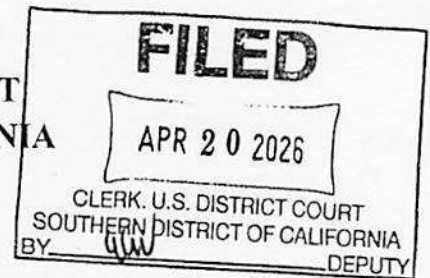


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA



FEDERAL HABEAS CORPUS
AND EMERGENCY MOTION FOR IMMEDIATE RELEASE

IN RE: ARISDALIA MERINO CORDERO

A-Number: 

*Current Detention Facility: Imperial Regional Adult Detention Facility
1572 Gateway Road, Calexico, California 92231*

Submitted through Next Friend:

Comisión Internacional de Derechos Humanos (CIDH USA)

*Package contents: Petition for Writ of Habeas Corpus; Emergency Motion for
Immediate Release;
Next Friend Declaration; Cover Letter; Exhibit Index.*

ARISDALIA MERINO CORDERO, Petitioner, by and through her Next Friend, COMISIÓN INTERNACIONAL DE DERECHOS HUMANOS (CIDH USA), v. TODD M. LYONS, Acting Director, U.S. Immigration and Customs Enforcement; WARDEN, IMPERIAL REGIONAL ADULT DETENTION FACILITY; KRISTI NOEM, Secretary, Department	Case No. <u>'26CV2382 BJC GC</u> PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241; EMERGENCY MOTION FOR IMMEDIATE RELEASE OR, IN THE ALTERNATIVE, FOR AN EXPEDITED INDIVIDUALIZED CUSTODY HEARING; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF NEXT
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of Homeland Security; PAMELA BONDI, Attorney General of the United States, Respondents.	FRIEND; EXHIBITS A-E
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Petitioner Arisdalia Merino Cordero respectfully petitions this Court for a writ of habeas corpus under 28 U.S.C. § 2241 and requests emergency release from immigration detention. Petitioner is a Cuban national with a long-pending asylum application, completed biometrics, and employment authorization. The available records provided to the undersigned show that USCIS received her defensive Form I-589 on July 18, 2023, and issued a biometrics appointment notice dated July 21, 2023, for an appointment on August 8, 2023. She therefore was not an absconder, was not hiding from the government, and had already been participating in the immigration process.

Yet Petitioner is now confined at the Imperial Regional Adult Detention Facility in Calexico, California. The materials supplied also show that the public EOIR case-information system does not reflect an active case listing for her A-number. On these facts, detention is especially troubling because it appears to impose a serious deprivation of liberty without a meaningful, prompt, and transparent mechanism for judicial review. Habeas relief is therefore necessary to test the legality of custody and to secure immediate release, or at minimum a prompt individualized custody hearing before a neutral decisionmaker.

I. JURISDICTION AND VENUE

1. This Court has subject-matter jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody and challenges the legality of that custody as contrary to the Constitution and laws of the United States.
2. This Court also has authority to grant declaratory and injunctive relief necessary to effectuate habeas jurisdiction and to preserve the Court's ability to grant meaningful relief.

3. Venue lies in the Southern District of California because Petitioner is confined within this District at the Imperial Regional Adult Detention Facility in Calexico, California, and the immediate custodian and responsible federal officers exercise custody over her within or through this District.

II. PARTIES

1. Petitioner Arisdalia Merino Cordero is a native and citizen of Cuba and is currently detained by ICE at the Imperial Regional Adult Detention Facility. Her A-number is .
2. Respondent Todd M. Lyons is sued in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement and is responsible for policies and practices governing Petitioner's detention.
3. Respondent Warden of the Imperial Regional Adult Detention Facility is the immediate physical custodian of Petitioner.
4. Respondent Secretary of Homeland Security is sued in her official capacity because the Department of Homeland Security exercises legal authority over the detention challenged here.
5. Respondent Attorney General is sued in his or her official capacity to the extent the United States exercises authority over custody, removal proceedings, and litigation positions affecting Petitioner's confinement.

III. NEXT FRIEND STANDING OF CIDH USA

Comisión Internacional de Derechos Humanos (CIDH USA) appears as Next Friend because Petitioner is detained, has restricted liberty, lacks normal access to the courts, and cannot adequately protect her own interests from inside detention without outside assistance. In habeas practice, next-friend standing is appropriate where the real party in interest cannot litigate effectively because of detention or other disability and where the next friend is truly dedicated to the detainee's best interests. *See Whitmore v. Arkansas*, 495 U.S. 149 (1990).

1. CIDH USA is acting solely to protect Petitioner's liberty interests and not for any improper purpose. The organization's role is to help present the constitutional issues created by detention, preserve access to judicial review, and ensure that a vulnerable detainee is not left without an effective voice before a federal court.
2. Petitioner's confinement materially limits communication, document access, legal research, photocopying, mailing, and the ability to prepare and file a comprehensive federal petition on an emergency basis. Those practical barriers are precisely why next-friend intervention is necessary here.
3. CIDH USA has a direct and bona fide interest in the protection of fundamental human rights, due process, humane treatment, family unity, and access to courts. It brings this petition as a dedicated representative to challenge unlawful detention and to secure immediate judicial review.
4. To the extent the Court requires it, CIDH USA requests leave to supplement the record with a sworn declaration from its representative explaining its relationship to the case, the manner in which it learned of Petitioner's detention, and the reasons Petitioner cannot presently litigate fully and effectively on her own.

IV. FACTUAL BACKGROUND

1. Petitioner is a Cuban national who has been pursuing asylum-related protection in the United States for an extended period of time.
2. The documentary record provided for this filing includes a Form I-797C, Notice of Action, reflecting receipt of a defensive Form I-589, Application for Asylum and for Withholding of Removal, Receipt Number [REDACTED] received on July 18, 2023, with notice date July 18, 2023.
3. The record further includes a USCIS ASC Appointment Notice dated July 21, 2023, scheduling biometrics for August 8, 2023, at the Louisville Application Support Center in Louisville, Kentucky.
4. These government-issued notices are significant because they show that Petitioner was known to the immigration authorities, was participating in the process, and had complied with required procedural steps rather than evading supervision.

5. Petitioner also had employment authorization. Employment authorization in this context is not proof of permanent lawful status, but it is highly relevant evidence that the government had recognized her pending process and her eligibility to work while her case remained unresolved.
6. The current ICE detainee locator reflects that Petitioner is now confined at the Imperial Regional Adult Detention Facility in Calexico, California.
7. The public EOIR automated case-information portal, when searched using Petitioner's A-number and nationality, has returned a message stating that no information is available for the case.
8. Based on the current record, Petitioner's detention appears to be occurring without the level of prompt, meaningful, and accessible process that the Constitution requires when the government restrains a person's physical liberty.
9. Nothing in the materials supplied suggests that Petitioner has a criminal history, poses a danger to the community, or presents a serious risk of absconding. To the contrary, the existing record reflects a person who has participated in immigration processing, completed biometrics, and remained within known governmental systems.

V. CLAIMS FOR RELIEF

Claim One - Fifth Amendment Procedural Due Process

1. The Due Process Clause of the Fifth Amendment applies to all persons physically present in the United States, including noncitizens in immigration custody. Freedom from physical restraint lies at the core of the liberty protected by due process.
2. At minimum, due process requires notice sufficient to understand the basis for custody, a meaningful opportunity to be heard at a meaningful time and in a meaningful manner, and review by a neutral decisionmaker when the government imposes severe restraints on liberty.
3. Here, the detention challenged in this petition is constitutionally defective because, on the present record, Petitioner has been deprived of liberty while there is no readily accessible, active EOIR case information showing the normal pathway for court review. A detention regime that leaves a detainee confined

while public case systems reflect no available case information raises grave due process concerns.

4. The government may not rely on opaque, delayed, or inaccessible procedures to justify ongoing civil detention. Civil immigration detention is regulatory, not punitive. Where process is absent, delayed, illusory, or functionally unavailable, detention becomes arbitrary.
5. The *Mathews v. Eldridge* balancing framework further supports relief. Petitioner's private interest - bodily liberty - is at the highest constitutional level. The risk of erroneous deprivation is substantial where the detainee has long been participating in the asylum process, holds work authorization, and lacks any visible active case information in the EOIR system. The government's burden in providing prompt review is comparatively limited. Due process therefore requires immediate corrective intervention by this Court.

Claim Two - Substantive Due Process and Arbitrary Civil Detention

1. Substantive due process forbids executive detention that is arbitrary in purpose or excessive in relation to any legitimate regulatory objective.
2. Immigration detention is civil, not criminal. It cannot be used as punishment, coercion, or administrative convenience. When the government detains an asylum applicant who has long been within official processes, has completed biometrics, and has been trusted with employment authorization, the government must articulate a real and individualized justification for confinement.
3. Absent such individualized justification, detention is excessive and irrational. Detention without a meaningful explanation, without transparent process, and without timely access to a neutral forum is incompatible with the Fifth Amendment's protection against arbitrary government action.

Claim Three - Habeas Review Is Necessary to Test the Legal Basis of Custody

1. The writ of habeas corpus exists to test the lawfulness of executive detention. When ordinary channels of review are blocked, delayed, or practically unavailable, habeas becomes especially important.
2. The fact that the EOIR system reflects no available case information underscores the need for immediate federal review. If no meaningful and accessible avenue of review is presently available to Petitioner, continued detention without habeas intervention would risk converting civil detention into an unchecked executive power.

Claim Four - Detention Without Prompt Individualized Custody Review Violates Due Process

1. Even where the government has some statutory authority to detain, due process requires that prolonged or serious restraints on liberty be accompanied by an individualized assessment rather than categorical detention by default.
2. The Constitution does not permit the government to assume that a person should remain jailed simply because she is in immigration proceedings. Particularly where the available record shows long-term engagement with asylum processing and no indication of dangerousness, fundamental fairness requires a prompt determination of whether detention is actually necessary.
3. At a minimum, if this Court declines to order immediate release, it should order an expedited custody hearing before a neutral adjudicator at which the government bears a meaningful burden to justify continued detention based on concrete evidence rather than speculation.

VI. AUTHORITIES SUPPORTING RELIEF

1. **Zadvydas v. Davis**, 533 U.S. 678 (2001): civil immigration detention is subject to constitutional limitations and may not be indefinite or unreasonable.
2. **Demore v. Kim**, 538 U.S. 510 (2003): recognizing the civil nature of immigration detention, which remains bounded by constitutional norms.
3. **Jennings v. Rodriguez**, 138 S. Ct. 830 (2018): confirming that constitutional challenges to immigration detention remain available even where statutory arguments are contested.
4. **Mathews v. Eldridge**, 424 U.S. 319 (1976): setting out the balancing framework for procedural due process.
5. **Hamdi v. Rumsfeld**, 542 U.S. 507 (2004): reaffirming that a citizen or noncitizen held by the Executive must have a meaningful opportunity to contest the factual and legal basis for detention.
6. **Whitmore v. Arkansas**, 495 U.S. 149 (1990): describing the standards governing next-friend standing.

- 7. Boumediene v. Bush, 553 U.S. 723 (2008):** emphasizing the historic function of habeas as a check on arbitrary executive detention.

VII. WHY IMMEDIATE RELEASE IS WARRANTED

1. Petitioner's liberty interest is immediate and irreparable. Each additional day of detention constitutes a fresh constitutional injury that cannot be adequately remedied by money damages.
2. The present record strongly favors release because Petitioner has a documented asylum history, documented biometrics, and documented employment authorization. Those facts point toward compliance, not dangerousness or evasion.
3. The absence of available EOIR case information heightens the risk that Petitioner is being detained without effective access to a functioning review mechanism.
4. Release on recognizance, parole, reporting conditions, or other non-custodial supervision would adequately protect any legitimate governmental interest while preventing continued constitutional harm.
5. In the alternative, if the Court is not prepared to order immediate release on the present record, it should require Respondents to produce Petitioner promptly and to provide a legally sufficient, individualized custody review on an emergency basis.

VIII. PRAYER FOR RELIEF

1. Issue the writ and order Respondents to show cause why Petitioner's detention is lawful.
2. Order Petitioner's immediate release from ICE custody under reasonable conditions, including release on recognizance, parole, or reporting requirements if the Court deems conditions appropriate.

3. Alternatively, order an expedited individualized custody hearing before a neutral decisionmaker at which the government must justify continued detention with specific evidence.
4. Enjoin Respondents from transferring Petitioner outside this District during the pendency of this action without prior notice to the Court.
5. Award all other relief the Court deems just, proper, and necessary to protect Petitioner's liberty and the Court's habeas jurisdiction.

IX. EMERGENCY MOTION FOR IMMEDIATE RELEASE

1. Petitioner incorporates all allegations above and moves on an emergency basis for immediate release pending final adjudication of the petition.
2. Emergency relief is warranted because Petitioner continues to suffer a severe deprivation of physical liberty; because the available record shows long-standing participation in asylum processing rather than evasion; because public EOIR records presently do not show an accessible case listing; and because each additional day of confinement magnifies irreparable harm.
3. The balance of equities favors release. The government's interests can be protected through non-detention conditions, while Petitioner's liberty cannot be restored retroactively for the days already lost to unlawful confinement.
4. The public interest favors ensuring that civil detention complies with the Constitution, that habeas remains an effective remedy, and that asylum seekers are not jailed without meaningful process.

X. DECLARATION OF NEXT FRIEND (CIDH USA) - TEMPLATE

I, WILBERT MARTINEZ, declare as follows:

1. I am an authorized representative of Comisión Internacional de Derechos Humanos (CIDH USA). I submit this declaration in support of the petition for writ of habeas corpus filed on behalf of Arisdalia Merino Cordero.
2. I am over eighteen years of age and competent to make this declaration.
3. CIDH USA became involved in this matter in order to protect Petitioner's fundamental rights, including bodily liberty, due process, access to courts, humane treatment, and family unity.
4. Petitioner is presently detained and has restricted ability to gather records, communicate freely, conduct legal research, prepare filings, and secure timely judicial review from within detention. Because of those restrictions, she cannot adequately litigate this emergency habeas matter without outside assistance.
5. CIDH USA is dedicated to Petitioner's best interests and seeks no relief adverse to her. The organization's sole purpose in filing as Next Friend is to challenge allegedly unlawful detention and secure immediate judicial review and appropriate release.
6. The organization is informed and believes that Petitioner has a pending asylum matter, completed biometrics, had employment authorization, and is presently held at the Imperial Regional Adult Detention Facility.
7. CIDH USA respectfully requests that the Court recognize its next-friend status or, alternatively, grant leave to supplement this declaration with any additional information the Court may require.

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

Executed on: 04 / 13 / 2026

Signature: Wilbert Martinez



XI. COVER LETTER - FILING TEMPLATE

Clerk of Court

United States District Court

Southern District of California

333 W Broadway, Suite 420

San Diego, California 92101

Re: Emergency Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241

Petitioner: Arisdalia Merino Cordero, 

Dear Clerk of Court:

Please accept for filing the enclosed Petition for Writ of Habeas Corpus and Emergency Motion for Immediate Release submitted on behalf of detainee Arisdalia Merino Cordero through her Next Friend, Comisión Internacional de Derechos Humanos (CIDH USA). The petition challenges her current immigration detention at the Imperial Regional Adult Detention Facility in Calexico, California, and requests immediate judicial intervention because continued custody appears to be occurring without meaningful and timely process.

The enclosed package includes: (1) the Petition for Writ of Habeas Corpus; (2) the Emergency Motion for Immediate Release; (3) the Next Friend Declaration; and (4) supporting exhibits, including evidence of detention, evidence of the pending asylum process, and evidence that the public EOIR system currently shows no available case information for the supplied A-number.

Please file the enclosed materials, assign a civil case number, and return file-stamped copies if permitted. If any local requirement remains outstanding, please advise so that it may be cured immediately.

Respectfully submitted,



Wilbert Martinez.

Comisión Internacional de Derechos Humanos (CIDH USA)

14300 CORNESTONE VILLAGE DR SUIT 126 HOUSTON TX 77014

8323672142

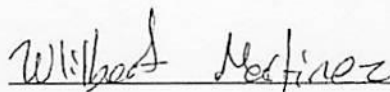
CIDH@CIDHUSA.ORG

XII. PROPOSED EXHIBIT INDEX

Exhibit	Document	Purpose
A	ICE Locator page	Shows current detention at Imperial Regional Adult Detention Facility, Calexico, California.
B	EOIR automated case information screenshot	Shows “No hay información disponible para el caso,” supporting lack of accessible court information.
C	Form I-797C receipt for I-589	Shows USCIS receipt of the defensive asylum application on July 18, 2023.
D	ASC biometrics notice	Shows biometrics notice dated July 21, 2023, with appointment on August 8, 2023.
E	Employment Authorization Document, if available	Further demonstrates ongoing immigration process and prior authorization to work.

XIII. SIGNATURE BLOCK

Respectfully submitted,



Comisión Internacional de Derechos Humanos (CIDH USA)

Next Friend for Petitioner Arisdalia Merino Cordero

Date: 04/13/2026

