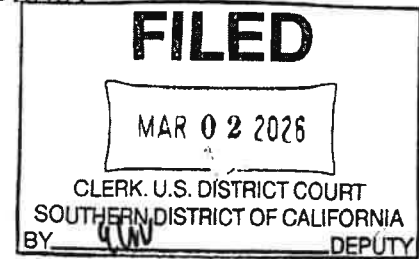


UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CRISTIAN JOSE MOLINA-MUNOZ,
Petitioner,

v.

_____, Warden, Imperial Regional Adult Detention Facility;
_____, Field Office Director, San Diego Field Office, United
States Immigration and Customs Enforcement;
TODD M. LYONS, Acting Director, United States Immigra
tion and Customs Enforcement;
KRISTI NOEM, Secretary of Homeland Security;
PAMELA JO BONDI, United States Attorney General,
in their official capacities,
Respondents.



Civil Action No.: **'26CV1345 BJC BJW**

PETITION FOR WRIT OF HABEAS
CORPUS

PETITION FOR A WRIT OF HABEAS CORPUS

(Verified Petition Pursuant to 28 U.S.C. § 2241)

INTRODUCTION

Petitioner, Cristian Jose Molina-Munoz ("Petitioner"), respectfully petitions this Honorable Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his ongoing, unlawful, and unconstitutional detention by the United States Department of Homeland Security ("DHS") and U.S. Immigration and Customs Enforcement ("ICE").

Petitioner is currently confined at the Imperial Regional Adult Detention Facility in Calexico, California, under the direct authority and control of Respondents. His detention constitutes a severe deprivation of liberty in violation of the Due Process Clause of the Fifth Amendment to the United States Constitution.

Immigration detention is civil, not punitive, in nature. However, Petitioner's confinement

has become arbitrary, excessive, and unlawful. Petitioner has no criminal record and does not pose a danger to the community or a flight risk. His continued detention serves no legitimate governmental purpose and violates clearly established constitutional protections.

Respondents have failed to provide lawful justification for Petitioner's continued physical confinement. Petitioner's detention has become indefinite, excessive, and unconstitutional. The Supreme Court of the United States has long recognized that civil detention without adequate procedural safeguards violates fundamental constitutional principles. See *Zadvydas v. Davis*, 533 U.S. 678 (2001).

Petitioner seeks immediate judicial intervention to remedy this unlawful restraint on his liberty. Without immediate relief, Petitioner will continue to suffer irreparable harm, including the ongoing violation of his constitutional rights and deprivation of his physical freedom. Accordingly, Petitioner respectfully requests that this Court grant his Petition for Writ of Habeas Corpus and order his immediate release from immigration detention.

CUSTODY

Petitioner is in the physical custody of Respondents at the Warden, Imperial Regional Adult Detention Facility, San Diego, California. He is under the direct control of the following officials, named in their official capacities:

- Warden, Imperial Regional Adult Detention Facility;
- Field Office Director, ICE San Diego Field Office;
- Acting Director, United States Immigration and Customs Enforcement;
- Secretary, Department of Homeland Security;
- Attorney General, United States.

JURISDICTION

1. This Court has subject-matter jurisdiction under 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 2241 (writ of habeas corpus).
2. Personal jurisdiction attaches to the named respondents in their official capacities.
3. The Court's jurisdiction is further supported by the Due Process Clause of the Fifth Amendment and the Suspension Clause of the United States Constitution.

This Court's jurisdiction under 28 U.S.C. § 2241 includes the authority to order immediate release where detention violates the Constitution, statutes, or regulations, and to issue temporary or preliminary injunctive relief to prevent ongoing unlawful custody. See *Zadvydas v. Davis*, 533 U.S. 678 (2001).

VENUE

Venue is proper in this District pursuant to 28 U.S.C. § 1391 and 28 U.S.C. § 2242 because:

- Petitioner is detained in San Diego, California;
- The Facility and the Respondents' custodial officers are located in this District; and
- A substantial part of the events giving rise to the claims occurred in this District.

PARTIES

Party	Description
Petitioner	Cristian Jose Molina-Munoz, [REDACTED] citizen of Venezuelaa, presently detained at the IMPERIAL REGIONAL ADULT DET FAC Imperial Retional Detention Facility 1572 Gateway Road Calexico, CA 92231

Respondent I Warden, Imperial Regional Adult Detention Facility.

Party	Description
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	Field Office Director, ICE San Diego Field Office, named in official Respondent 2 capacity.
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	Acting Director, United States Immigration and Customs Enforcement, Respondent 3 named in official capacity.
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	Respondent 4 Secretary, Department of Homeland Security, named in official capacity.
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	Respondent 5 Attorney General, United States, named in official capacity.
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STATEMENT OF FACTS

1. Petitioner Cristian Jose Molina-Munoz is a native and citizen of Venezuela.
2. Petitioner is currently detained by U.S. Immigration and Customs Enforcement ("ICE") at the Imperial Regional Adult Detention Facility, located at 1572 Gateway Road, Calexico, California 92231.
3. Petitioner is presently in the physical custody of Respondents, who exercise direct legal authority and control over his detention.
4. Petitioner has no criminal record whatsoever. He has never been convicted of any crime in the United States or in any other country.
5. Petitioner is not a danger to the community and does not pose any threat to public safety. He is a peaceful and law-abiding individual.

6. Petitioner's detention is civil in nature. Immigration detention is not intended to punish but to ensure compliance with immigration proceedings. However, Petitioner's detention has become punitive, excessive, and unlawful.
7. Respondents have failed to provide adequate legal justification for Petitioner's continued detention.
8. Petitioner's continued confinement constitutes a severe deprivation of liberty in violation of the Due Process Clause of the Fifth Amendment.
9. Petitioner's detention has caused severe emotional distress, anxiety, and psychological harm.
10. Petitioner does not have access to his personal legal documents or resources necessary to adequately defend himself due to his detention.
11. Petitioner's detention severely restricts his ability to communicate, prepare his legal case, and exercise his constitutional rights.
12. Less restrictive alternatives to detention exist, including release under supervision or other reasonable conditions.
13. Respondents continue to unlawfully deprive Petitioner of his liberty without sufficient legal justification.
14. Petitioner's continued detention is arbitrary, excessive, and unconstitutional.
15. Each additional day of detention constitutes an ongoing violation of Petitioner's constitutional rights.
16. Petitioner faces immediate and irreparable harm as a result of his continued unlawful detention.

17. Petitioner seeks immediate release from custody through this Petition for Writ of Habeas Corpus.

LEGAL FRAMEWORK

1. Statutory basis for detention – 8 U.S.C. § 1226(a)(6)(A)(i) makes an alien inadmissible for being present in the United States without admission or parole. However, detention pursuant to this provision is subject to the procedural safeguards required by the Fifth Amendment (see the supporting record).
2. Due Process Clause – The Fifth Amendment prohibits the government from depriving any “person” within the United States of liberty without due process of law. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *Hernandez v. Session*, 872 F.3d 976, 990 (9th Cir. 2017).
3. Bond-hearing requirement – 8 C.F.R. § 236.1(a) authorizes the Attorney General (and, by delegation, an Immigration Judge) to release an alien on bond “as soon as practicable.” 8 C.F.R. § 1003.19 requires that an immigration judge “shall promptly conduct a custody redetermination hearing” when an alien is detained. The Board of Immigration Appeals has long recognized that a bond hearing is required where the alien poses no danger or flight risk: *Matter of Velasquez*, 19 I&N Dec. 377 (BIA 1988); *Soberanes v. Comfort*, 388 F.3d 1305, 1310 (10th Cir. 2004).
4. Burden of proof – Under *Velasquez* and *Soberanes*, the government bears the burden of proving by clear and convincing evidence that the alien is a flight risk or danger. The record here shows no criminal history, no adverse findings, and explicit statements of “no danger to the community.” Accordingly, the government has failed to meet this burden.
5. Irreparable harm – The Ninth Circuit has recognized the irreparable harms imposed by immigration detention, including loss of liberty, economic hardship, and family

separation. *Hernandez v. Sessions*, 872 F.3d 976, 995 (9th Cir. 2017). The deprivation of constitutional rights unquestionably constitutes irreparable injury. *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012).

6. Balance of equities & public interest – When the Government is a party, the balance of equities and the public interest merge. *Nat'l Urban League v. Ross*, 484 F. Supp. 3d 802, 807 (N.D. Cal. 2020). The Government has no legitimate interest in detaining individuals who pose no danger to the community and whose appearance can be ensured through bond or alternative conditions. *Hernandez*, 872 F.3d at 994.
7. Liberty Interest Analysis – Courts in this Circuit have repeatedly held that a noncitizen who has been released from custody pending removal proceedings possesses a protected liberty interest in remaining free. See *Salcedo Aceros v. Kaiser*, 2025 WL 2637503, at *6 (N.D. Cal. Sept. 12, 2025); *R.D.T.M. v. Wofford*, 2025 WL 2617255, at 3 (E.D. Cal. Sept. 9, 2025). Where ICE revokes that liberty without notice, a hearing, or individualized findings, due process is violated.
8. *Mathews v. Eldridge* Balancing – Applying the *Mathews v. Eldridge* factors confirms that Petitioner's detention violates due process. First, Petitioner has a substantial private interest in remaining free from detention, having lived in the community for an extended period and complied with all requirements. Second, the risk of erroneous deprivation is exceptionally high where no bond hearing or custody redetermination has occurred. Third, the Government's interest is minimal, as it has identified no flight risk, no danger, and no administrative necessity justifying detention. The cost and burden of providing a bond hearing are negligible compared to the severe deprivation of liberty at stake.

CLAIMS FOR RELIEF

COUNT ONE – VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT (INA)

1. Petitioner realleges and incorporates by reference each allegation set forth above.
2. 8 U.S.C. § 1226(a)(6)(A)(i) makes Petitioner inadmissible, but the statute does not authorize indefinite detention without a bond hearing. The statutory scheme, read with 8 C.F.R. § 236.1 and 28 U.S.C. § 2241, requires that Petitioner be afforded a prompt bond hearing.
3. Respondents have detained Petitioner for over thirty (30) days without such a hearing, thereby violating the INA and the procedural safeguards it embodies.
4. Accordingly, Petitioner is entitled to immediate release and a bond hearing consistent with the statutory and regulatory framework.

COUNT TWO – VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT

1. Petitioner realleges and incorporates by reference each allegation set forth above.
2. The Due Process Clause requires that any deprivation of liberty be accompanied by fair procedures. *Zachrydas* and *Hernandez* hold that non-citizens are “persons” entitled to due process.
3. Detention without a bond hearing fails to provide the procedural safeguards required by due process, especially where the government has not demonstrated a flight risk or danger.
4. Petitioner therefore suffered an unconstitutional deprivation of liberty and is entitled to relief.

PRAYER FOR RELIEF

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

1. Assume jurisdiction over this matter.
2. Order Respondents to show cause why a writ of habeas corpus should not be granted, within three (3) days, and set a hearing on this petition within five (5) days of the return, as required by 28 U.S.C. § 2243.
3. Declare that Petitioner's continued detention violates 8 U.S.C. § 1226(a)(6)(A)(i), 8 C.F.R. § 236.1, and the Due Process Clause of the Fifth Amendment.
4. Grant a writ of habeas corpus ordering Respondents to immediately release Petitioner from the Imperial Regional Adult Detention Facility.
5. Order a bond hearing to be held as soon as practicable, with bond set at an amount Petitioner can reasonably pay, and enjoin any further detention absent a valid bond hearing.
6. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, and 28 U.S.C. § 2412.
7. Grant such further relief as this Court deems just and proper.
8. Enjoin Respondents from re-arresting or re-detaining Petitioner absent compliance with constitutional due-process protections, including advance notice and a pre-deprivation custody hearing before a neutral decision-maker, at which the Government bears the burden of proving by clear and convincing evidence that Petitioner is a danger or flight risk.

VERIFICATION

I, Cristian Jose Molina-Munoz, being the petitioner, hereby certify under penalty of perjury that the statements set forth herein are true and correct to the best of my knowledge and belief.

Date: February 26, 2026

/s/ Cristian Jose Molina-Munoz

Cristian Jose Molina-Munoz