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5 **UNITED STATES DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA
6 **SAN DIEGO**


7 Florencio PAMATZ PAMATZ,
Petitioner,
8 v.
9 Attorney General of the United States,
Department of Justice;
10 Markwayne Mullin, Secretary of
Homeland Security;
11 Todd Lyons, Senior Official
Performing the Duties of the Director
12 of U.S. Immigration and Customs
Enforcement;
13 Patrick Divver, Field Office Director of
the San Diego Immigration and
14 Customs Enforcement Office;
15 Jorge Velarde, Assistant Field Office
Director of the Immigration and
16 Customs Enforcement, Otay Mesa
Detention Center;
17 Christopher J. LaRose; Senior Warden,
Otay Mesa Detention Center;
18 Respondents.
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Case No. '26CV2174 BAS JLB

Agency No. 

**PETITION FOR WRIT OF
HABEAS CORPUS BY A
PERSON IN FEDERAL
CUSTODY UNDER
28 U.S.C. § 2241 AND ORDER TO
SHOW CAUSE**

INTRODUCTION

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2 1. Petitioner, Florencio Pamatz Pamatz () (hereinafter “Petitioner” or
3 “Mr. Pamatz Pamatz”), a 53-year-old Mexican national, has been detained at the
4 Otay Mesa Detention Center, in violation of his due process rights, since his
5 placement in removal proceedings on February 24, 2026. Ex. A, Declaration of
6 Attorney Cabrera (“Cabrera Dec.”), ¶ 4.

7 2. Mr. Pamatz Pamatz’s last entry to the United States was in 2005 at or near Otay
8 Mesa, California, without inspection, admission, or apprehension by U.S.
9 immigration authorities. *Id.* ¶ 4; *see also* Ex. B, Notice to Appear (“NTA”). He
10 first entered the United States without inspection or admission in or about January
11 2001 and remained in the United States until he briefly departed of his own accord
12 in 2004 to Mexico and subsequently returned in 2005 as noted above. Ex. A, ¶ 4.
13 He has remained living in the United States since without departure. Ex. A, ¶ 4.
14 He has no criminal record or any aggravating circumstance that should prevent his
15 eligibility for an immigration judge to conduct a bond hearing, according to the
16 Immigration and Nationality Act (“INA”). *Id.* ¶ 7.

17 3. On November 20, 2025, a district court granted partial summary judgment on
18 behalf of individuals similar to Petitioner who entered the United States without
19 inspection and admission and are eligible for a bond hearing under longstanding
20 reading of 8 U.S.C. § 1226(a) and on November 25, 2025, certified a nationwide

1 class and extended declaratory judgment to the certified class. *Maldonado*
2 *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025
3 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary
4 judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No.
5 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D.
6 Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide
7 Bond Eligible Class, incorporating and extending declaratory judgment from
8 Order Granting Petitioners' Motion for Partial Summary Judgment) (hereinafter
9 generally "*Maldonado Bautista*"). The declaratory judgment held that the Bond
10 Denial Class members are detained under 8 U.S.C. § 1226(a), and thus may not be
11 denied consideration for release on bond under § 1225(b)(2)(A). *Maldonado*
12 *Bautista*, 2025 WL 3289861, at *11.

13 4. On December 18, 2025, the district court issued a final order in the matter. *Lazaro*
14 *Maldonado Bautista et al. v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal.
15 Dec. 18, 2025).

16 5. Petitioner, Mr. Pamatz Pamatz, is a member of the Bond Eligible Class, as he:
17 a. does not have lawful status in the United States and is currently
18 detained at the Otay Mesa Detention Center. He was apprehended
19 by immigration authorities on or about February 24, 2026;

1 b. entered the United States without inspection over 20 years ago and
2 was not apprehended upon arrival, *cf. id.*; and

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

4 6. Contrary to law, the Executive Office for Immigration Review (“EOIR”), and its
5 sub-agency the immigration court, and supported by the Department of Homeland
6 Security’s legal counsel, blatantly refused to find jurisdiction over bond
7 proceedings for persons similarly situated as Petitioner, citing to *Matter of Yajure*
8 *Hurtado*, 29 I&N Dec. 216 (BIA 2025), and completely disregarding the final
9 judgment in *Lazaro Maldonado Bautista et al. v. Santacruz*, No. 5:25-cv-01873-
10 SSS-BFM (C.D. Cal. Dec. 18, 2025). Ex. A, ¶ 9.

11 7. On February 18, 2026, the Honorable Judge Sunshine S. Sykes granted the
12 petitioners’ motion to enforce the judgment given the EOIR’s blatant disregard to
13 the final order issued on December 18, 2025. *Lazaro Maldonado Bautista v.*
14 *Ernesto Santacruz Jr*, 5:25-cv-01873, (C.D. Cal. Feb. 18, 2026).

15 8. On March 6, 2026, the U.S. Court of Appeals for the Ninth Circuit (“Ninth
16 Circuit”) granted a stay on the final decision in *Maldonado Bautista*, temporarily
17 halting the enforcement of *Maldonado Bautista* outside of the Central District of
18 California until further briefing and oral arguments on the motion are finalized.
19 *Maldonado Bautista v. DHS*, No. 26-1044 (9th Cir. Mar. 6, 2026).

20 9. Therefore, Petitioner files this petition. Petitioner asks this Court to find that his
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1 continued detention is unlawful without an opportunity for a bond hearing given
2 Petitioner is entitled to consideration for release on bond under 8 U.S.C.
3 § 1226(a); that he may not be transferred during the pendency of this petition; and
4 that this court make an order to show cause. Petitioner requests Respondents be
5 required to provide a response within three days or alternatively timing pursuant to
6 Chief Judge Order No. 144.

7 **JURISDICTION**

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

10 11. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus),
11 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States
12 Constitution (Suspension Clause).

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

16 13. The provisions in 8 U.S.C. §§ 1252(g) and 1252(b)(9) do not strip this Court of
17 jurisdiction. Petitioner is not contesting the commencement or adjudication of
18 removal proceedings against him, nor is he raising an issue with respect to the
19 execution of removal. Petitioner does challenge his classification under Section
20 1225(b)(2) instead of Section 1226(a) and the Board of Immigration Appeals’
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1 (“BIA”) decision that immigration judges lack authority to provide a bond hearing
2 on that basis. The petition is independent of the removal proceedings and all
3 questions related to the commencement of removal proceedings or any part of the
4 removal process. “[C]laims that are independent of or collateral to the removal
5 process do not fall within the scope of § 1252(b)(9).” *J.E.F.M. v. Lynch*, 837 F.3d
6 1026, 1032 (9th Cir. 2016). Additionally, Section 1252(g) “does not prohibit
7 challenges to unlawful practices merely because they are in some fashion
8 connected to removal orders.” *Ibarra-Perez v. United States*, 154 F.4th 989, 997
9 (9th Cir. 2025). Thus, this Court is not stripped of jurisdiction by Sections 1252(g)
10 and 1252(b)(9).

11 VENUE

12 14. Venue is proper because Petitioner is detained at the Otay Mesa Detention Center
13 in the County of San Diego, which is within the jurisdiction of this District.
14 Further, a substantial part of the events or omissions giving rise to his claims
15 occurred in this District (Petitioner was arrested on his way to work in Ramona,
16 California) and no real property is involved in this action. 28 U.S.C. § 1391(e).

17 REQUIREMENTS OF 28 U.S.C. § 2243


18 15. The Court must grant the petition for writ of habeas corpus or issue an order to
19 show cause (OSC) to the respondents “forthwith,” unless the petitioner is not
20 entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court
21 must require respondents to file a return “within *three days* unless for good cause

1 additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

2 16. Courts have long recognized the significance of the habeas statute in protecting
3 individuals from unlawful detention. The Great Writ has been referred to as
4 “perhaps the most important writ known to the constitutional law of England,
5 affording as it does a *swift* and imperative remedy in all cases of illegal restraint or
6 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

7 **PARTIES**

8 ***Petitioner***

9 17. Petitioner, Mr. Pamatz Pamatz, is a Mexican national who is in custody at the
10 Otay Mesa Detention Center located at 7488 Calzada De La Fuente, San Diego,
11 CA 92154. When at liberty, he resides in  California. He is in the
12 custody, and under the direct control, of Respondents and their agents.

13 ***Respondents***

14 18. Respondent U.S. Attorney General¹ is sued in their official capacity as the
15 Attorney General of the United States and the senior official of the U.S.
16 Department of Justice (“DOJ”). In that capacity, they have the authority to
17 adjudicate removal cases and to oversee the Executive Office for Immigration
18 Review (“EOIR”), which administers the immigration courts and the Board of

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¹ According to the federal rules, a U.S. government official may be named by official
21 title instead of the official’s name. Fed. R. Civ. P. 17(d). Current U.S. Attorney
General Pamela Bondi’s termination was announced on April 2, 2026.

1 Immigration Appeals. Respondent U.S. Attorney General is a legal custodian of
2 Petitioner.

3 19. Respondent Markwayne Mullin Secretary of U.S. Department of Homeland
4 Security (“DHS”) is sued in their official capacity as the Secretary of the DHS. In
5 this capacity, Respondent Secretary is responsible for the implementation and
6 enforcement of the Immigration and Nationality Act, and oversees U.S.
7 Immigration and Customs Enforcement, the component agency responsible for
8 Petitioner’s detention and custody. Respondent Secretary is a legal custodian of
9 Petitioner.

10 20. Respondent Todd Lyons is sued in his official capacity as the Senior Official
11 Performing the Duties of the Director ICE. Respondent Lyons is the legal
12 custodian of Petitioner.

13 21. Respondent Patrick Divver is sued in his official capacity as the Field Office
14 Director of the San Diego ICE Office. Respondent Divver is a legal custodian of
15 Petitioner and has authority to release him.

16 22. Respondent Jorge Velarde is sued in his official capacity as Assistant Field Office
17 Director of the ICE at the Otay Mesa Detention Center. Respondent Velarde is a
18 legal custodian of Petitioner and has direct authority to release him.

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1 23. Respondent Christopher J. LaRose is sued in his official capacity as the Senior
2 Warden, Otay Mesa Detention Center. Respondent LaRose is the direct physical
3 custodian of Petitioner and has direct authority to release him.

4 **STATEMENT OF FACTS**

5 24. Petitioner, Mr. Pamatz Pamatz, a 53-year-old Mexican national, has lived in the
6 United States since his last entry without inspection or admission in
7 approximately 2005. Ex. A, ¶ 4. He has firm roots in the United States. He works
8 and pays taxes. *Id.* ¶ 5.

9 25. On February 24, 2026, while Mr. Pamatz Pamatz was leaving his home on his
10 way to work, ICE officers stopped him, arrested, him, and eventually transferred
11 Mr. Pamatz Pamatz to the Otay Mesa Detention Center, where he remains today.
12 *Id.*

13 26. After apprehending Mr. Pamatz Pamatz on or about February 24, 2026, the DHS
14 placed him in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has
15 charged Petitioner as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as
16 someone who entered the United States without inspection and is present without
17 admission. Ex. B.

18 27. Mr. Pamatz Pamatz is a Bond Eligible Class member to the class outlined in
19 *Maldonado Bautista*. Moreover, as fully discussed therein, he is detained under 8
20 U.S.C. § 1226(a) and eligible for bond.

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1 28. Petitioner is detained pursuant to 8 U.S.C. 1226(a), which governs the detention
2 of noncitizens “inside the United States” and “present in the country.” *Jennings v.*
3 *Rodriguez*, 583 U.S. 281, 288–89 (2018).

4 29. Section 1225(b)(2), in contrast, authorizes the detention of applicants for
5 admission who are “seeking admission” but “not clearly and beyond a doubt
6 entitled to be admitted.” Unlike section 1226(a), section 1225(b)(2) provides that
7 individuals who fall under its authority “shall be detained” during the pendency
8 of proceedings, though they too remain eligible for release through the parole
9 process. *Jennings*, 583 U.S. at 300 (holding that release on “parole” under 8
10 U.S.C. 1182(d)(5)(A) remains available even for people held under otherwise-
11 mandatory detention pursuant to section 1225(b)). Courts in this district have
12 repeatedly reached the same conclusion. *See, e.g., Arias Torres v. Bondi*, No. 25-
13 cv-2457-BAS-MSB, 2025 WL 3214773 (S.D. Cal. Nov. 18, 2025); *Martinez*
14 *Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, 2025 WL 3030457 (S.D. Cal. Oct.
15 302025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025 WL 3078837 (S.D. Cal.
16 Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal. 2025); *Esquivel-*
17 *Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D. Cal. Oct.
18 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL
19 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-
20 TWR-JLB, ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-

1 3043-BJC-VET, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v. Noem*,
2 No. 25-cv-2968-JO-JLB, ECF No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v. LaRose*,
3 No. 25-cv-2876-RBM-VET, ECF No. 9 (S.D. Cal. Nov. 19, 2025); *Prieto-Cordova*
4 *v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025 WL 3228953 (S.D. Cal. Nov. 19,
5 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-DDL, 2025 WL 3558931
6 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-AGS-DDL, ECF
7 No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-DEB,
8 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025).

9 30. Petitioner was unquestionably detained in the interior of the country following
10 the issuance of the NTA. Ex. B.

11 31. Therefore, Mr. Pamatz Pamatz requests this court issue a habeas order requiring
12 a lawful bond hearing before a fair, neutral, and open-minded arbiter be held for
13 Mr. Pamatz Pamatz so that his unlawful detention does not continue.

14 **CLAIM FOR RELIEF**
15 **Violation of the INA**

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

18 33. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for
19 release on bond under 8 U.S.C. § 1226(a). While a stay is in place precluding
20 enforcement of class membership presently, the legal framework supporting Mr.
21 Pamatz Pamatz's eligibility for bond under 8 U.S.C. § 1226(a) remains.

1 34. The final order in *Maldonado Bautista* holds that Respondents violate the INA in
2 applying the mandatory detention statute at § 1225(b)(2) to class members. A
3 multitude of cases have concluded the same, that 8 U.S.C. § 1226(a) is the
4 appropriate standard for bond in Petitioner’s circumstance and that applying
5 Section 1225 “(1) disregards the plain meaning of section 1225(b)(2)(A); (2)
6 disregards the relationship between sections 1225 and 1226; (3) would render a
7 recent amendment to section 1226(c) superfluous; and (4) is inconsistent with
8 decades of prior statutory interpretation and practice.” *Lepe v. Andrews*, 801 F.
9 Supp. 3d 1104, 1112 (E.D. Cal. 2025) (citing cases).

10 35. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is
11 subject to mandatory detention under § 1225(b)(2), Respondents violate
12 Petitioner’s statutory rights under the INA.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, Petitioner prays that this Court grant the following relief:

- 15 a. Assume jurisdiction over this matter;
- 16 b. Issue an order preventing Respondents from transferring Petitioner away from
17 the Otay Mesa Detention Center;
- 18 c. Issue an order to show cause and require a response within three days from
19 Respondents as to why this petition should not be granted, pursuant to 28 U.S.C. §
20 2243;

1 d. Issue a writ of habeas corpus requiring Respondents to release Petitioner unless
2 they provide a bond hearing under 8 U.S.C. § 1226(a) and that the bond hearing must
3 be before a fair, neutral, open-minded arbiter, and if the bond hearing is not fair and
4 neutral, Petitioner be released immediately;

5 e. Award Petitioner attorney’s fees and costs under the Equal Access to Justice
6 Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under
7 law; and

8 f. Grant any other and further relief that this Court deems just and proper.

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Dated: April 7, 2026

Respectfully submitted,

/s/ Leah L. Chavarria
Leah L. Chavarria
Counsel for Petitioner

LIST OF EXHIBITS

EXHIBIT A: Declaration of Tessa Cabrera

EXHIBIT B: Notice to Appear

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

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2 I represent Petitioner, Florencio Pamatz Pamatz, and submit this verification on
3 his behalf. I hereby verify under penalty of perjury under the laws of the United States
4 and the State of California that the factual statements made in the foregoing Petition
5 for Writ of Habeas Corpus are true and correct to the best of my knowledge.

6 Dated this 7th day of April, 2026.

7 /s/ Leah L. Chavarria
8 Leah L. Chavarria
9 Counsel for Petitioner
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