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Counsel for Petitioner

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

NORBELI RUBIRAL DE GONZALEZ-
MORALES,

Petitioner,

v.

WARDEN, IMPERIAL REGIONAL
DETENTION FACILITY; AND FIELD
OFFICE DIRECTOR, U.S.
IMMIGRATION AND CUSTOMS
ENFORCEMENT, ENFORCEMENT
AND REMOVAL OPERATIONS,
EL CENTRO, CALIFORNIA,

Respondents.

Case No. **'26CV3475 RBM AHG**

**VERIFIED PETITION FOR WRIT
OF HABEAS CORPUS UNDER 28
U.S.C. § 2241**

INTRODUCTION

1. Petitioner Norbeli Rubiralde Gonzalez Morales brings this petition for a writ of habeas corpus to challenge his unlawful immigration detention. Petitioner is currently detained in the physical custody of Respondents at the Imperial Regional Detention Facility in Calexico, California. Respondents have classified Petitioner as subject to mandatory detention under 8 U.S.C. §1225(b)(2) and have not afforded him the opportunity to seek release on bond. This classification is

1 legally erroneous because Petitioner was apprehended within the interior of the
2 United States and placed in removal proceedings, and therefore his detention is
3 governed by 8 U.S.C. § 1226(a), which permits release on bond. By subjecting
4 Petitioner to mandatory detention under § 1225(b)(2), Respondents are unlawfully
5 detaining Petitioner and depriving him of the opportunity to seek release from
6 custody.

7 2. Respondents' actions also violate the Due Process Clause of the Fifth
8 Amendment. Civil immigration detention must include meaningful procedural
9 safeguards and may not become arbitrary or indefinite. Petitioner has been denied
10 any individualized custody determination before a neutral decision-maker because
11 Respondents have asserted that he is subject to mandatory detention. As a result,
12 Petitioner has been deprived of any opportunity to demonstrate that he is neither a
13 danger to the community nor a flight risk. The continued detention of Petitioner
14 without access to a bond hearing therefore violates the Fifth Amendment's
15 guarantee of due process and renders his detention unlawful.

16 3. The statutory framework of the Immigration and Nationality Act
17 distinguishes between noncitizens encountered at the border and those apprehended
18 within the United States after entry. Section 1225 governs inspection and detention
19 of individuals encountered at ports of entry or treated as applicants for admission
20 during the inspection process. By contrast, 8 U.S.C. § 1226 governs detention of
21 individuals who have already entered the United States and are placed in removal
22 proceedings pending a final determination of removability.

23 4. Petitioner falls within the category of individuals detained under §
24 1226(a), not § 1225(b)(2). Petitioner entered the United States without inspection
25 and was apprehended by immigration authorities within the interior of the United
26 States, not at a port of entry and not during the inspection process.

27 5. By treating Petitioner as an "applicant for admission" and subjecting
28 him to mandatory detention under § 1225(b)(2), Respondents have improperly

1 denied Petitioner the opportunity to seek release on bond under §1226(a).

2 6. After apprehending Petitioner, DHS placed him in removal
3 proceedings pursuant to 8 U.S.C. § 1229a and issued a Notice to Appear (Form I-
4 862) charging him under 8 U.S.C. § 1182(a)(6)(A)(i) as a person present in the
5 United States without admission or parole, and under 8 U.S.C. § 1182(a)(7)(A)(i)(I)
6 as an immigrant not in possession of valid entry documents.

7 7. Petitioner is actively pursuing his claim for protection in his removal
8 proceedings. His next Master Calendar hearing is scheduled for June 11, 2026. To
9 date, no Form I-213 (Record of Deportable/Inadmissible Alien) has been entered
10 into the immigration court record.

11 8. Because Respondents have classified Petitioner as subject to
12 mandatory detention under § 1225(b)(2), Petitioner has been deprived of any
13 meaningful opportunity to obtain an individualized bond hearing before an
14 Immigration Judge. Under the position taken by Respondents, an Immigration
15 Judge would lack jurisdiction to conduct a bond hearing for a noncitizen deemed an
16 “applicant for admission” subject to mandatory detention under 8 U.S.C. §
17 1225(b)(2)(A).

18 9. The Court should expeditiously grant this petition.

19 10. Alternatively, the Court should order Petitioner’s release unless
20 Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

21 JURISDICTION

22 11. Petitioner is in the physical custody of Respondents and detained at the
23 Imperial Regional Detention Facility, 1572 Gateway Road, Calexico, California
24 92231.

25 12. This Court has jurisdiction under: 28 U.S.C. § 2241(c)(5) (habeas
26 corpus); 28 U.S.C. § 1331 (federal question jurisdiction); and Article I, Section 9 of
27 the U.S. Constitution (Suspension Clause).

28 13. This Court may grant relief pursuant to: 28 U.S.C. § 2241; 28 U.S.C. §

1 2201 (Declaratory Judgment Act); and 28 U.S.C. § 1651 (All Writs Act).

2 **VENUE**

3 14. Venue is proper in the United States District Court for the Southern
4 District of California, the judicial district where Petitioner is currently detained. The
5 Imperial Regional Detention Facility is located in Calexico, Imperial County,
6 California, which lies within the Southern District of California. *See* 28 U.S.C. § 84
7 (d).

8 15. Venue is also proper under 28 U.S.C. §1391(e) because Respondents
9 are officers and agencies of the United States and a substantial portion of the events
10 giving rise to this petition occurred within this district.

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

12 16. The Court should grant the petition forthwith. Habeas corpus provides
13 a swift remedy against unlawful detention, and petitions challenging the legality of
14 custody require prompt judicial review. Immigration detention is civil in nature and
15 remains subject to constitutional limits. *See Zadvydas v. Davis*, 533 U.S. 678, 690
16 (2001). Federal courts also retain jurisdiction under 28 U.S.C. § 2241 to review
17 challenges to immigration detention. *Jennings v. Rodriguez*, 138 S. Ct. 830, 839
18 (2018). Because Petitioner is currently detained and challenges the legal basis for
19 his confinement, this Court should promptly review the petition and grant
20 appropriate relief.

21 **PARTIES**

22 17. Petitioner Norbeli Rubiralde Gonzalez-Morales is a citizen of
23 Guatemala, [REDACTED] who has been detained
24 by immigration authorities and is currently held at the Imperial Regional Detention
25 Facility in Calexico, California. DHS has charged Petitioner as inadmissible under
26 8 U.S.C. § 1182(a)(6)(A)(i) for being present in the United States without
27 admission or parole, and under 8 U.S.C. § 1182(a)(7)(A)(i)(I) as an immigrant not
28 in possession of valid entry documents. Respondents have classified Petitioner as

1 subject to mandatory detention under § 1225(b)(2) and have not afforded him an
2 individualized bond determination before an Immigration Judge.

3 18. Respondent Warden of the Imperial Regional Detention Facility has
4 immediate physical custody of Petitioner and is sued in an official capacity.

5 19. Respondent Field Office Director of ICE Enforcement and Removal
6 Operations, El Centro, is responsible for Petitioner's detention and is sued in an
7 official capacity.

8 **FIRST CLAIM FOR RELIEF**

9 **Unlawful Detention Under 8 U.S.C. §1225(b)(2)**

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

12 21. Respondents assert that Petitioner is subject to mandatory detention
13 under 8 U.S.C. § 1225(b)(2) as an "applicant for admission." That classification is
14 legally incorrect.

15 22. Section 1225 governs the inspection and detention of individuals who
16 are stopped at the border or at ports of entry and are treated as applicants for
17 admission. Petitioner does not fall within that category.

18 23. Petitioner entered the United States without inspection and was not
19 apprehended at the border or during the inspection process. Instead, Petitioner was
20 arrested by immigration authorities inside the United States and subsequently
21 placed in removal proceedings under 8 U.S.C. § 1229a.

22 24. Noncitizens who are arrested inside the United States and placed in
23 removal proceedings are detained under 8 U.S.C. § 1226, which governs detention
24 pending a decision on whether the noncitizen is to be removed from the United
25 States. Section 1226(a) expressly provides that such individuals may be released on
26 bond pending removal proceedings.

27 25. By classifying Petitioner under § 1225(b)(2) rather than § 1226(a),
28 Respondents have unlawfully subjected Petitioner to mandatory detention and

1 denied him the opportunity to seek release on bond.

2 26. Courts within the Ninth Circuit have recognized that individuals
3 arrested within the interior of the United States and placed in removal proceedings
4 are detained under § 1226, not § 1225. *See, e.g., Lopez v. Lyons*, No. 2:25-cv-
5 03174-DJC-CKD, 2025 U.S. Dist. LEXIS 220303 (E.D. Cal. Nov. 7, 2025).

6 27. Respondents' classification of Petitioner under §1225(b)(2) is
7 therefore contrary to the statutory framework established by Congress and
8 constitutes unlawful detention. Accordingly, Petitioner is entitled to consideration
9 for release on bond under 8 U.S.C. §1226(a).

10 **SECOND CLAIM FOR RELIEF**

11 **Violation of the Fifth Amendment Due Process**

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

14 29. Petitioner is currently detained by the federal government in civil
15 immigration detention. Civil detention is subject to the constraints of the Fifth
16 Amendment Due Process Clause. The Supreme Court has long recognized that civil
17 detention must bear a reasonable relation to its purpose and must include
18 meaningful procedural safeguards.

19 30. Immigration detention may not become arbitrary, indefinite, or
20 punitive. Petitioner has been denied any meaningful opportunity to challenge the
21 necessity of his continued detention because Respondents have classified him as
22 subject to mandatory detention, foreclosing any individualized custody
23 determination before a neutral decision-maker.

24 31. Due process requires that the government justify civil detention before
25 a neutral adjudicator and that the detainee be afforded a meaningful opportunity to
26 demonstrate that he is not a flight risk or danger to the community. Without such a
27 hearing, Petitioner's continued detention becomes arbitrary and constitutionally
28 impermissible.

1 32. Respondents' refusal to provide Petitioner with a bond hearing
2 therefore violates the Due Process Clause of the Fifth Amendment.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Petitioner respectfully requests that this Court:

- 5 1. Declare that Respondents have unlawfully detained Petitioner under 8
6 U.S.C. §1225(b)(2);
7 2. Order Respondents to treat Petitioner as detained under 8 U.S.C.
8 §1226(a);
9 3. Order Respondents to provide Petitioner with an individualized bond
10 hearing before an Immigration Judge within seven days, at which the
11 government bears the burden of justifying continued detention; or
12 4. In the alternative, order Petitioner's immediate release under appropriate
13 conditions of supervision.

14 Respectfully submitted this 10th day of June, 2026,

15 /s/Alexa S. White

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25 (Pro hac vice application forthcoming)

26 *Counsel for Petitioner*
27
28

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

I, Jacqueline Delgado, counsel for Petitioner, verify that the facts stated in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and belief. Petitioner is currently detained and therefore unable to personally verify this petition.

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

DATED this 10th day of June, 2026,

/s/Jacqueline Delgado
JACQUELINE DELGADO

Attorney for Petitioner