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UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

EDGAR ALONSO IGLESIAS-AHUMADA,

Petitioner,

v.

CHRISTOPHER LAROSE, Warden of Otay Detention Facility; MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security.

Respondents.

Case No. **'26CV4273 LL DEB**

AGENCY NO.: A-[redacted]

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

EMERGENCY RELIEF REQUESTED PETITIONER SUBJECT TO IMMINENT REMOVAL

I. INTRODUCTION

1. Petitioner Edgar Alonso Iglesias-Ahumada brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 because Respondents are about to remove him from the United States on the strength of a "voluntary departure" document that he signed only after being held overnight in a freezing holding cell, deprived of sleep, awakened repeatedly to sign paperwork he could not meaningfully review, and denied access to counsel. Petitioner is presently detained at the Otay Mesa Detention Facility in San Diego, California, and Respondents intend to physically remove him to Mexico as early as tomorrow, without any hearing before an immigration judge and without any screening of his fear of return to Mexico.

2. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 to review the legality of Petitioner's detention and the validity of the process by which Respondents seek to remove him, including whether his purported waiver of a hearing was knowing, intelligent, and voluntary.

3. Petitioner was arrested and charged criminally in this District, Case No. 26-mj-02659, with violations of 8 U.S.C. § 1326, 18 U.S.C. § 1542, and 18 U.S.C. § 1028A(a)(1). On July 26, 2026, the Honorable Daniel E. Butcher, United States Magistrate Judge for the Southern District of California, ordered Petitioner released on a $15,000 bond, fully cognizant of the pending charges and Petitioner's criminal history. Immediately upon his release from criminal custody, Petitioner was taken into custody by U.S. Immigration and Customs Enforcement ("ICE").

4. Rather than being afforded any process, Petitioner was transported to an ICE holding facility located across from the MCC facility in downtown San Diego, California, at approximately 4:00 p.m. on July 24, 2026, together with five other detainees. The air conditioning in the holding cell was set so cold that Petitioner shook uncontrollably and had no choice but to attempt to sleep on the bare floor.

5. Over the course of the night, officers woke Petitioner approximately four separate times, removed him from the freezing cell, and directed him to sign documents. Each time, after signing, he was returned to the cold cell (which he now refers to as the "ice room") and permitted to fall back asleep, only to be awakened again and brought out to sign additional paperwork. By the final round of signatures, Petitioner was so exhausted, cold, and disoriented that he was unable to meaningfully resist or understand what he was being told to sign. He was informed that he had no choice but to sign.

6. Petitioner has now been told that among the documents he signed was an agreement to "voluntary departure," and that he will be removed to Mexico as early as tomorrow — without ever appearing before an immigration judge, without a credible or reasonable fear interview, and without any opportunity to pursue the asylum, withholding of removal, U-visa, or S-visa relief to which he is entitled to apply.

7. Petitioner has a well-founded and objectively verifiable fear of persecution and death if returned to Mexico: [redacted]

[redacted] in connection with which Petitioner was promised consideration for [redacted] that was never processed.

8. Petitioner's ties to this country and his history of victimization independently entitle him to seek relief that his signature on the voluntary departure form would extinguish without any hearing. [redacted] He and his siblings were placed at the Polinsky Children's Center. Petitioner was eligible for U-visa relief because of this crime, but the attorneys handling his case at the time never filed the petition. Petitioner continues to suffer from post-traumatic stress as a result of these events.

9. Petitioner is married to a United States citizen, has United States citizen siblings, and has United States citizen children.

10. Petitioner has not sought a bond redetermination hearing before an immigration judge because doing so would be futile in the time remaining before his scheduled removal, and because Respondents intend to remove him before any such hearing could meaningfully occur. Petitioner's detention and impending removal without a hearing also implicate the due process concerns identified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.), which held that noncitizens in Petitioner's circumstances are entitled to consideration for release on bond under 8 U.S.C. § 1226(a) and may not be subjected to mandatory detention under 8 U.S.C. § 1225(b)(2). Petitioner is aware that the Ninth Circuit has stayed the class-wide injunction in Maldonado Bautista as to enforcement outside the Central District of California; Petitioner cites the reasoning of that decision as persuasive authority, not as binding precedent in this District.

11. This Court should grant this petition on an emergency basis and order Respondents to refrain from removing Petitioner, to set aside the coerced voluntary departure, and to afford Petitioner the process to which he is entitled.

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II. JURISDICTION AND VENUE

12. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

13. Venue is proper in this Court under 28 U.S.C. § 2241(d) because Petitioner is detained within the Southern District of California at the Otay Mesa Detention Facility in San Diego, California.

14. Respondent Christopher LaRose is the Warden of the Otay Mesa Detention Facility and is Petitioner's immediate custodian. Respondent Markwayne Mullin is a proper party as an official responsible for Petitioner's detention and removal.

15. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . 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). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted). Petitioner respectfully submits that his imminent removal warrants the Court's immediate attention.

PARTIES

16. Petitioner Edgar Alonso Iglesias-Ahumada is a native and citizen of Mexico. He is currently detained at the Otay Mesa Detention Facility in San Diego, California. His Alien Registration Number is A# [redacted]

17. Respondent Christopher LaRose is the Warden of the Otay Mesa Detention Facility, located in San Diego, California. Respondent LaRose is Petitioner's immediate custodian and is sued in his official capacity.

18. Respondent Markwayne Mullin is the Secretary of the U.S. Department of Homeland Security and is sued in his official capacity.

19. There are no doe defendants listed in this matter.

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STATEMENT OF FACTS

A. Petitioner's Background and Ties to the United States

20. When Petitioner was twelve years old, [redacted] Petitioner and his siblings were subsequently placed at the Polinsky Children's Center. Petitioner was and is eligible for U-visa relief as a victim of this violent crime, but the attorneys who represented him at the time never filed a U-visa petition on his behalf. Petitioner continues to suffer from post-traumatic stress disorder as a result of [redacted]

21. Petitioner later [redacted] In connection with [redacted] Petitioner was promised consideration for [redacted] was never processed.

22. Petitioner is married to a United States citizen. His siblings are United States citizens, and his children are United States citizens.

23. Petitioner was previously removed from the United States to Mexico. He subsequently returned because [redacted] As set forth in the criminal complaint pending against him in this District (Case No. 26-mj-02659), Petitioner was charged on May 6, 2026, with violations of 8 U.S.C. § 1326, 18 U.S.C. § 1542, and 18 U.S.C. § 1028A(a)(1).

B. Petitioner's Release on Bond in the Criminal Matter

24. On July 26, 2026, the Honorable Daniel E. Butcher, United States Magistrate Judge for the Southern District of California, ordered Petitioner released from criminal custody on a $15,000 bond. Judge Butcher's order was made with full knowledge of the pending federal charges against Petitioner and his criminal history.

C. Petitioner's Coercive Overnight Detention by ICE and the Involuntary "Voluntary Departure"

25. Immediately following his release from criminal custody, Petitioner was taken into custody by ICE. He was transported to a holding facility located across from the MCC facility in downtown San Diego, arriving at approximately 4:00 p.m. on July 24, 2026, together with five other detainees.

26. The holding cell's air conditioning was set to an extremely low temperature. Petitioner shook uncontrollably from the cold and felt as though he was freezing. When he became too tired to remain awake, he was forced to lie down and sleep on the bare floor of the cell.

27. During the night, Petitioner was awakened approximately four separate times. Each time, he was removed from the cell and brought to another room, where he was told to sign documents. He was then returned to the cold holding cell — which he has come to call the "ice room" — only to fall asleep and be awakened again a short time later and brought out once more to sign additional documents. This cycle repeated approximately four times over the course of the night.

28. By the final rounds of questioning, Petitioner was so exhausted and cold that he could not think clearly. He attempted to avoid signing but was told he had no choice and that he had to sign. Petitioner ultimately signed the documents placed in front of him because of his exhaustion, the cold, and the officers' insistence that he had no other option — not because he understood or agreed to what the documents said.

29. Petitioner has since been informed that, among the documents he signed under these conditions, was an agreement to "voluntary departure." He has been told that he will be removed to Mexico as early as tomorrow. He has not been brought before an immigration judge. He has not been screened for credible or reasonable fear of persecution or torture. He has not been afforded access to counsel at any point since his transfer to ICE custody.

D. Petitioner's Well-Founded Fear of Persecution and Death in Mexico

30. Petitioner fears return to Mexico because [redacted] Petitioner needs the opportunity to apply for asylum, withholding of removal, and protection under the Convention Against Torture, as well as to pursue the U-visa [redacted] to which his history of victimization [redacted] Respondents' attempt to remove Petitioner on the

strength of a coerced signature, without any fear screening, would foreclose all of this relief and could expose Petitioner to serious harm or death.

E. Futility of Further Administrative Process

31. Petitioner has not requested a bond redetermination hearing because doing so would be futile in light of Respondents' stated intention to remove him before such a hearing could occur, and because Respondents already possess a document purporting to waive Petitioner's right to any hearing at all. Prudential exhaustion is not required where, as here, exhaustion would be futile. *McCarthy v. Madigan*, 503 U.S. 140, 147–48 (1992).

CLAIMS FOR RELIEF

COUNT ONE — VIOLATION OF DUE PROCESS (Coerced and Involuntary Waiver)

32. Petitioner incorporates by reference all preceding paragraphs as if fully set forth herein.

33. The Fifth Amendment's Due Process Clause protects all persons within the United States, including removable noncitizens, from fundamentally unfair procedures. See *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) ("It is well established that the Fifth Amendment entitles aliens to due process of law."). A waiver of the right to a hearing before an immigration judge, including an agreement to depart voluntarily in lieu of a hearing, must be considered, intelligent, and voluntary to be valid and to have legal effect. See *United States v. Mendoza-Lopez*, 481 U.S. 828, 837–39 (1987) (due process requires a meaningful opportunity for review before a waiver of rights in removal proceedings can be given effect).

34. Petitioner's purported agreement to voluntary departure was not considered, intelligent, or voluntary. It was obtained after Petitioner was held for hours in a deliberately over-cooled cell, forced to sleep on the floor, and awakened repeatedly through the night to sign documents he was given no meaningful opportunity to read or understand, without access to counsel, and while told he had no choice but to sign. These conditions rendered Petitioner's signature the product of coercion and exhaustion, not a knowing and voluntary waiver of his right to a hearing.

35. Respondents' reliance on this coerced document to remove Petitioner without any hearing violates Petitioner's right to due process of law.

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COUNT TWO — VIOLATION OF DUE PROCESS AND STATUTORY RIGHT TO A FEAR SCREENING

36. Petitioner incorporates by reference all preceding paragraphs as if fully set forth herein.

37. Where a noncitizen facing removal expresses a fear of return to his or her home country, federal law and regulation require that the noncitizen be referred for a fear screening interview before removal may proceed. See 8 U.S.C. § 1225(b)(1)(A)(ii); 8 C.F.R. §§ 208.30, 208.31. Petitioner has a credible, well-founded fear of persecution and death in Mexico arising from [redacted]

38. Respondents intend to remove Petitioner without any fear screening whatsoever, based solely on a signature obtained under the coercive conditions described above. This violates Petitioner's statutory and due process rights and, if not enjoined, will result in Petitioner's removal to a country where his life is in danger without any assessment of that danger. Counsel notes that the precise fear-screening procedure applicable to Petitioner — credible fear under 8 U.S.C. § 1225(b)(1) or reasonable fear under 8 C.F.R. § 208.31 — depends on the procedural posture of Petitioner's immigration case, including whether Respondents are proceeding by way of a reinstated prior removal order under 8 U.S.C. § 1231(a)(5) or a new proceeding under 8 U.S.C. § 1229(a), and Petitioner requests the opportunity to be heard on that question before any removal occurs.

COUNT THREE — UNLAWFUL DETENTION UNDER MANDATORY DETENTION FRAMEWORK

39. Petitioner incorporates by reference all preceding paragraphs as if fully set forth herein.

40. To the extent Respondents are detaining Petitioner without any possibility of bond under 8 U.S.C. § 1225(b)(2) rather than affording him consideration for release on bond under 8 U.S.C. § 1226(a), that detention is unlawful for the reasons persuasively explained in *Maldonado Bautista v. Santacruz,* No. 5:25-CV-01873-SSS-BFM, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025), and 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025). Petitioner acknowledges that the Ninth Circuit has stayed enforcement of the class-wide injunction in that case outside the Central District of California, and cites its reasoning here as persuasive, not binding, authority.

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PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter and treat this petition with the emergency urgency it requires;

2. Issue an order to show cause directing Respondents to explain why the writ should not be granted, and set an expedited briefing schedule;

3. Declare that Petitioner's signature on the July 26, 2026 voluntary departure document was not knowing, intelligent, or voluntary, and is void and without legal effect;

4. Issue a writ of habeas corpus enjoining Respondents from removing Petitioner from the United States pending resolution of this petition;

5. Order Respondents to provide Petitioner a fear screening interview and access to an immigration judge before any further removal proceedings occur;

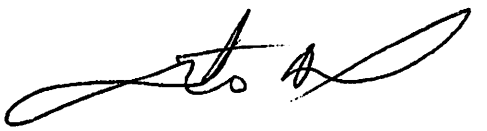
6. Order Respondents to provide Petitioner meaningful access to counsel;

7. Alternatively, order Petitioner's release unless Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;

8. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412, and any other basis justified under law; and

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

Dated: July 26, 2026



Francisco J. Aldana, Esq.
Attorney for Petitioner
Edgar Alonso Iglesias-Auhumada