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

CRISANTO VAZQUEZ ALVARADO, 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

CRISANTO VAZQUEZ ALVARADO, 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") **Crisanto Vazquez Alvarado** (A# [redacted]) is a 38-year-old Mexican citizen. ***(See Exhibit A).***
2. The Petitioner last entered the United States on or about 2022, without being inspected or paroled. The Petitioner was not apprehended.
3. The Petitioners family ties include his 2 U.S. Citizen children and his partner. The Petitioner also has siblings, cousins, aunts and uncles living in the United States. ***(See Exhibit B and C).***

4. Prior to his detention, the Petitioner was employed in a painting company called Moreno's Painting for the past 4 years.
5. The Petitioners case is pending before the Adelanto Immigration Court.
6. On information and belief, Petitioner was unlawfully detained by Federal Immigration Agents on June 20, 2026.
7. While the Petitioner was driving to work, ICE agents followed him from the moment he left his residence. The agents subsequently initiated a traffic stop. An ICE agent questioned the Petitioner regarding the ownership of the van he was operating, asking if the vehicle belonged to him. The Petitioner replied that it did not, and it belonged to his employer.
8. The agent then instructed the Petitioner to turn off the vehicle's ignition and demanded his identification. In response, the Petitioner provided the agent with his Mexican passport. The Petitioner was told to wait while the agents verified his immigration status.
9. After completing the check, the agents returned to the van, ordered the Petitioner to exit the vehicle, and placed him in handcuffs.
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 **Crisanto Vazquez Alvarado** is a native and citizen of Mexico.

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 20, 2026.

23. While the Petitioner was driving to work, ICE agents followed him from the moment he left his residence. The agents subsequently initiated a traffic stop. An ICE agent questioned the Petitioner regarding the ownership of the van he was operating, asking if the vehicle belonged to him. The Petitioner replied that it did not, and it belonged to his employer.

24. The agent then instructed the Petitioner to turn off the vehicle's ignition and demanded his identification. In response, the Petitioner provided the agent with his Mexican passport. The Petitioner was told to wait while the agents verified his immigration status.
25. After completing the check, the agents returned to the van, ordered the Petitioner to exit the vehicle, and placed him in handcuffs.
26. 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

27. The Fifth Amendment provides that "no person shall be deprived of life, liberty, or property without due process of law".
28. 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).*
29. Respondent's mandatory detention without consideration for release on bond or access to a bond hearing violates his due process rights.
30. 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

31. 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.

32. 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).*

33. 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

34. 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.

35. 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

36. 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."
37. 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).
38. 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, **Crisanto Vazquez Alvarado** 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,

Crisanto Vazquez Alvarado
Petitioner

Dated: July 21, 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
Counsel for Petitioner

Dated: July 21, 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 **Crisanto Vazquez Alvarado**, 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 21, 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 21, 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 21, 2026

/s/ Cynthia Bautista
Cynthia Bautista Esq.