

Alejandro Monsalve
CA SBN 324958
Alex Monsalve Law Firm, PC
240 Woodlawn Ave., Suite 9
Chula Vista, CA 91910
(619) 777-6797
Counsel for Petitioner

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

PEDRO PABLO EXPOSITO

Petitioner

v.

Kristi NOEM, Secretary, U.S. Department of
Homeland Security;

Todd LYONS, Acting Director, U.S.

Immigration and Customs Enforcement;

Gregory J. ARCHAMBEAULT, Field Office

Director, San Diego Field Office, U.S.

Immigration and Customs Enforcement.

Christopher LAROSE, Senior Warden, Otay

Mesa Detention Center;

Sirce OWEN, Acting Director of the Executive

Office for Immigration Review (EOIR),

U.S. Department of Justice.

Pamela BONDI, Attorney General, U.S.

Department of Justice.

Respondents

Case No.: '25CV2399 RSH DEB

**PETITION FOR
WRIT OF HABEAS CORPUS**

INTRODUCTION

1. Petitioner, Pedro Pablo Exposito, is a Cuban national who has been a lawful permanent resident of the United States since 1991. He is currently detained at the Otay Mesa Detention Center in San Diego, California.

2. Petitioner has been in DHS custody since May 27, 2025, when he was detained at Luis Muñoz Marín International Airport in San Juan, Puerto Rico, upon returning from an international trip to the Dominican Republic.

3. DHS bases his detention on a 2006 federal conviction for credit card fraud, for which Petitioner fully completed his sentence of probation and home confinement nearly two decades ago. He has no subsequent criminal history.

4. Despite his long-standing lawful permanent residence, DHS has classified Petitioner as an “arriving alien,” rendering him ineligible for custody redetermination before an Immigration Judge. As a result, he has been deprived of any opportunity to seek release through the normal bond process.

5. Petitioner’s confinement poses serious medical risks, as he suffers from **Diabetic Macular Edema** (DME), a condition that threatens his eyesight if untreated. His detention also causes extreme hardship to his U.S.-citizen family, including his minor child. Moreover, his continued confinement is unlawful because it has become unreasonably prolonged, punitive in nature, and bears no reasonable relation to the purposes of immigration custody.

6. Through this habeas petition, Petitioner seeks a writ of habeas corpus ordering his immediate release from custody, or, in the alternative, a constitutionally adequate bond hearing at which the Government must justify his continued detention by clear and convincing evidence before a neutral decisionmaker.

JURISDICTION AND VENUE

7. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in the custody of the Department of Homeland Security within this District, and he challenges the legality of that custody.

1 8. This Court also has jurisdiction under 28 U.S.C. § 1331 because this action arises
2 under the Constitution and laws of the United States, including the Immigration and Nationality
3 Act and the Due Process Clause of the Fifth Amendment.

4 9. Venue is proper in this District under 28 U.S.C. § 1391(e) because Petitioner is
5 detained at the Otay Mesa Detention Center, which lies within the jurisdiction of this Court.

6 PARTIES

7 10. Petitioner, Pedro Pablo Exposito, is a Cuban national and lawful permanent resident
8 of the United States since 1991 detained at the Otay Mesa Detention Center.

9 11. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland
10 Security (DHS).

11 12. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs
12 Enforcement (ICE).

13 13. Respondent Gregory J. Archambeault is the Director of the San Diego Field Office of
14 U.S. Immigration and Customs Enforcement.

15 14. Respondent Cristopher Larose is the Senior Warden of the Otay Mesa Detention
16 Center.

17 15. Respondent Sirce Owen is the Acting Director of the Executive Office for
18 Immigration Review (EOIR).

19 16. Respondent Pamela Bondi is the Attorney General of the United States and the head
20 of the U.S. Department of Justice (DOJ).

21 17. All Respondents are named in their official capacities.

22 FACTS

23 18. Petitioner, Pedro Pablo Exposito, is a Cuban national and has been a lawful
24 permanent resident of the United States since October 1991.

25 19. On May 27, 2025, upon returning from international travel to the Dominican
26 Republic, Petitioner was detained by DHS officers at Luis Muñoz Marín International Airport in
27 San Juan, Puerto Rico.

1 20. That same day, DHS served Petitioner with a Notice to Appear classifying him as an
2 “arriving alien” and charging inadmissibility under INA § 212(a)(2)(A)(i)(I).

3 21. DHS bases his detention on a 2006 conviction under 18 U.S.C. § 1029(a)(1) (credit
4 card fraud), for which Petitioner was sentenced to three years of probation, six months of home
5 detention, and restitution. He successfully completed all terms of his sentence nearly two
6 decades ago and has had no subsequent criminal history.

7 22. After his recent detention in Puerto Rico, Petitioner was transferred to the Otay Mesa
8 Detention Center in San Diego, California, where he remains in DHS custody.

9 23. Petitioner has resided in the United States for more than three decades, and is the
10 father of a U.S.-born minor child.

11 24. Petitioner has been diagnosed with **Diabetic Macular Edema** (DME), a chronic
12 progressive condition that, if untreated, may cause irreversible vision loss. A letter from his
13 treating retina specialist confirms this diagnosis and emphasizes the urgent need for treatment.

14 25. Because he has been classified by DHS as an “Arriving Alien,” Petitioner has not
15 had a custody redetermination or bond hearing before an Immigration Judge.

16 26. For that reason, on July 23, 2025, Petitioner’s immigration counsel, Paul
17 Kanczuzewski, (Florida Bar No. 1011353; Puerto Rico Bar No. 21600), submitted a
18 humanitarian parole request to the ICE San Diego Field Office. To date, the request has not
19 received any response. The filing included a detailed explanation of Petitioner’s medical
20 condition, a letter from his treating retina specialist (Exhibit 1), diagnostic test results, and
21 multiple letters of support from friends and family members.

22 27. At the same time, Petitioner’s immigration counsel is actively seeking relief,
23 including cancellation of removal under INA § 240A(a) and, in the alternative, a waiver of
24 inadmissibility under INA § 212(h), which DHS has acknowledged he is eligible to pursue
25 (Exhibit 2).

26 28. On September 12, 2025, Petitioner informed his relatives that his vision had become
27 totally blurry in both eyes. Petitioner also informed his relatives that after complaining to
28

1 detention staff about his serious and painful symptoms, and requesting medical attention on
2 several occasions, he reported being taken only to the facility's nursing room and has never been
3 seen by an ophthalmologist or retina specialist. Petitioner advised detention facility staff that he
4 requires intravitreal Vabysmo injections every six weeks to prevent further retinal damage, yet
5 since his detention on May 27, 2025, he has not received these injections or any other significant
6 treatment for his condition.

7 CLAIM FOR RELIEF

8 **Violation of the Due Process Clause of the Fifth Amendment**

9 29. Petitioner realleges and incorporates the preceding paragraphs as if fully set forth
10 herein.

11 30. The Fifth Amendment provides that "[n]o person shall be deprived of life, liberty, or
12 property, without due process of law."

13 31. "Freedom from imprisonment—from government custody, detention, or other form of
14 physical restraint—lies at the heart of the liberty that Clause protects." *Zadvydas v. Davis*, 533
15 U.S. 678, 690 (2001).

16 32. Petitioner has been detained since May 27, 2025, without any bond hearing or
17 individualized determination, as his classification as an "Arriving Alien" excludes him from
18 Immigration Judge bond jurisdiction.

19 33. Petitioner has been a lawful permanent resident since 1991, with strong family ties,
20 including a minor U.S.-born child, and is *prima facie* eligible for cancellation of removal under
21 INA § 240A(a); DHS has also acknowledged his eligibility to seek a waiver of inadmissibility
22 under INA § 212(h). Continued detention under these circumstances is punitive, arbitrary, and
23 excessive.

24 34. His confinement is aggravating **Diabetic Macular Edema (DME)**, a vision-
25 threatening condition for which he has not received meaningful treatment as of September 12,
26 2025. Prolonged detention without addressing this urgent medical need violates substantive Due
27 Process.

35. With no relief available in immigration court, and ICE's failure to respond to his July 23, 2025 humanitarian parole request, habeas corpus before this Court is his only remedy.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

A). Assume jurisdiction over this matter;

B) Direct Respondents to refrain from transferring Petitioner outside the jurisdiction of this District while these proceedings are pending;

C) Declare that Petitioner's continued detention, without any individualized determination of necessity, and in the absence of Immigration Judge bond jurisdiction, violates the Due Process Clause of the Fifth Amendment;

D) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately from custody, in light of his long-standing lawful permanent residence, strong family ties, serious medical condition, and *prima facie* eligibility for relief from removal;

E) In the alternative, order that Petitioner be afforded a constitutionally adequate bond hearing before a neutral decisionmaker at which the Government must justify continued detention by clear and convincing evidence;

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

Respectfully submitted.

/s/ Alejandro J. Monsalve, Esq. CA SBN 324958

Alex Monsalve Law Firm, PC

240 Woodlawn Ave, Suite 9

Chula Vista, CA 91910

Phone: (619) 777-6796

Email: info@alexmonsalvelawfirm.com

Counsel for Petitioner

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