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

Oscar Omar QUIRINO CONTRERAS,	§	
	§	
Petitioner,	§	
	§	
v.	§	
	§	
MARKWAYNE MULLIN, IN HIS OFFICIAL CAPACITY AS SECRETARY OF THE U.S. DEPARTMENT OF HOMELAND SECURITY,	§	**Case No.**
	§	
TODD BLANCHE, IN HIS OFFICIAL CAPACITY AS ACTING U.S. ATTORNEY GENERAL,	§	
	§	
DAVID VENTURELLA, IN HIS OFFICIAL CAPACITY AS ACTING DIRECTOR OF IMMIGRATION AND CUSTOMS ENFORCEMENT,	§	**PETITION FOR WRIT OF HABEAS CORPUS**
	§	
MOISES BECERRA, IN HIS OFFICIAL CAPACITY AS DIRECTOR OF THE ICE SAN FRANCISCO FIELD OFFICE, AND	§	
	§	
WARDEN OF THE CENTRAL VALLEY ANNEX DETENTION CNETER, IN THEIR OFFICIAL CAPACITY.	§	
	§	
Respondents,	§	

COMES NOW Oscar Omar Quirino Contreras, A[redacted] ("Petitioner"), by and through undersigned counsel, and respectfully petitions this Court for a writ of habeas corpus, requesting that the Court order his immediate release from Respondents' custody. In support thereof, Petitioner states as follows:

INTRODUCTION

1. Petitioner is in the physical custody of Respondents at the Central Valley Annex Detention Center in McFarland, California. He now faces unlawful detention because the Department of Homeland Security ("DHS") and the Department of Justice ("DOJ") have concluded Petitioner is subject to mandatory detention.

2. Accordingly, Petitioner seeks a writ of habeas corpus ordering his immediate release from custody due to ongoing violations of his rights under the Due Process Clause of the Fifth Amendment.

3. Petitioner asks for an order of immediate release. A bond hearing before an immigration judge is an inadequate remedy for the unlawful arrest and detention in this case. *See Jasbir v. Warden, Imperial Reg'l Adult Det. Facility*, No. 26-cv-579-JES-BJW, 2026 U.S. Dist. LEXIS 26523, at *6-7 (S.D. Cal. Feb. 9, 2026).

JURISDICTION

4. This action arises under the Fifth Amendment to the United States Constitution.

5. This Court has subject matter jurisdiction pursuant to 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 (the Suspension Clause), and 5 U.S.C. §§ 701-706 (Administrative Procedure Act).

VENUE

6. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(a) and 28 U.S.C. § 1391(b)(2) and (e)(1) because Petitioner is physically detained within this district. Petitioner is detained at Central Valley Annex Detention Center in McFarland, California.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

7. Exhaustion would be futile. On September 5, 2025, the Board of Immigration Appeals ("BIA") issued a precedential decision binding on all Immigration Courts. *See Matter of Yajure-Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). In *Matter of Yajure-Hurtado*, the BIA explicitly held that "Immigration Judges lack authority to hear bond requests or to grant bond to aliens who are present in the United States without admission." *Id.* at 217.

8. Thus, the Board eliminated Immigration Judges' jurisdiction over bond for individuals who entered the United States without inspection. Accordingly, no administrative adjudicator within the Executive Office for Immigration Review ("EOIR") possesses jurisdiction to grant the relief sought, rendering further administrative exhaustion futile.

9. There is no requirement to exhaust because no other forum exists in which Petitioner can raise the claims herein. In cases like this the "exhaustion requirement is prudential, rather than jurisdictional," and therefore may be waived "if 'administrative remedies are inadequate or not efficacious, pursuit of administrative remedies would be a futile gesture, irreparable injury will result, or the administrative proceedings would be void.'" *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017) (quoting *Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004)). Prudential exhaustion is not required here because it would be futile, and Petitioner will "suffer irreparable harm if unable to secure

immediate judicial consideration of [their] claim." *McCarthy v. Madigan*, 503 U.S. 140, 147 (1992).

10. Accordingly, no adequate alternative remedy exists, and exhaustion is therefore satisfied or excused as futile. Under these circumstances, a writ of habeas corpus under 28 U.S.C. § 2241 is the only available mechanism to vindicate Petitioner's constitutional and regulatory rights and to remedy his unlawful and prolonged detention.

REQUIREMENTS OF 28 U.S.C. § 2243

11. The Court must grant the petition for writ of habeas corpus or issue an order to show cause ("OSC") to Respondents "forthwith," unless it appears from the application that the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC 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).

12. Courts have long recognized the central importance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been described 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).

PARTIES

13. **Petitioner Oscar Omar Quirino Contreras,** is a native and citizen Mexico who has been in immigration detention since on or about May 31, 2026. As a result of Respondents' detention policies and controlling agency decisions, Petitioner is subject to prolonged detention.

14. **Respondent Warden**, is the Warden of the Central Valley Annex, and they are sued in their official capacity. They are Petitioner's immediate physical custodian.

15. **Respondent Moises Becerra** is sued in his official capacity as Director of the San Francisco Field Office of Enforcement and Removal Operations ("ERO") of ICE. In that capacity, he is a legal custodian of Petitioner and has authority to effectuate his release from custody.

16. **Respondent Markwayne Mullin** is named in his official capacity as the Secretary of the Department of Homeland Security. In this capacity, he is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(a); is legally responsible for pursuing any effort to confine and remove Petitioner; and as such is a custodian of Petitioner.

17. **Respondent Todd Blanche** is named in his official capacity as Acting Attorney General of the United States. In this capacity, he is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(g), and as such is a custodian of Petitioner.

18. **Respondent David Venturella** is named in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement. As the senior official performing the duties of the Director of ICE, he is responsible for the administration and enforcement of the immigration laws and is legally responsible for pursuing any effort to remove Petitioner and to confine her pending removal. As such, he is a custodian of Petitioner.

STATEMENT OF FACTS

19. Petitioner is native and citizen of Mexico. He entered the United States without inspection on or about 2001 and has resided continually in the country since then.

20. Petitioner remains in detention pursuant to Respondents' statutory immigration detention framework. Absent relief from this Court, he faces prolonged immigration detention without an individualized custody hearing.

21. Respondents have classified Petitioner as an applicant for admission and have determined that he is subject to mandatory detention under 8 U.S.C. § 1225(b). Although Petitioner has resided continuously in the United States since approximately 2001, Respondents have denied him an individualized custody determination based on their conclusion that he falls within the mandatory detention provisions applicable to applicants for admission. As a result of that classification, Respondents have taken the position that neither ICE nor the Immigration Court possesses authority to release Petitioner on bond or otherwise conduct an individualized custody determination.

22. Petitioner is currently scheduled for a Master Hearing on July 22, 2026, at 8:30 a.m. before the Immigration Court in Adelanto, California. Absent intervention by this Court, he faces the imminent risk of removal while this habeas petition remains pending, thereby causing irreparable harm and potentially mooting the relief sought herein. ***See Exhibit A.*** (EOIR Automated Case Information Website, last accessed July 15, 2026).

LEGAL FRAMEWORK

The Statutory Framework for Immigration Detention

23. The Immigration and Nationality Act ("INA") prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

24. First, 8 U.S.C. § 1226 governs the detention of noncitizens in standard removal proceedings before an Immigration Judge. *See* 8 U.S.C. § 1229(a). Individuals detained under § 1226(a) are generally entitled to a bond hearing at the outset of their detention, *see*

8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain enumerated offenses are subject to mandatory detention under 8 U.S.C. § 1226(c).

25. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).

26. Lastly, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

27. Notwithstanding this statutory framework, the Constitution independently limits the duration and conditions of civil immigration detention. The Supreme Court has made clear that immigration detention, while civil in nature, is subject to the constraints of the Fifth Amendment's Due Process Clause. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

28. The Constitution affords and requires due process rights for "all 'persons' within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017) (quoting *Zadvydas*, 533 U.S. at 693). These due process rights are both substantive and procedural.

29. Noncitizens residing in the United States, like Petitioner, have a protected liberty interest in their ongoing freedom from detention. *See Zadvydas*, 533 U.S. at 690.

30. Further, the Ninth Circuit has repeatedly recognized that noncitizens physically present in the United States possess a substantial liberty interest protected by the Due Process Clause of the Fifth Amendment. In *Hernandez v. Sessions*, the court held that

"[f]reedom from imprisonment lies at the core of the liberty protected by the Due Process Clause" and explained that immigration detention may not continue without constitutionally adequate procedural safeguards. *Hernandez v. Sessions*, 872 F.3d 976, 990–91 (9th Cir. 2017). Applying the balancing framework established in *Mathews v. Eldridge*, the Ninth Circuit concluded that due process requires procedures that meaningfully protect against the erroneous deprivation of liberty and held that, when the Government seeks to continue civil immigration detention, the burden rests on the Government to justify that detention by clear and convincing evidence. *Id.* at 991–99.

31. The constitutional principles articulated in *Hernandez* are directly applicable here. Petitioner has lived in the United States for approximately twenty-five years and is presently confined without any opportunity to obtain an individualized determination of whether his continued detention is necessary to serve the Government's legitimate regulatory interests. Unlike detainees afforded custody review under other provisions of the Immigration and Nationality Act, Petitioner has been categorically denied any hearing at which a neutral decisionmaker could evaluate whether he presents a danger to the community or a risk of flight. Under *Hernandez*, such a complete absence of meaningful procedural safeguards presents a substantial risk of erroneous deprivation of Petitioner's fundamental liberty interest and violates the Due Process Clause.

32. The Ninth Circuit has likewise recognized that meaningful procedural due process requires more than the mere existence of detention authority. In *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011), the court held that the Due Process Clause requires an individualized custody hearing before a neutral decisionmaker and that the Government bears the burden of justifying continued civil detention by clear and convincing evidence. Although *Singh*

addressed prolonged detention under a different statutory provision and predates *Jennings v. Rodriguez*, its constitutional analysis regarding the procedural safeguards necessary to protect a noncitizen's liberty interest remains persuasive because *Jennings* expressly declined to resolve the constitutional questions surrounding immigration detention.

33. The fundamental principles articulated in *Singh* remain directly applicable here. Petitioner's liberty interest is among the most significant interests protected by the Constitution, and continued civil detention cannot rest solely upon statutory classification. At a minimum, due process requires an individualized hearing before a neutral adjudicator at which the Government bears the burden of demonstrating, by clear and convincing evidence, that continued detention is necessary because Petitioner presents either a danger to the community or a substantial risk of flight. Respondents have provided no such hearing and no such findings. Instead, Petitioner remains categorically detained based solely upon Respondents' interpretation of the immigration statutes. The absence of these fundamental procedural safeguards renders Petitioner's continued detention inconsistent with the Due Process Clause of the Fifth Amendment.

34. Petitioner's constitutional liberty interests exist independently of the detention provisions of the INA. The INA cannot supersede the Constitution of the United States. Accordingly, Respondents' actions in detaining Petitioner in a manner inconsistent with constitutional guarantees are unlawful.

35. Before the Court can determine whether Petitioner's continued detention is constitutionally permissible, Respondents must identify the precise statutory authority under which they claim detention is mandatory. The Government cannot justify Petitioner's continued confinement by merely asserting that he is subject to "mandatory detention."

Rather, it must demonstrate that Petitioner falls within the specific statutory provision authorizing detention and establish the factual predicate necessary to invoke that authority.

36. This requirement is particularly significant here because the Immigration and Nationality Act establishes distinct detention schemes under 8 U.S.C. §§ 1225, 1226, and 1231, each of which applies to different categories of noncitizens and carries different procedural protections. Respondents have concluded that Petitioner is detained pursuant to 8 U.S.C. § 1225(b), thereby denying him any opportunity to seek an individualized custody determination. However, the Petitioner's entitlement to due process cannot turn solely on the Government's unilateral characterization of his detention status. The Government bears the burden of demonstrating that the statutory prerequisites for detention under § 1225(b) have been satisfied and that its interpretation of the statute is legally and factually correct.

37. Because Respondents rely upon § 1225(b) to categorically foreclose any individualized custody review, they must establish why Petitioner qualifies as an applicant for admission, identify the specific subsection of § 1225(b) under which he is detained, and explain the factual basis supporting that determination. Absent such a showing, the Court cannot meaningfully evaluate either the legality of Petitioner's detention or the constitutional claims presented in this Petition.

38. The Ninth Circuit has expressly held that procedural due process challenges arising from immigration detention are analyzed under the balancing framework established in *Mathews v. Eldridge*. *See Hernandez v. Sessions*, 872 F.3d 976, 990–99 (9th Cir. 2017). Under that framework, the Court balances: (1) the private interest affected by the governmental action; (2) the risk of erroneous deprivation through the procedures used and the probable value of additional safeguards; and (3) the Government's interest, including

the fiscal and administrative burdens that additional procedures would entail. *Mathews*, 424 U.S. at 335. Each of these factors weighs decisively in Petitioner's favor. Here, each factor weighs in Petitioner's favor, requiring this Court to promptly hold a hearing to evaluate whether the government can justify their ongoing detention.

39. The first Mathews factor overwhelmingly favors Petitioner because the private interest affected by Respondents' actions is Petitioner's fundamental liberty interest. The Supreme Court has repeatedly recognized that "[f]reedom 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). Likewise, the Ninth Circuit has recognized that immigration detention implicates one of the most significant liberty interests protected by the Constitution. *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017).

40. Petitioner's liberty interest is particularly compelling because he has lived continuously in the United States for approximately twenty-five years. During that time, he established substantial ties to this country, including family, employment, and meaningful community relationships. His prolonged residence demonstrates that he is not a transient recent arrival, but rather an individual whose life has become firmly rooted in the United States. Continued civil detention therefore disrupts every aspect of Petitioner's personal and family life.

41. Because Petitioner's freedom from physical restraint constitutes one of the most fundamental liberty interests protected by the Constitution, the first Mathews factor weighs decisively in favor of requiring meaningful procedural safeguards before Respondents may continue his detention.

42. The second *Mathews* factor likewise weighs overwhelmingly in Petitioner's favor because the procedures currently employed create an exceptionally high risk of erroneous deprivation of liberty. Unlike individuals detained under other provisions of the Immigration and Nationality Act, Petitioner has never received an individualized custody hearing before a neutral decisionmaker.

43. No Immigration Judge or other neutral adjudicator has ever determined whether Petitioner's continued detention is actually necessary to accomplish the Government's legitimate regulatory objectives. Specifically, no decisionmaker has evaluated whether Petitioner presents a danger to the community, whether he presents a meaningful risk of flight, whether conditions of release could reasonably assure his appearance at future proceedings, or whether less restrictive alternatives to continued detention would adequately protect the Government's interests.

44. The absence of any individualized review creates a substantial risk that Petitioner is being unnecessarily deprived of his liberty. Procedural due process exists precisely to prevent such erroneous governmental action. As the Ninth Circuit recognized in *Hernandez*, and as the Supreme Court explained in *Mathews*, meaningful procedural safeguards reduce the risk that governmental decisions affecting fundamental liberty interests will be made incorrectly.

45. The third *Mathews* factor also favors Petitioner. The Government undoubtedly possesses legitimate interests in ensuring attendance at immigration proceedings and protecting the public from dangerous individuals. *Demore v. Kim*, 538 U.S. 510, 527–28 (2003). However, the relevant inquiry under *Mathews* is not whether those interests exist, but whether denying Petitioner any individualized custody determination materially

advances those interests.

46. The Government already performs numerous individualized assessments throughout the immigration detention process. ICE routinely conducts custody classifications, detention management reviews, medical and security evaluations, and parole determinations in appropriate cases. These existing administrative processes demonstrate that Respondents already possess the institutional mechanisms necessary to evaluate individual detainees on a case-by-case basis.

47. Consequently, requiring an individualized custody hearing before a neutral decisionmaker would impose only a minimal additional administrative burden. Such hearings are already routinely conducted in other immigration detention contexts under the Immigration and Nationality Act.

48. In sum, all three *Mathews* factors compel the same conclusion. Petitioner's liberty interest is extraordinary, the risk of erroneous deprivation under Respondents' categorical detention scheme is exceptionally high, and the Government would incur only a minimal burden by providing an individualized custody determination. The Due Process Clause therefore requires, at a minimum, an individualized hearing before a neutral adjudicator at which Respondents bear the burden of demonstrating that Petitioner's continued detention remains necessary to serve the Government's legitimate regulatory interests. Respondents' failure to provide such procedures renders Petitioner's continued detention unconstitutional

CLAIMS FOR RELIEF

COUNT I
Fifth Amendment Substantive and Procedural Due Process
28 U.S. § 2241; U.S. Const. Art. I, § 9, cl. 2; amend. V

49. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

50. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). (quoting *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)). Detention for non-criminal purposes is only allowed "in narrow nonpunitive circumstances, where a special justification . . . outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Id.* (internal quotations and citations omitted). With respect to immigration detention, the Supreme Court has recognized two special justifications: preventing flight risk and preventing danger to the community. See *Id.*

51. Substantive due process "forbids the government to infringe certain 'fundamental' liberty interests at all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest." *Reno v. Flores*, 507 U.S. 292, 301-02 (1993). "Substantive due process analysis must begin with a careful description of the asserted right." *Id.* at 302.

52. Petitioner has a fundamental interest in liberty and being free from official restraint.

53. Petitioner has a protected liberty interest in his freedom from physical restraint. He has been physically present within the jurisdiction of the United States for twenty five

years, has been subject to its laws, and owes obedience to those laws within its jurisdiction. Accordingly, Petitioner is entitled to the protections of the Constitution. Absent an individualized custody determination, Petitioner faces a significant and erroneous risk of deprivation of his liberty interests.

54. The constitutional defect here is not merely the duration of Petitioner's detention, but the complete absence of any meaningful custody process. Petitioner is detained under a regime in which: a) Petitioner is subject to prolonged civil detention that constitutes unconstitutional restraint; b) No neutral decisionmaker is empowered to conduct an individualized review or order release and the absence of any finding that he poses a danger to the community or a flight risk.

PRAYER FOR RELIEF

55. WHEREFORE, Petitioner prays that this Court grant the following relief:

a. Assume jurisdiction over this matter;

b. Declare that the actions of Respondents as set forth in this Petition violate the Fifth Amendment of the United States Constitution, 28 U.S.C. § 2241.

c. Issue a writ of habeas corpus requiring that Respondents release Petitioner immediately;

d. Require that Petitioner be released with all personal property in Respondents' custody, possession, or control, including but not limited to Petitioner's passport, employment authorization document, and identification documents;

e. Enjoin Respondents from removing him from the United States pending resolution of this Petition for Writ of Habeas Corpus and order that his status quo and procedural posture remain "as is." Preservation of the status quo is necessary to

ensure that the Court retains jurisdiction and that the relief sought herein is not rendered moot by removal;

f. Enjoin the Respondents from transferring Petitioner to another detention facility;

g. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

h. Grant any other and further relief that this Court deems just and proper.

Dated: July 21, 2026

Respectfully Submitted,

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Attorneys for Petitioner

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

I am submitting this verification on behalf of Petitioner because I am one of Petitioner's attorneys. I have discussed with the Petitioner the events described in this Petition. Based on those discussions, I hereby verify that the factual statements in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Executed on this July 21, 2026

/s/ Ben Loveman
Ben Loveman
Attorney for Petitioner