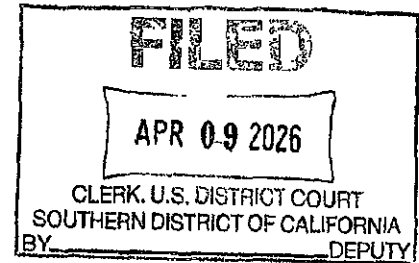


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
333 West Broadway, Suite 420  
San Diego, California 92101



Yolver Daryane Gomez Mejia



Petitioner,

v.

DIRECTOR, OTAY MESA DETENTION CENTER;  
SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY;  
DIRECTOR OF U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE),  
Respondents.

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

'26CV2285 BJC BJW

I. INTRODUCTION

Petitioner, Yolver Daryane Gomez Mejia, respectfully submits this Petition for a Writ of Habeas Corpus challenging his civil immigration detention as unlawful and unconstitutional.

Petitioner was admitted into the United States under humanitarian parole on June 16, 2023 through the CBP One process.

Subsequently, Petitioner was placed in removal proceedings before the Immigration Court. Petitioner appeared before an Immigration Judge, who ordered the termination of his case.

After his proceedings before the Immigration Court were terminated, and with no active case pending against him, Petitioner filed an affirmative application for asylum with the United States Citizenship and Immigration Services (USCIS), complying with all requirements, including biometrics.

At the time of his detention in March 2026, Petitioner:  
Was physically present within the United States;  
Had a pending affirmative asylum application before USCIS;  
Had appeared at all immigration hearings and his Immigration Court case had been terminated;  
Had no criminal convictions or pending criminal charges;  
Had not departed the United States;  
Was not seeking admission at any port of entry.

Despite the above, he was detained and has remained in custody since that date, without a bond hearing or individualized custody review.

His detention lacks a proper statutory basis and violates the Fifth Amendment of the United States Constitution.

--

## II. JURISDICTION

This Honorable Court has jurisdiction pursuant to:

28 U.S.C. § 2241

28 U.S.C. § 1331

Article I, Section 9 of the United States Constitution (Suspension Clause)

Petitioner is detained at the Otay Mesa Detention Center, within the Southern District of California.

--

## III. FACTUAL BACKGROUND

Petitioner is a citizen of Venezuela.

He lawfully entered the United States on June 16, 2023 through humanitarian parole via CBP One.

He was subsequently placed in removal proceedings as an "arriving alien."

He appeared at all scheduled hearings and his immigration proceedings were terminated by court order.

He filed an affirmative asylum application with USCIS.

He has no criminal convictions or pending criminal charges.

In March 2026, Petitioner was detained by immigration officers while driving his vehicle.

Petitioner was not committing any crime, had no outstanding warrants, and had no criminal charges against him.

He did not depart the United States.

He did not attempt to reenter the country.  
He did not abandon his asylum application.  
He did not commit any crime.

Immigration agents detained him that same day.

He has remained in custody since that date.

He has not received a bond hearing or individualized custody determination.

Petitioner is a person of good moral character and has community support, as evidenced by letters of recommendation attached hereto.

—

#### IV. GROUNDS FOR RELIEF

##### FIRST CLAIM

##### UNLAWFUL DETENTION – IMPROPER APPLICATION OF INA § 235(b)

Mandatory detention under INA § 235(b) applies to individuals seeking admission to the United States.

At the time of detention:

Petitioner was already physically present in the United States;  
He was not seeking admission;  
He had not departed the territory;  
He was not in active proceedings before the Immigration Court, as his case had been terminated in December 2024.

The automatic application of § 235(b) under these circumstances constitutes an overbroad interpretation of the statute.

Even if the parole program was later terminated generally, Petitioner was already inside the United States and his Immigration Court case had already been closed. He was not attempting to enter again.

Therefore, his detention under a mandatory custody framework lacks a proper statutory basis.

—

##### SECOND CLAIM

## PROLONGED DETENTION WITHOUT BOND HEARING – VIOLATION OF THE FIFTH AMENDMENT

The Fifth Amendment provides that no person shall be deprived of liberty without due process of law.

Immigration detention is civil, not criminal. As such, it must be reasonably related to a legitimate government purpose and accompanied by adequate procedural safeguards.

In this case:

Petitioner has not received a bond hearing;  
There has been no individualized determination of flight risk;  
There has been no determination of danger to the community;  
The Government has not demonstrated the necessity of continued detention.

The absence of neutral review renders the detention automatic and arbitrary.

The Supreme Court and the Ninth Circuit have established that immigration detention must comply with due process principles and cannot be maintained without sufficient legal justification. In *Zadvydas v. Davis*, the Supreme Court held that indefinite detention without a reasonable likelihood of removal is unconstitutional. Likewise, the Ninth Circuit has held in cases such as *Casas-Castrillon v. Department of Homeland Security* and *Singh v. Holder* that individuals without a final order of removal are entitled to a bond hearing, and that the government bears the burden of proving danger or flight risk. Similarly, in *Diouf v. Napolitano*, the court reaffirmed that prolonged detention without adequate judicial review violates due process.

In this case, Petitioner has no criminal history, faces no criminal charges, and does not pose a danger, and therefore his detention lacks sufficient legal justification and violates constitutional principles.

The detention of Petitioner without a bond hearing violates both substantive and procedural due process.

---

## THIRD CLAIM

### ARBITRARY DETENTION OF AN AFFIRMATIVE ASYLUM APPLICANT

At the time of detention, Petitioner had a pending affirmative asylum application before USCIS.

He was exercising a statutory right recognized under federal law: seeking protection from persecution.

The detention of an asylum applicant who:

Appeared at all hearings;  
Has complied with all immigration procedures;  
Has no criminal history;  
Has not attempted to evade proceedings;

without a bond hearing or individualized determination constitutes a disproportionate restriction on liberty incompatible with due process.

---

#### V. CONSTITUTIONAL VIOLATIONS

Respondents' actions violate:

##### 1. Fifth Amendment – Due Process Clause

Petitioner has been deprived of liberty without:

A neutral hearing;  
An individualized determination;  
A proper evidentiary burden on the Government;  
A reasoned decision justifying continued detention.

Automatic detention without review constitutes arbitrary deprivation of liberty.

---

##### 2. Suspension Clause – Article I, Section 9

Habeas corpus guarantees meaningful judicial review of detention.

If Petitioner is held under a rigid interpretation that prevents real review of the legal basis of detention, it effectively nullifies the writ of habeas corpus.

Denial of meaningful review violates Article I, Section 9.

---

#### VI. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

Declare his detention unlawful and unconstitutional;  
Order that he not be transferred while this case is pending;  
Order his immediate release; OR, in the alternative,  
Order an individualized bond hearing before an Immigration Judge, where the Government bears the burden of proof;  
Grant any other relief the Court deems just and proper.

---

VII. DESIGNATION OF ADDRESS FOR SERVICE

Petitioner respectfully requests that all notices, orders, and communications related to this case be sent to the following address, rather than the detention facility, due to limited access to mail while detained:

3325 Midway Dr  
San Diego, CA 92110

---

VIII. VERIFICATION

I, Yolver Daryane Gomez Mejia, declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

*Yolver Gomez*

Yolver Daryane Gomez Mejia  
Pro Se



Signed on: April 6, 2026  
Otay Mesa Detention Center  
7488 Calzada de la Fuente  
San Diego, CA 92154

IX. CERTIFICATE / PROOF OF SERVICE

I certify that on 04-06-2026, I served a true and correct copy of this Petition upon:

U.S. Attorney – Southern District of California  
880 Front Street, Room 6293  
San Diego, CA 92101

Secretary of Homeland Security  
2707 Martin Luther King Jr. Ave SE  
Washington, DC 20528

Director, U.S. Immigration and Customs Enforcement  
500 12th Street SW  
Washington, DC 20536

ICE -- OPLA San Diego  
880 Front Street, Suite 2246  
San Diego, CA 92101

Director, Otay Mesa Detention Center  
7488 Caizada de la Fuente  
San Diego, CA 92154

*Yolver Gomez*

Yolver Daryane Gomez Mejia

Pro Se

Dated: 04-06-2026

Location: Otay Mesa Detention Center  
7488 Caizada de la Fuente  
San Diego, CA 92154