

1 **Law Office of Valmiki Reyes**
2 Valmiki Alejandro Reyes, SBN: 259451
3 2272 Colorado Boulevard, #1140
4 Los Angeles, CA 90041
5 Tel.: (323) 807-6576
6 E-mail: vreyes@vreyeslawfirm.com

7
8 Attorney for Petitioner,
9 JUAN RAMON VASQUEZ VASQUEZ
10

11 **UNITED STATES DISTRICT COURT**
12 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**
13

14 JUAN RAMON VASQUEZ
15 VASQUEZ,

16 Petitioner,

17 VS.

18 MARKWAYNE MULLIN, Secretary,
19 United States Department of Homeland
20 Security; RODENY S. SCOTT,
21 Commissioner, United States Customs
22 and Border Protection; JESUS ROCHA
23 in his official capacity as Acting Field
24 Office Director for San Diego, U.S.
25 Immigration and Customs Enforcement;
26 CHRISTOPHER LAROSE, Warden of
27 OTAY MESA DETENTION CENTER,
28 in his/her capacity as warden of the
OTAY MESA DETENTION CENTER,
and DOES 1 to 10, INCLUSIVE.

Respondents.

Case No. '26CV3487 JO VET

Agency No. 

**VERIFIED PETITION FOR WRIT
OF HABEAS CORPUS**

INTRODUCTION

- 1
2 1. Petitioner JUAN RAMON VASQUEZ VASQUEZ (“Petitioner”) is
3
4 imprisoned by the federal government under color of the immigration laws.
5 He is presently detained by Immigration and Customs Enforcement (“ICE”)
6 at the Otay Mesa Detention Center in San Diego County, California under
7 Alien Registration Number 
8
- 9 2. Petitioner is a native and citizen of El Salvador who has resided in the
10 United States for approximately twenty-five years. He is the father of a
11 nineteen-year-old United States citizen daughter and the beneficiary of a
12 pending family-based immigration petition filed through his lawful
13 permanent resident spouse.
14
- 15 3. For years before his detention, Petitioner lived openly in the United States,
16 maintained employment, supported his family, complied with federal law,
17 and actively litigated his immigration case before the Immigration Court
18 while remaining on the non-detained docket.
19
- 20 4. Petitioner has a pending asylum application arising from severe gang
21 persecution in El Salvador. His brother, a police officer, was murdered by
22 gang members. Petitioner himself was beaten, threatened with death, and
23 targeted by gang members because he refused to cooperate with criminal
24 organizations. Members of his family were threatened, assaulted, and
25
26
27
28

1 targeted for kidnapping. Those events ultimately forced Petitioner to flee El
2 Salvador and seek refuge in the United States.

3
4 5. At all relevant times, the federal government was fully aware of Petitioner's
5 presence in the United States.

6
7 6. The Department of Homeland Security placed Petitioner into removal
8 proceedings years ago. Petitioner's asylum application was referred to the
9 Executive Office for Immigration Review and remains pending.

10
11 7. United States Citizenship and Immigration Services issued Petitioner
12 employment authorization that remains valid through February 9, 2030.

13
14 8. Petitioner therefore remained continuously known to, monitored by, and
15 authorized to work by the same federal government that now seeks to justify
16 his incarceration.

17
18 9. On May 7, 2026, Petitioner was not apprehended while crossing the border.
19 Petitioner was not apprehended at a port of entry. Petitioner was not
20 apprehended near the border. Petitioner was not apprehended shortly after
21 entering the United States.
22

23 10. Instead, Petitioner was arrested deep within the interior of the United States
24 while lawfully employed by a moving company.
25
26
27
28

1 11. According to the Government's own records, Petitioner was assisting with
2 the relocation of a military service member's household belongings at Camp
3 Pendleton when Military Police contacted ICE.
4

5 12. ICE thereafter conducted what it characterized as an "at-large field arrest."
6

7 13. Notwithstanding Petitioner's decades-long presence in the United States, his
8 pending removal proceedings, his active asylum case, his valid employment
9 authorization, and his interior arrest while working, the Government asserted
10 that Petitioner is subject to detention under INA § 235(b), 8 U.S.C. §
11 1225(b), as though he were an arriving alien seeking admission at the
12 border.
13
14

15 14. When Petitioner sought bond, the Immigration Judge declined to conduct
16 any individualized custody determination. The Immigration Judge did not
17 hear testimony. The Immigration Judge did not receive evidence concerning
18 danger to the community. The Immigration Judge did not receive evidence
19 concerning flight risk. The Immigration Judge did not evaluate Petitioner's
20 family ties, employment history, immigration history, or eligibility for relief.
21 The Immigration Judge did not apply *Matter of Guerra*, 24 I&N Dec. 37
22 (BIA 2006).
23
24
25
26
27
28

1 15. Instead, relying exclusively upon *Matter of Yajure-Hurtado*, 29 I&N Dec.
2 216 (BIA 2025), the Immigration Judge concluded that the Immigration
3 Court lacked jurisdiction to consider bond at all.
4

5 16. As a result, Petitioner remains incarcerated today without ever having
6 received a meaningful custody determination.
7

8 17. This Petition presents a straightforward but profoundly important question:
9 May the federal government imprison a noncitizen who has lived openly in
10 the United States for decades, who possesses valid federal work
11 authorization, who has actively litigated a pending asylum case, who was
12 arrested while working in the interior of the country, and who presents
13 substantial evidence that he is neither dangerous nor a flight risk, while
14 simultaneously denying him any opportunity to obtain an individualized
15 custody hearing? The answer is a resounding no.
16
17
18

19 18. Federal courts have repeatedly recognized that immigration detention must
20 remain regulatory rather than punitive and that liberty may not be withdrawn
21 without meaningful procedural safeguards.
22

23 19. Habeas corpus remains available to challenge unlawful immigration
24 detention. The Supreme Court has long recognized that "[t]he essence of
25 habeas corpus is an attack by a person in custody upon the legality of that
26
27
28

1 custody" and that the traditional function of the writ is to secure release from
2 unlawful confinement.

3
4 20. Recently, the United States District Court for the Southern District of
5 California reaffirmed that principle and granted habeas relief where
6 immigration detention was imposed without adherence to the procedural
7 protections required by law. The court concluded that the petitioner's
8 detention was unlawful and ordered immediate release. See *Tercero Briones*
9 *v. LaRose*, Case No. 3:25-cv-03421-RBM-AHG (S.D. Cal. Jan. 2, 2026).
10
11

12 21. The same fundamental principles apply here.

13
14 22. Petitioner's detention rests upon an erroneous interpretation of the detention
15 statutes, the improper refusal to exercise custody jurisdiction, and the
16 complete absence of any individualized determination concerning danger or
17 flight risk.
18

19 23. The Due Process Clause does not permit the Government to deprive
20 Petitioner of his physical liberty through such a categorical process.
21

22 24. Petitioner therefore seeks a writ of habeas corpus directing his immediate
23 release from custody.
24

25 25. Alternatively, Petitioner seeks an order requiring Respondents to provide a
26 constitutionally adequate custody hearing before an Immigration Judge
27 applying INA § 236(a), at which the Government bears the burden of
28

1 proving by clear and convincing evidence that continued detention is
2 justified.

3 JURISDICTION AND VENUE

4
5 26. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 because Petitioner
6 is presently in custody under the authority of the United States Department
7 of Homeland Security and is detained in violation of the Constitution and
8 laws of the United States.

9
10 27. This Court additionally has jurisdiction pursuant to 28 U.S.C. § 1331
11 because this action arises under federal law, including the Immigration and
12 Nationality Act, the Administrative Procedure Act, and the Due Process
13 Clause of the Fifth Amendment to the United States Constitution.

14
15 28. Jurisdiction further exists pursuant to 28 U.S.C. §§ 2201 and 2202 because
16 an actual controversy exists regarding the legality of Petitioner's detention
17 and this Court may grant declaratory and further necessary relief.

18
19 29. The Suspension Clause guarantees the availability of the writ of habeas
20 corpus to individuals detained within the United States. U.S. Const. art. I, §
21 9, cl. 2; *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004).

22
23 30. "The essence of habeas corpus is an attack by a person in custody upon the
24 legality of that custody, and the traditional function of the writ is to secure
25
26
27
28

1 release from illegal custody.” *Preiser v. Rodriguez*, 411 U.S. 475, 484
2 (1973).

3
4 31. A writ of habeas corpus may be granted where a petitioner demonstrates that
5 he is “in custody in violation of the Constitution or laws or treaties of the
6 United States.” 28 U.S.C. § 2241(c)(3).

7
8 32. Historically, “the writ of habeas corpus has served as a means of reviewing
9 the legality of Executive detention, and it is in that context that its
10 protections have been strongest.” *I.N.S. v. St. Cyr*, 533 U.S. 289, 301 (2001).
11
12 Federal courts retain jurisdiction to review challenges to the legality of
13 immigration detention that are independent from challenges to removal
14 orders. *Jennings v. Rodriguez*, 583 U.S. 281 (2018).

15
16 33. Petitioner does not challenge any final order of removal, nor does he seek
17 review of the merits of the pending removal proceedings.

18
19 34. Rather, Petitioner challenges only the legality of his present detention, the
20 refusal of immigration authorities to provide a meaningful custody
21 determination, and the continued deprivation of his liberty without
22 constitutionally adequate process.

23
24
25 35. Accordingly, this action is not barred by 8 U.S.C. §§ 1252(a)(5), 1252(b)(9),
26 or 1252(g), because Petitioner does not seek review of any removal order or
27 challenge the Government's decision to commence removal proceedings.
28

1 Instead, Petitioner challenges the legality of his detention and the procedures
2 employed to maintain that detention.

3 36. Courts within the Southern District of California have repeatedly exercised
4 habeas jurisdiction over materially similar detention challenges. See, e.g.,
5 *Tercero Briones v. LaRose*, Case No. 3:25-cv-03421-RBM-AHG (S.D. Cal.
6 Jan. 2, 2026) (granting habeas relief where immigration detention violated
7 applicable procedural protections).
8

9 37. Venue is proper in the Southern District of California pursuant to 28 U.S.C.
10 § 1391(e) because Petitioner is presently detained at the Otay Mesa
11 Detention Center within this District, Respondents exercise custody over
12 Petitioner within this District, and a substantial part of the events and
13 omissions giving rise to the claims asserted herein occurred within this
14 District.
15

16 38. Venue is additionally proper because Petitioner's immediate custodian is
17 located within the Southern District of California and this Court therefore
18 possesses territorial jurisdiction over the custodian responsible for
19 Petitioner's confinement.
20

21 //

22 //

23 //

REQUIREMENTS OF 28 U.S.C. § 2243

39. The Court must grant the writ of habeas corpus or issue an Order to Show Cause unless it appears that Petitioner is not entitled to relief. 28 U.S.C. § 2243.

40. Habeas corpus provides a swift and imperative remedy in all cases of illegal detention and is entitled to prompt judicial review.

PARTIES

41. Petitioner Juan Ramon Vasquez Vasquez is a noncitizen currently detained by Immigration and Customs Enforcement (“ICE”) within the Southern District of California.

42. Respondent Markwayne Mullin is the Secretary of the United States Department of Homeland Security (DHS). As Secretary Respondent MULLIN exercises ultimate authority over DHS and its component agencies, including U.S. Customs and Border Protection (“CBP”) and U.S. Immigration and Customs Enforcement (“ICE”), and is responsible for the administration and enforcement of the Immigration and Nationality Act (“INA”). He is sued in his official capacity.

43. Respondent RODNEY S. SCOTT is the Commissioner of U.S. Customs and Border Protection (“CBP”), a component agency of DHS. In this capacity, Respondent SCOTT is responsible for the policies, practices, and operations

1 of CBP, including the apprehension and initial processing of individuals
2 alleged to be inadmissible under the INA. He is sued in his official capacity.

3 44. Respondent JESUS ROCHA is the Acting Field Office Director for the Los
4 Angeles Field Office of U.S. Immigration and Customs Enforcement
5 (“ICE”), a component agency of DHS. In this role, Respondent ROCHA
6 exercises direct supervisory authority over ICE Enforcement and Removal
7 Operations (“ERO”) officers responsible for the detention, transfer, and
8 release of individuals within this District, including those held at the OTAY
9 MESA DETENTION CENTER. He is the immediate custodian of Petitioner
10 and is sued in his official capacity.
11

12 45. CHRISTOPHER LAROSE, warden of OTAY MESA DETENTION
13 CENTER, as warden of the OTAY MESA CENTER, the Warden oversees
14 the detention center in which petitioner is housed. The warden is sued in
15 his/her official capacity
16

17 46. Respondents DOES 1 through 10 are additional officers, agents, or
18 employees of the United States whose identities are currently unknown, and
19 who are responsible in whole or in part for the unlawful acts alleged herein.
20 Petitioner will amend this Petition to allege their true names and capacities
21 when they are ascertained.
22
23
24
25
26
27
28

FACTUAL ALLEGATIONS

47. Petitioner has resided in the United States for more than twenty years and has extensive family and community ties within California.

48. Petitioner Juan Ramon Vasquez Vasquez is a native and citizen of El Salvador. Petitioner has resided in the United States for approximately twenty-five years and has established substantial family, employment, and community ties within the United States.

49. Petitioner is the father of a nineteen-year-old United States citizen daughter. Petitioner is also the beneficiary of a pending family-based immigration petition filed through his lawful permanent resident spouse, providing a potential pathway toward lawful permanent residence.

50. Petitioner has no history of violence and has maintained extensive ties to the community throughout the pendency of his immigration proceedings.

51. Petitioner fled El Salvador after experiencing severe gang-related persecution and threats directed at him and his family. Petitioner's brother, a police officer, was murdered by gang members. Petitioner himself was threatened, assaulted, and pressured by gang members because he refused to cooperate with gang activities. Members of Petitioner's family were targeted for kidnapping, assault, and other acts of violence by gang members. As a

1 result of these events, Petitioner fled El Salvador and sought protection in
2 the United States.

3
4 52. On or about August 13, 2020, the Department of Homeland Security issued
5 Petitioner a Notice to Appear charging him under INA § 212(a)(6)(A)(i).
6 Petitioner thereafter pursued asylum and related protection from removal.
7
8 Petitioner's Form I-589 Application for Asylum and for Withholding of
9 Removal was referred to the Executive Office for Immigration Review and
10 remains pending before the Immigration Court.
11

12 53. During the pendency of those proceedings, Petitioner remained on the non-
13 detained docket and fully complied with the requirements imposed by the
14 Immigration Court. Petitioner attended hearings as required and remained
15 available to immigration authorities throughout the course of proceedings.
16
17 United States Citizenship and Immigration Services issued Petitioner
18 employment authorization based upon the pendency of his asylum
19 application. Petitioner's Employment Authorization Document remains valid
20 through February 9, 2030. Petitioner maintained lawful employment and
21 continuously supported himself and his family while his immigration
22 proceedings remained pending.
23
24
25

26 54. On May 7, 2026, Petitioner was employed by  a
27 moving company operating in Southern California. On that date, Petitioner
28

1 was performing his ordinary employment duties involving the relocation of a
2 military service member's household belongings. According to DHS records,
3 Petitioner was attempting to enter Camp Pendleton through the Las Pulgas
4 gate as a passenger in a moving truck associated with his employer. Military
5 Police contacted Immigration and Customs Enforcement concerning
6 Petitioner's presence at the installation. ICE officers thereafter responded to
7 Camp Pendleton and encountered Petitioner.
8
9

10 55. Petitioner cooperated fully with law enforcement officers. Petitioner
11 provided identification, including his valid Employment Authorization
12 Document. DHS records confirm that, at the time of his arrest, Petitioner
13 possessed a pending asylum application and valid employment authorization
14 extending through February 9, 2030.
15
16

17 56. Nevertheless, ICE took Petitioner into custody and transported him to
18 immigration detention. DHS subsequently lodged custody charges and
19 detained Petitioner at the Otay Mesa Detention Center.
20
21

22 57. Petitioner thereafter sought an individualized custody determination before
23 the Immigration Court.
24

25 58. Petitioner requested release pursuant to INA § 236(a), 8 U.S.C. § 1226(a),
26 and submitted evidence demonstrating substantial family ties, employment
27 history, community ties, and a lack of dangerousness. Petitioner further
28

1 demonstrated that he had actively litigated his immigration proceedings for
2 years while residing in the community and had consistently complied with
3 all immigration requirements.
4

5 59.Despite those facts, the Immigration Judge declined to conduct a meaningful
6 custody determination. The Immigration Judge did not conduct an
7 evidentiary hearing. The Immigration Judge did not receive testimony
8 concerning Petitioner's family ties, employment history, or community
9 support. The Immigration Judge did not evaluate whether Petitioner
10 presented a danger to the community. The Immigration Judge did not
11 evaluate whether Petitioner presented a risk of flight. The Immigration Judge
12 did not apply the discretionary custody factors identified in *Matter of*
13 *Guerra*, 24 I&N Dec. 37 (BIA 2006). Instead, relying upon *Matter of*
14 *Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), the Immigration Judge
15 concluded that the Immigration Court lacked jurisdiction to consider
16 Petitioner's request for bond because Petitioner was allegedly subject to
17 detention under INA § 235(b).
18
19
20
21
22

23 60.As a result, Petitioner was categorically denied access to any individualized
24 custody determination. Petitioner remains detained at the Otay Mesa
25 Detention Center. Petitioner has never received a meaningful hearing
26 concerning whether his continued detention is necessary to protect the
27
28

1 community or ensure his appearance at future proceedings. Petitioner's
2 continued detention is particularly unreasonable given his decades-long
3 residence in the United States, his active participation in removal
4 proceedings, his valid employment authorization, his family ties, his pending
5 applications for immigration relief, and the absence of any evidence
6 demonstrating that he presents either a danger to the community or a risk of
7 flight.
8

9
10 61. Petitioner remains imprisoned solely because immigration authorities have
11 refused to provide the individualized custody determination required by the
12 Constitution and laws of the United States.
13
14

15 LEGAL BACKGROUND

16 62. The Due Process Clause of the Fifth Amendment applies to all persons
17 physically present within the United States, including noncitizens involved
18 in immigration proceedings. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).
19 The protections of the Due Process Clause extend to immigration detention
20 and removal proceedings. *Reno v. Flores*, 507 U.S. 292, 306 (1993);
21 *Zadvydas*, 533 U.S. at 693.
22
23
24

25 63. Freedom from physical restraint lies at the core of the liberty protected by
26 the Due Process Clause. *Zadvydas*, 533 U.S. at 690. Even noncitizens
27 subject to immigration detention retain constitutionally protected liberty
28

1 interests that may not be deprived without adequate procedural safeguards.

2 See *Zadvydas*, 533 U.S. at 690; *Jennings v. Rodriguez*, 583 U.S. 281 (2018).

3 Courts evaluating procedural due process claims examine: (a) whether a
4 protected liberty interest exists; and (b) what procedures are constitutionally
5 required before the Government may deprive an individual of that liberty
6 interest.
7

8
9 64. In determining what procedures are constitutionally required, courts apply
10 the balancing framework articulated in *Mathews v. Eldridge*, 424 U.S. 319
11 (1976), including:

12
13 a. the private interest affected by the governmental action;

14
15 b. the risk of an erroneous deprivation of liberty under existing
16 procedures and the probable value of additional safeguards; and

17
18 c. the Government's interest, including the administrative burdens
19 associated with additional procedural protections.

20
21 65. The Supreme Court has repeatedly recognized that civil immigration
22 detention is constitutionally permissible only because it is regulatory rather
23 than punitive in nature. *Zadvydas*, 533 U.S. at 690; *Demore v. Kim*, 538 U.S.
24 510, 527–28 (2003). The Immigration and Nationality Act establishes
25 different detention frameworks depending upon the circumstances of the
26 noncitizen's apprehension and immigration status.
27
28

1 66. INA § 236(a), 8 U.S.C. § 1226(a), governs the arrest and detention of
2 noncitizens pending a decision on whether they are to be removed from the
3 United States and authorizes individualized custody determinations.
4

5 67. Under INA § 236(a), noncitizens may seek release on bond or other
6 conditions of supervision following an individualized determination
7 concerning danger to the community and risk of flight.
8

9 68. Immigration Judges possess authority to conduct bond redetermination
10 proceedings under INA § 236(a) and evaluate discretionary custody factors,
11 including family ties, employment history, community ties, immigration
12 history, criminal history, and likelihood of appearance. See *Matter of*
13 *Guerra*, 24 I&N Dec. 37 (BIA 2006).
14
15

16 69. INA § 235(b), 8 U.S.C. § 1225(b), governs certain applicants for admission
17 and certain individuals encountered at or near the border. The Government
18 has asserted that Petitioner is subject to detention under INA § 235(b) and
19 therefore ineligible for bond based upon *Matter of Yajure-Hurtado*, 29 I&N
20 Dec. 216 (BIA 2025). However, federal courts have rejected the conclusion
21 that all noncitizens who originally entered without inspection are
22 automatically subject to detention under INA § 235(b) regardless of where
23 and when they are apprehended.
24
25
26
27
28

1 70. In *Maldonado Bautista v. Santacruz*, Case No. 5:25-cv-01873 (C.D. Cal.),
2 the district court rejected the central legal premise underlying *Matter of*
3 *Yajure-Hurtado* and concluded that noncitizens who entered without
4 inspection but were not apprehended upon arrival are detained pursuant to
5 INA § 236(a), rather than INA § 235(b). Federal courts have repeatedly
6 recognized that detention challenges arising from the Government's
7 application of INA § 235(b) present substantial constitutional and statutory
8 questions properly reviewable through habeas corpus.
9

10
11
12 71. Habeas corpus remains available to challenge unlawful immigration
13 detention. The Supreme Court has long recognized that "[t]he essence of
14 habeas corpus is an attack by a person in custody upon the legality of that
15 custody, and the traditional function of the writ is to secure release from
16 illegal custody." *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973).
17

18
19 72. The writ of habeas corpus has historically served as a critical mechanism for
20 reviewing executive detention, and its protections are at their strongest when
21 an individual challenges the legality of physical confinement. *I.N.S. v. St.*
22 *Cyr*, 533 U.S. 289, 301 (2001).
23

24
25 73. Recently, courts within the Southern District of California have reaffirmed
26 that federal district courts possess jurisdiction to review the legality of
27
28

1 immigration detention and to order release where detention violates
2 constitutional or statutory requirements.

3
4 74. Due process requires a meaningful opportunity to challenge detention before
5 a neutral decisionmaker. A detention scheme that categorically denies an
6 individual any opportunity to obtain an individualized custody determination
7 creates a substantial risk of erroneous deprivation of liberty. Where the
8 Government deprives an individual of liberty without providing the
9 procedures necessary to ensure a reliable custody determination, continued
10 detention violates the Due Process Clause of the Fifth Amendment.
11

12
13 75. These constitutional protections apply with particular force where, as here,
14 the detainee has longstanding ties to the United States, a pending application
15 for relief from removal, valid employment authorization issued by the
16 federal government, substantial family ties, and a history of compliance with
17 immigration proceedings.
18
19

20
21 **CLAIM FOR RELIEF**

22 **COUNT I**

23 **Violation of the Fifth Amendment (Procedural Due Process)**

24
25 76. Petitioner re-alleges and incorporates by reference all preceding paragraphs
26 as though fully set forth herein.
27
28

1 77. Petitioner possesses a substantial liberty interest in freedom from physical
2 restraint and continued detention. Freedom from imprisonment lies at the
3 core of the liberty protected by the Due Process Clause of the Fifth
4 Amendment.
5

6 78. Petitioner has resided in the United States for approximately twenty-five
7 years. Petitioner is the father of a United States citizen daughter. Petitioner
8 maintains substantial family, employment, and community ties within the
9 United States. Petitioner possesses a pending asylum application and
10 remains eligible to pursue relief from removal before the Immigration Court.
11 Petitioner also possesses a pending family-based immigration pathway
12 through his lawful permanent resident spouse.
13
14
15

16 79. Prior to detention, Petitioner actively litigated removal proceedings while
17 residing in the community and consistently complied with all immigration
18 requirements. The private liberty interests at stake are therefore
19 exceptionally significant. The risk of erroneous deprivation of liberty in this
20 case is extraordinarily high.
21
22

23 80. Petitioner was denied liberty without:
24

- 25 a. an evidentiary hearing;
- 26 b. testimony;
- 27 c. individualized findings regarding danger to the community;
- 28

- d. individualized findings regarding flight risk;
- e. consideration of the factors identified in *Matter of Guerra*;
- f. meaningful adversarial testing of the Government's detention theory; or
- g. any neutral determination concerning whether continued detention was necessary.

81. The Immigration Judge denied bond solely upon the conclusion that the Immigration Court lacked jurisdiction pursuant to *Matter of Yajure-Hurtado*.

82. As a result, Petitioner never received any meaningful custody determination. The Government's interest in denying a hearing is minimal.

83. Immigration Judges routinely conduct custody redetermination hearings and regularly evaluate danger and flight risk. The additional procedural safeguards sought by Petitioner impose little or no administrative burden.

84. Under the balancing framework established in *Mathews v. Eldridge*, Respondents' continued detention of Petitioner without an individualized custody hearing violates the Due Process Clause of the Fifth Amendment.

85. Petitioner is therefore entitled to immediate release or, at minimum, a constitutionally adequate custody hearing.

//

//

//

COUNT II

VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT

86. Petitioner re-alleges and incorporates by reference all preceding paragraphs.

87. Respondents contend that Petitioner is detained pursuant to INA § 235(b), 8 U.S.C. § 1225(b).

88. Petitioner was not apprehended while seeking admission to the United States. Petitioner was not apprehended at a port of entry. Petitioner was not apprehended at or near the border. Petitioner was not apprehended shortly after entry into the United States. Instead, Petitioner was arrested in the interior of the United States while lawfully employed and performing ordinary work duties. At the time of his arrest, Petitioner had a pending asylum case, valid employment authorization, and active removal proceedings pending before the Immigration Court.

89. Under the Immigration and Nationality Act, noncitizens arrested under such circumstances are detained pursuant to INA § 236(a), 8 U.S.C. § 1226(a), absent a specific statutory basis for mandatory detention.

90. Respondents unlawfully treated Petitioner as though he were an arriving alien seeking admission and thereby deprived him of the custody procedures available under INA § 236(a).

1 91. The Immigration Judge's reliance upon *Matter of Yajure-Hurtado* resulted in
2 the erroneous conclusion that the Immigration Court lacked bond
3 jurisdiction.
4

5 92. Respondents' actions are contrary to the Immigration and Nationality Act
6 and exceed the authority granted by Congress. Petitioner is therefore entitled
7 to habeas relief.
8

9 **COUNT III**

10 **VIOLATION OF THE FIFTH AMENDMENT**
11 **(Arbitrary and Capricious Deprivation of Liberty)**
12

13 93. Petitioner re-alleges and incorporates by reference all preceding paragraphs.
14

15 94. Civil immigration detention must remain regulatory rather than punitive.

16 Detention may be justified only insofar as it reasonably serves legitimate
17 governmental interests such as ensuring appearance at proceedings or
18 protecting the community.
19

20 95. Respondents have never established that Petitioner presents a danger to the
21 community. Respondents have never established that Petitioner presents a
22 risk of flight. Petitioner maintained lawful employment. Petitioner remained
23 in active immigration proceedings for years while living in the community.
24 Petitioner possesses substantial family ties within the United States.
25
26
27
28

1 Petitioner possesses pending applications for immigration relief. Petitioner
2 has every incentive to appear for future proceedings and pursue lawful relief.
3
4 96. Nevertheless, Respondents continue to incarcerate Petitioner without any
5 individualized determination that detention is necessary. Detention imposed
6 without any meaningful evaluation of danger or flight risk constitutes
7 arbitrary governmental action prohibited by the Due Process Clause.
8
9 97. Respondents' actions therefore violate the Fifth Amendment.

10
11 **COUNT IV**

12 **UNLAWFUL DETENTION IN EXCESS OF STATUTORY AUTHORITY**

13 98. Petitioner re-alleges and incorporates by reference all preceding paragraphs.
14
15 99. The Immigration Court refused to exercise custody jurisdiction based
16 exclusively upon Matter of Yajure-Hurtado. That ruling deprived Petitioner
17 of the individualized custody determination required by INA § 236(a).
18
19 100. Respondents continue to detain Petitioner despite the absence of any
20 lawful custody determination.
21
22 101. Because Respondents have acted in excess of statutory authority and
23 contrary to the Immigration and Nationality Act, Petitioner's detention is
24 unlawful and subject to review under 28 U.S.C. § 2241.
25
26 102. Petitioner is entitled to immediate release or other appropriate habeas
27 relief.
28

EXHAUSTION OF ADMINISTRATIVE REMEDIES

103. Petitioner has exhausted all administrative remedies that are available and adequate under the circumstances.

104. Alternatively, exhaustion should be excused because further administrative proceedings would be futile. The issues presented are primarily constitutional and statutory in nature. The Immigration Court has already concluded that it lacks jurisdiction to provide the relief sought.

105. Continued detention constitutes an ongoing deprivation of liberty that cannot be adequately remedied through prolonged administrative review. Immediate judicial intervention is therefore warranted.

IRREPARABLE HARM

106. Petitioner continues to suffer irreparable harm as a direct result of unlawful detention.

107. The loss of physical liberty constitutes irreparable injury as a matter of law.

108. Petitioner has been separated from his family, community, and employment. Petitioner's detention has caused substantial emotional, psychological, and financial hardship to both Petitioner and his family.

109. Continued detention prevents Petitioner from supporting his United States citizen daughter and pursuing lawful employment for which he

1 remains authorized by the federal government. Absent intervention by this
2 Court, Petitioner will continue to suffer ongoing and irreparable violations of
3 his constitutional and statutory rights.
4

5 **PRAYER FOR RELIEF**

6 WHEREFORE, Petitioner respectfully requests that this Court:

7
8 A. Assume jurisdiction over this Petition pursuant to 28 U.S.C. §§ 2241
9 and 1331;

10 B. Issue a writ of habeas corpus declaring that Petitioner's continued
11 detention violates the Constitution and laws of the United States;

12 C. Declare that Petitioner's detention is governed by INA § 236(a), 8 U.S.C.
13 § 1226(a), rather than INA § 235(b), 8 U.S.C. § 1225(b);
14

15 D. Declare that the categorical denial of an individualized custody
16 determination based upon *Matter of Yajure-Hurtado* violates the Immigration and
17 Nationality Act and the Due Process Clause of the Fifth Amendment under the
18 circumstances presented here;
19
20
21

22 E. Order Respondents to immediately release Petitioner from immigration
23 custody under reasonable conditions of supervision;

24 F. Alternatively, if the Court declines to order immediate release, direct
25 Respondents to provide Petitioner with a prompt individualized custody hearing
26 before an Immigration Judge exercising jurisdiction under INA § 236(a);
27
28

1 G. Order that any custody hearing be conducted within seven (7) days of the
2 Court's order, or within such other time as the Court deems appropriate;

3
4 H. Order that at any such custody hearing the Government bear the burden
5 of proving, by clear and convincing evidence, that Petitioner's continued detention
6 is necessary because he presents either a danger to the community or a risk of
7 flight;
8

9 I. Prohibit Respondents from relying solely upon Petitioner's manner of
10 entry or *Matter of Yajure-Hurtado* as a basis for denying access to an
11 individualized custody determination;
12

13 J. Enjoin Respondents from continuing to detain Petitioner absent a lawful
14 custody determination consistent with the Constitution and the Immigration and
15 Nationality Act;
16

17 K. Award Petitioner's reasonable attorneys' fees, costs, and expenses to the
18 extent authorized by law, including but not limited to the Equal Access to Justice
19 Act, 28 U.S.C. § 2412;
20
21

22 L. Retain jurisdiction over this matter to enforce the Court's orders and
23 ensure compliance with any relief granted herein; and
24

25 M. Grant such other and further relief as this Court deems just, proper, and
26 equitable.
27
28

1 Dated: June 9, 2026

2 
3 _____
4 Valmiki Reyes, Esq.
5 Attorney for Petitioner
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

I, Valimiki Reyes, am submitting this verification on behalf of JUAN RAMON VASQUEZ VASQUEZ, who is currently detained by the U.S. Department of Homeland Security at the OTAY MESA DETENTION CENTER in Otay Mesa, California. Petitioner is being held under conditions that severely restrict or prevent meaningful communication with the outside world. As a result, he is unable to review or sign this petition personally or to prepare and file it on his own behalf.

I have communicated with Petitioner to the extent possible and have obtained the factual information contained in this Petition from my direct knowledge, records, and reliable sources. I hereby verify that, to the best of my knowledge and belief, the factual statements contained in the attached Petition for Writ of Habeas Corpus are true and correct, and that I could testify to those facts if called upon to do so.

Executed this 9th day of June, 2026, at Los Angeles, California.



Valmiki Reyes