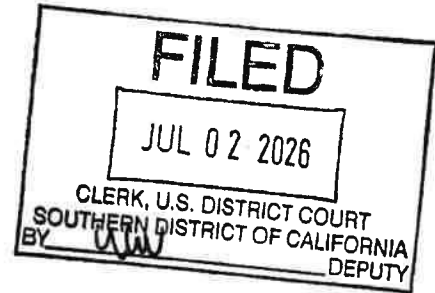


NAME
Santos Marcelino Herrera Lanza

PRISON NUMBER
[REDACTED]

PLACE OF CONFINEMENT

Imperial Regional Detention Facility
ADDRESS
1572 Gateway Road
Calexico, CA 92231



United States District Court
Southern District Of California

Santos Marcelino Herrera Lanza
(FULL NAME OF PETITIONER)

Petitioner

v.

Warden Jeremy Casey
(NAME OF WARDEN, SUPERINTENDENT, JAILOR, OR AUTHORIZED
PERSON HAVING CUSTODY OF PETITIONER, E.G. PAROLE OFFICER)

Respondent

and

The Attorney General of the State of
California, Additional Respondent.

Civil No. '26CV3850 AGS AHG
(TO BE FILLED IN BY CLERK OF U.S. DISTRICT COURT)

PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2241

1. Are you currently:

- ☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

(a) Name and location of court that sentenced you: _____

(b) Docket or case number (if you know): _____

(c) Date of sentencing: _____

☒ Being held on immigration charge

☐ Other (explain): _____

2. Are you currently being held on orders by:

☒ Federal authorities ☐ State authorities ☐ Other - explain:

Department of Homeland Security (DHS)

3. What are you challenging in this petition:

☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities

☐ Pretrial detention

☒ Immigration detention

☐ Detainer

☐ The validity of your conviction or sentence as imposed

☐ Disciplinary proceedings

☐ Other (specify): _____

4. Provide more information about the decision or action you are challenging:

(a) Name and location of the court or agency: DHS / MITC / IRDF
Immigration and Customs Enforcement (ICE)

(b) Case number, docket number or opinion number (if you know): 

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): Immigration and Customs Enforcement (ICE)
decision to detain me
ICE's custody review

(d) Date of the decision or action: April 9, 2026

5. Did you **appeal** the decision, file a grievance or seek an administrative remedy?

☐ Yes ☐ No

(a) If your answer to 5 was "Yes," give the following information:

(1) Name of court, agency or authority: _____

(2) Date of filing: _____

(3) Case number, docket number or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If your answer to 5 was "No," explain why you did not appeal: _____

6. After the first appeal, did you file a **second appeal** to a higher authority, court or agency?

☐ Yes ☐ No

(a) If your answer to 6 was "Yes," give the following information:

- (1) Name of court, agency or authority: _____
 - (2) Date of filing: _____
 - (3) Case number, docket number or opinion number: _____
 - (4) Result: _____
 - (5) Date of result: _____
 - (6) Issues raised: _____
- _____
- _____
- _____
- _____

(b) If your answer to 5 was "No," explain why you did not appeal: _____

7. After the second appeal, did you file a **third appeal** to a higher authority, agency or court?

☐ Yes ☐ No

(a) If your answer to 7 was "Yes," give the following information:

- (1) Name of court, agency or authority: _____
 - (2) Date of filing: _____
 - (3) Case number, docket number or opinion number: _____
 - (4) Result: _____
 - (5) Date of result: _____
 - (6) Issues raised: _____
- _____

(b) If your answer to 7 was "No," explain why you did not appeal: _____

8. State *concisely* every ground on which you claim that you are being held in violation of the constitution, law or treaties of the United States. Summarize *briefly* the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available court remedies as to each ground on which you request action by the federal court. Moreover, if you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

You should raise in this petition *all* available grounds on which you base your allegations that you are being held in custody unlawfully.

GROUND ONE: Jurisdiction and the Venue of petitioner

(a) Supporting FACTS (state *briefly* without citing cases or law)

This Court has jurisdiction under 28 U.S.C. 2241 because petitioner is in custody under the authority of the United States, and challenges the legality of Continued detention. Venue is proper in the Southern District of California, where petitioner is detained.

Petitioner, Santos Marcelino Herrera Lanza [REDACTED] is currently detained by the U.S. Immigration and Customs Enforcement (ICE) at the Imperial Regional Detention facility, 1572 Gateway Road, Calexico CA 92231.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes ☐ No

GROUND TWO: Legal Claims (Statement of facts)

(a) **Supporting FACTS** (state *briefly* without citing cases or law): Petitioner claims he was improperly re-detained after he was released into the United States. Petitioner presented himself at the United States border in 2018. He filed an application for Asylum. DHS placed him on the Non-detained docket and permitted him to live at liberty in the United States, while his case proceeded before the Immigration Court, Petitioner complied with all the requirements imposed upon him by DHS. Nonetheless ICE abruptly re-detained him without notice, any intervening custody determination and without any meaningful opportunity to be heard, there was no change in circumstances that precipitated this change in custody status, Petitioner seeks immediate release or a bond hearing. Petitioner was apprehended at the border upon arrival, so he is subject to mandatory detention under Section 1225(b). Individuals released from custody, even where such release is conditional have a liberty interest in continued liberty parolees - pre-parolees probationers.

Once the noncitizen has been released, the law prohibits federal agents from rearresting him merely because he is subject to removal proceedings. Petitioner was paroled into the United States over eight years ago, so he is now subject to discretionary release rather than mandatory detention.

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes ☐ No

GROUND THREE: I am not a flight Risk nor a danger to
the Community

(a) **Supporting FACTS** (state briefly without citing cases or law): Petitioner release
from (ICE) custody after his initial apprehension reflected a
determination by the government that he was neither a flight
risk nor a danger to the Community and petitioner has a
strong interest in remaining at liberty unless he no longer
needs the Criteria: the regulations authorizing (ICE) to
release a noncitizen from custody require that the noncitizen
"demonstrate to the satisfaction of the officer, that such
release would not pose a danger to property or persons and
that the noncitizen is likely to appear for any future proce-
dings". Release therefore reflects a determination by the govern-
ment that the noncitizens is not a danger to the Community
or a flight risk.

Petitioner was apprehended by (ICE) officers when he crossed
the border into the United States. ICE then released him on her
own recognizance. As (ICE) was not authorized to release
petitioner if she was a danger to the Community or flight risk, the
Court must kindly infer from the release that (ICE) determined
she was neither. Petitioner release from (ICE) custody constituted an
"implied promise" that his liberty would not be revoked unless
she failed to live up to the conditions of her release.

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes ☐ No

GROUND FOUR: Violation of the Due process clause of the fifth Amendment

(a) **Supporting FACTS** (state *briefly* without citing cases or law): Petitioner
argues that his re-detention and the manner in which
it was carried out violates the Due process clause
of the fifth Amendment. Petitioner argues that his
re-detention violates Procedural due process because
he was not given any notice and an opportunity to
be heard when he was re-detained in April, 2026.

The Due Process clause of the fifth amend-
ment prohibits the government from depriving indivi-
duals of their life, liberty or property without due
process of law. The due process applies to all persons
within the United States, including aliens whether
their presence is lawful, unlawful, temporary or
permanent, freedom from imprisonment from
government custody, detention or other forms of
physical restraint.

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes ☐ No

9. If any of the grounds listed in 4A, B, C, and D were not previously presented in any other court, state or federal, state briefly what grounds were not presented, and give your reasons for not presenting them:

Santos Marcelino Herrera Lanza ([REDACTED])

GROUND FIVE: Immigration Proceedings

(a) Supporting facts:

Petitioner timely filed application for Asylum, and has consistently complied with all immigration requirements and has demonstrated his willingness to appear for all immigration proceedings and has comply with conditions of release. Petitioner was taken into custody without notice, explanation and without hearing before a neutral decision maker. Petitioner was detained by (ICE) and transferred to Imperial regional detention facility, 1572 gateway Road, Calexico, CA 92231.

Petitioner states that he has demonstrated "Suitability for release including residing in the Country for almost eight years, no criminal history without posing and flight risk

Petitioner had established his life here, he maintains his three kids ages 19, 13 and 9 years old and is a stable residence in Riverside California.

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct

Respectfully Submitted,

Santos Marcelino Herrera Lanza

[REDACTED]

June 30, 2026.

Santos Marcelino Herrera Lanza 

GROUND SIX: Prayer for Relief

(a) Supporting facts:

Wherefore, Petitioner respectfully request that the Court;

- (1) Issue a Writ of Habeas Corpus Ordering Petitioner release from ICE Custody; OR
- (2) In the alternative, Order an individualised bond hearing before an Immigration Judge within 7 days, with the government bearing the burden of the proof;
- (3) Declare that the Petitioner's prolonged detention violates the fifth Amendment;
- (4) Grant any other relief the Court deems just and proper

Respectfully Submitted;

Santos Marcelino Herrera Lanza.



June 30, 2026.

10. Do you have any petition or appeal now pending in any court, either state or federal, as to the execution of sentence under attack?

☐ Yes ☐ No

11. Give the name and address, if known, of each attorney who represented you in the following stages of the execution of sentence attacked herein:

(a) In any post-conviction proceeding _____

(b) On appeal from any adverse ruling in a post-conviction proceeding _____

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

SIGNATURE OF ATTORNEY (IF ANY)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

June 30, 2026.

(DATE)



SIGNATURE OF PETITIONER