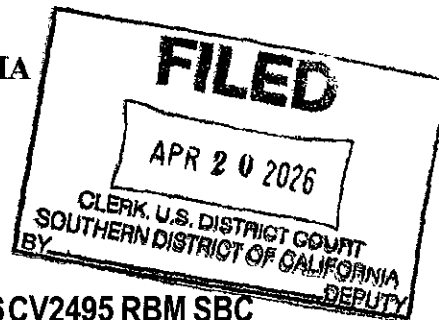


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**



NILDER GONZALEZ MENDOZA,

Petitioner,

v.

'26CV2495 RBM SBC

U.S. DEPARTMENT OF HOMELAND SECURITY; TODD M. LYONS, Acting Director of U.S. Immigration and Customs Enforcement; THE FIELD OFFICE DIRECTOR, ERO EL CENTRO; THE WARDEN, IMPERIAL REGIONAL DETENTION FACILITY; and DOES 1-10,

Respondents.

EMERGENCY HABEAS CORPUS PACKAGE

(28 U.S.C. § 2241)

INCLUDING:

Cover Letter to the Clerk

Petition for Writ of Habeas Corpus

Emergency Motion for Immediate Release Pending Review

Exhibit Index

Filed by Next Friend:

COMISIÓN INTERNACIONAL DE DERECHOS HUMANOS (CIDH USA)

Petitioner Information

Name: Nilder Gonzalez Mendoza

A-Number: 

Current Facility: Imperial Regional Detention Facility, Calexico, California

Related Immigration Proceeding: Master Hearing scheduled for April 30, 2026, at 1:30 p.m.

(Imperial, California)

Core Facts: Cuban national; detained in California during a traffic stop; possessed work authorization, Social Security number, and driver's license; seeks relief while pursuing residency under the Cuban Adjustment Act.

COVER LETTER TO THE CLERK

Clerk of Court

United States District Court

Southern District of California

Re: Emergency Habeas Corpus Filing for Nilder Gonzalez Mendoza, 

Dear Clerk:

Enclosed for filing please find an Emergency Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, together with an Emergency Motion for Immediate Release Pending Review, on behalf of Petitioner Nilder Gonzalez Mendoza, presently detained at Imperial Regional Detention Facility in Calexico, California.

This filing seeks prompt judicial intervention because Petitioner is being held in immigration detention despite having an active immigration case, no final order of removal, and a viable path to lawful permanent residence through the Cuban Adjustment Act. According to the information provided, Petitioner was detained during a traffic stop in California even though he possessed a valid employment authorization document, a Social Security number, and a driver's license.

The enclosed petition alleges ongoing violations of the Due Process Clause of the Fifth Amendment and requests expedited review because each additional day of detention imposes irreparable liberty harm.

Please file the enclosed pleadings and return a stamped copy if presented in person or if a self-addressed stamped envelope is provided. Thank you for your prompt attention to this emergency matter.

Respectfully submitted,

COMISION INTERNACIONAL DE DERECHOS HUMANOS (CIDH USA)

Next Friend for Petitioner



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

I. INTRODUCTION

Petitioner Nilder Gonzalez Mendoza, through his Next Friend, Comisión Internacional de Derechos Humanos (CIDH USA), respectfully petitions this Court for a writ of habeas corpus to remedy his unlawful civil immigration detention. Habeas relief is necessary because Petitioner is being deprived of liberty without constitutionally adequate process, without a final order of removal, and under circumstances showing that continued detention is arbitrary, excessive, and no longer reasonably related to any legitimate civil immigration purpose.

Petitioner is a Cuban national who, according to the information supplied for this filing, was detained in California during a traffic stop despite possessing work authorization, a Social Security number, and a driver's license. He is also pursuing lawful status through the Cuban Adjustment Act. He remains detained at Imperial Regional Detention Facility while his immigration proceedings continue, including a scheduled master hearing on April 30, 2026.


Because immigration detention is civil rather than punitive, due process requires a meaningful justification for prolonged confinement and a real opportunity for individualized review. That has not occurred here. This Court should exercise its habeas power to order Petitioner's release, or at minimum require a prompt individualized custody hearing before a neutral decisionmaker.

II. JURISDICTION AND VENUE

This Court has subject matter jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody in violation of the Constitution and laws of the United States. Federal question jurisdiction also exists under 28 U.S.C. § 1331. The petition presents claims arising under the Fifth Amendment Due Process Clause and federal immigration detention statutes.

Venue lies in this District because Petitioner is detained within this judicial district and the immediate custodial authorities responsible for his confinement are located here or exercise custody here.

III. PARTIES

Petitioner Nilder Gonzalez Mendoza is a noncitizen currently detained by Immigration and Customs Enforcement at Imperial Regional Detention Facility in Calexico, California. His A-Number is 

Respondents include the U.S. Department of Homeland Security; the Acting Director of U.S. Immigration and Customs Enforcement; the Field Office Director for ERO El Centro, who oversees enforcement and removal operations relevant to Petitioner's custody; the Warden of Imperial Regional Detention Facility; and any other officers with legal control over Petitioner's detention.

IV. NEXT FRIEND STANDING OF CIDH USA

This petition is brought by Comisión Internacional de Derechos Humanos (CIDH USA) as Next Friend because Petitioner is presently confined, has limited access to legal materials and communication, and faces substantial practical barriers to preparing and filing a legally sufficient federal petition on his own. Detention sharply restricts his ability to investigate facts, obtain records, and secure timely judicial review.

Next-friend standing is appropriate where the real party in interest cannot effectively litigate his own case and where the next friend is truly dedicated to the detainee's best interests. CIDH USA submits this petition solely to protect Petitioner's liberty interests and facilitate access to the Court.

V. FACTUAL ALLEGATIONS

Petitioner is a citizen of Cuba and has been physically present in the United States while pursuing immigration relief. The facts provided for this filing indicate that he has a route to lawful permanent residence through the Cuban Adjustment Act and had already obtained work authorization and other indicia of lawful presence or authorized stay, including a Social Security number and a driver's license.

Petitioner was detained in California during a traffic stop. The information provided indicates there was no criminal basis warranting punitive detention and no meaningful explanation sufficient to justify his immediate transfer into immigration custody. He was then placed in continuing detention at Imperial Regional Detention Facility.

Petitioner is not subject to a final order of removal. Instead, he remains in active immigration proceedings, and a master calendar hearing has been scheduled for April 30, 2026. His continued incarceration therefore occurs while his eligibility for relief remains live and unresolved.

Despite the civil nature of immigration detention, Petitioner continues to be jailed away from his community, employment, and family support. Continued detention is especially severe because he had demonstrated ties to the community and compliance through work authorization, possession of identification documents, and ongoing pursuit of immigration relief.

VI. CLAIMS FOR RELIEF

Claim One – Violation of the Fifth Amendment Due Process Clause. The Fifth Amendment prohibits civil detention that is arbitrary, excessive, or unsupported by adequate procedural protections. When the Government continues to hold a noncitizen in immigration custody without a final order of removal and without a meaningful individualized determination that detention remains necessary, it violates due process.

Claim Two – Unlawful Civil Detention Without Adequate Individualized Review. Civil immigration detention cannot be used as a substitute for punishment. Where a detainee has substantial ties, an active immigration case, and plausible eligibility for lawful status, due process requires an individualized justification for continued custody, not automatic or reflexive detention.

Claim Three – Detention Disproportionate to Any Legitimate Government Interest. Petitioner's detention is excessive in light of the facts presented here. He was reportedly carrying documentation consistent with authorized employment and identity, and he has a pending path to residence under the Cuban Adjustment Act. Under these circumstances, blanket detention is not narrowly tied to ensuring appearance or protecting the public.

VII. LEGAL ARGUMENT

Federal courts retain habeas jurisdiction to review the legality of immigration detention. The Supreme Court has repeatedly recognized that freedom from physical restraint lies at the core of liberty protected by due process. Civil detention must therefore remain carefully limited and justified. See, e.g., *Zadvydas v. Davis*, 533 U.S. 678 (2001).

In addition, the constitutional tolerance for immigration detention depends on its purpose and procedure. Detention that becomes unreasonably prolonged or insufficiently justified raises serious due process concerns. Even where statutes authorize detention, they must be applied in a manner consistent with the Constitution.

Here, the equities strongly favor release. Petitioner is not alleged to be under a final order of removal. He has an active immigration case. He allegedly possessed work authorization, a Social Security number, and a driver's license at the time of the traffic stop. He is also pursuing a form of relief uniquely significant to Cuban nationals under the Cuban Adjustment Act. These facts undermine any assumption that detention is automatically necessary.

At a minimum, due process requires an individualized custody determination that genuinely assesses alternatives to detention and the actual need for continued confinement. If the Government cannot promptly justify detention with particularized evidence, release is required.

VIII. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court: (1) issue the writ of habeas corpus; (2) order Petitioner's immediate release from immigration detention on appropriate conditions of supervision, if any; (3) in the alternative, order Respondents to provide a prompt individualized custody hearing before a neutral decisionmaker; (4) expedite consideration of this matter; and (5) grant any further relief the Court deems just and proper.

DATED: 04/18/2026

Respectfully submitted,

COMISIÓN INTERNACIONAL DE DERECHOS HUMANOS (CIDH USA)

By: Wilber Hernandez

Authorized Representative / Next Friend



EMERGENCY MOTION FOR IMMEDIATE RELEASE PENDING REVIEW

I. RELIEF REQUESTED

Petitioner moves this Court for an order directing his immediate release from immigration detention while this habeas petition is adjudicated. In the alternative, Petitioner requests an order requiring Respondents to provide a prompt individualized custody hearing with authority to grant release.

II. GROUNDS FOR EMERGENCY RELIEF

Emergency interim relief is warranted because the injury caused by unlawful physical confinement is immediate and irreparable. Each additional day of detention deprives Petitioner of liberty, disrupts family and community stability, and impairs his ability to prepare his immigration defense and pursue his residency-based relief.

Petitioner's case presents substantial claims on the merits. He is not under a final order of removal; he has ongoing immigration proceedings, he reportedly held work authorization, a Social Security number, and a driver's license when stopped; and he seeks permanent residence through the Cuban Adjustment Act. On these facts, continued detention without robust individualized justification is constitutionally suspect.

The balance of equities favors release. There is no allegation in the facts presented that Petitioner poses a danger to the community, and his ties to lawful work and identity documentation support the availability of less restrictive alternatives. The public interest is served when immigration detention operates within constitutional limits.

III. CONCLUSION

For these reasons, Petitioner respectfully asks the Court to order immediate release pending resolution of the habeas petition or, alternatively, to require a prompt individualized custody hearing and such other temporary relief as justice requires.

DATED: 04/13/2026

Respectfully submitted,

COMISIÓN INTERNACIONAL DE DERECHOS HUMANOS (CIDH USA)

By: _____



Authorized Representative / Next Friend