

FILED

AUG 03 2026

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BY _____ DEPUTY CLERK *pm*

GOLDEN STATE ANNEX

611 Frontage Road

McFarland CA, 93250

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

JOAQUIN DEL VALLE CASTRO,

Petitioner,

V.

TONYA ANDREWS, Warden of the Golden State
Annex Detention Facility; TODD BLANCHE,
Attorney General for the United States of America;
MARKWAYNE MULLIN, Secretary of the
Department of Homeland Security; DAVID
VENTURELLA, Acting Director of Immigration
and Customs Enforcement; ICE/ERO, Fresno
Field Office of Bureau of Immigration and
Customs Enforcement.

Respondents.

Case No. 1:26-cv-05096-DJC-CKD

**EMERGENCY PETITION FOR
WRIT HABEAS CORPUS AND
MOTION TO ENFORCE
CONSTITUTIONAL LIMITS ON
DETENTION**

I. INTRODUCTION

Petitioner has been denied bond hearing based on alleged “danger to the community.” Those determinations were made without constitutionally required safeguards and cannot support continued detention. Civil immigration is strictly limited. When those limits are exceeded, release is required-not discretionary.

II. GOVERNING LAW

The Supreme Court has made clear:

freedom from bodily restraint at the core of liberty.

Zadvydas v. Davis, 533 U.S. 678 (2001)

Civil detention must remain non-punitive and narrowly justified.

Demore v. Kim, 538 U.S. 510 (2003)

Ninth Circuit Protections, the Ninth Circuit Court appeals requires heightened safeguards on immigration detention:

Singh v. Holder,

Government must justify detention with reliable evidence.

Rodriguez v. Marin,

Prolonged detention triggers constitutional limits.

Hernandez v. Sessions,

Clear and convincing evidence required; ability to pay + alternatives must be considered.

Singh v. Barr,

Bond proceedings must be fundamentally fair.

III. ARGUMENT

A. The Government Failed to Meet the “Clear and Convincing Evidence”

Standard

On July 27, 2026. The Petitioner had a bond hearing at the Adelanto Immigration Court with the Judge Katie Mullins, the IJ denied the bond because they find out the he is a “**flight risk.**” consequently, Petitioner feel that the bond has unlawfully and unfairly denied by the IJ Mullins. Petitioner didn’t have enough time to submit his supporting evidence that includes; supporting letter from family, friends. He also has a letter from his sponsor, and the address were he will live if he got Granted, this is the reason why Petitioner feels that the Bond hearing was unfair.

Detention based on dangerousness requires more than allegations. Under *Hernandez v. Sessions*, the Government must provide danger by Clear and Convincing Evidence. Here, detention was based on:

- Allegations and/or arrest
- speculative future risk
- Lack of individualized findings
- That is legally insufficient.

B. The Bond Hearings Were Constitutionally Defective

Under *Singh v. Holder*, due process requires:

- A meaningful hearing
- Reliable evidence

Proper burden on the Government if the immigration Judge:

- Relied on Police reports without scrutiny
- shifted burden to respondent
- Failed to required strong proof
- Then the hearings violated due process

C. Dangerousness Must be Current, Not Historical or Speculative

Courts required present danger, not past allegations. Detention cannot be justified solely by:

- Old conduct
- Charges without convictions
- Failure to distinguish past vs. current risk is legal error

D. Failure to Consider Alternatives Violates Due Process

Under *Hernandez*, detention is unlawful if the Court fails to consider:

- Supervision
- Monitoring
- Structured release
- Detention must be the last resort, not the default

E. Prolonged Detention has Become Punitive

Under *Zadvydas* and *Ninth Circuit* precedent:

civil detention becomes unconstitutional when it is no longer reasonably related to its purpose.

After multiple denials and continued confinement, detention is now:

- Excessive
- Punitive in effect
- Constitutionally invalid

IV. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully request:

1. Declare that Petitioner's bond hearing proceedings before the agency violated his procedural due process rights under the Fifth Amendment and the INA, as its denial of bond was unconstitutional, contrary to law, and abuse of discretion, and arbitrary and capricious.
2. Declare that the IJ and BIA's decisions violates the APA, as they were unconstitutional, arbitrary, capricious, and abuse of discretion, or otherwise not in accordance with Law, and contrary to constitutional right.
3. Declare that Petitioner detention violates the substantive due process clause under the Fifth Amendment.
4. Enjoin Respondents from further detaining Petitioner and direct Respondents to RELEASE him from their custody.

5. Grant further relief as this Court deems just and proper.

DATED this 29th day of July, 2026

Respectfully submitted,

Pro Se



Joaquin Del Valle Castro