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

JUL - 1 2026

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY 40
DEPUTY CLERK

JOSE LUIS AYALA-JUAREZ



Petitioner,
California City Immigration
Processing Center

v.

CHRISTOPHER CHESTNUT, Warden,
California City Processing Center;
ORESTES CRUZ, Field Office Director,
U.S. Immigration
and Customs Enforcement and Removal
Operations ("ICE/ERO"), Philadelphia
Field Office; TODD LYONS, Acting
Director of U.S. Immigration and Customs
Enforcement ("ICE"); MARKWAYNE
MULLIN, Secretary of
U.S. Department of Homeland Security
("DHS");
TODD BLANCHE, Attorney General of
the United States,

Respondents.

Case No. 1:26-cv-5065-DAD-JDP-(HC)

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

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PETITION FOR WRIT OF HABEAS CORPUS

1. Pursuant to 28 U.S.C. § 2241 Jose Luis Ayala-Juarez (“Petitioner”) asks the Court to issue a Writ of Habeas Corpus requiring the Respondents to release him, or, in the alternative, to provide Petitioner with a bond hearing before the Immigration Judge within seven (7) days.
2. Respondents have recently reversed their decades-long practice of providing bond hearings to individuals in Petitioner’s situation. Respondents have adopted an indefensible interpretation of the immigration statutes related to immigration bonds, 8 U.S.C. § 1225, and 8 U.S.C. § 1226.
3. By implementing their new interpretation, they have seized Petitioner and are detaining without the possibility of release on bond. Petitioner asks that this Court declare that the Respondents’ interpretation of the governing statute is wrong, and that it order either his release, or that he receive a bond hearing within seven (7) days.

PARTIES

4. Petitioner, Jose Luis Ayala-Juarez, a native and citizen of Mexico currently detained at the California City ICE Processing Center (“California City”), a detention center in California City, California.
5. Respondent Christopher Chestnut is the Warden of the Clinton County Correctional Facility at which Petitioner is currently detained.
6. Respondent Orestes Cruz is the Acting Field Office Director for the San Francisco Field Office, Immigration and Customs Enforcement and Removal Operations (“ICE/ERO”).

The Philadelphia Field Office is responsible for local custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens. The Philadelphia Field Office's area of responsibility includes Pennsylvania, Delaware, and West Virginia. Respondent McShane is a legal custodian of Petitioner.

7. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement, and has authority over the actions of respondent Brian McShane and ICE in general. Respondent Lyons is a legal custodian of Petitioner.
8. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security and has authority over the actions of all other DHS Respondents in this case, as well as all operations of DHS. Respondent Lyons is a legal custodian of Petitioner and is charged with faithfully administering the immigration laws of the United States.
9. Respondent Todd Blanche is the Acting Attorney General of the United States, and as such has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.
10. Respondent U.S. Immigration Customs Enforcement is the federal agency responsible for custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens.
11. Respondent U.S. Department of Homeland Security is the federal agency that has authority over the actions of ICE and all other DHS Respondents.
12. This action is commenced against all Respondents in their official capacities.

FACTUAL BACKGROUND

13. Petitioner is 45-year-old native and citizen of Mexico. He entered the United States without inspection in 1998 in an unknown point of entry. Prior to detention, he was living in Utah.
14. Petitioner has six (6) United States Citizen children and is married to United Citizen Spouse that is abusive.
15. On March 13, 2026, the Petitioner was arrested by ICE and has been detained since.
16. Petitioner has a 42B Cancellation of Removal pending through hi minor United States Citizen Children and as a victim of domestic violence through his United States Citizen Spouse.
17. Petitioner has not been given an Individual Hearing date and remains detained.
18. Respondents have subjected Petitioner to unlawful detention because Respondents have concluded Petitioner is subject to mandatory detention.
19. Based on the allegations in Petitioner's removal proceedings that he is an alien present in the United States who has not been admitted or paroled, DHS will categorically deny Petitioner release from immigration custody, as mandated by a new DHS policy issued on July 8, 2025, instructing all Immigration and Customs Enforcement (ICE) employees to consider anyone inadmissible under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without admission or inspection—to be subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.
20. The Immigration Court will also deny Petitioner a bond as such denial is mandated by new precedent of the Board of Immigration Appeals (BIA). *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). In *Matter of Yajure Hurtado*, the BIA issued a precedential decision, which binds all immigration judges, holding that an immigration judge has no

authority to consider bond requests for any person who entered the United States without admission or inspection. *Id.* Deviating from decades of practice, the BIA decided that such individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.

21. Petitioner's detention on this basis violates the plain language of the Immigration and Nationality Act as 8 U.S.C. § 1225(b)(2)(A) does not apply to individuals like Petitioner who previously entered and are now residing in the United States. Instead, such individuals are subject to a different detention statute - 8 U.S.C. § 1226(a). § 1226(a) that allows for an alien's release on conditional parole or bond. That statute expressly applies to people who, like Petitioner, are charged as inadmissible for having entered the United States without admission or inspection.
22. Respondents' new legal interpretation is plainly contrary to the statutory framework and contrary to decades of agency practice applying § 1226(a) to people like Petitioner.
23. Accordingly, Petitioner respectfully requests that this Court issue a writ of habeas corpus directing Respondents to provide him with a prompt individualized bond hearing pursuant to 8 U.S.C. § 1226(a) within seven (7) days, or, in the alternative, order his immediate release from custody.

LEGAL FRAMEWORK

I. DETENTION UNDER 8 U.S.C. §§ 1226(A) AND 1225(B)(2)

24. This case concerns the detention provisions set forth in 8 U.S.C. §§ 1226(a) and 1225(b)(2). Section 1226(a) governs the detention of noncitizens placed in removal proceedings under 8 U.S.C. § 1229a and authorizes the Department of Homeland Security to detain or release such individuals on bond or conditional parole. Individuals detained under § 1226(a) are

entitled to an individualized bond hearing before an Immigration Judge. *See* 8 C.F.R. §§ 1003.19(a), 1236.1(d).

25. Section 1225(b)(2), by contrast, applies to certain noncitizens deemed “applicants for admission” who are “seeking admission” and whom an immigration officer determines are not clearly and beyond a doubt entitled to be admitted. Such individuals are subject to mandatory detention pending a determination of admissibility and are not afforded a bond hearing before an Immigration Judge. *See* 8 U.S.C. § 1225(b)(2).
26. Respondents have improperly subjected Petitioner to detention without a bond hearing by treating him as if he falls within § 1225(b)(2), when, in fact, his circumstances place him within the scope of § 1226(a). Petitioner is in removal proceedings under 8 U.S.C. § 1229a and has a viable claim for relief, including eligibility for Cancellation of Removal under INA § 240A(b). Accordingly, his detention is governed by § 1226(a), and he is entitled to an individualized bond hearing. Respondents’ failure to provide such a hearing renders his continued detention unlawful and in violation of due process.

A. Improper Application of 8 U.S.C. § 1225(b)(2) Instead of § 1226(a)

27. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104-208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section 1226(a) was most recently amended by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025).
28. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who had entered the country without inspection were considered detained under Section 1226(a), not under Section 1225. *See* Inspection and Expedited Removal of

Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

29. In the decades following the enactment of these statutory and regulatory provisions, most people who were detained after having entered without inspection were placed in standard removal proceedings and received bond hearings, unless their criminal history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent with many decades of prior practice in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an Immigration Judge or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority previously found at § 1252(a)).
30. On July 8, 2025, ICE, “in coordination with” the DOJ, announced a new policy that rejected well-established understanding of the statutory framework and reversed decades of practice.
31. The new policy, entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission,” claims that all persons who are detained after having entered the United States without inspection shall now be deemed “applicants for admission” under 8 U.S.C. § 1225(a)(1), and therefore subject to mandatory detention provision under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended, and it affects those who have resided in the United States for months, years, and even decades.
32. On September 5, 2025, the BIA adopted this same position in a published decision, *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216, 220 (BIA 2025). The BIA held that “aliens who are present in the United States without admission are applicants for admission as defined

under section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), and must be detained during the duration of their removal proceedings.” *Id.*

B. The BIA’s Yajure Hurtado Decision Is Not Entitled to Deference

33. Where a statute is unambiguous, the agency’s contrary reading receives no deference. *See Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024); *Chevron, U.S.A., Inc. v. NRDC*, 467 U.S. 837, 842–43 (1984) (if “the intent of Congress is clear,” that is the end of the matter). The plain text of §§ 1225 and 1226, read together with the rule against surplusage and the canon against redundancy, unambiguously places Petitioner under § 1226(a). The BIA’s contrary view in *Yajure Hurtado* cannot overcome the statute’s plain meaning.
34. The Ninth Circuit’s administrative stay of the *Maldonado Bautista* class judgment outside the Central District of California (No. 26-1044, Mar. 2026) does not affect this Petition. As this District has confirmed, the stay of a nationwide class order does not prevent this Court from granting individual habeas relief, because the Eastern District has independently adopted the same statutory and constitutional logic in its own decisions. *See Chiguil Chiguil v. Noem*, No. 1:26-cv-01844 (E.D. Cal. 2026). Petitioner brings an individual habeas claim and does not rely on class membership.

E. Persuasive Circuit Authority Favors Petitioner

35. While the Ninth Circuit’s merits appeal in *Rodriguez Vazquez* remained pending as of the date of this Petition—so E.D. Cal. district precedent controls—the weight of sister-circuit authority favors Petitioner. The Second, Sixth, and Eleventh Circuits and a Seventh Circuit motions panel have sided with detainees. *See Castañon-Nava v. DHS*, 161 F.4th 1048 (7th Cir. 2025). The contrary decisions in *Buenrostro-Mendez v. Bondi*, 166 F.4th 494 (5th Cir.

2026), and *Avila v. Bondi*, 170 F.4th 1128 (8th Cir. 2026), are not binding here, drew dissents, and resolved only the statutory question.

36. Because Petitioner was arrested in the interior of the United States after twenty-eight (28) years of continuous residence, he is detained under 8 U.S.C. § 1226(a). He has a statutory right to a bond hearing, and the denial of that hearing is contrary to law.

II. PETITIONER'S 90-DAY DETENTION WITHOUT ANY HEARING VIOLATES PROCEDURAL DUE PROCESS

A. The Fifth Amendment Protects Petitioner

37. The Due Process Clause of the Fifth Amendment applies to “all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). “Freedom from imprisonment from government custody, detention, or other forms of physical restraint sa lies at the heart of the liberty that Clause protects.” *Id.* “The Due Process Clause forbids the Government from depriving a person of life, liberty, or property without adequate procedural protections.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 533 (2004).

B. Civil Detention Without an Individualized Hearing Requires Clear and Convincing Justification

38. Civil commitment of an individual, even for a short period, “constitutes a significant deprivation of liberty that requires due process protection.” *Addington v. Texas*, 441 U.S. 418, 425 (1979). Where the Government seeks to continue civil detention without criminal charge, it must bear the burden of justifying confinement by clear and convincing evidence

of flight risk or dangerousness. *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992); *Addington*, 441 U.S. at 427.

39. In *Jennings v. Rodriguez*, 583 U.S. 281 (2018), the Supreme Court recognized that prolonged detention without an individualized hearing raises serious constitutional concerns and remanded for consideration of those concerns.
40. At any bond hearing ordered by this Court, the Government must bear the burden of proving by clear and convincing evidence that Petitioner is a flight risk or a danger to the community. *Singh v. Holder*, 638 F.3d 1196, 1203–04 (9th Cir. 2011); see *Martinez v. Clark*, 36 F.4th 1219 (9th Cir. 2022) (confirming the clear-and-convincing burden and federal review of deficient hearings). The Immigration Judge must also consider Petitioner’s ability to pay and alternatives to detention. *Hernandez v. Sessions*, 872 F.3d 976, 990–91 (9th Cir. 2017). An uncorroborated Form I-213 does not satisfy the clear-and-convincing standard.

C. The Mathews v. Eldridge Balancing Favors a Hearing

41. The balancing test of *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), weighs (1) the private liberty interest; (2) the risk of erroneous deprivation under the current procedures and the probable value of additional safeguards; and (3) the Government’s interest, including fiscal and administrative burden.
42. The first factor is the “most elemental of liberty interests,” *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004), and is heightened by Petitioner’s long residence. The second factor is decisive: Petitioner has been detained approximately ninety days with no neutral hearing of any kind—no individualized assessment of flight risk or danger before any neutral decisionmaker. As *Chiguil Chiguil* held, detaining a long-term interior resident without

any individualized risk assessment before a neutral decision-maker created an unconstitutionally high risk of erroneous deprivation, especially where the Government did not contend that he posed an active flight risk or danger. The same is true here. The third factor does not favor the Government: a § 1226(a) bond hearing is a routine, low-cost procedure. *Harmeet Singh Singh v. Warden*, No. 1:26-cv-01406-KES-HBK (E.D. Cal. Apr. 23, 2026).

43. Petitioner does not contend that ninety days is, by itself, automatically “presumptively unreasonable” under the six-month benchmark of *Zadvydas*, 533 U.S. at 701, and *Diouf v. Napolitano* (Diouf II), 634 F.3d 1081, 1091–92 (9th Cir. 2011). The due process violation here arises from the **total absence of any hearing**, not merely the passage of time. That said, Petitioner’s detention is steadily approaching that six-month benchmark, and each additional day without a hearing deepens the constitutional injury.

CLAIMS FOR RELIEF

COUNT I: STATUTORY VIOLATION OF 8 U.S.C. §§ 1226(A) AND 1225(B):

IMPROPER CLASSIFICATION OF PETITIONER’S DETENTION

44. Petitioner incorporates by reference the factual allegations and legal arguments set forth in the preceding paragraphs.

45. For the reasons set forth above, the mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the specified ground of inadmissibility, entry without inspection, 8 U.S.C. § 1182(a)(6)(A)(i) grounds of inadmissibility. As relevant here, the mandatory detention

statute cannot be read to apply to those who have been residing in the United States for many years prior to apprehension and removal proceedings. A person with long-term residence in the United States who is alleged to be removable should be deemed detained under Section 1226(a), unless they are subject to Section 1225(b)(1), 1226(c) or 1231. Indeed, for the reasons set forth above, the mandatory detention statute cannot be read to apply to someone in petitioner's circumstances.

46. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates the INA.

COUNT II: VIOLATION OF THE FIFTH AMENDMENT RIGHT TO PROCEDURAL DUE PROCESS

47. Petitioner incorporates by reference the factual allegations and legal arguments set forth in the preceding paragraphs.
48. The Due Process Clause of the Fifth Amendment protects "all persons within the territory of the United States," including noncitizens, regardless of the lawfulness of their initial entry. See *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *Mathews v. Diaz*, 426 U.S. 67, 77 (1976).
49. Civil immigration detention without an individualized hearing raises serious constitutional concerns and, at a minimum, requires that the Government bear the burden of justifying confinement by clear and convincing evidence of flight risk or dangerousness. See *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992); *Addington v. Texas*, 441 U.S. 418, 427 (1979).
50. Applying the balancing test of *Mathews v. Eldridge*, 424 U.S. 319 (1976), the private liberty interest at stake is "the most elemental of liberty interests," *Hamdi v. Rumsfeld*, 542

U.S. 507, 529 (2004); the risk of erroneous deprivation without a hearing is severe; and the additional burden of a bond hearing is minimal.

PRAYER FOR RELIEF

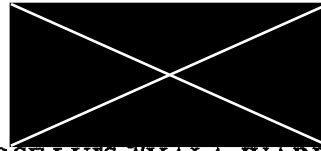
WHEREFORE, Petitioner respectfully requests that this Court:

- (1) Assume jurisdiction over this matter under 28 U.S.C. § 2241 and grant expedited consideration in light of Petitioner's ongoing detention;
- (2) Issue an Order to Show Cause directing Respondents to show cause, within a time certain, why the writ of habeas corpus should not issue;
- (3) Declare that Petitioner is detained under 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225(b)(2)(A), and that his detention without a bond hearing violates the INA and the Due Process Clause of the Fifth Amendment;
- (4) Grant the writ and **order Petitioner's immediate release** from custody under reasonable conditions of supervision—consistent with the relief granted in *Chiguil Chiguil v. Noem*, No. 1:26-cv-01844-DAD-CSK (E.D. Cal. Apr. 13, 2026)—and enjoin Respondents from re-detaining Petitioner absent (i) seven (7) days' advance notice and (ii) a pre-deprivation bond hearing before a neutral arbiter under 8 U.S.C. § 1226(a) at which the Government bears the burden of proof;
- (5) In the alternative, order Respondents to provide Petitioner a bond hearing before a neutral Immigration Judge within **seven (7) days** under 8 U.S.C. § 1226(a), at which **the Government bears the burden of proving by clear and convincing evidence** that continued detention is justified by flight risk or danger, and at which the Immigration Judge must consider Petitioner's ability to pay and alternatives to detention;

- (6) Enjoin Respondents from transferring Petitioner out of the Eastern District of California during the pendency of this Petition, so as to preserve this Court's jurisdiction and the governing law of this District
- (7) Grant such other and further relief as this Court deems just and proper.

I affirm, under penalty of perjury, that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct.

Respectfully submitted,

A black rectangular box with a white 'X' drawn across it from corner to corner, used to redact a signature.

JOSE LUIS AYALA-JUAREZ

CALIFORNIA CITY IMMIGRATION
PROCESSING CENTER
22844 VIRGINIA BOULEVARD
CALIFORNIA CITY, CA 93505

Dated: June 11, 2026