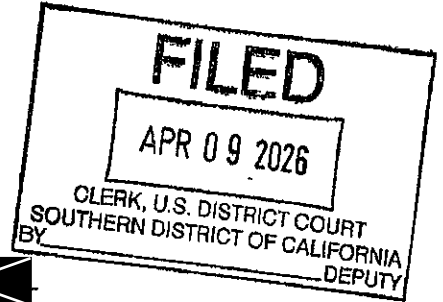


UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF CALIFORNIA



MARTINEZ-PEREZ, AARON ESTEBAN)
Petitioner)
v)
Warden, Otay ICE Detention Center)
Attorney General)
PAMELA BONDI)
Respondent)

File No.: 

'26CV2256 JLS MSB

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

I. JURISDICTION & VENUE

1. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is currently in the custody of U.S. Immigration and Customs Enforcement (ICE).
2. Venue is proper because Petitioner is detained within the territorial jurisdiction of this Court.

II. PARTIES

3. Petitioner: Aaron Esteban Martinez Perez, a citizen of Guatemala, detained at Detention Center located at 7488 Calzada de la Fuente, Otay Mesa, CA 92154.
4. Respondents: Federal officials responsible for Petitioner's detention.

III. FACTUAL BACKGROUND

5. Petitioner is a native of Guatemala.
6. Petitioner entered to United States on August 29, 2021 through the border of El Paso Tx without inspection and the applied for Asylum with USCIS.
7. Petitioner was detained by ICE on or about September 22, 2025, without evidence of danger or flight risk
8. Petitioner has now been detained for more than six months.
9. ICE has not demonstrated that removal to Guatemala is reasonably foreseeable.
10. Travel documents have not been issued.

IV. LEGAL CLAIMS

- A. Prolonged Detention Violates Zadvydas v. Davis.
- B. Detention Violates Procedural and Substantive Due Process.
- C. Detention Is Contrary to INA § 241(a)(6).

V. RELIEF REQUESTED

Petitioner respectfully requests:

1. Immediate release under supervision.
2. A declaration that the detention is unlawful.
3. Any further relief deemed just and proper.

VI. DECLARATION

I declare under penalty of perjury that the foregoing is true and correct.

Date: April 06, 2026

Aaron Esteban Martinez Perez



**MEMORANDUM OF LAW IN SUPPORT OF PETITION FOR WRIT OF HABEAS
CORPUS UNDER 28 U.S.C. § 2241**

INTRODUCTION

This Memorandum of Law is submitted in support of Petitioner Aaron Esteban Martinez Perez, a Guatemalan national who has been detained by U.S. Immigration and Customs Enforcement (ICE) since September 22, 2025, despite having a pending application of asylum with USCIS. Petitioner has now remained in ICE custody beyond the statutory removal period, and his continued detention violates the U.S. Constitution and controlling Supreme Court precedent.

STATEMENT OF FACTS

Petitioner is a native and citizen of Guatemala. He complied with all requirements of his asylum application. On August 22, 2025, while he was driving, was detained by the police department for speed limit and then on September 22, 2025, ICE detained him without evidence of danger or flight risk.

Petitioner has now been detained for more than 180 days, and ICE has not produced evidence demonstrating that his removal to Guatemala is significantly likely in the reasonably foreseeable future. Travel documents have not been issued, and ICE has not shown meaningful progress toward effectuating removal.

LEGAL STANDARD

Under 28 U.S.C. § 2241, a federal district court has jurisdiction to review the legality of immigration detention. The writ of habeas corpus is available when a detainee is held in violation of the Constitution, laws, or treaties of the United States. .

ARGUMENT

I. PETITIONER'S CONTINUED DETENTION VIOLATES ZADVYDAS v. DAVIS, 533 U.S. 678 (2001)

In *Zadvydas*, the Supreme Court held that ICE may not detain a noncitizen indefinitely when removal is not reasonably foreseeable. The Court established a presumptively reasonable detention period of six months. After that period, once the detainee shows evidence that removal is unlikely, the burden shifts to the Government to demonstrate that removal is significantly likely in the reasonably foreseeable future.

Here, Petitioner has been detained beyond the 90-day removal period and exceeding six months. ICE has not obtained travel documents from Guatemala, nor demonstrated that repatriation is foreseeable. Accordingly, continued detention violates *Zadvydas*.

II. ICE'S DETENTION OF PETITIONER IS ARBITRARY AND VIOLATES DUE PROCESS UNDER THE FIFTH AMENDMENT

The Fifth Amendment prohibits deprivation of liberty without due process of law. Immigration detention must serve a legitimate government purpose—either preventing flights or protecting the community.

Petitioner previously lived under an asylum application without incident and consistently complied with all immigration requirements. Petitioner obtain his employment authorization and driver license under the pending asylum status. Petitioner has a pending petition for Asylum with USCIS since September 27, 2022 which demonstrates the interest of the Petitioner for complied with the immigration proceedings to obtain status relief

Petitioner has been working and reporting taxes since he received the employment authorization, and he has been collaborating with the community which demonstrates good moral conduct. ICE has not alleged new facts supporting danger or flight risk.

Where detention no longer serves its stated purpose, because removal is not possible, continued confinement becomes arbitrary and unconstitutional.

III. DETENTION IS NOT AUTHORIZED UNDER INA § 241(a)(6)

The Immigration and Nationality Act does not authorize indefinite detention. Where the government cannot effectuate removal within a reasonable period, detention becomes unlawful.

Because Guatemala has not accepted Petitioner for repatriation and ICE has not indicated any likelihood of imminent removal, detention under INA § 241(a)(6) exceeds statutory authority.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant the Petition for Writ of Habeas Corpus, order his immediate release under appropriate supervision, and provide any further relief the Court deems just and proper.

Date: April 06,2026

Name:

Aaron Esteban Martinez Perez



CERTIFICATE OF SERVICE

I, Aaron Esteban Martinez Perez, hereby certify that on April 06, 2026, I served a true and correct copy of the Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241, along with all supporting documents, by U.S. Mail, postage prepaid, addressed to:

1. U.S. Attorney's Office Southern

District of California 880 Front
Street, Room 6293 San Diego, CA
92101

2. Office of the Attorney General

U.S. Department of Justice
950 Pennsylvania Avenue, NW Washington, DC
20530-0001

3. Field Office Director

ICE - Enforcement and Removal Operations San
Diego Field Office
1624 Lemon Grove Avenue Lemon
Grove, CA 91945

4. Warden

Otay Mesa ICE Processing Center
7488 Calzada de la Fuente
Otay Mesa, CA 92154

Executed on: April 06, 2026

Signature:

A rectangular box with a black background and a white 'X' drawn across it, indicating that the signature has been redacted.

Aaron Esteban Martinez Perez

To Whom It May Concern:

I am writing on behalf of Aaron Esteban Martinez Perez. Aaron has been in the US for 4 years and has worked really hard to provide for his family. Aaron is very dependable and has been an asset to everyone he has worked with and for. He deserves an opportunity to remain in the United States. I wholeheartedly recommended Aaron Esteban Martinez Perez. I truly believe that Aaron will prove to be a pillar in his community and I am willing to support in whatever way I can.

Feel free to contact me for any further assistance in this matter.

Sincerely,

Gardy Arisme
Owner, NBL Services