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7 UNITED STATES DISTRICT COURT
8 SOUTHERN DISTRICT OF CALIFORNIA
9 SAN DIEGO DIVISION

10 JORGE GIOVANI GARCIA REYES,

11 Petitioner,

12 v.

13 CHRISTOPHER J. LAROSE, Warden of Otay
Mesa Detention Center; GREGORY J.
14 ARCHAMBEAULT, Field Office Director of
Enforcement and Removal Operations, San
15 Diego Field Office, TODD LYONS, Director of
United States Immigration and Customs
16 Enforcement; Markwayne Mullin Secretary,
U.S. Department of Homeland Security; TODD
17 BLANCHE, Acting U.S. Attorney General,
acting in their official capacities,

18 Respondents.

Case No. '26CV3154 LL DEB

**PETITION FOR WRIT OF
HABEAS CORPUS**

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1 **INTRODUCTION**

2 1. Petitioner Jorge Giovanni Garcia Reyes brings this petition for a writ of habeas
3 corpus to seek enforcement of their rights as members of the Bond Denial Class certified in
4 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the
5 physical custody of Respondents at the Otay Mesa Detention Center (OMDC). He now faces
6 unlawful detention because the Department of Homeland Security (DHS) and the Executive
7 Office for Immigration Review (EOIR) have refused to abide by the declaratory judgment issued
8 on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

9 2. On November 20, 2025, the district court granted partial summary judgment on
10 behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and
11 extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-
12 CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025)
13 (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista*
14 *v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D.
15 Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible
16 Class, incorporating and extending declaratory judgment from Order Granting Petitioners'
17 Motion for Partial Summary Judgment).

18 3. The declaratory judgment held that the Bond Denial Class members are detained
19 under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under §
20 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

21 4. Nonetheless, the Executive Office for Immigration Review and its subagency the
22 Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to
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1 abide by the declaratory relief and have unlawfully denied the opportunity to be released on bond
2 for members of the *Maldonado* class.

3 5. Petitioner Jorge Garcia Reyes is a member of the Bond Eligible Class, as he:

4 a. does not have lawful status in the United States and is currently detained at the
5 Otay Mesa Detention Center. He was apprehended by immigration authorities on
6 April 14, 2026.

7 b. entered the United States without inspection over seven years ago and was not
8 apprehended upon arrival, *cf. id.*; and

9 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

10 6. After apprehending Petitioner on April 14, 2026, DHS placed him in removal
11 proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being
12 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United
13 States without inspection.

14 7. The Court should expeditiously grant this petition.

15 8. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full “force
16 and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless, Respondents have
17 continued to flagrantly defy the judgment in that case and continue to subject *Maldonado*
18 class members to unlawful detention despite their clear entitlement to consideration for
19 release on bond.

20 9. Immigration judges have informed class members in bond hearings that they have been
21 instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not
22 controlling, even with respect to class members, and that instead IJs remain bound to
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1 follow the agency's prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA
2 2025).

3 10. Because Respondents are detaining Petitioner in violation of the declaratory judgment
4 issued in *Maldonado Bautista*, the Court should accordingly order that within one day,
5 Respondent DHS must release Petitioner.

6 11. Alternatively, the Court should order Petitioner's release unless Respondents provide a
7 bond hearing under 8 U.S.C. § 1226(a) within seven days.

8 JURISDICTION

9 12. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
10 Otay Mesa Detention Center in San Diego, California.

11 13. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28
12 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States
13 Constitution (the Suspension Clause).

14 14. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory
15 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

16 VENUE

17 15. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
18 500 (1973), venue lies in the United States District Court for the Southern District of California,
19 the judicial district in which Petitioner currently is detained at Otay Mesa Detention Center in
20 San Diego, California.

21 16. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because
22 Respondents are employees, officers, and agencies of the United States, and because a
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1 substantial part of the events or omissions giving rise to the claims occurred in the Southern
2 District.

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

4 17. The Court should grant the petition for writ of habeas corpus “forthwith,” as the
5 legal issues have already been resolved for class members in *Maldonado Bautista*.

6 18. Habeas corpus is “perhaps the most important writ known to the constitutional
7 law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or
8 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the
9 writ usurps the attention and displaces the calendar of the judge or justice who entertains it and
10 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208
11 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

12 **PARTIES**

13 19. Petitioner Garcia Reyes is a citizen of Mexico who has been in immigration
14 detention since April 14, 2026. Petitioner has resided in the United States since January 2019. He
15 is currently detained at Otay Mesa Detention Center and is in the direct control of Respondents
16 and their agents.

17 20. Respondent Christopher J. LaRose is employed by Core Civic as Warden of the
18 Otay Mesa Detention Center, where Petitioner is detained. He has immediate physical custody of
19 Petitioner. He is sued in his official capacity.

20 21. Respondent Gregory J. Archambeault is the Director of the San Diego Field
21 Office of ICE’s Enforcement and Removal Operations division. As such, he is Petitioner’s
22 immediate custodian and is responsible for Petitioner’s detention and removal. He is named in
23 his official capacity.

1 **CLAIM FOR RELIEF**

2 **Violation of the INA:**

3 **Request for Relief Pursuant to *Maldonado Bautista***

4 30. Petitioner repeats, re-alleges, and incorporates by reference each and every
5 allegation in the preceding paragraphs as if fully set forth herein.

6 31. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for
7 release on bond under 8 U.S.C. § 1226(a).

8 32. The order granting partial summary judgment in *Maldonado Bautista* holds that
9 Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class
10 members.

11 33. The order granting class certification in *Maldonado Bautista* further orders that
12 “[w]hen considering this determination with the MSJ Order, the Court extends the same
13 declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”

14 34. Respondents are parties to *Maldonado Bautista* and bound by the Court’s
15 declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C.
16 § 2201(a).

17 35. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is
18 subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner’s statutory
19 rights under the INA and the Court’s judgment in *Maldonado Bautista*.

20 **COUNT TWO**

21 **Violation of the INA:**

22 **Unlawful Detention under 8 U.S.C. § 1225(b)(2)(A)**

23 36. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in
24 the preceding paragraphs as if fully set forth herein.

1 56. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to Petitioner.

2 The text and structure of § 1226 and § 1225 reflect that Congress provided
3 for discretionary detention under § 1226(a) to govern Petitioner's detention.

4 57. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued
5 detention and violates the INA.

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7 58. Accordingly, Petitioner is entitled to immediate release, or, in the alternative,
8 consideration for release on bond by Respondents.

9 **COUNT THREE**

Violation of the Immigration and Nationality Act, 8 U.S.C. § 1226(a)

10 56. The allegations in the above paragraphs are realleged and incorporated herein.

11 57. Respondents assert that Mr. Garcia Reyes is subject to mandatory detention under 8
12 U.S.C. § 1225 as an "arriving alien," despite having arrested him inside the U.S. twenty-
13 three years after his entry near the Nogales, Arizona, port of entry, and charging him
14 under § 1226.

15 58. Courts have consistently held that § 1226, rather than § 1225, governs detention of
16 noncitizens already present inside the United States. *See generally Jennings v. Rodriguez*,
17 583 U.S. 281 (2018); *Rodriguez v. Robbins*, 715 F.3d 1127 (9th Cir. 2013).

18 59. In particular, § 1225(b)(2) does not apply to those who previously entered the country,
19 were released on their own recognizance after DHS determined they were not a flight risk
20 or a danger, and have been present and residing in the United States prior to re-
21 apprehension. Such individuals may only be detained pursuant to § 1226(a), unless
22 subject to an exception that is inapplicable to Petitioner.

1 60. The application of § 1225(b)(2) to Mr. Garcia Reyes unlawfully mandates his continued
2 re-detention without a bond hearing, in violation of § 1226(a).

3 61. Accordingly, Petitioner's continued detention violates 8 U.S.C. § 1226(a).

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5 **COUNT FOUR**

6 **Violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)**

7 62. The allegations in the above paragraphs are realleged and incorporated herein.

8 63. The APA mandates that a reviewing court "hold unlawful and set aside agency action"
9 that is found to be "arbitrary, capricious, an abuse of discretion, or otherwise not in
10 accordance with the law," that is "contrary to constitutional right [or] power," or that is
11 "in excess of statutory jurisdiction, authority, or limitations, or short of statutory right." 5
12 U.S.C. § 706(2)(A)-(C).

13 64. Further, under the *Accardi* doctrine, an administrative agency is required to adhere to its
14 own internal operating procedures. *Accardi*, 347 U.S. at 268. *Accardi* challenges may be
15 framed as arbitrary and capricious challenges. *Norton*, 340 F.3d at 841, 852.

16 65. Respondents' new policy of re-classifying individuals under § 1225(b)(2) who were
17 originally released under § 1226(a) is arbitrary and capricious, in violation of 5 U.S.C. §
18 706(2)(A).

19 66. Respondents' detention of Petitioner pursuant to § 1225(b)(2), despite his arrest
20 being his first contact with immigration officials, is arbitrary and capricious, an abuse of
21 discretion, violative of the Constitution, and without statutory authority.

22 67. Accordingly, Petitioner's continued detention violates 5 U.S.C. § 706(2).

23 **COUNT FIVE**

24 **Violation of the Fifth Amendment (Substantive Due Process)**

1 68. The allegations in the above paragraphs are realleged and incorporated herein.

2 69. The Due Process Clause of the Fifth Amendment forbids the government from depriving
3 any person of their liberty “without due process of law.” U.S. Const. Amend. V.

4 70. The government has only two legitimate interests that may be served by civil
5 immigration detention: preventing flight from removal proceedings and protecting the
6 community from danger.

7 71. Petitioner has aptly demonstrated that neither of those interests would be served
8 in his case, as he has no criminal record, and has created a life with
9 certain constitutional protections within Southern California.

10 72. Accordingly, Petitioner’s continued detention violates his substantive due process
11 rights.

12 **COUNT SIX**

13 **Violation of the Fifth Amendment (Procedural Due Process)**

14 73. The allegations in the above paragraphs are realleged and incorporated herein.

15 74. Mr. Garcia Reyes has a protected interest in his liberty that the government cannot
16 infringe without due process of law. His private interest in his liberty, and the risk
17 of erroneous deprivation of that liberty, far outweighs the government’s interest in
18 detaining him especially since he has lived peacefully in the community for twenty-three
19 years and has never been in contact with immigration enforcement before. *See Mathews*
20 *v. Eldridge*, 424 U.S. 319, 330, 335 (1976).

21 75. Accordingly, Mr. Garcia Reyes’s continued detention without a bond redetermination
22 hearing violates his procedural due process rights.

1 PRAYER FOR RELIEF

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

- 3 a. Assume jurisdiction over this matter;
- 4 b. Issue a writ of habeas corpus requiring that within one day, Respondents release
- 5 Petitioner;
- 6 c. Alternatively, issue a writ of habeas corpus requiring Respondents to release
- 7 Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within
- 8 seven days;
- 9 d. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act
- 10 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under
- 11 law; and
- 12 e. Grant any other and further relief that this Court deems just and proper.

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15 Dated: May 20, 2026

16 Respectfully Submitted,

17 /s/Megan Day
18 Megan Day
19 *Attorney for Petitioner*

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