

Kara Hartzler
Federal Defenders of San Diego, Inc.
225 Broadway, Suite 900
San Diego, California 92101-5030
Telephone: (619) 234-8467
Facsimile: (619) 687-2666
kara_hartzler@fd.org

Attorneys for Petitioner

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

FERNANDO MEZA VARGAS,

Petitioner,

v.

**MARKWAYNE MULLIN, Secretary of
the Department of Homeland Security,
TODD BLANCHE, Acting Attorney
General, TODD M. LYONS, Acting
Director, Immigration and Customs
Enforcement, JESUS ROCHA, Acting
Field Office Director, San Diego Field
Office, CHRISTOPHER LAROSE,
Warden at Otay Mesa Detention Center,**

Respondents.

Civil Case No: 26-cv-2145-JES-AHG

**Amended Petition for Writ of
Habeas Corpus**

**[Civil Immigration Habeas,
28 U.S.C. § 2241]**

1 INTRODUCTION

2 Fernando Meza Vargas entered the United States on a B-1 visitor's visa in
3 1996. Several years later, his parents, who are U.S. citizens, submitted a petition
4 for him. He has since spent 30 years in the process of applying for permanent
5 residence.

6 However, on January 27, 2026, while Mr. Meza Vargas was lawfully
7 driving for his job, a Border Patrol agent passed him on the road near Oceanside,
8 California. The agent turned around and stopped Mr. Meza Vargas's vehicle on
9 "suspicion" of drug trafficking but found no drugs. Nevertheless, he arrested
10 Mr. Meza Vargas and took him into custody. This Court should order that
11 Mr. Meza Vargas receive a bond hearing.

12 STATEMENT OF FACTS

13 Mr. Meza Vargas was born in Mexico  Exhibit A, Declaration of
14 Fernando Meza Vargas, at ¶ 1. In 1996, when he was about 14 years old,
15 Mr. Meza Vargas entered the United States lawfully on a B-1 visitor's visa. *Id.* at
16 ¶ 1.

17 In 1998 or 1999, Mr. Meza Vargas' parents, who had lawful status, put in a
18 petition for him to get a green card. *Id.* at ¶ 2. This process took a long time.
19 Although he had a work permit and a Social Security number and had completed
20 all the paperwork, Mr. Meza Vargas was just waiting to do a blood test and get his
21 physical examination. *Id.* at ¶ 3. During this process, Mr. Meza Vargas was never
22 put in removal proceedings and never saw an immigration judge. *Id.* at ¶ 3.

23 On January 27, 2026, Mr. Meza Vargas was driving for work in the area of
24 Oceanside, California. *Id.* at ¶ 4. A Border Patrol vehicle passed him going the
25 other direction. *Id.* at ¶ 4. The Border Patrol vehicle then turned around and
26 stopped Mr. Meza Vargas's car. *Id.* at ¶ 4.

27 The Border Patrol agent said that Mr. Meza Vargas' vehicle looked
28 suspicious for drug trafficking. *Id.* at ¶ 5. They took the drug-sniffing dogs around

1 vehicle, but they didn't find anything because Mr. Meza Vargas didn't have any
2 drugs. *Id.* at ¶ 5. But the Border Patrol agent arrested him anyway. *Id.* at ¶ 5. He
3 took Mr. Meza Vargas to Otay Mesa Detention Center and placed him in removal
4 proceedings. *Id.* at ¶ 6.

5 **ARGUMENT**

6 **Because Mr. Meza Vargas entered the United States on a visa, he is eligible**
7 **for a bond hearing.**

8 In the past year, there has been much controversy over whether individuals
9 who entered the United States *unlawfully* are eligible to receive a bond hearing.
10 *See, e.g., Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025); *Maldonado*
11 *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3288403, at *9
12 (C.D. Cal. Nov. 25, 2025). But this Court need not even delve into that question
13 here, since Mr. Meza Vargas entered the United States *lawfully*.

14 As explained in his declaration, Mr. Meza Vargas entered the United States
15 on a B-1 visitor's visa in 1996. *See* Exh. A at ¶ 1. Accordingly, there is no
16 question that he is eligible for a bond hearing under 8 U.S.C. § 1226(a). What's
17 more, Mr. Meza Vargas has 30 years of residence and family ties in the United
18 States and can easily show that he is not a danger or a flight risk. Thus, this Court
19 should order Respondents to provide him a bond hearing.

20 **CONCLUSION**

21 For all these reasons, this Court should grant the petition and order that
22 Mr. Meza Vargas receive a bond hearing.

23 Respectfully submitted,

24 Dated: May 14, 2026

25 s/ Kara Hartzler

26 Kara Hartzler

27 Federal Defenders of San Diego, Inc.

28 Attorneys for Mr. Meza Vargas

Email: kara_hartzler@fd.org