

1 **Thomas A. Lappin (CSBN 187592)**
2 Law Office of Thomas A. Lappin
3 PO Box 635305
4 San Diego, California 92163
5 T: (619) 262-0146
6 F: (619) 374-2895


7 Attorney for Petitioner

8
9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11) Case No. '26CV2155 DMS AHG
12 ALEXIS SOLANO ABRAHAM,)
13)
14) Petitioner,) **PETITION FOR WRIT OF**
15) v.) **HABEAS CORPUS**
16)) **[CIVIL IMMIGRATION HABEAS**
17)) **ALIEN DETAINEE 28 U.S.C.**
18)) **§ 2241]**
19 CHRISTOPHER J. LAROSE, Senior)
20 Warden, Otay Mesa Detention)
21 Center; DANIEL A. BRIGHTMAN,)
22 San Diego Field Office Director)
23 U.S. Immigration & Customs)
24 Enforcement (ICE); TODD LYONS,)
25 Acting Director U.S. ICE;)
26 MARKWAYNE MULLIN, U.S.)
27 Secretary of Homeland Security,)
28 TODD BLANCHE, Acting Attorney)
General of the United States.)
Respondents.)
)

1 Petitioner ALEXIS SOLANO ABRAHAM hereby petitions this Court for a
2 Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 to remedy his unlawful
3 detention by Respondents. In support of this Petition, Petitioner submits the
4 following:
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7 **INTRODUCTION**

8 1. Petitioner ALEXIS SOLANO ABRAHAM () is
9 unlawfully detained by Respondents at the Otay Mesa Detention Center located
10 within the jurisdiction of this Court. Petitioner was detained by Immigration and
11 Customs Enforcement (“ICE”) approximately seventeen (17) years after his initial
12 entry to the United States on or October 1, 2008. A Notice to Appear (“NTA”) was
13 filed against Petitioner on December 20, 2025, and he is currently in Removal
14 proceedings seeking relief from Removal in the form of Asylum and related relief. *A*
15 *copy of the NTA is attached hereto as Exhibit A.*
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20 **CUSTODY/DETENTION**

21 2. On December 18, 2025, Petitioner was encountered by ICE agents at
22 Camp Pendleton where he was attending a volunteer event where he was to prepare
23 food for the annual Military Family Holiday BBQ. After conducting a review of his
24 identification and questioning Petitioner regarding his immigration status, ICE
25 officers arrested Petitioner and placed him into Removal proceedings.
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JURISDICTION

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3. This action arises under the Constitution of the United States; the Immigration and Nationality Act (“INA”); 8 U.S.C. § 1101, *et seq*; and the Administrative Procedures Act (“APA”) 5 U.S.C. § 500, *et seq*.

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1331 (Federal Question); 28 U.S.C. § 1651 (All Writs Act); 5 U.S.C § 701, *et seq*. (APA); and 28 U.S.C. §§ 2201-2202 (Declaratory Judgment Act).

5. This Court may grant relief pursuant to the Habeas Corpus Statutes, the Declaratory Judgment Act and the All Writs Act, 28 U.S.C. § 1651.

VENUE

6. Venue is proper as Petitioner is detained at the Otay Mesa Detention Facility, located in Otay Mesa, California in the County of San Diego. This detention center is located within the Jurisdiction of this U.S. District Court.

7. Venue is also proper as at least one (1) of the Respondents in this matter is located within this District and is subject to the Court’s jurisdiction. The claims and action alleged herein occurred within this District and no real property is involved. See 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243

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3 8. This Court must grant this Petition or issue an Order to Show Cause
4 (“OSC”) to the Respondents forthwith unless the Petitioner is not entitled to relief.
5 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a
6
7 Return within three (3) unless good cause is shown to extend the response time. If
8 extended, the response time cannot exceed twenty (20) days.
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10 **PARTIES**

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12 9. Alexis Solano Abraham is a thirty-seven (37) year old native and
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14 citizen of Mexico. Mr. Solano Abraham first entered the United States on or about
15 October 1, 2008. He is currently in Removal proceedings before the Immigration
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17 Court. He is currently detained at the Otay Mesa Detention Facility.
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19 10. Respondent Christopher LaRose is the warden of the Otay Mesa
20 Detention Facility where Petitioner is being detained. Warden LaRose oversees the
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22 daily operations of the Otay Mesa Detention Facility and acts at the direction of the
23 Respondents Brightman, Lyons and Mullin. Respondent is a custodian of the
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25 Petitioner and is named in his official capacity.

26 11. Respondent Daniel A. Brightman is the acting Field Office Director of
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28 ICE and is named in his official capacity. ICE is the agency within the Department

1 of Homeland Security (“DHS”) that is responsible for the detention and removal of
2 non-citizen aliens pursuant to the Immigration laws of the United States. In his legal
3 capacity, he is the legal custodian of Petitioner.
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6 12. Respondent Todd M. Lyons is the acting director of ICE and is named
7 in his official capacity. ICE is the agency within DHS which is responsible for the
8 enforcement of U.S. Immigration law and the detention on non-citizen aliens,
9 including Petitioner. Respondent Lyons has custodial authority over Petitioner.
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12 13. Respondent Markwayne Mullin is currently the Secretary of DHS and
13 is named in his official capacity. DHS is the Federal Agency charged with the
14 enforcement of U.S. Immigration law. DHS also oversees the adjudication of
15 applications for Immigration benefits. See 8 U.S.C. § 1103(a); 8 C.F.R. § 2.1.
16 Respondent Mullin has the ultimate authority over the custody and detention of
17 Petitioner, and he is named in his official capacity.
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21 14. Respondent Todd Blanche is the Acting Attorney General of the United
22 States and the most senior official in the U.S. Department of Justice (“DOJ”). He is
23 named in his official capacity. Respondent Blanche, in his official capacity, is
24 responsible implementation and enforcement of U.S. Immigration law. See 8 U.S.C.
25 § 1103(a)(1). In his capacity as the head of the DOJ, he oversees the Executive
26 Office for Immigration Review, commonly referred to as the Immigration Court. As
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1 such, in his official capacity he oversees the Agency responsible for the adjudication
2 of Petitioner's Removal proceedings and Bond proceedings.

4 LEGAL FRAMEWORK

6 15. This Petition presents the legal question of whether an alien can be
7 detained by the Government without any formal review or being afforded the
8 opportunity to seek release from detention. *Trump v. J. G. G.*, 604 U.S. _____, 145
9 S. Ct. 1003, 1006. (2025).

12 16. The U.S. Supreme Court has affirmed aliens are entitled to Due Process
13 of law under the U.S. Constitution in Removal and Bond proceedings. Non-citizen
14 aliens must be afforded proper notice and an opportunity to be heard. *See Trump v.*
15 *J. G. G.*, 604 U.S. _____, 145 S. Ct. 1003, 1006. (2025).

18 17. 8 U.S.C. § 1226(a)(2) provides that during the pendency of Removal
19 proceedings an alien may be arrested and detained and subsequently the
20 Government may release the alien on a conditional parole.

23 18. Upon apprehension by ICE an alien in custody will be evaluated by an
24 officer for release from detention. The ICE officer makes an initial custody
25 determination. *Diaz v. Garland*, 53 F.4th 1189 (9th Cir. 2022) (citing 8. C.F.R. §
26 236.1(c)(8)). The non-citizen will be released unless he/she is determined to be a
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1 flight risk or danger to society. The alien must also establish he/she is likely to
2 appear for any future hearings.

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4 19. When the decision to release an alien was made by an ICE officer, The
5 Government's practice is to require a showing of changed circumstances before any
6 re-arrest or re-detention. *See Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1197 (N.D.
7 Cal. 2017). When an alien has been at liberty from detention for a significant time
8 after determination said alien was not a flight risk nor danger to the community, the
9 alien has an "interest in remaining at liberty unless (he) no longer meets those
10 criteria." *Espinoza v. Kaiser*, No. 1:25-CV-01101 JLT SKO, 2025 WL 2581185 at
11 13 (E.D. Cal. Sept. 5, 2025).

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16 **FACTUAL ALLEGATIONS**
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18 20. Petitioner initially arrived in the United States on or about October 1,
19 2008. On December 18, 2025, Petitioner was encountered by ICE agents and was
20 detained and remains detained at this time. On January 22, 2026, the Immigration
21 Judge ("IJ") denied Petitioner's request for release on bond. *A copy of the IJ order*
22 *denying bond is attached hereto as Exhibit B.*
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26 21. Petitioner is currently in Removal Proceedings before the U.S.
27 Immigration Court.
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1 23. Petitioner was encountered on December 18, 2025, at Camp Pendleton
2 Marine Base, as he was volunteering for the annual Military Family Holiday BBQ.
3 Petitioner had entered the United States on or about October 1, 2008. Petitioner did
4 not present documentation to enter the United States and did not enter at a
5 designated Port of Entry. Petitioner is currently engaged and his fiancée is a Lawful
6 Permanent Resident of the United States. Petitioner was convicted of a violation of
7 California Penal Code (“PC”) § 23152(a) on August 30, 2013.
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11 **EXHAUSTION OF REMEDIES**
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13 25. Petitioner was denied release on bond on January 22, 2026, by an IJ.
14 Petitioner further submits exhaustion of remedies is futile as the Immigration Court
15 lacks jurisdiction over bond based on *Matter of Yajure Hurtado*, 29 I&N Dec. 216
16 (BIA 2025).
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19 26. For Habeas claims, exhaustion of all remedies is prudential, not
20 jurisdictional. *See Hernandez v. Sessions*, 872 F.3d 976, 978 (9th Cir. 2017).
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CAUSES OF ACTION

COUNT 1

(Violation of the Immigration and Nationality Act)

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6 27. Petitioner incorporates by reference the allegations set forth in
7 paragraphs 1-26.
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10 28. DHS is detaining Petitioner pursuant to 8 U.S.C. § 1225 and an
11 Immigration Judge has found Petitioner ineligible for release on bond.
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13 29. Petitioner's detention after an extended time at liberty is in violation of
14 the INA.
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COUNT 2

(Violation of Due Process Clause)

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20 30. Petitioner incorporates by reference the allegations set forth in
21 paragraphs 1-29.
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23 31. On December 18, 2025, Petitioner was taken into custody by ICE
24 agents. He was denied bond by an Immigration Judge without a determination of
25 whether he is a flight risk or danger to the community.
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PRAAYER FOR RELIEF

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Wherefore, Petitioner respectfully requests this Court grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents within three (3) days to show cause why this Petition should not be granted;
- (3) Declare Petitioner’s detention violates the Due Process Clause of the Fifth Amendment to the U.S, Constitution, the INA and the APA;
- (4) Issue a Writ of Habeas Corpus ordering Respondent to release Petitioner immediately;
- (5) Issue and order prohibiting Respondents from re-detaining Petitioner without a material change in circumstances, notice and a pre-detention hearing where Respondent’s must establish by clear and convincing evidence Petitioner is either a flight risk or danger to the community; and
- (6) Award Petitioner fees and costs under the Equal Access to Justice Act (28 U.S.C. § 2412), and any other applicable statute or regulation; and
- (7) Grant any further relief this Court deems just and proper.

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1 DATED: April 6, 2026

2 Respectfully submitted,

3
4 /s/ Thomas A. Lappin

5 _____
6 Thomas A. Lappin, Esq.
7 Law Office of Thomas A. Lappin
8 PO Box 635305
9 San Diego, CA 92163
10 Attorney for Petitioner
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

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I, Thomas A. Lappin, Esq, submit this verification on behalf of the Petitioner.

I am Petitioner’s attorney and verify the events described in the Petition have been discussed with the Petitioner. I hereby verify the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Executed this 6th day of April 2026 at San Diego, California.

/s/ Thomas A. Lappin

Thomas A. Lappin, Esq.
Attorney for Petitioner

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

I declare under penalty of perjury I am the Petitioner in this matter. This Petition has been read to me in my native Spanish and the factual information contained in the Petition is true and correct to the best of my knowledge.

VERIFICACIÓN DE CONFORMIDAD CON EL TÍTULO 28 DEL CÓDIGO DE LOS EE. UU., § 2242

Declaro bajo pena de perjurio que soy el peticionario en este asunto. Esta petición me ha sido leída en mi español nativo y la información fáctica contenida en ella es veraz y correcta a mi leal saber y entender.

Dated 04/06/2026



Alexis Solano Abraham
Petitioner/Peticionario

EXHIBIT A

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [REDACTED]

Event No: [REDACTED]

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

Subject ID: [REDACTED]

File No: [REDACTED]

In the Matter of:

Respondent: ALEXIS SOLANO ABRAHAM currently residing at:

See Continuation Page Made a Part Hereof
(Number, street, city, state and ZIP code)

(619) 671-8700
(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 MEXICO and a citizen of MEXICO;
3. You entered the United States at or near Lukeville Port of Entry, on or about October 1, 2008;
4. You were not then admitted or paroled after inspection by an Immigration Officer. OR At that time you arrived at a time or place other than as designated by the Attorney General.

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, CALIFORNIA 92154. OTAY MESA DETENTION CENTER
(Complete Address of Immigration Court, including Room Number, if any)

on January 5, 2026 at 8:00 am to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.

CARLOS PAGAZA - Deportation Officer
(Signature and Title of Issuing Officer)

Date: December 20, 2025

San Diego, CA
(City and State)

EOIR - 4 of 17

Notice to Respondent

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.ice.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 complied with 8 U.S.C. § 1367.

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:

 (Signature of Respondent)

Date: _____

 (Signature and Title of Immigration Officer)

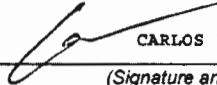
Certificate of Service

This Notice To Appear was served on the respondent by me on December 20, 2025, 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)


 CARLOS PAGAZA - Deportation Officer
 (Signature and Title of officer)

EOIR - 5 of 17

EXHIBIT B



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

Respondent Name:

SOLANO ABRAHAM, ALEXIS

To:

Schweller, Jordan
1010 Second Ave. Ste. 1710
San Diego, CA 92101

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

01/22/2026

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
Per the January 20, 2026, agency response to the U.S. District Court's January 18, 2026, order in Maldonado Bautista, et al. v. Noem, No. 5:25-cv-01873-SSS-BFM, the Court finds that it is still bound by the Board of Immigration Appeal's decision in Matter of Yajure-Hurtado, 29 I&N Dec. 216 (BIA 2025). Therefore, this Court lacks jurisdiction to redetermine custody under INA § 236(a).
- Granted. It is ordered that Respondent be:
 - released from custody on his own recognizance.
 - released from custody under bond of \$
 - other:
- Other:



Immigration Judge: Grande, Guy 01/22/2026

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

Appeal Due: 02/23/2026

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 : SOLANO ABRAHAM, ALEXIS | A-Number : 

Riders:

Date: 01/22/2026 By: MCFEDRIES, LYNNE, Court Staff