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

10 Victorino MENDEZ BENITEZ,  
11  
12 Petitioner,

Case No.: '26CV2126 LL BJW

Agency File No.: 

13 v.

**PETITION FOR WRIT OF  
HABEAS CORPUS PURSUANT  
TO 28 U.S.C. § 2241;  
COMPLAINT FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF**

14 John DOE-1, in his official capacity as  
15 Warden of Imperial Regional Detention  
16 Facility; Daniel A. BRIGHTMAN, in his  
17 official capacity as San Diego Field  
18 Office Director, ICE Enforcement and  
19 Removal Operations; Todd LYONS, in  
20 his official capacity as Acting Director of  
21 ICE; Markwayne MULLIN, in his official  
22 capacity as Secretary of Homeland  
23 Security; Todd BLANCHE, in his official  
24 capacity as Acting U.S. Attorney General,

**REQUEST TO EXPEDITE  
PROCEEDINGS**

25 Respondents.

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2 Petitioner Victorino MENDEZ BENITEZ hereby files this Petition for Writ  
3 of Habeas Corpus under 28 U.S.C. § 2241 to compel his immediate release from  
4 unlawful detention, and states as follows:  
5

6  
7 **I. INTRODUCTION**

- 8 1. Petitioner Victorino MENDEZ BENITEZ (hereinafter “Petitioner”)  
9 challenges his ongoing unlawful detention by U.S. Immigration and  
10 Customs Enforcement (“ICE”) at the Imperial Regional Detention Center in  
11 Calexico, CA. Petitioner is neither a flight risk nor a danger to the  
12 community.  
13  
14 2. Petitioner is in the physical custody of Respondents at the Imperial  
15 Regional Detention Center at 1572 Gateway Road, Calexico, CA 92231.  
16  
17 3. Petitioner challenges the legality of his prolonged detention and the  
18 categorical denial of any meaningful bond hearing. Petitioner is charged as  
19 inadmissible under INA §212(a)(6)(A)(i), 8 U.S.C. § 1182(a)(6)(A)(i) and  
20 INA § 212(a)(7)(A)(i)(I), 8 U.S.C. §1182(a)(7)(A)(i)(I). (*See Exhibits A and*  
21 *B.*)  
22  
23 4. Although the Department of Homeland Security (DHS) has characterized  
24 him as an applicant for admission, his continued detention without an  
25  
26

1 individualized bond hearing violates the Due Process Clause of the Fifth  
2 Amendment and exceeds the authority granted by the Immigration and  
3 Nationality Act. The Notice to Appear (“NTA”) characterizes Mr. Mendez  
4 Benitez as “an alien who has not been admitted or paroled.” (*See* Exhibit A.)  
5

6 5. Any attempt to classify Petitioner as an “arriving alien” subject to mandatory  
7 detention under 8 U.S.C. § 1225(b), and to justify his continued confinement  
8 without bond on that basis, is legally erroneous. Petitioner’s custody is  
9 governed by 8 U.S.C. § 1226(a), which expressly contemplates discretionary  
10 detention and individualized determinations regarding release on bond.  
11

12 Respondents’ legal theory has been repudiated by a tidal wave of hundreds  
13 of court decisions nationwide, including *Maldonado Bautista v. Santacruz*,  
14 No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at  
15 \*11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to  
16 named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No.  
17 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at \*9  
18 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners’ proposed  
19 nationwide Bond Eligible Class, incorporating and extending declaratory  
20 judgment from Order Granting Petitioners’ Motion for Partial Summary  
21 Judgment).  
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6. Petitioner seeks a declaratory judgment from this Court affirming that his detention should be under 8 U.S.C. § 1226(a). The Petitioner requests an order for his immediate release without restrictions or conditions due to his unlawful detention. Alternatively, Petitioner seeks an order for a discretionary bond hearing under § 1226(a) before an Article III judge, where the government must prove by clear and convincing evidence that he is a danger to the community or a flight risk. Additionally, Petitioner requests that Respondents be prohibited from re-detaining him or put any restraints on his liberty unless they can meet the same evidentiary standard.

## II. MALDONADO BAUTISTA

7. 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 Bond Eligible Class,

1 incorporating and extending declaratory judgment from Order Granting  
2 Petitioners' Motion for Partial Summary Judgment).

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

7  
8 9. Nonetheless, the Executive Office for Immigration Review and its  
9 subagency, the Immigration Court, and the Department of Homeland  
10 Security (DHS) have blatantly refused to abide by the declaratory relief and  
11 have unlawfully ordered that Petitioner be denied the opportunity to be  
12 released on bond.  
13

14  
15 10. Petitioner is a member of the Bond Eligible Class, as he:

16  
17 a. does not have lawful status in the United States and is currently  
18 detained at the Imperial, California, detention facility. He was  
19 apprehended by immigration authorities on October 17, 2025, during  
20 a regular ICE check-in appointment;

21 b. entered the United States without inspection more than 30 years  
22 ago and was not apprehended upon arrival, *cf. id.*; and

23 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or §  
24 1231.

1 11. In a Notice to Appear issued on August 21, 2025, DHS charged Petitioner as  
2 being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who  
3 entered the United States without inspection.

4 12. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the  
5 full “force and effect of a final judgment.” 28 U.S.C. § 2201(a).  
6

7 Nevertheless, Respondents continue to flagrantly defy the judgment in that  
8 case and continue to subject Mr. Mendez Benitez to unlawful detention  
9 despite his clear entitlement to consideration for release on bond as a Bond  
10 Eligible Class member.  
11

12 13. Immigration judges (hereinafter “IJs”) have informed class members in  
13 bond hearings that they have been instructed by “leadership” that the  
14 declaratory judgment in *Maldonado Bautista* is not controlling, even with  
15 respect to class members, and that instead, IJs remain bound to follow the  
16 agency’s prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216  
17 (BIA 2025).  
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### III. CUSTODY

1  
2 14. Petitioner is currently in Respondents' legal and physical custody at the  
3 Imperial Regional Detention Center in Calexico, California. He is under  
4 Respondents' and their agents' direct control.  
5

### IV. JURISDICTION AND VENUE

6  
7  
8 15. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28  
9 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the Constitution  
10 (Suspension Clause), as Mr. Mendez Benitez is presently in custody under  
11 the authority of the United States and challenging his detention as in  
12 violation of the Constitution, laws, or treaties of the United States.  
13

14 16. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear  
15 habeas claims by individuals challenging the lawfulness of their detention  
16 by ICE. *See Jennings v. Rodriguez*, 583 U.S. 281, 290-92 (2018).  
17

18 17. The aid of this Court is further invoked under 28 U.S.C. §§ 2201 and 2202,  
19 authorizing a declaratory judgment and any further necessary and proper  
20 relief.  
21

22 18. Venue is proper with this Court because a substantial part of the events  
23 giving rise to this claim occurred in this district and Mr. Mendez Benitez is  
24 currently detained at the Imperial Regional Detention Center in Calexico,  
25  
26

1 California. Venue is also proper pursuant to 28 U.S.C. § 1391(e) because  
2 the Respondents are all officers and agencies of the United States; Mr.  
3 Mendez Benitez resides in this judicial district; and there is no real  
4 property involved in this action.  
5

6 **V. REQUIREMENTS OF 28 U.S.C. §2243**  
7

8 19. Unless Petitioner Mr. Mendez Benitez is wholly ineligible for relief, the  
9 Court must either grant the instant petition for writ of habeas corpus or order  
10 Respondents to show cause as to why it should not be granted. 28 U.S.C. §  
11 2243. If so ordered, Respondents must file a response within three days.  
12

13 20. Habeas corpus is “perhaps the most important writ known to the  
14 constitutional law ... affording as it does a swift and imperative remedy in  
15 all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400  
16 (1963).  
17

18 21. Due to the nature and urgency of this proceeding, Mr. Mendez Benitez asks  
19 this Court to expedite these proceedings as necessary and practicable for  
20 justice.  
21

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## VI. PARTIES

1  
2 22. Petitioner Mr. Mendez Benitez is a forty-nine year old Mexican national  
3 who resides in San Diego, California. He is currently detained by  
4 Respondents at the Imperial Regional Detention Center in Calexico,  
5 California, pending appeal with the Board of Immigration Appeals (BIA).  
6

7 23. Respondent John DOE-1 is the Warden of Imperial Regional Detention  
8 Center. He is responsible for the operation of the Detention Center where  
9 Mr. Mendez Benitez is detained. As such, Respondent John DOE-1 has  
10 immediate physical custody of Mr. Mendez Benitez. He is being sued in his  
11 official capacity.  
12  
13

14 24. Respondent Daniel A. Brightman is the San Diego Field Office Director  
15 (“FOD”) for ICE Enforcement and Removal Operations. Respondent  
16 Brightman is responsible for the oversight of ICE operations at the Imperial  
17 Regional Detention Center. Respondent Brightman is being sued in his  
18 official capacity.  
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20

21 25. Respondent Todd Lyons is the Acting Director of ICE. Respondent Lyons is  
22 responsible for the administration of ICE and the implementation and  
23 enforcement of the immigration laws, including immigrant detention. As  
24  
25  
26

1 such, Respondent Lyons is a legal custodian of Mr. Mendez Benitez and is  
2 being sued in his official capacity.

3 26. Respondent Markwayne Mullin is the Secretary of the Department of  
4 Homeland Security (“DHS”). As Secretary of DHS, Secretary Mullin is  
5 responsible for the general administration and enforcement of the  
6 immigration laws of the United States. Respondent Secretary Mullin is a  
7 legal custodian of Mr. Mendez Benitez and is being sued in his official  
8 capacity.  
9  
10

11 27. Respondent Todd Blanche is the Acting Attorney General of the United  
12 States and the most senior official in the U.S. Department of Justice.  
13 Respondent General Blanche is a legal custodian of Mr. Mendez Benitez and  
14 is named in his official capacity.  
15  
16

## 17 VII. EXHAUSTION OF ADMINISTRATIVE REMEDIES


18  
19 28. Exhaustion of administrative remedies is a prudential, not jurisdictional,  
20 requirement in habeas claims. See 28 § U.S.C. 2241; *Laing v. Ashcroft*, 370  
21 F.3d 994, 998 (9th Cir. 2004). Exhaustion should not be required in this case  
22 because administrative remedies are futile, and Mr. Mendez Benitez’s  
23 continued detention will result in irreparable harm.  
24  
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1 29.Exhaustion of administrative remedies in this case would be futile. Mr.  
2 Mendez Benitez contends he was detained in violation of his due process  
3 rights, which is a claim that the agency cannot consider. As a result,  
4 exhaustion of his remedies would be futile. *See American-Arab*  
5 *Anti-Discrimination Comm. v. Reno*, 70 F.3d 1045, 1058 (9th Cir. 1995).  
6

7 30.Mr. Mendez Benitez is experiencing irreparable harm while detained. He  
8 has been diagnosed with Major Depressive Disorder and Generalized  
9 Anxiety Disorder, and he is struggling to maintain his mental health. (*See*  
10 Exhibit C.)The Court should consider this harm as Petitioner’s detention  
11 continues.  
12

13  
14 **VIII. STATEMENT OF FACTS**  
15

16 A. Thirty Years as an Exceptional Employee, Church Founder, Father  
17 Figure and a Valuable Community Member in the U.S.  
18

19 31.Mr. Mendez Benitez is a Mexican national who was born on   
20 He entered the United States without inspection on or around the year 1994,  
21 when he was seventeen years old. Since then, he has lived continuously in  
22 Southern California.  
23

24 32.Prior to his detention, Mr. Mendez Benitez was employed for more than  
25 twenty-five years at  He worked  
26

1 his way up to become one of two foreman at a company of more than  
2 seventy employees. His employer has testified that Mr. Mendez Benitez is an  
3 exceptional foreman who has trained numerous new employees, and the  
4 company is suffering large financial losses due to his absence. (*See Ex. H.*)  
5


6 33. Mr. Mendez Benitez is also a founding member of CIMA Vida Nueva  
7 Church in Chula Vista, CA. Over a span of more than fifteen years, he  
8 helped to literally build the church campus, participated and/or led various  
9 homeless and outreach ministries, and played piano in the worship band  
10 every Sunday. (*See Id.*)  
11

12 34. Although Mr. Mendez Benitez does not have biological children, he has  
13 served as a father figure to many children in his extended family. In  
14 particular, he inspired his nephew [REDACTED] to become a U.S. Marine  
15 corporal, and he was instrumental in his niece, [REDACTED]  
16 [REDACTED] being able to pursue a master's degree at Columbia University. Mr.  
17 Mendez Benitez also has provided financial support and served as a father  
18 figure to his autistic nephew, [REDACTED]  
19

20 35. Prior to his detention, Mr. Mendez Benitez lived with his sister Jazmin  
21 Mendez and her two minor U.S. citizen children in order to provide financial  
22 support and help her raise the teenagers who were abandoned by their father.  
23  
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1 Upon release from detention, Mr. Mendez Benitez intends to return to the  
2 same living arrangement in San Diego, CA.

3 36. While Petitioner Mr. Mendez Benitez had two DUI arrests in his youth, he  
4 turned his life around by joining the CIMA Vida Nueva church and  
5 Alcoholics Anonymous, and dedicating himself to his job and family. For  
6 more than twenty-five years, he did not have a single drop of alcohol.  
7

8 37. Unfortunately, after Mr. Mendez Benitez got married, he suffered physical  
9 battery and extreme cruelty   
10 perpetrated by his spouse for many years. After he finally left the  
11 relationship, he filed for affirmative immigration relief in the form of an  
12 I-360 Petition under the Violence Against Women Act (VAWA), with an  
13 I-485 Application to Adjust Status. Due to the psychological effects of the  
14 abuse, he committed an error of judgment and was convicted of a DUI on  
15 December 3, 2024. (See FBI results attached as Exhibit D, and  
16 psychologist's evaluation attached as Exhibit C.) Mr. Mendez Benitez  
17 immediately regretted the DUI incident and sought help in the form of AA  
18 meetings, classes, and psychological and church counseling.  
19  
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23 //

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B. Eligibility for Affirmative Immigration Relief

1  
2 38. Currently, Petitioner’s I-360 VAWA petition remains pending with United  
3 States Citizenship and Immigration Services (USCIS), along with his Form  
4 I-485, Application to Register Permanent Residence or Adjust Status; Form  
5 I-765, Application for Employment Authorization; and a Form I-131,  
6 Application for Travel Document. (See USCIS receipts attached as Exhibit  
7 E.)  
8

9  
10 39. Unfortunately, currently the adjudication of Form I-360 can take more than  
11 40 months<sup>1</sup>. It would be a gross violation of Mr. Mendez Benitez’s Due  
12 Process rights to require him to wait in detention without any individualized  
13 determination regarding deprivation of his liberty, and without notice or an  
14 opportunity to be heard prior to his detention.  
15  
16

17  
18 C. Circumstances of ICE Arrest and Detention

19 40. Mr. Mendez Benitez did not become subject to detention based on ICE field  
20 operations or a traffic stop apprehension. Instead, he was detained during a  
21 routine ICE check-in on October 17, 2025.  
22  
23  
24

25 <sup>1</sup> See United States Citizenship and Immigration Services. Case Processing Times.  
26 <https://cgov.uscis.gov/processing-times/> Last time visited on March 26, 2026.

1 41. While attending the check-in, Mr. Mendez Benitez was informed that he  
2 would be taken into detention immediately, without any explanation, and  
3 without any hearing.

4 42. The reason for Mr. Mendez Benitez's detention remains unclear, especially  
5 since, as of today, his applications with USCIS remain pending, and he has  
6 continuously proven himself to be a hardworking person of deep faith and  
7 conviction of helping numerous community and family members.  
8  
9

10  
11 D. Eligibility for Defensive Immigration Relief

12 43. After Mr. Mendez Benitez was placed in detention, Honorable Judge Gabriel  
13 Bradley conducted an Individual Hearing for December 17, 2025, at which  
14 time he denied Mr. Mendez Benitez's 42B VAWA Application for  
15 Cancellation of Removal for Non-Permanent Residents. (See Exhibit F.)  
16

17 44. Mr. Mendez Benitez filed a timely appeal, and currently his case remains  
18 pending with the BIA, with no briefing scheduled issued. (See Exhibit G.)  
19  
20

21  
22 E. Suffering Irreparable Harm While Detained

23 45. Mr. Mendez Benitez is suffering greatly in detention. On December 10,  
24 2025, he was diagnosed with Major Depression Disorder and Generalized  
25

1 Anxiety Disorder by a licensed trauma therapist. (See Exhibit C.) While he  
2 is attending daily church meetings at the detention facility, these meetings  
3 cannot substitute for proper mental health services.

4 46. Mr. Mendez Benitez is also suffering from the emotional toll of separation  
5 from his young niece [REDACTED] and nephew [REDACTED]  
6 [REDACTED] whom he was helping to raise prior to his detention,  
7 and his inability to fulfill his fatherly responsibilities to them.  
8

9  
10 47. Mr. Mendez Benitez has extremely solid work, church, and family and  
11 community ties in the United States spanning more than thirty years. At his  
12 Individual Hearing in immigration court, numerous U.S. citizens testified to  
13 his exceptional work ethic, selfless support for his church family and  
14 extended family, and humble character. (See a few of the affidavits attached  
15 as Exhibit H.) Mr. Mendez Benitez also has pending applications for  
16 immigration benefits. Thus, there is no reason to believe that he would pose  
17 a danger to the community or be a flight risk if released from DHS custody.  
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**IX. CLAIMS FOR RELIEF**

**COUNT ONE:**

**Violation of the INA;**

**Request for Relief Pursuant to *Maldonado Bautista***

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48. Mr. Mendez Benitez repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

49. As a member of the Bond Eligible Class, Mr. Mendez Benitez is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

50. The order granting partial summary judgment in *Maldonado Bautista* holds that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.

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

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

1 53. By denying Mr. Mendez Benitez a bond hearing under § 1226(a) and  
2 asserting that he is subject to mandatory detention under § 1225(b)(2),  
3 Respondents violate Petitioner’s statutory rights under the INA and the  
4 Court’s judgment in *Maldonado Bautista*.

5  
6 **COUNT TWO:**

7 **Violation of the Fifth Amendment Due Process Clause:**

8 **Procedural Due Process**

9 54. Mr. Mendez Benitez realleges and incorporates the allegations set forth  
10 above as if fully set out herein.

11 55. The Fifth Amendment Due Process Clause forbids deprivation of liberty  
12 without notice and a meaningful opportunity to be heard. The Due Process  
13 Clause protects “all ‘persons’ within the United States, including  
14 [non-citizens], whether their presence here is lawful, unlawful, temporary, or  
15 permanent.” *Zadvydas*, 533 U.S. at 693.

16  
17  
18 56. Respondents took Mr. Mendez Benitez into custody in an arbitrary manner,  
19 not based on any rational or individualized determination, and without notice  
20 or an opportunity to be heard prior to his detention.

21  
22 57. Under *Mathews v. Eldridge*, 42 U.S. 319, 335 (1976), courts evaluate  
23 procedural Due Process claims by balancing (1) the private interest affected;  
24

1 (2) the risk of erroneous deprivation of such an interest; and (3) the  
2 government's interest.

3 58. Applying this test, Mr. Mendez Benitez's private liberty interest in being free  
4 from detention is weighty, considering his thirty-year residence, exceptional  
5 work performance, deep church involvement, very strong family ties, and  
6 pending applications for immigration relief. *See Zadvydas*, 533 U.S. at 690.

7  
8 59. Furthermore, the risk of erroneous deprivation of Mr. Mendez Benitez's  
9 liberty interest is great given that he did not receive any type of  
10 pre-deprivation hearing. As a result, neither he nor the government had an  
11 opportunity to determine whether there was a valid basis for his detention.  
12

13  
14 60. Because Mr. Mendez Benitez was not afforded a pre-detention hearing to  
15 determine whether he posed a danger to the community or flight risk, his  
16 detention violates procedural Due Process.  
17

18  
19 **COUNT THREE**

20 **Violation of the Fifth Amendment Due Process Clause:**

21 **Substantive Due Process**

22 61. Mr. Mendez Benitez realleges and incorporates the allegations set forth  
23 above as if fully set out herein.  
24  
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1 62. All persons residing in the United States are protected by the Due Process  
2 Clause of the Fifth Amendment. *Zadvydas*, 533 U.S. at 690.

3 63. Freedom from bodily restraint is at the core of the liberty protected by the  
4 Due Process Clause. *Id.* This liberty interest is at stake when an individual is  
5 subject to detention by the federal government. *See id.*  
6

7 64. Immigration detention must serve a legitimate purpose—such as ensuring  
8 appearance or protecting the community—and must be reasonably related to,  
9 and not excessive in relation to, that purpose. *See id.*  
10

11 65. Thus, immigration detention that does not serve legitimate government  
12 purposes of preventing flight or mitigating danger violates substantive Due  
13 Process. *See id.*  
14

15 66. Immigration detention facilitated by blanket government policies without  
16 regard to whether an individual is a flight risk or a danger to the community  
17 violates the Due Process Clause. *See id.*; *see also United States v. Trimble*,  
18 487 F.3d 752, 757 (9th Cir. 2007) (stating that due process requires that  
19 government action be rational and non-arbitrary).  
20  
21

22 67. Mr. Mendez Benitez does not present a danger to the community or a flight  
23 risk. While he incurred a DUI conviction in 2024, he has completed all  
24 sentencing requirements (as far as possible given his detained status), and is  
25  
26

1 attending regular Alcoholics Anonymous classes and daily church meetings  
2 to strengthen his character. He has more than twenty-five years of  
3 exceptional employment history, twenty years of active church membership,  
4 extremely strong family ties in this country, and pending applications for  
5 immigration benefits. His detention does not serve any legitimate  
6 government purpose.  
7

8 68. Mr. Mendez Benitez's detention violates substantive Due Process because it  
9 is not rationally related to any legitimate government purpose.  
10

#### 11 **X. PRAYER FOR RELIEF**

12  
13 Petitioner prays that this Court grant the following relief:  
14

- 15 1. Assume jurisdiction over this matter;
- 16 2. Issue an Order to Show Cause ordering Respondents to show cause  
17 why this Petition should not be granted within three days;  
18
- 19 3. Declare that Petitioner's detention without an individualized custody  
20 determination violates the Due Process Clause of the Fifth  
21 Amendment;  
22
- 23 4. Issue a writ of habeas corpus requiring that within one day,  
24 Respondents release Mr. Mendez Benitez;  
25

- 1 5. Alternatively, issue a writ of habeas corpus requiring Respondents to  
2 release Mr. Mendez Benitez unless they provide a bond hearing under  
3 8 U.S.C. § 1226(a) within seven days;
- 4 6. Order Respondents to refrain from transferring Petitioner out of the  
5 jurisdiction of this court during the pendency of these proceedings and  
6 while the Petitioner remains in Respondents' custody;
- 7 7. Award attorneys' fees and costs to Petitioner under the Equal Access  
8 to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any  
9 other basis justified under law; and
- 10 8. Grant any other and further relief which this Court deems just and  
11 proper.  
12  
13  
14

15  
16 I affirm, under penalty of perjury, that the foregoing is true and correct.  
17

18 Dated: April 3, 2026

Signature: /s/ Sandra Gotlaufa Orozco

By: Sandra Gotlaufa-Orozco  
*Attorney for Petitioner*

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

1  
2 I, Sandra Gotlaufa-Orozco, attorney for Petitioner, declare that I am acting  
3 on behalf of Victorino Mendez Benitez, the person for whose relief the foregoing  
4 Petition for Writ of Habeas Corpus is intended. I have discussed with Petitioner  
5 the events described in the Petition. Based on those discussions, I verify that  
6 the events described in the Petition. Based on those discussions, I verify that  
7 factual statements contained in the attached Petition for Writ of Habeas Corpus are  
8 true and correct to the best of my knowledge, information, and belief.  
9

10  
11 Executed on April 3, 2026, in Vista, California.

12  
13 Respectfully submitted,

14  
15  
16 Signature: /s/ Sandra Gotlaufa-Orozco  
17 By: Sandra Gotlaufa-Orozco  
18 *Attorney for Petitioner*  
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**TABLE OF EXHIBITS**

- 1
- 2
- 3 Exhibit A: Notice to Appear August 21, 2025
- 4 Exhibit B: Additional Charges Dated December 8, 2025
- 5 Exhibit C: Psychological Evaluation by LFPT M. Corinna Gonzalez dated
- 6 December 10, 2025
- 7 Exhibit D: FBI Fingerprint Results for Victorino Mendez Benitez
- 8 Exhibit E: USCIS Receipt of Victorino Mendez Benitez’s Forms I-360,
- 9 I-485, I-765
- 10 Exhibit F: Decision of the Immigration Judge Dated December 17, 2025
- 11 Exhibit G: Form EOIR-26 Notice of Appeal Dated January 14, 026
- 12 Exhibit H: Good Moral Character Letters:
- 13 Timothy Linares, CFO of Dana Logsdon Roofing & Solar
- 14 Pastor Agustin Cervantes of CIMA Vida Nueva Church
- 15 John Solano, Nephew and United States Marine Corps. Corporal
- 16 Monique Acuna, Niece and Columbia University Graduate Student
- 17 Yeni Mendez on Behalf of Leo Acuna, Autistic Nephew
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# EXHIBIT H

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November 17, 2025

To whom it may concern,

I am writing on behalf of Victorino Mendez, who has been a valued member of Dana Logsdon Roofing & Solar for over 25 years. In my capacity as Chief Operations Officer, I have had the privilege of working alongside him and witnessing firsthand his unwavering dedication, strong work ethic, and personal integrity.

Over the past quarter-century, Victor has become an irreplaceable part of our company's success. He is not only one of our most skilled employees, but also one of the most dependable. His knowledge, craftsmanship, and commitment to excellence set a high standard for others to follow. Our team, and by extension the community we serve, has come to rely heavily on his contributions.

Beyond his professional skills, Victor is known within our company for his character. He has always conducted himself with humility, respect, and a spirit of teamwork. Many of our newer employees look up to him as a mentor, and he has played a key role in training the next generation of workers in our trade. It is no exaggeration to say that his absence would leave a significant void, not only in our business but also in the many families and households that benefit from the essential services we provide.

We understand the seriousness of the matter before the court. However, it is our sincere belief that Victor has demonstrated through decades of service and loyalty that he is a man of good character, and someone who has made and will continue to make valuable contributions to his workplace, his community, and this country.

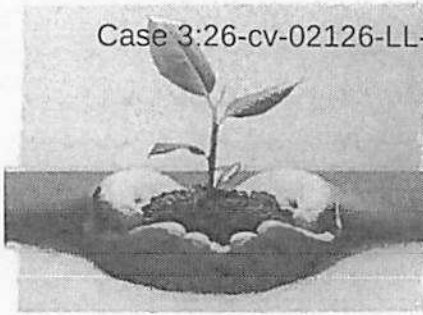
On behalf of myself and Dana Logsdon Roofing & Solar, I respectfully urge the Court to take into consideration his long-standing record of hard work, dedication, and the deep reliance our company has on him. Allowing him to remain in the United States would

not only enable him to continue supporting his family and community, but also allow him to keep contributing to the business and industry he has served so faithfully for 25 years.

Thank you for your time and consideration.

Respectfully,

Tim Linares  
Chief Operations Officer  
Dana Logsdon Roofing & Solar




Cima VIDA NUEVA

Pastor Agustín Cervantes

October 2025

To whom it may concern:

It is with great pleasure that I write the following to attest to Victorino Mendez character. My name is Agustin Cervantes, I am the pastor of CIMA Vida Nueva Church in Chula Vista, California. I have had the privilege of knowing Mr. Mendez since 2009. Mr. Mendez is an outstanding person with great principles, values, work ethic, and a model citizen. Mr. Mendez is reliable and in turn accepts responsibilities easily. Mr. Mendez lends his time, talent and ministry to our church and we value his great heart of service to others, that is how I have seen that he is a natural leader who leads by example, never gives up, and has an infectious positive attitude about life and helping others. I certify that Mr. Mendez is an honorable, God-fearing man, stable, and irrepachable.

I am pleased to recommend him for any purpose that best suits you. For confirmation of the above, please feel free to contact me at  Thank you for your time and consideration to this letter.

Sincerely,

Rev. Agustín Cervantes

A handwritten signature in black ink, appearing to read 'Agustin Cervantes', with a stylized flourish at the end.

1413 Jayken Wy Ste A Chula Vista, Ca 91911  
Teléfonos (619) 395-1828 (619) 395-4274  
cimavidanueva.com vidanueva\_cima@yahoo.com


*Un Lugar Para Ti... en la comunidad de Chula Vista*

John Solano  
Corporal, United States Marine Corps.  
Headquarters and Support Battalion  
Camp Pendleton  
20250 Vandegrift,  
Oceanside, CA 92058



Letter of Support for My Uncle, Victorino Mendez

To Whom It May Concern,

My name is John Solano, and I am currently serving as an active-duty member of the United States Marine Corps, holding the rank of Corporal. I am writing this letter in strong support of my uncle, Victorino Mendez, in connection with his immigration case. My uncle has been a positive and supportive figure in my life and in our family. He is a person of strong moral character, integrity, and responsibility. He has always shown a deep respect for American values and a desire to contribute positively to his community. As a member of the U.S. Armed Forces, I have dedicated my life to serving and protecting this country. I respectfully ask that you consider his application with compassion and understanding, as his presence would provide emotional and family support that is invaluable, especially during my military service. I trust that your office will take this letter into consideration as part of his application. Please feel free to contact me at  if you require any additional information.

Thank you for your time, service, and attention to this matter.

Respectfully,  
John Solano

A handwritten signature in black ink, appearing to read 'John Solano', written in a cursive style.

CORPORAL , UNITED STATES MARINE CORPS

November 10, 2025

To Whom It May Concern:

My name is Monique Acuna, and I am a graduate student at Teachers College, Columbia University. As my uncle, I have known Victorino Mendez-Benitez my entire life and, in writing this letter, I hope to provide some insight into his character in a way that may assist the court in its decision.

Growing up in a single-parent household, my family often had to rely on the kindness and generosity of others to get through hard times - Uncle Victor was a big part of that support system. He is as close to a father figure as a person can be and, having lived and worked in this country for decades, he helped teach me the value of hard work and the importance of building community. I can honestly say that I would not have gotten this far in life (graduating from high school, earning my bachelor's degree, and now working towards my master's degree) without his constant presence in our lives.

Although Uncle Victor has made mistakes in the past, he has taken accountability for his actions and has worked tirelessly towards bettering himself. For several years, he has been an important member of his church and has always tried to help others to the best of his ability, either through mentoring or (as a talented musician himself) teaching people how to play instruments. He has been with the same roofing company for many years, having worked his way up to a supervisory position and getting to oversee the work of several of his co-workers. I sincerely believe that my uncle is capable of positive change and will continue to contribute positively to society.

If you have any questions or concerns, please feel free to contact me. I am also available to confirm the facts stated in this letter as necessary. Thank you for your time and consideration.

Sincerely,

Monique Acuna  
Teachers College, Columbia University  
M.A. Candidate in Clinical Psychology



Yeni Mendez De Acuna

November 9, 2025

To whom it may concern,

I, Yeni Mendez De Acuna, write this letter in support of my brother Victorino Mendez Benitez whom I've known all my life.

If Victorino were removed from the United States, it would harm my son, as Victorino is the only father figure he knows. Since my son is on the autism spectrum, such a drastic change as no longer seeing the father figure he knows would negatively affect his behavior and daily life. Therefore, I implore you to consider allowing my brother Victorino to remain in our country, because we consider the United States our country and our home.

In addition to the harm that would be caused if my brother were removed from the United States, it would also harm us financially since, as a single mother, I depend on the financial support that my brother provides me. Victorino has helped me with my son's health situation by providing financial support for his essential medical expenses. For this reason, I implore you to consider granting my brother permanent residency in the United States, as his removal would negatively impact my son's well-being both psychologically and financially. My brother Victorino is a pillar of support for me since I am a single mother.

I understand that my brother Victorino has made some bad decisions, and he fully accepts the consequences of his actions. I am also aware of his current legal situation, but his responsibility as a father figure to my son differs from the decisions he made in the past, as he is a role model for my children and those around him.

The purpose of this letter is to intercede for my brother, as he is the pillar of my family emotionally and economically, and if he is removed from the United States there will be consequences that would further damage my son's health and our economic situation, since we depend entirely on my brother Victorino.

I swear under penalty of law that the information provided above is true and correct to the best of my knowledge and understanding.

Yeni Mendez De Acuna

