

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

JUL 10 2026

UNITED STATES DISTRICT COURT

for the
Eastern District of CaliforniaCLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____
DEPUTY CLERK

Gregorio Herrera Gonzalez

Petitioner

v.

Warden of California City Detention Facility

Respondent

(name of warden or authorized person having custody of petitioner)

1:26 CV 05319 TLN SCR CH
Case No. _____
(Supplied by Clerk of Court)

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

Personal Information

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

☒ Federal authorities ☐ State authorities ☐ Other - explain:
U.S Immigration and Customs Enforcement ICE
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: U.S. Immigration and Customs Enforcement ICE

California City Correctional Center California City , California

(b) Docket number, case number, or opinion number: 

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

Petitioner challenges his prolonged immigration detention by ICE . He has remained in custody for approximately nine months without release , causing substantial hardship and raising humanitarian and due process concerns .

(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: Middle District of Florida

(2) Date of filing: 04/06/2026

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

(4) Result: Dismissed without prejudice .

(5) Date of result: 06/03/2026

(6) Issues raised: _____

(b) If you answered "No," explain why you did not 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: _____

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: _____

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: 09/27/2025

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

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

☐ Yes

☒ No

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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

☒ No

If "Yes," provide:

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

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

(c) Date of filing: _____

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

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

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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: Prolonged Immigration Detention

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

I have been detained by ICE for approximately nine months without release .

My detention has become unreasonably prolonged . I do not have any pending criminal charges , and my continued detention is no longer justified .

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

☒ Yes

☐ No

GROUND TWO: Humanitarian Concerns

The length of detention has caused me emotional, physical , and humanitarian hardship. Continued confinement is causing me unnecessary suffering and separation from my family and my community support .

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

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

☐ Yes

☒ No

GROUND THREE: No pending criminal charges

Records obtained from the court confirm that Petitioner does not have pending criminal case . The basis previously asserted for continued detention is not supported by current court records .

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

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

☐ Yes

☒ No

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GROUND FOUR: Humanitarian Factors and Unreasonable continued detention .

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

I have been detained by ICE for approximately nine months . I dont have any pending criminal charges , as confirmed by court records . My continued detention has caused me significant emotional hardship and kept me separated from my family . My removal is not reasonably foreseeable beacuse the gobernment has been unable to effectuate my repatriation to Cuba .

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

☐ 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: These humanitarian circunstances and the confirmation that no criminal charges are pending became available after the prior filing . Therefore , this ground was not previosly presented .

Request for Relief

15. State exactly what you want the court to do: I respectfully request that this Court grant y petition for Writ of Habeas Corpus and order my immediate release from ICE Custody . Alternatively , I request that the Court order an individualized bond hearing before a immigration judge to determine whether my continued detention is justified .

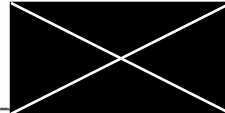
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Declaration Under Penalty Of Perjury

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

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: 7-1-26

A black rectangular box with a white 'X' inside, used to redact the signature of the petitioner.

Signature of Petitioner

Signature of Attorney or other authorized person, if any

SUPPLEMENTAL DECLARATION IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

I, **Gregorio Herrera González**  respectfully declare as follows:

1. I previously filed a Petition for Writ of Habeas Corpus in the United States District Court for the Middle District of Florida while I was detained by ICE in Jacksonville, Florida.
2. After filing that petition, ICE transferred me to the California City Correctional Center in California.
3. Because I am now detained within the Eastern District of California, the United States District Court for the Middle District of Florida no longer has jurisdiction over my current custodian.
4. Since my previous petition was filed, significant new facts have arisen. ICE issued a **Decision to Continue Detention**, I have remained in immigration custody for approximately nine months, and official court records confirm that I do not have any pending criminal charges.
5. These material changes in my circumstances were not before the prior court. My continued detention has become prolonged, is causing me significant emotional and humanitarian hardship, and no longer serves a legitimate purpose. For these reasons, I respectfully submit this new Petition for Writ of Habeas Corpus for this Court's consideration.

WHEREFORE, I respectfully request that this Court grant my Petition for Writ of Habeas Corpus, order my immediate release from ICE custody, or, alternatively, order an individualized bond hearing before an immigration judge to determine whether my continued detention is legally justified.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 7-7-26



Gregorio Herrera González



AFFIDAVIT OF YELENIS LOA

I, Yelenis Loa, residing at [REDACTED] being duly sworn, hereby declare under penalty of perjury that the following statements are true and correct to the best of my knowledge:

1. I am over the age of eighteen (18) and competent to make this declaration.
2. I personally know Gregorio Herrera Gonzalez and was present with him on the day of his detention.
3. On the day of the incident, Gregorio Herrera Gonzalez was spending time with his family at a beach in Tarpon Springs, Florida. We were accompanied by several children, including the grandchildren of Gregorio's partner. Gregorio has helped raise these children and has maintained a close family relationship with them for many years.
4. While we were at the beach, a man who appeared to be under the influence of alcohol or another substance began behaving aggressively and inappropriately around the children. He was yelling, acting erratically, and causing concern for the safety and well-being of the children present.
5. Fearing that the situation could escalate and wanting to protect the children, I called the police and requested assistance.
6. When law enforcement officers arrived, they spoke with the individual who had been causing the disturbance. The man appeared intoxicated and admitted to consuming alcohol. Despite his behavior, the officers allowed him to leave without further action.
7. The officers then questioned Gregorio Herrera Gonzalez and requested identification documents from him. Gregorio had not engaged in any criminal conduct, had not threatened anyone, and had not caused any disturbance. He was simply present with his family.
8. The officers informed us that they were detaining Gregorio as part of a "routine protocol" and stated that if he did not have any problems in his record, he would be released.
9. To my knowledge, no judicial warrant was presented to Gregorio Herrera Gonzalez at the time of his detention, nor was any criminal offense explained as a basis for taking him into custody.
10. Since that day, Gregorio Herrera Gonzalez has remained detained for approximately eight (8) months and twenty-two (22) days despite the circumstances surrounding his detention and despite the fact that he was not committing any crime when he was taken into custody.
11. Based upon what I personally witnessed, I believe that Gregorio Herrera Gonzalez was unfairly detained and treated differently because he is Latino, while the individual whose conduct prompted the police response was allowed to leave.
12. I submit this declaration in support of Gregorio Herrera Gonzalez's Petition for Writ of Habeas Corpus and am willing to testify regarding these facts if requested by the Court.

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

Executed on this 22 day of June, 2026.

Decision to Continue Detention

HERRERA-Gonzalez, Gregorio

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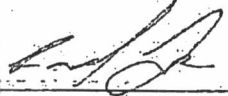
☐ I will be assisted at this interview by a representative of my own choosing.

Name: _____

If your representative has not filed a G-28, Notice of Entry of Appearance, on your behalf, you are responsible for notifying any other person you have selected to assist you of the date, time, and location of the interview. The representative must be at least 18 years of age.

You will be sent a separate Notice to Alien of Interview for Review of Custody Status approximately 30 days before the interview is scheduled. If you wish to request additional time to prepare for the interview, you must notify your deportation officer within five business days of receipt of the Notice of Interview. If ERO agrees to postpone the interview at your request, you will be deemed to have waived its completion prior to jurisdiction over your case transferring to the ERO Removal Division.

You will be notified of the decision in your case when the custody review has been concluded by the ERO Removal Division.


Richard Tine, Assistant Field Office Director

4/27/2026
Date

PROOF OF SERVICE

(Officer to complete both (a) and (b) below.)

(a) I Jacob Kyle Wilson, Deportation Officer,
Name of ICE Officer Title
certify that I served Herrera-Gonzalez, Gregorio with a copy of
Name of detainee
this document at BCI on 4/29/2026, at 1:00 PM.
Institution Date Time

(b) I certify that I served the custodian _____,
Name of Official
_____, at _____, on _____,
Title Institution
_____ with a copy of this document.
Date

Detainee Signature: Refused to Sign Date: 4/29/2026

Decision to Continue Detention

HERRERA-Gonzalez, Gregorio 

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() cc: Attorney of Record or Designated Representative

() cc: A-File

Office of Enforcement and Removal Operations

U.S. Department of Homeland Security
865 SW 78th Avenue, Suite A101
Plantation, FL 33324



**U.S. Immigration
and Customs
Enforcement**

HERRERA-Gonzalez, Gregorio
c/o Immigration and Customs Enforcement
Miami Field Office



Decision to Continue Detention

This letter is to inform you that your custody status has been reviewed, and it has been determined that you will not be released from the custody of U.S. Immigration and Customs Enforcement (ICE) at this time. This decision has been made based on a review of your file, consideration of the information you submitted to ICE's reviewing officials on [X date], and upon review of the factors for consideration set forth at 8 C.F.R. § 241.4(e), (f), and (g).

As explained below, after such review, ICE has determined to maintain your custody because:

You have not demonstrated that, if released, you will not:

- Pose a danger to the community, to the safety of other persons, or to property.
- Pose a significant risk of flight pending your removal from the United States.

OR

- ICE is in receipt of or expects to receive the necessary travel documents to effectuate your removal, and removal is practicable, likely to occur in the reasonably foreseeable future, and in the public interest.

ICE has made such determination based upon: A (Felony) Assault Charge from July 16, 1999, as well as a Final Removal Order issued to you by an Immigration Judge on November 5, 2018. You are amenable to INA section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (INA), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

Based on the above, you are to remain in ICE custody pending your removal from the United States as ICE is unable to conclude that the factors set forth at 8 C.F.R. § 241.4(e) have been satisfied. You are advised that you must demonstrate that you are making reasonable efforts to



**OFFICE OF JEFFERSON COUNTY CIRCUIT COURT CLERK
DIVISION OF COURTS
CIRCUIT, FAMILY AND DISTRICT**

**DAVID L. NICHOLSON
CIRCUIT COURT CLERK**

TO: Gregorio Gonzalez Herrera

FROM: Archives and Records

DATE: May 26, 2026

**RE: Traffic, Misdemeanor, Felony Preliminary Charges (T, M & F Cases)
From Calendar Year 2001 and Previous Years**

Please be advised that the Jefferson County Office of the Circuit Court Clerk (OCCC) received a request to produce the physical case file or to verify the court disposition related to a case meeting the above referenced criteria. The OCCC is unable to locate the requested criminal record in Jefferson County for this individual from the applicable time period.

Pursuant to KRS 26A.220 and the Kentucky Court of Justice's Record Retention Schedule (RRS), which is an Order of the Supreme Court, the Jefferson County courts retain traffic, misdemeanor, and felony preliminary cases (T, M & F case numbers) a minimum of five (5) years. Consequently, eligible district court traffic, misdemeanor, and felony preliminary cases from calendar year 2001 and previous years have been purged from the Kentucky Court of Justice's computer system and microfiche.

Please note, district courts have no jurisdiction for convictions of offenses that by statute are felonies; therefore, no felony convictions were destroyed or purged. Had this been a felony conviction, the OCCC would still have this as a permanent record.

Because of this, the OCCC is unable to furnish the official court disposition for the case requested. I hope this information is of assistance.

A handwritten signature in black ink, appearing to read "K. W. Walker", is written over a horizontal line.

, Deputy Clerk

Archives and Records
David L. Nicholson, Circuit Court Clerk
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514 W. Liberty Street, Suite 100
Louisville, KY 40202
Office: (502) 595-3042
Fax: (502) 595-0893