UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

DIEGO ESTUARDO IXTOS AMBROCIO Petitioner, v. **Scott Frauenheim,** Warden, Central Valley Annex, **David Marin,** Deputy Field Office Director, ICE, **Markwayne Mullin,** Secretary of the U.S. Department of Homeland Security; and **Todd Blanche,** Acting U.S. Attorney General, in their official capacities, Respondents.	Case No. _____ **PETITION FOR WRIT OF HABEAS CORPUS**

INTRODUCTION

1. Petitioner, Diego Estuardo Ixtos Ambrocio, entered EWI, has been detained at the El Paso Service Processing Center and was subsequently transferred to the Central Valley Annex in McFarland, CA on May 9, 2026. The respondent filed a motion for custody redetermination, but it was denied by the IJ based on "lack of jurisdiction," despite the Petitioner's class member status under *Lazaro Maldonado Bautista et al v. Ernesto Santacruz Jr et al.* 5:25-cv-01873-SSS-BFM. Petitioner's detention is unconstitutional and unlawful as respondent, as per the district court case in the central district of California, he should at a minimum be entitled to a bond hearing. Accordingly, this Court should grant the instant petition for a writ of habeas corpus.

2 Absent an order from this Court, Petitioner will remain detained with no other adequate remedy at law.

3 Petitioner asks this Court to find that the respondent is entitled to a bond hearing under the INA, on due process grounds, or based on the class certification under *Maldonado*

Bautista, and order the respondent released from detention, or allowed to have a custody redetermination hearing before a neutral judge.

JURISDICTION

4 This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

5 This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

6 This Court may grant relief under the habeas corpus statutes, 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.

VENUE

6 Venue is proper because Petitioner is detained at Central Valley Annex in McFarland, CA, which is within the jurisdiction of this District.

7. Venue is proper in this District because Respondents are officers, employees, or agencies of the United States and the detention center the Petitioner is located at is within this district. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243

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

9 Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

10. Petitioner is an EWI. Petitioner is currently detained at Central Valley Annex. He is in the custody, and under the direct control, of Respondents and their agents.

11. Respondent Scott Frauenheim is the Warden of Central Valley Annex, and he has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent Frauenheim is a legal custodian of Petitioner.

12. Respondent David Marin is sued in his official capacity as the Acting Director of the Adelanto Field Office of U.S. Immigration and Customs Enforcement. Respondent Marin is a legal custodian of Petitioner and has authority to release him.

13. Respondent Markwayne Mullin is sued in his official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Mullin is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement the agency responsible for Petitioner's detention. Respondent Mullin is a legal custodian of Petitioner.

14 Respondent Todd Blanche is sued in his official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, he has the authority to adjudicate removal cases and to oversee the Executive Office for

Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Blanche is a legal custodian of Petitioner.

STATEMENT OF FACTS

15 Petitioner is a 21-year-old citizen of Guatemala. While in Texas for work, he was questioned and detained by ICE. After being detained he was later moved to the McFarland detention center. Petitioner has ties to the US through his brother, who is and

CLAIMS FOR RELIEF

COUNT ONE
Procedural Due Process Violation of the Fifth Amendment

18 The allegations in the above paragraphs are realleged and incorporated herein.

19. Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a timely and meaningful opportunity to demonstrate that he should not be detained. Petitioner in this case has been denied that opportunity. ICE does not make decisions concerning aliens' custody status in neutral and impartial manner. The failure of Respondents to provide a neutral decision-maker to review the continued custody of Petitioner violates Petitioner's right to procedural due process. Further, Respondents have failed to acknowledge or act upon the Petitioner's administrative request for release in a timely manner. There is no administrative mechanism in place for the Petitioner to demand a decision, ensure that a decision will ever be made, or appeal a custody decision that violates *Zadvydas*.

20. For these reasons, Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

COUNT TWO

Substantive Due Process Violation of the Fifth Amendment

21. Petitioner's continued detention violates Petitioner's right to substantive due process

through deprivation of the liberty interest in freedom from bodily restraint. See e.g., *Tam v. INS*, 14 F.Supp.2d 1184 (E.D. Cal 1998) (aliens retain substantive due process rights).

22. The Due Process Clause of the Fifth Amendment requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest. While Respondents would have an interest in detaining Petitioner to effectuate removal, that interest does not justify the indefinite detention of Petitioner, who is not significantly likely to be removed in the reasonably foreseeable future. The U.S. Supreme Court in *Zadvydas* thus interpreted 8 U.S.C. §1231(a) to allow continued detention only for a period reasonably necessary to secure the alien's removal, because any other reading would go beyond the government's articulated interest – to effect the alien's removal. *See Kay v. Reno*, 94 F.Supp.2d. 546, 551 (M.D. Pa. 2000) (granting writ of habeas corpus, because petitioner's substantive due process rights were violated, and noting that "If deportation can never occur, the government's primary legitimate purpose in detention–executing removal–is nonsensical.")

23. For these reasons, Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

(1) Assume jurisdiction over this matter;

(2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.

(3) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment, 8 U.S.C. § 1231;

(4) Order the immigration court to conduct a bond hearing based on the Petitioner's class member status under *Maldonado Bautista et al v. Ernesto Santacruz Jr et al.*

(5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately, or schedule a bond hearing before an immigration judge and, at such hearing, afford Petitioner bond on his own recognizance, or a reasonable bond amount

(6) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and

(7) Grant any further relief this Court deems just and proper.

Respectfully submitted,

/s/ Eliyahu Kaplunovsky
Eliyahu Kaplunovsky
760 Newhall Drive #1158
San Jose, CA 95110
Office@yulilaw.com
Counsel for Petitioner

Dated: 6/25/26

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Diego Estuardo Ixtos Ambrocio, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated 6/25/26

/s/ Eliyahu Kaplunovsky
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