

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

UNITED STATES DISTRICT COURT

for the

FILED

JUL 10 2026

Lopez-Lopez, Jose
Petitioner

v.

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

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

1:26 cv 05311 DJC SCR (HC)
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: Lopez-Lopez Jose
(b) Other names you have used: ALFONSO Nolasco Gonzalez
2. Place of confinement:
(a) Name of institution: California City Detention Center
(b) Address: 22844 Virginia Blvd, California City, California 93505.
(c) Your identification number: [REDACTED]
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain:
ICE DETENTION
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)
warden of the California City detention center 22844 Virginia Blvd California City -
 (b) Docket number, case number, or opinion number: N/A 93605
 (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
Prolonged and unlawful detention which is a violation of my due Process Clause
rights and violation of my fifth amendment rights. Petitioner is challenging his immigration
detention which violates the Supreme court views as to concept of the due Process Clause
 (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:

No administrative appeal available for immigration detention.

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:

No administrative appeal available for immigration detention.

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:

No administrative appeal available for immigration detention.

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: 6-10-26
- (b) Date of the removal or reinstatement order: 2014
- (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: CONS. art 1 and 9, C1, 2 and 28 U.S.C. and 1331, Zadvydas, 566 US 678. this court may grant relief under 28 U.S.C. and 2241 (Habeas Corpus) this court has jurisdiction under section 28 U.S.C. and 2241 the suspension clause U.S. (Habeas Corpus) 5 U.S.C. and 702, and 28 U.S.C. 702 and 28 U.S.C. 1651 (all writ act) and Kansas v. Hendricks 521 US 346, 363, (1997)

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 Do not cite cases or law.):

Petitioner is presently in custody under color of the authority of the United States, Petitioner under custody is a violation of the constitution laws, or treaties of the U.S.A. (Establishing the right of review for a person suffering a legal wrong due to agency actions) The continued detention of Petitioner will continue to cause extreme and irreparable hardship to Petitioner and his US citizen family, and it violates the statute and the USA constitution.

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

☐ Yes

☒ No

GROUND TWO: Due process applies to all person in the USA whether their presence here is lawful, unlawful, temporary, or permanent. Zadvydas 533 US at 693 Freedom from Imprisonment due process clause protects, 533 US at 690 citing Foucha v. Louisiana, 504 US 71, 80, 1992 Civil Immigration detention violates due process if it is not reasonable related to its statutory purpose 406 US 715, 739 1972

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

Petitioner detention violates the due process clause of the Fifth amendment. Forbids the government from depriving any person of liberty without due process of law. government custody detention, or other form of physical restraint lies at the heart of the liberty that the due process protects. In the immigration context, Supreme court has recognized only to valid purpose for civil detention mitigate risk of flight, prevent danger to community. Petitioner is not either one.

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

☐ Yes

☒ No

GROUND THREE: As the Supreme Court held in Zadvydas v. Davis 533 US, 678, 2001 noncitizens can not be detained indefinitely, or not even temporal if the government is unable to carry out their removal, or the person can not fly out of the country, or not represent a risk to the community, which Petitioner is either one.

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

I have lived in the United States for 29 years and have been a law abiding citizen whom never has received no felonies. The continued detention of Petitioner will continue to cause irreparable damage to Mr. Lopez-Lopez and his USA citizen daughters ages 13 and 17 minors whom depends on him emotionally and physically.

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

☐ Yes

☒ No

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GROUND FOUR: Petitioner Citing Plyer v. Doe 457 U.S. 202 210 1992 Balzar v. Barr NO: 20-CV-0866, 2020 WL 6143643, At* 3 W.D. E.A. SPET 17, 2020.

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

EVEN Aliens whose Presence in this Country is unlawful. Have recognized as Person guaranteed due Process of Law of Fifth and Fourteenth Amendment. The Supreme Court Authorize detention only where it is significantly likely that removal will occur in a reasonable future.

(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: This is not applicable to this manner.

Request for Relief

15. State exactly what you want the court to do: That this Court issue a declaratory judgement stating that Petitioner is eligible to be release on bond and that DHS interpretation of the Immigration and Nationality act is arbitrary and capricious, and erroneous interpretation of law, and it violates the eighth amendment and the due Process clause of the Constitution, and stating further that Petitioner is entitled to and individualized Bond hearing before a neutral Judge. 2 The Petitioner humbly request of this Court that this Court issue a temporary injunction or a temporary restraining order against ICE and a signing order stating that they are not allowed to removed Petitioner out of this region nor this Country while this writ for habeas Corpus is being reviewed. 3 Petitioner humbly request that this Court grant him any other form of relief as may just deemed just and appropriate including all court cost and Expenses. 4 That this Court issue a writ of Habeas Corpus directing the respondents to bring the Petitioner to this court at a time to be specified and explain why the Petitioner should not be released from custody immediately.

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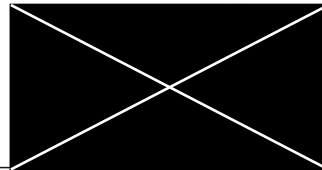
Declaration Under Penalty Of Perjury

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:

7/2/2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any