

Dagoberto Orozco-Gonzalez

NAME

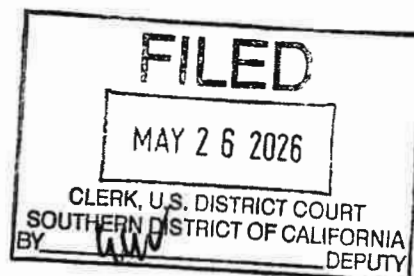
[REDACTED]
PRISON NUMBER

Otay Mesa Detention Center

PLACE OF CONFINEMENT

7488 Calzada de la Puente, San Diego, CA 92154

ADDRESS



**United States District Court
Southern District Of California**

Orozco-Gonzalez, Dagoberto

(FULL NAME OF PETITIONER)

Petitioner

v.

Officer in Charge, Otay Mesa Detention Facility

(NAME OF WARDEN, SUPERINTENDENT, JAILOR, OR AUTHORIZED
PERSON HAVING CUSTODY OF PETITIONER, E.G. PAROLE OFFICER)

Respondent

and

The Attorney General of the State of
California, Additional Respondent.

Civil No. '26CV3244 RSH VET

(TO BE FILLED IN BY CLERK OF U.S. DISTRICT COURT)

PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2241

1. Are you currently:

- ☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

(a) Name and location of court that sentenced you: _____

(b) Docket or case number (if you know): _____

(c) Date of sentencing: _____

☒ Being held on immigration charge

☐ Other (explain): _____

2. Are you currently being held on orders by:

☒ Federal authorities ☐ State authorities ☐ Other - explain: _____

3. What are you challenging in this petition:

☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities

☐ Pretrial detention

☒ Immigration detention

☐ Detainer

☐ The validity of your conviction or sentence as imposed

☐ Disciplinary proceedings

☐ Other (specify): _____

4. Provide more information about the decision or action you are challenging:

(a) Name and location of the court or agency: Otay Mesa Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice, 7488 Calzada De La Fuente, San Diego, CA 92154

(b) Case number, docket number or opinion number (if you know): 

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): Ongoing immigration detention since December 2025.

On January 13, 2026, a bond hearing was held before an Immigration Judge who ruled that the Immigration Court lacks the authority/power to grant bond or set bail. Petitioner remains detained pending the Master Hearing scheduled for May 27, 2026.

(d) Date of the decision or action: 01/20/2026

5. Did you **appeal** the decision, file a grievance or seek an administrative remedy?

☐ Yes ☒ No

(a) If your answer to 5 was "Yes," give the following information:

(1) Name of court, agency or authority: _____

(2) Date of filing: _____

(3) Case number, docket number or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (b) If your answer to 5 was "No," explain why you did not appeal: Because the Immigration Judge stated the court lacks authority to grant bond, further EOIR/ICE proceedings are futile and inadequate to address Petitioner's due process claim arising from prolonged detention without a meaningful opportunity for release violates due process.

6. After the first appeal, did you file a **second appeal** to a higher authority, court or agency?

☐ Yes ☒ No

- (a) If your answer to 6 was "Yes," give the following information:

- (1) Name of court, agency or authority: _____
 - (2) Date of filing: _____
 - (3) Case number, docket number or opinion number: _____
 - (4) Result: _____
 - (5) Date of result: _____
 - (6) Issues raised: _____
- _____

- (b) If your answer to 5 was "No," explain why you did not appeal: _____
The Immigration Judge ruled the court lacks authority to grant bond, rendering further EOIR administrative bond requests futile for this constitutional claim.

7. After the second appeal, did you file a **third appeal** to a higher authority, agency or court?

☐ Yes ☒ No

- (a) If your answer to 7 was "Yes," give the following information:

- (1) Name of court, agency or authority: _____
 - (2) Date of filing: _____
 - (3) Case number, docket number or opinion number: _____
 - (4) Result: _____
 - (5) Date of result: _____
 - (6) Issues raised: _____
- _____

- _____
- _____
- _____
- (b) If your answer to 7 was "No," explain why you did not appeal: _____
Further administrative remedies before the same tribunal that has already declared it lacks authority
to grant bond would be futile. _____

8. State *concisely* every ground on which you claim that you are being held in violation of the constitution, law or treaties of the United States. Summarize *briefly* the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available court remedies as to each ground on which you request action by the federal court. Moreover, if you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

You should *raise in this petition all available grounds* on which you base your allegations that you are being held in custody unlawfully.

GROUND ONE: Petitioner's continued detention in immigration custody since December 2025

violates the Due Process Clause of the Fifth Amendment because it has become unreasonably prolonged and he has been denied any meaningful opportunity for release.

(a) Supporting FACTS (state *briefly* without citing cases or law) _____

Petitioner has been detained in immigration custody since December 2025 — more than five months as of the date this petition. On or about January 13, 2026, a bond hearing was held before an Immigration Judge in the pending removal proceedings (Lead File 080-831-814). The Immigration Judge expressly ruled that the Immigration Court does not have the power or authority to grant bond or set bail for Petitioner.

As a direct result of that ruling, Petitioner has remained in continuous detention with no bond granted and no further meaningful administrative avenue for release before EOIR.

Petitioner's removal proceedings are ongoing. A Master Hearing is scheduled for May 27, 2026, and Petitioner wishes to be released so he can work and provide for his family while he continues to attend and participate in those proceedings.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes ☒ No

GROUND TWO: Petitioner's continued detention is unjustified and lacks a compelling government interest because he poses no flight risk or danger to the community, which is evidenced by his clean criminal record, decades-long continuous residence in the United States, strong family ties, and active compliance with immigration authorities.

(a) Supporting FACTS (state *briefly* without citing cases or law): Petitioner presents zero risk of flight or danger to the community that would necessitate his prolonged confinement. He has absolutely no criminal history, a fact corroborated by a clear FBI background check. Petitioner has maintained a continuous, long-term residence in the United States and has not departed the country since his qualifying immigrant petition was filed in March 2001. He possesses deep family ties to the United States as the beneficiary of an approved family-based visa petition filed by his United States citizen brother. Furthermore, Petitioner has a proven record of acting in good faith and complying with the immigration system; he proactively filed the necessary applications to adjust his status and was ultimately taken into custody only because he voluntarily appeared in person for his scheduled adjustment of status interview with USCIS.

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes ☒ No

GROUND THREE: _____

(a) **Supporting FACTS** (state *briefly* without citing cases or law): _____

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes ☐ No

GROUND FOUR: _____

(a) **Supporting FACTS** (state *briefly* without citing cases or law): _____

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes ☐ No

9. If any of the grounds listed in 4A, B, C, and D were not previously presented in any other court, state or federal, state briefly what grounds were not presented, and give your reasons for not presenting them:

Appeals for Ground One and Two were not pursued because the Immigration Judge ruled on January 13, 2026, that the court lacks authority to grant bond, rendering further administrative remedies futile.

10. Do you have any petition or appeal now pending in any court, either state or federal, as to the execution of sentence under attack?

☐ Yes ☒ No

11. Give the name and address, if known, of each attorney who represented you in the following stages of the execution of sentence attacked herein:

(a) In any post-conviction proceeding R. Chris Cain, 6 W Gabilan Street, Suite 17, Salinas, CA 93901
(attorney of record in EOIR proceedings)

(b) On appeal from any adverse ruling in a post-conviction proceeding _____

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.



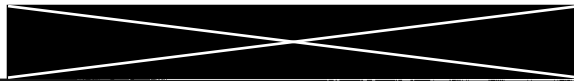
SIGNATURE OF ATTORNEY (IF ANY)

R. Chris Cain

I declare under penalty of perjury that the foregoing is true and correct. Executed on

05/08/2026

(DATE)



SIGNATURE OF PETITIONER

Dagoberto Orozco Gonzalez