NAME: Yorwin Bautista MM
A NUMBER: [redacted]
ADDRESS: 22844 Virginia Blvd
California City
93505

DETAINED

FILED
JUL 20 2026
CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY
DEPUTY CLERK

PRO SE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

Yorwin Bautista Matamoros

Case. No 1:26-cv-5652-TLN-AC

Petioner,

vs.

CHRISTOPHER CHESNUT, Warden of California City Detention Facility; Current Attorney General of the United States Department of Homeland Security; TODD M. LYONS, Acting Director.

Respondents.

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

PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C § 2241

Petitioner respectfully petitions this Honorable Court for a writ of habeas corpus to remedy Petitioner's unlawful detention by Respondents, as follows:

INTRODUCTION

1. Petitioner is currently detained by Immigration and Customs Enforcement ("ICE") at the California City detention center pending removal proceedings.
2. Petitioner has been detained in imigration custody for over 2 months even though no neutral decisionmaker-whether a federal judgeor immigration judge ("IJ")- has conducted a hearing to determine whether this lenghty incarceration is warranted based on danger or flight risk.
3. Petitioner's prolonged detention without a hearing on danger and flight risk violates the Due Process Clause of the Fifth amendment.
4. Petitioner therefore respectfully request that this Court issue a writ of habeas corpus, determine that the Petitioner's detention is not justified because the government has not established by clear and convincing evidence that Petitioner present a risk of flight or danger in light of available alternatives to detention, and order Petitioner's release, with appropiate conditions of supervision if necessary, taking into account Petitioner's ability to pay a bond.
5. Alternatively, Petitoner requests that the Court issue a writ of habeas corpus and order Petitoner's releasewithin 30 days unless Respondents schedule a hearing before an IJ where: (1) to continue detention, the government must stablish by clear and convincing evidence that Petitoner presents a risk of flight or danger, even after consideration of alternatives to detention that could mitigate any risk that Petitioner's release would represent; and (2) if the government cannot meet its burden, the IJ shall order Petitioner's release on appropiate conditions of supervision, taking into account Petitioner's ability to pay a bond.

JURISDICTION

6. Petitioner is detained in the custody of respondents at California City Immigration Processing Center.
7. This Action arises under the Due Process Clause of the Fifth Amendment of the U.S. Constitution. Jurisdiction is proper under 28 U.S.C § 1331 (federal question; 2241 (habeas corpus); U.S Const. ArtI, § 2; (Suspension Clause); and 5 U.S.C § 702 (Administrative Procedure Act. This Court may grant relief under the habeas corpus statues, 28 U.S.C § 2241 et seq., the Declaratory Judgment Act, 28 U.S.C § 2201 et seq. And the All Writs Act, 28 U.S.C § 1651.
8. Congress has preserved judicial review of challenges to prolonged immigration detention. See *Jennings v. Rodriguez,* 138 S. CT. 830, 839-841 (2018) (holding that 8 U.S.C § 1226 (e), 1252 (b) (9) do not bar review of challenges to prolonged immigration detention); see also id. at 876 (Breyer, J. dissenting). (8) U.S.C § 1252 (b)(9)... by its terms applies only with respect to review of and

order of removal)(internal quotation marks and brackets omitted).

VENUE

9. Venue is proper in this District because this is the district in which Petitoner is confined. See *Doe v. Garland, 109 F.4th 1188, 1197-99 (9th Cir. 2024).*

REQUIREMENT OF 28. U.S.C § 2243

10. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to Respondent forthwith, unless Petitioner is not entitled to relief. 28 U.S.C § 2243. If the Court issue an OSC, it must requiere Respondent to file a return within threee days unless for good cause additional time, not exceeding twenty days, is allowed. Id (emphasis added)

11. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ affords "*a swift and imperative remedy* in all case of illegal restraint or confinement." *Fay v. Noia,* 372 U.S. 391, 400 (1963) (emphasis added); see also *Yong v. INS,* 208 f.3d 1116, 1120 (9th Cir. 2000 (explaining that habeas statue requieres expeditious determinatios of petitions).

Parties

12. Petitioner is a non-citizencurrently detained by Respondents pending ongoing removal proceedings.
13. Respondent Warden of the CCIPC Detention Facility is Petitioner's immediate custodian at the facility where Petitioner is detained. See *Doe, 108 F.4th at 1194-97.*
14. Respondent Secretary of the U.S. Department of Homeland Security ("DHS"), an agency of the United States, is responsible for the administration of the immigration laws. 8 U.S.C. § 1103(a). They are a legal custodian of Petitioner. They are named in their official capacity.
15. Respondent Acting or Current Attorney General of the United States is the most senior official in the U.S. Department of Justice ("DOJ") . They have the authority to interpret the immigration laws and adjudicate removal cases. They delegate this responsibility to the Executive Office for Immigration Review ("EOIR"), which administers the immigration courts and the Board of Immigration Appeals ("BIA"). They are named in their official capacity.
16. Respondent Acting or Current Field Office Directo of the San Francisco ICE Field Office is responsible for the San Francisco Fiel of ICE with administrative jurisdiction over Petitioner's case. They are legal custodian of Petitioner and are named in their official capacity.
17. Respondent Acting or Current Director of ICE is responsible for ICE's policies, practices and procedures, including relating to the detention of immigrants. They

are legal custodian of Petitioner and are named in their capacity.

STATEMENT OF FACTS

18. Petitoner is a non-citizen currently detained by Respondents pending immigration removal proceesings. Petitioner is pursuing the following claims in removal procedings

In removal hearing/ I 589

19. Petitioner has been detaine in DHS custody since 05/19/2026
20. Petitioner has not been provided a bond hearing before a neutral decisionmaker to determine whether their prolonged detention is justified based on danger or flight risk.
21. The Immigration Courts lacks jurisdiction and authority to provide Petitioner with a bond hearing to determine whether Petitioner's detention is justified. See 8 U.S.C. § § 1225 (b0; 1226(c). There is not statutory or regulatory pathway for Petitioner to seek a bond hearing before a neutral decisionmaker.
22. Absent intervention by this Court, Petitioner cannot and will not be provided with a bond hearing by a neutral decisionmaker to assess the propriety of Petitioner's continued detention.
23. Additional faacts that support Petitoner's entitlement to relief are: I suffer from Mental Health disorder. I am on treatment.

LEGAL BACKGROUND

24. "It is well established that the Fifth Amendment entitles [non-citizens] to due process of law in deportation proceedings". *Demore v Kim,* 538 U.S. 510, 523 (2003)(quoting *Reno v. Flores,* 507 U.S. 292, 306 (1993), "Freedom from imprisonment- from government custody, detention, or other forms of physical restraint- lies at the heart of the liberty that the Due Process Clause protects. *Zadvydas v. Davis,* 533 U.S. 678, 690 (2021); see also id 718 (Kennedy, J., dissenting) ("Liberty under the Due Process Clause includes protecction against unlawful or arbitrary personal restraint or detention"). This fundamental due process protection applies to all non-citizens, including both removable abd inadmissible non-citizens. See id. at 721 (Kennedy J., dissenting) ("[B]oth removable and inadmissible [non-citizens] are entitled to be free from detention that is arbitrary or capricious").

25. Due process requiere "adequate procedural protection" to ensure that the government's asserted justification for physical confinement outweighs the individual's constitutionally protected interest in avoiding physical restraint. Zadvydas, 533 U.S. At 690 (internal quotation mark omitted). In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention to mitigate the risk of danger to the community and to prevent flight, Id.; Demore, 538 U,S. At 528.

26. Due process requires that the government provide bond hearing to non-citizens facing prolonged detention. The Due Process Clause foresees eligibility for bail as part of due process because bail is basic to our system of law. *Jennings,* 138 S. Ct at 862 (Breyer, J., dissenting) (internal quotation marks omitted). While the Supreme Court upheld the mandatory detention of a noncitizen under Section 126 (c) in Demore, it did so based on the petitioner's concession of deportability and the Court's understanding at the time that detention under Section 1226 (c) are typically brief. Demore, 538 U.S. AT 522 n.6,528. Where a noncitizen has been detained for prolonged period or is pursuing a substantial defense to removal or claims to relief, due process requires and individualized determination that such a significant deprivation of liberty is warranted. Id. at 532 (Kennedy, J., concurring) (Individualized determination as to his risk of flight and dangerousness may be warranted if the continued detention become unreasonable or unjustified); see also *Jackon v. Indiana, 406 U.S. 715, 733 (1972)*(holding that detention beyond the initial commitment requieres additional safeguards); *McNeil v. Dir., Patuxent Inst., 407 U.S 245, 249-50 (1972)* (holding that lesser safeguards may appropiate for short-term confinement); *Hutto v. Finney, 437 U.S 678, 685-86 (1978)* (holding that, in the Eighth

Amendment context, the length of confinement cannot be ignored in deciding whether [a] confinement meets constitutional standards); *Reid v. Donelan, 17 F.4th 1,7 (1st Cir. 2021)* (holding that Due Process Clause imposes some form of reasonableness limitation upon the duration of detention under section 1226 (c) (internal quotation mark omitted).

A. Detention That Exceeds Six Months Without A Bond Hearing Is Unconstitutional.

27. Detention without a bond hearing is unconstitutional when it exceeds six months. See *Demore, 538 U.S. AT 529-30* (upholding only brief detentions under Section 1226 (c), which last roughly a month and hold in the vast majority of cases in which it is invoked, and about five months in the majority of the cases in which the [non-citizens] chooses to appeal); *Zadvydas, 533 U.S. AT 701* (Congress previously doubted the constitutionality of detention for more than six months); *Rodriguez Dias v. Garland, 53 F. 4th 1189, 1091 (9t. Cir.2022)* ([O]nce the [noncitizens] has been detained for approximately six months, continuing detention become prolonged (cleaned up)(quoting *Diouf v. Napolitano, 634 F. ed 1081, 1091 (9th Cir. 2011))); Rodriguez v. Nielsen, 2019 U.S.Dist. LEXIS 4228, 2019 WL 7491555, at *6 (N.D.Cal. Jan. 7, 2019)* 9[Detention becomes prolonged after six months and entitles [Petitioner] to a bond hearing.

28. The recognition that six months is a substantial period of confinement - and is the time after with additional process is required to support continued incarceration- is deeply rooted in our legal tradition. Whith few exceptions, "in the late 18th century in America crimes triable without a jury were for the most part punishable by no more that six months prison term". *Duncan v. Louisiana, 391 U.S. 145, 161 & n.34 (1968). also see 8 U.S.C.* § 1325 (a). Consistent with this tradition, the Supreme Court has found six months to be the limit of confinament for a criminal offense that a federal court may impose without the protection afforded by jury trial. *Cheff v. schnackenberg, 384 U.S. 373,380 (1966)* (plurality opinion). The Court has also looked to six months as a benchmark in other contexts involving civil detention. See *McNeil vDir.,*

patuxent Inst., 407 U.S. 245,249, 250-52 (1972)(recognizing six months as an outer limit for confinement without individualized inquiry for civil commitment). The Court has likewise recognized the need for bright line constitutional rules in other areas of law. See *Maryland v. Shazer, 559 U.S.98, 110 (2010)*(holding that 14 days must elapse following invocation of Miranda rights before re-interrogation permitted); *Cnty, of Riverside v. McLaughlin, 500 U.S 44, 55-56 (1991)*(holding that a probable cause hearing must take place within 48 hours of warrantles arrest).

B. Even Absent A Bright-Line Six- months Standard, An Individualized Bond Hearing is Required When Detention Becomes Unreasonably Prolonged.

29. Petitioner detentions withouth any individualized review, is unreasonable under the *Mathews v. Eldrige* due process test. Alternatively, petitioner prevails under the multi-factor reasonableness test the Third Circuit adopted in *German Santos v. Warden Pike Correctional Facility, 965 F.3d 203, 211 (3d. Cir. 2020)*

30. Each year, thousands of noncitizens are incarcerated for lengthy periods pending the resolution of their removal proceedings. See *Jennings, 138 S. Ct. at 860* (Breyer, J., dissenting)(observing that class member, numbering in the thousands, had been detained on average one year and some had been detained for several years). For noncitizen who have some criminal history, their immigration detenion often dward's the time spent in criminal custody, if any. Id. (between one-half and two-thirds of the class served [criminal] sentences less than six month.)

31. Petitioner faces severe hardships while detaind by I.C.E. Petitioner is held in locked down facility, with limited freedom of movement and access to Petitioner's family support network: The circumstances of their detention are similar, so far as we can tell, to those in any prisons and jails. *Jennings, 138 S.ct at 861 (Breyer, J., dissenting);* accord *Chavez Alvarez v. Warden York Cnty. Prison, 738 F. 3d 469, 478 (3d Cir. 20150; Ngo v. INS, 192 F.3d 390, 397-98 (3d Cir.1999); Sopo v. U.S. Atty Gen., 825 F, 3d 1199, 1218,1221 (11th Cir. 2026): John Doe v. Christopher Chesnut 2025 U.S. Dist. Lexis 228839 *70 (E.D.Cal.*

Nov. 20, 2025). And in some cases the conditions of their confinement are inappropriately poor including, for example, invasive procedures, substandard care, and mistreament, eg., indiscriminate strip search, long wait for waits for medical care and hygiene products, and in the case of one detainee, a multi day lock down for sharing a cup of coffee with another detainee, *Jennings 138 s. Ct. at 861* (Breyer, J.,dissenting) (citing Press Release, Off. Of Inspector Gen., Dept. of Homeland Sec., DHS OIG Inspection Cites Concerns with Detainee Treatment and care at ICE Detention Facilities (Dec. 14, 2017)); see also Tom Dreisbach, Government's own experts found 'barbaric' and 'negligent' conditions in ICE detention, NPR (Aug. 16, 2023, 5:01 AM)(reporting on the negligent medical care (including mental health care), unsafe and filthy conditions, racist abuse of detainees, inappropiate pepper-spraying of mentally ill detainees and other problems that, in some cases, contributed to detainee deaths contained in inspection reports prepared by experts from the Department of Homland Security's Office for Civil Rights and Civil Liberties after examining detetion facilities between 2017 and 2019). Individuals at California City Immigration Processing Center, have continue to complain about the harsh confinement at the facility more harsher that the actual confinement of a prison setting. The restrictions to medical access, Telephone calls, access to Law Library, a Bright light that on all night long and very cold cells to sleep in and the low calories of food provided to individual's, the limited amount of real sun light one hour per day. The conditions at the California City Immgration Processing Center are at a higher security level of that of a Unites States Penitentiary (BOP) contrary to the fact that detainees are in civil confinement. The conditions and restrictions imposed are more punitive based rather then being civil in nature.

32. The Mathews test for procedural due process claims balances: (1) the private interest threatened by governmental action; (2) the risk of erroneous deprivation of such interest and the value of additional or substitute; and (3) the government interest. *Mathews v. Eldridge, 424 U.S. 319, 335 (1976);* see also *Romero-Romero, v. Wofford, 2025 U.S.Diist. LEXIS 19805 * 14 (E.D. Cal., Feb 4, 2025)*(Most district courts in the Ninth Circuit have

employed the Mathews test, at least in the context of evaluating whether due process enttles a petitioner to a bond hearing) Here, each factor weighs in Petitioner's favor, requiring this Courts to promptly hold a hearing to evaluate wether the government can justify their ongoing detention.

33. First, Petitioner indisputably has a weighty interest in their, the core private interest at atake here. *Zadvydas, 533 U.S. At 690* (Freedom form imprisonment... lies at the heart of the liberty [the Due Process Clause] protects. Petitioner, who is being held in incarceration-like conditions, has an overwhelming interest here, regardless of the length of his immigration detention, because amy length of detention implicates the same fundamental rights. *Rajnish v. Jennings, No. 3:20-cv-07819-who, 2020 WL 7626414, at *6(N.D.Cal. Dec. 22, 2020).*

34. Second, Petitoner will suffer the erroneous risk of deprivation of their liberty without and individualized evidentiary hearing. The risk of erroneous deprivation of their liberty is high, as they have been detained since 05/19/2026 without any evaluation of whether the government can justify detention under their individualized circumstances. The risk of an erroneous deprivation of liberty in the absence of a hearing before a neutral decision maker is substantial. *Diouf 634 F.3d at 1092.* Conversely, the probable value of additional procedural safeguards an individualized evaluation of the justification for his detention is high, because Respondent have provided virtually no procedural safeguards at all. *Jimenez v. Wolf, 2020 U.S.Dist. LEXIS 39518 *2 (N.D. Cal. Jan 30, 2020)* (granting habeas petition for persons who had been detained for one year without a bond hearing.)

35. Third, the government's interest is very low in continuing to detain petitioner without providing any neutral review. *Mathews, 424 U.S. At 335.* The specific interest at stake herein not the government's ability to continue to detain Petitioner, but rather the government's ability to continue to detain then months on end without any indiidualized review. See *Marroquin Ambriz v. Barr, 420 F.Supp.3D953, 964 (N.D.Cal.2019) Hernriquez v. Garland, 2022 U.S. Dist LEXIS 106045 *12(N.D. Cal, 2022).* the cost of providing an indiidualized inquiry is minimal. See*Herniquez 2022 U.S. Dist LEXIS*

*106045 *15.* The government has repeatedly conceded this fact. See *Lopez Reyes v. Bonnar, 362 F. Supp. 3D 762,777(N.D Cal.201); Sinngh v. Barr, 400 F.Supp. 3D 1005, 10211 (SD. Cal. 2019); Marroquin Ambriz, 420 F. Supp. 3D at 964.*

36. In sum, Mathews factors establish that Petitioner is entitled to an evidentiary hearing before a neutral adjudictor. Unsurprisingly, courts applying these standards in this District and Circuit have repeatedly held that prolonged detentions without a hearing before a neutral adjudicator violates procerdura due process for individua who are held under the same detention statute. See, e.g.*Romero Romero v. Wolf 2025 U.S. Dist. LEXIS 19805 *12(E.D.Cal., Feb 4, 2025) (holding that the petitioner's detention under* § 1226(c) of just over one year without a custodyy hearing was not compatibe with due process and granting habeas); *Jimenez, 2020 WL 510347, at 24* (holding that petitioner's detention under 1226 (c) of just one year without a custody hearing violated his due process rights and granting habeas); *Gonzalez v. Bonnar, 2019. U.S. Dist. LEXIS 12636 *8 *9(N.D. Cal. 2019)* (holding that the petitioner's detention under § 1226(c) for just over one year without custody hearing violated his due process rights and granting habeas). This Court should so hold as well.

37. Rodriguez Diaz v. Garland, 53 F.4TH 1189 (9th Cir. 2022), does not disturb this result. In Rodriguez Diaz, the Ninth Circuit applied the Mathewus test to hold the detention of a non-citizen detained under different detention statute, 8 U.S.C § 1226(a), did not violate procedural due process. 53 F.4TH AT 1195. Unlike § 1226(c), §1226(a) mandates that detained individual receive and individualized bond hearing at the ouset of the detention and provides for further bond hearing upon a material change in circumstances. See 8 C.F.R. §1003.19. The panel's decision in *Rodriguez Diaz* was predicated on the *immediated and ongoing availability of this administrative process under* § 1226 (a) 53 F.4th at 1202 (Section 1226(a) and its implementing regulations provided extensive procedural protections that are unavailable under other detention provisions...). Unlike the petitioner in *Rodriguez Diaz,* Petitioner has not Statutory access to individualized review of his detention.

38. Alternatively, courts that apply a reasonableness test have considered four non-exhaustive factors in determining whether detention is reasonable. *German Santos v. Warden Pike Cnty. Corr Facility, 965 F.3d 203,210-22 (3d. Cir. 2020).* the reasonableness inquiry is highly fact-specific. Id at 210. The most important factor is the duration of detention. Id at 211; see also *Gonzalez v. Bonnar, 2019 U.S. Dist. LEXIS 12636 *14 (N.D. Cal. 2019)* (concluding that the petitioner's detention under § 1226(c) for just over one year without a custody hearing weighed strongly in favor of finding detention unreasonable, and violated his due process rights and grantingn habeas). Duration is evaluated along with all the other circumstances, including (1) whether detention is likely to continue, (2) reasons for the delay, and (3) whether conditions of confinement are meaningfully different from criminal punishment Id at 211.

39. As noted, Petitioner has been detained for a substantial length of time, supra 19 and Petitioner's detention is likely to continue as Petitioner asserts his righth to seek immigration relief, Supra 18. Non-citizens should not be punished for pursuing legitimate proceedings to seek relief. See *Masood v. Barr, 2020 U.S. Dist. LEXIS 4809*9(N.D. Cal. 2020)* [I]t ill suit the United States to suggest that [Petitioner] could shorten his detention by giving up these rights and abandoning his asylum application). Thus, courts should not count a continuance against the noncitizen when they obtained it in good faith to prepare their removal case, including effort to obtain counsel. See *Hernandez Gomez, 2023 U.S. Dist. LEXIS 60069 *4 (N.D. Cal. 2023)* (The duration and frequency of these request [for continuances do not diminish his significant liberty interest in his release or his irreparable injury of continued detention without a bond hearing). Moreover, Petitioner's confinement and experiences at a facility operated by a private, for-profit prison contractor, demostrate that their conditions of confinement are not meaningfully different from those of criminal punishment. See supra 10.23.31.

C. At Any Hearing, The Government Must Justify ongoing detention by clear and convincing evidence

40. At a bond hearing, due process requires certain minimun protections to ensure that a

non-citizen's detentions is warranted: the government must bear the burden of proof by clear and convincing evidence to justify continued detention, taking into consideration available alternatives to detention; and government cannot meet its burden, the non-citizen's ability to pay a bond must be considered in determining the appropriate condition of release.

41. To justify prolong immigration detention, the government must bear the burden proof by clear and convincing evideence that the non-citizen is a danger or flight risk. See *Singh v. Holder, 638 F. 3d 1196, 1203 (9th Cir.2011); Aleman Gonzalez v. Barr, 955 F. 3d 762, 781 (9th Cir.2020).* Rev'd on other grounds by Garland v. Aleman Gonzalez, 142 S. Ct. 2057, 213 L.Ed. 2D 102 (2022). Jennings's rejection of layering [the cler and convincing burden of proof standard] onto § 1226(a) as a matter of statutory construction cannot... undercut our constitutional due process holding in Singh). "In a series of decisions, the [Ninth Circuit]..: grappled in piece-meal fashion with whether the various immigration detention statutes may authorize indefinite or prolonged detention of detainees and, if so, may do so without providing a bond hearing." *Rodriguez v. Hayes (Rodriguez I), 591 F.3d 1105, 1114 (9th Cir. 2010).* In *Diouf v. Napolitano (Diouf II) 634 F.3d 1081 (9th Cir. 2011),* The Ninth Circuit applied "the canon of constitutional avoidance and construe [d] § 123 (a)(6) as requiring an individualized bond hearing, before an immigration judge, for aliens facing prolonged detention under that provision" and held that "[s]uch aliens are entitled to release on bond unless the government establishes that the alien is a flight risk or will be a danger to the community." Id. at 1086.

42. Where the Supreme Court has permitted civil detention in other context, is a relied on the fact that the Government bore the burden of proof by at least clear and convincing evidence. See *United States v. Salerno, 481 U.S. 739, 750, 752 (1987)* (upholding pre-trial detention after a full-blown adversary hearing requiring cleaar and convincing evidence and a neutral decision maker); *Foucha v. Louisiana, 504 U.S. 71, 81-83(1992)* (striking down civil detention scheme that placed burden on the detainee); *Zadvydas, 533 U.S. At 692 (*finding post-final-order custody review procedures deficient because, *inter alia,* they

placed burden on detainee).

43. The requirement that the government bear the burden of proof by clear and convincing evidence is also supported by application of the three-factors balancing test from *Mathews v. Eldridge, 424 U.S. 319,335 (1976).* First, and individual's private interest in freedom from prolonged detention is unquestionably substantial. See *Rodriguez Diaz, 53 F.4th at 1207 (*citing Singh, 638 F.3d at 1208). Second, the risk of eeror is great were the government is represented by trained attorneys and detained non-citizens are often unpresented and may lack English proficiency. See *Santosky v. Kramer, 455 U.S. 745,763 (1982)* (requiring clear and convincing evidence at parental termination proceedings because numerous factors combine to magnify the risk of erroneous factfiding including that parents subject to termination proceedingsare often poor, uneducated, or members of minority groups and [t]he sta's attorney usually will be expert on the issues contested). Moreover, detained non-citizens are incarcerated in prison-like conditions that severely hamper their ability to obtain legal assistance, gather evidence, and prepare for a bond hearing. See *supra 31.* Third, placing the burden on the government imposes minima cost or inconvenience to it, as the government has access to the non-citizen's immigration records and other information that it can use to make its case for continued detention.

D. Due Process Consideration Of Alternatives to Detention.

44. Due Process also requieres consideration of alternatives to detention. The primary purpose of immigration detention to ensure a non-citizen's appearance during civil remoal proceedings. *Zadvydas, 533 U.S. At 697.* Detention is not reasonably related to this purpose id there are alternative conditions of release that could mitigate risk of flight. See *Bell v. Wolfish 441 U.S. 520, 538-39 (1979)*(civil pretrial detention may be unconstitutionally punitive if it is excesive in relation to its legitimate purpose). ICE's alternatives to detention program the Intensive Supervision Appearance Program has achived extraordinary success in ensuring appearance at removal proceedings, reaching compliance rate close to 100 percent. *Hernandez v. seccion, 872 F.3d 976,991 (9th Cir. 2017)* (observing that ISAP resulted in a 99% attendance rate at all EOIR hearings and

95% attendance rate at final hearings. Thus alternatives to detention must be considered in determining whether proonged inarceration is warranted.

45. Due process likewise requieres consideration of a non-citizen's ability to pay a bond. Detention of an indigent for inability to post money bail is impermissible if the individual's appearance at trial could reasonably be essured by one of the alternate forms of release. *Hernandez. 872 F.3d at 990 (quoting Pugh v. Rainwater, 572 F.2d 1053, 1058 (5th Cir. 1978)*(en banc)). Therefore, when determining the appropiate condition of the release for people deteined for immigration purposes, due process requires consideration of final circumstances and alternative condition of release. Id.; See also *Martinez v. Clark, 36 F.4th 1219, 1231 (9th Cir. 2022)* (While the government had legitimate interest in protecting the public and ensuring the appearance of non-citizens in the immigration proceedings, we held [in Hernandez] that detaining an indigents alien without consideration of finalcia circunstances and alternative release condition was unlikely to result in a bond determination reasonably related to the government's legitimate interests. (citation omitted).

CLAIM FOR RELIEF

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION

46. Petitioner re-alleges and incorporates by reference the paragraph above.

47. The Due Process Clause of the Fifth Amendment forbids the governmentf from depriving any person of liberty without due process of law U.S. Cont. amend. V.

48. To Justify Petitioner's onoing prolong detention, due Process requires that the government establishes, at an individualized hearing before a neutral decision maker, that Petitioner's detention is justified by clear and convincing evidence of flight risk or danger, taking into account whether alternatives to detention could sufficiently mitigate that risk.

49. For these reason, Petitioner ongoing prolong detention without a hearing violates due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully request that this court:

1. Assume jurisdiction over this matter;

2. Issue a Writ of Habeas Corpus, hold a hearing before this Court if warranted, determine that Petitioner's detention is not justified because the government has not established by clear and convincing evidence that Petitioner presents a risk of flight or danger in light of available alternatives to detention, and order Petitioner's release (with appropiate condition of supervision if necessary), taking into account Petitioner's ability to pay a bond.

3. In the alternative, issue a Writ of Habeas Corpus and order Petitioner's release withing 14 days unless respondents schedule a hearing before an immigration judge where: (1) to continue detention, the government must establish by clear and convincing evidence that Petitioner present a risk of flight or danger, even after consideration of alternatives to detention that could mitigate any risk that Petitioner's release would present; and (2) if the government cannot meet its burden, the immigration judge order Petitioner's release on appropiate conditions of supervision, taking into account Petitionerability to pay a bond;

4. Issue a declaration that Petitioner's that Petitioner's ongoing prolonged detention violates the Due Process Clause of the Fifth Amendment;

5. Award Petitioner his costs and reasonable attorneys fee in this action as provided for by the Equal Access to Justice Act, 28 U.S.C. § 2412; and

6. Grant such further relief as the Court deems just and proper.

07/14/2026

Date:

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully request that this court:

1. Assume jurisdiction over this matter;
2. Issue a Writ of Habeas Corpus, hold a hearing before this Court if warranted, determine that Petitioner's detention is not justified because the government has not established by clear and convincing evidence that Petitioner presents a risk of flight or danger in light of available alternatives to detention, and order Petitioner's release (with appropiate condition of supervision if necessary), taking into account Petitioner's ability to pay a bond.
3. In the alternative, issue a Writ of Habeas Corpus and order Petitioner's release withing 14 days unless respondents schedule a hearing before an immigration judge where: (1) to continue detention, the government must establish by clear and convincing evidence that Petitioner present a risk of flight or danger, even after consideration of alternatives to detention that could mitigate any risk that Petitioner's release would present; and (2) if the government cannot meet its burden, the immigration judge order Petitioner's release on appropiate conditions of supervision, taking into account Petitionerability to pay a bond;
4. Issue a declaration that Petitioner's that Petitioner's ongoing prolonged detention violates the Due Process Clause of the Fifth Amendment;
5. Award Petitioner his costs and reasonable attorneys fee in this action as provided for by the Equal Access to Justice Act, 28 U.S.C. § 2412; and
6. Grant such further relief as the Court deems just and proper.

CONCLUSION

Respondent has not provide the adequate Due Process warranted by the Fifth and Fourteen Amendment, Petitioner prolong detentions as dbecome punitive instead of civil

detention. Due process violation occurs when detention become excessive in relation to its regulatory purpose, detention beyond six months is impermissible unles the government proves that further detention is justified by clear and convincing evidence.

07/14/2026
Date:

Yorwin Bautista Matamores
Printed Name

Yorwin
Signature

Detained in ICE Custody at: California City Detention Center.