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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

MARTA ALICIA FLORES HERCULES, Plaintiff, v. **GREGORY J. ARCHAMBEAULT,** *in his official capacity,* **CHRISTOPHER J. LAROSE,** *in his official capacity,* **DAVID J. VENTURELLA** *in his official capacity,* **MARKWAYNE MULLIN,** *in his official capacity,* **TODD BLANCHE,** *in his official capacity,* Respondents.	No. **'26CV4551 JAO DEB** **PETITION FOR WRIT OF HABEAS CORPUS**

INTRODUCTION

1. Petitioner Marta Alicia Flores Hercules (A#[redacted]("Petitioner") is a 21-year-old citizen of Honduras. *(See Exhibit A).*
2. Petitioner entered the United States on or about 2022. Petitioner was 17 years old at the time of entry. Petitioner entered without inspection and upon arrival was apprehended and later released.

3. Petitioner does not have a criminal record.
4. Petitioner applied for Asylum and Withholding of Removal and was granted employment authorization and a valid social security number.
5. Petitioner has a Master Hearing on July 21, 2026, before the Immigration Court.
6. On information and belief, Petitioner was unlawfully detained by Federal Immigration Agents on June 06, 2026.
7. While the Petitioner was driving to work, three trucks intercepted her vehicle: one blocked her from the front, while the other two positioned themselves behind her. Understanding that she was being asked for identification, the Petitioner presented her work permit. After checking the system, the officers detained her without providing any explanation.
8. Petitioner was taken to the nearest ICE/ERO Field Office and transferred to Caroline Detention Center located in Bowling Green, VA, and then transferred to Otay Mesa Detention Center located in San Diego, CA where she is currently being detained.
9. In order to vindicate Petitioner's constitutional, statutory and regulatory rights, this Honorable Court should grant this instant petition for a writ of habeas corpus to ensure her continued freedom.
10. Petitioner kindly requests that this court find her detention to be unlawful and order ICE to release her.

JURISDICTION

11. This Honorable Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus) and 28 U.S.C. § 1331 (federal question).
12. Venue is proper because Petitioner is currently detained at Otay Mesa Detention Center located in San Diego, CA. Therefore, the petitioner remains detained within the District of California.

PARTIES & FACTS ALLEGED

1. The Petitioner Maria Alicia Flores Hercules is a native and citizen of Honduras.
2. Respondent Gregory J. Archambeault is the Field Office Director for the San Diego Field Office, Immigration and Customs Enforcement.

3. Respondent Christopher J. Larose is the Warden for the Otay Mesa Detention Center.
4. Respondent David J. Venturella is the Senior Director for U.S. Immigration and Customs Enforcement.
5. Respondent Markwayne Mullin is the U.S. Secretary of Homeland Security.
6. Respondent Todd Blanche is the Acting U.S. Attorney General.
7. All Respondents are named in their official capacities.
8. On information and belief, Petitioner was unlawfully detained by Federal Immigration Agents on June 06, 2026.
9. While the Petitioner was driving to work, three trucks intercepted her vehicle: one blocked her from the front, while the other two positioned themselves behind her. Understanding that she was being asked for identification, the Petitioner presented her work permit. After checking the system, the officers detained her without providing any explanation.
10. On information and belief, Petitioner is currently in custody in the District of California, and one or more of the Respondents are her immediate custodian.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

11. The Fifth Amendment provides that "no person shall be deprived of life, liberty, or property without due process of law".
12. The Due Process Clause applies to all persons within the United States, including aliens, whether their presence here is lawful, temporary or permanent" *Zadvydas v. Davis, 553 U.S. 693 (2001).*
13. Respondent's mandatory detention without consideration for release on bond or access to a bond hearing violates her due process rights.
14. On information and belief, Petitioner is currently being detained at the Otay Mesa Detention Center located in San Diego, CA without cause and in violation of her constitutional rights to due process of law.

COUNT TWO

Violation of 8 U.S.C. § 1226(a) Unlawful Denial of Release on Bond

15. Mandatory detention as set forth on 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States whom are subject to the ground of inadmissibility, most relevant, it does not apply to those who previously entered the country and have been residing in the United States prior to being detained, historically, such noncitizens would be detained under § 1226(a), and therefore, eligible for release on bond.

16. Nonetheless, the Board of Immigration Appeal, under the Department of Justice, issued a decision on September 5th, 2025, binding on all Immigration Judges, thus rendering the Petitioner ineligible for release on Bond. *Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025).*

17. Moreover, Petitioner falls under the class membership of the Class Action suit, *Guerrero-Orellana v. Hyde et al.* and he additionally asserts that she should be released upon this consideration as well. *(See Guerrero-Orellana v. Hyde et al. opinion – Case 1:25-cv-12664-PBS Doc 112 12/19/25).*

COUNT THREE

Violation of the Bond Regulations, 8 C.F.R. § 236.1, 1236.1 and 1003.19 Unlawful Denial of Release on Bond

1. In 1997, following enactment of IIRIRA, EOIR and the Immigration and Naturalization Service issued an interim rule interpreting its detention provisions. Under the heading "Apprehension, Custody, and Detention of [Noncitizens]," the agencies clarified that "despite being applicants for admission, [noncitizens] who are present without having been admitted or paroled will be eligible for bond and bond redetermination." 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997). Thus, individuals who entered without inspection are eligible for custody redetermination hearings under 8 U.S.C. § 1226 and its implementing regulations.

2. Application of 8 U.S.C. § 1225(b)(2) to Petitioner, who is bond-eligible, unlawfully

mandates her continued detention in contravention of 8 C.F.R. § 236.1, 1236.1, and 1003.19.

COUNT FOUR

Violation of the Maldonado Bautista v. Noem (5:25-cv-01873-SSS-BFM) Final Judgement

1. The Petitioner, qualifies as a member of the Certified Bond Eligible Class, as defined in the Judgement, the Bond Eligible Class is defined as "All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(l), or§ 1231 at the time the Department of Homeland Security makes an initial custody determination."
2. The U.S. District Court declared that the Bond Eligible Class members are detained under 8 U.S.C. § 1226(a) and are not subject to mandatory detention under§ 1225(b)(2).
3. The Respondents have consistently denied the Petitioner the access to a Bond Hearing, as stipulated by the final judgement, as they continue to misclassify the Petitioner as detained pursuant to U.S.C. § 1225(b)(2).

PRAYER FOR RELIEF

Wherefore, Petitioner, Maria Alicia Flores Hercules respectfully requests this Court to grant the following:

4. Assume jurisdiction over this matter;
5. Order that Petitioner shall NOT be transferred outside the District of California;
6. Issue an Order to Show Cause ordering Respondents to show cause why this Petition
7. should not be granted within three days.
8. Declare that Petitioner's detention violates the Due Process Clause of the Fifth
9. Amendment.
10. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately. At the time of release, Respondent must return all of Petitioner's documents and possessions and shall not impose any additional restrictions on him as a condition of her release.

11. Order the Petitioner's counsel, be notified by phone and by email of the exact location and exact time of Petitioner's release if ordered Immediate release.

12. Grant any further relief this Court deems just and proper.

Respectfully submitted,

Maria Alicia Flores Hercules
Petitioner

Dated: August 8, 2026

By: ***/s/ Cynthia Bautista***
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I, represent **Maria Alicia Flores Hercules**, and submit this verification on her behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

/s/ Cynthia Bautista
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