

FILED

UNITED STATES DISTRICT COURT
for the
Eastern District of California

JUL 10 2026

Castro Aguilar, EDRAY
Petitioner

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____
DEPUTY CLERK

v.
U.S. Attorney General
U.S. Immigration and Customs Enforcement
Department of Homeland Security
Warden, Christopher Chestnut California City (ICE)
Respondent
(name of warden or authorized person having custody of petitioner)

Case No. 1:26-cv-5325-JLT-SAB
(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: Castro Aguilar, EDRAY
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: California City Immigration processing center
(b) Address: 22844 Virginia Blvd
California City, CA 93505
(c) Your identification number: 
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain:
Immigration and Customs Enforcement, California City (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): Held on Final order of removal on Immigration Facility since 01/11/26

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)

- ☐ 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): Challenges the legality of detention under a framework devised by the supreme court in Zadvydas v. Davis 533 US 678 (2001).

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

(a) Name and location of the agency or court: Immigration and Customs Enforcement
California City (ICE)

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

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

Challenging this present facts. Deprivation of freedom and liberty, indicating that ICE is incapable of executing his removal, therefore this detention is indefinite.

(d) Date of the decision or action: 01/11/2026

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: _____

8. **Second appeal**

After the first appeal, did you file a second 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 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

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: 01/11/2026(b) Date of the removal or reinstatement order: 01/15/1991

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

☐ Yes☒ No

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: _____

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 time greatly exceeding the 180-days statutory period for removal violated the due process clause of the Fifth Amendment and fundamental right to freedom and liberty under Zadvydas v. Davis, 533 US 678 (2001).

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

Petitioner is a Cuban national who was admitted to USA on August 1980. Arrested and convicted in the Florida prison system. Transferred to the custody of ICE under final removal since 11/15/1991. ICE revoke order of supervision on 05/15/2007 but release repeatedly because there's no repatriation agreement between Cuba and U.S.A in the reasonably foreseeable future.

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

☐ Yes

☒ No

GROUND TWO: Petitioner's continued detention cannot be reconciled with section 1231(a)(6) or the United States Constitution because there remains no significant likelihood that he will be removed to Cuba in the reasonably foreseeable future. Continued detention cannot be cured by further process where removal is not realistically foreseeable.

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

Because Petitioner's detention exceeds statutory authority, violates due process and is untethered from any realistic prospect of removal, release is the only appropriate and lawful remedy. Continued detention cannot be cured by additional process, further review, or prolonged delay. Courts have consistently held that where removal is not reasonably foreseeable, habeas relief requires release under appropriate conditions of supervision.

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

☐ Yes

☒ No

GROUND THREE: Petitioner argues that he is entitled to release under Zadvydas, because his post-removal order exceeds the six months, and there is no significant likelihood of removal in the reasonably future see: Siguenza v. Morris, 526 U.S. 125, 2000. There is no legitimate governmental interest served by his continued detention absent any likelihood of removal.

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

Petitioner contend that this Court must consider the entire period of his detention not just this current length of detention. This detention should be counted in the aggregate based upon prior detentions. The removal order continues since 01/15/1991. Petitioner was release ICE again revoke the supervision on 05/15/2007 and again on 01/11/2026. There is no legitimate governmental interest served by his continued detention absent any

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

☐ Yes

☒ No Likelihood of removal.

GROUND FOUR: Supreme court interpretation explaining that indefinite detention would raise a serious constitutional problem because it would violate the Aliens Fifth Amendment rights under the Due process clause, Akinwale v. Ashcroft.

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

Petitioner has carried his initial burden by showing a good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future. In deed, since 01/15/1991 when ICE first order final removal, it has failed to remove petitioner to Cuba or any other country. There is no evidence that ICE has attempted to obtain any travel documents.

(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:

Request for Relief

15. State exactly what you want the court to do: Request this Honorable Federal Court grant writ this Habeas Corpus for petitioner in Custody, in violation of constitution or law or treaties of the united state under Zadvyas. Order to be immediate release and reinstate the release condition as this court deems just and proper.

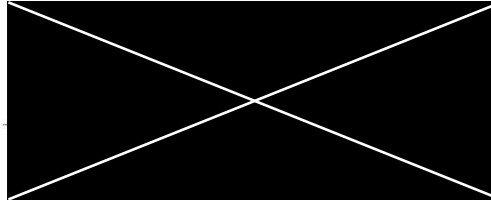
Declaration Under Penalty Of Perjury

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

X

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: X



Signature of Attorney or other authorized person, if any