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UNITED STATES DISTRICT
COURT EASTERN DISTRICT OF CALIFORNIA

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY *YML*
DEPUTY CLERK

DOMINGO SANTIAGO-MARCAS,


Proceeding Pro Se,

Petitioner,

v.

_____, WARDEN, Mesa Verde Detention Center;
_____, FIELD OFFICE DIRECTOR, ICE Los Angeles
Field Office; TODD M. LYONS, Acting Director, United
States Immigration and Customs
Enforcement; MARKWAYNE MULLIN, Secretary of
Homeland Security; TODD BLANCHE, Acting Attorney
General, United States,

Respondents.

Civil Action No.:

1:26-cv-5283 EJD

PETITION FOR WRIT OF HABEAS
CORPUS

Petitioner Domingo Santiago-Marcas, proceeding pro se, respectfully petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging the legality of his current detention by U.S. Immigration and Customs Enforcement ("ICE"). Petitioner does not primarily seek a bond hearing. Petitioner seeks immediate release because his re-detention itself was unlawful. A bond hearing would not fully remedy the constitutional violation where the Government re-detained a previously released person without notice, without a pre-deprivation hearing, and without explaining what changed after more than four years of liberty in the community. In support of his Petition, Mr. Santiago-Marcas states as follows:

I. PARTIES AND JURISDICTION

1. Petitioner Domingo Santiago-Marcas is a citizen and national of Guatemala, born on February 17, 2006, identified by ICE/EOIR with A-Number  Petitioner submits this Petition pro se and requests that the Court liberally construe his filings pursuant to *Estelle v. Gamble*, 429 U.S. 97, 106 (1976). He is currently detained in the custody of Respondents at the Mesa Verde Detention Center, located at 425 Golden State

Ave, Bakersfield, CA 93301.

2. Respondent Warden, Mesa Verde Detention Center, is the immediate custodian of Petitioner and is sued in their official capacity.
3. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security and is responsible for the administration and enforcement of the immigration laws. She is sued in her official capacity.
4. Respondent Todd M. Lyons is the Acting Director of ICE, the agency responsible for detaining and removing noncitizens. He is sued in his official capacity.
5. Respondent David J. Venturella is the Acting Director of ICE, who may be substituted pursuant to Fed. R. Civ. P. 25(d). He is sued in his official capacity.
6. Respondent Todd Blanche is the Acting Attorney General of the United States and is responsible for the administration of the immigration courts. He is sued in his official capacity.
7. Respondent Moises Becerra-Arreola is the Field Office Director for ICE's Enforcement and Removal Operations (ERO) in Bakersfield, California, and is responsible for immigration detention within this jurisdiction. He is sued in his official capacity.
8. This Court has jurisdiction over this Petition pursuant to 28 U.S.C. § 2241. The Constitution guarantees the availability of the writ of habeas corpus "to every individual detained within the United States." *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004). The "essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and . . . the traditional function of the writ is to secure release from illegal custody." *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973). A district court's habeas jurisdiction includes challenges to immigration detention. *Zadvydas v. Davis*, 533 U.S.

678, 687 (2001); I.N.S. v. St. Cyr, 533 U.S. 289, 301 (2001).

9. Venue is proper in the Eastern District of California because Petitioner is detained at Mesa Verde Detention Center, which is located within this judicial district.

II. FACTUAL BACKGROUND

10. Petitioner Domingo Santiago-Marcas is a young Guatemalan national who entered the United States on or about March 7, 2022, near Hidalgo, Texas. He entered as an unaccompanied minor without having been admitted or paroled.
11. The Department of Homeland Security (“DHS”) issued a Notice to Appear (“NTA”), charging Petitioner as removable under INA § 212(a)(6)(A)(i), 8 U.S.C. § 1182(a)(6)(A)(i). The NTA notes that an asylum officer found Petitioner had demonstrated a credible fear of persecution or torture, and that expedited removal proceedings were vacated pursuant to 8 C.F.R. §§ 208.30 and 235.3(b)(5)(iv).
12. After being processed as an unaccompanied minor, Petitioner was placed in the custody of the Office of Refugee Resettlement (“ORR”). On April 5, 2022, ORR released him from federal custody to the care of his brother and sponsor, Jacinto Santiago Marcos, in Fort Lauderdale, Florida, as confirmed by the ORR Verification of Release.
13. From his release in April 2022 until his re-detention in May 2026, Petitioner lived in the United States. He worked in agriculture and has no known criminal history. His family has confirmed that he has “no record for anything.”
14. Petitioner’s immigration case is pending before the Miami Immigration Court. According to the Executive Office for Immigration Review’s automated case information system, his case was docketed on June 3, 2026, and remains pending. Petitioner has a Master Calendar hearing scheduled for July 29, 2026, at 9:00 a.m. before Immigration Judge Stuart A.

Siegel. There is no final order of removal in his case, and no appeal has been filed with the Board of Immigration Appeals.

15. On or about May 31, 2026, ICE agents detained Petitioner in Fort Lauderdale, Florida. This detention was not related to any criminal arrest. On the day of his arrest, Petitioner had attended church and was returning home after buying a pizza when he encountered immigration agents at his residence. Frightened, he attempted to run and was detained. In the course of the arrest, Petitioner sustained a significant injury to his leg.
16. Following his arrest in Florida, Petitioner was transferred through a series of detention centers in multiple states, including Florida, Texas, and Arizona, before arriving at his current place of detention in Bakersfield, California. These cross-country transfers have severed him from his family, community, and support system in Florida, severely impeding his ability to prepare his defense for his pending immigration proceedings.
17. The detention and subsequent transfers have caused Petitioner significant emotional distress. His family reports that he “suffers from anxiety and depression from being confined” and has experienced severe “anxiety” and “stress inside detention.”
18. This is Petitioner’s first petition for a writ of habeas corpus. He has not previously requested a bond hearing from an immigration judge.

III. LEGAL CLAIMS

CLAIM ONE: VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT — UNLAWFUL MANDATORY DETENTION UNDER 8 U.S.C. § 1225(b)

19. Petitioner’s detention is unlawful because Respondents are detaining him under the mandatory detention provision of 8 U.S.C. § 1225(b)(2)(A), which does not apply to him.
20. Section 1226(a) of the Immigration and Nationality Act (“INA”) provides the “usual

removal process” for noncitizens in removal proceedings. *Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 108 (2020). The overwhelming majority of courts to address the issue have held that § 1226(a), not the mandatory detention provision of § 1225(b)(2)(A), applies to noncitizens who, like Petitioner, are apprehended within the interior of the United States after having resided here. See *Alvarez Maciel v. Noem*, No. 1:26-cv-01318-DC-CKD, 2026 WL 496948 (E.D. Cal. Feb. 23, 2026); *Barajas Ortiz v. Chestnut*, No. 1:26-cv-01167-DC-SCR, 2026 WL 508419 (E.D. Cal. Feb. 24, 2026); *Quichimbo-Jimenez v. Warden, California City Corr. Ctr.*, No. 2:26-cv-00739-DAD-EFB, 2026 WL 679378, at *1–2 (E.D. Cal. Mar. 10, 2026); *Wasef v. Chestnut*, No. 1:26-cv-01078-DAD-JDP, 2026 WL 392389 (E.D. Cal. Feb. 12, 2026); *Gonzales Chaj v. Unknown Party*, No. CV-26-04012-PHX-RM (D. Ariz. June 12, 2026) (citing *Echevarria v. Bondi*, 2025 WL 2821282 (D. Ariz. 2025) and *Cunha v. Freden*, 175 F.4th 61 (2d Cir. 2026)); *Cabreja Liranza v. Warden*, No. 1:26-cv-03512-JLT-EGC (E.D. Cal. May 22, 2026).

21. Petitioner entered the United States in March 2022 and was released by ORR to his sponsor in April 2022. He resided in the community for over four years before his re-detention. As such, he is not an “arriving alien” subject to inspection at the border, but rather a noncitizen apprehended in the interior.
22. The Government’s expansive interpretation of § 1225(b) to justify mandatory detention for all noncitizens who entered without inspection, regardless of their length of residence in the United States, has been consistently rejected by courts in this District. *Quichimbo-Jimenez*, 2026 WL 679378, at *1–2.
23. Because Petitioner’s detention is governed by § 1226(a), he is entitled to an individualized bond hearing before an immigration judge. *Jennings v. Rodriguez*, 583 U.S. 281, 306

(2018); *Diaz v. Garland*, 53 F.4th 1189, 1196 (9th Cir. 2022).

24. Respondents have failed to provide Petitioner with a bond hearing. However, Petitioner does not merely seek a bond hearing as the remedy. The proper remedy for unlawful detention is immediate release. See *Lepe v. Andrews*, No. 25-cv-01163-KES-SKO, 2025 WL 2716910, at *1119 (E.D. Cal. Sep. 23, 2025) (finding immediate release was the appropriate remedy because respondents did not assert any alternative basis for detention or extenuating circumstances warranting continued detention pending a bond hearing); *Alvarez Maciel*, 2026 WL 496948 (ordering immediate release as proper remedy); *Barajas Ortiz*, 2026 WL 508419 (same). Where the government has no lawful basis for detention and the petitioner has already been living in the community for years, a bond hearing is not an adequate substitute for release.

CLAIM TWO: VIOLATION OF THE FIFTH AMENDMENT DUE PROCESS CLAUSE — RE-
DETENTION WITHOUT PRE-DEPRIVATION HEARING

A. PROTECTED LIBERTY INTEREST

25. Petitioner's re-detention without any prior process violated his liberty interest protected by the Due Process Clause of the Fifth Amendment.
26. The Fifth Amendment protects all persons within the United States from deprivation of liberty without due process of law. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas*, 533 U.S. at 690. This protection extends to all noncitizens, "whether their presence here is lawful, unlawful, temporary, or permanent." *Id.* at 693; *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017).
27. Petitioner's prior release from government custody created a protected liberty interest in

his continued freedom. The government's decision to release him created "an implicit promise" that his liberty would be revoked only if he failed to comply with the conditions of his release. *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1032 (N.D. Cal. 2025) (quoting *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972)). A noncitizen previously released from custody has a protected liberty interest in remaining out of custody. *Salcedo Aceros v. Kaiser*, No. 25-CV-06924-EMC, 2025 WL 2637503, at *6 (N.D. Cal. Sept. 12, 2025).

28. Petitioner was released by ORR on April 5, 2022, and lived in the United States for over four years. This lengthy period of release, during which he worked and had no criminal history, strengthened his liberty interest. See *Doe v. Becerra*, 787 F. Supp. 3d 1083, 1093 (E.D. Cal. 2025); *Yunhe B. v. Warden of the California City Correctional Center*, No. 1:26-cv-03307-TLN-CKD (E.D. Cal. June 16, 2026).

29. This Court and others have repeatedly held that individuals previously released from immigration custody have a protected liberty interest in remaining out of custody. *Anderson Ruben G.L. v. Warden of the California City Correctional Center*, No. 1:26-cv-02828-TLN-DMC (E.D. Cal. May 1, 2026); *Selis Tinoco v. Noem*, No. 1:25-cv-01762-DC-JDP, 2025 WL 3567862 (E.D. Cal. Dec. 14, 2025); *Khamraev v. Warden, California City Correctional Center*, No. 1:26-cv-04458-DAD-AC (E.D. Cal. July 1, 2026) (incorporating reasoning from *Ayala Cajina v. Wofford*, No. 1:25-cv-01566-DAD-AC, 2025 WL 3251083 (E.D. Cal. Nov. 21, 2025)).

B. PROCEDURES REQUIRED — MATHEWS V. ELDRIDGE ANALYSIS

30. Having established a protected liberty interest, the Court must determine what process is due by balancing the three factors set forth in *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976): (1) the private interest that will be affected by the official action; (2) the risk of an

erroneous deprivation of such interest through the procedures used, and the probable value of additional or substitute procedural safeguards; and (3) the Government's interest. All three factors weigh heavily in Petitioner's favor.

31. First, Petitioner's private interest in remaining free from detention is substantial. He was released as a minor and lived in the community for over four years, working, and supporting his family abroad. His detention has separated him from his support system, caused him severe anxiety and depression, and impaired his ability to prepare for his upcoming immigration hearing. See *Johalan David N.M. v. Warden of the California City Correctional Center*, No. 2:26-cv-01270-TLN-AC (E.D. Cal. June 26, 2026); *Rafaela Neri Angel v. Warden*, No. 5:26-cv-03269-MWC-JDE (C.D. Cal. June 18, 2026). The Ninth Circuit recognizes the "irreparable harms imposed on anyone subject to immigration detention," including economic burdens and subpar medical care. *Hernandez*, 872 F.3d at 995.
32. Second, the risk of erroneous deprivation is high. Petitioner was afforded no process—let alone a pre-deprivation hearing—before being re-detained. The complete "absence of pre-deprivation procedures creates a high risk of erroneous liberty deprivation." *Johalan David N.M.*, No. 2:26-cv-01270-TLN-AC. Civil immigration detention is non-punitive, and a "special justification" must outweigh the individual's liberty interest. *Zadvydas*, 533 U.S. at 690. The government has no legitimate interest in detaining individuals who are not a danger or flight risk. *Hernandez*, 872 F.3d at 994. The government's prior decision to release Petitioner to a sponsor demonstrates that it had already determined that his presence could be ensured by alternative conditions. See *Gonzalez Gomez v. Warden, Adelanto ICE Processing Center*, No. 5:26-cv-03530-SSS-MBK (C.D. Cal. July 2, 2026).

33. Third, the Government's interest in detaining Petitioner without process is negligible.

Petitioner has no criminal record, his immigration case is pending, and the government has identified no changed circumstances to justify his re-detention. Providing notice and a hearing are routine, low-cost procedures. *Doe v. Becerra*, 787 F. Supp. 3d at 1094; *Garcia v. Andrews*, No. 2:25-CV-01884-TLN-SCR, 2025 WL 1927596, at *5 (E.D. Cal. July 14, 2025). The public cost of immigration detention is "staggering." *Diaz v. Kaiser*, No. 3:25-CV-05071, 2025 WL 1676854, at *3 (N.D. Cal. June 14, 2025).

34. The balance of the Mathews factors demonstrates that Petitioner's re-detention without notice and a pre-deprivation hearing violated his Fifth Amendment right to procedural due process.

C. PRE-DEPRIVATION HEARING REQUIRED

35. This Court and a majority of other district courts have repeatedly held that a pre-deprivation hearing is required before re-detaining a previously released noncitizen. *Singh v. Warden, Golden State Annex Det. Facility*, No. 1:26-cv-01973-DAD-CSK, 2026 WL 1328588, at *2–3 (E.D. Cal. May 13, 2026) (collecting cases); *Khamraev*, No. 1:26-cv-04458-DAD-AC; *Lainez Escobar v. Warden*, No. 1:26-cv-03391-DC-AC (E.D. Cal. May 15, 2026).

36. The Constitution generally requires "some kind of a hearing before the State deprives a person of liberty or property." *Zinerman v. Burch*, 494 U.S. 113, 127 (1990). The Supreme Court has required pre-deprivation hearings in the analogous contexts of parole and probation revocation. *Morrissey*, 408 U.S. at 480–86; *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973).

37. Petitioner was provided neither a pre-deprivation hearing nor a post-deprivation bond hearing. This failure to provide any process renders his detention unconstitutional.

D. IMMEDIATE RELEASE IS THE PROPER REMEDY, NOT MERELY A BOND HEARING

38. The proper remedy for an unconstitutional deprivation of liberty is release, not merely a future hearing. 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” to fashion habeas relief. *Burnett v. Lampert*, 432 F.3d 996, 999 (9th Cir. 2005). Because Petitioner’s re-detention was unlawful from the outset, the appropriate remedy is immediate release under conditions of supervision.
39. A bond hearing may not fully cure the constitutional violation because the injury already occurred when ICE took Petitioner back into custody without first proving, before a neutral decisionmaker, that detention was necessary. The government should not be allowed to detain Petitioner first and justify it later. If the government believed Petitioner had violated conditions, presented a danger, or posed a flight risk, it should have provided notice and a hearing before taking away his liberty. Instead, ICE arrested him, transferred him across multiple states, and now holds him in California, far from his sponsor and community.
40. Courts in this District have consistently ordered immediate release as the remedy for unlawful re-detention. See *Singh v. Bowen*, 2025 WL 3251437, at *9 (C.D. Cal. Nov. 21, 2025); *Yataco v. Warden, Adelanto Det. Facility*, 2025 WL 4065463, at *7 (C.D. Cal. Dec. 26, 2025); *Faizyan v. Casey*, 2025 WL 3208844, at *7 (S.D. Cal. Nov. 17, 2025) (collecting cases). This Court has similarly ordered immediate release where the government failed to provide procedural protections prior to re-detention. See *Khamraev*, No. 1:26-cv-04458-DAD-AC; *Johalan David N.M.*, No. 2:26-cv-01270-TLN-AC; *Lainez Escobar*, No. 1:26-cv-03391-DC-AC; *Xiaoming Wang*, No. 1:26-cv-03460-DC-SCR; *Anderson Ruben G.L.*, No. 1:26-cv-02828-TLN-DMC; *Yunhe B.*, No. 1:26-cv-03307-TLN-CKD; *Gonzalez*

Gomez, No. 5:26-cv-03530-SSS-MBK; Rafaela Neri Angel, No. 5:26-cv-03269-MWC-JDE; Zhang Zhiming, No. 5:26-cv-01234-DMG-DTB.

41. Respondents have not identified any alternative basis for Petitioner's detention, any extenuating circumstances, or any changed circumstances that would warrant his continued detention pending a bond hearing. Where the government has no lawful basis and the petitioner was already living in the community, the status quo ante is release, not continued detention. See *Lepe*, 2025 WL 2716910, at *1119.

CLAIM THREE: PROLONGED DETENTION WITHOUT FINAL ORDER OF REMOVAL

42. Petitioner's detention is unlawful because there is no final order of removal in his case. His immigration proceedings remain pending before the Miami Immigration Court, with a hearing scheduled for July 29, 2026.
43. Detention under 8 U.S.C. § 1231 is authorized only after a final order of removal. See *De La Cruz-Soto v. Warden, California City Detention Center*, No. 1:26-cv-04344-DAD-SCR (E.D. Cal. June 30, 2026) (explaining that a removal order is not final under 8 C.F.R. § 1241.1(a) while an appeal is pending before the BIA). As Petitioner has no final order of removal, § 1231 cannot serve as the basis for his detention.
44. Continued detention of a noncitizen without a final order of removal and without an individualized bond hearing is unlawful. Where removal is not imminent under a final order, "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." *Hernandez*, 872 F.3d at 994. Respondents have made no showing that Petitioner is a danger or flight risk, and his prior release by ORR suggests the contrary.

IV. IRREPARABLE HARM

45. The deprivation of Petitioner's constitutional right to liberty "unquestionably constitutes irreparable injury." *McIendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). The Ninth Circuit has recognized that "unlawful detention certainly constitutes 'extreme or very serious' damage, and that damage is not compensable in damages." *Hernandez*, 872 F.3d at 999.
46. Petitioner is suffering irreparable harm daily. He is experiencing severe anxiety, stress, and depression. He has been separated from his family and community support system by thousands of miles. He is unable to work to support himself or his family. This harm is ongoing and cannot be remedied by monetary damages.

V. BALANCE OF EQUITIES AND PUBLIC INTEREST

47. The balance of equities and the public interest weigh heavily in favor of granting the writ. These factors merge when the government is the opposing party. *Nken v. Holder*, 556 U.S. 418, 435 (2009).
48. The public has a strong interest in upholding constitutional and statutory protections against unlawful detention. *Alvarez Maciel*, 2026 WL 496948. "[N]either 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 public interest is served by ensuring that the government adheres to the Due Process Clause and does not detain individuals unlawfully. See *Rafaela Neri Angel*, No. 5:26-cv-03269-MWC-JDE.
49. Granting the writ would vindicate Petitioner's fundamental rights while imposing a minimal burden on Respondents, who can still require Petitioner to comply with conditions of supervision to ensure his appearance at future proceedings.

VI. REQUEST FOR IMMEDIATE RELEASE AND, IN THE ALTERNATIVE, ORDER
REQUIRING RESPONDENTS TO SUPPLEMENT THE RECORD

50. Petitioner respectfully requests that this Court focus the relief in this case on immediate release, not merely on the scheduling of a bond hearing.

51. This case is not simply about whether Petitioner may eventually appear before an Immigration Judge for a custody determination. The central issue is whether the Government had lawful authority to re-detain Petitioner after he had already been released from federal custody and had lived in the community for more than four years without incident.

52. Because Petitioner was previously released from federal custody and lived in the community for more than four years, the Government should not be permitted to avoid the central due process question by simply offering a future bond hearing. The Government must explain why Petitioner was re-detained at all, what legal authority it relies on, what changed since his prior release, and why immediate release under supervision is not the proper remedy.

53. In the event Respondents oppose Petitioner's immediate release, Petitioner respectfully requests that the Court order Respondents to file a supplemental response, supported by sworn declarations and relevant documentation, addressing the following specific issues:

1. Whether Petitioner was apprehended upon arrival to the United States or whether he was previously processed and released after entering as an unaccompanied minor;
2. Whether Petitioner was previously detained by immigration authorities and then released from federal custody by ORR to a sponsor on April 5, 2022;

3. Whether Petitioner was released under any sponsor agreement, supervision, reporting obligation, or other conditions before his current detention;
4. Whether Petitioner complied with his obligations after his ORR release;
5. Whether Petitioner has any criminal history, pending criminal charges, or convictions;
6. Whether Petitioner is currently in removal proceedings, when those proceedings commenced, and what the current status of those proceedings is;
7. Whether there is any final order of removal against Petitioner;
8. What statutory authority Respondents claim governs Petitioner's current detention: 8 U.S.C. § 1225(b), § 1226(a), § 1226(c), or § 1231;
9. If Respondents claim that § 1225(b) applies, they must explain how that provision can lawfully apply to a person who was released by ORR in 2022 and lived in the United States for more than four years before being re-detained in the interior of the country;
10. Why Petitioner was re-detained in May 2026 without notice and without a pre-deprivation hearing before a neutral decisionmaker;
11. What changed between Petitioner's prior release in 2022 and his re-detention in 2026 that supposedly justified taking him back into custody;
12. Why conditions of supervision, reporting, ankle monitoring, or release to the same or similar sponsor would not be sufficient to ensure his appearance;
13. Why Respondents believe a bond hearing is an adequate remedy instead of immediate release, given that Petitioner was already living freely in the community for years and was not detained because of any criminal arrest;

14. Whether Respondents can present sworn declarations and supporting documentation proving that Petitioner is a danger or flight risk;

15. Why Petitioner should remain detained while his immigration case is still pending and his next Master Calendar hearing is already scheduled.

54. Respondents' supplemental response should be supported by sworn declarations and relevant documentation, not merely by argument of counsel.

VII. RELIEF REQUESTED

WHEREFORE, Petitioner Domingo Santiago-Marcas respectfully requests that this Court:

1. Grant this Petition for Writ of Habeas Corpus;
2. Find that Respondents violated Petitioner's due process rights by re-detaining him after years of prior release without notice and without a pre-deprivation hearing;
3. Order Respondents to immediately release Petitioner from ICE custody under appropriate conditions of supervision;
4. Enjoin and restrain Respondents from re-detaining Petitioner without providing him a minimum of seven (7) days' written notice and a pre-deprivation hearing before a neutral decisionmaker, at which Respondents shall bear the burden of demonstrating by clear and convincing evidence that Petitioner poses a flight risk or danger to the community such that his physical custody is legally justified;
5. In the alternative, if the Court is not prepared to grant immediate release on the current record, order Respondents to file a supplemental brief, supported by sworn declarations and documentation, addressing the factual and legal questions identified in Section VI above, including why immediate release is not warranted;
6. Order Respondents to explain the legal basis for Petitioner's detention and whether they

claim detention is authorized under § 1225(b), § 1226(a), § 1226(c), or § 1231;

7. Order Respondents to explain why Petitioner has not been released under supervision despite his prior ORR release, lack of criminal history, pending immigration case, and available sponsor;
8. Order Respondents to return any identity documents or personal property seized at the time of his detention;
9. Order Respondents to file a notice of compliance within three (3) days of Petitioner's release; and
10. Award such other and further relief as the Court deems just and proper.

Dated: July 7, 2026

Respectfully submitted,

/s/ Domingo Santiago-Marcas

Domingo Santiago-Marcas


Petitioner, Pro Se

Mesa Verde Detention Center 425
Golden State Ave Bakersfield, CA 93301

UNITED STATES DISTRICT
COURT EASTERN DISTRICT OF CALIFORNIA

DOMINGO SANTIAGO-MARCAS,


Proceeding Pro Se,

Petitioner,

v.

_____, WARDEN, Mesa Verde Detention Center;
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Field Office; TODD M. LYONS, Acting Director, United
States Immigration and Customs
Enforcement; MARKWAYNE MULLIN, Secretary of
Homeland Security; TODD BLANCHE, Acting Attorney
General, United States,

Respondents.

Civil Action No.:

DECLARATION OF DOMINGO
SANTIAGO-MARCAS IN SUPPORT
OF PETITION FOR WRIT OF
HABEAS CORPUS AND
APPLICATION FOR TEMPORARY
RESTRAINING ORDER

I, Domingo Santiago-Marcas, hereby declare as follows:

1. I am the Petitioner in this action. I am a citizen and national of Guatemala, born on February 17, 2006. My A-Number is  I am currently detained by U.S. Immigration and Customs Enforcement (ICE) at the Mesa Verde Detention Center, located at 425 Golden State Ave, Bakersfield, CA 93301. I make this declaration based on my personal knowledge.
2. I entered the United States on or about March 7, 2022, near Hidalgo, Texas. I was an unaccompanied minor at the time of my entry and was not admitted or paroled.
3. The Department of Homeland Security (DHS) issued a Notice to Appear charging me with being removable under INA § 212(a)(6)(A)(i). An asylum officer found that I had a credible fear of persecution. As a result, my expedited removal order was vacated.
4. Because I was an unaccompanied minor, I was placed in the custody of the Office of Refugee Resettlement (ORR). On April 5, 2022, ORR released me from federal custody to the care of my brother and sponsor, Jacinto Santiago Marcos, who lives in Fort Lauderdale,

Florida. I have seen a document called the "ORR Verification of Release" that confirms this.

5. After my release, I lived in the United States from April 2022 until I was re-detained in May 2026. I worked in agriculture (farm work) to support myself and to help my family in Guatemala. I do not have any criminal record. I have never been arrested for or convicted of any crime. My family has correctly stated that I have "no record for anything."
6. My immigration case is currently pending before the Immigration Court in Miami, Florida. The case was filed on June 3, 2026. I have a Master Calendar hearing scheduled online for July 29, 2026, at 9:00 a.m. before Immigration Judge Stuart A. Siegel. I do not have a final order of removal against me, and I have not filed an appeal with the Board of Immigration Appeals.
7. On or about May 31, 2026, I was detained by ICE agents in Fort Lauderdale, Florida. That day, I had gone to church and then went to a store to buy a pizza. When I was returning to my house, I saw immigration agents there. I got very scared and started to run away. The agents then detained me. During the arrest, I hurt my leg and now have a bad wound from it. I was not arrested for any criminal violation; I was arrested by immigration.
8. After my arrest in Florida, I was moved between several different detention centers. I was held in Florida, then Texas, then Arizona, and now I am in California at the Mesa Verde Detention Center. This is very far from my brother and my community in Florida.
9. Since being detained, I have been suffering from a lot of anxiety, stress, and depression. Being locked up has been very difficult for me emotionally. My family has told my representatives that I "suffer from anxiety and depression from being confined." This is true.

10. This is the first time I have filed a petition for habeas corpus. I have not had a bond hearing before an immigration judge since I was detained.

11. I do not have any criminal history. I am not a danger to the community, and I am not a risk of flight. I have a pending immigration case and it is my full intention to attend all of my future court hearings.

12. I am asking this Court to order my immediate release from custody. I want to be released under supervision so I can continue with my immigration case and be reunited with my family and community.

I declare under penalty of perjury under the laws of the United States of America, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed on July 7, 2026, at Bakersfield, California.

/s/ Domingo Santiago-Marcas

Domingo Santiago-Marcas



Petitioner, Pro Se

Mesa Verde Detention Center 425

Golden State Ave Bakersfield, CA 93301