

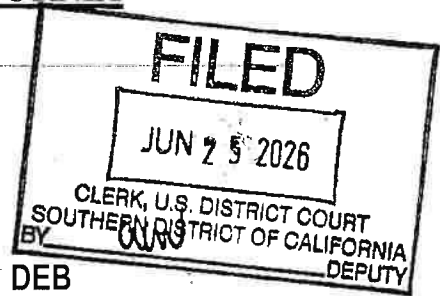
**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

**YENNY FERNANDA GONZALEZ RODRIGUEZ,**  
A# [REDACTED]

Petitioner,

v.

Case No. '26CV3729 CAB DEB



- Acting Director, U.S. Immigration and Customs Enforcement;
- Secretary, U.S. Department of Homeland Security;
- Warden, Otay Mesa Detention Center;
- Field Office Director, U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations, San Diego Field Office;

Respondents.

\_\_\_\_\_ /

**PETITION FOR WRIT OF HABEAS CORPUS**

**(28 U.S.C. § 2241)**

***EMERGENCY REQUEST FOR IMMEDIATE CONSIDERATION***

***VIOLATION OF THE FIFTH AMENDMENT TO THE UNITED STATES  
CONSTITUTION***

**Petitioner Pro Se**

**Yenny Fernanda Gonzalez Rodriguez**

A# [REDACTED]  
Otay Mesa Detention Center  
7488 Calzada de la Fuente  
San Diego, CA 92154

I. INTRODUCTION

1. Petitioner, **Yenny Fernanda Gonzalez Rodriguez** ("Petitioner"), respectfully petitions this Court for a Writ of Habeas Corpus pursuant to **28 U.S.C. § 2241**, challenging the legality of her continued immigration detention because it violates the Due Process Clause of the Fifth Amendment to the United States Constitution.
2. Petitioner has remained continuously detained by U.S. Immigration and Customs Enforcement ("ICE") since **March 4, 2026**, despite having **no criminal history**, fully complying with every immigration reporting requirement, maintaining lawful employment, paying taxes, and establishing significant family, employment, and community ties within the United States.
3. Petitioner voluntarily appeared at the ICE Enforcement and Removal Operations office in Charleston, South Carolina, after being informed that she had been scheduled for a Credible Fear Interview. Instead of receiving that interview, she was immediately taken into custody. ICE officers informed her that no such interview had been scheduled at that location and that they did not know why she had been instructed to appear there.
4. Since her detention, Petitioner has been transferred among several detention facilities, including Irwin Detention Center, Stewart Detention Center, and Otay Mesa Detention Center. During her detention, she has endured repeated transfers, prolonged physical restraints, uncertainty regarding her legal proceedings, severe emotional distress, financial hardship, loss of employment, and prolonged separation from her child, family, and United States citizen fiancée.
5. Petitioner has **never been afforded an individualized bond hearing** or any meaningful judicial determination regarding whether her continued detention remains necessary. She has never been convicted of a crime, has never been found to pose a danger to the community, and has consistently complied with all requirements imposed by immigration authorities before her detention.
6. Petitioner's continued civil immigration detention no longer bears a reasonable relationship to any legitimate regulatory purpose. Under the circumstances presented here, her continued confinement has become excessive and unconstitutional in violation of the Due Process Clause of the Fifth Amendment.

Less restrictive alternatives to detention are readily available and would adequately ensure her appearance at future immigration proceedings.

7. Accordingly, Petitioner respectfully requests that this Court exercise its jurisdiction under **28 U.S.C. § 2241**, declare her continued detention unlawful, and grant appropriate habeas relief, including ordering Respondents to provide constitutionally adequate relief, such as Petitioner's immediate release under appropriate conditions or any other relief that this Court deems just and proper.

## **II. JURISDICTION AND VENUE**

8. This Court has jurisdiction over this action pursuant to **28 U.S.C. § 2241**, which authorizes federal courts to grant writs of habeas corpus to individuals who are in custody in violation of the Constitution or laws of the United States.
9. This Court also has subject matter jurisdiction pursuant to **28 U.S.C. § 1331** because this action arises under the Constitution and laws of the United States, including the **Due Process Clause of the Fifth Amendment**.
10. Petitioner is currently detained by U.S. Immigration and Customs Enforcement ("ICE") at **Otay Mesa Detention Center**, located in **San Diego, California**, within the territorial jurisdiction of the **United States District Court for the Southern District of California**.
11. Venue is proper in this District pursuant to **28 U.S.C. § 2241(a)** because Petitioner's immediate custodian is located within this District and Petitioner is physically confined within the jurisdiction of this Court at the time this Petition is filed.
12. This Court has authority to determine the legality of Petitioner's continued civil immigration detention and to grant appropriate habeas relief where such detention violates the Constitution, treaties, or laws of the United States.
13. Petitioner has exhausted, or exhaustion should be excused because no adequate administrative remedy exists to challenge the constitutional violations alleged herein. The issues presented are purely constitutional in nature, and requiring further administrative proceedings would be futile and would result in continued irreparable harm through Petitioner's ongoing unlawful detention.

### III. PARTIES

14. **Petitioner Yenny Fernanda Gonzalez Rodriguez** is a native and citizen of Colombia. She is currently detained by U.S. Immigration and Customs Enforcement (“ICE”) at **Otay Mesa Detention Center**, located in San Diego, California. Her Alien Registration Number is [REDACTED]. Petitioner brings this action *pro se* pursuant to **28 U.S.C. § 2241**, challenging the constitutionality of her continued civil immigration detention.
15. **Respondent Todd M. Lyons** is the Acting Director of U.S. Immigration and Customs Enforcement (“ICE”). He is responsible for the administration and enforcement of the federal immigration detention system and is sued in his official capacity.
16. **Respondent Kristi Noem** is the Secretary of the United States Department of Homeland Security (“DHS”). As head of the Department responsible for ICE, she is sued in her official capacity.
17. **Respondent Calvin R. McCormick** is the Field Office Director of ICE Enforcement and Removal Operations (“ERO”) for the San Diego Field Office. He exercises supervisory authority over Petitioner’s detention and has legal authority over decisions concerning her custody.
18. **Respondent John Doe**, Facility Administrator (or Warden) of Otay Mesa Detention Center, is Petitioner’s immediate physical custodian. He is responsible for Petitioner’s day-to-day confinement and is the proper habeas respondent because he has immediate custody over Petitioner.
19. At all times relevant to this Petition, each Respondent has acted under color of federal law and has participated in, authorized, supervised, or maintained Petitioner’s continued detention. Each Respondent has the legal authority to implement any order issued by this Court granting the relief requested in this Petition.

### IV. FACTUAL BACKGROUND

20. Petitioner, **Yenny Fernanda Gonzalez Rodriguez**, is a native and citizen of Colombia. She entered the United States through Eagle Pass, Texas, on **August 14, 2022**, where she voluntarily surrendered herself to U.S. Border Patrol officers. Following inspection, immigration authorities issued her a removal

order, granted her parole into the United States, and instructed her to report periodically to U.S. Immigration and Customs Enforcement ("ICE").

21. After her release, Petitioner fully complied with every condition imposed by immigration authorities. She attended every scheduled ICE check-in, maintained lawful employment pursuant to a valid Employment Authorization Document, obtained a valid Social Security card for employment purposes, paid federal taxes, obtained a driver's license, and established a stable residence in South Carolina.
22. Petitioner has **no criminal history**. She has never been arrested, convicted of any criminal offense, or had any adverse encounters with law enforcement. Prior to her detention, she consistently complied with all immigration requirements and demonstrated respect for the laws of the United States.
23. On **August 10, 2023**, Petitioner filed an application for asylum. That application remained pending until **June 2025**, when she received notice that her asylum application could not be processed. She thereafter sought to continue pursuing protection under the immigration laws of the United States.
24. On or about **March 4, 2026**, Petitioner's immigration attorney informed her that ICE had scheduled her for a **Credible Fear Interview** at the ICE Enforcement and Removal Operations office in Charleston, South Carolina. Relying on that information, Petitioner voluntarily appeared at the scheduled location with her United States citizen fiancée after driving approximately three hours to attend the appointment.
25. After checking in at the ICE office, Petitioner was unexpectedly placed in handcuffs and taken into custody. ICE officers informed her that no Credible Fear Interviews were conducted at that office and that they did not know why she had been instructed to appear there because no such interview had been scheduled.
26. Following her arrest, Petitioner was transferred to **Irwin Detention Center** in Ocilla, Georgia. After several weeks, she was transferred to **Stewart Detention Center** in Lumpkin, Georgia, where she remained for nearly two months before being transferred across the country to **Otay Mesa Detention Center** in San Diego, California, where she is presently detained.
27. While detained, Petitioner's immigration proceedings were repeatedly disrupted. She was initially scheduled for a hearing on **May 6, 2026**, but detention staff

mistakenly placed her in the wrong courtroom, causing the hearing to be rescheduled for **June 4, 2026**. Three days before that hearing, ICE transferred her to California without prior notice. Upon her arrival, she was informed that a new hearing had been scheduled before a different Immigration Judge on **June 9, 2026**. At that hearing, additional time was granted for preparation, and her proceedings were continued until **July 2, 2026**.

28. Throughout her detention, Petitioner has **never been afforded an individualized bond hearing** or any meaningful custody review to determine whether her continued detention remains necessary.
29. Prior to her detention, Petitioner had established a stable and productive life in the United States. She worked continuously, most recently for **Warehouse Solutions** at the Michelin manufacturing facility in South Carolina. She consistently paid taxes, maintained lawful employment, rented a home for approximately two years, and complied with every requirement imposed by ICE.
30. Petitioner's detention has caused substantial emotional, financial, and family hardship. She has experienced anxiety, depression, insomnia, panic attacks, fear, hopelessness, and persistent emotional distress. She lost her employment and primary source of income, was forced to sell her vehicle, depleted her savings to pay attorney's fees and household expenses, and has been separated from her child, her family, and her United States citizen fiancée. Their planned wedding was cancelled because of her detention.
31. Petitioner has also endured difficult conditions during her detention and multiple transfers. She was unexpectedly transferred across several states while restrained with handcuffs, leg shackles, and a waist chain for extended periods. During portions of the transfer, she slept on the floor without a blanket, was unable to shower for several days, had limited access to hygiene products, and experienced significant emotional distress due to uncertainty about her destination and her inability to communicate with her family.
32. Petitioner has consistently demonstrated that she is neither a danger to the community nor a flight risk. Her history of compliance with immigration authorities, lack of any criminal history, stable employment, payment of taxes, and strong family and community ties establish that less restrictive alternatives to detention are available and would reasonably ensure her appearance at all future immigration proceedings.

#### **V. LEGAL STANDARD**

33. A writ of habeas corpus under **28 U.S.C. § 2241** is the traditional means by which a person in federal custody may challenge the legality of that detention. Federal courts have jurisdiction to determine whether continued immigration detention violates the Constitution or laws of the United States.
34. The **Due Process Clause of the Fifth Amendment** protects all persons within the United States, including noncitizens, from arbitrary governmental detention. Civil immigration detention must bear a reasonable relationship to its legitimate regulatory purpose and may not become punitive. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Bell v. Wolfish*, 441 U.S. 520, 535–39 (1979).
35. Although Congress has authorized immigration detention under certain statutory provisions, such detention remains subject to constitutional limitations. The Supreme Court has recognized that constitutional challenges to prolonged immigration detention remain available through habeas corpus proceedings. *Jennings v. Rodriguez*, 583 U.S. 281 (2018).
36. Civil detention is constitutionally permissible only so long as it serves a legitimate regulatory purpose. Once continued detention becomes excessive in relation to that purpose or is no longer reasonably necessary to accomplish it, the detention violates the Due Process Clause. *Zadvydas*, 533 U.S. at 690; *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).
37. The Ninth Circuit has likewise recognized that prolonged immigration detention requires meaningful constitutional protections. See *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011); *Casas-Castrillon v. Department of Homeland Security*, 535 F.3d 942 (9th Cir. 2008).
38. When a petitioner demonstrates that her continued detention violates the Constitution, this Court has the authority under **28 U.S.C. § 2241** to grant appropriate habeas relief, including ordering release or any other constitutionally adequate remedy.

## **VI. ARGUMENT**

### ***A. Petitioner's Continued Detention Violates the Due Process Clause of the Fifth Amendment.***

39. The Fifth Amendment prohibits the federal government from depriving any person of liberty without due process of law. Immigration detention is civil, not criminal, and therefore may not become punitive. *Bell v. Wolfish*, 441 U.S. 520, 535–39 (1979).
40. Petitioner has remained continuously detained since March 4, 2026, despite having no criminal history, consistently complying with all ICE reporting requirements before her detention, maintaining lawful employment, paying taxes, and establishing substantial family and community ties in the United States.
41. Petitioner's continued detention no longer bears a reasonable relationship to any legitimate regulatory purpose. Under these circumstances, her continued confinement has become excessive and arbitrary, violating the Due Process Clause of the Fifth Amendment. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

### ***B. Petitioner's Continued Detention Is Excessive and Unreasonable Under the Circumstances.***

42. Immigration detention is constitutionally permissible only for so long as it reasonably serves its regulatory purpose. Once detention becomes excessive in relation to that purpose, it violates due process. *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).
43. Petitioner voluntarily reported to ICE after being instructed to appear for what she was told would be a Credible Fear Interview. She has never attempted to evade immigration authorities and has consistently complied with every obligation imposed upon her.
44. Respondents have identified no evidence demonstrating that Petitioner presents a danger to the community or poses a meaningful risk of flight. Continued detention under these circumstances is unreasonable and constitutionally excessive.

***C. Petitioner's Continued Detention Without an Individualized Custody Determination Violates Due Process.***

45. Petitioner has never received an individualized bond hearing or any meaningful determination regarding whether her continued detention remains necessary.
46. The Due Process Clause requires meaningful procedural protections when civil detention becomes prolonged. See *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011); *Casas-Castrillon v. Department of Homeland Security*, 535 F.3d 942 (9th Cir. 2008).
47. Despite Petitioner's lack of criminal history, demonstrated compliance with immigration authorities, and strong community ties, Respondents have continued her detention without providing any meaningful opportunity to challenge the necessity of her confinement.

***D. Less Restrictive Alternatives Are Readily Available.***

48. Prior to her detention, Petitioner complied with every ICE reporting requirement, maintained lawful employment, paid taxes, and resided at a stable address. These undisputed facts demonstrate that less restrictive alternatives to detention are available.
49. Conditions such as release under supervision, periodic reporting requirements, electronic monitoring, or any combination of appropriate conditions would adequately protect the Government's legitimate interests while respecting Petitioner's constitutional liberty interests.

***E. The Balance of Equities Strongly Favors Habeas Relief.***

50. Petitioner's continued detention has caused severe emotional, psychological, financial, and family hardship. She has suffered anxiety, depression, insomnia, panic attacks, loss of employment, financial instability, and prolonged separation from her child, family, and United States citizen fiancée.
51. By contrast, Respondents would suffer little or no prejudice if Petitioner were released under reasonable conditions because she has consistently demonstrated compliance with immigration authorities and has no criminal history.

52. Because Petitioner's continued detention violates the Fifth Amendment and no adequate alternative remedy exists, this Court should grant the writ of habeas corpus and order appropriate constitutional relief.

#### **VII. PRAYER FOR RELIEF**

53. WHEREFORE, Petitioner respectfully requests that this Court grant the following relief:
54. A. Accept jurisdiction over this Petition pursuant to **28 U.S.C. §§ 2241 and 1331**;
55. B. Issue a Writ of Habeas Corpus declaring that Petitioner's continued immigration detention violates the Due Process Clause of the Fifth Amendment to the United States Constitution;
56. C. Order Respondents to immediately release Petitioner from ICE custody under reasonable conditions of supervision, or, alternatively, order Respondents to provide Petitioner with a prompt and constitutionally adequate individualized custody hearing before a neutral decision-maker at which the Government bears the burden of proving, by clear and convincing evidence, that Petitioner's continued detention is necessary because she presents either a danger to the community or a significant risk of flight;
57. D. Enjoin Respondents from continuing Petitioner's unconstitutional detention absent constitutionally sufficient procedures;
58. E. Award such other and further relief as this Court deems just, proper, and equitable

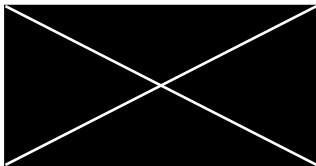
**VIII. VERIFICATION**

I, **Yenny Fernanda Gonzalez Rodriguez**, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I am the Petitioner in this action; that I have read the foregoing **Petition for Writ of Habeas Corpus**; and that the factual statements contained therein are true and correct to the best of my personal knowledge, information, and belief.

I further declare that this Petition is submitted in good faith for the purpose of seeking relief from unlawful immigration detention that violates my rights under the Constitution and laws of the United States.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 06 / 20 /, 2026, at Otay Mesa Detention Center, San Diego, California.



**Yenny Fernanda Gonzalez Rodriguez**



Otay Mesa Detention Center  
7488 Calzada de la Fuente  
San Diego, CA 92154