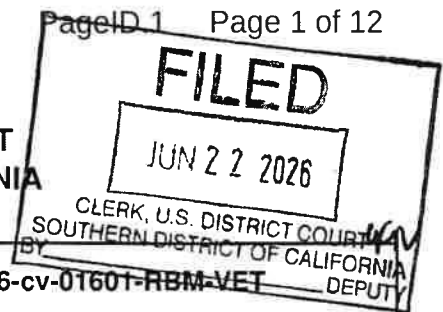


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**



ANDREIVER ALFREDO MUÑOZ, Petitioner,	Prior Case No. 3:26-cv-01601-RBM-VET PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241 CONTAINING ADDITIONAL FACTS AFTER DISMISSAL WITHOUT PREJUDICE Civil immigration detention - Otay Mesa Detention Center
v.	<u>'26CV3655 BJC DDL</u>
WARDEN, OTAY MESA DETENTION CENTER, Respondent.	

IMPORTANT FILING NOTE: This petition is intended to be complete in itself and not dependent on prior filings. It includes the factual details identified as missing in both prior dismissal orders, including entry date and location, custody and release history, parole/recognizance status, bond hearing history, current asylum status, absence of a known final removal order, and the stage of immigration proceedings.

Petitioner respectfully files pro se and requests that the Court liberally construe this filing while applying the required habeas screening standards.

Respectfully submitted,

Andreiver Alfredo Muñoz
Petitioner, Pro Se

Currently detained: Otay Mesa Detention Center
Date: _____

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

I. INTRODUCTION

Petitioner Andreiver Alfredo Muñoz respectfully files this petition for writ of habeas corpus under 28 U.S.C. § 2241 challenging his continued civil immigration detention at Otay Mesa Detention Center. This petition is submitted after two prior dismissals without prejudice. The earlier dismissals did not bar a future petition. The Court identified missing facts needed to evaluate the claim. This petition provides those facts in detail and attaches supporting exhibits so the filing is complete in itself.

Petitioner has been detained since December 30, 2025. He has no criminal history other than a non-violent traffic-related matter that he was already attempting to resolve before detention. He has no known final order of removal. He has an active pending asylum case with a final hearing scheduled for May 26, 2026. He previously presented himself to Border Patrol, was processed, was issued a Notice to Appear, and was released by DHS on his own recognizance on September 26, 2023. He has family, community, work, and humanitarian ties, including a pregnant fiancée with a high-risk pregnancy condition and an unborn child.

Petitioner requests release, or at minimum a constitutionally adequate individualized custody determination or bond hearing that meaningfully considers his lack of danger, lack of flight risk, pending asylum case, prior release on recognizance, family ties, and humanitarian circumstances.

II. PRIOR DISMISSAL ORDERS AND HOW THIS PETITION ADDRESSES THEM

The first dismissal explained that the petition did not provide sufficient facts to show why habeas relief was warranted. The Court specifically noted that the earlier filing failed to include enough factual detail about immigration status, how long Petitioner had resided in the United States, when and where he entered, the nature of his immigration matters, whether he had received a bond hearing, whether he had previously been released on parole or recognizance, and whether he was subject to mandatory detention.

The second dismissal, filed May 15, 2026, again dismissed without prejudice and stated that the Court was missing important information needed to evaluate the prolonged detention claim. The Court specifically identified missing information including: when Petitioner first entered the United States, whether he was ever given parole, whether an immigration judge has ordered him removed, and what stage his immigration proceedings are currently in.

This petition directly answers each missing point: Petitioner entered near Eagle Pass, Texas on September 21, 2023; voluntarily surrendered to Border Patrol; received an NTA; was released by DHS on his own recognizance on September 26, 2023; has no known final removal order; has a pending asylum case with a final hearing scheduled May 26, 2026; filed asylum in February 2026; received a bond hearing on March 8, 2026 that was denied; and remains in active immigration proceedings.

Issue identified by Court	Detailed answer included in this petition
When and where Petitioner entered	Entered near Eagle Pass, Texas on or about September 21, 2023.
Whether he surrendered or evaded authorities	He voluntarily turned himself in to Border Patrol and was processed by DHS/CBP.
Whether he received an NTA	Yes. DHS issued a Notice to Appear placing him in removal proceedings.
Whether he was ever released/paroled/recognized	Yes. DHS released him on his own recognizance on September 26, 2023.
Whether he has a final removal order	To the best of Petitioner's knowledge, no final order of removal currently exists.
Stage of immigration proceedings	Asylum case pending; final asylum hearing scheduled for May 26, 2026; Petitioner intends to appeal if denied.
Bond hearing	Bond hearing held March 8, 2026; bond denied based on assertion that asylum was not filed through proper channels.
Criminal history	No criminal history, no violence, no felonies; only non-violent traffic-related Utah warrant from 2024 uninsured motorist citation.

III. JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody under the authority of the United States and challenges the legality and constitutionality of his continued detention. Petitioner is detained at Otay Mesa Detention Center in San Diego, California, within the Southern District of California. Respondent is the Warden of Otay Mesa Detention Center, the immediate custodian for purposes of habeas relief.

IV. PARTIES

Petitioner Andreiver Alfredo Muñoz is a native and citizen of Venezuela. His A-File number listed on immigration paperwork is  He is currently detained at Otay Mesa Detention Center.

Respondent is the Warden of Otay Mesa Detention Center, where Petitioner is presently held in civil immigration detention.

V. DETAILED FACTUAL BACKGROUND AND TIMELINE

Date	Event / Fact
September 21, 2023	Petitioner entered the United States at or near Eagle Pass, Texas. He voluntarily surrendered to United States Border Patrol authorities for processing.
September 22, 2023	DHS issued a Warrant for Arrest of Alien indicating that Petitioner entered near Eagle Pass, Texas on September 21, 2023 and was subject to custody under section 236 of the Immigration and Nationality Act.
September 26, 2023	DHS issued a Notice of Custody Determination. DHS did not continue detention. Instead, DHS released Petitioner on his own recognizance.

Date	Event / Fact
September 26, 2023	DHS issued an Order of Release on Recognizance requiring Petitioner to comply with release conditions, including reporting for hearings/interviews, not changing residence without permission, and obeying laws.
April 29, 2025	The NTA listed an immigration court appearance in Orlando, Florida. Petitioner reports that he went to the hearing in April 2025 but was told there was no active case/hearing information and he was not allowed inside.
February 2026	Petitioner filed for asylum.
December 30, 2025	Petitioner was arrested by Utah Highway Patrol due to an outstanding warrant related to a 2024 uninsured motorist traffic citation. The matter was non-violent and traffic-related.
Before detention	Petitioner had obtained automobile insurance and scheduled a court date for January 14, 2026 to address the traffic matter. He was detained before he could appear and resolve it.
After December 30, 2025	Petitioner was transferred to ICE custody and ultimately detained at Otay Mesa Detention Center.
March 8, 2026	Petitioner received a bond hearing. Bond was denied based on the stated reason that he had not filed asylum through proper channels.
May 15, 2026	The District Court dismissed the amended petition without prejudice and identified the additional factual information needed. This petition supplies those facts.
May 26, 2026	Petitioner's final asylum hearing is scheduled. Petitioner is requesting documentary proof and will attach it as Exhibit N when received.

A. Entry, DHS Processing, and NTA

Petitioner entered the United States near Eagle Pass, Texas on or about September 21, 2023. He did not hide from immigration authorities. He voluntarily turned himself in to Border Patrol. DHS/CBP processed him, issued a Warrant for Arrest of Alien, a Notice of Custody Determination, and a Notice to Appear placing him in removal proceedings. The Notice to Appear lists Eagle Pass, Texas, September 21, 2023, and charges removability under INA § 212(a)(6)(A)(i). The NTA shows that Petitioner was placed into formal immigration proceedings and was known to DHS. It is attached as Exhibit A.

B. DHS Released Petitioner on Own Recognizance

DHS issued a Notice of Custody Determination on September 26, 2023. The document indicates that, pending a final administrative determination, Petitioner was released on his own recognizance. DHS also issued an Order of Release on Recognizance. That order required Petitioner to report for hearings or interviews as directed, surrender if ordered removed, report to a deportation officer, not change residence without permission, obey laws, and assist DHS with travel documents if required. This prior release is highly relevant because DHS previously determined Petitioner did not require detention while proceedings were pending.

C. Immigration Proceedings and Asylum Status

Petitioner has active immigration proceedings. He reports that he went to immigration court in April 2025, but was not allowed inside and was told he did not have an active case or hearing information at that appearance. Petitioner filed asylum in February 2026. Petitioner currently has a pending asylum case with a

final hearing scheduled for May 26, 2026. Petitioner is requesting documentary proof of that final asylum hearing and will attach it when received. Petitioner intends to pursue all lawful immigration remedies and appeal rights if asylum is denied. To the best of Petitioner's knowledge, no final order of removal currently exists.

D. December 30, 2025 Utah Arrest and Traffic Matter

Petitioner was arrested on December 30, 2025 by Utah Highway Patrol because of an outstanding warrant connected to a 2024 uninsured motorist traffic citation. This matter was non-violent, non-drug-related, non-gang-related, and traffic-related. Petitioner had already obtained automobile insurance and had scheduled a January 14, 2026 court date in Bluffdale Justice Court to correct and resolve the issue. He was detained before he could appear and complete that resolution.

E. Bond Hearing and Current Detention

Petitioner received a bond hearing on March 8, 2026. Bond was denied based on the stated reason that he had not filed asylum through proper channels. Petitioner had filed asylum in February 2026 and continues to pursue asylum and all lawful relief. Despite his pending asylum case, lack of final removal order, prior DHS release on recognizance, lack of criminal history, and strong family support, Petitioner remains detained.

F. Family, Marriage, Pregnancy, and Humanitarian Hardship

Petitioner is engaged to Brittany Sagen. The couple has obtained a marriage license and intends to pursue family-based immigration filings, including Form I-130 and Form I-485 upon approval of the I-130. Brittany Sagen is currently pregnant with Petitioner's child and has documented placenta previa. The pregnancy has created additional physical, emotional, and financial hardship. Petitioner's detention deprives Ms. Sagen and the unborn child of Petitioner's support during a high-risk pregnancy. Declarations from Brittany Sagen, Genesis Reyes Muñoz, Tamara Nicole Mader, and a former employer support Petitioner's good character, work ethic, family support, lack of dangerousness, and lack of flight risk.

VI. CLAIMS FOR RELIEF

Claim One - Due Process Violation Based on Unreasonably Prolonged Civil Immigration Detention

Petitioner's continued civil immigration detention violates the Due Process Clause of the Fifth Amendment. Detention in immigration proceedings is civil, not criminal punishment. Continued civil detention requires a constitutionally adequate justification, especially as detention becomes prolonged. Petitioner has been detained since December 30, 2025. He has active pending immigration proceedings, no known final removal order, a pending asylum case, a scheduled final asylum hearing, a prior release on recognizance by DHS, and no criminal history beyond a non-violent traffic matter.

Claim Two - Failure to Adequately Consider Lack of Danger and Lack of Flight Risk

Petitioner is not a danger to the community. He has no violent criminal history, no felony convictions, no gang allegations, and no drug offenses. The Utah matter was an uninsured motorist traffic issue that Petitioner was already attempting to resolve. Petitioner is not a flight risk because he voluntarily surrendered to Border Patrol, complied with DHS processing, was released on recognizance, has remained in immigration proceedings, has family ties, has a pregnant fiancée and unborn child, and is pursuing asylum relief.

Claim Three - New Facts and Evidence Now Address the Prior Dismissal Deficiencies

This petition contains the specific facts the Court previously found missing. It explains entry date and location, DHS processing, NTA issuance, release on recognizance, lack of final removal order, current asylum posture, bond hearing history, absence of criminal history, family ties, and humanitarian hardship.

VII. LEGAL FRAMEWORK AND COMPARISON TO HABEAS CASES

Petitioner recognizes that immigration detention cases are fact-specific. This petition is structured around the factors courts commonly examine in successful prolonged-detention habeas filings: length of detention, reason for detention, procedural posture of immigration proceedings, whether there is a final removal order, whether removal is reasonably foreseeable, whether the petitioner has received meaningful custody review, danger to the community, flight risk, prior compliance, prior DHS release, and family or humanitarian hardship.

In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court recognized serious due process concerns when immigration detention becomes prolonged and removal is not reasonably foreseeable. In *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018), the Supreme Court addressed statutory detention authority and left constitutional due process issues to be resolved in individual cases. In *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011), the Ninth Circuit addressed procedural protections in bond hearings. In *Casas-Castrillon v. DHS*, 535 F.3d 942 (9th Cir. 2008), the Ninth Circuit recognized that prolonged detention during ongoing proceedings may require a bond hearing. In *Prieto-Romero v. Clark*, 534 F.3d 1053 (9th Cir. 2008), the Ninth Circuit addressed detention during ongoing removal proceedings where removal remained possible. In *Rodriguez Diaz v. Garland*, 53 F.4th 1189 (9th Cir. 2022), the Ninth Circuit emphasized case-specific due process analysis in prolonged detention cases.

Compared with successful habeas petitions, this petition now includes the factual details courts look for: no known final removal order, a pending asylum case, prior DHS release on recognizance, no violent or felony history, documented family hardship, pending immigration relief, and specific evidence showing Petitioner is neither a danger nor a flight risk.

VIII. REQUEST FOR RELIEF

1. Issue an order requiring Respondent to answer this petition;
2. Grant a writ of habeas corpus under 28 U.S.C. § 2241;
3. Order Petitioner released from custody under reasonable conditions of supervision;
4. Alternatively, order a prompt constitutionally adequate bond hearing or individualized custody hearing where the government must justify continued detention;
5. Consider Petitioner's lack of criminal history, lack of danger, lack of flight risk, pending asylum case, no known final removal order, prior release on recognizance, pregnancy hardship, family ties, and community support;
6. Grant any other relief the Court deems just and proper.

IX. VERIFICATION

I declare under penalty of perjury that the facts stated in this petition are true and correct to the best of my knowledge, information, and belief.

Executed on: _____

Andreiver Alfredo Muñoz
Petitioner, Pro Se

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

Prior Case No. 3:26-cv-01601-RBM-VET

EXHIBIT H - DECLARATION OF BRITTANY SAGEN

I, Brittany Sagen, declare the following:

I am the partner of Andreiver Alfredo Muñoz. I am currently pregnant with his child, and we are expecting a baby together. This pregnancy has been physically and emotionally difficult, and I have relied heavily on Andreiver for support.

Andreiver has been an active and supportive figure in my life and in the lives of my children. He helps care for them, provides emotional support, and assists with daily responsibilities.

Since his detention on or about December 30, 2025, our family has experienced significant hardship. I am now managing pregnancy and childcare responsibilities on my own, which has been overwhelming.

Andreiver has always been a responsible person. He works hard, including doing construction work and other jobs to support our family.

He is not a danger to the community. I have never known him to be violent or harmful in any way.

He is not a flight risk. He has strong ties to the United States, including me, our unborn child, and our family responsibilities. He wants to remain present and support his family.

His continued detention is causing serious emotional, financial, and physical strain on our family, especially during my pregnancy.

I respectfully ask the Court to consider his release so he can return to his family and support us during this critical time.

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

Signed:

Brittany Sagen

Date:

5/29/26

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

Prior Case No. 3:26-cv-01601-RBM-VET

EXHIBIT I - DECLARATION OF GENESIS REYES MUÑOZ

I, Genesis Reyes Muñoz, declare the following:

I am the sister of Andreiver Alfredo Muñoz, and I have a close relationship with him.

Andreiver is a responsible and hardworking person. He has always made efforts to support himself and those around him through work.

He has strong family ties in the United States, including myself. We are committed to supporting him.

If Andreiver is released, he will have a stable place to live. I am willing to provide housing and ensure that he complies with all court and immigration requirements.

Andreiver is not a danger to the community. I have never known him to be violent or harmful.

He is not a flight risk. He has strong reasons to remain in the United States, including family and responsibilities.

His detention has been very difficult for our family, and we are concerned for his well-being.

I respectfully ask the Court to consider his release.

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

Signed: _____

Genesis Reyes Muñoz

Date: _____

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Prior Case No. 3:26-cv-01601-RBM-VET

EXHIBIT J - DECLARATION OF TAMARA NICOLE MADER

To the Honorable Judge:

My name is Tamara Nicole Mader, and I reside at [REDACTED] Minnesota.
[REDACTED] My phone number is [REDACTED] I am a close friend of Brittany Sagen, and through her I have come to know Andreiver Alfredo Muñoz.

I have spent time around Andreiver and have observed his character. He is respectful, responsible, and hardworking.

I have seen how he interacts with Brittany and her children. He is supportive, involved, and caring. Brittany is currently pregnant, and his absence has placed a significant burden on her.

Based on my experience, Andreiver is not a danger to the community. I have never witnessed any violent or harmful behavior.

I do not believe he is a flight risk. He has strong ties to Brittany, their unborn child, and their family.

I believe that if released, he will comply with all legal requirements and continue to support his family.

I respectfully ask the Court to consider his release.

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

Signed: _____

Tamara Nicole Mader

Date: _____