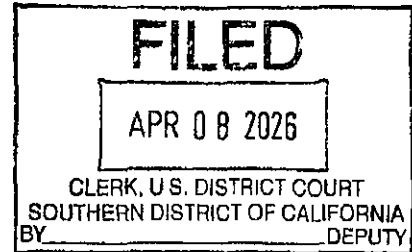


UNITED STATE DISCRIT COURT
SOUTHERN DISTRIT OF CALIFORNIA

Pedro Simon Juan
Petitioner:

V.

Pamela Bondi, U.S Attorney General
Markwayne Mullin, Secretary of DHS,
Todd Lyons, Director of ICE,
Christopher LaRose, Warden of, Otay Mesa Detention Center
Respondent(s).



'26CV2237 AGS MMP

**PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO U.S.C 2241 UNDER
IMMIGRATION DETAINEE PROLONGED DETENTION AND A TEMPORARY
RESTRAINING ORDER, INJUCTIVE RELIEF.**

I. INTRODUCTION

1. Petitioner Pedro Simon Juan, native and citizen of Guatemala, currently detained by U.S. Immigration and Customs Enforcement ICE at Otay Mesa Detention Center in San Diego, CA 92143, respectfully petitions this Court for a writ Of Habeas Corpus under U.S.C 2241 and request for a Temporary Restraining Order, Injunctive Relief.
2. Petitioner has been in Immigration proceedings since 7-9-2025 approximately six months pursuant to 8 U.S.C. 1231 (a), despite ICE inability to execute the removal order due to the lack of diplomatic cooperation or practical ability to carry out removals to Guatemala for Petitioner. Petitioner having an ongoing case were petitioner will likely succeed on the merits.
3. Petitioner seeks immediate release from detention on the grounds that continued detention violates the Due Process Clause of the Fifth Amendment and the Supreme Court ruling in *Zadvydas v. Davis* 533 U.S. 678 (2001).

II. JURISDICTION AND VENUE

4. This Court has Jurisdiction under 28 U.S.C. 2241 and Article I, Section 9, Clause 2 of the U.S. Constitution.
5. Venue is proper in this District under 28 U.S.C. 1391 (e) because Petitioner is detained within the Jurisdiction of the Court at Otay Mesa Detention Center, located in San Diego CA 92143.

III. PARTIES

6. Petitioner is a native and citizen of Guatemala who is currently detained by ICE.
7. Respondent's are U.S. Government officials with custody over Petitioner or authority over Immigration detention and removal.

IV. FACTUAL BACKGROUND

8. Petitioner received an order of removal on 9-14-2023 by Immigration Judge. The petitioner appealed September-29-2023 and still pending. The Petitioner has an ongoing case were Petitioned will highly succeed
9. Petitioner has remained in ICE custody continuously since July-09-2025.
10. ICE has been unable to secure travel documents or deport Petitioner to Guatemala due to the lack of diplomatic cooperation or practical ability to carry out removals to Guatemala. **For Petitioner.**
11. Petitioner has fully cooperated with ICE efforts to secure travel documents.
12. More than six months have passed since the apprehension of Petitioner by ICE.
13. There is no significant likelihood of removal in the reasonably foreseeable future.

V. LEGAL FRAMEWORK

Prolonged Immigration Detention Violates Due Process (Fifth Amendment)

14. My detention for thee past 9 months without release violates the Due Process Clause of the Fifth Amendment. Immigration detention is civil, not punitive. Detention of this length is excessive and unconstitutional.
15. Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), post-final order detention beyond six months is presumptively unreasonable if there is no significant likelihood of removal in the reasonably foreseeable future.
16. Continued detention Violates the Due Process Clause of the Fifth Amendment.
17. ICE bears the burden to show a significant likelihood of removal; it has not met that burden.

Conditions and length of detention Render Custody Excessive Relative ti Its Purpose.

18. Immigration detention is meant to ensure appearance at proceedings and protect the community. Detention lasting more than 3 months is not reasonable related to those purposes and has become punitive. Lesser restrictions can achieve those goals.

Existence of Pending Proceedings Before Immigration Court Does Not Divest District Courts of Habeas Corpus Jurisdiction.

19. In *Fofana v. Alvence*, petitioner filed a Habeas petition requesting their immediate release from detention while they wait decisions in pending removal or asylum proceeding before the Immigration Courts (*Forfana v. Albence*, 454 F.Supp.3d 651 (2020). The Court exercised jurisdiction over the detention challenge despite the ongoing Immigration Proceedings.
20. Similarly, in *Valdez v. Joyce*, a petitioner with removal proceedings and an asylum application pending before Immigration Court successfully petitioned for a writ of Habeas Corpus challenging his detention, and Court granted immediate release from custody (*Valdez v. Joyce*, ---F.Supp.3d---(2025))

VI. CLAIM FOR RELIEF

Violation of the Fifth Amendment Due Process Clause and 8 U.S.C. 1231 (a) (6)

21. Petitioner's continued detention violate the Constitution' and *Zadvydas* because:
 - * There is no significant likelihood of removal in the reasonably foreseeable future.
 - * Petitioner ha fully cooperated with removal efforts.
 - * ICE'S Prolonged Detention is punitive and lacks Justification.

VII. PRAYER FOR RELIEF

- A. Issues a writ of Habeas Corpus directing Respondent's to immediately release Petitioner from custody and request for Injunctive Relief, Temporary Restraining Order.
- B. Grant such further relief as the Court deems just and proper.

Respectfully Submitted.

DATE: 3-31-2026

Pedro Simon Juan



Otay Mesa Detention Center
P.O. Box 439049
San Diego California 92143