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

ALEJANDRO MAURICIO VALERIO-REYES,

Petitioner,

v.

Warden, Central Valley Annex;

Markwayne MULLIN, Secretary, U.S.

Department of Homeland Security;

Todd LYONS, Acting Director, U.S.

Immigration and Customs Enforcement;

Todd BLANCHE, Acting Attorney General of the

United States, U.S. Department of Justice.

Respondents

Case No.:



**PETITION FOR WRIT OF
HABEAS CORPUS AND ORDER
TO SHOW CAUSE WITHIN
THREE DAYS; COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF**

1 1. Petitioner, Alejandro Mauricio Valerio-Reyes, petitions this Court for a writ of habeas
2 corpus pursuant to 28 U.S.C. § 2241 challenging the legality of his continued immigration
3 detention and alleges as follows:

4 **INTRODUCTION**

5 2. Petitioner Alejandro Mauricio Valerio-Reyes is a native and citizen of Honduras
6 currently detained at the Central Valley Annex in McFarland, California.

7 3. Petitioner brings this action under 28 U.S.C. § 2241 to challenge the legality of his
8 detention by the Department of Homeland Security following his prior release from immigration
9 custody on his own recognizance and his subsequent re-detention in the interior of the United
10 States.

11 4. Petitioner entered the United States on or about August 20, 2023. Following a positive
12 credible fear determination, DHS issued a Notice to Appear commencing removal proceedings.
13 (*Ex. 1.*) On or about September 21, 2023, DHS released Petitioner from immigration custody on
14 his own recognizance.

15 5. Following his release, Petitioner resided at liberty in the United States for
16 approximately twenty months without incident. He lived openly in the community and, upon
17 information and belief, complied with all conditions imposed by immigration authorities during
18 that period. At no point during his release did DHS allege that Petitioner posed a danger to the
19 community or a risk of flight.

20 6. On or about May 15, 2026, Petitioner appeared for a scheduled ICE check-in in
21 Oklahoma City, Oklahoma, where DHS took him back into custody.

22 7. Following his re-detention, Petitioner was transferred through multiple ICE detention
23 facilities before ultimately being transferred to the Central Valley Annex in McFarland,
24 California, where he remains detained.

25 8. Since that time, Respondents have continued to detain Petitioner without first
26 providing constitutionally adequate pre-deprivation process, without any individualized custody
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1 determination, and without access to a constitutionally adequate custody hearing before a neutral
2 decisionmaker.

3 9. Respondents' continued detention of Petitioner is unlawful. Once DHS released
4 Petitioner from immigration custody on his own recognizance and permitted him to reside at
5 liberty in the United States for a prolonged period of time while his removal proceedings
6 remained pending, the inspection-stage detention framework no longer governs continued
7 detention following a later arrest in the interior of the United States. Any subsequent detention
8 following a later arrest in the interior of the United States must proceed, if at all, under INA §
9 236(a), which requires an individualized custody determination before a neutral decisionmaker.

10 10. Instead, Respondents have detained Petitioner without first providing constitutionally
11 adequate pre-deprivation process, without providing any individualized custody determination,
12 without identifying any changed circumstances, and without affording him access to a
13 constitutionally adequate custody hearing.

14 11. The government's actions therefore violate both the Immigration and Nationality Act
15 and the Due Process Clause of the Fifth Amendment.

16 12. Absent intervention by this Court, no neutral adjudicator will review the legality of
17 Petitioner's detention. Petitioner therefore respectfully requests that this Court declare his
18 detention unlawful and order his immediate release, or, in the alternative, require Respondents to
19 provide a constitutionally adequate custody hearing.

20 CUSTODY

21 13. Petitioner is currently in the legal and physical custody of Respondents and is
22 detained at the Central Valley Annex in McFarland, California, within the jurisdiction of this
23 Court.

24 JURISDICTION AND VENUE

25 14. This action arises under the United States Constitution and the Immigration and
26 Nationality Act, 8 U.S.C. § 1101 et seq., INA § 101 et seq., to challenge Petitioner's detention
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1 under the INA and any inherent or plenary powers the government may claim to continue
2 holding him.

3 15. This Court has jurisdiction under 28 U.S.C. § 2241; Art. I, § 9, cl. 2 of the United
4 States Constitution; and 28 U.S.C. § 1331, as Petitioner is presently in Respondents' custody
5 under the United States' color of authority, and such custody violates the Constitution, laws, or
6 treaties of the United States. This Court's jurisdiction is not limited by a petitioner's nationality,
7 status as an immigrant, or any other classification. See *Boumediene v. Bush*, 553 U.S. 723, 747
8 (2008). This Court may grant relief under U.S. CONST. art. I, § 9, cl. 2; U.S. CONST. amends.
9 V and VIII; 28 U.S.C. §§ 1361 (mandamus), 1651 (All Writs Act), and 2241 (habeas corpus).

10 16. Specifically, this Court has jurisdiction under 28 U.S.C. § 2241 to review Petitioner's
11 detention. Federal district courts possess broad authority to issue writs of habeas corpus when a
12 person is held "in custody in violation of the Constitution or laws or treaties of the United States"
13 (28 U.S.C. § 2241(c)(3)), and this authority extends to immigration detention challenges that
14 survived the REAL ID Act's jurisdictional restrictions.

15 17. Because Petitioner seeks the traditional habeas remedy of release from allegedly
16 unlawful detention rather than additional administrative review of his underlying claims, his
17 petition presents precisely the type of threshold legality-of-detention question that § 2241 was
18 designed to address. See *INS v. St. Cyr*, 533 U.S. 289, 301 (2001); see also *Lopez-Marroquin v.*
19 *Barr*, 955 F.3d 759, 759 (9th Cir. 2020) (citing *Singh*, 638 F.3d at 1211–12).

20 18. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(2) and (e)(1) because
21 Petitioner is detained in this District and his immediate custodian resides here. Venue is also
22 proper under 28 U.S.C. § 2243 because Petitioner's immediate custodian resides in this District.
23 See *Rumsfeld v. Padilla*, 542 U.S. 426, 451–52 (2004) (Kennedy, J., concurring).

24 19. Sections 8 U.S.C. §§ 1252(b)(9) and 1252(g) do not bar this Court's jurisdiction
25 because Petitioner challenges only the legality of his detention, not the validity of removal
26 proceedings or any removal order. Federal courts have consistently recognized that habeas
27 corpus remains available to review the statutory and constitutional basis of immigration
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1 detention. Petitioner's claims therefore fall squarely within this Court's habeas jurisdiction under
2 28 U.S.C. § 2241.

3 **PARTIES**

4 20. Petitioner, Alejandro Mauricio Valerio-Reyes, is a native and citizen of Honduras
5 currently detained at the Central Valley Annex in McFarland, California.

6 21. Respondent Warden, Central Valley Annex, is Petitioner's immediate custodian and
7 is responsible for his confinement. Respondent is sued in his or her official capacity.

8 22. Respondent Markwayne Mullin is the Secretary of the U.S. Department of Homeland
9 Security (DHS).

10 23. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs
11 Enforcement (ICE).

12 24. Respondent Todd Blanche is the Acting Attorney General of the United States and
13 the head of the U.S. Department of Justice (DOJ).

14 25. All Respondents are named in their official capacities.

15 **STATEMENT OF FACTS**

16 26. Petitioner is currently detained at the Central Valley Annex in McFarland, California.
17 Petitioner is a native and citizen of Honduras who entered the United States on or about August
18 20, 2023.

19 27. Following a positive credible fear determination, DHS served Petitioner with a Notice
20 to Appear dated September 14, 2023, commencing removal proceedings. (*Ex. 1.*) DHS thereafter
21 released Petitioner from immigration custody on his own recognizance on or about September
22 21, 2023.

23 28. Following his release, Petitioner resided at liberty in the United States without
24 incident. He lived openly in the community and, upon information and belief, complied with all
25 conditions imposed by immigration authorities during that period. At no point during his release
26 did DHS allege that Petitioner posed a danger to the community or a risk of flight.

1 29. During this period, Petitioner established ties in the community, lived openly in the
2 United States, complied with DHS reporting requirements, and remained free from any
3 allegation that he posed a danger to the community or a risk of flight.

4 30. On or about May 15, 2026, Petitioner appeared for a scheduled ICE check-in in
5 Oklahoma City, Oklahoma. Rather than permitting Petitioner to remain at liberty under the
6 conditions previously established by DHS, immigration officials abruptly took him back into
7 custody.

8 31. Petitioner was subsequently transferred through multiple ICE detention facilities
9 before ultimately being transferred to the Central Valley Annex in McFarland, California, where
10 he is currently detained.

11 32. At no point prior to his re-detention did DHS provide Petitioner with notice that his
12 previously granted liberty would be revoked, nor did it provide any opportunity to challenge that
13 decision before a neutral decisionmaker.

14 33. At no point has DHS identified any individualized basis for Petitioner's continued
15 detention, nor has it asserted that Petitioner poses a danger to the community or a risk of flight.

16 **REQUIREMENTS OF 28 U.S.C. § 2243**

17 34. Under 28 U.S.C. § 2243, the Court “must” grant the petition for a writ of habeas
18 corpus or issue an order to show cause (“OSC”) “forthwith,” unless the petitioner is not entitled
19 to relief. If an OSC is issued, the statute requires that Respondents file a return “within three
20 days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*
21 (emphasis added).

22 35. Federal courts have long emphasized the importance of habeas corpus as a
23 protection against unlawful restraint. The Supreme Court has described the Great Writ as
24 “perhaps the most important writ known to the constitutional law of England, affording as it
25 does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v.*
26 *Noia*, 372 U.S. 391, 400 (1963).

1 36. Congress and the courts have repeatedly reaffirmed that habeas corpus must remain
2 a prompt and expeditious remedy. As the Ninth Circuit has explained, “The statute itself directs
3 courts to give petitions for habeas corpus ‘special, preferential consideration to insure
4 expeditious hearing and determination.’” *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000)
5 (citation omitted). The court cautioned that delays in habeas proceedings risk creating the
6 impression “that courts are more concerned with efficient trial management than with the
7 vindication of constitutional rights.” *Id.*

8 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

9 37. In habeas corpus proceedings, exhaustion of administrative remedies is prudential,
10 not jurisdictional. *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017). A court may waive
11 prudential exhaustion where “administrative remedies are inadequate or not efficacious, pursuit
12 of administrative remedies would be a futile gesture, irreparable injury will result, or the
13 administrative proceedings would be void.” *Id.* (quoting *Laing v. Ashcroft*, 370 F.3d 994, 1000
14 (9th Cir. 2004)). Here, exhaustion should be excused because administrative remedies are (1)
15 futile and (2) Petitioner's continued detention results in irreparable harm.

16 38. Exhaustion would be futile because, to the extent DHS treats Petitioner as subject to
17 detention under 8 U.S.C. § 1225(b), Immigration Judges lack jurisdiction to conduct custody
18 redetermination hearings for individuals DHS classifies as subject to § 235(b) or designates as
19 Arriving Aliens. See 8 C.F.R. § 1003.19(h)(2)(i)(B). In this District, Immigration Judges
20 routinely state on the record that they lack authority to review custody where DHS invokes §
21 235(b). If Petitioner were to request a bond hearing, DHS would rely on that statutory
22 classification to block review, and the Immigration Judge would be required to decline
23 jurisdiction. Because no administrative mechanism exists to obtain custody review under DHS's
24 asserted detention authority, any attempt to exhaust administrative remedies would be futile.

25 39. Moreover, no statutory exhaustion requirement applies to Petitioner's claim that his
26 detention violates the Constitution and the INA. Constitutional claims and pure questions of law
27 —such as whether DHS has statutory authority to detain Petitioner after previously releasing him
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1 from immigration custody and permitting him to reside at liberty while his removal proceedings
2 remained pending, and whether detention under § 1225(b) is lawful in these circumstances—fall
3 outside the agency's adjudicatory competence. See *Am.-Arab Anti-Discrimination Comm. v.*
4 *Reno*, 70 F.3d 1045, 1058 (9th Cir. 1995).

5 40. Petitioner suffers irreparable harm for each additional day he remains unlawfully
6 detained. His detention has caused significant emotional distress, physical hardship, and
7 deterioration of mental well-being. Continued incarceration following his prior release from
8 custody magnifies these ongoing harms. Courts routinely excuse exhaustion where prolonged or
9 unlawful detention inflicts irreparable injury. Petitioner's ongoing harm further warrants waiver
10 of prudential exhaustion.

11 **LEGAL FRAMEWORK**

12 41. The Immigration and Nationality Act distinguishes between detention at the time of
13 entry and detention following arrest in the interior of the United States. See 8 U.S.C. §§ 1225,
14 1226.

15 42. Section 235 governs inspection-stage detention of individuals encountered at or near
16 the time of entry while their admissibility is being determined. By contrast, Section 236(a)
17 governs the arrest and detention of noncitizens who have already entered the United States and
18 are later taken into custody pending removal proceedings.

19 43. Once the Department of Homeland Security releases a noncitizen from immigration
20 custody and permits him to reside at liberty in the United States while removal proceedings
21 remain pending, the inspection-stage detention framework no longer governs continued detention
22 following a later arrest in the interior of the United States. Such release reflects DHS's
23 discretionary determination that continued physical detention was not necessary at that time. Any
24 subsequent detention following a later arrest in the interior must proceed, if at all, under 8 U.S.C.
25 § 1226(a).

26 44. Federal courts have repeatedly recognized that individuals who were released from
27 custody and later re-detained in the interior of the United States are not subject to mandatory
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1 detention under § 1225(b), but are instead entitled to custody review under § 1226(a). Courts in
2 this District have consistently applied this principle in granting habeas relief in materially
3 indistinguishable circumstances.

4 45. The Due Process Clause protects all persons within the United States from arbitrary
5 detention. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Freedom from physical restraint lies
6 at the core of the liberty protected by the Constitution.

7 46. Immigration detention is civil in nature and is permissible only when justified by
8 legitimate governmental interests, such as ensuring appearance at proceedings or protecting the
9 community. *Id.* at 690–91.

10 47. Where the government has previously released a noncitizen from custody and
11 permitted him to reside at liberty in the community, that release reflects a determination that
12 detention was not necessary to serve those purposes. That liberty interest does not disappear
13 simply because the government later seeks to re-detain the individual. Once that liberty has been
14 affirmatively granted by the government, it cannot be revoked without constitutionally adequate
15 process. Re-detention without any individualized determination or changed circumstances
16 therefore raises serious due process concerns.

17 48. The Administrative Procedure Act prohibits agency action that is arbitrary,
18 capricious, or not in accordance with law. 5 U.S.C. § 706(2)(A). An agency must provide a
19 reasoned explanation for its actions based on the relevant facts and circumstances.

20 49. Re-detaining a noncitizen after a prolonged period of liberty—without identifying any
21 changed circumstances, without providing an individualized justification, and without applying
22 the proper statutory framework—constitutes arbitrary and unlawful agency action.

23 **CLAIM FOR RELIEF**

24 **COUNT 1**

25 **Violation of Due Process U.S. Constitution Amendment V**

26 50. Petitioner re-alleges and incorporates by reference, as if fully set forth herein, all
27 preceding paragraphs.

1 55. Under the Administrative Procedure Act, a court shall “hold unlawful and set aside
2 agency action” that is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance
3 with law. 5 U.S.C. § 706(2)(A).

4 56. Agency action is arbitrary and capricious where the agency fails to consider relevant
5 factors, offers an explanation that runs counter to the evidence, or fails to articulate a rational
6 connection between the facts found and the decision made. *Motor Vehicle Mfrs. Ass’n v. State*
7 *Farm*, 463 U.S. 29, 43 (1983).

8 57. An agency must provide a reasoned explanation for its actions based on the facts and
9 circumstances of the individual case. *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019).

10 58. Here, Respondents re-detained Petitioner after previously releasing him from
11 immigration custody and permitting him to reside at liberty while his removal proceedings
12 remained pending. Petitioner appeared for a scheduled ICE check-in in Oklahoma City,
13 Oklahoma, after approximately twenty months of liberty in the community, where DHS abruptly
14 revoked that liberty by taking him back into custody. Respondents have provided no reasoned
15 explanation for this re-detention and have identified no changed circumstances that would justify
16 revoking Petitioner’s liberty.

17 59. Respondents have further failed to provide any individualized assessment justifying
18 Petitioner’s detention. They have not identified any facts indicating that Petitioner poses a danger
19 to the community or a risk of flight.

20 60. By re-detaining Petitioner without explanation, without identifying any changed
21 circumstances, and without providing any individualized justification, and by applying an
22 improper statutory detention framework inconsistent with Respondents’ prior decision to release
23 Petitioner from immigration custody, Respondents have acted arbitrarily and capriciously and in
24 excess of their statutory authority.

25 61. Accordingly, Respondents’ decision to detain Petitioner must be set aside under 5
26 U.S.C. § 706(2)(A).

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

A) Assume jurisdiction over this matter;

B) Issue the writ of habeas corpus or, in the alternative, an order to show cause directing Respondents to show cause, within three days of the filing of this Petition, why the relief requested should not be granted, and set a hearing within five days of Respondents' return, consistent with 28 U.S.C. § 2243;

C) Declare that Petitioner's continued detention after his prior release and prolonged period of liberty, without prior notice, without an individualized determination, and without any identified change in circumstances, violates the Due Process Clause of the Fifth Amendment;

D) Declare that Respondents lack lawful authority to re-detain Petitioner without constitutionally adequate process after previously releasing him from immigration custody and permitting him to reside at liberty while his removal proceedings remained pending;

E) Declare that Respondents lack lawful authority to re-detain Petitioner under INA § 235(b) following his prior release from immigration custody;

F) Declare that Respondents lack authority to detain Petitioner under INA § 235(b), and that any detention must proceed, if at all, under INA § 236(a);

G) Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from custody;

H) Order Respondents to restore Petitioner to the status quo ante, including releasing him under the same conditions that existed prior to his re-detention and returning all of his documents and personal belongings at the time of release, consistent with this Court's prior orders in materially indistinguishable cases;

I) Enjoin Respondents from re-arresting or re-detaining Petitioner absent compliance with constitutional requirements, including adequate notice, identification of changed circumstances, and a meaningful pre-deprivation hearing before a neutral decisionmaker;

1 J) In the alternative, order a constitutionally adequate custody hearing, at which DHS bears the
2 burden of justifying Petitioner's continued detention by clear and convincing evidence, and the
3 neutral adjudicator must consider alternatives to detention and Petitioner's ability to pay any
4 bond imposed;

5 K) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, 28 U.S.C. §
6 2412, and any other basis authorized by law; and

7 L) Grant such other and further relief as the Court deems just and proper.

8 Respectfully submitted,

9 /s/ Alejandro J. Monsalve, Esq. CA SBN 324958

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15 Counsel for Petitioner

16 Dated: July 2, 2026

VERIFICATION PURSUANT TO 28 U.S.C. 2242

I submit this verification as counsel for Petitioner in this action. The factual allegations contained in this Petition are based on information provided to me by Petitioner, information provided by Petitioner's family members, and my review of available immigration records, including, but not limited to, the Notice to Appear dated September 14, 2023, and records reflecting Petitioner's release from immigration custody on or about September 21, 2023.

Based on my review of that information, and to the best of my knowledge, information, and belief, I declare that the factual statements contained in this Petition are true and correct and accurately reflect Petitioner's circumstances and the procedural history of his detention, as communicated to counsel and supported by the available documentation.

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Dated: July 2, 2026