

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

JOSE GUILLERMO ZAMBRANO MOLINA,

Petitioner,

v.

SERGIO ALBARRAN, Field Office Director of
Enforcement and Removal Operations, San
Francisco Field Office, Immigration and
Customs Enforcement; MARKWAYNE
MULLIN, Secretary, U.S. Department of
Homeland Security; U.S. DEPARTMENT OF
HOMELAND SECURITY; TODD BLANCHE,
U.S. Attorney General; WARDEN OF
GOLDEN STATE ANNEX,

Respondents.

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

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2 1. Petitioner, JOSE GUILLERMO ZAMBRANO MOLINA, with A number 
3  is a native and citizen of Ecuador. He has been detained at the Golden State Annex in
4 McFarland, California, since approximately June 06, 2026, during the pendency of his removal
5 proceedings, and has never received an individualized custody determination or meaningful
6 procedural review assessing whether his detention is necessary. Petitioner remains in ongoing
7 removal proceedings before the Immigration Court with a Master Hearing scheduled for July 13,
8 2026. Respondents continue to deprive him of liberty without showing that detention is
9 necessary to prevent flight or danger to the community, or that less restrictive alternatives would
10 be insufficient.

11 2. Petitioner has significant ties to the United States, including more than two and a
12 half years of residence, lawful employment, and close family members, including one child and
13 four siblings who reside in the United States as asylum applicants. Petitioner also has no criminal
14 history. These facts are directly relevant to custody, yet no neutral tribunal has considered them.

15 3. Civil immigration detention is constitutionally permissible only when it remains
16 reasonably related to its limited purposes, which are ensuring appearance at immigration
17 proceedings and protecting the community. Here, those purposes do not justify continued
18 detention without review. Petitioner's is not a flight risk nor a danger to the community. Any
19 legitimate government interest can be met through less restrictive alternatives.

20 4. Petitioner does not ask this Court to review or interfere with his removal
21 proceedings. He challenges only the legality of his civil detention without meaningful custody
22 review. Under the Fifth Amendment, detention must remain reasonably related to its civil
23 purposes and cannot be arbitrary, excessive, or punitive. At minimum, due process requires a
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1 constitutionally adequate custody hearing before a neutral decisionmaker, where the Government
2 must justify detention based on flight risk or danger and where less restrictive alternatives must
3 be considered.

4 **JURISDICTION**

5 5. Petitioner is detained in civil immigration custody during the pendency of his
6 removal proceedings. Petitioner challenges the constitutionality of his detention without a
7 meaningful individualized custody determination.

8 6. Petitioner is detained at the Golden State Annex in McFarland, California, within
9 the Eastern District of California, Fresno Division. He has been detained since approximately
10 June 06, 2026, without receiving a custody hearing or meaningful procedural review requiring
11 the Government to justify his continued detention.

12 7. This action arises under the Constitution of the United States and the Immigration
13 and Nationality Act, 8 U.S.C. § 1101 et seq. Petitioner does not seek review of his removal
14 proceedings or ask this Court to decide his immigration case. Instead, he challenges the legality
15 and constitutionality of his ongoing civil detention, which continues without individualized
16 procedural safeguards in violation of the Due Process Clause of the Fifth Amendment.

17 8. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in
18 custody under the authority of the United States and alleges that his custody violates the
19 Constitution and laws of the United States. The Court also has federal question jurisdiction under
20 28 U.S.C. § 1331.

21 9. Habeas corpus is the proper vehicle to challenge unlawful civil immigration
22 detention, including detention that violates constitutional due process protections. Petitioner
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1 therefore properly invokes this Court's jurisdiction to remedy his unlawful detention and to
2 vindicate his rights under the Fifth Amendment.

3 VENUE

4 10. Venue is proper in this Court because Petitioner is detained at the Golden State
5 Annex in McFarland, California, which is located in Kern County within the Eastern District of
6 California. Under Local Rule 120(d), civil actions arising in Kern County are properly
7 commenced in the Fresno Division.

8 11. Venue is proper in this District pursuant to 28 U.S.C. § 1391(e), because
9 Respondents are officers, employees, or agencies of the United States, a substantial part of the
10 events or omissions giving rise to his claims occurred in this district, and no real property is
11 involved in this action.

12 PARTIES

13 12. Petitioner, JOSE GUILLERMO ZAMBRANO MOLINA is a citizen of Ecuador.
14 He has been detained since June 06, 2026, and is currently detained at the Golden State Annex in
15 McFarland, California. He is in the custody, and under the direct control, of Respondents and
16 their agents.

17 13. Respondent, MOISES BECERRA, is the Director of the San Francisco Field
18 Office of ICE's Enforcement and Removal Operations division. As such, MOISES BECERRA,
19 is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He
20 is named in his official capacity.

21 14. Respondent, MARKWAYNE MULLIN, is the Secretary of the Department of
22 Homeland Security. He is responsible for the implementation and enforcement of the
23 Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's
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1 detention. Mr. Mullin has ultimate custodial authority over Petitioner and is sued in his official
2 capacity.

3 15. Respondent, THE DEPARTMENT OF HOMELAND SECURITY (DHS), is the
4 federal agency responsible for implementing and enforcing the INA, including the detention and
5 removal of noncitizens. DHS oversees ICE and the detention of noncitizens. DHS is a legal
6 custodian of Petitioner.

7 16. Respondent, TODD BLANCHE, is the Attorney General of the United States. He
8 is responsible for the Department of Justice, of which the Executive Office for Immigration
9 Review and the immigration court system it operates is a component agency. He is sued in his
10 official capacity.

11 17. Respondent, WARDEN OF THE GOLDEN STATE ANNEX, has immediate
12 physical custody of Petitioner. He is sued in his official capacity.

13 **STATEMENT OF FACTS**

14 18. Petitioner Jose Guillermo Zambrano Molina, A-Number [REDACTED] is a
15 native and citizen of Ecuador. Petitioner entered the United States without inspection on or about
16 December 15, 2023, near El Paso, Texas. Following his entry, Petitioner sought protection in the
17 United States through the asylum process and remains eligible to pursue asylum relief. Petitioner
18 is single and has two children, one of whom resides in Ecuador and one of whom is an asylum
19 applicant residing in the United States. Petitioner also has four siblings residing in the United
20 States, all of whom are asylum applicants. Prior to his detention, Petitioner was employed as a
21 delivery driver [REDACTED] in Fresno, California, working pursuant to a valid Employment
22 Authorization Document and Social Security number. Petitioner has no criminal history. On June
23 6, 2026, Petitioner reported for a scheduled ICE check-in, where he had been advised that his
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1 electronic monitoring device would be removed. Instead, he was taken into custody by U.S.
2 Immigration and Customs Enforcement (“ICE”) and remains detained at the Golden State Annex
3 in McFarland, California. Petitioner has not received a bond hearing during his detention.
4 Petitioner previously underwent an appendectomy and continues to experience intermittent pain
5 related to that surgery. His removal proceedings remain pending before the Immigration Court,
6 and he is scheduled to appear for a Master Calendar Hearing on July 13, 2026. Petitioner has not
7 been ordered removed and has not previously filed a petition for a writ of habeas corpus.

8 LEGAL FRAMEWORK

9 19. Habeas corpus is the proper vehicle to challenge unlawful civil immigration
10 detention. 28 U.S.C. § 2241 authorizes federal courts to grant relief where a person is held in
11 custody in violation of the Constitution or laws of the United States. Petitioner does not seek
12 review of his removal proceedings, does not ask this Court to adjudicate his applications for
13 immigration relief, and does not ask this Court to enjoin the immigration court from proceeding.
14 He challenges only the legality of his detention without a meaningful individualized custody
15 determination.

16 20. Civil immigration detention is nonpunitive and may be used only for limited
17 regulatory purposes, including ensuring appearance at immigration proceedings and protecting
18 the community. Even where detention is authorized by statute, the Due Process Clause prohibits
19 detention that is arbitrary, excessive, or not reasonably related to its civil purpose. *Zadvydas v.*
20 *Davis*, 533 U.S. 678, 690 (2001); *Demore v. Kim*, 538 U.S. 510, 532 (2003) (Kennedy, J.,
21 concurring).

22 21. In *Jennings v. Rodriguez*, 583 U.S. 281 (2018), the Supreme Court held that 8
23 U.S.C. § 1225(b) does not contain an implied statutory right to periodic bond hearings. *Jennings*,
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1 however, did not decide whether the Due Process Clause permits detention without a meaningful
2 individualized custody determination in all circumstances. Petitioner therefore raises an
3 independent constitutional challenge to his detention and, to the extent Respondents classify him
4 under § 1225(b)(2), challenges the legality and constitutionality of that classification as applied
5 to him.

6 22. The Ninth Circuit evaluates procedural due process challenges to immigration
7 detention under *Mathews v. Eldridge*, 424 U.S. 319 (1976). See *Rodriguez Diaz v. Garland*, 53
8 F.4th 1189, 1206–08 (9th Cir. 2022). Under *Mathews*, courts consider the private interest
9 affected, the risk of erroneous deprivation under the procedures used, the probable value of
10 additional safeguards, and the Government’s interest.

11 23. Petitioner’s private interest is fundamental because he is deprived of physical
12 liberty. The risk of erroneous deprivation is substantial because no neutral decisionmaker has
13 considered whether Petitioner presents a danger to the community, whether he presents a flight
14 risk, whether he has complied with prior supervision, or whether less restrictive alternatives
15 would reasonably serve the Government’s interests.

16 24. Petitioner was not arrested at or near the border. He entered the United States in
17 December 2023, lived in the United States for more than two and a half years, complied with
18 ICE supervision, maintained employment pursuant to an Employment Authorization Document
19 and Social Security number, and appeared for a scheduled ICE check-in. ICE detained him at
20 that check-in despite his compliance, family ties, work history, pending immigration
21 proceedings, and lack of criminal history.

22 25. Petitioner was arrested inside the United States after living here and complying
23 with supervision, Respondents should not be permitted to treat him as categorically ineligible for
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1 custody review under § 1225(b)(2). Petitioner should receive custody review under 8 U.S.C. §
2 1226(a), or, at minimum, a constitutionally adequate custody hearing required by the Due
3 Process Clause.

4 26. Recent decisions from this District involving Golden State Annex have
5 recognized that habeas relief may be appropriate where immigration detainees are held without
6 meaningful custody review and have ordered or recommended bond hearings before an
7 immigration judge. Those cases confirm that this Court may consider whether detention without
8 an individualized custody hearing violates due process and may order a custody hearing as
9 habeas relief.

10 27. The Government's interests in ensuring appearance and protecting the community
11 do not justify detaining Petitioner without individualized review. Petitioner has no criminal
12 history, appeared for a scheduled ICE check-in, has close family ties in the United States, has
13 employment history, and has a pending Master Calendar Hearing. These facts directly bear on
14 flight risk and danger, yet no neutral decisionmaker has considered them.

15 28. Less restrictive alternatives are available and must be considered. Petitioner
16 previously complied with ICE supervision, including electronic monitoring. Conditions such as
17 bond, reporting requirements, electronic monitoring, or other alternatives to detention would
18 reasonably serve the Government's interests without unnecessarily depriving Petitioner of
19 physical liberty.

20 29. Accordingly, Petitioner is entitled to release or, in the alternative, a
21 constitutionally adequate custody hearing before a neutral decisionmaker. At that hearing, the
22 Government should bear the burden of proving by clear and convincing evidence that continued
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1 detention is necessary because Petitioner presents a danger to the community or a flight risk and
2 that no less restrictive alternative can reasonably serve the Government's interests.

3 **CLAIMS FOR RELIEF**

4 **Violation of Fifth Amendment Right to Due Process**

5 30. Petitioner re-alleges and incorporates by reference all preceding paragraphs as
6 though fully set forth herein.

7 31. The Due Process Clause of the Fifth Amendment prohibits the Government from
8 depriving any person of liberty without due process of law. This protection applies to noncitizens
9 in civil immigration custody.

10 32. Petitioner has been detained at the Golden State Annex in McFarland, California,
11 since approximately June 6, 2026. He was taken into custody after appearing for a scheduled ICE
12 check-in. His removal proceedings remain pending before the Immigration Court, and he has not
13 been ordered removed.

14 33. Respondents continue to detain Petitioner without providing a meaningful
15 individualized custody determination before a neutral decisionmaker. No tribunal has required
16 the Government to prove that Petitioner presents a danger to the community, that he presents a
17 flight risk, or that no less restrictive alternatives would reasonably serve the Government's
18 interests.

19 34. Petitioner has lived in the United States since December 2023, complied with ICE
20 supervision, maintained employment pursuant to an Employment Authorization Document and
21 Social Security number, and established significant family ties, including one child and four
22 siblings who reside in the United States as asylum applicants. Petitioner has no criminal history.
23 These facts directly undermine any claim that detention is necessary to ensure his appearance or
24 protect the community.

1 35. To the extent Respondents classify Petitioner as detained under 8 U.S.C. §
2 1225(b)(2), that classification should not be applied to categorically deny him custody review
3 where he was arrested inside the United States after more than two and a half years of residence,
4 after complying with ICE supervision, and after appearing for a scheduled ICE check-in.
5 Petitioner should receive custody review under 8 U.S.C. § 1226(a), or, at minimum, a
6 constitutionally adequate custody hearing required by the Due Process Clause.

7 36. Civil immigration detention is lawful only so long as it remains reasonably related
8 to its nonpunitive purposes. Here, detention without individualized review, without findings of
9 danger or flight risk, and without consideration of less restrictive alternatives is arbitrary,
10 excessive, and punitive in violation of the Due Process Clause.

11 37. By detaining Petitioner without meaningful procedural safeguards, Respondents
12 have violated Petitioner's right to due process under the Fifth Amendment.

13 38. Petitioner is therefore entitled to immediate release or, in the alternative, a prompt
14 and constitutionally adequate custody hearing before a neutral decisionmaker. At that hearing,
15 Respondents must bear the burden of proving by clear and convincing evidence that continued
16 detention is necessary because Petitioner presents a danger to the community or a flight risk and
17 that no less restrictive alternatives can reasonably serve the Government's interests.

18 **PRAYER FOR RELIEF**

19 Wherefore, Petitioner respectfully requests this Court to grant the following:

- 20 (1) Assume jurisdiction over this matter;
- 21 (2) Declare that Petitioner's ongoing detention violates the Due Process Clause of the Fifth
22 Amendment;
- 23 (3) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;
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- (4) In the alternative, order Respondents to provide an immediate individualized bond or custody hearing with the burden on the Government to justify continued detention;
- (5) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (6) Grant any further relief this Court deems just and proper.

DATED this 8th day of July 2026.

Respectfully,

Cynthia Bautista, Esq.
Bautista Immigration Law, P.C.
1227 Laurel Street
San Carlos, CA 94070
(650) 674-6070
Attorney for Petitioner

AND

Lorena Villalon
TX Bar No. 24115907
222 N. Expressway 77, Suite 172
Brownsville, Texas 78521
lorena@villalonlawfirm.com
956-639-9264

PRO HAC VICE- Attorney for Petitioner

CERTIFICATE OF SERVICE

I certify that on July 8, 2026, I filed Petitioner's Petition for Writ of Habeas Corpus using the Court's CM/ECF system, which will send notice to all counsel of record.

DATED this 8th day of July 2026.

Respectfully,

Cynthia Bautista, Esq.
Bautista Immigration Law, P.C.
1227 Laurel Street
San Carlos, CA 94070
(650) 674-6070
Attorney for Petitioner

AND

Lorena Villalon
TX Bar No. 24115907
222 N. Expressway 77, Suite 172
Brownsville, Texas 78521
lorena@villalonlawfirm.com
956-639-9264

PRO HAC VICE- Attorney for Petitioner

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I, Lorena Villalon, represent Petitioner, JOSE GUILLERMO ZAMBRANO MOLINA, and submit this verification on his behalf. Prior to drafting this Petition, I reviewed the relevant facts, immigration history, detention history, criminal history, and supporting information with Petitioner. Based on that review, I verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus and the documents submitted in support thereof are true and correct to the best of my knowledge.

DATED this 8th day of July 2026.

Respectfully,

Cynthia Bautista, Esq.
Bautista Immigration Law, P.C.
1227 Laurel Street
San Carlos, CA 94070
(650) 674-6070
Attorney for Petitioner

AND

Lorena Villalon
TX Bar No. 24115907
222 N. Expressway 77, Suite 172
Brownsville, Texas 78521
lorena@villalonlawfirm.com
956-639-9264

PRO HAC VICE- Attorney for Petitioner