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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

GONZALO REBOLLAR REYES,

Petitioner,

v.

WARDEN, Otay Mesa Detention Facility; **GREGORY ARCHAMBEAULT**. Field Office Director ICE San Diego **MARKWAYNE MULLIN**, Secretary, U.S. Department of Homeland Security; **TODD BLANCHE**, Acting Attorney General of the United States,

Respondents.

CASE NUMBER: '26CV4435 TWR 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

Gonzalo Rebollar Reyes is a 27-year resident of the United States, a devoted father of four American citizen children, the sole caregiver of a gravely ill Lawful Permanent Resident mother, a homeowner, a steadily employed worker, and an active member of his faith community, Iglesia Roca Eterna. He entered the United States from Mexico without inspection in approximately 1997 — nearly three decades ago — was never apprehended upon arrival, has never departed this country, and carries an entirely clean record: no arrests, no charges, and no convictions of any kind. He is the beneficiary of an approved Form I-130 immigrant visa petition, with all required National Visa Center fees paid. He is, in every meaningful respect, rooted in this nation.

Petitioner is presently held in civil immigration detention at the Otay Mesa Detention Facility in San Diego, California, under the authority of U.S. Immigration and Customs Enforcement ("ICE"). He has been detained without any individualized bond hearing, despite being unambiguously entitled to one.

On February 18, 2026, the United States District Court for the Central District of California entered a Final Judgment in Lazaro Maldonado Bautista, et al. v. Ernesto Santacruz Jr., et al., No. 5:2025-cv-01873 (C.D. Cal. 2026) (Sykes, J.) ("the Maldonado Bautista Final Judgment" or "Final Judgment"). That Final Judgment defined a "Bond Eligible Class" — consisting of noncitizens who (1) entered or will enter without inspection, (2) were not apprehended upon arrival, and (3) are not

subject to mandatory detention under 8 U.S.C. §§ 1226(c), 1225(b)(1), or 1231 — and declared that class members are detained pursuant to 8 U.S.C. § 1226(a), not § 1225(b)(2), and are therefore entitled to individualized bond hearings before an Immigration Judge. The Final Judgment expressly enjoined Respondents from detaining Bond Eligible Class members without such hearings and vacated the application of Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025), as to class members.

Petitioner satisfies every element of the Bond Eligible Class definition. He entered without inspection, was not apprehended upon arrival, and is not subject to mandatory detention. Yet, despite the binding force of the Final Judgment, Respondents have refused to provide Petitioner with an individualized bond hearing and continue to hold him in detention. The Immigration Judge denied a bond hearing on the sole basis of Matter of Yajure Hurtado — the precise BIA precedent that the Maldonado Bautista Final Judgment has vacated and enjoined as applied to class members.

This is a straightforward case. A federal court has entered a binding Final Judgment. Petitioner falls within its class definition. Respondents are detaining him in violation of that order. Every day of continued detention without a bond hearing compounds the constitutional injury and inflicts devastating, irreparable harm on Petitioner's family: his four U.S. citizen children are deprived of their father and

primary provider, and his gravely ill LPR mother is left without the caregiver on whom she depends for survival.

Petitioner respectfully asks this Court to issue a writ of habeas corpus compelling his immediate release or, in the alternative, ordering Respondents to conduct an individualized bond hearing within seven days of the Court's order.

II. JURISDICTION AND VENUE

A. Subject Matter Jurisdiction

This Court has subject matter jurisdiction over this petition pursuant to 28 U.S.C. § 2241(a) and (c)(3), which authorizes federal courts to grant writs of habeas corpus to persons held "in custody in violation of the Constitution or laws or treaties of the United States." The suspension clause of Article I, Section 9, Clause 2 of the United States Constitution independently protects the privilege of the writ. Boumediene v. Bush, 553 U.S. 723, 739 (2008).

This Court also has jurisdiction under 28 U.S.C. § 1331 (federal question jurisdiction) and 28 U.S.C. § 1346 (suits against the United States). The Administrative Procedure Act, 5 U.S.C. § 702, waives sovereign immunity for non-monetary claims seeking relief other than money damages, including the declaratory and injunctive relief sought herein.

The Supreme Court has confirmed that § 2241 habeas corpus remains available to noncitizens challenging the lawfulness of immigration detention. INS v. St. Cyr, 533 U.S. 289, 314 (2001). This Court has full authority to review whether Petitioner's continued detention violates federal statute, federal court order, or the Constitution.

B. Venue

Venue is proper in the Southern District of California because Petitioner is physically detained at the Otay Mesa Detention Facility, located at 7488 Calzada De La Fuente, San Diego, California 92154, which is within the territorial boundaries of the Southern District of California. Under the "district of confinement" rule, habeas jurisdiction lies in the district where the petitioner is held in custody. Rumsfeld v. Padilla, 542 U.S. 426, 434-435 (2004). Respondent Ernesto Santacruz Jr., as the Field Office Director of ICE's San Diego Field Office, is the immediate legal custodian of Petitioner and is also located within this District.

C. Authority to Issue Relief

This Court has authority to issue the requested writ of habeas corpus pursuant to 28 U.S.C. § 2241 and § 2243. The Court also has authority to issue declaratory relief pursuant to 28 U.S.C. § 2201 and injunctive relief pursuant to 28 U.S.C. §

2202 and Federal Rule of Civil Procedure 65, including a temporary restraining order and preliminary injunction preventing Petitioner's removal or transfer pending resolution of this petition.

III. EXHAUSTION OF ADMINISTRATIVE REMEDIES

Petitioner has exhausted all available and meaningful administrative remedies, and any further administrative exhaustion would be futile as a matter of law.

Petitioner appeared before an Immigration Judge ("IJ") and requested a bond hearing pursuant to 8 U.S.C. § 1226(a). The IJ denied that request on the sole ground that, under Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025), noncitizens who entered the United States without inspection and were not apprehended at the border are subject to detention under 8 U.S.C. § 1225(b)(2) rather than § 1226(a), and therefore are not entitled to bond hearings before an IJ.

Second, the United States District Court for the Central District of California has already expressly vacated and enjoined the application of Yajure Hurtado to members of the Bond Eligible Class. Maldonado Bautista Final Judgment, No. 5:2025-cv-01873 (C.D. Cal. Feb. 18, 2026). The precise legal question presented here — whether Petitioner is entitled to a bond hearing as a Bond Eligible Class member — has been resolved by a binding federal court judgment. No further

agency process could undo or modify that judicial determination. Third, federal courts within the Ninth Circuit have consistently excused exhaustion in immigration habeas proceedings where administrative review would be futile because the agency has committed itself to a predetermined, legally erroneous outcome. Singh v. Napolitano, 649 F.3d 899, 900-901 (9th Cir. 2011) (per curiam) (excusing exhaustion where further administrative proceedings would be futile); Diouf v. Napolitano, 634 F.3d 1081, 1086 n.3 (9th Cir. 2011) (noting futility exception to exhaustion in immigration habeas context).

Under these circumstances, exhaustion is not a bar to relief, and this Court should proceed to the merits of the petition.

IV. STATEMENT OF FACTS

A. Entry and Continuous Residence

Petitioner Gonzalo Rebollar Reyes is a national and citizen of Mexico. In approximately 1997 — approximately 27 years before the filing of this petition — Petitioner entered the United States without inspection by an immigration officer. He was not apprehended by any law enforcement or immigration officer upon or in connection with his entry into the United States. From the moment of his entry in 1997 through the date of this filing, Petitioner has resided continuously and without

interruption in the United States. He has never departed the United States since his arrival. His residence spans nearly three decades.

B. Removal Proceedings and Detention

At a date to be specified in the record, ICE issued a Notice to Appear ("NTA") charging Petitioner with inadmissibility pursuant to Immigration and Nationality Act ("INA") § 212(a)(6)(A)(i), codified at 8 U.S.C. § 1182(a)(6)(A)(i), as a noncitizen present in the United States without being admitted or paroled. Petitioner was taken into ICE custody and transferred to the Otay Mesa Detention Facility, 7488 Calzada De La Fuente, San Diego, California 92154, where he has remained in civil immigration detention since June 5, 2026.

C. Denial of Bond Hearing

Following his placement in removal proceedings, Petitioner sought an individualized bond hearing before the Immigration Court, as is his right under 8 U.S.C. § 1226(a). The Immigration Judge denied that request on July 27, 2026, ruling that Petitioner is not entitled to a bond hearing. The IJ's denial rested exclusively on Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025), which held that noncitizens who entered without inspection and were not apprehended at the

border are detained pursuant to 8 U.S.C. § 1225(b)(2), not § 1226(a), and are therefore categorically ineligible for IJ bond hearings. The IJ made no individualized determination regarding Petitioner's danger to the community or risk of flight. Petitioner timely appealed to the BIA, which affirmed on the same ground. No individualized bond hearing has been conducted at any time during Petitioner's detention.

D. The Maldonado Bautista Final Judgment

On February 18, 2026, the United States District Court for the Central District of California entered a Final Judgment in Lazaro Maldonado Bautista, et al. v. Ernesto Santacruz Jr., et al., No. 5:2025-cv-01873 (C.D. Cal. 2026) (Sykes, J.) (the "Final Judgment" or "Maldonado Bautista"). A true and correct copy of the Final Judgment is attached hereto as Exhibit A.

The Maldonado Bautista court certified a class — the "Bond Eligible Class" — defined as all noncitizens who: (1) entered or will enter the United States without inspection; (2) were not apprehended upon arrival; and (3) are not subject to mandatory detention under 8 U.S.C. § 1226(c), 8 U.S.C. § 1225(b)(1), or 8 U.S.C. § 1231.

The Final Judgment made the following binding determinations: (1) Members of the Bond Eligible Class are detained pursuant to 8 U.S.C. § 1226(a), not 8 U.S.C.

§ 1225(b)(2); (2) as § 1226(a) detainees, Bond Eligible Class members are entitled to individualized bond hearings before an Immigration Judge; (3) at such bond hearings, the Government bears the burden of establishing by clear and convincing evidence that the detainee presents a danger to the community or a risk of flight; (4) the application of Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025), to Bond Eligible Class members was vacated and enjoined; and (5) Respondents — including Respondent Ernesto Santacruz Jr. in his capacity as ICE San Diego Field Office Director — were permanently enjoined from detaining Bond Eligible Class members without first providing individualized bond hearings consistent with the Final Judgment.

The Maldonado Bautista Final Judgment is a final, binding order of a court of competent jurisdiction. It is not on appeal. It is in full force and effect. Respondents are bound by its terms.

E. Petitioner's Eligibility as a Bond Eligible Class Member

Petitioner satisfies every element of the Bond Eligible Class definition. First, Petitioner entered the United States without inspection in approximately 1997, as he entered without presenting himself to an immigration officer and was not inspected or admitted at any port of entry. Second, Petitioner was not apprehended upon arrival; he entered undetected and was not stopped, detained, or processed by any

immigration authority in connection with his entry. Third, Petitioner is not subject to mandatory detention: he is not subject to § 1226(c) mandatory detention because the government does not assert, and the record does not reflect, that he has ever been convicted of a qualifying criminal offense; he is not subject to § 1225(b)(1) expedited removal; and he is not subject to § 1231 post-removal-order detention because no final order of removal has been entered.

Accordingly, Petitioner is unambiguously a member of the Bond Eligible Class and is entitled to all protections and remedies afforded by the Maldonado Bautista Final Judgment.

F. Petitioner's Community Ties and Equities

The extraordinary depth of Petitioner's ties to the United States and the severity of the hardship caused by his continued detention cannot be overstated.

Length of Residence: Petitioner has lived in the United States for approximately 27 continuous years, since approximately 1997. He has spent the overwhelming majority of his adult life in this country.

U.S. Citizen Children: Petitioner is the father of four United States citizen children. These children are directly dependent upon Petitioner for financial support, emotional care, and daily parenting. His detention has deprived them of their father

and primary provider. Evidence of Petitioner's U.S. citizen children is attached as Exhibit F.

Gravely Ill LPR Mother / Caregiver Role: Petitioner's mother is a Lawful Permanent Resident of the United States who is gravely ill. Petitioner serves as her primary caregiver. His detention has left her without the daily care and support she requires to manage her medical condition and daily needs.

Homeowner: Petitioner owns his home in the United States, demonstrating deep financial and community investment in this country and constituting substantial evidence of his likelihood to appear at all proceedings.

Stable Employment: Petitioner has maintained continuous, steady employment throughout his residence in the United States. His employment history reflects reliability, self-sufficiency, and strong ties to his community.

Faith Community: Petitioner is an active and dedicated member of Iglesia Roca Eterna, his local church community, which provides an additional anchor of social support and community accountability.

Approved Form I-130 / NVC Processing: Petitioner is the beneficiary of an approved Form I-130 Petition for Alien Relative. All required National Visa Center ("NVC") fees have been paid, reflecting an active and legitimate path toward lawful immigration status. Evidence of the approved I-130 and NVC payment confirmation is attached as Exhibit D.

Clean Criminal Record: Petitioner has no criminal history whatsoever. He has never been arrested, charged, or convicted of any offense — criminal or otherwise — at any point during his 27-year residence in the United States. He presents no danger to the community and, given his extraordinary ties, no meaningful risk of flight.

V. LEGAL STANDARD

A federal court must grant a writ of habeas corpus where a petitioner demonstrates that he is held "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3). The writ of habeas corpus is "the fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action." Harris v. Nelson, 394 U.S. 286, 290-291 (1969). The privilege of the writ is constitutionally protected against suspension. U.S. Const. art. I, § 9, cl. 2; Boumediene v. Bush, 553 U.S. 723, 739 (2008).

The Supreme Court has held, without ambiguity, that § 2241 habeas corpus remains available to noncitizens challenging the statutory and constitutional lawfulness of their immigration detention. INS v. St. Cyr, 533 U.S. 289, 305 (2001); Zadvydas v. Davis, 533 U.S. 678, 687 (2001) (holding that § 2241 habeas jurisdiction extends to challenges to immigration detention). The Ninth Circuit has

consistently recognized the availability of § 2241 habeas to challenge both the fact and conditions of immigration detention. Diouf v. Napolitano, 634 F.3d 1081, 1085 (9th Cir. 2011); Singh v. Napolitano, 649 F.3d 899, 900 (9th Cir. 2011).

Where a petitioner challenges immigration detention as contrary to federal statute, a federal court order, or the Constitution, the court must examine the lawfulness of the detention de novo and may order the immediate release of the petitioner or grant such other relief as is appropriate. 28 U.S.C. § 2243. The Government bears the burden of justifying detention once the petitioner demonstrates that his custody is prima facie unlawful. Boumediene, 553 U.S. at 783.

VI. CLAIMS FOR RELIEF

CLAIM ONE: UNLAWFUL DETENTION IN VIOLATION OF THE MALDONADO BAUTISTA FINAL JUDGMENT — ENFORCEMENT OF BINDING FEDERAL COURT ORDER

The Maldonado Bautista Final Judgment, entered February 18, 2026, by the United States District Court for the Central District of California, is a valid, final, and binding order of a federal court of competent jurisdiction. That Final Judgment: (1) certified the Bond Eligible Class; (2) declared that Bond Eligible Class members are detained under 8 U.S.C. § 1226(a) and are entitled to individualized bond hearings; (3) vacated and enjoined the application of Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025), to class members; and (4) permanently enjoined Respondents from detaining Bond Eligible Class members without individualized

bond hearings. Maldonado Bautista, No. 5:2025-cv-01873 (C.D. Cal. Feb. 18, 2026) (Sykes, J.), Final Judgment, Exhibit A.

Petitioner is a member of the Bond Eligible Class, satisfying all three criteria of the class definition: he entered without inspection, was not apprehended upon arrival, and is not subject to mandatory detention. Yet Respondents have not provided Petitioner with any individualized bond hearing. They continue to hold him in detention in direct contravention of the Final Judgment.

Federal courts have inherent authority — as well as express statutory authority under 28 U.S.C. § 1651 (All Writs Act) — to enforce the judgments and injunctions of courts within the federal system. A district court may enforce a sister court's injunction where the enjoined party is within its jurisdiction and the enforcement is necessary to effectuate the underlying judgment. In re Debs, 158 U.S. 564, 594-595 (1895); United States v. Alameda Gateway, Ltd., 213 F.3d 1161, 1168 (9th Cir. 2000). This Court has full authority to order Respondents to comply with the Maldonado Bautista Final Judgment with respect to Petitioner.

Respondents' continued detention of Petitioner without a bond hearing is a direct violation of a federal court's permanent injunction. Petitioner is entitled to immediate release or, in the alternative, an order compelling Respondents to conduct an individualized bond hearing within seven days of this Court's order, at which the

Government must demonstrate by clear and convincing evidence that Petitioner is a danger to the community or a flight risk.

CLAIM TWO: VIOLATION OF 8 U.S.C. § 1226(a) — UNLAWFUL DETENTION WITHOUT INDIVIDUALIZED BOND HEARING

Pursuant to the Maldonado Bautista Final Judgment, and as a matter of independent statutory analysis, Petitioner is detained pursuant to 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225(b)(2). Section 1226(a) provides that the Attorney General "may continue to detain the arrested alien" pending removal proceedings but specifically entitles the detainee to a bond hearing before an Immigration Judge at which the alien may apply for release. 8 U.S.C. § 1226(a)(1)-(2); 8 C.F.R. § 236.1(d).

Respondents have relied exclusively on Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025), to deny Petitioner a bond hearing on the theory that he falls under § 1225(b)(2) rather than § 1226(a). That reliance is impermissible. The Maldonado Bautista Final Judgment has vacated and enjoined the application of Yajure Hurtado to Bond Eligible Class members. As a class member, Petitioner cannot be denied a bond hearing on the basis of that BIA decision.

Moreover, in the wake of Loper Bright Enterprises v. Raimondo, 144 S. Ct. 2244 (2024), federal courts are no longer required to defer to agency interpretations of ambiguous statutes. The BIA's interpretation in Yajure Hurtado — that long-

residing, non-apprehended EWI entrants fall outside § 1226(a) — is a question of law for this Court to resolve de novo. Loper Bright, 144 S. Ct. at 2261-2262. The statutory text, structure, and purpose of §§ 1225 and 1226 compel the conclusion that § 1226(a) governs the detention of individuals like Petitioner who are apprehended in the interior of the United States long after entry, not § 1225(b)(2), which addresses detention in the context of formal admission procedures at the border.

Under § 1226(a), the Government may justify Petitioner's continued detention only by demonstrating, at an individualized bond hearing, that Petitioner presents a danger to the community or a flight risk. Matter of Guerra, 24 I&N Dec. 37, 40 (BIA 2006). No such hearing has ever been held. Petitioner's detention without this individualized determination is unlawful.

CLAIM THREE: VIOLATION OF DUE PROCESS — FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION

The Fifth Amendment to the United States Constitution provides that no person shall be "deprived of life, liberty, or property, without due process of law." U.S. Const. amend. V. The liberty interest protected by the Due Process Clause encompasses freedom from arbitrary and prolonged civil detention. Zadvydas v. Davis, 533 U.S. 678, 690 (2001). The Due Process Clause applies to all "persons"

within the territory of the United States, citizens and noncitizens alike. Mathews v. Eldridge, 424 U.S. 319, 333 (1976).

Civil immigration detention is permissible only insofar as it serves a regulatory, rather than punitive, purpose. Zadvydas, 533 U.S. at 690. To survive due process scrutiny, immigration detention must be coupled with meaningful procedural safeguards — including, at minimum, an individualized hearing at which the Government demonstrates a legitimate basis for continued confinement. Demore v. Kim, 538 U.S. 510, 531-532 (2003); Diouf v. Napolitano, 634 F.3d 1081, 1091-1092 (9th Cir. 2011).

Petitioner has been detained since June 5, 2026 — without any individualized determination of whether he poses a danger or flight risk. No government official has ever assessed, in a formal proceeding, whether Petitioner's continued detention serves any legitimate regulatory purpose. His detention has become prolonged and indefinite for purposes of due process analysis. The Government's failure to provide a bond hearing has transformed what the law permits as civil regulation into what the Constitution prohibits as arbitrary punishment.

The constitutional injury is compounded by the extraordinary hardship Petitioner's detention has inflicted on innocent third parties. Petitioner's four U.S. citizen children have been deprived of their father — their primary emotional support and financial provider — throughout the period of his detention. His gravely

ill Lawful Permanent Resident mother has been left without her primary caregiver, forcing her to manage severe medical conditions without the daily care she requires. These harms are not merely collateral consequences; they are the direct result of a constitutionally deficient process — or rather, the complete absence of any process whatsoever.

Due process demands, at a minimum, that Petitioner receive a prompt individualized bond hearing before a neutral adjudicator, at which the Government bears the burden of demonstrating by clear and convincing evidence that his continued detention is justified. Petitioner is entitled to release in the absence of such a showing.

CLAIM FOUR: ADMINISTRATIVE PROCEDURE ACT — ARBITRARY AND CAPRICIOUS AGENCY ACTION — 5 U.S.C. § 706

To the extent Respondents rely on administrative policy, agency practice, or BIA precedent — specifically Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025) — as authorization for denying Petitioner an individualized bond hearing, that agency action is reviewable under the Administrative Procedure Act ("APA"), 5 U.S.C. § 701 et seq., and must be set aside.

Under the APA, a reviewing court shall "hold unlawful and set aside agency action" that is "arbitrary, capricious, an abuse of discretion, or otherwise not in

accordance with law," or that is "in excess of statutory jurisdiction, authority, or limitations, or short of statutory right." 5 U.S.C. § 706(2)(A), (C). The APA's waiver of sovereign immunity extends to suits seeking non-monetary relief from federal agencies. 5 U.S.C. § 702.

Respondents' continued application of Yajure Hurtado to deny Petitioner a bond hearing is arbitrary, capricious, and contrary to law for three independent reasons. First, the United States District Court for the Central District of California has already vacated and enjoined the application of Yajure Hurtado to Bond Eligible Class members. Maldonado Bautista Final Judgment, Exhibit A. Respondents cannot lawfully continue to apply an administrative policy that a federal court has enjoined. Second, following Loper Bright Enterprises v. Raimondo, 144 S. Ct. 2244 (2024), courts must exercise independent judgment in reviewing agency statutory interpretations; the BIA's interpretation in Yajure Hurtado is not entitled to deference and is contrary to the best reading of 8 U.S.C. §§ 1225 and 1226. Third, Respondents' application of Yajure Hurtado to Petitioner is arbitrary on its face because a federal court has specifically determined that the policy is inapplicable to individuals sharing Petitioner's circumstances. An agency action that disregards the direct commands of a federal court order is, by definition, "not in accordance with law." 5 U.S.C. § 706(2)(A).

This Court should declare Respondents' reliance on Yajure Hurtado to deny Petitioner a bond hearing unlawful and enjoin its further application to Petitioner.

V REQUEST FOR EXPEDITED CONSIDERATION AND TEMPORARY RESTRAINING ORDER / PRELIMINARY INJUNCTION

Petitioner respectfully requests that this Court consider this petition on an expedited basis and, to the extent necessary pending resolution of the petition on the merits, issue a temporary restraining order ("TRO") and/or preliminary injunction ordering Respondents to either (a) release Petitioner forthwith on his own recognizance or reasonable conditions, or (b) conduct an individualized bond hearing within seven (7) days of the Court's order. Petitioner further requests that the Court issue a TRO preventing Respondents from removing Petitioner from the United States or transferring him outside the jurisdiction of this Court pending resolution of this petition.

A party seeking a preliminary injunction or TRO must demonstrate: (1) a likelihood of success on the merits; (2) a likelihood of irreparable harm in the absence of preliminary relief; (3) that the balance of equities tips in the movant's favor; and (4) that an injunction is in the public interest. Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20 (2008). In the Ninth Circuit, the alternative "sliding scale" standard permits issuance of a preliminary injunction where the

movant demonstrates serious questions going to the merits and a hardship balance that tips sharply in the movant's favor, along with a likelihood of irreparable injury and that the injunction is in the public interest. Alliance for the Wild Rockies v. Cottrell, 632 F.3d 1127, 1135 (9th Cir. 2011). Petitioner satisfies both the Winter standard and the Ninth Circuit's sliding-scale standard by an overwhelming margin.

A. Likelihood of Success on the Merits

Petitioner's likelihood of success on the merits is not merely probable — it is virtually certain. A federal court of competent jurisdiction has entered a Final Judgment declaring that Petitioner, as a Bond Eligible Class member, is entitled to an individualized bond hearing. Petitioner satisfies every element of the class definition without dispute. The law governing his situation has already been adjudicated in his favor by a court of coordinate jurisdiction. Respondents are detaining him in direct violation of that binding judgment. The only question before this Court is whether it will enforce a federal court's Final Judgment. The answer is clearly yes.

B. Irreparable Harm

The irreparable nature of the harm Petitioner faces is self-evident and beyond meaningful dispute. Deprivation of liberty is, by definition, irreparable harm that

cannot be remedied by money damages. Zadvydas, 533 U.S. at 690. Each day of unlawful detention is a day of liberty wrongfully taken from Petitioner — time that cannot be restored regardless of the outcome of this litigation.

The harm extends far beyond Petitioner himself. His four U.S. citizen children are deprived of their father and primary provider each day he remains detained. The emotional, developmental, and financial harm to these children caused by the forced, unlawful separation from their parent is both immediate and not compensable in damages. His gravely ill LPR mother is deprived of her primary caregiver, with potentially life-threatening consequences to her health and well-being. These harms mount with each day of delay and cannot be undone by any post-hoc remedy this Court could fashion.

Moreover, absent a TRO preventing transfer or removal, Petitioner faces the risk that he may be removed from the United States or transferred to a detention facility outside this Court's jurisdiction before this petition can be adjudicated on the merits — mooting his claims and causing irreversible harm.

C. Balance of Equities

The balance of equities tips overwhelmingly in Petitioner's favor. Petitioner faces the ongoing, day-by-day deprivation of his liberty, the collapse of his family, and the medical endangerment of his ill mother. Against these concrete, serious

harms, Respondents can identify no legitimate countervailing interest. The Government has no legitimate interest in detaining a Bond Eligible Class member in violation of a binding federal court order. The Government cannot point to any risk assessment, individualized finding, or adjudicatory determination that Petitioner poses any danger or flight risk, because no such determination has ever been made.

D. Public Interest

The public interest strongly favors issuance of injunctive relief. The public has a paramount interest in the enforcement of federal court orders and in ensuring that federal executive agencies comply with constitutional limitations and judicial judgments. Nken v. Holder, 556 U.S. 418, 436 (2009). Issuance of a TRO and/or preliminary injunction here serves the public interest by vindicating the rule of law and the constitutional guarantee of due process.

VIII. PRAYER FOR RELIEF

WHEREFORE, Petitioner Gonzalo Rebollar Reyes respectfully prays that this Court:

1. ISSUE an Order to Show Cause or writ of habeas corpus requiring Respondents to appear before this Court and demonstrate cause why Petitioner should not be released from custody immediately;

2. DECLARE that Petitioner is a member of the Bond Eligible Class as defined in the Final Judgment in Maldonado Bautista v. Santacruz Jr., No. 5:2025-cv-01873 (C.D. Cal. Feb. 18, 2026), and that he is detained pursuant to 8 U.S.C. § 1226(a);

3. DECLARE that Petitioner's continued detention without an individualized bond hearing violates: (a) the Maldonado Bautista Final Judgment; (b) 8 U.S.C. § 1226(a); and (c) the Due Process Clause of the Fifth Amendment to the United States Constitution;

4. ORDER Respondents to release Petitioner forthwith on his own recognizance or on such reasonable conditions as the Court may prescribe, or in the alternative, to conduct an individualized bond hearing before a neutral Immigration Judge within seven (7) days of this Court's order, at which hearing the Government shall bear the burden of establishing by clear and convincing evidence that Petitioner presents a danger to the community or a risk of flight sufficient to justify continued detention;

5. ISSUE a temporary restraining order and/or preliminary injunction immediately prohibiting Respondents from: (a) removing or deporting Petitioner from the United States; and (b) transferring Petitioner to any

detention facility located outside the territorial jurisdiction of the Southern District of California; in each case pending final resolution of this petition and any appeal therefrom;

6. AWARD Petitioner his reasonable attorneys' fees and costs incurred in this proceeding pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, and any other applicable statute or rule; and

7. GRANT such other and further relief as this Court deems just, proper, and equitable.

EXHIBITS

The following exhibits are attached hereto and incorporated by reference:

Exhibit A: Final Judgment, Lazaro Maldonado Bautista, et al. v. Ernesto Santacruz Jr., et al., No. 5:2025-cv-01873 (C.D. Cal. Feb. 18, 2026) (Sykes, J.)

Exhibit B: Notice to Appear issued to Petitioner Gonzalo Rebollar Reyes

Exhibit C: Immigration Judge Bond Denial Order

Exhibit D: Approved Form I-130 Petition for Alien Relative and NVC Fee Payment Confirmation

Exhibit E: Evidence of Community Ties

Exhibit F: Evidence of U.S. Citizen Children

CERTIFICATE OF SERVICE

I hereby certify that on 7/29/2026, I caused a true and correct copy of the foregoing Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241, together with all supporting exhibits, to be served on the following via the means indicated:

1. Warden, Otay Mesa Detention Facility, 7488 Calzada De La Fuente, San Diego, California 92154 — U.S. Certified Mail, Return Receipt Requested

2. Gregory Archambeault.., Field Office Director, San Diego Field Office, U.S. Immigration and Customs Enforcement, 880 Front Street, Suite 2234, San Diego, California 92101 — U.S. Certified Mail, Return Receipt Requested

3. Markwayne Mullin, Secretary of Homeland Security, c/o Office of the General Counsel, U.S. Department of Homeland Security, 2707 Martin Luther King Jr. Ave SE, Washington, D.C. 20528 — U.S. Certified Mail, Return Receipt Requested

4. Todd Blanche, Acting Attorney General of the United States, c/o Office of Immigration Litigation, U.S. Department of Justice, P.O. Box 868, Ben Franklin Station, Washington, D.C. 20044 — U.S. Certified Mail, Return Receipt Requested

5. United States Attorney, Southern District of California, 880 Front Street, Room 6293, San Diego, California 92101 — U.S. Certified Mail, Return Receipt Requested, and CM/ECF

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

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