UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

FILED

JUL 20 2026

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

SANTOS YOVANI MUNGUIA DURON,
A# [redacted]

Petitioner, Pro Se,

v.

Case No. 1:26-cv-5648-TLN-AC (HC)

WARDEN / FACILITY ADMINISTRATOR, CENTRAL VALLEY ANNEX;

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT;

U.S. DEPARTMENT OF HOMELAND SECURITY,

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

PURSUANT TO 28 U.S.C. § 2241

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## MOTIONS FILED IN SUPPORT OF THE PETITION

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## I. INTRODUCTION AND PRELIMINARY STATEMENT

Petitioner Santos Yovani Munguia Duron respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 to challenge the legality of his present civil immigration detention.

Petitioner is currently confined at Central Valley Annex in McFarland, California. He proceeds pro se and seeks review only of his present detention. This Petition does not ask this Court to adjudicate the merits of cancellation of removal, review the Immigration Judge's removal order, decide asylum, withholding of removal, protection under the Convention Against Torture, or grant any discretionary immigration relief.

This case concerns a distinct and narrower question: whether continued physical confinement remains constitutionally justified while Petitioner's administrative appeal before the Board of Immigration Appeals remains pending.

DHS placed Petitioner in removal proceedings under INA § 240. DHS charged him under INA § 212(a)(6)(A)(i). On May 12, 2026, the Immigration Judge ordered removal. Petitioner timely appealed to the Board of Immigration Appeals, and that appeal was received on June 8, 2026. Based on the available record, the BIA appeal remains pending, and no briefing schedule has yet been issued.

Petitioner remains detained by ICE. Based on the available record, Respondents have not provided a current, individualized, and constitutionally sufficient explanation showing why continued physical confinement remains necessary while the BIA appeal remains pending and while less restrictive alternatives are available.

Petitioner has a concrete release plan. His United States citizen stepfather, John Ezequiel Resendiz Alfaro, is willing to serve as sponsor and assist Petitioner with transportation, communication, basic needs, reporting requirements, hearings, and all lawful conditions of release.

Petitioner respectfully submits that his continued civil immigration detention has become excessive, inadequately justified, and inconsistent with due process.

He seeks immediate release under reasonable conditions of supervision. In the alternative, he seeks release to his sponsor under conditions such as ISAP, check-ins, reporting, phone reporting, GPS monitoring if necessary, and a fixed address. At minimum, he seeks a prompt constitutionally adequate individualized custody determination before a neutral decisionmaker.

## II. PARTIES

Petitioner Santos Yovani Munguia Duron is a native and citizen of Honduras. His Alien Registration Number is A# [redacted]. His date of birth is [redacted] He is currently detained at Central Valley Annex, 254 Taylor Avenue, McFarland, California 93250.

Respondent Warden / Facility Administrator, Central Valley Annex, is Petitioner's immediate physical custodian and is sued in an official capacity.

Respondent U.S. Immigration and Customs Enforcement ("ICE") is the federal agency responsible for Petitioner's present civil immigration detention and is sued in an official capacity.

Respondent U.S. Department of Homeland Security ("DHS") is the federal department under whose authority Petitioner is detained and is sued in an official capacity.

## III. JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in federal custody and challenges the legality of that custody under the Constitution and laws of the United States.

This Court also has jurisdiction under 28 U.S.C. § 1331 because this action arises under the Constitution and laws of the United States, including the Fifth Amendment and federal habeas statutes.

Habeas corpus remains available to challenge present immigration detention that allegedly violates the Constitution or laws of the United States. Petitioner invokes that authority only to challenge present detention.

Venue is proper in the Eastern District of California because Petitioner is detained at Central Valley Annex in McFarland, California, within this District, and his immediate custodian is located within this Court's territorial jurisdiction.

This Petition does not seek review of the merits of any immigration application, discretionary immigration determination, denial of cancellation of removal, or removal order. It challenges only the present legality of Petitioner's civil detention.

## IV. CUSTODY

Petitioner is presently confined by DHS and ICE at Central Valley Annex in McFarland, California.

Petitioner is not serving a criminal sentence. His confinement is civil immigration detention.

Based on the available record, Petitioner remains detained while his BIA appeal is pending and before any briefing schedule has issued.

Petitioner is therefore "in custody" for purposes of 28 U.S.C. § 2241 and may seek habeas review of the legality of that detention.

## V. FACTUAL BACKGROUND

### A. Immigration Proceedings and Pending BIA Appeal

Petitioner is a native and citizen of Honduras.

On December 31, 2025, DHS issued a Notice to Appear placing Petitioner in removal proceedings under INA § 240.

DHS charged Petitioner under INA § 212(a)(6)(A)(i). The Notice to Appear alleges that Petitioner is not a citizen or national of the United States, is a native and citizen of Honduras, entered the United States at or near an unknown place on or about an unknown date, and was not *then admitted or paroled after inspection by an immigration officer.*

The Notice to Appear further states that it was issued after an asylum officer found that Petitioner demonstrated a credible fear of persecution or torture, and that a prior expedited removal order under section 235(b)(1) was vacated pursuant to regulation.

Petitioner appeared in immigration proceedings before the Conroe Immigration Court in Texas.

On May 12, 2026, the Immigration Judge ordered Petitioner removed.

Petitioner timely appealed to the Board of Immigration Appeals. The BIA received the appeal on June 8, 2026.

Based on the available record, Petitioner's BIA appeal remains pending. No briefing schedule has yet been issued.

Petitioner does not ask this Court to review the merits of the Immigration Judge's decision, the denial of cancellation of removal, or any discretionary immigration ruling. Those matters belong to the immigration appellate process. This Petition concerns only present detention.

**B. Current ICE Detention and Transfer to California**

Petitioner remains in the custody of U.S. Immigration and Customs Enforcement at Central Valley Annex in McFarland, California. See Exhibit D.

Based on the available record, Petitioner's immigration proceedings were conducted before the Immigration Court in Conroe, Texas. Following the Immigration Judge's removal order, Petitioner was transferred to California while his timely appeal before the Board of Immigration Appeals remains pending.

Although the location of detention does not alter the merits of Petitioner's immigration proceedings, the transfer has significant practical consequences for a detained pro se litigant. Petitioner must continue preparing and pursuing his pending administrative appeal while confined hundreds of miles from the immigration court where his proceedings occurred and from the family support identified in his release plan.

Continued detention substantially limits Petitioner's ability to communicate with family members, coordinate with his United States citizen sponsor, obtain supporting documentation,

prepare legal filings, and meaningfully participate in the ongoing administrative process. These practical burdens are compounded by the inherent limitations of detention and the absence of unrestricted access to legal resources and communications.

These circumstances do not themselves establish entitlement to immigration relief. Rather, they illustrate why continued physical confinement requires a current, individualized constitutional justification, particularly where administrative proceedings remain pending and less restrictive alternatives to detention are available.

Petitioner challenges only the legality of his present civil detention. He does not ask this Court to review, modify, or disturb the merits of the pending administrative appeal before the Board of Immigration Appeals.

**C. Sponsor and Less Restrictive Alternatives**

Petitioner has a proposed release plan.

John Ezequiel Resendiz Alfaro is a United States citizen and Petitioner's stepfather. Mr. Resendiz resides a[redacted]

Mr. Resendiz is willing to serve as Petitioner's sponsor if Petitioner is released from ICE custody.

Mr. Resendiz has stated that he will assist Petitioner with transportation, communication, basic necessities, and practical needs during Petitioner's transition from detention.

Mr. Resendiz has also stated that he will encourage and assist Petitioner in appearing at all scheduled hearings, complying with reporting requirements, and following all lawful conditions imposed by immigration authorities.

Petitioner is willing to comply with reasonable conditions of supervision, including ISAP, check-ins, reporting requirements, phone reporting, GPS monitoring, if necessary, a fixed address, and any other lawful condition deemed appropriate.

**D. Absence of Clear Current Individualized Custody Justification**

Based on the available record, Respondents have not provided a clear current written explanation showing why Petitioner must remain physically confined while his BIA appeal remains pending.

The existence of an Immigration Judge's removal order does not itself answer the separate constitutional question whether continued physical detention remains necessary and justified, especially where an administrative appeal is pending.

The pending BIA appeal, the absence of a briefing schedule, the availability of a sponsor, and the existence of less restrictive alternatives require an individualized justification for continued detention.

Based on the available record, Respondents have not shown why release under supervision would be insufficient to serve any legitimate civil immigration purpose.

## VI. LEGAL FRAMEWORK

Federal courts possess jurisdiction under 28 U.S.C. § 2241 to review the legality of federal custody. Section 2241(c)(3) authorizes habeas relief where a person is in custody in violation of the Constitution, laws, or treaties of the United States.

Congress also directed that habeas petitions receive prompt judicial attention. Under 28 U.S.C. § 2243, a court must award the writ or issue an order directing the respondent to show cause unless it appears from the application that the applicant is not entitled to relief.

The Fifth Amendment prohibits the deprivation of liberty without due process of law. Immigration detention is civil detention. Civil detention must remain reasonably related to a legitimate governmental purpose and may not become excessive, arbitrary, or punitive.

Freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause. Zadvydas v. Davis, 533 U.S. 678, 690 (2001). Although Zadvydas arose in the post-final-order detention context, its central constitutional principle applies more broadly: civil immigration detention must remain reasonably related to the purposes that justify it.

Demore v. Kim, 538 U.S. 510 (2003), recognized that Congress may authorize immigration detention in certain circumstances. Demore did not eliminate as-applied constitutional review of civil detention, nor did it hold that detention may continue without regard to individual circumstances.

Jennings v. Rodriguez, 583 U.S. 281 (2018), rejected certain statutory interpretations that would have imposed automatic bond hearings under the immigration detention statutes. Jennings did not hold that detained noncitizens are barred from bringing individualized constitutional habeas challenges to their own detention.

Johnson v. Arteaga-Martinez, 596 U.S. 573 (2022), and Garland v. Aleman Gonzalez, 596 U.S. 543 (2022), likewise rejected categorical statutory remedies in particular detention contexts. Those decisions do not eliminate individual constitutional claims brought under § 2241.

The Ninth Circuit has recognized the distinction between categorical detention rules and individualized constitutional challenges. See Rodriguez Diaz v. Garland, 53 F.4th 1189 (9th Cir. 2022). Petitioner does not seek a categorical rule or automatic release after a fixed period. He presents an individualized challenge based on his own facts, the pending BIA appeal, the absence of a current individualized detention justification, and the availability of less restrictive alternatives.

The due process inquiry is also informed by Mathews v. Eldridge, 424 U.S. 319 (1976), which considers the private liberty interest affected, the risk of erroneous deprivation under existing procedures, the probable value of additional safeguards, and the Government's interests. In immigration detention, the private interest is physical liberty, the risk of erroneous deprivation is substantial where detention continues without individualized justification, and the Government's interests may often be served through supervision rather than incarceration.

Even assuming Respondents possess statutory authority to detain Petitioner, the exercise of that authority remains subject to constitutional limitations. The existence of detention authority does not end the due process inquiry where a detainee challenges whether continued confinement remains justified as applied to his particular circumstances.

Petitioner therefore invokes habeas review to test whether his present civil detention remains lawful under the Constitution and laws of the United States.

## VII. GROUNDS FOR RELIEF

### GROUND ONE

**Continued Civil Immigration Detention Without Adequate Individualized Justification Violates Due Process.**

Petitioner incorporates by reference the preceding sections of this Petition.

The Fifth Amendment requires that civil immigration detention remain supported by a constitutionally sufficient justification. Because immigration detention is civil rather than criminal, continued confinement must remain reasonably related to a legitimate governmental purpose and must be justified by the individual circumstances of the person detained.

Petitioner remains physically confined while his appeal before the Board of Immigration Appeals is pending and before any briefing schedule has issued. Based on the available record, Respondents have not provided a clear, current, and individualized explanation showing why *detention remains necessary in Petitioner's specific circumstances.*

The need for individualized justification is especially important here. Petitioner has a pending administrative appeal, a United States citizen sponsor, a proposed release plan, family support, and a willingness to comply with reasonable supervision. These facts directly bear on whether detention is necessary to secure appearance or protect any legitimate governmental interest.

A removal order issued by an Immigration Judge does not, by itself, answer the separate constitutional question whether continued physical confinement remains necessary while administrative review is pending. The existence of removal proceedings may explain why Petitioner is in immigration custody, but it does not eliminate the requirement that continued detention remain constitutionally justified as applied to him.

Continued detention without a current individualized justification creates a substantial risk that Petitioner's liberty is being deprived without due process of law.

Accordingly, Petitioner's continued detention violates the Fifth Amendment.

**GROUND TWO**

**Continued Detention Is Excessive in Relation to Any Legitimate Civil Immigration Purpose Because Less Restrictive Alternatives Exist.**

Petitioner incorporates by reference the preceding sections of this Petition.

Civil immigration detention must bear a reasonable relationship to legitimate governmental purposes, including ensuring appearance and protecting the public. Detention becomes constitutionally excessive when the Government can accomplish those purposes through available, less restrictive conditions but continues physical confinement without explaining why those conditions are insufficient.

Petitioner does not dispute that the Government has legitimate interests in administering immigration proceedings and ensuring compliance with lawful immigration obligations. He respectfully submits, however, that those interests can be served through supervision rather than continued detention.

Here, less restrictive alternatives are available. Petitioner has a United States citizen sponsor, a proposed fixed address, family support, and a documented willingness to comply with conditions of supervision. His sponsor is willing to assist with transportation, communication, basic needs, reporting requirements, hearings, and compliance with lawful conditions of release.

Available conditions may include ISAP, check-ins, reporting requirements, phone reporting, GPS monitoring if necessary, a fixed residence, and continued compliance with all BIA and ICE obligations.

Based on the available record, Respondents have not shown why these alternatives would be inadequate. Nor have Respondents shown why physical confinement is necessary instead of supervised release.

*Continued physical confinement is excessive where reasonable supervision can serve the same* civil purposes without unnecessary deprivation of liberty.

Accordingly, Petitioner's continued detention is excessive in relation to any legitimate civil immigration purpose presently identified in the available record.

**GROUND THREE**

**At Minimum, Petitioner Is Entitled to a Prompt Constitutionally Adequate Individualized Custody Determination.**

Petitioner incorporates by reference the preceding sections of this Petition.

If the Court does not order immediate release, Petitioner respectfully requests a prompt individualized custody determination before a neutral decisionmaker.

Due process requires more than the continued existence of immigration proceedings. It requires a meaningful determination that continued physical confinement remains necessary based on current, individualized evidence.

At any custody determination, Respondents should be required to justify continued detention with individualized evidence. The decisionmaker should consider Petitioner's pending BIA appeal, sponsor, release plan, family support, willingness to comply, available alternatives to *detention, length and circumstances of detention, and any actual evidence* offered by the Government.

Petitioner does not seek an automatic rule requiring release. He seeks a constitutionally adequate custody determination based on his specific facts and present circumstances.

A prompt individualized custody determination is the minimum safeguard necessary to reduce the risk of erroneous deprivation of liberty.

For these reasons, if immediate release is not ordered, Petitioner respectfully requests that the Court order a prompt constitutionally adequate individualized custody determination.

## VIII. PRAYER FOR RELIEF

WHEREFORE, Petitioner Santos Yovani Munguia Duron respectfully requests that this Court:

A. Grant this Petition for Writ of Habeas Corpus;

B. Order Petitioner's immediate release from ICE custody under reasonable conditions of supervision;

C. Alternatively, order Petitioner released to his sponsor, John Ezequiel Resendiz Alfaro, under appropriate conditions, including ISAP, check-ins, reporting requirements, phone reporting, GPS monitoring, if necessary, fixed address, and compliance with all lawful immigration obligations;

D. Alternatively, order a prompt constitutionally adequate individualized custody determination before a neutral decisionmaker;

E. Require Respondents, at any such custody determination, to justify continued detention with individualized evidence and to consider less restrictive alternatives;

F. Preserve the Court's jurisdiction and Petitioner's meaningful access to habeas review through any additional orders the Court deems necessary;

G. Grant any other relief this Court deems just and proper.

Respectfully submitted,



SANTOS YOVANI MUNGUIA DURON
A#[redacted]
Petitioner, Pro Se
Central Valley Annex
254 Taylor Avenue
McFarland, California 93250

**IX. VERIFICATION**

I, Santos Yovani Munguia Duron, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I am the Petitioner in this action.

I have reviewed the foregoing Petition for Writ of Habeas Corpus and, to the best of my knowledge, information, and belief, the facts stated therein are true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 14 day of July, 2026.

SANTOS YOVANI MUNGUIA DURON
A# [redacted]
Petitioner, Pro Se
Central Valley Annex
254 Taylor Avenue
McFarland, California 93250

**X. CERTIFICATE OF SERVICE**

I hereby certify that on this 14 day of July, 2026, I placed a true and correct copy of this Petition for Writ of Habeas Corpus, together with all supporting exhibits, in the legal mail system of the facility where I am detained, with proper postage prepaid where required, for service upon the following parties:

United States Attorney's Office
Eastern District of California
Robert E. Coyle U.S. Courthouse
2500 Tulare Street, Suite 4401
Fresno, California 93721

Warden / Facility Administrator
Central Valley Annex
254 Taylor Avenue
McFarland, California 93250

Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
100 Montgomery Street, Suite 200
San Francisco, California 94104

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.
Executed on this 14 day of July, 2026.

SANTOS YOVANI MUNGUIA DURON
A# [redacted]
Petitioner, Pro Se
Central Valley Annex
254 Taylor Avenue
McFarland, California 93250