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Attorney for Petitioner
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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

ELVIN DAVID GONZALES-Diaz

Petitioner

v.

**Warden of Imperial Regional Detention
Center, Imperial, JEREMY CASEY
GREGORY J. ARCHAMBEAULT
SAN DIEGO FIELD OFFICE DIRECTOR)
FOR U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT:
MARKWAYNE MULLIN,
U.S. SECRETARY OF
HOMELAND SECURITY; TODD
BLANCHE, Attorney General
Of the UNITED STATES.**

Respondents

CASE NO.:26cv2876(MSB)

**FIRST AMENDED
PETITION FOR WRIT OF
HABEAS CORPUS**

(28 U.S.C Sec. 2241)

I. JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. § 2241.

Petitioner is detained within this District at Imperial Regional Detention Facility, Calexico, California.

This Court has authority to review the constitutionality of Petitioner's detention under the Due Process Clause of the Fifth Amendment.

1 Jurisdiction is not barred by the REAL ID Act of 2005 because Petitioner does not challenge a
2 removal order, only the legality of detention.

3 **II. PARTIES**

4 Petitioner, **ELVIN DAVID GONZALES DIAZ**, is a native and citizen of Honduras.

5 Respondent Warden is the immediate custodian.

6 Federal respondents are responsible for immigration detention policy and enforcement.

7 **III. CUSTODY STATUS**

8 Petitioner entered the United States on or about August 13, 2022, without inspection.

9 On January 7, 2026, Petitioner was detained by ICE near Barstow, Arizona while traveling to San
10 Jose, California.

11 Petitioner has been continuously detained since January 7, 2026 (approximately 4+ months at
12 time of filing).

13 Petitioner is currently held at Imperial Regional Detention Facility in Calexico, California.

14 **IV. IMMIGRATION PROCEEDINGS**

15 Petitioner is in removal proceedings under 8 U.S.C. § 1226.

16 A bond motion was filed on April 17, 2026.

17 A bond hearing was held on April 22, 2026.

18 The Immigration Judge found:

- 19 1. Petitioner has no criminal record in the United States or Honduras
- 20 2. Petitioner is not a danger to the community
- 21 3. All documentation was properly submitted

22 Despite these findings, the Immigration Judge denied bond, citing:

23 Matter of Yajure-Hurtado and Bautista v. DHS cases for the denile.

24 **The denial was based on perceived legal constraints—not individualized detention factors.**

25 **V. CLAIM FOR RELIEF**

26 Violation of Due Process – Prolonged and Arbitrary Detention

27 The Fifth Amendment prohibits civil immigration detention that is arbitrary or unreasonable.

28 The Supreme Court in Jennings v. Rodriguez held that statutes do not mandate periodic bond

1 hearings, but left open constitutional challenges.

2
3 The Ninth Circuit recognizes that prolonged detention without meaningful review raises serious
4 constitutional concerns.

5 Petitioner's detention is unlawful because:

6 A. Lack of Meaningful Bond Determination

7 B. The Immigration Judge explicitly found Petitioner:

8 1. Not dangerous

9 2. No criminal history

10 Yet denied bond based solely on legal interpretation, not individualized assessment.

11 This renders the bond hearing constitutionally inadequate.

12 **B. Arbitrary Detention**

13 **Civil detention must bear a reasonable relation to its purpose.**

14 Where a noncitizen is: Not dangerous; Not a flight risk (implicit from IJ findings) continued
15 detention becomes punitive.

16
17 **C. Procedural Due Process Violation**

18 Petitioner has been denied a meaningful opportunity for release.

19 The denial of bond based solely on categorical legal interpretation violates due process.

20 **D. Prolonged Detention**

21 Detention has extended for months with no definite endpoint. The detention has caused
22 substantial emotional distress not only to the Petitioner but also to loved ones who are also
23 sharing in the distress in having in a loved one in detention without hope of release.

24 Continued detention without a valid justification violates due process under principles
25 recognized in: *Zadvydas v. Davis* (reasonableness limits detention)

26 **VI. EXHAUSTION**

Petitioner has exhausted available administrative remedies through bond proceedings. Further exhaustion would be futile because the denial was based on controlling legal interpretation.

VII. REQUEST FOR RELIEF

Petitioner respectfully requests that this Court:

Issue a writ of habeas corpus;

Order Respondents to:

Primary Relief:

Provide a constitutionally compliant bond hearing within 7 days.

Place the burden on the government to prove: Danger by clear and convincing evidence and

Flight risk by preponderance of the evidence.

Alternative Relief: Order Petitioner's immediate release

Grant any further relief the Court deems just and proper.

VIII. VERIFICATION

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

Date: 06/01/2026

BONILLA LAW OFFICES, APC



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Elvin David Gonzales Diaz