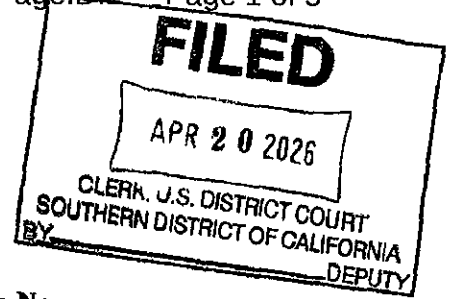


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA



Yuniell Michell Guerra Fonseca,  
Petitioner,

Case No. \_\_\_\_\_  
'26CV2496 BJC BJW

v.

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


U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT;  
PATRICK J. LECHLEITNER, Acting Director of ICE;  
FIELD OFFICE DIRECTOR, ERO EL CENTRO;  
WARDEN, IMPERIAL REGIONAL DETENTION FACILITY;  
and  
DOES 1 through 10, inclusive,

Hon.  
\_\_\_\_\_

Respondents.

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

**I. INTRODUCTION**

This case seeks habeas relief from the ongoing civil immigration detention of Yuniell Michell Guerra Fonseca, A-Number  The records provided for filing indicate that Petitioner is a native and citizen of Cuba who is presently confined at Imperial Regional Detention Facility, 1572 Gateway Road, Calexico, California 92231. The same records indicate that his immigration case is not a straightforward post-final-order case: the Immigration Judge terminated proceedings on January 31, 2024, the Department of Homeland Security then filed an appeal to the Board of Immigration Appeals, and Petitioner also has a pending adjustment-of-status filing associated with Cuban Adjustment Act relief.

On this record, continued detention as though removal were immediately executable is legally vulnerable. At minimum, the Court should require Respondents to justify the legal basis for detention, the statutory authority they claim applies, and the process actually afforded to Petitioner. The writ exists

precisely to test the legality of present custody where liberty is restrained in violation of the Constitution or laws of the United States.


This petition is submitted by Darielka Gonzalez Morinigo, Petitioner's wife, as next friend. She brings this action because Petitioner is detained, has limited access to legal resources and document preparation, and cannot practically prepare and file this federal habeas matter on his own behalf from custody. She has a direct and significant relationship with him, acts solely in his best interests, and files with his knowledge and consent.

## **II. JURISDICTION AND VENUE**

This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in federal immigration custody and challenges the legality of that custody. District courts may grant habeas relief within their respective jurisdictions when a person is restrained in violation of federal law.

Venue is proper in the Southern District of California because Petitioner is confined within this District and the immediate custodial officials and ICE officials exercising legal control over his detention are located here or act here.

## **III. PARTIES**

Petitioner is Yuniell Michell Guerra Fonseca, A-Number  presently detained at Imperial Regional Detention Facility, 1572 Gateway Road, Calexico, California 92231.

Next Friend is Darielka Gonzalez Morinigo, Petitioner's spouse. She is pregnant, has required medical care, and is directly affected by Petitioner's detention. She has a significant relationship with Petitioner and is dedicated to his best interests.

Respondent U.S. Immigration and Customs Enforcement is the federal agency exercising custody over Petitioner. Respondent Patrick J. Lechleitner is named in his official capacity as Acting Director of ICE. Respondent Field Office Director, ERO El Centro, is named because that office exercises custody-related authority

over Petitioner's detention. Respondent Warden of Imperial Regional Detention Facility is named as Petitioner's immediate physical custodian.

#### **IV. NEXT-FRIEND STANDING**

Federal courts recognize next-friend standing when the real party in interest cannot litigate on his own behalf and the proposed next friend has a significant relationship and is truly dedicated to that person's best interests. Petitioner satisfies the first requirement because he is detained in immigration custody, his ability to access legal materials, drafting tools, signatures, mailing logistics, and court rules is materially constrained, and he cannot practically prepare and file a federal habeas action on his own from detention.

Darielka Gonzalez Morinigo satisfies the second requirement because she is Petitioner's wife, has a direct and substantial relationship with him, is personally affected by his detention, and acts only to protect his liberty, his access to due process, and the stability of the family unit. She files this action with his knowledge and consent.

#### **V. FACTUAL ALLEGATIONS**

Petitioner is a Cuban national who has been pursuing immigration relief in the United States.

The submitted immigration court materials reflect that an Immigration Judge terminated proceedings on January 31, 2024.

The submitted Board of Immigration Appeals material reflects that DHS filed an appeal from that ruling. As a result, the record supplied for this filing does not show the kind of simple, unambiguous final executable removal posture that would ordinarily support detention solely as a post-final-order case.

The submitted I-797C notice tied to Form I-485 reflects a pending adjustment-of-status filing and fee-waiver processing. That filing is consistent with an active pursuit of lawful status under the Cuban Adjustment Act framework.

The submitted ICE reporting record reflects prior compliance with supervision or reporting requirements, which supports release equities and undercuts any assumption that Petitioner was evading process.

Petitioner was nevertheless taken into immigration custody and is now detained at Imperial Regional Detention Facility.

Petitioner's wife is pregnant and medically vulnerable. The records submitted include hospital discharge paperwork from Banner University Medical Center Phoenix. She depends on Petitioner for emotional support, practical assistance, transportation, household stability, and day-to-day family support.

## **VI. CLAIMS FOR RELIEF**

**Claim One – Unlawful detention.** The Due Process Clause does not permit arbitrary civil immigration detention. Based on the record presented, Respondents are detaining Petitioner without a sufficiently demonstrated legal basis. If Respondents rely on 8 U.S.C. § 1231, they should be required to explain how that section can govern where the supplied record shows termination of proceedings, a DHS appeal, and continuing pursuit of adjustment relief. If Respondents rely on 8 U.S.C. § 1226, they should be required to justify why continued detention without meaningful individualized release consideration is lawful on these facts.

**Claim Two – Denial of due process.** Civil detention requires fundamentally fair procedures. Petitioner's liberty has been restrained for an extended period while significant legal questions remain about the posture of his case, the applicable detention statute, and the process that has been provided. Continued detention without constitutionally adequate safeguards violates the Fifth Amendment.

**Claim Three – Failure to provide meaningful custody review.** Even where detention is initially authorized, continued confinement must be accompanied by a meaningful opportunity to obtain release based on individualized facts such as lack of danger, lack of flight risk, family support, reporting history, and humanitarian hardship. Petitioner's family ties, pending relief, and prior compliance strongly

support release or, at minimum, an immediate individualized custody determination.

Claim Four – Extraordinary humanitarian hardship. Petitioner’s detention imposes severe hardship on his pregnant spouse, who has documented medical needs. The equities here strongly favor urgent judicial intervention.

#### **VII. REQUEST FOR RELIEF**

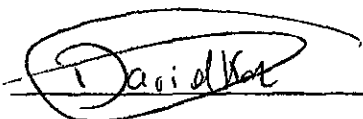
Petitioner respectfully requests that the Court issue the writ and order his immediate release from immigration detention under reasonable conditions, if any, that the Court considers appropriate.

In the alternative, Petitioner requests an order directing Respondents to provide a prompt and meaningful individualized custody hearing before a neutral decisionmaker at which Respondents bear the burden of justifying further detention.

Petitioner also requests a stay of removal while this habeas action is pending, expedited consideration of the emergency motion for release, and any other relief the Court deems just and proper.

#### **VIII. VERIFICATION**

I, Darielka Gonzalez Morinigo, declare under penalty of perjury that I am the wife of Petitioner, that I am acting as next friend with his knowledge and consent, and that the factual allegations in this petition are true and correct to the best of my knowledge, information, and belief.



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Darielka Gonzalez Morinigo

Next Friend for Yuniell Michell Guerra Fonseca