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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Hector Enrique Guzman De La Cruz,

Petitioner,

v.

Todd Blanche, Acting Attorney General of the United States;

Markwayne Mullin, Secretary, U.S. Department of Homeland Security;

David Venturella, Acting Director, U.S. Immigration and Customs Enforcement;

Gregory J. Archambeault, Field Office Director, San Diego Field Office, U.S. Immigration and Customs Enforcement; and

Jeremy Casey, Warden, Imperial Regional Detention Facility, in their official capacities,

Respondents.

Case No.: '26CV4268 JLS BJW

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

(IMMIGRATION DETENTION-UNLAWFUL DENIAL OF BOND)

INTRODUCTION

1. Petitioner Hector Enrique Guzman De La Cruz ("Mr. Guzman" or "Petitioner") is a 25-year-old husband and father who was lawfully admitted to the United States on a B-2 visitor visa, is married to a United States citizen, is the father of a United States citizen child, and is the beneficiary of a Form I-130 immigrant-visa petition that U.S. Citizenship and Immigration Services approved on July 8, 2026, making him immediately eligible to apply for adjustment of status to lawful permanent residence. He has never been convicted of a crime of violence, a controlled-substance offense, a weapons offense, or a theft offense. His only adjudicated offenses are misdemeanor citations for driving without a valid license, a direct consequence of his immigration status, not of any dangerous conduct.

2. Notwithstanding this record, an Immigration Judge denied Mr. Guzman release on bond. (Exhibit A). The Immigration Judge identified no fact, weighed no factor, and cited no evidence. The entire stated basis for ordering a husband and father jailed for the duration of his removal proceedings was a single pre-printed line on a checkbox form: "Danger to the community and risk of flight as stated on the record."Id.

3. That order cannot withstand scrutiny. Under controlling Ninth Circuit law, an Immigration Judge's bond determination is reviewable in habeas corpus, and an Immigration Judge abuses his discretion and violates the Due Process Clause when he denies bond without applying the governing legal standard, without conducting the individualized balancing the law requires, without considering the probative evidence in the record, and without articulating reasons sufficient to permit meaningful review. A conclusory, checkbox denial that recites only the ultimate conclusion is the paradigm of such an abuse.

4. In the months before this Petition, judges of the United States District Court for the Central District of California ordered the release of detained noncitizens on materially indistinguishable facts—bond denials "explain[ed]" by nothing more than a one- or two-word conclusion. See Miri v. Bondi, No. 5:26-cv-00698-MEMF-MAR, 2026 WL 622302 (C.D. Cal. Mar. 5, 2026); Melchor-Melchor v. Noem, No. 5:26-cv-00766-SSS-BFM, 2026 WL 760058 (C.D. Cal. Mar. 16, 2026); Uriarte Villa v. Mullin, No. 5:26-cv-01690-JDE (C.D. Cal. June 2, 2026). The order here is, if anything, more deficient: it does not even specify whether danger, flight risk, or both is the operative ground, and it identifies no factor and no evidence whatsoever.

5. The flight-risk finding is particularly indefensible. Mr. Guzman has a fixed marital residence, a United States citizen wife and child, lawful-permanent-resident and United States citizen relatives, an approved I-130 petition and immediate eligibility to apply for adjustment of status, an unblemished record of court appearances, and not a single attempt to flee. He was taken into custody without incident, and he has voluntarily complied with the conditions of his state-court supervised release so much so that a state judge recalled the warrant and reinstated his bond. On these facts, a finding that he is a flight risk has no rational basis.

6. Mr. Guzman seeks a writ of habeas corpus ordering his immediate release on reasonable conditions or, in the alternative, a new, constitutionally adequate bond hearing held promptly and at which the Government bears the burden of justifying his continued detention.

JURISDICTION

7. This Court has subject-matter jurisdiction under 28 U.S.C. § 2241 because Mr. Guzman is "in custody under or by color of the authority of the United States" and his custody is "in violation of the Constitution or laws ... of the United States." 28 U.S.C. § 2241(c)(1), (c)(3). The Court also has jurisdiction under 28 U.S.C. §§ 1331 and 1651.

8. The jurisdiction-limiting provision of 8 U.S.C. § 1226(e) does not bar this action. That provision "does not ... preclude habeas jurisdiction over constitutional claims or questions of law." Hernandez v. Sessions, 872 F.3d 976, 987 (9th Cir. 2017). In Martinez v. Clark, 124 F.4th 775 (9th Cir. 2024), the Ninth Circuit held that § 1226(e) "restricts jurisdiction only with respect to the executive's exercise of discretion," and that an Immigration Judge's determination that a noncitizen is a danger to the community or a flight risk is a "mixed question of law and fact" reviewable in habeas as a "question of law," id. at 779–83, including for whether the agency "applied the correct legal standard," id. at 785.

9. The channeling provisions of 8 U.S.C. § 1252 do not apply. Mr. Guzman does not challenge a final order of removal, the commencement of removal proceedings, or the execution of any removal order; he challenges only the lawfulness of his civil detention and the denial of bond claims "entirely independent of" the removal process. Miri, 2026 WL 622302, at *4–*5; see J.E.F.M. v. Lynch, 837 F.3d 1026, 1031 (9th Cir. 2016) (§§ 1252(a)(5) and (b)(9) "channel judicial review over final orders of removal" only); Reno v. American-Arab Anti-Discrimination Comm., 525 U.S. 471, 482 (1999).

VENUE

10. Venue is proper in this District. The proper respondent in a habeas action is the petitioner's immediate custodian, and venue lies in the district of confinement. Rumsfeld v.

Padilla, 542 U.S. 426, 435, 443 (2004). Mr. Guzman is detained at the Imperial Regional Detention Facility in Calexico, California, which is located in Imperial County, within the Southern District of California. His immediate custodian the Warden of that facility is located in this District.

REQUIREMENTS OF 28 U.S.C. § 2243

11. The Court must "forthwith" award the writ or order Respondents to show cause why it should not be granted, "unless it appears from the application that the applicant ... is not entitled thereto." 28 U.S.C. § 2243. If the Court issues an order to show cause, Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." Id. Because Mr. Guzman is presently and unlawfully detained, the writ should issue promptly.

PARTIES

12. Petitioner Hector Enrique Guzman De La Cruz is a native and citizen of the Dominican Republic and the beneficiary of an approved Form I-130 petition filed by his United States citizen wife. He is detained by U.S. Immigration and Customs Enforcement ("ICE") at the Imperial Regional Detention Facility in Calexico, California (A-Number [redacted]2).

13. Respondent Jeremy Casey is the Warden of the Imperial Regional Detention Facility and is Mr. Guzman's immediate custodian. He or she is sued in an official capacity.

14. Respondent Gregory J. Archambeault is the Field Office Director of the San Diego Field Office of ICE Enforcement and Removal Operations, with supervisory authority over Mr. Guzman's detention. He or she is sued in an official capacity.

15. Respondent David Venturella is the Acting Director of ICE and has supervisory authority over ICE detention operations. He is sued in his official capacity.

16 Respondent Markwayne Mullin is the Secretary of the U.S. Department of Homeland Security and has ultimate responsibility for ICE detention operations. She is sued in her official capacity.

17. Respondent Todd Blanche is the Attorney General of the United States. The Department of Justice oversees the Executive Office for Immigration Review, including the Immigration Courts. She is sued in her official capacity.

STATEMENT OF FACTS

A. Mr. Guzman's Lawful Admission, Family, and Path to Status

18. Mr. Guzman was born on [redacted], in the Dominican Republic. He was lawfully admitted to the United States on January 11, 2021, on a B-2 nonimmigrant visitor visa, as reflected in his passport, visa, and Form I-94. He has remained in the United States since that lawful admission.

19. On October 3, 2022, Mr. Guzman married Hilarie Nohelie Lalindez Ventura, a United States citizen, in Royal Palm Beach, Florida. They are the parents of a United States citizen child, [redacted] born [redacted]. The family resides together at a fixed marital address in West Palm Beach, Florida.

20. Mr. Guzman's family ties to the United States are deep. In addition to his United States citizen wife and child, his mother and sister are lawful permanent residents and his stepfather is a United States citizen, all residing in Florida. Each submitted a letter supporting his release, as did friends attesting to his good character.

21. On May 12, 2026, Mr. Guzman's wife filed a Form I-130 Petition for Alien Relative on his behalf. U.S. Citizenship and Immigration Services approved that petition on July 8, 2026. As the spouse and immediate relative of a United States citizen with an approved I-130, and

having been lawfully admitted on a B-2 visa, Mr. Guzman is now immediately eligible to apply for adjustment of status to lawful permanent residence under 8 U.S.C. § 1255—a concrete, presently available avenue of relief that gives him a powerful incentive to appear at every future hearing.

B. The Traffic Citations and the Single, Unadjudicated DUI Arrest

22. Mr. Guzman has no conviction for any crime of violence, controlled-substance offense, weapons offense, or theft offense. His prior adjudicated offenses consist solely of citations for driving without a valid driver's license and a related expired-registration citation—offenses that flow directly from his inability to obtain a license because of his immigration status. None involves harm to any person, weapons, drugs, or theft. One charge was resolved by nolle prosequi following successful completion of a diversion program.

23. On April 12, 2026, Mr. Guzman was arrested for driving under the influence; his first such arrest (Palm Beach County Case No. 2026CT004663). That charge remains pending; he has not been convicted, and there has been no adjudication of guilt. He has retained criminal defense counsel and is actively defending the matter.

24. Because this is a first-offense DUI, Florida law prescribes a statutory sentencing-and-probation framework—including a term of probation, mandatory DUI and substance-abuse education and evaluation, community service, and related conditions. See Fla. Stat. § 316.193. Those statutory conditions take many months to complete and require the defendant's presence and participation, so the charge cannot be resolved quickly. Mr. Guzman's continued detention thousands of miles away in California is itself the principal obstacle to resolving the matter; his release is necessary for him to participate in and complete the state proceedings.

25. Significantly, a neutral state-court judge has already determined that Mr. Guzman may be released in the pending criminal matter. On May 29, 2026, the County Court (Hon. Stephanie F. Tew) entered an "Order to Recall SOR Warrant and Reinstate Bond," recalling the warrant and reinstating his bond, and directing him to report to Supervised Own Recognizance within three business days of his release from federal custody. Mr. Guzman remains subject to, and has complied with, that state supervision. Cf. Martinez, 124 F.4th at 785–86 (treating a criminal court's decision to release a defendant on his own recognizance as mitigating evidence bearing on dangerousness).

C. ICE's Custody and Mr. Guzman's Bond Request

26. Mr. Guzman was taken into ICE custody in Florida in connection with the April 2026 traffic stop, without incident, and was thereafter transferred across the country to the Imperial Regional Detention Facility in Calexico, California, where he remains detained.

27. Because Mr. Guzman was lawfully admitted on a B-2 visa and is in removal proceedings under 8 U.S.C. § 1229a, his detention is governed by the discretionary detention provision, 8 U.S.C. § 1226(a)—not by the mandatory-detention provision, 8 U.S.C. § 1225(b)—and he is eligible for a bond hearing. He timely requested a custody redetermination and, on June 10, 2026, filed a detailed bond motion supported by exhibits documenting his lawful admission, marriage, child, I-130, family ties, financial sponsorship, character references, and the disposition of his traffic matters.

D. The Conclusory Bond Denial

28. On June 16, 2026, Immigration Judge Stuart J. Zander of the Imperial Immigration Court denied bond on a pre-printed checkbox form. The sole stated reason, handwritten beneath the "Denied" box, was: "Danger to the community and risk of flight as stated on the record."

29. The written order provides no reasons of its own; it points only to reasons purportedly "stated on the record." But a bond redetermination hearing is not transcribed as of right, see Matter of Chirinos, 16 I&N Dec. 276, 277 (BIA 1977), and any digital audio recording of the hearing must be separately requested and obtained, which takes time. In the interim, Mr. Guzman remains deprived of his liberty with no reasoned written decision he can meaningfully review or challenge. The delay inherent in procuring any oral record only compounds and prolongs that deprivation.

30. The order identifies no Guerra factor. It identifies no evidence. It does not state whether the denial rests on danger, on flight risk, or on both. It contains no analysis of Mr. Guzman's family ties, fixed residence, length of residence, employment, immigration relief, record of appearances, or the absence of any criminal conviction or any attempt to flee. It does not acknowledge the substantial mitigating evidence Mr. Guzman submitted, including the state court's reinstatement of his bond. It is, in short, a bare recitation of the ultimate conclusion.

31. Mr. Guzman remains detained at the Imperial Regional Detention Facility, thousands of miles from his wife, infant child, and community, on the strength of that single-sentence order.

LEGAL FRAMEWORK

32. Section 1226(a) is the "default" detention provision for noncitizens, like Mr. Guzman, who are already present in the United States and in removal proceedings; it authorizes release on bond. Jennings v. Rodriguez, 583 U.S. 281, 294 (2018). At a § 1226(a) bond hearing, the Immigration Judge must make an individualized determination whether the noncitizen is a danger to the community or a flight risk, weighing the non-exhaustive factors set out in Matter of Guerra, 24 I&N Dec. 37, 40 (BIA 2006): the noncitizen's fixed address; length of residence;

family ties and whether they may entitle him to remain; employment history; record of court appearances; criminal record, including the extensiveness, recency, and seriousness of offenses; immigration history; any attempts to flee prosecution or escape authorities; and manner of entry.

33. Freedom from physical detention "lies at the heart of the liberty" the Due Process Clause protects. Zadvydas v. Davis, 533 U.S. 678, 690 (2001). Because the Government seeks to deprive Mr. Guzman of that liberty, due process requires the Government to justify his detention and to do so by clear and convincing evidence. See Singh v. Holder, 638 F.3d 1196, 1203–04 (9th Cir. 2011); Melchor-Melchor, 2026 WL 760058, at *2–*3 (rejecting the contention that the noncitizen bears the burden at a § 1226(a) bond hearing and holding the Government must prove flight risk by clear and convincing evidence). The "clear and convincing" standard requires "an abiding conviction that the truth of the factual contentions is highly probable." Mondaca-Vega v. Lynch, 808 F.3d 413, 422 (9th Cir. 2015) (en banc).

34. Federal courts review an Immigration Judge's danger and flight-risk determinations for abuse of discretion, and review questions of law including whether the Immigration Judge applied the correct legal standard and considered the record de novo. Martinez, 124 F.4th at 781–86. An Immigration Judge abuses his discretion and commits legal error when he "fail[s] to 'consider and address in its entirety the evidence submitted'" or to "'issue a decision that fully explains the reasons'" for the denial, Miri, 2026 WL 622302, at *14 (citation omitted); when he "fail[s] to mention highly probative or potentially dispositive evidence" or "misstates the record," Martinez, 124 F.4th at 785 (citing Cole v. Holder, 659 F.3d 762, 771–72 (9th Cir. 2011)); when he relies on evidence that "could not—as a matter of law—have supported" the conclusion drawn, Lu v. L.A. Field Director, 2026 WL 1455320, at *10 (C.D. Cal. Apr. 15,

2026); or when he "act[s] arbitrarily, irrationally, or contrary to law," Tadevosyan v. Holder, 743 F.3d 1250, 1252–53 (9th Cir. 2014).

CLAIMS FOR RELIEF

COUNT ONE

Unlawful Detention in Violation of 8 U.S.C. § 1226(a) — Abuse of Discretion and Failure to Apply the Governing Legal Standard

35. Petitioner realleges and incorporates each preceding paragraph.

36. The Immigration Judge abused his discretion and failed to apply the governing legal standard. Matter of Guerra requires an individualized balancing of enumerated factors, and Martinez requires that the Immigration Judge actually apply that standard to the facts and explain his reasoning sufficiently for meaningful review. The checkbox order here does neither. It recites only the ultimate conclusion—"danger … and risk of flight"—without identifying a single factor, a single piece of evidence, or a single reason. That is an abuse of discretion as a matter of law.

37. This case is controlled by a trio of recent decisions invalidating equally conclusory denials. In Miri v. Bondi, the court held the Immigration Judge abused his discretion because he "did not describe which … factors were considered, if any, or what evidence was relied on," offering only "conclusory statements about 'red flags' and 'factors working against'" the noncitizen. 2026 WL 622302, at *14–*15. In Melchor-Melchor v. Noem, the court ordered release where the Immigration Judge "explain[ed] denial of bond with two words: 'flight risk.'" 2026 WL 760058, at *1. And in Uriarte Villa v. Mullin, the court ordered the immediate release of a long-resident noncitizen with no criminal history where the bond denial rested on legally

insufficient reasons. The order here is more deficient than all three: it supplies no reasoning at all and does not even specify whether danger or flight risk is the operative ground.

38. The order independently fails because it does not reflect application of the correct burden of proof. At a § 1226(a) hearing the Government must prove danger or flight risk by clear and convincing evidence. Singh, 638 F.3d at 1203–04; Melchor-Melchor, 2026 WL 760058, at *2–*3. Nothing in the one-line order reflects that the Immigration Judge held the Government to that burden, or to any burden, and the complete absence of any articulated reasoning is a "red flag" that the standard was not applied. Martinez, 124 F.4th at 786.

39. The danger finding—to the extent the order rests on one—cannot be sustained. The factor most pertinent to dangerousness is the noncitizen's criminal record, and Mr. Guzman has no conviction for any violent, drug, weapons, or theft offense. His only convictions are for driving without a license. A dangerousness finding may not rest on a bare arrest without a conviction, Ortega-Rangel v. Sessions, 313 F. Supp. 3d 993, 1004–05 (N.D. Cal. 2018), and even prior DUI convictions do not establish present or future dangerousness, Mau v. Chertoff, 562 F. Supp. 2d 1107, 1118 (S.D. Cal. 2008). Here there is a single, unadjudicated, first-offense DUI arrest on which a neutral state judge has already reinstated bond—evidence that affirmatively cuts against dangerousness. See Martinez, 124 F.4th at 785–86.

40. The flight-risk finding is irrational on this record. Every Guerra factor relevant to flight weighs decisively in Mr. Guzman's favor: a fixed marital residence; a United States citizen wife and infant child; lawful-permanent-resident and citizen relatives; lawful admission on a B-2 visa; an approved I-130 and immediate eligibility for adjustment of status; financial sponsorship; an unblemished record of appearances; voluntary compliance with state supervised release; and not a single attempt to flee, he surrendered to ICE without incident. To

the extent any flight finding rested on Mr. Guzman's unlawful presence, manner of entry, or lack of status, those grounds are legally impermissible: "a noncitizen's unlawful status cannot provide a legitimate consideration upon which an [Immigration Judge] may deny ... bond under § 1226(a) given that every individual who appears before an [Immigration Judge] for custody redetermination lacks lawful status." Uriarte Villa, slip op. at 4–5 (quoting Lemus Crispin v. Bondi, 2026 WL 768859, at *5 (E.D. Va. Mar. 18, 2026)); accord Melchor-Melchor, 2026 WL 760058, at *4 (Immigration Judge's conclusion that long unlawful presence established flight risk was "dubious"). Because positive Guerra factors may not be inverted to manufacture flight risk, the finding cannot stand.

41. Mr. Guzman's continued detention pursuant to this legally inadequate order violates 8 U.S.C. § 1226(a) and renders his custody unlawful under 28 U.S.C. § 2241(c)(3).

COUNT TWO

Violation of the Due Process Clause of the Fifth Amendment

42. Petitioner realleges and incorporates each preceding paragraph.

43. The Due Process Clause protects every person in the United States from arbitrary deprivation of physical liberty. Zadvydas, 533 U.S. at 690. A bond determination satisfies due process only if it results from a hearing at which the decisionmaker actually applies the correct standard, considers the probative evidence, and provides reasons adequate to permit meaningful review. See Singh, 638 F.3d at 1208 (due process requires a reasoned, reviewable decision and a contemporaneous record; "a post hoc, summary bond denial is insufficient").

44. The checkbox order failed every one of those requirements. By denying bond without articulating any factor, any evidence, or any reasoning, without specifying whether the ground was danger or flight risk the Immigration Judge identified no facts, conducted no analysis,

prevented meaningful review, and rendered Mr. Guzman's detention arbitrary. The order's bare cross-reference to reasons "stated on the record" does not cure the defect: due process requires a contemporaneous, reviewable decision, and a summary denial that forces a detainee to procure and await an untranscribed oral record before he can obtain any review perpetuates his confinement without the reasoned explanation the Constitution demands. Singh, 638 F.3d at 1208. The deprivation of a constitutionally adequate bond hearing is itself a deprivation of liberty without due process of law.

45. The deprivation of these due process rights "unquestionably constitutes irreparable injury," and Mr. Guzman's ongoing detention pursuant to a constitutionally defective order is itself irreparable harm. Hernandez, 872 F.3d at 994; Miri, 2026 WL 622302, at *16).

EXHAUSTION IS NOT REQUIRED

46. Administrative exhaustion is prudential, not jurisdictional, and is excused here. Under Puga v. Chertoff, 488 F.3d 812, 815 (9th Cir. 2007), exhaustion is not required where, as here, the claims present questions of law for which no further administrative record is needed; the question whether the Immigration Judge applied the correct legal standard and gave adequate reasons "is a legal one," so "an administrative appellate record is not necessary to resolve" it. Miri, 2026 WL 622302, at *17–*18; Hernandez, 872 F.3d at 988–89.

47. Exhaustion is independently excused because requiring Mr. Guzman to pursue a Board of Immigration Appeals appeal would prolong his unconstitutional detention and thereby cause irreparable injury particularly where the Immigration Judge's reasons exist, if at all, only in an untranscribed oral record that would first have to be requested and obtained before any appeal could be meaningfully briefed. Hernandez, 872 F.3d at 987; Miri, 2026 WL 622302, at *18; Uriarte Villa, slip op. at 6–8 (excusing exhaustion). Although Mr. Guzman reserved his

right to appeal, the prudential factors and the irreparable harm of continued unlawful detention warrant immediate review.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that the Court:

a. Assume jurisdiction over this matter;

b. Issue a writ of habeas corpus, or in the alternative an order to show cause why the writ should not be granted;

c. Declare that Mr. Guzman's continued detention pursuant to the June 16, 2026 bond order violates 8 U.S.C. § 1226(a) and the Due Process Clause of the Fifth Amendment;

d. Order Respondents to release Mr. Guzman from custody immediately on reasonable conditions of release no more restrictive than necessary to ensure his appearance, including release on a bond amount he can pay;

e. In the alternative, order Respondents to provide Mr. Guzman a new, constitutionally adequate bond hearing within seven (7) days, at which the Government bears the burden of justifying detention by clear and convincing evidence and the Immigration Judge applies the Guerra factors and issues a reasoned, reviewable decision—and order his immediate release if such a hearing is not timely provided;

f. Enjoin Respondents from transferring Mr. Guzman outside this District during the pendency of this action;

g. Award Petitioner his costs and reasonable attorneys' fees as permitted by law; and

h. Grant such other and further relief as the Court deems just and proper.

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Respectfully submitted this 24th day of July 2026.

/s/ Maisoun Y. Sulfab

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

I represent Petitioner, Hector Enrique Guzman De La Cruz and submit this verification on her behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 U.S.C. § 1621.

Dated this 24th day of July 2026.

/s/ Maisoun Y. Sulfab
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