him and transferred him across the country to Otay Mesa Detention Center in San Diego, California. Respondents provided no pre-deprivation hearing, no meaningful opportunity to contest the arrest, and no individualized explanation establishing that detention was necessary.

Petitioner's arrest and continued confinement are arbitrary, unnecessary, and inconsistent with the Fifth Amendment's guarantee that no person may be deprived of liberty without due process of law. A later bond hearing would not restore the liberty unlawfully taken from Petitioner or cure the absence of process before his re-detention. Petitioner therefore requests an order requiring Respondents to release him immediately under the conditions that governed his prior liberty, or under reasonable noncustodial conditions imposed by this Court.

II. PARTIES

1. Petitioner Guillermo Manuel González Ruiz is a native and citizen of Colombia who entered the United States without inspection on or about January 15, 2024. He has a pending asylum application and is currently in removal proceedings before the Miami Immigration Court. He is detained at the Otay Mesa Detention Center in San Diego, California.
2. Respondent Warden, Otay Mesa Detention Center, is Petitioner's immediate custodian.

3. Respondent Field Office Director, ICE Enforcement and Removal Operations, San Diego Field Office, is responsible for Petitioner's detention within this district.
4. Respondent David J. Venturella is the Acting Director of U.S. Immigration and Customs Enforcement.
5. Respondent Markwayne Mullin is the Secretary of the U.S. Department of Homeland Security.
6. Respondent Todd Blanche is the Acting Attorney General of the United States.

III. JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. § 2241 and 28 U.S.C. § 1331. Venue lies in the Southern District of California because Petitioner is detained at the Otay Mesa Detention Center within this District. The Warden of Otay Mesa Detention Center is Petitioner's immediate custodian and is named as a Respondent.

IV. FACTUAL BACKGROUND

A. Entry and Release

Petitioner is a native and citizen of Colombia, [redacted] in Suan, Atlántico, Colombia. Petitioner entered the United States without inspection on or about January 15, 2024, after leaving Colombia, where he fears persecution. After his entry and processing by immigration authorities, Petitioner was permitted to live in the community while pursuing his immigration proceedings. The presently available records do not identify the precise statutory or administrative instrument governing that release. Petitioner was served with a Notice to Appear dated March 22, 2024, charging him as removable under INA § 212(a)(7)(A)(i)(I) and INA § 212(a)(6)(A)(i). Petitioner filed a Form I-589 Application for Asylum and for Withholding of Removal, seeking protection based on nationality, political opinion, membership in a particular social group, and protection

under the Convention Against Torture. His application remains pending before the Miami Immigration Court. Petitioner has been in removal proceedings before the Miami Immigration Court, where EOIR records dated July 13, 2026 reflected a Master Calendar Hearing scheduled for July 16, 2026.

B. Life at Liberty in Miami

From approximately January 2024 through on or about July 4, 2026, Petitioner lived at liberty in Miami, Florida. During this period:

1. Petitioner maintained known residential addresses in Miami. His immigration records reflected [redacted], and his more recently issued Florida driver's license reflected [redacted]
2. Petitioner obtained lawful employment authorization from U.S. Citizenship and Immigration Services.
3. Petitioner worked consistently in construction, earning $20 per hour, working approximately 40 to 50 hours per week. His employer, Artēs Solutions, LLC, confirmed that he had worked since July 1, 2024, and remained in good standing.
4. Petitioner obtained a Florida driver's license.
5. Petitioner paid the required annual fee associated with his asylum application.
6. Petitioner remained engaged in his immigration proceedings, paid the annual asylum fee on May 28, 2026, voluntarily appeared for the immigration appointment at which he was arrested, and has no documented history of failing to appear.
7. Petitioner developed strong community ties. Multiple community members describe him as peaceful, responsible, honest, hardworking, and committed to his community.

8. Petitioner has no criminal record, no pending criminal charges, no history of violence, and no documented disciplinary violations.
9. Petitioner has no final order of removal.

C. Arrest During Voluntary Immigration Appointment

On or about July 4, 2026, according to the information provided by Petitioner's family and the presently available records, Petitioner appeared voluntarily for a scheduled immigration appointment in Miami, Florida. Rather than permitting him to continue pursuing his pending removal proceedings from liberty, immigration officers arrested him at the appointment. Petitioner was not provided advance notice that his liberty would be revoked, was not given an opportunity to present evidence regarding his compliance, and was not provided a hearing before a neutral decisionmaker to determine whether detention had become necessary.

D. Transfer to California

Following his arrest, Petitioner was transferred approximately 2,700 miles from his residence, employment, community, witnesses, supporting evidence, and pending Miami Immigration Court proceedings to the Otay Mesa Detention Center in San Diego, California. This transfer has severely impaired Petitioner's ability to prepare his asylum case, communicate with his support network, and access evidence and witnesses relevant to his immigration proceedings.

E. No Materially Changed Circumstances

The available record does not identify any intervening criminal conduct, failure to appear, violation of release conditions, attempt to flee, threat to public safety, or other materially changed circumstance arising between Petitioner's entry into the United States and his arrest. To the contrary, Petitioner voluntarily appeared at the immigration appointment where he was arrested, affirmatively demonstrating his willingness to comply with immigration authorities and directly

contradicting any unsupported suggestion that he presented a flight risk.

V. LEGAL FRAMEWORK

A. The Fifth Amendment Protects Petitioner's Liberty Interest

"Freedom from imprisonment — from government custody, detention, or other forms of physical restraint — lies at the heart of the liberty [the Due Process] Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). The Due Process Clause applies to all "persons" within the United States, regardless of immigration status. *Id.* at 693.

Courts have recognized that a noncitizen released from immigration custody develops a protected liberty interest in remaining free. *See Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1180 (N.D. Cal. 2017) ("Once a noncitizen has been released, the law prohibits federal agents from rearresting him merely because he is subject to removal proceedings. Rather, the federal agents must be able to present evidence of materially changed circumstances — namely, evidence that the noncitizen is in fact dangerous or has become a flight risk, or is now subject to a final order of removal."). This interest strengthens over time as the person builds a life in the community. *See Doe v. Becerra*, 787 F. Supp. 3d 1083, 1093 (E.D. Cal. 2025) (noting the Government's actions in allowing petitioner to remain in the community for over five years strengthened petitioner's liberty interest). The government's decision to release a noncitizen creates "an implicit promise," upon which that individual may rely, that their liberty "will be revoked only if [they] fail[] to live up to the . . . conditions [of release]." *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1032 (N.D. Cal. July 24, 2025) (quoting *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972)).

Although the presently available records do not identify the precise document under which Petitioner was initially permitted to remain at liberty, the undisputed practical reality is that immigration authorities allowed him to live openly in the community for approximately two and

one-half years while his removal proceedings remained pending. During that period, he developed substantial and enduring attachments of normal life — including stable employment, a fixed residence, community relationships, and consistent compliance with his immigration obligations — that are protected by the Due Process Clause. See *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972) (recognizing that conditional liberty includes "the core values of unqualified liberty" and that its termination inflicts a "grievous loss").

B. The Traditional Function of Habeas Corpus Is to Secure Release from Illegal Custody

"The essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and . . . the traditional function of the writ is to secure release from illegal custody." *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973). Historically, "the writ of habeas corpus has served as a means of reviewing the legality of Executive detention, and it is in that context that its protections have been strongest." *I.N.S. v. St. Cyr*, 533 U.S. 289, 301 (2001).

C. The Better Reading of the Statutory Framework Is That § 1226—Not § 1225(b)—Governs Petitioner's Interior Re-Detention

The better reading of the statutory framework, adopted by multiple federal courts addressing interior re-detention, is that § 1226—not § 1225(b)—governs Petitioner's detention after he lived in the United States for approximately two and one-half years and was arrested in the interior while ordinary removal proceedings were pending. Section 1225(b) applies primarily to noncitizens seeking entry at the border, while § 1226(a) governs the detention of noncitizens already present in the United States. See *Jennings v. Rodriguez*, 583 U.S. 281, 303-06 (2018). Multiple courts have rejected the government's broad interpretation that § 1225 applies to all noncitizens who entered without inspection, holding instead that § 1226(a) governs when a noncitizen is already living in the interior. See, e.g., *Gonzales Chaj v. Unknown Party*, No. CV-26-04012-PHX-RM (D. Ariz.

June 12, 2026) (concluding independently that detention was governed by § 1226 and not § 1225); *Garcia Machado v. Warden, California City Corr. Ctr.*, No. 2:26-cv-01240-DAD-CSK (E.D. Cal. July 2, 2026) (adopting reasoning of *Quichimbo-Jimenez* and rejecting § 1225(b)). At minimum, Respondents must identify the precise statutory authority governing Petitioner's present custody and explain why that authority permitted his summary re-detention without individualized process.

VI. CLAIMS

CLAIM ONE: RESPONDENTS VIOLATED THE FIFTH AMENDMENT BY RE-DETAINING PETITIONER WITHOUT NOTICE OR A PRE-DEPRIVATION HEARING

Petitioner had been living at liberty in the United States since approximately January 2024 while actively pursuing his asylum claim and removal proceedings. During that period, Petitioner maintained a fixed residence, obtained employment authorization, worked legally, remained economically self-sufficient, provided assistance to his father, complied with his immigration obligations, paid the required asylum fee, and voluntarily appeared for the immigration appointment at which he was arrested.

Petitioner's established liberty could not constitutionally be terminated through an unexplained and summary arrest without adequate procedural safeguards. The Fifth Amendment protects every person within the United States against arbitrary governmental detention. *See Zadvydas*, 533 U.S. at 690; *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017).

Respondents arrested Petitioner without providing advance notice that his liberty would be revoked, without giving him an opportunity to present evidence regarding his compliance, and without obtaining a determination from a neutral decisionmaker that detention had become necessary. The United States Supreme Court "usually has held that the Constitution requires some

kind of a hearing *before* the State deprives a person of liberty or property." *Zinermon v. Burch*, 494 U.S. 113, 127 (1990) (emphasis in original).

Under *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), the balance strongly favors pre-deprivation process. First, Petitioner's interest in freedom from physical confinement is fundamental. Second, the risk of erroneous deprivation was exceptionally high because Respondents provided no advance notice, no disclosure of the alleged basis for detention, and no neutral hearing. Third, requiring notice and a brief pre-deprivation hearing would impose little administrative burden compared with the severe loss of liberty imposed on Petitioner.

The risk of erroneous deprivation is considerable given that Petitioner received no process, either pre- or post-detention. Because civil immigration detention is "nonpunitive in purpose and effect," a "special justification" must outweigh Petitioner's protected liberty interest in order for detention to comport with due process. *Zadvydas*, 533 U.S. at 690. The government has no legitimate interest in detaining individuals "who have been determined not to be a danger to the community and whose appearance at future immigration proceedings can be reasonably ensured by a lesser bond or alternative conditions." *Hernandez*, 872 F.3d at 994.

Like the successful petitioners in *Johalan David N.M. v. Warden of the California City Correctional Center*, No. 2:26-cv-01270-TLN-AC (E.D. Cal. June 26, 2026), where the court ordered immediate release because the petitioner received no hearing prior to or after his re-detention, and in *Xiaoming Wang v. Warden, California City Corr. Ctr.*, No. 1:26-cv-03460-DC-SCR (E.D. Cal. June 24, 2026), where the court held that the government could not re-detain a previously released noncitizen without a pre-deprivation hearing and ordered immediate release, Petitioner was deprived of his existing liberty without meaningful process.

CLAIM TWO: RESPONDENTS IDENTIFIED NO MATERIALLY CHANGED

CIRCUMSTANCES JUSTIFYING THE TERMINATION OF PETITIONER'S LIBERTY

Once a noncitizen has been released, the law prohibits federal agents from rearresting him merely because he is subject to removal proceedings. Rather, the federal agents must be able to present evidence of materially changed circumstances — namely, evidence that the noncitizen is in fact dangerous or has become a flight risk, or is now subject to a final order of removal. *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1180 (N.D. Cal. 2017); *see also Ortiz Vargas v. Jennings*, No. 20-cv-03847-EMC (N.D. Cal. Aug. 23, 2020) (finding that a previously released noncitizen has a protectable liberty interest and that re-arrest is only appropriate where there has been a material change in circumstances).

The available record does not identify any intervening criminal conduct, failure to appear, violation of release conditions, attempt to flee, threat to public safety, or other materially changed circumstance arising between Petitioner's entry into the United States and his arrest.

To the contrary, Petitioner voluntarily appeared at the immigration appointment where he was arrested. His appearance affirmatively demonstrated his willingness to comply with immigration authorities and directly contradicts any unsupported assertion that he presented a flight risk. As the court recognized in *Yunhe B. v. Warden of the California City Correctional Center*, No. 1:26-cv-03307-TLN-CKD (E.D. Cal. June 16, 2026), where the petitioner was detained when he reported to ICE as instructed on his reporting requirements, voluntary appearance at an immigration appointment is affirmative evidence of compliance, not a basis for detention.

CLAIM THREE: RESPONDENTS HAVE NOT IDENTIFIED A VALID STATUTORY BASIS AUTHORIZING PETITIONER'S SUMMARY RE-DETENTION

Respondents may contend that § 1225(b) mandates detention because Petitioner originally entered without inspection. Multiple courts have rejected that position where a noncitizen was later

arrested in the interior after living in the community while ordinary removal proceedings remained pending.

If § 1226(a) applies, it confirms that detention is discretionary rather than mandatory. It does not authorize Respondents to terminate Petitioner's established liberty without constitutionally adequate pre-deprivation procedures. Because those procedures were denied, a later custody hearing would not cure the original constitutional violation, and immediate release is required to restore the status quo ante. If Respondents rely on another statute, they must identify it and explain how it permitted re-detention without notice or individualized process. The available record contains no custody warrant, revocation decision, written custody determination, or explanation identifying the legal authority relied upon.

CLAIM FOUR: IMMEDIATE RELEASE IS THE APPROPRIATE HABEAS REMEDY

The traditional function of the writ of habeas corpus is to secure release from illegal custody. *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973). Courts have consistently ordered immediate release — not merely a bond hearing — when the government has unlawfully re-detained a previously released noncitizen without notice, a pre-deprivation hearing, or materially changed circumstances. See, e.g., *Gimenez Montilla v. Warden*, No. 3:26-cv-03798-JO-MMP (S.D. Cal. July 10, 2026) (ordering immediate release because government violated petitioner's Fifth Amendment due process rights by revoking his release without an individualized determination of flight risk or danger to the public).

A post-detention bond hearing would not cure the unconstitutional manner in which Petitioner's existing liberty was terminated. As the court explained in *Charan S. v. Warden of the California City Detention Facility*, No. 1:26-cv-03017-TLN-JDP (E.D. Cal. Apr. 28, 2026), the fact that a petitioner was provided with a post-deprivation bond hearing "does not cure the initial

constitutional violation" because "the relief for a constitutional violation cannot be to merely bring the Government into compliance — it must be to restore the liberty that was lost." *See also Rafaela Neri Angel v. Warden*, No. 5:26-cv-03269-MWC-JDE (C.D. Cal. June 18, 2026) (finding that a post-deprivation bond hearing "cannot undo" the "irreparable harms imposed on anyone subject to immigration detention" and granting immediate release).

The Government has no legitimate interest in detaining individuals who have been determined not to be a danger to the community and whose appearance at future immigration proceedings can be reasonably ensured by alternative conditions. *Hernandez*, 872 F.3d at 994. Although the available record does not contain a formal prior dangerousness determination, Respondents permitted Petitioner to live in the community for approximately two and one-half years, during which he committed no known crime, maintained employment, and complied with his immigration case.

The appropriate remedy is restoration of the status quo that existed before the unconstitutional deprivation: immediate release under the same or comparable noncustodial conditions that previously permitted Petitioner to live, work, and pursue his immigration case from Miami. *See Barajas Ortiz v. Chestnut*, No. 1:26-cv-01167-DC-SCR, 2026 WL 508419 (E.D. Cal. Feb. 24, 2026) (finding that immediate release was the appropriate remedy to return parties to the "last uncontested status which preceded the pending controversy").

VII. A POST-DETENTION BOND HEARING WOULD NOT PROVIDE COMPLETE RELIEF

Petitioner does not challenge merely the procedures that might be used in a future custody hearing. He challenges Respondents' authority and constitutional basis for taking away the liberty he had exercised for approximately two and one-half years. A post-detention bond hearing would not cure the absence of notice and process before Petitioner's arrest. Nor would it restore the employment,

family contact, preparation time, and access to evidence lost because of his summary detention and cross-country transfer.

VIII. EXHAUSTION OF ADMINISTRATIVE REMEDIES

The available record does not reflect that Petitioner has received a custody redetermination hearing or any neutral review of the decision to re-detain him. No written custody decision, bond order, or administrative ruling addressing the legality of his re-detention has been provided. Exhaustion should be excused because this Petition challenges the absence of constitutionally required process before the deprivation of liberty. A later administrative proceeding cannot retroactively supply the notice and hearing that were denied before Petitioner was arrested. See *Khamraev v. Warden, California City Corr. Ctr.*, No. 1:26-cv-04458-DAD-AC (E.D. Cal. July 1, 2026) (waiving prudential exhaustion requirement "because exhaustion could not cure the due process violation that petitioner experienced from his re-detention without notice or opportunity to be heard at a pre-deprivation hearing").

IX. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

A. Issue a writ of habeas corpus declaring that Petitioner's arrest and continued detention violate the Due Process Clause of the Fifth Amendment and federal law; B. Order Respondents to release Petitioner immediately from immigration custody; C. Restore Petitioner to the noncustodial status under which he lived before July 4, 2026, subject only to reasonable conditions of supervision; D. Enjoin Respondents from re-detaining Petitioner based on the same existing record absent exigent circumstances or materially changed circumstances; E. Require that any future nonemergency re-detention be preceded by written notice and a hearing before a neutral decisionmaker at which the Government bears the burden of proving that re-detention is legally authorized and necessary; F.

Order Respondents to return all of Petitioner's documents and personal possessions at the time of release; and G. Grant such other relief as the Court deems just and proper.

Because Petitioner remains in physical custody and alleges an ongoing unconstitutional deprivation of liberty, Petitioner respectfully requests expedited consideration and an order requiring Respondents to show cause within a shortened period.

X. VERIFICATION

I, Guillermo Manuel González Ruiz, declare under penalty of perjury under the laws of the United States that the foregoing Petition for Writ of Habeas Corpus is true and correct to the best of my knowledge, information, and belief.

[redacted]

Guillermo Manuel Gonzalez-Ruiz

[redacted]

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Pro Se

Petitioner