

NAME
Leonel Amilcar Gomez Cabrera
PRISON NUMBER

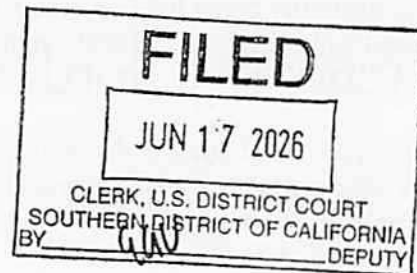
PLACE OF CONFINEMENT

IRDF

ADDRESS

1572 Gateway Road
Calexico, CA 92231

United States District Court
Southern District Of California



Leonel Amilcar Gomez Cabrera
(FULL NAME OF PETITIONER)

Petitioner

v.

Warden Jeremy Casey

(NAME OF WARDEN, SUPERINTENDENT, JAILOR, OR AUTHORIZED
PERSON HAVING CUSTODY OF PETITIONER, E.G. PAROLE OFFICER)

Respondent

and

The Attorney General of the State of
California, Additional Respondent.

Civil No. '26CV2330 BTM DEB
(TO BE FILLED IN BY CLERK OF U.S. DISTRICT COURT)

PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2241

1. Are you currently:

- ☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

(a) Name and location of court that sentenced you: _____

(b) Docket or case number (if you know): _____

(c) Date of sentencing: _____

☒ Being held on immigration charge

☐ Other (explain): _____

2. Are you currently being held on orders by:

☒ Federal authorities ☐ State authorities ☐ Other explain:
Department of Homeland Security (DHS)

3. What are you challenging in this petition:

- ☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities
☐ Pretrial detention
☒ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed
☐ Disciplinary proceedings
☐ Other (specify): _____

4. Provide more information about the decision or action you are challenging:

- (a) Name and location of the court or agency: Imperial Immigration Court
2409 La Bruyere Rd, Imperial, CA 92251
- (b) Case number, docket number or opinion number (if you know): 
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): ICE readetermination Custody
Prolonged detention.
- (d) Date of the decision or action: _____

5. Did you appeal the decision, file a grievance or seek an administrative remedy?

☒ Yes ☐ No

(a) If your answer to 5 was "Yes," give the following information:

- (1) Name of court, agency or authority: DHS/ICE/MTC IRDF, ISF2
Gateway Road, Calexico CA, Imperial Immigration Court
- (2) Date of filing: February, 2026 (BIA)
- (3) Case number, docket number or opinion number: 
- (4) Result: Appeal dismissed
- (5) Date of result: February 11, 2026
- (6) Issues raised: It was asking ICE for another custody review
appealing the Immigration judges denial of bond
hearing to the (BIA)

(b) If your answer to 5 was "No," explain why you did not appeal: _____

6. After the first appeal, did you file a **second appeal** to a higher authority, court or agency?

☒ Yes ☐ No

(a) If your answer to 6 was "Yes," give the following information:

- (1) Name of court, agency or authority: U.S. Court of Appeals for the Ninth Circuit 95 Seven Street San Francisco, CA 94103-1523
- (2) Date of filing: February, 2026
- (3) Case number, docket number or opinion number: [REDACTED]
- (4) Result: No response
- (5) Date of result: No response
- (6) Issues raised: Immigration judge denial of bond hearing and appeal dismiss by the (BIA)

(b) If your answer to 5 was "No," explain why you did not appeal: _____

7. After the second appeal, did you file a **third appeal** to a higher authority, agency or court?

☐ Yes ☐ No

(a) If your answer to 7 was "Yes," give the following information:

- (1) Name of court, agency or authority: _____
- (2) Date of filing: _____
- (3) Case number, docket number or opinion number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) If your answer to 7 was "No," explain why you did not appeal: _____

8. State *concisely* every ground on which you claim that you are being held in violation of the constitution, law or treaties of the United States. Summarize *briefly* the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available court remedies as to each ground on which you request action by the federal court. Moreover, if you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

You should raise in this petition *all* available grounds on which you base your allegations that you are being held in custody unlawfully.

GROUND ONE: Jurisdiction and Venue of Petitioner

(a) Supporting FACTS (state *briefly* without citing cases or law) This Court has jurisdiction under 28 U.S.C 2241 because petitioner is in custody under the authority of the United States, and challenges the legality of continued detention. Venue is proper in the Southern District of California, where petitioner is detained.

Petitioner, Leonel Amilcar Gamez Cabrera
[REDACTED] is currently detained by the
U.S. Immigration and Customs Enforcement (ICE)
at imperial regional detention facility, 1572 gateway
Road Calexico, California 92231.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes ☐ No

GROUND TWO: Legal Claims (Statement of facts)

(a) Supporting FACTS (state briefly without citing cases or law): Petitioner is a noncitizen currently detained by respondents pending removal proceedings. Petitioner is pursuing the following claims. ICE's continued detention of petitioner is unconstitutional and unlawful because petitioner have been detained for over six months the presumed limit for unlawful detention in this court (circuit). The total length of detention to date is 17 months. The approach adopted by the United States Court of appeals for the Ninth circuit is to apply a bright line rule to cases of mandatory detention, where the government's statutory mandatory detention authority is limited to a six months period, subject to a finding of flight risk or dangerousness.

I have been detained for over 17 months and I have exhausted administrative remedies by sending request for my release to the warden and the immigration custody (ICE) on April 10, 2026 but no responses since then (See attached exhibit A)

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes ☐ No

GROUND THREE: Violation of the Due process clause of the fifth Amendment of the United States Constitution.

(a) Supporting FACTS (state briefly without citing cases or law): It is well settled that the fifth amendment entitles aliens to due process in deportation proceedings. The Due process clause applies to all persons within the United States including aliens, whether their presence here is lawful, unlawful, temporary or permanent. More than a decade ago in the Zadvydas decision, the United States Supreme Court signaled its concerns about the constitutionality of a statutory scheme that ostensibly authorized indefinite detention of non citizens. Two years later, when the Court upheld the constitutionality of U.S.C.S 1226(c) in the Demore decision it emphasized that for detention under the statute to be reasonable, it must be for a brief period of time. Justice Kennedy explained, in his concurrence in the Demore decision that were to be an unreasonable delay by the immigration and naturalization service in pursuing and completing deportation proceedings it could become necessary then to inquire whether the detention is not to facilitate deportation, or to protect against risk of flight or dangerousness but to incarcerate for other reasons.

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes ☐ No

GROUND FOUR: There is no significant likelihood of my release from detention in the near future.

(a) **Supporting FACTS** (state *briefly* without citing cases or law): The duration of my current detention has been unreasonably prolonged and there is a reason to anticipate significant future detention during my immigration proceedings. I have been detained for over 17 months, while I did receive an adverse decision from the BIA, I have also filed an appeal with the Ninth Circuit. I will subsequently send proof of affidavit to this court for filing in conjunction with this instant petition. The process in the Ninth Circuit will likely take a year or more before this process come to an end. During this period prolonged detention will have adverse effect on my health psychological and my mental wellbeing. Most times I get depressed because I have been separated from my loved ones, I am restricted from outdoor spaces, forbidden to use internet services and no communication with my family, I suffer from insomnia and have been caught off from the rest of the world, my detention here resembles penal confinement.

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes ☐ No

9. If any of the grounds listed in 4A, B, C, and D were not previously presented in any other court, state or federal, state briefly what grounds were not presented, and give your reasons for not presenting them:

Leonel Amilcar Gomez Cabrera

GROUND FIVE (Continued detention and total length of detention to date)

Petitioner entered the United States without inspection in 2019 and has continuously resided in the United States for over six years. Petitioner argues that his detention is under 1226(a) not 1225(b), because I was not arriving, or seeking admission, when I was arrested by ICE. Since I am not a recent entrant, my continued detention violates the Immigration and Nationality Act and the fifth amendment of the Constitution. I am not a flight risk or danger to the community.

Petitioner unreasonable prolonged detention violates the Constitution. Petitioner detention is unconstitutionally prolonged, a person who falls under one of the mandatory detention as a matter of statutory interpretation. The government's reading of *Demore* and the mandatory detention statutes is wrong on both sides and fronts. In *Demore* the Supreme Court considered a due process challenge to 1226(c) which mandates detention during removal proceedings for noncitizens convicted of certain crimes. The Court explained that Congress drafted 1226(c) to respond to the high rates of crime and flight by removable noncitizens and held that the government may constitutionally detain deportable (noncitizens) during the limited period necessary for their removal proceedings. In so holding the Court stressed the brief nature of the majority detention under 1226(c) which a definite termination point that, in the majority of cases resulted in detention of less than ninety days, and in the vast majority, less than about five months. Justice Kennedy who provided the fifth vote, concurred separately to state that a non citizen could still be constitutionally entitled to an individualized determination as to his risk of flight and

Leonel Amilcar Gomez Cabrera ([REDACTED])
dangerousness if continued detention becomes unreasonable and justifies). Following *Demore*, the Ninth Circuit has continued to express grave doubts that any statute that allows for arbitrary prolonged detention without any process is constitutional or that those who founded our democracy precisely to protect against the government's arbitrary deprivation of liberty would have thought so. *Condensing*
Considering this authority, district courts in the Ninth Circuit have been extremely wary of permitting continued custody absent a bond hearing after habeas petitioners have spent a long time in mandatory detention. The court thus concludes that unreasonably prolonged detention without a bond hearing may violate the due process.

Petitioner's prolonged detention without a bond hearing violates his due process rights. District courts apply a variety of tests to access prolonged detention claims and the *Mathews* test is one of them. Courts routinely apply the *Mathews* test to access the constitutionality of immigration detention procedures observing that the Ninth Circuit and other circuits continue to apply the *Mathews* test notwithstanding the government's heightened interest in detaining immigrants and applying the *Mathews* test to determine whether detainee was entitled to second bond hearing.

Accordingly, this section will primarily analyze petitioner's constitutional entitlement to a bond hearing under *Mathews* test weighing

- ① The private interest at stake
- ② The risk of an erroneous deprivation of that private interest and the value of additional safeguards and;
- ③ The government's interest.

Petitioner's have a clear private interest in their own liberty, freedom from bodily restraint has always at the core of the liberty.

Leonel Amilcar Gomez Cabrera

protected by the due process clause from arbitrary government action. When assessing the strength of that interest, length of detention is the most important factor. Some district courts consider a year in detention to be the benchmark.

Others have released petitioners as little as two months, granting bond after 11 months of detention, granting bond after 8 months.

The reason for the delay is also relevant to the significance of the petitioner's liberty interest. Petitioner's liberty interest may be diminished when they prolonged their detention by taking advantage of their right to appeal, or where they received bond hearings in detention, but were determined ineligible for release. Under the first prong of the Matthews analysis, we cannot simply count petitioner's months of detention and leave it at that. We must consider the process he received during this time, the full process that was available to him, and the fact that his detention was prolonged due to his decision to challenge his removal order.

Petitioner's liberty interest is also implicated by the conditions under which he is confined. Petitioner pleads the Court should consider evidence of harsh, inhumane, or unsanitary conditions under the Matthews first factor in immigration detention cases. Petitioner alleges that medical care in imperial regional detention facility is poor, and that he was obliged to clean himself without appropriate cleaning products, these conditions add to states of depriving petitioner of his liberty. Petitioner has a highly significant interest in liberty, firstly, 17 months in detention is sufficiently long to establish a strong liberty interest.

Petitioner has also provided evidence that his liberty is heightened because the alternative keeping him in detention would mean subjecting him to conditions that are unhygienic and inhumane.

Leonel Amilcar Gomez Cabrera

The (BIA) properly noted that the government bore the burden to establish by clear and convincing evidence that a detained noncitizen is a danger to community in the context of prolonged detention under 8 U.S.C. 1226 (c).

Petitioner will have an opportunity to argue for release under the governing bond standard. The government is not guaranteed to carry out its burden just because he has prior convictions for nonviolent offenses, or that he is a flight risk.

Although a final order of removal is a relevant factor in the (flight risk) calculus, it alone does not constitute clear and convincing evidence that Singh presented a flight risk justifying denial of bond.

Petitioner alleges that the government has a strong interest in the efficient administration of immigration laws, including those regarding detention of noncitizens; however, government's interest in detention will still be adequately protected if immigrants are afforded some minimal procedural guarantees. Furthermore, it is not costly or difficult for the government to provide citizens with a bond hearing (custody hearings are routine and impose a minimal cost).

Under penalty of Perjury, I declare that the above information is true and correct to the best of my understanding.

Respectfully Submitted

Leonel Amilcar Gomez Cabrera

June 15, 2026

10. Do you have any petition or appeal now pending in any court, either state or federal, as to the execution of sentence under attack?
☐ Yes ☐ No
11. Give the name and address, if known, of each attorney who represented you in the following stages of the execution of sentence attacked herein:
- (a) In any post-conviction proceeding _____
- (b) On appeal from any adverse ruling in a post-conviction proceeding _____

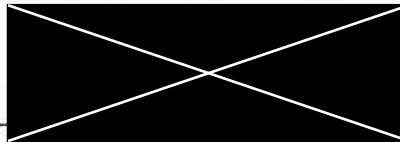
Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

SIGNATURE OF ATTORNEY (IF ANY)

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

June 15, 2026.

(DATE)


SIGNATURE OF PETITIONER

Leonel Amilcar Gomez Cabrera

IRPT
1572 Gateway Road, CA
California 92231

Warden Jeremy Casey
1572 Gateway Road
Calixto, California 92231.

Re: Request for release from Immigration Custody.

I have had a prolonged stay in detention center here at the Imperial Regional detention facility in Calexico, California since January 2025, to present date. I kindly request for your assistance to be release due to my prolonged detention now for more than one year. I am not a flight risk and have ties to the United States including my sponsor who is a legal permanent resident of the United States. My sponsor wishes to house me for the duration of my removal proceedings. She will also ensure that I will report to her at anytime if a office demands my appearance at a field office. I am not also a flight risk and a danger to the community and not a threat to US National Security.

I have no criminal record and promise to be law-abiding.

Thanks in advance for your prompt response to this matter.

Yours Truly

Leonel Amilcar Gomez Cabrera

April 10, 2026.

Leonel Amilcar Gomez Cabrera

1 RPT
1564 Gateway Road, CA
California 92231

Ice Officer Romero
1564 Gateway Road
Calexico, California 92231

Re: Request for release from Immigration Proceedings

I have had a prolonged stay in detention center here at the Imperial regional detention facility in Calexico, California since January 2025, to present date. I kindly request for your assistance to be release due to my prolonged detention now for more than a year. I am not a flight risk and have good ties to the United States including my sponsor who is a legal permanent resident of the United States. My sponsor wishes to house me for the duration of my removal proceedings. She will ensure that I will report to ICE at anytime ICE office demands my appearance at a field office. I am not also a danger to the community and also not a threat to US national security.

I have no criminal record and promise to be a law-abiding person.

Thanks in advance for your prompt response to this matter

Yours Truly

Leonel Amilcar Gomez Cabrera

April 10, 2026

Leonel Amilcar Gomez Cabrera
[REDACTED]

1 R.D.F.
1572 Gateway Road, Calexico
California 92231

Clerk of Court
U.S. District Court
Southern District of California
333 West Broadway, Suite 420
San Diego, CA 92101

Re: Filing of petition for Writ of Habeas Corpus
(Leonel Amilcar Gomez Cabrera, A# 089108323)

Dear Clerk of Court,

Enclosed to this letter you will find a petition for
Writ of Habeas Corpus pursuant to 28 U.S.C.
2241 on behalf of Leonel Amilcar Gomez Cabrera (A#
[REDACTED] Currently detained at Imperial Regional
detention facility Calexico, California.

Please file the petition and assign a case number.
Petitioner is proceeding pro-se and is currently
detained, so please direct all correspondence to him
at the detention facility address.

Leonel Amilcar Gomez Cabrera
[REDACTED]

1572 Gateway Road
Calexico, CA 92231

Thanks for your assistance
[REDACTED]

April 10, 2026