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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION

JULIO CASTANEDA GALVAN, Petitioner, v. KRISTI NOEM, Secretary of the U.S. Department of Homeland Security; PAMELA BONDI, Attorney General of the United States; TODD M. LYONS, Acting Director of the U.S. Immigration and Customs Enforcement; ERNESTO SANTACRUZ JR., Acting Director, Los Angeles ICE Field	Case No. 5:25-cv-3071 PETITION FOR WRIT OF HABEAS CORPUS AND ORDER TO SHOW CAUSE WITHIN THREE DAYS; COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Office; and FERETI SEMAIA, WARDEN, Adelanto ICE Processing Center.

Respondents.

Serve:

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I. INTRODUCTION

1. Petitioner, JULIO CASTANEDA GALVAN ("Petitioner"), through undersigned counsel, respectfully petitions this Honorable Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 to challenge his ongoing, unlawful detention by the Department of Homeland Security ("DHS") and U.S. Immigration and Customs Enforcement ("ICE").

2. Petitioner has been improperly detained since or about August 12, 2025, when ICE arrested him at his U.S. Citizenship and Immigration Services ("USCIS") interview in connection with his daughter's approved Form I-130, Petition for Alien Relative ("I-130"). He was not apprehended at or near a border or port of entry and was not seeking admission. Instead, he has lived continuously

in the United States since 1984, with deep family and community ties and a pending application for adjustment of status before the Immigration Judge.

3. DHS has improperly classified Petitioner as subject to mandatory detention under the Immigration and Nationality Act ("INA") § 235(b)(2), 8 U.S.C. § 1225(b)(2), based on the Board of Immigration Appeals' ("BIA") recent decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). That decision is inapplicable here. Petitioner was not apprehended at the border, was not seeking admission, and has resided continuously in the United States since 1984.

4. Petitioner's detention is properly governed by INA § 236(a), 8 U.S.C. § 1226(a), which allows the Attorney General to detain or release a person on bond or conditional parole pending removal proceedings. Petitioner is statutorily eligible for adjustment of status under INA § 245(i) and seeks release from detention during the pendency of those proceedings.

5. Petitioner is statutorily eligible for adjustment of status under INA § 245(i) and seeks immediate release from ICE custody while his Adjustment of Status application is pending before the Immigration Judge. His continued confinement for more than three months violates the INA, long-standing regulatory practice, and due process guaranteed under the Fifth Amendment of the US Constitution.

6. Accordingly, to vindicate Petitioner's statutory and constitutional rights and to put an end to his continued arbitrary detention, this Court should grant the instant petition for a writ of habeas corpus. Thus, Petitioner respectfully asks this Court to find that his prolonged incarceration is unreasonable and to order his immediate release.

II. JURISDICTION

7. This action arises under the Constitution of the United States and the INA, 8 U.S.C. § 1101, et seq.

8. 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). This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

III. VENUE

9. Venue is proper in this district under 28 U.S.C. § 1391(e)(2) because Petitioner is detained in Adelanto, California, which is within the jurisdiction of this District and the Officer in Charge who makes custody decisions in Petitioner's case is located within this judicial district.

IV. CUSTODY AND REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

10. The Court must grant the petition for writ of habeas corpus or issue an order to show cause ("OSC") to the Respondents "forthwith," unless Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC 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.

11. 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).

12. Petitioner is in custody for the purpose of 28 U.S.C. section 2241 since he was arrested by Respondents and remains in their legal and physical custody at Adelanto ICE Processing Center in Adelanto, California. He is under Respondents' and their agents' direct control.

V. PARTIES

13. Petitioner, with A-number A [redacted] is a native and citizen of Mexico who entered the United States in or around 1984. He has been detained for over twelve months and is currently detained at the Adelanto ICE Processing

Center in Adelanto, San Bernadino County, California. He is the custody, and under the direct control, of Respondents and their agents.

14. Respondent Kristi Noem is sued in her official capacity as the Secretary of DHS. In this capacity, Respondent Noem is responsible for the implementation and enforcement of the INA, and oversees ICE, the component agency responsible for Petitioner's detention. Respondent Noem is empowered to carry out any administrative order against Petitioner and is a legal custodian of Petitioner.

15. Respondent Pamela 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 oversees the Executive Office for Immigration Review ("EOIR"), which administers the immigration courts and the BIA.

16. Respondent Todd M. Lyons is sued in his official capacity as the Acting Director of ICE. Respondent Lyons is a legal custodian of Petitioner and has authority to release him.

17. Respondent Ernesto Santacruz Jr. is sued in his official capacity as the Acting Director of Los Angeles ICE Field Office. Respondent Santacruz Jr. is a legal custodian of Petitioner and has authority to release him.

18. Respondent Fereti Semia is the Warden of the Adelanto ICE Processing Center, and he has immediate physical custody of Petitioner pursuant to a contract with ICE to detain noncitizens and is a legal custodian of Petitioner.

VI. EXAUSTION OF ADMINISTRATIVE REMEDIES

19. Petitioner has exhausted all available administrative remedies, and further pursuit of administrative relief would be futile. The Immigration Judge has denied Petitioner's request for release, finding him subject to mandatory detention under INA § 235(b)(2), 8 U.S.C. § 1225(b)(2).

20. It would be futile to await the BIA's decision on an appeal of the bond proceedings because the BIA has already foreclosed relief through its own published precedent, *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). That decision holds that individuals who were never formally admitted are categorically subject to detention under § 235(b)(2) and therefore ineligible for bond. Because the BIA is bound by its own precedent, it lacks authority to grant Petitioner any relief inconsistent with Yajure Hurtado.

21. Federal courts have recognized that, under such circumstances, prudential exhaustion is unnecessary. *In Zaragoza Mosqueda et al. v. Noem*, 2025 WL 2591530, at *7 (C.D. Cal. Sept. 8, 2025), the court noted that *Yajure Hurtado*

renders prudential exhaustion futile because the BIA's decision leaves no room for reconsideration of the mandatory detention classification.

22. Accordingly, Petitioner has met the exhaustion requirement under 28 U.S.C. § 2241, and this Court has jurisdiction to review the legality of his continued detention.

VII. STATEMENT OF FACTS

23. Petitioner is a citizen and native of Mexico who entered the United States in or around 1984. Petitioner has lived in the United States since 1984, establishing deep family, community, and cultural ties. While Petitioner does not possess documentary proof of his initial entry, he believes he may have been paroled into the United States in the 1980s. Even if the government were to classify his entry as without inspection, the record makes clear that Petitioner is not an "arriving alien" apprehended at or near the border under INA § 235(b)(2), 8 U.S.C. § 1225(b)(2). That provision applies to individuals encountered at ports of entry or immediately upon arrival, not to long-term residents who have lived continuously in the United States for decades.

24. Petitioner was detained by ICE on August 12, 2025, while attending a scheduled USCIS interview for his I-130, family petition filed by his U.S. citizen daughter. He was not arrested at a border or attempting entry. Rather, he was

detained during a lawful, voluntary appearance before immigration authorities. DHS later served him with a Notice to Appear charging inadmissibility under INA § 212(a)(6)(A)(i) (entry without inspection), listing the date and place of entry as "unknown." Since that day, Petitioner remains detained at the Adelanto ICE Processing Center, and his case is set for Master Hearing on November 20, 2025, at 8:30 AM to discuss his Adjustment of Status eligibility.

25. On or about October 27, 2025, Petitioner filed a Bond Request pursuant to INA § 236(a), 8 U.S.C. § 1226(a), seeking a custody redetermination before the Immigration Court. Petitioner argued that he was eligible for an individualized bond hearing under the general detention authority of INA § 236(a), which applies to noncitizens pending completion of removal proceedings.

26. However, on or about October 27, 2025, the Immigration Judge denied the bond request, relying on *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), and concluding that Petitioner was instead subject to mandatory detention under INA § 235(b)(2), 8 U.S.C. § 1225(b)(2). The Immigration Judge's reliance on *Yajure Hurtado* effectively foreclosed Petitioner's opportunity for a bond hearing, despite his prolonged detention and the statutory and constitutional arguments raised in support of release.

27. As a result, Petitioner now seeks habeas corpus relief from this Court to

correct this legal error, prevent further unlawful detention, and obtain his release. Petitioner respectfully files this petition to challenge the agency's misapplication of the law, which has deprived him of the procedural safeguards Congress intended under § 236(a) and the Fifth Amendment's Due Process Clause.

VIII. LEGAL FRAMEWORK

28. Pursuant to 28 U.S.C. § 2243, the Court either must grant the instant petition for writ of habeas corpus or issue an order to show cause to Respondents, unless Petitioner is not entitled to relief. If the Court issues an order to show cause, Respondents must file a response "within three days unless for good cause additional time, not exceeding twenty days, is allowed." 28 U.S.C. § 2243 (emphasis added).

29. "It is well established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings." *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). "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 v. Davis*, 533 U.S. 678, 690 (2001).

30. This fundamental due process protection applies to all noncitizens,

including both removable and inadmissible noncitizens. See id. at 721 (Kennedy, J., dissenting) ("[B]oth removable and inadmissible [noncitizens] are entitled to be free from detention that is arbitrary or capricious."). It also protects noncitizens who have been ordered removed from the United States and who face continuing detention. Id. at 690.

31. Under 8 U.S.C. § 1226(a), the Attorney General "may arrest and detain" any noncitizen "pending a decision on whether the alien is to be removed from the United States," and may release that person on bond or conditional parole. This is the default detention authority governing all individuals already present in the United States who are placed in removal proceedings under INA § 240, as is the case here.

32. By contrast, 8 U.S.C. § 1225(b)(2) applies to "applicants for admission" who are "seeking admission" and have not yet been admitted or paroled. The Supreme Court in *Jennings v. Rodriguez*, 583 U.S. 281, 297 (2018), emphasized that § 235(b) applies "primarily to [noncitizens] seeking entry into the United States," not to those already present.

33. The Court's ruling in *Zadvydas* is rooted in due process's requirement that there be "adequate procedural protections" to ensure that the government's asserted justification for a noncitizen's physical confinement "outweighs the

'individual's constitutionally protected interest in avoiding physical restraint.'" Id. at 690 (quoting *Kansas v. Hendricks*, 521 U.S. 346, 356 (1997)). In the immigration context, the Supreme Court only recognizes two purposes for civil detention: preventing flight and mitigating the risks of danger to the community. *Zadvydas*, 533 U.S. at 690; *Demore*, 538 U.S. at 528. The government may not detain a noncitizen based on any other justification.

IX. EQUAL ACCESS TO JUSTICE ACT

34. The Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412, permits this Court to award attorney fees and costs to Petitioner if he prevails because this action is a civil action brought against agency officials and an agency of the United States. The Agency action in this case are unreasonable as a matter of law and deprive Petitioner of his constitutional rights to be free of unlawful prolonged detention. See: *In re Hill*, 775 F.2d 1037 (9th Cir. 1985).

X. CLAIMS FOR RELIEF

A. COUNT ONE

Violation of Fifth Amendment Right to Due Process– Substantive and Procedural Due Process, U.S. Const. Amend. V.

35. Petitioner re-alleges and incorporates by reference the paragraphs above as

though fully set forth herein.

36. 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. Due process protects "all 'persons' within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693.

37. Due process requires that government action be rational and nonarbitrary. *See U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

38. Petitioner's continued detention without a bond hearing violates his Fifth Amendment rights. Prolonged civil detention without individualized findings of danger or flight risk is constitutionally impermissible. *See Zadvydas v. Davis, 533 U.S. 678 (2001)*. For these reasons, Petitioner's ongoing prolonged detention violates the Due Process Clause of the Fifth Amendment.

B. COUNT TWO

Petitioner's Custody Is Properly Governed by INA § 236(a), 8 U.S.C. § 1226(a), Not § 235(b)(2), 8 U.S.C. § 1225(b)(2).

39. Petitioner re-alleges and incorporates by reference the paragraphs above as though fully set forth herein.

40. Under 8 U.S.C. § 1226(a), the Attorney General "may arrest and detain"

any noncitizen "pending a decision on whether the alien is to be removed from the United States," and may release that person on bond or conditional parole. This is the default detention authority governing all individuals already present in the United States who are placed in removal proceedings under INA § 240, as is the case here.

41. By contrast, 8 U.S.C. § 1225(b)(2) applies to "applicants for admission" who are "seeking admission" and have not yet been admitted or paroled. The Supreme Court in Jennings v. Rodriguez, 583 U.S. 281, 297 (2018), emphasized that § 235(b) applies "primarily to [noncitizens] seeking entry into the United States," not to those already present. Here, Petitioner has resided continuously in the U.S. for four decades and was detained inside the United States, not at a border or port of entry. He therefore cannot be considered an "applicant for admission" within the meaning of § 1225(b)(2).

C. COUNT THREE

Yajure Hurtado Is Inapplicable and Inconsistent with Statutory Text and Precedent.

42. Petitioner re-alleges and incorporates by reference the paragraphs above as though fully set forth herein.

43. Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025), adopts DHS's

recent policy asserting that anyone never formally admitted or paroled is per se subject to § 235(b) mandatory detention. This interpretation is inconsistent with decades of administrative and judicial practice recognizing that § 236(a) governs post-entry arrests, even for those charged as inadmissible under § 212(a)(6)(A)(i).

44. The 1997 INS regulations explicitly reaffirmed that "inadmissible [noncitizens], except for arriving [noncitizens], have available to them bond redetermination hearings before an immigration judge." 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997). Congress later reaffirmed this structure through the Laken Riley Act of 2025, which added new language to § 236(c) covering certain inadmissible individuals—further demonstrating that § 236(a) already applied to this population generally.

45. District courts have consistently rejected DHS's expanded reading of § 235(b). See, e.g., Rodriguez Vazquez v. Garland, 779 F. Supp. 3d 1255, 1260–61 (C.D. Cal. 2025) (holding § 1226(a) governs noncitizens arrested in the interior regardless of admission status); Gomes v. Bondi, No. 25-cv-1647, 2025 WL 1869299 (N.D. Cal. Apr. 21, 2025); Diaz Martinez v. Noem, No. 25-cv-1832, 2025 WL 2084238 (C.D. Cal. May 14, 2025). As those courts recognized, if § 1225(b) applied to all who have not been admitted, the exceptions in § 1226(c) would be

superfluous, violating basic principles of statutory interpretation. See Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co., 559 U.S. 393, 400 (2010).

D. COUNT FOUR

Petitioner Is Not Subject to Mandatory Detention Under § 236(c).

46. Petitioner re-alleges and incorporates by reference the paragraphs above as though fully set forth herein.

47. Even if DHS were correct that Respondent is inadmissible under INA § 212(a)(6)(A)(i) ("entry without inspection"), he would still fall under § 236(a) unless subject to one of § 236(c)'s limited mandatory detention categories—none of which apply here. Petitioner's prior convictions have been vacated, eliminating any potential mandatory detention trigger. See Matter of Pickering, 23 I&N Dec. 621 (BIA 2003) (convictions vacated for legal defects do not constitute convictions for immigration purposes).

48. Because Petitioner is not subject to § 236(c) and was not apprehended while seeking admission, he must be afforded a custody redetermination hearing under § 236(a).

E. COUNT FIVE

Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A) Not in Accordance with Law and in Excess of Statutory Authority. Violation of 8 U.S.C. § 1225(b).

49. Petitioner re-alleges and incorporates by reference the paragraphs above as though fully set forth herein.

50. Under the APA, a court shall "hold unlawful and set aside agency action…" that is "…(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (B) contrary to constitutional right, power, privilege, or immunity…" 5 U.S.C. § 706(2)(A)-(B). The Immigration Judge's and the BIA's reliance on Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025), constitutes such unlawful action.

51. Petitioner has lived in the United States since 1984, establishing deep family, community, and cultural ties. While Petitioner does not possess documentary proof of his initial entry, he believes he may have been paroled into the United States in the 1980s. Even if the government were to classify his entry as without inspection, the record makes clear that Petitioner is not an "arriving alien" apprehended at or near the border under INA § 235(b)(2), 8 U.S.C. § 1225(b)(2). That provision applies to individuals encountered at ports of entry or immediately upon arrival, not to long-term residents who have lived continuously in the United States for decades.

XI. VERIFICATION

52. The facts contained in this petition have been verified by the Petitioner and are personally known to undersigned counsel who represented Petitioner in his removal proceedings. The contents of this petition are accurate.

XII. 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 Petitioner's ongoing detention without an individualized determination violates the Due Process Clause of the Fifth Amendment and 8 U.S.C. § 1231(a);

(4) Declare that Petitioner's detention is governed by 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225(b)(2);

(5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;

(6) Issue an Order prohibiting the Respondents from transferring Petitioner from this district without the Court's approval

(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,

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Dated: November 16, 2025