

properly interpret and apply the Immigration and Nationality Act (INA). Petitioner brings this action to seek release or a bond hearing in accordance with the law.

2. 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 (Nov. 25, 2025 C.D. Cal.) (Order Granting Plaintiff-Petitioners' Motion for Class Certification, incorporating declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment).
3. Nonetheless, the Executive Office for Immigration Review and its subagency the Immigration Court currently have denied Petitioner's bond request.
4. Petitioner is a member of the Bond Denial Class, as he:
 - a. does not have lawful status in the United States and is currently detained at the Otay Mesa Detention facility after being apprehended by U.S. Immigration and Customs Enforcement (ICE) on or about February 4, 2026];
 - b. entered the United States without inspection in 2019 and was not detained immediately after arrival, *cf. id.*; and
 - c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.
5. Petitioner's detention on February 4, 2026, is also in violation of Due Process Clause of the Fifth Amendment to the U.S. Constitution Procedural Due Process and Substantive Due Process.
6. The Court should expeditiously grant this petition.
7. The Court should accordingly order that within one day, Respondent DHS must release Petitioner.
8. Alternatively, the Court should order Petitioner's release unless Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

JURISDICTION

9. Petitioner is in the physical custody of Respondents and Immigration and Customs Enforcement (ICE), an agency with the Department of Homeland Security (DHS). He is detained at the Otay Mesa Detention Center in San Diego, California and is under the direct control of Respondents and their agents.
10. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.
11. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, clause 2 of the United States Constitution (the Suspension Clause).
12. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.
13. Nothing in the INA deprives this Court of jurisdiction, including 8 U.S.C. §§ 1252(b)(9),(f)(I), or 1226(e). Congress has preserved judicial review of challenges to prolonged immigration detention. See *Jennings v Rodriguez*, 138 S. Ct. 830, 839-41 (2018) (holding that 8 U.S.C. §§ 1252(b)(9) and 1226(e) do not bar review of challenges to prolonged immigration detention).

VENUE

14. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Southern District of California, the judicial district in which the Petitioner is currently in custody.
15. Venue is also properly vested in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies in the United States, and

because a substantial part of the events or omissions giving rise to the claims occurred in the District of Arizona.

PARTIES

16. Petitioner is a citizen of Guatemala who most recently arrived in the United States on or about May 19, 2019. He has been in custody of the Department of Homeland Security (DHS) since February 4, 2026. Since that time, his case is currently pending before the Immigration Court.
17. Christopher J. Larose the Warden of Otay Mesa Detention Center is Petitioner's Immediate Custodian.
18. Gregory J. Archambeault, the Acting Director of the San Diego District Office of Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement, Department of Homeland Security. As such, Mr. Archambeault is Petitioner's immediate custodian. He is named in his official capacity.
19. Respondent Todd Lyons is the acting director of U.S. Immigration and Customs Enforcement, and he has authority over the actions of respondent Gregory J Archambeault and ICE in general. Respondent Lyons is a legal custodian of Petitioner.
20. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security (OHS) and has authority over the actions of all other DHS Respondents in this case, as well as all operations of DHS. Respondent Mullin is a legal custodian of Petitioner and is charged with faithfully administering the immigration laws of the United States.
21. Respondent Pamela Bondi is the Attorney General of the United States, and as such has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.

22. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention of noncitizens.

23. Respondent U.S. Immigration Customs Enforcement is the federal agency responsible for custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens.

STATEMENT OF FACTS

24. Petitioner Amadiel Aparicio Juan was processed by Immigration Enforcement Authorities on February 4, 2026, while in the United States and placed in removal proceedings.

25. Petitioner entered as a minor with his father in 2018. Petitioner was the subject of a charging document in January 2020, the case was closed by an Immigration Judge due to the DHS' failure to prosecute. Again the DHS filed a new charging document on February 26, 2020, and the Immigration Judge dismissed proceedings on July 26, 2023. In this instance, on February 4, 2026, CBP was conducting Checkpoint Operations at the Old Highway 395 in Rainbow California, CBP pulled Petitioner over after running the plate and then processed him to Otay Mesa Detention Center.

26. On March 12, 2026, the Petitioner requested a Custody Redetermination by the Executive Office of Immigration Review Otay Mesa, wherein the Judge denied bond alleging a lack of jurisdiction.

CLAIMS FOR RELIEF

Violation fo the INA:

First Claim Request for Relief Pursuant to *Maldonado Buatista*

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

28. As members of the Bond Denial Class, Petitioners are entitled to consideration for release on bond under 8 U.S.C. § 1226(a).
29. The orders granting partial summary judgment in *Maldonado Bautista* makes holds that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.
30. The order granting class certification in *Maldonado Bautista* further orders that “[w]hen considering this determination with the MJS Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”
31. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioners’ statutory rights under the INA and the Court’s judgment in *Maldonado Bautista*.

**Second Claim Violation of the Due Process Clause of the Fifth Amendment to the U.S. Constitution
Procedural Due Process**

32. The Due Process Clause of the Fifth Amendment forbids the government from depriving any “person” of liberty “without due process of law.” U.S. Const. amend. V.
33. Petitioner has a vested liberty interest in his release from immigration custody. Due Process does not permit the government to strip him of that liberty without a hearing before a neutral adjudicator. See *Morrissey*, 408 U.S. at 487-488.

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**Second Claim Violation of the Due Process Clause of the Fifth Amendment to the U.S.
Constitution
Substantive Due Process**

34. The Due Process Clause of the Fifth Amendment forbids the government from depriving any individuals of their right to be free from unjustified deprivations of liberty. U.S. Const. amend. V.
35. Due Process does not permit the government to strip Petitioner of liberty without it being tethered to one of the two constitutional bases for civil immigration detention: to mitigate against the risk of flight or to protect the community from danger.
36. Civil detention that is unrelated to a valid regulatory purpose or excessive in relation to that purpose is punitive, in violation of substantive due process. See *Jones*, 393 F.3d at 934.
37. Additionally, it is important to note that Petitioner consistently abided by DHS and EOIR's instructions. His instant detention follows from twice being placed in removal proceedings which were closed, and after seven years of living and working in the United States without incident. The petitioner does not have any criminal history and poses no danger to the community.
38. The government's arrest of Petitioner is untethered from any valid basis for civil immigration detention, is excessive in relation to any risk that does exist, and is therefore punitive in violation of substantive due process. Petitioner's continued detention is unlawful and violates due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioners pray that this Court grant the following relief:

- a. Assume jurisdiction over this matter;

- b. Issue a writ of habeas corpus requiring that within one day, Respondents **release Petitioner** and return him to the position he was in prior to his detention;
- c. Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;
- d. Award Petitioners attorney’s fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- e. Grant any other and further relief that this Court deems just and proper.

/s/Lilia Rodriguez
Attorney Name

Counsel for Petitioner

Dated: 4.2.26

<u>1</u>	<u>Notice to Appear</u>	11-12
<u>2</u>	<u>Bond Denial</u>	14-15
<u>3</u>	<u>Record of Removal Proceedings</u> <u>First Proceeding Closed due to Failure to Prosecute</u> <u>Second Proceeding Dismissed</u> <u>Third Proceeding Pending</u>	17-19

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

I represent Petitioner, Juan Manuel Aparicio, and submit this verification on his 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.

Dated this 2 day of April 2026.

/s/ Lilia Rodriguez
Attorney Name

EXHIBIT 1

Allegations: Admits All; | Charges: Sustains All;
Designated Country: GUATEMALA

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID [REDACTED]

FINS #: [REDACTED]

File No: [REDACTED]

DOB: [REDACTED]

Event No: [REDACTED]

In the Matter of:

Respondent: AMADIEL APARICIO JUAN currently residing at:

7488 CALZADA DE LA FUENTE SAN DIEGO, CALIFORNIA, 92154-2717

+1 (619) 661-8700

(Number, street, city, state and ZIP code)

(Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of GUATEMALA and a citizen of GUATEMALA ;
3. You arrived in the United States at or near SAN YSIDRO, CA , on or about May 19, 2019 ;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

7488 CALZADA DE LA FUENTE SAN DIEGO CA US 92154

(Complete Address of Immigration Court, Including Room Number, if any)

on February 17, 2026 at 08:00 AM to show why you should not be removed from the United States based on the

(Date)

(Time)

charge(s) set forth above.

SHAWN E HAWKINS
Date: 2026.02.04 13:23:00-08:00
0110851882.CBP

WATCH COMMANDER

(Signature and Title of Issuing Officer)

Date: February 04, 2026

Murrieta, California

(City and State)

EOIR - 1 of 3

Allegations: Admits All; | Charges: Sustains All; **Notice to Respondent**

Designated Country: GUATEMALA

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/I-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at <http://www.ica.gov/contact/ero>, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action compiled with 8 U.S.C. § 1367.

Upon information and belief, the language that the alien understands is SPANISH

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

MIGUEL A PEREZ SR
Date: 2026.02.04 14:07:00
0943725483.CBP



Border Patrol Agent

(Signature and Title of Immigration Officer)

(Signature of Respondent)

Date: 02/04/2026

Certificate of Service

This Notice To Appear was served on the respondent by me on **February 4, 2026**, in the following manner and in compliance with section 239(a)(1) of the Act.

in person by certified mail, returned receipt # _____ requested by regular mail

Attached is a credible fear worksheet.

Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the SPANISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

(Signature of Respondent if Personally Served)

MIGUEL A PEREZ SR
Date: 2026.02.04 13:56:31
0943725483.CBP

Border Patrol Agent

(Signature and Title of officer)

EOIR - 2 of 3

EXHIBIT 2



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

Respondent Name:

APARICO JUAN, AMADIEL

To:

Rodriguez, Lilia
1450 Frazee Rd., Ste 303
San Diego, CA 92108

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

03/12/2026

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:

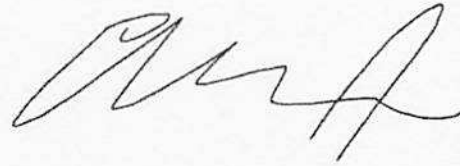
Denied, because

To the extent that Respondent relies upon Maldonado Bautista, the Ninth Circuit recently stayed that decision, such that the Central District Order vacating Matter of Yajure Hurtado does not apply in this jurisdiction. Thus, this court lacks jurisdiction to grant a bond. Alternatively, this court does not have jurisdiction under Matter of Q. Li, as the 2019 I-213 for respondent reflects that he was detained while arriving in the United States without admission or parole and subsequently placed in removal proceedings.

Granted. It is ordered that Respondent be:

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

Other:



Immigration Judge: ROBINSON, EUGENE 03/12/2026

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


Appeal Due: 04/13/2026

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 : APARICO JUAN, AMADIEL | A-Number : 

Riders:

Date: 03/12/2026 By: GARCIA III, ROBERTO, Court Staff