

1 LAW OFFICES OF JOSEPH MBACHO SB# 139580
2 2125 WINTERHAVEN DR.
3 P.O BOX 875
4 WINTERHAVEN, CA. 92283
5 (760) 572-2129 FAX (760) 572-0076
6 Attorney for Petitioner

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8 UNITED STATES DISTRICT COURT
9 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
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11 JESUS O. CHAVARRIA ZELADA) CASE: **'26CV3681 DMS JLB**
12 PETITIONER,) 
13)
14 V.) PETITION FOR WRIT OF
15) HABEAS CORPUS UNDER
16 IMPERIAL DETENTION FACILITY) 28 U.S.C. § 2241
17 DEFENDANT.)
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14 Petitioner Jesus Orlando Zelada Chavarria, through
15 undersigned counsel, respectfully petitions this Court
16 for a writ of habeas corpus under 28 U.S.C. § 2241.
17 Petitioner is detained by Respondents at Imperial
18 Regional Detention Facility in Calexico, California.
19 Petitioner does not ask this Court to re-weigh
20 ordinary bond evidence or substitute its judgment for
21 the Immigration Judge's discretionary custody
22 decision.

23 Petitioner challenges the legality of his
24 continued detention because the custody process did
25

1 not provide a meaningful, individualized determination
2 sufficient to justify continued civil detention.

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4 I

5 PARTIES

6 1. Petitioner Jesus Orlando Zelada Chavarria is a
7 native and citizen of El Salvador. His A-Number is
8 .

9 2. Petitioner is detained at Imperial Regional
10 Detention Facility, located at 1572 Gateway Road,
11 Calexico, California 92231.

12 3. Respondent, Warden of Imperial Regional Detention
13 Facility is Petitioner's immediate custodian.

14 4. Respondents Department of Homeland Security and
15 Immigration and Customs Enforcement are
16 responsible for Petitioner's detention and
17 continued custody.

18 II

19 JURISDICTION AND VENUE

20 This Court has jurisdiction under 28 U.S.C. § 2241
21 because Petitioner is in federal immigration custody
22 and challenges the legality of that custody.

23 Venue is proper in this District because
24 Petitioner is detained within the Southern District of
25 California at Imperial Regional Detention Facility.

III

STATEMENT OF FACTS

Petitioner is a native and citizen of El Salvador. DHS alleges that Petitioner arrived in the United States at or near Rio Grande, Texas, on or about June 28, 2022, and that he was not admitted or paroled after inspection by an immigration officer.

Petitioner was detained by Respondents on or about November 27, 2025. After his detention, Petitioner requested a bond hearing. The Immigration Court initially denied bond based on lack of jurisdiction.

Petitioner then filed a habeas petition in this Court. On February 20, 2026, this Court granted the petition. The Court noted that Respondents acknowledged Petitioner is detained under 8 U.S.C. § 1226(a) and is entitled to a bond hearing under § 1226(a). The Court ordered Respondents to provide a bond hearing and stated that bond could not be denied based on § 1225.

On March 11, 2026, the Immigration Judge denied bond. The written custody order states only that bond was denied because of "risk of flight as stated on the record." Petitioner submitted bond evidence showing family support, sponsor support, proposed housing, employment history, tax records, W-2 records, and community ties. Petitioner's sponsor committed to

1 providing housing and support. Petitioner also
2 submitted support from family and community members.
3 Petitioner later filed a motion to reconsider the bond
4 denial. The motion argued that the flight-risk finding
5 was unsupported and did not reflect an individualized
6 assessment of the record evidence. Petitioner also
7 submitted a declaration explaining the address issue
8 and why the different addresses did not show an intent
9 to evade proceedings.

10 On June 18, 2026, the Immigration Judge denied
11 reconsideration. The Court stated that after an
12 initial bond redetermination, a respondent may request
13 a subsequent hearing only by showing materially
14 changed circumstances under 8 C.F.R. § 1003.19(e). The
15 Court found no new information that had not been
16 presented at the initial hearing. The Court also
17 stated concerns regarding failure to notify DHS of an
18 address change, false information in the I-589,
19 speculative relief, and evasive answers regarding
20 flight risk.

21 Petitioner remains detained.

22 IV

23 EXHAUSTION

24 Petitioner has sought custody redetermination
25 before the Immigration Court. Petitioner also filed a

1 motion to reconsider the bond denial, which was
2 denied.

3 To the extent Respondents argue further
4 administrative review is required, exhaustion should
5 be excused because Petitioner challenges the legality
6 and constitutional sufficiency of the process used to
7 continue his detention. Further administrative review
8 is inadequate to remedy the ongoing unlawful detention
9 raised in this petition.

10 V

11 GROUND FOR RELIEF

12 GROUND ONE

13 PETITIONER'S CONTINUED DETENTION VIOLATES DUE PROCESS
14 BECAUSE THE BOND PROCESS DID NOT PROVIDE A MEANINGFUL
15 AND INDIVIDUALIZED CUSTODY DETERMINATION

16 Petitioner is detained under 8 U.S.C. § 1226(a).
17 Detention under § 1226(a) requires an individualized
18 custody determination addressing whether detention is
19 necessary to prevent danger or flight.

20 Here, the March 11, 2026 bond order denied bond on
21 the ground that Petitioner was a "risk of flight as
22 stated on the record." The written order did not
23 explain why Petitioner's sponsor, family support,
24 proposed address, work history, tax records, and
25 community ties were insufficient. It also did not

1 explain why reasonable conditions of release could not
2 mitigate any concern regarding flight risk.

3 The later reconsideration order identified
4 concerns regarding address history, alleged false
5 information in the I-589, speculative relief, and
6 evasive answers. However, that order still did not
7 meaningfully explain why detention is necessary
8 instead of granting bond or for Petitioner to be
9 released under reasonable conditions. The order also
10 treated the request as requiring materially changed
11 circumstances, instead of addressing whether the
12 initial custody process provided a constitutionally
13 sufficient determination.

14 Petitioner does not ask this Court to decide
15 ordinary bond discretion. Petitioner asks this Court
16 to find that continued detention is unlawful where the
17 custody process did not meaningfully explain why
18 detention remains necessary despite available
19 conditions that could ensure appearance.

20 **GROUND TWO**

21 **THE CUSTODY PROCESS FAILED TO ADDRESS WHETHER**
22 **REASONABLE CONDITIONS COULD MITIGATE ANY FLIGHT-RISK**
23 **CONCERN**

24 The purpose of detention under § 1226(a) is to
25 ensure appearance and protect the community while

1 removal proceedings are pending. Detention is not
2 supposed to be punishment.

3 Petitioner presented evidence of a proposed
4 residence, sponsor support, family support, employment
5 history, tax records, and community ties. Even if the
6 Immigration Judge had concerns regarding address
7 history or answers given at the hearing, the custody
8 decision still had to address whether conditions could
9 reasonably mitigate those concerns. Reasonable
10 conditions could include ICE supervision, regular
11 check-ins, address reporting, travel restrictions,
12 electronic monitoring if necessary, and any other
condition the Court deems appropriate.

13 Neither the bond order nor the reconsideration
14 order explains why those conditions would be
15 insufficient. Continued detention without that
16 analysis is not reasonably related to the purpose of
17 civil immigration detention.

18 **GROUND THREE**

19 **THE PRIOR FEDERAL HABEAS ORDER REQUIRED A REAL §**
20 **1226(a) BOND PROCESS, NOT A CONCLUSORY RESULT**

21 This Court previously granted habeas relief
22 because Petitioner was being denied a bond hearing
23 based on lack of jurisdiction. The Court ordered a
24 bond hearing under § 1226(a) and prohibited denial of
25 bond based on § 1225.

1 Petitioner received a bond hearing, but the result
2 did not cure the constitutional problem. The March 11
3 order denied bond with only a bare reference to "risk
4 of flight." The reconsideration order then denied
5 further review by finding no materially changed
6 circumstances, while relying on concerns that still do
7 not explain why detention is necessary rather than
8 release under conditions.

9 A bond hearing must be meaningful. Petitioner
10 respectfully submits that the process following the
11 prior habeas order was not sufficient to justify
12 continued civil detention.

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14 GROUND FOUR

15 PROLONGED CIVIL DETENTION WITHOUT A MEANINGFUL BOND

16 DETERMINATION VIOLATES DUE PROCESS

17 Petitioner has been detained since approximately
18 November 27, 2025. His detention has continued for
19 months while his immigration proceedings remain
20 pending.

21 Petitioner is not serving a criminal sentence. He
22 is detained in civil immigration custody. Civil
23 detention must remain reasonably related to its
24 purpose. Where a person presents evidence of family
25 support, a proposed residence, work history, tax

1 history, and willingness to comply with proceedings,
2 continued detention requires a meaningful explanation.
3 Petitioner has not received a meaningful explanation
4 why detention remains necessary and why reasonable
5 conditions cannot ensure his appearance other than the
6 vague explanation in the bond reconsideration order.
7 Continued detention under these circumstances violates
8 due process.

9 VI

10 REQUEST FOR RELIEF

11 WHEREFORE, Petitioner respectfully requests that
12 this Court:

- 13 1. Assume jurisdiction under 28 U.S.C. § 2241;
- 14 2. Issue an order requiring Respondents to show cause
15 why the petition should not be granted;
- 16 3. Grant the petition for writ of habeas corpus;
- 17 4. Order Respondents to release Petitioner from
18 custody on reasonable conditions, including
19 supervision, check-ins, address reporting, travel
20 restrictions, electronic monitoring if necessary,
21 or any other condition the Court deems
22 appropriate;
- 23 5. In the alternative, order Respondents to provide
24 Petitioner with a new constitutionally sufficient
25 bond hearing before an Immigration Judge within
seven days, with a reasoned decision addressing

1 the evidence and whether reasonable conditions can
2 mitigate any asserted flight risk;

3 6. Order that Petitioner not be transferred outside
4 the Southern District of California while this
5 petition is pending and before any ordered bond
6 hearing or release determination is completed; and

7 7. Grant any other relief the Court deems just and
8 proper.
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11 Date: 6/23/2026

Respectfully Submitted,

13 /S/ JOSEPH MBACHO

14 JOSEPH MBACHO, Esq.

15 Attorney for Petitioner
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