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10
11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 ESTEBAN AGUILAR PABLO-MATEO,

14 Petitioner,

15 v.

16 MARKWAYNE MULLIN, Secretary, U.S.
17 Department of Homeland Security; Pamela BONDI,
18 U.S. Attorney General; Todd LYONS, Acting
19 Director, Immigration and Customs Enforcement;
20 JOSEPH FREDEN, Acting Field Office Director,
21 U.S. Immigration & Customs Enforcement (ICE),
22 CHRISTOPHER J. LAROSE, Senior Warden, Otay
23 Mesa Detention Facility; EXECUTIVE OFFICE
24 FOR IMMIGRATION REVIEW; IMMIGRATION
25 AND CUSTOMS ENFORCEMENT; and U.S.
26 DEPARTMENT OF HOMELAND SECURITY,

27 Respondents.
28

Case No. '26CV2371 AGS SBC

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

PETITIONER'S A NO. 

I. INTRODUCTION

- 1
2 1. Petitioner Esteban Aguilar Pablo-Mateo, by and through undersigned
3 counsel, respectfully submits this Petition for a Writ of Habeas Corpus
4 pursuant to 28 U.S.C. § 2241, together with claims for declaratory and
5 injunctive relief, challenging his continued and unlawful detention by the
6 Department of Homeland Security (“DHS”) and Immigration and Customs
7 Enforcement (“ICE”).
8
- 9 2. Petitioner first entered the United States in 2006 without inspection and
10 has remained continuously present in the country since that time.
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- 12 3. Petitioner has been a recipient of Deferred Action for Childhood Arrivals
13 (“DACA”), which permitted him to reside and work lawfully in the United
14 States for several years.
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- 16 4. Petitioner timely filed an application to renew his DACA status
17 approximately seven (7) months ago.
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- 19 5. Despite the timely filing, U.S. Citizenship and Immigration Services
20 (“USCIS”) has failed to adjudicate his renewal application.
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- 22 6. Petitioner’s DACA status expired approximately four (4) months ago
23 while his renewal application remained pending.
24
- 25 7. Prior to his detention, Petitioner was arrested for driving under the
26 influence of alcohol.
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- 28 8. While his DACA renewal remained pending and without any intervening
change in circumstances, ICE abruptly detained Petitioner without prior
notice and without any meaningful opportunity to be heard.

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9. This detention occurred despite Petitioner’s longstanding presence in the United States, his prior grant of deferred action, and his timely effort to maintain lawful status.
10. Petitioner’s procedural posture, specifically, his prior grant of DACA and pending renewal, demonstrates that DHS had already determined that he did not warrant enforcement custody.
11. Petitioner’s prior grant of DACA reflects an affirmative exercise of prosecutorial discretion by DHS, demonstrating that the agency determined he did not warrant enforcement action or detention. The government’s abrupt reversal of that determination, without explanation or changed circumstances, underscores the arbitrary nature of Petitioner’s detention.
12. Despite these facts, DHS has detained Petitioner without affording him any meaningful opportunity for release and without providing any constitutionally adequate custody determination.
13. Petitioner’s continued detention is unlawful for multiple independent reasons. First, the government’s decision to detain Petitioner after years of permitting him to remain at liberty violates due process where it is not preceded by meaningful procedures. Second, the absence of any change in circumstances renders the detention arbitrary. Third, Petitioner has been denied any individualized custody determination. Fourth, Respondents have failed to impose the constitutionally required burden of proof on the government.

1 14. Federal courts have increasingly recognized that abrupt detention of
2 individuals previously permitted to remain in the community, particularly
3 those with pending immigration benefits, raises serious constitutional
4 concerns under the Fifth Amendment.

5
6 15. Immediate judicial intervention is warranted. Petitioner's continued
7 detention serves no legitimate purpose, and every additional day of
8 confinement inflicts irreparable harm.

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10 **II. JURISDICTION**

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12 16. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner
13 Esteban Aguilar Pablo-Mateo is presently in custody under federal
14 authority and challenges the legality and constitutionality of his
15 immigration detention. See 28 U.S.C. §§ 2241(a), 2241(c)(3), 2243;
16 Preiser v. Rodriguez, 411 U.S. 475, 484 (1973).

17
18 17. Federal courts have long recognized that § 2241 is the proper vehicle to
19 review claims that immigration detention exceeds statutory authority or
20 violates the Constitution. Petitioner's claims fall squarely within that
21 framework, as he challenges the legal basis for his continued confinement
22 and the absence of constitutionally adequate procedures.

23
24 18. Petitioner does not seek review of any final order of removal. Rather, he
25 challenges only the lawfulness of his present detention and Respondents'
26 assertion that he is subject to mandatory custody and ineligible for release.
27 Such claims lie at the core of habeas review.
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19. This Court also has jurisdiction under 28 U.S.C. § 1331 because this action arises under the Constitution and laws of the United States, including the Immigration and Nationality Act, the Administrative Procedure Act, and the Due Process Clause of the Fifth Amendment.
20. Jurisdiction is further supported by the Administrative Procedure Act, 5 U.S.C. § 706, which authorizes courts to set aside agency action that is arbitrary, contrary to law, or in excess of statutory authority. DHS’s decision to detain Petitioner without a lawful basis or adequate process constitutes such reviewable action.
21. This case arises against the backdrop of ongoing federal litigation addressing the scope of immigration detention authority. In *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873 (C.D. Cal. Dec. 18, 2025), the district court held that certain noncitizens who entered without inspection and were not apprehended at the border are detained under INA § 236(a) and are eligible for bond hearings. Although the government appealed and the Ninth Circuit issued a temporary administrative stay on March 6, 2026, that stay does not resolve the merits and does not deprive this Court of jurisdiction to adjudicate Petitioner’s detention challenge.
22. Accordingly, this Court has jurisdiction to determine whether Petitioner’s continued detention is lawful and to grant appropriate habeas relief.

III. VENUE

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23. Venue is proper in this District pursuant to **28 U.S.C. § 1391(e)** because Petitioner is detained within this judicial district, and Respondents are officers and employees of the United States acting in their official capacities and operating immigration detention authority within this District.

24. Venue is also proper because Petitioner is currently detained at the Otay Mesa Detention Center, which is located within this District, and Petitioner’s confinement occurs here. See *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493–500 (1973).

25. Because the unlawful detention challenged in this Petition is occurring within this District, and because the custodial officials responsible for Petitioner’s confinement are present here, this Court is the proper and appropriate forum to adjudicate these claims.

IV. REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

26. Under **28 U.S.C. § 2241**, federal courts may entertain petitions for a writ of habeas corpus on behalf of individuals who are in custody in violation of the Constitution, laws, or treaties of the United States. Petitioner satisfies those requirements. He is presently detained under federal immigration authority, and he alleges that Respondents are holding him under an incorrect statutory framework, in violation of the INA, the APA, federal regulations, and the Due Process Clause.

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27. This is therefore a classic habeas case. Petitioner challenges the present fact and legal basis of his confinement. He does not seek an advisory opinion or abstract declaration. He seeks judicial relief from an ongoing deprivation of physical liberty unsupported by lawful detention authority.

28. Section 2243 further requires that a court receiving a habeas petition must act promptly. The statute provides that the court shall “forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted,” unless it plainly appears that the detainee is not entitled to relief.

29. Congress’s instruction that habeas petitions receive expedited treatment reflects the central constitutional importance of personal liberty and the historic role of the writ of habeas corpus as a swift judicial remedy against unlawful executive detention.

30. Petitioner satisfies these requirements. He entered the United States in 2006 and has remained continuously present in the country since that time.

31. Petitioner was granted Deferred Action for Childhood Arrivals (“DACA”), which allowed him to reside and work in the United States pursuant to DHS’s exercise of prosecutorial discretion.

32. Petitioner timely filed an application to renew his DACA approximately seven months ago, and that application remains pending with U.S. Citizenship and Immigration Services (“USCIS”).

33. Prior to his detention, Petitioner was living in the community, had no criminal history, and had complied with all legal obligations.

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34. Despite this longstanding history and without any identified change in circumstances, ICE abruptly detained Petitioner without providing any meaningful custody process.

35. Nonetheless, DHS continues to detain him as though he were subject to mandatory detention, without affording him the protections required under law.

36. Nothing on the face of this Petition suggests that Petitioner is plainly not entitled to relief.

V. PARTIES

37. Petitioner Esteban Aguilar Pablo-Mateo is a noncitizen who first entered the United States in 2006.

38. He has resided continuously in the United States for nearly two decades.

39. Petitioner was granted Deferred Action for Childhood Arrivals (“DACA”).

40. Petitioner timely filed a DACA renewal application approximately seven months prior to filing this Petition.

41. His renewal application remains pending with USCIS.

42. Petitioner’s prior DACA status expired approximately four months ago.

43. Petitioner has a misdemeanor conviction for driving under the influence of alcohol.

44. Petitioner is not married and has no children.

45. Petitioner resides with his parents, who also lack lawful immigration status.

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46. Prior to his detention, Petitioner was living in the community and complying with all legal obligations.

47. Petitioner was not subject to detention during the pendency of his DACA status or renewal.

48. While his renewal application remained pending, ICE arrested and detained him.

49. Petitioner is currently in ICE custody at the Otay Mesa Detention Center.

VI. RESPONDENTS

49. Respondent CHRISTOPHER J. LAROSE is the warden of Otay Mesa Detention Facility and has immediate physical custody over Petitioner. As the local custodian, the Warden is responsible for the day-to-day administration of the detention facility where Petitioner is held. The Warden is sued in his/her official capacity as a representative of the entity exercising direct custody over Petitioner.

50. Respondent JOSEPH FREDEN is the Acting Field Office Director of U.S. Immigration and Customs Enforcement (ICE), in San Diego California. ICE is the component of the Department of Homeland Security (DHS) which is responsible for detaining and removing noncitizens according to immigration law and oversees custody determinations. Mr. Freden is named in his official capacity. In his official capacity, he is a legal custodian of the petitioner.

51. Respondent MARKWAYNE MULLIN, in his official capacity as the Secretary of the Department of Homeland Security, is the highest-ranking official in DHS. He has ultimate authority over ICE and the enforcement of immigration laws, including detention policy. DHS, under Respondent's direction, is responsible for

1 the decision to continue Petitioner’s detention and to designate him as subject to
2 mandatory custody. He is sued in his official capacity.

3 52. Respondent PAMELA BONDI, in her official capacity as the Attorney General of
4 the United States, oversees the U.S. Department of Justice, which includes the
5 Executive Office for Immigration Review (EOIR). EOIR encompasses the
6 nation’s Immigration Courts and the Board of Immigration Appeals (BIA). The
7 Attorney General has ultimate authority over immigration court procedures,
8 including the availability of bond hearings and the interpretation of detention
9 statutes through precedent decisions. Respondent Bondi is sued in her official
10 capacity.
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13 **VII. LEGAL FRAMEWORK**

14 53. Federal immigration law authorizes detention under several distinct provisions of
15 the Immigration and Nationality Act (“INA”). Which provision applies is critical
16 because it determines whether an individual may be released on bond, must
17 remain detained, or is entitled to custody review before an Immigration Judge.
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19 54. The INA draws a fundamental distinction between noncitizens already present in
20 the United States and those treated as applicants for admission at the threshold of
21 entry. Congress also created separate detention schemes for certain criminal cases
22 and for individuals subject to final orders of removal. *See Jennings v. Rodriguez*,
23 583 U.S. 281, 293–94 (2018).
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25 55. INA § 236(a), 8 U.S.C. § 1226(a), is the default detention authority for
26 noncitizens present in the United States and placed in removal proceedings. It
27 authorizes detention but also permits release on bond or conditional parole.
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1 Individuals detained under this provision are generally entitled to seek custody
2 redetermination before an Immigration Judge. *See* 8 C.F.R. §§ 236.1(c)(8),
3 1236.1(d), 1003.19(a).
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5 56. INA § 236(c), 8 U.S.C. § 1226(c), creates a narrow category of mandatory
6 detention for certain noncitizens with specified criminal convictions or terrorism-
7 related conduct. *See Demore v. Kim*, 538 U.S. 510, 517–18 (2003).

8 57. INA § 235(b), 8 U.S.C. § 1225(b), governs detention of certain “applicants for
9 admission,” a category historically limited to individuals encountered at or near
10 the border or otherwise seeking entry. *See Jennings*, 583 U.S. at 293.
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12 58. The statute does not authorize DHS to treat noncitizens who have already been
13 released into the interior of the United States and permitted to reside in the
14 community as “applicants for admission” subject to mandatory detention under
15 INA § 235(b).
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17 59. Courts within California have repeatedly held that individuals who have been
18 processed by immigration authorities, placed into removal proceedings, and
19 released into the United States are detained, if at all, under § 236(a) rather than §
20 235(b):
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- 22 • ***Beltran v. Noem*, No. 25-cv-2650 LL, 2025 WL 3078837, at *5 (S.D. Cal. Nov. 4, 2025)** (“The Court finds the plain text of § 1225(b)(2) does not support
23 Respondents’ contention that it applies to any noncitizen present in the
24 United States who has not been admitted.”).
- 25 • ***Lopez v. Warden, Otay Mesa Det. Ctr.*, No. 25-CV-2527-RSH-SBC, 2025 WL 3005346, at *4 (S.D. Cal. Oct. 27, 2025)** (“The Court concludes that Petitioner
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1 is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), and
2 that detention is instead governed by § 1226(a).”).

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- 4 • *Esquivel-Ipina v. LaRose*, No. 25-CV-2672-JLS (BLM), 2025 WL 2998361, at
5 *5 (S.D. Cal. Oct. 24, 2025) (“Petitioner is not an applicant for admission
6 under § 1225(b) and is entitled to seek release under § 1226(a).”).
 - 7 • *Martinez Lopez v. LaRose*, No. 25-CV-2717-JES-AHG, 2025 WL 3030457, at
8 *6 (S.D. Cal. Oct. 30, 2025).
 - 9 • *Garcia v. Noem*, No. 25-CV-02180-DMS-MMP, 2025 WL 2549431, at *8 (S.D.
10 Cal. Sept. 3, 2025).
- 11

12 60. This issue was directly addressed in *Maldonado Bautista v. Santacruz*, where the
13 district court held that noncitizens placed into removal proceedings and residing
14 in the United States are detained under INA § 236(a), not § 235(b), and are
15 entitled to individualized custody determinations.

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17 61. The government appealed that decision, and the Ninth Circuit issued a temporary
18 administrative stay on March 6, 2026. That stay does not resolve the merits of the
19 detention issue and does not eliminate this Court’s authority to adjudicate
20 individual habeas challenges.

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22 62. The Fifth Amendment independently limits immigration detention. The Due
23 Process Clause requires that deprivations of liberty be accompanied by
24 meaningful procedural safeguards. *See Zadvydas v. Davis*, 533 U.S. 678, 690
25 (2001).

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63. These protections are especially important in re-detention contexts, where the government seeks to take into custody an individual it previously allowed to remain at liberty.

64. Federal courts have recognized that re-detention without notice, justification, or a pre-deprivation hearing violates due process. *See, e.g.,* Pablo Sequen v. Albarran, No. 25-cv-06487-PCP, 2025 WL 2935630, at *5 (N.D. Cal. Oct. 15, 2025); Salazar v. Casey, No. 25-cv-2784 JLS (VET), 2025 WL 3063629, at *5 (S.D. Cal. Nov. 3, 2025); Hyppolite v. Noem, No. 24-cv-4304 (NRM), 2025 WL 2829511, at *7 (E.D.N.Y. Oct. 6, 2025).

VIII. FACTS

- 65. Petitioner entered the United States in 2006 without inspection.
- 66. He has continuously resided in the United States since that time.
- 67. Petitioner was granted DACA, which allowed him to remain in the United States and obtain work authorization.
- 68. Petitioner relied on that grant of deferred action to build his life in the United States.
- 69. Petitioner timely filed a renewal application for DACA approximately seven months ago.
- 70. USCIS has failed to adjudicate that application within a reasonable time.
- 71. Petitioner’s DACA expired approximately four months ago while his renewal remained pending.
- 72. Petitioner continued to reside in the community during this period.

- 1 73. Petitioner has a recent misdemeanor conviction for driving under the influence of
- 2 alcohol.
- 3 74. At no point prior to his detention did DHS indicate that Petitioner should be taken
- 4 into custody.
- 5 75. There was no custody redetermination or individualized assessment prior to his
- 6 arrest.
- 7 76. Petitioner was arrested by ICE without advance notice.
- 8 77. Petitioner was not provided a custody determination prior to his detention.
- 9 78. Petitioner has not been provided a meaningful individualized custody
- 10 determination since his detention.
- 11 79. There has been no showing of any change in circumstances that would justify
- 12 revoking Petitioner's liberty after years of residence in the community under
- 13 DACA.
- 14 80. Nonetheless, Petitioner remains detained.

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18 **IX. FIRST CLAIM FOR RELIEF**

19 **Mr. Pablo-Mateo's Detention Is in Violation of 8 U.S.C. § 1226(a)**

20 Petitioner incorporates by reference the allegations of fact set forth in the preceding
21 paragraphs:

- 22 81. Respondents are detaining Petitioner without providing a lawful basis for
- 23 mandatory detention and without affording him access to bond.”
- 24 82. That classification is legally erroneous. Petitioner entered the United States in
- 25 2006 and has resided continuously in the country for nearly two decades.
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1 83. Petitioner’s longstanding presence in the interior of the United States, combined
2 with his prior grant of deferred action and pending renewal application, places
3 him squarely within the category of individuals governed by INA § 236(a), not §
4 235(b).
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6 84. Federal courts have repeatedly held that INA § 1225(b) does not authorize
7 mandatory detention of individuals who are arrested within the interior of the
8 United States after residing in the country.
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10 85. Instead, individuals in Petitioner’s position—who are physically present in the
11 United States and not recent arrivals—are governed by INA § 1226(a), which
12 authorizes discretionary detention and permits release on bond or conditional
13 parole.
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15 86. Petitioner does not fall within any mandatory detention provision, and
16 Respondents have not identified any statutory basis to treat him as subject to
17 mandatory custody.
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19 87. Petitioner’s prior grant of DACA reflects DHS’s determination that he did not
20 warrant enforcement detention and could safely remain in the community.
21

22 88. Accordingly, Respondents’ continued detention of Petitioner under INA §
23 1225(b), or any theory of mandatory detention, is contrary to the plain language,
24 structure, and purpose of the INA.
25

26 89. Because DHS lacks statutory authority to detain Petitioner as a mandatory
27 detainee, his continued custody is unlawful.
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1 90. At minimum, Petitioner must be treated as a detainee under INA § 1226(a) and
2 afforded the custody protections and release process provided under that statute.
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5 **X. SECOND CLAIM FOR RELIEF**

6 **Violation of the Administrative Procedure Act**

7 *(5 U.S.C. § 706 – Agency Action Not in Accordance with Law, in Excess of Authority,*
8 *and Arbitrary and Capricious)*

9 Petitioner incorporates by reference all preceding paragraphs as if set forth fully herein:
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11 91. The Administrative Procedure Act requires courts to “hold unlawful and set aside
12 agency action” that is not in accordance with law, exceeds statutory authority, or
13 is arbitrary and capricious. 5 U.S.C. § 706(2)(A)–(C).
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15 92. DHS’s decision to detain Petitioner as though he were subject to mandatory
16 detention constitutes final agency action because it determines the legal basis of
17 his detention and deprives him of access to the bond process.
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19 93. That action is not in accordance with law because it misinterprets the detention
20 provisions of the INA and applies mandatory detention principles to an individual
21 who has long resided in the interior of the United States.

22 94. The action is in excess of statutory authority because Congress did not authorize
23 DHS to subject individuals like Petitioner, who have longstanding presence and
24 prior grants of deferred action, to mandatory detention.
25

26 95. The action is also arbitrary and capricious because it disregards Petitioner’s actual
27 circumstances, including his nearly two decades of residence, his lack of criminal
28 history, and his prior grant of DACA.

1 96. DHS's prior grant of deferred action reflects a determination that Petitioner did
2 not warrant enforcement custody.

3 97. The agency's abrupt reversal of that position, without explanation or identified
4 change in circumstances, is arbitrary and irrational.

5 98. Respondents' continued detention of Petitioner therefore violates the APA and
6 must be set aside.

7 99. As a result of that unlawful agency action, Petitioner remains confined without
8 access to the individualized custody process required by law.
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11 **XI. THIRD CLAIM FOR RELIEF**

12 **Violation of the Fifth Amendment (Due Process Clause)**

13 ***(Unconstitutional Re-Detention Without Individualized Process)***

14
15 Petitioner incorporates by reference all preceding paragraphs as if set forth fully herein:

16 100. The Fifth Amendment guarantees that no person shall be deprived of
17 liberty without due process of law. This protection applies to noncitizens
18 physically present in the United States. *Zadvydas v. Davis*, 533 U.S. 678, 690
19 (2001).
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21 101. Respondents' continued detention of Petitioner violates both procedural
22 and substantive due process.

23 **a. Procedural Due Process**

24 102. Due process requires that the government provide fair procedures before
25 depriving a person of physical liberty, including a meaningful opportunity to be
26 heard before a neutral decision-maker.
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1 103. This requirement is especially critical where the government seeks to
2 detain an individual who has long been permitted to remain at liberty.

3 104. Petitioner resided in the United States for nearly two decades and was
4 granted DACA, reflecting DHS's determination that he did not warrant
5 enforcement custody.
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7 105. Petitioner timely filed for renewal of his DACA and continued to reside in
8 the community while that application remained pending.
9

10 106. Respondents detained Petitioner without providing notice, without
11 explaining the basis for his arrest, and without affording any pre-deprivation
12 hearing.

13 107. There has been no showing of any change in circumstances that would
14 justify detention.
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16 108. Petitioner has been denied any meaningful opportunity to contest his
17 detention before a neutral decision-maker.

18 109. The risk of erroneous deprivation is particularly high because Respondents
19 have not identified any individualized basis, such as flight risk or danger, to
20 justify detention.
21

22 110. Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), Petitioner's liberty
23 interest is substantial, the risk of error is severe, and the government's interests
24 can be adequately protected through less restrictive means.

25 **b. Substantive Due Process**

26 111. Substantive due process prohibits civil detention that is arbitrary,
27 excessive, or not reasonably related to a legitimate governmental purpose.
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1 112. Petitioner has no criminal history and has lived in the United States for
2 nearly two decades.

3 113. He has strong ties to the community, including residing with his parents.

4 114. Respondents have made no individualized showing that Petitioner poses a
5 danger to the community or a risk of flight.

6 115. Detaining Petitioner solely on the basis of a categorical legal theory, and
7 in the absence of any changed circumstances, is arbitrary and constitutionally
8 impermissible.

9 116. The Supreme Court has repeatedly emphasized that liberty is the norm and
10 detention is the carefully limited exception.

11 117. Respondents' conduct violates these fundamental principles.

12 118. This Court should order Petitioner's immediate release or, at minimum, a
13 prompt constitutionally adequate custody hearing at which the government bears
14 the burden of proof.
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19 **XII. FOURTH CLAIM FOR RELIEF**

20 **Violation of DHS and EOIR Detention Regulations**

21 Petitioner incorporates by reference all preceding paragraphs as if set forth fully herein:

22 119. DHS and EOIR regulations govern the availability of custody
23 determinations and bond hearings.

24 120. Those regulations reflect the distinction between mandatory detention and
25 discretionary detention under INA § 1226.
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- 1 21. Petitioner does not fall within any category that would preclude bond
- 2 eligibility.
- 3 122. By treating Petitioner as subject to mandatory detention and denying access
- 4 to custody redetermination, Respondents are acting inconsistently with governing
- 5 regulations. See 8 C.F.R. §§ 236.1, 1236.1, 1003.19.
- 6
- 7 123. Respondents' conduct places Petitioner in custody in violation of both
- 8 statutory and regulatory law.
- 9
- 10 124. Habeas relief is warranted on that basis as well.

11 **XIII. PRAYER FOR RELIEF**

12 WHEREFORE, Petitioner respectfully requests that this Court grant the following relief:

- 13 a. Assume jurisdiction over this Petition pursuant to 28 U.S.C. §§ 2241 and 1331;
- 14 b. Declare that Petitioner's continued detention is unlawful and violates the
- 15 Immigration and Nationality Act, the Administrative Procedure Act, applicable
- 16 federal regulations, and the Due Process Clause of the Fifth Amendment;
- 17 c. Declare that Respondents lack statutory authority to subject Petitioner to
- 18 mandatory detention and that Petitioner is detained, if at all, under INA §
- 19 236(a);
- 20 d. Issue a Writ of Habeas Corpus directing Respondents to immediately release
- 21 Petitioner from custody under reasonable conditions of supervision;
- 22 e. In the alternative, order Respondents to provide Petitioner with a prompt and
- 23 constitutionally adequate custody redetermination hearing within five (5) days;
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- f. Order that at any such custody hearing, the burden of proof shall be on the government to demonstrate, by clear and convincing evidence, that detention is necessary;
- g. Order that if Respondents fail to provide such a hearing, Petitioner shall be immediately released;
- h. Issue a temporary restraining order and/or preliminary injunction prohibiting continued unlawful detention;
- i. Enjoin Respondents from transferring Petitioner outside the jurisdiction of this Court while this Petition is pending;
- j. Award reasonable attorneys' fees and costs pursuant to 28 U.S.C. § 2412;
- k. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted on:

Dated: April 14, 2026

/s/ Daniel S. Castaneda
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28 U.S.C. § 2242 VERIFICATION STATEMENT

I, Daniel S. Castaneda, submit this verification on behalf of the petitioner because I am the Petitioner's attorney. I have discussed with the Petitioner the events described in this Petition and Complaint. On the basis of those discussions, I hereby verify that the statements made in this Petition and Complaint are true and correct to the best of my knowledge.

Respectfully submitted on:

Dated: April 14, 2026

/s/ Daniel S. Castaneda
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