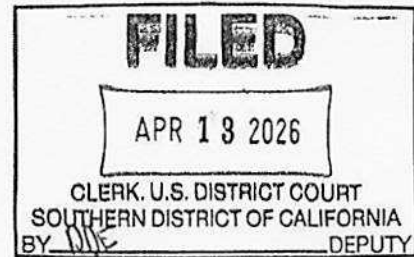


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
333 West Broadway, Suite 420
San Diego, California 92101



ROBINSON DANIEL BRIZUELA MEJÍAS


Petitioner,

v.

'26CV2363 AGS MMP

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)

I. INTRODUCTION

Petitioner, Robinson Daniel Brizuela Mejías, respectfully submits this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his immigration detention as unlawful, arbitrary, and unconstitutional.

Petitioner is a working father and head of household, with active and pending immigration relief, including an affirmative asylum application before USCIS, and previously a beneficiary of Temporary Protected Status (TPS).

Despite having his immigration case previously terminated by an immigration judge, Petitioner was detained by ICE and placed again into removal proceedings, in violation of due process.

II. JURISDICTION AND VENUE

This Court has jurisdiction pursuant to:
28 U.S.C. § 2241
28 U.S.C. § 1331
Article I, Section 9 of the United States Constitution
Petitioner is detained at the Otay Mesa Detention Center within the Southern District of California.

III. STATEMENT OF FACTS

A. Immigration History

Petitioner entered the United States in or around August 2023 together with his family. He was placed in removal proceedings, and subsequently, an immigration judge terminated his case without prejudice, due to the existence of pending immigration relief (TPS).

Petitioner:

Was a TPS beneficiary

Filed an affirmative asylum application (Form I-589) with USCIS
Applied for employment authorization
These applications were submitted as part of a family unit, on the same date as his son.
However, following his detention on March 15, 2026, Petitioner was placed again into removal proceedings, despite the fact that:
He has no final order of removal
He has pending immigration relief
His case had already been terminated by an immigration judge
This constitutes an arbitrary and unjustified reopening of removal proceedings.

B. Personal Circumstances

Petitioner:

Is a father and primary financial provider
Has worked lawfully under employment authorization
Has no criminal history
Has strong community ties and letters of recommendation
Has maintained a stable residence in San Diego
Petitioner is a person of good moral character, dedicated to supporting his family.

C. Circumstances of Detention

On March 15, 2026, Petitioner was detained at South Shores Park while performing routine maintenance of the recreational vehicle (RV).

Petitioner:

Fully cooperated with ICE officers
Provided valid documentation
Did not resist or attempt to flee
Initially, officers stated that he would be taken for biometrics, but later informed him that he would be detained.
Petitioner requested to secure the RV prior to detention, which was permitted. He complied fully with all instructions.
Despite his cooperation and valid documentation, he was handcuffed and transported to the Otay Mesa Detention Center.
Petitioner:
Has remained detained since that date
Has not received a bond hearing
Has not received an individualized custody determination.

IV. LEGAL ARGUMENT

A. Improper Application of Mandatory Detention (INA § 235(b))

Petitioner:

Was not seeking admission
Was not at a port of entry
Was not attempting to re-enter the United States
He was physically present in the United States with a previously closed case.

Application of INA § 235(b) under these circumstances is legally improper.

B. Violation of Due Process (Fifth Amendment)

Petitioner's detention is unconstitutional because:

No final order of removal existed before or during detention

He has a pending affirmative asylum application

His case was previously terminated by an immigration judge

He was placed again into proceedings without adequate justification

This constitutes arbitrary detention in violation of due process.

Immigration detention is civil in nature, not criminal. As such, it must be reasonably related to a legitimate 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 jurisprudence of the Supreme Court and the Ninth Circuit establishes 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, in *Casas-Castrillon v. Department of Homeland Security* and *Singh v. Holder*, the Ninth Circuit held that individuals without a final order of removal are entitled to a bond hearing, and that the government bears the burden of proving that the detainee poses a danger or a flight risk. Similarly, in *Diouf v. Napolitano*, the court reaffirmed that prolonged detention without adequate judicial review violates due process. In the present case, Petitioner has no criminal history, faces no criminal charges, and poses no danger, and therefore his detention lacks sufficient legal justification and violates constitutional principles.

Detention without a bond hearing violates both substantive and procedural due process.

C. Arbitrary Detention Despite Pending Immigration Relief

Petitioner:

Was a TPS beneficiary

Is an asylum applicant

Has complied with immigration procedures

Detaining an individual under these conditions without a bond hearing is excessive and unjustified.

D. Right to Release or Bond Hearing

Petitioner is entitled to:

Immediate release; or

A bond hearing where the Government bears the burden of proof

V. CONSTITUTIONAL VIOLATIONS

Respondents' actions violate:

1. Fifth Amendment – Due Process Clause

Petitioner has been deprived of liberty without:

A neutral hearing

An individualized assessment

Proper burden of proof by 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 maintained in custody under a rigid interpretation that prevents real review of the legal basis of detention, this effectively nullifies the right to habeas corpus.

Denial of meaningful review violates constitutional protections.

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 deemed just and proper.

VII. DESIGNATION OF ADDRESS FOR SERVICE

Petitioner respectfully requests that all notices, orders, and communications be sent to the following address, instead of the detention facility, due to limited access to mail:



VIII. VERIFICATION

I, Robinson Daniel Brizuela Mejías, declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

Robinson Brizuela

Robinson Daniel Brizuela Mejías

Pro Se



Signed on: April 8, 2026
Otay Mesa Detention Center
7488 Calzada de la Fuente
San Diego, CA 92154

IX. CERTIFICATE / PROOF OF SERVICE

I certify that on 04-08-2026, 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 Calzada de la Fuente
San Diego, CA 92154

Robinson Brizuela

Robinson Daniel Brizuela Mejías
Pro Se



Dated: 04-08-2026
Location: Otay Mesa Detention Center
7488 Calzada de la Fuente
San Diego, CA 92154