

Wuillian Zetina Gutierrez

NAME



PRISON NUMBER

Imperial Regional Detention Facility

PLACE OF CONFINEMENT

1572 Gateway Rd, Calexico, CA 92231

ADDRESS

**United States District Court
Southern District Of California**

WUILLIAN ZETINA GUTIERREZ

(FULL NAME OF PETITIONER)

Petitioner

v.

WARDEN OF IMPERIAL REGIONAL F.,

(NAME OF WARDEN, SUPERINTENDENT, JAILOR, OR AUTHORIZED
PERSON HAVING CUSTODY OF PETITIONER, E.G. PAROLE OFFICER)

Respondent

Civil No. '26CV2812 JAO SBC

(TO BE FILLED IN BY CLERK OF U.S. DISTRICT COURT)

PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2241

1. Are you currently:

- A pretrial detainee (waiting for trial on criminal charges)
- Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

(a) Name and location of court that sentenced you: _____

(b) Docket or case number (if you know): _____

(c) Date of sentencing: _____

Being held on immigration charge

Other (explain): _____


2. Are you currently being held on orders by:

- Federal authorities State authorities Other - explain:

3. What are you challenging in this petition:

- How your sentence is being carried out, calculated, or credited by prison or parole authorities
 Pretrial detention
 Immigration detention
 Detainer
 The validity of your conviction or sentence as imposed
 Disciplinary proceedings
 Other (specify): _____

4. Provide more information about the decision or action you are challenging:

- (a) Name and location of the court or agency: U.S. Department of Homeland Security (DHS), EOIR Imperial Immigration Court, Imperial Regional Detention Facility (IRDF), Calexico, CA.
- (b) Case number, docket number or opinion number (if you know): 
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): Continued immigration detention and denial of access to an Immigration Judge custody redetermination (bond) hearing based on DHS treating Petitioner as an applicant for admission detained under Section 1225(b)(2).
- (d) Date of the decision or action: On or about April 2, 2026 continuing to present.

5. Did you **appeal** the decision, file a grievance or seek an administrative remedy?

- Yes No

(a) If your answer to 5 was "Yes," give the following information:

- (1) Name of court, agency or authority: _____
- (2) Date of filing: _____
- (3) Case number, docket number or opinion number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____
- _____
- _____
- _____

(b) If your answer to 5 was "No," explain why you did not appeal: Petitioner is being treated categorically ineligible for an Immigration Judge bond hearing. Immigration Courts are using Matter of Yahure-Hurtado do deny bond hearing 29 I&N Dec. BIA 216 (BIA 2025).

6. After the first appeal, did you file a **second appeal** to a higher authority, court or agency?

Yes No

(a) If your answer to 6 was "Yes," give the following information:

- (1) Name of court, agency or authority: _____
 - (2) Date of filing: _____
 - (3) Case number, docket number or opinion number: _____
 - (4) Result: _____
 - (5) Date of result: _____
 - (6) Issues raised: _____
- _____

(b) If your answer to 5 was "No," explain why you did not appeal: Petitioner is being treated categorically ineligible for an Immigration Judge bond hearing. Immigration Courts are using Matter of Yahure-Hurtado do deny bond hearing 29 I&N Dec. BIA 216 (BIA 2025).

7. After the second appeal, did you file a **third appeal** to a higher authority, agency or court?

Yes No

(a) If your answer to 7 was "Yes," give the following information:

- (1) Name of court, agency or authority: _____
 - (2) Date of filing: _____
 - (3) Case number, docket number or opinion number: _____
 - (4) Result: _____
 - (5) Date of result: _____
 - (6) Issues raised: _____
- _____

(b) If your answer to 7 was "No," explain why you did not appeal: Not Applicable.

8. State *concisely* every ground on which you claim that you are being held in violation of the constitution, law or treaties of the United States. Summarize *briefly* the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available court remedies as to each ground on which you request action by the federal court. Moreover, if you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

You should *raise in this petition all available grounds* on which you base your allegations that you are being held in custody unlawfully.

GROUND ONE: Petitioner is being unlawfully detained under the wrong statutory authority and unlawfully denied an Immigration Judge custody redetermination bond hearing, because DHS is treating him as an arriving alien, detained under 8 U.S.C. § 1225(b)(2) when he is eligible.

(a) Supporting FACTS (state *briefly* without citing cases or law) Petitioner is in DHS immigration custody at Imperial Regional Detention Facility located in Calxico, California.

ICE arrested Petitioner on the month of April 2026, and has remained detained since then.

ICE arrested Petitioner and placed him in court proceedings with the Immigration court.

Petitioner entered the United States with his mother as a minor in or about 2015 and was

processed through CBP One. Petitioner has been living in the United States for approximately

ten years and will be seeking asylum relief in Immigration Court.

Petitioner's criminal history consists of a single altercation incident involving his girlfriend. The

police report found the girlfriend to be the primary aggressor, and the case was dismissed in

Desert Hot Springs. Petitioner has cooperated with DHS, and is not a danger or flight risk.

Petitioner seeks an order allowing DHS to identify his statutory authority for his detention and

provide a custody redetermination bond hearing before an Immigration Judge, or alternatively,

release him on reasonable conditions.

(b) Did you present Ground One in all appeals that were available to you?

Yes No

GROUND TWO: Petitioner is entitled to bond hearing because he falls within the Maldonado-

Bautista Bond Eligible Class. Bautista, 2025 WL 328961 at 11; Bautista v. Santacruz -- FRD ---
2025 WL 3288403 at 9 (C.D Cal. Nov. 25, 2025).

(a) Supporting FACTS (state *briefly* without citing cases or law): The U.S. Federal Central
District Court of California has recently granted summary judgement to petitioners after it
found that DHS' mandatory detention policy, pursuant to 8 U.S.C. 1225(b) is unlawful. Despite
Maldonado-Bautista being currently stayed or limited in effect outside the Central District due
to appeal, Petitioner qualifies as a member of the Bautista Bond Eligible Class and should be
treated as bond eligible under the standard pre removal detention framework. DHS is applying a
categorical no bond assessment to persons who falls within the bond eligible class criteria.

(B) The Southern District of California Court granted a bond hearing through a Habeas petition
upon government's acknowledgement that "Petitioner(s) detained under 8 U.S.C.

Section 1226(a) [are] [is] entitled to an order from this court directing a bond hearing to be held
pursuant to 8 U.S.C. Section 1226(a). (Case Number: 26CV01278-BAS-DDL); This court held
that "the rationale of Maldonado-Bautista is still applicable to petitioner" thus, the Court granted
the Habeas Corpus petition.

claims.

10. Do you have any petition or appeal now pending in any court, either state or federal, as to the execution of sentence under attack?
 Yes No

11. Give the name and address, if known, of each attorney who represented you in the following stages of the execution of sentence attacked herein:

- (a) In any post-conviction proceeding Not applicable, no criminal convictions.
- (b) On appeal from any adverse ruling in a post-conviction proceeding _____

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

/s/ Joseph A. Mbacho
 SIGNATURE OF ATTORNEY (IF ANY)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

(DATE)

SIGNATURE OF PETITIONER