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

Eduardo GALAN BARRIOS,
Petitioner,
v.

Case No. '26CV751 AGS DEB

Agency No. 221-420-323

Pamela J. Bondi, Attorney General
of the United States, Department of
Justice;

Kristi Noem, Secretary of
Homeland Security;

Todd Lyons, Senior Official
Performing the Duties of the Director
of U.S. Immigration and Customs
Enforcement;

Daniel A. Brightman, Field Office
Director of the San Diego Immigration
and Customs Enforcement Office;

Jorge Velarde, Assistant Field Office
Director of the Immigration and
Customs Enforcement, Otay Mesa
Detention Center;

Christopher J. LaRose; Senior Warden,
Otay Mesa Detention Center;

Respondents.

**PETITION FOR WRIT OF
HABEAS CORPUS BY A
PERSON IN FEDERAL
CUSTODY UNDER
28 U.S.C. § 2241 AND REQUEST
FOR ORDER TO SHOW CAUSE**

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INTRODUCTION

- 1. Petitioner, Eduardo Galan Barrios (A221-420-323) (hereinafter “Petitioner” or “Mr. Galan Barrios”), a 50-year-old Mexican national and father to two minor U.S. citizen children, is at this moment detained at the Otay Mesa Detention Center without rightful access to a bond hearing. *See* Exh. A: Declaration of Attorney Tessa Cabrera (“Cabrera Dec.”).
- 2. Petitioner has lived in the United States since approximately 1995, and last entered the United States at an undesignated location at or near San Ysidro, California, without inspection or admission, in 2009. On or about January 19, 2026, he was stopped via a traffic stop by Immigration and Customs Enforcement (“ICE”), arrested, and detained at the Otay Mesa Detention Center, where he remains detained. *Id.*
- 3. On November 20, 2025, the district court granted partial summary judgment on behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners’ proposed nationwide

1 Bond Eligible Class, incorporating and extending declaratory judgment from
2 Order Granting Petitioners’ Motion for Partial Summary Judgment). The
3 declaratory judgment held that the Bond Denial Class members are detained under
4 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond
5 under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

6 4. On December 18, 2025, the district court issued a final order in the matter. *Lazaro*
7 *Maldonado Bautista et al. v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal.
8 Dec. 18, 2025).

9 5. Petitioner, Mr. Galan Barrios, is a member of the Bond Eligible Class, as he:

10 a. does not have lawful status in the United States and is currently
11 detained at the Otay Mesa Detention Center. He was apprehended
12 by immigration authorities on or about January 19, 2026;

13 b. last entered the United States without inspection over 15 years ago
14 and was not apprehended upon arrival, *cf. id.*; and

15 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

16 6. After apprehending Petitioner on or about January 19, 2026, the DHS placed him
17 in removal proceedings pursuant to 8 U.S.C. § 1229a. According to Petitioner’s
18 Notice to Appear, DHS alleges Petitioner is “present in the United States [and] has
19 not been admitted or paroled”. Exh. B: Notice to Appear. Interestingly, DHS has
20 charged Petitioner as being inadmissible under 8 U.S.C. §

1 1182(a)(6)(A)(i)(someone who entered the United States without being admitted
2 or paroled), and under 8 U.S.C. § 1182(a)(7)(A)(i)(I)(someone who at the time of
3 application for admission was not in possession of valid entry documentation). *Id.*

4 7. Contrary to law, the Executive Office for Immigration Review (“EOIR”) and its
5 sub-agency the immigration court, and as supported by the Department of
6 Homeland Security’s legal counsel, has continued to blatantly refuse to find
7 jurisdiction over bond proceedings for persons similarly situated as Petitioner,
8 citing to *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), and completely
9 disregarding the final order in *Lazaro Maldonado Bautista et al. v. Santacruz*, No.
10 5:25-cv-01873-SSS-BFM (C.D. Cal. Dec. 18, 2025) (hereinafter “*Maldonado*
11 *Bautista*”).

12 8. Therefore, Petitioner files this petition. Petitioner asks this Court to find that his
13 continued detention is unlawful without an opportunity for a bond hearing; that he
14 may not be transferred during the pendency of this petition; and that this court
15 make an order to show cause. Petitioner prefers not to file a temporary restraining
16 order given the clear legal precedent in this case substantiating Petitioner’s claims,
17 and would instead request Respondents be required to provide a response within
18 three days.

19 **JURISDICTION**

20 9. This action arises under the Constitution of the United States and the Immigration
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1 and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

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

5 11. 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 12. The provisions in 8 U.S.C. §§ 1252(g) and 1252(b)(9) do not strip this Court of
9 jurisdiction. Petitioner is not contesting the commencement or adjudication of
10 removal proceedings against him, nor is he raising an issue with respect to the
11 execution of removal. Petitioner does challenge his classification under Section
12 1225(b)(2) instead of Section 1226(a) and the Board of Immigration Appeals'
13 ("BIA") decision that Immigration Judges lack authority to provide a bond under
14 Section 1225(b)(2). While the detention of Petitioner is pursuant to 8 U.S.C. §
15 1225(b)(2), the petition is independent of the removal proceedings and all
16 questions related to the commencement of removal proceedings or any part of the
17 removal process. "[C]laims that are independent of or collateral to the removal
18 process do not fall within the scope of § 1252(b)(9)." *J.E.F.M. v. Lynch*, 837 F.3d
19 1026, 1032 (9th Cir. 2016). Additionally, Section 1252(g) "does not prohibit
20 challenges to unlawful practices merely because they are in some fashion
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1 connected to removal orders.” *Ibarra-Perez v. United States*, 154 F.4th 989, 997
2 (9th Cir. 2025). Thus, this Court is not stripped of jurisdiction by Sections 1252(g)
3 and 1252(b)(9).

4 **VENUE**

5 13. Venue is proper because Petitioner is detained at the Otay Mesa Detention Center
6 in the County of San Diego, which is within the jurisdiction of this District.
7 Further, a substantial part of the events or omissions giving rise to his claims
8 occurred in this District (Petitioner was arrested at or near Oceanside, California,
9 where Petitioner resides) and no real property is involved in this action. 28 U.S.C.
10 § 1391(e).

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

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

17 15. Courts have long recognized the significance of the habeas statute in protecting
18 individuals from unlawful detention. The Great Writ has been referred to as
19 “perhaps the most important writ known to the constitutional law of England,
20 affording as it does a *swift* and imperative remedy in all cases of illegal restraint or
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1 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

2 **PARTIES**

3 16. Petitioner is a Mexican national who is in custody at the Otay Mesa Detention
4 Center located at 7488 Calzada De La Fuente, San Diego, CA 92154. When at
5 liberty, he and his family reside in Oceanside, California. He is in the custody, and
6 under the direct control, of Respondents and their agents.

7 17. Respondent Pamela Bondi is sued in her official capacity as the Attorney General
8 of the United States and the senior official of the U.S. Department of Justice
9 (“DOJ”). In that capacity, she has the authority to adjudicate removal cases and to
10 oversee the Executive Office for Immigration Review (“EOIR”), which
11 administers the immigration courts and the Board of Immigration Appeals.
12 Respondent Bondi is a legal custodian of Petitioner.

13 18. Respondent Kristi Noem is sued in her official capacity as the Secretary of the
14 U.S. Department of Homeland Security (“DHS”). In this capacity, Respondent
15 Noem is responsible for the implementation and enforcement of the Immigration
16 and Nationality Act, and oversees U.S. Immigration and Customs Enforcement,
17 the component agency responsible for Petitioner’s detention and custody.
18 Respondent Noem is a legal custodian of Petitioner.

1 19. Respondent Todd Lyons, is sued in his official capacity as the Senior Official
2 Performing the Duties of the Director ICE. Respondent Lyons is the legal
3 custodian of Petitioner.

4 20. On information and belief, Respondent Daniel A Brightman is the current Field
5 Office Director responsible for the San Diego Field Office of ICE with
6 administrative jurisdiction over Petitioners' immigration cases. He is a legal
7 custodian of Petitioner and is named in his official capacity.

8 21. On information and belief, Respondent Jorge Velarde is the current Assistant
9 Field Office Director responsible for the San Diego Field Office of ICE with
10 administrative jurisdiction over Petitioners' immigration cases. He is a legal
11 custodian of Petitioners and is named in his official capacity.

12 22. Respondent Christopher J. LaRose is sued in his official capacity as the Senior
13 Warden, Otay Mesa Detention Center. Respondent LaRose is the direct physical
14 custodian of Petitioner and has direct authority to release him.

15 **STATEMENT OF FACTS**

16 23. The Petitioner, Mr. Galan Barrios, a 50-year-old Mexican national, father of
17 three children, including 2 minor U.S. citizen children and one adult child who
18 holds Deferred Action for Childhood Arrivals ("DACA"). Exh. A: Cabrera Dec.
19 He is a longtime resident of the United States, having first come to the United
20 States at just 19 years old. *Id.* He has resided in the United States uninterrupted
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1 since approximately 2009, following his entry without inspection and admission
2 at or near San Ysidro, California. *Id.*

3 24. Mr. Galan Barrios lives with his family in Oceanside, California, where he
4 supports and cares for his children alongside his longtime partner. *Id.*

5 25. According to Mr. Galan Barrios, he has no criminal record, whatsoever, aside
6 from immigration arrests. *Id.*

7 26. On or about January 19, 2026, he was stopped while driving and arrested by ICE
8 agents, unexpectedly. He was thereafter transferred to the Otay Mesa Detention
9 Center, where he has remained in custody since this stop. *Id.*

10 27. Accordingly, he is a Bond Eligible Class member to the class outlined in *Lazaro*
11 *Maldonado Bautista et al. v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal.
12 Dec. 18, 2025).

13 28. Therefore, Mr. Galan Barrios requests this court issue a habeas order requiring a
14 lawful bond hearing be held for Mr. Galan Barrios so that his unlawful detention
15 does not continue.

16 **CLAIM FOR RELIEF**

17 **Violation of the INA:**
18 **Request for Relief Pursuant to *Maldonado Bautista***

19 29. Petitioner repeats, re-alleges, and incorporates by reference each and every
20 allegation in the preceding paragraphs as if fully set forth herein.

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1 30. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for
2 release on bond under 8 U.S.C. § 1226(a).

3 31. The final order in *Maldonado Bautista* holds that Respondents violate the INA in
4 applying the mandatory detention statute at § 1225(b)(2) to class members. A
5 multitude of cases have concluded the same, that 8 U.S.C. § 1226(a) is the
6 appropriate standard for bond in Petitioner’s circumstance and that applying
7 Section 1225 “(1) disregards the plain meaning of section 1225(b)(2)(A); (2)
8 disregards the relationship between sections 1225 and 1226; (3) would render a
9 recent amendment to section 1226(c) superfluous; and (4) is inconsistent with
10 decades of prior statutory interpretation and practice.” *Lepe v. Andrews*, 801 F.
11 Supp. 3d 1104, 1112 (E.D. Cal. 2025) (citing cases).

12 32. The order granting class certification in *Maldonado Bautista* further orders that
13 “[w]hen considering this determination with the MSJ Order, the Court extends the
14 same declaratory relief granted to Petitioners to the Bond Eligible Class as a
15 whole.”

16 33. Respondents are parties to *Maldonado Bautista* and bound by the Court’s
17 declaratory judgment, which has the full “force and effect of a final judgment.” 28
18 U.S.C. § 2201(a).

19 34. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is
20 subject to mandatory detention under § 1225(b)(2), Respondents violate

1 Petitioner’s statutory rights under the INA and the Court’s judgment in
2 *Maldonado Bautista*.

3 **PRAYER FOR RELIEF**

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

- 5 a. Assume jurisdiction over this matter;
- 6 b. Issue an order preventing Respondents from transferring Petitioner away from
7 the Otay Mesa Detention Center;
- 8 c. Issue an order to show cause and require a response within three days from
9 Respondents as to why this petition should not be granted, pursuant to 28 U.S.C. §
10 2243;
- 11 d. Issue a writ of habeas corpus requiring Respondents to release Petitioner unless
12 they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;
- 13 e. Award Petitioner attorney’s fees and costs under the Equal Access to Justice
14 Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under
15 law; and
- 16 f. Grant any other and further relief that this Court deems just and proper.

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Dated: February 6, 2026

Respectfully submitted,

/s/ Leah L. Chavarria
Leah L. Chavarria
Pro bono Counsel for Counsel

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

I represent Petitioner, Eduardo Galan Barrios, and submit this verification on his behalf. I hereby verify under penalty of perjury under the laws of the United States and the State of California 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 6th day of February, 2026.

/s/ Leah L. Chavarria
Leah L. Chavarria
Counsel for Petitioner

CERTIFICATE OF SERVICE

On February 6, 2026, pursuant to Fed. R. Civ. P. 65(b), Counsel sent a copy of this petition to the U.S. Department of Justice through email at the following email addresses:

- USACAS.Habeas2241@usdoj.gov

Dated: February 6, 2026

Respectfully submitted,

/s/ Leah L. Chavarria
Leah L. Chavarria
Counsel for Petitioner