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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

VALENTIN DE LA PAZ BERNAL,	)Agency No.: A[redacted]
	)
Petitioner,	)Case No: '26CV4428 LEK MSB
v.	)
	)
DANIEL A. BRIGHTMAN, Field Office Director of ICE Enforcement and Removal Operations, San Diego, California; CHRISTOPHER LA ROSE, Warden, Otay Mesa Detention Center; DAVID J. VENTURELLA, Acting Director of ICE; MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security; TODD BLANCHE, Acting Attorney General of the United States.	)
	)
Respondents.	)
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PETITION FOR WRIT OF HABEAS CORPUS
(28 U.S.C. §2241)

I. INTRODUCTION

Petitioner Valentin De La Paz Bernal respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging his continued detention by the Department of Homeland Security ("DHS"). Respondents are detaining Petitioner under 8 U.S.C. § 1225(b)(2)(A) without any opportunity for an individualized bond hearing based upon the government's now-rejected interpretation that noncitizens apprehended in the interior of the United States after entering without inspection are subject to mandatory detention as applicants for admission.

On July 30, 2026, however, the United States Court of Appeals for the Ninth Circuit squarely rejected that interpretation in *Rodriguez Vazquez v. Bostock*, No. 25-6842, 2026 WL 2196424 (9th Cir. July 30, 2026), holding that noncitizens who entered without admission but are apprehended in the interior of the United States are detained pursuant to 8 U.S.C. § 1226(a) rather than 8 U.S.C. § 1225(b)(2)(A) and are therefore entitled to the custody procedures afforded under § 1226(a), including an individualized bond hearing before an immigration judge. The Ninth Circuit further rejected the statutory interpretation adopted by DHS and the Board of Immigration Appeals in *Matter of Yajure-Hurtado,* 29 I&N Dec. 216 (BIA 2025), concluding that the government's interpretation was inconsistent with the text, structure, history, and longstanding administration of the Immigration and Nationality Act.

Petitioner falls squarely within the class of individuals protected by *Rodriguez Vazquez*. He was apprehended in the interior of the United States, is not subject to expedited removal under 8 U.S.C. § 1225(b)(1) and is not subject to mandatory detention under 8 U.S.C. § 1226(c). Nevertheless, Respondents continue to detain him under § 1225(b)(2)(A) without the custody determination required by governing Ninth Circuit precedent. His continued detention under that statutory provision is therefore unlawful.

Petitioner respectfully requests that this Court issue a writ of habeas corpus declaring that his detention is governed by 8 U.S.C. § 1226(a), order Respondents to provide him with a prompt custody redetermination hearing before an immigration judge and grant such additional relief as justice requires.

II. JURISDICTION AND VENUE

1. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 2241(c)(3) because Petitioner is in the custody of the United States in violation of the Constitution and laws of the United States.

2. This Court also has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 2201, because this action arises under the Constitution and laws of the United States, including the Immigration and Nationality Act ("INA"), 8 U.S.C. §§ 1101 et seq., and seeks declaratory and injunctive relief concerning Petitioner's unlawful detention.

3. This Court is authorized to grant relief pursuant to 28 U.S.C. §§ 2243 and 1651, as well as its inherent equitable authority to remedy unlawful executive detention.

4. This Court has jurisdiction to determine whether Respondents possess statutory authority to detain Petitioner under the Immigration and Nationality Act and whether such detention complies with controlling Ninth Circuit precedent.

5. Venue is proper in the Southern District of California pursuant to 28 U.S.C. § 1391(e) because Petitioner is detained within this judicial district, Respondents perform their official duties within this district, and a substantial part of the events giving rise to this action occurred in this district.

III. NATURE OF THE ACTION

This action challenges Petitioner's continued detention under 8 U.S.C. §1225(b)(2)(A) following the Ninth Circuit's decision in *Rodriguez Vazquez v. Bostock*, 2026 WL 2196424. Petitioner does not challenge the commencement of removal proceedings or seek review of any removal order. Rather, he challenges Respondents' continuing detention under a statutory provision that the Ninth Circuit has held does not govern individuals, like Petitioner, who were apprehended in the interior of the United States after entering without inspection. Petitioner seeks only the custody procedures required by 8 U.S.C. § 1226(a), including a prompt individualized custody redetermination hearing before an immigration judge.

IV. PARTIES

A. Petitioner

1. Petitioner, Valentin De La Paz Bernal, is a native and citizen of Mexico.

2. Petitioner is presently detained by the Department of Homeland Security at the Otay Mesa Detention Center in San Diego County, California, within the jurisdiction of this Court.

3. Petitioner is presently in the legal and physical custody of Respondents pursuant to the Immigration and Nationality Act and seeks relief from that custody through this Petition.

B. Respondents

4. Respondent Todd Blanche, Acting Attorney General of the United States, is sued in his official capacity and is responsible for the administration and enforcement of the Immigration and Nationality Act.

5. Respondent Markwayne Mullin, Secretary of the Department of Homeland Security, is sued in his official capacity and exercises ultimate authority over the detention of noncitizens under the Immigration and Nationality Act.

6. Respondent David J. Venturella, Acting Director of U.S. Immigration and Customs Enforcement ("ICE"), is sued in his official capacity and is responsible for ICE's detention operations throughout the United States.

7. Respondent Daniel A. Brightman, Field Office Director for ICE Enforcement and Removal Operations, San Diego Field Office, is sued in his official capacity and exercises supervisory authority over Petitioner's detention.

8. Respondent Christopher La Rose, Warden of the Otay Mesa Detention Center, is the immediate physical custodian of Petitioner and is sued in his official capacity.

V. FACTUAL BACKGROUND

9. Petitioner, Valentin De La Paz Bernal, is a native and citizen of Mexico.

10. Petitioner entered the United States without inspection and has resided in the United States for a substantial period of time. He arrived in this country in 1994 and except for a brief visit to his family in 2003, he has resided continuously here since 2004. He established his life in this country and remained continuously present until his arrest by officers of U.S. Immigration and Customs Enforcement ("ICE").

11. On or about July 1, 2026, Petitioner was arrested by ICE within the interior of the United States. He was not encountered at or near a port of entry, was not seeking

admission into the United States, and was not apprehended while attempting to enter the country.

12. Following his arrest, the Department of Homeland Security initiated removal proceedings by serving Petitioner with a Notice to Appear charging him as removable under the Immigration and Nationality Act.

13. DHS thereafter detained Petitioner pursuant to 8 U.S.C. §1225(b)(2)(A) based upon the Department's interpretation that individuals who entered the United States without inspection remain "applicants for admission" subject to mandatory detention without an individualized bond hearing, even when apprehended in the interior of the United States.

14. Petitioner is not subject to expedited removal proceedings under 8 U.S.C. § 1225(b)(1).

15. Petitioner is likewise not subject to mandatory detention under 8 U.S.C. § 1226(c) because he has not been convicted of any offense that would trigger mandatory detention under that statute.

16. Because DHS maintained that Petitioner's detention was governed by § 1225(b)(2)(A), Petitioner requested a custody redetermination before the immigration court.

17. At Petitioner's bond proceedings on July 28, 2026, the immigration judge concluded that the immigration court lacked jurisdiction to conduct an individualized custody determination because DHS had classified Petitioner as detained under § 1225(b)(2)(A). In reaching that conclusion, the immigration judge relied upon the Board of Immigration Appeals' decision in *Matter of Yajure-Hurtado,* 29 I. & N. Dec. 216 (BIA 2025), which held that immigration judges lack jurisdiction to conduct bond hearings for noncitizens detained under that statutory provision.

18. As a result of that determination, Petitioner has never received an individualized custody redetermination hearing under 8 U.S.C. § 1226(a) before an immigration judge.

19. On July 30, 2026, while Petitioner remained detained, the United States Court of Appeals for the Ninth Circuit issued its published decision in *Rodriguez Vazquez v. Bostock,* 2026 WL 2196424, holding that noncitizens apprehended in the interior of the United States after entering without inspection are detained pursuant to 8 U.S.C. § 1226(a) rather than 8 U.S.C. § 1225(b)(2)(A) and are therefore entitled to the custody procedures afforded under § 1226(a). The Ninth Circuit expressly rejected the statutory interpretation previously adopted by DHS and the Board of Immigration Appeals in *Matter of Yajure-Hurtado,* upon which the denial of Petitioner's bond hearing was based.

20. Petitioner falls squarely within the class of individuals addressed by the Ninth Circuit's decision. He was apprehended in the interior of the United States, is not subject to expedited removal, and is not subject to mandatory detention under § 1226(c). Nevertheless, Respondents continue to detain him without the individualized custody procedures required by § 1226(a) and now mandated by binding Ninth Circuit precedent.

21. Petitioner remains detained solely because Respondents continue to apply a statutory detention framework that the Ninth Circuit has held is inapplicable to individuals in Petitioner's circumstances. As each day passes, Petitioner remains deprived of the individualized bond hearing to which he is entitled under governing federal law.

VI. EXHAUSTION OF ADMINISTRATIVE REMEDIES

22. Petitioner sought the administrative remedy immediately available to him by requesting an individualized custody redetermination hearing before the immigration court.

23. The immigration judge concluded that the immigration court lacked jurisdiction to conduct such a hearing because DHS had classified Petitioner as detained pursuant to 8 U.S.C. § 1225(b)(2)(A). In reaching that conclusion, the immigration judge relied upon the Board of Immigration Appeals' precedential decision in *Matter of Yajure-*

Hurtado, 29 I&N Dec. 216 (BIA 2025), which held that immigration judges lack jurisdiction to conduct custody redetermination hearings for noncitizens detained under that provision.

24. At the time of the immigration judge's ruling, *Matter of Yajure-Hurtado* constituted binding precedent upon both the immigration judge and the Board of Immigration Appeals. Accordingly, an administrative appeal challenging the statutory basis of Petitioner's detention would have required the Board to reconsider or depart from its own controlling precedent.

25. Before Petitioner sought further administrative review, however, the United States Court of Appeals for the Ninth Circuit issued its published decision in *Rodriguez Vazquez v. Bostock,* which expressly rejected the statutory interpretation adopted in *Matter of Yajure-Hurtado* and held that noncitizens who entered the United States without inspection and were later apprehended in the interior are detained pursuant to 8 U.S.C. § 1226(a), rather than 8 U.S.C. § 1225(b)(2)(A).

26. The issuance of *Rodriguez Vazquez* eliminated the legal premise upon which the immigration judge's jurisdictional ruling rested. Petitioner's continued detention under § 1225(b)(2)(A) therefore presents a purely legal question that has already been authoritatively resolved by the Ninth Circuit: whether Respondents may continue to

detain Petitioner under a statutory provision that binding circuit precedent holds does not apply to him.

27. Requiring Petitioner to pursue and await completion of a further administrative appeal would not provide an adequate or sufficiently prompt remedy for his present injury. Petitioner remains detained each day without the individualized custody determination required by § 1226(a). Requiring him to remain in custody for an indeterminate period while the administrative appellate process runs its course would unnecessarily prolong the very detention he challenges as unauthorized by governing federal law.

28. Petitioner does not ask this Court to review a discretionary custody determination or to decide whether he should ultimately be released on bond. No immigration judge has exercised discretion concerning Petitioner's eligibility for release because the immigration court concluded that it lacked jurisdiction to conduct the required hearing. Petitioner instead seeks enforcement of the statutory detention framework established by Congress and authoritatively interpreted by the Ninth Circuit. Under these circumstances, any prudential exhaustion requirement has been satisfied or, alternatively, should be excused because further exhaustion would be inadequate, would cause undue prejudice through the continued loss of liberty, and would serve no meaningful purpose with respect to the controlling legal issue.

VII. ARGUMENTS

A. Petitioner's Continued Detention Under 8 U.S.C. § 1225(b)(2)(A) Is Contrary to the Immigration and Nationality Act as Authoritatively Interpreted by the Ninth Circuit.

29. The writ of habeas corpus has long served as the traditional means by which federal courts review the legality of executive detention. See 28 U.S.C. § 2241(c)(3). Where the Executive Branch detains an individual under a statutory provision that does not authorize such detention, habeas relief is appropriate to ensure compliance with federal law.

30. Congress established separate statutory detention schemes under the Immigration and Nationality Act governing noncitizens placed into removal proceedings. The detention authority applicable to a particular noncitizen depends upon the statutory framework established by Congress and, ultimately, upon the proper interpretation of the Immigration and Nationality Act.

31. For nearly three decades, the Department of Homeland Security interpreted the Immigration and Nationality Act as requiring detention under 8 U.S.C. § 1226(a) for noncitizens apprehended in the interior of the United States after entering without inspection. In 2025, however, DHS adopted a different interpretation, asserting that such individuals remained subject to detention under 8 U.S.C. § 1225(b)(2)(A). The Board of Immigration Appeals adopted that interpretation in *Matter of Yajure-Hurtado*, concluding that immigration judges lacked authority to conduct custody

redetermination hearings for individuals detained pursuant to that statutory provision. (*See Rodriguez Vazquez*, 2026 WL 2196424.)

32. On July 30, 2026, however, the United States Court of Appeals for the Ninth Circuit rejected that interpretation. In *Rodriguez Vazquez v. Bostock*, 2026 WL 2196424, the Court held that noncitizens apprehended in the interior of the United States after entering without inspection are detained pursuant to 8 U.S.C. § 1226(a) rather than 8 U.S.C. § 1225(b)(2)(A) and are therefore entitled to the custody procedures Congress established under § 1226(a). In reaching that conclusion, the Ninth Circuit expressly rejected the statutory interpretation adopted by DHS and the Board of Immigration Appeals in *Matter of Yajure-Hurtado*.

33. Petitioner falls squarely within the class of individuals addressed in *Rodriguez Vazquez*. Respondents do not contend that Petitioner was apprehended while seeking admission at a port of entry. Petitioner is not subject to expedited removal under 8 U.S.C. § 1225(b)(1), nor is he subject to mandatory detention under 8 U.S.C. § 1226(c). Nevertheless, Respondents continue to detain Petitioner pursuant to 8 U.S.C. § 1225(b)(2)(A), the very statutory theory that the Ninth Circuit has now rejected. Accordingly, Petitioner's continued detention under that statutory provision is contrary to governing federal law.

34. This case is not about whether Petitioner should ultimately be released from custody. Congress entrusted that determination to the immigration judge in proceedings under 8 U.S.C. § 1226(a). Petitioner seeks only the statutory process that Congress prescribed and that the Ninth Circuit has now held governs his detention. Because Respondents continue to deny Petitioner that process, habeas relief is necessary to ensure compliance with the Immigration and Nationality Act as authoritatively interpreted by the Court of Appeals.

35. The appropriate remedy is therefore a writ directing Respondents to cease detaining Petitioner under 8 U.S.C. § 1225(b)(2)(A), recognize that Petitioner's detention is governed by 8 U.S.C. § 1226(a), and promptly provide Petitioner with the individualized custody redetermination hearing that Congress has authorized and that the Ninth Circuit has held applies to individuals in Petitioner's circumstances.

B. *Rodriguez Vazquez* Controls Petitioner's Detention Under the Immigration and Nationality Act.

36. The dispositive legal issue presented by this Petition has now been resolved by the United States Court of Appeals for the Ninth Circuit in *Rodriguez Vazquez v. Bostock*, 2026 WL 2196424 (9th Cir. July 30, 2026). There, the Ninth Circuit held that noncitizens who entered the United States without inspection but were later apprehended in the interior of the country are not subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). Rather, they are detained pursuant to 8 U.S.C. § 1226(a),

which authorizes an individualized custody determination before an immigration judge.

37. In reaching that conclusion, the Court determined that the text, context, and structure of the INA did not support the government's contention that Congress had silently made such a significant change to the immigration detention framework. The Court found the government's new interpretation less consistent with the statutory text and productive of numerous interpretive complications. *Rodriguez Vazquez*, 2026 WL 2196424.

38. The Court ultimately held: "For the reasons that follow, we conclude that aliens present without admission who are apprehended in the interior of the United States are subject to the detention regime of § 1226, not § 1225(b)(2)(A)." *Rodriguez Vazquez*, 2026 WL 2196424.

39. The Ninth Circuit further explained that "§ 1225(b)(2)(A), based on its text and context, is best construed as applying to aliens entering the United States at the border. Section 1226, by contrast, is best understood as governing inadmissible and deportable aliens present in the interior of the United States." *Rodriguez Vazquez*, 2026 WL 2196424.

40. Accordingly, the controlling issue of statutory interpretation has now been resolved. The interpretation adopted in *Matter of Yajure-Hurtado* no longer represents

the governing law within the Ninth Circuit. Because *Rodriguez Vazquez* is binding upon both DHS and the immigration courts within the Ninth Circuit, Respondents possess no lawful basis for continuing to classify Petitioner as detained under § 1225(b)(2)(A). Their continued reliance upon that statutory provision therefore deprives Petitioner of the custody procedures Congress made available under §1226(a).

C. Respondents Continue to Detain Petitioner Under a Statutory Theory Rejected by the Ninth Circuit.

41. Petitioner falls squarely within the class of individuals addressed in *Rodriguez Vazquez*. *See Rodriguez* Vazquez, 2026 WL 2196424. Like the class members in that case, Petitioner entered the United States without inspection, lived in the interior of the United States, and was later apprehended by immigration authorities while already present within the country. He was not apprehended while seeking admission at a port of entry. He is not subject to expedited removal under 8 U.S.C. § 1225(b)(1), and Respondents have not alleged that he is subject to the mandatory criminal detention provisions of 8 U.S.C. § 1226(c).

42. Nevertheless, Respondents continue to detain Petitioner pursuant to 8 U.S.C. § 1225(b)(2)(A)—the precise statutory theory that the Ninth Circuit has now rejected.

43. As the Court observed, for nearly thirty years following the 1996 amendments, the government treated unadmitted persons present in the interior as detained under § 1226, while § 1225(b)(2)(A) was understood to apply to persons seeking entry at the

border. *Rodriguez Vazquez*, 2026 WL 2196424. Only in 2025, however, did the government change its legal position.

44. Petitioner is presently being detained under precisely that newly adopted interpretation which the Ninth Circuit has now rejected. His continued detention under § 1225(b)(2)(A) is therefore contrary to governing federal law.

45. This case thus presents no unresolved question of statutory interpretation. The Ninth Circuit has already answered that question. The only remaining issue is whether Respondents may continue to detain Petitioner under a statutory theory that the Court of Appeals has held does not apply to individuals in Petitioner's circumstances.

D. Habeas Relief Is Necessary to Enforce Compliance with Controlling Ninth Circuit Law.

46. Petitioner does not ask this Court to determine whether he should ultimately remain detained or be released from custody.

47. Congress entrusted that discretionary determination to the immigration judge through the custody-redetermination procedures established in 8 U.S.C. § 1226(a). Petitioner seeks only the statutory process that Congress prescribed and that the Ninth Circuit has now held governs his detention.

48. Likewise, Petitioner does not seek review of any discretionary custody determination because no such determination has ever occurred. The immigration

judge concluded that the immigration court lacked authority to conduct a custody redetermination hearing based solely upon *Matter of Yajure-Hurtado*. The legal premise underlying that decision has now been rejected by binding Ninth Circuit precedent.

49. As the Court explained, its decision concerns statutory authorization—not immigration policy: "The question here is not about policy or Executive Branch discretion, but congressional authorization. We do not decide whether Congress could enact the detention regime as the government would now have it, but rather whether Congress did so in 1996. The better view is that it did not." *Rodriguez Vazquez*, 2026 WL 2196424.

50. That observation precisely frames the issue before this Court.

51. This Petition likewise does not ask the Court to substitute its judgment for that of the Executive Branch regarding whether Petitioner should be detained pending removal proceedings. Instead, Petitioner asks only that Respondents comply with the detention framework that Congress enacted and that the Ninth Circuit has authoritatively interpreted.

52. Because Respondents continue to detain Petitioner pursuant to a statutory theory expressly rejected by the Ninth Circuit, habeas relief is necessary to ensure compliance with controlling federal law. The appropriate remedy is an order directing Respondents

to recognize that Petitioner's detention is governed by 8 U.S.C. § 1226(a) and to provide Petitioner, without unnecessary delay, within seven (7) days, the individualized custody redetermination hearing before an immigration judge that Congress has authorized and that the Ninth Circuit has held applies to individuals in Petitioner's circumstances.

VIII. REQUESTED RELIEF

53. Petitioner respectfully requests that this Court issue a writ of habeas corpus pursuant to 28 U.S.C. § 2241 and enter an Order:

A. Declaring that Petitioner's continued detention pursuant to 8 U.S.C. § 1225(b)(2)(A) is contrary to the Immigration and Nationality Act as interpreted by the United States Court of Appeals for the Ninth Circuit in *Rodriguez Vazquez v. Bostock*;

B. Ordering Respondents to recognize that Petitioner's detention is governed by 8 U.S.C. § 1226(a);

C. Ordering Respondents to provide Petitioner, within seven (7) days of this Court's order, an individualized custody redetermination hearing before an immigration judge, pursuant to 8 U.S.C. § 1226(a);

D. Ordering that, pending such hearing, Petitioner's detention be governed by the statutory framework applicable to individuals detained under 8 U.S.C. § 1226(a);

E. Awarding such additional relief as this Court deems just and proper.

IX. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court grant the Petition for Writ of Habeas Corpus and enter judgment in Petitioner's favor by granting the relief requested above, including directing Respondents to provide Petitioner with an individualized custody redetermination hearing before an immigration judge within seven (7) days of the Court's Order, together with such other and further relief as the Court deems just and proper.

Dated: August 4, 2026

Respectfully submitted,

/s/ NORA E. MILNER, ESQ.
Attorney for Petitioner