AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

FILED

JUL 22 2026

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____ DEPUTY CLERK

UNITED STATES DISTRICT COURT

for the

Osbel Hernandez Mora
Petitioner

v.

Mesa Verde ICE Processing Center
Respondent
(name of warden or authorized person having custody of petitioner)

Case No. 1:26-cv-5700-DC-CKD
(Supplied by Clerk of Court)

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

Personal Information

1. (a) Your full name: Osbel Hernandez Mora
   (b) Other names you have used:
2. Place of confinement:
   (a) Name of institution: Mesa Verde ICE Processing Center
   (b) Address: 455 Golden State Avenue Bakersfield, CA 93301, United States
   (c) Your identification number: [redacted]
3. Are you currently being held on orders by:
   ☐ Federal authorities ☐ State authorities ☑ Other - explain: ICE
4. Are you currently:
   ☐ A pretrial detainee (waiting for trial on criminal charges)
   ☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
   If you are currently serving a sentence, provide:
   (a) Name and location of court that sentenced you:
   (b) Docket number of criminal case:
   (c) Date of sentencing:
   ☑ Being held on an immigration charge
   ☐ Other *(explain)*:

Decision or Action You Are Challenging

5. What are you challenging in this petition:
   ☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

☐ Pretrial detention

☒ Immigration detention

☐ Detainer

☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)

☐ Disciplinary proceedings

☐ Other *(explain)*: Hold without bond and violation of due process right to hearing on bond request

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court:

(b) Docket number, case number, or opinion number:

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*:

(d) Date of the decision or action:

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not appeal: Based on court reliance on BIA decision in MATTER OF YAJURE HURTADO, 29 I&N Dec. 2016 (BIA 2025)

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a second appeal: Based on Court reliance on BIA Position in MATTER OF YAJURE HURTADO 29 I&N Dec. 2016 (BIA 2025)

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a third appeal: Based on Court reliance on BIA Position in MATTER OF YAJURE HURTADO 29 I&N Dec 2016 (BIA 2025)

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☐ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☑ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☑ Yes ☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: 11/2/2026

(b) Date of the removal or reinstatement order:

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes ☑ No

If "Yes," provide:

(1) Date of filing:

(2) Case number:

(3) Result:

(4) Date of result:

(5) Issues raised:

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☒ No

If "Yes," provide:

(1) Name of court:

(2) Date of filing:

(3) Case number:

(4) Result:

(5) Date of result:

(6) Issues raised:

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application:

(b) Name of the authority, agency, or court:

(c) Date of filing:

(d) Docket number, case number, or opinion number:

(e) Result:

(f) Date of result:

(g) Issues raised:

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Prolonged Civil Immigration Detention Without an individualized Bond Hearing Violates the Fifth Amendment Due Process Clause.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*: Petitioner's is a native and citizen of Cuba who was lawfully admitted to U.S.A with a valid U.S.A. He has remained in civil immigration detention for a prolonged period without receiving a constitutionally adequate individualized bond hearing before a neutral decision maker. Continued detention without a meaningfull opportunity to demostrate that Im neither a danger or flight or risk violates the Due Process Clause of the Fifth Amendment.

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes ☐ No

GROUND TWO: Respondents Have Failed to Demonstrate that Continued Detention Serves a Legitimate Governmental Purpose.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Petitioner continued detention is not reasonably related to any legitimate governmental objective. I entered the U.S.A lawfully with a valid visa, has complied with immigration proceeding and there is no evidence that I present a danger to the community or a significant risk of flight. continued detention is excessive and arbitrary, unconstitutional under the Fifth Amendment

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes ☐ No

GROUND THREE: Continued Detention Without a Prompt and meaningful Custody Determination Violates Fundamental Principles of Due Process.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*: the Fifth Amendment requires that prolonged civil detention be accompanied by meaningful procedural protections. I been deprived of my liberty without and adequate opportunity to challenge the necessity of my continued detention before and impartial adjudicator. fundamental fairness requires and individualized custody determination in which the Government bears the burden of justifying continued detention by appropiate legal Standards.

(b) Did you present Ground Three in all appeals that were available to you?

☒ Yes ☐ No

GROUND FOUR: Continued Civil detention Is Arbitrary, Excessive and Unconstitutional Under the Circumstances of this Case.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*: Im a Cuban national who entered the United States legally with a Visa. My detention is civil rather than Criminal in nature. I have not been convicted of any crime that would justify punitive incarceration, and continued detention has become unreasonable in light of the totality of the circumstances. the Due Process Clause prohibits arbitrary governmental restraint on liberty where less restrictive alternatives are available. Court should order my immediate release or, at minimum, required a individualized bond hearing before an Immigration Judge.

(b) Did you present Ground Four in all appeals that were available to you?

☑ Yes ☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: I respectfully requests that this Court grant the Petition for a Writ of Habeas Corpus and order his immediate release from ICE custody. Alternatively, Petitioner requests a prompt individualized bond hearing before an Immigration Judge.

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

_____

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 7/13/2026

_____
Signature of Petitioner

_____
Signature of Attorney or other authorized person, if any

EXHIBIT LIST

EXHIBIT A- VISA OF PETITIONER COPY

EXHIBIT B- DECLARATION OF MOTHER

EXHIBIT C- DECLARATION OF COMMUNITY SUPPORT

EXHIBIT D- SPONSOR IFORMATION

EXHIBIT A

EXHIBIT B

EXHIBIT – DECLARATION OF MARÍA DEL CARMEN MORA BORRERO

United States District Court
In Support of the Petition for Writ of Habeas Corpus

I, María del Carmen Mora Borrero, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

My name is María del Carmen Mora Borrero, and I am the mother of Osbel Hernández Mora. I respectfully submit this declaration in support of my son's Petition for Writ of Habeas Corpus.

There are no words that can fully describe the pain of a mother who knows that her twenty-year-old son is being held in immigration detention. Every morning I wake up wondering if he slept, if he has eaten, if he feels alone, and whether he still has hope. Every night I go to bed praying that God will protect him because I cannot be there to do what every mother wishes to do: hug her child and tell him everything will be alright.

Osbel came to the United States with a valid visa. He did not attempt to enter secretly or evade the law. He believed that this country would give him the opportunity to be heard through a fair legal process. Instead, he was taken into immigration custody, and since that day our entire family has lived with fear, sadness, and uncertainty.

I raised my son to respect others, to work honestly, and to value education, family, and faith. He has never been a violent person, has never been someone who threatens the safety of others, and has always tried to do what is right. He is still a very young man with his whole future ahead of him.

His detention has deeply affected our family. Every phone call reminds me that I cannot see him, comfort him, or simply share a meal with him. No mother expects that the voice of her child will become the only way she can know he is alive and trying to remain strong.

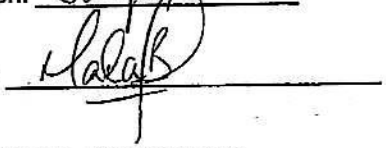
I firmly believe my son will obey every order issued by this Court and every requirement of the immigration authorities if he is released. He understands the importance of respecting the legal process and would appear for every hearing because he wants the opportunity to present his case lawfully.

I respectfully ask this Honorable Court to consider not only the legal issues before it, but also the human consequences of continued detention. My son is more than a case number. He is a son who is loved beyond words, a young man with hopes and dreams, and a person whose family is waiting every day for the chance to hold him again.

With the greatest respect, I ask the Court to grant him the opportunity to continue his immigration proceedings while released. As his mother, I will forever be grateful for the compassion and fairness shown by this Court.

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

Executed on: July 8, 2026

Signature: 

María del Carmen Mora Borrero

EXHIBIT C

EXHIBIT – DECLARATION OF COMMUNITY SUPPORT

United States District Court
In Support of the Petition for Writ of Habeas Corpus

I, Yarimel Nevarez, declare pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. My name is Yarimel Nevarez. I reside at [redacted] and my telephone number is [redacted]

2. I submit this declaration in support of Osbel Hernández Mora, who is currently detained at the Mesa Verde ICE Processing Facility, for consideration in his Petition for Writ of Habeas Corpus.

3. I know Osbel Hernández Mora to be a respectful, peaceful, responsible, and hardworking individual. Based on my personal knowledge, he possesses strong moral character and has consistently demonstrated honesty and respect for others.

4. In my opinion, Osbel Hernández Mora does not present a danger to the community and is not a flight risk. If released, I believe he will comply with all orders of the Immigration Court and the United States District Court and will appear at every required hearing.

5. His continued detention has imposed significant emotional hardship on his loved ones. Continued confinement is unnecessary to ensure his appearance in court, and his release would allow him to continue pursuing his immigration case while supported by his community.

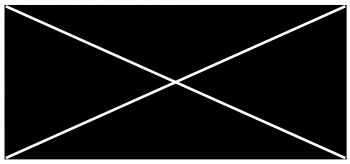
6. I respectfully request that this Honorable Court consider this declaration as evidence of Osbel Hernández Mora's good moral character, community support, and suitability for release while his legal proceedings remain pending.

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

Executed on: July 8, 2026

Signature: YARIMEL

Yarimel Nevarez



Combined Exhibits

EXHIBIT A – DECLARATION OF MARÍA DEL CARMEN MORA BORRERO

I, María del Carmen Mora Borrero, declare under penalty of perjury pursuant to 28 U.S.C. §1746 that the following is true and correct.

I am the mother of Osbel Hernández Mora. My son is only twenty years old. He came to the United States with a valid visa believing he would receive a fair opportunity to present his case. Instead, he was placed in immigration detention, causing profound pain to our family.

I raised Osbel to be respectful, honest, hardworking, and compassionate. He has never been violent and does not present a danger to the community. Every day I worry about his well-being and pray that he remains safe. No mother should have to experience the pain of knowing her child is behind bars while she cannot comfort him.

I respectfully ask this Honorable Court to allow my son to continue his immigration proceedings while released. I firmly believe he will obey every order of the Court and appear at every hearing.

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

Executed on: July 8, 2026

Signature: MdCaB

María del Carmen Mora Borrero

EXHIBIT B – DECLARATION OF JUAN ROSARIO BARRIOS

I, Juan Rosario Barrios, declare under penalty of perjury pursuant to 28 U.S.C. §1746 that the following is true and correct.

I reside in Palos Blancos, Corozal, Puerto Rico. I submit this declaration in support of Osbel Hernández Mora.

I know Osbel to be a respectful, humble, hardworking, and responsible young man. He is only twenty years old and has always demonstrated good moral character. I have never known him to be violent or to pose any danger to the community.

Learning that he was detained after arriving in the United States with a valid visa deeply saddened me. I sincerely believe he deserves the opportunity to continue his immigration case while released. I have every confidence that he will obey all Court orders and attend every required hearing.

I respectfully ask this Honorable Court to consider this declaration as evidence of his good character and the strong community support he has.

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

Executed on: JULY 8, 2026

Signature: 

Juan Rosario Barrios
Palos Blancos, Corozal, Puerto Rico

EXHIBIT D

SPONSOR LETTER

To the Honorable United States District Court:

My name is María del Carmen Mora Borrero. I currently reside in Barrios Palos Blancos, Sector La Perla, Corozal, Puerto Rico. My telephone number is [redacted] I am lawfully present in the United States with a valid visa, and I am the mother of Osbel Hernández Mora.

I respectfully submit this letter in support of my son's Petition for Writ of Habeas Corpus and to confirm that, if he is released from immigration detention, he will reside with me at my home in Puerto Rico.

I am fully prepared to provide Osbel with stable housing, food, transportation, emotional support, and any other assistance he may need while his immigration proceedings remain pending. I will ensure that he has a safe and stable environment and that he complies with every order issued by the Court and the immigration authorities.

I understand the importance of his attending every scheduled hearing and complying with all reporting requirements. I will personally encourage and support him in meeting every legal obligation placed upon him.

My son is only twenty years old. I believe he deserves the opportunity to continue his legal proceedings while living with his family instead of remaining in prolonged detention. I respectfully ask the Court to consider my commitment to provide him with a stable residence and continuous family support.

Thank you for your time and consideration.

I declare under penalty of perjury pursuant to 28 U.S.C. §1746 that the foregoing is true and correct.

Executed on: July 8, 2026

Signature: MdCaB

María del Carmen Mora Borrero

Barrios Palos Blancos, Sector La Perla
Corozal, Puerto Rico
[redacted]