

FILED

JUL 08 2026

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

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

ARTURO JOSE TABOADA VALDERRAMA,

A-Number: 

Petitioner, Pro Se,

v.

WARDEN,

CENTRAL VALLEY ANNEX DETENTION FACILITY;

Acting Director,

U.S. Immigration and Customs Enforcement; and

Secretary,

Department of Homeland Security,

Respondents.

1:26 CV 005257-DAD-CSK (H)

PETITION FOR WRIT OF HABEAS CORPUS

Pursuant to 28 U.S.C. § 2241

I. INTRODUCTION

I respectfully file this Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 because I am being held in immigration detention by the Department of Homeland Security at the Central Valley Annex Detention Facility in McFarland, California.

I am representing myself because I have not yet been able to retain an attorney.

I am not asking this Court to decide whether I should ultimately remain in the United States. My immigration case is still pending before the Immigration Court, and I understand that the Immigration Judge will decide that issue.

I respectfully ask this Court to review whether my continued detention complies with the Constitution and the laws of the United States.

II. JURISDICTION

1. This Court has jurisdiction under 28 U.S.C. § 2241 because I am in federal immigration custody within the Eastern District of California.
2. This Court also has jurisdiction under 28 U.S.C. § 1331 because this case arises under the Constitution and laws of the United States.
3. Venue is proper because I am detained at the Central Valley Annex Detention Facility in McFarland, California.

III. MY BACKGROUND

4. I am a citizen of Peru.
5. I entered the United States legally on May 31, 2019, with a B-2 visitor visa after being inspected and admitted by United States Customs and Border Protection.
6. My I-94 authorized me to remain in the United States until November 29, 2019.
7. I remained in the United States after my authorized stay expired. I do not deny that fact.
8. I recognize that I overstayed my visa. I am not asking this Court to overlook that fact. I only ask that the Constitution be applied while my immigration case proceeds.
9. Before my detention, I lived in Arlington, Texas.
10. I have never been convicted of a crime in the United States.
11. I have never been arrested before this case.
12. Throughout my life, I have tried to work honestly and respect the law.
13. Before coming to the United States, I served in the Armed Forces of Peru. After my military service, I worked for contractors supporting United States diplomatic operations in Baghdad, Iraq. During that employment I completed specialized security training and received several certificates and letters recognizing my professionalism, reliability, and integrity.

IV. MY DETENTION

14. On May 19, 2026, I was driving in Arlington, Texas, when a police officer activated the emergency lights on his patrol vehicle.
15. I immediately pulled over.
16. I fully cooperated with the officer.
17. I gave him my passport, proof of insurance, and the vehicle inspection documents.
18. After reviewing my documents, the officer asked me whether I was a United States citizen.

19. I answered truthfully that I was not.
20. He then asked whether I was a lawful permanent resident.
21. I again answered truthfully that I was not.
22. The officer then stated that I was "an illegal alien."
23. A few minutes later, officers from Immigration and Customs Enforcement arrived.
24. I did not resist.
25. I did not attempt to leave.
26. I fully cooperated with the officers.
27. I was handcuffed and taken into custody.
28. I was not issued a traffic citation.
29. I was not arrested for any criminal offense.
30. At no time during the traffic stop was I informed that I had committed a criminal offense. To the best of my knowledge, I was taken into immigration custody only after the officer contacted Immigration and Customs Enforcement because of my immigration status.

V. IMMIGRATION CUSTODY AND COURT PROCEEDINGS

31. After I was taken into custody, I was transported to a local police station.
32. I remained there for approximately two and one-half days.
33. I was then transferred to the Bluebonnet Detention Facility, where I remained for about two weeks.
34. While I was detained at Bluebonnet, I appeared before an Immigration Judge for my first Master Calendar Hearing.
35. During that hearing, I informed the Immigration Judge that I wanted to hire an attorney before making decisions about my immigration case.
36. The Immigration Judge gave me additional time to look for legal counsel.
37. Before I had a reasonable opportunity to retain an attorney, I was transferred from Texas to California.
38. I am currently detained at the Central Valley Annex Detention Facility in McFarland, California.
39. After my transfer, I appeared before the Immigration Court again.
40. I was again asked whether I wanted to hire an attorney or represent myself.

- 41. I again explained that I wanted to retain legal counsel.
- 42. I am still trying to obtain an attorney while I remain in detention.
- 43. My immigration case is still pending, and no final order of removal has been entered against me.

VI. GOOD FAITH

- 44. I respectfully submit this Petition in good faith.
- 45. I am not asking this Court to stop or interfere with my removal proceedings before the Immigration Court.
- 46. I understand that I remained in the United States after my authorized period of stay expired. I am not asking this Court to excuse that fact. I only ask that my continued detention be reviewed under the Constitution while my immigration case proceeds.
- 47. I have appeared in my immigration proceedings and have requested additional time only because I have been trying to obtain legal representation.
- 48. I have never refused to cooperate with immigration authorities, and I intend to continue appearing at every hearing and to comply with every lawful order issued in my case.
- 49. I am filing this Petition because I believe the Constitution protects every person from unlawful restraint of liberty, including individuals who are involved in civil immigration proceedings.

VII. ARGUMENT

- 50. The Fifth Amendment protects every person within the United States from being deprived of liberty without due process of law. I respectfully ask this Court to determine whether my continued detention satisfies that constitutional protection.
- 51. I understand that the Government has the authority to enforce the immigration laws and to continue my removal proceedings before the Immigration Court. I am not asking this Court to interfere with that process.
- 52. I am only asking this Court to determine whether my continued detention is consistent with the Constitution.
- 53. Federal courts have long recognized that a petition for a writ of habeas corpus under 28 U.S.C. § 2241 is the proper procedure for a person in federal custody to challenge the legality of that detention. *Runsfeld v. Padilla*, 542 U.S. 426, 434–35 (2004).

54. The Supreme Court has also recognized that the Due Process Clause of the Fifth Amendment protects non-citizens who are physically present in the United States. Although Congress has broad authority to regulate immigration, that authority must be exercised in a manner consistent with the Constitution. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
55. I understand that immigration detention is civil, not criminal. I also understand that the Government has authority to continue my removal proceedings. However, civil detention remains subject to constitutional limitations, and federal courts retain the authority to review whether that detention complies with due process. *Demore v. Kim*, 538 U.S. 510, 523 (2003).
56. I also recognize that the Supreme Court held in *Jennings v. Rodriguez*, 583 U.S. 281 (2018), that the immigration statutes do not automatically require bond hearings in every case. However, the Court did not decide the constitutional questions presented under the Fifth Amendment, leaving those issues to be resolved in appropriate cases.
57. I respectfully submit that this Court has both the authority and the responsibility to determine whether, under the particular facts of my case, my continued detention is consistent with the protections guaranteed by the Constitution.
58. I entered the United States legally after inspection with a valid visitor visa. I acknowledge that I remained after my period of authorized stay expired. That issue is currently before the Immigration Court, where it should be decided according to the immigration laws.
59. My detention is not based on a criminal conviction. I am not serving a criminal sentence. I remain confined only because removal proceedings are pending.
60. Before my detention, I lived peacefully in Arlington, Texas and stayed out of trouble.
61. During the traffic stop that led to my detention, I cooperated fully with the police officer. I provided every document that was requested and answered every question truthfully. I did not resist, attempt to flee, or interfere with law enforcement.
62. I was not issued a traffic citation, and I was not arrested for violating any criminal law.
63. Since entering ICE custody, I have continued to cooperate with every government official. I have appeared before the Immigration Court, requested time to obtain legal counsel, and have tried in good faith to secure an attorney while remaining detained.
64. Throughout my professional life, I have demonstrated discipline, responsibility, and respect for the law. Before coming to the United States, I served in the Armed Forces of Peru and later worked in support of United States diplomatic operations in Iraq. My personnel records

contain training certificates and letters recognizing my professionalism, reliability, and integrity.

65. I respectfully submit these facts because they accurately reflect my character. They demonstrate that I have lived responsibly, that I have cooperated with government authorities, and that I am prepared to comply with every future order of the Immigration Court.
66. I respectfully ask this Court to exercise its habeas jurisdiction to determine whether my continued detention complies with the Due Process Clause of the Fifth Amendment and to grant whatever relief the Court concludes is appropriate under the Constitution and the laws of the United States.

VIII. REQUEST FOR RELIEF

WHEREFORE, I respectfully request that this Court:

- A. Accept jurisdiction over this Petition pursuant to 28 U.S.C. § 2241;
- B. Order Respondent to file a Return and show cause why the Writ should not be granted;
- C. Grant such relief as the Court determines is constitutionally appropriate;
- D. Grant any additional relief the interests of justice require.

IX. VERIFICATION

I, Arturo Jose Taboada Valderrama, declare under penalty of perjury under the laws of the United States that I have read this Petition, that the facts stated in it are true and correct to the best of my knowledge, information, and belief.

Executed on: July 4, 2026.

Respectfully submitted,


Arturo Jose Taboada Valderrama


Central Valley Annex Detention Facility
McFarland, California
Petitioner, Pro Se

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**MOTION FOR EXPEDITED CONSIDERATION OF PETITION FOR WRIT OF
HABEAS CORPUS**

1. I respectfully move this Court for expedited consideration of my Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2241.
2. I am currently detained by U.S. Immigration and Customs Enforcement at the Central Valley Annex Detention Facility in McFarland, California while my removal proceedings remain pending before the Immigration Court.
3. My continued detention directly affects my ability to prepare my case, gather evidence, communicate with potential counsel, and meaningfully participate in my immigration proceedings.
4. I am representing myself because I have not yet been able to retain an attorney. Remaining in detention has made it significantly more difficult to obtain legal representation.
5. I have never been convicted of a crime in the United States, and my detention arises from pending civil immigration proceedings rather than a criminal sentence.

6. I am not asking this Court to interfere with the jurisdiction of the Immigration Court or to decide the merits of my removal case. I respectfully request only that this Court consider my habeas petition as promptly as practicable because it challenges the legality of my continued detention.

7. Expedited consideration will not prejudice Respondent. It will simply allow the Court to determine, without unnecessary delay, whether my continued detention complies with the Constitution and the laws of the United States.

8. WHEREFORE, I respectfully request that the Court expedite consideration of my Petition for Writ of Habeas Corpus, establish an expedited briefing schedule if appropriate, and grant such other relief as the Court deems just and proper.

Executed on: July 4, 2026.

Respectfully submitted,

Arturo J. Taboada V.

Arturo Jose Taboada Valderrama



Central Valley Annex Detention Facility

McFarland, California

Petitioner, Pro Se