

Elham Sadri (360137)
elham@sadri-law.com
Sadri Law, P.C.
84 W. Santa Clara St, Suite 700
San Jose, CA 95113
Telephone: 408-416-3000
Attorney for Petitioner

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION**

CHRISTIAN IVAN LOPEZ-ASENCIO,

Case No. 26-2702



Petitioner/Plaintiff,

**PETITION FOR WRIT OF HABEAS
CORPUS UNDER 28 U.S.C. § 2241 AND
COMPLAINT FOR DECLARATORY
AND
INJUNCTIVE RELIEF**

v.

CHRISTOPHER CHESTNUT, Warden of
California City Immigration Processing
Center; MOISES BECERRA, Acting Director
of the San Francisco Field Office of U.S.
Immigration and Customs Enforcement;
MARKWAYNE MULLIN, Secretary of the
U.S. Department of Homeland Security; and
TODD BLANCHE, Attorney General of the
United States, in their official capacities,

[28 U.S.C. §§ 2241, 1331, 1361, 2201, 2202;
U.S. Const. amend. V]

Respondents/Defendants.

INTRODUCTION

1. Petitioner Christian Ivan Lopez-Asencio is an eighteen-year-old Guatemalan national detained by Immigration and Customs Enforcement in civil immigration custody at the California City Detention Facility in California City, California. He has no final order of removal. His removal case remains pending before the Adelanto Immigration Court. The current EOIR docket lists the removal case as "Case Pending," lists the Immigration Court as "10250 Rancho Rd, Suite 201A, Adelanto, CA 92301," and states: "This case is pending." Ex. B at 1.

2. Christian requested custody redetermination in Immigration Court. On June 9, 2026, the Immigration Judge denied that request. The order did not deny bond after weighing flight risk, danger, alternatives to detention, or ability to comply with conditions. Instead, the order checked "Denied" and gave a single reason: "Lack of jurisdiction based on plain reading of INA

235(b)(2).” Ex. A at 1. The bond order therefore left Christian in no-bond civil detention based on a categorical legal ruling, not an individualized custody determination.

3. DHS then transferred Christian across the country. The Form I-830 filed with EOIR identifies Christian by name and A-number and states that, as of June 13, 2026, he was transferred to the California City Detention Facility, 22844 Virginia Boulevard, California City, California 93505, under the San Francisco Field Office. Ex. C at 1. The EOIR docket now reflects the removal case pending at Adelanto, the bond case completed, and Christian’s I-589 application accepted on June 16, 2026. Ex. B at 1-2.

4. This petition is deliberately focused. Christian does not ask this Court to decide his removability, decide his protection claims, decide the pending Massachusetts criminal matter, or reweigh discretionary bond factors. He asks the Court to decide whether Respondents may continue to detain him without any meaningful custody process based on a mistaken or untested legal classification.

5. The record matters because Respondents may attempt to justify no-bond detention through a different theory than the one stated in the custody order, including the Laken Riley Act amendment to INA § 236(c), 8 U.S.C. § 1226(c)(1)(E). If Respondents rely on that theory, they still must establish that Christian is actually within that mandatory-detention category. They have not done so. DHS submitted a Chelsea Police Department report in Immigration Court; that filing shows DHS relied on a police report, not a conviction, judicial finding, or final criminal adjudication. Ex. E at 1-2. Christian’s own evidence also shows that the Chelsea incident is heavily disputed, involved mutual injuries, and includes sworn self-defense evidence from Christian and an adult bystander. Ex. D at 4, 7, 12.

6. Christian therefore seeks a writ of habeas corpus and an order requiring Respondents to release him unless they promptly provide constitutionally adequate custody process. At minimum, Respondents should be ordered to identify the detention statute they invoke and provide a prompt threshold hearing to determine whether Christian is properly included in any mandatory no-bond category. If no mandatory category lawfully applies, he must receive ordinary custody review with meaningful consideration of bond and non-monetary conditions of release.

JURISDICTION AND VENUE

7. This Court has jurisdiction under 28 U.S.C. § 2241 because Christian is in federal custody and challenges the legality of that custody. The Court also has federal-question jurisdiction under 28 U.S.C. § 1331 and may grant declaratory and injunctive relief under 28 U.S.C. §§ 2201 and 2202. To the extent necessary, mandamus jurisdiction exists under 28 U.S.C. § 1361.

8. Section 1226(e) does not bar this petition. Christian does not challenge a discretionary judgment denying bond. He challenges the legal and constitutional authority for no-bond detention and the denial of any meaningful custody process. The Supreme Court has recognized habeas jurisdiction to review statutory and constitutional challenges to immigration detention.

See *Jennings v. Rodriguez*, 583 U.S. 281, 296 (2018); *Demore v. Kim*, 538 U.S. 510, 516-17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 688 (2001).

9. Venue is proper in this District because Christian is detained at the California City Detention Facility, 22844 Virginia Boulevard, California City, California 93505, in Kern County, within the Eastern District of California. Ex. C at 1. Local Rule 120(d) places Kern County matters in the Fresno/Bakersfield/Yosemite venue grouping. Petitioner files in the Fresno Division subject to any reassignment or venue direction by the Court.

10. The immediate custodian is the Warden or Facility Administrator of the California City Detention Facility. The federal Respondents also include the ICE official exercising custody authority through the San Francisco Field Office, identified on the I-830, and the federal officials responsible for implementing the challenged detention authority. Ex. C at 1.

PARTIES

11. Petitioner Christian Ivan Lopez-Asencio is an eighteen-year-old citizen and national of Guatemala. His A-number is [REDACTED]. He is detained by U.S. Immigration and Customs Enforcement ("ICE") at the California City Immigration Processing Center in California City, California. Ex. C at 1.

12. Respondent Christopher Chestnut is the Warden of the California City Immigration Processing Center, Christian's immediate custodian, and is sued in his official capacity.

13. Respondent Moises Becerra is the Acting Director of the San Francisco Field Office of U.S. Immigration and Customs Enforcement. He exercises custody authority over Christian following his transfer to California and is sued in his official capacity. Ex. C at 1.

14. Respondent Markwayne Mullin is the Secretary of the U.S. Department of Homeland Security.

15. Respondent Todd Blanche is the Attorney General of the United States. These Respondents are responsible for the statutory, regulatory, and adjudicatory framework under which Christian is detained, and they are sued in their official capacities.

FACTUAL ALLEGATIONS

A. Christian is in pending removal proceedings and has a pending protection application.

16. The EOIR docket identifies Christian by name and A-number and lists a removal case with a charging document date of April 21, 2026. The removal case is marked "Case Pending." Ex. B at 1.

17. The docket lists the Immigration Court as the Adelanto Immigration Court, 10250 Rancho Road, Suite 201A, Adelanto, California 92301. It lists no IJ decision date and states: "This case is pending." Ex. B at 1.

18. The docket also shows that Christian's I-589 application for asylum and withholding of removal was accepted on June 16, 2026. Ex. B at 2. The filed I-589 confirms that Christian is

seeking asylum, withholding of removal, and protection under the Convention Against Torture while detained at California City Detention Facility. Ex. F at 1-2.

19. Christian's removal case is therefore not final. He remains in civil detention while actively pursuing protection from removal.

B. Christian requested bond and received no individualized custody determination.

20. Christian requested custody redetermination pursuant to 8 C.F.R. § 1236. Ex. A at 1.

21. On June 9, 2026, the Immigration Judge denied the request. The order did not find that Christian was a flight risk. It did not find that Christian was a danger to the community. It did not consider whether conditions of release could reasonably assure appearance and safety. It did not set bond. It denied custody redetermination for one reason only: "Lack of jurisdiction based on plain reading of INA 235(b)(2)." Ex. A at 1.

22. The same order reflects that Respondent reserved appeal and lists an appeal due date of July 9, 2026. Ex. A at 2.

23. As a result, Christian remains detained without any merits custody determination by a neutral adjudicator.

C. DHS transferred Christian to California City, and the case is now listed at Adelanto.

24. DHS filed a Form I-830, Notice to EOIR: Alien Address, dated June 15, 2026. The form names Christian, lists [REDACTED] and states that he was transferred on June 13, 2026 to the California City Detention Facility, 22844 Virginia Boulevard, California City, California 93505. Ex. C at 1.

25. The same I-830 identifies the San Francisco Field Office in connection with the transfer. Ex. C at 1.

26. The updated EOIR docket reflects that the removal case is now listed at the Adelanto Immigration Court. Ex. B at 1.

27. The docket also separately lists a bond case with a charging document date of April 21, 2026, a bond request date of June 4, 2026, and the status "Case Completed." Ex. B at 1.

D. The criminal allegations are disputed and have not been adjudicated.

28. DHS submitted the Chelsea Police Department report to the Immigration Court as evidence for the June 9, 2026 bond hearing. Ex. E at 1-2. That filing demonstrates that DHS relied on an unadjudicated police report, not a criminal conviction or final judicial finding.

29. The Chelsea Police Department's own public press release described the April 13, 2026 incident as a confrontation in which three people sustained non-life-threatening stab wounds. It stated that both Christian and the other youth were armed, both sustained non-life-threatening wounds, an adult male witness was cut on the hand while attempting to break up the fight, the incident was not random, and police were confident there was no further threat to the community. Ex. D at 12.

30. Christian submitted a sworn affidavit explaining that he did not go to the park to fight, tried to avoid the confrontation and walk away, had a box cutter because he used it for work, was stabbed in the back before using it, and pulled it out only because he was scared and trying to protect himself while being pursued. Ex. D at 4.

31. Christian also swore that he wants to appear for all immigration court hearings and comply with any conditions of release. Ex. D at 4.

32. The adult bystander, Rodolfo Dagoberto Quejny Ordóñez, also submitted a sworn affidavit. Rodolfo stated that the other youth began the confrontation, chased Christian, had a knife or bladed weapon, and stabbed Christian in the back or side while Christian tried to get away. Ex. D at 7.

33. The police materials are therefore, at most, a contested charging record. They do not establish that Christian committed a crime within a mandatory no-bond category, that the statutory “serious bodily injury” requirement is met, or that no conditions of release could reasonably address appearance and safety.

LEGAL FRAMEWORK

34. INA § 236(a), 8 U.S.C. § 1226(a), authorizes arrest and detention of a noncitizen “pending a decision on whether the alien is to be removed” and, except as provided in § 1226(c), permits release on bond or conditional parole. Section 1226(a) is the ordinary custody statute for noncitizens arrested and detained during pending removal proceedings.

35. INA § 236(c), 8 U.S.C. § 1226(c), imposes mandatory detention only on persons who actually fall within one of its defined categories. The Laken Riley Act added § 1226(c)(1)(E), which applies to a noncitizen who is inadmissible under § 1182(a)(6)(A), (6)(C), or (7) and who is charged with, arrested for, convicted of, or admits specified offenses, including “any crime that results in death or serious bodily injury to another person.” 8 U.S.C. § 1226(c)(1)(E).

36. For purposes of § 1226(c)(1)(E), “serious bodily injury” has the meaning given by the jurisdiction where the acts occurred. 8 U.S.C. § 1226(c)(2). In Massachusetts, assault-and-battery-with-a-dangerous-weapon law defines serious bodily injury as bodily injury resulting in permanent disfigurement, loss or impairment of a bodily function, limb, or organ, or a substantial risk of death. Mass. Gen. Laws ch. 265, § 15A(d).

37. When mandatory detention turns on whether a noncitizen is properly included in a mandatory category, due process requires a meaningful opportunity to contest that classification. See *Matter of Joseph*, 22 I. & N. Dec. 799 (BIA 1999). Federal habeas review remains available for legal and constitutional challenges to the detention statute and custody classification. *Jennings*, 583 U.S. at 296; *Demore*, 538 U.S. at 516-17.

38. Civil immigration detention must remain reasonably related to its legitimate purposes: assuring appearance and protecting the community. *Zadvydas*, 533 U.S. at 690; *Demore*, 538 U.S. at 523. Where the Government detains a person without bond based on disputed allegations and a categorical no-jurisdiction ruling, due process requires meaningful custody process before detention may continue.

CLAIMS FOR RELIEF

COUNT I - Violation of the Immigration and Nationality Act and Administrative Procedure Principles: unlawful no-bond classification

39. Christian incorporates the preceding paragraphs.

40. Respondents are detaining Christian without bond despite his pending removal case and absence of a final order of removal.

41. The Immigration Judge denied custody redetermination because she concluded that she lacked jurisdiction under INA § 235(b)(2). Ex. A at 1.

42. That no-jurisdiction ruling is legally insufficient because it did not determine the actual source of detention authority after Christian's interior arrest and pending § 240 removal proceedings, did not determine whether § 1226(a) applies, and did not provide any meaningful threshold determination if Respondents contend that a mandatory detention category applies.

43. To the extent Respondents invoke § 1226(c)(1)(E), they must establish that Christian is properly included in that category. They have not done so. The record contains disputed allegations, no conviction, no judicial finding of the facts, and evidence that any injury was non-life-threatening and that the incident was mutual and non-random. Ex. D at 4, 7, 12; Ex. E at 1-2.

44. Respondents' continued no-bond detention of Christian without a proper statutory classification hearing, Joseph-type hearing, or ordinary § 1226(a) custody review is unlawful.

COUNT II - Fifth Amendment Due Process: detention without meaningful custody process

45. Christian incorporates the preceding paragraphs.

46. Christian has a constitutionally protected liberty interest in freedom from arbitrary civil detention.

47. Respondents have detained Christian without a merits custody hearing, without a determination that he poses a danger or flight risk, and without consideration of reasonable conditions of release.

48. The Government's reliance on disputed, unadjudicated criminal allegations cannot substitute for meaningful custody process, particularly where Christian and an adult bystander submitted sworn self-defense evidence and the police press release states that the injuries were non-life-threatening, the incident was not random, and there was no further threat to the community. Ex. D at 4, 7, 12.

49. Due process requires at least a prompt hearing at which Respondents identify the detention statute they invoke and prove Christian is properly included in any no-bond category. If no mandatory category applies, Christian must receive ordinary custody review with meaningful consideration of bond, non-monetary conditions, ability to pay, and alternatives to detention.

50. If this Court orders a custody hearing as a constitutional remedy, Christian respectfully requests that dangerousness be proven by clear and convincing evidence and flight

risk by at least a preponderance of the evidence, or by any burden the Court finds constitutionally necessary in light of the liberty interest at stake. See *Singh v. Holder*, 638 F.3d 1196, 1203-04 (9th Cir. 2011). Christian recognizes that ordinary § 1226(a) bond proceedings in the Ninth Circuit do not automatically impose a government-burden rule as a matter of regulation. See *Rodriguez Diaz v. Garland*, 53 F.4th 1189 (9th Cir. 2022). He seeks this burden only as a habeas remedy for unconstitutional no-bond detention.

ARGUMENT

I. The bond order presents a legal question appropriate for habeas review.

51. The June 9 custody order is not a discretionary bond decision. It does not say that Christian failed to prove he was not a danger or flight risk. It does not weigh equities. It does not impose a bond amount. It does not consider release conditions. It says only that the Immigration Court lacked jurisdiction based on INA § 235(b)(2). Ex. A at 1.

52. That makes this case a legal habeas case. Christian asks whether Respondents may categorically detain him without meaningful custody process, not whether the Immigration Judge should have weighed the facts differently. Jennings and Demore permit review of that kind of statutory and constitutional detention challenge.

II. Respondents must identify and justify the detention statute they invoke.

53. The current record is internally unclear. The custody order invokes INA § 235(b)(2). Ex. A at 1. The docket shows pending removal proceedings, a completed bond case, an accepted I-589, and venue now listed at Adelanto. Ex. B at 1-2. The I-830 shows custody at California City under the San Francisco Field Office. Ex. C at 1.

54. A person in civil immigration custody is entitled to know the legal authority under which he is imprisoned. If Respondents claim § 1225(b)(2) applies, they must explain why that statute permits no-bond detention after Christian was released from custody as a minor, later arrested by ICE in the interior, and placed in ongoing § 240 proceedings. If Respondents claim § 1226(c)(1)(E) applies, they must prove that he is actually included in that mandatory-detention category. If neither applies, § 1226(a) governs and Christian is entitled to ordinary custody review.

III. The Laken Riley Act does not eliminate the need for a threshold proper-inclusion hearing.

55. Section 1226(c)(1)(E) is mandatory only for a person who satisfies both statutory elements. The Government must establish the required immigration predicate and the required criminal predicate. The statute does not authorize no-bond detention by label, press release, or unresolved allegation.

56. The current record does not conclusively establish the criminal predicate. DHS submitted a police report, not a conviction. Ex. E at 1-2. Christian's affidavit and Rodolfo's affidavit directly contest the Government's version of the incident. Ex. D at 4, 7. The police press release states that the injuries were non-life-threatening, both youths were injured, a

bystander was cut while attempting to break up the fight, the incident was not random, and there was no further threat to the community. Ex. D at 12.

57. If Respondents rely on the “crime that results in death or serious bodily injury” portion of § 1226(c)(1)(E), the record is especially inadequate. No one died. The public police statement describes non-life-threatening injuries. Ex. D at 12. Massachusetts law defines “serious bodily injury” to require permanent disfigurement, loss or impairment of a bodily function, limb, or organ, or a substantial risk of death. Mass. Gen. Laws ch. 265, § 15A(d). The current record does not establish that standard.

58. At minimum, Christian is entitled to a prompt Joseph-type or equivalent proper-inclusion hearing at which Respondents must prove the statutory predicate for any no-bond category they invoke.

IV. Due process requires meaningful custody process and consideration of conditions.

59. Christian is detained in civil custody. The purpose of immigration detention is not punishment. It is to protect legitimate immigration interests, principally assuring appearance and protecting the community. Those interests can be addressed only through a meaningful custody process that considers the individual and available release conditions.

60. Christian has evidence relevant to that inquiry: he is eighteen years old; his removal case remains pending; his I-589 has been accepted; he wants to appear for all immigration proceedings; and the incident DHS relies on is disputed and supported by sworn self-defense evidence. Ex. B at 1-2; Ex. D at 4, 7; Ex. F at 1-2.

61. The Government may argue that it need not provide bond because of a statutory category. But where the category itself is disputed, due process requires at least a threshold hearing. If the category does not apply, Christian must receive ordinary custody review under § 1226(a). If the Court finds that continued detention is unconstitutional absent additional safeguards, it should order a custody hearing requiring the Government to justify continued detention and requiring the adjudicator to consider conditions of release.

PRAYER FOR RELIEF

WHEREFORE, Christian respectfully asks this Court to:

1. Issue an order to show cause requiring Respondents to justify Christian’s detention;
2. Grant this petition for a writ of habeas corpus;
3. Declare that Respondents may not continue to detain Christian without bond unless they identify lawful detention authority and provide constitutionally adequate custody process;
4. Order Respondents to release Christian unless, within a short period set by the Court, they provide a meaningful custody hearing before a neutral adjudicator;

5. At minimum, order a prompt statutory custody classification hearing or equivalent proper-inclusion determination at which Respondents must identify the detention statute and establish that Christian is properly included in any mandatory no-bond category they invoke;
6. If no mandatory no-bond category lawfully applies, order Respondents to provide ordinary custody review under INA § 236(a), 8 U.S.C. § 1226(a), with meaningful consideration of bond, non-monetary conditions, ability to pay, and alternatives to detention;
7. If the Court orders a custody hearing as a constitutional habeas remedy, direct the adjudicator to require the Government to justify continued detention under the burden the Court finds constitutionally appropriate;
8. Enjoin Respondents from continuing no-bond detention unless they establish lawful authority and provide constitutionally adequate process;
9. Award reasonable attorneys' fees and costs if available by law; and
10. Grant all other relief the Court deems just and proper.

Respectfully submitted,

Dated: July 6, 2026

By: /s/ Elham Sadri (360137)
elham@sadri-law.com
Sadri Law, P.C.
84 W. Santa Clara St, Suite 700
San Jose, CA 95113
Telephone: 408-416-3000
Attorney for Petitioner

COUNSEL VERIFICATION

I, Elham Sadri, counsel for Petitioner Christian Ivan Lopez-Asencio, verify pursuant to 28 U.S.C. § 2242 that I am filing this Petition on Petitioner's behalf because he is detained in ICE custody and immediate judicial review is necessary. The factual allegations in the Petition are based on Petitioner's immigration court record, custody records, filings, exhibits, and information provided by Petitioner and prior counsel, and are true and correct to the best of my knowledge, information, and belief.

Executed on July 6, 2026.

/s/

Elham Sadri

CERTIFICATE OF SERVICE

I certify that on July 5, 2026, I served the foregoing Petition for Writ of Habeas Corpus and accompanying papers on counsel for Respondents by [CM/ECF / email / other method] as required by the Federal Rules of Civil Procedure and this Court's Local Rules.

Dated: July 6, 2026

By: /s/ Elham Sadri

Elham Sadri

Attorney for Petitioner