Hernando De Cima, Esq. (SBN 361132)
DE CIMA LAW
105 N Rose st #109
Escondido, CA 92027
Tel: (858) 525-5578
Fax: (760) 418-6462
Email: hernando@decimalaw.com

Attorney for: Petitioner

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

JUAN ANDRES ANDRES ANTONIO ([redacted])
Petitioner,

vs.

MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security;
TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement;
PATRICK DIVVER, San Diego Field Office Director, ICE;
WARDEN, OTAY MESA DETENTION CENTER; and
TODD BLANCHE, Attorney General of the United States
Respondents.

Case No. **'26CV4271 BJC AHG**

Agency No. [redacted]

PETITION FOR WRIT OF HABEAS CORPUS and MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF

Expedited Hearing Requested

PETITION FOR WRIT OF HABEAS CORPUS AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT

TABLE OF CONTENTS

PETITION FOR WRIT OF HABEAS CORPUS.....3

- **I. INTRODUCTION**.....3
- **II. JURISDICTION AND VENUE**.....4
- **III. PARTIES**.....4
- **IV. STATEMENT OF FACTS**.....5
- **V. EXHAUSTION OF ADMINISTRATIVE REMEDIES**.....6
- **VI. CLAIMS FOR RELIEF**.....6
- **VII. PRAYER FOR RELIEF**.....9

MEMORANDUM OF POINTS AND AUTHORIES.....11

- **I. INTRODUCTION**.....11
- **II. STATEMENT OF FACTS AND PROCEDURAL HISTORY**.....11
- **III. JURISDICTION AND EXHAUSTION OF REMEDIES**.....11
- **III. LEGAL ARGUMENTS**.....12
- **IV. CONCLUSION AND PRAYER FOR RELIEF**.....15

VERIFICATION.....17

CERTIFICATE OF SERVICE.....18

PROPOSED ORDER TO SHOW CAUSE.....19

PETITION FOR WRIT OF HABEAS CORPUS

Comes now Petitioner, **JUAN ANDRES ANDRES ANTONIO ([redacted]5)**, by and through undersigned counsel, and petitions this Honorable Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 to end his unlawful detention by Respondents without a constitutionally adequate custody hearing. In support thereof, Petitioner states as follows:

I. INTRODUCTION

1. Petitioner JUAN ANDRES ANDRES ANTONIO ("Petitioner"), Alien Registration No. [redacted], is a 42-year-old native and citizen of Guatemala who has continuously resided in the United States since 2000. He is currently unlawfully incarcerated in Department of Homeland Security ("DHS") custody at the Otay Mesa Detention Center in San Diego, California.
2. Petitioner was unlawfully subjected to interior enforcement detention after being stopped while driving for work at a domestic immigration checkpoint ("Las Pulgas"). DHS has improperly classified Petitioner as an "applicant for admission" subject to mandatory detention under INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A), rather than an interior-apprehended noncitizen whose detention is governed by INA § 236(a), 8 U.S.C. § 1226(a).
3. Under 8 U.S.C. § 1225(b), DHS administrative officers maintain sole discretionary authority to grant humanitarian parole, whereas under 8 U.S.C. § 1226(a), Immigration Judges hold statutory authority to redetermine custody and grant bond.
4. However, pursuant to *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), Immigration Judges sitting in the Otay Mesa Immigration Court hold that they lack jurisdiction under 8 C.F.R. § 1003.19 to conduct bond redetermination hearings for noncitizens categorized by DHS under INA § 235(b)(2)(A).
5. Because requesting a bond hearing before an Immigration Judge is legally futile under binding Executive Branch precedent, Petitioner petitions this Court for a Writ

of Habeas Corpus directing Respondents to provide him an individualized bond hearing before a neutral adjudicator under 8 U.S.C. § 1226(a). Pursuant to Fifth Amendment Due Process and Ninth Circuit precedent (*Hernandez v. Sessions*, 872 F.3d 976 (9th Cir. 2017); *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011)), any court-ordered bond hearing must require the Government to bear the burden of proof by clear and convincing evidence, and mandate explicit consideration of Petitioner's financial ability to pay bond, ensuring proportionality and full evaluation of non-monetary, alternative conditions of release.

II. JURISDICTION AND VENUE

6. Subject matter jurisdiction is conferred upon this Court by 28 U.S.C. § 2241 (Habeas Corpus), 28 U.S.C. § 1331 (Federal Question), and Article I, Section 9, Clause 2 of the United States Constitution (Suspension Clause).
7. Venue is proper in the Southern District of California pursuant to 28 U.S.C. § 1391(e) and 28 U.S.C. § 2241(d) because Petitioner is physically detained within this judicial district at the Otay Mesa Detention Center, 7488 Calzada de la Fuente, San Diego, CA 92154, and Respondents exercise custodial authority over Petitioner within this district.

III. PARTIES

8. Petitioner JUAN ANDRES ANDRES ANTONIO is a native and citizen of Guatemala (DOB: [redacted]) who has resided in the U.S. for 26 years. He is currently incarcerated at Otay Mesa Detention Center.
9. Respondent MARKWAYNE MULLIN is the Secretary of the U.S. Department of Homeland Security and oversees the administration of federal immigration enforcement and detention laws.

10. Respondent TODD LYONS is the Acting Director of U.S. Immigration and Customs Enforcement ("ICE").

11. Respondent PATRICK DIVVER is the Field Office Director for the San Diego Field Office of ICE and exercises legal custody over Petitioner.

12. Respondent WARDEN, OTAY MESA DETENTION CENTER, is the immediate physical custodian of Petitioner.

13. Respondent TODD BLANCHE is the Attorney General of the United States and oversees the Executive Office for Immigration Review ("EOIR").

IV. STATEMENT OF FACTS

14. Petitioner was born on [redacted], in Santa Cruz Barillas, Huehuetenango, Guatemala (Ex. A, Consular ID Card).

15. Petitioner entered the United States in 2000 and has continuously resided and worked in the United States for 26 years.

16. On or about July 7, 2026, Petitioner was driving for work when he was intercepted and detained at the "Las Pulgas" domestic immigration checkpoint in California.

17. Following his arrest, DHS issued a Form I-862 Notice to Appear ("NTA") charging Petitioner under INA § 212(a)(6)(A)(i), 8 U.S.C. § 1182(a)(6)(A)(i), as a noncitizen present in the United States without being admitted or paroled (Ex. B, Notice to Appear). The NTA contained a clerical error incorrectly listing Petitioner's birth year as 2004 instead of 1983.

18. Petitioner was transferred to the Otay Mesa Detention Center, where he remains incarcerated.

19. Petitioner's Master Calendar Hearing before the Otay Mesa Immigration Court is set for August 20, 2026, at 1:00 PM PT before Immigration Judge Eugene H. Robinson, Jr. (Ex. C, EOIR Case Hearing Notice). Through counsel, Petitioner plans to submit applications for Asylum/Withholding/CAT (Form I-589) and Non-LPR Cancellation of Removal (Form EOIR-42B).

V. EXHAUSTION OF ADMINISTRATIVE REMEDIES

20. There is no statutory exhaustion requirement for habeas petitions brought under 28 U.S.C. § 2241.

21. Although courts may apply prudential exhaustion, exhaustion is strictly excused where pursuing administrative remedies would be futile. Under the BIA's precedential decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), Immigration Judges are bound to hold that they lack jurisdiction under 8 C.F.R. § 1003.19 to entertain bond requests for noncitizens designated under INA § 235(b)(2)(A). Requesting a bond hearing before the IJ would be an act of complete administrative futility.

VI. CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

(Violation of the Immigration and Nationality Act – Statutory Misclassification under 8 U.S.C. § 1225(b)(2)(A) vs. § 1226(a))

22. Petitioner re-alleges and incorporates by reference all preceding paragraphs.

23. INA § 235(b), 8 U.S.C. § 1225(b), applies exclusively to noncitizens arriving at the border or designated ports of entry seeking admission, under which DHS maintains discretionary parole power. Conversely, INA § 236(a), 8 U.S.C. § 1226(a), is the statutory scheme governing interior-apprehended noncitizens pending removal proceedings under INA § 240, under which Immigration Judges maintain authority to grant bond.

24. Petitioner was apprehended in the interior of the United States after residing in the country for 26 years. DHS's retroactive classification of Petitioner under 8 U.S.C. § 1225(b)(2)(A) pursuant to *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), violates the statutory context, text, and overall structure of the INA.

25. This unlawful statutory misclassification deprives Petitioner of his statutory entitlement under 8 U.S.C. § 1226(a) and 8 C.F.R. § 1003.19 to an individualized bond redetermination hearing before an Immigration Judge.

SECOND CLAIM FOR RELIEF

(Violation of Fifth Amendment Right to Procedural Due Process – Absence of Pre- or Post-Detention Hearing, Unlawful Burden Allocation, and Failure to Comply with Hernandez v. Sessions)

26. Petitioner re-alleges and incorporates by reference all preceding paragraphs.
27. The Due Process Clause of the Fifth Amendment protects all noncitizens present within the physical territory of the United States from deprivation of liberty without due process of law. Noncitizens who have established long-term residency inside the United States possess heightened constitutional liberty interests.
28. Procedural due process requires, at minimum, timely notice and a meaningful opportunity to be heard before a neutral decision-maker before or immediately following a deprivation of physical liberty. Petitioner was arrested without a pre-detention hearing, has been subjected to mandatory incarceration without any post-detention custody hearing, and has been afforded zero opportunity to be heard.
29. Furthermore, where a noncitizen is subjected to total administrative deprivation of process through DHS statutory misclassification, Fifth Amendment Due Process requires that the Government (Respondents) bear the burden of proof by clear and convincing evidence to justify continued detention (*Zadvydas v. Davis*, 533 U.S. 678 (2001); *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011)).
30. Additionally, under Ninth Circuit law in *Hernandez v. Sessions*, 872 F.3d 976 (9th Cir. 2017), Procedural Due Process requires that when a bond hearing is conducted, the decision-maker must explicitly consider the noncitizen's financial ability to pay bond and evaluate non-monetary, alternative conditions of release. Detaining an

individual solely because he cannot afford a monetary bond set without regard to his financial resources violates the Fifth Amendment.

THIRD CLAIM FOR RELIEF

(Violation of Fifth Amendment Right to Substantive Due Process – Arbitrary and Punitive Detention)

31. Petitioner re-alleges and incorporates by reference all preceding paragraphs.
32. Substantive Due Process under the Fifth Amendment forbids civil immigration detention that is punitive, arbitrary, or lacks a rational nexus to a legitimate non-punitive governmental purpose (*Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003)).
33. Mandatory detention under 8 U.S.C. § 1225(b)(2)(A) applied indiscriminately to a noncitizen who has lived peacefully in the interior of the U.S. for 26 years, without any individualized assessment of dangerousness or flight risk where the government justifies confinement, bears no rational relationship to any legitimate regulatory objective.
34. Subjecting Petitioner to mandatory civil incarceration—or setting a monetary bond beyond his financial reach without considering non-monetary release conditions under *Hernandez v. Sessions*—converts civil regulatory detention into impermissible unconstitutional punishment without trial.

FOURTH CLAIM FOR RELIEF

(Violation of the Eighth Amendment – Excessive Bail and Cruel and Unusual Confinement)

35. Petitioner re-alleges and incorporates by reference all preceding paragraphs.

36. The Excessive Bail Clause of the Eighth Amendment prohibits the categorical, statutory denial of bail or bond without an individualized administrative or judicial determination of risk.

37. Under the Eighth Amendment and *Hernandez v. Sessions*, setting financial conditions of release under § 1226(a) that are disproportionate to a detainee's financial means without considering non-monetary alternatives operates as an unconstitutional excessive bail bar.

38. Enforcing mandatory civil incarceration against an interior-apprehended noncitizen with substantial community ties without providing any forum to seek release or set a proportionate, manageable bond constitutes cruel and unusual punishment and excessive bail under the Eighth Amendment.

VII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully prays that this Court:

1. **ASSUME** jurisdiction over this matter;
2. **GRANT** the Petition for Writ of Habeas Corpus;
3. **DECLARE** that Petitioner's detention is governed by 8 U.S.C. § 1226(a), and not 8 U.S.C. § 1225(b)(2)(A);
4. **ORDER** Respondents to release Petitioner from custody immediately, **OR, IN THE ALTERNATIVE, ORDER** Respondents to bring Petitioner before an Immigration Judge within SEVEN (7) days for an individualized bond hearing under 8 U.S.C. § 1226(a), where:
    - (a) The Government (Respondents) bears the burden of proving by clear and convincing evidence that Petitioner presents an unmanageable flight risk or a danger to the community; and
    - (b) Pursuant to *Hernandez v. Sessions*, 872 F.3d 976 (9th Cir. 2017), the Immigration Judge MUST explicitly consider Petitioner's financial ability to

pay any monetary bond set, ensure any monetary condition is proportional and not an insurmountable bar to release, and give full consideration to non-monetary, alternative conditions of release (such as electronic monitoring or conditional supervision);

5. **AWARD** Petitioner reasonable attorney's fees and costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412; and
6. **GRANT** such other and further relief as the Court deems just and proper.

Dated: 7/26/2026

Respectfully submitted,

/s/Hernando De Cima
Hernando De Cima, Esq
105 N Rose St Ste 109
Escondido, Ca 92027
hernando@decimalaw.com
858-525-5578
Attorney for Petitioner

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Petitioner JUAN ANDRES ANDRES ANTONIO is an interior-apprehended noncitizen who has lived in the United States since 2000. Following a traffic stop at "Las Pulgas" while driving for work, DHS detained Petitioner at Otay Mesa. Under 8 U.S.C. § 1225, DHS administrative officials maintain discretionary parole power, whereas under 8 U.S.C. § 1226(a), Immigration Judges hold statutory authority to redetermine custody and grant bond.

However, because DHS classified Petitioner under INA § 235(b)(2)(A) and the BIA established in *Matter of Yajure Hurtado* that IJs lack jurisdiction to grant bond to individuals under this classification, Petitioner is subjected to mandatory detention without administrative recourse. Petitioner seeks habeas relief requiring Respondents to provide a bond hearing under 8 U.S.C. § 1226(a) where the Government carries the burden of proof under Due Process principles and that complies with the procedural safeguards mandated by *Hernandez v. Sessions*, 872 F.3d 976 (9th Cir. 2017).

II. STATEMENT OF FACTS AND PROCEDURAL HISTORY

Petitioner was born on [redacted], in Guatemala. He entered the United States in 2000 and has continuously resided here for 26 years. On July 7, 2026, he was intercepted at the "Las Pulgas" interior traffic checkpoint. DHS placed him in removal proceedings pursuant to an NTA charging him under INA § 212(a)(6)(A)(i). Petitioner is currently detained at Otay Mesa.

III. JURISDICTION AND EXHAUSTION OF REMEDIES

District courts maintain jurisdiction under 28 U.S.C. § 2241 to review constitutional and statutory challenges to immigration detention. Administrative exhaustion is excused when

seeking administrative relief is demonstrably futile. Because *Matter of Yajure Hurtado* binds all IJs to deny bond jurisdiction for § 235(b)(2)(A) designees, administrative exhaustion is futile.

IV. LEGAL ARGUMENTS

A. 8 U.S.C. § 1226(a) Governs Interior Apprehensions, Not 8 U.S.C. § 1225(b)

The statutory text and structure of the INA dictate that § 1225(b) applies solely to noncitizens arriving at ports of entry seeking admission, whereas § 1226(a) governs interior apprehensions. Under § 1225(b), release is limited to administrative parole granted directly by DHS officers, whereas § 1226(a) authorizes Immigration Judges to conduct bond hearings.

As the Supreme Court observed in *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018), § 1225(b) applies to applicants for admission "at the border". DHS cannot retroactively classify an individual who has continuously resided in the United States for 26 years as a border-arriving applicant for admission under § 1225(b)(2)(A) simply because he was stopped at an interior traffic checkpoint. Under principles of statutory interpretation and constitutional avoidance, Petitioner's detention is governed by 8 U.S.C. § 1226(a).

B. Complete Denial of Pre- or Post-Detention Hearings Violates Procedural Due Process

The Fifth Amendment's Due Process Clause guarantees every person within U.S. borders the right to fair process before being deprived of liberty. Petitioner was arrested at an interior checkpoint and detained without a pre-detention hearing. Following his arrest, he was not provided a post-detention custody hearing before an impartial decision-maker.

Under *Mathews v. Eldridge*, courts evaluate procedural due process by weighing: (1) the private interest affected; (2) the risk of erroneous deprivation under existing procedures; and

(3) the government's interest. Freedom from physical restraint is the most fundamental liberty interest recognized under our Constitution. Under the rule of *Matter of Yajure Hurtado*, Petitioner faces indefinite physical incarceration without ever having an opportunity to present evidence regarding his flight risk or community safety. The total absentia of any hearing creates a 100% risk of erroneous liberty deprivation, violating Procedural Due Process.

C. Due Process Requires the Government to Bear the Burden of Proof by Clear and Convincing Evidence

Where the Executive Branch deprives an interior detainee of access to administrative bond hearings by improperly invoking mandatory border detention under § 1225(b)(2)(A), constitutional due process governs the remedy ordered by this Court.

"Freedom 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). Because bodily liberty is fundamental, Due Process demands that before the Executive Branch may detain an interior resident of 26 years, the burden must rest on the Government to prove by clear and convincing evidence that detention is necessary because the individual poses a flight risk or danger to the community. *See Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011); *United States v. Salerno*, 481 U.S. 739, 750 (1987). Placing the burden on a long-term interior resident who has experienced total pre- and post-detention deprivation creates an unacceptable risk of erroneous deprivation under *Mathews v. Eldridge*.

D. Due Process Requires Consideration of Financial Ability and Non-Monetary Alternatives Under Hernandez v. Sessions

Under binding Ninth Circuit precedent, even where a bond hearing is provided under § 1226(a), the Due Process Clause prohibits the government from setting financial conditions

of release that result in the detention of an individual solely because he lacks the financial means to pay. *Hernandez v. Sessions*, 872 F.3d 976, 990–91 (9th Cir. 2017).

In *Hernandez*, the Ninth Circuit held that in immigration bond proceedings under § 1226(a), due process requires the adjudicator to:

1. **Consider the noncitizen's financial resources and ability to pay** when setting a monetary bond amount; and
2. **Consider non-monetary, alternative conditions of release** (such as conditional parole, intense supervision, or electronic monitoring) if a monetary bond is beyond the detainee's financial reach.

Detaining an individual without evaluating his financial ability or refusing to consider non-monetary release alternatives results in unconstitutional detention based solely on wealth status. Any bond hearing ordered by this Court must explicitly mandate compliance with *Hernandez v. Sessions*.

E. Indefinite Civil Detention Without Individualized Risk Assessment Violates Substantive Due Process

Civil immigration detention is non-punitive and strictly regulatory. It is constitutionally permissible only if tied directly to preventing flight or protecting public safety (*Demore v. Kim*, 538 U.S. at 528). Detaining a long-term U.S. resident of 26 years without offering any mechanism to prove that he is neither dangerous nor a flight risk transforms regulatory custody into arbitrary, punitive incarceration in violation of Substantive Due Process.

F. Categorical Prohibition on Release Violates the Eighth Amendment Excessive Bail Clause

While the Eighth Amendment does not grant an absolute right to bail in all civil or criminal matters, it firmly prohibits the government from categorically denying bail without an

individualized hearing assessing risk. Furthermore, setting a financial bond without regard to an individual's ability to pay constitutes excessive bail under the Eighth Amendment (*Hernandez*, 872 F.3d at 990). By enforcing a mandatory detention scheme under § 1225(b)(2)(A) that completely bars an interior detainee from seeking conditional release or bond, Respondents violate the Excessive Bail Clause of the Eighth Amendment.

V. CONCLUSION AND PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully prays that this Court:

1. **ASSUME** jurisdiction over this matter;
2. **GRANT** the Petition for Writ of Habeas Corpus;
3. **DECLARE** that Petitioner's detention is governed by 8 U.S.C. § 1226(a), and not 8 U.S.C. § 1225(b)(2)(A);
4. **ORDER** Respondents to release Petitioner from custody immediately, **OR, IN THE ALTERNATIVE, ORDER** Respondents to bring Petitioner before an Immigration Judge within seven (7) days for an individualized bond hearing under 8 U.S.C. § 1226(a), where:
    - (a) The government bears the burden of proving by clear and convincing evidence that Petitioner presents a flight risk or a danger to the community; and
    - (b) Pursuant to *Hernandez v. Sessions*, 872 F.3d 976 (9th Cir. 2017), the Immigration Judge MUST explicitly consider Petitioner's financial ability to pay any monetary bond set, ensure any monetary condition is proportional and not an insurmountable bar to release, and give full consideration to non-monetary, alternative conditions of release;
5. **AWARD** Petitioner reasonable attorney's fees and costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412; and
6. **GRANT** such other and further relief as the Court deems just and proper.

Dated: 7/26/2026

Respectfully submitted,

/s/Hernando De Cima
Hernando De Cima, Esq
105 N Rose St Ste 109
Escondido, Ca 92027
hernando@decimalaw.com
858-525-5578
Attorney for Petitioner

ATTORNEY VERIFICATION

I, Hernando De Cima, declare as follows under penalty of perjury:

1. I am an attorney licensed to practice law in the State of California and am counsel of record for Petitioner in these federal habeas corpus proceedings.
2. I have read the foregoing Petition for Writ of Habeas Corpus and Memorandum of Points and Authorities. I am familiar with the contents thereof.
3. The factual allegations concerning Petitioner's immigration history, removal charges, detention status, and scheduled Immigration Court hearings are true and correct to the best of my personal knowledge, based on an exhaustive review of official Department of Homeland Security and Executive Office for Immigration Review documents provided to my firm.
4. I execute this verification on behalf of Petitioner because he is currently detained at a secure facility located away from my office, making an immediate client signature logistically unfeasible before emergency filing deadlines.

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

Dated: 7/26/2026

Respectfully submitted,

/s/Hernando De Cima
Hernando De Cima, Esq
105 N Rose St Ste 109
Escondido, Ca 92027
hernando@decimalaw.com
858-525-5578
Attorney for Petitioner

CERTIFICATE OF SERVICE

I, Hernando De Cima, certify that on 7/26/2026, I filed the foregoing with the Clerk of the Court via CM/ECF and will serve the Respondents and the U.S. Attorney's Office for the Southern District of California.

Dated: 7/26/2026

Respectfully submitted,

/s/Hernando De Cima
Hernando De Cima, Esq
105 N Rose St Ste 109
Escondido, Ca 92027
hernando@decimalaw.com
858-525-5578
Attorney for Petitioner

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

PROPOSED ORDER TO SHOW CAUSE

Upon consideration of the verified Petition for a Writ of Habeas Corpus filed by Petitioner on 7/26/2026:

IT IS HEREBY ORDERED that Respondents show cause before this Court why a Writ of Habeas Corpus should not issue directing Petitioner's release from civil immigration custody or, in the alternative, ordering Respondents to provide Petitioner with an individualized, constitutional custody redetermination hearing before an Immigration Judge.

IT IS FURTHER ORDERED THAT:

1. Respondents shall file a Return to the Petition and Show Cause Response, including any supporting briefs, declarations, or administrative records within three (3) calendar days of the date of service of this Order;
2. Petitioner may file a Traverse/Reply to Respondents' Return on or before within two (2) calendar days of the filing of Respondents' Return; and
3. A hearing on the Petition is scheduled before the Honorable District Court Judge on **_____, 2026, at ___:___ __.m.** in Courtroom ___ of the United States District Court for the Southern District of California, located at 333 West Broadway, San Diego, CA 92101.

IT IS SO ORDERED.

Dated: _____, 2026

_____
UNITED STATES DISTRICT JUDGE