

FILED

UNITED STATES DISTRICT COURT
for the

JUL 08 2026

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature]
DEPUTY CLERK

Onel Montes de Oca

Petitioner

v.

Warden, California City Immigration Processing Center

Respondent

(name of warden or authorized person having custody of petitioner)

Case No. 1:26CV05251 JLT SAB(HC)
(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Onel Montes de Oca
(b) Other names you have used: None
2. Place of confinement:
(a) Name of institution: CALIFORNIA CITY IMMIGRATION PROCESSING CENTER
(b) Address: 22844 Virginia Blvd, California City, CA 93505
(c) Your identification number: [REDACTED]
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. 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 number of criminal case: _____
(c) Date of sentencing: _____
☒ Being held on an immigration charge
☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

- ☐ Pretrial detention
☒ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other (explain): _____

6. Provide more information about the decision or action you are challenging:
- (a) Name and location of the agency or court: U.S. Immigration and Customs Enforcement California City Immigration Processing Center California City, California
- (b) Docket number, case number, or opinion number: 
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
Continued immigration detention following a final order of removal.
- (d) Date of the decision or action: 05/03/2026

Your Earlier Challenges of the Decision or Action

7. First appeal

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

☒ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: ICE Headquarters Post-Order Detention Unit (HQPDU)

(2) Date of filing: 06/04/2026

(3) Docket number, case number, or opinion number: 

(4) Result: Pending

(5) Date of result: N/A

(6) Issues raised: Request for release based on family ties, community support, and lack of danger to the community.

(b) If you answered "No," explain why you did not appeal: _____

8. Second appeal

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

☐ Yes ☒ No

(a) If "Yes," provide:

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

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

No decision has yet been issued regarding the pending Post-Order Custody Review request.

9. **Third appeal**

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

☐ Yes ☒ No

(a) If "Yes," provide:

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

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

No decision has yet been issued regarding the pending Post-Order Custody Review request.

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☐ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☒ Yes

☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: 05/03/2026

(b) Date of the removal or reinstatement order: _____

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☒ No

If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes

☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Petitioner's continued detention violates his right to due process because he is not a danger to the community and continued detention is not necessary.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Petitioner completed all criminal sentences, probation, and court-ordered requirements related to his prior convictions. He has no pending criminal chargers. Family members and community members have submitted letters supporting his release.

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

☒ Yes

☐ No

GROUND TWO: Petitioner's continued detention is not justified because he is not a flight risk

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Petitioner has strong family ties in the United States. His wife is a U.S. citizen, and both of his children are U.S. citizens, his daughter being a natural-born citizen. He has a verified residence available upon release and family members willing to assist him in complying with all reporting requirements.

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

☒ Yes

☐ No

GROUND THREE: Petitioner's continued detention is unnecessary because less restrictive alternatives are available.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Petitioner is willing to comply with any conditions of supervision imposed by ICE, including regular reporting requirements, address verification, and other conditions of release. He has a stable residence and family support network.

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

☒ Yes

☐ No

GROUND FOUR: Petitioner's continued detention is not reasonable necessary because there are indications that removal may not occur in the foreseeable future.

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

Petitioner is a Cuban national. ICE officers have informed Petitioner that Cuba is not currently accepting him for removal. As a result, Petitioner faces continued detention despite having completed all criminal sentences and despite having strong family and community ties in the United States. Petitioner seeks review of the legality of his continued detention and requests release under appropriate supervision if removal cannot be accomplished.

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

☒ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: Petitioner respectfully requests that this Court:

1. Issue a writ of habeas corpus directing Respondent to justify Petitioner's continued detention;
2. Review the legality of Petitioner's continued immigration detention;
3. Order Petitioner's release under appropriate conditions of supervision if the Court determines that continued detention is not justified; and 4. Grant any further relief that the Court deems just and proper.

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 6-30-26



Signature of Petitioner

Signature of Attorney or other authorized person, if any

Mayelin Capote Rodriguez



Date: June 1, 2026

To Whom It May Concern,

My name is Mayelin Capote Rodriguez, and I am the wife of Onel Montes de Oca. I am writing in support of his release from ICE custody.

My husband and I have built our life together in the United States and have raised our family here. We have children who depend on him emotionally and financially, and his detention has placed a significant hardship on our family. He is a loving husband, father, and provider who has always worked hard to support us.

If released, my husband will immediately return to our home at  where he will reside with me and our family. He has a stable place to live, and I will ensure that he attends all required appointments and complies with any conditions imposed by ICE.

Prior to his detention, my husband worked consistently and helped operate our family business. Since he has been detained, his absence has created financial and operational difficulties. Upon release, he will be able to return to work and continue supporting our family.

I understand that my husband has made mistakes in the past. He accepted responsibility for those matters, completed the requirements imposed by the courts, and has worked hard to move forward. I have witnessed his commitment to his family, his work, and living a productive life. The person I know today is a caring husband, dedicated father, and responsible member of our community.

My husband has strong ties to the United States through his wife, children, home, and business. He is not a flight risk, and I am confident that he will comply with all reporting requirements and conditions of release.

I respectfully ask that you consider the hardship his continued detention places on our family and grant his release under appropriate supervision. Our family is ready to support him and help ensure his successful compliance with all requirements.

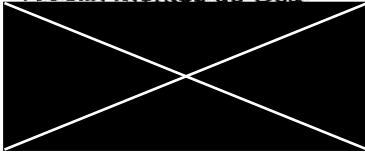
Thank you for your time and consideration.

Sincerely,

Mayelin Capote Rodriguez



Yoselin Montes de Oca



Date: June 1, 2026

To Whom It May Concern,

My name is Yoselin Montes de Oca, and I am the daughter of Onel Montes de Oca. I am a United States citizen, and I am writing to respectfully request my father's release from ICE custody.

My father has been an important part of my life for as long as I can remember. He has always worked hard to support our family and provide for us. Throughout my life, he has encouraged me to pursue my education, work hard, and build a successful future. His guidance and support have played a major role in the person I am today.

Since his detention, our family has experienced significant emotional and financial hardship. His absence has been difficult for all of us, especially my mother, who has had to take on additional responsibilities while trying to keep our family and business running. Seeing my father detained has been painful for our entire family.

My father has strong ties to the United States. His wife, children, home, and livelihood are all here. If released, he has a stable residence where he can live with our family and a support system that will help ensure his success. He also has employment and business responsibilities waiting for him upon release.

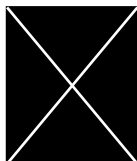
I understand that my father has mistakes in his past, but he accepted responsibility for them and completed all court-ordered requirements. The father I know is a hardworking, caring, and responsible man who is deeply committed to his family. He has always been there for us, and I know that he would fully comply with any reporting requirements or conditions imposed by ICE.

I do not believe my father is a flight risk or a danger to the community. He has every reason to remain with his family and continue the life he has built here. Our family is prepared to support him and ensure that he follows all requirements if he is released.

I respectfully ask that you consider my father's strong family ties, his support system, and the hardship his detention has caused our family. Thank you for taking the time to review this request and consider his release.

Sincerely,

Yoselin Montes de Oca
Daughter of Onel Montes de Oca



Yankiel Montes de Oca



Date: June 1, 2026

To Whom It May Concern,

My name is Yankiel Montes de Oca, and I am the son of Onel Montes de Oca. I am writing this letter in support of my father's release from ICE custody.

My father has always been a dedicated father and an important source of support for our family. Throughout my life, he has worked hard to provide for us, teach us the value of responsibility, and be present during important moments in our lives. He has always been someone I could depend on for guidance and support.

Today, my father also plays an important role as a grandfather to my 20-month-old child. Since my child's birth, my father has been actively involved in helping care for and support his grandchild. He has spent countless hours helping with childcare, spending time with his grandchild, and providing assistance to our family whenever needed. The bond they share is very special, and his absence has been deeply felt by all of us.

Since my father's detention, our family has experienced emotional hardship. My child is too young to fully understand what is happening, but it has been difficult not having his grandfather present in his daily life. My father has always been someone our family could rely on, and his detention has left a significant void in our household.

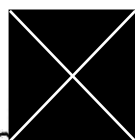
My father has strong ties to the United States through his wife, children, grandchild, home, and business. If released, he has a stable place to live and a strong support system waiting for him. He also has responsibilities to his family and business that he is eager to return to.

I understand that my father has made mistakes in the past, but he accepted responsibility for those mistakes and completed all court-ordered requirements. The man I know is hardworking, caring, and devoted to his family. I have every confidence that he will comply with any reporting requirements or conditions imposed upon him if he is released.

I respectfully ask that you consider the positive role my father plays in our family and the hardship his continued detention has placed on those who love and depend on him. Thank you for your time and consideration.

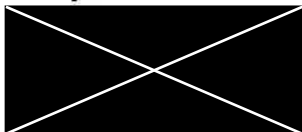
Sincerely,

Yankiel Montes de Oca



Son of Onel Montes de Oca

Tracy Diaz



Date: June 2, 2026

To Whom It May Concern:

My name is Tracy Diaz, and I am the mother of  the 20-month-old grandson of Onel Montes de Oca. I am writing in support of Mr. Montes de Oca's release from ICE custody.

Since the birth of my son, Mr. Montes de Oca has been a loving, involved, and dependable grandfather. He has played an important role in my child's life and has frequently helped care for him while I was at work.

Mr. Montes de Oca regularly spent time with his grandson by taking him to the park, taking him on bike rides, feeding him meals, and helping care for him throughout the day. My son has developed a very close bond with his grandfather and affectionately calls him "Abu." Their relationship is special, and my son looks forward to spending time with him.

As a working mother, I have relied on Mr. Montes de Oca's help and support on many occasions. He has always been patient, caring, and attentive with his grandson. Knowing that my child was with a trusted family member who genuinely loved and cared for him provided tremendous peace of mind.

Since Mr. Montes de Oca's detention, his absence has been deeply felt by our family. My son no longer has the daily interaction and support he received from his grandfather, and our family has lost an important source of help and stability.

Mr. Montes de Oca has strong ties to the United States through his wife, children, grandson, home, and business. Based on my personal experience with him, I believe he is a responsible and caring individual who is deeply committed to his family. I have every reason to believe that he would comply with any reporting requirements or conditions imposed upon him if released.

I respectfully ask that you consider the positive and active role Mr. Montes de Oca plays in his grandson's life and the hardship his continued detention has caused our family.

Thank you for your time and consideration.

Sincerely,

Tracy Diaz

Mother of



grandson of Onel Montes de Oca

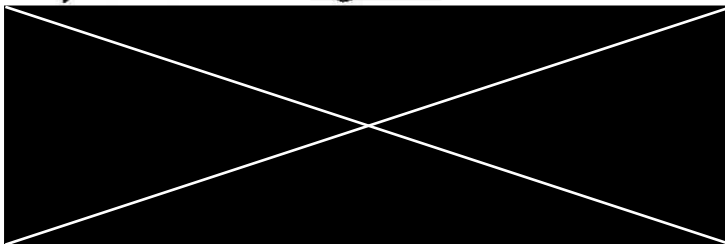
May 29 2026

To Whom It May Concern, I am glad to write this letter of support for Mr. Onel Montes de Oca. I have had the pleasure of knowing Onel for several years and in that time I have come to know him as an honest, respectful, responsible and compassionate individual of outstanding moral character.

Onel has shown integrity, kindness and a true concern for the welfare of others over the years. He is a hard working person who treats others with respect and dignity. In his personal and professional life, he has proven himself to be responsible, considerate and caring. He is known to his family, friends and the wider community as someone who can be depended on and is reliable in difficult situations. I have seen Onel's good attitude and strong work ethic and his efforts to live a law-abiding and successful life. He has always conducted himself with respect and has always shown good qualities that are a credit to his character. His actions have always shown he is an honest man and is committed to making a positive contribution to his family and his community. Thank you for taking the time to read this statement and your consideration of my support for him. For these reasons I respectfully ask you to consider this letter in support of Onel Montes de Oca. I truly believe he is a good person of strong character and deserves favorable consideration.

Respectfully,

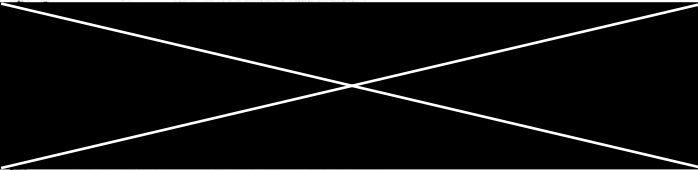
Jailyn Castro Garcia



GOOD MORAL CHARACTER LETTER FOR IMMIGRATION

FROM:

NORMA RODRIGUEZ



DATE: 06/01/2026

DEAR/HONORABLE/ TO WHOM IT MAY CONCERN,

HONORABLE JUDGE

MY NAME IS NORMA RODRIGUEZ. I AM A USA CITIZEN AND I AM SUBMITTING THIS LETTER IN SUPPORT OF MY FRIEND ONEL MONTES DE OCA.

I HAVE KNOWN HIM FOR ABOUT 20 YEARS I FIND ONEL AN HONEST, TRUSTWORTHY AND A HARDWORKING MEN.

HE IS THE TYPE OF PERSON THAT ALWAYS HELPS THE ONES IN NEED. I HAVE NO DOUBT HE WILL BE A PERSON WHO WILL GIVE BACK TO HIS LOCAL COMMUNITY AND HE WILL BE AN ASSET TO THIS COUNTRY. HE IS THE SUN IN THE LIFE OF MY FAMILY AND A BIG SUPPORT IN OUR LIVES.

ONEL IS COMMITTED TO CONTINUING TO BE A GOOD CITIZEN. I AM CONFIDENT THAT HE WILL ASSIMILATE WELL, AND POSITIVELY CONTRIBUTE TO THE COMMUNITY. THANK YOU FOR CONSIDERING ONEL MONTES DE OCA APPLICATION. PLEASE FEEL FREE TO CONTACT ME AT THE ABOVE IF YOU REQUIRE ANY ADDITIONAL INFORMATION.

SINCERELY,

NORMA RODRIGUEZ

June 2, 2026

TO WHOM IT MAY CONCERN,

I am writing this letter in strong support of Mr. Onel Montes de Oca for immigration purposes.

My name is Raudel Zarragoitia, owner of AZ TRUCKING LLC. I have had the privilege of employing Mr. Montes de Oca since 2021, during which time he has worked as a professional truck driver for our company.

Throughout his employment, Mr. Montes de Oca has consistently demonstrated exceptional responsibility, professionalism, and dedication to his work. He is a reliable, hardworking, and trustworthy individual who takes great pride in fulfilling his duties safely and efficiently. His commitment to excellence, punctuality, and strong work ethic have made him an invaluable member of our team.

In addition to his professional qualifications, Mr. Montes de Oca is a person of outstanding moral character. He is respectful, honest, dependable, and always willing to assist others. He maintains positive relationships with coworkers, customers, and management, and consistently conducts himself with integrity and professionalism.

Over the years, I have come to know Onel as someone who contributes positively to both the workplace and the community. He is a dedicated individual who values family, work, and personal responsibility. His character and conduct have earned the trust and respect of everyone who has had the opportunity to work with him.

Based on my experience as his employer, I can state without hesitation that Mr. Montes de Oca is a person of excellent character and strong moral values. I fully support his immigration application and respectfully request that favorable consideration be given to his case.

If additional information is needed, please feel free to contact me.

Sincerely,

Raudel Zarragoitia
Owner
AZ TRUCKING LLC

