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

Eudis Jesús Reyes Ordóñez
[redacted]
Otay Mesa Detention Center 7488
Calzada de la Fuente San Diego,
CA 92154Pro Se
Petitioner

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

EUDIS JESÚS REYES ORDÓÑEZ
Proceeding Pro Se,
Petitioner,
v.
_____, WARDEN/FACILITY ADMINISTRATOR, Otay Mesa Detention Center; _____, FIELD OFFICE DIRECTOR, U.S. Immigration and Customs Enforcement, 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.: **'26CV4136 DMS JLB**

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. This is a petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging the arbitrary and unlawful re-detention of Eudis Jesús Reyes-Ordóñez, A# [redacted], a native and citizen of Venezuela currently detained by U.S. Immigration and Customs Enforcement ("ICE") at the Otay Mesa Detention Center in San Diego, California.
2. Petitioner entered the United States in January 2022 and was released on January 11, 2022, subject to ICE's Alternatives to Detention ("ATD") program. He thereafter resided peacefully in Miami, Florida for over four years, maintained stable employment, filed federal income-tax returns, renewed his Florida driver's license, and diligently pursued his pending asylum proceedings before the Miami Immigration Court.
3. On July 7, 2026, Petitioner voluntarily appeared for a scheduled immigration check-in in

Miramar, Florida. Rather than being permitted to return home under the conditions that had successfully governed his release for more than four and a half years, he was seized and taken into immigration custody.

4. After his re-detention, while his habeas corpus action was pending in the Southern District of Florida, Respondents transferred Petitioner across the country to the Otay Mesa Detention Center in San Diego, California. This transfer obstructs his access to the court, his family, and the community where his immigration case is pending, and constitutes an additional violation of his due process rights.
5. The available record identifies no new arrest, conviction, failure to appear, violation of supervision, attempt to flee, or other materially changed circumstance that would justify revoking the previously successful conditions of release and replacing them with physical incarceration. Petitioner's voluntary appearance itself demonstrates his continued willingness to comply.
6. Petitioner's detention is unconstitutional. He respectfully requests that this Honorable Court issue a Writ of Habeas Corpus directing his immediate release from custody under appropriate noncustodial conditions, including restoration to the Alternatives to Detention program.

PARTIES

7. Petitioner Eudis Jesús Reyes-Ordóñez (A# [redacted] is a Venezuelan national, [redacted] He is currently detained by ICE at the Otay Mesa Detention Center, 7488 Calzada de la Fuente, San Diego, CA 92154.
8. Respondents are the WARDEN/FACILITY ADMINISTRATOR of the Otay Mesa Detention Center; the FIELD OFFICE DIRECTOR for the U.S. Immigration and Customs

Enforcement, San Diego Field Office; DAVID J. VENTURELLA, Acting Director of ICE; MARKWAYNE MULLIN, Secretary of Homeland Security; and TODD BLANCHE, Acting Attorney General. Respondents are Petitioner's legal custodians and are responsible for his detention.

JURISDICTION AND VENUE

9. This Court has jurisdiction to entertain this Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241, which grants federal district courts the authority to hear petitions from individuals held in custody in violation of the Constitution or laws of the United States.

10. Venue is proper in the Southern District of California. Petitioner is physically confined at the Otay Mesa Detention Center in San Diego, California, within this District. For core habeas petitions challenging present physical confinement, jurisdiction lies in the district of confinement. *See (HC) Fon v. Mayorkas*, No. 21-cv-00438 (S.D. Cal. Feb. 18, 2021); *see also Singh v. U.S. Department of Homeland Security*, No. 20-cv-00671 (S.D. Cal. May 5, 2020) (confirming this Court's jurisdiction over habeas petitions from detainees at Otay Mesa).

STATEMENT OF FACTS

A. Petitioner's Entry, Release, and Over Four Years of Community Integration

11. Petitioner entered the United States in January 2022. On January 11, 2022, he was released from Del Rio, Texas, and placed on ICE's Alternatives to Detention program with GPS monitoring.

12. Following his release, Petitioner established a stable residence at [redacted]

13. He maintained employment at two restaurants for approximately four years, worked

diligently, and contributed to his community. He filed federal income tax returns for 2023, 2024, and 2025. On June 2, 2026, he renewed his Florida driver's license.

14. Petitioner has a pending application for asylum (Form I-589). His immigration case remains pending before the Miami Immigration Court, with his next Master Calendar Hearing scheduled for November 27, 2028. No final order of removal has been entered.

B. The Voluntary Check-In, Sudden Re-Detention, and Cross-Country Transfer

15. On July 7, 2026, Petitioner voluntarily appeared for a scheduled immigration check-in at the ICE office in Miramar, Florida. His appearance was consistent with the conditions of his release and his more than four years of perfect compliance.

16. Instead of being permitted to return home, Petitioner was taken into immigration custody without explanation. On July 8, 2026, he was transferred to the Krome North Service Processing Center in Miami, Florida.

17. After filing a habeas corpus petition in the Southern District of Florida, Petitioner was transferred across the country to the Otay Mesa Detention Center in San Diego, California, where he is currently detained.

18. The available record identifies no new arrest, conviction, failure to appear, violation of supervision, attempt to flee, or other materially changed circumstance that would justify this sudden incarceration.

C. Petitioner's Lack of Criminal History

19. Petitioner has no criminal history. No arrest, conviction, or pending criminal charge has been identified or communicated to him as a basis for his re-detention.

D. The Government's Failure to Provide Justification or Due Process

20. At the time of this filing, Petitioner has not been provided with a Notice of Custody

Determination, a written bond order, a Form I-213, or any document explaining the official reason for his re-detention.

21. It is unknown whether ICE asserts detention authority under 8 U.S.C. § 1225 or 8 U.S.C. § 1226. No official criminal record or evidence of a qualifying offense has been produced.

LEGAL ARGUMENT

I. PETITIONER'S RE-DETENTION AFTER OVER FOUR YEARS OF SUCCESSFUL COMMUNITY SUPERVISION IMPLICATES A PROTECTED LIBERTY INTEREST UNDER THE DUE PROCESS CLAUSE.

22. A noncitizen who has been released into the community under immigration supervision develops a protected liberty interest in remaining free from physical incarceration.

23. In *Ortiz Vargas v. Jennings*, No. 20-cv-04234 (N.D. Cal. Aug. 23, 2020), the court held that "non-citizens who have been granted release on bond have a liberty interest in maintaining release to which due process protections attach." The court found the petitioner "had a protectable liberty interest in remaining out of custody on bond, similar to the liberty interests of people on pre-parole, parole and probation as recognized under Supreme Court authority."

24. The same court recognized "serious questions going to the merits of a procedural due process claim where a noncitizen released on bond was re-detained without a pre-deprivation hearing." *Id.* (N.D. Cal. Sept. 14, 2020).

25. Petitioner was released under the ATD program on January 11, 2022, and remained at liberty for more than four and a half years. During that time, he maintained a stable residence, employment, tax compliance, and ongoing participation in immigration proceedings. He developed substantial reliance interests in his conditional liberty.

26. The Government's sudden decision to incarcerate him—without identifying a new criminal act, violation, failure to appear, or other material change—deprived him of that liberty interest without due process of law.

II. THE GOVERNMENT HAS NOT MET ITS BURDEN TO JUSTIFY PETITIONER'S DETENTION AND CANNOT DO SO.

27. In the Ninth Circuit, the Government bears the heavy burden of justifying an individual's detention by clear and convincing evidence. "[T]he government must prove by clear and convincing evidence that an alien is a flight risk or a danger to the community to justify denial of bond." *Singh v. Holder*, 638 F.3d 1196, 1202 (9th Cir. 2011).

28. Federal courts in California consistently apply this standard. *See (HC) Sho v. S.F. Field Office, U.S. Immigration and Customs Enforcement*, No. 22-cv-01044 (E.D. Cal. June 15, 2023) ("[T]he government bears the burden of justifying a noncitizen's continued detention by clear and convincing evidence that the detainee poses a danger to the community or a risk of flight.") (citing *Singh*).

29. Within this District, courts have held that "the government bear[s] the burden of establishing by clear and convincing evidence that Petitioner poses a risk to the community sufficient to justify his continued detention." *Jardines-Guerra v. Ashcroft*, 262 F. Supp. 2d 1112 (S.D. Cal. 2003).

30. Petitioner's re-detention is analogous to a revocation of bond, which requires a valid justification. A revocation of release may be imposed "only based on a change in circumstances or upon information not disclosed to the court at the time bond was previously established. It is the state's burden to bring such new information to the court's attention." *Santos v. Garrison*, 691 So. 2d 1172 (Fla. Dist. Ct. App. 1997).

31. The Government has produced no evidence—let alone clear and convincing evidence—of any material change in circumstances justifying Petitioner's re-detention. Petitioner has no criminal history and a perfect record of compliance. The Government cannot meet its burden.

III. THE TRANSFER TO CALIFORNIA CONSTITUTES AN ADDITIONAL DUE PROCESS VIOLATION DESIGNED TO OBSTRUCT JUDICIAL REVIEW.

32. Respondents transferred Petitioner from Miami, Florida, to San Diego, California, after he filed his initial habeas petition. This transfer is not a coincidence; it is a tactic to frustrate judicial review.

33. The transfer severely prejudices Petitioner by physically removing him from the venue of his immigration court proceedings in Miami, from his community of over four years, and from his U.S.-based family. It impedes his ability to access documents, witnesses, and potential counsel related to both his asylum case and this habeas action.

34. This obstructive transfer constitutes an independent due process violation and further demonstrates the arbitrary and punitive nature of Petitioner's detention.

IV. THE ONLY LAWFUL AND APPROPRIATE REMEDY IS IMMEDIATE RELEASE, NOT A BOND HEARING.

35. The Government previously determined that Petitioner could be safely managed in the community under the ATD program. That determination was vindicated by over four years of successful compliance.

36. In the Ninth Circuit, adjudicators must "consider alternatives to detention" when deciding whether to release a noncitizen. *Alejandro Rodriguez v. Robbins*, 804 F.3d 1060, 1086 (9th Cir. 2015). Here, an alternative to detention was already in place and proven effective.

There is no justification for abandoning it.

37. The Ninth Circuit's high, "clear and convincing evidence" standard applies because "regardless of the stage of the proceedings, the same important interest is at stake—freedom from prolonged detention." *Banda v. McAleenan*, 385 F. Supp. 3d 1099 (W.D. Wash. 2019).

38. Because the government cannot meet its burden to justify detention, the appropriate remedy is not another hearing, but immediate release. A federal court may order immediate release where the government has failed to meet its burden. *See John Doe v. Smith*, No. 17-cv-10900 (D. Mass. Dec. 19, 2017) (ordering immediate release because "due process demands a better answer than 'we haven't gotten around to it yet'").

39. The Government's actions are unreasonable and unjustified under the circumstances. The only lawful remedy is to restore Petitioner to the liberty he lawfully held for years.

V. PETITIONER'S VOLUNTARY APPEARANCE AND COMPLIANCE HISTORY DEMONSTRATE THAT HE IS NEITHER A FLIGHT RISK NOR A DANGER TO THE COMMUNITY.

40. Petitioner voluntarily appeared for his scheduled immigration check-in on July 7, 2026. This act is the strongest possible evidence of his willingness to comply with immigration authorities and a definitive refutation of any claim that he is a flight risk.

41. During more than four and a half years under the ATD program, Petitioner never failed to appear, violated supervision, attempted to flee, or engaged in any conduct requiring law-enforcement intervention. He maintained stable employment, filed taxes, renewed his driver's license, and pursued his asylum case.

42. No factual basis exists for a finding that Petitioner is a danger to the community or a flight

risk. The Government cannot produce clear and convincing evidence to justify his continued incarceration.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Honorable Court:

A. Issue a Writ of Habeas Corpus directing Respondents to immediately release Petitioner from custody under appropriate noncustodial conditions, including restoration to the Alternatives to Detention program or such other reasonable conditions of supervision as the Court deems appropriate; B. Alternatively, order Respondents to show cause why Petitioner should not be immediately released; C. Enjoin Respondents from transferring Petitioner to any other facility outside the Southern District of California while this action is pending; D. Retain jurisdiction to ensure compliance with any order of release; and E. Grant such other and further relief as this Court deems just and proper.

[redacted]

Eudis Jesús Reyes Ordóñez

[redacted]

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