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AO 241 (Rev. 5/85)

PETITION UNDER 28.U.S.C § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

JUL 10 2026

United States District Court		District <u>Eastern District</u>	CLERK U.S. DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA
Name <u>Juan Miguel Alvarez Mendoza</u>	Prisoner No. <u>[REDACTED]</u>	Case No. <u>1:26CV05327 EJD (HC)</u>	DEPUTY CLERK
Place of Confinement <u>Mesa Verde ICE Processing Center</u>			
Name of Petitioner (include name under which convicted) <u>Juan Miguel Alvarez Mendoza v.</u>		Name of Respondent (authorized person having custody of petitioner) <u>Warden, Mesa Verde; et al.</u>	
The Attorney General of the State of: <u>United States Attorney General</u>			
PETITION			
1. Name and location of court which entered the judgment of conviction under attack <u>Adelanto</u>			
<u>Immigration Court; Adelanto, California</u>			
2. Date of judgment of conviction <u>Pending</u>			
3. Length of sentence <u>n/a</u>			
4. Nature of offense involved (all counts) <u>Illegal Entry</u>			
5. What was your plea? (Check one)			
(a) Not guilty ☐			
(b) Guilty ☒			
(c) Nolo contendere ☐			
If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:			
6. If you pleaded not guilty, what kind of trial did you have? (Check one)			
(a) Jury ☐			
(b) Judge only ☐			
7. Did you testify at the trial?			
Yes ☐ No ☐			
8. Did you appeal from the judgment of conviction?			
Yes ☐ No ☐			

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EASTERN DISTRICT OF CALIFORNIA

BY

DEPUTY CLERK

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9. If you did appeal, answer the following:

- (a) Name of court _____
- (b) Result _____
- (c) Date of result and citation, if known _____
- (d) Grounds raised _____

(e) If you sought further review of the decision on appeal by a higher state court, please answer the following:

- (1) Name of court _____
- (2) Result _____
- (3) Date of result and citation, if known _____
- (4) Grounds raised _____

(f) If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to each direct appeal:

- (1) Name of court _____
- (2) Result _____
- (3) Date of result and citation, if known _____
- (4) Grounds raised _____

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes ☐ No ☒

11. If your answer to 10 was "yes," give the following information:

- (a) (1) Name of court _____
- (2) Nature of proceeding _____
- (3) Grounds raised _____

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(4) Did you receive an evidentiary hearing on your petition, application or motion?
Yes ☐ No ☐

(5) Result _____

(6) Date of result _____

(b) As to any second petition, application or motion give the same information:

(1) Name of court _____

(2) Name of proceeding _____

_____(3) Grounds raised _____

(4) Did you receive an evidentiary hearing on your petition, application or motion?
Yes ☐ No ☐

(5) Result _____

(6) Date of result _____

(c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes ☐ No ☐(2) Second petition, etc. Yes ☐ No ☐(d) If you did *not* appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

12. State *concisely* every ground on which you claim that you are being held unlawfully. Summarize *briefly* the *facts* supporting each ground. If necessary, you may attach pages stating additional grounds and *facts* supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

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For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, you should raise in this petition all available grounds (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

A. Ground one: Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.

Supporting FACTS (state briefly without citing cases or law): Plaintiff was in the process of obtaining his Legal Permanent Residency. He is represented in Immigration Court by attorney Lisiski (614) 612-0809. ICE agents alleged Plaintiff had a deportation order and that they did not know why; since his case is still pending.

B. Ground two: _____

Supporting FACTS (state briefly without citing cases or law): _____

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C. Ground three: _____

Supporting FACTS (state *briefly* without citing cases or law): _____

D. Ground four: _____

Supporting FACTS (state *briefly* without citing cases or law): _____

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state *briefly* what grounds were not so presented, and give your reasons for not presenting them: _____

This is the only Court with jurisdiction over this matter.

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?
Yes ☐ No ☒

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing n/a

(b) At arraignment and plea _____

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- (c) At trial _____

(d) At sentencing _____

(e) On appeal _____

(f) In any post-conviction proceeding _____

(g) On appeal from any adverse ruling in a post-conviction proceeding _____

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

Yes ☐ No ☒

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes ☐ No ☒

(a) If so, give name and location of court which imposed sentence to be served in the future: _____

(b) Give date and length of the above sentence: _____

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes ☐ No ☒

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

n/a
Signature of Attorney (if any)

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

6-30-86
Date

Signature of Petitioner

1 taking into account whether alternatives to detention could sufficiently mitigate that risk.

2 49. For these reasons, Petitioner's ongoing prolonged detention without a hearing
3 violates due process.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Petitioner respectfully requests that this Court:

- 6 1) Assume jurisdiction over this matter;
 - 7 2) Issue a Writ of Habeas Corpus, hold a hearing before this Court if warranted,
8 determine that Petitioner's detention is not justified because the government has
9 not established by clear and convincing evidence that Petitioner presents a risk of
10 flight or danger in light of available alternatives to detention, and order
11 Petitioner's release (with appropriate conditions of supervision if necessary),
12 taking into account Petitioner's ability to pay a bond;
 - 13 3) In the alternative, issue a Writ of Habeas Corpus and order Petitioner's release
14 within 30 days unless Respondents schedule a hearing before an immigration
15 judge where: (1) to continue detention, the government must establish by clear
16 and convincing evidence that Petitioner presents a risk of flight or danger, even
17 after consideration of alternatives to detention that could mitigate any risk that
18 Petitioner's release would present; and (2) if the government cannot meet its
19 burden, the immigration judge order Petitioner's release on appropriate
20 conditions of supervision, taking into account Petitioner's ability to pay a bond;
 - 21 4) Issue a declaration that Petitioner's ongoing prolonged detention violates the Due
22 Process Clause of the Fifth Amendment;
 - 23 5) Award Petitioner his costs and reasonable attorneys' fees in this action as
24 provided for by the Equal Access to Justice Act, 28 U.S.C. § 2412; and
25 6) Grant such further relief as the Court deems just and proper.
- 26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Juan Miguel Alvarez Mendoza
Plaintiff/Petitioner

v.

Case Number:

Warden, Mesa Verde ICE Detention Center;
Defendant/Respondent(s)

PROOF OF SERVICE

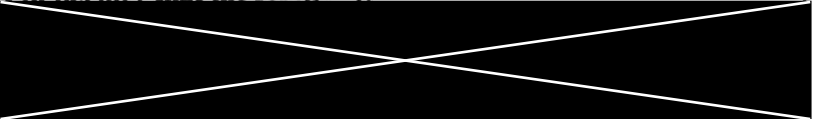
et al.

I hereby certify that on x 6-30-26, I served a copy
of the attached Habeas Corpus Petition & Temporary Restraining Order.
by placing a copy in a postage paid envelope addressed to the person(s) hereinafter
listed, by depositing said envelope in the United States Mail at Mesa Verde ICE Detention;
425 Golden State Avenue; Bakersfield California, 93301

(List Name and Address of each Defendant or Attorney Served)

U.S Department of Justice
United States Attorneys Office
Eastern District of California
501 I Street, Suite 10-100
Sacramento, CA. 95814-2322

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


(Signature of Person Completing Service)