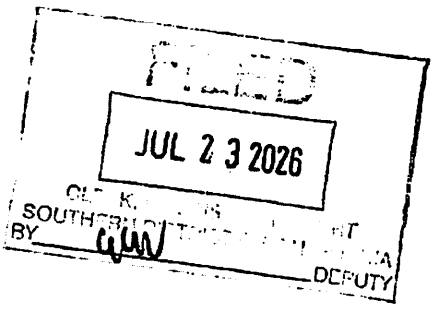
Ivis Yovani Ochoa Molina A# [redacted]
Otay Mesa Detention Center
7488 Calzada De La Fuente
San Diego, Ca 92154
Petitioner
Pro Se



UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

IVIS YOVANI OCHOA MOLINA
Proceeding Pro Se,
Petitioner,
v.
_____, WARDEN/FACILITY ADMINISTRATOR, Otay Mesa Detention Center; _____, FIELD OFFICE DIRECTOR, U.S. Immigration and Customs Enforcement, San Diego Field Office; DAVID J. VENTURELLA, Acting Director, United States Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary, Department of Homeland Security; TODD BLANCHE, Acting Attorney General, United States,
Respondents.

Civil Action No.: '26CV4216 JO AHG

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. This is a petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging the unlawful detention of Ivis Yovani Ochoa Molina, A# [redacted] a native and citizen of Honduras currently detained by U.S. Immigration and Customs Enforcement ("ICE") at the Otay Mesa Detention Center in San Diego, California. Petitioner seeks immediate release from custody.
2. Petitioner entered the United States approximately in May or June of 2018, at approximately 17 years of age, by crossing the southern border. He has resided in the United States for approximately eight years. Before his detention, he lived and worked in the Miami, Florida area.
3. Petitioner has a pending application for asylum (Form I-589, Application for Asylum and

for Withholding of Removal), receipt number [redacted] filed with USCIS. His biometrics were processed on June 1, 2022, at USCIS North Miami. He was subsequently granted employment authorization under category C08 (asylum pending), valid from January 19, 2023, through January 18, 2025.

4. On June 29, 2026, at approximately 5:00 a.m., Petitioner was arrested by ICE agents in Miami, Florida, while traveling as a passenger in a vehicle on his way to work. ICE agents stopped the vehicle, requested identification documents, and detained Petitioner when he could not produce his work permit (which he had lost days prior along with his wallet). He was not encountered at a port of entry, during a border inspection, or near an international boundary.

5. After his arrest, Petitioner was held in Miami for approximately one week, then transferred across the country to the Otay Mesa Detention Center in San Diego, California, where he is currently detained.

6. A query of the EOIR system conducted on July 16, 2026, for A-Number [redacted] returned "No case found for this A-Number." Petitioner has not received a Notice to Appear, has not been placed in removal proceedings before an Immigration Judge, and has not received any individualized custody determination or bond hearing.

7. Petitioner's detention is unlawful. He is not an "applicant for admission" subject to mandatory detention under 8 U.S.C. § 1225(b). He was arrested in the interior of the United States after residing here for approximately eight years, and his detention should be governed by 8 U.S.C. § 1226(a), which provides for discretionary detention and the possibility of release on bond or conditional parole. Petitioner respectfully requests that this Honorable Court issue a Writ of Habeas Corpus directing his immediate release from

custody.

PARTIES

1. Petitioner Ivis Yovani Ochoa Molina (A# [redacted] is a Honduran national, born on [redacted], in San Francisco de Coray, Valle, Honduras. He is currently detained by ICE at the Otay Mesa Detention Center, 7488 Calzada de la Fuente, San Diego, CA 92154.
2. Respondents are the WARDEN/FACILITY ADMINISTRATOR of the Otay Mesa Detention Center; the FIELD OFFICE DIRECTOR for the U.S. Immigration and Customs Enforcement, San Diego Field Office; DAVID J. VENTURELLA, Acting Director of ICE; MARKWAYNE MULLIN, Secretary of Homeland Security; and TODD BLANCHE, Acting Attorney General. Respondents are Petitioner's legal custodians and are responsible for his detention.

JURISDICTION AND VENUE

1. This Court has jurisdiction to entertain this Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241, which grants federal district courts the authority to hear petitions from individuals held in custody in violation of the Constitution or laws of the United States.
2. Venue is proper in the Southern District of California. Petitioner is physically confined at the Otay Mesa Detention Center in San Diego, California, within this District. For core habeas petitions challenging present physical confinement, jurisdiction lies in the district of confinement. *(HC) Fon v. Mayorkas*, No. 21-cv-00438 (S.D. Cal. Feb. 18, 2021); see also *Padilla v. Rumsfeld*, 542 U.S. 426, 443 (2004) ("for core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement").

STATEMENT OF FACTS

A. Petitioner's Background, Entry, and Eight Years of Residence in the United States

1. Petitioner Ivis Yovani Ochoa Molina was born on [redacted], in San Francisco de Coray, Valle, Honduras. He is a citizen of Honduras and holds Honduran passport number [redacted] (issued July 6, 2022; expires July 6, 2032).
2. Petitioner entered the United States approximately in May or June of 2018, at approximately 17 years of age, by crossing the southern border. He has resided continuously in the United States for approximately eight years.
3. Before his detention, Petitioner resided and worked in the Miami, Florida area. He worked for approximately three years in construction, maintaining stable employment and contributing to his community.
4. Petitioner is the father of a five-year-old son who lives in Miami, Florida. Petitioner provided financial and emotional support to his son before his detention. Petitioner also has family in Honduras who depend on him emotionally and economically.

B. Petitioner's Pending Asylum Application and Employment Authorization

1. Petitioner has a pending application for asylum (Form I-589, Application for Asylum and for Withholding of Removal). The application was assigned receipt number [redacted]
2. Petitioner received a biometrics notice dated May 6, 2022, with a biometrics appointment on June 1, 2022, at USCIS North Miami. His biometrics were processed on June 1, 2022.
3. Petitioner was granted employment authorization under category C08 (asylum pending), with an Employment Authorization Document valid from January 19, 2023, through January 18, 2025. The expiration of the work permit does not mean the asylum application was denied; the I-589 remains pending before USCIS.

C. Petitioner's Arrest by ICE in the Interior of the United States

1. On June 29, 2026, at approximately 5:00 a.m., Petitioner was traveling as a passenger in a vehicle on his way to work in Miami, Florida. A vehicle activated its lights to stop the automobile. The individuals were subsequently identified as ICE agents.
2. The agents requested identification documents. Petitioner explained that he had lost his wallet days earlier, including his work permit, and that his other documents were at his home. He was unable to present documentation at that moment and was taken into ICE custody.
3. Petitioner was not encountered at a port of entry. He was not undergoing inspection at the border. He was not near an international boundary. He was arrested in the interior of the United States—specifically, in Miami, Florida—approximately eight years after his entry.

D. Transfer to Otay Mesa Detention Center

1. After his arrest, Petitioner was held in Miami for approximately one week. He was then transferred across the country to the Otay Mesa Detention Center in San Diego, California.
2. The ICE detainee locator system, queried on July 16, 2026, confirms that Petitioner is currently detained at the Otay Mesa Detention Center. The corresponding ERO office telephone number is (619) 661-3800.

E. Absence of Immigration Court Proceedings

1. A query of the EOIR system conducted on July 16, 2026, for A-Number [redacted] returned "No case found for this A-Number."
2. This means that, as of the date of this filing, Petitioner has not been placed in removal proceedings before an Immigration Judge, has not received a Notice to Appear, and has not been afforded any individualized custody determination or bond hearing.

3. Petitioner has not received a Notice of Custody Determination, a written bond order, a Form I-213, or any document explaining the official statutory basis for his detention.

F. Petitioner's Criminal History

1. Petitioner was informed during his detention that his record was clean ("récord limpio"). The specific details of any prior closed cases, if any, have not been provided to Petitioner or confirmed through certified dispositions. Petitioner has no convictions that would subject him to mandatory detention under 8 U.S.C. § 1226(c).

G. Petitioner's Community Ties and Support

1. Petitioner has multiple letters of support from community members: a. Geremias Claros Lainez, a coworker who has known Petitioner for approximately one and a half years, describes him as responsible, hardworking, honest, reliable, and of solid moral values. (Letter dated July 13, 2026.) b. Jackie Lew, a U.S. citizen who worked with Petitioner for over three years, describes him as hardworking, respectful, responsible, and disciplined. (Letter signed and notarized July 15, 2026, Miami-Dade County, Florida.) c. Aaliyah Katianna Gonzalez, a U.S. citizen who has known Petitioner since they were young and attended church together, describes him as responsible, honest, hardworking, solidary, and committed to his community. (Letter accompanied by copy of U.S. passport.)
2. These letters demonstrate Petitioner's good character, employment history, community ties, and the availability of individuals who can support him upon release.

LEGAL ARGUMENT

I. PETITIONER IS NOT AN "APPLICANT FOR ADMISSION" SUBJECT TO MANDATORY DETENTION UNDER 8 U.S.C. § 1225(b); HIS DETENTION IS GOVERNED BY 8 U.S.C. § 1226(a).

1. Section 1225(b) of Title 8 governs the mandatory detention of certain "applicants for admission." It applies to individuals who are "seeking admission" at a port of entry or who are being inspected at the border. It does not apply to individuals who entered the United States without inspection, lived in the country for years, and were later arrested in the interior.
2. In *Anselmo Romero Sanchez v. Christopher LaRose, et al.*, No. 25-CV-3136-JLS-JLB (S.D. Cal. Nov. 24, 2025), the court held that a petitioner who entered without inspection in 1999, lived in the United States for years, and was arrested by ICE during a immigration appointment was not an "applicant for admission" subject to § 1225(b). The court reasoned that the petitioner was not encountered at a port of entry, was not being inspected at the border, was not detained near the border, and was not presenting himself for admission. The court ordered an individualized bond hearing within 14 days.
3. Similarly, in *Oscar Gosselin Cruz v. Christopher LaRose, et al.*, No. 3:26-cv-00407-RBM-BJW (S.D. Cal. Feb. 6, 2026), the court granted habeas relief for a Honduran national who entered without inspection, lived in the United States for years, was arrested by ICE in the interior, and was detained at Otay Mesa without an individualized custody hearing. The Government acknowledged that the petitioner was detained under 8 U.S.C. § 1226(a) and was entitled to a bond hearing.
4. And in *Martin Coc Pacham v. Christopher LaRose, et al.*, No. 3:25-cv-03163-GPC-DEB (S.D. Cal. Dec. 17, 2025), the court determined that a petitioner with a pending asylum application, no criminal history, and strong family and community ties who was arrested by ICE near his home and transferred to Otay Mesa was not "seeking admission" under § 1225(b). The court held that the immigration judge retained authority under § 1226(a) and

that the Government was detaining him under an incorrect legal classification.

5. Like the petitioners in *Gosselin Cruz*, *Romero Sanchez*, and *Coc Pacham*, Petitioner is a Honduran national who entered the United States without inspection, resided in the country for approximately eight years, was arrested by ICE in the interior—specifically in Miami, Florida, while traveling as a passenger on his way to work—and is presently confined at the Otay Mesa Detention Center without an individualized custody hearing.
6. Petitioner was not encountered at a port of entry, during inspection, or near an international boundary. He was arrested by ICE officers in the interior of the United States after residing in the country for approximately eight years. Accordingly, § 1225(b) should not govern his detention, and he must be treated under the discretionary detention framework of § 1226(a).

II. UNDER 8 U.S.C. § 1226(a), PETITIONER IS ENTITLED TO RELEASE; THE GOVERNMENT CANNOT JUSTIFY HIS DETENTION.

1. Section 1226(a) provides the Attorney General with discretionary authority to detain or release an alien pending a decision on whether the alien is to be removed. Under § 1226(a)(2), the Attorney General "may release the alien on" bond or conditional parole.
2. In the Ninth Circuit, the government bears the burden of proving by clear and convincing evidence that an alien is a flight risk or a danger to the community to justify denial of bond. *Singh v. Holder*, 638 F.3d 1196, 1202 (9th Cir. 2011).
3. The Ninth Circuit has held that prolonged detention of an alien under § 1226(a) without an individualized bond hearing before a neutral decisionmaker is "constitutionally doubtful" and that § 1226(a) must be construed as requiring such a hearing. *Casas-Castrillon v. Department of Homeland Security*, 535 F.3d 942, 950 (9th Cir. 2008). An alien is entitled to release on bond unless the government establishes that he is a flight risk or a danger to

the community. Id.

4. The Ninth Circuit has also held that adjudicators must "consider alternatives to detention" when deciding whether to release a noncitizen. *Alejandro Rodriguez v. Robbins*, 804 F.3d 1060, 1086 (9th Cir. 2015).
5. Petitioner has no criminal convictions that would subject him to mandatory detention under § 1226(c). He was informed during his detention that his record was clean. He has a pending asylum application before USCIS, a five-year-old U.S.-resident son, stable employment history of over three years in construction, and multiple letters of support from U.S. citizens and community members attesting to his responsibility, honesty, and good character.
6. The Government cannot meet its burden of proving by clear and convincing evidence that Petitioner is a danger to the community or a flight risk. Petitioner has lived peacefully in the United States for approximately eight years, maintained employment, supported his child, and has a pending asylum application that demonstrates his willingness to comply with U.S. immigration processes. There is no evidence of any failure to appear, flight attempt, or criminal conduct.

III. PETITIONER'S DETENTION WITHOUT ANY CUSTODY DETERMINATION OR PROCEEDING VIOLATES THE DUE PROCESS CLAUSE.

1. Petitioner has been in ICE custody since June 29, 2026—over two weeks—without any Notice to Appear, any appearance before an Immigration Judge, any individualized custody determination, or any bond hearing. The EOIR system shows no case for his A-Number.
2. Prolonged detention under § 1225(b) without a bond hearing violates due process. *Banda v. McAleenan*, 385 F. Supp. 3d 1099 (W.D. Wash. 2019) (holding that "unreasonably

prolonged detention under § 1225(b) without a bond hearing violates due process" and that the government must meet a "clear and convincing evidence" standard).

3. In *Rosas Rosas v. Becerra*, No. 23-cv-03927 (N.D. Cal. Oct. 6, 2023), the court granted a habeas petition on the ground that the petitioner's detention without an individualized bond hearing violated his right to procedural due process, ordering a bond hearing before an immigration judge within ten days at which the government must prove by clear and convincing evidence that continued detention is justified or release the petitioner.
4. The same principle applies with even greater force here, because Petitioner is not even subject to § 1225(b) in the first place. His detention is governed by § 1226(a), which explicitly authorizes release on bond or conditional parole. The Government's failure to provide any custody determination, any proceeding, or any opportunity for release violates Petitioner's right to due process under the Fifth Amendment.
5. Freedom from imprisonment lies at the heart of the liberty that the Due Process Clause protects. The government cannot deprive Petitioner of his liberty without due process of law, and it cannot meet its burden of justifying his continued incarceration.

IV. THE TRANSFER FROM FLORIDA TO CALIFORNIA CONSTITUTES AN ADDITIONAL DUE PROCESS VIOLATION.

1. After arresting Petitioner in Miami, Florida, Respondents transferred him across the country to the Otay Mesa Detention Center in San Diego, California. This transfer removed Petitioner from the state where he has lived for approximately eight years, where his five-year-old son resides, where his community ties exist, and where his asylum case is pending before USCIS.
2. The transfer severely prejudices Petitioner by physically separating him from his child, his

community, his employment, and the evidence and witnesses relevant to his asylum claim and any future immigration proceedings. It also impedes his ability to access legal resources and potential counsel.

3. This obstructive transfer constitutes an additional due process violation and further demonstrates the arbitrary nature of Petitioner's detention.

V. THE ONLY LAWFUL AND APPROPRIATE REMEDY IS IMMEDIATE RELEASE.

1. The Government has no lawful basis to detain Petitioner under § 1225(b). His detention must be governed by § 1226(a), which provides for discretionary detention and release on bond or conditional parole.
2. The Government cannot meet its burden of proving by clear and convincing evidence that Petitioner is a flight risk or a danger to the community. *Singh v. Holder*, 638 F.3d 1196, 1202 (9th Cir. 2011). Petitioner has a clean record, a pending asylum application, a five-year-old son, stable employment history, and strong community ties.
3. The Ninth Circuit requires adjudicators to consider alternatives to detention. *Rodriguez v. Robbins*, 804 F.3d 1060, 1086 (9th Cir. 2015). Here, alternatives to detention—such as release on conditional parole, GPS monitoring, or supervision—are clearly appropriate given Petitioner's background and the absence of any indication of danger or flight risk.
4. In *Gosselin Cruz v. LaRose*, the court ordered that if the Government did not provide a bond hearing within 14 days, Petitioner must be released. In *Coc Pacham v. LaRose*, the court ordered a bond hearing within seven days. Here, because the Government has not even initiated proceedings and has no lawful basis for mandatory detention, the appropriate remedy is immediate release.
5. Because the government cannot meet its burden to justify detention under any legal

standard, the appropriate remedy is not merely a hearing but immediate release. The only lawful remedy is to restore Petitioner to the liberty he held for approximately eight years before his arbitrary arrest.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Honorable Court:

A. Issue a Writ of Habeas Corpus directing Respondents to immediately release Petitioner from custody under appropriate noncustodial conditions, including conditional parole, supervised release, or such other reasonable conditions of supervision as the Court deems appropriate; B. Alternatively, order Respondents to show cause why Petitioner should not be immediately released; C. Enjoin Respondents from transferring Petitioner to any other facility outside the Southern District of California while this action is pending; D. Retain jurisdiction to ensure compliance with any order of release; and E. Grant such other and further relief as this Court deems just and proper.

Ivis ochoa molina.

Ivis Yovani Ochoa Molina A[redacted]
Otay Mesa Detention Center
7488 Calzada De La Fuente
San Diego, Ca 92154
Petitioner
Pro Se