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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

JAIRON ENRIQUE BORJAS-CASTILLO, Case No.: 26-cv-03690-BAS-VET

Petitioner,

**RETURN TO AMENDED PETITION
FOR WRIT OF HABEAS CORPUS**

v.

TODD BLANCHE, Acting Attorney
General of the United States; *et al.*,

Respondent.

Introduction

On June 4, 2026, this Court denied Petitioner's first petition¹ for writ of habeas corpus due to Petitioner's failure to exhaust administrative remedies by not appealing the Immigration Judge's bond order. *See* Exhibit 1. Petitioner now files a new Petition, which fails to acknowledge the first petition, and instead alleges prolonged detention under 8 U.S.C. § 1231. ECF No. 1. However, Petitioner is not yet subject to a final order of removal under 8 U.S.C. § 1231 while Petitioner's removal order is pending appeal at the Board of Immigration Appeals.

Accordingly, Petitioner fails to plead sufficient information for the Court to rule on the Petition. The Constitution limits federal judicial power to designated "cases" and

¹ Case No. 26-cv-2909-BAS-VET

1 “controversies.” U.S. Const., art. III, § 2; *see also SEC v. Med. Comm. for Human*
2 *Rights*, 404 U.S. 403, 407 (1972) (federal courts may only entertain matters that present
3 a “case” or “controversy” within the meaning of Article III). “Absent a real and
4 immediate threat of future injury there can be no case or controversy, and thus no Article
5 III standing for a party seeking injunctive relief.” *Wilson v. Brown*, No. 05-cv-1774-
6 BAS-MDD, 2015 WL 8515412, at *3 (S.D. Cal. Dec. 11, 2015) (citing *Friends of the*
7 *Earth, Inc. v. Laidlaw Envtl. Servs. (TOC), Inc.*, 528 U.S. 167, 190 (2000) (“[I]n a
8 lawsuit brought to force compliance, it is the plaintiff’s burden to establish standing by
9 demonstrating that, if unchecked by the litigation, the defendant’s allegedly wrongful
10 behavior will likely occur or continue, and that the threatened injury is certainly
11 impending.”) (simplified)). At the “irreducible constitutional minimum,” standing
12 requires that a petitioner demonstrate the following: (1) an injury in fact (2) that is fairly
13 traceable to the challenged action of the United States and (3) likely to be redressed by
14 a favorable decision. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (1992).

15 Moreover, an individual may seek habeas relief under 28 U.S.C. § 2241 if he is
16 “in custody” under federal authority “in violation of the Constitution or laws or treaties
17 of the United States.” 28 U.S.C. § 2241(c). But habeas relief is available to challenge
18 only the legality or duration of confinement. *Pinson v. Carvajal*, 69 F.4th 1059, 1067
19 (9th Cir. 2023); *Crawford v. Bell*, 599 F.2d 890, 891 (9th Cir. 1979); *Dep’t of Homeland*
20 *Security v. Thraissigiam*, 591 U.S. 103, 117 (2020) (The writ of habeas corpus
21 historically “provide[s] a means of contesting the lawfulness of restraint and securing
22 release.”). The Ninth Circuit squarely explained how to decide whether a claim sounds
23 in habeas jurisdiction: “[O]ur review of the history and purpose of habeas leads us to
24 conclude the relevant question is whether, based on the allegations in the petition,
25 release is *legally required* irrespective of the relief requested.” *Pinson*, 69 F.4th at 1072
26 (emphasis in original); *see also Nettles v. Grounds*, 830 F.3d 922, 934 (9th Cir. 2016)
27 (The key inquiry is whether success on the petitioner’s claim would “necessarily lead
28 to immediate or speedier release.”); *Guselnikov v. Noem*, No. 25-cv-1971-BTM-KSC,

2025 WL 2300873, at *1 (S.D. Cal. Aug. 8, 2025) (finding petitioners’ claims did not arise under § 2241 because they were not arguing they were unlawfully in custody and receiving the requested relief would not entitle them to release); *Giron Rodas v. Lyons*, No. 25cv1912-LL-AHG, 2025 WL 2300781, at *3 (S.D. Cal. Aug. 1, 2025) (“Like in *Pinson*, the Court lacks jurisdiction over Petitioner’s § 2241 habeas petition since it cannot be fairly read as attacking ‘the legality or duration of confinement.’”) (quoting *Pinson*, 69 F.4th at 1065).

Moreover, the Supreme Court has held that “[h]abeas Corpus Rule 2(c) is more demanding [than Federal Rule of Civil Procedure 8(a)]. It provides that the petition must ‘specify all the grounds for relief available to the petitioner’ and ‘state the facts supporting each ground.’” *Mayle v. Felix*, 545 U.S. 644, 655 (2005) (citing Rules Governing Section 2254 Cases in the United States District Court (“Federal Habeas Rules”)); *see also James v. Borg*, 24 F.3d 20, 26 (9th Cir. 1994) (“Conclusory allegations which are not supported by a statement of specific facts do not warrant habeas relief.”). As stated by the Advisory Committee’s Note on Habeas Corpus Rule 4, 28 U.S.C., p. 471, “notice pleading is not sufficient, for the petition is expected to state facts that point to a real possibility of constitutional error.”) (internal quotation marks omitted).

Here, Petitioner’s habeas petition fails to supply sufficient information for the Court to adjudicate Petitioner’s claims. As such, the Court should deny the petition. *See Alonso Velasquez v. LaRose*, No. 25-cv-3216-JES-AHG, 2025 WL 3473773 (S.D. Cal. Dec. 3, 2025) (dismissing without prejudice habeas petition that failed to allege sufficient factual information).

DATED: July 2, 2026

Respectfully submitted,

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