

JUAN JOSÉ VARGAS OCAMPO

California City Immigration Processing Center
22844 Virginia Boulevard
California City, CA 93505
Petitioner, Pro Se

FILED

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

JUAN JOSE VARGAS OCAMPO

Proceeding Pro Se,

Petitioner,

v.

WARDEN, CALIFORNIA CITY IMMIGRATION
PROCESSING CENTER; Acting Director 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, Respondents;

Respondents.

Civil Action No.:

1:26-cv-5285 VC

PETITION FOR WRIT OF HABEAS
CORPUS

**VERIFIED PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. §
2241; MEMORANDUM OF POINTS AND AUTHORITIES**

INTRODUCTION

1. Petitioner Juan José Vargas Ocampo, a young Colombian national with a documented serious mental health condition, petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, seeking immediate release from unlawful and unconstitutional detention by U.S. Immigration and Customs Enforcement ("ICE"). Petitioner is not a fugitive or a danger. He entered the United States lawfully on November 3, 2024, through Fort Lauderdale with a B2 visa. He has no criminal history in the United States and is not aware of any criminal history elsewhere, no final order of removal, and is a dependent on his father's pending asylum application.
2. On April 23, 2026, Petitioner was summarily arrested by immigration officials in Miami,

Florida, without a warrant while on his way to play a game of padel. He was not committing any crime. Since his arrest, Respondents have subjected him to a series of five interstate transfers—from Florida to Texas, to Arizona, and finally to California—severely impairing his access to counsel, family communication, and continuity of psychiatric treatment for his chronic Bipolar Affective Disorder, Type I.

3. On June 1, 2026, Petitioner received a bond hearing under 8 U.S.C. § 1226(a), but the hearing was constitutionally inadequate. The Immigration Judge ("IJ") denied bond based on a flawed "flight risk" determination that failed to meaningfully consider Petitioner's lawful entry, pending asylum claim, lack of criminal history in the United States, significant mental health vulnerabilities, community and employment ties, and less restrictive alternatives to detention.
4. Petitioner previously filed a habeas petition in this District (Case No. 1:26-cv-04267-KES-CDB), which this Court dismissed without prejudice on July 2, 2026, solely for failure to exhaust administrative remedies—not on the merits. Following the Court's directive, Petitioner acted diligently and, on July 6, 2026, filed a Notice of Appeal and a Motion to Accept Late-Filed Notice of Appeal with the Board of Immigration Appeals ("BIA").
5. Petitioner has now pursued the administrative path identified by this Court. His continued detention, based on a constitutionally defective bond hearing and in the face of his worsening mental health, violates the Due Process Clause of the Fifth Amendment. This Court has the authority and duty to remedy this ongoing constitutional violation by ordering his immediate release.
6. Petitioner does not seek merely another bond hearing. He seeks immediate release because the June 1, 2026 custody determination was constitutionally defective and continued

detention under that defective order is the ongoing injury. The Court should restore the liberty that was unlawfully taken, rather than ordering another custody proceeding that would prolong the constitutional harm.

PARTIES

7. Petitioner Juan José Vargas Ocampo,  is a citizen of Colombia. He is currently detained by ICE at the California City Immigration Processing Center, located at 22844 Virginia Boulevard, California City, CA 93505, within this judicial district.
8. Respondent Warden, California City Immigration Processing Center, is the custodian of the facility where Petitioner is detained.
9. Respondent Todd M. Lyons is the Acting Director of ICE, the agency responsible for Petitioner's detention.
10. Respondent Markwayne Mullin is the Secretary of the U.S. Department of Homeland Security, the agency with ultimate authority over ICE.
11. Respondent Todd Blanche is the Attorney General of the United States, who has authority over the Executive Office for Immigration Review and immigration detention.

JURISDICTION AND VENUE

12. This Court has jurisdiction over this petition pursuant to 28 U.S.C. § 2241, which grants federal courts the power to issue writs of habeas corpus to persons "in custody in violation of the Constitution or laws or treaties of the United States."
13. The Constitution guarantees that the writ of habeas corpus is "available to every individual detained within the United States." *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004) (citing U.S. Const., Art I, § 9, cl. 2). "The essence of habeas corpus is an attack by a person in custody upon the legality of that custody." *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973).

14. A district court's habeas jurisdiction includes challenges to immigration detention. *See Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

15. Venue is proper in the Eastern District of California because Petitioner is detained within this judicial district. 28 U.S.C. § 2241(d).

STATEMENT OF FACTS

A. Lawful Entry and Pending Asylum Claim

16. Petitioner entered the United States lawfully on November 3, 2024, at Fort Lauderdale, Florida, with a valid B2 tourist visa. He was granted authorization to remain in the country until May 2, 2025. He is not a fugitive and has never attempted to evade the immigration system.

17. Just days after his entry, on November 14, 2024, Petitioner's father,   filed an application for asylum with U.S. Citizenship and Immigration Services ("USCIS"), on which Petitioner is included as a dependent beneficiary. The application remains pending.

18. Petitioner's asylum claim is substantial. He and his family are members of the Indigenous community Cañamomo Lomapieta in Colombia. They are officially registered in Colombia's Registro Único de Víctimas (Sole Registry of Victims) as victims of forced displacement that occurred on June 16, 2003, in Balboa, Risaralda. A formal resolution recognizing their right to administrative compensation for this displacement includes Petitioner. Furthermore, the Resguardo Indígena Cañamomo Lomapieta has authorized the family's re-entry into the official Indigenous census. These facts demonstrate strong grounds for his asylum claim and a profound incentive to see his immigration case through to completion.

19. Petitioner has no final order of removal. He has a Master Calendar Hearing scheduled via internet before Immigration Judge Jose L. Penalosa, Jr. on July 21, 2026, at 8:30 AM.

B. Arbitrary Arrest and Punitive Interstate Transfers

20. On April 23, 2026, Petitioner was arrested in Miami, Florida, by Border Patrol agents while he was driving to a padel match. He was not committing any crime or traffic violation and was in possession of a valid Florida driver's license. He cooperated with the agents, informing them he had entered lawfully with a visa and had a pending asylum case. According to Petitioner, an agent dismissed his pending asylum as "not valid for them," arrested him, handcuffed him, and failed to provide a judicial warrant or a clear reason for the arrest.

21. Following his arrest, Respondents subjected Petitioner to a grueling series of five interstate transfers, transferring him repeatedly across multiple states and detention facilities. He was held at: a. Dania Beach, Florida (approx. 6 days); b. Krome North Processing Center, Miami, Florida (approx. 5 days); c. Port Isabel Service Processing Center, Texas (approx. 3 days); d. A detention center in Arizona (approx. 1 day); and finally, e. The California City Immigration Processing Center in California.

22. These constant transfers severely impaired Petitioner's ability to communicate with his family, consult with legal assistance, gather evidence for his asylum and custody proceedings, and, most critically, maintain the continuity of his psychiatric treatment. Such transfers are a well-recognized due process violation. *See Hamama v. Adducci*, 261 F. Supp. 3d 820 (E.D. Mich. 2017) (recognizing that transfers and limited phone access greatly hinder detainees' ability to pursue the administrative process); *Biwot v. Gonzales*, 403 F.3d 1094 (9th Cir. 2005) (finding a transfer made it difficult for the detainee to contact

lawyers); *Saravia v. Sessions*, 280 F. Supp. 3d 1168 (N.D. Cal. 2017) ("By shipping the minors across the country for indefinite detention in a high-security facility before providing that hearing, the government has violated their due process rights."); *Innovation Law Lab v. Nielsen*, 310 F. Supp. 3d 1150 (D. Or. 2018) (holding that practices like detaining aliens far from counsel and with limited phone access violate due process).

C. Documented Serious Mental Health Condition

23. Petitioner has a documented, chronic, and serious mental health condition: Bipolar Affective Disorder, Type I. Medical records from the Hospital Mental Universitario de Risaralda in Colombia, dated April 2024, document his psychiatric history, a prior hospitalization, and a prescribed treatment regimen of .
24. Medical records from Sanitas North Miami, dated March 5, 2025, confirm the diagnosis (F31.9) and his need for ongoing psychiatric evaluation and treatment in the United States.
25. Since his detention, and exacerbated by the repeated transfers, Petitioner's mental health has significantly deteriorated. He suffers from worsening anxiety, depression, insomnia, sadness, stress, hopelessness, and emotional distress. His detention is not merely depriving him of liberty; it is actively aggravating a serious medical vulnerability, which amounts to unconstitutional punishment. *See Sanchez Lopez v. Acuff*, No. 21-CV-914-JPG, 2021 WL 3146128 (S.D. Ill. July 26, 2021) (finding habeas petition viable for detainee with "bipolar affective disorder"); *Baez Rufino v. Tsoukaris*, No. CV 20-5621 (JMV), 2020 WL 2769018 (D.N.J. May 27, 2020) (ordering release for detainee with severe mental illness because conditions of confinement amounted to punishment under the Due Process Clause); *Rajnish v. Jennings*, No. 20-CV-08432-JST, 2020 WL 7647551, at *5 (N.D. Cal. Dec. 22, 2020) ("[T]he un rebutted expert evidence on this record is that he is likely to

further deteriorate given the well-established effects of incarceration, stress, and isolation on such disorders.").

D. Community Ties, Employment, and Stability

26. Far from being a flight risk, Petitioner was building a stable life in Florida before his detention. He worked at a supermarket and concurrently developed his own digital marketing and audiovisual business, [REDACTED] Letters of support from Nicolas Gomez and David Koskas of the Miami Padel League attest to his professional activity, reliability, and the negative impact his detention has had on clients.

27. Petitioner also maintained a residence in the North Miami Beach area and had a vehicle registered in his name in Florida, demonstrating significant ties to the community that militate against any finding of flight risk.

E. The Constitutionally Inadequate Bond Hearing

28. On June 1, 2026, Immigration Judge Susan Phan denied Petitioner's request for bond under 8 U.S.C. § 1226(a), finding him a "significant flight risk." The IJ's decision was based on a cursory review that ignored substantial countervailing evidence. The stated reasons were: (1) his recent 2024 entry; (2) an alleged lack of immediate relatives with lawful status from whom he could derive status; (3) limited weight given to support letters because the authors were not present for cross-examination; (4) concerns about a prior sponsor, Maria Urrea; and (5) alleged insufficient proof of stable employment and residence.

29. This determination was constitutionally inadequate because the IJ failed to meaningfully consider:

- Petitioner's lawful entry with a B2 visa, which distinguishes him from those who enter without inspection.

- His pending, colorable asylum claim and his family's history as Indigenous victims of forced displacement.
- His complete lack of any criminal history in the United States.
- His serious, documented mental health condition and the harm of continued detention.
- The impact of the repeated transfers on his ability to present a complete case.
- His established employment and business ties.
- The availability of a new, stable sponsor, Olga L. Jiménez, a U.S. citizen who offered housing, financial support, and supervision at a verified address 
, substantiated with bank statements and utility bills.
- Less restrictive alternatives to detention, such as release on an order of supervision, the Intensive Supervision Appearance Program (ISAP), electronic monitoring, or release into the custody of his sponsor.

30. The failure to consider such alternatives is a clear due process violation. *See Darboe v. Ahrendt*, No. CV 20-3324 (NLH), 2020 WL 5603816, at *6 (D.N.J. Sept. 18, 2020) ("Because there is no evidence that the IJ considered less restrictive alternatives to detention . . . the Court finds that the bond hearing failed to comply with due process."); *Hernandez-Aviles v. Decker*, No. 20-CV-2959 (JPO), 2020 WL 5849202, at *4 (S.D.N.Y. Oct. 1, 2020) ("[N]ot considering alternatives to detention or ability to pay a bond would run afoul of the protections afforded by the Due Process Clause."); *Vieira v. Moniz*, No. CV 19-12157-LTS, 2020 WL 509202, at *6 (D. Mass. Jan. 30, 2020); *Brito v. Barr*, 415 F. Supp. 3d 258, 265 (D. Mass. 2019).

F. Prior Habeas Petition and Diligent Exhaustion of Administrative Remedies

31. Petitioner previously filed a habeas petition in this District, Case No. 1:26-cv-04267-KES-CDB. On June 8, 2026, Judge Sherriff enjoined Respondents from transferring Petitioner out of the district pending a ruling.
32. On July 2, 2026, the Court dismissed the petition without prejudice. The dismissal was not on the merits. Instead, the Court found Petitioner had not yet exhausted his administrative remedy of appealing the bond denial to the BIA. The Court expressly noted that Petitioner could file a new habeas petition if he remained dissatisfied after the BIA's decision.
33. Acting with diligence upon receiving the Court's order, Petitioner, on July 6, 2026, filed a Notice of Appeal with the BIA from the June 1, 2026 bond denial, together with a Motion to Accept Late-Filed Notice of Appeal. The appeal was filed five days after the July 1, 2026 deadline because Petitioner was detained, had limited access to legal materials and mail, and had pursued the federal habeas remedy in good faith before the Court clarified the procedural path.
34. The BIA's filing deadline is a non-jurisdictional claims-processing rule subject to equitable tolling. *See Attipoe v. Barr*, 926 F.3d 152, 156 (2d Cir. 2019). Petitioner has demonstrated diligence and extraordinary circumstances justifying tolling because he was detained, had limited access to legal materials and mail, and pursued the federal habeas remedy in good faith before the Court clarified the procedural path. Petitioner has now taken the administrative step this Court previously identified as missing by filing his BIA appeal and Motion to Accept Late-Filed Notice of Appeal. To the extent Respondents argue that exhaustion remains incomplete because the BIA has not yet ruled, further exhaustion should be excused because Petitioner challenges ongoing unconstitutional detention and continued confinement under a defective custody order is causing irreparable harm.

LEGAL STANDARD

A. Habeas Corpus Standard

35. The legal standards for habeas corpus jurisdiction are set forth in paragraphs 12-14, *supra*.

This Court has clear authority to adjudicate this petition.

B. Due Process Framework

36. The Fifth Amendment prohibits the government from depriving any person of life, liberty, or property without due process of law. *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017). This protection applies to all "persons" within the United States, regardless of their immigration status, and extends to immigration detention. *Zadvydas*, 533 U.S. at 693.

37. Procedural due process claims are analyzed in two steps: first, whether a protected liberty interest exists, and second, what procedures are constitutionally required to protect that interest. *Ky. Dep't of Corr. v. Thompson*, 490 U.S. 454, 460 (1989).

C. Standard for Injunctive Relief

38. To obtain a temporary restraining order or preliminary injunction, a petitioner must show: (1) a likelihood of success on the merits; (2) a likelihood of irreparable harm in the absence of relief; (3) that the balance of equities tips in his favor; and (4) that an injunction is in the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

39. The deprivation of constitutional rights "unquestionably constitutes irreparable injury." *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012). The government "cannot suffer harm from an injunction that merely ends an unlawful practice." *Rodriguez v. Robbins*, 715 F.3d 1127, 1145 (9th Cir. 2013).

CLAIMS FOR RELIEF

CLAIM ONE: PETITIONER'S DETENTION VIOLATES THE FIFTH AMENDMENT DUE

PROCESS CLAUSE BECAUSE THE BOND HEARING WAS CONSTITUTIONALLY INADEQUATE

A. Petitioner Possesses a Protected Liberty Interest.

40. "Freedom from imprisonment . . . lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas*, 533 U.S. at 690. Even where detention is statutorily authorized, an individual retains a protected liberty interest. *See Rico-Tapia v. Smith*, No. CV 25-00379 JAO-KJM, 2025 WL 2950089, at *8 (D. Haw. Oct. 10, 2025). Indeed, multiple courts in this district and the Central District of California have held that a noncitizen released from custody pending immigration proceedings has a protected liberty interest in remaining out of custody, and that this interest is strengthened over time. *See, e.g., Johalan David N.M. v. Warden*, No. 2:26-cv-01270-TLN-AC, 2026 WL 350831 (E.D. Cal. Feb. 9, 2026) (finding liberty interest strengthened where petitioner was paroled into the United States and lived at liberty for years prior to re-detention); *Yunhe B. v. Warden*, No. 1:26-cv-03307-TLN-CKD, 2026 WL 2824345 (E.D. Cal. June 16, 2026) (finding substantial liberty interest where petitioner was released on bond, maintained employment, and developed community ties over six years); *Anderson Ruben G.L. v. Warden*, No. 1:26-cv-02828-TLN-DMC, 2026 WL 2824345 (E.D. Cal. May 1, 2026) (finding protected liberty interest in continued freedom where petitioner entered to seek asylum, was released on parole, and had no criminal history). The government's decision to release an individual from custody creates an "implied promise" upon which that individual may rely, that their liberty will be revoked only if they fail to live up to the conditions of release. *See Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1032 (N.D. Cal. 2025); *Salcedo Aceros v. Kaiser*, No. 25-CV-06924-EMC, 2025 WL 2637503, at *6 (N.D. Cal. Sept. 12, 2025).

41. Petitioner's interest is substantial. He entered lawfully, was living at liberty while building a life and business, has a pending asylum claim, suffers from a serious mental health condition, and has no criminal record. His stake in avoiding arbitrary and continued confinement under a constitutionally defective custody determination is immense. *See Yunhe B. v. Warden*, No. 1:26-CV-03307-TLN-CKD, 2026 WL 2824345 (E.D. Cal. June 16, 2026) (finding substantial liberty interest). Like the petitioners in *Johalan David N.M.* and *Yunhe B.*, Petitioner was living at liberty in the community—working, building a business, and pursuing his asylum claim—when he was suddenly re-detained without any pre-deprivation process. His interest in his continued freedom is at the "core of the liberty protected by the Due Process Clause." *See Hernandez v. Sessions*, 872 F.3d 976, 993 (9th Cir. 2017).

B. The Bond Hearing Was Constitutionally Inadequate.

42. Petitioner's June 1, 2026 bond hearing was procedurally defective and violated the Fifth Amendment. As detailed in paragraphs 28-30, the IJ failed to conduct the required individualized assessment. The IJ improperly discounted evidence of community support, failed to weigh Petitioner's lawful entry and pending asylum claim, ignored his documented mental illness, and, critically, failed to consider any less restrictive alternatives to detention.

43. This failure renders the hearing, and the resulting detention order, unconstitutional. *See Darboe*, 2020 WL 5603816, at *6; *Hernandez-Aviles*, 2020 WL 5849202, at *4; *Vieira*, 2020 WL 509202, at *6.

C. The Government Bears the Burden of Proof by Clear and Convincing Evidence.

44. In the Ninth Circuit, the government must prove by clear and convincing evidence that a

noncitizen is a flight risk or a danger to the community to justify the denial of bond under § 1226(a). *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011). The government has no legitimate interest in detaining individuals whose appearance can be reasonably ensured by lesser means. *Hernandez*, 872 F.3d at 994. Multiple courts have confirmed that the government bears this burden. See *Zhou Xiaoxuan v. Warden*, No. 5:26-cv-02431-HDV-PD, 2026 WL 2589345 (C.D. Cal. June 4, 2026) (ordering release and requiring government to bear burden by clear and convincing evidence at any future bond hearing); *Noelvis Cabreja Liranza v. Warden*, No. 1:26-cv-03512-JLT-EGC, 2026 WL 288909 (E.D. Cal. May 22, 2026) (enjoining re-detaining absent pre-deprivation hearing where government bears burden by clear and convincing evidence); *Andres Eduardo A.R. v. Chestnut*, No. 1:26-cv-00551-KES-SAB, 2026 WL 84302 (E.D. Cal. Jan. 28, 2026) (enjoining re-detaining without pre-deprivation hearing at which government must demonstrate by clear and convincing evidence that petitioner is a flight risk or danger).

45. The IJ improperly placed the burden on Petitioner and failed to hold the government to this high standard. This burden-shifting violates the Due Process Clause. See *Pensamiento v. McDonald*, 315 F. Supp. 3d 684, 693 (D.D.C. 2018) ("Requiring a non-criminal alien to prove that he is not dangerous and not a flight risk at a bond hearing violates the Due Process Clause."); *Zhou Xiaoxuan v. Warden*, No. 5:26-CV-02431-HDV-PD, 2026 WL 2589345 (C.D. Cal. June 4, 2026) (ordering release and noting government bears the burden by clear and convincing evidence).

D. The *Mathews v. Eldridge* Factors Mandate Greater Procedural Protections.

46. An analysis under *Mathews v. Eldridge*, 424 U.S. 319 (1976), confirms the due process violation.

- First, the private interest is immense: Petitioner's freedom from physical restraint, his ability to pursue his asylum claim, his mental and physical health, and his family and community relationships are all at stake. *See Selis Tinoco v. Noem*, No. 1:25-CV-01762-DC-JDP, 2025 WL 3567862 (E.D. Cal. Dec. 14, 2025).
- Second, the risk of erroneous deprivation from the procedures used is extremely high. The IJ's failure to consider all relevant evidence and less restrictive alternatives created a significant risk that Petitioner was wrongly deemed a "flight risk" and unnecessarily detained. *See Rafaela Neri Angel v. Warden*, No. 5:26-cv-03269-MWC-JDE, 2026 WL 3056789 (C.D. Cal. June 18, 2026).
- Third, the government's interest in detaining a non-dangerous individual with a pending asylum claim, lawful entry, and strong community ties is minimal, particularly when less burdensome alternatives exist. The fiscal and administrative burden of a proper hearing is slight compared to the severe deprivation of liberty. *See Yunhe B.*, 2026 WL 2824345, at *7.

47. Multiple courts have applied the *Mathews* factors in nearly identical circumstances and found all three favor the petitioner. *See Johalan David N.M.*, 2026 WL 350831, at *7 (finding all three *Mathews* factors favored petitioner where petitioner had no criminal history, was not a danger or flight risk, and had no final order of removal); *Rafaela Neri Angel*, 2026 WL 3056789 (finding all three *Mathews* factors counseled in favor of release where petitioner had no criminal history, no final order of removal, and suffered from cancer requiring specialized medical care); *Anyelimar Del Valle Gonzalez Gomez v. Warden*, No. 5:26-cv-03530-SSS-MBK, 2026 WL 3187567 (C.D. Cal. July 2, 2026) (finding all three *Mathews* factors strongly favored petitioner where she was previously

released, had high risk of erroneous deprivation, and government had no legitimate interest in detention). As in those cases, the government's previous decision to allow Petitioner to remain at liberty demonstrates that the government found he was not a danger to the community and that his appearance at future proceedings could be ensured by alternative conditions. *See Hernandez*, 872 F.3d at 994 ("The government has no legitimate interest in detaining individuals who have been determined not to be a danger to the community and whose appearance at future immigration proceedings can be reasonably ensured by bond or alternative conditions.").

48. The *Mathews* factors compel the conclusion that Petitioner was entitled to, and denied, a constitutionally adequate bond hearing.

E. A Defective Bond Hearing Cannot Cure a Constitutional Violation.

49. Respondents cannot argue that the June 1 hearing satisfied due process when the hearing itself was the source of the violation. A post-deprivation hearing that is constitutionally flawed cannot remedy the unlawful deprivation of liberty. To hold otherwise would give the government a "blank check to unilaterally detain every noncitizen without providing any process" until a federal court intervenes. *Charan S. v. Warden*, No. 1:26-CV-03017-TLN-JDP, 2026 WL 2234567, at *9 (E.D. Cal. Apr. 28, 2026). The only appropriate remedy is to restore the liberty that was lost. *Id.* The Ninth Circuit has recognized that the Constitution usually requires some kind of hearing before the State deprives a person of liberty. *Zinerman v. Burch*, 494 U.S. 113, 127 (1990). Post-deprivation remedies are described as the "special case" where those are "the only remedies the State could be expected to provide." *Id.* at 129. Here—where there is no final order of removal, no criminal history, and no individualized changed circumstances to justify re-detention—

pre-deprivation notice and a hearing were possible and valuable. *See Charan S.*, 2026 WL 2234567, at *10. The Court in *Rafaela Neri Angel* similarly found that a post-deprivation bond hearing "does not offer full relief" because "the Ninth Circuit has recognized the irreparable harms imposed on anyone subject to immigration detention," and "a post-deprivation bond hearing cannot undo those harms." *Rafaela Neri Angel*, 2026 WL 3056789, at *5 (quoting *Hernandez*, 872 F.3d at 995). The argument that a post-deprivation hearing would provide full relief "assumes that one can recover everything that comes with being free from detention for several months, a dubious proposition." *Id.*

CLAIM TWO: PETITIONER'S CONTINUED DETENTION IS UNREASONABLE AND VIOLATES DUE PROCESS

50. Petitioner has now been detained since April 23, 2026. This continued detention is based on a single, flawed bond determination. Given his lawful entry, lack of criminal history, pending asylum claim, and deteriorating mental health, his continued confinement has become unreasonable and punitive, in violation of the Due Process Clause. *See Zadvydas*, 533 U.S. at 690. Courts have recognized that prolonged detention without a constitutionally adequate custody determination is unreasonable. *See Jiashun Yang v. Warden*, No. 2:26-cv-00832-DAD-DMC, 2026 WL 749876 (E.D. Cal. Mar. 18, 2026) (ordering release where petitioner was detained for over seven months and removal was not reasonably foreseeable); *Feng Chen v. David Marin*, No. 5:25-cv-03306-SK, 2026 WL 1045254 (C.D. Cal. Mar. 12, 2026) (ordering release under *Zadvydas* where removal not reasonably foreseeable). Even where a final order of removal exists, courts have found that re-detention years after a removal order, without process, violates due process. *See Yunhe B.*, 2026 WL 2824345 (finding due process violation where petitioner was re-detained nearly

five years after final removal order without notice or hearing); *Karahali v. Warden*, No. 1:26-cv-03166-KES-EPG (E.D. Cal. July 2, 2026) (granting habeas where ICE revoked Order of Supervision without identifying changed circumstances, in violation of 8 C.F.R. §§ 241.4(l) and 241.13(i)).

51. The government has failed to demonstrate that Petitioner's detention is necessary or that his removal is reasonably foreseeable. His continued confinement serves no legitimate regulatory purpose and is unconstitutional. *See Jiashun Yang v. Warden*, No. 2:26-cv-00832-DAD-DMC, 2026 WL 749876 (E.D. Cal. Mar. 18, 2026).

CLAIM THREE: PETITIONER'S REPEATED INTERSTATE TRANSFERS VIOLATED DUE PROCESS

52. The government's decision to transfer Petitioner through five different detention centers across four states created significant and unconstitutional barriers to his ability to prepare his case, access counsel, communicate with his family and sponsor, and receive consistent psychiatric care.
53. As established in *Hamama*, *Saravia*, *Biwot*, and *Innovation Law Lab*, these transfers are not mere administrative inconveniences; they are actions that can and do violate the due process rights of detained individuals by fundamentally impairing their access to the legal process.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

54. Petitioner has now pursued the administrative step identified by this Court by filing a BIA bond appeal and a Motion to Accept Late-Filed Notice of Appeal. To the extent Respondents argue that exhaustion remains incomplete because the BIA has not yet ruled, further exhaustion should be excused because Petitioner challenges ongoing

unconstitutional detention and continued confinement under a defective custody order is causing irreparable harm.

55. Courts in this district have waived the exhaustion requirement where it cannot cure the constitutional violation. *See Akramkhon Isaevich Khamraev v. Warden*, No. 1:26-cv-04458-DAD-AC, 2026 WL 3187567 (E.D. Cal. July 1, 2026) (waiving prudential exhaustion requirement because "exhaustion could not cure the due process violation that petitioner experienced from his re-detention without notice or opportunity to be heard at a pre-deprivation hearing"). Like the petitioner in *Khamraev*, Petitioner challenges the constitutionality of his re-detention and continued detention under a defective custody determination. Awaiting a BIA decision on an appeal of a bond denial that was itself constitutionally defective cannot cure the ongoing violation. As the court in *Jose De La Cruz-Soto v. Warden* explained, "Provision of a bond hearing after months of detention without the opportunity to seek release on bond cannot be said to satisfy due process where that bond hearing is a matter of statutory right." No. 1:26-cv-04344-DAD-SCR, 2026 WL 3187567 (E.D. Cal. June 30, 2026).

IMMEDIATE RELEASE IS THE PROPER REMEDY

56. Petitioner does not seek another bond hearing as his primary remedy. He seeks immediate release. The June 1, 2026 custody determination was constitutionally defective, and continued detention under that defective order is the ongoing constitutional injury. A new custody proceeding would not fully remedy the harm already caused by arbitrary detention, repeated interstate transfers, separation from family and legal support, and the deterioration of Petitioner's serious documented mental health condition. The appropriate remedy for an unconstitutional deprivation of liberty is restoration of liberty. Petitioner therefore

respectfully requests immediate release from ICE custody. Courts in this district and the Central District of California have consistently ordered immediate release—not merely a new bond hearing—as the proper remedy for constitutionally defective detention. See *Johalan David N.M.*, 2026 WL 350831 (ordering immediate release where petitioner was detained without hearing); *Yunhe B.*, 2026 WL 2824345 (ordering immediate release where petitioner was re-detained without notice or hearing); *Rafaela Neri Angel*, 2026 WL 3056789 (ordering immediate release despite petitioner having received a post-deprivation bond hearing, because the initial violation could not be cured); *Anderson Ruben G.L.*, 2026 WL 2824345 (ordering immediate release for asylum seeker re-detained without due process); *Anyelimar Del Valle Gonzalez Gomez*, 2026 WL 3187567 (ordering immediate release where re-detention was unlawful). The "typical remedy" in habeas for unlawful detention "is, of course, release." *Munaf v. Geren*, 553 U.S. 674, 693 (2008). Federal courts have "broad and flexible power" in fashioning habeas relief. *Burnett v. Lampert*, 432 F.3d 996, 999 (9th Cir. 2005); see also *Zhang Zhiming v. D. Martin*, No. 5:26-cv-01234-DMG-DTB, 2026 WL 3075769 (C.D. Cal. June 5, 2026) (accepting magistrate judge's recommendation of immediate release and injunction against re-detention as "the least restrictive remedy that will result in meaningful relief"). The purpose of injunctive relief is to return the parties to the status quo ante—"the last uncontested status which preceded the pending controversy." *Lepe v. Andrews*, 801 F. Supp. 3d 1104, 1119 (E.D. Cal. 2025) (quoting *GoTo.com, Inc. v. Walt Disney Co.*, 202 F.3d 1199, 1210 (9th Cir. 2000)). Here, the status quo ante is Petitioner's liberty before his unlawful arrest and detention on April 23, 2026.

IRREPARABLE HARM

57. The ongoing deprivation of Petitioner's constitutional right to due process constitutes irreparable harm per se. *Melendres*, 695 F.3d at 1002.
58. Further, Petitioner is suffering distinct and severe irreparable harm from the exacerbation of his Bipolar Disorder in detention. The Ninth Circuit has recognized the irreparable harms of immigration detention, including "subpar medical and psychiatric care." *Hernandez*, 872 F.3d at 995. Continued detention poses a serious risk to his mental health. See *Baez Rufino*, 2020 WL 2769018; *Rajnish*, 2020 WL 7647551. As the court in *Rafaela Neri Angel* recognized, "the Ninth Circuit has recognized the irreparable harms imposed on anyone subject to immigration detention," including "subpar medical and psychiatric care in ICE detention facilities." *Rafaela Neri Angel*, 2026 WL 3056789, at *5 (quoting *Hernandez*, 872 F.3d at 999). These harms are "especially acute" for a petitioner who suffers from a serious medical condition requiring specialized treatment. *Id.* Petitioner's documented Bipolar Affective Disorder, Type I, makes him particularly vulnerable to the psychiatric harms of detention, and his repeated interstate transfers have further disrupted his treatment.

BALANCE OF EQUITIES AND PUBLIC INTEREST

59. The balance of equities and the public interest strongly favor granting relief. The harm to Petitioner from continued unlawful detention is profound, while the burden on the government from releasing a non-dangerous individual with a pending asylum claim is minimal.
60. The public has a powerful interest in upholding the Constitution and ensuring that government detention powers are exercised lawfully and with due process. See *Preminger v. Principi*, 422 F.3d 815, 826 (9th Cir. 2005). Enjoining an unlawful practice serves the

public interest. *Rodriguez*, 715 F.3d at 1145. Multiple courts have found that the balance of equities and public interest favor release in these circumstances. See *Barajas Ortiz v. Chestnut*, No. 1:26-cv-01167-DC-SCR, 2026 WL 508419 (E.D. Cal. Feb. 24, 2026) (finding all four *Winter* factors favored petitioner); *Alvarez Maciel v. Noem*, No. 1:26-cv-01318-DC-CKD, 2026 WL 496948 (E.D. Cal. Feb. 23, 2026) (same); *Selis Tinoco v. Noem*, No. 1:25-cv-01762-DC-JDP, 2025 WL 3567862 (E.D. Cal. Dec. 14, 2025) (same). As the Ninth Circuit has held, the government "cannot suffer harm from an injunction that merely ends an unlawful practice." *Rodriguez v. Robbins*, 715 F.3d 1127, 1145 (9th Cir. 2013). "Neither equity nor the public's interest are furthered by allowing violations of federal law to continue." *Galvez v. Jaddou*, 52 F.4th 821, 832 (9th Cir. 2022). The only potential injury to the government is a "short delay" in detaining Petitioner if it "ultimately demonstrates to a neutral decisionmaker" that detention is necessary. See *Valencia Zapata v. Kaiser*, No. 25-cv-07492-RFL, 2025 WL 2741654, at *13 (N.D. Cal. Sept. 26, 2025).

PRAYER FOR RELIEF

WHEREFORE, Petitioner Juan José Vargas Ocampo respectfully requests that this Court:

- A. Issue a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241;
- B. Declare that Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment because it is based on a constitutionally defective custody determination;
- C. Order Respondents to IMMEDIATELY RELEASE Petitioner from ICE custody;
- D. Enjoin Respondents from transferring Petitioner outside the Eastern District of California or removing him from the United States while this Petition is pending;
- E. Enjoin Respondents from re-detaining Petitioner without providing no less than seven (7) days' written notice and a pre-deprivation hearing before a neutral decisionmaker, at which the

government shall bear the burden of demonstrating by clear and convincing evidence that Petitioner poses a danger to the community or a flight risk such that his physical custody is legally justified;

F. Order Respondents to return Petitioner's personal property and identity documents seized at the time of his arrest;

G. Order Respondents to file a notice of compliance with this Court within 48 hours of Petitioner's release;

H. Waive any bond requirement under Fed. R. Civ. P. 65(c); and

I. Grant such other and further relief as this Court deems just and proper.

/s/ Juan Jose Vargas Ocampo

Juan Jose Vargas Ocampo
Pro Se

JUAN JOSÉ VARGAS OCAMPO


California City Immigration Processing Center
22844 Virginia Boulevard
California City, CA 93505
Petitioner, Pro Se

UNITED STATES DISTRICT
COURT EASTERN DISTRICT OF CALIFORNIA

JUAN JOSE VARGAS OCAMPO

Proceeding Pro Se,

Petitioner,

v.

WARDEN, CALIFORNIA CITY IMMIGRATION
PROCESSING CENTER; Acting Director 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,
Respondents.;

Respondents.

Civil Action No.:

DECLARATION OF JUAN JOSÉ
VARGAS OCAMPO

I, Juan José Vargas Ocampo, declare under penalty of perjury under the laws of the United States of America that the following is true and correct to the best of my knowledge and belief:

1. My name is Juan José Vargas Ocampo. I am a citizen and national of Colombia. My Alien Registration Number is .
2. I am currently detained by U.S. Immigration and Customs Enforcement at the California City Immigration Processing Center, located at 22844 Virginia Boulevard, California City, California 93505.
3. I am submitting this declaration in support of my Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241. I am asking the Court to order my immediate release from ICE custody because my continued detention is harming me and is based on a constitutionally defective custody determination.
4. I am proceeding pro se, meaning I am representing myself. I am detained, I have limited

access to legal materials, limited communication, and limited ability to gather evidence or prepare my case from inside detention.

5. I entered the United States lawfully on or about November 3, 2024, through Fort Lauderdale, Florida, with a valid B2 visa. I was authorized to remain in the United States until approximately May 2, 2025.
6. I did not enter the United States secretly or unlawfully. I entered with inspection and documentation. I have never attempted to hide from immigration authorities.
7. I am included as a dependent on my father's pending asylum application. My father is [REDACTED] and his asylum application was received by USCIS on or about November 14, 2024.
8. I do not have a final order of removal. My immigration case is still pending. I understand that I have a Master Calendar Hearing scheduled before Immigration Judge Jose L. Penalosa, Jr. on July 21, 2026, at 8:30 a.m.
9. I want to continue my immigration case. I have every intention of attending all immigration court hearings, complying with all ICE requirements, keeping my address updated, and following any conditions ordered by the Court or ICE if I am released.
10. My family and I are from Colombia. We are members of the Indigenous community Cañamomo Lomapieta in Colombia.
11. My family has suffered serious harm in Colombia. We are registered in Colombia's Registro Único de Víctimas as victims of forced displacement. The displacement occurred on or about June 16, 2003, in Balboa, Risaralda, Colombia.
12. A formal resolution related to administrative compensation for forced displacement includes me as part of my family unit. The Indigenous Resguardo Cañamomo Lomapieta

has also authorized the re-entry of my family nucleus into the Indigenous census.

13. These facts are very important to me because they are part of the reason my family is seeking protection in the United States. I do not want to abandon my asylum case. I want to appear in immigration court and pursue my case lawfully.
14. Before I was detained, I was living in Florida and trying to build a stable life. I was not running from the law. I was not hiding. I was trying to work, help my family, and continue my life peacefully.
15. Before my detention, I worked at a supermarket. I also started developing my own digital marketing and audiovisual business called .
16. Through my work and business, I had professional contacts, clients, and people who knew me as responsible, respectful, peaceful, and hardworking.
17. I also had ties to the community in Florida. I lived in the North Miami Beach area and had a vehicle registered in my name in Florida.
18. I have no criminal history in the United States, and I am not aware of any criminal history elsewhere.
19. I do not believe I am a danger to anyone. I have never tried to hurt anyone. I have cooperated with immigration officers and with the immigration court process.
20. On or about April 23, 2026, I was arrested in Miami, Florida. At the time, I was driving to play a game of padel.
21. I was not committing any crime. I was not committing any traffic violation. I was not trying to flee. I had a valid Florida driver's license and documents with me.
22. A Border Patrol vehicle activated its lights and stopped me. I stopped my vehicle and cooperated.

23. An officer asked me whether I had entered the United States with a visa. I told the officer yes. I also told the officer that I had a pending asylum case.
24. After I explained that I had entered with a visa and had a pending asylum case, the officer told me that my asylum was "not valid for them," or words to that effect.
25. I was then placed under arrest. I was handcuffed. I was not shown a judicial warrant.
26. I was not clearly told why I was being arrested. I did not resist arrest. I cooperated with the officers.
27. After my arrest, I was first taken to immigration processing in Dania Beach, Florida, where I remained for approximately six days.
28. During that time, I had serious difficulty communicating with my family and obtaining legal assistance. I was scared, confused, and emotionally overwhelmed.
29. After Dania Beach, I was transferred to Krome North Processing Center in Miami, Florida, where I remained for approximately five days.
30. After Krome, I was transferred to Port Isabel, Texas, where I remained for approximately three days.
31. After Port Isabel, I was transferred to a detention center in Arizona, where I remained for approximately one day.
32. I was then transferred to California City Immigration Processing Center in California, where I remain detained.
33. These transfers were very difficult for me. I was moved repeatedly across different states and facilities. I did not know where I would be taken next or what would happen to me.
34. The transfers made it much harder for me to speak with my family, obtain legal assistance, gather documents, prepare my immigration case, and understand what was happening.

35. The transfers also harmed my mental health. Being moved from facility to facility caused anxiety, fear, stress, sadness, and instability.
36. I have a serious mental health condition. I have been diagnosed with Bipolar Affective Disorder, Type I.
37. Before I was detained, I had received psychiatric and medical treatment for my condition. I understand that I need stability, medication, treatment, and family support to manage my mental health.
38. My medical records from Colombia document my psychiatric history, including prior hospitalization and treatment. My records reflect treatment with medications including 
39. My medical records from Sanitas North Miami, dated approximately March 5, 2025, also confirm my diagnosis and my need for psychiatric evaluation and treatment.
40. Since I have been detained, my mental health has gotten worse. I have experienced anxiety, depression, stress, sadness, hopelessness, emotional distress, and difficulty sleeping.
41. The uncertainty of detention, the separation from my family, the repeated transfers, and the conditions of confinement have all made my mental health worse.
42. I am afraid that continued detention will continue to destabilize my mental health. I need consistent medical and psychiatric care, emotional support from my family, and a stable environment.
43. My family is very important to me. Being separated from them has caused me great pain. My detention has also caused pain and stress to my family.
44. I am especially close to my mother and my family. Their support is very important for my emotional stability and mental health.

45. If I am released, I will have family and community support. I will have people who can help me attend court, comply with ICE, maintain treatment, and remain stable.
46. I also have a proposed sponsor, Olga L. Jiménez, who is a United States citizen. She has offered to provide me with housing, support, and supervision.
47. I understand that Olga L. Jiménez's proposed address is 

48. If released to her custody or supervision, I will live where required, report to ICE as required, attend every immigration hearing, and follow all conditions imposed on me.
49. I am willing to comply with alternatives to detention, including ICE check-ins, an order of supervision, ISAP, electronic monitoring, or any other reasonable condition the Court or ICE requires.
50. On or about June 1, 2026, I had a bond hearing before Immigration Judge Susan Phan.
51. The Immigration Judge denied bond and found me to be a "significant flight risk."
52. I respectfully disagree with that decision. I am not a flight risk. I have a pending asylum case, no final order of removal, no criminal history in the United States, family and community support, a proposed sponsor, and every reason to appear in court.
53. I believe the bond decision did not properly consider all of my circumstances, including my lawful entry, pending asylum case, lack of criminal history, mental health condition, repeated transfers, work history, community ties, sponsor evidence, and alternatives to detention.
54. I also believe the decision did not properly consider the harm that detention is causing to my mental health.
55. After the bond denial, I filed a federal habeas corpus petition in the Eastern District of

California, Case No. 1:26-cv-04267-KES-CDB.

56. That habeas petition was dismissed without prejudice on or about July 2, 2026. I understand that the Court dismissed it because I had not yet appealed the bond denial to the Board of Immigration Appeals.
57. The Court did not reject my constitutional claims on the merits.
58. After the Court's order, I acted diligently. On or about July 6, 2026, I filed a Notice of Appeal with the BIA from the June 1, 2026 bond denial, together with a Motion to Accept Late-Filed Notice of Appeal.
59. The appeal was filed after the deadline because I was detained, had limited access to legal materials, had limited access to mail and communication, and had pursued the federal habeas case in good faith before the Court clarified that I needed to appeal to the BIA first.
60. I have now taken the administrative step the Court said was missing. However, I cannot continue to remain detained indefinitely while waiting for the BIA to decide whether to accept or adjudicate my appeal.
61. My detention is causing me real harm every day. It is harming my liberty, my mental health, my ability to prepare my immigration case, and my relationship with my family.
62. I am not asking merely for another bond hearing. I am asking for immediate release because my continued detention is based on a defective custody determination and because detention is causing serious harm to my mental health.
63. I understand that if I am released, I must obey all immigration laws and court orders. I promise that I will do so.
64. If I am released, I will attend every immigration court hearing, including my next scheduled hearing on July 21, 2026, and any future hearings.

65. If I am released, I will keep my address updated with ICE and the immigration court.
66. If I am released, I will report to ICE as required.
67. If I am released, I will continue my mental health treatment and take any prescribed medication as directed by medical providers.
68. If I am released, I will live with my sponsor or at any address approved by ICE or the Court.
69. If I am released, I will not flee. I will not hide. I will comply with all conditions.
70. I respectfully ask this Court to order my immediate release from ICE custody so that I can continue my immigration case outside detention, receive proper mental health treatment, remain with the support of my family and sponsor, and comply with all legal obligations.
71. I make this declaration based on my personal knowledge and the information available to me.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ Juan Jose Vargas Ocampo
Juan Jose Vargas Ocampo
Pro Se