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Attorney for Petitioner
JUAN RUFFINO QUINONEZ SILVESTRE

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

JUAN RUFFINO QUINONEZ SILVESTRE,

Petitioner,

v.

CHRISTOPHER J. LAROSE, Senior Warden, Otay Mesa Detention Center; DANIEL A. BRIGHTMAN, San Diego Field Office Director, Immigration and Customs Enforcement and Removal Operations ("ICE/ERO"); DAVID J. VENTURELLA, Senior Official Performing Duties of Director of Immigration Customs Enforcement ("ICE"); U.S. Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary of the Department of Homeland Security ("DHS"); U.S. Department of Homeland Security; and TODD BLANCHE, Acting Attorney General of the United States,

Respondents.

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CASE NO.: '26CV4460 AGS DEB

PETITION FOR WRIT OF HABEAS CORPUS AND REQUEST FOR IMMEDIATE RELEASE

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Petitioner JUAN RUFFINO QUINONEZ SILVESTRE [redacted] petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 seeking immediate release from unlawful detention and alleges as follows:

I. INTRODUCTION

Petitioner JUAN RUFFINO QUINONEZ SILVESTRE seeks a writ of habeas corpus challenging his unlawful detention by U.S. Immigration and Customs Enforcement ("ICE"). This case presents a straightforward question: whether the Government may revoke a liberty interest it previously conferred through its own custody determination without identifying any material change in circumstances or affording constitutionally adequate process.

In September 2015, ICE released Petitioner on his own recognizance. For nearly eleven years thereafter, Petitioner complied with every obligation imposed upon him while remaining in removal proceedings. He maintained lawful employment and had a future Master Calendar Hearing scheduled before the Immigration Court when ICE re-detained him.

On July 3, 2026, while traveling to work, ICE arrested Petitioner and returned him to detention. Respondents did not allege that Petitioner violated the conditions of his release, failed to appear for immigration proceedings, or engaged in any conduct warranting renewed detention. Nor did Respondents identify any material change in circumstances justifying the reversal of their prior custody determination.

The Fifth Amendment does not permit the Government to arbitrarily deprive an individual of a protected liberty interest without constitutionally adequate process. Because Respondents revoked Petitioner's longstanding liberty without identifying any material change in circumstances or affording him constitutionally adequate process, his continued detention is unlawful. Petitioner respectfully requests that this Court grant the writ of habeas corpus and order his immediate

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release.

II. JURISDICTION

1. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 because Petitioner is in the custody of the United States in violation of the Constitution and laws of the United States
2. This Court has jurisdiction under 28 U.S.C. § 1331 because this action arises under the Constitution and laws of the United States, including the Fifth Amendment to the United States Constitution.
3. This Court has authority to grant the requested declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202 and its inherent equitable powers.

III. VENUE

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

IV. PARTIES

5. Petitioner Juan Ruffino Quinonez Silvestre is a native and citizen of Guatemala who is presently detained by U.S. Immigration and Customs Enforcement ("ICE") at the Otay Mesa Detention Center in San Diego, California.
6. Respondent Christopher J. LaRose is the Warden of the Otay Mesa Detention Center and Petitioner's immediate custodian. He is sued in his official capacity.
7. Respondent David J. Venturella is the Senior Official Performing Duties of Director of U.S. Immigration and Customs Enforcement. As Senior Official Performing Duties of Director, he

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is responsible for the administration of ICE and the detention of noncitizens in ICE custody. He is sued in his official capacity.

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

9. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security. As Secretary, he is responsible for the administration and enforcement of the immigration laws of the United States and exercises ultimate authority over the detention of noncitizens through the Department of Homeland Security and its component agencies. He is sued in his official capacity.

10. Respondent Todd Blanche is the Acting Attorney General of the United States. As Acting Attorney General, he is responsible for the administration and enforcement of the immigration laws of the United States. He is sued in his official capacity.

V. FACTUAL BACKGROUND

A. Petitioner's Initial Detention and Release

11. Petitioner Juan Rufino Quinonez Silvestre is a native and citizen of Guatemala. He entered the United States on or about March 5, 2006.

12. In 2015, Petitioner was taken into ICE custody and placed in removal proceedings.

13. On September 11, 2015, ICE released Petitioner on his own recognizance.

B. Petitioner Fully Complied With The Conditions Of His Release

14. For nearly eleven years after his release, Petitioner remained at liberty and complied with the conditions imposed upon him.

15. During this time, Petitioner lived openly in the community, maintained lawful employment

pursuant to valid employment authorization, and remained available to immigration authorities.

16. Petitioner's removal proceedings were administratively closed and later recalendared. At the time of his re-detention, the proceedings remained pending, and Petitioner had a future Master Calendar Hearing scheduled before the Immigration Court.

17. Throughout the nearly eleven years following his release, Petitioner remained subject to the jurisdiction of the Immigration Court and available to immigration authorities.

18. During the nearly eleven years following his release, ICE did not allege that Petitioner violated any condition of his release, failed to appear as required, or otherwise engaged in conduct warranting renewed detention.

C. Petitioner's Re-Detention

19. On July 3, 2026, ICE enforcement officers arrested Petitioner while on his way to work.

20. Before his arrest, Petitioner received no notice that DHS intended to revoke his release or reconsider its prior custody determination.

21. ICE did not arrest Petitioner based on a new Notice to Appear or the commencement of new removal proceedings. His existing removal proceedings were already pending before the Immigration Court.

22. ICE did not allege that Petitioner had violated the conditions of his release or identify any material change in circumstances occurring after his September 2015 release.

23. Nevertheless, ICE revoked Petitioner's liberty, returned him to custody, and deprived him of his physical freedom without first providing notice of the grounds for its decision or a meaningful opportunity to contest his re-detention.

24. Petitioner is presently detained at the Otay Mesa Detention Center in San Diego, California.

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D. Respondents Continue to Detain Petitioner Without Identifying Any Basis for Revoking His Release

25. Since returning Petitioner to custody on July 3, 2026, Respondents have not identified any violation of Petitioner's release conditions or any material change in circumstances that would justify revoking his release.

26. Respondents continue to detain Petitioner pursuant to that unexplained decision.

27. This Petition followed.

VI. LEGAL FRAMEWORK

A. The Fifth Amendment Protects Against Arbitrary Deprivations of Physical Liberty

28. The Due Process Clause of the Fifth Amendment protects every person within the United States from arbitrary governmental deprivation of physical liberty. Although Congress has authorized the detention of noncitizens in appropriate circumstances, the exercise of that authority remains subject to constitutional limitations.

B. Government Action Restoring Liberty is Entitled to Constitutional Protection

29. When the Government exercises its lawful custody authority and releases an individual from detention, its subsequent decision to revoke that liberty remains subject to the requirements of the Due Process Clause. The Government may not arbitrarily deprive an individual of physical liberty without constitutionally adequate process.

VII. CLAIMS FOR RELIEF

COUNT ONE

Violation of the Due Process Clause of the Fifth Amendment

(Unlawful Deprivation of Previously Granted Liberty)

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30. Petitioner realleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

31. The Due Process Clause of the Fifth Amendment protects every person within the United States from the arbitrary deprivation of liberty by the federal government. Freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

32. In September 2015, DHS exercised its statutory custody authority by releasing Petitioner pursuant to an Order of Release on Recognizance while his immigration proceedings remained pending.

33. For nearly eleven years, Petitioner complied with the conditions of his release, remained available to immigration authorities, and continued to litigate his removal proceedings. During that period, Respondents did not allege that he violated any condition of release, failed to appear as required, posed a danger to the community, or presented a risk of flight.

34. By releasing Petitioner on an Order of Release on Recognizance and permitting him to remain at liberty for nearly eleven years, Respondents could not thereafter revoke that liberty without affording the process required by the Fifth Amendment.

35. Respondents retained authority to revisit Petitioner's custody status if supported by lawful grounds. The constitutional violation alleged here is not that Respondents reconsidered his custody. It is that Respondents revoked his previously granted liberty without identifying an individualized basis or material change in circumstances and without affording him constitutionally adequate process.

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36. On July 3, 2026, Respondents arrested and detained Petitioner without first identifying any violation of his release conditions, failure to comply with a governmental directive, or material change in circumstances warranting renewed detention.

37. Before depriving Petitioner of his liberty, Respondents did not provide notice that Petitioner's previously granted release was being reconsidered, nor did they provide any meaningful opportunity to contest the deprivation before he was taken into custody.

38. The constitutional injury is not the absence of a bond hearing or custody redetermination. It is Respondents' revocation of Petitioner's previously granted liberty without constitutionally adequate process or an identified individualized basis for doing so.

39. The continued pendency of Petitioner's removal proceedings does not cure the constitutional violation. Respondents had already deprived Petitioner of his liberty before affording him any process to challenge that deprivation.

40. Respondents' actions violate the Due Process Clause of the Fifth Amendment. As a direct and proximate result of those constitutional violations, Petitioner continues to suffer the ongoing loss of his physical liberty.

41. Because Petitioner's continued detention is the product of an ongoing violation of the Due Process Clause, he is entitled to immediate release from immigration custody.

COUNT TWO

Petition for Writ of Habeas Corpus
(28 U.S.C. § 2241)

42. Petitioner realleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

43. Petitioner is presently in the custody of Respondents at the Otay Mesa Detention Center within the Southern District of California.

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44. Under 28 U.S.C. § 2241(c)(3), federal district courts may grant habeas relief to a person who is "in custody in violation of the Constitution or laws or treaties of the United States."

45. As set forth above, Respondents continue to detain Petitioner in violation of the Due Process Clause of the Fifth Amendment by depriving him of the liberty granted through his September 11, 2015 release without constitutionally adequate process.

46. Because Petitioner's continued detention violates the Constitution, he is entitled to a writ of habeas corpus directing Respondents to immediately restore him to the release status that existed immediately prior to his July 3, 2026 arrest.

VIII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court grant the following relief:

a. Issue an Order to Show Cause directing Respondents to file a response to this Petition within seven (7) days of the Court's Order, or within such other expedited period as the Court deems appropriate.

b. Issue a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 directing Respondents to immediately release Petitioner from immigration custody and restore Petitioner to the Order of Release on Recognizance under which he remained at liberty immediately before his July 3, 2026 arrest.

c. Order that Respondents shall not impose additional or more restrictive conditions of release, including electronic monitoring or other conditions not previously imposed, absent a constitutionally adequate determination made in accordance with due process.

d. Enjoin Respondents from transferring Petitioner outside the jurisdiction of this Court while this Petition is pending without prior authorization of this Court.

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e. Declare that Respondents' deprivation of Petitioner's previously granted liberty violated the Due Process Clause of the Fifth Amendment.

f. Award Petitioner his reasonable attorneys' fees and costs as authorized by law, including pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, if applicable.

g. Grant such other and further relief as the Court deems just and proper.

Date: August 4, 2026

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By: /s/ /Richard S. Sterger, Esq.
Richard S. Sterger, Esq.
Attorney for Petitioner
Juan Ruffino Quinonez Silvestre

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