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8
9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11 **(EASTERN DIVISION - RIVERSIDE)**
12

13
14 ANGEL FRANCISCO LOPEZ GALVAN,

15 Petitioner,

16 v.

17 MARKWAYNE MULLIN, Secretary, U.S.
18 Department of Homeland Security; Pam BONDI,
19 U.S. Attorney General; Todd LYONS, Acting
20 Director, Immigration and Customs Enforcement;
21 Gregory J. ARCHAMBEAULT, Director, Imperial
22 Field Office, Immigration and Customs, JEREMY
23 CASEY, Senior Warden, Imperial Regional Adult
24 Detention Facility; EXECUTIVE OFFICE FOR
25 IMMIGRATION REVIEW; IMMIGRATION
26 AND CUSTOMS ENFORCEMENT; and U.S.
27 DEPARTMENT OF HOMELAND SECURITY,

28 Respondents.

Case No. _____

**PETITION FOR WRIT OF
HABEAS CORPUS UNDER 28
U.S.C. § 2241; VERIFIED
PETITION**

PETITIONER'S A NO. 

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I. INTRODUCTION

1. Petitioner Angel Francisco Lopez Galvan, by and through undersigned counsel, respectfully submits this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, together with claims for declaratory and injunctive relief, challenging his continued and unlawful detention by the Department of Homeland Security (“DHS”) and Immigration and Customs Enforcement (“ICE”).
2. Mr. Lopez Galvan entered the United States on or about September 30, 2022 without inspection and has resided in the country since that time.
3. Since his entry, Petitioner has established significant ties in the United States, including being the father of a two-year-old United States citizen child, whose mother is a United States citizen.
4. On or about March 15, 2026, ICE officers stopped and arrested Petitioner without a warrant or particularized basis and took him into immigration custody.
5. Petitioner is currently detained at the Imperial Regional Adult Detention Facility.
6. Petitioner had been residing in the community prior to his arrest and had not been subject to immigration detention.
7. Despite these facts, DHS has detained Petitioner without affording him any meaningful opportunity for release and without providing any constitutionally adequate custody determination.
8. Petitioner’s continued detention is unlawful for multiple independent reasons. First, the government’s decision to detain Petitioner without articulating a specific reason, violates due process. Second, the absence of any change in circumstances

1 renders the detention arbitrary. Third, Petitioner has been denied any
2 individualized custody re-determination hearing.

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4 9. Federal courts across the country have increasingly recognized that such detention
5 practices violate the Fifth Amendment where individuals are taken into custody
6 without adequate procedural safeguards.

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8 10. Immediate judicial intervention is warranted. Petitioner's continued detention
9 serves no legitimate purpose, and every additional day of confinement inflicts
10 irreparable harm on him and his United States citizen child.

11 **II. JURISDICTION**

12 11. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is currently
13 in custody under color of the authority of the United States, and he seeks relief on
14 the ground that his detention violates the Constitution and laws of the United
15 States. Habeas corpus is a proper vehicle to challenge unlawful immigration
16 detention, as numerous courts have recognized.

17
18 12. Neither 8 U.S.C. § 1252(g) nor any other provision of the INA strips this Court of
19 jurisdiction. Petitioners do not challenge any decision to commence, adjudicate,
20 or execute a removal order, but rather challenge the legality of his ongoing
21 detention and the government's failure to afford him a bond hearing. Courts have
22 consistently held that such detention-related claims are not barred by § 1252. For
23 example, in a similar case challenging immigration detention, the court noted that
24 the petitioner "challenges his present detention as unlawful, this Court has
25 jurisdiction to consider Petitioner's claims." Likewise, in *Phan v. Noem*, the court
26 found it had jurisdiction to review a detainee's due process challenge to his
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1 custody notwithstanding § 1252. Thus, this Court may properly entertain Mr.
2 Lopez Galvan's habeas petition.

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4 **III. VENUE**

5 13. Venue is proper in the **Central District of California** pursuant to 28 U.S.C. §
6 1391(e) because Petitioner is detained within this judicial district at Imperial
7 Regional Adult Detention Facility, and Respondents operate immigration
8 detention authority within this District; *See, Braden v. 30th Judicial Circuit Court*
9 *of Kentucky, 410 U.S. 484, 493–500 (1973).*
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12 **IV. REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243**

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14 14. Under 28 U.S.C. § 2241, federal courts may entertain petitions for a writ of
15 habeas corpus on behalf of individuals who are in custody in violation of the
16 Constitution, laws, or treaties of the United States. Petitioner satisfies those
17 requirements. He is presently detained under federal immigration authority, and
18 he alleges that Respondents are holding him under an incorrect statutory
19 framework, in violation of the INA, the APA, federal regulations, and the Due
20 Process Clause.
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22 15. This is therefore a classic habeas case. Petitioner challenges the present fact and
23 legal basis of his confinement. He does not seek an advisory opinion or abstract
24 declaration. He seeks judicial relief from an ongoing deprivation of physical
25 liberty unsupported by lawful detention authority.
26

27 16. Section 2243 further requires that a court receiving a habeas petition must act
28 promptly. The statute provides that the court shall “forthwith award the writ or

1 issue an order directing the respondent to show cause why the writ should not be
2 granted,” unless it plainly appears that the detainee is not entitled to relief.

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4 17. Congress’s instruction that habeas petitions receive expedited treatment reflects
5 the central constitutional importance of personal liberty and the historic role of the
6 writ of habeas corpus as a swift judicial remedy against unlawful executive
7 detention.

8 18. Petitioner satisfies these requirements. He entered the United States
9 approximately four years ago and has resided in the country since that time.

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11 19. Petitioner had been living in the community prior to his arrest and was not subject
12 to immigration detention.

13 20. On or about March 15, 2026, ICE arrested Petitioner for no particular reason, they
14 simply pulled him over while he was driving.

15 21. DHS continues to detain him as though he were subject to mandatory detention
16 under INA § 235(b), without affording him the protections required under law.

17
18 22. Nothing on the face of this Petition suggests that Petitioner is not entitled to relief.

19 23. Accordingly, under 28 U.S.C. § 2243, this Court should promptly issue an order
20 to show cause.

21 24. The urgent nature of habeas review is particularly appropriate here because
22 Petitioner remains confined despite having been permitted to live at liberty in the
23 community for years prior to his arrest.
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26 **V. PARTIES**

27 25. Petitioner Angel Francisco Lopez Galvan is a noncitizen who entered the United
28 States without inspection on or about September 30, 2022.

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- 26. He has resided continuously in the United States since that time.
- 27. Petitioner is the father of a two-year-old United States citizen child that suffers from down syndrome.
- 28. Petitioner's spouse and mother of his child is a U.S. citizen and they were intending to marry prior to his detention.
- 29. On or about March 15, 2026, ICE officers stopped and detained Petitioner.
- 30. Petitioner is currently in ICE custody at Imperial Regional Adult Detention Facility.

VI. RESPONDENTS

- 31. Respondent JEREMY CASEY is the warden of Imperial Regional Adult Detention Facility and has immediate physical custody over Petitioner. As the local custodian, the Warden is responsible for the day-to-day administration of the detention facility where Petitioner is held. The Warden is sued in his/her official capacity as a representative of the entity exercising direct custody over Petitioner.
- 32. Respondent GREGORY J. ARCHAMBEAULT is the Director of the ICE Imperial Field Office, which has jurisdiction over immigration enforcement and detention operations in this region (including at the Imperial Regional Detention Facility). This Respondent has supervisory authority over Petitioner's custody and detention conditions. He is sued in his official capacity.
- 33. Respondent MARKWAYNE MULLIN, in his official capacity as the Secretary of the Department of Homeland Security, is the highest-ranking official in DHS. He has ultimate authority over ICE and the enforcement of immigration laws, including detention policy. DHS, under Respondent Noem's direction, is

1 responsible for the decision to continue Petitioner’s detention and to designate
2 him as subject to mandatory custody. He is sued in his official capacity.

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4 34. Respondent PAM BONDI, in her official capacity as the Attorney General of the
5 United States, oversees the U.S. Department of Justice, which includes the
6 Executive Office for Immigration Review (EOIR). EOIR encompasses the
7 nation’s Immigration Courts and the Board of Immigration Appeals (BIA). The
8 Attorney General has ultimate authority over immigration court procedures,
9 including the availability of bond hearings and the interpretation of detention
10 statutes through precedent decisions. Respondent Bondi is sued in her official
11 capacity.
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13 **VII. LEGAL FRAMEWORK**

14 35. Federal immigration law authorizes detention under several distinct provisions of
15 the Immigration and Nationality Act (“INA”). Which provision applies is critical
16 because it determines whether an individual may be released on bond, must
17 remain detained, or is entitled to custody review before an Immigration Judge.
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19 36. The INA draws a fundamental distinction between noncitizens already present in
20 the United States and those treated as applicants for admission at the threshold of
21 entry. Congress also created separate detention schemes for certain criminal cases
22 and for individuals subject to final orders of removal. See *Jennings v. Rodriguez*,
23 583 U.S. 281, 293–94 (2018).
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25 37. INA § 236(a), 8 U.S.C. § 1226(a), is the default detention authority for
26 noncitizens present in the United States and placed in removal proceedings. It
27 authorizes detention but also permits release on bond or conditional parole.
28

1 Individuals detained under this provision are generally entitled to seek custody
2 redetermination before an Immigration Judge. See 8 C.F.R. §§ 236.1(c)(8),
3 1236.1(d), 1003.19(a).
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5 38. INA § 236(c), 8 U.S.C. § 1226(c), creates a narrow category of mandatory
6 detention for certain noncitizens with specified criminal convictions or terrorism-
7 related conduct. See *Demore v. Kim*, 538 U.S. 510, 517–18 (2003).

8 39. INA § 235(b), 8 U.S.C. § 1225(b), governs detention of certain “applicants for
9 admission,” a category historically limited to individuals encountered at or near
10 the border or otherwise seeking entry. See *Jennings*, 583 U.S. at 293.
11

12 40. The statute does not authorize DHS to treat noncitizens who have been residing in
13 the United States for an extended period of time as “applicants for admission”
14 subject to mandatory detention under INA § 235(b).
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16 41. Courts within California have repeatedly held that individuals who have been
17 living in the United States and are later detained are governed, if at all, by INA §
18 236(a), rather than § 235(b):
19

- 20 • *Beltran v. Noem*, No. 25-cv-2650 LL, 2025 WL 3078837, at *5 (S.D. Cal. Nov.
21 4, 2025) (“The Court finds the plain text of § 1225(b)(2) does not support
22 Respondents’ contention that it applies to any noncitizen present in the
23 United States who has not been admitted.”).
- 24 • *Lopez v. Warden, Otay Mesa Det. Ctr.*, No. 25-CV-2527-RSH-SBC, 2025 WL
25 3005346, at *4 (S.D. Cal. Oct. 27, 2025) (“The Court concludes that Petitioner
26 is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), and
27 that detention is instead governed by § 1226(a).”).
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- 1 • *Esquivel-Ipina v. LaRose*, No. 25-CV-2672-JLS (BLM), 2025 WL 2998361, at
2 *5 (S.D. Cal. Oct. 24, 2025) (“Petitioner is not an applicant for admission
3 under § 1225(b) and is entitled to seek release under § 1226(a).”).
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5 • *Martinez Lopez v. LaRose*, No. 25-CV-2717-JES-AHG, 2025 WL 3030457, at
6 *6 (S.D. Cal. Oct. 30, 2025).
7
8 • *Garcia v. Noem*, No. 25-CV-02180-DMS-MMP, 2025 WL 2549431, at *8 (S.D.
9 Cal. Sept. 3, 2025).

10 42. This issue was directly addressed in *Maldonado Bautista v. Santacruz*, where the
11 district court held that noncitizens placed into removal proceedings and residing
12 in the United States are detained under INA § 236(a), not § 235(b), and are
13 entitled to individualized custody determinations.

14 43. The government appealed that decision, and the Ninth Circuit issued a temporary
15 administrative stay on March 6, 2026. That stay does not resolve the merits of the
16 detention issue and does not eliminate this Court’s authority to adjudicate
17 individual habeas challenges.
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19 44. The Fifth Amendment independently limits immigration detention. The Due
20 Process Clause requires that deprivations of liberty be accompanied by
21 meaningful procedural safeguards. See *Zadvydas v. Davis*, 533 U.S. 678, 690
22 (2001).
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24 45. These protections are especially important in re-detention contexts, where the
25 government seeks to take into custody an individual it previously allowed to
26 remain at liberty.
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1 46. Federal courts have recognized that re-detention without notice, justification, or a
2 pre-deprivation hearing violates due process. See, e.g., Pablo Sequen v. Albarran,
3 No. 25-cv-06487-PCP, 2025 WL 2935630, at *5 (N.D. Cal. Oct. 15, 2025);
4 Salazar v. Casey, No. 25-cv-2784 JLS (VET), 2025 WL 3063629, at *5 (S.D. Cal.
5 Nov. 3, 2025); Hyppolite v. Noem, No. 24-cv-4304 (NRM), 2025 WL 2829511,
6 at *7 (E.D.N.Y. Oct. 6, 2025).
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8 **VIII. FACTS**

- 9
10 47. Petitioner entered the United States on or about September 30, 2022 without
11 inspection and has resided continuously since his arrival.
12 48. Petitioner has established family ties, including a two-year-old United States citizen
13 child who has been diagnosed with down syndrome.
14 49. Petitioner has no criminal convictions or prior removal orders.
15 50. On or about March 15, 2026, Petitioner was stopped by ICE officers, taken into
16 custody and placed in removal proceedings.
17 51. Petitioner has not been provided a meaningful individualized custody determination
18 since his detention.
19

20 **IX. FIRST CLAIM FOR RELIEF**

21 **Mr. Lopez Galvan's Detention is in Violation of 8 U.S.C. § 1226(a)**

22 Petitioner incorporates by reference the allegations of fact set forth in the preceding
23 paragraphs:
24

- 25 52. Respondents are detaining Petitioner under the theory that he is subject to
26 mandatory detention under INA § 235(b) as an "applicant for admission."
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- 1 53. That classification is legally erroneous. Petitioner entered the United States
2 approximately four years ago and has resided continuously in the country since
3 that time, living in the interior of the United States prior to his arrest.
4
- 5 54. Federal courts have repeatedly held that INA § 1225(b) does not authorize
6 continued or re-imposed mandatory detention for individuals who have been
7 residing in the United States for an extended period of time.
- 8 55. Instead, individuals in Petitioner's position, who are physically present in the
9 United States and subject to removal proceedings, are governed by INA §
10 1226(a), which authorizes discretionary detention and permits release on bond or
11 conditional parole.
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- 13 56. Petitioner does not fall within any mandatory detention provision, and
14 Respondents have not identified any statutory basis to treat him as subject to
15 mandatory custody.
16
- 17 57. Petitioner had been residing at liberty in the community for approximately four
18 years prior to his arrest and was not subject to immigration detention.
- 19 58. Accordingly, Respondents' continued detention of Petitioner under INA §
20 1225(b) is contrary to the plain language, structure, and purpose of the INA.
- 21 59. Because DHS lacks statutory authority to detain Petitioner as a mandatory
22 detainee under § 1225(b), his continued custody is unlawful.
- 23
24 60. At minimum, Petitioner must be treated as a detainee under INA § 1226(a) and
25 afforded the custody protections and release process provided under that statute.

26 **X. SECOND CLAIM FOR RELIEF**

27 **Violation of the Administrative Procedure Act (APA) (5 U.S.C. § 706 – Agency Action**
28 **Not in Accordance with Law, in Excess of Authority, and Arbitrary and Capricious)**

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Petitioner incorporates by reference all preceding paragraphs as if set forth fully herein:

- 61. The Administrative Procedure Act requires courts to “hold unlawful and set aside agency action” that is not in accordance with law, exceeds statutory authority, or is arbitrary and capricious. 5 U.S.C. § 706(2)(A)–(C).
- 62. DHS’s decision to classify Petitioner as subject to mandatory detention under INA § 1225(b) constitutes final agency action because it determines the legal basis of his detention and deprives him of access to the bond process.
- 63. That action is not in accordance with law because it misinterprets the detention provisions of the INA and applies § 1225(b) to an individual who has been residing in the United States for several years.
- 64. The action is in excess of statutory authority because Congress did not authorize DHS to detain noncitizens under § 1225(b) after they have been living in the interior of the United States.
- 65. The action is also arbitrary and capricious because it disregards Petitioner’s actual circumstances, including his long-term residence in the community and his lack of prior detention.
- 66. DHS’s decision to detain Petitioner without any articulated change in circumstances further demonstrates the arbitrary nature of the agency’s action.
- 67. Respondents’ continued application of § 1225(b) to Petitioner therefore violates the APA and must be set aside.
- 68. As a result of that unlawful agency action, Petitioner remains confined without access to the individualized custody process required by law.

1 **XI. THIRD CLAIM FOR RELIEF**

2 **Violation of the Fifth Amendment (Due Process Clause)**
3 **(Unconstitutional Prolonged Detention Without Individualized Hearing)**
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5 76. The Fifth Amendment guarantees that no person shall be deprived of liberty
6 without due process of law. This protection applies to noncitizens physically
7 present in the United States. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
8

9 77. Respondents' continued detention of Petitioner violates both procedural and
10 substantive due process.

11 **a. Procedural Due Process**

12 78. Due process requires that the government provide fair procedures before
13 depriving a person of physical liberty, including a meaningful opportunity to be
14 heard before a neutral decision-maker.
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16 79. This requirement is especially critical where the government seeks to take into
17 custody an individual who has been living at liberty.

18 80. Petitioner had been residing in the community for approximately four years prior
19 to his arrest and was not subject to immigration detention.
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21 81. Respondents detained Petitioner without providing notice, without explaining the
22 basis for his arrest, and without affording any pre-deprivation hearing.

23 82. There has been no showing of any change in circumstances that would justify
24 taking Petitioner into custody.
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26 83. When the government has allowed a noncitizen to live freely in the community
27 for years, due process requires meaningful procedures before that liberty can be
28 withdrawn.

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84. Federal courts across the country have recognized that detention without adequate procedural safeguards violates the Due Process Clause.

See, e.g.,

- Pablo Sequen v. Albarran, No. 25-cv-06487-PCP, 2025 WL 2935630, at *5 (N.D. Cal. Oct. 15, 2025);
- Salazar v. Casey, No. 25-cv-2784 JLS (VET), 2025 WL 3063629, at *5 (S.D. Cal. Nov. 3, 2025);
- Hyppolite v. Noem, No. 24-cv-4304 (NRM), 2025 WL 2829511, at *7 (E.D.N.Y. Oct. 6, 2025).

85. These decisions reflect a growing consensus that the government may not deprive a noncitizen of liberty without providing basic procedural safeguards.

86. Here, Petitioner has been denied any meaningful opportunity to contest his detention.

87. The risk of erroneous deprivation is particularly high because Respondents have not identified any individualized basis, such as flight risk or danger, to justify detention.

88. Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), Petitioner’s liberty interest is substantial, the risk of error is severe, and the government’s interests can be adequately protected through less restrictive means.

b. Substantive Due Process

89. Substantive due process prohibits civil detention that is arbitrary, excessive, or not reasonably related to a legitimate governmental purpose.

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90. Petitioner has strong family ties, including a two-year-old United States citizen child.

91. He has every incentive to appear for his immigration proceedings.

92. Respondents have made no individualized showing that Petitioner poses a danger to the community or a risk of flight.

93. Detaining Petitioner solely on the basis of a categorical legal theory, and in the absence of any changed circumstances, is arbitrary and constitutionally impermissible.

94. The Supreme Court has repeatedly emphasized that liberty is the norm and detention is the carefully limited exception.

95. Respondents' conduct violates these fundamental principles.

96. By detaining Petitioner without lawful authority and without meaningful individualized process, Respondents are violating the Due Process Clause of the Fifth Amendment.

97. This Court should order Petitioner's immediate release or, at minimum, a prompt constitutionally adequate custody hearing at which the government bears the burden of proof.

XII. FOURTH CLAIM FOR RELIEF

Violation of DHS and EOIR Detention Regulations

Petitioner incorporates by reference all preceding paragraphs as if set forth fully herein:

99. DHS and EOIR regulations govern the availability of custody determinations and bond hearings.

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100. Those regulations reflect the distinction between arriving aliens and individuals detained under INA § 1226.

101. Petitioner does not fall within any category that would preclude bond eligibility.

102. By treating Petitioner as subject to mandatory detention and denying access to custody redetermination, Respondents are acting inconsistently with governing regulations. See 8 C.F.R. §§ 236.1, 1236.1, 1003.19.

103. Respondents' conduct places Petitioner in custody in violation of both statutory and regulatory law.

104. Habeas relief is warranted on that basis as well.

XIII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court grant the following relief:

- a. Assume jurisdiction over this Petition, as this matter falls squarely within the Court's habeas corpus and federal question jurisdiction.
- b. Declare that Petitioner's detention under INA § 235(b) is unlawful. In particular, Petitioner seeks a declaratory judgment that he is not properly classified as an "applicant for admission" subject to mandatory detention, and that the continued denial of a bond hearing violates the Immigration and Nationality Act, the Administrative Procedure Act, and the Due Process Clause of the Fifth Amendment.
- c. Issue an Order to Show Cause ordering Respondents to show cause within three days why this Petition should not be granted;

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- d. Declare that Petitioner is detained, if at all, under INA § 236(a), and not under INA § 235(b);
- e. Issue a Writ of Habeas Corpus or Order directing Respondents to remedy Petitioner’s unlawful detention, specifically by:
 - 1. Immediately releasing Petitioner from custody under reasonable conditions of supervision (such as requiring him to report to ICE or posting a reasonable bond), as an interim measure while his removal proceedings are pending; OR
 - 2. In the alternative, if the Court elects not to order outright release, ordering Respondents to provide Petitioner with a constitutionally adequate custody redetermination hearing before an Immigration Judge within seven (7) days of the Court’s Order. Such a hearing should comport with due process, including placing the burden on DHS to prove by clear and convincing evidence that Petitioner’s continued detention is necessary because he poses a flight risk or danger, in light of his strong equities. If the Immigration Judge does not issue a bond decision within that timeframe, the Court should require Petitioner’s immediate release.
- f. Enjoin Respondents from transferring Petitioner outside the jurisdiction of the Central District of California during the pendency of this action. Such an injunction is necessary to preserve the Court’s jurisdiction and to prevent Respondents from frustrating Petitioner’s ability to seek relief (for example, by moving him to a far-flung facility or attempting to moot the petition by transferring him).

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- g. Award attorneys' fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412, or any other applicable law, if Petitioner prevails in this action. Respondents' positions lack substantial justification, and Petitioner has been forced to seek court intervention at considerable expense. An award of fees and costs is justified in the interests of justice.
- h. Declare that Mr. Lopez Galvan's detention is governed by 8 U.S.C. § 1226(a) and that his detention under 8 U.S.C. § 1225(b)(2) is unlawful;
- i. Grant any other and further relief that this Court deems just and proper.

Respectfully submitted on:

Dated: April 2, 2026

/s/ Daniel S. Castaneda
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28 U.S.C. § 2242 VERIFICATION STATEMENT

I, Daniel S. Castaneda, submit this verification on behalf of the petitioner because I am the Petitioner's attorney. I have discussed with the Petitioner the events described in this Petition and Complaint. On the basis of those discussions, I hereby verify that the statements made in this Petition and Complaint are true and correct to the best of my knowledge.

Respectfully submitted on:

Dated: April 2, 2026

/s/ Daniel S. Castaneda
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