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5 **UNITED STATES DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA
6 **SAN DIEGO**

7 Mayra Iliana AMBROCIO CORTES ,
Petitioner,

8 v.

9 Todd Blanche, Acting Attorney General
of the United States, Department of
Justice;

10 Markwayne Mullin, Secretary of
11 Homeland Security;

12 David J. Venturella, Senior Official
Performing the Duties of the Director of
13 U.S. Immigration and Customs
Enforcement;

14 Patrick Divver, Field Office Director of
15 the San Diego Immigration and Customs
Enforcement Office;

16 Jorge Velarde, Assistant Field Office
17 Director of the Immigration and Customs
Enforcement, Otay Mesa Detention
18 Center;

19 Christopher J. LaRose; Senior Warden,
Otay Mesa Detention Center;

20 Respondents.
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Case No. '26CV3414 DMS DDL

Agency No. 

**PETITION FOR WRIT OF
HABEAS CORPUS BY A
PERSON IN FEDERAL
CUSTODY UNDER
28 U.S.C. § 2241 AND ORDER TO
SHOW CAUSE**

1 **INTRODUCTION**

2 1. Petitioner, Mayra Iliana Ambrocio Cortes () (hereinafter
3 “Petitioner” or “Mrs. Ambrocio”), alleges she has been detained unjustly in
4 violation of her U.S. Constitutional right to liberty and due process of law.
5 Additionally, that she has been denied a bond by an immigration judge for lack of
6 jurisdiction under *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025).
7 Therefore, she requests this court make an order to show cause and that she may
8 not be transferred during the pendency of this petition.
9 2. Petitioner prefers not to file a temporary restraining order given the clear legal
10 precedent in this case substantiating Petitioner’s claims, and would instead request
11 Respondents be required to provide a response within three days or alternatively
12 timing pursuant to Chief Judge Order No. 144.

13 **JURISDICTION**

14 3. This action arises under the Constitution of the United States and the Immigration
15 and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*
16 4. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus),
17 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States
18 Constitution (Suspension Clause).
19 5. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et*
20 *seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs
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1 Act, 28 U.S.C. § 1651.

2 6. The provisions in 8 U.S.C. §§ 1252(g) and 1252(b)(9) do not strip this Court of
3 jurisdiction. Petitioner is not contesting the commencement or adjudication of
4 removal proceedings against her, nor is she raising an issue with respect to the
5 execution of removal. Petitioner does challenge her detention. The petition is
6 independent of the removal proceedings and all questions related to the
7 commencement of removal proceedings or any part of the removal process.
8 “[C]laims that are independent of or collateral to the removal process do not fall
9 within the scope of § 1252(b)(9).” *J.E.F.M. v. Lynch*, 837 F.3d 1026, 1032 (9th
10 Cir. 2016). Additionally, Section 1252(g) “does not prohibit challenges to
11 unlawful practices merely because they are in some fashion connected to removal
12 orders.” *Ibarra-Perez v. United States*, 154 F.4th 989, 997 (9th Cir. 2025). Thus,
13 this Court is not stripped of jurisdiction by Sections 1252(g) and 1252(b)(9).

14 **VENUE**

15 7. Venue is proper because Petitioner is detained at the Otay Mesa Detention Center
16 in the County of San Diego, which is within the jurisdiction of this District. When
17 she was not detained, she lived with her family in Poway, California. Further, a
18 substantial part of the events or omissions giving rise to her claims occurred in this
19 District and no real property is involved in this action. 28 U.S.C. § 1391(e).

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

21 8. The Court must grant the petition for writ of habeas corpus or issue an order to

1 show cause (OSC) to the respondents “forthwith,” unless the petitioner is not
2 entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court
3 must require respondents to file a return “within *three days* unless for good cause
4 additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

5 9. Courts have long recognized the significance of the habeas statute in protecting
6 individuals from unlawful detention. The Great Writ has been referred to as
7 “perhaps the most important writ known to the constitutional law of England,
8 affording as it does a *swift* and imperative remedy in all cases of illegal restraint or
9 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

10 PARTIES

11 *Petitioner*

12 10. Petitioner, Mrs. Ambrocio, is a Mexican national who is in custody at the Otay
13 Mesa Detention Center located at 7488 Calzada De La Fuente, San Diego, CA
14 92154. She is in the custody, and under the direct control, of Respondents and
15 their agents.

16 *Respondents*

17 11. Respondent Todd Blanche, Acting U.S. Attorney General, is sued in their official
18 capacity as the Attorney General of the United States and the senior official of the
19 U.S. Department of Justice (“DOJ”). In that capacity, they have the authority to
20 adjudicate removal cases and to oversee the Executive Office for Immigration
21 Review (“EOIR”), which administers the immigration courts and the Board of

1 Immigration Appeals. Respondent U.S. Attorney General is a legal custodian of
2 Petitioner.

3 12. Respondent Markwayne Mullin, Secretary of U.S. Department of Homeland
4 Security (“DHS”), is sued in their official capacity as the Secretary of the DHS. In
5 this capacity, Respondent Secretary is responsible for the implementation and
6 enforcement of the Immigration and Nationality Act, and oversees U.S.
7 Immigration and Customs Enforcement (“ICE”), the component agency
8 responsible for Petitioner’s detention and custody. Respondent Secretary is a legal
9 custodian of Petitioner.

10 13. Respondent David J. Venturellas is sued in his official capacity as the Senior
11 Official Performing the Duties of the Director ICE. Respondent Venturellas is the
12 legal custodian of Petitioner.

13 14. Respondent Patrick Divver is sued in his official capacity as the Field Office
14 Director of the San Diego ICE Office. Respondent Divver is a legal custodian of
15 Petitioner and has authority to release her.

16 15. Respondent Jorge Velarde is sued in his official capacity as Assistant Field Office
17 Director of the ICE at the Otay Mesa Detention Center. Respondent Velarde is a
18 legal custodian of Petitioner and has direct authority to release her.

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1 16. Respondent Christopher J. LaRose is sued in his official capacity as the Senior
2 Warden, Otay Mesa Detention Center. Respondent LaRose is the direct physical
3 custodian of Petitioner and has direct authority to release her.

4 **STATEMENT OF FACTS**

5 17. Mrs. Ambrocio is first and foremost a beloved mother of four U.S. citizen
6 children, two of which are minors (ages 14 and 8). Ex. A, Declaration of Tessa
7 Cabrera, ¶ 9. She is a 46-year-old national of Mexico who has resided in the
8 United States since approximately January 2003 after entering without inspection.
9 Ex. A, ¶ 5. She initially entered the United States in approximately March 2001,
10 and last entered the United States in May 2010, both times without inspection. *Id.*
11 *see also* Ex. B, Notice to Appear (“NTA”).

12 18. Mrs. Ambrocio has no criminal record. *Id.* at ¶ 9.

13 19. On May 18, 2026, Mrs. Ambrocio’s unnecessary and unlawful detention began
14 when she was on her way to work driving her and her husband. *Id.* at ¶ 6. Once
15 she was about to park, their car was surrounded. According to Mrs. Ambrocio’s
16 account provided to counsel, the only thing said to her by the people who
17 approached her car was “papeles” which translate to “papers” and she replied
18 “no.” *Id.* at ¶ 7. An officer said “okay, then you’re arrested” in Spanish. *Id.* Mrs.
19 Ambrocio and her husband were taken into custody. *Id.*

20 20. The couple were separated and Mrs. Ambrocio was unaware where her husband
21 had been taken until her immigration attorney discovered he had been charged

1 with a violation of 8 U.S.C. § 1326, illegal reentry and was being held in federal
2 criminal custody. *See* Ex. A.

3 21. ICE served Mrs. Ambrocio a Notice to Appear, dated May 18, 2026, ordering her
4 to appear for a hearing on May 29, 2026 at 1:00 p.m. *See* Ex. B, Notice to Appear.
5 She was then transferred to the Otay Mesa Detention Center.

6 22. On May 19, 2026, the Otay Immigration Court advanced her hearing to May 26,
7 2026, at 1:00 p.m. *Id.* at ¶ 8.

8 23. On May 21, 2026, Mrs. Ambrocio had a bond hearing despite not knowing she
9 was scheduled for a bond hearing. She had not hired an attorney at this point and
10 did not have any documents prepared to support her request. *Id.* at ¶ 9.
11 Nevertheless, the Immigration Judge found he lacked jurisdiction to grant her a
12 bond pursuant to *Matter of Yajure-Hurtado*, 29 I&N 216 (BIA 2025) and denied
13 her a bond. *Id.*

14 24. DHS has alleged that Mrs. Ambrocio is removable for being present in the United
15 States without inspection and admission or parole pursuant to 8 U.S.C.
16 1182(a)(6)(A)(i). *See* Exh. B, Notice to Appear.

17 25. Mrs. Ambrocio is a loving mother who qualifies for relief from removal
18 proceedings pursuant to 8 U.S.C. 1229b(b)(1) (cancellation for removal for certain
19 non-permanent residents). She meets all requirements, including presence in the
20 United States for 10 years, at least 10 years of good moral character, and her 20-

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1 year-old, 14-year-old, and 8-year-old U.S. citizen children will suffer exceptional
2 and extremely unusual hardship without her, especially given their father, Mrs.
3 Ambrocio's husband, will likely be deported after the conclusion of his criminal
4 case.

5 26. Therefore, upon consideration of the legal bases below, Petitioner requests this
6 court issue a habeas order requiring she be immediately released from custody
7 because there is no basis for her continued detention following an unlawful and
8 unnecessary arrest or that she be provided a lawful bond hearing before a fair,
9 neutral, and open-minded arbiter.

10 **LEGAL FRAMEWORK**

11 27. The Immigration and Nationality Act ("INA") prescribes three basic forms of
12 detention for the vast majority of noncitizens in removal proceedings conducted
13 pursuant to 8 U.S.C. § 1229a. The INA provides for mandatory detention of
14 noncitizens subjected to an expedited removal order imposed pursuant to 8 U.S.C.
15 § 1225(b)(1) and for certain other noncitizen applicants for admission to the U.S.
16 who are deemed not clearly entitled to be admitted. *See* 8 U.S.C. § 1225(b)(2).

17 28. Immigration detention "has two regulatory goals: ensuring the appearance of
18 [noncitizens] at future immigration proceedings and preventing danger to the
19 community." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) (internal citations
20 omitted); *see also* 8 U.S.C. 1226(a), (b); 8 C.F.R. 1236.1(c)(8).

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1 29. The Constitution establishes due process rights for “all ‘persons’ within the
2 United States, including [noncitizens], whether their presence here is lawful,
3 unlawful, temporary, or permanent.” *Hernandez v. Sessions*, 872 F.3d 976, 990
4 (9th Cir. 2017) (quoting *Zadvydas v. Davis*, 533 U.S. 678 (2001)). These due
5 process rights are both substantive and procedural.

6 30. “The touchstone of due process is protection of the individual against arbitrary
7 action of government,” *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), including
8 “the exercise of power without any reasonable justification in the service of a
9 legitimate government objective.” *Cnty. of Sacramento v. Lewis*, 523 U.S. 833,
10 846 (1998).

11 31. These protections extend to noncitizens facing detention, as “[i]n our society
12 liberty is the norm, and detention prior to trial or without trial is the carefully
13 limited exception.” *United States v. Salerno*, 481 U.S. 739, 755 (1987).
14 Accordingly, “[f]reedom from imprisonment—from government custody,
15 detention, or other forms of physical restraint—lies at the heart of the liberty that
16 [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.

17 32. Substantive due process thus requires that all forms of civil detention—including
18 immigration detention—bear a “reasonable relation” to a non-punitive purpose.
19 *See Jackson v. Indiana*, 406 U.S. 715, 738 (1972). The Supreme Court has
20 recognized only two permissible non-punitive purposes for immigration detention:

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1 ensuring a noncitizen's appearance at immigration proceedings and preventing
2 danger to the community. *Zadvydas*, 533 U.S. at 690–92; *see also Demore v. Kim*,
3 538 U.S. 510, 519–20, 527–28, 31 (2003).

4 33. Generally, “the Constitution requires some kind of a hearing *before* the State
5 deprives a person of liberty or property.” *Zinerman v. Burch*, 494 U.S. 113, 127
6 (1990) (emphasis added). This is so even in cases where that freedom is lawfully
7 revocable. *See Hurd v. D.C., Gov’t*, 864 F.3d at 683 (citing *Young v. Harper*, 520
8 U.S. 143, 152 (1997) (re-detention after pre-parole conditional supervision
9 requires pre-deprivation hearing)); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973)
10 (same, in probation context); *Morrissey v. Brewer*, 408 U.S. 471 (1972) (same, in
11 parole context).

12 34. The Fourth Amendment guarantees “[t]he right of the people to be secure in their
13 persons, houses, papers, and effects, against unreasonable searches and seizures
14” U.S. Const. amend. IV. “The touchstone of the Fourth Amendment is
15 reasonableness” *United States v. Knights*, 534 U.S. 112, 118, 122 S.Ct. 587,
16 151 L.Ed.2d 497 (2001). This is “generally assessed by carefully weighing ‘the
17 nature and quality of the intrusion on the individual's Fourth Amendment interests
18 against the importance of the governmental interests alleged to justify the
19 intrusion.’ ” *County of Los Angeles v. Mendez*, 581 U.S. 420, 427, 137 S.Ct. 1539,
20 198 L.Ed.2d 52 (2017) (quoting *Tennessee v. Garner*, 471 U.S. 1, 8, 105 S.Ct.

1 1694, 85 L.Ed.2d 1 (1985)). Overall, reasonableness is an objective inquiry that
2 “is evaluated by looking at the ‘totality of the circumstances.’ ” *Case v. Montana*,
3 607 U.S. —, 146 S. Ct. 500, 508, — L.Ed.2d — (2026) (first quoting
4 *Barnes v. Felix*, 605 U.S. 73, 80, 145 S.Ct. 1353, 221 L.Ed.2d 751 (2025); and
5 then quoting *Ohio v. Robinette*, 519 U.S. 33, 39, 117 S.Ct. 417, 136 L.Ed.2d 347
6 (1996)).

7 35. Even should Petitioner’s detention be deemed permissible, she remains eligible
8 for a bond hearing for the same reasons provided in *Maldonado Bautista*¹, that
9 Section 1226(a) governs the detention of noncitizens “inside the United States”
10 and “present in the country.” *Jennings v. Rodriguez*, 583 U.S. 281, 288–89 (2018).

11 CLAIMS FOR RELIEF

12 CLAIM ONE

13 Violation of Fourth Amendment and 8 C.F.R. § 287.8(c)(2): Unlawful Arrest Without Probable Cause

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

16 37. Respondents arrested Petitioner without probable cause.

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18 ¹ Notably, on March 6, 2026, the U.S. Court of Appeals for the Ninth Circuit granted
19 an administrative stay of the *Maldonado Bautista* decision “insofar as the district
20 court’s judgment extends beyond the Central District of California.” *Maldonado
Bautista, et al. v. United States Department of Homeland Security, et al.*, No. 26-1044,
ECF No. 5 (9th Cir. March 6, 2026).

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1 38. Respondents impermissibly relied on Petitioner's race as a basis for stopping the
2 car and then detaining her. DHS had the opportunity to issue a warrant for her
3 arrest. It is unreasonable for DHS to have arrested and detained her at an unlawful
4 stop.

5 39. Respondents' arrest of Petitioner violated the Fourth Amendment and the
6 regulations at 8 C.F.R. § 287.8(c)(2).

7 **CLAIM TWO**
8 **Violation of the Fifth Amendment to the United States Constitution**
9 **(Substantive Due Process – Detention)**

10 40. Petitioner incorporates by reference the allegations of fact set forth in the
11 preceding paragraphs.

12 41. The Due Process Clause of the Fifth Amendment protects all "person[s]" from
13 deprivation of liberty "without due process of law." U.S. Const. amend.
14 V. "Freedom from imprisonment—from government custody, detention, or other
15 forms of physical restraint—lies at the heart of the liberty that [the Due Process]
16 Clause protects." *Zadvydas*, 533 U.S. at 690.

17 42. Immigration detention is constitutionally permissible only when it furthers the
18 government's legitimate goals of ensuring the noncitizen's appearance during
19 removal proceedings and preventing danger to the community. *See id.*

20 43. Numerous California district courts are finding immediate release for individuals
21 who have a protected liberty interest when previously released from custody.
"[E]ven when ICE has the initial discretion to detain or release a noncitizen

1 pending removal proceedings, after that individual is released from custody she
2 has a protected liberty interest in remaining out of custody.” *Pinchi v. Noem*, 792
3 F. Supp 3d 1025, 1032 (N.D. Cal. 2025) (citing *Romero v. Kaiser*, No. 22-cv-
4 02508, 2022 WL 1443250, at *2 (N.D. Cal. May 6, 2022); *Jorge M. F. v.*
5 *Wilkinson*, No. 21-cv-01434, 2021 WL 783561, at *2 (N.D. Cal. Mar. 1, 2021);
6 *Ortiz Vargas v. Jennings*, No. 20-cv-5785, 2020 WL 5074312, at *3 (N.D. Cal.
7 Aug. 23, 2020); *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 969 (N.D. Cal. 2019)).

8 44. Many courts in this district have joined a number of district courts to recognize
9 that noncitizens have a significant liberty interest in “continued freedom after
10 release on own recognizance,” *Alegria Palma v. Larose*, No. 25-cv-1942-BJC-
11 MMP, ECF No. 14, at *6 (S.D. Cal. Aug. 11, 2025) (emphasis added), and in
12 “freedom from imprisonment” after “the government grants a [noncitizen] parole
13 into the country,” *Sanchez v. LaRose*, No. 25-CV-2396-JESMMP, 2025 WL
14 2770629, at *3 (S.D. Cal. Sept. 26, 2025) (emphasis added). *See also Miguel v.*
15 *Bondi et al.*, 26-CV-1636 JLS (SBC) (S.D. Cal. Mar. 27, 2026) (“Petitioner has a
16 protected liberty interest in remaining out of custody.”); *Prieto-Cordova*, No. 25-
17 cv-2824-CAB-DDL, 2025 WL 3228953 (S.D. Cal. Nov. 19, 2025); *Faizyan v.*
18 *Casey*, No. 25-cv-02884-RBM-JLB, 2025 WL 3208844 (S.D. Cal. Nov. 17,
19 2025); *Ramazan M. v. Andrews*, No. 25-cv-01356-KES-SKO (HC), 2025 WL
20 3145562 (E.D. Cal. Nov. 20, 2025); *Gomez Vilela v. Robbins*, No. 25-cv-01393-

1 KES-HBK (HC), 2025 WL 3101334 (E.D. Cal. Nov. 6, 2025); *Pablo Sequen v.*
2 *Albarran*, No. 25-cv-06487-PCP, 2025 WL 2935630 (N.D. Cal. Oct. 15, 2025);
3 *Hyppolite v. Noem*, No. 24-cv-4304 (NRM), 2025 WL 2829511 (E.D. N.Y. Oct. 6,
4 2025); *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 WL 2691828 (W.D.
5 Tex. Sept. 22, 2025); *Ramirez Tesara v. Wamsley*, No. 25-cv-01723-MJPTLF,
6 2025 WL 2637663 (W.D. Wash. Sept. 12, 2025); *E.A. T.-B. v. Wamsley*, No. C25-
7 1192-KKE, 2025 WL 2402130 (W.D. Wash. Aug. 19, 2025).

8 45. Here, while Petitioner has not previously been in custody by DHS, Petitioner is
9 not a flight risk or danger to the community, as evidenced by her complete lack of
10 criminal record and significant ties to the U.S. community through her minor U.S.
11 citizen children who rely on her for everything and now to whom she will be a
12 single parent given their father, Mrs. Ambrocio's husband, will likely be deported
13 given he is subject to reinstatement of a prior order of removal. It is unreasonable
14 for DHS to have arrested and detained her alongside her husband, who was the
15 subject ICE was after, given the probable cause statement filed as part of her
16 husband's indictment and especially since ICE was knowingly detaining both the
17 mother and father of minor children, during a questionable arrest where in it
18 seemed as though there was no arrest warrant. Accordingly, Petitioner is being
19 detained in violation of the Due Process Clause of the Fifth Amendment.

20 **CLAIM THREE**
21 **Violation of the INA - 8 U.S.C. 1226(a)**

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

3 47. In an alternative claim for relief, Petitioner is entitled to consideration for release
4 on bond under 8 U.S.C. § 1226(a). The immigration courts have been instructed to
5 follow the decision in *Matter of Yajure Hurtado*, an administrative decision that
6 goes against longstanding law defining who is eligible for a bond hearing. *Matter*
7 *of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) (holding a person who enters the
8 United States without inspection is subject to mandatory detention under 8 U.S.C.
9 § 1225(b)(2)(A)). On this basis, Petitioner was denied bond by an Immigration
10 Judge.

11 48. Petitioner was not “seeking admission” at the time of her entry to the United
12 States, so her detention is governed by section 1226(a). *See, e.g., Arias Torres v.*
13 *Bondi*, No. 25-cv-2457-BAS-MSB, 2025 WL 3214773 (S.D. Cal. Nov. 18, 2025);
14 *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, 2025 WL 3030457 (S.D.
15 Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025 WL 3078837
16 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal. 2025);
17 *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D.
18 Cal. Oct. 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025
19 WL 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-
20 3038-TWR-JLB, ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No.

1 25-cv-3043-BJC-VET, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v.*
2 *Noem*, No. 25-cv-2968-JO-JLB, ECF No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v.*
3 *LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9 (S.D. Cal. Nov. 19, 2025); *Prieto-*
4 *Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025 WL 3228953 (S.D. Cal.
5 Nov. 19, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-DDL, 2025 WL
6 3558931 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-AGS-
7 DDL, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-
8 BTM-DEB, 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025).

9 49. By denying Petitioner a bond hearing under § 1226(a) and asserting that she is
10 subject to mandatory detention under § 1225(b)(2), Respondents violate
11 Petitioner's statutory rights under the INA.

12 PRAYER FOR RELIEF

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

- 14 1) Assume jurisdiction over this matter;
- 15 2) Issue an order preventing Respondents from transferring Petitioner away from the
16 Otay Mesa Detention Center, the closest detention center to counsel's office and
17 Petitioner's family;
- 18 3) Issue an order to show cause and require a response within three days from
19 Respondents as to why this petition should not be granted, pursuant to 28 U.S.C. §
20 2243 or another timeline so determined by the Court;

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- 1 4) Declare that Petitioner's arrest and detention is unlawful;
- 2 5) Issue a writ of habeas corpus requiring Respondents to immediately release
- 3 Petitioner; or in the alternative that Respondents must provide a bond hearing
- 4 before a fair, neutral, open-minded arbiter, or release Petitioner immediately;
- 5 6) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act
- 6 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law;
- 7 and
- 8 7) Grant any other and further relief that this Court deems just and proper.

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10 Dated: June 3, 2026

Respectfully submitted,

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/s/ Leah L. Chavarria
Leah L. Chavarria
Counsel for Petitioner

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242