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Attorney for Petitioner

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

AZURIN ROMAN OCAMPO)
)
Petitioner,)
)
v.)
)
WARDEN OF IMPERIAL REGIONAL)
DETENTION FACILITY;)
ERNESTO SANTACRUZ JR, in his official)
Capacity as Field Office Director of the)
Immigration and Customs Enforcement,)
Enforcement and Removal Operations)
IMPERIAL DETENTION FACILITY;)
MARKWAYNE MULLIN, in his official)
capacity as Secretary of the U.S.)
Department of Homeland Security; and)
TODD BLANCHE, in his official capacity)
as Attorney General of the United States,)
)
Respondents.)
)

'26CV3045 DMS SBC

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

- 1
2 1. This petition for Writ of Habeas Corpus is filed on behalf of Azurin Ramon
3 Ocampo (“Petitioner”) to remedy his unlawful detention.
4
- 5 2. Petitioner respectfully submits this Petition for Writ of Habeas Corpus pursuant 28
6 U.S.C. § 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*,
7 and the All Writs Act, 28 U.S.C. § 1651. This petition was previously filed in the
8 Eastern Division, where the court determined that jurisdiction properly lies in the
9 Southern District and directed Petitioner to refile accordingly.
10
- 11 3. In the prior proceeding, the court considered the merits of the Petition and granted
12 habeas relief on the claims presented. However, before the relief could be
13 effectuated, the court concluded that the matter should proceed in its proper
14 jurisdiction and ordered Petitioner to refile this action in this Southern District.
15
- 16 4. This Petition is therefore submitted in compliance with that order and presents the
17 same claims and grounds for relief previously presented and adjudicated. Petitioner
18 respectfully requests that this Court take judicial notice of the prior proceedings
19 and orders in Case number: 5:25-cv-01873-SSS-BFM, attached hereto as **Exhibit**
20
21 **A**, Declaration of Alfonso Morales with supporting documentation following as
22 **Exhibit B**, Judgment for Writ of Habeas Corpus for Case Number: 5:26-cv-00370-
23
24 SSS-BFM and **Exhibit C**, Ordering Transferring Case to Southern District of
25 California – Case Number: 2:26-cv-03837-SSS-BFM and grant such relief as is
26 just and proper under 28 U.S.C. § 2241.
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5. Petitioner further submits the prior court’s findings and grant of relief are persuasive and directly applicable to the instant Petition, as the claims, facts, and legal issues remain unchanged.
6. Petitioner has two minor U.S. citizen children, ages 11 and 16 who rely on him for financial, emotional and moral support.
7. On or about November 9, 2025, Petitioner was arrested by Immigration and Customs Enforcement (ICE) while he was a passenger in a vehicle driving through Victorville, California. He currently remains in ICE custody at Imperial Regional Detention Center in Calexico, California.
8. Petitioner is actively pursuing his available forms of immigration relief. He is eligible for EOIR 42B, Cancellation of Removal application with the Executive Office for Immigration Review.
9. Accordingly, Petitioner respectfully requests that this Court order Respondents to provide him with a prompt and constitutionally adequate bond hearing before an Immigration Judge, or, in the alternative, to release him from custody if such a hearing is not provided within a reasonable period.

JURISDICTION

10. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

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1 11. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus),
2 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States
3 Constitution (Suspension Clause).

4
5 12. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et*
6 *seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs
7 Act, 28 U.S.C. § 1651.

8
9 **VENUE**

10 13. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(c)(3) and
11 28 U.S.C. § 1391(b)(2) and (e)(1) because Petitioner is detained within this district
12 at Imperial Regional Facility in Calexico, California, which is within the
13 jurisdiction of this District.

14
15 14. Venue is proper in this District because a substantial part of the events or
16 omissions giving rise to this action occurred and continue to occur at Imperial
17 Regional Detention Facility in Calexico, California 28 U.S.C. § 1391(e).

18
19 **REQUIREMENTS OF 28 U.S.C. § 2243**

20
21 15. The Court must grant the petition for writ of habeas corpus or issue an order to
22 show cause (OSC) to the respondents “forthwith,” unless the petitioner is not
23 entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court
24 must require respondents to file a return “within *three days* unless for good cause
25 additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

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1 16. Courts have long recognized the significance of the habeas statute in protecting
2 individuals from unlawful detention. The Great Writ has been referred to as
3 “perhaps the most important writ known to the constitutional law of England,
4 affording as it does a *swift* and imperative remedy in
5 all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963)
6 (emphasis added).
7
8

9 **PARTIES**

10 17. Petitioner was arrested by ICE officers on November 9, 2025, and was transferred
11 to the Imperial Regional Facility, where he is currently detained. He is in custody,
12 and under the direct control, of Respondents and their agents.
13

14 18. The acting Warden of Imperial Regional Detention Center has immediate physical
15 custody of Petitioner pursuant to the facility’s contract with U.S. Immigration and
16 Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner.
17 Respondent is a legal custodian of Petitioner.
18

19 19. Respondent Ernesto Santacruz Jr, is sued in his official capacity as the Acting
20 Director of the Los Angeles Field Office of U.S. Immigration and Customs
21 Enforcement. Respondent Santacruz is a legal custodian of Petitioner and has
22 authority to release him.
23
24

25 20. Respondent Markwayne Mullin is sued in his official capacity as the Secretary of
26 the U.S. Department of Homeland Security (DHS). In this capacity, Respondent
27 Mullin is responsible for the implementation and enforcement of the Immigration
28

1 and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the
2 component agency responsible for Petitioner’s detention and custody. Respondent
3 Mullin is a legal custodian of Petitioner.
4

5 21. Respondent Todd Blanche is sued in his official capacity as the Attorney General
6 of the United States and the senior official of the U.S. Department of Justice
7 (DOJ). In that capacity, he has the authority to adjudicate removal cases and to
8 oversee the Executive Office for Immigration Review (EOIR), which administers
9 the immigration courts and the BIA. Respondent Blanche is a legal custodian of
10 Petitioner.
11

12
13 **EXHAUSTION OF REMEDIES**

14 22. Petitioner has exhausted all administrative remedies available to him. He is
15 currently detained at the Imperial Regional Detention Center under the custody of
16 U.S. Immigration and Customs Enforcement (“ICE”). Under current Board of
17 Immigration Appeals precedent in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216
18 (B.I.A. 2025), the Immigration Court lacks jurisdiction to conduct a bond hearing
19 in Petitioner’s case, rendering any request for custody redetermination unavailable
20 as a matter of law.
21

22
23 23. No further administrative process exists to challenge his ongoing detention or to
24 obtain the relief sought. Accordingly, the filing of this habeas corpus petition under
25 28 U.S.C. § 2241 is proper. *See Singh v. Holder*, 638 F.3d 1196, 1203–04 (9th Cir.
26 2011); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).
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STATEMENT OF FACTS

1
2 24. On November 9, 2025, Petitioner was detained by ICE while he was a passenger in
3 a vehicle driving through Victorville, California.

4
5 25. Petitioner has two minor U.S. citizen children, ages 11 and 16 years old.

6 26. Under current BIA precedent, the Immigration Court has taken the position that it
7 lacks jurisdiction to conduct a bond hearing in Petitioner’s case, rendering any
8 request for custody re-determination futile.

9
10 27. ICE has not identified any exceptional circumstances warranting Petitioner’s
11 continued detention under their policy. His detention violates the Immigration and
12 Nationality Act and Fifth Amendment rights and continued detention under these
13 circumstances is unlawful.
14

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16 **LEGAL FRAMEWORK**

17 28. The Due Process Clause requires that the deprivation of Petitioners’ liberty be
18 narrowly tailored to serve a compelling government interest. *See Reno v. Flores*,
19 507 U.S. 292, 301–02 (1993) (holding that due process “forbids the government to
20 infringe certain ‘fundamental’ liberty interests at all, no matter what process is
21 provided, unless the infringement is narrowly tailored to serve a compelling state
22 interest”). As the Supreme Court held in *Zadvydas*, indefinite detention, and
23 detention without adequate procedural protections, would raise a “serious
24 constitutional problem” and run afoul of the Due Process Clause. 533 U.S. at 690.
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1 29. Section 1226(a) authorizes the Attorney General to arrest and detain a noncitizen
2 “pending a decision on whether the alien is to be removed.” Detention under §
3 1226(a) is discretionary and permits release on bond or conditional parole unless
4 the person falls within the limited mandatory detention provisions of § 1226(c).
5 The Ninth Circuit has held that individuals detained under § 1226(a) are entitled to
6 individualized bond hearings where the government bears the burden to show, by
7 clear and convincing evidence, that continued detention is justified by flight risk or
8 danger. *Rodriguez v. Robbins*, 804 F.3d 1060, 1078 (9th Cir. 2015), vacated on
9 other grounds, *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018). When detention
10 under § 1226(a) becomes prolonged, it must remain reasonably related to its
11 purposes of ensuring appearance and protecting the community. See *Demore v.*
12 *Kim*, 538 U.S. 510, 531 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
13 Continued detention without a final order of removal, absent these justifications, is
14 arbitrary, excessive, and violates the Due Process Clause.
15
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17 30. On September 5, 2025, the Board of Immigration Appeals issued *Matter of Yajure*
18 *Hurtado*, 29 I. & N. Dec. 216 (B.I.A. 2025). The Board held that any noncitizen
19 present in the United States without inspection or admission is subject to detention
20 under INA § 235(b)(2) (8 U.S.C. § 1225(b)(2)), rather than § 236(a) (8 U.S.C. §
21 1226(a)). This interpretation treats all such noncitizens as “applicants for
22 admission” and places them in mandatory detention without bond eligibility before
23 immigration judges.
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1 31. The decision overruled longstanding agency practice that classified interior arrests
2 of noncitizens who entered without inspection under INA § 236(a) (8 U.S.C. §
3 1226(a)), which permits discretionary release on bond or parole. Under *Yajure*
4 *Hurtado*, only those noncitizens who have been formally “admitted,” as defined in
5 INA § 101(a)(13)(A), retain bond eligibility.
6

7 **CLAIMS FOR RELIEF**

8 **COUNT ONE**

9 **Violation Of Immigration and Nationality Act, 8 U.S.C. § 1231(A)(6)**

10 32. Petitioner realleges and incorporates by reference the paragraphs above.
11

12 33. 8 U.S.C. § 1226(a) authorizes the Attorney General to arrest and detain a
13 noncitizen “pending a decision on whether the alien is to be removed,” but
14 expressly permits release on bond or conditional parole. This provision governs the
15 detention of individuals, like Petitioner, who have not been ordered removed and
16 whose proceedings remain pending.
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19 34. Detention under § 1226(a) must remain reasonably related to its purposes of
20 ensuring appearance at removal proceedings and protecting the community. When
21 those justifications no longer apply, continued custody exceeds the scope of the
22 statute. See *Demore v. Kim*, 538 U.S. 510, 529–31 (2003); *Zadvydas v. Davis*, 533
23 U.S. 678, 690 (2001).
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26 35. The Supreme Court in *Jennings v. Rodriguez*, 583 U.S. 830 (2018), distinguished
27 between the discretionary detention authority in § 1226(a) and the mandatory
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1 detention provisions of § 1226(c). *Jennings* held that § 1226(a) allows for release
2 on bond or conditional parole and does not itself impose mandatory custody. While
3 the Court rejected the imposition of automatic, periodic bond hearings as a matter
4 of statutory interpretation, it left open the constitutional question of whether
5 prolonged detention without an individualized hearing violates due process. *See id.*
6 at 851 (remanding to consider constitutional claims).
7

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9 36. Subsequent courts have recognized that such prolonged detention without a
10 hearing raises serious due process concerns. *See Hernandez-Lara v. Lyons*, 10
11 F.4th 19, 41 (1st Cir. 2021) (holding that due process requires the government to
12 justify continued § 1226(a) detention by clear and convincing evidence of danger
13 or by a preponderance of evidence of flight risk).
14

15 37. Petitioner is detained under 8 U.S.C. § 1226(a), which governs pre-final-order
16 detention for individuals in ongoing removal proceedings. Respondents' continued
17 detention of Petitioner without affording a bond hearing violates § 1226(a)'s plain
18 language and structure. Detention under § 1226(a) must be justified by legitimate
19 governmental interests, however Respondents have not demonstrated that
20 Petitioner presents a flight risk or danger to the community, making his continued
21 detention is arbitrary, excessive, and contrary to law.
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25 38. Following *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (B.I.A. 2025),
26 Respondents have adopted a blanket interpretation that classifies all noncitizens
27 who entered without inspection as subject to mandatory detention under § 1225(b),
28

1 thereby denying bond eligibility to those properly detained under § 1226(a). This
2 interpretation is inconsistent with the statute and longstanding practice, resulting in
3 the unlawful denial of individualized bond determinations.
4

5 39. Notably, the Central District of California has rejected DHS's attempt to treat
6 interior-arrest noncitizens as mandatory detainees under § 1225(b). (*Maldonado*
7 *Bautista v. Santacruz*, No. 5:25-cv-01873, TRO Order (C.D. Cal. July 28, 2025)).
8 In *Maldonado Bautista v. Santacruz*, the court granted a Temporary Restraining
9 Order enjoining DHS from detaining similarly situated individuals without
10 providing an individualized § 1226(a) bond hearing, holding that DHS's reliance
11 on § 1225(b) for interior arrests was unconvincing and inconsistent with the
12 statutory framework. *Id.* The court concluded that individuals arrested inside the
13 United States and detained under § 1226(a) were being unlawfully deprived of the
14 procedural protections guaranteed by that statute, including a bond hearing before
15 a neutral adjudicator. *Id.*
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19 40. Here, Petitioner is in the same posture as the Petitioners in *Maldonado Bautista*.
20 He was arrested in the interior and will be denied a bond hearing solely because
21 DHS has asserted, they do not have jurisdiction. Under *Maldonado Bautista* and
22 long-standing practice, such detention is unlawful, and Petitioner is entitled to
23 habeas relief directing the government to provide a prompt § 1226(a) bond hearing
24 or order his release.
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1 41. Petitioner has strong family and community ties in the United States. He is a
2 devoted father to two minor United States citizen children. Although Petitioner has
3 a limited criminal history consisting only of nonviolent offenses, he is not subject
4 to mandatory detention under 8 U.S.C. §1226(c). Because Petitioner is detained
5 under 8 U.S.C. § 1226(a), he is statutorily entitled to seek release on bond
6 following an individualized custody determination. Respondents’ refusal to provide
7 such a bond hearing contravenes § 1226(a)’s discretionary framework and exceeds
8 the detention authority Congress has authorized.

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11 42. Accordingly, the Court should declare that Respondents lack statutory authority to
12 detain Petitioner under § 1226(a) without providing a constitutionally adequate
13 bond hearing and should order either (1) a prompt bond hearing before an
14 Immigration Judge at which the government bears the burden of proof, or (2)
15 Petitioner’s release from custody pursuant to 28 U.S.C. § 2241.
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18 **COUNT TWO**
19 **Violation of Fifth Amendment Due Process Clause**

20 43. The allegations in the above paragraphs are realleged and incorporated herein.
21

22 44. The Due Process Clause of the Fifth Amendment forbids the government from
23 depriving any person of liberty without due process of law. U.S. Const. Amend. V.
24 “Freedom from imprisonment—from government custody, detention, or other
25 forms of physical restraint—lies at the heart of the liberty” that the Due Process
26 Clause protects. *Zadvydas*, 533 U.S. at 690 (citing *Foucha v. Louisiana*, 504 U.S.
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1 71, 80 (1992)). Civil immigration detention violates due process if it is not
2 reasonably related to its statutory purpose. See *id.* at 690 (citing *Jackson v.*
3 *Indiana*, 406 U.S. 715, 738 (1972)). In the immigration context, the Supreme Court
4 has recognized only two valid purposes for civil detention: to mitigate the risk of
5 flight and prevent danger to the community. *Id.*; *Demore v. Kim*, 538 U.S. 510,
6 514–15, 528 (2003). Courts have further held that prolonged detention under 8
7 U.S.C. § 1226(a) implicates due process and requires the government to justify
8 continued confinement at a meaningful bond hearing. See *Hernandez-Lara v.*
9 *Lyons*, 10 F.4th 19, 41 (1st Cir. 2021) (requiring the government to prove danger
10 by clear and convincing evidence or flight risk by a preponderance of the
11 evidence).
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16 45. The due process concerns identified in *Maldonado Bautista v. Santacruz* further
17 demonstrate that Respondent’s continued detention without a bond hearing is
18 unconstitutional. In granting the TRO, the court found that DHS’s misapplication
19 of § 1225 deprived interior-arrest noncitizens of the legal protections guaranteed
20 under § 1226(a), raising “serious question[s]” as to whether DHS had permissibly
21 altered its detention practices to withhold statutory and constitutional safeguards.
22 TRO Order at 5–7. The court emphasized that continued detention under an
23 unlawful policy serves “neither equity nor the public interest,” and “potentially
24 arbitrarily violates due process rights.” *Galvez v. Jaddou*, 52 F.4th 821, 832
25 (9th Cir. 2022); see also *Xuyue Zhang v. Barr*, 612 F. Supp. 3d 1005, 1017 (C.D.
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1 Cal.) (public interest is implicated whenever constitutional rights are denied). As in
2 *Maldonado Bautista*, Respondent’s detention under the incorrect statutory
3 framework deprives him of the procedural protections mandated by § 1226(a),
4 rendering his continued detention fundamentally inconsistent with the Fifth
5 Amendment. This concern is heightened because Respondent was previously
6 denied a bond hearing based on lack of jurisdiction, which presumably relied on
7 the same misapplication of § 1225(b) that the district court rejected.
8

9
10 46. First, Petitioner does not pose a danger to the community. Although he has a
11 limited criminal history, it consists solely of nonviolent offenses and does not
12 indicate any threat to public safety. He has significant ties to the United States that
13 show his focus is providing for his family. Petitioner is a devoted father to two
14 U.S. citizen children. Prior to his detention by ICE, Petitioner worked as a
15 construction worker and served as the primary source of financial support for his
16 household. At a bond hearing, Petitioner will be able to present evidence of his
17 active participation in his church and letters of support from his family and
18 members of his community. His continued detention has placed his family at
19 significant financial risk and threatens the stability of his U.S. citizen children, who
20 rely on him for both emotional and economic support.
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1 47. Second, Petitioner does not pose a risk of flight. He is committed to pursuing his
2 applications for relief in the United States. Petitioner is eligible to seek non-lawful
3 permanent resident cancellation of removal under INA §240A(b) before the
4 Immigration Court (EOIR). Petitioner's objective is to remain in the United States
5 in a lawful manner. He has every incentive to, and will, comply with all obligations
6 required to enable him to remain in the United States.
7

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9 48. Petitioner's strong family ties further anchor him to this jurisdiction. His two minor
10 U.S. citizen children depend on him for financial and emotional support and
11 provide him with motivation to appear at all hearings and comply with any
12 conditions of release. The strength of his eligibility for relief and the pendency of
13 his application weigh heavily against any suggestion that he would flee.
14

15 49. Another factor that should be afforded weight is that Petitioner is represented by
16 undersigned counsel. Retaining the services of an attorney is a significant financial
17 commitment. It is an indication that he is invested in his case and willing to follow
18 through with any requirements imposed by ICE in order to continue litigating his
19 claim. His willingness to invest in litigating his claim should mitigate any flight
20 risk concerns. Petitioner is planning to stay in the jurisdiction to fully litigate his
21 relief applications. His investment contradicts any likelihood of absconding, as
22 flight risk might try to leave the jurisdiction to avoid arrest or to abscond. The act
23 of securing legal representation suggests that Petitioner is very likely remaining
24 within the country or region to actively pursue his relief applications.
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1 50. For these reasons, Petitioner's continued detention violates the Due Process Clause
2 of the Fifth Amendment, and he must be immediately released.

3 **COUNT THREE**

4
5 51. If he prevails, Petitioner requests attorney's fees and costs in the amount of \$5,000
6 under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412.

7 **PRAYER FOR RELIEF**

8
9 Wherefore, Petitioner respectfully requests this Court to grant the following:

- 10 (1) Assume jurisdiction over this matter.
- 11 (2) Issue an Order to Show Cause ordering Respondents to Show Cause why this
12 Petition should not be granted within three days.
- 13 (3) Declare that Petitioners' detention violates the Immigration and Nationality Act
14 and Due Process Clause of the Fifth Amendment.
- 15 (4) Grant a Writ of Habeas Corpus ordering Respondents to release Petitioner
16 immediately.
- 17 (5) Enjoin Respondents from further unlawfully detaining Petitioner.
- 18 (6) Grant a writ of habeas corpus ordering Respondents to immediately release
19 Petitioners from custody.
- 20 (7) In the alternative, grant a writ of habeas corpus ordering Respondents to
21 immediately release Petitioner from custody under reasonable conditions of
22 supervision.
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- (8) Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (9) Grant any further relief this Court deems just and proper.

Respectfully submitted,

Dated: May 14, 2026

 /s/ Alfonso Morales
Alfonso Morales, Esq.
Attorney for Petitioner of
Azurin Ramon Ocampo

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Azurin Ramon Ocampo, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated May 14, 2026

 /s/ Alfonso Morales
Alfonso Morales, Esq.
Attorney for Petitioner of
Azurin Ramon Ocampo