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

11 Juan Ramirez Garcia,
12 

13 *Petitioner,*

14 v.

15 Todd Blanche, U.S. Attorney General;

16 Markwayne Mullin, Secretary of the U.S.
17 Department of Homeland Security;

18 Christopher Chestnut, Warden of California
19 City Immigration Processing Center;

20 Moises Becerra, ICE Field Office Director of
21 the San Francisco Field Office,

22 *Respondents*
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Case No.

VERIFIED PETITION
FOR WRIT OF HABEAS
CORPUS PURSUANT TO
28 U.S.C. § 2241

IMMIGRATION HABEAS
CASE

I. INTRODUCTION

- 1
2
3 1. Juan Ramirez Garcia (Petitioner) by and through his undersigned counsel,
4 hereby files this petition for a writ of habeas corpus challenging his unlawful
5 detention without a fair bond hearing. Petitioner is in the physical custody of
6 Respondents at the California City Immigration Processing Center in
7 California City, California.
8
- 9 2. Petitioner was detained by Immigration and Customs Enforcement (ICE) on
10 May 6, 2025 near his home in Pacoima, California while he was on his way to
11 work. On the same day, Petitioner was placed into removal proceedings
12 pursuant to 8 U.S.C. § 1229a and charged as inadmissible under 8 U.S.C. §
13 1181(a)(6)(A) for entering the United States without being admitted or
14 paroled.
15
- 16 3. In November 2025, Petitioner received a bond hearing in the Adelanto
17 Immigration Court under *Rodriguez v. Robbins*, 804 F.3d 1060 (9th Cir. 2015).
18 Respondent was unrepresented at this bond hearing, and does not understand
19 what occurred. He believes the Immigration Judge denied bond based on a
20 lack of jurisdiction. This bond hearing did not meet the minimal due process
21 required for the government to continue to detain Petitioner. Petitioner is
22 being unlawfully detained without a fair bond hearing.
23
- 24 4. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be
25 released from custody. In the alternative, Petitioner seeks release unless
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1 Respondents provide a constitutionally compliant bond hearing under 8 U.S.C.
2 § 1226(a).
3

4 **II. JURISDICTION**

5 5. Jurisdiction is proper and relief is available pursuant to 28 U.S.C. § 1331
6 (federal question), 28 U.S.C. § 1346 (original jurisdiction), 5 U.S.C. § 702
7 (waiver of sovereign immunity), 28 U.S.C. § 2241 (habeas corpus
8 jurisdiction), and Article I, Section 9, clause 2 of the United States
9 Constitution (the Suspension Clause).
10

11 6. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory
12 Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. §
13 1651.
14
15

16 **III. VENUE**

17 7. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484,
18 493- 500 (1973), venue lies in the United States District Court for the Eastern
19 District of California, the judicial district in which Petitioner is currently
20 detained.
21

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

9. Petitioner Juan Ramirez Garcia is 51-year-old native and citizen of Mexico.

He was arrested by Immigration and Customs Enforcement (ICE) agents on May 7, 2025 in Pacoima, California. He is currently detained at the California City Immigration Processing Center.

10. Respondent Todd Blanche, the Attorney General, is the highest-ranking official within the Department of Justice (DOJ). Respondent Blanche is responsible for the administration and enforcement of the immigration laws pursuant to 8 U.S.C. § 1103. Respondent Blanche is sued in his official capacity to the extent that 8 U.S.C. § 1102 gives him authority to interpret immigration law and adjudicate removal cases.

11. Respondent Markwayne Mullin, the Secretary of the Department of Homeland Security (DHS), is the highest-ranking official within the DHS. Respondent Mullin, by and through his agency for the DHS, is responsible for the implementation of the INA, and for ensuring compliance with applicable federal law. Respondent Mullin is sued in his official capacity as an agent of the government of the United States.

12. Respondent Christopher Chestnut is the warden at the California City Immigration Processing Center. He is in charge of Petitioner's place of custody and is sued in his official capacity.

13. Respondent Moises Becerra is the Field Office Director of Immigration and

1 Customs Enforcement for San Francisco, California. He oversees the custody
2 of all Immigration and Customs Enforcement detainees at the California City
3 Immigration Processing Center. Respondent Becerra is a legal custodian of
4 Petitioner and is sued in his official capacity as an agent of the government of
5 the United States.
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8 **V. STATEMENT OF FACTS**

9 14. Petitioner was born [REDACTED] in Mexico. He is a native and citizen
10 of Mexico.
11

12 15. Petitioner entered the United States most recently in or around 2000 without
13 inspection. He has lived continuously in the United States since that entry.
14 Petitioner has six (6) children ages 32, 31, 29, 21, 14, and 13. His three oldest
15 children are DACA recipients and his three youngest children are United
16 States citizens.
17

18 16. Petitioner has resided in the United States for approximately twenty-six (26)
19 years. He established his life in Pacoima, California.
20

21 17. Petitioner's criminal history consists of three misdemeanor convictions. In
22 2003, Petitioner was arrested and ultimately convicted of driving under the
23 influence of alcohol. In 2022, Petitioner was arrested and ultimately convicted
24 of spousal battery in violation of California Penal Code (PC) § 243(e)(1). He
25 was sentenced to summary probation with no jail time. In 2025, Petitioner was
26 arrested and ultimately convicted of reckless driving under California Vehicle
27
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1 Code (VC) § 23103(a). He was sentenced to summary probation with no jail
2 time. He has not been convicted of any subsequent crimes since then.

3
4 18. Petitioner was detained by immigration officials on May 7, 2025 in Pacoima,
5 California while he was on his way to work. He is currently detained at the
6 California City Immigration Processing Center in California City, California.
7

8 19. On May 6, 2025 Petitioner was placed into removal proceedings pursuant to 8
9 U.S.C. § 1229a and charged as inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i)
10 for being present in the United States without being admitted or paroled.
11

12 20. The Adelanto Immigration Court held a bond hearing in November 2025. At
13 that bond hearing, Petitioner believes bond was denied based on lack of
14 jurisdiction.
15

16 21. Although a bond hearing purporting to comport with 8 U.S.C. § 1226(a) was
17 held, this bond hearing did not meet the minimal due process required for the
18 government to continue to detain Petitioner. Petitioner is being unlawfully
19 detained without a fair bond hearing.
20

21 **VI. LEGAL BACKGROUND**

22 22. The INA prescribes three basic forms of detention for the vast majority of
23 noncitizens in removal proceedings conducted pursuant to 8 U.S.C. § 1229a.
24 First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in § 1229a
25 removal proceedings before an IJ. Second, the INA provides for mandatory
26 detention of noncitizens subject to an Expedited Removal order imposed
27
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1 pursuant to 8 U.S.C. § 1225(b)(1) and for other noncitizen applicants for
2 admission to the U.S. who are deemed not clearly entitled to be admitted
3 pursuant to § 1225(b)(2). Lastly, INA provides for detention of noncitizens
4 who have been ordered removed, including individuals in withholding-only
5 proceedings. *See* 8 U.S.C. § 1231(a)–(b).
6
7

8 23.Following the enactment of the IIRIRA, EOIR drafted new regulations
9 applicable to proceedings before immigration judges explaining that, in
10 general, people who entered the country without inspection – also referred to
11 as being “present without admission” – were detained under § 1226(a). *See*
12 Inspection and Expedited Removal of Aliens; Detention and Removal of
13 Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg.
14 10312, 10323 (Mar. 6, 1997).
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16

17 24.As explained in *Rodriguez Vazquez v. Bostock*, --- F. Supp. 3d ---, 2025 WL
18 1193850 at *12 (W.D. Wash. Apr. 24, 2025), the plain text of the statutory
19 provisions demonstrates that § 1226(a) applies by default to all persons
20 “pending a decision on whether the [noncitizen] is to be removed from the
21 United States.”
22
23

24 25.Other portions of the text of § 1226 also explicitly apply to people charged as
25 being inadmissible, including those who entered without inspection. *See* 8
26 U.S.C. § 1226(c)(1)(E).
27

28 26.Section 1226 therefore leaves no doubt that it applies to noncitizens who are

1 present without admission and who face charges of being inadmissible to the
2 United States.

3
4 27. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who
5 recently entered the United States and are encountered at or near an
6 international border. The statute's entire framework is premised on inspections
7 at the border of people who are "seeking admission" to the United States. 8
9 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this
10 mandatory detention scheme applies "at the Nation's borders and ports of
11 entry, where the Government must determine whether a[] [noncitizen] seeking
12 to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S. 281, 287
13 (2018).
14
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16 28. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply
17 to people like Petitioner who has already entered and was residing in the
18 United States at the time he was apprehended.
19

20 29. The "equitable and flexible nature of habeas relief" affords district courts
21 significant discretion over the appropriate remedies for violations of law and
22 the Constitution. *Velasco Lopez v. Decker*, 978 F.3d 842, 855 (2d Cir. 2020);
23 *see also Schlup v. Delo*, 513 U.S. 298, 319 (1995) ("[H]abeas corpus is, at its
24 core, an equitable remedy"). This Court should order a remedy that fully
25 addresses the statutory and constitutional violations in this case and is efficient
26 to administer. *Carafas v. LaVallee*, 391 U.S. 234, 238 (1968) (the habeas
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28

1 statute “does not limit the relief that may be granted to discharge of the
2 applicant from physical custody. Its mandate is broad with respect to the relief
3 that may be granted”).
4

5 30. Release is the customary remedy in habeas proceedings. *See* 28 U.S.C. § 2243
6 (the habeas should shall “dispose of the matter as law and justice require.”);
7 *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973) (finding “that the traditional
8 function of the writ is to secure release from illegal custody”). The most
9 appropriate remedy in a case like this, where Petitioner is being detained in
10 violation of due process, is release on recognizance without further conditions
11 of release. *See Ambroladze v. Maldonado*, No. 26-CV-00474 (HG), 2026 WL
12 280182, at *3 (E.D.N.Y. Feb. 3, 2026) (“the government's ongoing detention
13 of Petitioner, in the face of yet another complete failure of process, entitles him
14 to immediate release.”)
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19 31. In the alternative, the habeas court can hold its own custody hearing and
20 determine whether ICE can prove by clear and convincing evidence that
21 Petitioner must remain in custody, or whether he may be released on
22 recognizance, an appropriate bond in light of his ability to pay, or supervised
23 release. *See L.G.M. v. LaRocco*, 788 F.Supp.3d 401, 405-07 (E.D.N.Y. 2025)
24 (ordering a bond hearing held by the habeas court, as this would be more
25 efficient than delegating the task to the agency and ensure proper constitutional
26 oversight).
27
28

VII. FIRST CLAIM FOR RELIEF

Petitioner's Detention Violates the Immigration and Nationality Act, 8 U.S.C.

§ 1226(a)

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

33. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to Petitioner or other noncitizens present and residing in the United States who are placed under § 1229a removal proceedings and charged with inadmissibility pursuant 8 U.S.C. § 1182(a)(6)(A)(i). As relevant here, § 1225(b)(2) does not apply to those who previously entered the country and have been present and residing in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such noncitizens may only be detained pursuant to § 1226(a), unless subject to § 1226(c), or § 1231.

34. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention without a bond hearing and violates 8 U.S.C. § 1226(a).

VIII. SECOND CLAIM FOR RELIEF

Petitioner's Detention Violates His Fifth Amendment Right to Due Process

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

36. The Government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—

1 from government custody, detention, or other forms of physical restraint—lies
2 at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533
3 U.S. 678, 690 (2001).
4

5 37. Petitioner has a fundamental interest in liberty and being free from official
6 restraint.
7

8 38. The Government’s detention of Petitioner without providing Petitioner a bond
9 redetermination hearing to determine whether he is a flight risk or danger to
10 others violates his right to Due Process.
11

12 **IX. THIRD CLAIM FOR RELIEF**

13 **Petitioner’s Detention Violates the Administrative Procedure Act, U.S.C. §** 14 **706(2)** 15

16 39. Petitioner incorporates by reference the allegations of fact set forth in the
17 preceding paragraphs.
18

19 40. Under the Administrative Procedure Act, a court must “hold unlawful and set
20 aside agency action” that is “arbitrary, capricious, an abuse of discretion, or
21 otherwise not in accordance with the law,” that is “contrary to constitutional
22 right [or] power,” or that is “in excess of statutory jurisdiction, authority, or
23 limitations, or short of statutory right.” 5 U.S.C. § 706(2)(A)-(C).
24

25 41. Petitioner’s detention is arbitrary, capricious, an abuse of discretion, and
26 violates the INA and the Fifth Amendment in violation of 5 U.S.C. § 706(2).
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X. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court take jurisdiction over this matter and grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Order that Petitioner be released from immigration detention;
- c. In the alternative, order a bond hearing held by this Court to determine whether Petitioner should be released;
- d. In the alternative, order Respondents to provide Petitioner with a constitutionally compliant bond hearing without seven (7) days;
- e. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- f. Grant any other and further relief that this Court deems fit and proper.

RESPECTFULLY SUBMITTED this 6th day of July, 2026

/s/ Mackenzie Mackins

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ATTORNEY FOR PETITIONER

VERIFICATION

I, Mackenzie Mackins, declare as follows:

I am an attorney admitted to practice law in the State of California.

Because many of the allegations of this Petition require a legal knowledge not possessed by Petitioner, I am making this verification on his behalf.

I have read the foregoing Petition for Writ of Habeas Corpus and know the contents thereof to be true to my knowledge, information, or belief.

I certify under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on July 6, 2026.

s/ Mackenzie Mackins
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ATTORNEY FOR PETITIONER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 6, 2026, I served a copy of this Petition for Writ of Habeas Corpus by email to the following:

Civil Division
U.S. Attorney's Office
501 I Street, Ste. 10-100
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s/ Mackenzie Mackins
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