

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the  
Central District of California



Fermin PERALTA VALLADARES

*Petitioner*

v.

Todd Lyons, Acting Director, Immigration and Customs  
Enforcement; Ernesto Santacruz, Jr., Field Office Acting  
Director for Enforcement and Removal Operations

*Respondent*


(name of warden or authorized person having custody of petitioner)

Case No. \_\_\_\_\_

(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Fermin Peralta Valladares  
(b) Other names you have used: \_\_\_\_\_
2. Place of confinement:  
(a) Name of institution: Adelanto Detention Facility  
(b) Address: 10400 Rancho Road  
Adelanto, CA 92301  
(c) Your identification number: 
3. Are you currently being held on orders by:  
☒ Federal authorities    ☐ State authorities    ☐ Other - explain: \_\_\_\_\_
4. Are you currently:  
☐ A pretrial detainee (waiting for trial on criminal charges)  
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime  
If you are currently serving a sentence, provide:  
(a) Name and location of court that sentenced you: \_\_\_\_\_  
(b) Docket number of criminal case: \_\_\_\_\_  
(c) Date of sentencing: \_\_\_\_\_  
☒ Being held on an immigration charge  
☐ Other (explain): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Decision or Action You Are Challenging

5. What are you challenging in this petition:  
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- ☐ Pretrial detention  
☒ Immigration detention  
☐ Detainer  
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)  
☐ Disciplinary proceedings  
☐ Other (explain): \_\_\_\_\_

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: \_\_\_\_\_  
(b) Docket number, case number, or opinion number: \_\_\_\_\_  
(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):  
Petitioner challenges the determination that INA section 235 and thus mandatory detention should apply to  
Petitioner instead of INA 236. On 9/5/25, the BIA issued a decision in Matter of Yajure Hurtado, wherein IJs  
lack authority to hear bond requests. Petitioner was also unlawfully detained in violation of 4th/5th amendments.  
(d) Date of the decision or action: \_\_\_\_\_

**Your Earlier Challenges of the Decision or Action**

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: \_\_\_\_\_  
(2) Date of filing: \_\_\_\_\_  
(3) Docket number, case number, or opinion number: \_\_\_\_\_  
(4) Result: \_\_\_\_\_  
(5) Date of result: \_\_\_\_\_  
(6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not appeal: The present petition relates to classifying Petitioner for mandatory detention under INA 235. Petitioner is eligible for release on bond under INA 236. The petition also relates to 4th and 5th Amendment violations so there is no decision to appeal.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☐ No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not file a second appeal: \_\_\_\_\_

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes

☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not file a third appeal: \_\_\_\_\_

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes

☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes

☐ No

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If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Date of filing: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Date of filing: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: \_\_\_\_\_

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes

☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: 09/17/2025

(b) Date of the removal or reinstatement order: \_\_\_\_\_

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☒ No

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If "Yes," provide:

(1) Date of filing: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Result: \_\_\_\_\_

(4) Date of result: \_\_\_\_\_

(5) Issues raised: \_\_\_\_\_

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Case number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes

☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: \_\_\_\_\_

(b) Name of the authority, agency, or court: \_\_\_\_\_

(c) Date of filing: \_\_\_\_\_

(d) Docket number, case number, or opinion number: \_\_\_\_\_

(e) Result: \_\_\_\_\_

(f) Date of result: \_\_\_\_\_

(g) Issues raised: \_\_\_\_\_

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**Grounds for Your Challenge in This Petition**

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

**GROUND ONE:** On September 5, 2025, the BIA decided Matter of Yajure Hurtado, instructing immigration judges that they lack authority to hear bond requests or to grant bond to aliens who are present in the US without admission. Petitioner will be classified under INA 235 as an "applicant for admission" and thus subject to mandatory detention without any possibility for release on bond.

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

Petitioner has lived in the U.S. for approximately 20 years and has no criminal record. Petitioner was arrested near the Naval Base Ventura County, over 100 miles from the border, when they inadvertently took the wrong road. Prior to the September 5, 2025 BIA Decision and July 9, 2025 DHS Policy Memo, DHS would have classified Petitioner under INA 236 and as bond eligible. Petitioner should be classified under INA 236 and should be eligible for release on bond subject to an Immigration Judge's discretion.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☐ No

**GROUND TWO:** Violation of 4th Amendment because Petitioner Peralta was arrested and detained without probable cause. Petitioner Peralta was illegally arrested based on their ethnicity and inability to speak English.

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

Petitioner Peralta was arrested and detained on September 17, 2025. They were initially detained by the NBVC police and attempted to explain the mistake and wrong turn. The NBVC police did not charge them with a crime, but rather called ICE because Peralta is a transwoman and speaks no English. There is no other information provided by ICE that NBVC had any information indicating Peralta had no legal status. Their rights were violated because they were detained and arrested in violation of the 4th amendment.

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☐ No

**GROUND THREE:** Violation of the 5th amendment because Peralta remains detained without due process.

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

Peralta is classified by DHS, ICE, EOIR and the BIA as subject to mandatory detention under INA 235 and will not have an opportunity to request a bond hearing. Additionally, because Peralta is a transwoman, ICE has segregated them from the general population and in an individual cell in an orange jump suit, along with other medium security detainees, despite the fact that they have no negative criminal or immigration history.

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☐ No

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**GROUND FOUR:**

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

**Request for Relief**

15. State exactly what you want the court to do: An order to immediately release Petitioner from custody; An order that Respondents may not re-detain Petitioner without a bond hearing on the merits where the government must prove by clear and convincing evidence that Petitioner is a danger to the community and a flight risk such that physical custody is required. In the alternative, Petitioner asks that the Court order that the immigration judge hold a bond hearing on the merits.



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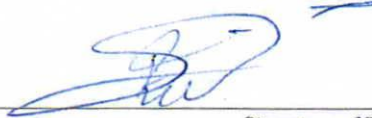
**Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date did you place this petition in the prison mail system:

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I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 10/10/2025



*Signature of Petitioner*



*Signature of Attorney or other authorized person, if any*