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4
5 UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

6 LANDA ZARAGOZA, MATEO
HITZIL CRUZ, DAVID

7
8 Petitioners,

v.

9 CHRISTOPHER CHESTNUT, WARDEN,
CALIFORNIA CITY DETENTION FACILITY; DAVID
1 J. VENTURELLA, ACTING DIRECTOR OF
UNITED STATES IMMIGRATION AND CUSTOMS
0 ENFORCEMENT; MARKWAYNE MULLIN,
1 SECRETARY OF THE UNITED STATES DEPARTMENT
OF HOMELAND SECURITY, TODD BLANCHE,
ACTING ATTORNEY GENERAL OF THE UNITED
STATES, ACTING IN THEIR OFFICIAL CAPACITIES,

1 Respondents.

Case No. 26-2738 (temporary)

**VERIFIED PETITION FOR WRIT OF
HABEAS CORPUS**

Immigration Habeas Case

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PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioners Mateo Landa Zaragoza and David Hitzil Cruz were arrested and detained by U.S. Immigration and Customs Enforcement ("ICE") on July 6, 2026. They are currently being detained at the California City Detention Facility located at 22844 Virginia Boulevard, California City, California. Their detention infringes on their constitutionally protected liberty interests in their physical freedom and is unlawful pursuant to the agency's own regulations. Because of the unlawful, warrantless arrests, they seek immediate release from immigration detention.

2. Petitioners were arrested and detained without a properly executed arrest warrant in violation of immigration regulations and due process. Petitioners were in a vehicle together that was stopped by ICE officials in Santa Rosa, California. Both were arrested and brought to the ICE office in San Francisco, California where they were processed and then transferred to California City.

3. Petitioners have lived at liberty in the United States since 2021 and 2023 respectively. They were not apprehended by immigration officials at or near the border after their most recent entries into the United States.

4. Petitioners face transfer outside this judicial district and away from their families and legal representation. They also face unlawful removal from the United States without due process.

5. Petitioners seek an order from this Court that they be released from Respondents' custody, and, in the interim, an order from the Court that they are not removed from this judicial district or removed from the United States, pending final resolution of their petition for writ of habeas corpus.

JURISDICTION

6. This Court has jurisdiction under 28 U.S.C. § 2241 (federal habeas statute); 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 2201-2 (declaratory judgment); United States Constitution Article I, Section 9 (Suspension Clause) and under the Fourth and Fifth Amendments to the United States Constitution. *See generally INS v. St. Cyr*, 533 U.S. 289 (2001); *Zadvydas*, 533 U.S. 678.

VENUE

7. Venue is proper in the Eastern District of California under 28 U.S.C. § 1391(e) because Respondents are federal officers or employees sued in their official capacities; one or more Respondents reside in this District; and Petitioners are detained by Respondents in this District.

REQUIREMENTS OF 28 U.S.C. § 2243

8. The Court must grant the petition for writ of habeas corpus or issue an order to show cause ("OSC") to Respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require respondents to file a return "within three days unless for good cause additional time, *not exceeding twenty days*, is allowed." *Id.* (emphasis added).

9. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

10. Habeas corpus must remain a swift remedy. Importantly, "the statute itself directs courts to give petitions for habeas corpus 'special, preferential consideration to insure expeditious hearing and determination.'" *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000) (internal citations omitted). The Ninth Circuit warned against any action creating the perception "that courts are

1 more concerned with efficient trial management than with the vindication of constitutional
2 rights.” *Id.*

PARTIES

3 11. Petitioner MATEO LANDA ZARAGOZA is a citizen of Mexico and has resided in the
4 United States since approximately 2021. He lives in Sonoma County, California. Petitioner is
5 currently detained by immigration at the California City Detention Facility.

6 14. Petitioner DAVID HUITZIL CRUZ is a citizen of Mexico and has resided in the United
7 States since approximately 2023. He lives in Sonoma County, California. Petitioner is currently
8 detained by immigration at the California City Detention Facility.

9 16. Respondent CHRISTOPHER CHESTNUT is the Warden of California City Detention
10 Facility, which has immediate physical custody of Petitioner. He is sued in his official capacity.

11 17. Respondent DAVID J. VENTURELLA is the Acting Director of ICE. As the head of
12 ICE, an agency within the U.S. Department of Homeland Security that detains and removes
13 certain noncitizens, Respondent Venturella is a legal custodian of Petitioner. He is sued in his
14 official capacity.

15 18. Respondent MARKWAYNE MULLIN is the Secretary of the U.S. Department of
16 Homeland Security. He is responsible for the administration of the federal immigration laws. 8
17 U.S.C. § 1103(a). Secretary Mullin is a legal custodian of Petitioner. He is sued in his official
18 capacity.

19 19. Respondent TODD BLANCHE is the Acting Attorney General of the United States. He
20 is responsible for overseeing the implementation and enforcement of the federal immigration
21 laws. He has the authority to interpret immigration law and adjudicate removal cases. The
22 Attorney General delegates this responsibility to the Executive Office for Immigration Review
23 (“EOIR”), which administers the immigration courts and the Board of Immigration Appeals
24

1 ("BIA"). In his official capacity, Acting Attorney General Blanche is the ultimate legal custodian
2 of Petitioner.

3 FACTUAL ALLEGATIONS

4 20. Petitioner Mateo Landa Zaragoza was born in Mexico. He last entered the United States
5 in 2021. During his most recent entry into the United States, Petitioner was not encountered by
6 immigration officials at or near the border. He was arrested July 6, 2026 without a warrant in
7 Santa Rosa, California.

8 21. Petitioner David Huitzil Cruz was born in Mexico. He last entered the United States in
9 2023. During his most recent entry into the United States, Petitioner was not encountered by
10 immigration officials at or near the border. He was arrested July 6, 2026 without a warrant in
11 Santa Rosa, California.

12 23. Respondents did not present a properly executed warrant for Petitioners' arrests before
13 their arrest and detention of Petitioners. Respondents did not inform Petitioners of the basis for
14 their arrest.

15 CAUSES OF ACTION

16 COUNT ONE

17 *Violation of 8 U.S.C. § 1357(a)(2):* 18 *Warrantless Arrests Without Probable Cause of Flight Risk*

19 25. Petitioners repeat, re-allege, and incorporate by reference each and every allegation in the
20 preceding paragraphs as if fully set forth herein.

21 26. Respondents ICE arrested Petitioners without probable cause and without a proper
22 warrant. Before the arrests, Respondents failed to make an individualized finding of flight risk.
23 The failure to meet these requirements is a violation of 8 U.S.C. § 1357(a)(2).
24

27. When arresting officers fail to prove they had “reason to believe” the individuals were “likely to escape” before a warrant could be obtained, immediate release is the proper remedy. See *Jose Daniel Carbajal Torres v. Fereti Semaia, et al.*, No. ED CV 26-3374-E (C.D. Cal. June 29, 2026) (Petitioner ordered released immediately after an unjustified, warrantless arrest).

COUNT TWO

Warrantless Arrest in Violation of the Fourth Amendment

28. Petitioners repeat, re-allege, and incorporate by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

29. Under the Fourth Amendment, “[a]n arrest, of course, qualifies as a ‘seizure’ of a ‘person’ . . . and so must be reasonable under the circumstances.” *Ashcroft v. al-Kidd*, 563 U.S.731, 735–36 (2011). Furthermore, the warrantless arrest of Petitioner violated 8 U.S.C. §1357(a)(2) and 8 C.F.R. § 287.3(a). Section 1357(a)(2) provides that a warrantless arrest may take place only if an officer “has reason to believe that the alien so arrested is in the United States in violation of any law or regulation and is likely to escape before a warrant can be obtained for his arrest.” 8 U.S.C. § 1357(a)(2) (emphasis added).

30. Respondents ICE arrested Petitioners without a warrant and without “reason to believe” that they were “likely to escape before a warrant can be obtained” in violation of 8 C.F.R. § 287.8(c)(2)(ii). The reason to believe standard meets the probable cause standard of the Fourth Amendment. *Perez Cruz v. Barr*, 926 F.3d 1128, 1137 (9th Cir. 2019).

31. Petitioners were not presented with a signed warrant before or upon their arrests.

32. As of the filing of this petition, it is unclear if Petitioners have been served with properly executed warrants for their arrests. Warrants produced and served after the arrest does not remedy an illegal arrest. *Izazaga Cardenas v. Albarran*, No. 3:26-cv-06435-JD, slip op. at page

3, line 25 (N.D. Cal. July 2, 2026). See also *Ramirez Ovando v. Noem*, 810 F. Supp. 3d 1209, 1226 (D. Colo. 2025):

But issuing post hoc warrants once plaintiffs had already been unlawfully arrested does nothing to cure the initial statutory violation. Under the defendants' reasoning, ICE could simply stop any suspected undocumented person, conduct a warrantless arrest with no probable cause of flight risk, and then bring the arrest within the color of law by issuing a warrant at the field office. This view effectively vitiates § 1357(a)(2)'s two-pronged probable cause requirement, which is aimed precisely at preventing such unrestrained immigration enforcement actions.

33. Arrests in violation of the regulation are unlawful. See *Sanchez v. Sessions*, 904 F.3d 643, 650 (9th Cir. 2018); *Perez Cruz v. Barr*, 926 F.3d 1128, 1137 (9th Cir. 2019).

COUNT THREE

Fourth Amendment: Arrests Without Probable Cause

34. Petitioners repeat, re-allege, and incorporate by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

35. The Fourth Amendment prohibits Respondents from arresting individuals for an immigration violation without probable cause. Petitioners were travelling by vehicle in Santa Rosa, California, when ICE agents stopped them. No reason was given for the stop. Agents demanded that Petitioners produce IDs without articulating any basis for the stop, and without reasonable suspicion that Petitioners had committed or were about to commit any offense.

36. Reasonable suspicion must be based on the totality of circumstances and must be particularized to the individual being stopped- not based on generalizations that would cast suspicion on large segments of the law-abiding population. *United States v. Montero-Camargo*, 208 F.3d 1122, 1129 (9th Cir. 2000); *United States v. Manzo-Jurado*, 457 F.3d 928, 935 (9th Cir. 2006).

1 37. Here, no articulable facts have been identified giving rise to individualized suspicion as
2 to any of the Petitioners. The entire stop and arrest was completed in a matter of minutes. A stop
3 initiated without any stated basis and without particularized suspicion cannot satisfy the Fourth
4 Amendment's minimum requirements. *Vasquez Perdomo v. Noem*, 790 F. Supp. 3d 850, 890-91
(C.D. Cal. 2025).

5 **COUNT FOUR**

6 ***Violation of Due Process***

7 38. Petitioners incorporate the allegations in the paragraphs above as though fully set forth
here.

8 39. The government may not deprive a person of life, liberty, or property without due process
9 of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody,
10 detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause
11 protects." *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001).

12 40. The government's detention of Petitioners violates their right to due process because they
13 have been detained without lawful authority, infringing on Petitioners' fundamental right to
14 liberty.

15 **PRAYER FOR RELIEF**

16 **WHEREFORE.** Petitioners pray that this Court grant the following relief:

- 17 (1) Assume jurisdiction over this matter;
18 (2) Declare that Petitioners are detained in violation of law;
19 (3) Enjoin Respondents from transferring Petitioners outside of this judicial district
20 during the pendency of removal proceedings;

1 (4) Enjoin Respondents from removing Petitioner from the United States without the
2 procedures for removal identified in the Immigration and Nationality Act;

3 (5) Order the immediate release of Petitioner pending these proceedings;

4 (6) Award costs and reasonable attorney fees incurred under this action under 28
5 U.S.C. § 2412, et. seq. (Equal Access to Justice Act); and (7) Grant any further relief that
6 this Court may deem fit and proper.

7 Dated: July 9, 2026

Respectfully submitted,

8 /s/Nicole A. Gorney

Nicole A. Gorney

Pro Bono Attorney for Petitioners