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5 UNITED STATES DISTRICT COURT

6 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

7 EMIR EDUARDO SANCHEZ
8 MENDEZ,

Petitioner,

9 v.

10 JEREMY CASEY, Facility
administrator at the Imperial
Regional Detention Facility,
11 PATRICK DIVVER, Director of the
U.S. Immigration and Customs
Enforcement San Diego Field Office,
12 TODD LYONS, acting Director of
U.S. Immigration and Customs
Enforcement, and MARKWAYNE
13 MULLIN, Secretary of the U.S.
Department of Homeland
14 Security

**VERIFIED EMERGENCY
PETITION FOR A WRIT OF
HABEAS CORPUS, ORDER TO
SHOW CAUSE WITHIN THREE
DAYS, AND COMPLAINT FOR
DECLARATORY RELIEF**

'26CV3196 JLS DEB

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INTRODUCTION

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1. Petitioner Emir Eduardo Sanchez Mendez petitions for a writ of habeas corpus seeking his release from U.S. Immigration and Customs Enforcement (ICE) custody. ICE is a component agency of the Department of Homeland Security (DHS).

2. U.S. Customs and Border Protection (CBP), another component agency of DHS, released Mr. Sanchez Mendez on his own recognizance on December 1, 2023.

3. Mr. Sanchez Mendez arrived in the U.S. seeking asylum, withholding of removal, or protection under the Convention Against Torture because he feared he will be persecuted by the Venezuelan government and associated groups if he returns to Venezuela.

4. Mr. Sanchez Mendez timely filed his asylum application. He sought and received Temporary Protected Status (“TPS”) from DHS. He has no criminal history.

5. On or about April 15, 2026, DHS officers arrested Mr. Sanchez Mendez as he walked out of a gas station. The officers did not provide him with prior notice that DHS was revoking his release or an opportunity to contest whether his re-detention was warranted.

6. The officers took Mr. Sanchez Mendez into custody and detained him at the Imperial Regional Detention Facility (IRDF), where he remains today.

1 11. The Court should also reject any jurisdictional defenses the
2 government may assert under 8 U.S.C. §§ 1252(g) and (b)(9), because this
3 challenge does not seek review of any removal order and instead challenges
4 re-detention. *See Ramirez-Bibiano v. LaRose*, No. 25-CV-3429-JLS (SBC), 2025
5 WL 3632748, at *2-3 (S.D. Cal. Dec. 15, 2025) (rejecting the government’s
6 challenges under 8 U.S.C. §§ 1252(g) and (b)(9) to habeas jurisdiction). The Court
7 also should waive any exhaustion requirement as futile for the same reasons it did
8 so in *Ramirez-Bibiano*. 2025 WL 3632748 at *3 (recognizing the Southern District
9 of California finds exhaustion to be futile in this context such that immediate
10 judicial review of habeas petitions challenging \re-detention is required). *Id.* at
11 *2–3.

12 12. Venue is proper in the Southern District of California, pursuant to 28
13 U.S.C. §§ 1391 and 2241(d) because Mr. Sanchez Mendez is detained at IRDF in
14 Calexico, California.

15 **REQUIREMENTS OF 28 U.S.C. § 2243 (IMMEDIATE ISSUANCE OF**
16 **WRIT OF HABEAS CORPUS OR OSC THEREON)**

17 13. The Court must grant the petition for writ of habeas corpus or issue an
order to show cause (“OSC”) to the respondents “forthwith,” unless the petitioner is
not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require

1 respondents to file a return “within three days unless for good cause additional
2 time, not exceeding twenty days is allowed.” *Id.*

3 14. Courts have long recognized the significance of the habeas statute in
4 protecting individuals from unlawful detention. The Great Writ has been referred to
5 as “perhaps the most important writ known to the constitutional law of England,
6 affording as it does a swift and imperative remedy in all cases of illegal restraint
7 and confinement. *Fay v. Noia*, 372 U.S. 391, 400 (1963) (overruled on other
8 grounds by *Wainwright v. Sykes*, 433 U.S. 72 (1977)) (emphasis added). “The
9 application for the writ usurps the attention and displaces the calendar of the judge
10 or justice who entertains it and receives prompt action from him [or her] within the
11 four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000)
12 (citation omitted).

13 PARTIES

14 15. Petitioner Emir Eduardo Sanchez Mendez is currently detained by
15 Respondents in the IRDF despite having been previously released by DHS on an
16 order of recognizance.

17 16. Respondent Jeremy Casey is the facility administrator at the Imperial
Regional Detention Facility in Calexico, California where Mr. Sanchez Mendez is
currently detained. He is thus Mr. Sanchez Mendez’s immediate custodian. He is
sued in his official capacity.

17 17. Respondent Patrick Divver is the Director of ICE’s San Diego Field

1 Office, which has jurisdiction over ICE detention facilities in San Diego and
2 Imperial County, including the Imperial Regional Detention Center. As such, Mr.
3 Divver is a legal custodian of Mr. Sanchez Mendez. He is sued in his official
4 capacity.


5 18. Respondent Todd Lyons is the Director of ICE. He is responsible for
6 the administration of ICE and the implementation and enforcement of the
7 immigration laws, including noncitizen detention. He is sued in his official capacity.

8 19. Respondent Markwayne Mullin is the Secretary of the Department of
9 Homeland Security (DHS), which is responsible for the administration of ICE and
10 the implementation and enforcement of the immigration laws. As such, Mr. Mullin
11 is a legal custodian of Petitioners. He is sued in his official capacity.

12 **STATEMENT OF FACTS**

13 20. Mr. Sanchez Mendez came to the U.S. seeking asylum on or around
14 December 1, 2023. That day, CBP agents took Mr. Sanchez Mendez's
15 identification, copied his biographic information, and released him.

16 21. Mr. Sanchez Mendez fled Venezuela because he fears 

17 
22. In 2024, Mr. Sanchez Mendez applied to DHS for asylum and TPS for
18 Venezuelans. DHS may grant TPS to citizens of certain countries who cannot safely
19 return to those countries. Mr. Sanchez Mendez was initially granted TPS but did not

1 re-register in 2025.

2 23. DHS granted him work authorization on September 15, 2024 on
3 account of his pending asylum application. This work authorization is valid until
4 September 14, 2029. Ex. A.

5 24. To Mr. Sanchez Mendez's knowledge, he has never missed any
6 appointment with DHS or the Immigration Court.

7 25. During his time in the United States, Mr. Sanchez Mendez lived with
8 the expectation that he would not be subject to re-detention absent some material
9 change in circumstances. He made every effort to comply with the law and follow
10 the rules of the United States.

11 26. Despite his full compliance with all immigration laws while in the
12 United States, DHS officers arrested Mr. Sanchez Mendez on or about April 15,
13 2026 as he walked out of a convenience store at a gas station.

14 27. DHS did not inform Mr. Sanchez Mendez as to why it was detained
15 him not did it provide Mr. Sanchez Mendez any notice or opportunity to contest the
16 detain him at any point prior to this arrest. ICE has detained him at IRDF ever
17 since.

LEGAL FRAMEWORK

18 28. “[T]he Due Process Clause applies to all ‘persons’ within the United
19 States, including aliens, whether their presence here is lawful, unlawful, temporary,
20 or permanent.” *Zadvydas v. Davis*, 533 U.S. 678 (2001). Accordingly, “[i]t is well
21

1 established that the Fifth Amendment entitles aliens to due process of law in the
2 context of removal proceedings.” *Trump v. J.G.G.*, 604 U.S. 670, 673 (2025)
3 (internal quotation marks omitted) (citing *Reno v. Flores*, 507 U.S. 292, 306
4 (1993)). Due process “requires some kind of a hearing before the State deprives a
5 person of liberty or property.” *Zinerman v. Burch*, 494 U.S. 113, 127 (1990).

6 29. Traditionally, to determine what protections due process demands in a
7 given situation, courts consider three factors, the *Mathews* factors: (1) the private
8 interest that will be affected by the official action; (2) the risk of erroneous
9 deprivation of such interest through the procedures used, and the probable value of
10 additional safeguards; and (3) the government’s interest, including the function
11 involved and that burdens that would be imposed by additional process. *See*
12 *Mathews v. Eldridge*, 424 U.S. at 335. In applying these factors specifically to the
13 context of a person challenging immigration detention, courts assess: (1) the
14 petitioner’s liberty interest in remaining out of custody; (2) the risk of erroneous
15 deprivation of that interest in remaining out of custody; and (3) the government’s
16 interest in detaining the petitioner without affording pre-deprivation notice,
17 reasoning, and a hearing. *Ramirez-Bibiano*, 2025 WL 3632748 at *4–5.

14 A. **Courts Have Regularly Found that Summary Revocation of Parole
15 and Re-Detention Deprives Petitioners of Procedural Due Process**

16 1. Consistent with the traditional *Mathews* three-factor test, district courts
17 in the Ninth Circuit have formulated a bright-line Due Process rule: if a noncitizen

1 has been paroled into the U.S., the government may not revoke their parole or
2 re-detain them without first affording pre-deprivation notice and a hearing
3 establishing that the person is now a danger or flight risk—failure to provide this is
4 a violation of the person’s Fifth Amendment Due Process rights requiring
5 immediate habeas relief. *See, e.g., Ramirez-Bibiano*, 2025 WL 3632748 (ordering
6 immediate habeas relief; holding the government’s summary revocation of parole
7 and re-detention without pre-deprivation notice or a hearing establishing present
8 risk of danger or flight violates Fifth Amendment Due Process); *see also Noori v.*
9 *LaRose*, 807 F. Supp. 3d. 1146 (S.D. Cal. 2025)(granting immediate habeas release;
10 holding the government’s summary revocation of parole and re-detention without
11 pre-deprivation notice, reasons, and a hearing establishing present danger or flight
12 risk violated due process under *Mathews*); *Ramirez Tesara v. Wamsley*, 800 F. Supp.
13 3d 1130 1135–39 (W.D. Wash. 2025) (granting TRO and ordering immediate
14 release; applying *Mathews* to hold that even though petitioner’s parole had expired,
15 because he had previously been paroled his re-detention without a pre-deprivation
16 hearing establishing a justification for re-detention violated due process under
17 *Mathews*); *Fernandez Lopez v. Wofford*, No. 1:25-CV-01226-KES-SKO (HC), 2025
WL 2959319, at *6 (E.D. Cal. Oct. 17, 2025) (ordering immediate habeas release;
canvassing seven cases establishing the principle that re-detention of a previously
paroled noncitizen without a pre-deprivation hearing establishing a change in the
person’s risk of danger or flight violates Due Process and requires immediate

1 habeas relief).

2 2. Courts have applied this same rationale to individuals released from
3 immigration detention. *See Maceo-Aguilera v. LaRose*, 26-CV-532-LL-MSB, 2026
4 WL 381633 (S.D. Cal. Feb. 11, 2026); *Escamilla Alvarado v. Casey*, No.
5 26-cv-2593-JO-BJW (S.D. Cal. May, 7, 2026), Dkt. No. 6; *Magana-Hernandez v.*
6 *Casey*, No. 26-cv-2952-JLS (MSB) (S.C. Cal. May 18, 2026), Dkt. No. 5. Thus, Mr.
7 Sanchez-Mendez’s “release from ICE custody after [his] initial apprehension
8 reflected a determination by the government that [he] was neither a flight risk nor a
9 danger to the community, and [Petitioner] has a strong interest in remaining at
10 liberty unless [he] no longer meets those criteria. *Pinchi v. Noem*, 792 F. Supp. 3d.
11 1025, 1034 (N.D. Cal. 2025).

12 3. In *Ramirez-Bibiano*, a case from this district, a noncitizen who had
13 been previously paroled into the U.S. was summarily re-detained after ICE revoked
14 his parole without notice, reasons, or an opportunity to be heard. *Ramirez-Bibiano*,
15 2025 WL 3632748 at *1, 4–5. The Court applied *Mathews*, granted immediate
16 habeas relief and attorneys’ fees according to proof, and ordered that any future
17 detention be supported at a hearing with the government bearing the burden to show
by clear and convincing evidence that the petitioner was a present danger or flight
risk. *Id.* at *4–5; *see also Maceo-Aguilera*, 26-CV-532-LL-MSB, 2026 WL 381633
(S.D. Cal. Feb. 11, 2026); *Alegria Palma v. LaRose et al.*, No. 25-CV-1942-BJC
(MMP), (S.D. Cal. Aug. 11, 2025); *Navarro Sanchez v. LaRose*, 2025 No.

1 25-CV-2396-JES-MMP, 2026 WL 2770629 (S.D. Cal. Sept. 26, 2025).

2 4. In *Noori*, an Afghan national paroled into the U.S. after assisting U.S.
3 forces was arrested at a courthouse and re-detained following the government's
4 summary revocation of his humanitarian parole, without any pre-deprivation notice,
5 reasons provided, or opportunity to be heard, despite a clean record and consistent
6 compliance. 807 F. Supp 3d. 1146. The Court held that the government's summary
7 parole revocation and re-detention violated due process under *Mathews* given the
8 lack of justification, notice, and an opportunity to be heard. *Id.* at *9–12. The Court
9 granted the habeas petition, ordered that the government shall not re-detain the
10 petitioner during the pendency of his removal proceedings, and granted attorneys'
11 fees according to proof. *Id.* at *14.

12 5. In *Ramirez Tesara*, a Venezuelan asylum-seeker who had been paroled
13 into the U.S. was re-detained as he appeared for a monitoring appointment, without
14 any pre-deprivation notice or hearing. 800 F. Supp. 3d at 1134. That court assessed
15 the petitioner's due process habeas claim under *Mathews* and concluded that
16 because he had been previously paroled, ICE could only have re-detained the
17 petitioner after a hearing before an immigration judge at which the government met
its burden to justify detention. *Id.* at 1135–38. ICE's summary re-detention
therefore violated Due Process and required the petitioner's immediate release. *Id.*
at 1138–39.

6. In *Fernandez Lopez*, an asylum-seeker from Chile who had been

1 paroled in 2021 was summarily re-detained by ICE in August 2025 after a
2 credible-fear interview. 2025 WL 2959319 at *1. Once again, applying *Mathews*,
3 and for the same reasons as the courts in *Ramirez-Bibiano*, *Ramirez Tesara*, and
4 *Noori*, that court granted a preliminary injunction as well as the habeas petition at
5 issue, and enjoined the government from re-detaining the petitioner absent a
6 pre-deprivation bond hearing at which the government must prove current danger or
7 flight risk by clear and convincing evidence. 807 F. Supp. 3d. 1146. That court also
8 canvassed cases from other district courts in the Ninth Circuit to state the
9 *Mathews*-derived rule that if the government has previously paroled a noncitizen, it
10 may not re-detain that person without first providing pre-deprivation notice and a
11 hearing through which the government establishes a change in the person's risk of
12 danger or flight. *Id.* at 1165-66. Failure to provide this pre-deprivation process is a
13 violation of the person's Fifth Amendment Due Process rights and grounds for
14 immediate habeas relief. *Id.* at 1166.

12 7. Taken together, the district courts of the Ninth Circuit have developed
13 the bright-line rule that **if a noncitizen has been paroled into the U.S., the**
14 **government may not revoke that person's parole or re-detain them without**
15 **first providing pre-deprivation notice and a hearing establishing a change in**
16 **danger or flight risk by clear and convincing evidence.** To date, the courts to
17 have considered habeas petitions in this context have each applied the three-factor
Mathews test to reach what has now coalesced into a uniform rule of law. The

1 above rule incorporates and relies upon a *Mathews* analysis but streamlines the
2 statement of law so as not to require a step-by-step in-depth inquiry of each
3 *Mathews* factor.

4 8. This rule is grounded in the acknowledgment that the government’s
5 initial decision to grant release “reflects a determination by the government that the
6 noncitizen is not a danger to the community or a flight risk.” *Fernandez Lopez*,
7 2025 WL 2959319 at *2. Absent “evidence that the noncitizen is in fact dangerous
8 or has become a flight risk,” “there is no evidence that these findings have
9 changed” and there is therefore no justification for re-detention. *Ramirez-Bibiano*,
10 2025 WL 3632748 at *4. Without establishing a change in circumstances via notice,
11 a hearing, and evidence, parole-revocation or re-detention of a previously paroled
12 person violates Fifth Amendment Due Process. *See id.*

13 9. Accordingly, where the Court finds that a petitioner has been
14 previously paroled and yet the government summarily revoked his parole or
15 re-detained him, a step-by-step *Mathews* analysis is unnecessary; it is already
16 incorporated into and performed by the bright-line rule established by
17 *Ramirez-Bibiano*, *Ramirez Tesara*, *Fernandez Lopez* and the many district court
cases it cites, and *Mathews*.

1 B. Applying the *Mathews* Test to Petitioners Re-detained Without
2 Process Results Confirms that the Government Violates the Fifth
3 Amendment in Such Cases.

4 1. “Freedom from imprisonment—from government custody, detention,
5 or other forms of physical restraint—lies at the heart of the liberty [the Due Process
6 Clause] protects.” *Zadvydas*, 533 U.S. at 690. A noncitizen released by DHS has a
7 “significant liberty interest in remaining out of custody pursuant to his release.”

8 *Vicky v. Casey*, No 26-cv-949-JLS (JLB), 2026 WL 608589, at *2.

9 2. While “the initial decision to detain or release an individual may be
10 within the government’s discretion, the government’s decision to release an
11 individual from custody creates ‘an implicit promise,’ upon which that individual
12 may rely, that their liberty ‘will be revoked only if they fail to live up to
13 the...conditions of release.” *Pinchi v. Noem*, 792 F.Supp.3d 1025, 1032 (N.D. Cal.
14 2025) (alternation marks omitted); *see also Faizyan*, 2025 WL 3208844, at *7
15 (quoting *Pinchi*).

16 3. As to the first *Mathews* factor, Mr. Sanchez Mendez possesses a
17 protected liberty interest in remaining out of custody, namely, “the most significant
18 liberty interest there is – the interest in being free from imprisonment.” *Velasco*
19 *Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020). “Freedom from
20 imprisonment—from government custody, detention, or other forms of physical
21 restraint—lies at the heart of the liberty [the Due Process Clause] protects.”

1 *Zadvydas*, 533 U.S. at 690. While “the initial decision to detain or release an
2 individual may be within the government’s discretion, the government’s decision to
3 release an individual from custody creates ‘an implicit promise,’ upon which that
4 individual may rely, that their liberty ‘will be revoked only if they fail to live up to
5 the...conditions of release.” *Pinchi v. Noem*, 792 F.Supp.3d at 1032 (alternation
6 marks omitted).

7 4. Here, as in *Ramirez-Bibiano*, Petitioner has a significant liberty interest
8 in remaining free of ICE custody under prior release conditions. His initial “release
9 from ICE custody constituted an implied promise that [his] liberty would not be
10 revoked unless [he] failed to live up to the conditions of [his] release.” *Pinchi*, 792
11 F. Supp. 3d at 1034 (internal quotation marks omitted). In other words, Petitioner
12 gained a protected liberty interest in remaining out of custody absent a showing that
13 he is a flight risk or a danger to the community. *See, e.g., Fernández López*, 2025
14 WL 2959319 at *4-5 (finding that petitioner released from immigration detention
15 on parole had protected liberty interest in remaining out of custody, including if the
16 authority for petitioner’s parole was § 1182(d)(5)(A)); *Noori v. Larose*, 807 F. Supp.
17 3d. 1146 (S.D. Cal. 2025)(finding that petitioner who was paroled from
immigration detention under § 1182(d)(5)(A) had protected liberty interest in
remaining out of custody).

5. As to the second *Mathews* factor, “the risk of an erroneous deprivation
of such interest is high” where “Petitioner's release on his own recognizance was

1 revoked without providing him a reason for revocation or giving him an
2 opportunity to be heard. *Vicky*, 2026 WL 608589, at *3. Immigration detention
3 serves only to prevent flight and danger to the community. *Zadvydas*, 533 U.S. at
4 690. As such, re-detention absent a material change in flight risk or danger, runs a
5 high risk of depriving a non-dangerous petitioner that presents only a minimal risk
6 of flight of their liberty. *See Vicky*, 2026 WL 608589, at *3; *Faizyan*, 2025 WL
7 3208844, at *7. When DHS grants a noncitizen TPS, it necessarily determines “that
8 he was not flight risk or a danger to the community.” *Majano Mendoza v. Andrews*,
9 No. 1:26-CV-01976-DAD-CSK, 2026 WL 747344, at *2 (E.D. Cal. Mar. 17, 2026).

10 6. As to the third *Mathews* factor, “the Government's interest in detaining
11 [a] Petitioner without notice, reasoning, and a hearing is ‘low.’” *Vicky*, 2026 WL
12 608589, at *3. The government may always re-arrest a petitioner if it provides
13 notice and a fair hearing. *Id.* (citing *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970
14 (N.D. Cal. Nov. 22, 2019)); *Faizyan*, 2025 WL 3208844, at *7 (same). In addition,
15 “[d]etention for its own sake, to meet an administrative quota, or because the
16 government has not yet established constitutionally required pre-detention
17 procedures is not a legitimate government interest.” *Singh v. Noem*, No.
3:26-CV-00261-RBM-MSB, 2026 WL 296656, at *2 (S.D. Cal. Feb. 4, 2026)
(quoting *Pinchi*, 792 F. Supp. 3d at 1036). Finally, “[i]n immigration court, custody
hearings are routine and impose a ‘minimal’ cost.” *Singh v. Andrews*, No.
25-cv-00801-KES-SKO (HC), 2025 WL 1918679, at *8 (E.D. Cal. July 11, 2025).

1 *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)).

2 3. An individual released from immigration custody has a constitutionally
3 protected liberty interest in remaining free from detention. *Morrissey v.*
4 *Brewer*, 408 U.S. 471, 482, 92 S. Ct. 2593, 2601, 33 L. Ed. 2d 484 (1972);
5 *see also Sanchez v. LaRose*, 25-cv-2396; 2025 WL 2770629, at * 3 (S.D.
6 Cal.). Thus, Petitioner has a fundamental interest in liberty and being free
7 from official restraint.

8 4. The liberty interest applies to individuals who are paroled into the United
9 States and released to attend removal proceedings. *Garcia v. Andrews*, No.
10 1:25-CV- 01006 JLT SAB, 2025 WL 2420068, at *11 (E.D. Cal. Aug. 21,
11 2025); *Valencia Zapata v. Kaiser*, No. 25-CV-07492-RFL, 2025 WL
12 2578207, at *3 (N.D. Cal. Sept. 5, 2025); *Y-Z-L-H v. Bostock*, No.
13 3:25-CV-965-SI, 2025 WL 1898025, at *13 (D. Or. July 9, 2025).

14 5. While DHS has discretion to revoke release, it may not do so in a manner
15 that is inconsistent with constitutional protections.

16 6. Due process requires notice before Petitioner is re-detained by immigration
17 authorities. *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 320, 70
 S. Ct. 652, 660, 94 L. Ed. 865 (1950); *Ramirez-Bibiano*, 2025 WL 3632748,
 at *3; *Ramirez Tesara*, 800 F. Supp. 3d at 1135; *Fernandez Lopez v. Wofford*,
 2025 WL 2959319, at *3.

COUNT TWO

VIOLATION OF DUE PROCESS

REVOCAION OF RELEASE WITHOUT NEUTRAL DECISIONMAKER

7. Petitioner re-alleges and incorporates by reference each allegation contained above.

8. Under the Due Process Clause of the Fifth Amendment to the United States Constitution, no person shall be “deprived of life, liberty, or property, without due process of law.” U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects.” *Zadvydas*, 533 U.S. at 690.

9. An individual released from immigration custody has a liberty interest in remaining free from detention. *Morrissey*, 408 U.S. at 482.

10. The liberty interest applies to individuals who are released into the United States to attend removal proceedings. *Garcia v. Andrews*, No. 1:25-CV-01006 JLT SAB, 2025 WL 2420068, at *11 (E.D. Cal. Aug. 21, 2025); *Valencia Zapata v. Kaiser*, No. 25-CV-07492-RFL, 2025 WL 2578207, at *3 (N.D. Cal. Sept. 5, 2025); *Bostock*, No. 3:25-CV-965-SI, 2025 WL 1898025, at *13 (D. Or. July 9, 2025).

11. While DHS has discretion to revoke release, it may not do so in a manner that is inconsistent with constitutional protections.

12. Due Process requires that Petitioner be afforded a bond determination before

1 a neutral adjudicator if the government is to re-detain Petitioner. *Mathews v.*
2 *Eldridge*, 424 U.S. 319 (1976); *Ramirez-Bibiano*, 2025 WL 3632748, at *5;
3 *Ramirez Tesara*, 800 F. Supp. 3d at 1136; *Fernandez Lopez v. Wofford*, 2025
4 WL 2959319, at *7.

5 PRAYER FOR RELIEF

6 Petitioners pray that this Court grant the following relief:

- 7 1. Assume jurisdiction over this matter.
- 8 2. Order that Mr. Sanchez Mendez shall not be transferred outside the
9 Southern District of California.
- 10 3. Issue an Order to Show Cause why this Petition should not be granted
11 within three days and set a hearing on this Petition within five days of the return
12 pursuant to 28 U.S.C. § 2243.
- 13 4. Declare that Mr. Sanchez Mendez's current detention is unlawful.
- 14 5. Issue a Writ of Habeas Corpus ordering Respondents to immediately
15 release Mr. Sanchez Mendez under the terms and conditions of his original release.
- 16 6. Order that DHS may not re-detain Mr. Sanchez Mendez without proper
17 notice of the reasons that form the basis for revocation of release.
7. Order that DHS may not re-detain Mr. Sanchez Mendez without a
hearing before a neutral decision maker at which the government must prove
dangerousness and irredeemable flight risk by clear and convincing evidence.

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8. Grant such further relief as this Court deems just and proper.

Respectfully submitted,

Cassandra Lopez

Litigation Director
AL OTRO LADO
Telephone: 619.730.5891
Email: Cassandra.l@alotrolado.org
Date: May 22, 2026

1 **VERIFICATION BY ATTORNEY ACTING ON MR. SANCHEZ MENDEZ'S**
2 **BEHALF PURSUANT TO 28 U.S.C. §2242**

3 I am submitting this verification on behalf of Mr. Sanchez Mendez because I
4 am his attorney. As Mr. Sanchez Mendez's attorney, I hereby verify that the factual
5 statements made in the attached Petition for Writ of Habeas Corpus are true and
6 correct to the best of my knowledge.

7 Dated: May 22, 2026

8 By: /s/ Cassandra Lopez

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