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Counsel for Petitioner
Jose Genaro Garcia Ruiz,

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Jose Genaro Garcia Ruiz,

Petitioner,

v.

MARKWAYNE MULLIN,, Secretary, U.S.
Department of Homeland Security; TODD
BLANCHE, U.S. Attorney General; Todd LYONS,
Acting Director, Immigration and Customs
Enforcement; JOSEPH FREDEN, Acting Field
Office Director, U.S. Immigration & Customs
Enforcement (ICE), CHRISTOPHER J. LAROSE,
Senior Warden, Otay Mesa Detention Facility;
EXECUTIVE OFFICE FOR IMMIGRATION
REVIEW; IMMIGRATION AND CUSTOMS
ENFORCEMENT; and U.S. DEPARTMENT OF
HOMELAND SECURITY,

Respondents.

Case No. '26CV3846 BJC MMP

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

PETITIONER'S A NO. 

I. INTRODUCTION

1. Petitioner Jose Genaru Garcia Ruiz, by and through undersigned counsel, respectfully submits this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, together with claims for declaratory and injunctive relief, challenging his ongoing and unlawful civil immigration detention by the Department of Homeland Security (“DHS”) and U.S. Immigration and Customs Enforcement (“ICE”).
2. Petitioner first entered the United States in 1981 and most recently entered the United States without inspection in 2010.
3. Since his last entry in 2010, Petitioner has continuously resided in the United States and has established substantial family, medical, and community ties.
4. Petitioner is currently detained by ICE at the Otay Mesa Detention Center in San Diego County, California.
5. Petitioner is married. His wife has no lawful immigration status but has remained with him in the United States throughout their family life.
6. Petitioner is the father of three children, including one United States citizen child and two children who have been granted Deferred Action for Childhood Arrivals (“DACA”).
7. Petitioner also has a brother who is a United States citizen through naturalization.
8. Petitioner has long-established family ties in the United States and his continued detention causes significant hardship to his immediate family.
9. Petitioner suffers from schizophrenia, a serious mental health condition requiring continuous medical treatment and prescription medication.

1 10. While detained, Petitioner remains dependent upon consistent psychiatric care and
2 medication to manage his condition.

3 11. Petitioner has no criminal history.

4 12. Petitioner does not challenge any final order of removal. No administratively final
5 order of removal has been entered against him.

6 13. Petitioner challenges only the legality of his present detention and the absence of
7 a lawful and constitutionally adequate custody determination.

8 14. Petitioner's detention is unlawful for several independent reasons.

9 15. First, because Petitioner was detained after decades of residence and substantial
10 ties within the United States, the discretionary detention framework of 8 U.S.C. §
11 1226 governs his custody, rather than the entry-focused detention provisions of 8
12 U.S.C. § 1225(b) or the post-final-order detention provisions of 8 U.S.C. § 1231.

13 16. Second, Respondents have not established that Petitioner is subject to mandatory
14 detention under 8 U.S.C. § 1226(c).

15 17. Third, Respondents have failed to provide a constitutionally adequate custody
16 determination supported by individualized findings demonstrating that continued
17 detention is necessary.

18 18. Fourth, Petitioner's continued detention is arbitrary because Respondents have not
19 demonstrated that he presently poses either a danger to the community or a flight
20 risk that cannot be mitigated through reasonable conditions of release.

21 19. Fifth, Petitioner's continued detention is especially unjustified given his decades-
22 long ties to the United States, his United States citizen child, his two DACA-
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1 recipient children, his United States citizen sibling, his significant mental health
2 condition requiring ongoing treatment, and the absence of any criminal history.

3 20. Petitioner's schizophrenia further heightens the constitutional concerns presented
4 by his continued detention. Civil immigration detention of individuals suffering
5 from serious mental illness requires heightened attention to due process because
6 interruptions in treatment and prolonged confinement may significantly
7 exacerbate psychiatric conditions and cause irreparable harm.

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9 21. Federal courts have repeatedly recognized that immigration detention must
10 comply with both statutory and constitutional limitations and that physical liberty
11 lies at the core of the protections guaranteed by the Due Process Clause.

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13 22. Immediate judicial intervention is warranted.

14 23. Immediate release is the proper remedy because Petitioner is detained under an
15 unlawful and constitutionally deficient custody framework.

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17 24. In the alternative, should the Court decline to order immediate release outright,
18 Petitioner respectfully requests a prompt constitutionally adequate custody
19 determination before a neutral decision-maker within five (5) days, with
20 Respondents bearing the burden of proving by clear and convincing evidence that
21 continued detention is necessary.

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23 25. Every additional day of Petitioner's detention inflicts continuing and irreparable
24 harm upon him and his family, particularly in light of his ongoing mental health
25 needs and his dependence upon uninterrupted psychiatric treatment.

II. JURISDICTION

26. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody under federal authority and challenges the legality of that custody. See 28 U.S.C. §§ 2241(a), (c)(3); Preiser v. Rodriguez, 411 U.S. 475, 484 (1973).

27. Habeas jurisdiction extends to claims that immigration detention violates the Constitution or exceeds statutory authority. See Zadvydas v. Davis, 533 U.S. 678, 687–88, 699 (2001).

28. Petitioner does not seek review of a final order of removal.

29. Rather, Petitioner challenges only the legality of his present detention and the absence of constitutionally adequate custody procedures governing that detention.

30. This Court also has jurisdiction under 28 U.S.C. § 1331 because this action arises under the Constitution of the United States, the Immigration and Nationality Act (“INA”), the Administrative Procedure Act (“APA”), and other laws of the United States.

31. The Administrative Procedure Act, 5 U.S.C. § 706, further supports judicial review to the extent Respondents’ detention decisions constitute arbitrary, capricious, unlawful, or ultra vires agency action.

32. Jurisdiction is not barred by 8 U.S.C. §§ 1252(b)(9) or 1252(g) because Petitioner does not challenge the Government’s decision to commence removal proceedings, adjudicate removability, or execute a final order of removal.

33. Instead, Petitioner challenges only the statutory and constitutional authority for his present civil immigration detention and the procedures employed to justify that detention. Such claims fall squarely within this Court’s habeas jurisdiction.

1 See *Jennings v. Rodriguez*, 583 U.S. 281, 293–95 (2018); *Reno v. American-Arab*
2 *Anti-Discrimination Committee*, 525 U.S. 471, 482 (1999).

3 34. The relief requested in this Petition does not interfere with the Immigration
4 Court's adjudication of Petitioner's removal proceedings. Rather, it seeks review
5 of an independent constitutional and statutory injury arising from Petitioner's
6 present confinement.

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8 35. Federal district courts have long exercised habeas jurisdiction over constitutional
9 and statutory challenges to immigration detention, including challenges to the
10 legal authority under which detention is imposed and the adequacy of the
11 procedures governing continued confinement. See *Demore v. Kim*, 538 U.S. 510,
12 516–17 (2003); *Zadvydas*, 533 U.S. at 687–88.

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14 36. Accordingly, this Court possesses subject matter jurisdiction to determine the
15 legality of Petitioner's detention and to grant appropriate habeas, declaratory, and
16 injunctive relief.

17 III. VENUE

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19 37. Venue is proper in this District pursuant to 28 U.S.C. § 1391(e) because Petitioner
20 is detained within the Southern District of California, specifically at the Otay
21 Mesa Detention Center in San Diego County, and Respondents are officers and
22 employees of the United States who operate and maintain immigration detention
23 facilities within this District.

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25 38. Venue is also proper under *Braden v. 30th Judicial Circuit Court of Kentucky*,
26 410 U.S. 484, 493–500 (1973), because Petitioner's immediate custodian is
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1 located within this District and Petitioner's confinement is within the territorial
2 jurisdiction of this Court.

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5 **IV. REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243**

6 39. Under 28 U.S.C. § 2241, federal courts may entertain petitions for habeas corpus
7 filed by persons who are in custody in violation of the Constitution or laws of the
8 United States.

9 40. Petitioner satisfies these statutory requirements because he is presently detained
10 under federal authority and alleges that his continued detention violates the
11 Constitution and laws of the United States.

12 41. This is a classic habeas corpus case.

13 42. Petitioner challenges the fact and legality of his present civil immigration
14 confinement and seeks judicial relief from an ongoing deprivation of his liberty.

15 43. Section 2243 requires prompt judicial action in habeas corpus proceedings.

16 44. Specifically, the statute directs that the Court shall "forthwith award the writ or
17 issue an order directing the respondent to show cause why the writ should not be
18 granted," unless it plainly appears from the petition that the petitioner is not
19 entitled to relief.

20 45. The urgency of habeas review is particularly compelling where, as here, Petitioner
21 remains deprived of his physical liberty while removal proceedings are ongoing
22 and no administratively final order of removal has been entered.

23 46. Petitioner challenges only the legality of his present detention under the
24 Immigration and Nationality Act and the United States Constitution.
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1 47. Petitioner does not seek review of any final removal order, nor does he request
2 that this Court interfere with the Immigration Court's adjudication of his
3 underlying removal proceedings.

4 48. Rather, Petitioner seeks judicial review of Respondents' authority to continue
5 depriving him of his liberty under an unlawful statutory framework and without
6 constitutionally adequate procedural protections.

7 49. Petitioner has significant and longstanding ties to the United States, including
8 immediate family members who reside lawfully in this country, and he suffers
9 from schizophrenia, a serious mental illness requiring continuous medical
10 treatment and prescription medication.

11 50. Continued detention under these circumstances causes ongoing and irreparable
12 injury, including the deprivation of Petitioner's physical liberty, disruption of
13 necessary psychiatric treatment, separation from his family, and substantial
14 deterioration of his mental and emotional well-being.

15 51. Habeas corpus has historically served as the principal safeguard against unlawful
16 executive detention, and prompt judicial review is especially appropriate where
17 continued confinement raises substantial constitutional and statutory concerns.

18 52. Nothing appearing on the face of this Petition demonstrates that Petitioner is not
19 entitled to relief.

20 53. To the extent Respondents argue that Petitioner was required to exhaust
21 administrative remedies before seeking habeas relief, any such exhaustion
22 requirement should be excused because Petitioner raises pure questions of
23 statutory interpretation and constitutional law concerning the legality of his
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1 detention, further administrative proceedings would be futile, and continued
2 detention causes irreparable harm that cannot be adequately remedied through
3 delayed judicial review.

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5 54. Accordingly, pursuant to 28 U.S.C. §§ 2241 and 2243, this Court should promptly
6 issue an Order directing Respondents to show cause why the writ should not be
7 granted and should thereafter grant appropriate habeas relief.

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10 **V. PARTIES**

11 55. Petitioner Jose Genaru Garcia Ruiz is a native and citizen of Guatemala.

12 56. Petitioner first entered the United States in 1981.

13 57. Petitioner most recently entered the United States without inspection in 2010.

14 58. Since his last entry in 2010, Petitioner has established substantial family,
15 community, and personal ties within the United States.

16 59. Petitioner is married. His wife resides in the United States and has no lawful
17 immigration status.

18 60. Petitioner is the father of three children.

19 61. One of Petitioner's children is a United States citizen.

20 62. Petitioner's other two children have been granted Deferred Action for Childhood
21 Arrivals ("DACA") and lawfully reside in the United States pursuant to that
22 protection.

23 63. Petitioner also has a brother who is a United States citizen through naturalization.

24 64. Petitioner has no criminal history.
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1 65. Petitioner suffers from schizophrenia, a chronic and serious mental illness

2 requiring continuous psychiatric treatment and prescription medication.

3 66. Petitioner remains dependent upon regular medical care and uninterrupted access

4 to his prescribed medications to manage his condition.

5 67. The interruption of Petitioner's mental health treatment caused by detention

6 substantially increases the risk of psychiatric deterioration and causes ongoing

7 irreparable harm.

8 68. Petitioner is currently detained at the Otay Mesa Detention Center in San Diego

9 County, California.

10 69. Petitioner is presently in removal proceedings before the Executive Office for

11 Immigration Review.

12 70. No administratively final order of removal has been entered against Petitioner.

13 71. Petitioner challenges only the legality of his present civil immigration detention

14 and the statutory and constitutional authority under which Respondents continue

15 to confine him.

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20 **VI. RESPONDENTS**

21 72. Respondent CHRISTOPHER J. LAROSE is the warden of Otay Mesa Detention

22 Facility and has immediate physical custody over Petitioner. As the local

23 custodian, the Warden is responsible for the day-to-day administration of the

24 detention facility where Petitioner is held. The Warden is sued in his/her official

25 capacity as a representative of the entity exercising direct custody over Petitioner.

1 73. Respondent JOSEPH FREDEN is the Acting Field Office Director of U.S.
2 Immigration and Customs Enforcement (ICE), in San Diego California. ICE is the
3 component of the Department of Homeland Security (DHS) which is responsible
4 for detaining and removing noncitizens according to immigration law and
5 oversees custody determinations. Mr. Freden is named in his official capacity. In
6 his official capacity, he is a legal custodian of the petitioner.
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8 74. Respondent MARKWAYNE MULLIN, in her official capacity as the Secretary
9 of the Department of Homeland Security, is the highest-ranking official in DHS.
10 She has ultimate authority over ICE and the enforcement of immigration laws,
11 including detention policy. DHS, under Respondent Noem's direction, is
12 responsible for the decision to continue Petitioner's detention and to designate
13 him as subject to mandatory custody. She is sued in her official capacity.
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15 75. Respondent TODD BLANCHE, in her official capacity as the Attorney General
16 of the United States, oversees the U.S. Department of Justice, which includes the
17 Executive Office for Immigration Review (EOIR). EOIR encompasses the
18 nation's Immigration Courts and the Board of Immigration Appeals (BIA). The
19 Attorney General has ultimate authority over immigration court procedures,
20 including the availability of bond hearings and the interpretation of detention
21 statutes through precedent decisions. Respondent Bondi is sued in her official
22 capacity.
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25 76. Respondent EOIR (Executive Office for Immigration Review) is a component of
26 the U.S. Department of Justice responsible for adjudicating immigration
27 proceedings. EOIR includes the Immigration Judges who conduct removal and
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1 bond proceedings, as well as the BIA which issues appellate administrative
2 decisions. EOIR is sued as a Respondent because it is responsible for
3 administering the bond hearing process (or lack thereof) at issue in this case.
4 EOIR has failed to provide Petitioner a custody redetermination process, and
5 Petitioner seeks relief to compel EOIR to perform its duty to afford him a bond
6 hearing under the correct legal standards.
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8 9 **VII. LEGAL FRAMEWORK**

- 10 77. Federal immigration law establishes distinct detention schemes under the
11 Immigration and Nationality Act (“INA”) depending upon a noncitizen’s
12 procedural posture.
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14 78. Section 1225(b) governs the detention of certain applicants for admission and
15 recent entrants seeking admission into the United States.
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17 79. Section 1226 governs the arrest and detention of noncitizens already present in the
18 United States while removal proceedings remain pending.
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20 80. Section 1231 governs detention following the entry of a final administrative order
21 of removal.
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23 81. The Supreme Court has recognized that these statutory provisions establish
24 separate detention authorities depending upon a noncitizen's procedural posture.
25 See *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018).
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27 82. Petitioner falls within the category of long-term interior residents whose detention
28 is governed by 8 U.S.C. § 1226.

1 83. Petitioner first entered the United States in 1981 and most recently entered the
2 United States without inspection in 2010.

3 84. Since his last entry, Petitioner has lived within the interior of the United States,
4 where he established longstanding family and community ties.

5 85. Petitioner was not apprehended while seeking admission at a port of entry, nor
6 was he detained immediately following his most recent entry into the United
7 States.

8 86. Rather, Petitioner was detained after years of residence within the interior of the
9 United States while living with his family and community.

10 87. Under these circumstances, the discretionary detention provisions of 8 U.S.C. §
11 1226 govern Petitioner's detention.

12 88. Recent district court authority has recognized that long-term interior residents
13 detained years after their entry into the United States are detained pursuant to §
14 1226 rather than § 1225. See *Beltran v. Noem*, No. 25-cv-2650-LL-DEB, 2025
15 WL 3078837, at *4–7 (S.D. Cal. Nov. 4, 2025).

16 89. Likewise, in *Ramirez v. Noem*, No. 3:26-cv-01880-RBM-VET (S.D. Cal. Apr. 9,
17 2026), the court concluded that where the petitioner had resided in the United
18 States for more than twenty years before detention, the discretionary detention
19 provisions of § 1226 controlled and habeas relief was warranted.

20 90. The same reasoning applies here.

21 91. Petitioner has maintained substantial and longstanding ties to the United States
22 through his family, including his wife, his three children, and his United States
23 citizen brother.

1 92. Petitioner has also developed significant reliance interests through decades of
2 residence in the United States.

3 93. Respondents have not established that Petitioner is subject to mandatory detention
4 under 8 U.S.C. § 1226(c).

5 94. Petitioner has no criminal history.

6 95. Respondents therefore bear the burden of demonstrating that Petitioner's
7 continued civil detention is authorized under the proper statutory framework and
8 supported by individualized findings.

9 96. The Fifth Amendment imposes independent constitutional limitations upon all
10 forms of civil immigration detention. See *Zadvydas v. Davis*, 533 U.S. 678, 690
11 (2001).

12 97. As the Supreme Court explained, "freedom from imprisonment—from
13 government custody, detention, or other forms of physical restraint—lies at the
14 heart of the liberty that [the Due Process] Clause protects." *Id.*

15 98. Civil detention must bear a reasonable relationship to a legitimate governmental
16 objective and may not become excessive in relation to that purpose. See *Foucha v.*
17 *Louisiana*, 504 U.S. 71, 80 (1992).

18 99. Due process further requires procedures adequate to guard against the erroneous
19 deprivation of liberty. See *Mathews v. Eldridge*, 424 U.S. 319, 334–35 (1976).

20 100. Those constitutional protections carry even greater significance where, as
21 here, the detainee suffers from a serious mental illness requiring continuous
22 medical care and prescription medication.
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1 101. Petitioner has been diagnosed with schizophrenia and requires ongoing
2 psychiatric treatment and medication to maintain his mental health.

3 102. Continued detention places Petitioner at substantial risk of interruption in
4 treatment, deterioration of his psychiatric condition, and other irreparable harm.
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6 103. Courts have also recognized that inadequate or delayed custody
7 procedures do not necessarily cure the injury caused by unlawful civil detention.
8 See E.A. T.-B. v. Wamsley, 795 F. Supp. 3d 1316, 1324 (W.D. Wash. 2025);
9 Jorge M.F. v. Jennings, 534 F. Supp. 3d 1050, 1055 (N.D. Cal. 2021); Domingo
10 v. Kaiser, No. 25-cv-05893-RFL, 2025 WL 1940179, at *3 (N.D. Cal. July 14,
11 2025).
12

13 104. In E.A. T.-B., the court held that a post-deprivation custody hearing
14 "cannot serve as an adequate procedural safeguard because it is after the fact and
15 cannot prevent an erroneous deprivation of liberty."
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17 105. Similarly, Jorge M.F. recognized that once an individual has been
18 detained, the constitutional injury has already occurred.

19 106. Domingo likewise concluded that even a prompt post-detention hearing
20 cannot remedy the deprivation of liberty already suffered.

21 107. These principles apply with full force here.

22 108. Respondents continue to detain Petitioner despite his longstanding ties to
23 the United States, his extensive family relationships, his lack of criminal history,
24 his serious medical condition, and the absence of any individualized showing that
25 continued detention is necessary to serve a legitimate governmental objective.
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1 109. Under these circumstances, Petitioner's continued detention violates both
2 the Immigration and Nationality Act and the Due Process Clause of the Fifth
3 Amendment.

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5 110. Accordingly, this Court should grant habeas relief and order Petitioner's
6 immediate release or, in the alternative, require Respondents to provide a prompt
7 constitutionally adequate custody determination consistent with the requirements
8 of due process.
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11 **VIII. FACTS**

12 111. Petitioner Jose Genaru Garcia Ruiz is a native and citizen of Guatemala.

13 112. Petitioner first entered the United States in 1981.

14 113. Petitioner most recently entered the United States without inspection in
15 2010.

16
17 114. Following his last entry, Petitioner established his life in the United States
18 and has remained with his family and community.

19 115. Petitioner is married.

20 116. Petitioner's wife resides in the United States and does not presently possess
21 lawful immigration status.

22 117. Petitioner is the father of three children.

23 118. One of Petitioner's children is a United States citizen.

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25 119. Petitioner's other two children have been granted Deferred Action for
26 Childhood Arrivals ("DACA") and continue to reside lawfully in the United States
27 pursuant to that protection.
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1 120. Petitioner also has a brother who is a United States citizen through
2 naturalization.

3 121. Petitioner's immediate family members reside in the United States and
4 constitute the center of his family life.

5 122. Petitioner's continued detention causes substantial hardship to his wife,
6 children, and extended family.

7 123. Petitioner suffers from schizophrenia, a chronic and serious psychiatric
8 illness.

9 124. Petitioner requires continuing psychiatric treatment and prescription
10 medication to manage his condition.

11 125. Consistent access to mental health treatment and prescribed medication is
12 medically necessary for Petitioner's stability and well-being.

13 126. Continued detention places Petitioner at risk of interruption in treatment and
14 deterioration of his mental health.

15 127. The deprivation of consistent psychiatric care substantially increases the
16 irreparable harm caused by Petitioner's continued detention.

17 128. Petitioner has no criminal history.

18 129. Respondents have not identified any facts demonstrating that Petitioner
19 presently poses a danger to the community.

20 130. Nor have Respondents identified individualized facts establishing that
21 Petitioner presents a flight risk requiring continued civil detention.

22 131. Petitioner is currently detained at the Otay Mesa Detention Center in San
23 Diego County, California.

1 132. Petitioner remains in removal proceedings before the Executive Office for
2 Immigration Review.

3 133. No administratively final order of removal has been entered against
4 Petitioner.

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6 134. Petitioner remains detained under Respondents' asserted immigration
7 detention authority despite his longstanding family ties, his significant mental
8 health condition, and the absence of any criminal history.

9 135. To Petitioner's knowledge, Respondents have not articulated individualized
10 facts demonstrating that continued detention is necessary to protect the community
11 or ensure Petitioner's appearance in immigration proceedings.

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13 136. To Petitioner's knowledge, Respondents have not explained why less
14 restrictive alternatives to detention would be insufficient to achieve any legitimate
15 governmental objective.

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17 137. Petitioner's continued detention separates him from his wife, his children,
18 and his United States citizen brother while also jeopardizing the continuity of
19 treatment for his schizophrenia.

20 138. As a result, Petitioner continues to suffer ongoing and irreparable injury
21 from the deprivation of his liberty, the disruption of his family relationships, and
22 the substantial risk to his mental health posed by prolonged civil immigration
23 detention.
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IX. FIRST CLAIM FOR RELIEF

Violation of the Immigration and Nationality Act

Detention Contrary to Law

Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs:

139. The Immigration and Nationality Act establishes separate detention authorities depending upon a noncitizen's procedural posture. See 8 U.S.C. §§ 1225, 1226, 1231.

140. Petitioner does not challenge any administratively final order of removal because no such order has been entered against him.

141. Petitioner entered the United States in 1981 and most recently entered without inspection in 2010. Since that time, he has resided continuously within the interior of the United States and established substantial family, community, and medical ties.

142. Petitioner was not apprehended at a port of entry or immediately following his most recent entry. Rather, Respondents detained him after years of continuous residence in the United States.

143. Under these circumstances, Petitioner's detention is governed by the discretionary detention provisions of 8 U.S.C. § 1226, rather than the entry-based detention provisions of § 1225 or the post-final-order detention provisions of § 1231. See *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018).

144. Recent district court decisions likewise recognize that long-term interior residents detained years after entry fall within the detention framework of § 1226.

1 See Beltran v. Noem, No. 25-cv-2650-LL-DEB, 2025 WL 3078837, at *4–7 (S.D.
2 Cal. Nov. 4, 2025); Ramirez v. Noem, No. 3:26-cv-01880-RBM-VET (S.D. Cal.
3 Apr. 9, 2026).

4
5 145. Respondents have not established that Petitioner is subject to mandatory
6 detention under 8 U.S.C. § 1226(c), nor have they demonstrated any statutory
7 basis for continued mandatory confinement.

8 146. Even where detention is authorized under § 1226(a), Respondents must
9 exercise that authority consistent with the Immigration and Nationality Act and
10 the Constitution through an individualized custody determination supported by
11 the facts of Petitioner's case.
12

13 147. By continuing to detain Petitioner without establishing that his detention is
14 authorized under the proper statutory framework or supported by individualized
15 findings, Respondents have exceeded their authority under the Immigration and
16 Nationality Act.
17

18 148. Because Petitioner is presently in custody in violation of the laws of the
19 United States, habeas relief is authorized under 28 U.S.C. § 2241.

20 149. Petitioner respectfully requests that this Court declare his continued
21 detention contrary to the Immigration and Nationality Act and grant appropriate
22 habeas relief.
23

24 **X. SECOND CLAIM FOR RELIEF**

25 **Violation of the Fifth Amendment**

26 **Procedural Due Process**

27 Petitioner incorporates by reference all preceding paragraphs as if set forth fully herein:
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1 150. The Fifth Amendment prohibits the federal government from depriving
2 any person of liberty without due process of law.

3 151. Civil immigration detention constitutes a significant deprivation of liberty
4 and therefore must be accompanied by constitutionally adequate procedural
5 safeguards. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
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7 152. The adequacy of those procedures is evaluated under the balancing test set
8 forth in *Mathews v. Eldridge*, 424 U.S. 319, 334–35 (1976), which considers: (1)
9 the private interest affected; (2) the risk of erroneous deprivation and the value of
10 additional safeguards; and (3) the Government's interest.
11

12 153. Each of the *Mathews* factors weighs strongly in Petitioner's favor. His
13 interest in physical liberty is fundamental, and his continued detention separates
14 him from his family while disrupting the ongoing psychiatric treatment and
15 medication necessary to manage his schizophrenia.
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17 154. The risk of erroneous deprivation is substantial because Respondents
18 continue to detain Petitioner without demonstrating through individualized
19 findings that he presently poses a danger to the community or a flight risk
20 requiring continued confinement.
21

22 155. Petitioner has longstanding ties to the United States, substantial family
23 relationships, no criminal history, and significant medical needs that warrant
24 individualized consideration before continued detention.

25 156. Additional procedural safeguards, including a constitutionally adequate
26 custody determination applying the correct statutory framework, would
27 substantially reduce the risk of an erroneous deprivation of Petitioner's liberty.
28

1 157. Although the Government has legitimate interests in ensuring appearance
2 at removal proceedings and protecting the public, those interests do not justify
3 continued detention absent constitutionally sufficient procedures and
4 individualized findings demonstrating present necessity.
5

6 158. Respondents have failed to provide Petitioner with constitutionally
7 adequate procedures to justify his continued confinement.

8 159. Accordingly, Petitioner's continued detention violates the Due Process
9 Clause of the Fifth Amendment, and he is entitled to habeas, declaratory, and
10 injunctive relief under 28 U.S.C. § 2241.
11

12 **XI. THIRD CLAIM FOR RELIEF**

13 **Violation of the Administrative Procedure Act**

14 **5 U.S.C. § 706 – Arbitrary, Capricious, and Contrary to Law Agency Action**

15 Petitioner incorporates by reference all preceding paragraphs as if set forth fully herein:
16

17 160. To the extent judicial review is available under the Administrative
18 Procedure Act ("APA"), this Court must hold unlawful and set aside agency
19 action that is arbitrary, capricious, contrary to law, or in excess of statutory
20 authority. 5 U.S.C. § 706(2)(A), (C).

21 161. Respondents' decision to arrest and continue detaining Petitioner
22 constitutes final agency action because it directly determines Petitioner's
23 continued confinement and deprivation of liberty.
24

25 162. Respondents failed to meaningfully consider critical factors, including
26 Petitioner's longstanding residence in the United States, his substantial family ties,
27 his lack of criminal history, his serious mental illness requiring ongoing
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1 treatment, and the absence of any individualized evidence demonstrating that
2 continued detention is necessary.

3 163. Respondents likewise failed to adequately consider reasonable alternatives
4 to detention or provide a reasoned explanation why continued confinement, rather
5 than less restrictive conditions of supervision, was warranted.
6

7 164. Agency action is arbitrary and capricious where the agency fails to
8 consider important aspects of the problem or offers a decision unsupported by a
9 reasoned explanation. *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins.*
10 *Co.*, 463 U.S. 29, 43 (1983).
11

12 165. By continuing Petitioner's detention without adequately considering the
13 relevant facts or providing a reasoned, individualized basis for its decision,
14 Respondents acted arbitrarily, capriciously, contrary to law, and in excess of their
15 statutory authority.
16

17 166. Accordingly, Petitioner is entitled to relief under 5 U.S.C. § 706, and this
18 Court should declare Respondents' detention decision unlawful and grant
19 appropriate habeas, declaratory, and injunctive relief.
20

21 **XII. FOURTH CLAIM FOR RELIEF**

22 **Violation of the Fifth Amendment**

23 **Substantive Due Process – Arbitrary Civil Detention**

24 Petitioner incorporates by reference all preceding paragraphs as if set forth fully herein:

25 167. The Due Process Clause of the Fifth Amendment imposes substantive limits
26 on the Government's authority to subject individuals to civil immigration detention.
27 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
28

1 168. Civil detention is constitutionally permissible only where it bears a
2 reasonable relationship to a legitimate governmental objective and is not excessive
3 in relation to that objective. *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

4
5 169. Petitioner's continued detention does not satisfy these constitutional
6 requirements. He has longstanding ties to the United States, significant family
7 relationships, no criminal history, and suffers from schizophrenia requiring
8 continuous psychiatric treatment and medication.

9
10 170. Respondents have not identified individualized facts demonstrating that
11 Petitioner presently poses a danger to the community or a flight risk that cannot be
12 addressed through reasonable conditions of release.

13 171. Nor have Respondents demonstrated that continued detention remains
14 reasonably necessary to ensure Petitioner's appearance at future proceedings or to
15 accomplish any other legitimate regulatory purpose.

16
17 172. Continued detention also threatens the continuity of Petitioner's psychiatric
18 care and substantially increases the risk of deterioration of his mental health, further
19 demonstrating that his confinement is excessive in relation to any asserted
20 governmental interest.

21 173. Where, as here, Respondents continue civil detention without an
22 individualized showing that confinement remains necessary, the detention becomes
23 arbitrary and violates the substantive protections of the Fifth Amendment.

24
25 174. Accordingly, Petitioner's continued detention constitutes unconstitutional
26 arbitrary civil detention, and he is entitled to habeas, declaratory, and injunctive
27
28

1 relief directing his immediate release or, alternatively, a constitutionally adequate
2 custody determination.

3 **XIII. FIFTH CLAIM FOR RELIEF**

4 **Immediate Release Required; Alternatively, Prompt Constitutionally Adequate**
5 **Custody Determination**

6
7 Petitioner incorporates by reference the allegations of fact set forth in the preceding
8 paragraphs:

9 175. Immediate release is the appropriate remedy where a noncitizen is detained
10 under an unlawful statutory framework or without constitutionally adequate
11 procedural protections.

12
13 176. As recognized in *Ramirez v. Noem*, No. 3:26-cv-01880-RBM-VET (S.D.
14 Cal. Apr. 9, 2026), a long-term interior resident detained under the wrong detention
15 framework is entitled to habeas relief, and immediate release may be the
16 appropriate remedy.

17
18 177. Petitioner has resided in the United States for many years, has substantial
19 family ties, suffers from schizophrenia requiring continuous treatment, has no
20 criminal history, and Respondents have failed to establish that his continued
21 detention is necessary under the proper statutory framework or supported by
22 individualized findings.

23
24 178. Federal courts have likewise recognized that a delayed or inadequate
25 custody hearing cannot fully remedy the constitutional injury caused by unlawful
26 detention. See *E.A. T.-B. v. Wamsley*, 795 F. Supp. 3d 1316, 1324 (W.D. Wash.
27 2025); *Jorge M.F. v. Jennings*, 534 F. Supp. 3d 1050, 1055 (N.D. Cal. 2021);
28

1 Domingo v. Kaiser, No. 25-cv-05893-RFL, 2025 WL 1940179, at *3 (N.D. Cal.
2 July 14, 2025).

3 179. Under these circumstances, immediate release is the only remedy capable of
4 fully addressing Petitioner's ongoing statutory and constitutional injuries.
5

6 180. In the alternative, if the Court declines to order Petitioner's immediate
7 release, it should require Respondents to provide Petitioner with a prompt
8 constitutionally adequate custody determination before a neutral decision-maker
9 within five (5) days, with Respondents bearing the burden of proving by clear and
10 convincing evidence that continued detention is necessary.
11

12 181. If Respondents fail to provide such a constitutionally adequate custody
13 determination within the time ordered by the Court, Petitioner should be
14 immediately released from custody.
15

16 182. The Court should further prohibit Respondents from transferring Petitioner
17 outside the jurisdiction of this Court during the pendency of this action absent prior
18 authorization from the Court.

19 183. Because Petitioner's continued detention violates both the Immigration and
20 Nationality Act and the Fifth Amendment, this Court should grant the requested
21 writ of habeas corpus and such further relief as justice requires.
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XIV. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court grant the following relief:

1. Assume jurisdiction over this Petition pursuant to 28 U.S.C. §§ 2241 and 1331;
2. Issue the Writ of Habeas Corpus or, alternatively, issue an Order directing Respondents to show cause why the writ should not be granted pursuant to 28 U.S.C. § 2243;
3. Declare that Petitioner's continued detention is unlawful and violates the Immigration and Nationality Act, the Administrative Procedure Act, and the Due Process Clause of the Fifth Amendment;
4. Declare that Petitioner's detention is governed by 8 U.S.C. § 1226 and not by the detention provisions of 8 U.S.C. § 1225(b) or 8 U.S.C. § 1231;
5. Declare that Respondents have failed to provide Petitioner with constitutionally adequate procedural protections sufficient to justify his continued civil immigration detention;
6. Declare that Petitioner's continued detention, absent individualized findings demonstrating present necessity, violates both procedural and substantive due process under the Fifth Amendment;
7. Declare that Respondents' continued detention of Petitioner is arbitrary, capricious, contrary to law, and in excess of their statutory authority within the meaning of the Administrative Procedure Act, 5 U.S.C. § 706;

- 1 8. Issue a Writ of Habeas Corpus directing Respondents to immediately
- 2 release Petitioner from immigration custody, subject to reasonable
- 3 conditions of supervision if the Court deems such conditions appropriate;
- 4
- 5 9. In the alternative, if the Court declines to order Petitioner's immediate
- 6 release, order Respondents to provide Petitioner with a prompt and
- 7 constitutionally adequate custody determination before a neutral decision-
- 8 maker within five (5) days of the Court's Order;
- 9
- 10 10. Order that, at any such custody determination, Respondents bear the burden
- 11 of proving by clear and convincing evidence that Petitioner presently poses
- 12 either a danger to the community or a risk of flight that cannot reasonably
- 13 be mitigated through appropriate conditions of release;
- 14
- 15 11. Order that, if Respondents fail to provide the constitutionally adequate
- 16 custody determination required by this Court within the prescribed time,
- 17 Petitioner shall be immediately released from custody;
- 18
- 19 12. Issue appropriate declaratory and injunctive relief prohibiting Respondents
- 20 from continuing Petitioner's unlawful detention during the pendency of this
- 21 action;
- 22
- 23 13. Enjoin Respondents from transferring Petitioner outside the jurisdiction of
- 24 this Court while this Petition remains pending, absent prior authorization
- 25 from this Court;
- 26
- 27 14. Award Petitioner his reasonable attorneys' fees and costs to the extent
- 28 authorized by law, including pursuant to the Equal Access to Justice Act, 28
U.S.C. § 2412;

1 15. Grant such other and further relief as this Court deems just, proper, and
2 equitable under the circumstances.
3

4
5 Respectfully submitted on:
6 June 30, 2026
7

8 /s/Daniel S. Castaneda
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28 U.S.C. § 2242 VERIFICATION STATEMENT

I, Daniel S. Castaneda, submit this verification on behalf of the petitioner because I am the Petitioner's attorney. I have discussed with the Petitioner the events described in this Petition and Complaint. On the basis of those discussions, I hereby verify that the statements made in this Petition and Complaint are true and correct to the best of my knowledge.

Respectfully submitted on:

Dated: June 30, 2026

/s/Daniel S. Castaneda
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