

Eduardo (Ed) Perez
(California Bar ID: 354544)
(Arizona Bar ID: 031187)
Law Offices of Ed Perez, P.C.
1079 Third Ave., Unit D
Chula Vista, California 91911
Telephone/Fax: (619) 913-7003
ed@edperezlaw.com
Attorney for Petitioner in Pro Bono

April 25, 2026

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION**

_____	)	File No: '26CV2760 LL SBC
Gerardo Antonio LOPEZ-FLORES,	)	
	)	Agency ID: 
Petitioner,	)	
	)	PETITION FOR WRIT
v.	)	OF HABEAS CORPUS &
	)	ORDER TO SHOW
Christopher J. LAROSE, in his official capacity	)	CAUSE; COMPLAINT
as Warden of Otay Mesa Detention Center;	)	FOR DECLARATORY
Daniel A. BRIGHTMAN, in his official capacity	)	& EMERGENCY
as San Diego Field Office Director (FOD),	)	RELIEF
Immigration & Customs Enforcement (ICE)	)	
Enforcement and Removal Operations (ERO);	)	
Todd LYONS, in his official capacity as Acting	)	
Director of ICE; and Markwayne MULLIN, in his	)	
Official capacity as Secretary of Homeland	)	
Security, Todd BLANCHE, U.S. Attorney General;	)	
ICE;	)	
DEPARTMENT OF HOMELAND SECURITY,	)	
	)	
Respondents.	)	
_____	)	

Petitioner Gerardo A. LOPEZ-FLORES, through undersigned Pro Bono

Counsel here, petitions this Court for a writ of Habeas Corpus under 28 U.S.C. section 2241 to remedy Respondents' detaining him unlawfully, and states as follows:

I. INTRODUCTION

1. Mr. LOPEZ-FLORES is a Honduran asylum seeker detained at Otay Mesa Detention Center in San Diego, California. He was persecuted in Honduras by a criminal organization, eventually leading to death threats after a criminal organization attempted to forcibly recruit Mr. LOPEZ-FLORES into their gang. After calling the local police on this group, the threats against the family increased, with the criminal group paying nightly visits to Mr. LOPEZ-FLORES' family home. During these nightly visits to the family's home, members of the criminal group shouted at the family, daring them to come out; they would fire live rounds into the air; and throw rocks at the home¹. These actions by this criminal group against Mr. LOPEZ-FLORES and his family continued for approximately three weeks. One day after leaving his home, Mr. LOPEZ-FLORES and his mother were ambushed by this gang, which resulted in Mr. LOPEZ-FLORES being beaten with a belt in front of his mother to show they were serious about their threats. After being beaten, one of the men tied Mr. LOPEZ-FLORES to a motorcycle with a rope. The man then drove the motorcycle with Mr. LOPEZ-FLORES tied to it, and Mr. LOPEZ-FLORES was dragged through the streets. After two blocks, the rope detached and Mr. LOPEZ-

¹ Exhibit A: Copy of Respondent's declaration, filed with immigration court on March 24, 2026.

FLORES fled for his life.

2. On or about November 6, 2021, Mr. LOPEZ-FLORES entered the United States as an unaccompanied minor. Mr. LOPEZ-FLORES was detained by Border Patrol agents and was issued a Notice to Appear via video conference, on November 7, 2021, not signed by a judge, without a future hearing date².

3. Mr. LOPEZ-FLORES was released through the Office of Refugee Resettlement (ORR), Division of Unaccompanied Children Operations (DUCO)³ to live with his uncle in Washington, D.C., and Mr. LOPEZ-FLORES has remained law abiding.⁴

4. The government has not justified why they later arrested Mr. LOPEZ-FLORES, nor why he remains detained almost six months later.

5. Mr. LOPEZ-FLORES's arrest is part of a new, nationwide DHS strategy of sweeping up people in the field, detaining them, and seeking to re-route them to fast-track deportations. Since early 2025, DHS has implemented a coordinated practice of leveraging immigration detention to strip people like Mr. LOPEZ-FLORES of their substantive and procedural rights and pressure them into deportation.⁵ Immigration detention is civil, and thus is permissible for only two

² Exhibit B: DHS Form I-213, dated November 07, 2021

³ Exhibit C: Verification of Release from Custody, dated November 18, 2021.

⁴ Exhibit D: Notice to Appear, DHS form I-862, dated November 9, 2025.

⁵ Steve Price, *Video shows ICE agents arresting immigrants at San Diego federal courthouse, raising due process concerns*, CBS8 LOCAL NEWS (June 11, 2025, 5:40 p.m. PDT), <https://www.cbs8.com/article/news/local/video-ice-agents-arrest-immigrants-at-san-diego-federal-courthouse-raises-due-process-concerns/509-49745585-774b-4144-81ff-3486c5fadbe9> (last visited January 8, 2026) ("The exact number of arrests is unclear, but footage shows agents detaining people

reasons: to ensure a noncitizen's appearance at immigration hearings and to prevent danger to the community. But DHS did not arrest and detain Mr. LOPEZ-FLORES—who demonstrably poses no risk of absconding from immigration proceedings or danger to the community—for either of these reasons. This stands in contrast to any claim by the government that it respects *legal* immigration.

6. Despite apprehending Mr. LOPEZ-FLORES without notice or due process, placing him at risk of being transferred away from the Southern District of California while he remains in Respondents' physical and legal custody (*See* 8 U.S.C. § 1225), Respondents do so based not on Mr. LOPEZ-FLORES's personal circumstances or individualized facts.

7. The Constitution protects Mr. LOPEZ-FLORES—and every other person present in this country—from arbitrary deprivations of his liberty, and guarantees his due process of law. The government's power over immigration is broad, but as the Supreme Court has declared, it "is subject to important constitutional limitations." *Zadvydas v. Davis*, 533 U.S. 678, 695 (2001). "Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause from arbitrary governmental action." *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

8. Mr. LOPEZ-FLORES seeks declaratory and injunctive relief to compel his immediate release from the immigration detention where he has been held by

immediately after court appearances.").

DHS since being unlawfully detained on November 9, 2025, without first being provided a due process hearing to determine whether his incarceration is justified.

9. Merely compelling the Immigration Court to grant him a bond hearing would not be equitable here given that the minimum bond those courts can set is one thousand five hundred dollars (\$1500). This would not put Mr. LOPEZ-FLORES back in the position he found himself in before this deprivation of freedom because he would have to pay money for his release. This is especially burdensome given that his ability to earn income was disrupted by this arrest.

10. Furthermore, a bond hearing before the Immigration Court would also be inadequate because of a new DHS policy where their attorneys appeal all bonds granted by Immigration Judges (IJ), even if set by virtue of Habeas Petitions. This results in continued detention by virtue of a stay of an IJ's order, thus undermining the granting of a Writ of Habeas Corpus grant.

11. Mr. LOPEZ-FLORES therefore seeks a Writ of Habeas Corpus directing his immediate release.

12. In the alternative, Mr. LOPEZ-FLORES's seeks writ of Habeas Corpus directing a custody redetermination hearing in Immigration Court based on his prolonged detention.

II. VENUE AND JURISDICTION

13. This Court has jurisdiction under 28 U.S.C. § 2241 (Habeas Corpus), 28 U.S.C. § 1331 (federal question jurisdiction), and Article I, § 9, cl. 2 of the

Constitution (Suspension Clause), and 28 U.S.C. § 1346 (U.S. as defendant), and 28 U.S.C. § 1651 (All Writs Act), as Mr. LOPEZ-FLORES is presently in custody under the authority of the United States and challenging his detention as in violation of the Constitution, laws, or treaties of the United States.

14. The federal district courts have jurisdiction under Section 2241 to hear Habeas claims by individuals challenging the lawfulness of their detention by ICE. *See Jennings v. Rodriguez*, 583 U.S. 281, 290-92 (2018); *See Demore v. Kim*, 538 U.S. 510, 516-17 (2003) (recognizing habeas jurisdiction over immigration detention challenges); *Zadvydas v. Davis*, 533 U.S. 678, 787 (2001) (same); *Y-Z-L-H v. Bostock*, No. 3:25-CV-965-SI, 2025 WL 1898025, at 3 (D. Or. July 9, 2025) (same); *Garcia v. Andrews*, No. 1:25-CV-01006 JLT SAB, 2025 WL 2420068, at 7 (E.D. Cal. Aug. 21, 2025) (same).

15. Venue is proper because Mr. LOPEZ-FLORES is detained in the Otay Mesa Detention Center, within the San Diego District, and Christopher J. LAROSE, in his official capacity as Warden of Otay Mesa Detention Center; and Daniel A. BRIGHTMAN, in his official capacity as San Diego Field Office Director (AFOD), as his immediate custodians. *See* 28 U.S.C. §§ 2241(d), 1391(e); *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004) (Habeas Petition must be addressed to the federal district court of confinement). For these same reasons, venue should be found proper under Local Civil Rule HC.1.

III. PARTIES

16. Petitioner, Mr. LOPEZ-FLORES, is a 21-year-old Honduran young man being held in San Diego, California. He is currently detained by Respondents at the Otay Mesa Detention Center in San Diego, California, pending removal proceedings.

17. Respondent Christopher J. LAROSE is the Warden of Otay Mesa Detention Center. Respondent LAROSE is responsible for the operation of the Detention Center where L.J. is detained. As such, Respondent LAROSE has immediate physical custody of the Petitioner. He is being sued in his official capacity.

18. Daniel A. BRIGHTMAN, in his official capacity as San Diego Field Office Director, ICE-ERO. Respondent BRIGHTMAN is responsible for the oversight of ICE operations at the Otay Mesa Detention Center. Respondent BRIGHTMAN is being sued in his official capacity.

19. Respondent Todd Lyons is the Acting Director of ICE. Respondent Lyons is responsible for the administration of ICE and the implementation and enforcement of the immigration laws, including immigrant detention. As such, Respondent Lyons is a legal custodian of L.J. and is being sued in his official capacity.

20. Respondent Markwayne MULLIN is the Secretary of the Department of Homeland Security ("DHS"). As Secretary of DHS, Secretary MULLIN is responsible for the general administration and enforcement of the immigration laws

of the United States. Respondent Markwayne MULLIN is being sued in his official capacity.

21. Respondent ICE is responsible for local custody decisions relating to non-citizens charged with being removable from the U.S., including the arrest, detention, custody status, and removal of non-citizens.

22. Respondent DHS is the federal agency that has authority over the actions of ICE and all other DHS Respondents.

IV. EXHAUSTION OF REMEDIES

23. No statutory exhaustion requirement applies. *See* 8 § U.S.C. 2241; *Laing v. Ashcroft*, 370 F.3d 994, 998 (9th Cir. 2004). Therefore, exhaustion is not jurisdictionally required.

24. The DHS has determined no bond or parole is warranted here despite Mr. LOPEZ-FLORES having been previously released by DHS⁶, and despite his having been being detained for almost six (6) months, with no end in sight.

25. Therefore, Mr. LOPEZ-FLORES has exhausted his administrative remedies to the extent required by law, and his only remedy is by way of this judicial action.

V. STATEMENT OF FACTS

26. Mr. LOPEZ-FLORES arrived at the Roma, Texas Port of Entry, at the

⁶ *See* Exhibit C.

age of seventeen, on or about, **November 6, 2021**.⁷

27. DHS issued him a Notice to Appear (NTA) via video conference, on November 7, 2021, without a future hearing date.⁸

28. Shortly thereafter, DHS determined Mr. LOPEZ-FLORES was not a flight risk or danger to the community, and released him to his family via his uncle; presumably because he did not present a “security risk nor a risk of absconding⁹.”

29. Mr. LOPEZ-FLORES settled in Washington, D.C. Mr. LOPEZ-FLORES complied with the terms of his release and he remained law abiding.

30. On **November 9, 2025**, Mr. LOPEZ-FLORES was subject to arbitrary arrest as he was walking to church with his girlfriend and her minor child. Mr. LOPEZ-FLORES’s arrest was part of a pattern of widespread, unlawful immigration arrests in Washington D.C.¹⁰ under the Trump administration. ICE arrested him without a warrant, and solely based on his appearance.¹¹ He was served a new charging document upon his arrest.

31. DHS is detaining Mr. LOPEZ-FLORES under INA 235(b) – People who are “applicants for entry” and INA 236(a) as alien present in the U.S. without

⁷ See Exhibit B.

⁸ *Id.*

⁹ See Exhibit C.

¹⁰ Kira Lerner, *Judge Blocks widespread Immigration Arrests in DC Made Without Warrants or Probable Cause*, The Guardian News. (December 3, 2025), Last Accessed April 15, 2026.

<https://www.theguardian.com/us-news/2025/dec/03/immigration-arrests-washington-dc> (“[S]ince Donald Trump declared an emergency in Washington in August, there has been a pattern of widespread, unlawful immigration arrests.”).

¹¹ See Exhibit D.

admission or parole. Although the government classifies entries under INA 235(b) as mandatory detention, DHS has the authority to release aliens arriving in this matter under Section 235(b) of the Immigration and Nationality Act (INA) through the discretionary parole authority granted under INA § 212(d)(5)(A). This provision allows the Secretary of the DHS to parole individuals into the United States on a case-by-case basis for "urgent humanitarian reasons" or "significant public benefit". Arias v. LaRose, Southern District of California, November 25, 2025 (citing Doe v. Noem, 152 F.4th 272, 1st Cir. 2025). Mr. LOPEZ-FLORES was initially released on this basis.

32. Mr. LOPEZ-FLORES has no criminal record and no prior immigration violations.¹²

33. Mr. LOPEZ-FLORES has made a formal complaint(s) to Otay Mesa Detention Center staff, where Mr. LOPEZ-FLORES states that an officer withheld his opportunity to eat and threw away Mr. LOPEZ-FLORES's personal belongings without consent¹³. Mr. LOPEZ-FLORES states that his complaints have not been addressed and fears that the officer has been acting in retaliation to Mr. LOPEZ-FLORES' complaints by insulting him and making racist comments to him and other detainees¹⁴. Mr. LOPEZ-FLORES states he withdrew a prior complaint out of fear

¹² See Exhibit B.

¹³ See Exhibit E: Copy of Otay Mesa Detention Center complaint filed by Mr. LOPEZ-FLORES on or about January 14, 2026.

¹⁴ *Id.*

of further harassment.

34. These events further exacerbate Mr. LOPEZ-FLORES's mental health. Mr. LOPEZ-FLORES complains that he has been suffering from severe anxiety and depression.¹⁵

VI. LEGAL FRAMEWORK FOR RELIEF SOUGHT

35. Habeas Corpus relief extends to a person "in custody under or by color of the authority of the United States" if the person can show he is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241 (c)(1), (c)(3); see also *Antonelli v. Warden, U.S.P. Atlanta*, 542 F.3d 1348, 1352 (11th Cir. 2008) (holding a petitioner's claims are proper under 28 U.S.C. section 2241 if they concern the continuation or execution of confinement).

36. "[H]abeas corpus is, at its core, an equitable remedy," *Schlup v. Delo*, 513 U.S. 298, 319 (1995), that "[t]he court shall ... dispose of [] as law and justice require," 28 U.S.C. § 2243. "[T]he court's role was most extensive in cases of pretrial and noncriminal detention." *Boumediene v. Bush*, 553 U.S. 723, 779–80 (2008). "[W]hen the judicial power to issue Habeas Corpus properly is invoked the judicial officer must have adequate authority to make a determination in light of the relevant law and facts and to formulate and issue appropriate orders for relief, including, if necessary, an order directing the prisoner's release." *Id.* at 787.

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¹⁵ See Exhibit E: Petitioner's medical records from Otay Mesa Detention Center

VII. CAUSES OF ACTION

COUNT ONE (PROCEDURAL DUE PROCESS)

37. Petitioner restates, realleges, and incorporates by reference each and every allegation in the paragraphs above as if fully set forth herein.

38. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits the federal government from depriving any person of “life, liberty, or property, without due process of law.” U.S. Const. Amend. V. Due process protects “all ‘persons’ within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent.” Zadvydas v. Davis, 533 U.S. 678, 698 (2001); Trump v. J. G. C., 604 U.S. 670, 673 (2025)(“The Fifth Amendment entitles aliens to due process of law in the context of removal proceedings.”).

39. Applying Zadvydas v. Davis, 533 U.S. 678, 698 (2001), Petitioner’s liberty interest is paramount; the risk of deprivation of Mr. LOPEZ-FLORES’s interest is extreme considering the lack of a non-independent adjudicator here, the six-month absence from his family, and the mental suffering caused by the harassment he has suffered in detention.

40. Mr. LOPEZ-FLORES has a vital liberty interest in remaining free from DHS custody. *See Pinchi v. Noem*, No. 5:25-CV-05632-PCP, 2025 WL 2084921, at 4 (N.D. Cal. July 24, 2025) (citing *Diaz v. Kaiser*, No. 3:25-CV-05071, 2025 WL

1676854 (N.D. Cal. June 14, 2025) (explaining that a non-citizen that ICE released from custody after initial apprehension “has a substantial private interest in remaining out of custody” which includes an interest in “...obtaining necessary medical care, [and] maintaining her relationships in the community...”). While on release from DHS custody, Mr. LOPEZ-FLORES was building his emotional support system that allowed him to deal with the emotional trauma he suffered in Honduras that started on account of his refusal to be recruited into a gang.

41. While the government has discretion to detain individuals this discretion is not “unlimited” and must comport with constitutional due process. *See Zadvydas*, 533 U.S. at 698. Moreover, 8 CFR §§241.4 and 241.13 address re-detention of longtime supervisees.

42. A noncitizen "who has been released under an order of supervision or other conditions of release" who then "violates the conditions of release may be returned to custody." 8 C.F.R. § 241.4(l)(1) and 241.13 (h)(4)(i). Under this provision, "[u]pon revocation, the alien will be notified of the reasons for revocation of his or her release," after which "[t]he alien will be afforded an initial informal interview promptly after his or her return to [ICE] custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification." Here, Respondents never stated reasons for revoking Petitioner's release, and Petitioner was never given an opportunity to respond, in violation of 8 C.F.R. § 241.4(l)(1) 241.13 and 241.13 (h)(4)(i).

COUNT TWO
(SUBSTANTIVE DUE PROCESS)

43. Petitioner restates, realleges, and incorporates by reference each and every allegation in the paragraphs above as if fully set forth herein.

44. All persons residing in the United States are protected by the Due Process Clause of the Fifth Amendment.

45. The Due Process Clause of the Fifth Amendment provides that “[n]o person shall be ... deprived of life, liberty, or property, without due process of law.” U.S. CONT. amend. V. Freedom from bodily restraint is at the core of the liberty protected by the Due Process Clause. This vital liberty interest is at stake when an individual is subject to detention by the federal government.

46. Due process requires that government action be rational and non-arbitrary. *See U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

47. Under the civil-detention framework set out in *Zadvydas v. Davis*, 533 U.S. 678 (2001), and its progeny, the Government may deprive a non-citizen of physical liberty only when the confinement serves a legitimate purpose—such as ensuring appearance or protecting the community—and is reasonably related to, and not excessive in relation to, that purpose.

48. Given that government filings with the Immigration Court show Mr. LOPEZ-FLORES has no criminal history, no prior immigration violations, and no indications he will abscond, the Government’s continued detention here serves no

legitimate purpose. Thus, continued confinement bears no reasonable, non-punitive relationship to any legitimate aim and is unconstitutionally arbitrary and capricious.

COUNT THREE
(SUBSTANTIVE DUE PROCESS)

Violation of the Administrative Procedure Act (APA) – 5 U.S.C. § 706(2)(A)
Not in Accordance with Law and in Excess of Statutory Authority, Unlawful Detention

49. Petitioner restates, realleges, and incorporates by reference each and every allegation in the paragraphs above as if fully set forth herein.

50. Under the APA, a court shall “hold unlawful and set aside agency action...” that is “...(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (B) contrary to constitutional right, power, privilege, or immunity...” 5 U.S.C. § 706(2)(A)-(B).

51. An action is an abuse of discretion if the agency “entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007)(quoting *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, U.S. 29, 43 (1983)).

52. To survive an APA challenge, the agency must articulate “a satisfactory explanation” for its action, “including a rational connection between the facts found and the choice made.” *Dep’t of Com. v. New York*, 588 U.S. 752, 773 (2019) (citation

omitted). No such explanation exists here.

53. The INA provides that Respondents may, as they did in 2021 in Petitioner's case, release an individual from apprehension or custody based on an individualized determination of their danger and flight risk. See 8 U.S.C. § 1226(a); *Zadvydas*, 533 U.S. at 690; *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006). After such a release decision is made, a revocation of the custody determination may be made only when warranted by an individual's specific facts and circumstances. 8 U.S.C. § 1226(b); 8 C.F.R. § 1236.1(c)(9). Again, no such facts or circumstances have been presented here by the DHS.

54. In *Y-Z-H-L v Bostock*, 2025 WL 1898025, at *10-12 (D. Or. July 9, 2025), the Court explained the process of discretionary release from custody in immigration cases and noted that before revoking the release, the non-citizen must be given written notice of the impending revocation, which must include a cogent description of the reasons. Under the APA, non-citizens are entitled to determinations related to their release revocations that are not arbitrary, capricious or an abuse of discretion. See *Id.* at 10.

55. By categorically revoking Mr. LOPEZ-FLORES's release from DHS custody, and detaining him without notice or consideration of his individualized facts and circumstances, Respondents have violated the INA, and implementing regulations, and the APA.

56. Respondents have made no finding that Petitioner is a danger to the

community.

57. Respondents have made no finding that Petitioner is a flight risk.

58. On information and belief, by detaining Mr. LOPEZ-FLORES categorically and without notice, Respondents have further abused their discretion because, since the agency made its initial custody determination, on information and belief, there have been no changes to Mr. LOPEZ-FLORES's specific facts or circumstances that support the revocation of his release from custody on his own recognizance.

59. Respondents have already considered Mr. LOPEZ-FLORES's facts and circumstances and determined that he was not a flight risk or danger to the community. This is why he was released on his own recognizance with his family in 2021. On information and belief, there have been no changes to the facts of Mr. LOPEZ-FLORES' proceedings that justify this revocation of his release from DHS custody. The fact that Mr. LOPEZ-FLORES has previously been granted release by Respondents under the same facts and circumstances shows that Respondents do not consider Mr. LOPEZ-FLORES, on an individualized basis, to be a danger to the community or a flight risk.

COUNT FOUR
Violation of the Fourth Amendment of the Constitution

60. Petitioner restates, realleges, and incorporates by reference each and every allegation in the paragraphs above as if fully set forth herein.

61. The Fourth Amendment protects “[t]he right of the people to be secure in their persons . . . against unreasonable searches and seizures.” U.S. Const. amend. IV. The Supreme Court has recognized that immigration arrests and detentions are “seizures” within the meaning of the Fourth Amendment. *INS v. Lopez-Mendoza*, 468 U.S. 1032, 1044 (1984) (acknowledging that deportation proceedings are civil, but the Fourth Amendment still applies to the “seizure” of the person).

62. The Fourth Amendment requires that arrests entail a neutral, judicial determination of probable cause. *See Gerstein v. Pugh*, 420 U.S. 103, 114 (1975). That neutral, judicial determination can occur either before the arrest, in the form of a warrant, or promptly afterward, in the form of a prompt judicial probable cause determination. *See id.* Arrest and detention of a person, including of a noncitizen, absent a neutral judicial determination of probable cause violates the Fourth Amendment of the Constitution. *Id.*; *see also Cnty. of Riverside v. McLaughlin*, 500 U.S. 44, 57 (1991). This determination must occur within 48 hours of detention, which includes weekends, unless there is a bona fide emergency or other extraordinary circumstances. *See Cnty. of Riverside v. McLaughlin*, 500 U.S. 44, 57 (1991).

63. Congress enacted a strong preference that immigration arrests be based on warrants. *See Arizona v. United States*, 567 U.S. 387, 407–08 (2012). The Immigration and Nationality Act thus provides immigration officers with only limited authority to conduct warrantless arrests. 8 U.S.C. § 1357(a)(2). Federal

regulations track the strict limitations on warrantless arrests. See 8 C.F.R. § 287.8(c)(2)(ii).

64. Mr. LOPEZ-FLORES, at the moment of the arrest by Respondents, was lawfully present based on Respondents' prior grant of release from DHS custody.¹⁶ He did not receive any judicial determination of probable cause for his arrest or continued detention by Respondents.

65. The Government cannot salvage this seizure by invoking generalized immigration enforcement interests. The Fourth Amendment's reasonableness inquiry is fact-specific and demands individualized justification for both the arrest and the extended detention. *See United States v. Brignoni-Ponce*, 422 U.S. 873, 882–84 (1975); *Gerstein*, 420 U.S. at 114. Mr. LOPEZ-FLORES was granted release from DHS custody in 2021 and did not pose any danger to any person in the community at large.

66. Respondents' warrantless arrest of Mr. LOPEZ-FLORES constitutes an unreasonable and unlawful seizure in violation of the Fourth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- 1) Assume jurisdiction over this matter;
- 2) Grant Petitioner a writ of Habeas Corpus directing the Respondents to immediately release him from custody, under reasonable conditions of supervision because merely compelling the Immigration Court to grant a bond hearing would not be equitable here given that the minimum bond courts can

¹⁶ See Exhibit C.

set is one thousand five hundred dollars (\$1500). This would not put Mr. LOPEZ-FLORES back in the position he found himself in before this deprivation of freedom because he would have to pay money for his release.

- 3) Order Respondents to refrain from transferring Petitioner out of the jurisdiction of this court during the pendency of these proceedings and while the Petitioner remains in Respondents' custody;
- 4) Order Respondents to file a response within 3 business days of the filing of this petition;
- 5) Order discharge on admitted facts without a hearing pursuant to *Walker v. Johnston*, 312 U.S. 275, 284 (1941); *Tijerina v. Thornburgh*, 884 F.2d 861, 866 (5th Cir. 1989).
- 6) Alternatively, issue a writ of Habeas Corpus requiring Respondents to release Petitioner unless they provide a bond hearing with an Immigration Judge under 8 U.S.C. § 1226(a) within seven days;
- 7) Alternatively, issue a writ of Habeas Corpus requiring the Immigration Court find they have jurisdiction to hold a bond hearing;
- 8) Alternatively, issue a writ of Habeas Corpus requiring, as a matter of equity, the Immigration Court grant release without bond if it finds Petitioner is not a danger to the community or a flight risk;
- 9) Grant any other and further relief which this Court deems just and proper.

Respectfully submitted April 25, 2026.

/s/Eduardo (Ed) Perez
Law Offices of Ed Perez
1079 Third Ave., Unit D
Chula Vista, CA 91911
CA Bar # 354544
Attorney for Petitioner in Pro Bono

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