

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

Cesar Augusto Aguilar Zeta

AGENCY No. 

PETITIONER,

v.

KRISTI NOEM, Secretary, U.S. Department of Homeland Security, et. al.,

RESPONDENTS.

'26CV1838 RSH BLM

PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS

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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10 SAN DIEGO DIVISION

11 CESAR AUGUSTO AGUILAR ZETA

12 Petitioner,

13 v.

14 Kristi NOEM, in her official capacity as
15 Secretary of Homeland Security, Christopher J.
16 LAROSE, in his official capacity as Warden of
17 Otay Mesa Detention Center, Gregory J.
18 ARCHAMBEAULT, in his official capacity as
19 San Diego Field Office Director, ICE
20 Enforcement Removal Operations; Todd
21 LYONS, in his official capacity as Acting
22 Director of ICE; and Pamela BONDI, U.S.
23 Attorney General; IMMIGRATION AND
24 CUSTOMS ENFORCEMENT;
DEPARTMENT OF HOMELAND
SECURITY,

Respondents.

Case No. '26CV1838 RSH BLM

**PETITION FOR WRIT OF
HABEAS CORPUS**

1 INTRODUCTION

2 1. Petitioner CESAR AGUSTO AGUILAR ZETA brings this petition for a writ of
3 habeas corpus to seek enforcement of their rights as members of the Bond Denial Class certified
4 in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in
5 the physical custody of Respondents at the Otay Mesa Detention Center.

6 2. Petitioner was last and arbitrarily detained in late February 2026. On March 20,
7 2026 he was scheduled for a bond hearing at which the immigration Judge Mark Sameit found
8 that despite Mr. Sierra's membership in the class elaborated by *Maldonado Bautista*, he lacked
9 jurisdiction, that he is not eligible for a bond hearing and his only recourse is the Federal Court.
10 He now faces unlawful detention because the Department of Homeland Security (DHS) and the
11 Executive Office for Immigration Review (EOIR) have refused to abide by the declaratory
12 judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*. The impact
13 of the Board of Immigration Appeals ("BIA") decision in *Matter of Yajure Hurtado*, 28 I&N
14 Dec. 216 (BIA 2025) and the Central District of California's decision in *Lazaro Maldonado*
15 *Bautista, et al v. Ernesto Santacruz Jr, et al.*, 5:cv01873 (C.D. Cal. Nov. 20, 2025) has meant that
16 all requests for custody redetermination under Petitioner's circumstances have been dismissed
17 for lack of jurisdiction.

18 3. On November 20, 2025, the district court granted partial summary judgment on
19 behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and
20 extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-
21 CV-01873-SSS-BFM, --- F. Supp. 3d ---, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025)
22 (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista*
23 *v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---, 2025 WL 3288403, at *9 (C.D.

1 Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible
2 Class, incorporating and extending declaratory judgment from Order Granting Petitioners'
3 Motion for Partial Summary Judgment).

4 4. The declaratory judgment held that the Bond Denial Class members are detained
5 under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under §
6 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

7 5. Nonetheless, the Executive Office for Immigration Review and its subagency the
8 Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to
9 abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the
10 opportunity to be released on bond.

11 6. Petitioner Cesar Augusto Aguilar Zeta is a member of the Bond Eligible Class, as
12 he:

- 13 a. does not have lawful status in the United States and is currently detained at the
14 Otay Mesa Detention Center. He was re-apprehended by immigration authorities
15 in late February 2026;
16 b. entered the United States without inspection and was not apprehended upon
17 arrival, *cf. id.*;
18 c. was apprehended by Immigration and Customs Enforcement in or about 2026.
19 Plaintiff was placed in removal proceedings in or around February 19, 2026; and
20 d. He is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

21 7. In or about 2026 DHS has charged Petitioner as being inadmissible under 8
22 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States without inspection.

23 8. The Court should expeditiously grant this petition.

24 9. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full
"force and effect of a final judgment." 28 U.S.C. § 2201(a). Nevertheless, Respondents continue
to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful

1 detention despite his clear entitlement to consideration for release on bond as a Bond Eligible
2 Class member.

3 10. Immigration judges have informed class members in bond hearings that they have
4 been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not
5 controlling, even with respect to class members, and that instead IJs remain bound to follow the
6 agency’s prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

7 11. Because Respondents are detaining Petitioner in violation of the judgment issued
8 in *Maldonado Bautista*, the Court should accordingly order that within one day, Respondent
9 DHS must release Petitioner.

10 12. Alternatively, the Court should order Petitioner’s release unless Respondents
11 provide a meaningful bond hearing under 8 U.S.C. § 1226(a) within seven days.

12 JURISDICTION

13 13. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
14 Otay Mesa Detention Center,

15 14. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28
16 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States
17 Constitution (the Suspension Clause).

18 15. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory
19 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

20 VENUE

21 16. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
22 500 (1973), venue lies in the United States District Court for the Southern District of California,
23 the judicial district in which Petitioner currently is detained.

1 17. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because
2 Respondents are employees, officers, and agencies of the United States, and because a
3 substantial part of the events or omissions giving rise to the claims occurred in the Southern
4 District of California.

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

6 18. The Court should grant the petition for writ of habeas corpus “forthwith,” as the
7 legal issues have already been resolved for class members in *Maldonado Bautista*.

8 19. Habeas corpus is “perhaps the most important writ known to the constitutional
9 law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or
10 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the
11 writ usurps the attention and displaces the calendar of the judge or justice who entertains it and
12 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208
13 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

14 **PARTIES**

15 20. Petitioner Cesar Antonio Aguilar Zeta is alleged to be a citizen of Guatemala
16 who has been in immigration detention since late February 2026. After Petitioner was arrested in
17 Maryland, ICE did not set bond.

18 21. On March 20, 2026, Petitioner was told by an IJ at the Otay Mesa Detention
19 Center that he was not eligible for a bond hearing before the immigration judge.

20 22. Respondent Gregory Archambault is the Director of the San Diego Field Office
21 of ICE’s Enforcement and Removal Operations division. As such, Gregory Archambault is
22 Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. He is
23 named in his official capacity.

1 23. Respondent Kristi Noem is the Secretary of the Department of Homeland
2 Security. She is responsible for the implementation and enforcement of the Immigration and
3 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms.
4 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

5 24. Respondent Department of Homeland Security (DHS) is the federal agency
6 responsible for implementing and enforcing the INA, including the detention and removal of
7 noncitizens.

8 25. Respondent Pamela Bondi is the Attorney General of the United States. She is
9 responsible for the Department of Justice, of which the Executive Office for Immigration Review
10 and the immigration court system it operates is a component agency. She is sued in her official
11 capacity.

12 26. Respondent Executive Office for Immigration Review (EOIR) is the federal
13 agency responsible for implementing and enforcing the INA in removal proceedings, including
14 for custody redeterminations in bond hearings.

15 27. Respondent Christopher J Larose is Warden of the OTAY MESA DETENTION
16 CENTER where Petitioner is detained. He has immediate physical custody of Petitioner. He is
17 sued in his official capacity.

18 **CLAIM FOR RELIEF**
19 **Violation of the INA:**
20 **Request for Relief Pursuant to *Maldonado Bautista***

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

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

/s/ Stephanie M Alcala

Attorney for Petitioner

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**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OTAY MESA IMMIGRATION COURT**

Respondent Name:

AGUILAR ZETA, CESAR AUGUSTO

To:

Hernandez, Hector Ines
4103 Lafayette Boulevard
Fredericksburg, VA 22408

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

03/20/2026

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

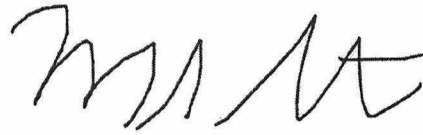
☒ Denied, because

The evidence indicates that the respondent entered the country without inspection and thus is an applicant for admission under INA section 235(a)(1) and subject to mandatory detention under INA section 235(b)(1)(B)(iii)(IV). Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025). The court notes that the Maldonado Bautista orders were stayed by the 9th Circuit on 6 March 2025. See Maldonado Bautista v. DHS, No 26-1044 (9th Cir., Mar. 6, 2026).

☐ Granted. It is ordered that Respondent be:

- ☐ released from custody on his own recognizance.
- ☐ released from custody under bond of \$
- ☐ other:

☐ Other:



Immigration Judge: SAMEIT, MARK 03/20/2026

Appeal: Department of Homeland Security: ☒ waived ☐ reserved
Respondent: ☐ waived ☒ reserved

Appeal Due: 04/20/2026

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [] Alien | [] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : AGUILAR ZETA, CESAR AUGUSTO | A-Number : 

Riders:

Date: 03/20/2026 By: Rosa Rodriguez, Court Staff

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the
SOUTHERN DISTRICT OF CALIFORNIA

Cesar Augusto Aguilar Zeta

Petitioner

v.

KRISTI NOEM, IN HER OFFICIAL CAPACITY, ET. AL.
(SEE BRIEF)

Respondent

(name of warden or authorized person having custody of petitioner)

Case No. _____

(Supplied by Clerk of Court)

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

Personal Information

1. (a) Your full name: Cesar Augusto Aguilar Zeta
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: OTAY MESA DETENTION CENTER
(b) Address: _____
(c) Your identification number: 
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
☒ Being held on an immigration charge
☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

- ☐ Pretrial detention
☒ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other (explain): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: OTAY MESA IMMIGRATION COURT, 7488 CALZADA DE LA FUENTE SAN DIEGO CA 92154

(b) Docket number, case number, or opinion number: _____

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
IMMIGRATION AND CUSTOMS DETENTION

(d) Date of the decision or action: 3 / 20 / 2026

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: _____

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes

☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes

☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes

☐ No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes ☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: late February 2026
- (b) Date of the removal or reinstatement order: _____
- (c) Did you file an appeal with the Board of Immigration Appeals?
☐ Yes ☒ No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

If "Yes," provide:

- (1) Date of filing: _____
- (2) Case number: _____
- (3) Result: _____
- (4) Date of result: _____
- (5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☒ No

If "Yes," provide:

- (1) Name of court: _____
- (2) Date of filing: _____
- (3) Case number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☒ No

If "Yes," provide:

- (a) Kind of petition, motion, or application: _____
- (b) Name of the authority, agency, or court: _____
- (c) Date of filing: _____
- (d) Docket number, case number, or opinion number: _____
- (e) Result: _____
- (f) Date of result: _____
- (g) Issues raised: _____

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Petitioner now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review have refused to abide by the declaratory judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

On November 20 2025 the district court granted partial summary judgment on behalf of individual plaintiffs and plaintiffs and on November 25 2025 certified a nationwide class and extended declaratory judgment

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☒ No

GROUND TWO: On March 20 2026 Petitioner had a preliminary Bond hearing before the Executive Office for Immigration Review in which he was told by Immigration Judge Mark Sameit that he was not bond eligible fo lack of jurisdiction

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

The Immigration Court is now claiming the class declaratory judgment in *Maldonado Bautista v. Santa Cruz* us not binding and therefore can be ignored.

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☒ No

GROUND THREE: Petitioner is not subject to mandatory detention and therefore should be released from custody under the same conditions he had before, namely release on recognizance.

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

Petitioner entered the United State without inspection and was not apprehended.

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☒ No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

GROUND FOUR:

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: Assume jurisdiction over this matter; Issue a writ of Habeas Corpus requiring that within one day Respondent release Petitioner; Alternatively, issue a writ of habeas corpus requiring Respondent's release Petitioner unless they provide a bond hearing under 8 USC 1226(a) within seven days; Award Petitioner attorney fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 USC 2412, and on any other basis justified under law; and grant any other and further relief that this Court deems just and proper.

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: _____

Signature of Petitioner

Signature of Attorney or other authorized person, if any