Michael A. Jurado (Cal Bar. No. 352707)
WILNER & O'REILLY, APLC
3200 Center Park Dr. Suite 700
Costa Mesa, CA 92626
Telephone: 714.919.8880
Facsimile: 714.919.8881
Email: mjurado@wilneroreilly.com

Attorney for Petitioner

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MIGUEL, GONZALEZ ALMANZA PETITIONER, vs. MARKWAYNE MULLIN, SECRETARY, DEPARTMENT OF HOMELAND SECURITY; TODD BLANCHE, ACTING ATTORNEY GENERAL; MARCOS CHARLES, EXECUTIVE ASSOCIATE OF ICE ENFORCEMENT AND REMOVAL OPERATIONS (ERO); ORESTES CRUZ, FIELD OFFICE DIRECTOR SAN FRANCISCO ERO FIELD OFFICE; AND WARDEN, CALIFORNIA CITY DETENTION CENTER RESPONDENTS	Case No. _____ **PETITION FOR WRIT OF HABEAS CORPUS** Hon. United States District Judge Date of Hearing: Time of Hearing:

INTRODUCTION

1. Petitioner Miguel Gonzalez Almanza brings this petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging his unlawful and prolonged detention by U.S. Immigration and Customs Enforcement ("ICE") at the California City Detention Center. Petitioner is a lawful permanent resident of the United States since 1993 who was detained upon his return from Mexico at Fresno Yosemite International Airport on March 15, 2026, and has remained in continuous ICE custody since March 21, 2026—nearly four months—without a bond hearing or any individualized determination that he poses a danger to the community or a risk of flight.

2. Petitioner is the father of a United States citizen daughter, has deep roots in the United States, maintained stable employment building classrooms for schools until his detention, and has been fully rehabilitated following a single criminal incident more than fifteen years ago for which he served his sentence and successfully completed parole. He has no new criminal history. ICE has charged him as inadmissible under INA § 212(a)(2)(B) based on convictions arising from that single remote incident. Petitioner maintains that these convictions do not render him inadmissible and that his continued detention without process is unlawful.

3. Petitioner's detention violates the Fifth Amendment's Due Process Clause and exceeds ICE's statutory authority under the Immigration and Nationality Act. This Court should grant immediate relief, including release from custody or a prompt, constitutionally adequate custody redetermination hearing before an Immigration Judge, with the burden on the government to justify continued detention by clear and convincing evidence.

JURISDICTION AND VENUE

4. This Court has jurisdiction under 28 U.S.C. § 2241(c), 28 U.S.C. § 1331, and the Suspension Clause of the U.S. Constitution. Habeas corpus is the proper vehicle to challenge the lawfulness of Petitioner's immigration detention. See *INS v. St.* Cyr, 533 U.S. 289, 301-03 (2001); *Zadvydas v. Davis,* 533 U.S. 678, 687-88 (2001); *Singh v. Holder,* 638 F.3d 1196, 1202 (9th Cir. 2011).

5. Petitioner is physically detained at the California City Detention Center in California City, Kern County, California, within the Eastern District of California. Venue is proper under 28 U.S.C. § 2241(d) and *Braden v. 30th Judicial Circuit Court of Kentucky,* 410 U.S. 484 (1973).

PARTIES

6. Petitioner Miguel Gonzalez Almanza is a native and citizen of Mexico and has been a lawful permanent resident of the United States since July 13, 1993. He is currently detained at the California City Detention Center. Petitioner has a United States citizen daughter and has lived in the United States for nearly his entire life.

7. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security. He is responsible for the implementation and enforcement of the Immigration and Nationality Act and oversees ICE, which is responsible for Petitioner's detention. Secretary Mullin has ultimate custodial authority over Petitioner and is sued in her official capacity.

8. Respondent Todd Blanche is the Acting Attorney General of the United States and is responsible for the Department of Justice, of which the Executive Office for Immigration Review is a component. The Attorney General is sued in his official capacity.

9. Respondent Marcos Charles is the Executive Associate Director of ICE Enforcement and Removal Operations and oversees nationwide enforcement and removal operations, including the custody and supervision of noncitizens in detention facilities. This Respondent has supervisory authority over Petitioner's detention and any decisions regarding transfer or release and is sued in his official capacity.

10. Respondent Orestes Cruz is the Field Office Director of the ICE San Francisco Enforcement and Removal Operations office with operational responsibility for the California City Detention Center. This Respondent has direct operational responsibility for Petitioner's custody and detention decisions and is sued in his official capacity.

11. Respondent Warden of the California City Detention Center has immediate physical custody of Petitioner and is sued in his or her official capacity.

STATEMENT OF FACTS

A. Personal and Family Background

12. Petitioner was born on [redacted], in Mexico. He first entered the United States in February 1988 and has been a lawful permanent resident since 1993. He has lived in the United States for nearly his entire life. **See Exhibit A, Declaration of Petitioner.**

13. Petitioner has a United States citizen daughter, [redacted] who depends on him emotionally and financially. He also has United States citizen siblings. His parents became United States citizens after he reached adulthood. Petitioner's entire life, family,

and support system are in the United States. He has always been the primary financial provider for his family. Id.

14. Until his detention, Petitioner was employed for nearly four years by Global Modular, a construction company where he built classrooms for children's use at schools. He maintained stable employment and was a contributing member of his community. Id.

B. Criminal History and Rehabilitation

15. Petitioner has two criminal convictions arising from a single incident in or around 2010–2011. In 2010, he was convicted of driving under the influence in Stanislaus County. On or about October 7, 2011, in Stanislaus County Superior Court (Case No. 1430383), he was convicted of vehicular manslaughter in violation of California Penal Code § 191.5(a) and driving while under the influence causing injury in violation of California Vehicle Code § 23153(a). He was sentenced to a total of twelve years and eight months in prison, served approximately five and a half years, and was released in November 2016. He successfully completed parole and has had no further involvement with the criminal justice system.

16. Petitioner poses no danger to the community and no risk of flight. He is a peaceful person who has lived a stable, law-abiding life in his community for nearly a decade since his release. His entire life, family, employment, and support system are in the United States. He is fully rehabilitated.

C. Detention History

17. On March 15, 2026, Petitioner was detained by U.S. Customs and Border Protection at Fresno Yosemite International Airport upon returning from Mexico as a lawful permanent resident. He was held at Fresno for a few hours, transferred to San Francisco International

Airport where he was held from March 16 to March 20, 2026, briefly held at Mesa Verde Detention Facility in Bakersfield, and then booked into the California City Detention Center on March 21, 2026, where he remains in continuous custody. Id.

18. Petitioner had no advance warning of his detention and no opportunity to prepare or contact his family. His detention did not result from any new criminal conduct.

19. A Notice to Appear was issued on or about March 19, 2026, charging Petitioner with inadmissibility under INA § 212(a)(2)(B) based on the 2011 convictions. Petitioner was not promptly served with the NTA and was initially unable to seek bond redetermination before an immigration judge. **See Exhibit B, Copy of Notice to Appear.**

20. Petitioner previously filed a pro se habeas petition in this Court, Case No. 1:26-cv-02914-DAD-CSK, which was dismissed without prejudice. He now brings this petition with the assistance of undersigned counsel.

D. Harm from Detention and Medical Conditions

21. Petitioner's detention has caused severe emotional, financial, and physical hardship to him and his United States citizen family. The stress, depression, and hopelessness caused by detention have taken a serious toll. Petitioner constantly worries about his family, his health, and the possibility of permanent separation from his daughter.

22. Petitioner suffers from serious medical conditions requiring ongoing treatment. While detained, he currently takes the following prescriptions: Amox-Clav (twice daily), Atorvastatin (once daily), Glipizide (once daily), Hydrocodone (once daily as needed for pain), Jardiance (once daily), and Metformin Hcl ER (twice daily). Detention in a secure facility environment poses heightened risks to his physical and mental health. **See Declaration of Petitioner.**

23. Petitioner has no income while detained. His commissary account receives only nominal amounts from family contributions. He cannot afford private legal representation, although undersigned counsel is assisting to ensure he receives due process. Id.

E. Lack of Process

24. Since his detention on March 21, 2026, Petitioner has not received a bond hearing or any individualized custody determination before an immigration judge. ICE has not explained why a longtime lawful permanent resident with strong equities, complete rehabilitation, and no new criminal history should remain detained for nearly four months without process. Petitioner has been denied the opportunity to contest his detention before a neutral decisionmaker.

LEGAL BACKGROUND

A. Statutory Framework

25. Petitioner is a returning lawful permanent resident who was detained upon seeking admission. His detention is governed by the discretionary authority of INA § 236(a), 8 U.S.C. § 1226(a), as he is not subject to mandatory detention under § 236(c). As a longtime lawful permanent resident with no aggravated felony convictions, Petitioner is entitled to an individualized determination regarding custody.

26. Even if Petitioner were subject to detention under INA § 235(b) as an applicant for admission, prolonged detention without a bond hearing raises serious constitutional concerns. See Zadvydas v. Davis, 533 U.S. 678 (2001); Diouf v. Napolitano, 634 F.3d 1081 (9th Cir. 2011).

B. Due Process Protections for Returning Lawful Permanent Residents

27. Lawful permanent residents returning to the United States after brief travel abroad are entitled to due process protections when the government seeks to exclude or detain them. Landon v. Plasencia, 459 U.S. 21, 32-34 (1982). They possess a protected liberty interest in remaining in the United States that cannot be deprived without adequate procedural safeguards.

28. When the government detains a returning lawful permanent resident for a prolonged period, due process requires an individualized hearing before a neutral decisionmaker at which the government bears the burden of justifying continued detention. See Diouf v. Napolitano, 634 F.3d 1081, 1091-92 (9th Cir. 2011); Casas-Castrillon v. Dep't of Homeland Sec., 535 F.3d 942, 951 (9th Cir. 2008).

C. Application of *Mathews v. Eldridge*

29. To determine what process is constitutionally required, courts apply the three-factor balancing test from *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). See *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1206-07 (9th Cir. 2022).

30. The private interest at stake is profound. Petitioner has lived in the United States for nearly his entire life, is the father of a U.S. citizen child, maintained stable employment, and has been fully rehabilitated for nearly a decade. His medical conditions make the deprivation of liberty particularly acute. Prolonged detention without process risks irreparable harm to his health, family, and ability to prepare for his immigration proceedings.

31. The risk of erroneous deprivation is extraordinarily high. ICE has provided Petitioner with no meaningful process—no prompt bond hearing, no individualized determination of danger or flight risk, and no opportunity to present evidence of his rehabilitation and equities before a neutral arbiter. The value of additional safeguards, including a prompt hearing before

an Immigration Judge with the clear-and-convincing-evidence burden on the government, is substantial.

32. The government's interest does not outweigh these factors. The government has a legitimate interest in ensuring appearance and protecting public safety, but that interest is not served by detaining a fully rehabilitated, non-criminal, longtime resident with strong family ties for nearly four months without any individualized process. The administrative burden of providing a bond hearing is minimal; immigration courts routinely conduct such hearings.

CLAIMS FOR RELIEF

COUNT I

Violation of the Fifth Amendment Right to Procedural Due Process

33. Petitioner realleges and incorporates by reference paragraphs 1 through 32 as if fully set forth herein.

34. Petitioner possesses a protected liberty interest in remaining free from prolonged detention as a returning lawful permanent resident with deep roots in the United States, a United States citizen child, and a record of complete rehabilitation.

35. Respondents have deprived Petitioner of this protected liberty interest by detaining him since March 21, 2026—nearly four months—without providing a prompt, individualized bond hearing or custody determination before a neutral decisionmaker at which the government bears the burden of proving by clear and convincing evidence that he poses a danger to the community or a risk of flight.

36. The *Mathews v. Eldridge* balancing test compels the conclusion that due process requires, at a minimum, a prompt hearing before an Immigration Judge at which Respondents must demonstrate by clear and convincing evidence that Petitioner's continued detention is justified.

37. Respondents' failure to provide any such process renders Petitioner's current detention unconstitutional under the Fifth Amendment's Due Process Clause.

COUNT II

Unlawful Detention in Violation of the Immigration and Nationality Act and Regulations

38. Petitioner realleges and incorporates by reference paragraphs 1 through 37 as if fully set forth herein.

39. Petitioner's detention is governed by INA § 236(a). As a noncitizen in removal proceedings who is not subject to mandatory detention under § 236(c), Petitioner is entitled to an individualized custody determination. Prolonged detention without such a determination violates the INA and fundamental principles of administrative law requiring agencies to exercise discretion in a reasoned, non-arbitrary manner.

40. Respondents' continued detention of Petitioner without any individualized determination that he poses a danger or flight risk, and without affording him a meaningful opportunity to contest his detention before a neutral decisionmaker, is unlawful and exceeds Respondents' statutory and regulatory authority.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Miguel Gonzalez Almanza respectfully requests that this Honorable Court:

A. Issue a writ of habeas corpus directing Respondents to immediately release Petitioner from custody, subject to reasonable conditions of supervision or release on his own recognizance;

B. In the alternative, order Respondents to provide Petitioner with a prompt bond or custody redetermination hearing before an Immigration Judge within seven (7) days of this Court's order, at which hearing the government shall bear the burden of demonstrating by clear and convincing evidence that Petitioner's detention is justified because he poses a flight risk or a danger to the community;

C. Enter a preliminary and permanent injunction prohibiting Respondents from continuing to detain Petitioner absent compliance with constitutional due process requirements, including a prompt hearing before a neutral decisionmaker at which the government bears the burden of proving by clear and convincing evidence that detention is justified;

D. Expedite consideration of this petition in light of Petitioner's medical conditions and the significant hardship caused by nearly four months of detention without process; and

E. Award Petitioner such other and further relief as the Court deems just, proper, and equitable, including an award of costs and reasonable attorneys' fees to the extent permitted by law.

Respectfully submitted,

/s/Michael A. Jurado
Michael A. Jurado
WILNER & O'Reilly, APLC
Attorney for Petitioner, Miguel Gonzalez Almanza

Dated: July 23, 2026