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6 **Manuel Adrian Soto-Urbina**

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9
10 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT

11 Manuel Adrian Soto-Urbina,

12 Petitioner,

13 v.

14 Divver, Field Office Director of Enforcement
15 and Removal Operations, San Diego Field
16 Office, Immigration and Customs Enforcement;
et al.

17 Respondents.

Case No. **'26CV3838 JES DEB**

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1
2 1. Petitioner Manuel Adrian Soto-Urbina (“Mr. Soto-Urbina”) brings this petition
3 for a writ of habeas corpus to challenge his ongoing detention at the Otay Mesa Detention
4 Center. Respondents are treating him as subject to mandatory detention under 8 U.S.C. §
5 1225(b)(2), even though Mr. Soto-Urbina last entered the United States without inspection in
6 approximately 2022 at or near San Luis, Arizona, near the San Luis Port of Entry, was not
7 apprehended upon arrival, and was instead taken into immigration custody years later during an
8 interior enforcement stop near Indio, California. Because he was not apprehended upon arrival
9 and is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231, he is detained under 8
10 U.S.C. § 1226(a) and is entitled to consideration for release on bond.

11 2. On December 18, 2025, the district court in *Maldonado Bautista v. Santacruz*,
12 No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Dec. 18, 2025), entered final judgment declaring that
13 members of the certified Bond Eligible Class are detained under 8 U.S.C. § 1226(a), are not
14 subject to mandatory detention under 8 U.S.C. § 1225(b)(2), and are entitled to bond
15 consideration under 8 C.F.R. § 236.1, 8 C.F.R. § 1236.1, and 8 C.F.R. § 1003.19. The
16 government appealed. On April 2, 2026, the Ninth Circuit stayed the judgment pending appeal to
17 the extent it required relief for class members outside the Central District of California but did
18 not stay its application within the Central District. See *Maldonado Bautista v. Santacruz*, No. 26-
19 1044 (9th Cir. Apr. 2, 2026).

20 3. Because Mr. Soto Urbina is detained in the Southern District of California, he
21 does not seek to enforce the stayed extraterritorial portion of the classwide judgment in
22 *Maldonado Bautista*. He instead seeks individual habeas relief based on the same statutory
23 interpretation adopted by the district court and the plain text of the INA.

4. Mr. Soto-Urbina falls within the same category of noncitizens addressed in *Maldonado Bautista*. He does not have lawful status in the United States, is currently detained at the Otay Mesa Detention Center, last entered the United States without inspection in approximately 2022 near San Luis, Arizona, was not apprehended upon arrival, and was taken into custody only years later after a roadway immigration stop near Indio, California. He is not detained under 8 U.S.C. § 1226(c), 8 U.S.C. § 1225(b)(1), or 8 U.S.C. § 1231.

5. After apprehending Mr. Soto-Urbina in June 2026, DHS placed him in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged him as inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States without inspection. That charge does not convert his detention into mandatory detention under § 1225(b)(2), particularly where he was not apprehended upon arrival and was instead arrested years after entry.

6. Respondents continue to detain Mr. Soto-Urbina without affording him the bond process required by 8 U.S.C. § 1226(a). The Court should expeditiously grant this petition and order Respondents to treat Mr. Soto-Urbina as detained under 8 U.S.C. § 1226(a), to provide prompt bond consideration, and, if he is not released by DHS, to provide a prompt custody redetermination hearing before an Immigration Judge. Alternatively, if Respondents do not provide that process within seven (7) days, the Court should order Mr. Soto Urbina's release.

JURISDICTION

7. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Otay Mesa Detention Center in San Diego, California.

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

9. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

10. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Southern District, the judicial district in which Petitioner currently is detained.

11. 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 Southern District.

REQUIREMENTS OF 28 U.S.C. § 2243

12. The Court should grant the petition for writ of habeas corpus “forthwith,” as the legal issues have already been resolved for class members in *Maldonado Bautista*.

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

PARTIES

14. Mr. Soto-Urbina is a native and citizen of Mexico who is currently detained at the Otay Mesa Detention Center. Mr. Soto-Urbina last entered the United States without inspection in approximately 2022 at or near San Luis, Arizona, near the San Luis Port of Entry, and was not

1 apprehended upon arrival. His current detention began much later, in June 2026, after
2 immigration officers stopped him near Indio, California, during a roadway immigration
3 operation. Mr. Soto-Urbina cooperated with the officers, presented his documents, and was taken
4 into immigration custody. He was first transported to Indio, then transferred to Brawley, where
5 he remained detained for several days and was hospitalized due to health issues, before being
6 transferred to Otay Mesa. Mr. Soto-Urbina has strong family ties in the United States, including
7 his U.S. citizen wife and U.S. citizen children, and his wife has filed a family-based immigration
8 petition for him. Because he was not apprehended upon arrival and his current detention arose
9 from a later interior enforcement stop, he is eligible for an individualized bond hearing and does
10 not fall within the category of noncitizens detained immediately upon entry.

11 15. Respondent Patrick Divver is the Field Office Director of ICE Enforcement and
12 Removal Operations, San Diego Field Office. In that official capacity, he is responsible for
13 Petitioner's immigration custody and continued detention within this District. He is sued in his
14 official capacity only.

15 16. Respondent Christopher J. LaRose is the Warden of the Otay Mesa Detention
16 Center, where Petitioner is detained. He has day-to-day physical custody of Petitioner and is sued
17 in his official capacity only.

18 17. Respondent Department of Homeland Security is the federal agency responsible
19 for implementing and enforcing the Immigration and Nationality Act, including the detention
20 and removal of noncitizens.

21 18. This Petition challenges Petitioner's present physical confinement under 28
22 U.S.C. § 2241. Respondents are the officials and agency responsible for Petitioner's custody and
23 continued detention.
24

1 **CLAIM FOR RELIEF**

2 **Violation of the INA:**
3 **Request for Relief Pursuant to *Maldonado Bautista***

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

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

8 21. The order granting partial summary judgment in *Maldonado Bautista* concluded
9 that Respondents violate the INA when they apply the mandatory detention statute at 8 U.S.C. §
10 1225(b)(2) to noncitizens who fall within the Bond Eligible Class.

11 22. The order granting class certification in *Maldonado Bautista* extended the same
12 declaratory relief granted to the named petitioners to the Bond Eligible Class as a whole. After
13 final judgment, however, the Ninth Circuit stayed the judgment pending appeal to the extent it
14 required relief for class members outside the Central District of California.

15 23. Because Petitioner is detained in the Southern District of California, he does not
16 seek to enforce the stayed extraterritorial portion of the classwide judgment in *Maldonado*
17 *Bautista*. He instead seeks individual habeas relief based on the INA, 8 U.S.C. § 1226(a), and the
18 same statutory interpretation adopted by the district court in *Maldonado Bautista*.

19 24. By denying Petitioner bond consideration under 8 U.S.C. § 1226(a) and treating
20 him as subject to mandatory detention under 8 U.S.C. § 1225(b)(2), Respondents violate
21 Petitioner's statutory rights under the INA. Petitioner therefore asks this Court to order
22 Respondents to treat him as detained under § 1226(a) and to provide prompt bond consideration
23 and, if necessary, a custody redetermination hearing before an Immigration Judge.

24 **PRAYER FOR RELIEF**

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

- a. Assume jurisdiction over this matter;

- 1 b. Issue a writ of habeas corpus requiring that within one day, Respondents release
- 2 Petitioner;
- 3 c. 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 d. Award Petitioner attorney's fees as permitted by law; and
- 7 e. Grant any other and further relief that this Court deems just and proper.

8 DATED this July 01, 2026.

9
10 /s/ Jose Torres

11 Jose Torres

12 *Counsel for Petitioner*