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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JOSE PATROCINIO CLAROS NOLASCO,

Plaintiff/Petitioner,

v.

WARDEN, Mesa Verde Detention Center;
SERGIO ALBARRAN, or his successor,
Field Office Director for the San Francisco
Field Office of U.S. ICE, Enforcement and
Removal Operations;
TODD M. LYONS, or his successor, Senior
Official Performing the Duties of Director of
U.S. ICE;
MARKWAYNE MULLIN, or his successor,
Secretary of the United States Department of
Homeland Security; and
TODD BLANCHE, or his successor, Acting
Attorney General of the United States,

Respondents.

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS UNDER 28
U.S.C. §2241
and COMPLAINT FOR
INJUNCTIVE AND
DECLARATORY RELIEF**

Petitioner Jose Patrocinio Claros Nolasco,  by and through counsel, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. §2241 and alleges as follows:

I. INTRODUCTION

PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 USC §2241
Jose CLAROS Nolasco v. Warden, et al.

- 1 1. Petitioner Jose Patrocinio Claros Nolasco is a native and citizen of El Salvador detained
2 by Immigration and Customs Enforcement (“ICE”) at the Mesa Verde ICE Processing
3 Center while his removal proceedings remain pending.
- 4 2. This is a habeas challenge to unlawful immigration detention without a meaningful
5 custody determination by a neutral decisionmaker.
- 6 3. Petitioner is not subject to a final order of removal. EOIR’s Automated Case Information
7 system states that his immigration case is pending, with a docket date of June 26, 2026.
8 Exh. A.
- 9 4. Petitioner’s immigration case is pending before the Adelanto Immigration Court. EOIR
10 states that his upcoming master calendar hearing is internet-based on July 8, 2026, before
11 Immigration Judge Brent A. Carr. Exh. A.
- 12 5. ICE currently detains Petitioner at the Mesa Verde ICE Processing Center in Bakersfield,
13 California. DHS’s Online Detainee Locator identifies Petitioner as a Salvadoran national,
14  in ICE custody in California, with current detention facility listed as
15 Mesa Verde Detention Center. Exh. C.
- 16 6. DHS served Petitioner with a Notice to Appear dated June 25, 2026. Exh. B. The NTA
17 alleges that Petitioner is a native and citizen of El Salvador, that he entered the United
18 States at or near an unknown place on or about an unknown date, and that he was not
19 admitted or paroled after inspection by an immigration officer. Exh. B.
- 20 7. The NTA charges Petitioner as removable under INA §212(a)(6)(A)(i), based on the
21 allegation that he is present in the United States without being admitted or paroled. Exh.
22 B.

1 8. The NTA does not establish that Petitioner is subject to a final removal order, a reinstated
2 removal order, post-order detention under 8 U.S.C. §1231, or mandatory criminal
3 detention under 8 U.S.C. §1226(c). Exh. B.

4 9. Petitioner is physically present in the United States, is in ordinary removal proceedings,
5 and is detained while those proceedings remain pending. Section 1226(a), not §1225(b),
6 supplies the governing detention authority.

7 10. Respondents' contrary position is not merely a disagreement about statutory labels. If
8 Respondents classify Petitioner under §1225(b), the practical consequence is that the
9 immigration court will treat him as categorically ineligible for an ordinary bond hearing.
10 Exh. F ¶¶ 3–8.

11 11. Petitioner therefore seeks immediate release. In the alternative, he seeks a prompt,
12 enforceable, individualized custody hearing at which the government bears the burden of
13 proving, by clear and convincing evidence, that detention remains necessary after
14 consideration of alternatives to detention and Petitioner's ability to pay any monetary
15 bond.

16 **II. JURISDICTION, VENUE, AND CUSTODY**

17 12. This Court has jurisdiction under 28 U.S.C. §2241 because Petitioner is in custody under
18 color of federal authority and challenges the legality of that custody.

19 13. This Court also has jurisdiction under 28 U.S.C. §1331, the Suspension Clause, U.S.
20 Const. art. I, §9, cl. 2, the Due Process Clause of the Fifth Amendment, the Declaratory
21 Judgment Act, 28 U.S.C. §2201 et seq., and the All Writs Act, 28 U.S.C. §1651.
22

1 14. This action is not barred by 8 U.S.C. §1226(e), 8 U.S.C. §1252(a)(2)(B), or 8 U.S.C.
2 §1252(b)(9). Petitioner does not seek review of a discretionary custody judgment, the
3 merits of any removal charge, or any removal order. He challenges the statutory and
4 constitutional authority for his detention without a meaningful custody determination.

5 15. Venue is proper in this District because Petitioner is confined at the Mesa Verde ICE
6 Processing Center in Bakersfield, California, within the Eastern District of California.

7 16. Petitioner is “in custody” for purposes of §2241 because ICE physically detains him at
8 Mesa Verde. Exh. C.

9 17. Respondent Warden of the Mesa Verde ICE Processing Center is Petitioner’s immediate
10 physical custodian and is named in an official capacity.

11 18. The remaining Respondents are federal officials responsible for the legal authority,
12 policies, practices, and custody decisions under which Petitioner is detained.

13 **III. PARTIES**

14 19. Petitioner Jose Patrocinio Claros Nolasco is a native and citizen of El Salvador. 

15  Petitioner Jose Patrocinio Claros Nolasco is a native and citizen of El Salvador. His
16 A-number  Exhs. A, B, C.

17 20. Petitioner is detained by U.S. Immigration and Customs Enforcement (“ICE”) at the
18 Mesa Verde Detention Center in Bakersfield, California. Exh. C.

19 21. Respondent Warden, Mesa Verde Detention Center, is Petitioner’s immediate physical
20 custodian and is named in an official capacity.

21 22. Respondent Sergio Albarran, or his successor, is the Field Office Director for the San
22

Francisco Field Office of U.S. Immigration and Customs Enforcement, Enforcement and

1 Removal Operations. He is responsible for ICE custody determinations, detention
2 practices, and enforcement decisions affecting Petitioner within the relevant field office
3 area of responsibility, and is named in an official capacity.

4 23. Respondent Todd M. Lyons, or his successor, is the Senior Official Performing the
5 Duties of Director of U.S. Immigration and Customs Enforcement. He is responsible for
6 ICE policies, practices, and procedures governing civil immigration detention, including
7 the detention authority and custody practices challenged in this petition, and is named in
8 an official capacity.

9 24. Respondent Markwayne Mullin, or his successor, is the Secretary of the United States
10 Department of Homeland Security. He is responsible for administration and enforcement
11 of the immigration laws, including detention by DHS and ICE, and is named in an
12 official capacity.

13 25. Respondent Todd Blanche, or his successor, is the Acting Attorney General of the United
14 States. He is responsible for the administration of the Executive Office for Immigration
15 Review, including immigration court custody-redetermination procedures, and is named
16 in an official capacity.

17 **IV. STATEMENT OF FACTS**

18 26. Petitioner is a native and citizen of El Salvador. Exhs. A, B, C.

19 27. EOIR's Automated Case Information system identifies Petitioner as Jose Patrocinio
20 Claros Nolasco,  with a docket date of June 26, 2026. Exh. A.

21 28. EOIR states that Petitioner's case is pending before the immigration court. Exh. A.

1 29. EOIR further states that Petitioner's upcoming master calendar hearing is internet-based
2 on July 8, 2026, at 10:30 a.m., before Immigration Judge Brent A. Carr. Exh. A.

3 30. EOIR identifies the court contact address as the Adelanto Immigration Court. Exh. A.

4 31. DHS's Online Detainee Locator identifies Petitioner as Jose Patrocinio Claros Nolasco,
5 country of birth El Salvador, A-number  status "In ICE Custody," state "CA,"
6 and current detention facility "Mesa Verde Detention Center." Exh. C.

7 32. On June 25, 2026, Petitioner appeared at the asylum office in San Francisco for a credible
8 fear interview. Exh. D.

9 33. Petitioner was not accompanied by his prior attorney at that time. Exh. D.

10 34. Before the credible fear interview began, two ICE officers arrested Petitioner and
11 transported him to 630 Sansome in San Francisco. Exh. D.

12 35. The ICE officers told Petitioner that he was being detained because of his illegal entry
13 into the United States. Exh. D.

14 36. Petitioner was transferred the same day to the Mesa Verde ICE Processing Center in
15 Bakersfield, California, where he remains detained. Exhs. C, D.

16 37. DHS served Petitioner with a Notice to Appear dated June 25, 2026. Exh. B.

17 38. The NTA alleges that Petitioner is present in the United States without being admitted or
18 paroled and charges him under INA §212(a)(6)(A)(i). Exh. B.

19 39. The NTA orders Petitioner to appear before an immigration judge and initiates removal
20 proceedings before EOIR. Exh. B.

1 40. Petitioner is not asking this Court to decide whether he is removable or whether he
2 qualifies for asylum, withholding of removal, Convention Against Torture protection, or
3 any other immigration relief.

4 41. Petitioner seeks review only of the legality of his civil immigration detention without a
5 meaningful custody determination.

6 42. The current record does not establish that Petitioner is detained under 8 U.S.C. §1226(c).
7 Respondents have not identified any conviction or statutory predicate that would require
8 mandatory criminal detention under §1226(c).

9 43. The current record also does not establish that Petitioner is detained under 8 U.S.C.
10 §1231. His removal case is pending, and no final order of removal appears in the record.
11 Exh. A.

12 44. Petitioner has filed an asylum claim based on his fear of persecution in El Salvador. Exh.
13 D.

14 45. Petitioner has three U.S. citizen children. Exhs. D, G.

15 46. Petitioner's mother is a lawful permanent resident, and his sister is a U.S. citizen. Exh. D.

16 47. Petitioner works as a chef at  a restaurant in El Sobrante, California. He
17 has worked there for approximately two years. Exh. D.

18 48. Petitioner has no criminal record in the United States or El Salvador. Exh. D.

19 49. Petitioner's girlfriend reports that Petitioner has been experiencing pain in his head and
20 neck while detained and was told he would receive medication, but had not yet received it
21 as of the declaration. Exh. E.

1 50. Petitioner's girlfriend also reports that Petitioner is the family breadwinner and that his
2 detention has caused financial hardship and emotional distress to his family. Exh. E.

3 51. Petitioner's continued detention separates him from his children and family, impairs his
4 ability to support them, and interferes with his ability to meaningfully participate in his
5 pending immigration case. Exhs. D, E.

6 52. Upon information and belief, Respondents have classified Petitioner as detained under 8
7 U.S.C. §1225(b).

8 53. In recent detained cases, DHS has frequently asserted that noncitizens who are physically
9 present in the United States but who allegedly have not been admitted or paroled are
10 detained under §1225(b), rather than under §1226(a). Exh. F ¶ 4.

11 54. When DHS takes that position, immigration judges generally treat the person as
12 categorically ineligible for a custody redetermination hearing. Exh. F ¶¶ 4–8.

13 55. In those cases, the problem is not that the immigration judge denies bond after weighing
14 danger, flight risk, community ties, family ties, employment history, humanitarian
15 equities, or alternatives to detention. The problem is more basic: the immigration judge
16 generally concludes that the immigration court has no jurisdiction to consider bond at all.
17 Exh. F ¶ 5.

18 56. That practical result follows from Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA
19 2025), which DHS has relied upon to argue that noncitizens present in the United States
20 without admission are applicants for admission subject to mandatory detention under 8
21 U.S.C. §1225(b)(2)(A), and therefore are not eligible for immigration-court bond
22 hearings. Exh. F ¶ 6.

1 57. The Board of Immigration Appeals recently reaffirmed that position in
2 Matter of N-A-G-C-, 29 I&N Dec. 662 (BIA 2026), concluding that an immigration
3 judge lacked authority to redetermine custody under §1226(a) where DHS asserted that
4 the respondent was an applicant for admission subject to §1225(b)(2)(A). Exh. F ¶ 6.

5 58. As a practical matter, unless and until a federal court orders relief in a particular case,
6 DHS and the immigration courts often treat the §1225(b) position as foreclosing any
7 meaningful administrative bond remedy. Exh. F ¶ 7.

8 59. For that reason, requiring Petitioner to request bond from the immigration court before
9 seeking habeas relief would be futile if DHS maintains that detention is mandatory under
10 §1225(b). Exh. F ¶¶ 7–9.

11 60. A respondent in that posture does not have a meaningful administrative path to obtain an
12 individualized custody determination from an immigration judge. The immigration judge
13 will generally conclude that the immigration court lacks authority to order release or set
14 bond. Exh. F ¶ 8.

15 61. This futility concern is especially significant where, as here, Petitioner has not received
16 any individualized custody determination by a neutral decisionmaker.

17 62. In the ordinary §1226(a) context, a detained respondent may ask an immigration judge to
18 consider bond. But where DHS invokes §1225(b), the respondent is effectively directed
19 to seek discretionary parole from the same enforcement agency that is detaining him,
20 rather than from a neutral adjudicator. Exh. F ¶ 9.

21 63. ICE parole is not an adequate substitute for immigration-court custody review. Parole is
22 discretionary, controlled by the detaining agency, and does not provide the same neutral

1 forum, burden allocation, evidentiary structure, or enforceable standards that apply when
2 a court orders a constitutionally adequate custody hearing. Exh. F ¶ 10.

3 64. Separate from the jurisdictional problem created by DHS's reliance on §1225(b), recent
4 evidence shows that a bare bond-hearing remedy may be insufficient unless the Court
5 specifies the governing procedural safeguards. Exhs. F, H, I.

6 65. Attorney Christopher J. Todd's declaration explains that, in his recent experience, even
7 where a noncitizen is treated as bond eligible under §1226(a), immigration judges have
8 increasingly denied bond or imposed bonds that are not practically affordable, including
9 in cases involving noncitizens without criminal histories, with family ties, employment
10 histories, and pending applications for relief. Exh. F ¶ 11.

11 66. Mr. Todd further explains that a bare order directing an immigration judge to hold a bond
12 hearing may not provide meaningful relief unless the order specifies that the government
13 bears the burden of proof, that the burden is clear and convincing evidence, that
14 alternatives to detention must be considered, and that any bond amount must account for
15 ability to pay. Exh. F ¶¶ 12–15.

16 67. A May 2026 report concerning immigration bonds states that discretionary release by
17 ICE has become rare, that denial of discretionary release cannot be appealed, and that
18 bond hearings have become essentially the only mechanism within the immigration
19 system by which many detained noncitizens may seek release. Exh. H.

20 68. The same report explains that beginning in mid-2025, an ICE directive and BIA decisions
21 reframed decades of precedent to reclassify many detained noncitizens as ineligible to
22 seek bond before an immigration judge. Exh. H.

69. The report further states that, nationally, bond grant rates have declined substantially, that 2026 showed the lowest bond grant rate on record, and that more than two-thirds of bond requests were denied by immigration judges in 2026. Exh. H.

70. The report also states that for noncitizens who do manage to have bond set, release is not guaranteed because median bond amounts have increased and DHS appeals may delay or prevent release. Exh. H.

71. The Adelanto-specific declaration of Zabdi J. Salazar provides additional evidence relevant to Petitioner's likely immigration-court forum. Exh. I.

72. Dr. Salazar analyzed EOIR bond records from the Adelanto Immigration Court and found a substantial increase in recorded bond amounts after November 10, 2025. Exh. I ¶¶ 1–3, 11–17.

73. Dr. Salazar found that, among records with a positive recorded bond amount, the median Adelanto bond increased from \$7,500 before November 10, 2025 to \$10,000 after November 10, 2025, and the mean increased from about \$9,653 to \$13,803. Exh. I ¶¶ 3, 15.

74. Dr. Salazar also found that the share of recorded Adelanto bonds above \$15,000 more than doubled, rising from 9.8% to 23.8%. Exh. I ¶¶ 3, 16.

75. Dr. Salazar further found that Adelanto bond outcomes shifted adversely after November 10, 2025: denials as a share of completed bond records increased from 39.3% to 57.4%, while the grant rate fell from 37% to 25.7%. Exh. I ¶¶ 3, 12–13, 29.

76. The available record therefore supports Petitioner's request for immediate release. At minimum, it supports a prompt, specific, enforceable hearing order that requires the

1 government to bear the burden by clear and convincing evidence, requires consideration
2 of alternatives to detention, and requires consideration of ability to pay.

3 **V. EXHAUSTION AND FUTILITY**

4 77. Petitioner is not required to exhaust futile or unavailable administrative procedures before
5 seeking habeas relief under 28 U.S.C. §2241.

6 78. Section 2241 contains no statutory exhaustion requirement applicable to this petition.

7 79. To the extent prudential exhaustion principles apply, they are satisfied or excused
8 because administrative remedies are unavailable, inadequate, and futile.

9 80. The futility problem is concrete. Upon information and belief, Respondents have
10 classified Petitioner as detained under 8 U.S.C. §1225(b), not §1226(a).

11 81. DHS's current position in similar cases is that many physically present noncitizens who
12 have not been admitted or paroled are detained under §1225(b), not §1226(a). Exh. F ¶¶
13 4–8.

14 82. Under Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025), the BIA has adopted the
15 view that immigration judges lack authority to hear bond requests or grant bond to
16 noncitizens present in the United States without admission under §1225(b)(2)(A). Exh. F
17 ¶ 6.

18 83. Under Matter of N-A-G-C-, 29 I&N Dec. 662 (BIA 2026), the BIA reaffirmed that
19 position and concluded that the immigration judge lacked authority to redetermine
20 custody under §1226(a) where DHS asserted that the respondent was an applicant for
21 admission subject to §1225(b)(2)(A). Exh. F ¶ 6.

84. When DHS asserts that position, immigration judges generally treat respondents as categorically outside bond jurisdiction. Exh. F ¶¶ 4–8.

85. Thus, requiring Petitioner to first request an immigration-court bond hearing would not provide a meaningful opportunity for release if DHS maintains the §1225(b) position. It would simply send Petitioner to a forum that will conclude it lacks jurisdiction.

86. Petitioner’s claim is also legal and constitutional. He challenges the governing detention statute and the absence of a meaningful custody determination. An immigration judge cannot declare the BIA’s interpretation unlawful, cannot bind DHS to treat Petitioner as detained under §1226(a), and cannot provide the full habeas remedy sought here.

87. Exhaustion is also inadequate because Petitioner seeks immediate release from allegedly unlawful detention. Delay itself is part of the injury.

88. The present record demonstrates the problem. Petitioner remains detained while his removal proceedings are pending. Exhs. A, C.

89. Petitioner remains detained without any meaningful individualized custody determination that complies with due process.

90. Exhaustion should therefore be deemed excused.

VI. CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

Violation of the INA and 28 U.S.C. §2241:

Petitioner Is Detained Under §1226(a), Not §1225(b) or §1231

91. Petitioner realleges and incorporates all prior paragraphs.

92. Section 1226(a) applies when a noncitizen is “arrested and detained pending a decision on whether the alien is to be removed from the United States.” 8 U.S.C. §1226(a).

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1 93. Section 1226(a) authorizes detention, but it also authorizes release on bond or conditional
2 parole. 8 U.S.C. §1226(a)(2); see also 8 C.F.R. §§236.1, 1236.1, 1003.19.

3 94. Section 1226(c) separately imposes mandatory detention for certain enumerated
4 categories. 8 U.S.C. §1226(c). Respondents have not identified any §1226(c) predicate,
5 and Petitioner is not detained under §1226(c) on the present record.

6 95. Section 1231 governs detention during the removal period after a removal order becomes
7 administratively final. 8 U.S.C. §1231(a). Petitioner is not detained under §1231 because
8 his case remains pending before the immigration court and he is not subject to a final
9 order of removal on the present record. Exh. A.

10 96. Section 1225 is an inspection-and-admission statute. It does not create a general interior
11 no-bond detention regime for every person alleged to be present without admission and
12 placed in ordinary removal proceedings.

13 97. Respondents appear to rely on §1225(b)(2)(A) because Petitioner is alleged to be an
14 “applicant for admission.” That assertion skips the custody question presented here.

15 98. The issue is not whether Petitioner may be charged as inadmissible in removal
16 proceedings. The issue is which custody statute governs after DHS detains a physically
17 present noncitizen during pending immigration court proceedings.

18 99. Section 1226(a) expressly answers that question. Petitioner is detained “pending a
19 decision on whether [he] is to be removed from the United States.” 8 U.S.C. §1226(a).

20 100. Section 1225(b)(2)(A) applies where an “examining immigration officer”
21 determines that an alien “seeking admission” is not clearly and beyond a doubt entitled to
22 admission. 8 U.S.C. §1225(b)(2)(A). That language fits the inspection-and-admission

1 context. It does not naturally describe a person already physically present in the United
2 States, already in ordinary immigration court proceedings, and detained while those
3 proceedings remain pending.

4 101. Respondents' contrary reading would collapse §1225 and §1226. If every person
5 present without admission is automatically subject to §1225(b)(2) mandatory detention
6 whenever DHS detains that person in the interior, then §1226(a)'s bond framework
7 disappears for a broad class of ordinary removal respondents.

8 102. Congress did not write §1226(a) so that it could be displaced by the mere
9 allegation that a person entered without inspection or is charged as inadmissible.

10 103. Respondents' position is especially untenable where, as here, the immigration
11 court case is pending, there is no final removal order, and Respondents have not
12 identified any §1226(c) predicate. Exh. A.

13 104. Petitioner does not claim that ICE could never assume custody. The claim is
14 narrower: if ICE detains him during pending removal proceedings, the governing
15 detention statute is §1226(a), and §1226(a) includes access to a meaningful custody
16 determination.

17 105. Because Petitioner is detained under §1226(a), Respondents violate the INA and
18 §2241 by treating him as categorically ineligible for a custody redetermination.

19 106. Petitioner is entitled to habeas relief.

20 **SECOND CLAIM FOR RELIEF**
21 **Violation of the Due Process Clause:**
Detention Without a Meaningful Individualized Custody Hearing Is Unconstitutional

22 107. Petitioner realleges and incorporates all prior paragraphs.

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1 108. The Fifth Amendment prohibits the federal government from depriving any
2 person of liberty without due process of law.

3 109. Civil immigration detention is nonpunitive and may not be used as punishment. It
4 is constitutionally permissible only if reasonably related to legitimate governmental
5 purposes, such as ensuring appearance and protecting the community.

6 110. Petitioner has a substantial liberty interest in freedom from physical confinement.

7 111. Petitioner remains detained while his immigration case is pending. Exhs. A, C.

8 112. Petitioner has not received a meaningful individualized custody hearing at which
9 the government was required to prove that continued detention is necessary.

10 113. The risk of erroneous deprivation is substantial if Respondents may detain
11 Petitioner without a custody hearing or may shift the burden to Petitioner to prove that he
12 deserves release.

13 114. The risk of erroneous deprivation is especially substantial in the current context,
14 where DHS's §1225(b) position deprives respondents of any immigration-court custody
15 forum. Exh. F ¶¶ 4–10.

16 115. Due process requires more than a categorical assertion of detention authority. It
17 requires a meaningful, individualized determination of whether detention is necessary.

18 116. This is particularly true where Petitioner is physically present in the United States,
19 is in ordinary removal proceedings, and is detained while those proceedings remain
20 pending.

1 117. Respondents have not shown, and no neutral decisionmaker has found under
2 constitutionally adequate procedures, that Petitioner is a danger to the community or a
3 flight risk.

4 118. The available record indicates that Petitioner has no criminal record in the United
5 States or El Salvador. Exh. D.

6 119. The available record indicates that Petitioner has three U.S. citizen children, a
7 lawful permanent resident mother, a U.S. citizen sister, and stable employment as a chef.
8 Exhs. D, G.

9 120. Alternatives to detention are available, including release on recognizance,
10 reporting requirements, electronic monitoring if necessary, and other conditions of
11 supervision.

12 121. Respondents have not shown, and no neutral decisionmaker has found under
13 constitutionally adequate procedures, that no condition or combination of conditions can
14 reasonably ensure Petitioner's appearance and the safety of the community.

15 122. Respondents' detention of Petitioner under §1225(b), without a meaningful
16 individualized custody determination, violates the Due Process Clause.

17 123. Immediate release is the proper remedy for unlawful detention.

18 124. If the Court instead orders a custody hearing, due process requires that the hearing
19 be prompt, meaningful, and enforceable.

20 125. At any constitutionally adequate custody hearing, the government must bear the
21 burden of proof.

1 126. The burden must be clear and convincing evidence because physical detention is a
2 severe deprivation of liberty.

3 127. The decisionmaker must consider whether alternatives to detention would
4 reasonably mitigate any asserted risk.

5 128. The decisionmaker must also consider ability to pay before imposing any
6 monetary bond. A bond set beyond a person's ability to pay operates as detention, not
7 release.

8 129. These safeguards are necessary to make any alternative hearing remedy
9 meaningful. Exh. F ¶¶ 12–15.

10 130. Without those safeguards, a bond hearing can become largely formal rather than
11 meaningful. DHS may argue that detention should continue based on generalized
12 enforcement interests, the pendency of removal proceedings, or the existence of an
13 immigration charge, while the detained respondent bears the practical burden of proving
14 why he should be released. Exh. F ¶ 13.

15 131. The current bond system underscores the need for specific safeguards. Exhs. H, I.

16 132. National data summarized in the May 2026 bond report state that discretionary
17 release by ICE has become rare, that many noncitizens have been reclassified as
18 ineligible to seek bond before an immigration judge, and that 2026 showed the lowest
19 bond grant rate on record. Exh. H.

20 133. The Adelanto-specific analysis shows an adverse shift in bond outcomes and
21 recorded bond amounts after November 10, 2025, including an increase in denials and a
22 higher median recorded bond amount. Exh. I ¶¶ 3, 12–17, 28–31.

1 134. Due process therefore requires immediate release or, at minimum, a prompt
2 custody hearing with enforceable safeguards.

3 135. Respondents' detention of Petitioner without such process violates the Due
4 Process Clause.

5 136. Petitioner is entitled to habeas relief.

6 **VII. PRAYER FOR RELIEF**

7 WHEREFORE, Petitioner respectfully requests that this Court:

8 A. Assume jurisdiction over this matter;

9 B. Declare that Petitioner's detention is governed by 8 U.S.C. §1226(a), not 8 U.S.C. §1225(b)
10 or 8 U.S.C. §1231;

11 C. Declare that Respondents' detention of Petitioner without a meaningful individualized
12 custody determination violates the INA, 28 U.S.C. §2241, and the Due Process Clause of the
13 Fifth Amendment;

14 D. Issue a writ of habeas corpus ordering Respondents to immediately release Petitioner from
15 custody under reasonable conditions of supervision;

16 E. Enjoin Respondents from re-detaining Petitioner during the pendency of his removal
17 proceedings absent materially changed circumstances and a constitutionally adequate pre-
18 deprivation hearing;

19 F. Enjoin Respondents from transferring Petitioner outside the Eastern District of California or
20 otherwise frustrating this Court's jurisdiction while this case remains pending;

21 G. In the alternative, order Respondents to provide Petitioner with a prompt custody hearing
22 before a neutral decisionmaker within seven days, at which:

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1. the government bears the burden of proof;
2. the government must prove by clear and convincing evidence that continued detention is necessary;
3. the decisionmaker must consider alternatives to detention;
4. the decisionmaker must consider Petitioner's ability to pay before imposing any monetary bond;
5. no bond may be set in an amount that results in detention solely because Petitioner cannot pay; and
6. Respondents must release Petitioner unless the government satisfies the required burden;

H. Order Respondents to disclose the statutory basis for Petitioner's detention and produce the custody records, charging documents, and any custody determination upon which Respondents rely;

I. Waive any bond requirement under Federal Rule of Civil Procedure 65(c);

J. Award reasonable attorney's fees and costs as permitted by law; and

K. Grant such other and further relief as the Court deems just and proper.

Dated: July 1, 2026

Respectfully submitted,
By: /s/ Ann Barhoum
ANN BARHOUM
Attorney for Petitioner

VERIFICATION BY COUNSEL PURSUANT TO 28 U.S.C. §2242

I, Ann Barhoum, declare as follows:

1. I am counsel for Petitioner Jose Patrocinio Claros Nolasco in this habeas corpus action.
2. Petitioner is detained by Immigration and Customs Enforcement at the Mesa Verde ICE Processing Center and is not readily available to personally verify this petition before filing.
3. I have reviewed the foregoing Petition for Writ of Habeas Corpus and the exhibits submitted in support of it.
4. The factual allegations in the petition are based on my communications with Petitioner, the records and exhibits submitted in support of the petition, EOIR and DHS public records, and information available to counsel.
5. To the best of my knowledge, information, and belief, formed after reasonable inquiry under the circumstances, the factual allegations are supported by the existing record or are likely to have evidentiary support after Respondents produce the custody record and related immigration detention documents.
6. The legal claims and requests for relief are warranted by existing law or by nonfrivolous arguments for the extension, modification, or reversal of existing law.
7. I submit this verification on Petitioner's behalf pursuant to 28 U.S.C. §2242 because Petitioner is detained and counsel is acting on his behalf in seeking habeas relief.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 1 day of July, 2026, at San Jose, California.

/s/Ann Barhoum
Attorney for Petitioner