

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION (LOS ANGELES)

CARLOS MARIO SILVA HERNANDEZ,  
Petitioner,

v.

WARDEN, GOLDEN STATE ANNEX PROCESSING CENTER;  
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT;  
U.S. DEPARTMENT OF HOMELAND SECURITY;  
Respondents.

Case No.:2:25-cv-07157 v. ICE DHS

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

## INTRODUCTION

Petitioner, Carlos Mario Silva Hernandez, a native and citizen of Colombia, is currently detained by U.S. Immigration and Customs Enforcement ("ICE") at the Golden State Annex Processing Center in McFarland, California, in the custody of the U.S. Department of Homeland Security ("DHS"). Petitioner respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging the legality of his ongoing detention without a constitutionally adequate bond hearing.

Petitioner has no criminal history and has applied for asylum. His removal proceedings were dismissed without prejudice on June 26, 2025, leaving him in indefinite detention without the protections of bond eligibility or a pending case. As of the date of this petition, DHS has not reinstated a prior order, filed new charges of removability, or issued a new Notice to Appear (NTA). His detention violates the Due Process Clause of the Fifth Amendment and the Immigration and Nationality Act (INA).

## JURISDICTION AND VENUE

1. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus) and 28 U.S.C. § 1331 (federal question jurisdiction). Petitioner is presently in custody under the authority of the United States, and such custody is unlawful.
2. Venue is proper in the Central District of California because Petitioner is detained at the Golden State Annex Processing Center, which lies within this District.

## PARTIES

3. Petitioner, Carlos Mario Silva Hernandez, is a civil immigration detainee currently held at the Golden State Annex Processing Center.
4. Respondents are the Warden of the Golden State Annex Processing Center, U.S. Immigration and Customs Enforcement (ICE), and the U.S. Department of Homeland Security (DHS).

## FACTUAL BACKGROUND

5. Petitioner entered the United States in March 2024 without inspection and sought asylum.
6. On June 26, 2025, the Immigration Judge (IJ) dismissed Petitioner's case without prejudice. Petitioner timely received notice of the dismissal.
7. The IJ had previously denied bond on July 7, 2025.
8. Petitioner does not have a reinstated removal order, nor has DHS filed a new Notice to Appear (NTA) since the dismissal.
9. As a result, Petitioner remains in detention without a current immigration case and no pending removal proceedings.

## LEGAL CLAIMS

### A. Petitioner's Indefinite Detention Without Reinstatement or Charges Violates Due Process

10. The government may not indefinitely detain noncitizens without individualized determinations of flight risk and danger. See *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Diouf v. Napolitano*, 634 F.3d 1081 (9th Cir. 2011).
11. In the absence of a pending immigration case, or timely bond review, Petitioner's continued detention is arbitrary and unlawful.

### B. Petitioner Is Entitled to a Custody Redetermination Hearing

12. Under 8 C.F.R. § 1003.19 and due process principles, Petitioner is entitled to a prompt bond hearing before an IJ to determine whether continued detention is justified.
13. Petitioner is not a danger to the community, has complied with all court obligations, and seeks relief in good faith.

## PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Issue a writ of habeas corpus and order Respondents to schedule a constitutionally adequate bond hearing before an Immigration Judge within 7 days;
2. In the alternative, order Petitioner's immediate release under appropriate conditions of supervision;