


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

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JOSE MANUEL JAUREGUI QUINTERO,

Agency No. 

*Petitioner,*

v.

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

*Respondents.*

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**PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS**

Murray D. Hilts  
Law Offices of Murray D. Hilts  
3020 Meade Ave.  
San Diego, CA 92116  
(619) 688-1174 (office)  
(619) 285-1977 (fax)  
murrayhilts@murrayhiltslaw.com

Attorneys for Petitioner,

JOSE MANUEL JAUREGUI QUINTERO,

1 MURRAY D. HILTS, ESQ. (CA Bar No. 169690)  
LAW OFFICES OF MURRAY D. HILTS  
2 3020 MEADE AVE.  
3 SAN DIEGO, CA 92116  
4 TEL: (619) 688-1174  
FAX: (619) 285-1977  
*Attorney for Petitioner*

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

8  
9 JOSE MANUEL JAUREGUI QUINTERO, )

**'25CV3769 GPC BLM**

10 Petitioner, )

11 v. )

**PETITION FOR WRIT  
OF HABEAS CORPUS**

12 Kristi NOEM, in her official capacity as Secretary )  
13 of Homeland Security, Christopher J. LAROSE, )  
in his official capacity as Warden of Otay Mesa )  
14 Detention Center, Gregory J. ARCHAMBEAULT, )  
15 in his official capacity as San Diego Field Office )  
Director, ICE Enforcement Removal Operations; )  
16 Todd LYONS, in his official capacity as Acting Director )  
of ICE; and Pamela BONDI, U.S. )  
17 Attorney General; IMMIGRATION AND )  
18 CUSTOMS ENFORCEMENT; DEPARTMENT OF )  
HOMELAND SECURITY, )

19 Respondents. )  
20 )

21 **I. INTRODUCTION**

22  
23 1. Petitioner JOSE MANUEL JAUREGUI QUINTERO, (“Petitioner”)  
24 is a 44-year-old Mexican national who last entered the United States on  
25 September 25, 1998.

26 2. On December 19, 2025, Petitioner was detained by Respondents at the  
27  
28

1 Otay Mesa Detention Center.

2 3. Petitioner has not requested a custody redetermination as the impact  
3 of the Board of Immigration Appeals (“BIA”) decision in *Matter of Yajure*  
4 *Hurtado*, 28 I&N Dec. 216 (BIA 2025) and the Central District of California’s  
5 decision in *Lazaro Maldonado Bautista, et al v. Ernesto Santacruz Jr, et al.*, 5:cv-  
6 01873 (C.D. Cal. Nov. 20, 2025) has meant that all requests for custody  
7 redetermination under Petitioner’s circumstances have been dismissed for lack  
8 of jurisdiction.  
9

10 4. Petitioner therefore seeks a writ of habeas corpus directing his  
11 immediate release.  
12

## 13 II. VENUE AND JURISDICTION

14 5. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus),  
15 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the Constitution  
16 (Suspension Clause), as Petitioner is presently in custody under the authority  
17 of the United States and challenging his detention as in violation of the  
18 Constitution, laws, or treaties of the United States.  
19

20 6. The federal district courts have jurisdiction under Section 2241 to  
21 hear habeas claims by individuals challenging the lawfulness of their detention  
22 by ICE. *See Jennings v. Rodriguez*, 583 U.S. 281, 290-92 (2018).  
23

24 7. Venue is proper because Petitioner is detained in the Otay Mesa  
25 Detention Center, within the San Diego Division, and Respondent LaRose is his  
26  
27

1 immediate custodian. *See* 28 U.S.C. §§ 2241(d), 1391(e).

2 **III. PARTIES**

3 8. Petitioner is a 44-year-old Mexican national who resides in San Diego,  
4 California. He is currently detained by Respondents at the Otay Mesa  
5 Detention Center in San Diego, California, pending removal proceedings.  
6

7 9. Respondent Christopher J. LaRose is the Warden of Otay Mesa  
8 Detention Center. Respondent La Rose is responsible for the operation of the  
9 Detention Center where Petitioner is detained. As such, Respondent LaRose  
10 has immediate physical custody of the Petitioner. He is being sued in his  
11 official capacity.  
12

13 10. Respondent Gregory J. Archambeault is the San Diego Field Office  
14 Director (“FOD”) for ICE Enforcement and Removal Operations. Respondent  
15 Archambeault is responsible for the oversight of ICE operations at the Otay  
16 Mesa Detention Center. Respondent Archambeault is being sued in his official  
17 capacity.  
18

19 11. Respondent Todd Lyons is the Acting Director of ICE. Respondent  
20 Lyons is responsible for the administration of ICE and the implementation and  
21 enforcement of the immigration laws, including immigrant detention. As such,  
22 Respondent Lyons is a legal custodian of Petitioner and is being sued in his  
23 official capacity.  
24

25 12. Respondent Kristi Noem is the Secretary of the Department of  
26 Homeland Security (“DHS”). As Secretary of DHS, Secretary Noem is  
27  
28

1 responsible for the general administration and enforcement of the immigration  
2 laws of the United States. Respondent Secretary Noem is being sued in her  
3 official capacity.

#### 4 IV. EXHAUSTION OF REMEDIES

5  
6 13. No statutory exhaustion requirement applies. *See* 8 § U.S.C. 2241;  
7 *Laing v. Ashcroft*, 370 F.3d 994, 998 (9th Cir. 2004). Therefore, exhaustion is not  
8 jurisdictionally required.

9  
10 14. Additionally, further agency steps will be futile. Recently, the BIA  
11 published *Matter of Yajure Hurtado*, 28 I&N Dec. 216 (BIA 2025). In its decision,  
12 the BIA adopted DHS' reading of 8 U.S.C. § 1225(b)(2), finding individuals  
13 similarly situated to Petitioner ineligible for release on bond.

14  
15 15. In Petitioner's case, any request for custody redetermination will be  
16 dismissed by the Immigration Court for lack of jurisdiction and any appeal to  
17 the BIA will be dismissed. *Matter of Yajure Hurtado* and *Lazaro Maldonado*  
18 *Bautista, et al v. Ernesto Santacruz Jr, et al.*, 5:cv-01873 (C.D. Cal. Nov. 20,  
19 2025) currently controls in Petitioner's case and any attempt to request agency  
20 evaluation of his detention will be futile.

#### 21 V. STATEMENT OF FACTS

22  
23  
24 16. Petitioner is a Mexican national born on June 19, 1981. He last  
25 entered the United States on or about September 25, 1998.

26  
27 17. On or about December 19, 2025, Petitioner was detained by  
28

1 Respondents at the Otay Mesa Detention Center.

2 18. Petitioner has remained in Respondents' custody since that time.

3 19. Petitioner's next master hearing has yet to be schedule.

4 20. Petitioner now seeks habeas relief because continuing his detention  
5 exceeds statutory authority and violates the Fifth Amendment.  
6

7  
8 **VI. LEGAL FRAMEWORK FOR RELIEF SOUGHT**

9 21. Habeas corpus relief extends to a person "in custody under or by color  
10 of the authority of the United States" if the person can show he is "in custody  
11 in violation of the Constitution or laws or treaties of the United States." 28  
12 U.S.C. § 2241 (c)(1), (c)(3); see also *Antonelli v. Warden, U.S.P. Atlanta*, 542  
13 F.3d 1348, 1352 (11th Cir. 2008) (holding a petitioner's claims are proper under  
14 28 U.S.C. section 2241 if they concern the continuation or execution of  
15 confinement).  
16  
17

18 22. "[H]abeas corpus is, at its core, an equitable remedy," *Schlup v.*  
19 *Delo*, 513 U.S. 298, 319 (1995), that "[t]he court shall ... dispose of [] as law  
20 and justice require," 28 U.S.C. § 2243. "[T]he court's role was most extensive  
21 in cases of pretrial and noncriminal detention." *Boumediene v. Bush*, 553  
22 U.S. 723, 779–80 (2008). "[W]hen the judicial power to issue habeas corpus  
23 properly is invoked the judicial officer must have adequate authority to make  
24 a determination in light of the relevant law and facts and to formulate and  
25 issue appropriate orders for relief, including, if necessary, an order directing  
26  
27  
28

1 the prisoner's release." *Id.* at 787.

2  
3 **VII. CAUSES OF ACTION**

4 **COUNT ONE**

5 **8 U.S.C. § 1226(a), NOT 8 U.S.C. § 1225(b), APPLIES TO PETITIONER**

6 23. Petitioner incorporates paragraphs 1 through 22 as if fully set out  
7 herein.

8  
9 24. Recently, Respondents began arguing that those in situations similar  
10 to Petitioner are detained pursuant to 8 U.S.C. § 1225(b)(2), which mandates  
11 the detention of an "applicant for admission" throughout the entirety of  
12 removal proceedings.

13  
14 25. Respondents' newly formulated definition of "applicant for  
15 admission," which would include any noncitizen who has not been formally  
16 admitted regardless of years of residence in the United States, directly  
17 contradicts both the plain text of the statute and controlling Ninth Circuit  
18 precedent.

19  
20 26. As the Ninth Circuit explained in interpreting the phrase "applicant  
21 for admission" under § 1225(b)(1), "*an immigrant submits an 'application for*  
22 *admission' at a distinct point in time,"* and stretching that phrase to apply  
23 "*potentially for years or decades ... would push the statutory text beyond its*  
24 *breaking point."* *United States v. Gambino-Ruiz*, 91 F.4th 981, 988–89 (9th Cir.  
25 2024) (citing *Torres v. Barr*, 976 F.3d 918, 922–26 (9th Cir. 2020) (en banc)).

26  
27 27. Because Petitioner has resided continuously in the United States

1 since 1998, his period as an “applicant for admission” has long since closed.

2 28. Numerous courts across the United States have considered this issue  
3 subsequent to Respondents’ new policy of treating the vast majority of  
4 immigrants in their custody as being detained pursuant to 8 U.S.C. §  
5 1225(b)(2) and the BIA’s decision supporting this interpretation in *Matter of*  
6 *Yajure Hurtado*, 28 I&N Dec. 216 (BIA 2025).  
7

8 29. This Court, joining the general consensus with other courts across  
9 this country, has previously held those similarly situated to Petitioner are  
10 being held under 8 U.S.C. § 1226(a) and therefore are not subject to mandatory  
11 detention under 8 U.S.C. § 1225(b). *See e.g., Martinez Lopez v. Noem, et al.*, No:  
12 25-cv-2717-JES-AHG, 2025 WL 3030457 (S.D. Cal. Oct. 30, 2025).  
13  
14

15 **COUNT TWO**  
16 **(PROCEDURAL DUE PROCESS)**

17 30. Petitioner incorporates paragraphs 1 through 22 as if fully set out  
18 herein.  
19

20 31. The Fifth Amendment forbids deprivation of liberty without notice  
21 and a meaningful opportunity to be heard before a neutral decision-maker. Due  
22 process protects “all ‘persons’ within the United States, including [non-  
23 citizens], whether their presence here is lawful, unlawful, temporary, or  
24 permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 698 (2001).  
25

26 32. Subsection 1003.19(i)(2) strips Petitioner of that protection by  
27 allowing the prosecuting agency—after losing at the bond hearing—to veto the  
28

1 Immigration Judge’s order with a one-page notice that requires no showing of  
2 danger, flight risk, or likelihood of success on appeal.

3 33. Applying the *Mathews v. Eldridge*, 424 U.S. 319 (1976), test,  
4 Petitioner’s liberty interest is paramount; the risk of erroneous deprivation is  
5 extreme considering the Immigration Judge’s determination that Petitioner is  
6 not subject to mandatory detention under 8 U.S.C. § 1226(c) and does not pose  
7 a danger to the community. Likewise, the risk of erroneous deprivation of  
8 liberty is great due to the lack of a non-independent adjudicator. *Marcello v.*  
9 *Bonds*, 39 U.S. 302, 305-306 (1955). In filing Form EOIR-43, ICE is acting as  
10 both the prosecutor as well as the adjudicator.  
11  
12

13 34. While the government has discretion to detain individuals under 8  
14 U.S.C. § 1226(a) and to revoke custody decisions under 8 U.S.C. § 1226(b), this  
15 discretion is not “unlimited” and must comport with constitutional due process.  
16 *See Zadvydas*, 533 U.S. at 698.  
17  
18

19 **PRAYER FOR RELIEF**

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

- 21 1) Assume jurisdiction over this matter;  
22  
23 2) Grant Petitioner a writ of habeas corpus directing the Respondents to  
24 immediately release him from custody, under reasonable conditions of  
25 supervision;  
26 3) Order Respondents to refrain from transferring Petitioner out of the  
27  
28

1 jurisdiction of this court during the pendency of these proceedings and while  
2 the Petitioner remains in Respondents' custody;

3 4) Order Respondents to file a response within 3 business days of the filing of  
4 this petition;

5 5) Award attorneys' fees to Petitioner; and

6 6) Grant any other and further relief which this Court deems just and proper.

7 I affirm, under penalty of perjury, that the foregoing is true and correct.  
8

9  
10 Respectfully submitted this 24th day of December, 2025.

11  
12 /s/ Murray D. Hilts

13 The Law Offices of Murray D. Hilts

14 3020 Meade Ave.

15 San Diego, CA 92116

16 CA Bar # 2169690

17 *Attorney for Petitioner*  
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UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OTAY MESA IMMIGRATION COURT

Respondent Name:

[REDACTED]

A-Number:

[REDACTED]

To:

Hilts, Murray David  
3020 Meade Avenue  
San Diego, CA, CA 92116

Riders:

In Custody Redetermination Proceedings

Date:

12/11/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

Denied, because

The Respondent has been charged as being present without admission or parole, accordingly, the Court lacks jurisdiction to set a bond pursuant to Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025). Lazaro Maldonado Bautista, et al v. Ernesto Santacruz Jr, et al., 5:cv-01873 (CD CA Nov. 20, 2025), does not bind the Court as a final order has not been issued in that case.

Granted. It is ordered that Respondent be:

- released from custody on his own recognizance.
- released from custody under bond of \$
- other:

Other: