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6 **Juan Angel Godines-Gomez**

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8
9 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT

10 Juan Angel Godines-Gomez,

11
12 Petitioner,

13 v.

14 Divver et al.

15 Respondents.
16

Case No. '26CV2652 BTM MSB

WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241

1 Petitioner Juan Angel Godines-Gomez, through counsel, petitions for a writ of habeas
2 corpus under 28 U.S.C. § 2241 and alleges:

3
4 **I. INTRODUCTION**

- 5 1. Petitioner seeks a writ of habeas corpus under 28 U.S.C. § 2241 because Petitioner is in
6 federal immigration custody and is being detained in violation of the Constitution and
7 laws of the United States.
8 2. Respondents' detention of Petitioner violates the Immigration and Nationality Act, the
9 Administrative Procedure Act, and the Due Process Clause of the Fifth Amendment.
10 3. Petitioner requests (a) expedited issuance of an Order to Show Cause pursuant to 28
11 U.S.C. § 2243; (b) an order directing Respondents to immediately release Petitioner from
12 custody; and (c) any further relief the Court deems just and proper.

13 **II. JURISDICTION AND VENUE**

- 14 4. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is "in custody"
15 under color of federal authority within this judicial district and alleges that such custody
16 violates the Constitution and laws of the United States.
17 5. This Court is authorized to grant habeas relief under 28 U.S.C. §§ 2241–2243.
18 6. To the extent Petitioner seeks relief under the Administrative Procedure Act in addition
19 to habeas relief, this Court also has jurisdiction under 28 U.S.C. § 1331.
20 7. Venue is proper in this District because Petitioner is detained within the South District of
21 California.
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III. REQUIREMENTS OF 28 U.S.C. §§ 2241 AND 2243

8. Under 28 U.S.C. § 2243, this Court must either grant the writ or issue an Order to Show Cause “forthwith” unless it appears from the petition that Petitioner is not entitled to relief.
9. Habeas corpus is a fundamental mechanism for testing the legality of executive detention and provides a swift and imperative remedy for unlawful restraint of liberty.

IV. PARTIES

10. Petitioner Juan Angel Godines-Gomez is detained by the Department of Homeland Security (“DHS”), through U.S. Immigration and Customs Enforcement (“ICE”), at the Otay Mesa Detention Center (“OMDC”) in San Diego, California.
11. Respondent Patrick Divver is the Director of the San Diego Field Office of ICE’s Enforcement and Removal Operations division. In that official capacity, he is the federal official most directly responsible for Petitioner’s immigration detention at OMDC. He is sued in his official capacity only.
12. Respondent Christopher J. LaRose is the Warden of OMDC, where Petitioner is detained. He has day-to-day physical custody of Petitioner and is sued in his official capacity only.
13. This Petition challenges Petitioner’s present physical confinement under 28 U.S.C. § 2241. Respondents are therefore the officials with custody over Petitioner

V. FACTUAL BACKGROUND

14. Petitioner is a native and citizen of Honduras.
15. On or about 2003, Petitioner entered the United States without inspection and was not apprehended at the time of entry. He thereafter resided continuously in the United States.

1 16. Since his entry, Petitioner has established substantial ties in the United States, including
2 his long residence and family relationships.

3 17. Petitioner has no criminal history and no history of absconding.

4 18. On or about November 5, 2025, Petitioner was arrested by immigration authorities and
5 placed into removal proceedings.

6 19. Petitioner is currently detained in immigration custody, including at the Otay Mesa
7 Detention Center.

8 20. Petitioner's removal proceedings remain pending, and no final order of removal has been
9 issued.

10 21. Petitioner previously appeared for a custody determination; however, the determination
11 was not meaningfully individualized and did not assess Petitioner's actual circumstances,
12 including his lack of criminal history, long residence, and eligibility for relief.

13 22. The prior custody determination was denied based on procedural deficiencies rather than
14 an individualized assessment of risk of flight or danger.

15 23. As a result, Petitioner remains detained without a constitutionally adequate custody
16 determination at which the government bears the burden of justifying continued
17 detention.

18 VI. LEGAL FRAMEWORK

19 24. Immigration detention is civil and nonpunitive in nature and may be imposed only to
20 serve legitimate regulatory purposes, such as ensuring appearance at removal proceedings
21 or protecting the community. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Reno v.*
22 *Flores*, 507 U.S. 292, 306 (1993). Detention that is excessive in relation to these
23 purposes, or that lacks adequate procedural safeguards, violates due process.
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1 25. Noncitizens in removal proceedings are entitled to the protections of the Due Process
2 Clause of the Fifth Amendment. *Zadvydas*, 533 U.S. at 693; *Demore v. Kim*, 538 U.S.
3 510, 523 (2003). At minimum, due process requires a meaningful opportunity to contest
4 the factual and legal basis for continued civil confinement before a neutral
5 decisionmaker.

6 26. Where detention authority is exercised under 8 U.S.C. § 1226(a), custody determinations
7 must be individualized and must meaningfully assess whether continued detention is
8 necessary to address flight risk or danger to the community. The statute expressly
9 authorizes release on bond or conditional parole, and implementing regulations provide
10 for custody redetermination before an Immigration Judge. 8 U.S.C. § 1226(a); 8 C.F.R.
11 §§ 1236.1(d), 1003.19.

12 27. Even where DHS invokes authority to revoke a prior release under 8 U.S.C. § 1226(b),
13 such revocation must be based on individualized facts and exercised only by officials
14 authorized by regulation. 8 C.F.R. § 1236.1(c)(9). A categorical or automatic re-
15 detention, or a revocation undertaken without a reasoned, individualized assessment,
16 exceeds statutory and regulatory limits and is inconsistent with due process.

17 28. Habeas corpus is available to test the legality of present executive detention. *Hamdi v.*
18 *Rumsfeld*, 542 U.S. 507 (2004); *Preiser v. Rodriguez*, 411 U.S. 475 (1973).

19 29. Immigration detention is civil and nonpunitive. *Zadvydas v. Davis*, 533 U.S. 678 (2001);
20 *Reno v. Flores*, 507 U.S. 292 (1993). Because it is civil, detention must bear a reasonable
21 relation to legitimate regulatory goals such as ensuring appearance at proceedings and
22 protecting the community.

30. The Supreme Court has made clear that, although the immigration statutes cannot be rewritten by judicial construction to impose bond-hearing requirements not found in the statute, as-applied constitutional challenges to immigration detention remain cognizable. *Jennings v. Rodriguez*, 583 U.S. 281 (2018).

31. Where detention is governed by 8 U.S.C. § 1226(a), the statute expressly authorizes release on bond or conditional parole, and the regulations provide for custody redetermination before an Immigration Judge. 8 U.S.C. § 1226(a); 8 C.F.R. § 1236.1(d)(1); 8 C.F.R. § 1003.19.

32. In the Ninth Circuit, when due process requires a bond hearing in the immigration-detention context, the Government bears the burden of justifying continued detention by clear and convincing evidence. *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011)]. See also *Casas-Castrillon v. Dep't of Homeland Sec.*, 535 F.3d 942 (9th Cir. 2008), abrogated on other grounds by *Jennings v. Rodriguez*, 583 U.S. 281 (2018), as recognized in *Avilez v. Garland*, 69 F.4th 525 (9th Cir. 2023).

VII. CLAIMS FOR RELIEF (HABEAS GROUNDS)

Ground One: Violation of the Administrative Procedure Act (APA) Abuse of Discretion Violation of 8 U.S.C. § 1226(b) and 8 C.F.R. § 1236.1(c)(9)

33. Petitioner incorporates by reference all preceding paragraphs.

34. This Court has jurisdiction under 28 U.S.C. § 2241 to remedy unlawful federal custody, including custody maintained in violation of the Constitution or laws of the United States. Petitioner also seeks relief under the Administrative Procedure Act, 5 U.S.C. § 701 et seq. to the extent Respondents' custody decision constitutes reviewable agency action and no other adequate remedy provides complete relief.

1 35. Under the APA, a reviewing court must “hold unlawful and set aside agency action”
2 found to be “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance
3 with law.” 5 U.S.C. § 706(2)(A).

4 36. Agency action is arbitrary and capricious where the agency fails to consider an important
5 aspect of the problem, offers an explanation that runs counter to the evidence, or reaches
6 a decision that is implausible in light of the record. *Motor Vehicle Mfrs. Ass’n of U.S.,*
7 *Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29 (1983); *Nat’l Ass’n of Home Builders*
8 *v. Defs. of Wildlife*, 551 U.S. 644 (2007).

9 37. To satisfy APA review, the agency must provide a reasoned explanation reflecting a
10 rational connection between facts found and choices made. *Dep’t of Com. v. New York*,
11 139 S. Ct. 2551 (2019).

12 38. On information and belief, Respondents detained Petitioner without a reasoned,
13 individualized assessment of Petitioner’s current circumstances, and without providing a
14 meaningful custody determination adequate to test whether confinement remains
15 necessary.

16 39. On information and belief, Respondents’ detention and continued detention operate in
17 practice as a categorical denial of individualized custody review (including by treating
18 parole as the only release mechanism, refusing neutral custody redetermination, or
19 otherwise maintaining detention without an individualized custody analysis), rather than
20 a reasoned exercise of discretion on Petitioner’s facts.

21 40. By detaining Petitioner and maintaining custody without a reasoned, individualized
22 revocation decision and without procedures adequate to test the necessity of confinement
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1 as applied, Respondents acted arbitrarily and capriciously and abused discretion in
2 violation of 5 U.S.C. § 706(2)(A).

3 41. Petitioner is entitled to habeas and APA relief setting aside the unlawful detention
4 decision as applied and ordering immediate release.

5 **Ground Two: Violation of the Administrative Procedure Act (APA) Not in**
6 **Accordance with Law / In Excess of Statutory Authority / Without Observance of**
7 **Procedure Required by Law Violation of 8 U.S.C. § 1226(b) and 8 C.F.R. §**
8 **1236.1(c)(9).**

9 42. Petitioner realleges and incorporates all preceding paragraphs.

10 43. The APA requires a court to set aside agency action that is “not in accordance with law,”
11 “in excess of statutory jurisdiction, authority, or limitations,” or “without observance of
12 procedure required by law.” 5 U.S.C. § 706(2)(A), 5 U.S.C. § 706(2)(C), 5 U.S.C. §
13 706(2)(D).

14 44. On information and belief, Petitioner’s custody posture has been determined, directed, or
15 maintained through a categorical practice, blanket rule, or non-authorized decisionmaker
16 rather than an individualized revocation decision by an authorized official consistent with
17 8 C.F.R. § 1236.1(c)(9).

18 45. As a result, Respondents’ detention and continued detention are not in accordance with
19 law, are in excess of statutory authority, and/or were taken without observance of
20 required procedure, in violation of 5 U.S.C. § 706(2)(A), 5 U.S.C. § 706(2)(C), and 5
21 U.S.C. § 706(2)(D).

1 46. Petitioner is entitled to habeas and APA relief ordering Respondents to set aside the
2 unlawful detention decision and immediately release Petitioner from custody, as these
3 defects cannot be cured through further administrative process.

4 **Ground Three: Violation of the Fifth Amendment Procedural Due Process (As-**
5 **Applied Challenge to Continued Civil Detention Without a Constitutionally**
6 **Adequate Custody Determination).**

7 47. Petitioner realleges and incorporates all preceding paragraphs.

8 48. The Due Process Clause prohibits the federal government from depriving any person of
9 liberty without due process of law. U.S. Const. amend. V; *Zadvydas v. Davis*, 533 U.S.
10 678 (2001); *Reno v. Flores*, 507 U.S. 292 (1993).

11 49. The Supreme Court has held that the INA cannot be rewritten by statutory interpretation
12 to impose an automatic schedule of bond hearings; however, as-applied constitutional
13 challenges to immigration detention remain cognizable on the merits. *Jennings v.*
14 *Rodriguez*, 583 U.S. 131 (2018).

15 50. Because immigration detention is civil and nonpunitive, due process requires procedures
16 adequate to ensure detention remains justified as applied. At minimum, due process
17 requires a meaningful opportunity to contest the factual and legal basis for continued
18 confinement and to obtain an individualized determination whether continued detention
19 remains justified. *Mathews v. Eldridge*, 424 U.S. 319 (1976).

20 51. Applying the *Mathews v. Eldridge*, 424 U.S. 319 (1976) balancing framework, (a)
21 Petitioner's private liberty interest is substantial, (b) the risk of erroneous deprivation is
22 high given the absence of a lawful, individualized custody determination and the manner
23 in which detention has been carried out, and (c) the Government's interests can be served
24

1 through less restrictive alternatives, such that continued detention is not justified under
2 the circumstances.

3 52. Where detention is imposed or maintained without a lawful statutory basis and without
4 procedures sufficient to meaningfully test the necessity of continued detention, and where
5 the manner in which detention has been carried out renders additional process inadequate,
6 continued detention violates due process, and immediate release—not further custody
7 proceedings—is the appropriate remedy.

8 **VIII. REQUEST FOR RELIEF**

9 53. Petitioner respectfully requests that the Court:

10 A. Issue an Order to Show Cause under 28 U.S.C. § 2243 requiring Respondents to
11 respond forthwith;

12 B. Grant a writ of habeas corpus under 28 U.S.C. § 2241;

13 C. Order Respondents to release Petitioner immediately;

14 D. Award Petitioner attorneys' fees and costs to the extent permitted by law; and

15 E. Grant such other and further relief as the Court deems just and proper.

16 DATED this April 23, 2026.

17 /s/ Jose Torres

18 Jose Torres

19 *Counsel for Petitioner*