

UNITED STATES DISTRICT
COURT SOUTHERN DISTRICT OF CALIFORNIA

RAFAEL JOSE ECHEVERRIA HERNANDEZ
Proceeding Pro Se,
Petitioner,

v.

_____, WARDEN, Imperial Regional Detention Facility;
_____, FIELD OFFICE DIRECTOR, ICE San Diego Field
Office; TODD M. LYONS, Acting Director, United States
Immigration and Customs Enforcement; KRISTI NOEM,
Secretary of Homeland Security; MERRICK GARLAND,
United States Attorney General, in their official capacities,

Respondents.

Civil Action No.: '26CV2451 CAB DDL

PETITION FOR WRIT OF HABEAS
CORPUS

PETITION FOR A WRIT OF HABEAS CORPUS

(Verified Petition Pursuant to 28 U.S.C. § 2241)

INTRODUCTION

Petitioner JOSE RAFAEL ECHEVERRIA HERNANDEZ respectfully petitions this Honorable Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his unlawful and unconstitutional civil immigration detention by the United States Department of Homeland Security and Immigration and Customs Enforcement (ICE).

Petitioner's detention, which commenced on April 1, 2026, is arbitrary and serves no legitimate governmental purpose. He was arrested without clear cause while driving home from his long-term job, has no criminal history whatsoever, and is the sole provider for his family, which includes a two-year-old baby and a child with an intellectual disability who is profoundly

dependent on his support.

Petitioner, a resident with deep roots in his California community, has a pending asylum application and has been a productive, tax-paying member of society for years. He has a stable job, a home, and a family that is now facing extreme hardship due to his sudden and unjustified detention. Detaining a non-criminal individual with a pending legal case, who poses neither a flight risk nor a danger to the community, violates the Immigration and Nationality Act (INA) and the Due Process Clause of the Fifth Amendment.

Freedom from unlawful physical restraint is the bedrock of liberty. Detaining a father and dedicated worker based on an unexplained traffic stop, thereby destabilizing a vulnerable family, constitutes arbitrary government action. Because Petitioner's detention is statutorily and constitutionally infirm, habeas relief is necessary. Petitioner respectfully requests that this Court grant the writ and order his immediate release, or, in the alternative, order an immediate individualized bond hearing where the Government bears the burden of justifying his continued detention.

CUSTODY

Petitioner is in the physical custody of Respondents at the Imperial Regional Detention Facility, 1572 Gateway Rd, Calexico, CA 92231. He is under the direct control of:

- Warden, Imperial Regional Detention Facility;
- Field Office Director, ICE San Diego Field Office;
- Acting Director, United States Immigration and Customs Enforcement;
- Secretary, Department of Homeland Security;
- Attorney General, United States.

JURISDICTION

This Court has subject-matter jurisdiction under 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 2241 (writ of habeas corpus).

1. Personal jurisdiction attaches to the named respondents in their official capacities.
2. The Court's jurisdiction is further supported by the Due Process Clause of the Fifth Amendment and the Suspension Clause of the United States Constitution.


VENUE

Venue is proper in this District pursuant to 28 U.S.C. § 1391 and 28 U.S.C. § 2242 because:

- Petitioner is detained in Calexico, California, within the Southern District of California;
- The Facility and the Respondents' custodial officers are located in this District.

PARTIES

Party	Description
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Petitioner	I, Jose Rafael Echeverria Hernandez, A-Number  citizen of El Salvador, presently detained at the Imperial Regional Detention Facility.
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Respondent	
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1	Warden, Imperial Regional Detention Facility, named in official capacity.
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Respondent	Field Office Director, ICE San Diego Field Office, named in official capacity.
2	

Respondent	Acting Director, United States Immigration and Customs Enforcement,
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Party Description

3 named in official capacity.



Respondent


4 Secretary, Department of Homeland Security, named in official capacity.

Respondent

5 Attorney General, United States, named in official capacity.

STATEMENT OF FACTS

1. Petitioner JOSE RAFAEL ECHEVERRIA HERNANDEZ is a native and citizen of El Salvador, born on 
2. He has resided in the United States since 2007, establishing deep ties to his community in Salinas, California. He has a pending application for asylum.
3. Petitioner is a dedicated father and the sole financial provider for his family, which includes his partner, a two-year-old baby, and a child with an intellectual disability who requires special care and support.
4. On April 1, 2026, Petitioner was driving home from his job on Freeway I-10 in Indio, California. After passing through all routine checks without issue, he was followed by law enforcement officers and subsequently arrested and taken into ICE custody. The arrest was not precipitated by any criminal violation.
5. Petitioner has an established work history. He has been employed for approximately two years at  in King City, California. He is a taxpayer, as evidenced by his W-2 forms and 1040 tax returns.

6. Petitioner maintains a stable residence with his family at  Salinas, CA, as evidenced by a signed lease agreement.
7. Petitioner has absolutely no criminal record. He is not a danger to the community.
8. Petitioner's family is suffering extreme hardship due to his detention. His partner is experiencing severe depression, and the care and financial stability for his children, particularly his child with a disability, are now in jeopardy.
9. Since being detained, Petitioner's health has deteriorated; he is suffering from a severe cough and flu-like symptoms due to the conditions of his confinement.
10. The Government initiated removal proceedings against Petitioner, but these proceedings do not warrant his detention, as he is not subject to any mandatory detention provision.
11. Despite his clean record, strong community ties, and a pending asylum case, Respondents continue to detain Petitioner without an individualized bond hearing to assess whether his detention is necessary.

LEGAL FRAMEWORK

1. **Statutory Basis for Detention.** Because Petitioner has not been convicted of any crime, his custody is governed by the discretionary standard of 8 U.S.C. § 1226(a). This section authorizes the Attorney General to detain an individual "pending a decision on whether the alien is to be removed from the United States" but also permits release on bond or conditional parole. Detention under this section is not mandatory and requires an individualized custody determination.
2. **Due Process Clause.** The Fifth Amendment prohibits the government from depriving any "person" of liberty without due process of law. *Zadvydas v. Davis*, 533 U.S. 678, 690

(2001). This protection applies to all individuals within the United States, regardless of their immigration status. Arbitrary detention without a legitimate regulatory purpose, such as preventing flight or danger, is a fundamental violation of due process.

3. ***Mathews v. Eldridge* Balancing.** Applying the three-part test from *Mathews v. Eldridge*, 424 U.S. 319 (1976), confirms that Petitioner's detention is unconstitutional. First, Petitioner has a fundamental private interest in his own liberty and in maintaining his family unit, particularly given the special needs of his child. Second, the risk of erroneous deprivation is extremely high, as his detention is not based on any evidence of danger or flight risk. A bond hearing would provide a crucial procedural safeguard. Third, the governmental interest in detaining a non-dangerous, long-term resident with a pending asylum claim is minimal, while the burden on Petitioner and his vulnerable family is catastrophic.

CLAIMS FOR RELIEF

COUNT ONE – VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT

(INA)

1. Petitioner realleges and incorporates by reference each allegation set forth above.
2. Petitioner is being detained under 8 U.S.C. § 1226(a). This detention is not mandatory.
3. Respondents are detaining Petitioner arbitrarily and without basis, as he has no criminal history, is not a flight risk due to his deep community and family ties, and is not a danger to the community.
4. The detention serves no legitimate purpose under the INA and constitutes an abuse of discretion.

COUNT TWO – VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT

1. Petitioner realleges and incorporates by reference each allegation set forth above.
2. The Due Process Clause requires that any deprivation of liberty be predicated on a legitimate legal and factual basis and be accompanied by fair procedures. *Zadvydas*, 533 U.S. at 690.
3. Detaining Petitioner—a non-criminal, long-term resident, and sole provider for a family with a disabled child—without an individualized bond hearing where the Government must justify his continued detention constitutes arbitrary and punitive confinement in violation of his fundamental right to due process.

COUNT THREE - VIOLATION OF HUMANITARIAN PROTECTIONS AND FAMILY INTEGRITY

1. Petitioner realleges and incorporates by reference each allegation set forth above.
2. The continued detention of Petitioner inflicts severe and unnecessary hardship on his U.S. citizen children, particularly his child with an intellectual disability who is dependent on his father's presence and support. This separation threatens the fundamental constitutional right to family integrity.
3. Furthermore, Petitioner's deteriorating health in custody constitutes cruel and unnecessary punishment and demonstrates Respondents' disregard for his well-being, providing another basis for his release on humanitarian grounds.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court grant the following relief:

1. Issue an immediate Temporary Restraining Order enjoining Respondents from transferring, removing, or deporting Petitioner pending resolution of this application.
2. Assume jurisdiction over this matter.
3. Order Respondents to show cause why a writ of habeas corpus should not be granted, within three (3) days, and set a hearing on this petition within five (5) days of the return, as required by 28 U.S.C. § 2243.
4. Declare that Petitioner's continued detention violates the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment.
5. Grant a writ of habeas corpus ordering Respondents to immediately release Petitioner from the Imperial Regional Detention Facility.
6. In the alternative, order Respondents to provide Petitioner with an immediate bond hearing before an Immigration Judge, at which the Government must prove by clear and convincing evidence that his continued detention is necessary.
7. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, and 28 U.S.C. § 2412.
8. Grant such further relief as this Court deems just and proper.

VERIFICATION

I, Jose Rafael Echeverria Hernandez, being the petitioner, hereby certify under penalty of perjury that the statements set forth herein are true and correct to the best of my knowledge and belief.

Date: April 13, 2026

/s/ Jose Rafael Echeverria Hernandez
Jose Rafael Echeverria Hernandez
Pro Se