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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'26CV4310 RSH DDL

Jonathan Alejandro Chuqui Mayancela
Agency No. [redacted]

Petitioner,

v.

Sixto Marrero, Warden, Imperial Regional Detention Center; Gregory Archambault, San Diego Field Office Director, U.S. Immigration and Customs Enforcement; Markwayne Mullin, Secretary of Homeland Security; and Todd Blanche, Acting Attorney General of the United States,

Respondents.

Case No.: [Case No.]

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

INTRODUCTION

1. Petitioner Jonathan Alejandro Chuqui Mayancela ("Mr. Chuqui Mayancela" or "Petitioner") is a 20-year-old native and citizen of Ecuador who, in 2021, entered the United States as an unaccompanied minor at the age of fifteen. **Exhibit 1.**

2. Petitioner was released to a sponsor in 2021 and has lived in the United States openly and freely for the past 5 years. He is currently detained by U.S. Immigration and Customs Enforcement ("ICE") at the Imperial Regional Detention Facility in Calexico, California, within this District. **Exhibit 2.**

3. On April 4, 2023, United States Citizenship and Immigration Services ("USCIS") approved Petitioner's Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, classifying him as a Special Immigrant Juvenile ("SIJ") pursuant to section 101(a)(27)(J) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101(a)(27)(J). **Exhibit 3.**

4. In the notice, USCIS stated that Petitioner "warrant[ed] a favorable exercise of discretion" and granted Petitioner deferred action for a period of four years. *Id.* Petitioner is waiting for a visa number to become available to qualify for an adjustment of status.

5. Nonetheless, Respondents detained Petitioner without providing any new individualized justification for reversing the agency's own prior decision, and without providing Petitioner a constitutionally adequate bond hearing before a neutral decisionmaker at which the government bears the burden of proving, by clear and convincing evidence, that continued detention is justified by flight risk or danger to the community.

6. Petitioner has no criminal history of any kind. He has an approved path to lawful permanent residence through his SIJ classification, and, on the strength of his deferred action grant, holds a valid Employment Authorization Document and Social Security number. **Exhibit 4.** He entered

the United States as a child, was screened and approved by USCIS for humanitarian protection, and has fully complied with every obligation imposed on him in his removal proceedings for more than five years. He was taken into custody not while attempting to flee the country or evade authorities, but at a construction worksite during an ICE enforcement operation. His continued detention, without any individualized finding that he is a flight risk or a danger to the community, violates the INA and the Due Process Clause of the Fifth Amendment.

7. Petitioner respectfully requests that this Court order his immediate release or, in the alternative, order Respondents to provide him a bond hearing before a neutral Immigration Judge within seven (7) days, at which the government bears the burden of justifying his continued detention by clear and convincing evidence.

PARTIES

8. Petitioner Jonathan Alejandro Chuqui Mayancela (A# [redacted] is a native and citizen of Ecuador, born [redacted] He is currently detained at the Imperial Regional Detention Facility, 1572 Gateway Road, Calexico, California 92231, within the jurisdiction of this Court.

9. Respondent Sixto Marrero, Warden, Imperial Adult Detention Center, is the individual responsible for the day-to-day operations of the Imperial Adult Detention Center and is Petitioner's immediate custodian. He is named in his official capacity.

10. Respondent Gregory Archambault is the San Diego Field Office Director of U.S. Immigration and Customs Enforcement and exercises legal authority over Petitioner's detention. He is named in his official capacity.

11. Respondent Markwayne Mullin is the Secretary of the U.S. Department of Homeland Security. He is named in his official capacity.

12. Respondent Todd Blanche is the Acting Attorney General of the United States. He is named in his official capacity.

JURISDICTION AND VENUE

13. This Court has jurisdiction over this Petition pursuant to 28 U.S.C. § 2241, which authorizes federal district courts to grant writs of habeas corpus to persons held in custody in violation of the Constitution or laws of the United States. Zadvydas v. Davis, 533 U.S. 678, 687 (2001); INS v. St. Cyr, 533 U.S. 289, 305 (2001).

14. Venue is proper in this district under 28 U.S.C. § 2241 because Petitioner is physically detained within the Southern District of California.

FACTUAL ALLEGATIONS

15. Petitioner is a native and citizen of Ecuador who has resided continuously in the United States since 2021.

16. On May 21, 2021, at the age of fifteen, Petitioner entered the United States near Hidalgo, Texas. He was apprehended by U.S. Border Patrol as an unaccompanied alien child traveling alone, having spent approximately twenty days in transit from Ecuador.

17. Petitioner has resided continuously in the United States since his entry in May without any criminal history. Shortly after his apprehension in 2021, Petitioner was released from custody to the care of his sponsor and has resided in the community since that time.

18. On April 4, 2023, USCIS approved Petitioner's I-360 petition. In its Approval Notice, USCIS expressly found that Petitioner "warrant[s] a favorable exercise of discretion to receive deferred action" and placed him in deferred action for a period of four years from the date of the notice, through approximately April 2027, pursuant to 8 C.F.R. § 274a.12(c)(14).

19. Petitioner's I-360 approval remains valid and, upon information and belief, has not been revoked, terminated, or otherwise called into question by USCIS.

20. Based on his approved SIJ petition and deferred action grant, Petitioner obtained a valid Employment Authorization Document and a Social Security number. **Exhibit 4.** He has used those documents to work lawfully and support himself in the community since their issuance.

21. Petitioner's removal case remains pending before an Immigration Judge. No final order of removal has been entered. **Exhibit 5.**

22. ICE agents conducted an enforcement operation at a construction worksite in or around Buffalo, New York, where Petitioner was working alongside several other individuals. Upon information and belief, ICE agents arrested Petitioner without a judicially issued warrant. When the agents arrived at the worksite, a chaotic scene ensued and people ran everywhere, including Petitioner. Petitioner was apprehended at or near the worksite, initially detained in the Buffalo, New York area, and thereafter transferred across the country to the Imperial Regional Detention Facility in Calexico, California, where he remains detained today.

23. Respondents have not identified any documented change in Petitioner's circumstances since he was released to his sponsor in 2021, or since USCIS granted him deferred action. That is, there is no new criminal conduct, no violation of any condition, that would justify his arrest and continued detention notwithstanding that grant.

GROUNDS FOR RELIEF

CLAIM ONE:

Violation of the Fifth Amendment Due Process Clause

Unlawful Re-Detention Without a Hearing or Showing of Changed Circumstances

24. Petitioner realleges and incorporates by reference all of the foregoing paragraphs.

25. "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*, 533 U.S. at 690.

26. Courts evaluate procedural due process claims under the three-factor test of *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976): (1) the private interest affected; (2) the risk of erroneous deprivation through the procedures used and the value of additional safeguards; and (3) the government's interest, including administrative burden.

27. The government's decision to release Petitioner in 2021, and its implied representations that he could continue working and would remain free from removal pending appeal based on the approved I-360 and issuance of work permit and social security card, constituted an implicit assurance that he would not be re-detained absent a violation of his release conditions or a showing of changed circumstances. *See Morrissey v. Brewer*, 408 U.S. 471, 482 (1972).

28. Petitioner never violated any condition of his release. Indeed, following his release, the government issued Petitioner a Social Security card and, later, a valid Employment Authorization Document effective through April 2027. These are affirmative acts that confirm the government's own contemporaneous assessment that he was authorized to remain and work in the United States. He has lived and worked in the United States for years.

29. These are factors that further strengthen his protected liberty interest in remaining free. *See Doe v. Becerra,* 787 F. Supp. 3d 1083, 1093 (E.D. Cal. 2025) (noting that years of government-permitted residence in the community strengthens a petitioner's liberty interest); *Ortega v. Bonnar*, 415 F.Supp.3d 963, 969-970 (N.D.Cal., 2019)(same).

30. Petitioner's private interest in his liberty is substantial. He has been detained without any individualized assessment of flight risk or dangerousness despite living and working in the country for years.

31. Respondents' unexplained re-detention of Petitioner, absent any individualized finding that he violated his release or that circumstances bearing on flight risk or dangerousness had changed, violates the constitutional guarantee that civil detention be reasonably related to a legitimate, non-punitive purpose. *See Zadvydas*, 533 U.S. at 690.

32. The risk of erroneous deprivation is considerable. Respondents have identified no danger, no flight risk, and no violation of release conditions. As another court in a similar SIJs case explained, "Plainly, the grant of SIJ status, deferred action and work authorization constitute important benefits such that revocation would constitute 'cognizable prejudice.'" *Garcia Lanza v. Noem*, 822 F.Supp.3d 326, 336 (E.D.N.Y., 2026)

33. The government's interest in continuing to detain Petitioner without a hearing is minimal. An individualized custody hearing is a routine administrative process, and Respondents cannot identify legitimate interest served by withholding one here.

34. As courts in this district have released individuals who had been previously released by DHS, Mr. Mayancela requests immediate release. *C.f., Lopez v. Divver*, 2026 WL 2059094 (July 15, 2026 S.D.Cal., 2026) (ordering Petitioner's immediate release subject to the conditions of his preexisting parole).

35. In *Acosta v. Mullin*, 2026 WL 2056911 (S.D.Cal., July 15, 2026), the court reviewed the detention of a petitioner who, like Mr. Mayancela, had entered as a minor and subsequently released. Id. at *1. The court agreed with petitioner that "the summary revocation of his release without justification or consideration of his individualized circumstances viola[ted] the Due Process

Clause," and granted immediate release. *Cf., Carrillo v. Mullin,* 2026 WL 1990768 (S.D.Cal., 2026, July 9, 2026) (ordering immediate release when petitioner had been previously released from custody); *Aras v. Blanche*, 2026 WL 1454140 (S.D.Cal., 2026 May 22, 2026) (same).

CLAIM TWO:

Violation of 8 U.S.C. § 1226(a)

36. Petitioner realleges and incorporates by reference all of the foregoing paragraphs.

37. Petitioner's detention is governed by 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225(b)(2)(A), because he has resided in the interior of the United States for more than five years in ordinary removal proceedings under INA § 240.

38. Petitioner is therefore detained, at most, under the discretionary authority of 8 U.S.C. § 1226(a), which governs noncitizens in the interior of the United States during the pendency of removal proceedings and entitles them to an individualized custody determination. Numerous courts throughout the Ninth Circuit have rejected the government's position that § 1225(b)(2) or related mandatory-detention provisions apply to noncitizens, like Petitioner, who are apprehended while living in the interior of the country rather than at the border seeking admission. *See, e.g., Hortua v. Chestnut*, No. 1:25-CV-01670-TLN-JDP, 2025 WL 3525916, at *3 (E.D. Cal. Dec. 9, 2025); *Salcedo Aceros v. Kaiser*, No. 25-CV-06924-EMC, 2025 WL 2637503, at *8 (N.D. Cal. Sept. 12, 2025) (collecting cases).

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

A. Assume jurisdiction over this Petition pursuant to 28 U.S.C. § 2241;

B. Issue a writ of habeas corpus ordering Respondents to immediately release Petitioner from immigration detention on the same conditions he was previously released;

C. In the alternative, issue a writ of habeas corpus directing Respondents to provide Petitioner a bond hearing before a neutral Immigration Judge within seven days, at which the government bears the burden of justifying Petitioner's continued detention by clear and convincing evidence;

D. Declare that Petitioner's detention without a bond hearing violates 8 U.S.C. § 1226(a) and the Fifth Amendment to the United States Constitution;

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

F. Award Petitioner his costs and any other relief this Court deems just and proper.

Respectfully submitted,

Date: July 28, 2026

s/ Vanessa Molina
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Counsel for Petitioner

VERIFICATION

I, Vanessa Molina, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that to the best of my knowledge and belief, the foregoing facts are true and correct based upon information gathered from interviewing Petitioner's immigration attorney, and review of part of his immigration file.

Respectfully submitted,

Dated: July 28, 2026

s/ Vanessa Molina
Vanessa Molina
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Counsel for Petitioner