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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

CHRISTIAN ALBERTO ESPINOZA SOLANO,

Petitioner,

v.

JEREMY CASEY, Facility Administrator, Imperial Regional Detention Facility;
DAVID VENTURELLA, Acting Director, U.S. Immigration and Customs Enforcement; **GREGORY J. ARCHAMBEAULT**, Acting Field Office Director, ICE San Diego Field Office;
MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security;
TODD BLANCHE, Acting Attorney General of the United States,

Respondents.

CASE NUMBER: '26CV4413 LL JLB

To be supplied by the Clerk of
The United States District Court

PETITION FOR WRIT OF HABEAS CORPUS

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

Petitioner Christian Alberto Espinoza Solano (A-Number: A[redacted]) is a Nicaraguan citizen held at the Imperial Regional Detention Facility in Calexico, California. He brings this petition under 28 U.S.C. § 2241 to challenge a single, decisive legal error: the government has classified him as an "arriving alien" subject to mandatory detention under 8 U.S.C. § 1225(b), stripping the Immigration Judge of bond jurisdiction. That classification is wrong. Petitioner entered the United States on or about September 11, 2021—nearly five years before these proceedings began—and is properly subject to § 1226(a). The remedy is straightforward: an order directing the Immigration Judge to conduct a bond hearing.

JURISDICTION

Jurisdiction lies under 28 U.S.C. § 2241. Zadvydas v. Davis, 533 U.S. 678, 687 (2001); Demore v. Kim, 538 U.S. 510, 517 (2003); I.N.S. v. St. Cyr, 533 U.S. 289, 301 (2001). Section 1252(g) does not apply. Petitioner challenges the statutory basis for his detention classification, not the commencement, adjudication, or execution of a removal order. Reno v. American-Arab Anti-Discrimination Comm., 525 U.S. 471, 482 (1999); see also Lastin v. Warden of Imperial Regional Detention Facility, No. 26-cv-974-RSH-DDL, 2026 WL ___ (S.D. Cal. Mar. 2, 2026); Urbieta Nieto v. Casey, No. 26-cv-0186-GPC-AHG (S.D. Cal. Jan. 16, 2026). Venue is proper because Petitioner is detained within this District.

PARTIES

1. Petitioner **CHRISTIAN ALBERTO ESPINOZA SOLANO**, A-Number A[redacted] is a citizen of Nicaragua detained at the Imperial Regional Detention Facility, 1572 Gateway Road, Calexico, California 92231.

2. Respondent **JEREMY CASEY** is the Facility Administrator of the Imperial Regional Detention Facility and immediate custodian of Petitioner. Rumsfeld v. Padilla, 542 U.S. 426, 435 (2004).

3. Respondent **GREGORY J. ARCHAMBEAULT** is the Acting Field Office Director, ICE San Diego Field Office.

4. Respondent **DAVID VENTURELLA** is the Acting Director, U.S. Immigration and Customs Enforcement.

5. Respondent **MARKWAYNE MULLIN** is the Secretary, U.S. Department of Homeland Security.

6. Respondent **TODD BLANCHE** is the Acting Attorney General of the United States.

FACTUAL BACKGROUND

1. Petitioner is a citizen of Nicaragua, born on [redacted] He entered the United States on or about September 11, 2021, and has resided here continuously since.

2. Petitioner has no prior order of removal, no disqualifying criminal history, established community ties, and poses no danger to the community and no risk of flight.

3. DHS initiated removal proceedings by issuing a Notice to Appear. A Master Calendar Hearing is scheduled for July 28, 2026, at 8:30 A.M., before Immigration Judge Jeffrey V. Munoz. See Exhibit B.

4. The government has classified Petitioner as an "arriving alien" subject to mandatory detention under 8 U.S.C. § 1225(b)(2). On that basis, the Immigration Judge determined he lacks bond jurisdiction. Petitioner has been held at the Imperial Regional Detention Facility ever since, with no individualized assessment of dangerousness or flight risk. See Exhibit C.

5. On July 17, 2026, Immigration Judge Jeffrey V. Munoz issued an order finding that he lacked jurisdiction to conduct a bond hearing because DHS

classified Petitioner as an arriving alien subject to mandatory detention under § 1225(b). No bond was set. No individualized finding of danger or flight risk was ever made. A true and correct copy of Judge Munoz's order is attached as Exhibit A and G.

LEGAL ARGUMENT

A. The § 1225(b) Classification Is Legally Unsupportable

1. Petitioner entered the United States on or about September 11, 2021, and has lived here continuously for nearly five years. He was not apprehended at the border seeking initial entry. He is not, and was not when DHS filed the NTA, an alien "seeking admission." The § 1225(b) classification is a legal fiction that this Court should reject. See Urbieta Nieto v. Casey, No. 26-cv-0186-GPC-AHG (S.D. Cal. Jan. 16, 2026); Mosqueda v. Noem, No. 25-CV-2304 CAS (BFM), 2025 WL 2591530, at *5 (C.D. Cal. Sept. 8, 2025); Esquivel-Ipina v. LaRose, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361, at *5 (S.D. Cal. Oct. 24, 2025); Ruiz v. Noem, No. 3:25-CV-03536-RBM-BJW, 2025 WL 3719888, at *2 (S.D. Cal. Dec. 23, 2025).

B. Petitioner Is a § 1226(a) Detainee and Is Entitled to a Bond Hearing

2. Because § 1225(b) does not apply, § 1226(a) governs. By misclassifying Petitioner, Respondents have engineered a result—IJ bond jurisdiction stripped, no hearing, indefinite detention—that § 1226(a) does not permit. See Maldonado Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025) (noncitizen who entered without inspection and has resided in the U.S. is a § 1226(a) detainee entitled to a bond hearing). The remedy is an order requiring the Immigration Judge to conduct that hearing, with the Government bearing the burden of proving by clear and convincing evidence that Petitioner is a danger or flight risk. See Urbieta Nieto v. Casey, No. 26-cv-0186-GPC-AHG (ordering immediate release); Lastin v. Warden of Imperial Regional Detention Facility, No. 26-cv-974-RSH-DDL (same). See Exhibit F.

C. Detention Without Any Bond Hearing Violates the Fifth Amendment

3. Petitioner has been held with no opportunity to challenge his detention before a neutral adjudicator—no hearing, no individualized finding of dangerousness or flight risk, nothing. That result flows directly from the government's erroneous § 1225(b) classification and is constitutionally indefensible. Zadvydas v. Davis, 533 U.S. at 690.

CLAIMS FOR RELIEF

COUNT I — Unlawful Detention Under 8 U.S.C. § 1225(b) / Entitlement to Bond Hearing Under § 1226(a)

1. The government's § 1225(b) classification is legally unsupportable as applied to Petitioner, who entered the United States in September 2021 and has resided here continuously since. Respondents' mandatory detention of Petitioner under that classification violates the INA. This Court should order the Immigration Judge to conduct an immediate § 1226(a) bond hearing at which the Government bears the burden of proof by clear and convincing evidence. See Exhibit D.

COUNT II — Violation of the Fifth Amendment Due Process Clause

2. Respondents' erroneous § 1225(b) classification has produced a detention without any individualized hearing, without any finding of danger or flight risk, and without any meaningful opportunity to be heard. That deprivation of liberty without due process is unconstitutional and requires immediate remedy.

REQUEST FOR RELIEF

Petitioner Christian Alberto Espinoza Solano respectfully requests that this Court:

1. Issue a Writ of Habeas Corpus ordering Respondents to immediately bring Petitioner before an Immigration Judge for a constitutionally and statutorily adequate bond hearing under 8 U.S.C. § 1226(a), at which the Government must bear the burden of proving, by clear and convincing evidence, that Petitioner poses a danger to the community or a risk of flight;

2. Order that the Immigration Judge's ruling of July 17, 2026, finding a lack of bond jurisdiction (attached as Exhibit A) is legally erroneous and without effect, and that Petitioner is properly classified as a § 1226(a) detainee with a statutory right to a bond hearing;

3. In the alternative, order the immediate release of Petitioner from custody subject to reasonable conditions of supervision, given Respondents' unlawful refusal to provide a bond hearing;

4. Declare that Petitioner's detention under 8 U.S.C. § 1225(b) is unlawful, that he is properly subject to § 1226(a), and that the Immigration Judge possesses jurisdiction to conduct a bond hearing;

5. Order Respondents to file a Notice of Compliance within seven (7) days of the Court's Order;

6. Award Petitioner his reasonable attorneys' fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412; and

7. Grant such other and further relief as this Court deems just and proper.

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing Petition for Writ of Habeas Corpus with the Clerk of Court using the CM/ECF system, which will automatically serve all counsel of record. I further certify that a copy was served via email on the Office of Chief Counsel, U.S. Immigration and Customs Enforcement, San Diego Field Office.

Respectfully submitted,

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