AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

FILED

JUL 20 2026

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____ DEPUTY CLERK

UNITED STATES DISTRICT COURT

for the Eastern District of California

JUAN HILARIO SERRANO DE LEON
A No. [redacted]
Petitioner

v.

WARDEN / FACILITY ADMINISTRATOR
MESA VERDE ICE PROCESSING CENTER
Respondent
(name of warden or authorized person having custody of petitioner)

Case No. 1:26-cv-5647-KES-FJS
(Supplied by Clerk of Court)

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

Personal Information

1. (a) Your full name: JUAN HILARIO SERRANO DE LEON
   (b) Other names you have used: Juan Hilario Serrano-De Leon (hyphenated variation)
2. Place of confinement:
   (a) Name of institution: Mesa Verde ICE Processing Center
   (b) Address: 425 Golden State Avenue, Bakersfield, CA 93301
   [redacted]
   (c) Your identification number:
3. Are you currently being held on orders by:
   ☒ Federal authorities ☐ State authorities ☐ Other - explain:
4. Are you currently:
   ☐ A pretrial detainee (waiting for trial on criminal charges)
   ☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
   If you are currently serving a sentence, provide:
   (a) Name and location of court that sentenced you:
   (b) Docket number of criminal case:
   (c) Date of sentencing:
   ☒ Being held on an immigration charge
   ☐ Other *(explain)*:

Decision or Action You Are Challenging

5. What are you challenging in this petition:
   ☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA - FRESNO DIVISION

JUAN HILARIO SERRANO DE LEON

A [redacted] Petitioner, Pro Se

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

WITH MEMORANDUM, EXPEDITED MOTION, LIMITED-REDACTION REQUEST, DECLARATIONS, AND EXHIBITS A-L

Challenge to continued immigration detention following the June 29, 2026 court-ordered custody hearing

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Mesa Verde ICE Processing Center
425 Golden State Avenue
Bakersfield, California 93301

New civil action - case number supplied by Clerk

PUBLIC COPY - LIMITED REDACTIONS REQUESTED FROM THE COURT

☐ Pretrial detention
☒ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other *(explain)*:

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: Adelanto Immigration Court
Custody at Mesa Verde ICE Processing Center, Bakersfield, CA

(b) Docket number, case number, or opinion number: [redacted]

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*:
June 29, 2026 custody redetermination denying a change in custody status after the court-ordered bond hearing described in the attached continuation and memorandum.

(d) Date of the decision or action: 06/29/2026

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?
☒ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: Board of Immigration Appeals (BIA)
Executive Office for Immigration Review, Falls Church, VA

(2) Date of filing: After 06/29/2026; exact date and receipt unavailable

(3) Docket number, case number, or opinion number: [redacted] (bond appeal)

(4) Result: Pending, to Petitioner's knowledge

(5) Date of result: No result as of signing

(6) Issues raised: Denial of release after court-ordered hearing; whether the Government met the required burden; sufficiency of the flight-risk determination; finances and alternatives; and the complete contemporaneous record. See continuation.

(b) If you answered "No," explain why you did not appeal:

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?
☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a second appeal: The first administrative bond appeal remains pending before the BIA, to Petitioner's knowledge; no decision exists for a second appeal.

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a third appeal: No second appeal has been decided; therefore no third appeal has been filed.

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☐ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☐ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes ☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: 09/05/2025 (on or about)

(b) Date of the removal or reinstatement order: 12/05/2024

(c) Did you file an appeal with the Board of Immigration Appeals?

☒ Yes ☐ No

If "Yes," provide:

(1) Date of filing: After 12/05/2024; exact date unavailable

(2) Case number: [redacted]

(3) Result: Appeal dismissed

(4) Date of result: 02/11/2026

(5) Issues raised: Review of removal order and denial of asylum, withholding of removal, and protection under the Convention Against Torture. This petition does not challenge the removal order.

(d) Did you appeal the decision to the United States Court of Appeals?

☒ Yes ☐ No

If "Yes," provide:

(1) Name of court: United States Court of Appeals for the Ninth Circuit

(2) Date of filing: After 02/11/2026; exact date unavailable

(3) Case number: [redacted]

(4) Result: As of 06/08/26: briefing stayed pending counsel motion

(5) Date of result: No final result

(6) Issues raised: Review of BIA removal decision. CAR and opening brief filed. This section 2241 petition challenges only present custody and does not ask the District Court to review or stay removal.

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☒ Yes ☐ No

If "Yes," provide:

(a) Kind of petition, motion, or application: Petition for writ of habeas corpus under 28 U.S.C. 2241

(b) Name of the authority, agency, or court: U.S. District Court, Eastern District of California Fresno Division

(c) Date of filing: 12/15/2025

(d) Docket number, case number, or opinion number: 1:25-cv-01867-JLT-EPG

(e) Result: Granted; individualized bond hearing ordered

(f) Date of result: 06/17/2026

(g) Issues raised: Re-detention without constitutionally adequate pre-deprivation process. Court ordered a hearing with Government bearing the clear-and-convincing burden, plus conditional consideration of finances and alternatives. This petition challenges later events: the June 29 hearing and continued detention that followed it.

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Due process: written order does not demonstrate Government's clear-and-convincing burden was applied and satisfied.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

The June 29 written order does not identify who bore the burden, state a standard of proof, identify evidence satisfying that standard, or explain why continued detention was necessary. The short order states that immigration relief was denied, review is pending, and the court concludes flight risk. The oral record has not been provided.

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes ☐ No

GROUND TWO: Due process: the written reasons do not show an individualized basis for detention without conditions.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

The written order identifies only the denial of immigration relief, the BIA decision, pending federal review, and an unexplained flight-risk conclusion. It makes no danger finding. The prior federal order treated reported ATD/ISAP violations as probative of some flight risk, but the written order does not show how all individualized evidence was assessed.

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes ☐ No

GROUND THREE: Due process: written order does not show conditional consideration of finances or alternatives to detention.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

The written order does not find danger or state that Petitioner is so great a flight risk that detention without bond is required. It does not address ability to pay or the proposed sponsor and Bakersfield home. Petitioner accepts GPS, curfew, reporting, and other lawful conditions. He requests the full record to determine what occurred orally.

(b) Did you present Ground Three in all appeals that were available to you?

☒ Yes ☐ No

GROUND FOUR: Due process: complete contemporaneous record is needed for meaningful review of the burden, evidence, findings, and alternatives.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

The only written reasons provided to Petitioner are the short two-page form order. It does not show the burden, evidence, or analysis used. Petitioner does not allege that no audio exists. He asks Respondents to lodge the audio recording, exhibits, record of proceedings, and any separate memorandum so the Court can determine whether the June 29 hearing complied with the June 17 order and due process.

(b) Did you present Ground Four in all appeals that were available to you?

☒ Yes ☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: Petitioner submitted a BIA bond appeal raising these grounds in substance. The exact filing date and receipt are unavailable; it remains pending to his knowledge. If further exhaustion is required, Petitioner requests that this action be held pending the BIA decision rather than dismissed.

Request for Relief

15. State exactly what you want the court to do:

Order an expedited response and lodging of the complete hearing record. If that record does not show compliance, order supervised release or a prompt recorded hearing applying the required burden. If exhaustion or the procedural vehicle prevents merits review, stay for BIA review or transfer to the prior case.

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

_____

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 7-16-26

_____
Signature of Petitioner

_____
Signature of Attorney or other authorized person, if any

JUAN HILARIO SERRANO DE LEON
A No. [redacted]
Mesa Verde ICE Processing Center
425 Golden State Avenue
Bakersfield, California 93301
Petitioner, Pro Se

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA - FRESNO DIVISION

JUAN HILARIO SERRANO DE LEON, Petitioner, v. WARDEN / FACILITY ADMINISTRATOR, MESA VERDE ICE PROCESSING CENTER, et al., Respondents.	Case No. _____ COMPLETE FILING INDEX FORMS, PLEADINGS, DECLARATIONS, AND EXHIBITS

COMPLETE FILING INDEX

Document	Description
Form 1	JS 44 Civil Cover Sheet and filing title page
Form 2	Official Form AO 242 - Petition under 28 U.S.C. section 2241
1	Notice of Related Case under Local Rule 123
2	Continuation Sheet to Official Form AO 242
3	Memorandum of Points and Authorities in Support of Petition
4	Motion for Expedited Consideration, Order to Show Cause, Prompt Lodging of Record, and Notice Before Transfer
5	Declaration of Juan Hilario Serrano De Leon
6	Declaration of Vicky Christina Constante in Support of a Supervised Release Plan
7	Declaration of Steven Rene Constante Regarding Character and Family Support
8	Declaration of Bolivar Rene Constante Regarding Character and Family Support
9	Proposed Order
10	Certificate of Service
11	Exhibit Index and Exhibits A-L

JUAN HILARIO SERRANO DE LEON
A No. [redacted]
Mesa Verde ICE Processing Center
425 Golden State Avenue
Bakersfield, California 93301
Petitioner, Pro Se

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA - FRESNO DIVISION

JUAN HILARIO SERRANO DE LEON, Petitioner, v. WARDEN / FACILITY ADMINISTRATOR, MESA VERDE ICE PROCESSING CENTER, et al., Respondents.	Case No. _____ NOTICE OF RELATED CASE E.D. CAL. L.R. 123

NOTICE OF RELATED CASE

1. Petitioner gives notice that this new action may be related to *Serrano De Leon v. Wofford*, Eastern District of California Case No. 1:25-cv-01867-JLT-EPG, assigned to the Honorable Jennifer L. Thurston and Magistrate Judge Erica P. Grosjean.

2. The prior action involved the same Petitioner, substantially overlapping federal immigration-custody officials, and the legality of Petitioner's re-detention. On June 17, 2026, the Court granted the prior petition, ordered a substantive individualized bond hearing within fourteen days, and directed the Government to prove flight risk or danger by clear and convincing evidence. The prior case was then closed.

3. This new petition concerns a later event that did not exist when the prior petition was filed or decided: the June 29, 2026 custody hearing and Petitioner's continued detention after the Immigration Judge denied release. It asks whether the hearing and resulting custody complied with the conditions stated in the June 17 order and the Fifth Amendment.

4. Assignment to the judge who considered the prior matter is likely to conserve judicial resources because that judge is already familiar with the detention history, the reasons relief was granted, and the precise conditions imposed for the hearing. Petitioner therefore respectfully requests that the Clerk and Court consider relation or reassignment under Local Rule 123 and any other applicable assignment rule.

5. This notice does not ask the Clerk to reopen the prior case, does not seek a different judge, and does not challenge Petitioner's removal order.

Dated: 7.16., 2026

Respectfully submitted,

JUAN HILARIO SERRANO DE LEON
A No. [redacted]
Petitioner, Pro Se

JUAN HILARIO SERRANO DE LEON
A No. [redacted]
Mesa Verde ICE Processing Center
425 Golden State Avenue
Bakersfield, California 93301
Petitioner, Pro Se

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA - FRESNO DIVISION

JUAN HILARIO SERRANO DE LEON, Petitioner, v. WARDEN / FACILITY ADMINISTRATOR, MESA VERDE ICE PROCESSING CENTER, et al., Respondents.	Case No. _____ CONTINUATION SHEET TO AO 242 ITEMS 6, 7, AND 11-15

CONTINUATION SHEET TO OFFICIAL FORM AO 242

Additional Respondents Named in Their Official Capacities

In addition to Petitioner's immediate custodian, the Warden / Facility Administrator of Mesa Verde ICE Processing Center, Petitioner names the Field Office Director, ICE Enforcement and Removal Operations, San Francisco Field Office; the Secretary of the United States Department of Homeland Security; the Director of United States Immigration and Customs Enforcement; and the Attorney General of the United States. Each is named only in an official capacity.

Item 6 - Decision or Action Challenged

1. Petitioner challenges only his present physical detention following the June 29, 2026 custody redetermination. He does not ask this Court to review, vacate, or stay the removal order.

2. On June 17, 2026, the United States District Court for the Eastern District of California granted Petitioner's earlier habeas petition and ordered an individualized bond hearing within fourteen days. The order required the Government to prove flight risk or danger by clear and convincing evidence. It also required conditional consideration of financial circumstances and alternatives to detention and provided notice and participation protections.

3. An Immigration Judge conducted a custody hearing on June 29, 2026 and denied a change in custody status. The written order states that Petitioner's immigration application was denied, the BIA upheld that denial, a federal circuit case is pending, and the court concludes flight risk. That is the full explanation on the written order provided to Petitioner.

Item 7 - First Appeal

4. Petitioner states that he submitted a bond appeal to the Board of Immigration Appeals after June 29, 2026. The exact filing date and a receipt or acceptance notice are not presently available to Petitioner. The appeal remains pending to his knowledge.

5. The bond appeal challenges the denial of release and raises, in substance, the burden-of-proof, individualized-reasons, alternatives, and hearing-record issues stated below. Petitioner has not received a BIA

decision on that appeal.

Item 11 - Immigration Proceedings

6. Petitioner was re-detained by ICE on or about September 5, 2025. An Immigration Judge had entered a removal order on December 5, 2024. The BIA dismissed the removal appeal on February 11, 2026.

7. A petition for review was pending in the United States Court of Appeals for the Ninth Circuit, Case No. 26-1439, as reflected in the records available for this filing. A June 8, 2026 order states that the certified administrative record and opening brief had been filed and that briefing remained stayed pending resolution of a motion for appointment of counsel. Petitioner does not allege here that the Ninth Circuit granted a stay of removal.

Item 12 - Earlier Federal Habeas Action

8. Petitioner filed an earlier petition under 28 U.S.C. section 2241 on December 15, 2025, in the Eastern District of California, Case No. 1:25-cv-01867-JLT-EPG. On June 17, 2026, the Court granted the petition and ordered a substantive bond hearing. The earlier petition challenged re-detention without constitutionally adequate pre-deprivation process. This petition concerns later facts: the June 29 hearing and continued detention after that hearing.

Item 13 - Grounds

9. Ground One: The short written order does not demonstrate that the Government bore and satisfied the clear-and-convincing burden required for the June 29 hearing. It does not state a burden or standard, identify evidence satisfying that standard, or explain why detention was necessary. Petitioner requests the complete oral and documentary record before asking the Court to draw a final conclusion about what occurred at the hearing.

10. Ground Two: The written reasons identify the denial of immigration relief, BIA affirmance, pending federal review, and an unexplained flight-risk conclusion. The order contains no danger finding and does not show an individualized analysis of the evidence. The prior federal order acknowledged reported ATD/ISAP violations as probative of some flight risk; this petition does not conceal or deny that point. The question is whether the full record shows the required burden and individualized determination were applied.

11. Ground Three: The written order does not find that Petitioner is so great a flight risk that detention without bond is required and does not show consideration of financial circumstances or less restrictive conditions. Petitioner has identified a proposed Bakersfield residence, a family sponsor, available employment, community support, and willingness to accept GPS monitoring, curfew, frequent reporting, and any other lawful condition. Petitioner recognizes that alternatives were required only if the Immigration Judge did not validly find danger or a flight risk so great as to require detention without bond.

12. Ground Four: The short written order alone does not provide a complete contemporaneous record showing the burden, evidence, findings, and alternatives considered. Petitioner does not allege without proof that no recording exists. He asks that Respondents lodge the audio recording, all exhibits, the Record of Proceedings, and any separate memorandum so that the Court can conduct meaningful review.

Item 14 - Presentation of Grounds and Exhaustion

13. Petitioner submitted a BIA bond appeal raising these grounds in substance. Because the exact filing date and receipt are not available, Petitioner does not describe the appeal as timely or accepted as a verified fact. It remains pending to his knowledge.

14. If the Court determines that the BIA must decide first, Petitioner asks the Court to hold this action in abeyance and retain jurisdiction pending the BIA decision rather than dismiss the new petition.

Item 15 - Relief Requested

15. Petitioner requests an expedited response and prompt lodging of the complete June 29 hearing record. If that record does not demonstrate compliance with the required burden and procedures, Petitioner requests release under the supervised plan described in the declarations and exhibits or, alternatively, a prompt new recorded hearing before a neutral Immigration Judge. If additional exhaustion is required, Petitioner requests a stay of this action. If the Court concludes that relief must instead be sought in the prior federal habeas case, Petitioner asks the Court to construe or transfer this filing as a motion for further relief or enforcement in Case No. 1:25-cv-01867-JLT-EPG rather than dismiss it. He also requests any other just relief.

Dated: 7.16., 2026

Respectfully submitted,

JUAN HILARIO SERRANO DE LEON
A No. [redacted]
Petitioner, Pro Se

JUAN HILARIO SERRANO DE LEON
A No. [redacted]
Mesa Verde ICE Processing Center
425 Golden State Avenue
Bakersfield, California 93301
Petitioner, Pro Se

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA - FRESNO DIVISION

JUAN HILARIO SERRANO DE LEON, Petitioner, v. WARDEN / FACILITY ADMINISTRATOR, MESA VERDE ICE PROCESSING CENTER, et al., Respondents.	Case No. _____ MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PETITION

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

1. This petition presents a narrow post-hearing question. On June 17, 2026, this Court ordered a substantive bond hearing at which the Government had to prove flight risk or danger by clear and convincing evidence. Ex. A at 4. The hearing occurred on June 29, but the resulting written order does not identify that burden, any standard of proof, or the evidence and reasoning showing detention without conditions was necessary. Ex. B.

2. The written silence does not conclusively establish what the Immigration Judge said or did orally. Petitioner therefore asks first for the neutral contemporaneous record: the audio recording, Record of Proceedings, exhibits, and any separate memorandum. Once that record is lodged, the Court can determine whether the hearing complied with its order and the Fifth Amendment without reweighing the discretionary custody evidence.

3. Petitioner also candidly identifies the principal procedural risk. He states that he submitted a BIA bond appeal after June 29, but the exact date and receipt are unavailable and the appeal remains pending to his knowledge. Under *Leonardo v. Crawford*, 646 F.3d 1157, 1160-61 (9th Cir. 2011), completion of BIA review is ordinarily required before a new post-hearing habeas challenge. Petitioner asks the Court to excuse completion only for the limited compliance issue or, alternatively, to stay this action while the BIA acts.

II. RELEVANT FACTS

4. Petitioner has been in ICE custody continuously since on or about September 5, 2025 and is currently detained at Mesa Verde ICE Processing Center. The Court's June 17 order recites that detention history and notes that Petitioner's Form I-213 reported ATD/ISAP violations. Ex. A at 2-4 & n.1. The Court treated that information as probative of some flight risk and selected a bond hearing as the appropriate remedy. *Id.*

5. The June 17 order required an individualized hearing within fourteen days. The Government was required to prove by clear and convincing evidence that Petitioner was a flight risk or danger to the community. If he was not dangerous and not so great a flight risk as to require detention without bond, the Immigration Judge was to consider financial circumstances and alternative conditions. Petitioner also was entitled to at least seventy-two hours' notice, counsel, and an opportunity to appear. Ex. A at 4-5.

6. Immigration Judge Brent C. Carr conducted a hearing and denied release on June 29, 2026. The written order's explanation is limited to the denial of Petitioner's immigration application, the BIA's affirmance, the pending federal circuit case, and the conclusion that Petitioner is a flight risk. Ex. B at 1. The order makes no danger finding and does not state a burden or standard of proof.

7. The Ninth Circuit petition for review is Case No. 26-1439. A June 8 order reflects that the certified administrative record and opening brief had been filed and that briefing was stayed pending resolution of a counsel motion. Ex. C. This habeas petition does not challenge the removal order or seek a stay of removal.

8. Petitioner states that he submitted a BIA appeal of the June 29 bond denial. The exact filing date and proof of receipt are not among the records available for this filing. He has received no decision to his knowledge.

9. Petitioner proposes release to a documented Bakersfield residence with Vicky Christina Constante, his longtime partner and proposed sponsor. The supporting declaration offers housing, transportation, appointment reminders, and direct assistance with every ICE, immigration-court, BIA, and federal-court obligation. Petitioner agrees to GPS monitoring, curfew, frequent reporting, and other lawful conditions. Ex. H; Constante Decl.

10. The appendix includes employment statements and community-support letters, some of which are unsigned, together with Guatemalan police and criminal-record certificates issued April 27, 2026. Exs. G, I-J. The unsigned statements are offered only for the limited weight the Court considers

appropriate. The supplied California records also include a June 2, 2026 order sealing Petitioner's January 2022 arrest record. Ex. F. Petitioner does not claim that sealing proves innocence, and he does not claim that the Guatemalan certificates establish the absence of records in every jurisdiction. No resulting California conviction is shown in the records supplied for this filing.

11. The additional personal evidence is offered to document a workable release plan, prejudice from continued detention, and the availability of conditions. Petitioner does not ask this Court to decide disputed bond facts de novo or to assume that every exhibit was presented at the June 29 hearing. The requested hearing record will show what evidence was actually offered and considered.

III. JURISDICTION AND VENUE

12. The Court has jurisdiction under 28 U.S.C. sections 2241(c)(3), 1331, and 2243 because Petitioner is physically confined within this District and alleges that his continuing civil detention violates the Fifth Amendment and the conditions governing the court-ordered hearing. Section 1226(e) does not bar review of constitutional claims or questions of law, including whether the legally required burden was applied. *Singh v. Holder*, 638 F.3d 1196, 1202 (9th Cir. 2011); *Martinez v. Clark*, 124 F.4th 775, 784-86 (9th Cir. 2024).

13. Venue is proper in the Fresno Division because Petitioner and his immediate custodian are located at Mesa Verde in Bakersfield, Kern County. The prior related case was also filed in this Court. This petition is collateral to removal and seeks no review of the removal order itself.

IV. ARGUMENT

A. The Court may review the narrow legal question whether the court-ordered hearing used the required procedure.

14. A federal habeas court may review immigration bond determinations for constitutional claims and legal error even though it may not simply reweigh the discretionary evidence. *Singh*, 638 F.3d at 1202; *Martinez*, 124 F.4th at 784-88. Whether the agency applied the governing burden is a legal question. *Martinez*, 124 F.4th at 784.

15. The required burden here was not left uncertain. The June 17 order expressly required the Government to prove flight risk or danger by clear and convincing evidence. Ex. A at 4. The new petition asks whether that mandated procedure was used at the later hearing, not whether this Court would assign different weight to the custody evidence.

16. *Leonardo* also recognizes that a district court may determine whether the Government complied with the conditions of a prior habeas order. 646 F.3d at 1161. The prior case is closed, and this AO 242 petition presents later facts arising from the June 29 hearing. The Notice of Related Case permits the Court to assign the matter consistently and evaluate the proper procedural vehicle. If a new civil action is not the proper vehicle, Petitioner asks the Court to construe or transfer this filing as a motion for further relief or enforcement in the prior case rather than dismiss it.

B. The written order raises a substantial compliance question, and the complete contemporaneous record should be lodged promptly.

17. Due process at the court-ordered hearing required the Government to justify continued detention by clear and convincing evidence. *Singh*, 638 F.3d at 1203-05. A final administrative removal order may be relevant, but it does not, standing alone, constitute clear and convincing evidence of flight risk sufficient to deny bond. *Id.* at 1205.

18. The June 29 written order identifies the adverse immigration merits decisions and pending federal review, then states only that the court concludes flight risk. Ex. B. It does not identify the burden, the standard, or any additional evidence and analysis. That omission matters because the prior federal order separately recognized reported ATD/ISAP violations as probative of some flight risk. Ex. A at 3-4 & n.1. The new petition does not ask the Court to ignore those reports; it asks whether the full hearing record shows the Government satisfied the required standard after individualized consideration.

19. *Singh* requires a neutral contemporaneous record of the hearing and holds that an audio recording may suffice. 638 F.3d at 1208-09. Petitioner does not allege that no audio was made. He asks Respondents to lodge it, together with the custody Record of Proceedings, all exhibits, and any separate memorandum. Prompt production is the most accurate and restrained first step.

20. The Court should not infer from silence alone that the Immigration Judge shifted the burden. In *Cano v. LaRose*, No. 3:25-cv-03334-DMS-KSC, ECF No. 22 at 2-3 (S.D. Cal. July 2, 2026), the written decision expressly placed the burden on the detainee, and the court ordered a second hearing despite a pending BIA appeal. Ex. D. Here the order is silent, not express. That distinction reinforces the need to obtain the oral record before deciding the merits.

C. If the record does not demonstrate compliance, the Court should order release or a prompt new recorded hearing.

21. If the lodged record does not demonstrate that the Government bore and met the clear-and-convincing burden, the June 29 proceeding did not satisfy the condition imposed in the June 17 order. Appropriate relief would be release under reasonable supervision or a prompt new hearing before a neutral Immigration Judge at which the correct burden is applied and a contemporaneous recording is preserved.

22. Financial circumstances and alternatives are conditional rather than categorical. The June 17 order required their consideration only if Petitioner was not dangerous and not so great a flight risk as to require detention without bond. Ex. A at 4. *Martinez* likewise cautions against treating alternatives as mandatory after a legally sufficient danger determination. 124 F.4th at 789-90. The new hearing, if required, should follow the exact conditional language of the June 17 order.

23. The proposed plan is concrete: a Bakersfield residence, a responsible adult sponsor, transportation, employment prospects, family and community support, and acceptance of GPS monitoring, curfew, frequent reporting, or any other lawful condition. Exs. H-L; Constante Decl. These materials support the feasibility of supervised relief if a constitutional defect is established; they are not offered as a request for this Court to substitute its discretionary weighing for the agency's.

24. The Court should not order a different Immigration Judge absent evidence of bias. A neutral Immigration Judge, a clear burden, a complete record, and specific findings are sufficient safeguards.

D. The pending BIA bond appeal should be addressed through a narrow exception or a stay, not an inaccurate claim of completed exhaustion.

25. Exhaustion under section 2241 in this setting is prudential, but binding circuit authority states that a detainee ordinarily should appeal an adverse bond ruling to the BIA and await that decision before filing a new habeas petition. *Leonardo*, 646 F.3d at 1160-61. Petitioner has begun that process but does not claim it is complete.

26. The Court may excuse prudential exhaustion when the individual interests outweigh the institutional interests, or may stay the action while the agency acts. *Id.* at 1160. Petitioner requests a narrow exception because the claim concerns compliance with an express federal mandate, the liberty injury continues each day, and the complete record can identify whether the required procedure was used. *Cano* illustrates such a waiver where the burden error was explicit, although Petitioner's written order presents a less conclusive record. Ex. D at 2-3 & n.1.

27. The BIA can correct a bond ruling and develop the administrative record. The District Court can determine compliance with the conditions of its prior order. Those interests can be protected together by requiring Respondents to disclose the hearing record and current BIA status, then either deciding the narrow legal issue or holding this action in abeyance. If the Court declines to excuse completion, Petitioner respectfully requests a stay rather than dismissal and another refiling.

V. CONCLUSION

28. The Court should order an expedited response and prompt lodging of the complete June 29 hearing record. If the record fails to demonstrate compliance with the June 17 order and due process, the Court should order release under reasonable conditions or a prompt new recorded hearing. Alternatively, the Court should stay this action pending the BIA's decision or, if necessary, construe or transfer this filing as a motion for further relief or enforcement in the prior federal habeas case.

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Respectfully submitted,

JUAN HILARIO SERRANO DE LEON
A No. [redacted]
Petitioner, Pro Se