

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DAVID JOSUE CARRASCO IZAGUIRRE,


Petitioner,

'26CV3455 DMS MSB

v.

WARDEN, OTAY MESA DETENTION CENTER;
DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE);
SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY;
and all other responsible federal officials,

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241

I. INTRODUCTION

Respectfully appears DAVID JOSUE CARRASCO IZAGUIRRE,  currently detained at OTAY MESA DETENTION CENTER, and requests the immediate issuance of a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 because his detention constitutes a deprivation of liberty contrary to the Constitution and laws of the United States.

Petitioner is a citizen of Honduras. He entered the United States through the San Ysidro, California port of entry in August 2023. Since then, he established residence in San Diego, California, complied with the corresponding immigration procedures, obtained employment authorization issued by USCIS, obtained a Social Security number, maintained stable employment, and has no known criminal history.

Petitioner possesses an Employment Authorization Document, Category C08, issued by USCIS and valid until January 30, 2030, evidence that the Federal Government itself recognized his eligibility to work lawfully while his immigration process remains pending.

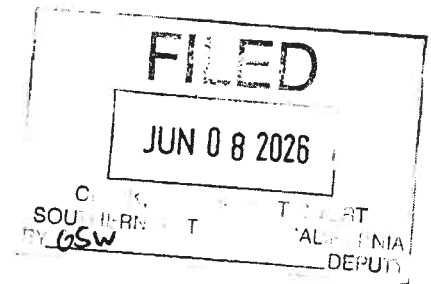
On May 13, 2026, at approximately 6:40 a.m., while waiting for transportation to go to work, several individuals who did not properly identify themselves and were not wearing uniforms approached the vehicle where he was located, forced him to get out, and transferred him against his will into immigration custody.

Petitioner later learned that the operation was apparently related to an investigation directed at another person allegedly connected to illegal human smuggling.

The person who was with Petitioner was released a few hours later.

However, David Josue Carrasco Izaguirre remained detained.

To date, the Government has not demonstrated that there was a judicial warrant issued specifically against Petitioner, nor has it demonstrated that there was individualized evidence that reasonably justified his detention.



II. JURISDICTION

This Honorable Court has jurisdiction pursuant to:

28 U.S.C. § 2241;

28 U.S.C. § 1331;

The Constitution of the United States;

and all other applicable federal laws.

Petitioner is physically detained within the territorial jurisdiction of the Southern District of California.

III. FACTUAL BACKGROUND

1. Petitioner entered the United States through San Ysidro, California, in August 2023.
2. He subsequently established residence in San Diego, California.
3. He requested immigration protection before the authorities of the United States.
4. He obtained employment authorization issued by USCIS.
5. He obtained a Social Security number.
6. He maintained stable employment.
7. He complied with the immigration obligations imposed by the Government.
8. He has no known criminal history.
9. On May 13, 2026, he was detained while waiting to begin his workday.
10. The available information indicates that the investigation operation was directed at another person.
11. Petitioner was never accused of participating in illegal human smuggling.
12. Petitioner was never convicted of that offense.
13. Petitioner never received a sufficient explanation regarding the individualized factual basis for his detention.
14. Petitioner remains deprived of liberty.

IV. FIRST CAUSE OF ACTION

VIOLATION OF THE FOURTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

The Fourth Amendment protects all persons against unreasonable seizures.

The Supreme Court has held that even when the Government exercises immigration powers, detentions must be supported by objective and reasonable facts related to the person detained.

The Government cannot deprive a person of liberty solely because that person is near an investigative target, because of circumstantial association, or because of non-individualized mere suspicion.

In the present case, all available information indicates that the investigation was directed at another person different from Petitioner.

Petitioner's mere physical presence in the same vehicle or in the same place does not constitute evidence of unlawful conduct.

The Supreme Court held in *Ybarra v. Illinois*, 444 U.S. 85 (1979), that proximity to a person under investigation does not automatically create probable cause to detain another person.

Likewise, in *United States v. Brignoni-Ponce*, 422 U.S. 873 (1975), the Court held that persons cannot be detained on the basis of general characteristics, physical appearance, ethnic origin, or generic associations.

If Petitioner's detention occurred only because he was near another person under investigation, without individualized evidence against him, such detention is incompatible with the Fourth Amendment.

V. SECOND CAUSE OF ACTION

VIOLATION OF THE FIFTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

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

The constitutional protection of due process applies to citizens and noncitizens present within the United States.

Zadvydas v. Davis, 533 U.S. 678 (2001).

Reno v. Flores, 507 U.S. 292 (1993).

Petitioner had a known residence.

He had stable employment.

He had valid employment authorization.

He had a Social Security number.

He lacked any known criminal history.

He appeared and complied with immigration requirements.

He did not represent a danger to the community.

He did not represent a flight risk.

Despite this, he remains detained without the Government having demonstrated through specific evidence the constitutional necessity of such deprivation of liberty.

VI. THIRD CAUSE OF ACTION

ARBITRARY DETENTION AND ABSENCE OF INDIVIDUALIZED SUSPICION

The Constitution requires that government actions have a rational basis and specific foundation.

Individual liberty cannot depend on speculation, generalizations, or collective presumptions.

Petitioner was detained during an operation that apparently had another person as its target.

There is no known evidence that Petitioner was the original target of that investigation.

There is no known evidence that there was a judicial warrant directed against Petitioner.

There is no known evidence of criminal activity attributable to Petitioner.

There is no known evidence of Petitioner's participation in illegal human smuggling.

The continuation of detention under these circumstances raises serious constitutional doubts regarding the legality of the custody exercised by the Federal Government.

VII. IRREPARABLE HARM

As a consequence of detention, Petitioner:

Has lost his liberty.

Has been separated from his community.

Has been separated from his work activities.

Has suffered emotional and psychological harm.

Has had his ability to adequately prepare his immigration defense affected.

Each additional day of detention constitutes irreparable harm that cannot later be compensated through monetary damages.

VIII. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Honorable Court:

1. Accept this Petition for Writ of Habeas Corpus.
2. Order Respondents to respond immediately and justify the legality of the detention.
3. Determine that the current detention violates the protections guaranteed by the Fourth and Fifth Amendments to the Constitution of the United States.
4. Order Petitioner's immediate release under the conditions that the Court considers appropriate.
5. Grant any other relief that this Honorable Court deems just and proper.

IX. ADDITIONAL GROUNDS OF FEDERAL LAW

A. SUSPENSION CLAUSE AND HISTORIC RIGHT TO HABEAS CORPUS

The Constitution of the United States expressly protects the right to Habeas Corpus through Article I, Section 9, Clause 2:

“The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.”

The Supreme Court has repeatedly held that Habeas Corpus constitutes one of the most fundamental protections against arbitrary detention by the Government.

Boumediene v. Bush, 553 U.S. 723 (2008).

The Supreme Court held that Habeas Corpus constitutes an essential mechanism to prevent unlawful deprivations of liberty by the Executive Branch.

The historical function of Habeas Corpus consists precisely of requiring the Government to demonstrate that it possesses legal authority to keep a person detained.

When the Government cannot adequately justify the detention, release is the appropriate constitutional remedy.

The present case falls directly within the historical purpose of Habeas Corpus because Petitioner is not requesting an abstract review or an advisory opinion. He is requesting that this Honorable Court require the Federal Government to present the real, concrete, individualized, and legal basis that supposedly authorizes his detention.

Petitioner was not detained after a criminal conviction.

Petitioner was not detained pursuant to a criminal judicial warrant.

Petitioner was not detained because a federal judge had determined probable cause against him.

Petitioner was deprived of liberty during an operation that, according to the known information, was directed against another person.

Therefore, Habeas Corpus is the appropriate constitutional vehicle to prevent the Executive Branch from keeping a person detained without demonstrating sufficient legal justification.

B. RIGHT TO FEDERAL JUDICIAL REVIEW

28 U.S.C. § 2241(c)(3) authorizes judicial review when a person:

“is in custody in violation of the Constitution or laws or treaties of the United States.”

Petitioner maintains that his current custody violates the Fourth Amendment, the Fifth Amendment, and multiple federal procedural guarantees.

The fact that the detention is immigration-related does not eliminate federal Habeas Corpus jurisdiction when the detained person alleges that his detention is contrary to the Constitution or federal laws.

Congress expressly authorized federal courts to review unlawful detentions through 28 U.S.C. § 2241.

In this case, Petitioner is physically in custody.

The custody is exercised by federal authorities.

The custody occurs within the Southern District of California.

The custody is challenged as violating the Constitution and federal laws.

Therefore, this Honorable Court has jurisdiction to examine whether the Government has valid legal authority to keep Petitioner detained.

C. CONSTITUTIONAL PRESUMPTION OF LIBERTY

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

The Supreme Court declared:

“Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause.”

Physical liberty constitutes the fundamental interest protected by the Constitution.

Detention is the exception.

Liberty is the rule.

The Constitution does not permit the Government to deprive a person of liberty solely for administrative convenience, generalized suspicion, circumstantial association, or because the person was in the wrong place at the wrong time.

Petitioner was not fleeing.

Petitioner was not hidden.

Petitioner was not committing a crime.

Petitioner was waiting for transportation to go to work.

Petitioner had valid employment authorization.

Petitioner had identification issued by the Government.

Petitioner had a Social Security number.

Petitioner had a known residence.

Petitioner had stable employment.

These facts demonstrate that Petitioner had clear ties to the community and was not a hidden or evasive person.

D. CONSTITUTIONAL LIMITATIONS ON CIVIL DETENTION

Immigration detention is civil detention.

It is not a criminal punishment.

Consequently, the Government has a heightened constitutional burden to justify the continuation of such deprivation of liberty.

Kansas v. Hendricks, 521 U.S. 346 (1997).

The Supreme Court held that every civil detention must be closely related to a legitimate governmental purpose.

When that purpose disappears or cannot be demonstrated, the continuation of detention becomes unconstitutional.

Here, the Government must demonstrate what legitimate purpose exists in keeping Petitioner detained.

If the objective of the operation was another person, then the Government must explain why Petitioner was arrested.

If there was no judicial warrant against Petitioner, the Government must explain what individualized basis existed against him.

If Petitioner was not accused of a crime, the Government must explain why his liberty was restricted.

If Petitioner had employment, work authorization, residence, and a pending immigration case, the Government must explain why less restrictive conditions were not sufficient.

Civil detention cannot become punishment.

Civil detention cannot be a tool of intimidation.

Civil detention cannot be a substitute for a deficient investigation.

Civil detention cannot be used to justify a capture carried out without individualized basis.

X. ABSENCE OF INDIVIDUALIZED SUSPICION

The Fourth Amendment requires an individualized assessment.

The Supreme Court has repeatedly rejected detentions based on guilt by association.

Ybarra v. Illinois, 444 U.S. 85 (1979).

"A person's mere propinquity to others independently suspected of criminal activity does not, without more, give rise to probable cause."

Mere physical closeness to another person under investigation does not constitute probable cause.

The available information indicates that the original target of the investigation was another person.

The Constitution prohibits individual liberty from being sacrificed solely because of circumstantial association.

United States v. Di Re, 332 U.S. 581 (1948).

The Supreme Court held that the presence of a person in a vehicle where another person is suspected of illegal activity does not automatically generate probable cause to detain that person.

This decision is directly relevant to the present case.

Petitioner was in a vehicle or with another person related to his work transportation.

According to the known information, that other person was released the same day.

Petitioner remained detained.

The Government has not presented a clear, specific, individualized, and sufficient explanation demonstrating that David Josue Carrasco Izaguirre was the legitimate target of the operation.

The Constitution requires more than presence.

The Constitution requires more than appearance.

The Constitution requires more than association.

The Constitution requires more than general suspicion.

The Constitution requires objective facts directed at the person detained.

The Government cannot act as if an operation against one person automatically permits the detention of everyone nearby.

The Government cannot convert an investigation against a third party into an indefinite detention against a person who was not the investigative target.

The Government cannot detain first and justify later.

The Government cannot deprive a person of liberty merely because it was convenient during an operation.

Suspicion must be individualized.

Cause must be specific.

Justification must exist before detention, not after.

XI. PROHIBITION OF DETENTIONS BASED ON RACIAL PROFILING OR ETHNIC APPEARANCE

United States v. Brignoni-Ponce, 422 U.S. 873 (1975).

The Supreme Court held that Mexican or Latino appearance does not constitute sufficient grounds to detain a person.

The Court declared that ethnic characteristics alone are insufficient to justify a detention.

If the Government lacks individualized and objective evidence regarding Petitioner, the detention risks becoming arbitrary action incompatible with the Fourth and Fifth Amendments.

Petitioner does not assert that a court has already determined racial discrimination.

Petitioner asserts that, in the absence of an individualized, objective, and specific basis, the detention raises a serious constitutional concern that it may have been executed because of appearance, profiling, association, national origin, or circumstantial presence near another person under investigation.

The Government must demonstrate that the detention was not the product of racial profiling.

The Government must demonstrate that the detention was not the product of physical appearance.

The Government must demonstrate that the detention was not the product of national origin.

The Government must demonstrate that the detention was not the product of casual association.

The Government must demonstrate that an individualized basis existed specifically against David Josue Carrasco Izaguirre.

In a country governed by the Constitution, a person's liberty cannot depend on how he looks, who he was with, what language he speaks, his nationality, his Latino appearance, or generalized suspicion.

The Fourth Amendment requires objectivity.

The Fifth Amendment requires due process.

The Constitution requires the Government to explain its conduct when it deprives a person of liberty.

XII. CONSTITUTIONAL PROTECTION OF NONCITIZENS

Plyler v. Doe, 457 U.S. 202 (1982).

The Supreme Court held:

"Aliens, even aliens whose presence in this country is unlawful, have long been recognized as persons guaranteed due process of law."

Foreign nationals present in United States territory are persons protected by the Constitution.

Zadvydas v. Davis, 533 U.S. 678 (2001).

The Court reaffirmed that:

“The Due Process Clause applies to all persons within the United States.”

Petitioner is protected by these guarantees.

The Government cannot claim that because this is an immigration case, constitutional protections disappear.

The Government cannot claim that because the person is a noncitizen, the detention may be arbitrary.

The Government cannot claim that because the person has a pending immigration process, the Fourth Amendment stops applying.

The Government cannot claim that because it is civil detention, the Fifth Amendment does not protect physical liberty.

Petitioner is a “person” under the Constitution.

As a person, he has the right not to be unreasonably seized.

As a person, he has the right not to be deprived of liberty without due process.

As a person, he has the right to require the Government to explain the legal basis of his detention.

As a person, he has the right to request Habeas Corpus.

XIII. FACTORS DEMONSTRATING ABSENCE OF DANGEROUSNESS AND ABSENCE OF FLIGHT RISK

The very criteria used by ICE and immigration courts favor release when positive factors exist.

Matter of Guerra, 24 I&N Dec. 37 (BIA 2006).

Relevant factors:

Stable residence.

Employment history.

Community ties.

Absence of criminal history.

Compliance with immigration obligations.

David Josue Carrasco Izaguirre favorably satisfies all these criteria.

Matter of Adeniji, 22 I&N Dec. 1102 (BIA 1999).

The BIA held that the Government must demonstrate sufficient reasons to justify detention.

Petitioner possesses valid employment authorization.

Petitioner possesses a Social Security number.

Petitioner resided in San Diego, California.

Petitioner worked at 

Petitioner earned approximately \$22 per hour.

Petitioner worked Monday through Friday approximately from 7:00 a.m. to 3:30 p.m.

Petitioner had an employment letter confirming his employment, reliability, and good work conduct.

Petitioner has no known criminal history.

Petitioner does not represent a danger to the community.

Petitioner has no rational reason to flee because he has a pending immigration case that he wishes to continue defending.

Petitioner has more incentives to appear than to flee.

Petitioner has a master hearing scheduled for June 17, 2026 at 1:00 p.m. before Judge Mark Sameit at Otay Mesa Immigration Court.

Petitioner wishes to appear and continue his process.

Detention is not necessary to ensure his appearance.

Detention is not necessary to protect the community.

Detention is not proportional.

Detention is not the least restrictive means.

Less restrictive alternatives exist, including:

Release on recognizance.

Release under supervision.

Order of appearance.

Monitoring through check-ins.

Address notification.

Reasonable bond.

Periodic appearances before ICE.

Any combination of conditions that this Honorable Court considers appropriate.

XIV. PUBLIC INTEREST IN RELEASE

Petitioner's release does not harm governmental interests.

On the contrary:

He has stable employment.

He has employment authorization valid until 2030.

He has a known address.

He has a Social Security number.

He has a pending immigration case.

He has a direct interest in appearing before the Court to continue defending his case.

The prolonged detention of a person who presents such characteristics contradicts the fundamental principles of proportionality and justice that support the constitutional system of the United States.

The public interest is not served by keeping detained a working, identifiable, locatable person with no known criminal history when the Government has not demonstrated a sufficient individualized basis for his arrest.

The public interest is served by respecting the Constitution.

The public interest is served by avoiding arbitrary detentions.

The public interest is served by requiring federal authorities to act based on law.

The public interest is served when the Government distinguishes between the true target of an investigation and a person who was simply present.

The public interest is served when federal courts protect individual liberty against unjustified executive custody.

Petitioner's release would allow him to continue working, maintaining economic stability, supporting his community, and adequately preparing his immigration defense.

Detention, in contrast, harms him, affects his employment, limits his defense, and punishes a person who has not been found guilty of any crime.

XV. REQUEST FOR URGENT CONSTITUTIONAL HEARING

Petitioner further requests that this Honorable Court:

1. Order an immediate evidentiary hearing.
2. Order the Government to present all evidence that supposedly justifies the detention.
3. Order disclosure of any administrative warrant or document used to authorize the detention.
4. Order disclosure of any report linking Petitioner to the investigation originally directed at third parties.
5. Order immediate release if the Government cannot demonstrate sufficient individualized evidence satisfying the requirements of the Fourth and Fifth Amendments.

Additionally, Petitioner requests that this Honorable Court require the Government to specifically explain:

- a. Whether or not there was a judicial warrant against David Josue Carrasco Izaguirre.
- b. Whether or not there was an administrative immigration warrant against David Josue Carrasco Izaguirre.
- c. Whether David Josue Carrasco Izaguirre was the original target of the operation.
- d. Whether the operation was directed against another person.
- e. What specific facts, existing before the detention, justified depriving Petitioner of liberty.
- f. What individualized evidence existed against Petitioner at the exact moment of detention.
- g. Whether the agents verified Petitioner's identity before detaining him.
- h. Whether the agents verified his work permit.
- i. Whether the agents verified his Social Security number.
- j. Whether the agents verified his pending immigration case.
- k. Whether the agents verified that he had a known residence.
- l. Whether the agents verified that he had stable employment.
- m. Whether the agents verified that he had no known criminal history.
- n. Whether the agents explained to Petitioner the reasons for his detention.
- o. Whether the agents documented an individualized legal basis to detain him.
- p. Whether the other person detained with him was released the same day.
- q. Why Petitioner was not released if the investigation was not directed against him.
- r. What legal justification exists to continue Petitioner's detention.

Petitioner maintains that an urgent constitutional hearing is necessary because each day of detention without individualized basis aggravates the violation of his rights.

The Court must require the Government to provide a clear explanation.

The Court must require concrete evidence.

The Court must require a real legal basis.

The Court must require individualized justification.

The Court must not allow a person's liberty to depend on presumptions, profiles, associations, or identification errors.

XVI. ADDITIONAL FEDERAL BASIS REGARDING IMMIGRATION ARRESTS WITHOUT WARRANT

Although immigration authorities possess certain administrative powers, those powers are not unlimited.

8 U.S.C. § 1357 establishes specific powers of immigration officers, but those powers must be exercised in accordance with the Constitution and applicable regulations.

Under 8 C.F.R. § 287.8(c)(2), an arrest must be made only when the designated officer has reason to believe that the person arrested has committed an offense against the United States or is unlawfully present in the United States.

The regulation also provides that a warrant of arrest must be obtained except when the officer has reason to believe that the person is likely to escape before a warrant can be obtained.

This is fundamental.

The Government cannot simply say that the case was immigration-related.

The Government must demonstrate that there was individualized reason to believe that David Josue Carrasco Izaguirre was arrestable.

The Government must demonstrate why it did not obtain a warrant.

The Government must demonstrate why it believed Petitioner was going to escape.

The Government must demonstrate that the detention was based on concrete facts and not on a general operation against another person.

Petitioner was waiting to go to work.

Petitioner was not escaping.

Petitioner was not hiding.

Petitioner was not crossing the border.

Petitioner was not committing a crime in the presence of agents.

Petitioner was not the known target of the investigation.

Petitioner had documentation issued by the Government.

Petitioner had valid work authorization.

Petitioner had a residence.

Petitioner had employment.

Therefore, if the Government cannot demonstrate an individualized basis prior to the detention, the custody must be declared unlawful.

XVII. PETITIONER'S CENTRAL ARGUMENT

This petition is not based on simple disagreement with an immigration decision.

This petition is based on a fundamental constitutional question:

Can the Federal Government detain a person who was not the target of the investigation, without a judicial warrant directed against him, without demonstrated individualized cause, without clear explanation, and keep him detained even though he has work authorization, residence, employment, a pending immigration case, and absence of known criminal history?

Petitioner maintains that the constitutional answer is no.

The Constitution does not permit detentions by lottery.

The Constitution does not permit detentions based on appearance.

The Constitution does not permit detentions based on casual association.

The Constitution does not permit detentions based on simple presence.

The Constitution does not permit a person to be detained because another person was being investigated.

The Constitution does not permit the Government to deprive liberty first and seek justification later.

Petitioner does not demand special treatment.

Petitioner demands constitutional treatment.

Petitioner does not request impunity.

Petitioner requests due process.

Petitioner does not request that immigration law be ignored.

Petitioner requests that immigration law be applied within the limits of the Constitution.

XVIII. CONCLUSION

For all the reasons stated above, the detention of David Josue Carrasco Izaguirre lacks sufficient constitutional foundation, lacks demonstrated individualized justification, appears to derive from an operation directed against another person, and continues to cause a serious and irreparable deprivation of liberty.

Petitioner respectfully requests that this Honorable Court exercise its authority under 28 U.S.C. § 2241, order the Government to immediately justify the detention, hold an urgent hearing, and order Petitioner's immediate release, or in the alternative, his release under reasonable conditions of supervision.

Respectfully submitted,

DAVID JOSUE CARRASCO IZAGUIRRE



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Signature: 