

1 Jesse Blanco
2 Blanco Law Group
3 265 E St. Suite E, Chula Vista
4 California, 91910
5 619-420-4740
6 Jesse@blancolegal.com

7 UNITED STATES DISTRICT COURT
8 SOUTHERN DISTRICT OF CALIFORNIA
9 SAN DIEGO DIVISION

10 IRVIN HUMBERTO MORALES
11 CASTILLO,,
12

13 Plaintiff,

14 vs.

15 MARKWAYNE MULLINS, SECRETARY,
16 U.S. DEPARTMENT OF HOMELAND
17 SECURITY;
18 CHRISTOPHER J. LAROSE, WARDEN,
19 OTAY MESA DETENTION CENTER;
20 TODD LYONS, ACTING DIRECTOR, ICE;
21 GREGORY ARCHAMBEAULT, FIELD
22 OFFICE DIRECTOR, ICE SAN DIEGO;ET.
23 AL,

24 Defendant



PETITION FOR WRIT OF HABEAS
CORPUS

'26CV2353 JLS AHG

25 PETITION FOR WRIT OF HABEAS CORPUS

26 (28 U.S.C. § 2241)

27 I. INTRODUCTION

28 Petitioner **Irvin Humberto Morales Castillo** ("Petitioner") respectfully petitions this Court for a writ of habeas corpus challenging his prolonged, unlawful, and unconstitutional detention by Respondents.

1 Petitioner has been detained for **more than 180 days**, without:

- 2 • A valid detention order from an Immigration Judge;
- 3 • A lawful custody determination by ICE;
- 4 • A constitutionally adequate bond hearing.

5 Petitioner was initially detained in the **State of Florida**, where he resided, worked, and
6 established substantial ties since **2017**, and was subsequently **transferred across multiple**
7 **detention facilities**, ultimately to **Otay Mesa Detention Center in San Diego, California**.

7 This transfer:

- 8 • Severed Petitioner from his **family, employment, and legal support network**;
- 9 • Delayed and obstructed access to legal counsel;
- 10 • Resulted in continued detention under **inconsistent and legally improper standards**.

11 Respondents now justify detention under various statutory provisions—**8 U.S.C. §§ 1226(c),**
12 **1225(b), and 1231**—and rely on case law such as *Maldonado-Batista*, *Yee*, *Saravia*, *Franco-*
13 *Gomez*, and *Q. Li*.

13 However, such reliance is **misplaced, inconsistent, and legally insufficient**, particularly where:

- 14 • Petitioner has **no criminal record**;
- 15 • No final order of removal exists;
- 16 • No individualized determination has been made;
- 17 • Detention has become **prolonged and indefinite**.

17 Petitioner therefore seeks **immediate release** or, at minimum, a **constitutionally compliant**
18 **custody hearing**.

19 II. JURISDICTION AND VENUE

20 This Court has jurisdiction pursuant to:

- 21 • **28 U.S.C. § 2241**
- 22 • **28 U.S.C. § 1331**
- 23 • **28 U.S.C. § 1651**

24 Venue is proper in this District because Petitioner is currently detained at **Otay Mesa Detention**
25 **Center**, and his immediate custodian resides within this jurisdiction.

26 III. PARTIES

27 Petitioner is a noncitizen who has resided in the United States since **2013**, with:

- Continuous presence;
- Gainful employment;
- No criminal record.

Respondents are federal officials responsible for Petitioner's detention.

IV. STATEMENT OF FACTS

1. Petitioner entered the United States and has continuously resided in the country since 2017, primarily in the State of Florida, previously in the state of New York since his arrival in 2013.
2. Petitioner was detained in Florida without a lawful judicial or administrative detention order.
3. Following his detention, Petitioner was transferred across multiple detention facilities, ultimately to Otay Mesa Detention Center.
4. During these transfers:
 - Petitioner was deprived of meaningful access to counsel and family;
 - His ability to challenge detention was significantly impaired.
5. Petitioner has now been detained for over 180 days, without:
 - A constitutionally adequate bond hearing;
 - A determination of danger or flight risk.
6. Petitioner has:
 - No criminal record;
 - Strong ties to the United States;
 - Stable employment history.
7. Petitioner is the primary financial and emotional provider for his household, which includes his life partner and her minor child, whom Petitioner has raised and supported as his own.
8. Petitioner functions in every meaningful respect as a parental figure to his minor stepson, providing:
 - Daily care and supervision;
 - Financial support;
 - Emotional stability and guidance.
9. Since Petitioner's detention, his family has suffered significant hardship, including:
 - Loss of primary financial support;
 - Emotional distress to the minor child;
 - Instability within the household.
10. Petitioner's continued detention has imposed direct and ongoing harm to a minor U.S.-based child, who relies on Petitioner for support and parental care.

1 **V. LEGAL FRAMEWORK**

2 Habeas relief is available where detention violates:

- 3
- 4 • The Constitution;
 - 5 • Federal statutes;
 - 6 • Due process guarantees.

7 See:

- 8
- 9 • 28 U.S.C. § 2241(c)(3)
 - 10 • *Zadvydas v. Davis*, 533 U.S. 678 (2001)

11 **VI. CLAIMS FOR RELIEF**

12 **COUNT ONE**

13 **Violation of Fifth Amendment Due Process (Prolonged Detention)**

14 Civil immigration detention must be:

- 15
- 16 • Limited in duration;
 - 17 • Subject to procedural safeguards.

18 See:

- 19
- 20 • *Zadvydas v. Davis*, 533 U.S. 678 (2001)
 - 21 • *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018)

22 Even under post-*Jennings* framework, courts recognize:

- 23
- 24 - Prolonged detention without hearing raises serious constitutional concerns.

25 **COUNT TWO**

26 **Unlawful Application of Mandatory Detention Statutes**

27 Respondents inconsistently invoke:

- 28
- 8 U.S.C. § 1226(c) (criminal mandatory detention)
 - 8 U.S.C. § 1225(b) (arriving alien detention)
 - 8 U.S.C. § 1231 (post-order detention)

1 However:

- 2 -Petitioner has **no criminal record** → § 1226(c) inapplicable
3 - No final order → § 1231 inapplicable
4 - Petitioner was not properly processed as arriving alien → § 1225(b) inapplicable

5 Such shifting statutory justifications demonstrate **arbitrary detention**.

6 **COUNT THREE**

7 **Failure to Provide Individualized Custody Determination**

8 Due process requires:

- 9
10
 - Neutral adjudicator;
 - Individualized assessment;
 - Government burden.11

12 See:

- 13
 - *Mathews v. Eldridge*, 424 U.S. 319 (1976)14

15 Petitioner has received none.

16 **COUNT FOUR**

17 **Improper Reliance on Inapplicable Case Law**

18 Respondents rely on:

- 19
 - *Maldonado-Batista v. Santacruz*
 - *Yee v. Bondi*
 - *Saravia v. Bondi*
 - *Franco-Gomez v. Noem*
 - *Q. Li*22

23 However:

24 -These cases:

- 25
 - Are jurisdiction-specific;
 - Do not justify indefinite detention;
 - Do not eliminate constitutional protections.26

27 Additionally:

28 PETITION FOR WRIT OF HABEAS CORPUS - 5

1 -Petitioner's detention originated in **Florida**, raising jurisdictional concerns regarding the
2 application of **Ninth Circuit precedent**.

3 **COUNT FIVE**

4 **Unlawful Transfer and Interference with Access to Counsel**

5 Petitioner's transfer from Florida to California:

- 6
- 7 • Disrupted legal representation;
 - 8 • Impaired due process rights;
 - 9 • Increased hardship and detention length.

10 Courts recognize that such transfers may:

11 -Violate due process where they impair access to legal relief.

12 **COUNT SIX**

13 **Excessive and Arbitrary Detention**

14 Applying *Mathews v. Eldridge*:

- 15
- 16 • Liberty interest → extremely high
 - 17 • Government interest → minimal

18 Detention is:

19 -Excessive
20 -Arbitrary
21 -Unconstitutional

22 **VII. EXHAUSTION OF REMEDIES**

23 Exhaustion is not required where:

- 24
- 25 • Remedies are unavailable;
 - 26 • Relief is futile.

27 See:

- 28
- *Laing v. Ashcroft*, 370 F.3d 994 (9th Cir. 2004)

Under *Mathews v. Eldridge*:

- **Private interest:** Petitioner's liberty + family unity + caregiving role → **extremely high**
- **Risk of error:** High, due to lack of hearing
- **Government interest:** Minimal, given no criminal history

COUNT SEVEN

Violation of Due Process – Failure to Consider Family Unity and Hardship

The Due Process Clause requires that civil detention decisions account for **individualized circumstances**, including:

- Family ties;
- Caretaking responsibilities;
- Impact on dependent children.

See:

- *Zadvydas v. Davis*, 533 U.S. 678 (2001)
- *Mathews v. Eldridge*, 424 U.S. 319 (1976)

A. FAMILY UNITY IS A FUNDAMENTAL INTEREST

The Supreme Court has long recognized the importance of **family integrity and unity** as a protected liberty interest.

Petitioner's detention:

- Separates a **parental figure from a minor child**;
- Disrupts a functioning family unit;
- Causes ongoing psychological and economic harm.

B. GOVERNMENT FAILED TO CONSIDER LESS RESTRICTIVE ALTERNATIVES

Despite Petitioner's:

- Strong family ties;
- Caretaking role;
- Lack of criminal history;

Respondents have failed to consider:

- Release under supervision;
- Electronic monitoring;
- Reporting requirements.

1 This failure renders detention **excessive and unnecessary**.

2 **C. HARDSHIP TO MINOR CHILD WEIGHS HEAVILY AGAINST DETENTION**

3 Courts recognize that hardship to children is a **critical equitable factor**.

4 Here:

- 5
- 6 • The minor child is effectively **deprived of a parent**;
 - 7 • The household has lost its **primary provider**;
 - 8 • Emotional harm is ongoing and severe.

9 Such harm goes beyond ordinary consequences of detention and must be weighed in the constitutional analysis.

10 WHEREFORE, Petitioner respectfully requests:

- 11
- 12 1. Assume jurisdiction over this matter;
 - 13 2. Issue an **Order to Show Cause**;
 - 14 3. Declare detention unconstitutional;

15 **PRIMARY RELIEF**

- 16
- 17 4. Order **immediate release from custody**;
 - 18 5. In evaluating the appropriateness of continued detention, the Court should consider
19 Petitioner's role as a **primary caregiver and provider to his minor stepson and life
20 partner**, and the **substantial hardship imposed on his family**, which further weighs in
21 favor of immediate release or, at minimum, a prompt custody hearing.

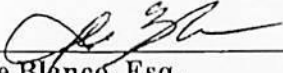
22 **ALTERNATIVE RELIEF**

- 23
- 24 5. Order a **bond hearing within 3–7 days**, where:
 - 25 ○ Government bears burden;
 - 26 ○ Standard is **clear and convincing evidence**;
 - 27 6. Award attorney's fees;
 - 28 7. Grant any further relief deemed just and proper.

1
2 **IX. VERIFICATION**

3 I, Jesse Blanco, Esq., declare under penalty of perjury that the foregoing is true and correct.
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5
6 **Dated:** 04/13/2026

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9 **Jesse Blanco, Esq.**
10 **BLANCO LAW GROUP**
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