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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JUNIOR JACQUENET SAINTIL,

Petitioner,

v.

CHRISTOPHER LaROSE, Warden, Otay Mesa Detention Center;

Markwayne MULLIN, Secretary, U.S. Department of Homeland Security;

David J. VENTURELLA, Senior Official Performing the Duties of the Director, U.S. Immigration and Customs Enforcement;

Todd BLANCHE, Acting Attorney General of the United States, U.S. Department of Justice.

Respondents

Case No.: '26CV4635 CAB GC

[redacted]

PETITION FOR WRIT OF HABEAS CORPUS AND ORDER TO SHOW CAUSE WITHIN THREE DAYS; COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. Petitioner, Junior Jacquenet Saintil, petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging the legality of his continued immigration detention and alleges as follows:

INTRODUCTION

2. Petitioner, Junior Jacquenet Saintil, is a native and citizen of Haiti currently detained at the Otay Mesa Detention Center in San Diego, California.

3. Petitioner brings this action under 28 U.S.C. § 2241 to challenge the legality of his continued immigration detention following his re-arrest in the interior of the United States after a prolonged period of authorized liberty in the community.

4. Petitioner presented himself for inspection at the Nogales Port of Entry on December 1, 2023. The Department of Homeland Security exercised its discretionary authority under INA § 212(d)(5)(A) and paroled Petitioner into the United States, as reflected in his Form I-94 and Notice to Appear. Following that grant of parole, Petitioner was permitted to reside at liberty in the United States.

5. On May 23, 2024, the Immigration Judge terminated Petitioner's removal proceedings. DHS did not appeal that decision. Thereafter, Petitioner remained at liberty while USCIS continued to administer his immigration matters. USCIS granted Petitioner Temporary Protected Status on August 27, 2024, his affirmative application for asylum remained pending with USCIS, and USCIS issued him an Employment Authorization Document valid through February 17, 2030.

6. Petitioner remained at liberty following his parole while the federal government knew his identity, immigration history, and whereabouts and continued administering his immigration applications and benefits.

7. On August 3, 2026, while driving in connection with a job application, Petitioner was stopped at a U.S. Customs and Border Protection checkpoint and taken into immigration custody.

8. At no point before Petitioner's re-detention did Respondents provide Petitioner with notice, an opportunity to be heard, or an individualized custody determination before a neutral decisionmaker.

9. Respondents' continued detention of Petitioner is unlawful. Once the government exercised its discretionary authority to parole Petitioner into the United States and thereafter permitted him to reside at liberty in the community, Petitioner acquired significant liberty interests protected by the Due Process Clause. Moreover, Respondents have not issued any written notice terminating Petitioner's parole pursuant to 8 C.F.R. § 212.5(e).

10. Respondents could not lawfully re-detain Petitioner without first providing the procedural safeguards required before depriving him of his previously granted liberty. The Constitution does not permit the government to detain first and justify later.

11. By re-detaining Petitioner without constitutionally adequate pre-deprivation process, Respondents deprived Petitioner of his liberty in violation of the Due Process Clause of the Fifth Amendment.

12. Absent intervention by this Court, no neutral adjudicator will review the legality of Petitioner's re-detention. Petitioner therefore respectfully requests that this Court declare his re-detention unlawful and order his immediate release or, in the alternative, require Respondents to provide a constitutionally adequate custody hearing.

CUSTODY

13. Petitioner is currently in the legal and physical custody of Respondents and is detained at the Otay Mesa Detention Center in San Diego, California, within the jurisdiction of this Court.

JURISDICTION AND VENUE

14. This action arises under the United States Constitution and the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq., INA § 101 et seq., to challenge Petitioner's detention under the INA and any inherent or plenary powers the government may claim to continue holding him.

15. This Court has jurisdiction under 28 U.S.C. § 2241; Art. I, § 9, cl. 2 of the United States Constitution; and 28 U.S.C. § 1331, as Petitioner is presently in Respondents' custody under the United States' color of authority, and such custody violates the Constitution, laws, or treaties of the United States. This Court's jurisdiction is not limited by a petitioner's nationality, status as an immigrant, or any other classification. See *Boumediene v. Bush*, 553 U.S. 723, 747 (2008). This Court may grant relief under U.S. CONST. art. I, § 9, cl. 2; U.S. CONST. amends. V and VIII; 28 U.S.C. §§ 1361 (mandamus), 1651 (All Writs Act), and 2241 (habeas corpus).

16. Specifically, this Court has jurisdiction under 28 U.S.C. § 2241 to review Petitioner's detention. Federal district courts possess broad authority to issue writs of habeas corpus when a person is held "in custody in violation of the Constitution or laws or treaties of the United States" (28 U.S.C. § 2241(c)(3)), and this authority extends to immigration detention challenges that survived the REAL ID Act's jurisdictional restrictions.

17. Because Petitioner seeks the traditional habeas remedy of release from allegedly unlawful detention rather than additional administrative review of his underlying claims, his petition presents precisely the type of threshold legality-of-detention question that § 2241 was designed to address. See *INS v. St. Cyr*, 533 U.S. 289, 301 (2001); see also *Lopez-Marroquin v. Barr*, 955 F.3d 759, 759 (9th Cir. 2020) (citing *Singh*, 638 F.3d at 1211–12).

18. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(2) and (e)(1) because a substantial part of the events or omissions giving rise to this claim have occurred here, Petitioner is detained here, and his custodian resides here. Venue is also proper under 28 U.S.C. § 2243 because Petitioner's immediate custodian resides in this District. See *Rumsfeld v. Padilla*, 542 U.S. 426, 451–52 (2004) (Kennedy, J., concurring).

19. Sections 8 U.S.C. §§ 1252(b)(9) and 1252(g) do not bar this Court's jurisdiction because Petitioner challenges only the legality of his detention, not the validity of removal proceedings or any removal order. Federal courts have consistently recognized that habeas corpus remains available to review the statutory and constitutional basis of immigration

detention. Petitioner's claims therefore fall squarely within this Court's habeas jurisdiction under 28 U.S.C. § 2241.

PARTIES

20. Petitioner, Junior Jacquenet Saintil, is a native and citizen of Haiti currently detained at the Otay Mesa Detention Center in San Diego, California.

21. Respondent Christopher LaRose is the Warden of the Otay Mesa Detention Center in San Diego, California, is Petitioner's immediate custodian, and is responsible for Petitioner's confinement.

22. Respondent Markwayne Mullin is the Secretary of the U.S. Department of Homeland Security (DHS).

23. Respondent David J. Venturella is the Senior Official Performing the Duties of the Director of U.S. Immigration and Customs Enforcement (ICE).

24. Respondent Todd Blanche is the Acting Attorney General of the United States and the head of the U.S. Department of Justice (DOJ).

25. All Respondents are named in their official capacities.

STATEMENT OF FACTS

26. Petitioner is currently detained at the Otay Mesa Detention Center in San Diego, California. Petitioner is a native and citizen of Haiti who presented himself for inspection at the Nogales Port of Entry on December 1, 2023. DHS thereafter issued Petitioner a Notice to Appear identifying him as an arriving alien.

27. Following his inspection, the Department of Homeland Security exercised its discretionary authority under INA § 212(d)(5)(A) and paroled Petitioner into the United States, as reflected in his Form I-94. (*Ex.* 1.) Following that grant of parole, Petitioner was permitted to reside at liberty in the United States.

28. On May 23, 2024, the Immigration Judge terminated Petitioner's removal proceedings. DHS did not appeal that decision. (*Ex.* 2.)

29. Following his grant of parole, Petitioner remained at liberty in the United States and continued pursuing immigration relief and benefits before USCIS. Petitioner filed an affirmative application for asylum. (*Ex.* 4.)

30. On August 27, 2024, USCIS approved Petitioner's application for Temporary Protected Status. (Ex. 3.) USCIS subsequently issued Petitioner an Employment Authorization Document valid through February 17, 2030. (*Ex.* 5.)

31. On August 3, 2026, while driving in connection with a job application, Petitioner was stopped at a U.S. Customs and Border Protection checkpoint and taken into immigration custody.

32. Respondents provided Petitioner no prior notice, no opportunity to be heard, and no individualized custody determination before a neutral decisionmaker before taking him into custody.

33. Following his arrest, Petitioner was ultimately transferred to the Otay Mesa Detention Center in San Diego, California, where he is currently detained.

34. At no point before Petitioner's re-detention did DHS provide Petitioner with notice, an opportunity to be heard, or any constitutionally adequate pre-deprivation custody process.

35. Despite Petitioner's prior grant of parole and prolonged liberty in the community, Respondents continue to detain Petitioner without any pre-deprivation individualized determination regarding danger, flight risk, or the necessity of detention. Moreover, Respondents have not issued any written notice terminating Petitioner's parole pursuant to 8 C.F.R. § 212.5(e).

36. Respondents afforded Petitioner no meaningful opportunity to be heard before a neutral decisionmaker regarding whether detention was necessary before revoking his previously granted liberty.

REQUIREMENTS OF 28 U.S.C. § 2243

37. Under 28 U.S.C. § 2243, the Court "must" grant the petition for a writ of habeas corpus or issue an order to show cause ("OSC") "forthwith," unless the petitioner is not entitled to relief. If an OSC is issued, the statute requires that Respondents file a return "within three

days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

38. Federal courts have long emphasized the importance of habeas corpus as a protection against unlawful restraint. The Supreme Court has described the Great Writ as "perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963).

39. Congress and the courts have repeatedly reaffirmed that habeas corpus must remain a prompt and expeditious remedy. As the Ninth Circuit has explained, "The statute itself directs courts to give petitions for habeas corpus 'special, preferential consideration to insure expeditious hearing and determination.'" *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted). The court cautioned that delays in habeas proceedings risk creating the impression "that courts are more concerned with efficient trial management than with the vindication of constitutional rights." *Id.*

EXHAUSTION OF ADMINISTRATIVE REMEDIES

40. In habeas corpus proceedings, exhaustion of administrative remedies is prudential, not jurisdictional. *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017). A court may waive prudential exhaustion where "administrative remedies are inadequate or not efficacious, pursuit of administrative remedies would be a futile gesture, irreparable injury will result, or the administrative proceedings would be void." *Id.* (quoting *Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004)). Here, exhaustion should be excused because the available administrative process is inadequate to remedy Petitioner's pre-deprivation due-process claim and because his continued detention causes irreparable harm.

41. Petitioner's claim challenges Respondents' failure to provide constitutionally adequate process before revoking his previously granted liberty. Although an administrative custody proceeding may address whether Petitioner should remain detained going forward, it

cannot retroactively provide the process required before his re-detention or remedy the deprivation that had already occurred.

42. Moreover, no statutory exhaustion requirement applies to Petitioner's constitutional claim. The claim presents a pure question of constitutional law concerning the procedures required before the government may revoke previously granted liberty through re-detention. That question falls outside the agency's adjudicatory competence and is properly resolved through habeas review.

43. Petitioner suffers irreparable harm for each additional day he remains unlawfully detained. The loss of physical liberty constitutes an injury that cannot be adequately remedied after the fact. Continued incarceration following approximately thirty-two months during which Respondents permitted Petitioner to remain at liberty magnifies that ongoing harm. Courts routinely excuse exhaustion where prolonged or unlawful detention inflicts irreparable injury. Petitioner's ongoing detention therefore further warrants waiver of prudential exhaustion.

LEGAL FRAMEWORK

44. The Immigration and Nationality Act distinguishes between detention at the time of entry and detention following arrest in the interior of the United States. See 8 U.S.C. §§ 1225, 1226.

45. Section 235 governs inspection-stage detention of individuals encountered at or near the time of entry while their admissibility is being determined. By contrast, Section 236(a) governs the arrest and detention of noncitizens who have already entered the United States and are later taken into custody pending removal proceedings.

46. Once the Department of Homeland Security grants parole to a noncitizen pursuant to INA § 212(d)(5)(A) and permits that individual to reside at liberty in the United States for a prolonged period of time, the inspection-stage detention framework no longer applies in the same manner as it would to a noncitizen detained immediately upon entry. Any subsequent detention following a later interior arrest must comply with the constitutional requirements governing civil immigration detention, including individualized custody review consistent with due process.

47. Parole granted pursuant to INA § 212(d)(5)(A) is expressly authorized on a case-by-case basis for urgent humanitarian reasons or significant public benefit. 8 U.S.C. § 1182(d)(5)(A). The governing regulation likewise provides that, before the period of authorized parole expires, parole may be terminated when the purpose for which parole was authorized has been accomplished or when neither humanitarian reasons nor public benefit warrants the noncitizen's continued presence in the United States. 8 C.F.R. § 212.5(e)(2)(i).

48. Respondents have not issued Petitioner any written notice terminating his parole or provided him with any individualized determination that the purpose of his parole had been accomplished or that neither humanitarian reasons nor public benefit warranted its continuation.

49. Accordingly, Petitioner's re-detention implicates not only the constitutional protections arising from his previously granted liberty, but also DHS's compliance with the statutory and regulatory framework governing the parole it affirmatively granted him.

50. Federal courts have repeatedly recognized that individuals who were released from custody and later re-detained in the interior of the United States are not subject to mandatory detention under § 1225(b), but are instead entitled to custody review under § 1226(a).

51. The Due Process Clause protects all persons within the United States from arbitrary detention. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Freedom from physical restraint lies at the core of the liberty protected by the Constitution.

52. Immigration detention is civil in nature and is permissible only when justified by legitimate governmental interests, such as ensuring appearance at proceedings or protecting the community. *Id.* at 690–91.

53. Where the government has previously released a noncitizen from custody and permitted him to reside at liberty in the community, that release reflects a determination that detention was not necessary to serve the purposes of civil immigration detention. Once that liberty has been granted, continued detention must comport with the requirements of due process. Continued detention without any individualized determination and without constitutionally adequate process violates the Due Process Clause.

54. The Administrative Procedure Act prohibits agency action that is arbitrary, capricious, or not in accordance with law. 5 U.S.C. § 706(2)(A). An agency must provide a reasoned explanation for its actions based on the relevant facts and circumstances.

55. Re-detaining a noncitizen after a prolonged period of liberty—without providing an individualized justification, without constitutionally adequate process, and without applying the proper statutory framework—constitutes arbitrary, capricious, and unlawful agency action.

CLAIM FOR RELIEF

COUNT 1

Violation of Due Process U.S. Constitution Amendment V

56. Petitioner re-alleges and incorporates by reference, as if fully set forth herein, all preceding paragraphs.

57. The Due Process Clause of the Fifth Amendment prohibits the federal government from depriving any person of "life, liberty, or property, without due process of law." U.S. CONST. amend. V. This protection applies to all persons within the United States, including noncitizens, "whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

58. Petitioner presented himself for inspection at the Nogales Port of Entry on December 1, 2023. The Department of Homeland Security exercised its discretionary authority under INA § 212(d)(5)(A) and paroled Petitioner into the United States, as reflected in his Form I-94. Following that grant of parole, Petitioner was permitted to reside at liberty in the United States. On August 3, 2026, while driving in connection with a job application, Petitioner was stopped at a U.S. Customs and Border Protection checkpoint and taken into immigration custody without prior notice, an opportunity to be heard, or an individualized custody determination before a neutral decisionmaker.

59. Having previously been granted parole and permitted to reside at liberty in the United States for approximately thirty-two months, Petitioner acquired substantial liberty interests protected by the Due Process Clause. Continued detention without an individualized

determination and without constitutionally adequate process constitutes an arbitrary deprivation of liberty in violation of the Fifth Amendment.

60. Continued civil immigration detention must comply with the requirements of due process and must be supported by an individualized custody determination consistent with the governing statutory framework. The Constitution does not permit the government to detain first and justify later.

61. By re-detaining Petitioner without constitutionally adequate pre-deprivation process, Respondents deprived Petitioner of his liberty in violation of the Due Process Clause of the Fifth Amendment.

COUNT 2

Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A) (Agency Action Not in Accordance with Law and in Excess of Statutory Authority)

62. Petitioner re-alleges and incorporates by reference, as if fully set forth herein, the allegations in the paragraphs above.

63. Under the Administrative Procedure Act, a court shall "hold unlawful and set aside agency action" that is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. 5 U.S.C. § 706(2)(A).

64. Agency action is arbitrary and capricious where the agency fails to consider relevant factors, offers an explanation that runs counter to the evidence, or fails to articulate a rational connection between the facts found and the decision made. *Motor Vehicle Mfrs. Ass'n v. State Farm*, 463 U.S. 29, 43 (1983).

65. An agency must provide a reasoned explanation for its actions based on the facts and circumstances of the individual case. *Dep't of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019).

66. Here, Respondents re-detained Petitioner after previously granting him parole into the United States and permitting him to reside at liberty in the community for approximately thirty-two months. Respondents have provided no reasoned explanation for Petitioner's continued

detention and failed to provide constitutionally adequate process before revoking his previously granted liberty.

67. Respondents have further failed to articulate any reasoned basis for continuing to detain Petitioner after previously granting him parole into the United States and permitting him to reside at liberty in the community for approximately thirty-two months, particularly where Respondents have not issued any written notice terminating Petitioner's parole pursuant to 8 C.F.R. § 212.5(e).

68. By continuing to detain Petitioner without a reasoned explanation, without individualized custody review, and without applying the proper constitutional and statutory framework, Respondents have acted arbitrarily, capriciously, and contrary to law.

69. Accordingly, Respondents' decision to detain Petitioner must be set aside under 5 U.S.C. § 706(2)(A).

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

A) Assume jurisdiction over this matter;

B) Issue the writ of habeas corpus or, in the alternative, an order to show cause directing Respondents to show cause, within three days of the filing of this Petition, why the relief requested should not be granted, and set a hearing within five days of Respondents' return, consistent with 28 U.S.C. § 2243;

C) Declare that Respondents' re-detention of Petitioner without constitutionally adequate pre-deprivation process, and his resulting continued detention, violate the Due Process Clause of the Fifth Amendment;

D) Declare that Respondents' continued detention of Petitioner following his re-detention without constitutionally adequate pre-deprivation process is unlawful under the Constitution and governing immigration detention framework;

E) Declare that Respondents' actions detaining Petitioner without a reasoned explanation, without an individualized justification, and without complying with governing procedures were

arbitrary, capricious, an abuse of discretion, and not in accordance with law, in violation of the Administrative Procedure Act, 5 U.S.C. § 706(2);

F) Set aside Respondents' unlawful action under the Administrative Procedure Act, pursuant to 5 U.S.C. § 706(2)(A);

G) Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from custody;

H) Order Respondents to return Petitioner's personal property and identity documents, including his driver's license, employment authorization document, and any other personal belongings confiscated in connection with his detention.

I) In the alternative, order a constitutionally adequate custody hearing at which DHS bears the burden of justifying Petitioner's continued detention by clear and convincing evidence, and the neutral adjudicator must consider alternatives to detention and Petitioner's ability to pay any bond imposed;

J) Enjoin Respondents from transferring Petitioner outside this District without prior approval of this Court;

K) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412, and any other basis authorized by law; and

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

Respectfully submitted,

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Dated: August 13, 2026

VERIFICATION PURSUANT TO 28 U.S.C. 2242

I submit this verification as counsel for Petitioner in this action. The factual allegations contained in this Petition are based on information provided to me by Petitioner during my personal visit with him at the Otay Mesa Detention Center, information provided by his relatives, and my review of available immigration and court records. Those records include documentation issued by the Department of Homeland Security, including Petitioner's Form I-94 and related immigration records.

Based on my personal communication with Petitioner, my review of this information, and to the best of my knowledge, information, and belief, I declare that the factual statements contained in this Petition are true and correct and accurately reflect Petitioner's circumstances and the procedural history of his detention.

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Dated: August 13, 2026