

Victor E. Hernandez, Esq. (Cal. State Bar No.: 349076)
Victor Hernandez Law
402 West Broadway, Suite 400
San Diego, CA 92101
(619) 514-4500
Victor@VEHLaw.com

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT, CALIFORNIA

JUAN MANUEL ZUNIGA GARCIA,

Petitioner,

v.

Daniel BRIGHTMAN, Field Office Director of
Enforcement and Removal Operations, San
Diego Field Office, Immigration and Customs
Enforcement; Markwayne MULLIN, Secretary,
U.S. Department of Homeland Security; U.S.
DEPARTMENT OF HOMELAND
SECURITY; Todd BLANCHE, U.S. Attorney
General; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; Christopher J.
LAROSE, Senior Warden of Otay Mesa
Detention Center,

Respondents.

Case No. '26CV3760 BAS VET

**PETITION FOR WRIT OF
HABEAS CORPUS; FOR AN ORDER
TO SHOW CAUSE WITHIN
3 DAYS; AND TO ENJOIN
TRANSFER FROM THE
JURISDICTION**

1 INTRODUCTION

2 1. Petitioner JUAN MANUEL ZUNIGA GARCIA brings this petition for a writ of
3 habeas corpus to seek enforcement of their rights as members of the Bond Denial Class certified
4 in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in
5 the physical custody of Respondents at the OTAY MESA DETENTION CENTER. He now
6 faces unlawful detention because the Department of Homeland Security (DHS) and the
7 Executive Office for Immigration Review (EOIR) have refused to abide by the declaratory
8 judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

9 2. On November 20, 2025, the district court granted partial summary judgment on
10 behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and
11 extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-
12 CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025)
13 (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista*
14 *v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D.
15 Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible
16 Class, incorporating and extending declaratory judgment from Order Granting Petitioners'
17 Motion for Partial Summary Judgment).

18 3. The declaratory judgment held that the Bond Denial Class members are detained
19 under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under §
20 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

21 4. On December 18, 2025, the Central District Court of California entered final judgement in
22 the case of *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.),
23 vacating DHS's policy described in the July 8, 2025. "Interim Guidance Regarding
24

1 Detention Authority for Applicants for Admission” under the Administrative Procedure
2 Act as not in accordance with law. 5 U.S.C. § 706(2)(A). The final judgement furthers
3 orders that Bond Eligible Class members are not subject to mandatory detention under §
4 1225(b)(2) and are entitled to consideration for release on bond by immigration officers
5 and, if not released, a custody redetermination hearing before an immigration judge.

6 5. Nonetheless, the Executive Office for Immigration Review, and its subagency the
7 Immigration Court, and the Department of Homeland Security (DHS) have blatantly refused to
8 abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the
9 opportunity to be released on bond.

10 6. Petitioner JUAN MANUEL ZUNIGA GARCIA is a member of the Bond Eligible
11 Class, as he:

- 12
- 13 a. does not have lawful status in the United States and is currently detained at the
OTAY MESA DETENTION CENTER. He was apprehended by immigration
authorities on June 15, 2026;
 - 14 b. entered the United States without inspection over twenty-six (26) years ago and
15 was not apprehended upon arrival, *cf. id.*; and
 - 16 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

17 7. After apprehending Petitioner on June 15, 2026, the DHS placed him in removal
18 proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being inadmissible
19 under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States without inspection.

20 8. The Court should expeditiously grant this petition.

21 9. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full
22 “force and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless, Respondents continue
23 to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful
24

1 detention despite his clear entitlement to consideration for release on bond as a Bond Eligible
2 Class member.

3 10. Immigration judges have informed class members in bond hearings that they have
4 been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not
5 controlling, even with respect to class members, and that instead IJs remain bound to follow the
6 agency’s prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

7 11. Because Respondents are detaining Petitioner in violation of the declaratory
8 judgment issued in *Maldonado Bautista*, the Court should accordingly order that within one day,
9 Respondent DHS must release Petitioner.

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

12 STATEMENT OF FACTS

13 13. Petitioner JUAN MANUEL ZUNIGA GARCIA is a citizen of MEXICO who has been in
14 immigration detention since June 15, 2026. After Petitioner was arrested in Escondido,
15 California. ICE did not set bond. Petitioner has resided in the United States since 1999,
16 after having entered without inspection, and without apprehension upon his entry.

17 JURISDICTION

18 14. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
19 OTAY MESA DETENTION CENTER in OTAY MESA, CALIFORNIA.

20 15. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28
21 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States
22 Constitution (the Suspension Clause).

VENUE

18. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the CALIFORNIA SOUTHERN DISTRICT.

REQUIREMENTS OF 28 U.S.C. § 2241, 2243

21. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or

1 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).¹ “The application for
2 the writ usurps the attention and displaces the calendar of the judge or justice who entertains it
3 and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*,
4 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

5 22. Petitioners are “in custody” for the purpose of § 2241 because they were arrested
6 and remain detained by the Respondents.

7 PARTIES

8 23. Petitioner JUAN MANUEL ZUNIGA GARCIA is a citizen of MEXICO who has
9 been in immigration detention since June 15, 2026, Petitioner entered the United States on or
10 about December 1, 1999, and has since resided in San Diego, CA. After Petitioner was arrested
11 in San Diego, California. ICE did not set bond. Petitioner remains detained at the OTAY
12 MESA DETENTION CENTER in San Diego, CA.

13 24. Respondent Daniel BRIGHTMAN is the Director of the San Diego Field Office
14 of ICE’s Enforcement and Removal Operations division. As such, Daniel Brightman is
15 Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. He is
16 named in his official capacity.

17 25. Respondent Markwayne MULLIN is the Secretary of the Department of
18 Homeland Security. He is responsible for the implementation and enforcement of the
19 Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner’s
20 detention. Mr. Mullin has ultimate custodial authority over Petitioner and is sued in his official
21 capacity.

26. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

27. Respondent Todd Blanche is the Attorney General of the United States. He is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. He is sued in his official capacity.

28. Respondent Executive Office for Immigration Review (EOIR) is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings.

29. Respondent Christopher J. LAROSE is employed by CoreCivic as Warden of the OTAY MESA DETENTION CENTER, where Petitioner is detained. HE has immediate physical custody of Petitioner. HE is sued in HIS official capacity.

CLAIM FOR RELIEF

Violation of the INA:

Request for Relief Pursuant to *Maldonado Bautista*

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

31. The legal framework to be part of a Bond Eligible Class Member requires:

- a.* The petitioner has no lawful status and be detained by DHS;
- b.* Entered the U.S. without inspection and was not apprehended upon arrival;
- c.* Is not detained under 8.U.S.C. sections 1226 (c), 1225(b), or 1231

32. Petitioner satisfies all requirements. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

1 33. The order granting partial summary judgment in *Maldonado Bautista* holds that
2 Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class
3 members.

4 34. The order granting class certification in *Maldonado Bautista* further orders that
5 “[w]hen considering this determination with the MSJ Order, the Court extends the same
6 declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”

7 35. Respondents are parties to *Maldonado Bautista* and bound by the Court’s
8 declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C.
§ 2201(a).

9 36. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is
10 subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner’s statutory
11 rights under the INA and the Court’s judgment in *Maldonado Bautista*.

12 **The Petitioner’s Detention without a Custody Hearing Violates Due Process and the**
13 **Fifth Amendment**

14 37. Petitioner reiterates and incorporates by reference paragraphs 1 through 36 as if fully set
15 forth herein.

16 38. Additionally, the Fifth Amendment forbids deprivation of liberty without notice and a
17 meaningful opportunity to be heard before a neutral decision maker. Due process protects all
18 persons within the U.S. regardless of legal status. *Zadvydas v. Davis*, 533 U.S. 678, 698
19 (2001) A vital liberty interest is at stake when an individual is subject to detention by the
20 government. According to *Zadvydas*, the government may only deprive a non-citizen of
physical liberty when it serves a legitimate purpose, commonly understood to include securing
one’s appearance at future hearings.

21 39. The BIA’s new interpretation of 8 U.S.C. section 1225(b) set forth in *Yajure* strips
22 Petitioner of that protection by misclassifying him as an “applicant for admission,” despite his
23 last entry having been over 26 years ago, wherein he was not stopped by DHS. An arbitrary
24

1 designation as an arriving alien precludes him from the opportunity to establish that he is neither
 2 a flight risk nor a threat to the community. His continued confinement thus bears no reasonable,
 3 non-punitive relationship to any legitimate aim and is constitutionally arbitrary.

4 40. Applying the long-standing precedent of *Mathews v. Eldridge*, 424 U.S. 319
 5 (1976), Petitioner's liberty interest is paramount, and the risk of erroneous deprivation is extreme
 6 as he is given no venue to show that he is not subject to mandatory detention under section 1226
 7 (c). The risk is further heightened by the apparent lack of an independent adjudicator. *Marcello*
v. Bonds, 39 U.S. 302, 305-306 (1955).

8 41. On December 18, 2025, the Central District Court of California entered final
 9 judgement in the case of *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D.
 10 Cal.), vacating DHS's policy described in the July 8, 2025. "Interim Guidance Regarding
 11 Detention Authority for Applicants for Admission" under the Administrative Procedure Act as
 12 not in accordance with law. 5 U.S.C. § 706(2)(A). The final judgement furthers orders that Bond
 13 Eligible Class members are not subject to mandatory detention under § 1225(b)(2) and are
 14 entitled to consideration for release on bond by immigration officers and, if not released, a
 custody redetermination hearing before an immigration judge.

15 42. Counsel thus posits that the Defendants are in violation of the *Maldonado*
 16 *Bautista* precedent, the statutory framework in the INA and the code of federal regulations, as
 17 well as the Fifth Amendment/ Due Process Clause

18 PRAYER FOR RELIEF

19 WHEREFORE, Petitioner prays that this Court grant the following relief:

- 20 a. Assume jurisdiction over this matter;
- 21 b. Enjoin Respondents from transferring Petitioner out of the jurisdiction during the
 22 pendency of these proceedings;
- 23 c. Order Respondents to file a response within 3 business days of the filing of this
 24 petition as to why Petitioner should not be given a custody hearing;

- 1 d. Issue a writ of habeas corpus requiring that within one day, Respondents release
2 Petitioner;
- 3 e. Alternatively, issue a writ of habeas corpus requiring Respondents to release
4 Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within
5 seven days;
- 6 f. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act
7 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under
8 law; and
- 9 g. Grant any other and further relief that this Court deems just and proper.

10 DATED this 26th of June, 2026.



11 Victor E. Hernandez
12 *Attorney for Petitioner*

13 **28 U.S.C. § 2242 VERIFICATION STATEMENT**

14 I am submitting this verification on behalf of the petitioner because I am the Petitioner's
15 attorney. I have discussed with the Petitioner the events described in this Petition and Complaint.
16 On the basis of those discussions, I hereby verify that the statements made in this Petition and
17 Complaint are true and correct to the best of my knowledge.

18
19 DATED: June 26, 2026



20 Victor E. Hernandez, Esq.
21 (619) 514-4500
22 Victor@VEHLaw.com
23 Attorney for Petitioner
24