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10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 BENITO AGUILAR TRUJILLO,

13 Petitioner,

14 v.

15 Kristi NOEM, Secretary, U.S. Department of
16 Homeland Security; Pam BONDI, U.S. Attorney
17 General; Todd LYONS, Acting Director,
18 Immigration and Customs Enforcement; JOSEPH
19 FREDEN, Acting Field Office Director, U.S.
20 Immigration & Customs Enforcement (ICE),
21 CHRISTOPHER J. LAROSE, Senior Warden, Otay
22 Mesa Detention Facility; EXECUTIVE OFFICE
23 FOR IMMIGRATION REVIEW; IMMIGRATION
24 AND CUSTOMS ENFORCEMENT; and U.S.
25 DEPARTMENT OF HOMELAND SECURITY,

26 Respondents.

Case No. '26CV0268 CAB VET

**PETITION FOR WRIT OF
HABEAS CORPUS UNDER 28
U.S.C. § 2241; VERIFIED
PETITION**

PETITIONER'S A NO. 

I. INTRODUCTION

- 1
2 1. Petitioner Benito Aguilar Trujillo, by and through undersigned counsel,
3 respectfully submits this Petition for a Writ of Habeas Corpus pursuant to 28
4 U.S.C. § 2241, together with claims for declaratory and injunctive relief,
5 challenging his continued and unlawful detention by the Department of Homeland
6 Security (“DHS”) and Immigration and Customs Enforcement (“ICE”) at the Otay
7 Mesa Detention Center.
8
- 9 2. Mr. Aguilar Trujilo is a long-term resident of the United States with decades of
10 physical presence, extensive family and community ties, no criminal history, and
11 a substantial record of government-recognized residence and employment.
12 Despite these equities, he was abruptly and randomly detained by ICE during an
13 interior enforcement action on January 7, 2026, far removed from any border or
14 port of entry.
15
- 16 3. Mr. Aguilar Trujilo is currently in removal proceedings under INA § 240 and has
17 a pending removal hearing on February 20, 2026. He has viable avenues for
18 immigration relief, including potential eligibility for non-LPR cancellation of
19 removal. He is the primary caregiver and financial support for his lawful
20 permanent resident partner, who suffers from severe medical conditions and
21 depends on him for daily care and assistance.
22
- 23 4. Nevertheless, DHS has detained Mr. Aguilar Trujilo without affording him any
24 meaningful opportunity for release, asserting that he is subject to mandatory
25 detention as an “applicant for admission” under INA § 235(b). That position is
26 legally erroneous. Mr. Aguilar Trujilo is not an arriving alien, was not
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1 apprehended at or near the border, and has resided openly in the United States for
2 decades with prior government authorization, including the issuance of
3 employment documentation, a valid Social Security number, and an Alien
4 Registration Number.

- 5
- 6 5. Federal courts, including the U.S. District Court for the Central District of
7 California in *Maldonado Bautista v. Santacruz*, have squarely rejected DHS’s
8 sweeping effort to classify long-term interior residents as mandatory detainees
9 under INA § 235(b). That decision declared DHS’s no-bond detention policy
10 unlawful and confirmed that individuals in Mr. Aguilar Trujilo’s posture are
11 detained, if at all, under INA § 236(a).
- 12
- 13 6. Here, DHS’s continued detention of Mr. Aguilar Trujilo is unlawful not merely
14 because he has been denied a bond hearing, but because DHS lacks statutory
15 authority to detain him under § 235(b) at all. His detention therefore violates the
16 Immigration and Nationality Act, the Administrative Procedure Act, and the Due
17 Process Clause of the Fifth Amendment.
- 18
- 19 7. Immediate judicial intervention is warranted. Each additional day of confinement
20 inflicts irreparable harm on Mr. Aguilar Trujilo and his medically fragile family,
21 despite the absence of any lawful basis for his continued detention.
- 22

23 **II. JURISDICTION**

- 24 23. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner Benito
25 Aguilar Trujillo is “in custody” at the Otay Mesa Detention Center, which is
26 located within this judicial district, and he challenges the legality and
27 constitutionality of his ongoing immigration detention under federal law. See 28
28

1 U.S.C. §§ 2241(a), 2243; *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973) (holding
2 that habeas corpus is the proper vehicle for challenging unlawful custody).

3 24. Federal courts have long recognized that 28 U.S.C. § 2241 confers jurisdiction to
4 review claims asserting that immigration detention violates statutory or
5 constitutional limits, including challenges to detention that exceeds the
6 government's lawful authority.
7

8 25. This Court's jurisdiction is further supported by the Administrative Procedure
9 Act, 5 U.S.C. § 706, which authorizes judicial review of agency action that is
10 arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with
11 law, as well as agency action that is contrary to constitutional right. Petitioner also
12 invokes the protections of the Fifth Amendment's Due Process Clause, which
13 guarantees that no person shall be deprived of liberty without due process of law.
14

15 26. Petitioner does not seek review of a removal order or challenge prosecutorial
16 discretion decisions. Rather, he challenges the legality of his continued detention
17 and the government's failure to detain him pursuant to the correct statutory
18 authority or provide adequate procedural safeguards. Accordingly, this Court has
19 jurisdiction to adjudicate Petitioner's claims and to grant appropriate habeas and
20 equitable relief.
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22 **III. VENUE**

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24 27. Venue is proper in this District pursuant to 28 U.S.C. § 1391(e) because Petitioner
25 Benito Aguilar Trujillo is detained within the Southern District of California,
26 specifically at the Otay Mesa Detention Center in San Diego County, and
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1 Respondents are officers and employees of the United States who operate and
2 maintain immigration detention facilities within this District.

3 28. Venue is also proper under *Braden v. 30th Judicial Circuit Court of Kentucky*,
4 410 U.S. 484, 493–500 (1973), because Petitioner’s immediate custodian is
5 located within this District and Petitioner’s confinement is within the territorial
6 jurisdiction of this Court.
7

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

9 29. Under 28 U.S.C. § 2241, federal courts have the authority to entertain petitions
10 for a writ of habeas corpus from individuals who are “in custody” under federal
11 authority in violation of the Constitution, laws, or treaties of the United States.
12 Petitioner Benito Aguilar squarely meets these criteria. He is presently in federal
13 immigration custody at the Otay Mesa Detention Center, and he contends that his
14 continued detention is not authorized by statute and violates constitutional due
15 process. Because Petitioner alleges that he is being held in custody in violation of
16 federal law, this Court’s habeas jurisdiction under § 2241 is properly invoked.
17

18 30. Section 2243 mandates that a court receiving a habeas petition must act
19 expeditiously. The statute provides that the court “shall forthwith award the writ
20 or issue an order directing the respondent to show cause why the writ should not
21 be granted, unless it appears from the application that the applicant or person
22 detained is not entitled thereto.” Once an order to show cause issues, the
23 custodian must respond within three days unless additional time is allowed for
24 good cause. These provisions reflect Congress’s clear intent that habeas petitions,
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1 particularly those challenging unlawful detention—receive prompt judicial
2 attention and swift resolution.

3 **31.** Petitioner has alleged a prima facie entitlement to habeas relief. He is detained
4 under an incorrect statutory framework, without lawful authority, and without
5 constitutionally adequate process. Nothing on the face of this Petition suggests
6 that Petitioner is not entitled to relief; to the contrary, his claims are substantial
7 and well-grounded in statutory text, binding precedent, and constitutional
8 principles. Accordingly, pursuant to 28 U.S.C. § 2243, this Court should promptly
9 issue an order to show cause requiring Respondents to justify the legality of
10 Petitioner’s continued detention or, in the alternative, order his immediate release.
11 The summary nature of habeas corpus and the constitutional imperative to protect
12 liberty demand swift judicial intervention where, as here, a person remains
13 confined without lawful cause.
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16 **V. PARTIES**

17
18 **32.** Petitioner Benito Aguilar Trujillo is a citizen of Mexico who has resided in the
19 United States for decades and has remained continuously present since at least the
20 late 1980s. He is currently detained at the Otay Mesa Detention Center in San
21 Diego County, California. Mr. Aguilar Trujillo has no criminal history, has paid
22 taxes, and has been issued government documentation recognizing his presence
23 and employment in the United States, including employment authorization and a
24 valid Social Security number. He is the father of two adult United States citizen
25 children and resides with his long-term partner, a lawful permanent resident who
26 suffers from serious medical conditions and depends on him for daily care and
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1 support. Mr. Aguilar Trujilo intends to pursue cancellation of removal under INA
2 § 240A(b) (cancellation of removal for certain nonpermanent residents) and
3 appears prima facie eligible for such relief given his lengthy residence, good
4 moral character, and the exceptional and extremely unusual hardship his removal
5 would cause to his lawful permanent resident partner and U.S. citizen children.
6

7 **VI. RESPONDENTS**

8 33. Respondent CHRISTOPHER J. LAROSE is the warden of Otay Mesa Detention
9 Facility and has immediate physical custody over Petitioner. As the local
10 custodian, the Warden is responsible for the day-to-day administration of the
11 detention facility where Petitioner is held. The Warden is sued in his/her official
12 capacity as a representative of the entity exercising direct custody over Petitioner.
13

14 34. Respondent JOSEPH FREDEN is the Acting Field Office Director of U.S.
15 Immigration and Customs Enforcement (ICE), in San Diego California. ICE is the
16 component of the Department of Homeland Security (DHS) which is responsible
17 for detaining and removing noncitizens according to immigration law and
18 oversees custody determinations. Mr. Freden is named in his official capacity. In
19 his official capacity, he is a legal custodian of the petitioner.
20

21 35. Respondent KRISTI NOEM, in her official capacity as the Secretary of the
22 Department of Homeland Security, is the highest-ranking official in DHS. She has
23 ultimate authority over ICE and the enforcement of immigration laws, including
24 detention policy. DHS, under Respondent Noem's direction, is responsible for the
25 decision to continue Petitioner's detention and to designate him as subject to
26 mandatory custody. She is sued in her official capacity.
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36. Respondent PAM BONDI, in her official capacity as the Attorney General of the United States, oversees the U.S. Department of Justice, which includes the Executive Office for Immigration Review (EOIR). EOIR encompasses the nation’s Immigration Courts and the Board of Immigration Appeals (BIA). The Attorney General has ultimate authority over immigration court procedures, including the availability of bond hearings and the interpretation of detention statutes through precedent decisions. Respondent Bondi is sued in her official capacity.

37. Respondent EOIR (Executive Office for Immigration Review) is a component of the U.S. Department of Justice responsible for adjudicating immigration proceedings. EOIR includes the Immigration Judges who conduct removal and bond proceedings, as well as the BIA which issues appellate administrative decisions. EOIR is sued as a Respondent because it is responsible for administering the bond hearing process (or lack thereof) at issue in this case. EOIR has failed to provide Petitioner a custody redetermination process, and Petitioner seeks relief to compel EOIR to perform its duty to afford him a bond hearing under the correct legal standards.

VII. LEGAL FRAMEWORK

38. Federal immigration law provides for the detention of noncitizens under several distinct statutory provisions, depending on the circumstances. Proper classification under these statutes is crucial, as it determines whether a person is eligible for release or must be kept in custody. The Immigration and Nationality

1 Act (“INA”) draws a fundamental distinction between noncitizens who may be
2 released on bond and those whom Congress has mandated must be detained.

3 **39. INA § 236(a) (8 U.S.C. § 1226(a)) - Discretionary Detention with Bond**

4 **Eligibility**

5
6 Section 236(a) is the default detention authority for individuals placed in removal
7 proceedings who are already present in the United States. It authorizes the
8 Attorney General (now the Secretary of Homeland Security by delegation) to
9 arrest and detain a noncitizen pending a decision on removal, and further provides
10 that DHS “may release” the noncitizen on bond or conditional parole, unless a
11 separate mandatory detention provision applies. In other words, absent a statutory
12 mandate to detain, custody under § 236(a) is discretionary and release is legally
13 available.
14

15 **40. INA § 236(c) (8 U.S.C. § 1226(c)) - Mandatory Detention for Certain**

16 **Criminal or Terrorism-Related Grounds.**

17
18 Section 236(c) carves out a narrow category of noncitizens—primarily those with
19 specified criminal convictions or terrorism-related conduct—for whom detention
20 is mandatory. Individuals detained under this provision generally may not be
21 released on bond. Mr. Aguilar Trujilo does not fall within this category. He has no
22 criminal history whatsoever, and DHS has never alleged that § 236(c) applies to
23 him.
24

25 **41.** The Supreme Court upheld the constitutionality of § 236(c) in *Demore v. Kim*,
26 538 U.S. 510 (2003), while emphasizing that detention under this provision is
27 intended to be brief and limited in duration, typically lasting only a short period
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1 during the removal process. That rationale has no application here, where Mr.
2 Aguilar Trujilo is not subject to § 236(c) at all.

3
4 **42. INA § 235(b) (8 U.S.C. § 1225(b)) - Mandatory Detention of “Applicants for**
5 **Admission.”**

6 Section 235(b) governs the treatment of noncitizens who are “applicants for
7 admission.” It provides that if such an individual is not “clearly and beyond a
8 doubt” entitled to be admitted, the individual “shall be detained” during removal
9 proceedings. Historically and statutorily, this provision applies to true arriving
10 aliens, those who present themselves at a port of entry or are apprehended at or
11 near the border while attempting to enter the United States.

12
13 **43. Section 235(b)(1) applies to expedited removal of certain recent entrants or**
14 **individuals using fraudulent documents, while § 235(b)(2) applies to other**
15 **applicants for admission not placed in expedited removal. Critically, both**
16 **subsections are limited to individuals who are encountered seeking entry into the**
17 **United States, not to long-term interior residents apprehended years or decades**
18 **after their initial arrival.**

19
20 **44. In sum, Congress intended that **true arriving aliens**, individuals literally at the**
21 **threshold of entry, could be detained without bond during proceedings as a**
22 **general rule. The statute does not authorize DHS to retroactively treat long-settled**
23 **residents as “arriving aliens” simply because of the manner of their entry long**
24 **ago.**

25
26 **45. INA § 241(a) (8 U.S.C. § 1231) - Post-Removal-Order Detention.**

27 Section 241 governs detention following the entry of a final order of removal. It
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1 mandates detention during a 90-day removal period and permits continued
2 detention in limited circumstances thereafter. This provision is not at issue here
3 because Mr. Aguilar Trujilo has no final order of removal and his case remains
4 pending in removal proceedings.
5

6 46. The critical question in Mr. Aguilar Trujilo’s case is whether his detention is
7 governed by INA § 236(a), which allows release, or INA § 235(b), which would
8 mandate detention. DHS contends that Mr. Aguilar Trujilo is an “applicant for
9 admission” subject to § 235(b) mandatory detention, notwithstanding his decades-
10 long presence in the United States and prior government recognition of his
11 residence and employment. Federal courts have repeatedly rejected this expansive
12 interpretation, including courts within this District:
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- 14 • *Beltran v. Noem*, No. 25-cv-2650 LL, 2025 WL 3078837, at *5 (S.D. Cal. Nov. 4,
15 2025) (“The Court finds the plain text of § 1225(b)(2) does not support
16 Respondents’ contention that it applies to any noncitizen present in the United
17 States who has not been admitted.”).
- 18 • *Lopez v. Warden, Otay Mesa Det. Ctr.*, No. 25-CV-2527-RSH-SBC, 2025 WL
19 3005346, at *4 (S.D. Cal. Oct. 27, 2025) (“The Court concludes that Petitioner is
20 not subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), and that
21 detention is instead governed by § 1226(a).”).
- 22 • *Esquivel-Ipina v. LaRose*, No. 25-CV-2672-JLS (BLM), 2025 WL 2998361, at *5
23 (S.D. Cal. Oct. 24, 2025) (“Petitioner is not an applicant for admission under §
24 1225(b) and is entitled to seek release under § 1226(a).”).
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- 1 • *Martinez Lopez v. LaRose*, No. 25-CV-2717-JES-AHG, 2025 WL 3030457, at *6
- 2 (S.D. Cal. Oct. 30, 2025).
- 3 • *Garcia v. Noem*, No. 25-CV-02180-DMS-MMP, 2025 WL 2549431, at *8 (S.D.
- 4 Cal. Sept. 3, 2025).
- 5

6 47. By law, an individual like Mr. Aguilar Trujilo, who entered the United States
7 many years ago, was not apprehended upon arrival, and has lived openly in the
8 community with government-issued documentation, must be treated as a person
9 already present in the United States and placed in removal proceedings under INA
10 § 240, not as an arriving alien at the border.

11 48. As federal courts have clarified, the mandatory detention provision of §
12 1225(b)(2)(A) “does not apply to those who previously entered the country and
13 have been residing in the United States prior to being apprehended and placed in
14 removal proceedings.” Such individuals are detained, if at all, under § 1226(a),
15 unless another mandatory provision applies, which it does not here.

16 49. This interpretation accords with decades of agency practice and longstanding
17 regulations recognizing Immigration Judges’ authority to conduct custody
18 determinations for individuals in regular removal proceedings, except for limited
19 categories such as true arriving aliens or § 236(c) detainees. See 8 C.F.R. §§
20 236.1(c)(8), 1236.1(d), 1003.19(h).

21 50. By classifying Mr. Aguilar Trujilo as an arriving alien, DHS seeks to place him in
22 a statutory category reserved for individuals encountered at the border or seeking
23 initial admission, notwithstanding his decades of residence and prior
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1 governmental recognition. That effort stretches § 235(b) beyond its text and
2 purpose.

3
4 51. In *Maldonado Bautista v. Santacruz*, the U.S. District Court for the Central
5 District of California addressed this precise issue. The court held that noncitizens
6 who entered without inspection, were not apprehended upon arrival, and later
7 lived in the United States are detained under INA § 236(a), not § 235(b).

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9 52. The court emphasized that § 235(b) was never intended to apply categorically to
10 all individuals who entered without inspection, regardless of how long ago or
11 under what circumstances. Rather, § 236(a) remains the default detention
12 authority for individuals placed in removal proceedings outside the immediate
13 context of arrival.

14
15 53. The court further issued a nationwide declaratory judgment and certified a Bond
16 Eligible Class, extending its ruling to similarly situated individuals across the
17 country and declaring DHS's blanket no-bond detention policy unlawful.

18
19 54. Mr. Aguilar Trujilo falls squarely within the reasoning and scope of *Maldonado*
20 *Bautista*. Indeed, his case presents even stronger equities, as his presence in the
21 United States has been affirmatively recognized through the issuance of
22 employment authorization, a Social Security number, and an Alien Registration
23 Number.

24
25 55. Accordingly, as a matter of federal law, Mr. Aguilar Trujilo cannot lawfully be
26 detained under § 235(b). DHS's continued detention of him is ultra vires and
27 unlawful.
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1 56. At minimum, Mr. Aguilar Trujilo must be treated as a detainee under INA §
2 236(a), with the attendant opportunity for release. DHS’s refusal to release him,
3 or even to apply the correct detention statute, violates the INA and binding federal
4 precedent.

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6 57. Under § 236(a), detention is discretionary and must be justified on an
7 individualized basis. Given Mr. Aguilar Trujilo’s decades-long residence, lack of
8 criminal history, family ties, and medical caregiving responsibilities, continued
9 detention cannot be justified.

10
11 58. DHS’s attempt to label Mr. Aguilar Trujilo as an “applicant for admission” under
12 § 235(b) has been flatly rejected by federal courts and finds no support in the
13 statutory text.


14
15 59. This Court should therefore apply the correct legal framework, recognize that Mr.
16 Aguilar Trujilo’s detention is unlawful, and grant relief to terminate his continued
17 confinement.

18 **VIII. FACTS**

19 60. Petitioner Benito Aguilar Trujillo has resided in the United States for decades. His
20 presence in the country dates back to at least the late 1980s, when he was issued a
21 Form I-688A agricultural employment authorization, reflecting formal government
22 recognition of his residence and authorization to work in the United States. Since
23 that time, Mr. Aguilar Trujilo has remained continuously present in the United
24 States.

25
26 61. Mr. Aguilar Trujilo has built his life and family in this country and has no criminal
27 history whatsoever. Prior to the events giving rise to this case, he had no prior
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1 encounters with immigration enforcement. He has been a law-abiding resident who
2 has worked consistently, supported his family, and contributed to his community.

3 62. Mr. Aguilar Trujilo is the father of two United States citizen children, both of
4 whom have lived their lives in the United States and are now adults. His daughter,
5  is 28 years old, and his son is 33 years old.

6
7 63. Mr. Aguilar Trujilo resides with his long-term partner, a lawful permanent resident
8 and mother of his children. Although they are not yet married, they share a
9 household and have built a life together. Marriage would render Mr. Aguilar Trujilo
10 eligible to pursue additional avenues of immigration relief.

11
12 64. Mr. Aguilar Trujilo's partner suffers from serious medical conditions, including
13 diabetes and the surgical removal of a kidney. Due to these health complications,
14 she experiences significant physical limitations and depends on Mr. Aguilar Trujilo
15 for daily care, assistance with mobility, and essential support. His removal would
16 impose severe hardship on her and destabilize her ability to manage her medical
17 needs.

18
19 65. Mr. Aguilar Trujilo works in landscaping and related labor and has done so for
20 many years. He has been issued a valid Social Security number and has paid taxes,
21 evidencing his compliance with civic and legal obligations. He has previously been
22 granted employment authorization and has maintained steady employment until his
23 detention.

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25 66. These facts underscore that Mr. Aguilar Trujilo has deep and longstanding ties to
26 the United States, strong incentives to appear for all immigration proceedings, and
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every reason to continue pursuing lawful status through the immigration court process.

67. Mr. Aguilar Trujilo has no history of violence, no criminal record, no prior removal orders, and no history of absconding. There is no evidence that he poses any danger to the community or risk of flight. In short, all traditional considerations relevant to custody and release overwhelmingly favor his release.

68. Despite his decades-long presence and exemplary record, Mr. Aguilar Trujilo was suddenly and unexpectedly arrested by ICE on January 7, 2026, during an interior enforcement action far removed from any border or port of entry. He was thereafter placed in removal proceedings under INA § 240.

69. Following his arrest, DHS detained Mr. Aguilar Trujilo and took the position that he is not entitled to release because he is allegedly subject to mandatory detention as an “applicant for admission” under INA § 235(b). ICE has refused to release him, asserting that no bond or custody redetermination is available.

70. In other words, the government contends that because of the manner of his entry many years ago, Mr. Aguilar Trujilo must remain detained throughout his removal proceedings, with no opportunity for release. This position represents a sharp departure from longstanding practice. Historically, individuals like Mr. Aguilar Trujilo—long-term interior residents apprehended years after entry—were detained, if at all, under INA § 236(a), which permits release.

71. That longstanding framework was abruptly disrupted in mid-2025, when DHS adopted a new policy asserting that individuals who entered without inspection are

1 categorically ineligible for bond, regardless of how long they have lived in the
2 United States or how deeply rooted they are in their communities.

3 72. Shortly thereafter, the Board of Immigration Appeals issued a precedential decision
4 adopting this sweeping interpretation. In *Matter of Yajure Hurtado*, 29 I. & N. Dec.
5 216 (BIA 2025), the BIA concluded that Immigration Judges lack authority to
6 consider bond for individuals who entered without inspection, reasoning that such
7 individuals are “applicants for admission” subject to mandatory detention under
8 INA § 235(b)(2)(A).
9

10 73. Under this view, even individuals like Mr. Aguilar Trujilo—who have lived in the
11 United States for decades, possess government-issued documentation, and have
12 strong family and community ties—must remain detained for the duration of their
13 proceedings, with release available only through DHS’s discretionary parole
14 authority, which has not been offered here.
15

16 74. The government’s no-release position in Mr. Aguilar Trujilo’s case is thus part of
17 this new and controversial detention policy. That policy has been repeatedly
18 challenged in federal court and has been found unlawful.
19

20 75. The decision in *Maldonado Bautista v. Santacruz* directly addresses the legality of
21 DHS’s detention theory. In that case, a class of detainees, similarly situated to Mr.
22 Aguilar Trujilo, challenged DHS’s blanket policy of treating long-term interior
23 residents as arriving aliens subject to mandatory detention under INA § 235(b).
24

25 76. The district court expressly rejected the government’s position. It held that
26 individuals who entered without inspection, were not apprehended upon arrival, and
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1 lived in the United States prior to detention are detained under INA § 236(a), not §
2 235(b), and therefore cannot be categorically denied release.

3 77. The court issued a declaratory judgment confirming that DHS’s no-bond detention
4 policy is unlawful and may not be applied to class members. The court further
5 noted that the overwhelming majority of federal courts to consider the issue had
6 reached the same conclusion even prior to class-wide relief.
7

8 78. Mr. Aguilar Trujilo falls squarely within the scope and reasoning of Maldonado
9 Bautista. He has lived openly in the United States for decades, was not apprehended
10 at or near the border, and is not subject to detention under INA §§ 236(c),
11 235(b)(1), or 1231.
12

13 79. Despite this binding authority, DHS continues to detain Mr. Aguilar Trujilo at the
14 Otay Mesa Detention Center without lawful justification. His continued
15 confinement inflicts ongoing harm on him and his medically fragile partner and
16 serves no legitimate governmental purpose. These facts compel immediate judicial
17 intervention to end his unlawful detention.
18

19 **IX. FIRST CLAIM FOR RELIEF**

20 **Mr. Aguilar Trujilo’s Detention Is in Violation of 8 U.S.C. § 1226(a)**

21 Petitioner incorporates by reference the allegations of fact set forth in the preceding
22 paragraphs:
23

24 80. Section 1225(b)(2)’s mandatory detention provisions do not apply to Petitioner
25 because he has been present and residing in the United States for decades and was
26 not apprehended at or near the border or while seeking admission.
27
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1 81. As federal courts have repeatedly held, Section 1225(b)(2) does not apply to
2 noncitizens who previously entered the United States and have been present and
3 residing in the interior of the country prior to their apprehension and placement in
4 removal proceedings.

5
6 82. Individuals in Petitioner’s posture are instead governed by Section 1226, which
7 authorizes discretionary detention and permits release unless Section 1226(c) or
8 Section 1231 applies.

9
10 83. No mandatory detention provision applies to Mr. Aguilar Trujilo. He has no
11 criminal history that would trigger Section 1226(c), and he has no final order of
12 removal that would implicate Section 1231.

13 84. Accordingly, Mr. Aguilar Trujilo’s continued detention under Section 1225(b)(2)
14 is unlawful and contrary to the plain language, structure, and purpose of the INA.

15 85. Because DHS lacks statutory authority to detain Petitioner under Section
16 1225(b)(2), his continued custody violates federal law and must be remedied
17 through habeas corpus relief.
18

19 **X. SECOND CLAIM FOR RELIEF**

20 **Violation of the Administrative Procedure Act**

21 *(5 U.S.C. § 706 – Agency Action Not in Accordance with Law, in Excess of Authority,*
22 *and Arbitrary and Capricious)*
23

24 Petitioner incorporates by reference all preceding paragraphs as if set forth fully herein:

25 86. Under the Administrative Procedure Act, a reviewing court must “hold unlawful
26 and set aside agency action” that is arbitrary, capricious, an abuse of discretion,
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not in accordance with law, contrary to constitutional right, or in excess of statutory authority. 5 U.S.C. § 706(2)(A)–(C).

87. DHS’s decision to detain Mr. Aguilar Trujilo under INA § 1225(b)(2) constitutes agency action that is not in accordance with law, exceeds the agency’s statutory authority, and is arbitrary and capricious.

88. DHS has applied Section 1225(b)(2) to Petitioner despite the absence of statutory predicates for mandatory detention, including despite Petitioner’s decades-long residence in the United States and prior government recognition of his presence and employment.

89. This misapplication of the statute contravenes the INA, binding federal court precedent, and DHS’s own long-standing regulatory framework governing detention and release.

90. DHS’s detention of Mr. Aguilar Trujilo is therefore unlawful under the APA and must be set aside.

XI. THIRD CLAIM FOR RELIEF

Violation of the Fifth Amendment (Due Process Clause)

(Unconstitutional Detention Without Individualized Process)

Petitioner incorporates by reference all preceding paragraphs as if set forth fully herein:

91. The Fifth Amendment to the United States Constitution provides that no person shall be deprived of liberty without due process of law. This protection applies to all persons within the United States, including noncitizens such as Mr. Aguilar Trujilo.

1 92. Due process has both procedural and substantive components, both of which are
2 violated by Respondents' continued detention of Petitioner.

3 93. **Procedural Due Process.** At a minimum, due process requires that the
4 government provide fair procedures before depriving an individual of physical
5 liberty, including an opportunity to be heard at a meaningful time and in a
6 meaningful manner.
7

8 94. Here, Mr. Aguilar Trujilo has been detained without any opportunity to appear
9 before a neutral decision-maker to contest his confinement, to present evidence of
10 his strong equities, or to challenge the government's legal justification for
11 detention.
12

13 95. The complete denial of any individualized hearing creates an unacceptably high
14 risk of erroneous deprivation of liberty, particularly where, as here, Petitioner has
15 no criminal history, deep family ties, and overwhelming evidence that he poses
16 neither a danger nor a flight risk.
17

18 96. Under the balancing framework set forth in *Mathews v. Eldridge*, 424 U.S. 319
19 (1976), Petitioner's fundamental interest in freedom from bodily restraint is
20 substantial, the risk of erroneous deprivation is extreme in the absence of a
21 hearing, and the government's interests can be fully addressed through less
22 restrictive means.
23

24 97. **Substantive Due Process.** Substantively, civil detention must bear a reasonable
25 relation to a legitimate governmental purpose and may not be arbitrary or
26 excessive in relation to that purpose.
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98. Mr. Aguilar Trujilo’s detention is not reasonably related to ensuring his appearance at proceedings or protecting the community. He has demonstrated decades of stability, lawful conduct, and compliance.

99. Detaining him solely based on a categorical interpretation of the statute—without regard to his individual circumstances—is arbitrary and constitutionally impermissible.

100. The Supreme Court has repeatedly recognized that liberty is the norm and detention without trial is the carefully limited exception. Prolonged civil detention without justification or process offends the most basic principles of due process.

101. By continuing to detain Mr. Aguilar Trujilo without any individualized assessment or opportunity to contest his confinement, Respondents are violating the Fifth Amendment.

102. This Court should declare such detention unconstitutional and order appropriate relief to vindicate Petitioner’s due process rights.

XII. FOURTH CLAIM FOR RELIEF

Mr. Aguilar Trujilo’s Detention Falls Within the Maldonado Bautista Bond Eligible Class and DHS’s Application of INA § 1225(b)(2) Is Unlawful

Petitioner incorporates by reference all preceding paragraphs as if set forth fully herein:

103. Mr. Aguilar Trujilo is a member of the certified Bond Eligible Class in Maldonado Bautista v. Santacruz. He entered the United States years ago, was not apprehended upon arrival, and is not subject to detention under INA §§ 1226(c), 1225(b)(1), or 1231.

1 104. In Maldonado Bautista, the district court issued a nationwide declaratory
2 judgment holding that DHS’s policy of categorically detaining such individuals
3 under INA § 1225(b)(2) is unlawful.
4

5 105. The court further held that class members must be treated as detained, if at
6 all, under INA § 1226(a), and therefore may not be denied release based on the
7 government’s erroneous interpretation of Section 1225(b)(2).

8 106. DHS’s continued detention of Mr. Aguilar Trujilo as an alleged Section
9 1225(b)(2) detainee directly contravenes the declaratory judgment issued in
10 Maldonado Bautista.
11

12 107. Respondents are bound by that judgment and have no lawful basis to ignore
13 or circumvent it. Each day of Petitioner’s continued detention constitutes an
14 ongoing violation of federal law.
15

16 108. Under principles of class-wide relief and res judicata, DHS may not
17 relitigate the legality of its detention policy as applied to Mr. Aguilar Trujilo.

18 109. This Court should enforce the declaratory relief issued in Maldonado
19 Bautista, declare Petitioner’s classification under Section 1225(b)(2) unlawful, and
20 order appropriate habeas relief.
21

22 **XIII. FIFTH CLAIM FOR RELIEF**

23 **Mr. Aguilar Trujilo’s Detention Violates DHS and EOIR Detention and Bond**
24 **Regulations**

25 Petitioner incorporates by reference the allegations of fact set forth in the preceding
26 paragraphs:
27
28

1 110. Following the enactment of IIRIRA, DHS and EOIR promulgated
2 regulations interpreting the INA’s detention provisions and clarifying the
3 availability of bond and custody redetermination hearings.
4

5 111. In promulgating these regulations, the agencies expressly recognized that
6 noncitizens present in the United States without having been admitted or paroled—
7 formerly referred to as individuals who entered without inspection, are eligible for
8 bond and bond redetermination under INA § 1226.
9

10 112. DHS’s current practice of applying INA § 1225(b)(2) to long-term interior
11 residents like Mr. Aguilar Trujilo is inconsistent with these regulations and exceeds
12 the agency’s authority.

13 113. By detaining Mr. Aguilar Trujilo under Section 1225(b)(2) and denying him
14 any opportunity for release, Respondents are acting in violation of 8 C.F.R. §§
15 236.1, 1236.1, and 1003.19.
16

17 114. Habeas corpus relief is warranted because Mr. Aguilar Trujilo is in custody
18 in violation of the laws and regulations of the United States.

19 **XIV. PRAYER FOR RELIEF**

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

- 21 a. Assume jurisdiction over this Petition, as this matter falls squarely within the
22 Court’s habeas corpus and federal question jurisdiction;
23
24 b. Declare that Petitioner’s detention is governed by 8 U.S.C. § 1226(a) and that his
25 continued detention under 8 U.S.C. § 1225(b)(2) is unlawful;
26
27 c. Declare that Petitioner’s detention under INA § 235(b) is unlawful. In particular,
28 Petitioner seeks a declaratory judgment that he is not properly classified as an

- 1 “applicant for admission” subject to mandatory detention, and that his continued
2 detention violates the Immigration and Nationality Act, the Administrative
3 Procedure Act, and the Due Process Clause of the Fifth Amendment;
4
5 d. Issue an Order to Show Cause directing Respondents to show cause within three (3)
6 days why this Petition should not be granted;
7
8 e. Declare that Petitioner is detained, if at all, under INA § 236(a). This declaration
9 should make clear that Petitioner must be treated as a § 236(a) detainee and is not
10 subject to mandatory detention under INA § 235(b);
11
12 f. Issue a Writ of Habeas Corpus or other appropriate Order directing Respondents to
remedy Petitioner’s unlawful detention, specifically by:

13 1. Immediately releasing Petitioner from ICE custody under reasonable
14 conditions of supervision (such as reporting requirements or other
15 noncustodial conditions), as his continued detention lacks statutory
16 authority; OR

17
18 2. In the alternative, if the Court elects not to order immediate release, ordering
19 Respondents to provide Petitioner with a prompt and constitutionally
20 adequate custody redetermination hearing before an Immigration Judge
21 within seven (7) days of the Court’s Order. Such a hearing must comport with
22 due process and require DHS to prove by clear and convincing evidence that
23 Petitioner’s continued detention is necessary due to flight risk or danger. If no
24 custody determination is issued within that timeframe, the Court should order
25 Petitioner’s immediate release;
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- g. Enjoin Respondents from transferring Petitioner outside the jurisdiction of the Southern District of California during the pendency of this action, as such a transfer would risk mootng this Petition and impair the Court’s jurisdiction; and
- h. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted on:

Dated: January 16, 2026

/s/ Daniel S. Castaneda
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28 U.S.C. § 2242 VERIFICATION STATEMENT

I, Daniel S. Castaneda, submit this verification on behalf of the petitioner because I am the Petitioner's attorney. I have discussed with the Petitioner the events described in this Petition and Complaint. On the basis of those discussions, I hereby verify that the statements made in this Petition and Complaint are true and correct to the best of my knowledge.

Respectfully submitted on:

Dated: January 16, 2026

/s/ Daniel S. Castaneda
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