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Attorney for Petitioner

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

Omar Enrique SERRANO MARTINEZ )  
 )  
Petitioner, )  
 )  
v. )  
 )  
Jeremy CASEY, Warden of Imperial Regional )  
Adult Detention Facility Calexico, CA, Todd )  
LYONS, Acting Director of U.S. Immigration )  
And Customs Enforcement (ICE), Daniel A. )  
Brightman, Field Office Director for San Diego )  
Enforcement and Removal Operations, )  
Rodney S. SCOTT, Commissioner of U.S. Customs )  
and Boreder Protection (CBP), Kristi NOEM, )  
Secretary of Homeland Security, and Pamela )  
BONDI, Attorney General of the United States )  
President Donald J. Trump in their personal )  
and official capacities )

Case No. A '26CV1859 LL MMP  
Agency Number ~~XXXXXXXXXX~~  
**PETITION FOR WRIT OF  
HABEAS CORPUS**

**Petition for Habeas Corpus**

Petitioner, Omar Enrique SERRANO MARTINEZ, is currently detained at the Imperial Regional Detention Facility located at 1572 Gateway Road, Calexico, CA 92231. Petitioner respectfully requests an order directing the Executive Office for Immigration Review to hold a reasonable bond hearing.

The respondent, his wife and their daughter are natives and citizens of Colombia. The respondent entered the United States with his family on July 13, 2023 near San Ysidro, CA with the intention of seeking Asylum. He was processed and released on his own recognizance on July 15, 2023. The respondent appeared for his initial hearing before the immigration court at 26 Federal Plaza, New York, NY on January 10, 2024, and has appeared for all subsequent hearings. He has complied with all reporting requirements.

The respondent was detained during a trip to buy groceries as he was driving home from Walmart. Several men wearing civilian clothing exited the vehicles and approached his car, but they did not initially identify themselves as law enforcement officers. The men struck his window and began yelling for him to get out of the vehicle. When Omar rolled down his window slightly to ask who they were and request identification, they ignored his question and continued shouting at him to exit the car. After he eventually opened the door, the men pulled him out of the vehicle and placed him in handcuffs. They took his phone, wallet, work identification, and driver's license. They eventually told him he needed to go with them to speak to a judge about a hearing, and he was then transported to another location and placed in custody.

**JURISDICTION**

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

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

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

### VENUE

1. Venue is proper because the Petitioner is detained within the Calexico, California, which is within the jurisdiction of this District.
2. No real property is involved in this action. 28 U.S.C. § 1391(e)

### REQUIREMENTS OF 28 U.S.C. § 2243

3. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).
4. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

**PARTIES**

5. The following individuals are named as Respondents in both their official and personal capacities. They are sued as the individuals responsible for Petitioner's unlawful detention, possessing either immediate physical custody over Petitioner or the legal authority to direct Petitioner's release:

6. **Jeremy CASEY, Warden, Imperial Regional Adult Detention Facility:** Respondent Casey is the Warden of the facility where Petitioner is currently detained. He is named as a Respondent because he is the Petitioner's immediate physical custodian and is directly responsible for the facility's daily operations, conditions of confinement, and the physical release of detained individuals upon court order.

**Daniel A. BRIGHTMAN, Field Office Director, San Diego Enforcement and Removal Operations (ERO):** Respondent Brightman is the Field Office Director for ICE ERO in the San Diego area of responsibility. He is named because he serves as Petitioner's immediate legal custodian. He maintains direct, local administrative control and decision-making authority over Petitioner's ongoing detention, potential transfers, and removal proceedings.

**Todd LYONS, Acting Director, U.S. Immigration and Customs Enforcement (ICE):** Respondent Lyons is the Acting Director of ICE. He is named because he exercises nationwide supervisory authority over ICE and its Enforcement and Removal Operations. He is legally responsible for the administration of ICE policies and practices that resulted in, and continue to mandate, Petitioner's detention.

**Rodney S. SCOTT, Commissioner, U.S. Customs and Border Protection (CBP):** Respondent Scott is the Commissioner of CBP. He is named because he oversees the agency responsible for border enforcement and the initial apprehension, processing, and custody

determinations of individuals prior to their transfer to ICE detention, thereby initiating the chain of custody being challenged herein.

**Kristi NOEM, Secretary, Department of Homeland Security (DHS):** Respondent Noem is the Secretary of DHS. She is named because she is the cabinet-level official with ultimate statutory and administrative authority over both ICE and CBP. She oversees the enforcement of the Immigration and Nationality Act (INA) and holds ultimate responsibility for the departmental policies under which Petitioner is detained.

**Pamela BONDI, Attorney General of the United States:** Respondent Bondi is the Attorney General of the United States. She is named because she heads the Department of Justice, oversees the Executive Office for Immigration Review (EOIR), and exercises ultimate legal authority over the interpretation of the immigration laws under which Petitioner's detention is purportedly justified.

**Donald J. TRUMP, President of the United States:** Respondent Trump is the President of the United States. He is named because, as the Chief Executive, he possesses the ultimate constitutional authority to direct the actions of all executive agencies, including DHS and the Department of Justice, and is responsible for faithfully executing the laws that have led to Petitioner's deprivation of liberty.

#### **PRAYER FOR RELIEF**

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

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.

- (3) Declare that the Petitioner's detention violates the Fourth Amendment right against search and seizure, Fifth Amendment right against deprivation of liberty without due process, 8th Amendment right against cruel and unusual punishment, Sixth Amendment right to counsel,
- (4) Issue a Writ of Habeas Corpus ordering Respondents to release the Petitioner immediately.
- (5) Award the Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (6) Order that the Petitioner not be removed from the jurisdiction of the Southern District of California.
- (7) Grant any further relief this Court deems just and proper.

Respectfully submitted,



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Yuri Hovhannsyian, Esq.,  
Attorney for Petitioners

Dated: 03/23/2026

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

I represent Petitioner in the case cited above, and I submit this verification on the Petitioner's 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.



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Yuri Hovhannisyan, Esq  
Attorney for Petitioner