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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SERGIO ALEJANDRO DELGADO
ESCOBAR, 

Petitioner,

vs.

MARKWAYNE MULLIN, Secretary, U.S.
Department of Homeland Security;
TODD LYONS, Acting Director, U.S.
Immigration and Customs Enforcement;
PATRICK DIVVER, San Diego Field Office
Director, ICE;
WARDEN, OTAY MESA DETENTION
CENTER; and
TODD BLANCHE, Attorney General of the
United States

Respondents.

Case No. **'26CV3219 DMS BJW**

Agency No. 

PETITION FOR WRIT OF HABEAS
CORPUS and MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT THEREOF

Expedited Hearing Requested

PETITION FOR WRIT OF HABEAS CORPUS AND MEMORANDUM OF POINTS
AND AUTHORITIES IN SUPPORT THEREOF PURSUANT TO 28 U.S.C. § 2241

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PETITION FOR WRIT OF HABEAS CORPUS

Petitioner, Sergio Alejandro Delgado Escobar, by and through his counsel of record, Hernando de Cima, Esq., respectfully petitions this Court for a Writ of Habeas Corpus to release him from unlawful and unconstitutional civil custody, or in the alternative, to order Respondents to immediately provide him with an individualized constitutional bond hearing before an Immigration Judge where the government bears the burden of proof.

In support of this Petition, Petitioner alleges as follows:

I. PRELIMINARY STATEMENT

1. Petitioner Sergio Alejandro Delgado Escobar is a long-term, law-abiding San Diego resident who has been detained in civil immigration custody by Respondents at the Otay Mesa Detention Center since February 13, 2026.
2. Petitioner's removal from the United States has been actively and indefinitely stayed by order of the United States Court of Appeals for the Ninth Circuit (*Delgado Escobar v. Blanche*, No. 23-1611) since October 31, 2023.
3. Despite the active stay of removal, and despite the fact that Petitioner's physical presence in the United States since 2015 was officially authorized and paroled by the Department of Justice under a federal court-approved class action settlement (*Lopez-Venegas v. Johnson*), Respondents have placed him in mandatory administrative detention.
4. On May 22, 2026, Immigration Judge Mark Sameit denied Petitioner's Request for a Custody Redetermination solely on the jurisdictional grounds that the agency regulations under 8 C.F.R. § 1003.19(h)(2)(i)(B) strip the Executive Office for Immigration Review (EOIR) of authority to grant bond to "applicants for admission" whose parole has been administratively revoked by ICE (*See Exhibit K, Order of the Immigration Judge*).

- 1 5. Because the agency has declared a total jurisdictional vacuum under its own
2 regulations, Petitioner has no administrative forum in which to seek a bond.
3 Continued detention under these circumstances, while his federal appeal is litigated
4 and his removal is stayed indefinitely, violates the Due Process Clause of the Fifth
5 Amendment.
- 6 6. Although the Ninth Circuit routinely addresses prolonged detention at the six-month
7 mark (*Rodriguez v. Marin*), Petitioner is entitled to immediate habeas relief. He is not
8 a typical "arriving alien" interdicted at the border. He is an inspected parolee who has
9 lived legally, worked under active E-Verify authorization, paid taxes, and resided
10 with his Lawful Permanent Resident (LPR) parents in San Diego for over a decade.
- 11 7. Furthermore, the sole pretext for his detention—a misdemeanor driving infraction—
12 was fully resolved by the San Diego Superior Court on February 24, 2026. The state
13 criminal court suspended execution of his sentence, placed him on unsupervised
14 summary probation, and explicitly ordered that he "REMAINS AT LIBERTY." Civil
15 immigration detention cannot be constitutionally used as a punitive tool to override a
16 state court's judicial determination of community safety.

17 **II. JURISDICTION AND VENUE**

- 18
19 8. This Court has jurisdiction over this action under 28 U.S.C. § 2241 (habeas corpus),
20 28 U.S.C. § 1331 (federal question), 5 U.S.C. § 701, et seq. (Administrative
21 Procedure Act), and Article I, Section 9, Clause 2 of the United States Constitution
22 (the Suspension Clause).
- 23 9. Venue is proper in the Southern District of California under 28 U.S.C. § 1391(e) and
24 28 U.S.C. § 2241(d) because Petitioner is currently detained at the Otay Mesa
25 Detention Center in San Diego, California, which lies within this judicial district, and
26 Respondents reside or conduct business within this district.

1 **III. PARTIES**

2
3 10. **Petitioner Sergio Alejandro Delgado Escobar** (A-Number: [REDACTED]) is a
4 citizen and national of Mexico who has resided continuously in San Diego,
5 California since his DOJ-authorized re-entry in November 2015. He is currently
6 incarcerated under color of federal authority at the Otay Mesa Detention Center.

7 11. **Respondent Todd Blanche** is the Acting Attorney General of the United States. In
8 this capacity, he is the head of the Department of Justice, administers the EOIR, and
9 holds ultimate responsibility for the implementation of the immigration laws.

10 12. **Respondent Markwayne Millin** is the Secretary of the Department of Homeland
11 Security. In this capacity, he directs the operations of ICE and is a legal custodian of
12 the Petitioner.

13 13. **Respondent Patrick Divver** is the San Diego Field Office Director for ICE
14 Enforcement and Removal Operations (ERO). He has direct administrative authority
15 over the detention of noncitizens in San Diego County and is an immediate custodian
16 of the Petitioner.

17 14. **Respondent Warden** is the administrative head of the Otay Mesa Detention Center
18 (operated by CoreCivic) and is the immediate physical custodian of the Petitioner.

19 **IV. STATEMENT OF FACTS**

20
21 **A. Family Foundations, Work Authorization, and Long-Term San Diego Ties**

22 15. Petitioner has deep, permanent family ties in San Diego. His mother, Maria de
23 Lourdes Delgado Escobar ([REDACTED]), has been an LPR since 2017, and
24 his stepfather, Daniel Guerrero Covarrubias ([REDACTED]), has been an
25 LPR since 2005 (*See Exhibit F, Parents Documents and Letter*). His parents have
26 rented and maintained their family home at [REDACTED]
27
28

1 CA, for over 26 consecutive years, dating back to May 16, 2000 (*See Exhibit I,*
2 *Rental Addendum*).

3 16. For more than ten years following his inspected entry, Petitioner has worked legally
4 under an E-Verify cleared Form I-766 Employment Authorization Document (EAD
5 Card No. [REDACTED]) expiring October 3, 2029 (*See Exhibit G,*
6 *EAD*), paid federal and state income taxes, and resided continuously with his LPR
7 parents (*See Exhibits H, F*).

8
9 **B. The Lopez-Venegas Inspection, Admission, and Lawful Entry in 2015**

10 17. While Petitioner initially entered without inspection as a minor, his physical presence
11 inside the United States since 2015 is the direct result of an authorized, inspected
12 entry. On October 30, 2015, the Department of Justice formally approved Petitioner
13 for class membership under Category 1.26(a)(iii) of the *Lopez-Venegas v. Johnson*
14 settlement agreement (*See Exhibits C and E, ACLU/DOJ Letter*).

15 18. On November 17, 2015, CBP inspected and paroled Petitioner into the United States
16 through the San Ysidro Port of Entry, issuing him an I-94A Departure Record
17 stamped "PAROLED" (*See Exhibit D, I-94*).

18
19 **C. The Active Ninth Circuit Stay of Removal**

20 19. Following an adverse decision by the BIA on June 30, 2023, Petitioner timely filed a
21 Petition for Review before the U.S. Court of Appeals for the Ninth Circuit (*Delgado*
22 *Escobar v. Blanche*, No. 23-1611) (*See Exhibit A, Docket*).

23 20. On October 31, 2023, the Ninth Circuit granted a Stay of Removal, legally barring
24 Respondents from executing his removal order (*See Exhibit B, Stay Order*).

25 21. On June 12, 2025, the Ninth Circuit lifted a temporary abeyance, ordering that his
26 appellate case "will proceed." The stay remains in active effect and will continue to
27 prevent his removal indefinitely until the Ninth Circuit issues its final mandate.
28

D. The Fully Resolved Misdemeanor and Current Custody Status

22. On February 9, 2026, Petitioner was arrested for driving under the influence (DUI).

On February 13, 2026, when Petitioner reported to ICE for a routine administrative appointment, ICE officers arrested him, administratively revoked his *Lopez-Venegas* parole, and detained him at Otay Mesa.

23. On February 24, 2026, the Superior Court of California, County of San Diego (Central Division), fully and finally adjudicated Petitioner's criminal case (Case No.  (See Exhibit J, Sentencing Minutes)).

24. The California Superior Court suspended execution of any jail sentence, placed Petitioner on unsupervised summary probation, ordered him to complete a Multiple Conviction alcohol program, and explicitly checked the box under Custody Status ordering that Petitioner **"REMAINS AT LIBERTY."**

25. Despite the state court's judicial determination that Petitioner did not require incarceration and was safe to remain in the community, Respondents have held him in continuous civil detention for over 90 days.

E. The Immigration Court's Definite Jurisdictional Denial on May 22, 2026

26. On May 22, 2026, Petitioner appeared through counsel for a bond redetermination hearing before Judge Mark Sameit.

27. The Immigration Judge issued a written order denying the request solely for **lack of jurisdiction**, noting that because Petitioner is legally classified as an "applicant for admission" and his parole was revoked, the EOIR is regulatory barred from granting bond under 8 C.F.R. § 1003.19(h)(2)(i)(B) (See Exhibit K, May 22, 2026 Order).

28. The Immigration Judge noted on the face of the order that there is "potential Aleman jurisdiction after 6 months of detention," leaving Petitioner trapped in a complete jurisdictional void between DHS and EOIR for another three months.

V. CLAIMS FOR RELIEF

COUNT I: VIOLATION OF THE FIFTH AMENDMENT - PROCEDURAL DUE PROCESS. (Unconstitutional Civil Detention Without Judicial Custody Review)

29. Petitioner realleges and incorporates by reference the allegations contained in paragraphs 1 through 28.

30. The Fifth Amendment's Due Process Clause forbids the government from depriving any person of liberty without due process of law. Freedom from physical restraint lies at the absolute core of the liberty protected by the Due Process Clause. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

31. Although Respondents contend Petitioner is detained as an "applicant for admission" under 8 U.S.C. § 1225(b) and that 8 C.F.R. § 1003.19(h)(2)(i)(B) strips the IJ of jurisdiction to review his custody, this regulatory scheme cannot override the United States Constitution.

32. Denying Petitioner any judicial forum to seek a bond while his removal is stayed indefinitely by the Ninth Circuit constitutes a severe and immediate violation of his procedural and substantive due process rights.

33. While the government routinely argues that a noncitizen must be detained for six months before a due process claim arises under *Rodriguez v. Marin*, 909 F.3d 252 (9th Cir. 2018), this threshold is a ceiling, not a floor. Petitioner's unique status—having entered legally under a DOJ-vetted class action settlement, having lived with his LPR family in San Diego for over a decade, and having a fully resolved misdemeanor with a state court order that he "remain at liberty"—demands an immediate bond hearing.

34. Petitioner's detention is of an indefinite duration, as it is tied to his ongoing, active federal appeal. Detaining him without any judicial custody review violates the Fifth Amendment.

COUNT II: VIOLATION OF THE FIFTH AMENDMENT – SUBSTANTIVE DUE PROCESS . (Arbitrary and Punitive Detention Lacking Any Rational Basis)

35. Petitioner realleges and incorporates by reference the allegations contained in paragraphs 1 through 34.

36. Civil immigration detention is unconstitutional when it becomes arbitrary, excessive, or punitive. To satisfy due process, civil detention must bear a rational and proportional relationship to the government's non-punitive regulatory purposes: ensuring appearance at court hearings and protecting public safety. *Zadvydas*, 533 U.S. at 690.

37. Petitioner is neither a flight risk nor a danger to the community. He is actively paying private counsel to litigate his Ninth Circuit appeal; running away would instantly destroy his decade-long efforts to regularize his status.

38. Furthermore, the California state court, which holds primary jurisdiction over public safety and traffic safety in San Diego County, has already judicially determined that Petitioner does not pose a danger to the community requiring incarceration. In Case No. M302979, the state court explicitly ordered that Sergio "REMAINS AT LIBERTY" and placed him into a structured, court-monitored alcohol treatment program.

39. Respondents' insistence on keeping Petitioner incarcerated in a civil facility, despite his extensive LPR family ties, stable employment, tax compliance, and court-monitored rehabilitation plan, lacks any rational regulatory purpose. It serves as an unconstitutional, punitive restriction of Petitioner's physical liberty in direct violation of Substantive Due Process.

VI. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter;
2. Grant the Writ of Habeas Corpus and order Respondents to immediately release Petitioner from custody under reasonable conditions of supervision;
3. **IN THE ALTERNATIVE**, issue a Conditional Writ of Habeas Corpus ordering Respondents to provide Petitioner with an individualized constitutional bond hearing before an Immigration Judge within seven (7) days, where Respondents must prove by clear and convincing evidence that Petitioner's continued detention is necessary because he is a flight risk or a danger to the community;
4. Declare that Petitioner's continued detention without an individualized bond hearing before an impartial adjudicator violates the Due Process Clause of the Fifth Amendment; and
5. Grant such other and further relief as this Court deems just and proper.

Dated: 5/25/2026

Respectfully submitted,

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MEMORANDUM OF POINTS AND AUTHORITIES

I. QUESTION PRESENTED

Whether the ongoing, indefinite civil administrative detention of a paroled class action member, who entered the United States with lawful inspection and has resided with his Lawful Permanent Resident parents in San Diego for over a decade, violates the Due Process Clause of the Fifth Amendment when (1) his removal has been stayed indefinitely by the Ninth Circuit; (2) his recent misdemeanor infraction was fully resolved by a state court order that he "remains at liberty"; and (3) the Immigration Court has formally declared a total lack of regulatory jurisdiction over his custody, leaving him in an administrative vacuum without any opportunity for judicial review.

II. SUMMARY OF ARGUMENT

This case presents an extraordinary and unconstitutional abuse of civil administrative detention. Petitioner Sergio Alejandro Delgado Escobar is not a typical "arriving alien" stopped at the border. His presence in the United States since 2015 is the direct result of an authorized, inspected entry and parole executed under the supervision of the Department of Justice pursuant to a federal class-action settlement in *Lopez-Venegas v. Johnson*.

Following a recent misdemeanor DUI arrest on February 9, 2026, Respondents took Petitioner into administrative custody and revoked his parole. On February 24, 2026, the San Diego County Superior Court fully resolved his criminal case, ordered no jail time, placed him on informal summary probation, and judicially ordered that he "REMAINS AT LIBERTY." Despite this state court mandate, ICE has held Petitioner in civil detention for over 90 days.

On May 22, 2026, the Immigration Court denied Petitioner's request for a bond hearing on the sole ground that under agency regulations (8 C.F.R. § 1003.19(h)(2)(i)(B)), it lacks

1 jurisdiction to review the custody status of an "applicant for admission" whose parole has
2 been revoked. By declaring a total lack of jurisdiction, the agency has created an
3 unconstitutional legal vacuum, depriving Petitioner of any administrative forum to challenge
4 his physical restraint.

5
6 While the Ninth Circuit generally addresses prolonged detention at the six-month mark
7 under *Rodriguez v. Marin*, 909 F.3d 252 (9th Cir. 2018), due process is a flexible concept
8 that is not bound by rigid mathematical thresholds. Where, as here, a long-term resident
9 with deep family ties has had his removal stayed indefinitely by the Ninth Circuit and has
10 been granted liberty by a state court, his continued civil detention without any form of
11 judicial review is arbitrary, punitive, and constitutionally intolerable. This Court must
12 intervene under 28 U.S.C. § 2241 to restore due process.

13 **III. LEGAL ARGUMENT**

14 15 **A. This Court Has Full Habeas Jurisdiction to Remedy an Unconstitutional** 16 **Jurisdictional Vacuum in the Agency Regulatory Framework**

17 Respondents will likely argue that because Petitioner is classified as an "applicant for
18 admission" under 8 U.S.C. § 1225(b), his detention is mandatory and the Executive Office
19 for Immigration Review (EOIR) is regulatory barred from conducting a custody review
20 under 8 C.F.R. § 1003.19(h)(2)(i)(B). On May 22, 2026, Immigration Judge Mark Sameit
21 accepted this argument, holding that the Immigration Court lacked jurisdiction over Sergio's
22 custody because his parole was revoked.

23
24 However, an agency regulation cannot strip a federal court of its constitutional jurisdiction.
25 Under Article I, Section 9, Clause 2 of the Constitution, the writ of habeas corpus remains
26 available to challenge executive detention unless formally suspended by Congress.
27 *Boumediene v. Bush*, 553 U.S. 723, 739 (2008). Congress has not suspended the writ for
28 detained noncitizens.

1 In *Demore v. Kim*, 538 U.S. 510, 516-17 (2003), the Supreme Court confirmed that federal
2 courts retain full jurisdiction under 28 U.S.C. § 2241 to hear constitutional challenges to
3 civil immigration detention. While the statutory and regulatory scheme of the INA divides
4 custody jurisdiction between ICE and the EOIR, it cannot insulate executive detention from
5 constitutional scrutiny. Where agency regulations operate to deny a detained individual *any*
6 forum for an individualized custody hearing, the resulting jurisdictional vacuum represents
7 an immediate constitutional crisis that only a federal habeas court can cure.

8
9 **B. Sergio's Inspected Entry and 11-Year Authorized San Diego Presence Triggers**
10 **Immediate Constitutional Due Process Protections**

11 The government's authority to detain noncitizens without a bond hearing is at its zenith
12 when applied to individuals interdicted at the physical border who have never entered the
13 United States. Under the "entry fiction," such individuals are treated as if stopped at the
14 threshold and are afforded minimal constitutional protections regarding admission.
15 *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 212 (1953).

16
17 Sergio, however, is in a vastly different constitutional position. His physical presence in San
18 Diego for over a decade is not the result of an evasion of CBP inspection. Rather, he was
19 formally paroled into the United States via the San Ysidro Port of Entry on November 17,
20 2015, under the direct authority of the Department of Justice pursuant to the *Lopez-Venegas*
21 settlement agreement (*See Exhibits C, D and E*).

22 The Supreme Court has long recognized that once a noncitizen has crossed the border and
23 established substantial connections within the United States, their constitutional status rises
24 significantly. *Landon v. Plasencia*, 459 U.S. 21, 32 (1982). Furthermore, under the INA
25 itself:

26
27 "An alien present in the United States who has not been admitted... shall be deemed for
28 purposes of this chapter an applicant for admission."

1 — 8 U.S.C. § 1101(a)(13)(A) / INA § 101(a)(13)(A)

2
3 While Sergio is legally classified as an "applicant for admission," he is physically *inside* the
4 territory of the United States. The Supreme Court has explicitly rejected the argument that
5 the "entry fiction" strips physically present noncitizens of their constitutional due process
6 protections against arbitrary detention:

7 "The distinction between an alien who has effected an entry and one who has not... is not a
8 distinction that can justify the indefinite detention of a human being physically present
9 within our borders."

10
11 — *Clark v. Martinez*, 543 U.S. 371, 378 (2005) (extending *Zadvydas v. Davis* to paroled
12 applicants for admission)

13 See also *Guzman v. Tippy*, 130 F.3d 64, 66 (2d Cir. 1997) (noting that paroled aliens are
14 entitled to due process protections against arbitrary detention).

15
16 Sergio's ties to San Diego are deep, visible, and fully documented. He has resided in San
17 Diego for 26 consecutive years with his LPR mother and stepfather (*See Exhibit I*). He holds
18 a valid EAD card and has a cleared E-Verify employment status with a prominent local
19 employer (*See Exhibit G*). Having established a decade of authorized, inspected presence,
20 Sergio is fully protected by the Due Process Clause of the Fifth Amendment. He cannot be
21 subjected to a regulatory scheme that denies him any administrative bond forum, leaving
22 him imprisoned without recourse.

23
24 **C. Continued Civil Administrative Detention Lacks a Rational Regulatory Basis and**
25 **Violates Substantive Due Process**

26 Substantive due process prevents the government from engaging in conduct that "shocks the
27 conscience" or interferes with rights "implicit in the concept of ordered liberty." Civil
28 administrative detention is unconstitutional unless it is strictly regulatory, non-punitive, and

1 proportional to its intended purpose. *Zadvydas*, 533 U.S. at 690. The only permissible
2 regulatory purposes of civil immigration detention are (1) preventing flight risk and (2)
3 protecting the public from danger. *Id.*

4 Sergio's detention fails both regulatory prongs:
5

- 6 1. **No Flight Risk:** Sergio is actively litigating a highly viable Petition for Review
7 before the Ninth Circuit (Case No. [REDACTED]). His removal has been stayed, and the
8 court has ordered his case to proceed (*See Exhibits A & B*). If Sergio were to flee, he
9 would instantly forfeit his active appeal and destroy any opportunity to secure
10 cancellation of removal through his LPR parents. Furthermore, he has a stable home
11 with his parents [REDACTED] where he has resided for 26 years. He is the
12 antithesis of a flight risk.
- 13 2. **No Public Danger:** ICE's sole basis for detaining Sergio is his misdemeanor DUI
14 arrest on February 9, 2026. While the gravity of driving under the influence is
15 undeniable, the San Diego County Superior Court—the judicial body charged with
16 maintaining public safety in San Diego—fully evaluated Sergio's case on February
17 24, 2026 (*See Exhibit I*). The state court determined that incarceration was
18 unnecessary, suspended execution of his sentence, placed him on unsupervised
19 summary probation, and ordered that he "**REMAINS AT LIBERTY.**"
20

21 For Respondents to override the state court's explicit judicial order of release and use civil
22 administrative detention to imprison Sergio is punitive and arbitrary. The state court has
23 already put an enforceable legal hammer over Sergio's head—subjecting him to summary
24 probation, a strict driving ban under VC § 23600, and a court-monitored Multiple
25 Conviction DUI school. Respondents' insistence on keeping Sergio incarcerated in a civil
26 facility, despite his extensive family ties, stable employment, and court-monitored
27 rehabilitation plan, lacks any rational regulatory basis. It is a punitive, unconstitutional
28 restriction on his physical liberty.

D. The Court Should Order Immediate Release, or Alternatively, an Immediate Bond Hearing Where the Government Bears a Heightened Burden of Proof

The standard remedy in the Ninth Circuit for unconstitutional, prolonged civil detention is a conditional writ of habeas corpus directing the Immigration Court to conduct a constitutional bond hearing. *Rodriguez v. Marin*, 909 F.3d 252, 255 (9th Cir. 2018).

Although the government frequently relies on a rigid "six-month rule" under *Rodriguez* to delay due process, courts are not required to wait 180 days to cure an active constitutional violation. Due process is flexible and calls for such procedural protections as the particular situation demands. *Mathews v. Eldridge*, 424 U.S. 319, 334 (1976). Because Sergio's immigration court has already formally declared that it lacks any regulatory jurisdiction to hear his case, Petitioner is currently trapped in an administrative vacuum.

If this Court does not order his immediate release under reasonable conditions, it must bypass the agency's self-imposed regulatory limits and order the EOIR to hold an immediate bond hearing. At that constitutionally mandated hearing, the standard of proof must shift to the government:

"The government must provide a bond hearing... where the government bears the burden of proving by clear and convincing evidence that the alien is a flight risk or a danger to the community."

— *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011)

See also *Diouf v. Napolitano (Diouf II)*, 634 F.3d 1081, 1092 (9th Cir. 2011). Because Respondents cannot meet this high burden given Sergio's resolved misdemeanor, extensive family ties, and robust supervision plan, an immediate bond hearing will result in his safe, lawful release.

1 **IV. CONCLUSION**

2
3 For the foregoing reasons, Petitioner respectfully requests that this Court grant the Petition
4 for Writ of Habeas Corpus and order his immediate release, or in the alternative, order
5 Respondents to provide him with an individualized constitutional bond hearing before an
6 Immigration Judge within seven (7) days.

7
8
9 Dated: 5/25/2026

10
11 Respectfully submitted,

12 /s/Hernando De Cima
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VERIFICATION

I, Hernando de Cima, Esq., state that I am the attorney representing Sergio Alejandro Delgado Escobar, the Petitioner in this action. I make this verification on Petitioner's behalf because Petitioner is currently incarcerated at the Otay Mesa Detention Center and is unavailable to sign this document under the immediate time constraints of this filing.

I have reviewed the foregoing Petition for Writ of Habeas Corpus and Memorandum of Points and Authorities and know the contents thereof. I declare under penalty of perjury under the laws of the United States of America that the factual representations made therein are true and correct to the best of my knowledge, information, and belief.

Executed on 5/25/2026, at San Diego, California.

Respectfully submitted,

/s/Hernando De Cima
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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

PROPOSED ORDER TO SHOW CAUSE

Upon consideration of the verified Petition for a Writ of Habeas Corpus filed by Petitioner Sergio Alejandro Delgado Escobar on 5/25/2026:

IT IS HEREBY ORDERED that Respondents show cause before this Court why a Writ of Habeas Corpus should not issue directing Petitioner's release from civil immigration custody or, in the alternative, ordering Respondents to provide Petitioner with an individualized, constitutional custody redetermination hearing before an Immigration Judge.

IT IS FURTHER ORDERED THAT:

1. Respondents shall file a Return to the Petition and Show Cause Response, including any supporting briefs, declarations, or administrative records within three (3) calendar days of the date of service of this Order;
2. Petitioner may file a Traverse/Reply to Respondents' Return on or before within two (2) calendar days of the filing of Respondents' Return; and
3. A hearing on the Petition, if deemed necessary by the Court, shall be scheduled before the Honorable District Court Judge immediately upon receipt of the briefings at the United States District Court for the Southern District of California, located at 333 West Broadway, San Diego, CA 92101.

IT IS SO ORDERED.

Dated: _____, 2026

UNITED STATES DISTRICT JUDGE