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

8  
9 **RUBEN PALACIOS-LIMA**

10 Petitioner

11 v.

12 **Christopher LAROSE**, Senior Warden, Otay

Mesa Detention Center;

13 **Markwayne MULLIN**, Secretary, U.S.

14 Department of Homeland Security;

15 **Todd LYONS**, Acting Director, U.S.

16 Immigration and Customs Enforcement;

17 **Todd BLANCHE**, Acting Attorney General of the

18 United States

19 Respondents  
20  
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Case No.: '26CV2133 RBM JLB

Agency File No. 

**PETITION FOR WRIT OF  
HABEAS CORPUS AND  
REQUEST FOR ORDER TO  
SHOW CAUSE WITHIN THREE  
DAYS**

1 **INTRODUCTION**

2 1. Petitioner Ruben Palacios-Lima respectfully submits this Petition for a Writ of Habeas  
3 Corpus challenging his unlawful detention by the Department of Homeland Security (“DHS”).  
4 Petitioner is a native and citizen of El Salvador who entered the United States without inspection  
5 on or about August 2005. Petitioner was not encountered by immigration authorities at or near  
6 the time of his entry and was not placed in any inspection or expedited removal process.  
7 Following his entry, Petitioner resided and worked in the United States without incident. On  
8 January 12, 2026, Petitioner was arrested by Immigration and Customs Enforcement (“ICE”)  
9 officers in the interior of the United States in Long Island, New York, while on his way to work,  
10 and was subsequently transferred to the Otay Mesa Detention Center, where he remains detained.

11 2. At no point following his entry was Petitioner encountered by immigration authorities  
12 or subjected to inspection-stage detention under INA § 235. Petitioner was not placed in  
13 expedited removal proceedings, was not subjected to a credible fear interview, and was not  
14 processed under any inspection framework. Instead, Petitioner lived at liberty in the United  
15 States following his undetected entry.

16 3. Following Petitioner’s interior arrest in January 2026, DHS has treated Petitioner as  
17 subject to detention under INA § 235(b), a classification that deprives him of access to a custody  
18 redetermination hearing before an Immigration Judge. On March 18, 2026, the Immigration  
19 Judge denied Petitioner’s request for a custody redetermination solely on the ground that the  
20 Court lacked jurisdiction. As a result, Petitioner has been denied access to an individualized,  
21 constitutionally adequate bond hearing before a neutral decisionmaker.

22 4. The detention authority set forth in INA § 235(b) governs the inspection and admission  
23 process at or near the border. Because Petitioner was never apprehended at or near the border  
24 and was never placed in inspection-stage detention, the statutory predicate for detention under  
25 INA § 235 does not exist. Any detention following an interior arrest must therefore proceed, if at  
26 all, under INA § 236(a), which provides eligibility for an individualized bond hearing consistent  
27 with due process.



1 proceedings, adjudicate cases, or execute removal orders,” not independent challenges to  
2 unlawful detention. Likewise, § 1252(b)(9) consolidates review of removal orders in the courts  
3 of appeals, but does not foreclose habeas review of detention claims, which are collateral to the  
4 removal proceedings.

5 10. Venue is proper in this District under 28 U.S.C. § 1391(e) because Petitioner is  
6 detained at the Otay Mesa Detention Center, which lies within the jurisdiction of this Court.

### 7 **PARTIES**

8 11. Petitioner, Ruben Palacios-Lima, is a native and citizen of El Salvador currently  
9 detained at the Otay Mesa Detention Center in San Diego, California.

10 12. Respondent Christopher LaRose is the Senior Warden of the Otay Mesa Detention  
11 Center.

12 13. Respondent Markwayne Mullin is the Secretary of the U.S. Department of Homeland  
13 Security (DHS).

14 14. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs  
15 Enforcement (ICE).

16 15. Respondent Todd Blanche is the Acting Attorney General of the United States and  
17 the head of the U.S. Department of Justice (DOJ).

18 16. All Respondents are named in their official capacities.

### 19 **LEGAL FRAMEWORK**

20 17. The Immigration and Nationality Act (“INA”), codified at 8 U.S.C. § 1101 et seq.,  
21 provides multiple detention authorities. For decades, courts, Congress, and agencies have  
22 consistently distinguished between two distinct statutory frameworks: INA § 235 (8 U.S.C. §  
23 1225), which governs applicants for admission encountered at or near the border, and INA § 236  
24 (8 U.S.C. § 1226), which governs the arrest and detention of individuals already present in the  
25 United States and placed in removal proceedings. The Supreme Court analyzed the interplay  
26 between these provisions in *Jennings v. Rodriguez*, 583 U.S. 281 (2018).

1           18. Section 1225 provides that, for purposes of initial inspection at the border, “an alien  
2 who arrives in the United States or is present in this country but has not been admitted, is treated  
3 as an applicant for admission.” *Jennings*, 583 U.S. at 287 (quoting 8 U.S.C. § 1225(a)(1)). The  
4 Court explained that decisions concerning who may enter or remain in the United States  
5 “generally begin at the Nation’s borders and ports of entry, where the Government must  
6 determine whether an alien seeking to enter the country is admissible.” *Id.* Section 1225(b)  
7 governs this inspection and admission process, applying primarily to individuals encountered at  
8 or near the border, subjecting them either to expedited removal under § 1225(b)(1)—which  
9 includes a credible-fear process for those expressing an intent to seek asylum—or to detention  
10 pending a decision on admission under § 1225(b)(2). *Id.* at 297; see also *Dep’t of Homeland Sec.*  
11 *v. Thuraissigiam*, 591 U.S. 103 (2020).

12           19. By contrast, § 1226(a) governs the detention of individuals who entered years ago and  
13 were later apprehended in the interior, “pending a decision on whether [they are] to be removed  
14 from the United States.” *Jennings*, 583 U.S. at 303. Unlike § 1225, which applies at the border, §  
15 1226(a) authorizes the Attorney General to detain or release such individuals on bond or  
16 conditional parole, except as provided in subsection (c), which applies only to a narrow category  
17 of noncitizens with specified criminal or security-related grounds. *Id.* at 303, 306. Arrests made  
18 pursuant to § 1226(a) are ordinarily executed on administrative warrants, and longstanding  
19 regulations confirm that such individuals are eligible for Immigration Judge bond hearings. See 8  
20 C.F.R. §§ 236.1(c)(8), 236.1(d)(1), 1236.1(d)(1); 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).  
21 Congress further described § 1226(a) as merely a “restatement” of prior detention authority  
22 under former INA § 242(a), confirming its application to interior arrests pending removal. H.R.  
23 Rep. No. 104-469, pt. 1, at 229 (1996).

24           20. For decades, detention under INA § 235(b) has been understood to apply in  
25 connection with the inspection and admission process at or near the border, not to individuals  
26 apprehended in the interior of the United States who were never subjected to that process.

1 21. Only in 2025 did DHS and the BIA begin advancing, in certain proceedings, a  
2 contrary interpretation—asserting that noncitizens who entered without inspection must be  
3 treated as subject to detention under § 1225(b)(2). This interpretation represented a departure  
4 from decades of agency practice and contradicted settled expectations regarding custody  
5 jurisdiction.

6 22. On July 8, 2025, U.S. Immigration and Customs Enforcement (“ICE”), in  
7 coordination with the Department of Justice, issued Interim Guidance Regarding Detention  
8 Authority for Applicants for Admission. The guidance asserted that noncitizens who entered  
9 without inspection were subject to mandatory detention under INA § 235(b)(2)(A), regardless of  
10 when or where they were apprehended, including individuals who had resided in the United  
11 States for many years.

12 23. The Board of Immigration Appeals later adopted a similar statutory interpretation in  
13 *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025).

14 24. INA § 235(b) authorizes detention only in connection with the inspection and  
15 admission process. That authority is event-based, not status-based. Where a noncitizen is not  
16 apprehended at or near the border and is not placed in the inspection process, the statutory  
17 predicate for § 235 custody does not exist.

18 **FACTS**

19 25. Petitioner, Ruben Palacios-Lima, is a native and citizen of El Salvador who entered  
20 the United States without inspection on or about August 2005.

21 26. Petitioner was not encountered by immigration authorities at or near the time of his  
22 entry and was not placed in any inspection or expedited removal process.

23 27. At no point following his entry was Petitioner subjected to inspection-stage detention  
24 under INA § 235, a credible fear interview, or any other inspection framework.

25 28. Following his entry, Petitioner resided and worked in the United States without  
26 incident and has lived continuously in the country for approximately twenty years, developing  
27 strong ties to the community, including a U.S. citizen daughter.

1 29. On January 12, 2026, Petitioner was arrested by officers of U.S. Immigration and  
2 Customs Enforcement (“ICE”) in Long Island, New York, while he was on his way to work.

3 30. Following his arrest, Petitioner was transferred to the Otay Mesa Detention Center in  
4 San Diego, California, where he remains detained.

5 31. On January 13, 2026, DHS issued a Notice to Appear placing Petitioner in removal  
6 proceedings.

7 32. On March 18, 2026, Immigration Judge Catherine Halliday-Roberts denied  
8 Petitioner’s request for a custody redetermination solely on the ground that the Court lacked  
9 jurisdiction. See *Exh. 1*.

10 33. As a result of DHS’s classification of his detention under INA § 235(b), Petitioner  
11 has been denied access to an individualized, constitutionally adequate bond hearing before a  
12 neutral decisionmaker.

13 34. On September 5, 2025, the Board of Immigration Appeals issued its precedential  
14 decision in *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), interpreting INA § 235(b)  
15 in a manner that affected custody determinations for certain noncitizens who entered without  
16 inspection.

17 35. On November 25, 2025, the United States District Court for the Central District of  
18 California certified a class in *Maldonado-Bautista v. Santacruz*, No. 5:25-cv-01873 (C.D. Cal.),  
19 involving challenges to detention under INA § 235(b).

20 36. On December 18, 2025, the Central District of California vacated DHS’s July 8, 2025  
21 Interim Guidance under the Administrative Procedure Act.

22 37. On January 13, 2026, Chief Immigration Judge Teresa L. Riley issued nationwide  
23 guidance stating that the *Maldonado-Bautista* decision did not vacate or enjoin *Matter of Yajure-*  
24 *Hurtado*, and that *Yajure-Hurtado* remained binding precedent on Immigration Judges.

25 38. On February 18, 2026, the United States District Court for the Central District of  
26 California expressly vacated *Matter of Yajure-Hurtado* under the Administrative Procedure Act,  
27 setting aside that decision.

1 39. The government subsequently appealed the February 18, 2026 order to the United  
2 States Court of Appeals for the Ninth Circuit. On March 6, 2026, the Ninth Circuit issued an  
3 administrative stay pending resolution of the government's emergency motion for a stay pending  
4 appeal.

5 40. Petitioner remains detained at the Otay Mesa Detention Center without having  
6 received a constitutionally adequate bond hearing.

7 41. Absent relief from this Court, Petitioner will remain detained without a meaningful  
8 opportunity to obtain a constitutionally adequate bond hearing at which the government bears the  
9 burden of justifying continued detention.

10 **CLAIM FOR RELIEF**

11 **COUNT 1**

12 **Violation of the Immigration and Nationality Act (INA)**

13 42. Petitioner incorporates by reference the allegations of fact set forth in the preceding  
14 paragraphs.

15 43. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all  
16 noncitizens residing in the United States who are subject to grounds of inadmissibility. It applies  
17 in the context of the inspection and admission process at or near the border. Petitioner entered  
18 the United States on or about August 2005, without inspection and was not encountered by  
19 immigration authorities at or near the time of his entry. Petitioner was not placed in any  
20 inspection or expedited removal process and resided at liberty in the United States prior to his  
21 arrest on January 12, 2026, in the interior of the United States. He is therefore not lawfully  
22 detained under INA § 235(b); to the extent he remains in custody, detention must proceed under  
23 INA § 236(a), 8 U.S.C. § 1226(a), which authorizes release on bond or conditional parole.

24 44. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to  
25 Petitioner for the additional and independent reason that he was never apprehended at or near the  
26 border and was never placed in inspection-stage detention under INA § 235. Because Petitioner  
27 was not subjected to the inspection and admission process, the statutory predicate for detention

1 under INA § 235(b) was never triggered. Any detention following his later interior arrest must  
2 therefore proceed, if at all, under INA § 236(a), which governs pre-final-order detention and  
3 provides eligibility for an individualized custody redetermination hearing before an Immigration  
4 Judge.

5 **COUNT 2**

6 **Violation of the Due Process Clause of the Fifth Amendment**

7 45. Petitioner realleges and incorporates the preceding paragraphs as if fully set forth  
8 herein.

9 46. The Fifth Amendment provides that “[n]o person shall be deprived of life, liberty, or  
10 property, without due process of law.”

11 47. “Freedom from imprisonment—from government custody, detention, or other form of  
12 physical restraint—lies at the heart of the liberty that Clause protects.” *Zadvydas v. Davis*, 533  
13 U.S. 678, 690 (2001).

14 48. Civil immigration detention is constitutionally permissible only when it bears a  
15 reasonable relation to a legitimate governmental objective, such as ensuring appearance at  
16 proceedings or protecting the community. Detention that lacks adequate procedural safeguards or  
17 is imposed without an individualized determination violates due process. See *Zadvydas*, 533 U.S.  
18 at 690.

19 49. By continuing to detain Petitioner under INA § 235(b) despite the absence of any  
20 inspection or admission process under that provision, and by denying him a meaningful  
21 opportunity for an individualized custody determination before a neutral decisionmaker—as  
22 evidenced by the Immigration Judge’s denial of jurisdiction on March 18, 2026—Respondents  
23 have violated the Due Process Clause of the Fifth Amendment.

24 **PRAYER FOR RELIEF**

25 WHEREFORE, Petitioner respectfully requests that this Court:

26 A) Assume jurisdiction over this matter;

1 B) Direct Respondents to refrain from transferring Petitioner outside the jurisdiction of this  
2 District while these proceedings are pending;

3 C) Issue an Order to Show Cause within three (3) days pursuant to 28 U.S.C. § 2243, requiring  
4 Respondents to explain the legal basis for Petitioner's continued detention;

5 D) Declare that Petitioner is not lawfully detained under INA § 235(b), and that, because  
6 Petitioner was never apprehended at or near the border and was never placed in inspection or  
7 admission proceedings under that provision, any continued detention must proceed under INA §  
8 236(a);

9 E) Declare that, by depriving Petitioner of any meaningful opportunity to seek release, his  
10 continued detention violates the Immigration and Nationality Act and the Due Process Clause of  
11 the Fifth Amendment;

12 F) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately from  
13 custody, or, in the alternative, order a constitutionally adequate bond hearing consistent with due  
14 process, at which the Department of Homeland Security bears the burden of proving, by clear  
15 and convincing evidence, that Petitioner's continued detention is necessary to prevent flight or  
16 danger to the community;

17 G) Grant such other and further relief as the Court deems just and proper.

18 Respectfully submitted,

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25 Counsel for Petitioner

26 Dated: April 3, 2026

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

I submit this verification as counsel for Petitioner in this action. The factual allegations contained in the Petition are based on information provided to me by Petitioner during multiple in-person interviews at the Otay Mesa Detention Center, as well as my review of his Notice to Appear and the Immigration Judge’s bond decision, and communications with his immigration counsel.

Based on that information, and to the best of my knowledge, information, and belief, the factual statements in the Petition accurately reflect Petitioner’s circumstances and the procedural history of his detention.

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Dated: April 3, 2026