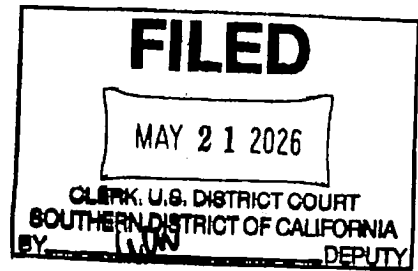


UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

JOHNATAN DAVID ESPINOSA ISAZA,


Petitioner Pro Se,

'26CV3195 RBM BJW



v.

DIRECTOR, OTAY MESA DETENTION CENTER;
SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY;
DIRECTOR OF U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE),

Respondents.

INTRODUCTION

Petitioner, Johnatan David Espinosa Isaza, respectfully files this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C.

§2241, challenging the legality of his current immigration detention and the classification applied by DHS/ICE.

This Petition is not duplicative of the prior habeas corpus petition previously filed by Petitioner. The prior petition was dismissed without prejudice and did not present the legal claims and constitutional arguments raised herein. The present Petition raises additional and distinct legal issues concerning the classification of custody, due process protections, and denial of meaningful individualized review.

JURISDICTION AND VENUE

This Court has jurisdiction pursuant to 28 U.S.C. §2241 because Petitioner is currently in federal custody and alleges that he is being detained in violation of the Constitution and laws of the United States.

Venue is proper in this District because Petitioner is currently detained at Otay Mesa Detention Center, located within the Southern District of California.

FACTUAL BACKGROUND

Petitioner entered the United States in or around November 2021.

Since that time, Petitioner has continuously remained physically present in the United States.

Prior to his detention in approximately February 2026, Petitioner had established significant ties within the United States.

Prior to detention, Petitioner had already filed an asylum application and maintained an active immigration process.

Petitioner possessed employment authorization related to his immigration process and openly resided within the United States.

Petitioner is also the father of a four-year-old United States citizen child and serves as the primary financial provider for his family. Prior to detention, he worked and contributed to the support and stability of his household. His continued detention has caused significant hardship to his child and family, who depend on his emotional and financial support.

Petitioner's continued detention has caused substantial hardship to his family, particularly to his four-year-old United States citizen child, who has been deprived of his father's presence, emotional support, and financial assistance. The prolonged separation has created financial and family difficulties and has negatively affected the stability and well-being of the household.

Petitioner was not a newly arriving individual at the time of his detention.

Following detention, DHS issued a new Notice to Appear and processed Petitioner under INA §235.

On or about March 31, 2026, the Immigration Judge denied bond jurisdiction under INA §235, concluding that the Court lacked authority to grant bond.

As a result of this classification, Petitioner was deprived of an individualized custody determination.

LEGAL ARGUMENT

I. Improper Application of INA §235

Petitioner alleges that DHS improperly classified and detained him under INA §235, despite circumstances that warranted consideration under INA §236.

Petitioner:

was not seeking admission at a port of entry;

was not attempting a new entry into the United States;

had already been physically present in the United States since 2021;

had an active immigration matter pending;

possessed employment authorization;

had established substantial community ties.

The classification applied by DHS effectively denied Petitioner access to an individualized bond determination.

II. Violation of the Fifth Amendment – Due Process

The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law.

Petitioner alleges that the detention framework applied in this case deprived him of meaningful individualized review concerning:

- a. flight risk;
- b. danger to the community;
- c. family and community ties;
- d. immigration history;
- e. personal circumstances.

Petitioner contends that the application of INA §235 under these circumstances raises serious due process concerns.

The Petitioner's continued detention has caused substantial hardship to his family, particularly to his four-year-old United States citizen child, who has been deprived of his father's presence, emotional support, and financial support. The prolonged separation has created economic and family hardships and has negatively affected the stability and well-being of the household.

Various federal courts, including the Ninth Circuit, have recognized the importance of adequate procedural safeguards in the context of immigration detention and access to habeas corpus relief.

In *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011), the Ninth Circuit recognized significant procedural protections related to immigration custody proceedings.

In *Nadarajah v. Gonzales*, 443 F.3d 1069 (9th Cir. 2006), the Ninth Circuit expressed concern regarding prolonged immigration detention without sufficient procedural safeguards.

In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the United States Supreme Court recognized constitutional limits on prolonged immigration detention.

Although the specific circumstances of those cases differ from the present matter, those decisions reflect relevant constitutional principles concerning liberty, due process, and meaningful judicial review.

III. FOURTH AMENDMENT CONCERNS

Petitioner contends that the circumstances surrounding the continuation of his detention and the classification applied raise constitutional concerns under the Fourth Amendment regarding the reasonableness of governmental custody.

Petitioner alleges that his continued detention under the challenged classification raises substantial concerns regarding the reasonableness of such deprivation of liberty.

IV. PREVIOUSLY PENDING ASYLUM APPLICATION

At the time of detention, Petitioner had already filed an asylum application and maintained an active immigration proceeding.

Petitioner was not initiating a protection request for the first time.

The reference contained in DHS documentation regarding the absence of fear of persecution does not constitute a final determination regarding a previously filed asylum application.

The final determination regarding eligibility for immigration protection belongs to the applicable immigration process and to the proper authority responsible for adjudicating that proceeding.

V. SUSPENSION CLAUSE – ARTICLE I, SECTION 9

The Suspension Clause protects access to habeas corpus as a fundamental mechanism to challenge potentially unlawful detention.

Petitioner brings this action specifically to seek judicial review regarding the constitutional and statutory legality of the custody applied in his case.

REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

Declare Petitioner's detention unlawful and unconstitutional;

Order that Petitioner not be transferred while this action remains pending;

Order Petitioner's immediate release; or, alternatively,

Order an individualized bond hearing at which the Government bears the burden of demonstrating that continued detention is necessary;

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

VERIFICATION

I, Johnatan David Espinosa Isaza  declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date: 05-16-2026

Jonathan Espinoza
Johnatan David Espinosa Isaza
Pro Se



PROOF OF SERVICE

I certify that on 05-18-2026, I served a true and correct copy of this Petition upon:

U.S. Attorney – Southern District of California
880 Front Street, Room 6293
San Diego, CA 92101

Secretary of Homeland Security
2707 Martin Luther King Jr. Ave SE
Washington, DC 20528

ICE – OPLA San Diego
880 Front Street, Room 2240
San Diego, CA 92101

Director Detention
Otay Mesa Detention Center
7488 Calzada de la Fuente
San Diego, CA 92154

Jonathan Espinoza

Name: Johnatan David Espinosa Isaza
Pro Se

A black rectangular box with a white 'X' inside, used to redact the signature of the server.

Dated: 05-18-2026

Location: San Diego, California