Vanessa Molina (SBN 325672)
The Law Office of Vanessa Molina
1530 Lancaster Point Way
San Diego, CA 92154
Phone: (619) 790-4300
Email: vanessa@vanessamolinalaw.com

Counsel for Petitioner

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'26CV4350 LL JLB

Reyes Palafox Rincon
Agency No. [redacted],

Petitioner,

v.

Christopher J. LaRose, Warden, Otay Mesa 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 Reyes Palafox Rincon ("Mr. Palafox Rincon" or "Petitioner") has lived in the United States for approximately thirty-four years since he entered without inspection in 1992. He is married to a lawful permanent resident and is the father of five adult United States citizen children. He has no conviction that would subject him to mandatory detention under 8 U.S.C. § 1226(c).

2. On July 16, 2026, an immigration judge denied Mr. Palafox Rincon's request for a bond hearing, finding that "[t]he evidence indicates that the respondent entered the country without inspection and thus is an applicant for admission under INA section 235(a)(1) and subject to mandatory detention under INA section 235(b)(1)(B)(iii)(IV)," citing *Matter of Yajure Hurtado*, and noting that the declaratory judgment in *Maldonado Bautista v. DHS*, No. 26-1044 (9th Cir. Mar. 6, 2026), had been stayed by the Ninth Circuit. **Exhibit. A** (Bond Denial Order).

3. Mr. Palafox Rincon's detention rests entirely on a misclassification of the statutory basis for his custody. Congress created two distinct detention regimes in the INA: 8 U.S.C. § 1225(b), which governs the inspection and mandatory detention of noncitizens encountered while seeking admission at or near the border, and 8 U.S.C. § 1226(a), which governs discretionary detention with the possibility of release on bond of noncitizens already living in the interior of the United States who are later arrested there. *Jennings v. Rodriguez*, 583 U.S. 281, 297, 302–03 (2018). Mr. Palafox Rincon, arrested in the interior more than three decades after his entry, falls squarely within § 1226(a), not § 1225(b).

4. Mr. Palafox Rincon respectfully requests that the Court grant the writ and order his immediate release or, in the alternative, order Respondents to provide him a bond hearing before an immigration judge applying the correct legal standard within seven days.

PARTIES

5. Petitioner Reyes Palafox Rincon is a native and citizen of Mexico who has resided continuously in the United States since 1992. He is currently detained at the Otay Mesa Detention Center in San Diego, California.

6. Respondent Christopher J. LaRose, Warden, Otay Mesa Detention Center, is the individual responsible for the day-to-day operations of the Otay Mesa Detention Center and is Petitioner's immediate custodian. He is named in his official capacity.

7. 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.

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

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

JURISDICTION AND VENUE

10. 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).

11. Neither 8 U.S.C. § 1252(g) nor 8 U.S.C. § 1252(b)(9) strips this Court of jurisdiction. Petitioner does not challenge DHS's authority to commence or adjudicate removal proceedings against him. He challenges only (a) his continued detention without a bond hearing, and (b) DHS's relitigation,

in a second removal proceeding, of a jurisdictional question already finally decided against it — claims collateral to the removal process. *J.E.F.M. v. Lynch,* 837 F.3d 1026, 1032 (9th Cir. 2016).

12. 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

13. Petitioner is a native and citizen of Mexico who has resided continuously in the United States since 1992. He is married to a lawful permanent resident, and they have four United States citizen children, including one who served in the U.S. Marines.

14. Mr. Palafox Rincon previously owned and operated an Italian restaurant in the beaches area of Jacksonville, Florida, through which he employed United States citizens and paid taxes contributing to the local economy. **Exhibit B**. (Letter of Francisco Rojas-Garzon).

15. Mr. Palafox Rincon's criminal history consists of a 2003 misdemeanor conviction in New York arising from a domestic dispute; DUI convictions in 2007 and 2008 that resulted in fines, brief custody, probation, and license sanctions; and two Duval County traffic cases in 2021 and 2026 for driving without a valid license, each with adjudication withheld. These entries reflect his known criminal history based on the records provided to DHS and the Immigration Court.

16. After his arrest, Petitioner requested a bond hearing, and on July 16, 2026, an immigration judge denied bond. The bond denial rested exclusively on the theory that Mr. Palafox Rincon is an "applicant for admission" subject to mandatory detention under 8 U.S.C. § 1225(b)(1)(B)(iii)(IV), not on any assertion that a criminal ground independently mandates his detention. **Exhibit. A**. In any event, that record would not support mandatory detention under § 1226(c).

17. Mr. Palafox Rincon's removal proceedings remain pending before the Otay Mesa Immigration Court. As of the filing of this petition, the case remains pending, no appeal to the Board of

Immigration Appeals has been received, and a master calendar hearing is currently scheduled, in person, for August 26, 2026. **Exhibit C**.

18. Mr. Palafox Rincon remains detained today solely because Respondents classify his custody under 8 U.S.C. § 1225(b) rather than § 1226(a) — a classification that is contrary to the statutory text, binding Ninth Circuit precedent, and decades of agency practice, as set forth below.

GROUNDS FOR RELIEF

CLAIM ONE:

Violation of the Immigration and Nationality Act

Misclassification of Detention Authority

19. Petitioner realleges and incorporates by reference all the foregoing paragraphs.

20. Mr. Palafox Rincon is, and at all relevant times has been, detained pursuant to the authority of 8 U.S.C. § 1226(a) because he was arrested in the interior of the United States more than three decades after his 1992 entry without inspection, and not while seeking admission at or near the border. *Esquivel-Ipina v. LaRose*, 812 F.Supp.3d 1073, 1081 (S.D.Cal., 2025) (reasoning that a petitioner who entered without inspection like Petitioner was detained under 8 U.S.C. § 1226(a) after being encountered years since his entry).

21. Respondents have wrongfully classified Mr. Palafox Rincon's detention under 8 U.S.C. § 1225(b)(1)(B)(iii)(IV) and have denied him any opportunity for release on bond on that erroneous basis. *See Domingo-Mejia v. Divver*, 2026 WL 2129209 (S.D.Cal., 2026) (ordering a bond hearing for a petitioner in similar circumstances).

22. The mandatory detention provisions of 8 U.S.C. § 1225(b) do not apply to noncitizens, like Mr. Palafox Rincon, who previously entered the United States and resided here for years before being apprehended and placed in removal proceedings. Such noncitizens are detained under § 1226(a)

and are eligible for release on bond unless independently subject to § 1225(b)(1), § 1226(c), or § 1231.

23. Respondents' misclassification of Mr. Palafox Rincon's detention violates the INA and entitles him to release or, at minimum, a bond hearing under the correct legal standard. *See Mendez-Garcia, v. LaRose,* 2026 WL 2041676 (S.D.Cal., 2026) (granting immediate release to petitioner who entered the U.S. without inspection in 2019 and established substantial ties to the community).

24. Mr. Palafox Reyes' is a member of the bond eligible class in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025), which consists of noncitizens who: (a) do not have lawful status in the United States and are currently detained; (b) entered the United States without inspection over a year ago and were not apprehended upon arrival; and (c) are not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231. *See Rolando Munoz*, v. *Mullin.*, 2026 WL 2075584 (S.D.Cal., 2026) (collecting cases where courts in this District "agree[] with the court in *Maldonado Bautista* that an individual in Petitioner's situation is not subject to mandatory detention under Section 1225.")

CLAIM TWO:

Violation of the Fifth Amendment Due Process Clause
Denial of a Constitutionally Adequate Custody Hearing

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

26. The Due Process Clause requires that any deprivation of physical liberty be justified by a sufficiently strong governmental interest and be no greater than necessary to serve that interest. *Zadvydas,* 533 U.S. at 690; *Mathews v. Eldridge,* 424 U.S. 319, 335 (1976).

27. 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.

28. Mr. Palafox Rincon's private interest in his liberty is substantial. He has been detained without any individualized assessment of flight risk or dangerousness, despite living openly and freely in this country for three decades. During that time, Petitioner has owned a business, employed others, paid taxes, and has also worked in various other jobs. He raised US citizen children and takes care of his wife who, since 2023, has been ill. Exhibit D.

29. The risk of erroneous deprivation is considerable. Respondents have not identified any flight risk or danger to the community. Rather, an erroneous categorical that Petitioner falls within a mandatory detention provision that does not apply to him.

30. 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 a legitimate interest served by withholding one here.

31. Application of the *Mathews* factors confirms that Petitioner release is an appropriate remedy here. *See Domingo-Mejia*, 2026 WL 2129209 (S.D.Cal., 2026) (citing cases where courts have found that the appropriate remedy is immediate release).

PRAYER FOR RELIEF

Petitioner respectfully requests that this Court:

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

B. Order Respondents to show cause, forthwith, why the writ should not be granted;

C. Declare that Petitioner's detention is governed by 8 U.S.C. § 1226(a), and that his continued detention without any opportunity for release on bond under 8 U.S.C. § 1225(b)(1)(B)(iii)(IV) is unlawful;

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 29, 2026

s/ Vanessa Molina
Vanessa Molina
SBN 325672
The Law Office of Vanessa Molina
1530 Lancaster Point Way
San Diego, CA 92154

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 family, immigration attorney, and review of part of his immigration file.

Respectfully submitted,

Dated: July 29, 2026

s/ Vanessa Molina
Vanessa Molina
SBN 325672
The Law Office of Vanessa Molina
1530 Lancaster Point Way
San Diego, CA 92154

Counsel for Petitioner