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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WALFER OSEAS BARRIOS-SOTTO,

Petitioner,

v.

Christopher Chestnut, Facility Administrator of California City ICE Detention Facility;

Markwayne MULLIN, Secretary, U.S. Department of Homeland Security;

David J. VENTURELLA, Senior Official Performing the Duties of the Director, U.S. Immigration and Customs Enforcement;

Todd BLANCHE, Acting Attorney General of the United States, U.S. Department of Justice.

Respondents

Case No.:

[redacted]

PETITION FOR WRIT OF HABEAS CORPUS AND ORDER TO SHOW CAUSE WITHIN THREE DAYS; COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. Petitioner, Walfer Oseas Barrios-Sotto, petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging the legality of his continued immigration detention and alleges as follows:

INTRODUCTION

2. Petitioner Walfer Oseas Barrios-Sotto is a native and citizen of Guatemala currently detained at the California City Immigration Processing Center in California City, California.

3. Petitioner brings this action under 28 U.S.C. § 2241 to challenge the legality of his re-detention by the Department of Homeland Security after having been previously released into the United States and permitted to reside at liberty for more than eight years.

4. Petitioner entered the United States without inspection on or about December 30, 2017, when he was only twelve years old, and was subsequently encountered by immigration authorities. On or about December 31, 2017, DHS issued Petitioner a Notice to Appear placing him in removal proceedings under INA § 240. (*Ex.* 1). On or about January 1, 2018, while Petitioner was still twelve years old, DHS released him from custody on his own recognizance pursuant to INA § 236 and Form I-220A, permitting him to remain at liberty in the United States pending removal proceedings. (*Ex.* 2).

5. Following his release, Petitioner resided at liberty in the United States for more than eight years without incident. He complied with all conditions imposed by immigration authorities and established substantial ties within his community.

6. Despite this prior release and extended period of liberty, Petitioner was arrested in the interior of the United States on or about June 27, 2026, in Florida, while he was a passenger in a vehicle stopped during an ICE enforcement operation. Respondents provided no prior notice, no explanation, and identified no change in circumstances justifying this re-detention.

7. Petitioner was subsequently transferred to different detention facilities and presently remains detained at the California City Immigration Processing Center in California City, California.

8. The government's actions violate the Due Process Clause of the Fifth Amendment. By releasing Petitioner from custody under INA § 236 while he was still a twelve-year-old child and permitting him to reside at liberty for more than eight years, the government created a substantial liberty interest in his continued freedom from physical restraint.

9. The Constitution does not permit the government to revoke that liberty interest through re-detention without prior notice, without identifying any changed circumstances, and without providing an opportunity to be heard before a neutral decisionmaker.

10. Absent intervention by this Court, no neutral adjudicator will review the legality of Petitioner's detention. Petitioner therefore respectfully requests that this Court declare his re-detention unlawful and order his immediate release or, in the alternative, require Respondents to provide a prompt constitutionally adequate custody hearing.

CUSTODY

11. Petitioner is currently in the legal and physical custody of Respondents and is detained at the California City Immigration Processing Center in California City, California, within the jurisdiction of this Court.

JURISDICTION AND VENUE

12. This action arises under the United States Constitution and the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq., INA § 101 et seq., to challenge Petitioner's detention under the INA and any inherent or plenary powers the government may claim to continue holding him.

13. This Court has jurisdiction under 28 U.S.C. § 2241; Art. I, § 9, cl. 2 of the United States Constitution; and 28 U.S.C. § 1331, as Petitioner is presently in Respondents' custody under the United States' color of authority, and such custody violates the Constitution, laws, or treaties of the United States. This Court's jurisdiction is not limited by a petitioner's nationality, status as an immigrant, or any other classification. See *Boumediene v. Bush*, 553 U.S. 723, 747 (2008). This Court may grant relief under U.S. CONST. art. I, § 9, cl. 2; U.S. CONST. amends. V and VIII; 28 U.S.C. §§ 1361 (mandamus), 1651 (All Writs Act), and 2241 (habeas corpus).

14. Specifically, this Court has jurisdiction under 28 U.S.C. § 2241 to review Petitioner's detention. Federal district courts possess broad authority to issue writs of habeas corpus when a person is held "in custody in violation of the Constitution or laws or treaties of the United States" (28 U.S.C. § 2241(c)(3)), and this authority extends to immigration detention challenges that survived the REAL ID Act's jurisdictional restrictions.

15. Because Petitioner seeks the traditional habeas remedy of release from allegedly unlawful detention rather than additional administrative review of his underlying claims, his petition presents precisely the type of threshold legality-of-detention question that § 2241 was designed to address. See *INS v. St. Cyr*, 533 U.S. 289, 301 (2001); see also *Lopez-Marroquin v. Barr*, 955 F.3d 759, 759 (9th Cir. 2020) (citing *Singh*, 638 F.3d at 1211–12).

16. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(2) and (e)(1) because a substantial part of the events or omissions giving rise to this claim have occurred here, Petitioner is detained here, and his custodian resides here. Venue is also proper under 28 U.S.C. § 2243 because Petitioner's immediate custodian resides in this District. See *Rumsfeld v. Padilla*, 542 U.S. 426, 451–52 (2004) (Kennedy, J., concurring).

17. Sections 8 U.S.C. §§ 1252(b)(9) and 1252(g) do not bar this Court's jurisdiction because Petitioner challenges only the legality of his detention, not the validity of removal proceedings or any removal order. Federal courts have consistently recognized that habeas corpus remains available to review the statutory and constitutional basis of immigration detention. Petitioner's claims therefore fall squarely within this Court's habeas jurisdiction under 28 U.S.C. § 2241.

PARTIES

18. Petitioner, Walfer Oseas Barrios-Sotto, is a native and citizen of Guatemala currently detained at the California City Immigration Processing Center in California City, California.

19. Respondent Christopher Chestnut, Facility Administrator of California City ICE Detention Facility, is Petitioner's immediate custodian and is responsible for Petitioner's confinement. Respondent Chestnut is sued in his official capacity.

20. Respondent Markwayne Mullin is the Secretary of the U.S. Department of Homeland Security (DHS).

21. Respondent David J. Venturella is the Senior Official Performing the Duties of the Director of U.S. Immigration and Customs Enforcement (ICE).

22. Respondent Todd Blanche is the Acting Attorney General of the United States and the head of the U.S. Department of Justice (DOJ).

23. All Respondents are named in their official capacities.

STATEMENT OF FACTS

24. Petitioner is currently detained at the California City Immigration Processing Center in California City, California. Petitioner is a native and citizen of Guatemala who entered the United States without inspection on or about December 30, 2017, when he was only twelve years old.

25. Petitioner was encountered by immigration authorities shortly after his entry into the United States.

26. On or about December 31, 2017, DHS issued Petitioner a Notice to Appear placing him in removal proceedings under INA § 240. (Ex. 1). On or about January 1, 2018, while Petitioner was still twelve years old, the Department of Homeland Security released Petitioner from custody on his own recognizance pursuant to INA § 236 and Form I-220A. (Ex. 2).

27. Following his release, Petitioner resided at liberty in the United States for more than eight years without incident. He complied with all conditions imposed by immigration authorities.

28. During this period, Petitioner established ties in the community, worked, and lived without any allegation that he posed a danger to the community or a risk of flight.

29. On or about June 27, 2026, Petitioner was arrested in the interior of the United States in Florida while he was a passenger in a vehicle stopped during an ICE enforcement operation. Respondents provided no prior notice, no explanation, and identified no changed circumstances justifying this re-detention.

30. Following his arrest, Petitioner was transferred to several detention facilities and is presently detained at the California City Immigration Processing Center in California City, California.

31. At no point prior to his arrest did DHS provide Petitioner with notice that his liberty would be revoked, nor did it provide any opportunity to challenge his re-detention before a neutral decisionmaker.

32. At no point has DHS identified any individualized basis for Petitioner's detention, nor has it asserted that Petitioner poses a danger to the community or a risk of flight.

REQUIREMENTS OF 28 U.S.C. § 2243

33. Under 28 U.S.C. § 2243, the Court "must" grant the petition for a writ of habeas corpus or issue an order to show cause ("OSC") "forthwith," unless the petitioner is not entitled to relief. If an OSC is issued, the statute requires that Respondents file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

34. Federal courts have long emphasized the importance of habeas corpus as a protection against unlawful restraint. The Supreme Court has described the Great Writ as "perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963).

35. Congress and the courts have repeatedly reaffirmed that habeas corpus must remain a prompt and expeditious remedy. As the Ninth Circuit has explained, "The statute itself directs courts to give petitions for habeas corpus 'special, preferential consideration to insure expeditious hearing and determination.'" *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted). The court cautioned that delays in habeas proceedings risk creating the impression "that courts are more concerned with efficient trial management than with the vindication of constitutional rights." *Id.*

EXHAUSTION OF ADMINISTRATIVE REMEDIES

36. In habeas corpus proceedings, exhaustion of administrative remedies is prudential, not jurisdictional. *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017). A court may waive prudential exhaustion where "administrative remedies are inadequate or not efficacious, pursuit of administrative remedies would be a futile gesture, irreparable injury will result, or the administrative proceedings would be void." *Id.* (quoting *Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004)). Here, exhaustion should be excused because administrative remedies are (1) futile and (2) Petitioner's continued detention results in irreparable harm.

37. Exhaustion would be futile because, to the extent DHS treats Petitioner as subject to detention under 8 U.S.C. § 1225(b), Immigration Judges lack jurisdiction to conduct custody redetermination hearings for individuals DHS classifies as subject to § 235(b) or designates as Arriving Aliens. See 8 C.F.R. § 1003.19(h)(2)(i)(B). In this District, Immigration Judges routinely state on the record that they lack authority to review custody where DHS invokes § 235(b). If Petitioner were to request a bond hearing, DHS would rely on that statutory classification to block review, and the Immigration Judge would be required to decline jurisdiction. Because no administrative mechanism exists to obtain custody review under DHS's asserted detention authority, any attempt to exhaust administrative remedies would be futile.

38. Moreover, no statutory exhaustion requirement applies to Petitioner's claim that his detention violates the Constitution and the INA. Constitutional claims and pure questions of law —such as whether DHS has statutory authority to detain Petitioner and whether detention under § 1225(b) is lawful in these circumstances—fall outside the agency's adjudicatory competence. See *Am.-Arab Anti-Discrimination Comm. v. Reno*, 70 F.3d 1045, 1058 (9th Cir. 1995) (exhaustion excused where the agency "does not have jurisdiction to review" constitutional claims); In re Indefinite Detention Cases, 82 F. Supp. 2d 1098, 1099 (C.D. Cal. 2000) (same). There is no administrative forum that can determine whether DHS may lawfully invoke § 1225(b)(2) to detain Petitioner under these circumstances.

39. Petitioner suffers irreparable harm for each additional day he remains unlawfully detained. His detention has caused significant emotional distress, physical decline, and deterioration of mental health. Continued incarceration following his prior release from custody magnifies these ongoing harms. Courts routinely excuse exhaustion where prolonged or unlawful detention inflicts irreparable injury. Petitioner's ongoing harm further warrants waiver of prudential exhaustion.

LEGAL FRAMEWORK

40. The Immigration and Nationality Act distinguishes between detention at the time of entry and detention following arrest in the interior of the United States. See 8 U.S.C. §§ 1225, 1226.

41. Section 235 governs inspection-stage detention of individuals encountered at or near the time of entry while their admissibility is being determined. By contrast, Section 236(a) governs the arrest and detention of noncitizens who have already entered the United States and are later taken into custody pending removal proceedings.

42. Once the Department of Homeland Security releases a noncitizen from custody and permits him to reside at liberty in the United States, the inspection-stage detention framework no longer applies. Any subsequent detention following a later arrest in the interior must proceed, if at all, under 8 U.S.C. § 1226(a).

43. Federal courts have repeatedly recognized that individuals who were released from custody and later re-detained in the interior of the United States are not subject to mandatory detention under § 1225(b), but are instead entitled to custody review under § 1226(a).

44. The Due Process Clause protects all persons within the United States from arbitrary detention. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Freedom from physical restraint lies at the core of the liberty protected by the Constitution.

45. Immigration detention is civil in nature and is permissible only when justified by legitimate governmental interests, such as ensuring appearance at proceedings or protecting the community. *Id.* at 690–91.

46. Where the government has previously released a noncitizen from custody and permitted him to reside at liberty in the community, that release reflects a determination that detention was not necessary to serve those purposes. Once that liberty has been granted, it cannot be revoked without constitutionally adequate process. Re-detention without any individualized determination or changed circumstances therefore raises serious due process concerns.

47. The Administrative Procedure Act prohibits agency action that is arbitrary, capricious, or not in accordance with law. 5 U.S.C. § 706(2)(A). An agency must provide a reasoned explanation for its actions based on the relevant facts and circumstances.

48. Re-detaining a noncitizen after a prolonged period of liberty—without identifying any changed circumstances, without providing an individualized justification, and without applying the proper statutory framework—constitutes arbitrary and unlawful agency action.

CLAIM FOR RELIEF

COUNT 1

Violation of Due Process U.S. Constitution Amendment V

49. Petitioner re-alleges and incorporates by reference, as if fully set forth herein, all preceding paragraphs.

50. The Due Process Clause of the Fifth Amendment prohibits the federal government from depriving any person of "life, liberty, or property, without due process of law." U.S. CONST. amend. V. This protection applies to all persons within the United States, including noncitizens, "whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

51. Petitioner was previously released from immigration custody on or about January 1, 2018, while he was still twelve years old, and permitted to reside at liberty in the United States for more than eight years. On or about June 27, 2026, Petitioner was arrested in the interior of the United States in Florida while he was a passenger in a vehicle stopped during an ICE enforcement operation, and placed in immigration detention without prior notice, without any

explanation, and without any identified change in circumstances. Nothing in the record indicates that Petitioner poses a danger to the community or a risk of flight.

52. Having previously released Petitioner from custody and allowed him to live at liberty in the community, the government created a substantial liberty interest in Petitioner's continued freedom from detention. Re-detention without notice, without an individualized determination, and without an opportunity to be heard constitutes an arbitrary deprivation of that liberty in violation of the Due Process Clause. See *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976); *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

COUNT 2

Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A) (Agency Action Not in Accordance with Law and in Excess of Statutory Authority)

53. Petitioner re-alleges and incorporates by reference, as if fully set forth herein, the allegations in the paragraphs above.

54. Under the Administrative Procedure Act, a court shall "hold unlawful and set aside agency action" that is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. 5 U.S.C. § 706(2)(A).

55. Agency action is arbitrary and capricious where the agency fails to consider relevant factors, offers an explanation that runs counter to the evidence, or fails to articulate a rational connection between the facts found and the decision made. *Motor Vehicle Mfrs. Ass'n v. State Farm*, 463 U.S. 29, 43 (1983).

56. An agency must provide a reasoned explanation for its actions based on the facts and circumstances of the individual case. *Dep't of Com. v. New York,* 139 S. Ct. 2551, 2569 (2019).

57. Here, Respondents have re-detained Petitioner after previously releasing him into the United States pursuant to INA § 236 and permitting him to reside at liberty for more than eight years. Respondents have provided no reasoned explanation for this re-detention and have identified no changed circumstances that would justify revoking Petitioner's liberty.

58. Respondents have further failed to provide any individualized assessment justifying Petitioner's detention. They have not identified any facts indicating that Petitioner poses a danger to the community or a risk of flight.

59. By re-detaining Petitioner in the interior of the United States, without explanation, without identifying any changed circumstances, and without providing any individualized justification, Respondents have acted arbitrarily and capriciously and in excess of their statutory authority.

60. Accordingly, Respondents' decision to detain Petitioner must be set aside under 5 U.S.C. § 706(2)(A).

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

A) Assume jurisdiction over this matter;

B) Issue the writ of habeas corpus or, in the alternative, an order to show cause directing Respondents to show cause, within three days of the filing of this Petition, why the relief requested should not be granted, and set a hearing within five days of Respondents' return, consistent with 28 U.S.C. § 2243;

C) Pending adjudication of this action, enjoin Respondents from transferring Petitioner outside the Eastern District of California or removing Petitioner from the United States absent prior authorization from this Court, in order to preserve this Court's jurisdiction;

D) Declare that Petitioner's continued detention without prior notice, without an individualized determination, and without any identified change in circumstances violates the Due Process Clause of the Fifth Amendment;

E) Declare that Respondents lack lawful authority to re-detain Petitioner without constitutionally adequate process after previously releasing him into the United States and permitting him to reside at liberty;

F) Declare that Respondents' actions detaining Petitioner under an improper statutory framework, without lawful authority and without a reasoned explanation, were arbitrary,

capricious, an abuse of discretion, and not in accordance with law, in violation of the Administrative Procedure Act, 5 U.S.C. § 706(2);

G) Set aside Respondents' unlawful action under the Administrative Procedure Act, pursuant to 5 U.S.C. § 706(2)(A);

H) Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from custody;

I) Order Respondents to restore Petitioner to the *status quo ante litem*, including releasing him under the same conditions that existed prior to his re-detention and returning all of his documents and personal belongings at the time of release, consistent with this Court's prior orders in materially similar cases;

J) Enjoin Respondents from re-arresting or re-detaining Petitioner absent compliance with constitutional requirements, including constitutionally adequate notice, identification of any changed circumstances, and a meaningful pre-deprivation hearing before a neutral decisionmaker;

K) In the alternative, order Respondents to provide Petitioner with a prompt constitutionally adequate custody hearing before a neutral decisionmaker at which Respondents bear the burden of establishing, by clear and convincing evidence, that Petitioner's continued detention is necessary because he presents a danger to the community or a risk of flight, and at which the decisionmaker considers less restrictive alternatives to detention and Petitioner's ability to pay any monetary bond imposed;

L) Grant such additional declaratory or injunctive relief as may be necessary to remedy Petitioner's unlawful detention and protect his constitutional rights.

M) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412, and any other basis authorized by law; and

N) Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

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Counsel for Petitioner

Dated: July 15, 2026

VERIFICATION PURSUANT TO 28 U.S.C. 2242

I submit this verification as counsel for Petitioner in this action. The factual allegations contained in this Petition are based on information provided to me by Petitioner's family members, as well as my review of available immigration records and supporting documents, including, but not limited to, the Notice to Appear (Form I-862) and Form I-220A.

Based on that information, and to the best of my knowledge, information, and belief, I declare that the factual statements contained in this Petition are true and correct and accurately reflect Petitioner's circumstances and the procedural history of his detention.

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Dated: July 15, 2026