IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE JUNIOR RIVAS AREVALO, Petitioner, v. **ORESTES CRUZ,** *in his official capacity as Field Office Director of San Francisco Field Office for Immigration and Customs Enforcement,* **CHRISTOPHER CHESTNUT**, *in his official capacity as Warden of the California City Correctional Facility,* **DAVID J. VENTURELLA** *in his official capacity as Senior Director of U.S. Immigration and Customs Enforcement,* **MARKWAYNE MULLIN**, *in his official capacity as Secretary for the U.S. Department of Homeland Security,* **TODD BLANCHE**, *in his official capacity as Acting U.S. Attorney General* Respondents.	Case No.:

PETITION FOR WRIT OF HABEAS CORPUS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE JUNIOR RIVAS AREVALO, Petitioner, v. **ORESTES CRUZ,** *in his official capacity as Field Office Director of San Francisco Field Office for Immigration and Customs Enforcement,* **CHRISTOPHER CHESTNUT**, *in his official capacity as Warden of the California City Correctional Facility,* **DAVID J. VENTURELLA** *in his official capacity as Senior Director of U.S. Immigration and Customs Enforcement,* **MARKWAYNE MULLIN**, *in his official capacity as Secretary for the U.S. Department of Homeland Security,* **TODD BLANCHE**, *in his official capacity as Acting U.S. Attorney General* Respondents.	Case No.:

INTRODUCTION

1. ("Petitioner") **Jose Junior Rivas Arevalo** (A# [redacted] is a 25-year-old Guatemala citizen.
2. The Petitioner entered the United States on or about December 2020 without inspection and was not apprehended.
3. The Petitioner does not have a criminal record.
4. The Petitioner's family ties include his 3 siblings, one brother and two sisters. Additionally, his extended family consists of an uncle, aunt, and ten cousins.

5. Petitioner is also the owner of a construction company called [redacted]
6. The Petitioner applied for Asylum on or about 2024. Through that application he was able to obtain an employment authorization document, social security card, and driver's license.
7. The Petitioner has his next Master hearing on August 4, 2026, before the Pearsall Immigration Court.
8. On information and belief, Petitioner was unlawfully detained by Federal Immigration Agents on June 19, 2026.
9. The Petitioner was on his way to work when he was pulled over by a Texas State Trooper. The State Trooper told the Petitioner that he was being pulled over because his license plate was improperly secured. The State Trooper proceeded to call Immigration and Custom Enforcement (ICE) agents. The Petitioner was taken into custody by ICE agents.
10. Petitioner was taken to the nearest ICE/ERO Field Office and transferred to ERO T. Don Hutto Detention Center located in Taylor, TX and then transferred to California City Detention Facility located in California City, CA where he is currently being detained.
11. In order to vindicate Petitioner's constitutional, statutory and regulatory rights, this Honorable Court should grant this instant petition for a writ of habeas corpus to ensure his continued freedom.
12. Petitioner kindly requests that this court find his detention to be unlawful and order ICE to release him.

JURISDICTION

13. This Honorable Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus) and 28 U.S.C. § 1331 (federal question).
14. Venue is proper because Petitioner is currently detained at California City Detention Facility located in California City, CA. Therefore, the petitioner remains detained within the District of California.

PARTIES & FACTS ALLEGED

15. The Petitioner **Jose Junior Rivas Arevalo** is a native and citizen of Guatemala.

16. Respondent Orestes Cruz is the Field Office Director for the San Francisco Field Office, Immigration and Customs Enforcement.

17. Respondent Christopher Chestnut is the Warden for the California City Detention Facility.

18. Respondent David J. Venturella is the Senior Director for U.S. Immigration and Customs Enforcement.

19. Respondent Markwayne Mullin is the U.S. Secretary of Homeland Security.

20. Respondent Todd Blanche is the Acting U.S. Attorney General.

21. All Respondents are named in their official capacities.

22. On information and belief, Petitioner was unlawfully detained by Federal Immigration Agents on June 19, 2026.

23. The Petitioner was on his way to work when he was pulled over by a Texas State Trooper. The State Trooper told the Petitioner that he was being pulled over because his license plate was improperly secured. The State Trooper proceeded to call Immigration and Custom Enforcement (ICE) agents. The Petitioner was taken into custody by ICE agents.

24. On information and belief, Petitioner is currently in custody in the District of California, and one or more of the Respondents is his immediate custodian.

CLAIMS FOR RELIEF

COUNT ONE
Violation of Fifth Amendment Right to Due Process

25. The Fifth Amendment provides that "no person shall be deprived of life, liberty, or property without due process of law".

26. The Due Process Clause applies to all persons within the United States, including aliens, whether their presence here is lawful, temporary or permanent" *Zadvydas v. Davis, 553 U.S. 693 (2001).*

27. Respondent's mandatory detention without consideration for release on bond or access to a bond hearing violates his due process rights.

28. On information and belief, Petitioner is currently being detained at the California City Detention Facility located in California City, CA without cause and in violation of his constitutional rights to due process of law.

COUNT TWO
Violation of 8 U.S.C. § 1226(a) Unlawful Denial of Release on Bond

29. Mandatory detention as set forth on 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States whom are subject to the ground of inadmissibility, most relevant, it does not apply to those who previously entered the country and have been residing in the United States prior to being detained, historically, such noncitizens would be detained under § 1226(a), and therefore, eligible for release on bond.

30. Nonetheless, the Board of Immigration Appeal, under the Department of Justice, issued a decision on September 5th, 2025, binding on all Immigration Judges, thus rendering the Petitioner ineligible for release on Bond. *Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025).*

31. Moreover, Petitioner falls under the class membership of the Class Action suit, *Guerrero-Orellana v. Hyde et al.* and he additionally asserts that he should be released upon this consideration as well. *(See Guerrero-Orellana v. Hyde et al. opinion – Case 1:25-cv-12664-PBS Doc 112 12/19/25).*

COUNT THREE
Violation of the Bond Regulations, 8 C.F.R. § 236.1, 1236.1 and 1003.19 Unlawful Denial of Release on Bond

32. In 1997, following enactment of IIRIRA, EOIR and the Immigration and Naturalization Service issued an interim rule interpreting its detention provisions. Under the heading "Apprehension,

Custody, and Detention of [Noncitizens]," the agencies clarified that "despite being applicants for admission, [noncitizens] who are present without having been admitted or paroled will be eligible for bond and bond redetermination." 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997). Thus, individuals who entered without inspection are eligible for custody redetermination hearings under 8 U.S.C. § 1226 and its implementing regulations.

33. Application of 8 U.S.C. § 1225(b)(2) to Petitioner, who is bond-eligible, unlawfully mandates his continued detention in contravention of 8 C.F.R. § 236.1, 1236.1, and 1003.19.

COUNT FOUR

Violation of the Maldonado Bautista v. Noem (5:25-cv-01873-SSS-BFM) Final Judgement

34. The Petitioner, qualifies as a member of the Certified Bond Eligible Class, as defined in the Judgement, the Bond Eligible Class is defined as "All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(l), or§ 1231 at the time the Department of Homeland Security makes an initial custody determination."

35. The U.S. District Court declared that the Bond Eligible Class members are detained under 8 U.S.C. § 1226(a) and are not subject to mandatory detention under§ 1225(b)(2).

36. The Respondents have consistently denied the Petitioner the access to a Bond Hearing, as stipulated by the final judgement, as they continue to misclassify the Petitioner as detained pursuant to U.S.C. § 1225(b)(2).

PRAYER FOR RELIEF

Wherefore, Petitioner, **Jose Junior Rivas Arevalo** respectfully requests this Court to grant the following:

1) Assume jurisdiction over this matter;

2) Order that Petitioner shall NOT be transferred outside the District of California;

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

4) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately. At the time of release, Respondent must return all of Petitioner's documents and possessions and shall not impose any additional restrictions on him as a condition of his release.

6) Order the Petitioner's counsel, Margie S. Lazo be notified by phone at **617-418-5442** and by email at **lazomargie.law@gmail.com** of the exact location and exact time of Petitioner's release if ordered Immediate release.

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

Respectfully submitted,

Jose Junior Rivas Arevalo
Petitioner

Dated: July 22, 2026

By: ***/s/ Margie S. Lazo***
Margie S. Lazo, Esq. (BBO# 707399)
Law Office of Margie S. Lazo
459 Broadway, Suite 300
Everett, MA 02149
617-418-5442
Lazomargie.law@gmail.com

Dated: July 22, 2026

By: **/s/ Cynthia Bautista**
Cynthia Bautista Esq.
Bautista Immigration Law, P.C.
1227 Laurel Street
San Carlos, CA 94070
Office: (650) 674-6070
Cell Phone: (415) 936-6730

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

I, Margie S. Lazo, represent **Jose Junior Rivas Arevalo**, 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.

/s/ Margie S. Lazo Dated: July 22, 2026

Margie S. Lazo, Esq.
Law Office of Margie S. Lazo
459 Broadway, Suite 300
Everett, MA 02149
BBO# 707399

CERTIFICATE OF SERVICE

I certify that on July 17, 2026, I electronically filed the foregoing document through the Court's CM/ECF system. I further certify that the document is available for viewing and downloading from the CM/ECF system, and that all participants in the case are registered CM/ECF users

Dated: July 22, 2026

/s/ Cynthia Bautista
Cynthia Bautista Esq.