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EASTERN DISTRICT OF CALIFORNIA
BY DEPUTY CLERK

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UNITED STATES DISTRICT
COURT EASTERN DISTRICT OF CALIFORNIA

DIEGO ARMANDO AGUALONGO ARÉVALO,
Proceeding Pro Se,
Petitioner,
v.
WARDEN, CALIFORNIA CITY CORRECTIONAL CENTER; FIELD OFFICE DIRECTOR, ICE LOS ANGELES FIELD OFFICE;TODD M. LYONS, ACTING DIRECTOR, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT; MARKWAYNE MULLIN, SECRETARY OF HOMELAND SECURITY; TODD BLANCHE, ACTING ATTORNEY GENERAL, UNITED STATES,
Respondents.

Civil Action No.:
1:26 CV 5699 JLT EPG (HC)
PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Diego Armando Agualongo Arévalo, proceeding pro se, respectfully petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging the legality of his unconstitutional detention by U.S. Immigration and Customs Enforcement ("ICE"). Petitioner's detention became constitutionally defective after a bond hearing on June 23, 2026, where the Immigration Judge denied absolutely any possibility of release, improperly placed the burden of proof on Petitioner, relied on unspecified "criminal history," and failed to meaningfully consider less restrictive alternatives to detention. Petitioner seeks immediate release under conditions of supervision, not another bond hearing.

I. PARTIES AND JURISDICTION

1. Petitioner Diego Armando Agualongo Arévalo is a citizen and national of Ecuador, born on [redacted], identified by ICE/EOIR with A-Number [redacted]. Petitioner submits this Petition pro se and requests that the Court liberally construe his filings pursuant to *Estelle v. Gamble*, 429 U.S. 97, 106 (1976). He is currently detained at the

California City Immigration Processing Center, 22844 Virginia Boulevard, California City, CA 93505.

2. Respondent Warden, California City Immigration Processing Center, is the immediate custodian of Petitioner and is sued in their official capacity.
3. Respondent Field Office Director, ICE Enforcement and Removal Operations (ERO), Bakersfield, California IHP Sub Office, is responsible for immigration detention within this jurisdiction. Sued in official capacity. Phone: (661) 281-6500.
4. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement, the agency responsible for detaining and removing noncitizens. He is sued in his official capacity.
5. Respondent Markwayne Mullin is the Secretary of the U.S. Department of Homeland Security and is responsible for the administration and enforcement of the immigration laws. He is sued in his official capacity.
6. Respondent Todd Blanche is the Acting Attorney General of the United States and is responsible for the administration of the immigration courts. He is sued in his official capacity.
7. This Court has jurisdiction pursuant to 28 U.S.C. § 2241. The Constitution guarantees the availability of the writ of habeas corpus "to every individual detained within the United States." *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004). The "essence of habeas corpus is an attack by a person in custody upon the legality of that custody." *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973). A district court's habeas jurisdiction includes challenges to immigration detention. *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); *I.N.S. v. St. Cyr*, 533 U.S. 289, 301 (2001). Federal district courts have habeas jurisdiction under 28

U.S.C. § 2241 to review immigration bond hearing determinations for constitutional claims and legal error. *Singh v. Holder*, 638 F.3d 1196, 1202 (9th Cir. 2011).

8. Venue is proper in the Eastern District of California because Petitioner is detained at California City Immigration Processing Center, which is located within this judicial district.

II. FACTUAL BACKGROUND

1. Petitioner Diego Armando Agualongo Arévalo is a national of Ecuador, born [redacted]. Petitioner is 26 years old, married, and has a 4-year-old son residing in the United States. His parents reside in Ecuador; his mother is approximately 68 years old and his father is 66 years old.
2. Petitioner entered the United States without inspection on or about April 30, 2024. His removal proceedings began on or about May 1 or 2, 2024, under the charge of being present without having been admitted or paroled.
3. Petitioner filed an application for asylum before the Immigration Court on April 30, 2025, which remained pending at the time of preparing this Petition. The EOIR system showed a docket date of May 2, 2024, with a Master Calendar hearing scheduled for July 23, 2026, before Immigration Judge Susan Phan via Webex. Petitioner's immigration case remains pending.
4. Petitioner possesses a valid Ecuadorian passport and an Employment Authorization Document (EAD), category C08, valid from June 5, 2026 through November 5, 2027.
5. On May 27, 2026, Petitioner was arrested by ICE in Spanish Fork, Utah. At the time of his arrest, Petitioner was working in carpentry and had gone with a coworker during a

work break to purchase food and drinks at Walmart. Upon exiting the store, a woman asked about their documents and the vehicle. The coworker was driving. Subsequently, a patrol officer arrived, followed by additional officers. The coworker was informed that he had an order of deportation, and eventually both were placed in an ICE vehicle. Petitioner was not attempting to flee, conceal himself, or evade authorities. He was engaged in a routine daily activity — purchasing food during a work break.

6. After his arrest, Petitioner was taken initially to Wyoming, where he remained approximately five days, then transferred to Arizona, and finally to the California City Immigration Processing Center in California City, California, where he is currently detained.

7. On May 29, 2026, Petitioner — together with Isaias Geovanny Arevalo Llumiguano — filed his first petition for a writ of habeas corpus in the United States District Court for the District of Wyoming, Civil No. 3:26-cv-174, represented by attorneys Travis Helm and Alec S. Bracken. The first habeas argued that Petitioner was detained within the United States, that he should be under 8 U.S.C. § 1226(a), and that he should have access to a bond determination. The first habeas sought an order declaring the detention unlawful without possibility of bond and requiring EOIR to conduct an immediate bond hearing.

8. The first habeas was presented while Petitioner was detained at Uinta County Jail, Wyoming. Petitioner was subsequently transferred to California. The custodian in the first habeas is no longer Petitioner's current custodian. This second habeas is based on a different current detention and on procedural events that occurred after the first habeas was filed.

9. On June 23, 2026, a bond hearing was held before Immigration Judge Susan Phan at the Adelanto Immigration Court. The Immigration Judge denied bond, finding Petitioner a "significant flight risk" and stating that no amount of bond or condition would guarantee his appearance. The decision was based on: (a) entry without inspection in 2024; (b) short time of presence in the United States; (c) absence of immediate relatives from whom he could derive immigration status; (d) lack of lease, utility bills, or bank statements; (e) lack of employer letter, W-2 forms, or tax returns; (f) absence of the sponsor for cross-examination; and (g) a general reference to "criminal history."
10. The bond order was served electronically to Petitioner's representative and to DHS on June 24, 2026, and established an appeal deadline of July 23, 2026.
11. The bond order's reference to "criminal history" does not identify any specific crime, charge, conviction, date, or disposition. Petitioner has stated that there may be a warrant related to driving without a license, but denies having been detained twice as apparently shown in some system. The order does not specify: what offense; case number; date; charge; disposition; whether a conviction exists; whether the case was closed; or whether only a pending warrant exists.
12. On July 2, 2026, Petitioner prepared and submitted an appeal of the bond decision to the Board of Immigration Appeals. The appeal sought: (a) reversal of the June 23, 2026 decision; (b) an order for his release under a reasonable bond; (c) in the alternative, remand for a new individualized hearing; and (d) consideration of passport surrender, supervision, reporting, and monitoring as conditions of release. The appeal and brief were placed in the institutional mail system on July 2, 2026, for delivery to the BIA and DHS/ICE.

13. As of the date of this Petition, Petitioner has been detained since May 27, 2026 — approximately seven (7) weeks. He was arrested while working, not fleeing. His asylum case remains pending. He has a wife and a 4-year-old son in the United States. He possesses a valid passport and employment authorization. He is willing to comply with any conditions of supervision.

14. One week before his detention, Petitioner suffered a workplace accident and received sutures. During detention, the sutures were removed, but the wound became infected. Petitioner has also reported depression, anxiety, and stress during his detention.

III. LEGAL CLAIMS

CLAIM ONE: THE BOND HEARING OF JUNE 23, 2026 WAS CONSTITUTIONALLY INSUFFICIENT

1. The bond hearing of June 23, 2026, did not produce a constitutionally adequate review of Petitioner's detention. The hearing was deficient in multiple respects:

A. IMPROPER BURDEN ALLOCATION

1. The Immigration Judge improperly placed the burden of proof on Petitioner to demonstrate that he was not a flight risk. The order expressly states "Respondent's burden." The Ninth Circuit has held that, given the substantial liberty interests at stake, the government must prove by clear and convincing evidence that continued detention is justified. *Singh v. Holder*, 638 F.3d 1196, 1202 (9th Cir. 2011). The government, not the detainee, bears the burden in bond hearings under § 1226(a). *Id.* at 1203.

2. Imposing the burden on the detainee to prove non-flight risk or non-dangerousness violates the Due Process Clause. As the court held in *Rajnish v. Jennings*, the placement

of the burden on the detainee "violated the constitutional guarantee of due process because the IJ unconstitutionally placed the burden on [the detainee] to prove he was not a flight risk or danger to the community. That burden belongs with the government, which must prove that a noncitizen is a flight risk or danger to the community by clear and convincing evidence to continue detaining him." *Rajnish v. Jennings*, N.D. Cal. (2020).

3. Similarly, in *Nolasco Rodriguez v. Decker*, the court held that "imposing upon petitioner the burden of proving the negative, i.e. his non-dangerousness to the community, in order to secure his release from custody violates his right to Due Process." *Nolasco Rodriguez v. Decker*, S.D.N.Y. (2020). The BIA's policy of placing the burden of proof on the alien at § 1226(a) bond hearings violates due process. *Brito v. Barr*, D. Mass. (2019).

B. RELIANCE ON UNSPECIFIED AND UNREVEALED "CRIMINAL HISTORY"

1. The Immigration Judge's order references "criminal history" but does not identify any specific crime, charge, conviction, date, or disposition. This vague reference prevented Petitioner from meaningfully responding to or rebutting the allegation.
2. Due process requires that a detainee receive "notice of the factual basis" for his classification and "a fair opportunity to rebut the Government's factual assertions before a neutral decisionmaker." *Hamdi v. Rumsfeld*, 542 U.S. 507, 533 (2004). A bond determination that relies on unspecified criminal allegations, where the detainee cannot identify or respond to the charges, violates this fundamental requirement.
3. A neutral decisionmaker "cannot fully evaluate the danger [a detainee] poses to the community without first weighing the mitigating effect of alternatives to detention." *Cantor v. Freden*, W.D.N.Y. (2025). The adjudicator must "conform to the

principles of fundamental fairness and may not give undue weight to unreliable evidence." *Doe v. Decker*, S.D.N.Y. (2021).

4. To presume dangerousness or flight risk "based solely on [a] past record does not satisfy due process." *Martinez Jimenez v. Current or Acting Field Office Director, San Francisco Field Office, United States Immigration and Customs Enforcement*, N.D. Cal. (2024). The government bears the burden of proving by clear and convincing evidence that Petitioner's continued detention is warranted. *Id.*

C. FAILURE TO CONSIDER LESS RESTRICTIVE ALTERNATIVES TO DETENTION

1. The Immigration Judge concluded that no amount of bond or condition would guarantee Petitioner's appearance, but did not explain why any of the following conditions would be ineffective: electronic monitoring; periodic reporting to ICE; surrender of passport; sponsor supervision; home confinement; travel restrictions; personal recognizance; or reasonable financial bond.
2. The Ninth Circuit has held that a bond determination process that does not include consideration of financial circumstances and alternative release conditions is unlikely to result in a bond amount reasonably related to the government's legitimate interests. *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017). The immigration court must "consider alternative conditions of release, such as GPS monitoring, that reasonably assure the safety of the community and the alien's future appearances." *Brito v. Barr*, D. Mass. (2019).
3. "Whether detention is necessary to serve a compelling regulatory purpose requires consideration of whether a less restrictive alternative to detention . . . would also address those purposes." *Hechavarria v. Whitaker*, 358 F. Supp. 3d 227, 237 (W.D.N.Y. 2019).

The adjudicator must "meaningfully consider alternatives to imprisonment such as (though not exclusively) release on recognizance, parole, or electronic monitoring." *Sophia v. Decker*, S.D.N.Y. (2020).

4. Because there is no evidence that the Immigration Judge considered less restrictive alternatives to detention — such as release subject to specific conditions, including regular reporting and/or monitoring — the bond hearing failed to comply with due process. *Darboe v. Ahrendt*, D.N.J. (2020).

D. TREATMENT OF ABSENCE OF DOCUMENTATION AS PROOF OF FLIGHT RISK

1. The Immigration Judge treated the absence of a lease, utility bills, W-2 forms, and tax returns as evidence of flight risk. However, the lack of such documentation may affect the weight of evidence but does not demonstrate that no condition of release would work.
2. The Immigration Judge also found that Petitioner lacked immediate relatives from whom he could "derive status." However, for evaluating flight risk, the relevant question is not whether a family member can confer an immigration benefit, but whether Petitioner has a spouse, a young child, and family obligations that provide real reasons to remain and appear.

E. INSUFFICIENT WEIGHT TO PENDING ASYLUM CLAIM AS INCENTIVE TO APPEAR

1. The Immigration Judge did not adequately consider that Petitioner's pending asylum application creates a powerful incentive to appear. Petitioner's active pursuit of legal remedies demonstrates commitment to the legal process, not an intent to flee. Abandoning proceedings would directly prejudice his ability to obtain immigration

protection.

CLAIM TWO: THE GOVERNMENT HAS NOT DEMONSTRATED THAT CONTINUED DETENTION IS NECESSARY

1. Civil immigration detention is not punishment. "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 (2001). "Liberty is the norm, and detention prior to trial or without trial is the carefully limited exception." *United States v. Salerno*, 481 U.S. 739, 755 (1987).
2. The government "has no legitimate interest in detaining individuals who have been determined not to be a danger to the community and whose appearance at future immigration proceedings can be reasonably ensured by [ ] bond or alternative conditions." *Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir. 2017).
3. The bond order does not identify any danger to the community. It is limited to a conclusion of flight risk. The government has not demonstrated why conditions of supervision — electronic monitoring, reporting, passport surrender, travel restrictions, or sponsor supervision — would be insufficient.
4. Petitioner was not arrested while fleeing. He was not violating a court order. He was not attempting to leave the country. He was working and engaged in a routine activity. His conduct during arrest does not demonstrate flight risk.

CLAIM THREE: DUE PROCESS REQUIRES IMMEDIATE RELEASE UNDER THE MATHEWS BALANCING TEST

1. The Due Process Clause requires that the Court balance: (1) the private interest affected; (2) the risk of erroneous deprivation through the procedures used and the probable value of additional safeguards; and (3) the government's interest. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). All three factors weigh in favor of immediate release.
2. First, Petitioner's private interest in liberty is substantial. He has a wife and a 4-year-old son, a pending asylum claim, a valid employment authorization, and was working before his detention. The Ninth Circuit recognizes the "irreparable harms imposed on anyone subject to immigration detention," including economic burdens and subpar medical care. *Hernandez*, 872 F.3d at 995.
3. Second, the risk of erroneous deprivation is extraordinarily high. The bond hearing was conducted with the burden improperly placed on Petitioner, the decision relied on unspecified "criminal history," alternatives to detention were not meaningfully considered, and evidence of family ties, employment, and incentive to appear were disregarded. The probable value of additional procedural safeguards — specifically, requiring the government to prove flight risk by clear and convincing evidence and to demonstrate why no conditions of release would suffice — is significant.
4. Third, the government's interest in continued detention is minimal. Petitioner has no identified criminal convictions, no finding of danger to the community, and a pending asylum claim that creates an incentive to appear. The cost of detention — both financial and human — far outweighs the minimal burden of releasing Petitioner under supervision. The public cost of immigration detention is staggering. *Hernandez*, 872 F.3d at 994.
5. The *Mathews* balancing test demonstrates that Petitioner's continued detention without

proper procedural safeguards violates the Fifth Amendment. The proper remedy is immediate release under conditions of supervision, not another defective bond hearing.

CLAIM FOUR: A SECOND BOND HEARING WOULD BE AN INSUFFICIENT REMEDY

1. Petitioner does not seek another bond hearing. The first bond hearing already demonstrated the problem: the Immigration Judge permitted an absolute denial based on the detainee's burden, unspecified criminal allegations, and failure to consider alternatives. A second hearing before the same or another Immigration Judge, without clear direction from this Court, would likely reproduce the same constitutional errors.
2. The "typical remedy" in habeas for unlawful detention "is, of course, release." *Munaf v. Geren*, 553 U.S. 674, 693 (2008). Federal courts have "broad and flexible power" to fashion habeas relief. *Burnett v. Lampert*, 432 F.3d 996, 999 (9th Cir. 2005).
3. Where, as here, the government has failed to justify detention through a constitutionally adequate process, immediate release under supervision is the appropriate remedy. As one court held, where a detainee's "constitutionally protected liberty interest is being violated by his unreasonably prolonged detention, this Court is not inclined to require him to endure further detention so that the immigration court can endeavor to find time to schedule a constitutionally adequate bond hearing." *John Doe v. Smith*, D. Mass. (2017).
4. In the alternative, if the Court is not prepared to order immediate release on the current record, Petitioner respectfully requests that the Court order Respondents to file a supplemental response, supported by sworn declarations and documentation, addressing: (a) what statutory authority governs Petitioner's detention; (b) whether the Government

can present sworn declarations proving Petitioner is a danger or flight risk; (c) why conditions of supervision would not be sufficient to ensure Petitioner's appearance; (d) what specific criminal history the Government relies upon, including case numbers, dates, charges, and dispositions; (e) why the Government should not bear the burden of proof by clear and convincing evidence; (f) why alternatives to detention — electronic monitoring, periodic reporting, passport surrender, travel restrictions, sponsor supervision — were not meaningfully considered.

IV. IRREPARABLE HARM

1. The deprivation of Petitioner's constitutional right to liberty "unquestionably constitutes irreparable injury." *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). "Deprivation of physical liberty by detention constitutes irreparable harm." *Arevalo v. Hennessy*, 882 F.3d 763, 767 (9th Cir. 2018). This harm is not compensable by damages. *Hernandez v. Sessions*, 872 F.3d at 999.
2. Petitioner has been separated from his wife and 4-year-old son. His wife has known him for eight years and describes him as honest, responsible, hardworking, and a loving father. His son is suffering from the separation and deeply misses his father. Every additional day of detention causes irreparable harm to the family relationship that cannot be undone.
3. Petitioner's health has deteriorated during detention. A workplace injury sustained one week before his arrest became infected after sutures were removed in custody. He has reported depression, anxiety, and stress. This harm is ongoing, severe, and cannot be

undone.

V. BALANCE OF EQUITIES AND PUBLIC INTEREST

1. The balance of equities and public interest weigh in favor of granting the writ. These factors merge when the government is the opposing party. *Nken v. Holder*, 556 U.S. 418, 435 (2009).
2. The public has a strong interest in upholding constitutional protections against unlawful detention. "[N]either equity nor the public's interest are furthered by allowing violations of federal law to continue." *Galvez v. Jaddou*, 52 F.4th 821, 832 (9th Cir. 2022).
3. Granting the writ would vindicate Petitioner's fundamental rights while imposing a minimal burden on Respondents, who can require Petitioner to comply with conditions of supervision including electronic monitoring, periodic reporting, passport surrender, and residence with his family or sponsor.

VI. CONDITIONS OF RELEASE AVAILABLE

Petitioner is willing to comply with any or all of the following conditions of release:

1. Surrender of his Ecuadorian passport;
2. Electronic GPS monitoring;
3. Periodic reporting to ICE;
4. Travel restrictions;
5. Fixed residence with his family or sponsor;
6. Appearance at all Immigration Court proceedings;
7. Participation in any supervision program;
8. Reasonable financial bond, if the Court does not grant release on recognizance.

VII. RELIEF REQUESTED

WHEREFORE, Petitioner Diego Armando Agualongo Arévalo respectfully requests that this Court:

1. Grant this Petition for a Writ of Habeas Corpus;
2. Find that the bond hearing of June 23, 2026 was constitutionally insufficient because (a) the burden of proof was improperly placed on Petitioner, (b) the decision relied on unspecified and unrevealed "criminal history," (c) alternatives to detention were not meaningfully considered, and (d) evidence of family ties, employment, and incentive to appear were disregarded;
3. Find that the Government has not demonstrated that continued detention is necessary or that less restrictive alternatives would be insufficient;
4. Order Respondents to immediately release Petitioner from ICE custody under appropriate conditions of supervision, including but not limited to: electronic monitoring, periodic reporting to ICE, surrender of passport, travel restrictions, and residence with his family or sponsor;
5. Enjoin and restrain Respondents from re-detaining Petitioner without providing him a minimum of seven (7) days' written notice and a pre-deprivation hearing before a neutral decisionmaker, at which Respondents shall bear the burden of demonstrating by clear and convincing evidence that Petitioner poses a flight risk or danger to the community such that his physical custody is legally justified;
6. In the alternative, if the Court is not prepared to grant immediate release on the current record, order Respondents to file a supplemental brief, supported by sworn declarations and documentation, addressing the factual and legal questions identified in Section III,

Claim Four, paragraph 4;

7. Order Respondents to return any identity documents or personal property seized at the time of his detention;

8. Order Respondents to file a notice of compliance within three (3) days of Petitioner's release; and

9. Award such other and further relief as the Court deems just and proper.

Dated: July 23, 2026

Respectfully submitted,

/s/ Diego Armando Agualongo Arévalo
Diego Armando Agualongo Arévalo
A# [redacted]
Petitioner, Pro Se
California City Immigration Processing Center
22844 Virginia Boulevard
California City, Ca 93505

UNITED STATES DISTRICT
COURT EASTERN DISTRICT OF CALIFORNIA

DIEGO ARMANDO AGUALONGO ARÉVALO,
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Respondents.

Civil Action No.:

DECLARATION OF DIEGO ARMANDO AGUALONGO ARÉVALO IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

I, **Diego Armando Agualongo Arevalo**, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following statements are true and correct based on my personal knowledge:

1. My name is **Diego Armando Agualongo Arevalo**. My Alien Registration Number is **A** [redacted] I am a native and citizen of Ecuador.
2. I was born on [redacted], in Ecuador. I am currently twenty-six years old.
3. I submit this declaration in support of my second petition for a writ of habeas corpus and my request for **immediate release from immigration detention**, subject to reasonable conditions of supervision if the Court considers them necessary.
4. I am currently detained in the custody of United States Immigration and Customs Enforcement at the **California City Immigration Processing Center**, located at **22844 Virginia Boulevard, California City, California 93505.**
5. I respectfully ask the Court to order my immediate release because my continued civil detention is no longer reasonably necessary, and the bond proceeding conducted on June 23, 2026 did not provide a meaningful or constitutionally adequate opportunity for

release.

6. I am willing to comply with every reasonable condition imposed by the Court or ICE, including electronic monitoring, GPS supervision, periodic reporting, travel restrictions, residence requirements, surrender of my passport, and attendance at every immigration hearing.

7. I entered the United States near the southern border on or about **April 30, 2024**, without inspection.

8. Removal proceedings were later initiated against me. My immigration case has remained active, and I submitted an application for asylum to the Immigration Court on or about **April 30, 2025.**

9. I have not abandoned my asylum application or my immigration proceedings. I want to continue presenting my claim and defending myself against removal through the legal process.

10. I understand that failing to appear in Immigration Court could result in an order of removal being entered against me and could destroy my opportunity to obtain immigration relief.

11. For that reason, I have every incentive to attend all future proceedings and no incentive to run away or avoid the Court.

12. Before my detention, I lived and worked in the United States and was attempting to support my family and establish a stable life.

13. I worked primarily in carpentry for approximately two years. I was working shortly before ICE arrested me.

14. I possess a valid Employment Authorization Document in category C08. The document

reflects authorization beginning in June 2026 and continuing through November 2027.

15. My work authorization demonstrates that I was pursuing lawful employment and that I intended to continue working and supporting my family while my immigration case remained pending.

16. ICE arrested me on **May 27, 2026**, in or near Spanish Fork, Utah.

17. On the day of my arrest, I was working with a coworker. During a work break, we went to Walmart to purchase drinks and food.

18. I was not attempting to flee, leave the country, hide from immigration authorities, or avoid any court proceeding.

19. I was engaged in an ordinary daily activity and intended to return to work after purchasing the food and drinks.

20. As we were leaving Walmart, a woman approached us and began asking questions concerning our documents and whether we had a vehicle.

21. My coworker was the person driving. We were told to wait while a translator was contacted.

22. A police officer arrived, followed by additional officers or agents. My coworker was informed that he had a removal order.

23. ICE agents subsequently placed both of us into an immigration vehicle and detained us.

24. I cooperated with the officers. I did not resist arrest, attempt to run away, provide a false identity, or obstruct the officers.

25. My conduct on the day of my arrest does not demonstrate that I am a flight risk. To the contrary, I remained present and cooperated with the authorities.

26. After my arrest, I was first detained in Wyoming for approximately five days.

27. I was then transferred to a facility in Arizona and later transported to California, where I remain detained.

28. These transfers separated me from the state where I had been living and working and made it more difficult for my family to communicate with me, obtain records, prepare evidence, and assist with my legal case.

29. On or about **May 29, 2026**, attorneys filed a federal habeas corpus petition in the United States District Court for the District of Wyoming on behalf of another detained individual and me.

30. That case was identified as **Civil Action No. 3:26-cv-174.**

31. The first habeas petition principally challenged the denial of access to a bond determination and requested that an Immigration Judge be required to conduct a bond hearing.

32. After that petition was filed, I was transferred out of Wyoming and eventually placed in ICE custody in California.

33. A bond redetermination hearing was later conducted on **June 23, 2026**, before Immigration Judge Susan Phan at the Adelanto Immigration Court.

34. At the conclusion of the hearing, the Immigration Judge denied my request for release.

35. The written order states that I was considered a "significant flight risk" and that no amount of bond or conditions would secure my future appearances.

36. I respectfully disagree with that conclusion because it does not accurately reflect my conduct, my family relationships, my pending immigration case, my work history, or my willingness to comply with supervision.

37. The Immigration Judge relied on the fact that I entered without inspection in 2024 and

had not lived in the United States for what the judge considered a significant period.

38. The judge also stated that I did not have immediate family members in the United States through whom I could derive immigration status.

39. However, I have a wife and a four-year-old son in the United States. Their importance in my life is not limited to whether I may immediately obtain immigration status through them.

40. My wife and child provide strong emotional, family, and practical reasons for me to remain at my approved residence and appear at every hearing.

41. My son is deeply attached to me. My continued detention has caused him emotional pain, confusion, and sadness.

42. Before my detention, I spent time with my son, cared for him, showed him affection, and attempted to provide stability and support.

43. My wife has known me for approximately eight years. She describes me as responsible, honest, respectful, hardworking, and committed to my family.

44. My family relationships make it less likely—not more likely—that I would fail to appear in court.

45. The Immigration Judge also relied on the absence of certain documents, including a lease, utility bills, bank statements, an employment letter, W-2 forms, and tax returns.

46. I understand that those documents can be relevant, but their absence does not prove that I would flee or that no condition of supervision could ensure my attendance.

47. My detention and repeated transfers made it difficult to obtain complete residential and employment records before the hearing.

48. I had worked in carpentry for approximately two years, and I possessed government-

issued employment authorization.

49. The absence of one particular form of employment evidence should not erase my actual work history or my authorization to work.

50. The Immigration Judge also gave reduced weight to a sponsor letter because the sponsor was not available for cross-examination during the bond hearing.

51. I am prepared to provide a sponsor who can verify identity, address, employment, income, willingness to house me, and willingness to supervise me.

52. My sponsor and family members are willing to participate by telephone, video, affidavit, or in person if required.

53. I am also willing to live at an address approved by ICE or the Court and remain there unless I receive prior permission to move.

54. The Immigration Judge's order further states that my "criminal history" weighed in favor of finding me to be a flight risk.

55. The order does not identify a specific criminal charge, conviction, court, case number, date, sentence, or final disposition.

56. I was therefore unable to understand precisely what information was being used against me or meaningfully respond to it.

57. To my knowledge, there may be an issue or warrant connected to driving without a license. I dispute any suggestion that I have been arrested on two separate occasions if that is what a database reflects.

58. I do not have a history of violent behavior, threats, flight from prosecution, or conduct showing that I am a danger to the community.

59. No specific finding that I am a danger to the community was explained in the written

bond order.

60. A generalized reference to "criminal history," without identifying the underlying facts, should not be sufficient to justify my continued incarceration or the conclusion that no conditions of release could work.

61. The bond decision also placed the burden on me to prove that I should be released.

62. I respectfully believe that continued civil incarceration should require the Government to demonstrate why detention is currently necessary and why less restrictive conditions would not be sufficient.

63. During my bond proceeding, the available alternatives to detention were not meaningfully addressed.

64. I was and remain willing to surrender my Ecuadorian passport to ICE, the Court, or another designated authority.

65. I am willing to wear a GPS ankle monitor and comply with electronic monitoring for as long as reasonably required.

66. I am willing to report to ICE in person, by telephone, or electronically at any frequency ordered.

67. I am willing to remain within an identified geographic area and obtain permission before traveling.

68. I am willing to comply with a curfew, home visits, telephone check-ins, or any other reasonable condition designed to ensure my appearance.

69. I am willing to provide the address where I will reside, the names of the adults living there, and proof that I am authorized to live at that location.

70. I am willing to attend every hearing before the Immigration Court, the Board of

Immigration Appeals, and any federal court.

71. The bond order did not explain why each of these less restrictive measures would be insufficient.

72. Instead, the order reached the categorical conclusion that no bond amount or conditions could secure my attendance.

73. I respectfully believe that this conclusion was disproportionate and unsupported by my actual conduct.

74. I appealed the June 23, 2026 bond denial to the Board of Immigration Appeals.

75. My Notice of Appeal and supporting brief were prepared and placed in the institutional mailing system on or about **July 2, 2026**.

76. The appeal challenged the finding that I was such a significant flight risk that no amount of bond or conditions could secure my future attendance.

77. The appeal also explained my family ties, work history, pending asylum case, valid employment authorization, and willingness to surrender my passport.

78. Even though I have attempted to pursue administrative review, I continue to lose my liberty every day while detained.

79. An eventual administrative decision cannot return the time I am presently losing with my wife and young son.

80. The first habeas petition and the present petition concern materially different circumstances.

81. The first petition was filed before the June 23, 2026 bond decision and principally sought access to a bond hearing.

82. This petition challenges my continued detention after that hearing produced a categorical

denial based on an inadequate individualized assessment and unspecified allegations.

83. I do not seek to conceal the existence of the first habeas petition. I disclose it so the Court can understand the complete procedural history.

84. The circumstances existing today did not exist when the first petition was filed.

85. Before ICE detained me, I suffered an injury at work that required stitches.

86. The injury occurred approximately one week before my immigration arrest.

87. While detained, the stitches were removed, but the injured area became infected.

88. Detention has made it more difficult for me to obtain continuous medical attention and to monitor the condition properly.

89. I have also experienced depression, anxiety, stress, sadness, and emotional exhaustion during my detention.

90. My mental and emotional condition has been affected by uncertainty, repeated transfers, separation from my family, and my inability to care for my son.

91. I am not asking the Court to excuse me from my immigration proceedings.

92. I am asking only that I be permitted to pursue those proceedings from outside a detention facility under reasonable conditions.

93. Release would allow me to obtain medical care, gather evidence, communicate effectively with my family, and prepare my asylum case.

94. It would also allow me to work lawfully under my employment authorization and support my wife and child.

95. I understand the seriousness of this request and the obligations that would accompany my release.

96. I promise to comply with all orders issued by the Immigration Court, ICE, the Board of

Immigration Appeals, and the federal courts.

97. I will not flee, conceal my location, or interfere with the legal process.

98. I will immediately report any change of address and provide updated contact information as required.

99. I am prepared to surrender my passport before or immediately after release.

100. I am prepared to begin electronic monitoring immediately and to remain subject to supervision.

101. I respectfully submit that continued confinement is not the least restrictive method available to ensure my attendance.

102. My identity is known, my immigration case is active, I have family support, I have a proposed place to reside, and I am willing to accept strict conditions.

103. I respectfully ask the Court not to order merely another proceeding that could reproduce the same defects and prolong my detention.

104. The June 23, 2026 hearing already resulted in a categorical denial without a specific explanation of why every available condition would fail.

105. Under these circumstances, I respectfully request that the Court order my **immediate release on my own recognizance or under reasonable conditions of supervision**.

106. If the Court does not order immediate release, I ask, only in the alternative, that the Court require a prompt new custody hearing at which the Government must justify continued detention, disclose the evidence being used, and prove why no less restrictive conditions would be adequate.

107. My principal request remains immediate release because my family, health,

immigration defense, and liberty continue to be harmed each day I remain detained.

108. I make this declaration voluntarily and based on my personal knowledge.

109. I have reviewed the information contained in this declaration, or it has been read and translated to me in Spanish, and I understand its contents.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ Diego Armando Agualongo Arévalo
Diego Armando Agualongo Arévalo
A# [redacted]
Petitioner, Pro Se
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