

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

FILED

UNITED STATES DISTRICT COURT

for the

JUL 10 2026

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

Romualdo Plutarco Moran

v.

Case No.

1:26 W 0316 KES (#9)
(Supplied by Clerk of Court) FJS

ICE / Warden of California City Detention Center
Respondent
(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Romualdo Plutarco Moran
- (b) Other names you have used: _____
2. Place of confinement:
 - (a) Name of institution: California City Detention Center
 - (b) Address: 22844 Virginia Blvd.
California City, CA 92505
 - (c) Your identification number: [REDACTED]
3. Are you currently being held on orders by:

☒ Federal authorities ☐ State authorities ☐ Other - explain: ICE / ERO
4. Are you currently:

☐ A pretrial detainee (waiting for trial on criminal charges)

☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

 - (a) Name and location of court that sentenced you: _____
 - (b) Docket number of criminal case: _____
 - (c) Date of sentencing: _____

☒ Being held on an immigration charge

☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:

☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- ☐ Pretrial detention
☒ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other (explain): _____

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: ICE/ERO at California City Detention Center, with Christopher Chestnut as warden of facility
 (b) Docket number, case number, or opinion number: [REDACTED]
 (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): _____

(d) Date of the decision or action: _____

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: I cant afford for a lawyer and dont have any resource to appeal

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal:

I allege and incorporate the same than mentioned on part 2(b) above.

9.

Third appeal

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes

☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal:

I allege and incorporate the same than mentioned on part 7(b) above.

10.

Motion under 28 U.S.C. § 2255

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes

☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes

☒ No

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If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☒ Yes

☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: _____

(b) Date of the removal or reinstatement order: _____

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☒ No

03/21/2026

none

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If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☒ Yes (yes)

☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

Writ of Habeas Corpus.

(b) Name of the authority, agency, or court: _____

U.S. District Court - Eastern

of California

(c) Date of filing: _____

04/17/2026

(d) Docket number, case number, or opinion number: _____

1:26-cv-2882-RLP

(e) Result: _____

Granted writ of Habeas Corpus - Bond Hearing with IT.

(f) Date of result: _____

(g) Issues raised: _____

The District Court Granted the petition and ordered Respondents to afford me with a Bond Hearing (Maldonado Bautista). The Bond was denied by them. It however I did not received any notification of the District Court Order so I did not was aware that I had a Bond hearing. I did not have time to prepare myself. See Memorandum of Challenging Ground. Dec. 2. (II)(a) ("Adequacy of Bond hearing and remedies exhaustion.")

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Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Substantive Due Process Right
Detention has become prolonged for its regulatory purpose causing petitioner to be punished.

(a) Supporting facts (Be brief. Do not cite cases or law.):

ICE/ERO does not justify my indefinite and prolonged detention. Petitioner has an open/pending Asylum application being reviewed by an immigration judge. I entered in United States in June 2025 and submitted my Application for Asylum in May 2026. I have no criminal conviction.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☒ No

GROUND TWO: PREPARATION HARM prejudicial to petitioner and Hardship is immediate. Continued indefinitely detention is having a devastating and deteriorating effect on petitioner's mental, emotional and physical health.

(a) Supporting facts (Be brief. Do not cite cases or law.):

The harm is not speculative - ICE has already detained me without an adequate hearing for alternative to detention and removal proceedings are presumable ongoing. I am suffering as well of my family. I am the father of a 3 month newborn baby. Indefinitely detention is causing uncertainty of my future, emotional stress, loss of personal autonomy and separation of my family.

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☒ No

GROUND THREE: Detention not mandatory By statute.
Respondents previously contended petitioner is detained mandatorily under §1225(b) which is an erroneous deprivation because he is §1226(a) entitled to the process statute requires

(a) Supporting facts (Be brief. Do not cite cases or law.):

I have no other criminal history other than pending DUI charge, and has established ties to the community, started a family, pursued immigration relief and good behavior. Petitioner's detention has violates the Process with a inadequate bond hearing, which now would not be timely and

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☒ No

meaningful.

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GROUND FOUR:

Due Process Violation (Procedural)
 Under the procedural due process clauses of 5th Amendment of U.S.C. an alien is entitled TO TIMELY and MEANINGFUL opportunities to demonstrate that should not be detained.

(a) Supporting facts (Be brief. Do not cite cases or law.):

Because I did not received a fair hearing for bond ordered by this court in my habeas petition. I was not provided with a copy of the court order and was not notified in advance of such hearing, I was rendered completely unable to prepare to represent myself or get assistance of counsel. So that hearing was meaningless and it should not be considered to have occurred. - see Supplemental Memorandum

(b) Did you present Ground Four in all appeals that were available to you? Doc. 2 (11)(12) at 5.

☐ Yes

☒ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

I did not received an adequate bond hearing. I did not appealed with BIA to avoid lengthy delays. District Courts have consistently addressed cases where Respondents failed to comply or satisfy the District Court Order. So this Habeas petition should not be denied, like the previous one was.

Request for Relief

15. State exactly what you want the court to do: I pray that this court grant me the following relief:

- ① Assume jurisdiction over this matter.
- ② Issue an immediate Temporary Restraining Order "TRO" pending adjudication of this petition
- ③ Allow me to proceed in pauper's form
- ④ Grant me appointment of counsel, if this court deems it just and proper.
- ⑤ Declare Petitioner detention violates the Due Process Clause of 5th Amendment, the Administrative Procedure Act and the INA.
- ⑥ Grant writ of Habeas Corpus Directing Respondents to IMMEDIATELY release the Petitioner from custody enjoining Respondents from Redetaining unless is ordered at a custody hearing.
- ⑦ Grant such further relief as this Court deems just and proper.

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Declaration Under Penalty Of Perjury

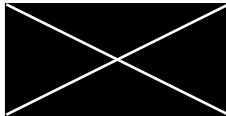
If you are incarcerated, on what date did you place this petition in the prison mail system:

06/30/2026

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

06/30/2024



Pro se: ROMUALDO PLUTARE MORAN

Signature of Petitioner

Signature of Attorney or other authorized person, if any

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Romualdo Plutarco Moran,

Petitioner,

v.

WARDEN, et al.,

Respondents.

Case No.: _____

Supplemental Memorandum
of Challenging Grounds
in Support of Habeas
Corpus Petition AND
ATTACHMENTS

I. Introduction.

Petitioner Romualdo Plutarco Moran, appearing pro se, is a twenty-five (25) year old native and citizen of Mexico, who fled his home country and entered United States in June 25, 2025, - as his life was at imminent risk of harm in his native country and town, without inspection. Petitioner was arrested in Wiser, ID (IDAHO) after being stopped by the Washington Sheriff for allegedly suspicious involved in a traffic accident. During the stop, Petitioner was charged with DUI presumptibly. Petitioner was released after appearing in Idaho State Court, where the

1
2 court imposed a fine of \$100, because without understanding
3 the nature of the charge or the Immigration consequences
4 of his plea, Petitioner entered a no contest to the
5 DUI driving charge. Petitioner paid the fine/bond, then
6 he was honored for a Immigration hold to ICE. No
7 term of incarceration was imposed. Petitioner's judgment
8 does not reflect a guilty plea, and Petitioner at no point
9 admitted to the elements of the offence. See page
10 In 2025 petitioner was arrested for presumably disturbing
11 the peace, and a temporary protection order against him,
12 a misdemeanor under Idaho law, where the case is
13 pending. The judgment does not reflect a guilty plea.
14 On or about March 25, 2026 - two (2) days after the
15 traffic stop - ICE took petitioner into custody. Petitioner
16 has not been afforded an adequate individualized custody
17 hearing before an Immigration Judge until June 26, 2026.
18 Petitioner Applied for Asylum in May 25, 2026 and
19 a IJ reviewed the Asylum Application and the
20 case is currently pending awaiting for next court
21 hearing with an IJ - is dispositive.
22 Petitioner submitted a Petition for a writ of Habeas
23 Corpus on April 13, 2025 which granted him
24 a Bond Hearing before an IJ.
25 Petitioner never got a notification for the District
26 Court Order granting him a bond hearing.
27 On or about May 12, 2026 petitioner was taken to
28 the bond hearing without advanced notification of

1 the hearing or a copy of the Court's order. As
2 a result he was not able to prepare to represent
3 himself or seek assistance of counsel. Petitioner did
4 not appeal the IJ decision because he was not prepared
5 to do that, did not know resources to appeal, to
6 avoid lengthy delays and considering that would be
7 pointless.
8

9 In fact, petitioner is the father of 7 months newborn
10 baby, respectfully asking the court for compassion,
11 fairness and consideration of the length of his
12 detention and hardship that this situation is caused
13 him and his family.
14

15 II. LEGAL ARGUMENT

16 A. Adequacy of Bond hearing and remedies 17 exhaustion

18 An immigration Judge conducted a bond hearing on
19 May 12, 2026. Petitioner did not receive advance notice
20 of the hearing or a copy of the District Court order.
21 As result, he was not able to prepare to represent
22 himself or seek the assistance of Counsel.

23 Whatever the statutory label, once detention becomes
24 prolonged, due process requires a hearing before a neutral
25 immigration judge at which the government must justify
26 continued detention by clear and convincing evidence,
27 with contemporaneous records. *Singh v. Holder*, 638 F.3d
28 1196, 1203-09 (9th Cir. 2011); *Hernandez*, 872 F.3d at 990-91.

1
2 The may 12 hearing did not meet this standard: Petitioner
3 appeared without notice as proscribed by the court's order,
4 without counsel, the burden was not placed on the Government,
5 and no adequate record was made. Under the
6 procedural Due Process clauses of 5th Amendment of
7 U.S.C. an alien is entitled to TIMELY and MEANINGFUL
8 opportunities to demonstrate that should not be detained.
9 A hearing that ~~allocates~~ allocates the burden to the detainee
10 at a prolonged-detention stage is constitutionally
11 insufficient.

12 District Courts have consistently recognized that bond
13 "hearing must include — on the resulting order must reflect
14 — Consideration of evidence properly submitted by the petitioner
15 and the factors announced in *In re Mueena*, 24 I & N Dec. 37
16 (BIA 2006), the government must bear the burden of proof
17 and [petitioner] must be given at least 48 hours' notice of
18 the hearing."... "If respondents are unable to ensure Petitioner
19 receives a bond hearing that complies with [the Order]...
20 they must release Him". *Geron Camargo v. U.S. Attorney General*
21 2:26-cv-00767-SFC-NPM (Doc. 17) (filed 06/11/2026) (M. Flo) (11 Cir)
22 Because the Petitioner did not receive a fair bond hearing
23 — this was fundamentally unfair — the IJ got the facts
24 wrong. The Immigration judge denied bond because:
25 DANGER TO COMMUNITY, FLIGHT RISK, so his detention
26 has become constitutionally prolonged without timely
27 and meaningful opportunities to challenge it, petitioner
28 should be released.

1
2 B. Petitioner's Detention has become Unconstitutionally
3 Prolonged.

4 Civil immigration detention must bear a reasonable
5 relation to its purpose. *Zadvydas v. Davis*, 533 U.S.
6 678, 690 (2001). Applying the factors that Respondents
7 may invoke from *Doe v. Chesnut*, 810 F. Supp 3d
8 1169 (E.D. California 2025), each favor petitioner.

9 The detention is lengthy and growing, with no definite
10 end: removal proceedings stalled, and Petitioner has
11 a pending Asylum application, awaiting for the next
12 court date that application may stop the removal.
13 the delay is attributed to the government. Far from
14 causing delay, petitioner diligently submitted his
15 Asylum application timely - within the allowed time
16 of 1 year after entering the United States. This
17 Asylum Application while pending will allow the petitioner
18 to lawfully get a work authorization and a
19 SSN to be in the United States as many other
20 applicants awaiting for final decision.

21 Most importantly, Petitioner has been detained since
22 March 01, 2026 - over 90-day detained, exceeding
23 the period that the constitution tolerates in these
24 proceedings. He has not received a fair individualized
25 determination of dangerousness or flight risk. Every
26 additional day of detention without procedurally adequate
27 bond hearing is a day of liberty lost.

III. CONCLUSION

Respondents previously argued that petitioner detention is mandatory under §1225(b)(2)(A) which is not. Petitioner detention is governed by §1226(a) including a bond hearing, which the government failed provided it to him fairly.

Government interest in detaining the petitioner without notice and deprivation is low. Notice and custody determination hearings are routine processes for respondents and the indeed the very processes required under §1226(a). Any burden associated with the provision of these processes does not outweigh Petitioner's substantial liberty of interest and the risk of erroneous deprivation.

Under the Matthews factors, Petitioner was entitled to notice and a hearing before an IS ~~for~~ for his detention. He received neither.

Petitioner detention violates the 5th Amendment of Due Process Clause, and should be released.

Respectfully Submitted,

Dated: 06/30/2026



ROMUALDO PLUTARCO MORALES

Petitioner, pro se