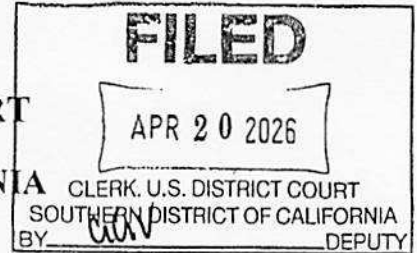


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA



YORKY IZQUIERDO ALCÁNTARA,



Petitioner,

v.

THE ATTORNEY GENERAL OF THE  
UNITED STATES;

THE SECRETARY OF HOMELAND  
SECURITY;

THE DIRECTOR OF U.S. IMMIGRATION  
AND CUSTOMS ENFORCEMENT;

THE ICE ERO FIELD OFFICE  
DIRECTOR FOR SAN DIEGO;

and THE WARDEN OF IMPERIAL  
REGIONAL DETENTION FACILITY,

Respondents.

Detention Facility

EOIR Hearing

Case No. '26CV2381 DMS MMP

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

EMERGENCY MOTION FOR  
IMMEDIATE RELEASE PENDING  
ADJUDICATION;

DECLARATION OF NEXT FRIEND (CIDH  
USA);

PROPOSED ORDER.

Imperial Regional Detention Facility, Calexico,  
California

April 30, 2026 at 1:30 p.m. (Master Calendar  
Hearing via Webex)

**TABLE OF CONTENTS AND FILING CHECKLIST**

1. Cover Letter to Clerk of Court
2. Emergency Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241
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## EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

*Petitioner Yorky Izquierdo Alcántara, by and through his proposed next friend, Comisión Internacional de Derechos Humanos (CIDH USA), respectfully petitions for a writ of habeas corpus and alleges as follows:*

### I. INTRODUCTION

1. Petitioner is a Cuban national presently held in civil immigration detention at Imperial Regional Detention Facility in Calexico, California.
2. This action challenges detention that is allegedly arbitrary, unreasonably prolonged, and unsupported by a constitutionally adequate individualized custody determination.
3. Immigration detention is civil rather than punitive. Even in the immigration context, the Fifth Amendment forbids detention that becomes excessive in relation to its stated regulatory purpose or that proceeds without constitutionally sufficient process.
4. Petitioner seeks immediate release from custody or, at minimum, a prompt bond or custody hearing at which the Government bears the burden of proving continued detention is justified.

### II. JURISDICTION AND VENUE

1. This Court has habeas jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody under color of federal authority and challenges the legality of that custody.
2. This Court also has jurisdiction under 28 U.S.C. § 1331 because the petition raises questions under the Constitution and laws of the United States.
3. Venue lies in the Southern District of California because Petitioner is detained within this District and the immediate custodian and responsible immigration officials act within or direct custody affecting this District.

### III. PARTIES

1. Petitioner Yorky Izquierdo Alcántara is an individual in federal immigration custody and is identified by 
2. Respondents are the federal officials responsible for the legal authority and physical custody supporting Petitioner's detention, including the Attorney General of the United States, the Secretary of Homeland Security, the Director of U.S. Immigration and Customs Enforcement,

the ICE ERO Field Office Director for San Diego, and the Warden of Imperial Regional Detention Facility, all in their official capacities.

#### **IV. CUSTODY STATUS AND RELEVANT FACTS**

1. Available case records provided to the preparer reflect that Petitioner is currently detained at Imperial Regional Detention Facility in Calexico, California.
2. Provided hearing information reflects that Petitioner has a Master Calendar Hearing scheduled for April 30, 2026, at 1:30 p.m., before the Imperial Immigration Court via Webex.
3. Petitioner is a Cuban national and, based on the facts communicated to the preparer, asserts potential eligibility for immigration relief, including relief associated with the Cuban Adjustment Act and any other relief available in removal proceedings.
4. Based on the facts represented to the preparer, Petitioner does not present a serious danger to the community and has meaningful incentives to appear for proceedings, including a pending immigration case and relief that can only be pursued by participating in those proceedings.
5. To the extent detention continues without a meaningful individualized review at which the Government must justify confinement, continued custody imposes substantial liberty deprivation before any final adjudication of removability or relief.

#### **V. EXHAUSTION OR WHY EXHAUSTION SHOULD BE EXCUSED**

1. Habeas relief is appropriate because the petition raises a constitutional challenge to the legality of custody itself rather than merely seeking review of discretionary agency factfinding.
2. Any further administrative exhaustion should be excused where it would be futile, inadequate to prevent ongoing constitutional injury, or unable to provide timely relief from allegedly unlawful detention.

#### **VI. LEGAL STANDARD AND GOVERNING AUTHORITY**

1. The Due Process Clause of the Fifth Amendment applies to all persons in immigration custody inside the United States.
2. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court explained that immigration detention is subject to important constitutional limits and may not become indefinite or unreasonable.

3. In *Demore v. Kim*, 538 U.S. 510 (2003), the Court emphasized the limited and nonpunitive nature of civil immigration detention as justified there.
4. In *Jennings v. Rodriguez*, 583 U.S. 281 (2018), the Supreme Court rejected a statutory interpretation that automatically required periodic bond hearings but expressly left open constitutional challenges to immigration detention.
5. In the Ninth Circuit, due process principles continue to require meaningful procedural protections when detention becomes prolonged. See, e.g., *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011); *Diouf v. Napolitano*, 634 F.3d 1081 (9th Cir. 2011); *Rodriguez Diaz v. Garland*, 53 F.4th 1189 (9th Cir. 2022) (discussing procedural protections in immigration custody contexts).

## **VII. CLAIM FOR RELIEF – FIFTH AMENDMENT DUE PROCESS**

1. Petitioner realleges all prior paragraphs.
2. Continued detention without a prompt, meaningful, individualized determination of necessity violates the Fifth Amendment when custody becomes excessive in relation to the Government's regulatory interests.
3. To justify continued civil detention, due process requires an actual, individualized determination that confinement is necessary to serve a legitimate nonpunitive purpose such as ensuring appearance or protecting public safety.
4. Where detention continues despite available alternatives to custody and without adequate procedural safeguards, the detention becomes arbitrary and constitutionally suspect.

## **VIII. CLAIM FOR RELIEF – ARBITRARY AND UNREASONABLY PROLONGED CIVIL DETENTION**

1. Petitioner realleges all prior paragraphs.
2. Even where Congress authorizes detention in some circumstances, the Constitution does not permit civil confinement to continue in a manner that is arbitrary, indefinite in practical effect, or untethered from a genuinely individualized necessity finding.
3. Here, Petitioner alleges that the present detention has crossed that constitutional line because it persists while proceedings remain ongoing and while less restrictive means are available to secure attendance.

#### **IX. CLAIM FOR RELIEF – FAILURE TO PROVIDE ADEQUATE CUSTODY PROCESS**

1. Petitioner realleges all prior paragraphs.
2. At a minimum, due process requires a meaningful opportunity to seek release before a neutral decisionmaker, with procedures adequate to test the Government's justification for continued confinement.
3. Petitioner alleges that existing procedures have not provided constitutionally sufficient protection for his liberty interest.

#### **X. IRREPARABLE HARM**

1. Every additional day of allegedly unconstitutional detention inflicts irreparable harm because the loss of physical liberty cannot be fully remedied after the fact.
2. Detention also imposes compounding emotional, family, and economic hardship, including the disruption of family support and the ability to prepare a defense in removal proceedings.

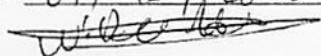
#### **XI. REQUEST FOR RELIEF**

1. Petitioner respectfully requests that this Court issue the writ and order Respondents to release him immediately from custody under appropriate conditions of supervision, if any are necessary.
2. In the alternative, Petitioner requests an order requiring Respondents to provide a prompt individualized bond or custody hearing before a neutral adjudicator, with constitutionally adequate procedures and with the Government bearing the burden to justify continued detention.
3. Petitioner further requests all other relief the Court deems just, proper, and equitable.

#### **VERIFICATION**

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based on the information presently available to me and on records reviewed in preparation of this filing.

Executed on 04/13/2026, 2026.



YORKY IZQUIERDO ALCÁNTARA, Petitioner  
through proposed next friend for filing purpos  
Comisión Internacional de Derechos Humanos (CIDH USA)



### DECLARATION OF PROPOSED NEXT FRIEND

I, the undersigned representative of Comisión Internacional de Derechos Humanos (CIDH USA), declare as follows:

I am an authorized representative of CIDH USA, an organization that assists detained individuals and families in preparing and presenting human-rights-related and pro se filings.

I submit this declaration in support of the accompanying habeas petition as proposed next friend because Petitioner is detained, faces practical barriers to direct access to the Court, and requires assistance to place his constitutional claims before a federal judge.

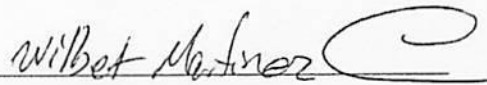
Petitioner's detention, access limitations, and language barriers materially impair his ability to prepare and file a timely federal habeas petition without assistance.

The organization's intervention is motivated solely by the good-faith objective of protecting Petitioner's access to judicial review and preventing ongoing irreparable harm from allegedly unlawful detention.

To the best of my knowledge, the factual statements concerning Petitioner's custody location, A-number, and hearing date are based on documents or images reviewed in preparation of this filing.

I understand that final filing should be reviewed carefully, completed with all available exhibits, and signed before submission.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.



Authorized Representative

Comisión Internacional de Derechos Humanos (CIDH USA)

