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6 **Meilan Guzman-Jarquin**

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10 UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT

11 Meilan Guzman-Jarquin,

12  
13 Petitioner,

Case No. '26CV2917 LL B JW

14 v.

**PETITION FOR WRIT OF  
HABEAS CORPUS**

15 Patrick Divver, Field Office Director of  
Enforcement and Removal Operations, San  
Diego Field Office, Immigration and Customs  
16 Enforcement; et al.

17 Respondents.  
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1 **INTRODUCTION**

- 2 1. Petitioner Meilan Guzman-Jarquin brings this petition for writ of habeas corpus under 28  
3 U.S.C. § 2241 to challenge her continued civil immigration detention at Otay Mesa  
4 Detention Center without a constitutionally adequate individualized custody  
5 determination.
- 6 2. Petitioner has been detained by immigration authorities since December 5, 2025. She has  
7 not received a meaningful bond hearing before a neutral decisionmaker at which the  
8 Government was required to justify her continued detention based on her actual  
9 circumstances, including her lack of criminal history, her family and marital ties in the  
10 United States, her pending protection claims, her fixed residence and sponsor support, the  
11 circumstances that forced her brief return to Mexico, and the availability of less  
12 restrictive alternatives to detention.
- 13 3. This is not a petition seeking review of any discretionary removal decision, any order of  
14 removal, or the merits of Petitioner’s immigration case. Petitioner challenges only the  
15 legality of her continued civil detention and the procedures by which Respondents  
16 continue to confine her.
- 17 4. Petitioner previously filed a habeas petition asserting that she was entitled to bond under  
18 the class relief entered in *Maldonado Bautista v. Santacruz*. That petition was denied  
19 without prejudice after the Court concluded that Petitioner did not fall within the  
20 Maldonado Bautista bond-eligible class because she had been apprehended upon arrival.  
21 This petition does not depend on Petitioner’s membership in that class. Instead, it raises  
22 distinct statutory, regulatory, constitutional, and Administrative Procedure Act claims  
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1 based on Respondents' continued detention of Petitioner without a meaningful  
2 individualized custody determination.

- 3 5. Petitioner is a young woman who returned to Mexico only after her father was kidnapped  
4 and ransom was demanded by the criminal group that had long targeted her family in  
5 Oaxaca. She returned to the United States shortly thereafter because she feared further  
6 harm, had been threatened again, and needed protection. Her brief departure and return  
7 cannot be fairly treated as evidence that she is a danger or flight risk without any  
8 individualized assessment of the coercive circumstances that led to those events.
- 9 6. Civil immigration detention may not be maintained as punishment, by categorical rule, or  
10 through procedures that fail to test whether continued confinement is necessary. Because  
11 Respondents continue to detain Petitioner without a constitutionally adequate custody  
12 determination, this Court should grant the writ and order a prompt individualized bond  
13 hearing with constitutionally adequate safeguards, or, in the alternative, order her release  
14 unless such a hearing is provided within a short period set by the Court.

#### 15 **JURISDICTION AND VENUE**

- 16 7. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody under  
17 color of federal authority and challenges the legality of that custody under the  
18 Constitution and laws of the United States.
- 19 8. This Court also has jurisdiction under 28 U.S.C. § 1331, Article I, section 9, clause 2 of  
20 the United States Constitution, the Administrative Procedure Act, 5 U.S.C. §§ 701–706,  
21 the Declaratory Judgment Act, 28 U.S.C. § 2201, and the All Writs Act, 28 U.S.C. §  
22 1651.

1 9. Venue is proper in this District because Petitioner is detained at the Otay Mesa Detention  
2 Center in San Diego, California, and because Respondents responsible for her detention  
3 act within this District.

4 10. 8 U.S.C. § 1252(g) does not bar this petition. Petitioner does not seek review of the  
5 Government's decision to commence proceedings, adjudicate her removal case, or  
6 execute a removal order. She challenges the legality of her detention and the procedures  
7 used to maintain that detention. The Ninth Circuit has construed § 1252(g) narrowly, and  
8 habeas jurisdiction remains available for constitutional and legal challenges to detention.

9 **REQUIREMENTS OF 28 U.S.C. § 2243**

10 11. The Court should issue the writ or order Respondents to show cause without delay  
11 because Petitioner challenges ongoing physical confinement in federal immigration  
12 custody, and habeas relief is intended to provide a prompt remedy for unlawful detention.

13 12. Under 28 U.S.C. § 2243, once a habeas petition is filed, the Court must act promptly by  
14 issuing the writ or requiring Respondents to show cause why the writ should not be  
15 granted, unless it plainly appears from the petition that Petitioner is not entitled to relief.  
16 Here, Petitioner alleges ongoing civil detention without a constitutionally adequate  
17 individualized custody determination, without meaningful consideration of release on  
18 conditions, and without procedures sufficient to ensure that detention remains reasonably  
19 related to a legitimate regulatory purpose.

20 13. Habeas corpus is "perhaps the most important writ known to the constitutional law . . .  
21 affording as it does a swift and imperative remedy in all cases of illegal restraint or  
22 confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963). The Ninth Circuit has likewise  
23 emphasized that habeas petitions require prompt judicial attention because "[t]he  
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1 application for the writ usurps the attention and displaces the calendar of the judge or  
2 justice who entertains it and receives prompt action from him within the four corners of  
3 the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000).

4 14. Prompt action is especially warranted here because Petitioner’s detention is ongoing, her  
5 liberty interest is substantial, and the requested relief is limited to the legality of her  
6 continued custody. Petitioner does not ask this Court to decide the merits of her removal  
7 proceedings or protection claims. She asks only that Respondents be required to justify  
8 her continued detention through constitutionally adequate procedures, or release her  
9 under appropriate conditions if they cannot do so.

10 **PARTIES**

11 15. Petitioner Meilan Guzman-Jarquin is a native and citizen of Mexico. She is currently  
12 detained at Otay Mesa Detention Center in San Diego, California.

13 16. Respondent, Patrick Divver, is the Director of the San Diego Field Office of ICE’s  
14 Enforcement and Removal Operations division. As such, Patrick Divver is Petitioner’s  
15 immediate custodian and is responsible for Petitioner’s detention and removal. He is  
16 named in his official capacity.

17 17. Respondent Department of Homeland Security (DHS) is the federal agency responsible  
18 for implementing and enforcing the INA, including the detention and removal of  
19 noncitizens.

20 18. Respondent Executive Office for Immigration Review (EOIR) is the federal agency  
21 responsible for implementing and enforcing the INA in removal proceedings, including  
22 for custody redeterminations in bond hearings.

1 19. Respondent Christopher J. LaRose is employed by CoreCivic as Warden of the Otay  
2 Mesa Detention Center, where Petitioner is detained. He has immediate physical custody  
3 of Petitioner. He is sued in his official capacity.

4 **VII. CLAIMS FOR RELIEF (HABEAS GROUNDS)**

5 **Ground One: Violation of the Fifth Amendment Due Process Clause: Continued**  
6 **Civil Detention Without a Constitutionally Adequate Individualized Custody**  
7 **Determination.**

8 20. Petitioner realleges and incorporates all preceding paragraphs.

9 21. Petitioner has a substantial liberty interest in freedom from physical confinement.

10 22. Petitioner has been detained since December 5, 2025, and her detention has continued  
11 without a meaningful individualized custody determination.

12 23. Petitioner has not received a constitutionally adequate hearing at which Respondents  
13 were required to justify continued detention based on clear and convincing evidence of  
14 danger or flight risk.

15 24. Petitioner has not received a custody determination that meaningfully considers her lack  
16 of criminal history, her prior release on her own recognizance, her United States citizen  
17 spouse, her fixed residence, her sponsor support, her pending protection claims, the  
18 traumatic and coercive circumstances of her brief departure from the United States, or the  
19 availability of less restrictive alternatives.

20 25. Petitioner's private liberty interest is substantial. She is confined in a detention facility,  
21 separated from her husband and community, and unable to assist fully in preparing her  
22 immigration case while detained.

1 26. The risk of erroneous deprivation is high because Respondents have maintained detention  
2 without requiring the Government to prove that detention remains necessary. The risk is  
3 especially high where the circumstances that led to Petitioner's brief departure and return  
4 are directly relevant to flight risk and danger, yet have not been meaningfully weighed.

5 27. The Government's interests do not justify detention without adequate process. Any  
6 legitimate interest in ensuring appearance or protecting the community can be addressed  
7 through bond, reporting requirements, electronic monitoring, supervision, or other less  
8 restrictive conditions.

9 28. Continued detention without a meaningful individualized custody determination violates  
10 the Fifth Amendment Due Process Clause..

11 **Ground Two: Violation of the Fifth Amendment Due Process Clause: As-Applied**  
12 **Challenge to Prolonged Mandatory Detention Under 8 U.S.C. § 1225(b).**

13 29. Petitioner realleges and incorporates all preceding paragraphs.

14 30. To the extent Respondents assert that Petitioner is detained under 8 U.S.C. § 1225(b),  
15 application of that statute to maintain her detention for a prolonged period without a bond  
16 hearing violates due process as applied to her.

17 31. Section 1225(b) does not authorize detention that becomes unreasonable in duration or  
18 detention that continues without constitutionally adequate procedures.

19 32. Petitioner's detention has already lasted several months and will likely continue for an  
20 uncertain additional period while her protection claims are adjudicated.

21 33. Petitioner is not responsible for any delay that would justify continued detention without  
22 a bond hearing.

1 34. Petitioner has a substantial claim for protection and a strong interest in remaining in the  
2 United States to pursue that claim.

3 35. The length and likely future duration of detention, together with the absence of any  
4 meaningful bond hearing, render continued detention unreasonable as applied to  
5 Petitioner.

6 36. Due process requires Respondents to provide Petitioner with an individualized bond  
7 hearing before a neutral decisionmaker, with the Government bearing the burden of  
8 justifying continued detention by clear and convincing evidence.

9 **Ground Three: Violation of the Administrative Procedure Act: Arbitrary and**  
10 **Capricious Continued Detention Without Individualized Consideration.**

11 37. Petitioner realleges and incorporates all preceding paragraphs.

12 38. Respondents' continued detention of Petitioner without a meaningful individualized  
13 custody determination is arbitrary, capricious, and contrary to law.

14 39. Respondents have failed to consider important aspects of Petitioner's case, including her  
15 prior release on her own recognizance, lack of criminal history, family ties, marital  
16 relationship to a United States citizen, residence, sponsor support, fear-based claims, and  
17 the coercive circumstances that caused her brief departure from the United States.

18 40. Respondents have treated Petitioner's apprehension and detention status as dispositive  
19 without a reasoned assessment of whether detention remains necessary.

20 41. Respondents have failed to consider less restrictive alternatives to detention.

21 42. Respondents' failure to conduct a reasoned individualized assessment violates the APA, 5  
22 U.S.C. § 706(2).



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- d. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- e. Grant any other and further relief that this Court deems just and proper.

DATED this May 08, 2026.

/s/ Jose Torres  
Jose Torres  
*Counsel for Petitioner*