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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION**

9 JAIME HERNANDEZ-SANTOS,)
10)
11 Petitioner,)
12 v.)
13 Kristi NOEM, in her official capacity as Secretary)
14 of Homeland Security, Gregory J.)
15 ARCHAMBEAULT, in his official capacity as San)
16 Diego Field Office Director, ICE Enforcement)
17 Removal Operations; Todd LYONS, in his official)
18 capacity as Acting Director of ICE; and Pamela)
19 BONDI, U.S. Attorney General; IMMIGRATION)
20 AND CUSTOMS ENFORCEMENT;)
21 DEPARTMENT OF HOMELAND SECURITY,)
22)
23 Respondents.)

'25CV3231 JLS AHG
**PETITION FOR WRIT
OF HABEAS CORPUS**



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I. INTRODUCTION

1. Petitioner JAIME HERNANDEZ-SANTOS (“Petitioner”) is a 46-year-old Mexican national who last entered the United States in 2011.

2. On or about October 3, 2025, Petitioner was detained by Respondents at the Imperial Regional Detention Facility.

3. Petitioner has not requested a custody redetermination as the impact of the Board of Immigration Appeals (“BIA”) decision in *Matter of Yajure*

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION**

JAIME HERNANDEZ-SANTOS,

Agency No. 

Petitioner,

v.

KRISTI NOEM, Secretary, U.S. Department of Homeland Security, et. al.,

Respondents.

PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS

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1 *Hurtado*, 28 I&N Dec. 216 (BIA 2025) has meant that all requests for custody
2 redetermination under Petitioner’s circumstances have been dismissed for lack
3 of jurisdiction.

4 4. Petitioner therefore seeks a writ of habeas corpus directing his
5 immediate release.
6

7 8 II. VENUE AND JURISDICTION

9 5. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus),
10 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the Constitution
11 (Suspension Clause), as Petitioner is presently in custody under the authority
12 of the United States and challenging his detention as in violation of the
13 Constitution, laws, or treaties of the United States.
14

15 6. The federal district courts have jurisdiction under Section 2241 to
16 hear habeas claims by individuals challenging the lawfulness of their detention
17 by ICE. *See Jennings v. Rodriguez*, 583 U.S. 281, 290-92 (2018).
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19 7. Venue is proper because Petitioner is detained in the Imperial
20 Regional Detention Facility, within the San Diego Division. *See* 28 U.S.C. §
21 2241(d)
22

23 24 III. PARTIES

25 8. Petitioner is a 46-year-old Mexican national who resides in Calexico,
26 California. He is currently detained by Respondents at the Imperial Regional
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1 Detention Facility in Calexico, California, pending removal proceedings.

2 9. Respondent Gregory J. Archambeault is the San Diego Field Office
3 Director (“FOD”) for ICE Enforcement and Removal Operations. Respondent
4 Archambeault is responsible for the oversight of ICE operations at the Imperial
5 Regional Detention Center. Respondent Archambeault is being sued in his
6 official capacity.
7

8 10. Respondent Todd Lyons is the Acting Director of ICE. Respondent
9 Lyons is responsible for the administration of ICE and the implementation and
10 enforcement of the immigration laws, including immigrant detention. As such,
11 Respondent Lyons is a legal custodian of Petitioner and is being sued in his
12 official capacity.
13

14 11. Respondent Kristi Noem is the Secretary of the Department of
15 Homeland Security (“DHS”). As Secretary of DHS, Secretary Noem is
16 responsible for the general administration and enforcement of the immigration
17 laws of the United States. Respondent Secretary Noem is being sued in her
18 official capacity.
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20 IV. EXHAUSTION OF REMEDIES


21 12. No statutory exhaustion requirement applies. *See* 8 § U.S.C. 2241;
22 *Laing v. Ashcroft*, 370 F.3d 994, 998 (9th Cir. 2004). Therefore, exhaustion is not
23 jurisdictionally required.
24

25 13. Additionally, further agency steps will be futile. Recently, the BIA
26 published *Matter of Yajure Hurtado*, 28 I&N Dec. 216 (BIA 2025). In its decision,
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1 the BIA adopted DHS' reading of 8 U.S.C. § 1225(b)(2), finding individuals
2 similarly situated to Petitioner ineligible for release on bond.

3 14. In Petitioner's case, any request for custody redetermination will be
4 dismissed by the Immigration Court for lack of jurisdiction and any appeal to
5 the BIA will be dismissed. *Matter of Yajure Hurtado* currently controls in
6 Petitioner's case and any attempt to request agency evaluation of his detention
7 will be futile.
8

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11 **V. STATEMENT OF FACTS**

12 15. Petitioner is a Mexican national born on  He last
13 entered the United States in 2011.

14 16. On or about October 3, 2025, Petitioner was apprehended by ICE
15 outside of a Home Depot.

16 17. Petitioner has remained in Respondents' custody since that time.

17 18. Petitioner's next master hearing is scheduled for November 25, 2025,
18 at 8:30 a.m. before Immigration Judge Jeffrey V. Munoz at 2409 La Brucherie
19 Rd., Imperial, California.
20

21 19. Petitioner now seeks habeas relief because continuing his detention
22 exceeds statutory authority and violates the Fifth Amendment.
23

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25 **VI. LEGAL FRAMEWORK FOR RELIEF SOUGHT**

26 20. Habeas corpus relief extends to a person "in custody under or by color
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1 of the authority of the United States” if the person can show he is “in custody
2 in violation of the Constitution or laws or treaties of the United States.” 28
3 U.S.C. § 2241 (c)(1), (c)(3); see also *Antonelli v. Warden, U.S.P. Atlanta*, 542
4 F.3d 1348, 1352 (11th Cir. 2008) (holding a petitioner’s claims are proper under
5 28 U.S.C. section 2241 if they concern the continuation or execution of
6 confinement).

7
8 21. “[H]abeas corpus is, at its core, an equitable remedy,” *Schlup v.*
9 *Delo*, 513 U.S. 298, 319 (1995), that “[t]he court shall ... dispose of [] as law
10 and justice require,” 28 U.S.C. § 2243. “[T]he court’s role was most extensive
11 in cases of pretrial and noncriminal detention.” *Boumediene v. Bush*, 553
12 U.S. 723, 779–80 (2008). “[W]hen the judicial power to issue habeas corpus
13 properly is invoked the judicial officer must have adequate authority to make
14 a determination in light of the relevant law and facts and to formulate and
15 issue appropriate orders for relief, including, if necessary, an order directing
16 the prisoner’s release.” *Id.* at 787.
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20 VII. CAUSES OF ACTION

21 COUNT ONE

22 8 U.S.C. § 1226(a), NOT 8 U.S.C. § 1225(b), APPLIES TO PETITIONER

23 22. Petitioner incorporates paragraphs 1 through 21 as if fully set out
24 herein.

25 23. Recently, Respondents began arguing that those in situations similar
26 to Petitioner are detained pursuant to 8 U.S.C. § 1225(b)(2), which mandates
27

1 the detention of an “applicant for admission” throughout the entirety of
2 removal proceedings.

3 24. Respondents’ newly formulated definition of “applicant for
4 admission,” which would include any noncitizen who has not been formally
5 admitted regardless of years of residence in the United States, directly
6 contradicts both the plain text of the statute and controlling Ninth Circuit
7 precedent.
8

9 25. As the Ninth Circuit explained in interpreting the phrase “applicant
10 for admission” under § 1225(b)(1), “*an immigrant submits an ‘application for*
11 *admission’ at a distinct point in time,*” and stretching that phrase to apply
12 “*potentially for years or decades ... would push the statutory text beyond its*
13 *breaking point.*” *United States v. Gambino-Ruiz*, 91 F.4th 981, 988–89 (9th Cir.
14 2024) (citing *Torres v. Barr*, 976 F.3d 918, 922–26 (9th Cir. 2020) (en banc)).
15

16 26. Because Petitioner has resided continuously in the United States
17 since 2011, his period as an “applicant for admission” has long since closed.
18

19 27. Numerous courts across the United States have considered this issue
20 subsequent to Respondents’ new policy of treating the vast majority of
21 immigrants in their custody as being detained pursuant to 8 U.S.C. §
22 1225(b)(2) and the BIA’s decision supporting this interpretation in *Matter of*
23 *Yajure Hurtado*, 28 I&N Dec. 216 (BIA 2025).
24

25 28. This Court, joining the general consensus with other courts across
26 this country, has previously held those similarly situated to Petitioner are
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1 being held under 8 U.S.C. § 1226(a) and therefore are not subject to mandatory
2 detention under 8 U.S.C. § 1225(b). *See e.g., Martinez Lopez v. Noem, et al.*, No:
3 25-cv-2717-JES-AHG, 2025 WL 3030457 (S.D. Cal. Oct. 30, 2025).
4

5
6 **COUNT TWO**
7 **(PROCEDURAL DUE PROCESS)**

8 29. Petitioner incorporates paragraphs 1 through 21 as if fully set out
9 herein.

10 30. The Fifth Amendment forbids deprivation of liberty without notice
11 and a meaningful opportunity to be heard before a neutral decision-maker. Due
12 process protects “all ‘persons’ within the United States, including [non-
13 citizens], whether their presence here is lawful, unlawful, temporary, or
14 permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 698 (2001).
15

16 31. Subsection 1003.19(i)(2) strips Petitioner of that protection by
17 allowing the prosecuting agency—after losing at the bond hearing—to veto the
18 Immigration Judge’s order with a one-page notice that requires no showing of
19 danger, flight risk, or likelihood of success on appeal.
20

21 32. Applying the *Mathews v. Eldridge*, 424 U.S. 319 (1976), test,
22 Petitioner’s liberty interest is paramount; the risk of erroneous deprivation is
23 extreme considering the Immigration Judge’s determination that Petitioner is
24 not subject to mandatory detention under 8 U.S.C. § 1226(c) and does not pose
25 a danger to the community. Likewise, the risk of erroneous deprivation of
26 liberty is great due to the lack of a non-independent adjudicator. *Marcello v.*
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2 Respectfully submitted this 20th day of November, 2025.

3 /s/ Murray D. Hilts

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