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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CHAVEZ-CEJA, SAMUEL *Petitioner*, v. *Christopher J. LaRose in his official as Warden of* OTAY MESA DETENTION FACILITY; Patrick Divver *in his official Capacity as San Diego Field Office Director of the Immigration and Customs Enforcement, Enforcement and Removal Operations* OTAY MESA DETENTION FACILITY; KRISTI NOEM, *in her official capacity as Secretary of the U.S. Department of Homeland Security;* and PAM BONDI, *in her official capacity as Attorney General of the United States*, *Respondents*.	**'25CV2668 BJC AHG** **PETITION FOR WRIT OF HABEAS CORPUS**

INTRODUCTION

1. This petition for Writ of Habeas Corpus filed on behalf of Petitioner Samuel Chavez Ceja ("Petitioner") to remedy their unlawful detention.

2. Petitioner is a native of Mexico, born on [redacted] [*See* Exhibit A: "Birth Certificate for Petitioner Samuel Chavez Ceja"]. He entered the United States on or around 2004 without inspection when he was around 12 years old and has not left since.

3. He is a father to two young U.S. citizen children. His child [redacted] [*See* Exhibit C: "Birth Certificates for Petitioners Children"].
4. On June 28, 2025, Petitioner was arrested by Immigration and Customs Enforcement (ICE) without reasonable suspicion in violation of the Fourth Amendment's safeguard against unreasonable seizures. [*See* Exhibit B: "Declaration of Petitioner Samuel Chavez Ceja"].
5. He was issued a Notice to Appear by the Department of Homeland Security ("DHS") on July 5, 2025, alleging that he was removable pursuant to the Immigration and Nationality Act (INA) § 212(a)(6)(A)(i). [*See* Exhibit D: "EOIR Order Granting Petitioners Motion to Suppress"].
6. On July 14, 2025, Petitioner was granted release from custody under bond of $5,200. [*See* Exhibit E: "EOIR Order Granting Petitioners Release Under Bond"]. However, on September 30, 2025, after appeal by DHS, the Executive Office for Immigration Review ("EOIR") Board of Immigration Appeals ("BIA") vacated the Immigration Judge's bond decision and ordered the Petitioner to remain detained in DHS custody without bond. [*See* Exhibit F: "BIA Order Vacating Immigration Judge's Bond Decision"].
7. On August 29, 2025, the Immigration Judge granted Petitioner's Motion to Suppress Evidence, determining that an egregious Fourth Amendment violation occurred and suppressing Form I-213, Record of Deportable/Inadmissible Alien. [*See* Exhibit D: "EOIR Order Granting Petitioners Motion to Suppress"].
8. On September 18, 2025, the EOIR granted Petitioner's Motion to Terminate Proceedings finding that DHS did not meet its burden by clear and convincing evidence of establishing

Petitioners alienage. [*See* Exhibit G: "EOIR Order Granting Petitioners Motion to Terminate"].

9. However, despite this order by the Immigration Judge, Petitioner remains unlawfully detained in ICE custody at Otay Mesa Detention Facility in San Diego, California.

10. Following the Order granting Termination of Immigration Proceedings the Petitioner has exhausted all available legal remedies with EOIR to seek release. ICE must now release Petitioner pursuant to this order.

11. Petitioner asks this Court to find that Petitioner's detention is unlawful and issue a writ of habeas corpus for Petitioner to be immediately released from custody.

JURISDICTION

12. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq*.

13. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

14. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq*., the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq*., and the All Writs Act, 28 U.S.C. § 1651.

VENUE

15. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(c)(3) and 28 U.S.C. § 1391(b)(2) and (e)(1) because Petitioner is detained within this district at Otay Mesa Detention Facility in San Diego, California, which is within the jurisdiction of this District.

16. Venue is proper in this District because a substantial part of the events or omissions giving

rise to this action occurred and continue to occur Otay Mesa Detention Facility in San Diego, California. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243

17. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return "within *three days* unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

18. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to 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) (emphasis added).

PARTIES

19. Petitioner was arrested by ICE officers on June 28, 2025, and was transferred to Otay Mesa Detention Facility where he is currently detained. He is in custody, and under the direct control, of Respondents and their agents.

20. Christopher J. LaRose, as the acting Warden of Otay Mesa Detention Facility, has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent is a legal custodian of Petitioner.

21. Respondent Patrick Divver is sued in his official capacity as the Acting Director of the San Diego Field Office of U.S. Immigration and Customs Enforcement. Respondent Divver is a

legal custodian of Petitioner and has authority to release him.

22. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention and custody. Respondent Noem is a legal custodian of Petitioner.

23. Respondent Pam Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

STATEMENT OF FACTS

24. Petitioner is a 34-year-old citizen of Mexico. [*See* Exhibit A: "Birth Certificate for Petitioner Samuel Chavez Ceja"]. Petitioner entered the United States on or about 2004 without inspection and has not left the United States since then.

25. Petitioner has two young U.S. citizen children. [*See* Exhibit C: "Birth Certificates for Petitioner Samuel Chavez Ceja"]. [redacted]

26. On or about February 24, 2025, Petitioner was convicted under California Vehicle Code § 23152(B). [*See* Exhibit H: "Criminal Court Documents for Petitioner Samuel Chavez Ceja"]. He completed the community labor conditions of probation. *Id.* This conviction of Driving with a Blood Alcohol Content of 0.08 Percent or Higher was a misdemeanor and is not considered an aggravated felony because no bodily harm or death was involved. *Id.*

27. On or about June 28, 2025, Petitioner was unlawfully detained by ICE while he was working at Bonita Carwash in San Dimas, California. [*See* Exhibit B: "Declaration of Petitioner Samuel Chavez Ceja"].

28. At or around 8:40 A.M. Petitioner was working at his place of employment, Bonita Carwash when he suddenly heard a lot of people shouting. *Id.* Petitioner decided to run out of fear, but a man wearing a mask stopped him and asked him if he had papers. *Id.* Petitioner did not answer their question, but he was arrested anyway and put into an unmarked vehicle. *Id.*

29. During Petitioner's apprehension the masked agent did not identify himself to Petitioner nor did he present a warrant to be on the private property. *Id.* Petitioner contends that that the masked men only took the people that that were wearing Bonita Carwash shirts, whom like Petitioner were the employees of the carwash. *Id.*

30. Witness of Petitioners arrest state that multiple unmarked trucks and vans arrived at the private parking lot of Bonita Carwash. [*See* Exhibit B: "Declaration of Petitioner Samuel Chavez Ceja"]. They contend that the men were directly targeting only the employees of the car wash. *Id.*

31. Witnesses also state that the masked men who arrested the Petitioner were also heavily armed and had no emblems of identification. *Id.* The officers arrested Petitioner and several other workers and placed them into their unmarked vans. *Id.*

32. On July 14, 2025, Petitioner was granted release from custody under bond of $5,200. [*See* Exhibit E: "EOIR Order Granting Petitioners Release Under Bond"]. However, on September 30, 2025, after appeal by DHS, the Executive Office for Immigration Review ("EOIR") Board of Immigration Appeals ("BIA") vacated the Immigration Judge's bond

decision and ordered the Petitioner to remain detained in DHS custody without bond. [*See* Exhibit F: "BIA Order Vacating Immigration Judge's Bond Decision"].

33. On August 29, 2025, EOIR approved Petitioner's Motion to Suppress evidence, concluding that Petitioner demonstrated an egregious Fourth Amendment violation occurred and suppressed the evidence contained within the I-213 Record of Deportable/Inadmissible Alien. [*See* Exhibit D: "EOIR Order Granting Petitioners Motion to Suppress"].

34. On September 18, 2025, Petitioner was granted termination of his immigration proceedings in an Order by an Immigration Judge finding that the government did not meet their burden by clear and convincing evidence of establishing respondents' alienage. [*See* Exhibit G: "Order Granting Petitioners Motion to Terminate"].

35. Petitioner is being detained unlawfully at Otay Mesa Detention Facility, in San Diego, California despite an order of the Immigration Judge to Terminate his Proceedings.

36. ICE has not identified any exceptional circumstances warranting Petitioner's continued detention under ICE policy. Petitioner has exhausted all measures with ICE and EOIR to be release.

37. Petitioner has been detained at this facility for over four months. Continued detention under order by the Immigration Judge to Terminate Proceedings constitutes unlawful detention and violates Due Process. Once proceedings are terminated, detention has no lawful justification.

LEGAL FRAMEWORK

38. The Fourth Amendment protects "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." U.S. Const. amend. IV. It is a fundamental tenet of Fourth Amendment law that "a search or seizure of a person

must be supported by probable cause particularized with respect to that person." *Ybarra v. Illinois*, 444 U.S. 85, 91 (1979).

39. Furthermore, 8 C.F.R. § 287.8(b)(2) provides that for an immigration officer to lawfully detain a person they suspect to be in the country illegally they must have "a reasonable suspicion, based on specific articulable facts, that the person being questioned is, or is attempting to be, engaged in an offense against the United States or is an alien illegally in the United States." The Court of Appeals for the Ninth Circuit has held that ICE agents that "carr[ied] out preplanned mass detentions, interrogations, and arrests [. . .], without individualized reasonable suspicion" violates 8 C.F.R. § 287.8(b)(2). *Perez Cruz v. Barr*, 926 F.3d 1128,1133 (9th Cir. 2019). Most recently, on August 1, 2025, the Ninth Circuit upheld a temporary restraining order barring the federal government from conducting detentive stops for the purposes of immigration enforcement without first establishing individualized, reasonable suspicion that the person to be stopped is unlawfully in the United States. *Vasquez Perdomo v. Noem*, No. 25-4312, 2025 WL 2181709 (9th Cir. Aug. 1, 2025). Although, the Supreme Court has issued a temporary stay of the Ninths Circuit injunction, the court's order in *Noem v. Vasquez Perdomo*, No. 25A169, 606 U.S. ___ (2025), reaffirms the constitutional requirement that immigration related stops must be based on individualized, reasonable suspicion of unlawful presence, and that reliance solely on race, language, or other proxies for national origin is insufficient under the Fourth Amendment. Longstanding precedent, including *United States v Brigoni-Ponce*, 422 U.S. 873 (1975), remains controlling emphasizing that while ethnicity may be one factor among many, it cannot be the sole or primary justification for a stop.

40. The Due Process Clause requires that the deprivation of Petitioners' liberty be narrowly tailored to serve a compelling government interest. See Reno v. Flores, 507 U.S. 292, 301–02 (1993) (holding that due process "forbids the government to infringe certain 'fundamental' liberty interests at all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest"). As the Supreme Court held in Zadvydas, indefinite detention, and detention without adequate procedural protections, would raise a "serious constitutional problem" and run afoul of the Due Process Clause. 533 U.S. at 690.

41. Section 1231 of Title 8 of the U.S. Code governs the detention and removal of noncitizens. Section 1231(a)(2) authorizes a 90-day period of mandatory post-final-removal-order detention, during which ICE is supposed to effectuate removal. This 90-day period known as the "removal period" begins on the latest of one of the triggering conditions listed in Section 1231(a)(1)(B)(i)-(iii): (i) the entry of a final removal order; (ii) the final order from a circuit court reviewing the removal order, if the court ordered a stay of removal pending review, or (iii) "[i]f the [noncitizen] is confined (except under an immigration process), the date the [noncitizen] is released from detention or confinement." Pursuant to 8 U.S.C. § 1231(a)(3), After the 90-day removal period ends, those individuals who are not removed within the 90-day removal period are no longer subject to mandatory detention, and should generally be released under conditions of supervision, such as periodic reporting and other reasonable restrictions. Under § 1231(a)(6), The government may continue to detain certain noncitizens beyond the 90-day removal period if they have been ordered removed on inadmissibility grounds after violating nonimmigrant status or conditions of entry, or on grounds stemming from criminal convictions, or security concerns or if they have been determined to be a

danger to the community or a flight risk. If these groups of noncitizens are released, they are also subject to the supervision terms set forth in Section 1231(a)(3).

CLAIMS FOR RELIEF

COUNT ONE
Violation Of Immigration and Nationality Act

42. Petitioner realleges and incorporates by reference the paragraphs above.

43. The Immigration and Nationality Act at § 236(a), 8 U.S.C. § 1226(a), authorizes DHS to detain pending a decision on whether the alien is to be removed with exceptions where detention regards the detention of a criminal alien. Immigration and Nationality Act at § 236(c), 8 U.S.C. § 1226(a), regulates mandatory detention, which applied to only a narrow class of individuals convicted of offenses enumerated in that subsection, primarily aggravated felonies, crimes involving moral turpitude and certain controlled substance or firearm offenses.

44. In addition, The Immigration and Nationality Act at 8 U.S.C. § 1231(a) authorizes detention "beyond the removal period" only for the purpose of effectuating removal. 8 U.S.C. § 1231(a)(6); *see also Zadvydas*, 533 U.S. at 699 ("[O]nce removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute.").

45. Detention authority under INA § 236(a), 8 U.S.C. § 1226(a), permits detention pending a decision on whether the alien is to be removed. In Petitioners' case, because the Immigration Judge granted both the Motion to Suppress and the Motion to Terminate, there are no active proceedings against him. [*See* Exhibit D: "Order Granting Petitioners Motion to Suppress" and Exhibit G: "Order Granting Petitioners Motion to Terminate"]. Once termination of proceedings occurred, ICE lacked statutory authority under INA § 236(a), 8 U.S.C. § 1226(a), to continue detention of Petitioner because there is no longer any pending decision

about removal.

46. Furthermore, the Immigration Judge found that DHS could not meet its burden of proof under INA § 240(c)(3(A) 8 U.S.C. § 1229(a) to establish removability by clear and convincing evidence. [*See* Exhibit G: "Order Granting Petitioners Motion to Terminate"]. Without lawfully obtained evidence of alienage, DHS cannot sustain its charge and therefore cannot meet its burden of proof. Any evidence of alienage was excluded as the product of an unlawful stop lacking reasonable suspicion, leaving the government without a basis to proceed. These conditions make continued detention unforeseeable and unlawful.

47. Under the INA detention must align with the statutes purpose. INA § 236(a), 8 U.S.C. § 1226(a) is a civil detention statute designed to ensure appearance at hearings and protect the community. Because the immigration court has already granted Petitioner's motion to suppress and motion to terminate, there are no ongoing removal proceedings to justify continued detention under INA § 236(a), 8 U.S.C. § 1226(a). With proceedings terminated and no criminal record, detention exceeds statutory authority and purpose.

48. Under *Zadvydas* and *Denmore*, immigration detention is permissible only while proceedings are pending and removal is reasonably foreseeable. Here, once the Immigration Judge granted the Motion to Terminate there is no further pending decision in Petitioners case. There is no final order of removal for Petitioner because immigration proceedings have been terminated. Therefore, his removal is not reasonably foreseeable which shows that his detention does not effectuate the purpose of the statute and is accordingly not authorized by 8 U.S.C. § 1231(a).

49. Furthermore, although Petitioner has been convicted under California Vehicle Code § 23152(b) this is his sole conviction, and it does not fall within any of the statutory

categories triggering mandatory detention under § 236(c). This offense if not an aggravated felony under 8 U.S.C. § 1101(a)(43), nor a crime involving moral turpitude, nor a controlled substance or firearm offense. *See Leocal v. Ashcroft*, 543 U.S. 1 (2004) (holding driving under the influence involving criminal negligence or strict liability is not an aggravated felony as crime of violence under 18 USC § 16). *See Matter of Torres-Varela*, 23 I&N Dec. 78 (BIA 2001) (holding that a simple DUI, or more than one, is not a crime involving moral turpitude). Because VC § 23152(b) falls outside the mandatory detention provisions, the governments continued detention of Petitioner is governed exclusively by § 236(a). Under that framework, as stated above, the indefinite continued detention of Petitioner is unlawful.

50. Continued detention is therefore unlawful because it violates 8 U.S.C. § 1231(a)(6) as interpreted by the U.S. Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001) and habeas relief in the form of release is warranted.

COUNT TWO
Violation of Fourth Amendment Unreasonable Search and Seizure

51. The allegations in the above paragraphs are realleged and incorporated herein.

52. The Fourth Amendment protects "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." U.S. Const. amend. IV. Within the meaning of the Fourth Amendment a person has been "seized" only if, in view of all of the circumstances surrounding the incident, a reasonable person would have believed that he was not free to leave. *United States v. Mendenhall*, 446 U.S. 544 (1980). If the person to whom questions are put remains free to disregard the questions and walk away, there has been no intrusion upon that person's liberty or privacy as would require some particularized and objective justification. *Id.* It is a fundamental tenet of Fourth Amendment law that "a search or seizure of a person must be supported by probable cause particularized with respect

to that person." *Ybarra v. Illinois*, 444 U.S. 85, 91 (1979). In addition, 8 C.F.R. § 287.8(b)(2) provides that for an immigration officer to lawfully detain a person they suspect to be in the country illegally they must have "a reasonable suspicion, based on specific articulable facts, that the person being questioned is, or is attempting to be, engaged in an offense against the United States or is an alien illegally in the United States."

53. In this case, on August 29, 2025, the EOIR Immigration Judge established that there was an egregious violation of Petitioner's Fourth Amendment rights under the United States Constitution. [*See* Exhibit D: "Order Granting Petitioners Motion to Suppress"]. ICE agents engaged in at least two types of egregious violations of the Fourth Amendment. First, the ICE agents used coercion and duress during the search and second, they lacked reasonable suspicion to seize the respondent, ICE targeted the respondent based on his race, color of his skin and the location of his work.

54. A reasonable person who is questioned by masked officers arriving in recklessly driven unmarked vehicles, would not feel free to leave or refuse questioning. In the instant case, the Petitioner was at work, at a car wash when he saw unmarked cars recklessly driven and people screaming, due the fear these circumstances provoked, he fled. [*See* Exhibit B: "Declaration of Petitioner Samuel Chavez Ceja"]. He was then apprehended by masked officers who asked him if he had "papers" to be in the United States. *Id.* When Petitioner did not answer he was immediately arrested. *Id.* He was put in the back of an unmarked vehicle and taken to an ICE processing center. *Id.*

55. As the Immigration Judge established, Petitioners flight alone was not sufficient to establish reasonable suspicion. There was no indication that Petitioner was engaged in illegal activity because he was simply at his place of work. It is clear based on the declarations provided that

the respondent was simply present at his place of work when he was detained without reason. A witness who was there at the time of the arrest states: "I saw no badges, no form of identification, no warrants of why he was being arrested. They detained someone just based on the color of his skin. I felt tears in my eyes, my heart racing in anxiety, fear, towards the incident and the ICE agents themselves." [*See* Exhibit I: Declarations from Witnesses of Petitioners Arrest"]

56. In addition, the officers did not identify themselves and were wearing masks. Under these circumstances a reasonable person would be triggered to flee to avoid harm. Another witness states: "[t]he officers were in uniforms, but I cannot confirm if they were actual ICE uniforms. I can only say with certainty that they were masked and unidentifiable, especially since they were not wearing badges. I did not hear any agents identify themselves as ICE or explain their presence, and for a moment, I feared it was a hostage situation or a shooting. My mind raced to the worst scenarios until I began to see them targeting specific workers, and then it dawned on me what was happening. I observed them systematically scrutinizing everyone and only detaining certain individuals, particularly those who were Latino." *Id.*

57. The Immigration Judge also established that even if DHS could establish that the private property where Petitioner was detained was public, the reasonable suspicion standard would still not be met to establish a lawful seizure. [*See* Exhibit D: "Order Granting Petitioners Motion to Suppress"].

58. For these reasons, Petitioner's detention violates the Fourth Amendment, and he must be immediately released.

COUNT THREE
Violation of Fifth Amendment Due Process Clause

59. The allegations in the above paragraphs are realleged and incorporated herein.

60. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty" that the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690 (citing Foucha v. Louisiana, 504 U.S. 71, 80 (1992)). Civil proceedings are assumed to be nonpunitive in nature. *Id.* Civil immigration detention violates due process if it is not reasonably related to its statutory purpose. *See id.* at 690 (citing Jackson v. Indiana, 406 U.S. 715, 738 (1972)). To determine whether immigration detention meets the standard, the court asks whether the detention exceeds a period reasonably necessary to secure removal. *See id.* at 699. The courts measures whether removal is reasonably foreseeable and holds that continued detention is unreasonable and no longer authorized when it is not reasonably foreseeable. *Id.* In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention: to mitigate the risk of flight and prevent danger to the community. *Id.; Demore v. Kim*, 538 U.S. 510, 514–15, 528 (2003).

61. First, Petitioner does not pose a danger to the community. He has a family that he cares for emotionally and financially. He is described by his niece Leslie Simental, as "a dedicated father who works hard to provide for his family." [*See* Exhibit J: "Letters of Support for Petitioner Samuel Chavez Ceja"]. She also states that Petitioner is a productive member of the community and contributes meaningfully to those around him. *Id.* Although Petitioner has been convicted of Misdemeanor VC § 23152(B), this offense does not make a danger to his community because it was his first and only conviction. The violation did not involve a controlled substance, bodily harm or death. Furthermore, he has completed all the requirements of his probation and has not committed another offense since then. [*See* Exhibit

H: "Criminal Court Documents for Petitioner Samuel Chavez Ceja"]. Petitioner is described as a great role model for his kids. His main priority is taking care of his children financially and emotionally. For these reasons, Petitioner does not pose a danger to the community.

62. Second, Petitioner does not pose a risk of flight. Petitioner has strong family and community ties in the United States. [*See* Exhibit J: "Letters of Support for Petitioner Samuel Chavez Ceja"] Petitioner has created a network of supportive members of his community who wish to see him released and back in their community. *Id.* He has two young children who are his responsibility. Petitioner's children are U.S. citizens, and their lives are established in this country, therefore Petitioner has no reason to uproot his family. These strong family and community ties show his responsibility to deter flight. In addition, Petitioner has also demonstrated compliance with court proceedings as he has litigated motions through EOIR. This adherence to the law shows that Petitioner does not pose a risk of flight because he is disposed to go through the proper avenues to secure immigration relief.

63. Furthermore, immigration detention is a civil matter and therefore it violates due process unless it is reasonably related to its statutory purpose. With proceedings terminated, there is no removal case to adjudicate, making detention punitive. Here, the government's statutory purpose of securing removal is no longer feasible as Petitioner immigration proceedings are terminated. Petitioner has been detained in Otay Mesa Detention Center for over four months and remains detained despite termination of his proceedings. Petitioner prolonged detention without justification violates due process because his continued detention serves no purpose other than punitive confinement.

64. In addition, the similarity between the conditions of Petitioner's detention and penal confinement weigh in favor of granting habeas relief. The Fifth Amendment's Due Process

clause prohibits punitive civil detention. The conditions of Otay Mesa Detention Center have been reported as having "Staffing shortages, poor coordination between medical and mental health care providers, and widespread problems with record-keeping contributed to the risks for detainees, many of whom suffer from depression, anxiety, and post-traumatic stress disorder." [*See* Exhibit K: "Cal Matter's Report on ICE Facilities"]. In addition, the detention center is described as overcrowded with detainees even sleeping on the floor. [*See* Exhibit L: "KPBS Article on Otay Mesa Overcrowding"]. Continued detention under these conditions imposes irreparable harm to petitioner and his U.S. citizen family.

65. For these reasons, Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment, and he must be immediately released.

COUNT FOUR

66. If he prevails, Petitioner requests attorney's fees and costs in the amount of $15,000 under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

(1) Assume jurisdiction over this matter.

(2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.

(3) Declare that Petitioners' detention violates the Immigration and Nationality Act, Due Process Clause of the Fourth Amendment, Due Process Clause of the Fifth Amendment.

(4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately.

(5) Enjoin Respondents from further unlawfully detaining Petitioners.

(6) Grant a writ of habeas corpus ordering Respondents to immediately release Petitioners from custody.

(7) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law and

(8) Grant any further relief this Court deems just and proper.

Respectfully submitted,

Alfonso Morales, Esq.
Attorney for Samuel Chavez Ceja

Dated: October 6, 2025

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Samuel Chavez Ceja, and submit this verification on his 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.

Dated this 6 day of October 2025.

Alfonso Morales, Esq.
Attorney for Samuel Chavez Ceja