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

13 FRANKLIN WILFREDO MENDEZ-REYES

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. '26CV2372 BAS SBC

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

PETITIONER'S A NO. 

I. INTRODUCTION

1. Petitioner Franklin Wilfredo Mendez-Reyes, by and through undersigned counsel, respectfully submits this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, together with claims for declaratory and injunctive relief, challenging his continued and unlawful detention by the Department of Homeland Security (“DHS”) and Immigration and Customs Enforcement (“ICE”).
2. Petitioner is a native and citizen of Guatemala who entered the United States without inspection on or about December 17, 2021.
3. Since his entry, Petitioner has resided continuously in the United States and has established significant family and economic ties.
4. Petitioner is married to a United States citizen. The couple was married on or about October 22, 2025.
5. Petitioner works with his spouse at their tire shop, contributing to the family business and supporting his household.
6. Petitioner has no criminal history and poses no danger to the community.
7. On or about January 2, 2026, Petitioner was stopped for driving without a license and was subsequently taken into immigration custody.
8. Petitioner is currently detained at the Otay Mesa Detention Facility.
9. Petitioner has not been provided a meaningful opportunity to seek release from custody and has not received an individualized custody determination.
10. Respondents have not articulated a lawful statutory basis for Petitioner’s continued detention.

- 1 11. Petitioner's continued detention is unlawful for multiple independent reasons.
2 First, Respondents lack statutory authority to detain him under INA § 235(b).
3 Second, Petitioner has been denied any individualized custody determination.
4 Third, Respondents have failed to provide a constitutionally adequate process
5 to justify his confinement.
6
- 7 12. Federal courts have increasingly recognized that detention without access to
8 meaningful procedural safeguards violates the Fifth Amendment.
9
- 10 13. Immediate judicial intervention is warranted. Petitioner's continued detention
11 serves no legitimate purpose, and each additional day of confinement inflicts
12 irreparable harm.
- 13 14. Petitioner's detention, arising from a minor traffic-related encounter and
14 unsupported by any individualized determination, reflects precisely the type of
15 arbitrary confinement that habeas corpus is designed to remedy.
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18 **II. JURISDICTION**

- 19 15. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner
20 Franklin Wilfredo Mendez-Reyes is presently in custody under federal
21 authority and challenges the legality and constitutionality of his immigration
22 detention. See 28 U.S.C. §§ 2241(a), 2241(c)(3), 2243; Preiser v. Rodriguez,
23 411 U.S. 475, 484 (1973).
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- 25 16. Federal courts have long recognized that § 2241 is the proper vehicle to
26 review claims that immigration detention exceeds statutory authority or
27 violates the Constitution. Petitioner's claims fall squarely within that
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framework, as he challenges the legal basis for his continued confinement and the absence of constitutionally adequate procedures.

17. Petitioner does not seek review of any final order of removal. Rather, he challenges only the lawfulness of his present detention and Respondents' assertion that he is subject to mandatory custody and ineligible for release. Such claims lie at the core of habeas review.
18. 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.
19. 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.
20. 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

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resolve the merits and does not deprive this Court of jurisdiction to adjudicate
Petitioner’s detention challenge.

21. Accordingly, this Court has jurisdiction to determine whether Petitioner’s
continued detention is lawful and to grant appropriate habeas relief.

III. VENUE

22. Venue is proper in this District pursuant to 28 U.S.C. § 1391(e) because
Petitioner is detained within this judicial district at the Otay Mesa Detention
Facility, and Respondents exercise immigration detention authority within this
District.

23. Venue is also proper under *Braden v. 30th Judicial Circuit Court of Kentucky*,
410 U.S. 484 (1973), because Petitioner’s immediate custodian is located
within this District.

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

24. 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 without lawful statutory
authority, without access to a meaningful custody determination, and in
violation of the Immigration and Nationality Act (“INA”), the Administrative

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Procedure Act, federal regulations, and the Due Process Clause of the Fifth Amendment.

25. This is therefore a classic habeas case. Petitioner challenges the present fact and legal basis of his confinement. He does not seek review of any final order of removal or any discretionary immigration decision. Rather, he seeks immediate judicial relief from an ongoing deprivation of physical liberty that is unsupported by any valid statutory framework and that is being carried out without constitutionally adequate procedures.

26. 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. This statutory command reflects the historic and essential role of habeas corpus as a swift and effective remedy against unlawful executive detention.

27. Congress’s directive that habeas petitions receive expedited consideration is particularly important in the immigration detention context, where individuals may otherwise remain confined for prolonged periods without meaningful judicial oversight. Courts have repeatedly emphasized that habeas review must be prompt where a petitioner alleges detention without lawful authority or without adequate procedural safeguards.

28. Petitioner satisfies these requirements. He entered the United States on or about December 17, 2021, and has resided continuously in the country since that time. During this period, he established substantial ties to the community,

1 including marriage to a United States citizen and ongoing employment in a
2 family-operated business.

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4 29. On January 2, 2026, Petitioner was detained following a minor traffic-related
5 encounter for driving without a license, which does not implicate any public
6 safety concerns and does not justify prolonged immigration detention without
7 individualized review. He was subsequently transferred to immigration
8 custody and has remained detained at the Otay Mesa Detention Facility.

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10 30. Despite being in custody, Petitioner has not been provided any meaningful
11 custody determination. He has not been afforded a bond hearing before an
12 Immigration Judge, nor has he been given any procedural mechanism through
13 which he may seek release.

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15 31. Respondents have not articulated any lawful statutory basis for Petitioner's
16 continued detention. Instead, Petitioner remains confined without access to
17 individualized review and without any showing that his detention is necessary
18 to serve a legitimate governmental purpose.

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20 32. Petitioner has no criminal history and poses no danger to the community. He
21 has strong family ties, including a United States citizen spouse, and stable
22 employment. These factors further underscore the absence of any justification
23 for continued detention without individualized process.

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25 33. Nothing on the face of this Petition suggests that Petitioner is plainly not
26 entitled to relief. To the contrary, the absence of any meaningful custody
27 process, combined with the lack of statutory authority for detention as applied
28 to Petitioner, demonstrates the unlawfulness of his continued confinement.

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34. Accordingly, under 28 U.S.C. § 2243, this Court should promptly issue an order directing Respondents to show cause why the writ should not be granted.

35. The urgent nature of habeas review is particularly appropriate here because Petitioner remains confined without access to a custody hearing, without a meaningful opportunity to challenge his detention, and without any individualized determination justifying his continued confinement. Each additional day of detention compounds the deprivation of his fundamental liberty interests.

V. PARTIES

36. Petitioner Franklin Wilfredo Mendez-Reyes is a noncitizen who entered the United States in December 2021.

37. He has resided continuously in the United States since that time.

38. Petitioner is married to a United States citizen.

39. Petitioner works in a family-operated tire shop.

40. Petitioner has no criminal history.

41. Petitioner is currently detained at the Otay Mesa Detention Facility.

VI. RESPONDENTS

41. 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

1 detention facility where Petitioner is held. The Warden is sued in his/her official
2 capacity as a representative of the entity exercising direct custody over Petitioner.

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

10
11 43. Respondent MARKWAYNE MULLIN, in his official capacity as the Secretary of
12 the Department of Homeland Security, is the highest-ranking official in DHS. He
13 has ultimate authority over ICE and the enforcement of immigration laws,
14 including detention policy. DHS, under Respondent Noem's direction, is
15 responsible for the decision to continue Petitioner's detention and to designate
16 him as subject to mandatory custody. He is sued in his official capacity.

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18 44. Respondent PAMELA BONDI, in her official capacity as the Attorney General of
19 the United States, oversees the U.S. Department of Justice, which includes the
20 Executive Office for Immigration Review (EOIR). EOIR encompasses the
21 nation's Immigration Courts and the Board of Immigration Appeals (BIA). The
22 Attorney General has ultimate authority over immigration court procedures,
23 including the availability of bond hearings and the interpretation of detention
24 statutes through precedent decisions. Respondent Bondi is sued in her official
25 capacity.
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VII. LEGAL FRAMEWORK

- 1
- 2 45. Federal immigration law authorizes detention under several distinct provisions of
- 3 the Immigration and Nationality Act (“INA”). Which provision applies is critical
- 4 because it determines whether an individual may be released on bond, must
- 5 remain detained, or is entitled to custody review before an Immigration Judge.
- 6
- 7 46. The INA draws a fundamental distinction between noncitizens already present in
- 8 the United States and those treated as applicants for admission at the threshold of
- 9 entry. Congress also created separate detention schemes for certain criminal cases
- 10 and for individuals subject to final orders of removal. *See Jennings v. Rodriguez*,
- 11 583 U.S. 281, 293–94 (2018).
- 12
- 13 47. INA § 236(a), 8 U.S.C. § 1226(a), is the default detention authority for
- 14 noncitizens present in the United States and placed in removal proceedings. It
- 15 authorizes detention but also permits release on bond or conditional parole.
- 16 Individuals detained under this provision are generally entitled to seek custody
- 17 redetermination before an Immigration Judge. *See* 8 C.F.R. §§ 236.1(c)(8),
- 18 1236.1(d), 1003.19(a).
- 19
- 20 48. INA § 236(c), 8 U.S.C. § 1226(c), creates a narrow category of mandatory
- 21 detention for certain noncitizens with specified criminal convictions or terrorism-
- 22 related conduct. *See Demore v. Kim*, 538 U.S. 510, 517–18 (2003).
- 23
- 24 49. INA § 235(b), 8 U.S.C. § 1225(b), governs detention of certain “applicants for
- 25 admission,” a category historically limited to individuals encountered at or near
- 26 the border or otherwise seeking entry. *See Jennings*, 583 U.S. at 293.
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55. The statute does not authorize DHS to treat noncitizens who have been residing in the United States for an extended period of time and are later arrested in the interior as “applicants for admission” subject to mandatory detention under INA § 235(b).

56. Courts within California have repeatedly held that individuals who have been living in the United States and are later detained in the interior are governed, if at all, by INA § 236(a), rather than § 235(b):

- *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 Respondents’ contention that it applies to any noncitizen present in the United States who has not been admitted.”).
- *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 is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), and that detention is instead governed by § 1226(a).”).
- *Esquivel-Ipina v. LaRose*, No. 25-CV-2672-JLS (BLM), 2025 WL 2998361, at *5 (S.D. Cal. Oct. 24, 2025) (“Petitioner is not an applicant for admission under § 1225(b) and is entitled to seek release under § 1226(a).”).
- *Martinez Lopez v. LaRose*, No. 25-CV-2717-JES-AHG, 2025 WL 3030457, at *6 (S.D. Cal. Oct. 30, 2025).
- *Garcia v. Noem*, No. 25-CV-02180-DMS-MMP, 2025 WL 2549431, at *8 (S.D. Cal. Sept. 3, 2025).

1 57. This issue was directly addressed in *Maldonado Bautista v. Santacruz*, where the
2 district court held that noncitizens placed into removal proceedings and residing
3 in the United States are detained under INA § 236(a), not § 235(b), and are
4 entitled to individualized custody determinations.
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6 58. The government appealed that decision, and the Ninth Circuit issued a temporary
7 administrative stay on March 6, 2026. That stay does not resolve the merits of the
8 detention issue and does not eliminate this Court’s authority to adjudicate
9 individual habeas challenges.
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11 59. The Fifth Amendment independently limits immigration detention. The Due
12 Process Clause requires that deprivations of liberty be accompanied by
13 meaningful procedural safeguards. *See Zadvydas v. Davis*, 533 U.S. 678, 690
14 (2001).
15

16 60. These protections are especially important in detention contexts, where the
17 government seeks to take into custody an individual it previously allowed to
18 remain at liberty.
19

20 61. Federal courts have recognized that detention without notice, justification, or a
21 pre-deprivation hearing violates due process. *See, e.g., Pablo Sequen v. Albarran*,
22 No. 25-cv-06487-PCP, 2025 WL 2935630, at *5 (N.D. Cal. Oct. 15, 2025);
23 *Salazar v. Casey*, No. 25-cv-2784 JLS (VET), 2025 WL 3063629, at *5 (S.D. Cal.
24 Nov. 3, 2025); *Hyppolite v. Noem*, No. 24-cv-4304 (NRM), 2025 WL 2829511,
25 at *7 (E.D.N.Y. Oct. 6, 2025).
26

27 **VIII. FACTS**
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- 1 62. Petitioner entered the United States without inspection on or about December 17,
- 2 2021.
- 3 63. Petitioner is a native and citizen of Guatemala.
- 4 64. Since his entry, Petitioner has resided continuously in the United States.
- 5 65. Petitioner is married to a United States citizen.
- 6 66. The couple was married on or about October 22, 2025.
- 7 67. Petitioner works with his spouse at their tire shop.
- 8 68. Petitioner has no criminal history.
- 9 69. On January 2, 2026, Petitioner was stopped for driving without a license.
- 10 70. Following that encounter, Petitioner was taken into immigration custody.
- 11 71. Petitioner is currently detained at the Otay Mesa Detention Facility.
- 12 72. Petitioner has not received a custody determination.
- 13 73. Petitioner has not been provided a bond hearing.
- 14 74. Respondents have not articulated a lawful basis for detention.
- 15 75. Petitioner remains detained.

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20 **IX. FIRST CLAIM FOR RELIEF**

21 **Mr. Mendez-Reyes's Detention Is in Violation of 8 U.S.C. § 1226(a)**

22 Petitioner incorporates by reference the allegations of fact set forth in the preceding
23 paragraphs:
24

- 25 76. Respondents are detaining Petitioner without identifying a lawful statutory basis
- 26 and, upon information and belief, are treating him as subject to mandatory
- 27 detention under INA § 235(b) as an "applicant for admission."
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77. That classification is legally erroneous. Petitioner entered the United States on or about December 17, 2021, and has resided continuously in the country for several years prior to his arrest.

78. Petitioner was not apprehended at or near the border, nor was he seeking admission at a port of entry at the time of his arrest. Instead, he was living and working in the interior of the United States when he was detained following a minor traffic-related encounter.

79. The statutory framework of the INA draws a clear distinction between individuals encountered at the border and those who have established presence within the United States.

80. INA § 235(b) is limited to individuals treated as applicants for admission at or near the border and does not authorize mandatory detention of individuals who have been living in the United States and are later arrested in the interior.

81. Federal courts within this Circuit have repeatedly rejected attempts to apply § 235(b) to long-term interior residents.

82. Instead, individuals in Petitioner's position are governed, if at all, by INA § 236(a), which authorizes discretionary detention and permits release on bond or conditional parole.

83. Petitioner does not fall within any mandatory detention category. He has no criminal history and does not fall within INA § 236(c). Detaining Petitioner based solely on a minor traffic-related encounter, without any individualized determination of risk, further underscores the lack of statutory authority for his continued confinement.

1 84. Respondents have not alleged, and cannot establish, that Petitioner is subject to
2 any statutory provision mandating detention.

3 85. Respondents' continued detention of Petitioner under § 235(b), if that is the
4 asserted basis, exceeds their statutory authority.
5

6 86. Because DHS lacks lawful authority to detain Petitioner as a mandatory detainee,
7 his continued custody is unlawful.

8 87. At minimum, Petitioner must be treated as a detainee under § 236(a) and
9 afforded the statutory protections of that provision, including a prompt custody
10 redetermination hearing before an Immigration Judge.
11

12 **X. SECOND CLAIM FOR RELIEF**

13 **Violation of the Administrative Procedure Act**

14 *(5 U.S.C. § 706 – Agency Action Not in Accordance with Law, in Excess of Authority,*
15 *and Arbitrary and Capricious)*
16

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

18 88. The Administrative Procedure Act requires courts to hold unlawful and set aside
19 agency action that is not in accordance with law, exceeds statutory authority, or is
20 arbitrary and capricious.
21

22 89. Respondents' decision to detain Petitioner constitutes final agency action because
23 it determines the legal basis for his confinement and deprives him of access to
24 release procedures.
25

26 90. This action is not in accordance with law because it misapplies the detention
27 provisions of the INA.
28

1 91. Specifically, treating Petitioner as subject to mandatory detention under INA §
2 235(b), despite his established presence in the United States and interior arrest, is
3 contrary to the statute.

4
5 92. The action is in excess of statutory authority because Congress did not authorize
6 DHS to detain individuals like Petitioner under § 235(b) based solely on their
7 manner of entry.

8
9 93. Respondents' conduct is also arbitrary and capricious because it fails to consider
10 the relevant facts of Petitioner's case.

11 94. Those facts include Petitioner's lack of criminal history, his marriage to a United
12 States citizen, his employment in a family business, and his longstanding presence
13 in the community.

14 95. Respondents have failed to provide any reasoned explanation for Petitioner's
15 continued detention.

16 96. Respondents have not identified any individualized factors, such as danger or
17 flight risk, that would justify detention.

18
19 97. Respondents have further acted arbitrarily by failing to provide any meaningful
20 custody determination or procedural mechanism for release.

21 98. The absence of any articulated reasoning, combined with the denial of process,
22 demonstrates a complete failure of reasoned decision-making.

23
24 99. As a direct result of this unlawful agency action, Petitioner remains confined
25 without access to the procedural protections required by law.

26 100. Respondents' actions therefore violate the APA and must be set aside.
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28 **XI. THIRD CLAIM FOR RELIEF**

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Violation of the Fifth Amendment (Due Process Clause)
(Unconstitutional Detention Without Individualized Process)

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

101. The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law. This protection applies to noncitizens physically present in the United States.

102. Respondents' detention of Petitioner violates both procedural and substantive due process.

a. Procedural Due Process

103. Due process requires that the government provide fair procedures before depriving a person of physical liberty, including notice and a meaningful opportunity to be heard before a neutral decision-maker.

104. Petitioner has a substantial liberty interest in freedom from physical restraint.

105. Petitioner had been living peacefully in the community prior to his arrest and had established strong family and economic ties.

106. Respondents detained Petitioner following a minor traffic-related encounter without providing any meaningful procedural safeguards.

107. Petitioner has not been provided a bond hearing before an Immigration Judge.

108. Petitioner has not been provided any meaningful opportunity to challenge the legality of his detention.

1 109. Respondents have not identified any individualized basis—such as danger
2 to the community or risk of flight—to justify continued detention.

3 110. The risk of erroneous deprivation of liberty is exceptionally high where, as
4 here, detention is imposed without any individualized determination.
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6 111. Less restrictive alternatives to detention, including release on bond or
7 conditions of supervision, are readily available.

8 112. Under *Mathews v. Eldridge*, Petitioner’s liberty interest is substantial, the
9 risk of error is severe, and the government’s interests can be adequately protected
10 through less restrictive means.
11

12 113. Respondents’ failure to provide any meaningful procedural safeguards
13 violates the Due Process Clause.

14 **b. Substantive Due Process**

15 114. Substantive due process prohibits civil detention that is arbitrary,
16 excessive, or not reasonably related to a legitimate governmental purpose.
17

18 115. Petitioner has no criminal history and poses no danger to the community.

19 116. Petitioner has strong incentives to comply with immigration proceedings,
20 including his marriage to a United States citizen and his role in a family-operated
21 business.
22

23 117. Respondents have made no individualized showing that Petitioner poses a
24 flight risk.

25 118. Detaining Petitioner under these circumstances—without individualized
26 justification and without procedural safeguards—is arbitrary.
27
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1 119. The Supreme Court has emphasized that civil detention must be carefully
2 limited and justified.

3 120. Respondents' detention of Petitioner is not reasonably related to any
4 legitimate governmental purpose.
5

6 121. By detaining Petitioner without lawful authority and without
7 individualized process, Respondents are violating the Due Process Clause.

8 122. This Court should order Petitioner's immediate release or, at minimum, a
9 prompt constitutionally adequate custody hearing at which the government bears
10 the burden of proof.
11

12 **XII. FOURTH CLAIM FOR RELIEF**

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

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

15 123. DHS and EOIR regulations govern immigration detention and the
16 availability of custody determinations.
17

18 124. Individuals detained under INA § 236(a) are entitled to seek custody
19 redetermination before an Immigration Judge.

20 125. Petitioner does not fall within any regulatory category that would preclude
21 bond eligibility.
22

23 126. By treating Petitioner as subject to mandatory detention and denying him
24 access to a custody determination, Respondents are acting inconsistently with
25 governing regulations.

26 127. See 8 C.F.R. §§ 236.1, 1236.1, 1003.19.
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1 128. Respondents have failed to provide Petitioner access to an Immigration
2 Judge for purposes of custody review.

3 129. Respondents' conduct deprives Petitioner of the procedural protections
4 guaranteed by federal regulations.
5

6 130. As a result, Petitioner is being detained in violation of both statutory and
7 regulatory law.

8 131. Habeas relief is warranted on this basis.

9
10 **XIII. PRAYER FOR RELIEF**

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

- 12 a. Assume jurisdiction over this Petition pursuant to 28 U.S.C. §§ 2241
13 and 1331;
- 14 b. Declare that Petitioner's continued detention is unlawful and violates
15 the Immigration and Nationality Act, the Administrative Procedure Act,
16 applicable federal regulations, and the Due Process Clause of the Fifth
17 Amendment;
- 18 c. Declare that Respondents lack statutory authority to detain Petitioner
19 under INA § 235(b), and that Petitioner is detained, if at all, under INA
20 § 236(a);
- 21 d. Issue a Writ of Habeas Corpus directing Respondents to immediately
22 release Petitioner from custody under reasonable conditions of
23 supervision, reporting requirements, or other noncustodial conditions,
24 particularly in light of his lack of criminal history, his marriage to a
25 United States citizen, and his strong ties to the community;
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- e. In the alternative, declare that Petitioner is entitled to a custody redetermination hearing under INA § 236(a) and must be provided access to a prompt individualized hearing before an Immigration Judge;
- f. Order that at any such custody hearing, the burden shall be on the government to demonstrate, by clear and convincing evidence, that Petitioner’s continued detention is necessary because he poses a risk of flight or a danger to the community, and that less restrictive alternatives are insufficient;
- g. Issue a temporary restraining order and/or preliminary injunction, as necessary, prohibiting Respondents from continuing Petitioner’s unlawful detention during the pendency of this action;
- h. Enjoin Respondents from transferring Petitioner outside the jurisdiction of this Court during the pendency of this action, in order to preserve this Court’s jurisdiction and ability to grant effective relief;
- i. Award Petitioner reasonable attorneys’ fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, and any other applicable authority;
- j. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted on:

Dated: April 14, 2026

/s/ Daniel S. Castaneda
DANIEL S. CASTANEDA,
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Tel:(619)710-6095
Fax:(619)5664128
Counsel for Petitioner-Plaintiff

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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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