

1 **Alfonso Morales, State Bar No. 235314**  
2 LAW OFFICE OF ALFONSO MORALES, ESQ.  
3 8131 Rosecrans Ave., Ste. 200  
4 Paramount, CA 90723  
5 Telephone: (310) 669-8700

6 Attorney for Petitioner

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

9 MIGUEL ANTONIO-GONZALEZ )

10 *Petitioner,* )

11 v. )

12 )  
13 **JEREMY CASEY**, *in his official as WARDEN* )  
*of Imperial Reginal Detention Facility;* )

14 **GREGORY J. ARCHAMBEAULT**, *in his* )  
*official Capacity as San Diego Field Office* )  
15 *Director of the Immigration and Customs* )  
*Enforcement, Enforcement and Removal* )  
16 *Operations;* )

17 **KRISTI NOEM**, *in her official capacity as* )  
*Secretary of the U.S. Department of Homeland* )  
18 *Security; and* )

19 **PAM BONDI**, *in her official capacity as Attorney* )  
*General of the United States,* )

20 *Respondents.* )  
21 )

'26CV0286 BJC MMP

**PETITION FOR WRIT OF  
HABEAS CORPUS**

22  
23 **INTRODUCTION**

24 1. This petition for Writ of Habeas Corpus is filed on behalf of Miguel Antonio-  
25 Gonzalez ("Petitioner") to remedy his unlawful detention.  
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- 1 2. Petitioner is a thirty-seven (37) year old native of Mexico. He first entered the  
2 United States without inspection on or around the year 2002 when he was around  
3 thirteen (13) years old and has been continuously present ever since.  
4
- 5 3. On October 6, 2025, Petitioner was arrested by Immigration and Customs  
6 Enforcement (ICE) at a Gas Station in Indio, California. He currently remains in  
7 ICE custody at Imperial Regional Detention Facility in Calexico, California.  
8
- 9 4. Prior has two U.S. citizen children, [REDACTED] age 7 and [REDACTED]  
10 [REDACTED] age 6.  
11
- 12 5. Petitioner is actively pursuing his available forms of immigration relief. He is  
13 eligible to apply for a Motion to Suppress and Application for Cancellation of  
14 Removal and Adjustment of Status for Certain Nonpermanent Residents with the  
15 Executive Office for Immigration Review.  
16
- 17 6. Petitioner has exhausted all available legal remedies with ICE and EOIR to seek  
18 release.  
19
- 20 7. Accordingly, Petitioner respectfully requests that this Court order Respondents to  
21 provide him with a prompt and constitutionally adequate bond hearing before an  
22 Immigration Judge, or, in the alternative, to release him from custody if such a  
23 hearing is not provided within a reasonable period.  
24

### JURISDICTION

- 25
- 26 8. This action arises under the Constitution of the United States and the Immigration  
27 and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*  
28

1 9. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus),  
2 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States  
3 Constitution (Suspension Clause).  
4

5 10. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et*.  
6 *seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs  
7 Act, 28 U.S.C. § 1651.  
8

9 **VENUE**

10 11. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(c)(3) and  
11 28 U.S.C. § 1391(b)(2) and (e)(1) because Petitioner is detained within this district  
12 at Imperial Regional Detention Facility in Calexico, California, which is within the  
13 jurisdiction of this District.  
14

15 12. Venue is proper in this District because a substantial part of the events or  
16 omissions giving rise to this action occurred and continue to occur at Imperial  
17 Regional Detention Facility in Calexico, California. 28 U.S.C. § 1391(e).  
18

19 **REQUIREMENTS OF 28 U.S.C. § 2243**

20  
21 13. The Court must grant the petition for writ of habeas corpus or issue an order to  
22 show cause (OSC) to the respondents “forthwith,” unless the petitioner is not  
23 entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court  
24 must require respondents to file a return “within *three days* unless for good cause  
25 additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).  
26

27  
28 14. Courts have long recognized the significance of the habeas statute in protecting

1 individuals from unlawful detention. The Great Writ has been referred to as  
2 “perhaps the most important writ known to the constitutional law of England,  
3 affording as it does a *swift* and imperative remedy in all cases of illegal restraint or  
4 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).  
5

6 **PARTIES**

7  
8 15. Petitioner was arrested by ICE officers on October 6, 2025, and was transferred to  
9 Imperial Regional Detention Facility where he is currently detained. He is in  
10 custody, and under the direct control, of Respondents and their agents.

11  
12 16. The acting Warden Adelanto Detention Center, has immediate physical custody of  
13 Petitioner pursuant to the facility’s contract with U.S. Immigration and Customs  
14 Enforcement to detain noncitizens and is a legal custodian of Petitioner.  
15 Respondent is a legal custodian of Petitioner.  
16

17 17. Respondent Ernesto Santacruz Jr, is sued in his official capacity as the Acting  
18 Director of the Los Angeles Field Office of U.S. Immigration and Customs  
19 Enforcement. Respondent Santacruz is a legal custodian of Petitioner and has  
20 authority to release him.  
21

22 18. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S.  
23 Department of Homeland Security (DHS). In this capacity, Respondent Noem is  
24 responsible for the implementation and enforcement of the Immigration and  
25 Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the  
26 component agency responsible for Petitioner’s detention and custody. Respondent  
27  
28

1 Noem is a legal custodian of Petitioner.

2 19. Respondent Pam Bondi is sued in her official capacity as the Attorney General of  
3 the United States and the senior official of the U.S. Department of Justice (DOJ).  
4 In that capacity, she has the authority to adjudicate removal cases and to oversee  
5 the Executive Office for Immigration Review (EOIR), which administers the  
6 immigration courts and the BIA. Respondent Bondi is a legal custodian of  
7  
8  
9 Petitioner.

10 **EXHAUSTION OF REMEDIES**

11 20. Petitioner has exhausted all administrative remedies available to him. He is  
12 currently detained at the Adelanto Detention Facility under the custody of U.S.  
13 Immigration and Customs Enforcement (“ICE”). Under current Board of  
14 Immigration Appeals precedent in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216  
15 (B.I.A. 2025), the Immigration Court lacks jurisdiction to conduct a bond hearing  
16 in Petitioner’s case, rendering any request for custody redetermination unavailable  
17 as a matter of law.  
18  
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21 21. No further administrative process exists to challenge his ongoing detention or to  
22 obtain the relief sought. Accordingly, the filing of this habeas corpus petition under  
23 28 U.S.C. § 2241 is proper. *See Singh v. Holder*, 638 F.3d 1196, 1203–04 (9th Cir.  
24 2011); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).  
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**STATEMENT OF FACTS**

1  
2 22. Petitioner is a thirty-seven (37) citizen of Mexico. He has two U.S. citizen  
3 children.

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5 23. He first entered the United States on or around the year 2002, when he was around  
6 13 years old and has remained continuously present ever since.

7  
8 24. On October 6, 2026, Petitioner was detained by ICE at a gas station in Indio,  
9 California.

10 25. Under current BIA precedent, the Immigration Court has taken the position that it  
11 lacks jurisdiction to conduct a bond hearing in Petitioner's case, rendering any  
12 request for custody redetermination futile.

13  
14 26. ICE has not identified any exceptional circumstances warranting Petitioner's  
15 continued detention under their policy. His detention violates the Immigration and  
16 Nationality Act and Fifth Amendment rights and continued detention under these  
17 circumstances is unlawful.  
18

19  
20 **LEGAL FRAMEWORK**

21 27. The Due Process Clause requires that the deprivation of Petitioners' liberty be  
22 narrowly tailored to serve a compelling government interest. *See Reno v. Flores*,  
23 507 U.S. 292, 301–02 (1993) (holding that due process “forbids the government to  
24 infringe certain ‘fundamental’ liberty interests at all, no matter what process is  
25 provided, unless the infringement is narrowly tailored to serve a compelling state  
26 interest”). As the Supreme Court held in *Zadvydas*, indefinite detention, and  
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28

1 detention without adequate procedural protections, would raise a “serious  
2 constitutional problem” and run afoul of the Due Process Clause. 533 U.S. at 690.

3 28. Section 1226(a) authorizes the Attorney General to arrest and detain a noncitizen  
4

5 “pending a decision on whether the alien is to be removed.” Detention under §  
6 1226(a) is discretionary and permits release on bond or conditional parole unless  
7 the person falls within the limited mandatory detention provisions of § 1226(c).

8  
9 The Ninth Circuit has held that individuals detained under § 1226(a) are entitled to  
10 individualized bond hearings where the government bears the burden to show, by  
11 clear and convincing evidence, that continued detention is justified by flight risk or  
12 danger. *Rodriguez v. Robbins*, 804 F.3d 1060, 1078 (9th Cir. 2015), vacated on  
13 other grounds, *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018). When detention  
14 under § 1226(a) becomes prolonged, it must remain reasonably related to its  
15 purposes of ensuring appearance and protecting the community. See *Demore v.*  
16 *Kim*, 538 U.S. 510, 531 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).  
17 Continued detention without a final order of removal, absent these justifications, is  
18 arbitrary, excessive, and violates the Due Process Clause.  
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22 29. On September 5, 2025, the Board of Immigration Appeals issued *Matter of Yajure*  
23 *Hurtado*, 29 I. & N. Dec. 216 (B.I.A. 2025). The Board held that any noncitizen  
24 present in the United States without inspection or admission is subject to detention  
25 under INA § 235(b)(2) (8 U.S.C. § 1225(b)(2)), rather than § 236(a) (8 U.S.C. §  
26 1226(a)). This interpretation treats all such noncitizens as “applicants for  
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1 admission” and places them in mandatory detention without bond eligibility before  
2 immigration judges.

3 30. The decision overruled longstanding agency practice that classified interior arrests  
4 of noncitizens who entered without inspection under INA § 236(a) (8 U.S.C. §  
5 1226(a)), which permits discretionary release on bond or parole. Under *Yajure*  
6 *Hurtado*, only those noncitizens who have been formally “admitted,” as defined in  
7  
8 INA § 101(a)(13)(A), retain bond eligibility.  
9

10 **CLAIMS FOR RELIEF**

11 **COUNT ONE**

12 **Violation Of Immigration and Nationality Act, 8 U.S.C. § 1231(A)(6)**

13 31. Petitioner realleges and incorporates by reference the paragraphs above.  
14

15 32. 8 U.S.C. § 1226(a) authorizes the Attorney General to arrest and detain a  
16 noncitizen “pending a decision on whether the alien is to be removed,” but  
17 expressly permits release on bond or conditional parole. This provision governs the  
18 detention of individuals, like Petitioner, who have not been ordered removed and  
19 whose proceedings remain pending.  
20

21 33. Detention under § 1226(a) must remain reasonably related to its purposes of  
22 ensuring appearance at removal proceedings and protecting the community. When  
23 those justifications no longer apply, continued custody exceeds the scope of the  
24 statute. See *Demore v. Kim*, 538 U.S. 510, 529–31 (2003); *Zadvydas v. Davis*, 533  
25 U.S. 678, 690 (2001).  
26  
27

28 34. The Supreme Court in *Jennings v. Rodriguez*, 583 U.S. 830 (2018), distinguished

1 between the discretionary detention authority in § 1226(a) and the mandatory  
2 detention provisions of § 1226(c). *Jennings* held that § 1226(a) allows for release  
3 on bond or conditional parole and does not itself impose mandatory custody. While  
4 the Court rejected the imposition of automatic, periodic bond hearings as a matter  
5 of statutory interpretation, it left open the constitutional question of whether  
6 prolonged detention without an individualized hearing violates due process. *See id.*  
7 at 851 (remanding to consider constitutional claims).

10 35. Subsequent courts have recognized that such prolonged detention without a  
11 hearing raises serious due process concerns. See *Hernandez-Lara v. Lyons*, 10  
12 F.4th 19, 41 (1st Cir. 2021) (holding that due process requires the government to  
13 justify continued § 1226(a) detention by clear and convincing evidence of danger  
14 or by a preponderance of evidence of flight risk).

17 36. Petitioner is detained under 8 U.S.C. § 1226(a), which governs pre-final-order  
18 detention for individuals in ongoing removal proceedings. Respondents' continued  
19 detention of Petitioner without affording a bond hearing violates § 1226(a)'s plain  
20 language and structure. Detention under § 1226(a) must be justified by legitimate  
21 governmental interests, however Respondents have not demonstrated that  
22 Petitioner presents a flight risk or danger to the community, making his continued  
23 detention is arbitrary, excessive, and contrary to law.

26 37. Following *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (B.I.A. 2025),  
27 Respondents have adopted a blanket interpretation that classifies all noncitizens  
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1 who entered without inspection as subject to mandatory detention under § 1225(b),  
2 thereby denying bond eligibility to those properly detained under § 1226(a). This  
3 interpretation is inconsistent with the statute and longstanding practice, resulting in  
4 the unlawful denial of individualized bond determinations.  
5

6 38. Notably, The Central District of California has rejected DHS's attempt to treat  
7 interior-arrest noncitizens as mandatory detainees under § 1225(b). (*Maldonado*  
8 *Bautista v. Santacruz*, No. 5:25-cv-01873, TRO Order (C.D. Cal. July 28, 2025)).  
9 In *Maldonado Bautista v. Santacruz*, the court granted a Temporary Restraining  
10 Order enjoining DHS from detaining similarly situated individuals without  
11 providing an individualized § 1226(a) bond hearing, holding that DHS's reliance  
12 on § 1225(b) for interior arrests was unconvincing and inconsistent with the  
13 statutory framework. *Id.* The court concluded that individuals arrested inside the  
14 United States and detained under § 1226(a) were being unlawfully deprived of the  
15 procedural protections guaranteed by that statute, including a bond hearing before  
16 a neutral adjudicator. *Id.*  
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21 39. Here, Petitioner is in the same posture as the Petitioners in *Maldonado Bautista*.  
22 He was arrested in the interior and will be denied a bond hearing solely because  
23 DHS has asserted, they do not have jurisdiction. Under *Maldonado Bautista* and  
24 long-standing practice, such detention is unlawful, and Petitioner is entitled to  
25 habeas relief directing the government to provide a prompt § 1226(a) bond hearing  
26 or order his release.  
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1 40. Petitioner has strong family and community ties in the United States. His criminal  
2 history is limited, and there is no evidence that he poses a danger to the  
3 community, making him an appropriate candidate for bond. He has resided in the  
4 United States continuously since he was around 13 years old. He is a devoted  
5 mother to two United States citizen children. Petitioner has a limited criminal  
6 history, but he is not subject to mandatory detention under 8 U.S.C. § 1226(c).  
7 Because Petitioner is detained under 8 U.S.C. § 1226(a), he is statutorily entitled to  
8 seek release on bond following an individualized custody determination.  
9 Respondents' refusal to provide such a bond hearing contravenes § 1226(a)'s  
10 discretionary framework and exceeds the detention authority Congress has  
11 authorized.  
12

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15 41. Accordingly, the Court should declare that Respondents lack statutory authority to  
16 detain Petitioner under § 1226(a) without providing a constitutionally adequate  
17 bond hearing and should order either (1) a prompt bond hearing before an  
18 Immigration Judge at which the government bears the burden of proof, or (2)  
19 Petitioner's release from custody pursuant to 28 U.S.C. § 2241.  
20  
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22 **COUNT THREE**  
23 **Violation of Fifth Amendment Due Process Clause**



24 42. The allegations in the above paragraphs are realleged and incorporated herein.  
25

26 43. The Due Process Clause of the Fifth Amendment forbids the government from  
27 depriving any person of liberty without due process of law. U.S. Const. amend. V.  
28 "Freedom from imprisonment—from government custody, detention, or other

1 forms of physical restraint—lies at the heart of the liberty” that the Due Process  
2 Clause protects. *Zadvydas*, 533 U.S. at 690 (citing *Foucha v. Louisiana*, 504 U.S.  
3 71, 80 (1992)). Civil immigration detention violates due process if it is not  
4 reasonably related to its statutory purpose. See *id.* at 690 (citing *Jackson v.*  
5 *Indiana*, 406 U.S. 715, 738 (1972)). In the immigration context, the Supreme Court  
6 has recognized only two valid purposes for civil detention: to mitigate the risk of  
7 flight and prevent danger to the community. *Id.*; *Demore v. Kim*, 538 U.S. 510,  
8 514–15, 528 (2003). Courts have further held that prolonged detention under 8  
9 U.S.C. § 1226(a) implicates due process and requires the government to justify  
10 continued confinement at a meaningful bond hearing. See *Hernandez-Lara v.*  
11 *Lyons*, 10 F.4th 19, 41 (1st Cir. 2021) (requiring the government to prove danger  
12 by clear and convincing evidence or flight risk by a preponderance of the  
13 evidence).  
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18 44. The due process concerns identified in *Maldonado Bautista v. Santacruz* further  
19 demonstrate that Respondent’s continued detention without a bond hearing is  
20 unconstitutional. In granting the TRO, the court found that DHS’s misapplication  
21 of § 1225 deprived interior-arrest noncitizens of the legal protections guaranteed  
22 under § 1226(a), raising “serious question[s]” as to whether DHS had permissibly  
23 altered its detention practices to withhold statutory and constitutional safeguards.  
24 TRO Order at 5–7. The court emphasized that continued detention under an  
25 unlawful policy serves “neither equity nor the public interest,” and “potentially  
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28

1 arbitrarily violates .... due process rights.” *Galvez v. Jaddou*, 52 F.4th 821, 832  
2 (9th Cir. 2022); see also *Xuyue Zhang v. Barr*, 612 F. Supp. 3d 1005, 1017 (C.D.  
3 Cal.) (public interest is implicated whenever constitutional rights are denied). As in  
4 *Maldonado Bautista*, Respondent’s detention under the incorrect statutory  
5 framework deprives her of the procedural protections mandated by § 1226(a),  
6 rendering her continued detention fundamentally inconsistent with the Fifth  
7 Amendment.  
8  
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10 45. First, Petitioner does not pose a danger to the community. Although he has a  
11 limited criminal history consisting of prior arrests, there is no indication that he  
12 presents an ongoing risk to public safety. He has significant ties to the United  
13 States that show his focus is providing emotional and financial support for his  
14 family. He is the father of two U.S. citizen children,   
15  who  
16 establish strong family ties to this country. Prior to his detention by ICE, Petitioner  
17 was steadily employed in the United States. His detention has caused significant  
18 emotional harm to his U.S. citizen children, who rely on him as their primary  
19 source of emotional support and stability, while also placing strain on the family’s  
20 overall well-being.  
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25 46. Second, Petitioner does not pose a risk of flight. As described above, Petitioner is a  
26 father to two very young children. He has resided in the United States since he was  
27 around thirteen years old. The United States is the only country he has ever known,  
28

1 he attended high school in the United States and has established his life here. His  
2 life, family, and community are entirely rooted here. He is also steadily employed  
3 and is the primary financial provide for his two young children. Petitioner is  
4 eligible to seek non-lawful permanent resident cancellation of removal through  
5 form EOIR-42B. Petitioners' objective is to remain in the United States in a lawful  
6 manner. He has every incentive to, and will, comply with all obligations required  
7 to enable him to remain in the United States. Petitioner has a clear and viable  
8 pathway to lawful permanent residence, and he will continue to pursue that  
9 pathway once he is released.  
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13 47. Another factor that should be afforded weight is that Petitioner is represented by  
14 undersigned counsel. Retaining the services attorney is a significant financial  
15 commitment. It is an indication that he and his entire family is invested in his case  
16 and willing to follow through with any requirements imposed by ICE in order to  
17 continue litigating his claim. His willingness to invest in litigating his claim should  
18 mitigate any flight risk concerns. Petitioner is planning to stay in the jurisdiction to  
19 fully litigate his relief applications. His investment contradicts any likelihood of  
20 absconding, as flight risk might try to leave the jurisdiction to avoid arrest or to  
21 abscond. The act of securing legal representation suggests that Petitioner is very  
22 likely remaining within the country or region to actively pursue his relief  
23 applications.  
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27 48. For these reasons, Petitioner's continued detention violates the Due Process Clause  
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1 of the Fifth Amendment, and he must be immediately released.

2 **COUNT FOUR**

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4 49.If he prevails, Petitioner requests attorney’s fees and costs in the amount of \$5,000  
5 under the Equal Access to Justice Act (“EAJA”), as amended, 28 U.S.C. § 2412

6 **PRAYER FOR RELIEF**

7  
8 Wherefore, Petitioner respectfully requests this Court to grant the following:

- 9 (1) Assume jurisdiction over this matter.
- 10 (2) Issue an Order to Show Cause ordering Respondents to show cause why this  
11 Petition should not be granted within three days.
- 12  
13 (3) Declare that Petitioners’ detention violates the Immigration and Nationality Act  
14 and Due Process Clause of the Fifth Amendment.
- 15 (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner  
16 immediately.
- 17  
18 (5) Enjoin Respondents from further unlawfully detaining Petitioners.
- 19 (6) Grant a writ of habeas corpus ordering Respondents to immediately release  
20 Petitioners from custody.
- 21  
22 (7) In the alternative, grant a writ of habeas corpus ordering Respondents to  
23 immediately release Petitioners from custody under reasonable conditions of  
24 supervision.
- 25  
26 (8) Award Petitioner attorney’s fees and costs under the Equal Access to Justice  
27 Act, and on any other basis justified under law and  
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1 (9) Grant any further relief this Court deems just and proper.

2  
3 Respectfully submitted,

4  
5 /s/ Alfonso Morales  
6 Alfonso Morales, Esq.  
7 *Attorney for Petitioner Miguel Antonio-Gonzalez*

8  
9 Dated: January 16, 2026

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**VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

I represent Petitioner, Miguel Antonio-Gonzalez, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 16 day of January 2026.

/s/ Alfonso Morales

Alfonso Morales, Esq.  
*Attorney for Petitioner Miguel Antonio-Gonzalez*