

1 FABIAN SERRATO (Cal. Bar No. 202792)
2 SERRATO LAW FIRM, APC
3 217 N. Main Street Suite 300
4 Santa Ana, CA 92701
Telephone: 714-775-6654
Fax: 714-775-6655
Email: fabian@serratolaw.com

5 Attorney for Petitioner
6 MIANELA INGRID CHANCO SERRANO

7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

9 MIANELA INGRID CHANCO
10 SERRANO



11 Petitioner,

12
13 vs.

14
15 California City Corrections Center,
16 CHRISTOPHER CHESTNUT in his
17 official capacity, Warden;
18 IMMIGRATION AND CUSTOMS
19 ENFORCEMENT (ICE);
20 Bakersfield ICE Field Office, ERIK
21 BONNAR in his official capacity,
22 Director; Immigration and Customs
23 Enforcement, TODD M. LYONS in his
24 official capacity, Director;
25 DEPARTMENT OF HOMELAND
26 SECURITY; Department of Homeland
27 Security, PAM BONDI in her official
28 capacity, Attorney General; Department
of Homeland Security, KRISTI NOEM
in her official capacity, Secretary,

Respondents.

CIVIL ACTION FILE NO.

28 U.S.C. §2241 PETITION FOR
WRIT OF HABEAS CORPUS FOR
PERSON IN FEDERAL CUSTODY
AND/OR EMERGENCY STAY OF
DEPORTATION; REQUEST FOR
BOND HEARING

INTRODUCTION

1
2 1. COMES NOW Petitioner Mianela Ingrid Chanco Serrano (hereinafter
3 “Petitioner”), and files this Petition for Writ of Habeas Corpus. Petitioner is a native
4 and citizen of Peru and is currently in the physical custody of the Bakersfield Field
5 Office of the U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (“ICE”)
6 Agency at the California City Corrections Center in California City, California.

7 2. Petitioner received a call and voice message from ICE on October 15,
8 2025, requesting that she present herself at the ICE Intensive Supervision Program
9 (“ISAP”) facility in Bakersfield, California, to sign documents without any further
10 information. Upon presenting herself as requested, Petitioner was arrested and
11 detained by ICE agents without providing Petitioner any due process or opportunity
12 to be heard prior to her arrest.

13 3. In addition, the ICE officers at the California City Corrections Center
14 have repeatedly refused to provide Petitioner with the medication she was
15 prescribed for a recent biopsy due to mastitis in her breast.

16 4. For the past weeks, the ICE officers at the California City Corrections
17 Center have also deprived Petitioner and all detainees of clean drinking water, a
18 basic human necessity, which all detainees are required to receive by law. The
19 officers have only permitted detainees, including Petitioner, to drink water from the
20 showers as punishment for requesting clean water, which is unsanitary and
21 unconstitutional confinement.

22 5. Petitioner asks this Court to find that Respondents’ arrest and detention
23 of Petitioner is arbitrary, capricious, an abuse of discretion, and in violation of the
24 law. Petitioner further asks this Court to issue an order to Respondents to show
25 cause as to why Petitioner should not be discharged from the restraint of liberty and
26 to issue an order to Respondents to release Petitioner at her own recognizance or a
27 reasonable bond. In addition, Petitioner asks this Court to issue an order prohibiting
28

1 the Respondents from transferring Petitioner from the district without the court's
2 approval.

3 **JURISDICTION**

4 6. This action arises under the Constitution of the United States, the
5 Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 et. seq., and the
6 Administrative Procedure Act ("APA"), 5 U.S.C. § 701 et. seq.

7 7. This court has subject matter jurisdiction under 28 U.S.C. § 2241
8 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9 cl. 2 of the
9 United States Constitution (Suspension Clause), as Petitioner is currently in custody
10 under the color of the authority of the United States at the California City
11 Corrections Center, in the city of California City, in Kern County.

12 8. This Court may grant relief under the habeas corpus statutes, 28 U.S.C.
13 § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., and the All
14 Writs Act, 28 U.S.C. § 1651.

15 **VENUE**

16 9. Venue is proper in this District under 28 U.S.C. § 1391 because the
17 United States District Court for the Eastern District of California is the judicial
18 district in which the Petitioner is currently in custody. Petitioner is in Respondents'
19 custody at the California City Corrections Center, in Kern County.

20 10. Venue is further proper because Respondents are government
21 employees, officers, and agencies in the United States, and because a substantial
22 part of the events that gave rise to the Petitioner's claim occurred in this District,
23 where Petitioner is now detained and in Respondents' custody.

24 **REQUIREMENTS OF 28 U.S.C. § § 2241, 2243**

25 11. The court must grant the petition for writ of habeas corpus or issue an
26 order to Respondents to show cause ("OSC"), within three (3) days, but not
27 exceeding twenty (20) days, unless the petitioner is not entitled to relief. 28 U.S.C. §
28 2243.

1 12. Pursuant to 28 U.S.C. § 2241(c)(3), a petitioner must be "in custody" in
2 order to obtain relief in a habeas corpus proceeding. The custody requirement is
3 satisfied if the petitioner is "in custody" when the petition is filed. *Spencer v.*
4 *Kemna*, 523 U.S. 1, 7, 118 S. Ct. 978, 140 L. Ed. 2d 43 (1998).

5 13. Petitioner is "in custody" under 28 U.S.C. section 2241 because
6 Petitioner is currently detained by Respondents.

7 14. Petitioner is presently in custody under color of the authority of the
8 United States, and such custody is in violation of the Constitution, laws, or treaties
9 of the United States. *See e.g., Mayers v. United States Immigration and*
10 *Naturalization Service*, 175 F.3d 1289, 1299 (11th Cir. 1999); *Henderson v. Reno*,
11 157 F.3d 106, 122 (2nd Cir. 1998), *Reno v. Navas*, 526 U.S. 1004, 1141 (1999).

12 **EXHAUSTION OF REMEDIES**

13 15. Petitioner has filed no other writ of habeas corpus, and she has no other
14 adequate remedies. Petitioner respectfully requests that she be released from
15 custody or that an evidentiary hearing be set forthwith as she is being detained and
16 separated from her husband and five (5) children, including her one-and-a-half-year-
17 old baby who is a citizen of the United States.

18 **PARTIES**

19 16. Petitioner is a 33-year-old native and citizen of Peru. Petitioner resides
20 in Bakersfield, California. Petitioner has been in custody of the Department of
21 Homeland Security ("DHS") since October 15, 2025.

22 17. Respondent, Christopher Chestnut, Warden of California City
23 Corrections Center is sued in his official capacity as he oversees the operations of
24 the California City Corrections Center. Respondent is a legal custodian of Petitioner.

25 18. Respondent U.S. Immigration Customs Enforcement is the federal
26 agency responsible for custody decisions relating to non-citizens who have been
27 charged with being removable, which includes the arrest, detention, and custody of
28 non-citizens.

1 19. Respondent, Erik Bonnar is sued in his official capacity as the
2 Bakersfield ICE Field Office Director. The Bakersfield Field Office is responsible
3 for local custody decisions relating to detained non-citizens. Respondent is a legal
4 custodian of Petitioner.

5 20. Respondent, Todd M. Lyons is sued in his official capacity as the
6 Acting Director of Immigration and Customs Enforcement as he has authority over
7 Respondent, Erik Bonnar.

8 21. Respondent U.S. Department of Homeland Security is the federal
9 agency that oversees and has authority over ICE and all other DHS Respondents.
10 DHS is responsible for implementing and enforcing the INA, which includes the
11 arrest and detention of citizens.

12 22. Respondent, Pam Bondi is sued in her official capacity as the Attorney
13 General of the United States. She has authority over DHS and is responsible for
14 administration of the immigration laws.

15 23. Respondent, Kristi Noem is sued in her official capacity as the Acting
16 Secretary of the Department of Homeland Security as she has authority over all
17 other DHS Respondents and the operations of DHS.

18 **STATEMENT OF FACTS**

19 24. Petitioner is a 33-year-old native and citizen of Peru.

20 25. Petitioner entered the United States in or about June 2021 and removal
21 proceedings commenced against Petitioner in immigration court. Petitioner
22 presented an asylum claim, which was denied on or about June 5, 2025, and
23 Petitioner filed an appeal with the Board of Immigration Appeals (“BIA”) on or
24 about June 19, 2025. (See Exhibit A).

25 26. Petitioner received a phone call and voice message from ICE on
26 October 15, 2025, informing Petitioner she must present herself at the ISAP facility
27 in Bakersfield, California, to sign documents without providing any further
28 information. Petitioner presented herself as requested and was arrested by ICE

1 immediately upon entrance and taken into custody at the California City Corrections
2 Center. The ICE agents did not offer Petitioner any process or opportunity to be
3 heard, prior to arresting and detaining Petitioner.

4 27. Petitioner was arrested and detained while her asylum appeal is
5 currently pending with the BIA, which is a violation of the Fifth Amendment Right
6 to Due Process. There is no law that mandates detention of a noncitizen while their
7 appeal is pending with the BIA.

8 28. Petitioner has attended all scheduled hearings while in removal
9 proceedings and has no criminal record; therefore, Petitioner is not likely to fail to
10 attend an immigration hearing and is not a threat to the community.

11 29. Petitioner is a mother of five (5) children including a seventeen-year-
12 old son, fifteen-year-old daughter, thirteen-year-old son, ten-year-old son, and one-
13 and-a-half-year-old baby boy who is a citizen of the United States and needs his
14 mother's care. (See Exhibit B).

15 30. Prior to being arrested and detained by Respondents, Petitioner
16 underwent a breast biopsy due to mastitis, and her doctor prescribed Petitioner a list
17 of medications to alleviate her breast pain and to prevent an infection. (See Exhibit
18 C). Petitioner also suffers from anxiety and depression for which she was also
19 prescribed medication.

20 31. The ICE officers at the California City Corrections Center have
21 intentionally deprived Petitioner of her medication. Petitioner has requested access
22 to the KITE application to document her requests for medications, but the officers
23 continue to tell Petitioner that the KITE application is not available at the detention
24 center and ask Petitioner to write down her needs on a piece of paper, all which are
25 always disregarded. After numerous written and verbal requests by Petitioner to
26 have her medication prescribed, the ICE officers have ignored all requests.
27 Petitioner's breast has now turned stiff and a purple color. Petitioner believes she
28 has a breast infection due to the lack of medical attention and urgency to prescribe

1 her medication at the detention center. Such behavior is unconstitutional and a
2 violation of Petitioner's right to access to basic human necessities while detained.

3 32. Petitioner has also requested to have her purple breast checked by the
4 doctor that is present at the California City Corrections Center approximately once a
5 week; however, the doctor tells Petitioner that there are many patients at the
6 moment, and she cannot be seen.

7 33. Petitioner was also threatened by Officer Harper after she used leg
8 tights to warm up her arms because she felt cold at the detention center. Officer
9 Harper threatened to place Petitioner in a different cell as punishment for covering
10 her arms with tights, which is an abuse of power.

11 34. The officers at the California City Corrections Center have also
12 deprived Petitioner of clean drinking water. Not only are the officers illegally
13 refusing to provide Petitioner with clean water, but detainees have also been forced
14 to drink water from the showers to punish them for asking for clean water. This is a
15 deprivation of a basic human necessity and an abuse of power by the officers at the
16 detention center.

17 35. Respondents at the California City Corrections Center have failed to
18 follow the law and provide Petitioner with basic human necessities, which include
19 clean water and necessary medications.

20 36. It is essential to Petitioner's well-being that she be released from
21 detention so she can be properly treated by a doctor for mastitis and have access to
22 her prescribed medications to prevent her condition from exacerbating.

23 37. It is also pivotal that Petitioner returns to her children, especially her
24 one-and-a-half-year-old baby who has become ill without his mother. Petitioner's
25 one-and-a-half-year-old baby cries for his mother every day and hardly eats ever
26 since his mother was arrested and separated from him.

27 38. Thus, Petitioner is held in DHS custody contrary to the Federal
28 Constitution, statutes and regulations.

1 **LEGAL FRAMEWORK**

2 39. The Due Process Clause of the Fifth Amendment to the U.S.
3 Constitution prohibits the federal government from depriving any person of “life,
4 liberty, or property, without due process of law.”

5 40. The INA has three forms of detention for noncitizens in removal
6 proceedings. First is detention for noncitizens in regular, non-expedited removal
7 proceeding. 8 U.S.C. § 1226(a). Individuals who fall under § 1226(a) are entitled to
8 a bond hearing at the outset of their detention. If noncitizens have committed certain
9 crimes, they are subject to mandatory detention pursuant to § 1226(c).

10 41. The INA also mandates detention for noncitizens in expedited removal
11 proceedings, 8 U.S.C. § 1225(b)(1), and detention for noncitizens whose
12 immigration cases are completed, *id.* § 1231(a)(6). *Banda v. McAleeman*, 385 F.
13 Supp. 3d 1099, 1111-13 (W.D. Wash. 2019).

14 42. Noncitizens seeking asylum are guaranteed due process under the Fifth
15 Amendment to the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993).

16 43. The Ninth Circuit has expressed grave doubts that any statute that
17 allows for arbitrary prolonged detention without any process is constitutional or that
18 those who founded our democracy precisely to protect against the government’s
19 arbitrary deprivation of liberty would have thought so. *Rodriguez v. Marin*, 909 F.3d
20 252, 256 (9th Cir. 2018).

21 44. The Due Process Clause of the Fifth Amendment provides Petitioner
22 with protections regarding her detention. “Freedom from imprisonment from
23 government custody, detention, or other forms of physical restraint lies at the heart
24 of the liberty.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

25 45. To protect against arbitrary detention and to guarantee the right to
26 liberty, due process requires “adequate procedural protections” that outweighs the
27 individual’s constitutionally protected interest in avoiding physical restraint.” *Id.*
28

1 46. In the immigration context, the Supreme Court has recognized only
2 two valid purposes for civil detention: to mitigate the risks of danger to the
3 community and to prevent flight. *Id.*; *Demore v. Kim*, 538 U.S. 510, 528 (2003).

4 47. Due process requires certain procedures at bond hearings. First, to
5 justify immigration detention, the government must bear the burden of proof by
6 clear and convincing evidence that the noncitizen is a danger or flight risk. *Singh v.*
7 *Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011). Second, the decision maker must
8 consider alternatives to detention. Third, if the government does not meet their
9 burden of proof, a decisionmaker must assess the noncitizen's ability to pay a bond.

10 48. "For purposes of determining the constitutional adequacy of
11 administrative procedures, identification of the specific dictates of due process
12 generally requires consideration of three distinct factors: (1) the private interest that
13 will be affected by the official action; (2) the risk of an erroneous deprivation of
14 such interest through the procedures used, and the probable value, if any, of
15 additional or substitute procedural safeguards; and (3) the government's interest,
16 including the function involved and the fiscal and administrative burdens that the
17 additional or substitute procedural requirement would entail." *Mathews v. Eldridge*,
18 424 U.S. 319, 323 (1976).

19 49. First, detention deprives noncitizens of a profound liberty interest – one
20 that requires some form of procedural protections. *Diouf v. Napolitano*, 634 F.3d
21 1081, 1091-92 (9th Cir. 2011).

22 50. Second, the risk of error is great where the government is represented
23 by professional attorneys and detained noncitizens often lack English proficiency
24 and proper representation. Because parents subject to termination proceedings are
25 often poor, uneducated, or members of minority groups, such proceedings are often
26 vulnerable to judgments based on cultural or class bias." *Santosky v. Kramer*, 455
27 U.S. 745, 762-763 (1982).

28

1 51. Third, placing the burden on the government imposes minimal cost or
2 inconvenience because the government has access to the detained noncitizen's
3 immigration record.

4 52. Under the three-part test of *Mathews*, 424 U.S. 319, the balance
5 overwhelmingly favors Petitioner. The Respondents' detention of Petitioner creates
6 an extreme risk of erroneous deprivation of Petitioner's liberty interest and family
7 unity.

8 53. The Respondent's interest in ensuring Petitioner's appearance at court
9 hearings can be accomplished by far less restrictive means, such as the Intensive
10 Supervision Appearance Program ("ISAP"), which has resulted in a 99% attendance
11 rate at all EOIR hearings and a 95% attendance rate at final hearings. *Hernandez v.*
12 *Sessions*, 872 F.3d 976, 991 (9th Cir. 2017).

13 54. Due process requires alternatives to detention for those who are not
14 considered a flight risk or danger to the community and consideration of financial
15 circumstances.

16 55. Noncitizen detainees face many hardships while detained, including
17 deprivation of basic necessities, such as water and medications. Despite Petitioner's
18 constant pleas, Respondents have failed to provide Petitioner with clean drinking
19 water and the medication she requires for a recent breast biopsy, which she
20 underwent prior to being arrested and detained. Petitioner has expressed the
21 excruciating pain she is experiencing on her breast; however, the officers at the
22 California City Corrections Center refuse to take action and ignore each and every
23 one of Petitioner's requests for medication.

24 56. Respondents have failed to show that Petitioner's detention is
25 reasonable or related to the purpose of ensuring she appears for hearings during
26 removal proceedings.

27

28

1 **CLAIMS FOR RELIEF**

2 **COUNT ONE**

3 **Habeas Corpus**

4 57. Petitioner incorporates the allegations in the paragraphs above as
5 though fully set forth herein.

6 58. "At its historical core, the writ of habeas corpus has served as a means
7 of reviewing the legality of Executive detention." *Rasul v. Bush*, 542 U.S. 466, 474
8 (2004) (quoting *INS v. St. Cyr*, 533 U.S. 289, 301 (2001)).

9 59. The Suspension Clause of the United States Constitution provides that
10 "[t]he Privilege of the Writ of Habeas Corpus shall not be suspended, unless when
11 in Cases of Rebellion or Invasion the Public Safety may require it." U.S. CONST.
12 art. I, § 9, cl. 2.

13 60. Respondents have made no finding that this case involves rebellion or
14 invasion of public safety as Petitioner has followed all immigration orders, attended
15 all scheduled hearings, complied with all ICE check-ins, and has maintained a clean
16 record.

17 61. Petitioner properly and timely appealed the immigration judge's
18 decision to her asylum claim with the BIA on or about June 19, 2025.

19 62. Petitioner has continued to obey the laws of the United States and has
20 not committed any crime or act that would lead the Respondents to determine that
21 she is a danger to public safety.

22 63. Respondents' arrest and detention of Petitioner without due process or
23 opportunity to be heard violates the laws and Constitution of the United States.

24
25 **COUNT TWO**

26 **Violation of the Administrative Procedure Act**

27 64. Petitioner incorporates the allegations in the paragraphs above as
28 though fully set forth herein.

1 73. The U.S. Constitution protects “all ‘persons’ within the United States,
2 including [non-citizens], whether their presence is lawful, unlawful, temporary, or
3 permanent.” *Id.* at 693.

4 74. While the government has discretion to detain individuals under 8
5 U.S.C § 1226(a), it is not “unlimited” and must comport with constitutional due
6 process. *Zadvydas*, 533 U.S. at 698.

7 75. “The government’s discretion to incarcerate non-citizens is always
8 constrained by the requirements of due process.” *Morrissey v. Brewer*, 408 U.S.
9 471, 482 (1972).

10 76. Immigration detention should not be used as a punishment and should
11 only be used, when a noncitizen is unlikely to appear for an immigration hearing or
12 is a danger to the community. *Zadvydas*, 533 U.S. at 690.

13 77. Noncitizens seeking asylum are guaranteed due process under the Fifth
14 Amendment to the U.S. Constitution. *Reno*, 507 U.S. at 306.

15 78. Petitioner sought asylum during removal proceedings as she was a
16 victim of extortion and sexual assault in her country of origin and appealed the
17 immigration judge’s decision with the BIA, on or about June 19, 2025.

18 79. As a noncitizen who filed an asylum claim with the immigration court,
19 Petitioner is protected by the rights of due process under the Fifth Amendment of
20 the U.S. Constitution.

21 80. Respondents arrested and took Petitioner into custody without proper
22 notice or an opportunity to be heard.

23 81. Respondents were required to provide Petitioner with notice and an
24 opportunity to be heard before arresting and detaining Petitioner. As a result,
25 Respondents deprived Petitioner of a legally protected interest under the
26 Constitution of the United States.

27 82. Detainees have the “right to a safe and healthy environment,” and must
28 be provided “basic human necessities” including adequate food, clothing, shelter

1 personal hygiene, and sanitation. *Butler v. Fletcher*, 465 F.3d 340, 344-45 (8th Cir.
2 2006).

3 83. A few days prior to Petitioner's arrest, she underwent a breast biopsy
4 due to mastitis. Petitioner was prescribed a list of medications that she was required
5 to consume in order to prevent an infection on her breast and to help reduce the
6 pain. Petitioner has repeatedly asked the ICE officers for access to her medications,
7 which they have continuously refused to provide. Petitioner's breast has now turned
8 purple and is in excruciating pain as she has not been able to consume her
9 medications since she was arrested and detained by Respondents.

10 84. In addition, Petitioner has not been provided with clean water to drink,
11 a basic necessity for all human beings. For the past weeks, the officers at the
12 California City Corrections Center have only permitted Petitioner, along with all
13 other detainees, to drink unsanitary water from the showers, which is inhumane,
14 unreasonable, and a violation of the law.

15 85. Respondents have unreasonably deprived Petitioner of her liberty
16 interest and basic human necessities, such as water and medications, which
17 constitutes unconstitutional conditions of confinement.

18
19 **PRAYER FOR RELIEF**

20 WHEREFORE, Petitioner prays that this Court grant the following relief:

- 21 1. Assume jurisdiction over this matter;
- 22 2. Issue a Writ of Habeas Corpus ordering Respondents to show cause as
23 to why Petitioner should not be discharged from the restraint of liberty now imposed
24 on her by the Respondents;
- 25 3. Issue a Writ of Habeas Corpus ordering Respondents to release
26 Petitioner on her own recognizance or a reasonable bond;
- 27 4. Issue an order prohibiting the Respondents from transferring Petitioner
28 from the district without the court's approval;

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TABLE OF EXHIBITS

EXHIBIT A	Petitioner's Filing Receipt for Appeal
EXHIBIT B	Petitioner's Son's U.S. Birth Certificate
EXHIBIT C	Petitioner's List of Medications