

SALGADO & PERALTA, P.A.  
Mario Salgado, SBN: 128533  
605 Market Street, Suite 1111  
San Francisco, CA 94105  
Tel: (415) 401-8699

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

Yeni Mota Aparicio,

Petitioner,

v.

Christopher CHESTNUT in his official  
capacity as the Warden of the California City  
Detention Center operated by CORECIVIC,  
INC., a Maryland corporation; Markwayne  
MULLIN, Secretary of the Department of  
Homeland Security; Todd BLANCHE, U.S.  
Attorney General; in their official capacity;  
Moises BECERRA, in his official capacity as  
Field Office Director of Immigration and  
Customs Enforcement, Enforcement and  
Removal Operations.

Respondents.

Case Number: \_\_\_\_\_

Petitioner's Petition for Writ of Habeas  
Corpus and Injunctive Relief Pursuant to 8  
U.S.C. § 2241

INTRODUCTION

1. Petitioner is a member of the class eligible for a bond redetermination hearing. *See Lazaro Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, Doc. 92, at 2 (C.D. Cal. Dec. 18, 2025)(defining the "Bond Eligible Class" as noncitizens present in the United States without lawful status who entered without inspection, were not apprehended upon arrival, and are not subject to detention under 8 U.S.C. §§ 1226(c), 1225(b)(1), or 1231 at the time of DHS's initial custody determination.) Petitioner is seeking a bond hearing as a *Maldonado Bautista* class member.

2. The Fifth and Eighth Circuit’s decisions in *Buenrostro-Mendez v. Bondi*, 166 F.4th 494 (5th Cir. Feb. 6, 2026) and *Avila v. Bondi*, 170 F.4th 1128 (8th Cir. Mar. 25, 2026) holding that aliens present in the United States without admission or parole are subject to mandatory detention as applicants for admission under 8 U.S.C. § 1225(b)(2), are inapplicable to Petitioner’s case. Respondents’ insistence that Petitioner may be held under the mandatory detention statute under 8 U.S.C. § 1225(b)(2) has been overwhelmingly rejected. *See Castañon-Nava v. U.S. Dep’t of Homeland Sec.*, 161 F.4th 1048, 1060–62 (7th Cir. 2025) (concluding that government was not likely to prevail on the merits that petitioner was subject to mandatory detention under § 1225(b)(2)(A)); *Ortiz Donis v. Chestnut*, No. 1:25-cv-01228-JLT, 2025 WL 2879514, at \*3–6 (E.D. Cal. Oct. 9, 2025); *M.R.R. v. Chestnut*, No. 1:25-cv-01517-JLT, 2025 WL 3265446 (E.D. Cal. Nov. 24, 2025); *Hortua v. Chestnut*, No. 1:25-cv-01670-TLN-JDP, 2025 WL 3525916 (E.D. Cal. Dec. 9, 2025); *Barco Mercado v. Francis*, No. 25-CV-6582 (LAK), — F. Supp. 3d —, 2025 WL 3295903, at \*4 (S.D.N.Y. Nov. 26, 2025) (noting over 350 cases across approximately 50 courts rejecting DHS’s position); *Bautista Pico v. Noem*, No. 25-CV-08002-JST, 2025 WL 3295382, at \*2 (N.D. Cal. Nov. 26, 2025) (collecting cases); *Estrada-Samayoa v. Cruz*, No. 1:25-cv-01565-EFB (HC), 2025 WL 3268280, at \*4 (E.D. Cal. Nov. 24, 2025) (same).

3. Absent immediate relief, Petitioner will continue to suffer unlawful incarceration and denial of procedural protections to which she is legally entitled.

#### JURISDICTION

4. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.

5. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas

1 corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States  
2 Constitution (Suspension Clause).

3  
4 6. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et.  
5 seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C.  
6 § 1651.

7  
8 VENUE

9 7. Venue is proper because Petitioner is detained at the California City Detention  
10 Center which is within the jurisdiction of this District.

11 8. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because  
12 Respondents are employees, officers, and agencies of the United States, and because a  
13 substantial part of the events or omissions giving rise to the claims occurred in the Eastern  
14 District of California.

15  
16 REQUIREMENTS OF 28 U.S.C. § 2243

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

22  
23 10. Courts have long recognized the significance of the habeas statute in protecting  
24 individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most  
25 important writ known to the constitutional law of England, affording as it does a swift and  
26 imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391,  
27 400 (1963) (emphasis added).  
28

PARTIES

11. Petitioner, Yeni Mota Aparicio, is a noncitizen in removal proceedings before a U.S. Immigration Court, which is controlled by the Executive Office of Immigration Review (EOIR). Petitioner is currently detained at the California City Detention Center.

12. Respondent Christopher CHESTNUT is sued in his official capacity as the Warden of the California City Detention Center operated by CORECIVIC, INC., a Maryland corporation. CORECIVIC has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner.

13. Respondent Moises BECERRA is sued in his official capacity as the Field Office Director of the San Francisco Field Office of U.S. Immigration and Customs Enforcement. Respondent BECERRA is a legal custodian of Petitioner and has authority to release Petitioner.

14. Respondent Markwayne MULLIN is sued in his official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent MULLIN is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees all subordinate agencies within DHS, including U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention. Respondent MULLIN is a legal custodian of Petitioner.

15. Respondent Todd BLANCHE is sued in his official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, he has the authority to adjudicate removal cases and to oversee the Executive

Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent BLANCHE is a legal custodian of Petitioner.

STATEMENT OF FACTS

16. Petitioner is a Mexican citizen who entered the United States by land in 2007 and has remained continuously in the country since that time. She has entered the United States on three occasions and was not detained during her most recent entry. (Exhibit: Declaration at paras. 2–3).

17. Before her detention, Petitioner suffered from chronic insomnia and severe flat feet requiring ongoing medical treatment, including physician monitoring, laboratory testing, injections, orthopedic shoes, and custom orthotic inserts. (Exhibit: Declaration at para. 4).

18. On June 15, 2026, Petitioner appeared at a scheduled state court compliance hearing, where she had been complying with all court-ordered requirements, including completing her community service and the majority of her required classes for a criminal case. (Exhibit: Declaration at para. 7). As she approached the courthouse, ICE officers arrested her. (Exhibit: Declaration at para. 8). During the arrest, the officers referred to Petitioner by another person's name, and Petitioner repeatedly informed them that they had mistaken her identity. (Exhibit: Declaration at para. 9). Petitioner states that the officers nevertheless informed her that she was subject to a deportation order, did not present an arrest warrant, and instead showed her only a document they used to confirm her identity. (Exhibit: Declaration at para. 9).

19. Following her arrest, Petitioner states that officers repeatedly pressured her to sign voluntary departure paperwork and discouraged her from seeking relief before an immigration judge by telling her she had no chance of success. (Exhibit: Declaration at para. 10). After Petitioner refused to sign the documents, officers instructed her to place her fingerprints on legal

1 documents, did not provide copies of those documents, and required her to sign another  
2 document without explaining its purpose. (Exhibit: Declaration at para. 11). Petitioner also states  
3 that officers denied her requests to contact her family or an attorney during her arrest and  
4 processing. (Exhibit: Declaration at para. 12).

5  
6 20. Petitioner remained confined in an isolation cell for more than ten hours without food  
7 and received only water and sanitary supplies during that period. (Exhibit: Declaration at para.  
8 13). She states that she experienced an anxiety attack while confined in the cell. (Exhibit:  
9 Declaration at para. 13). Later that evening, officers transferred Petitioner in handcuffs, leg  
10 shackles, and waist restraints without informing her where she was being taken. (Exhibit:  
11 Declaration at para. 14). Petitioner did not receive any food until approximately 11:30 p.m. and  
12 ultimately arrived at the California City Detention Center at approximately 3:45 a.m. (Exhibit:  
13 Declaration at para. 15).

14  
15  
16 21. Upon arrival at the detention center, Petitioner states that she was housed in  
17 extremely cold conditions and was not provided basic hygiene items, clean clothing, or adequate  
18 bedding. (Exhibit: Declaration at para. 16). She further states that she received improperly fitting  
19 clothing, including an undersized bra, and that her requests for replacement clothing were  
20 ignored. (Exhibit: Declaration at para. 17). Petitioner describes the common areas and bathrooms  
21 as unsanitary because of mold, accumulated hair, and inadequate cleaning. (Exhibit: Declaration  
22 at para. 18). She also states that the food is inadequate and frequently spoiled, the drinking water  
23 is unsuitable, and that these conditions have caused severe digestive problems, headaches, and  
24 prolonged constipation. (Exhibit: Declaration at para. 19).

25  
26  
27 22. Petitioner states that the extreme cold and the denial of her prescribed medications  
28 and orthopedic devices have significantly worsened her preexisting medical conditions. (Exhibit:

1 Declaration at para. 20). Although she informed detention staff of her medical history upon  
2 arrival, she states that treatment has been substantially delayed and that medical staff advised her  
3 it could take several weeks before she received medication or other care. (Exhibit: Declaration at  
4 para. 20).

5  
6 23. Petitioner further states that detention staff treat Spanish-speaking detainees  
7 differently than English-speaking detainees by speaking to them disrespectfully and imposing  
8 collective punishment for incidents involving other detainees. (Exhibit: Declaration at para. 21).  
9 She also states that regular communication with family is limited because approximately sixty  
10 women share only twenty-two communication tablets and that technical problems initially  
11 prevented her from making telephone calls despite funds being deposited into her account.  
12 (Exhibit: Declaration at paras. 22–23).

13  
14 24. Petitioner states that her detention has caused her to suffer from depression, insomnia,  
15 daily headaches, and recurring anxiety attacks. (Exhibit: Declaration at para. 24). She further  
16 states that her two United States citizen daughters depend on her emotionally, financially,  
17 medically, and educationally and that her detention has prevented her from meeting those  
18 responsibilities. (Exhibit: Declaration at para. 25). According to Petitioner, her detention has  
19 caused both daughters to experience significant emotional and psychological distress, including  
20 anxiety, depression, behavioral changes, and fear of permanent separation. (Exhibit: Declaration  
21 at paras. 26–27). Petitioner also states that her partner has experienced substantial emotional and  
22 financial hardship because of her detention and the loss of her income. (Exhibit: Declaration at  
23 para. 28).

1 25. Petitioner states that this is her first appearance before an immigration court, that she  
2 has not caused any delays in her proceedings, and respectfully requests release from detention so  
3 she may reunite with and care for her family. (Exhibit: Declaration at para. 29).

4  
5 26. Petitioner's counsel has inquired regarding the availability of any immigration related  
6 documents including a notice to appear, Form I-213, order of release on recognizance, check-in  
7 information, alternatives to detention forms, etc. Petitioner has informed counsel that she lacks  
8 any immigration documents.

9  
10 27. On information and belief, Petitioner makes the above representations.

11 PETITIONER'S DILIGENCE AND JUSTIFICATION FOR THE TIMING OF THIS  
12 EMERGENCY MOTION PURSUANT TO L.R. 231(B).

13 Petitioner has acted diligently and any delay in seeking relief is justified by the  
14 circumstances surrounding her detention and the constraints inherent in immigration custody.  
15 She was arrested unexpectedly while complying with a scheduled state court appearance and was  
16 immediately transferred into ICE custody without prior notice or opportunity to prepare for  
17 immigration proceedings. (Exhibit: Declaration at paras. 7–8). Following arrest, Petitioner was  
18 subjected to prolonged isolation, restricted access to communication, and interference with her  
19 ability to contact family or counsel, including repeated denials of telephone access and lack of  
20 copies of documents presented to her during processing. (Exhibit: Declaration at paras. 10–12,  
21 22–23). These conditions materially impeded her ability to gather records, understand the basis  
22 of her detention, or promptly pursue legal relief.  
23

24  
25 Any brief lapse between detention and filing is further explained by Petitioner's lack of  
26 access to immigration documents, including a notice to appear, Form I-213, or any custody  
27 determination paperwork, as well as the absence of reliable communication during the initial  
28 period of confinement. Her medical conditions and the immediate deterioration of her physical

1 and mental health also required attention and adjustment to detention conditions before she could  
2 meaningfully participate in the preparation of her case. (Exhibit: Declaration at paras. 4, 20, 24).  
3 Under these circumstances, Petitioner's efforts were reasonably prompt given the barriers  
4 imposed by detention itself, and any delay should be deemed justified and not a basis to deny  
5 equitable relief.  
6

### 7 LEGAL FRAMEWORK

8 28. The "Bond Eligible Class" refers to a class certified in *Lazaro Maldonado Bautista v.*  
9 *Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal.), which identifies a defined group of  
10 noncitizens entitled to a bond redetermination hearing following DHS custody determinations.  
11 Under the class definition, the group includes noncitizens present in the United States without  
12 lawful status who are not properly subject to mandatory detention at the time of DHS's initial  
13 custody determination under 8 U.S.C. §§ 1226(c), 1225(b)(1), or 1231, and who therefore must  
14 receive an individualized bond hearing before continued detention. *Id.*  
15  
16

17 29. Petitioner is a member of the "Bond Eligible Class" based on information she has  
18 provided to counsel indicating that she was unlawfully present, not inspected or admitted at the  
19 border, not apprehended upon arrival, and not subject to detention under 8 U.S.C. §§ 1226(c),  
20 1225(b)(1), or 1231 at the time of DHS's initial custody determination.  
21

### 22 CLAIMS FOR RELIEF

#### 23 COUNT ONE

#### 24 *Maldonado Class Membership*

25 30. Petitioner re-alleges and incorporates by reference the paragraphs above.  
26

27 31. Petitioner is eligible for a bond hearing because she was unlawfully present, not  
28 inspected or admitted at the border, not apprehended upon arrival, and not subject to detention

1 under 8 U.S.C. §§ 1226(c), 1225(b)(1), or 1231 at the time of DHS's initial custody  
2 determination.

3  
4 32. For these reasons, Petitioner's ongoing detention without a bond hearing violates her  
5 rights.

6 PRAAYER FOR RELIEF

7 Wherefore, Petitioner respectfully requests this Court to grant the following:

- 8 A. Assume jurisdiction over this matter;  
9  
10 B. Issue a Temporary Restraining Order prohibiting Respondents from moving  
11 Petitioner to another facility outside of this District pending the outcome of these proceedings;  
12  
13 C. Issue a Temporary Restraining Order releasing Petitioner from Respondents'  
14 custody.  
15  
16 D. Issue a Writ of Habeas Corpus, ordering a bond hearing, taking into account  
17 Petitioner's ability to pay a bond and alternatives to detention;  
18  
19 E. Award Petitioner costs and reasonable attorneys' fees in this action as provided  
20 for by the Equal Access to Justice Act, 28 U.S.C. § 2412; and  
21  
22 F. Grant such further relief as the Court deems just and proper.

23 Dated: July 3, 2026

Respectfully submitted,

24 /s/ Mario Salgado  
25 Mario Salgado  
26 Counsel for Petitioner  
27  
28

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Yeni Mota Aparicio, and submit this verification on Petitioner's behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: July 3, 2026.

Respectfully Submitted:

s/Mario Salgado  
Mario Salgado

**CERTIFICATE OF SERVICE**

I, Mario Salgado, am over the age of 18 years and maintain a business address located at 605 Market Street Suite 1111 in San Francisco, California 94105. I electronically served the PETITION FOR HABEAS CORPUS AND INJUNCTIVE RELIEF to United States Attorney's Office for the Eastern District of California; 2500 Tulare Street, Suite 4401, Fresno, CA 93721 via the court's filing system.

I swear under penalty of perjury under the laws of the United States of America that the foregoing is true and correct:

Date: July 3, 2026

/s/ Mario Salgado  
Mario Salgado, Esq.