

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

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CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY

AMAURY RODRIGUEZ MESA

ALIEN#   
Petitioner,

vs.

TODD LYONS  
Acting Director  
U.S. Immigration and Customs Enforcement,

**CV25-04744-PHX-JJT-MTM**

David R. Rivas,  
Warden San Luis Regional Detention Center  
406 N Ave D, San Luis  
Arizona 85349

Respondents.

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

I. INTRODUCTION

Petitioner Amaury Rodriguez Mesa, a Cuban national, has been detained by the Department of Homeland Security ("DHS") at San Luis Regional Detention Center, Yuma, Arizona since May 30, 2025, after minor traffic violations.

DHS asserts that Petitioner entered without inspection and he is subject to mandatory detention under INA 235(b), ("arriving alien" theory). This classification is legally and constitutionally defective.

Petitioner has an Employment Authorization Document valid until September 2030, and has pending applications for:

1. Adjustment of status under the Cuban Adjustment Act (CAA)
2. Asylum (I-589)

Petitioner was previously released into the community in August 2021 on Form I-220A, and fully complied with all check-in requirements.

Despite this, Petitioner remains detained following:

- A. Bond denial by the Immigration Judge on September 26, 2025
- B. Motion to Terminate Removal denial by the Immigration Judge on 10/02/2025
- C. Prove-up Hearing on October 24, 2025, where the IJ erroneously concluded that DHS "proven its burden" despite all defective NTAs with improperly amended of factual allegations, and unauthenticated Arrest Report, as well as adding repetitive untimely filings and deadline extensions.

This continued detention violates the Fifth Amendment Due Process Clause and is inconsistent with *Lazaro Maldonado-Bautista v. Ernesto Santacruz Jr*, case no. 5-25-cv-01873-SSS-BFM (2025).

Petitioner now seeks federal habeas relief

## II. JURISDICTION AND VENUE

Jurisdiction under 28 U.S.C. 2241

This Court has jurisdiction to review constitutional and statutory claims relating to immigration detention, *Jennings v. Rodriguez*, 583 U.S. 830(2018); *Demore v. Kim*, 538 U.S. 510(2003).

Venue is proper in the district of Arizona, where Petitioner is detained.

Custodian: Warden, San Luis Regional Detention Center

### III. PARTIES

Petitioner: Amaury Rodriguez Mesa, Alien 

Respondent Todd Lyons is Acting Director of the U.S. Immigration and Customs Enforcement.

David R. Rivas is the Warden, at San Luis Regional Detention Center, ICE facility where Petitioner is held.

### IV. STATEMENT OF FACTS

1. Petitioner is a Cuban national.
2. Petitioner entered the U.S. and was released on I-220A in 2021, living in the U.S. for years.
3. Petitioner has pending CAA and asylum applications.
4. Petitioner was detained on May 30, 2025, after minor traffic violations.
5. DHS subsequently classified Petitioner as an "arriving alien" subject to mandatory detention under INA 235(b).
6. The Immigration Judge denied bond on September 26, 2025, relying on DHS's classification.
7. On October 02, 2025, the IJ denied Motion to Terminate Removal proceedings.
8. On October 24, 2025, the Immigration Judge held a Prove-up Hearing claiming DHS met its burden to establish mandatory detention.
9. Removal to Cuba is not reasonably foreseeable, as the United States is not currently repatriating Cuban national at scale, and no other removal is feasible.
10. Petitioner has a U.S. address for release and strong community ties.

11. Petitioner has not criminal convictions beyond minor traffic violations.

## V. CLAIMS FOR RELIEF

Claim 1: DHS Misclassification Under 235(b) is Unlawful.

Petitioner was previously released into the community.

Blanket "arriving alien" detention for individuals like Petitioner violates *Maldonado-Bautista v. Sykes* (2025).

The Immigration Judge's October 24, 2025, prove-up ruling does not override the statutory and constitutional errors.

Claim 2: Continued Detention Violates Due Process.

Detention from May 30 to the present November 30, 2025 is prolonged more than six months, triggering constitutional concerns. *Zadvydas v. David*, 533 U.S. 678 (2001).

Pending Cuban Adjustment Act and Asylum applications show Petitioner is fully pursuing lawful relief.

No threat to public safety or flight risk exists, the individual was working and has sponsors and he is a well-loved barber in the Miami's community.

Constitutional and statutory due process requires an individualized bond hearing.

Claim 3: The IJ's Prove-Up Ruling Does Not Preclude Federal Review

The Immigration Judge ruling is limited to whether DHS met its burden.

Federal habeas review does not defer to IJ determination on custody classifications.

Federal courts have consistently granted habeas relief even after IJ prove-up rulings.

IJ custody determinations are administrative and not binding on Article III courts.

Federal Courts routinely grant habeas relief even after bond denials or mandatory detention findings. *Maldonado-Batista v. Santacruz*.

VI. REQUEST FOR RELIEF

Petitioner respectfully requests:

1. Immediate relief from detention; OR
2. A constitutionally adequate bond Hearing within 7 days, with DHS bearing the burden of proof; AND
3. Injunctive relief prohibiting DHS from classifying Petitioner as a 235(b) mandatory detainee.
4. Any other relief the Court deems just.

Respectfully submitted,

Victor T. Outierrez, attorney for Petitioner

**CERTIFICATE OF SERVICE.**

I Victor T Gutierrez, certify that a copy of the foregoing petition was served on:

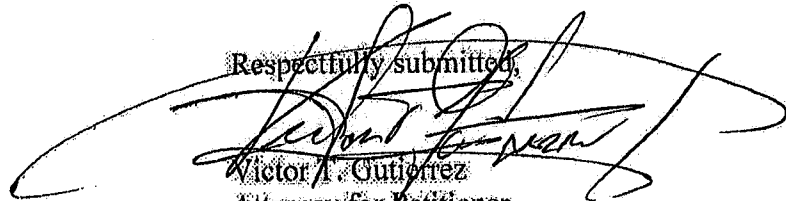
Office of ICE Field Office Director San Diego Field U.S. Immigration and Customs  
Enforcement 880 Front Street, Suite 2242, San Diego, CA 92101

Warden/Facility Administrator San Luis Regional Detention Center, 406 North Avenue D, San  
Luis Arizona 85349

U.S. Attorney, District of Arizona, Phoenix Division 40 N. Central Avenue, Suite 1200 Phoenix,  
AZ 85004.

Attorney General of the United States U.S. Department of Justice 950 Pennsylvania Avenue NW  
Washington, DC 20530, on this 11 th day of December, 2025.

Respectfully submitted,



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*EXHIBIT A- Proof of release on Form I220A in August 2021*

*EXHIBIT B- Prior Bond denial 09/26/2025*

*Prior Termination denial 10/02/2025*

*Prior Prove up Hearing 10/24/2025*

*Proof of Parole denied by ICE*

*EXHIBIT C- Proof of CAA Application Form I-797C*

*Proof of Asylum Application*

*Proof of valid EAD until September, 2030*