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7 **UNITED STATES DISTRICT COURT**
8 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

9 Vedlin ALEXANDRE,
10 *Petitioner*

11 v.

12 Christopher CHESTNUT, Warden of the California
13 City Immigration Processing Center; Markwayne
14 MULLIN, Secretary of Homeland Security; David
15 J. VENTURELLA, in his official capacity as a
16 senior official performing the duties of the Director
of U.S. Immigration and Customs Enforcement;
Todd BLANCHE, Attorney General of the United
States,

17 *Respondents*

Case No. 1:26-cv-05452-DJC-JDP

**FIRST AMENDED PETITION FOR WRIT
OF HABEAS CORPUS**

18 **INTRODUCTION**

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20 1. This is Petitioner Vedlin Alexandre's second application for a writ of habeas corpus. The Court
21 previously ordered Respondents to provide Mr. Alexandre with a constitutionally adequate bond hearing
22 or release him. *Alexandre v. Warden*, No. 1:26-CV-04178-DJC-JDP, 2026 WL 1682407 (E.D. Cal. June
23 10, 2026). Because Respondents did not provide Mr. Alexandre with a constitutionally adequate bond
24 hearing, he petitions the Court for his release.

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STATEMENT OF FACTS

2. Petitioner Vedlin Alexandre is a Haitian noncitizen in removal proceedings who has been in the custody of U.S. Immigration and Customs Enforcement (ICE) since approximately January 21, 2026. He is detained at the California City Detention Facility.

3. On June 10, 2026, the Court granted Mr. Alexandre's previous application for a writ of habeas corpus, ordering Respondents to provide him with a constitutionally adequate bond hearing and, if one was not provided within fourteen days, ordering him released. *Alexandre*, 2026 WL. Mr. Alexandre was not represented on the application.

4. Respondents provided Mr. Alexandre with a bond hearing before an Immigration Judge. *Alexandre*, No. 1:26-CV-04178-DJC-JDP, Dkt. 8 (E.D. Cal. June 22, 2026) (Status Report). The Immigration Judge asked Mr. Alexandre to explain why he was charged with a hit-and-run, in Sarasota County, Florida, on or around June 30, 2025, and then denied release, finding that he was a danger to the community. Mr. Alexandre brought letters of support from his employer and members of the community to the hearing, and other supporting piece of documentary evidence, but the Immigration Judge either did not admit the materials into evidence or did not consider them. Mr. Alexandre did not have counsel present at the hearing.

5. Mr. Alexandre's hit-and-run case is still open. Mr. Alexandre is charged with leaving the scene of an accident, Fla. Stat. § 316.061(1), a second-degree misdemeanor. Exhibit 1; *State v. Alexandre*, 2025 CT 006372 SC (Fla. Cir. Ct., 12th Judicial District, filed July 3, 2025). The citation states there was no injury caused by the crash. *Id.* Because Mr. Alexandre was taken into ICE custody, his trial dates were vacated. *Id.*

6. Mr. Alexandre has no other pending criminal matters and no prior convictions or arrests.

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PARTIES

7. Petitioner Vedlin Alexandre is in Respondent's custody at California City Detention Center, 22844 Virginia Blvd, California City, CA 93505. He is a citizen of Haiti.

8. Respondent Christopher Chestnut is the Warden of the California City Immigration Processing Center. He has immediate physical custody of Petitioner and is being sued in his official capacity.

9. Respondent Markwayne Mullin is the Secretary of Homeland Security. He is responsible for overseeing the Department of Homeland Security and its sub-agency, ICE, and has ultimate responsibility for the detention of noncitizens in civil immigration custody. Secretary Mullin is a legal custodian of Petitioner and is being sued in his official capacity.

10. Respondent David J. Venturella is the Acting Director for United States Immigration and Customs Enforcement ("ICE"). He is responsible for ICE's policies, practices, and procedures, including those governing Petitioner's detention. Respondent Venturella is a legal custodian of Petitioner and is being sued in his official capacity.

11. Respondent Todd W. Blanche is the Attorney General of the United States. He is responsible for the administration of the immigration laws as exercised by the Executive Office for Immigration Review. 8 U.S.C. § 1103(g). He is a legal custodian of Petitioner and is being sued in his official capacity.

JURISDICTION AND VENUE

12. The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), and 28 U.S.C. § 2241 (habeas corpus).

13. Venue is proper because it is the district of Petitioner's confinement. *See Doe v. Garland*, 109 F.4th 1188, 1197-99 (9th Cir. 2024).

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CLAIM

14. Mr. Alexandre's bond hearing was not constitutionally adequate. Because Respondents did not provide a constitutionally bond hearing within fourteen days of the Court's prior order, Mr. Alexandre should be released. *Alexandre*, 2026 WL.

15. Respondents were ordered to provide a constitutionally adequate bond hearing where the Government bore the burden of establishing, by clear and convincing evidence, that Mr. Alexandre posed a danger to the community or was a flight risk, and Mr. Alexandre was allowed to have counsel present. *Id.*

16. The Immigration Judge did not hold the Government to its burden, and the judge paid only lip service to the clear and convincing evidence standard. The Immigration Judge violated Mr. Alexandre's right to due process by refusing to admit the documents he offered into evidence. And the Immigration Judge did not notify Mr. Alexandre of his right to have counsel present or provide him with adequate time to acquire or prepare with counsel.

17. The Court has jurisdiction to review the legal standard applied by an Immigration Judge in a detention determination. *Muzahir v. Chestnut*, --- F.Supp.3d ----, 2026 WL 1949010, at *1 (E.D. Cal. 2026) (citing *Martinez v. Clark*, 124 F.4th 775, 784 (9th Cir. 2024)). The Court reviews the Immigration Judge's determination for abuse of discretion. *Id.* "In reviewing the IJ's determination, a district court may not second guess the IJ's weighing of the evidence... review is limited to whether the IJ's decision reflects clear legal error or is unsupported by sufficient evidence." *Id.* (citation and quotations omitted). Moreover, "the government's discretion to incarcerate non-citizens is always constrained by the requirements of due process." *Id.* (quoting *Hernandez v. Sessions*, 872 F.3d 976, 981 (9th Cir. 2017)).

18. "The clear and convincing standard requires DHS to present evidence that establishes 'an abiding conviction that the truth of its factual contentions are highly probable.'" *Id.* (quoting *Colorado v. New Mexico*, 467 U.S. 310, 316 (1984)). "This is only the case where 'the material it offered instantly

1 tilted the evidentiary scales in the affirmative when weighed against the evidence... offered in
2 opposition.” *Id.* (quoting *Colorado*, 467 U.S. at 316).

3 19. The Immigration Judge’s danger finding was not supported by clear and convincing evidence. A
4 single, open misdemeanor charge for leaving the scene of an accident is not sufficient evidence to
5 support a finding that Mr. Alexandre is a danger to the community. It does not establish an abiding
6 conviction that Mr. Alexandre is a danger to the community. And it does not instantly tilt the evidentiary
7 scales for a finding of danger when weighed against the evidence that Mr. Alexandre has largely led a
8 law-abiding life in the United States, has no prior convictions or arrests, and is gainfully employed and
9 supported by his employer and community in this country. The Immigration Judge’s danger finding was
10 an abuse of discretion.
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12 20. The Immigration Judge’s failure to admit Mr. Alexandre’s evidence or provide adequate time
13 and notice to retain an attorney further breached the due process requirements that inhere in a
14 constitutionally adequate bond hearing.
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16 21. This Court previously ordered Respondents to provide Mr. Alexandre with a constitutionally
17 adequate bond hearing within fourteen days or release him. *Alexandre*, 2026 WL. Because Respondents
18 did not provide Mr. Alexandre with a constitutionally adequate bond hearing, he should be released.
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20 PRAYER FOR RELIEF

21 22. WHEREFORE, Mr. Alexandre respectfully requests that this Court:

- 22 a. Grant the petition for a writ of habeas corpus;
23 b. Order Mr. Alexandre’s immediate release;
24 c. Order the Government to provide no less than seven days’ notice to Mr. Alexandre and
25 hold a pre-deprivation bond hearing before a neutral arbiter, where the Government bears
26 the burden of establishing by clear and convincing evidence that Mr. Alexandre is a flight
27 risk or danger to the community, if the Government seeks to re-detain him; and
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1 d. Grant such other and further relief as, in the interests of justice, may be appropriate.

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3 Respectfully submitted,

4 Heather E. Williams
5 Federal Public Defender

6 /s/ Philip T. Issa
7 Philip T. Issa
8 Assistant Federal Public Defender
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Date: August 13, 2026

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I am filing this Amended Petition for Writ of Habeas Corpus on Petitioner's behalf, as his attorney. I hereby verify that the factual statements made in the petition are true and correct to the best of my knowledge.

/s/ Philip T. Issa
Philip T. Issa
Attorney for Petitioner

Date: August 13, 2026