

1 Brian Vasquez (NY SBN #5834767)
2 Rivera Julka Law Group, PC.
3 17 W. Main Street,
4 Bay Shore, NY 11706
5 Telephone: (631) 647-9040
6 Email: brian@riverajulka.com

6 *Counsel for Petitioner*

7 **UNITED STATES DISTRICT COURT**
8 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

9 ROJAS DUBON, Melvin
10 

11 Petitioner,
12 v.

13 PAMELA BONDI, in her official capacity as
14 Attorney General,

15 KRISTI NOEM, in her official capacity as
16 Secretary of the Department of Homeland
17 Security,

18 U.S. DEPARTMENT OF HOMELAND
19 SECURITY,

20 JEREMY CASEY, in his official capacity as
21 Warden of Imperial Regional Detention Facility,

22 TODD LYONS, in his official capacity as Acting
23 ICE Field Office Director,
24 Respondents.

Case No. 3:26-cv-117-CAB-BLM

MOTION TO AMEND THE
PETITIONER'S HABEAS
PETITION PURSUANT TO
FED. R. CIV. PRO 15 AND
RULE 21

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1 **I. INTRODUCTION**

2 Petitioner respectfully moves for leave to amend his Petition for Writ of
3 Habeas Corpus pursuant to Federal Rule of Civil Procedure 15(a)(2) and Federal
4 Rule of Civil Procedure 21 to expressly add and correct the name of the proper
5 immediate custodian—the Warden of Imperial Regional Detention Facility
6 (“IRDF”), Jeremy Casey—in the Petition itself.
7

8 This Motion is filed in an abundance of caution to cure any potential technical
9 pleading issue before the Court rules. Although the Warden’s identity was included
10 in the caption of all supporting submissions filed after the initial Petition, those
11 subsequent captions inadvertently referenced the prior IRDF warden, Charles Wall,
12 rather than the current warden, Jeremy Casey. Petitioner therefore seeks leave to
13 amend to eliminate any ambiguity regarding the proper immediate custodian and to
14 ensure the Court can grant complete and effective relief.
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18 Petitioner maintains that the original filing was made in good faith and that
19 Respondents have had adequate notice of the nature of Petitioner’s detention
20 challenge and requested relief since the outset. Nonetheless, amendment is
21 appropriate because Rule 15(a)(2) directs that the Court “should freely give leave”
22 when justice so requires, and Rule 21 permits the Court to add a party “at any time,
23 on just terms” and confirms that misjoinder is not a basis for dismissal. Because the
24 proposed amendment is limited, purely clarifying, and involves the same detention,
25 facts, and legal claims already before the Court, it imposes no prejudice, causes no
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1 undue delay, and reflects no bad faith. Allowing Petitioner to file the Amended
2 Petition would serve justice and promote judicial efficiency.

3
4 Furthermore, Petitioner requests that the Court accept the Amended Petition
5 *nunc pro tunc* to the date of the original filing to promote efficiency and conserve
6 judicial resources.

7
8 **II. PROCEDURAL HISTORY**

9 On January 8, 2026, Petitioner Melvin Rojas Dubon initiated this habeas action
10 by filing a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241,
11 challenging the legality of his ongoing civil immigration detention. The Petition was
12 filed as ECF No. 1, and it was accompanied by supporting submissions attached to
13 the filing, including a Civil Cover Sheet, a Memorandum, and Exhibits. *See* ECF No.
14 1. The Petition named multiple government officials and agencies as Respondents
15 and sought urgent judicial review and relief from continued detention.
16
17

18 On January 9, 2026, the Court issued an Order to Respond directing
19 Respondents to respond to the Petition by January 16, 2026. *See* ECF No. 2. The
20 Court's issuance of a response order at the outset confirms that the Petition raised
21 substantial issues warranting a prompt response and review, and it ensured that
22 Respondents were formally put on notice of Petitioner's claims and the relief
23 requested.
24
25

26 Thereafter, on January 14, 2026, Respondents entered their appearance
27 through government counsel. Specifically, attorney Hunter V. Norton filed a Notice
28

1 of Appearance on behalf of Respondents Pamela Bondi, Todd Lyons, Kristi Noem,
2 the U.S. Department of Homeland Security, and Charles Wall. *See* ECF No. 3. The
3 filing of a Notice of Appearance on behalf of these Respondents further demonstrates
4 that Respondents had actual notice of this action and the identity of the relevant
5 custodial authorities implicated by Petitioner's detention and habeas claims.
6

7
8 Also on January 14, 2026, undersigned counsel filed a Request to Appear Pro
9 Hac Vice, reflecting Petitioner's continuing efforts to litigate this matter efficiently
10 and to ensure the Court receives a full and accurate record supporting habeas relief.
11 See ECF No. 4. Petitioner has proceeded diligently and in good faith throughout this
12 matter, including in responding to procedural requirements imposed by this District.
13

14 On January 16, 2026, Respondents filed their Response to the Petition,
15 together with an attached exhibit. *See* ECF No. 5. Respondents' response confirms
16 that the Government has been fully aware of Petitioner's requested relief and the
17 underlying detention challenge since the earliest stage of the litigation, and it further
18 establishes that Respondents have already begun litigating the merits and procedural
19 posture of the case.
20

21
22 The basis for the present Motion is narrow and technical, and Petitioner brings
23 it proactively to avoid unnecessary delay or litigation over captioning formalities.
24 Although the identity of the IRDF warden was included in the captions of filings
25 submitted after the initial Petition, those subsequent captions inadvertently identified
26 the former warden, Charles Wall, rather than the current warden, Jeremy Casey.
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1 Petitioner therefore seeks leave to amend to expressly and unmistakably name
2 Warden Jeremy Casey, the proper immediate custodian, so that the record is clear
3 and the Court may grant complete and effective relief without being diverted by a
4 correctable technical pleading issue. This requested amendment does not alter the
5 operative facts, does not expand the claims, and does not change the nature of the
6 detention being challenged. Instead, it is sought solely to ensure that the pleadings
7 precisely conform to the proper custodial respondent and to promote resolution of
8 Petitioner's habeas claims on the merits.
9
10
11

12 **III. ARGUMENT**

13 Federal Rule of Civil Procedure 15(a)(2) provides that a court "should freely
14 give leave [to amend] when justice so requires." Fed. R. Civ. P. 15(a)(2). The
15 Supreme Court and the Ninth Circuit have made clear that this standard is to be
16 applied liberally to ensure that cases are resolved on their merits rather than on
17 technical pleading defects. *See Foman v. Davis*, 371 U.S. 178, 181–82 (1962);
18 *Eminence Cap., LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1051 (9th Cir. 2003). This
19 principle applies with equal force where, as here, amendment is sought to cure a
20 narrow technical issue and to ensure the Court's ability to grant effective relief.
21
22

23 Petitioner seeks leave to amend the Petition for Writ of Habeas Corpus for the
24 limited purpose of expressly naming the current immediate custodian, Warden
25 Jeremy Casey, in the Petition itself. The amendment does not alter the operative facts,
26 expand the claims, or change the detention being challenged. Instead, it clarifies the
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1 identity of the proper respondent so that adjudication may proceed without
2 unnecessary procedural distraction.

3
4 *A. Under the Ninth Circuit Standard, Petitioner Should be Granted Leave to Amend.*

5 When deciding whether to grant leave to amend under Rule 15(a)(2), courts
6 consider: (1) whether the amendment is sought with undue delay; (2) whether the
7 movant seeks amendment in bad faith or as a dilatory tactic; (3) whether the movant
8 previously amended and failed to cure deficiencies; (4) whether amendment would
9 unduly prejudice the opposing party; and (5) whether amendment would be futile.
10 *Eminence Cap.*, 316 F.3d at 1052 (citing *Foman v. Davis*, 371 U.S. 178, 182 (1962)).
11

12
13 These factors are not weighed equally. Prejudice is the most important factor
14 and therefore receives the greatest weight. *Eminence Cap.*, 316 F.3d at 1052. As the
15 Ninth Circuit has held, “[a]bsent prejudice, or a strong showing of any of the
16 remaining *Foman* factors, there exists a presumption under Rule 15(a) in favor of
17 granting leave to amend.” *Id.* All factors favor amendment here.
18

19
20 First, Petitioner’s amendment creates no prejudice to Respondents.
21 Respondents have had clear notice since the start of this case that Petitioner
22 challenges his ongoing civil detention via habeas corpus and seeks release or other
23 appropriate relief. The requested amendment does not change the factual basis for
24 Petitioner’s claims, does not assert new legal grounds, and does not expand the scope
25 of the litigation. It merely clarifies the identity of the immediate custodian by
26 expressly naming the current IRDF Warden, Jeremy Casey. Respondents have
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1 already appeared, responded, and litigated this action on the merits. Under these
2 circumstances, there is no unfair surprise, no need for additional discovery, and no
3 meaningful burden associated with allowing Petitioner to correct or clarify the
4 custodian designation to ensure effective habeas relief.
5

6 Second, there is no undue delay. Petitioner brings this Motion proactively and
7 promptly, before any ruling that could otherwise elevate form over substance. This
8 amendment is sought at an early stage and is intended to streamline the proceedings
9 rather than delay them. Moreover, courts have repeatedly held that undue delay alone
10 is insufficient to deny a motion to amend absent an accompanying showing of
11 prejudice, bad faith, or futility. *See Bowles v. Reade*, 198 F.3d 752, 758 (9th Cir.
12 1999) (reversing denial of leave to amend where the court did not make a
13 contemporaneous finding of prejudice, bad faith, or futility).
14
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17 Third, Petitioner does not seek amendment in bad faith or for dilatory
18 purposes. The Motion is brought out of an abundance of caution to cure any possible
19 technical pleading issue regarding the proper immediate custodian. Indeed, the issue
20 presented here is not one of gamesmanship, but rather one of ensuring that the record
21 unmistakably identifies the proper custodian, so the Court's jurisdiction and remedial
22 authority are clear and enforceable.
23
24

25 Fourth, Petitioner has not engaged in repeated amendments or failed attempts
26 to cure deficiencies. This is Petitioner's first request to amend, and the amendment
27
28

1 is limited and straightforward, designed solely to clarify the identity of the proper
2 custodian and avoid unnecessary procedural litigation.

3
4 Fifth, the requested amendment is not futile. Petitioner continues to be
5 detained, continues to challenge the lawfulness of that detention, and seeks relief that
6 this Court has authority to grant under 28 U.S.C. § 2241. A clarifying amendment to
7 properly name the current warden as the immediate custodian plainly serves the
8 functional purpose of habeas proceedings and does not render the claims legally
9 insufficient.

10
11 Accordingly, under the Court’s standard for amendment, leave should be granted.

12
13 *B. Rule 21 Independently Supports Adding the Proper Custodian and Confirms*
14 *that Misjoinder is not Grounds for Dismissal.*

15 In addition to Rule 15, Federal Rule of Civil Procedure 21 provides that
16 “[m]isjoinder of parties is not a ground for dismissing an action.” Fed. R. Civ. P. 21.
17 Rule 21 further authorizes that “[o]n motion or on its own, the court may at any time,
18 on just terms, add or drop a party.” *Id.* Because Petitioner seeks, in substance, to
19 ensure that the proper immediate custodian is expressly named as a Respondent, Rule
20 21 provides an additional and independent basis for the Court to permit this
21 amendment on just terms.

22
23 Here, naming Warden Jeremy Casey—the current IRDF Warden—ensures the
24 habeas action is properly aligned with the immediate custodian responsible for
25 Petitioner’s detention, and ensures that the Court’s order (including any order
26 granting relief) can be implemented without confusion or procedural dispute.

1 Allowing this amendment promotes judicial efficiency, avoids unnecessary motion
2 practice, and preserves the Court’s ability to grant complete relief.
3

4 *C. The Amended petition Should Be Accepted Nunc Pro Tunc.*

5 Because the proposed amendment does not alter the substantive claims,
6 operative facts, or detention challenged, Petitioner respectfully requests that the
7 Court accept the Amended Petition *nunc pro tunc* to the date of the original filing.
8 Accepting the amendment *nunc pro tunc* is appropriate where the amendment is
9 clarifying rather than substantive and where Respondents have had notice of the
10 claims from the outset.
11

12
13 This approach preserves the original filing date, avoids elevating form over
14 substance, and promotes judicial economy—consistent with Rule 15’s purpose of
15 facilitating decisions on the merits rather than on technical pleading issues. *See*
16 *Foman*, 371 U.S. at 181.
17

18
19 *D. Granting Leave Serves the Interests of Justice and Judicial Economy*

20 Granting this Motion will cure a narrow technical issue before it becomes a
21 vehicle for unnecessary procedural litigation. There is no prejudice, no undue delay,
22 no bad faith, and no futility. Allowing amendment ensures clarity in the record,
23 preserves judicial resources, and permits the Court to proceed directly to the merits
24 of Petitioner’s habeas claims.
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1 For all of these reasons, Petitioner respectfully requests that the Court grant
2 leave to amend pursuant to Fed. R. Civ. P. 15(a)(2) and Fed. R. Civ. P. 21 and accept
3 the Amended Petition nunc pro tunc to the original filing date.
4

5 **IV. CONCLUSION**

6 For the foregoing reasons, Petitioner respectfully requests that the Court grant
7 leave to file the proposed Amended Petition for Writ of Habeas Corpus pursuant to
8 Fed. R. Civ. P. 15(a)(2) and Fed. R. Civ. P. 21. A proposed order is attached.
9

10 Respectfully submitted,

11 
12 _____
13 Brian Vasquez (NY SBN #5834767)
14 Rivera Julka Law Group, PC.
15 17 W. Main Street,
16 Bay Shore, NY 11706
17 Telephone: (631) 647-9040
18 Email: brian@riverajulka.com
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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

ROJAS DUBON, Melvin



Petitioner,

v.

PAMELA BONDI, in her official capacity
as Attorney General,

KRISTI NOEM, in her official capacity as
Secretary of the Department of Homeland
Security,

U.S. DEPARTMENT OF HOMELAND
SECURITY,

JEREMY CASEY, in his official capacity
as Warden of Imperial Regional Detention
Facility,

TODD LYONS, in his official capacity as
Acting ICE Field Office Director,
Respondents.

Case No. 3:26-cv-117-CAB-
BLM

ORDER GRANTING
PETITIONER'S MOTION
TO AMEND THE
PETITIONER'S HABEAS
PETITION PURSUANT TO
FED. R. CIV. PRO 15 AND
RULE 21

AND NOW, on this ____ day of _____, 2026, upon consideration of
Petitioner's Motion to Amend the Petitioner's Habeas Petition Pursuant to Fed. R.
Civ. Pro 15 And Rule 21, it is hereby ORDERED that Plaintiffs' Motion is
GRANTED.

DATED:

BY THE COURT:

Hon. Cathy Ann Bencivengo
United States District Judge

CERTIFICATE OF SERVICE

I certify that, on the date set forth below, the foregoing MOTION TO AMEND THE PETITIONER'S HABEAS PETITION PURSUANT TO FED. R. CIV. PRO 15 AND RULE 21 was filed electronically and that it is available for viewing and downloading on the Court's CM/ECF system by the parties.

Dated: January 17, 2026

Respectfully submitted,



Brian Vasquez (NY SBN #5834767)
Rivera Julka Law Group, PC.
17 W. Main Street,
Bay Shore, NY 11706
Telephone: (631) 647-9040
Email: brian@riverajulka.com

PROPOSED
AMENDED HABEAS
PETITION

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the
Southern District of California

ROJAS DUBON, Melvin

Petitioner

Jeremy Casey, Warden, Imperial Regional Detention Facility, in his/her official capacity; and ICE Enforcement and Removal Operations, San Diego, in his/her official capacity

Respondent

(name of warden or authorized person having custody of petitioner)

Case No. 3:26-cv-00117-CAB-BLM
(Supplied by Clerk of Court)

FIRST AMENDED
PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241
Personal Information

- 1. (a) Your full name: Melvin Rojas Dubon
(b) Other names you have used:
2. Place of confinement:
(a) Name of institution: Imperial Regional Detention Facility
(b) Address: 1572 Gateway Road, Calexico CA 92231
(c) Your identification number:
3. Are you currently being held on orders by:
[X] Federal authorities [] State authorities [] Other - explain:
4. Are you currently:
[] A pretrial detainee (waiting for trial on criminal charges)
[] Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you:
(b) Docket number of criminal case:
(c) Date of sentencing:
[X] Being held on an immigration charge
[] Other (explain):

Decision or Action You Are Challenging

- 5. What are you challenging in this petition:
[] How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- Disciplinary proceedings
- Other (*explain*): _____

6. Provide more information about the decision or action you are challenging:
- (a) Name and location of the agency or court: ICE Enforcement and Removal Operations (ERO) - San Diego Field Office; custody at Imperial Regional Detention Facility (IRDF); EOIR Imperial, California Immigration Court
 - (b) Docket number, case number, or opinion number: _____
 - (c) Decision or action you are challenging (*for disciplinary proceedings, specify the penalties imposed*): Ongoing civil imm. detention at IRDF w/o a constitutionally fair and neutral bond hearing due to DHS' and the BIA new interpretation of "applicants for admission" under 8 U.S.C. § 1225 which denies all noncitizens of the right to request bond, despite their date, location, and manner of entry. Plaintiffs correct designation is 8 U.S.C. § 1226
 - (d) Date of the decision or action: 10/30/2025

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

- Yes
- No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: _____
- (2) Date of filing: _____
- (3) Docket number, case number, or opinion number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: _____

Given prolonged detentention and lack of bond path due to §1225 and mandatory detention for all "aliens applying for admission, IJ custody redetermination would be inadequate/futile and cause irreparable harm.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

- Yes
- No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

- Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

- Yes No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 10/30/2025
- (b) Date of the removal or reinstatement order: _____
- (c) Did you file an appeal with the Board of Immigration Appeals?

- Yes No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

If "Yes," provide:

- (1) Date of filing: _____
 - (2) Case number: _____
 - (3) Result: _____
 - (4) Date of result: _____
 - (5) Issues raised: _____
- _____
- _____
- _____

(d) Did you appeal the decision to the United States Court of Appeals?

Yes No

If "Yes," provide:

- (1) Name of court: _____
 - (2) Date of filing: _____
 - (3) Case number: _____
 - (4) Result: _____
 - (5) Date of result: _____
 - (6) Issues raised: _____
- _____
- _____
- _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?


Yes No

If "Yes," provide:

(a) Kind of petition, motion, or application: Motion to Terminate with Prejudice

(b) Name of the authority, agency, or court: EOIR Imperial Immigration Court

(c) Date of filing: 01/06/2026

(d) Docket number, case number, or opinion number: 

(e) Result: Pending

(f) Date of result: _____

(g) Issues raised: _____

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

Grounds for Your Challenge in This Petition

- 13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Fifth Amendment Procedural Due Process - deprivation of liberty without due process
See Addendum 1 for timeline of procedural history.

(a) Supporting facts (Be brief. Do not cite cases or law.):

Detained at IRDF for over 60 days without an opportunity meaningful bond hearing. DHS has only filed an NTA, dated October 30, 2025. It has failed to prosecute the case in any meaningful way. To date, DHS has submitted no evidence of alienage or removability beyond a notice of change of address. DHS has not met its evidentiary burden. None of the delay in these proceedings is attributable to Petitioner; rather, it is entirely the result of government inaction coupled with continued detention.

(b) Did you present Ground One in all appeals that were available to you?

Yes No

GROUND TWO: Fifth Amendment Substantive Due Process

The petitioner has now been detained for 104 days, it is prolonged and detention will continue for petitioner under DHS and BIA's new interpretation of the statute INA § 235 which deprives him of opportunity for bond. The length of detention is now unreasonable due to the arbitrary and capacious application of the statute.

(a) Supporting facts (Be brief. Do not cite cases or law.):

Civil detention has become excessive relative to its purpose: 67+ days already, with further delay likely because DHS has failed to file any evidence of alienage or removability beyond a notice of change of address. Continued confinement persists without any meaningful bond process, rendering the detention arbitrary and disproportionate. Detention's real-world impact includes loss of income for family, caregiver strain on his partner, and the unmet emotional, mental and physical needs of his children. Confinement is no longer reasonable.

(b) Did you present Ground Two in all appeals that were available to you?

Yes No

GROUND THREE: Fourth Amendment Egregious Stop & Fifth Amendment Equal Protection Race and Language-based Targeting

(a) Supporting facts (Be brief. Do not cite cases or law.):

Petitioner was approached by DHS officers without a warrant and immediately surrounded and questioned. The stop and arrest were warrantless and suspicionless, triggered by his Hispanic appearance and use of Spanish, and were followed by a coercive custodial interrogation. Any purported evidence of alienage is the fruit of this unlawful seizure. The race- and language-based enforcement underlying the stop has tainted both Petitioner's continued custody and the ensuing removal proceedings.

(b) Did you present Ground Three in all appeals that were available to you?

Yes No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

GROUND FOUR: Unlawful Detention in Violation of the Binding Declaratory Judgment in Maldonado Bautista v. Santacruz

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Petitioner is a member of the nationwide class certified in Maldonado Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.). The district court entered declaratory relief and final judgment holding that class members are detained, if at all, under INA § 236(a) and are not subject to mandatory detention under INA § 235(b)(2).

Despite this binding judgment, DHS continues to detain Petitioner without providing any opportunity for bond, directly contravening the classwide declaratory relief. This continued detention violates federal law and exceeds DHS's statutory authority.

(b) Did you present Ground Four in all appeals that were available to you?

Yes No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: Immediate release from ICE custody or in the alternative provide fair and neutral bond hearing before a Judge for the Petitioner, designate Plaintiffs category as 8 USC §1226, not §1225. Any further relief the Court deems just and proper, including attorney's fees and costs.

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 12/23/2025



Signature of Petitioner

A handwritten signature in black ink, written over a horizontal line.

Signature of Attorney or other authorized person, if any

1 Sabrina Damast (CA SBN #305710 and NY SBN #5005251)
2 Law Office of Sabrina Damast, Inc.
3 510 West 6th Street, Suite 330
4 Los Angeles, CA 90014
5 Telephone: (323) 475-8716
6 Email: sabrina@sabrinadamast.com
7 Brian Vasquez (NY SBN #5834767)
8 Rivera Julka Law Group, PC.
9 17 W. Main Street,
10 Bay Shore, NY 11706
11 Telephone: (631) 647-9040
12 Email: brian@riverajulka.com

13 *Counsel for Petitioner*

14 **UNITED STATES DISTRICT COURT**
15 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

16 **ROJAS DUBON, Melvin**



17 **Petitioner, v.**

18 **PAMELA BONDI**, in her official
19 capacity as Attorney General,

20 **KRISTI NOEM**, in her official capacity
21 as Secretary of the Department of
22 Homeland Security,

23 **U.S. DEPARTMENT OF HOMELAND**
24 **SECURITY,**

25 **JEREMY CASEY**, in his official
26 capacity as Warden of Imperial Regional
27 Detention Facility,

28 **TODD LYONS**, in his official capacity
as Acting ICE Field Office Director,

Respondents.

Case No.3:26-cv-00117-CAB-BLM

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

ADDENDUM FOR
PETITION FOR A WRIT OF
HABEAS CORPUS -
PROCEDURAL HISTORY

ADDENDUM 1 — PROCEDURAL HISTORY

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1. **October 30, 2025 (Hempstead, NY):** U.S. Immigration and Customs Enforcement (“ICE”) detained Melvin Rojas Dubon (“Mr. Rojas Dubon”) in his driveway.
2. **October 30, 2025:** DHS filed an NTA.
3. **October 30, 2025:** ICE transferred Mr. Rojas Dubon to Brooklyn Metropolitan Detention Center “MDC” in Brooklyn, New York.
4. **October 31, 2025:** Mr. Rojas Dubon is scheduled for a Master Calendar hearing with Immigration Judge (“IJ”) Conroy of the New York, NY Immigration Court for November 5, 2025.
5. **October 31, 2025:** ICE transferred Mr. Rojas Dubon to Delaney Hall Detention Facility in Newark, New Jersey.
6. **November 4, 2025:** Mr. Rojas Dubon is scheduled for a Master Calendar hearing with IJ Rastegar of the Elizabeth, NJ Immigration Court for November 19, 2025.
7. **November 7, 2025:** ICE transferred Mr. Rojas Dubon to Imperial Regional Detention Facility in Imperial, California.
8. **November 12, 2025:** Mr. Rojas Dubon is scheduled for a Master Calendar hearing with IJ Munoz of the Imperial, CA Immigration Court for November 14, 2025.
9. **November 14, 2025 (Master — IJ Jeffrey M. Munoz; DHS Atty Fernandez):** Mr. Rojas Dubon appeared pro se and was given additional time to seek an attorney. Matter rest for December 11, 2025.
10. **November 14, 2025:** Mr. Rojas Dubon is scheduled for a Master Calendar hearing with IJ Munoz of the Imperial, CA Immigration Court for December 11, 2025.
11. **November 14, 2025 (Master — IJ Jeffrey M. Munoz; DHS Atty Coffman):** Mr. Rojas Dubon appeared with defense counsel and was given additional time to prepare the case. Matter rest for January 8, 2026.
12. **January 6, 2026 (merits):** Defense filed Motion to Terminate with Prejudice.

Status: As of this filing, Respondent has been detained at IRDF for 60+ days. Although DHS filed a Notice to Appear on October 30, 2025, it has failed to timely submit any evidence of alienage or removability, filing only notices of change of address with the Immigration Court. Petitioner remains detained without a lawful evidentiary basis for custody and without a clear or imminent adjudicatory path. Respondent’s Motion to Terminate with Prejudice (seeking relief for constitutional

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and regulatory violations) remains pending, and the next master hearing is set for Jan. 8, 2026.