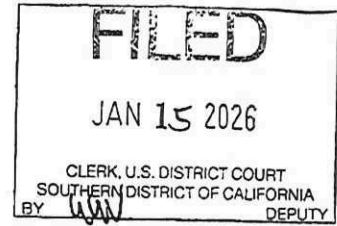


UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF CALIFORNIA



GONZALEZ - OGANDO,
ANDERSON)
Petitioner)
V.)
Warden of Otay Mesa Regional)
Detention center)
CHRISTOPHER J. LAROSI)
Attorney General)
PAMELA BONDI)
Respondent)

'26 CV0289 TWR MMP

File No.:



**NEXT FRIEND DECLARATION AND INTRODUCTORY SECTION FOR HABEAS
CORPUS PETITION (28 U.S.C. § 2241)**

INTRODUCTION AND NEXT FRIEND DECLARATION

This Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 is submitted by Yascily Gonzalez Ogando, acting as *Next Friend* on behalf of her brother, Anderson Gonzalez Ogando, who is currently detained by U.S. Immigration and Customs Enforcement (ICE).

Yascily Gonzalez Ogando respectfully states that Anderson Gonzalez Ogando is unable to personally prepare, file, or submit this Petition due to his ongoing detention at the Otay Mesa Detention Center located at:
7488 Calzada de la Fuente, Otay Mesa, CA 92154.

As his sister, Yascily Gonzalez Ogando is fully familiar with his circumstances, detention history, and his lack of practical access to the courts. Her involvement is solely to ensure that Anderson Gonzalez Ogando's constitutional rights are protected while he remains in ICE custody.

Anderson Gonzalez Ogando remains the sole Petitioner in this action. Yascily Gonzalez Ogando appears only in the capacity of *Next Friend*, as permitted under federal law in circumstances where the detained individual cannot personally access the courts.

NEXT FRIEND CERTIFICATION

- I, Yascily Gonzalez Ogando, hereby declare under penalty of perjury that:
1. I am the biological sister of Anderson Gonzalez Ogando, the detained Petitioner in this case.
 2. Anderson Gonzalez Ogando is currently detained by ICE and is unable to physically file or submit documents to the Court.
 3. I am acting solely in his best interests and have no conflict of interest.
 4. I submit this Petition on his behalf to ensure his legal claims may be reviewed by the Court.

Executed on: January 13, 2026

Signature of Next Friend: Yascily Gonzalez Ogando
Name: Yascily Gonzalez Ogando

PETITIONER INFORMATION

Petitioner Name: Anderson Gonzalez Ogando
Detention Facility: 7488 Calzada de la Fuente, Otay Mesa, CA 92154
Alien Number:
Date of ICE Detention: October 12, 2025

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

I. JURISDICTION & VENUE

1. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is currently in the custody of U.S. Immigration and Customs Enforcement (ICE).
2. Venue is proper because Petitioner is detained within the territorial jurisdiction of this Court.

II. PARTIES

3. Petitioner: Anderson Gonzalez Ogando, a citizen of Dominican Republic, detained at Detention Center located at 7488 Calzada de la Fuente, Otay Mesa, CA 92154.
4. Respondents: Federal officials responsible for Petitioner's detention.

III. FACTUAL BACKGROUND

5. Petitioner is a native of Dominican Republic.
6. Petitioner was previously released under a Humanitarian Parole 212(d)(5) on December 11, 2022 after a fear interview was performed by an immigration officer.
7. Petitioner was detained by ICE on or about October 12, 2025, during his routine check-in.
8. Petitioner has now been detained for more than 90 days.
9. ICE has not demonstrated that removal to Dominican Republic is reasonably foreseeable.
10. Travel documents have not been issued.

IV. LEGAL CLAIMS

- A. Prolonged Detention Violates *Zadvydas v. Davis*.
- B. Detention Violates Procedural and Substantive Due Process.
- C. Detention Is Contrary to INA § 241(a)(6).

V. RELIEF REQUESTED

Petitioner respectfully requests:

1. Immediate release under supervision.
2. A declaration that the detention is unlawful.
3. Any further relief deemed just and proper.

VI. DECLARATION

I declare under penalty of perjury that the foregoing is true and correct.

Date: January 13, 2026

Name: Anderson Gonzalez Ogando
Yascily Gonzalez Ogando

GONZALEZ OGANDO
Yascily Gonzalez Ogando

**MEMORANDUM OF LAW IN SUPPORT OF PETITION FOR WRIT OF HABEAS
CORPUS UNDER 28 U.S.C. § 2241**

INTRODUCTION

This Memorandum of Law is submitted in support of Petitioner Anderson Gonzalez Ogando, a Dominican Republic national who has been detained by U.S. Immigration and Customs Enforcement (ICE) since October 12, 2025, following his annual check-in, despite previously being released under an I-220B Order of Supervision. Petitioner has now remained in ICE custody beyond the statutory removal period, and his continued detention violates the U.S. Constitution and controlling Supreme Court precedent.

STATEMENT OF FACTS

Petitioner is a native and citizen of Cuba. He complied with all requirements of his Humanitarian Parole 212(d)(5) and appeared for his mandatory annual check-in in October 12, 2025. ICE detained him at that appointment without evidence of danger or flight risk.

Petitioner has now been detained for more than 90 days, and ICE has not produced evidence demonstrating that his removal to Dominican Republic is significantly likely in the reasonably foreseeable future. Travel documents have not been issued, and ICE has not shown meaningful progress toward effectuating removal.

LEGAL STANDARD

Under 28 U.S.C. § 2241, a federal district court has jurisdiction to review the legality of immigration detention. The writ of habeas corpus is available when a detainee is held in violation of the Constitution, laws, or treaties of the United States.

ARGUMENT

I. PETITIONER'S CONTINUED DETENTION VIOLATES ZADVYDAS v. DAVIS, 533 U.S. 678 (2001)

In *Zadvydas*, the Supreme Court held that ICE may not detain a noncitizen indefinitely when removal is not reasonably foreseeable. The Court established a presumptively reasonable detention period of six months. After that period, once the detainee shows evidence that removal is unlikely, the burden shifts to the Government to demonstrate that removal is significantly likely in the reasonably foreseeable future.

Here, Petitioner has been detained beyond the 90-day removal period and potentially approaching or exceeding six months. ICE has not obtained travel documents from Dominican Republic, nor demonstrated that repatriation is foreseeable. Accordingly, continued detention violates *Zadvydas*.

II. ICE'S DETENTION OF PETITIONER IS ARBITRARY AND VIOLATES DUE PROCESS UNDER THE FIFTH AMENDMENT

The Fifth Amendment prohibits deprivation of liberty without due process of law. Immigration detention must serve a legitimate government purpose—either preventing flights or protecting the community.

Petitioner previously lived under Humanitarian Parole 212(d)(5) without incident and consistently complied with all reporting requirements. Petitioner also has a family in United States that can be significantly harm if the petitioner is removed from the country.

Petitioner applied for the Asylum and Withholding of Removal which demonstrate the interest of the Petitioner for complied with the immigration proceedings to obtain status relief. Petitioner has been working and reporting taxes since he received the employment authorization, and he has been collaborating with the community which demonstrates good moral conduct. ICE has not alleged new facts supporting danger or flight risk.

Where detention no longer serves its stated purpose, because removal is not possible, continued confinement becomes arbitrary and unconstitutional.

III. DETENTION IS NOT AUTHORIZED UNDER INA § 241(a)(6)

The Immigration and Nationality Act does not authorize indefinite detention. Where the government cannot effectuate removal within a reasonable period, detention becomes unlawful.

Because Dominican Republic has not accepted Petitioner for repatriation and ICE has not indicated any likelihood of imminent removal, detention under INA § 241(a)(6) exceeds statutory authority.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant the Petition for Writ of Habeas Corpus, order his immediate release under appropriate supervision, and provide any further relief the Court deems just and proper.

Date: January 13, 2026

Name: *Anderson Gonzalez Ogando*

Yascily Gonzalez Ogando *Yascily Gonzalez Ogando*

CERTIFICATE OF SERVICE

I, Yascily Gonzalez Ogando, hereby certify that on January 13, 2026, I served a true and correct copy of the Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241, along with all supporting documents, by U.S. Mail, postage prepaid, addressed to:

1. U.S. Attorney's Office

Southern District of California

880 Front Street, Room 6293

San Diego, CA 92101

2. Office of the Attorney General

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530-0001

3. Field Office Director

ICE - Enforcement and Removal Operations

San Diego Field Office

1624 Lemon Grove Avenue

Lemon Grove, CA 91945

Executed on: January 13, 2026

Signature: Yascily Gonzalez Ogando

Yascily Gonzalez Ogando

Next Friend for Petitioner Anderson Gonzalez Ogando