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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JAIME SANTIS SANTIS,

Petitioner,

v.

Christopher LaROSE, Warden, Otay Mesa Detention Center;

Markwayne MULLIN, Secretary, U.S. Department of Homeland Security;

David J. VENTURELLA, Senior Official Performing the Duties of the Director, U.S. Immigration and Customs Enforcement;

Todd BLANCHE, Acting Attorney General of the United States, U.S. Department of Justice.

Respondents

Case No.: '26CV4416 RBM MSB

[redacted]

PETITION FOR WRIT OF HABEAS CORPUS AND ORDER TO SHOW CAUSE WITHIN THREE DAYS; COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. Petitioner, Jaime Santis Santis, petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging the legality of his continued immigration detention and alleges as follows:

INTRODUCTION

2. Petitioner, Jaime Santis Santis, is a native and citizen of Mexico currently detained at the Otay Mesa Detention Center in San Diego, California.

3. Petitioner brings this action under 28 U.S.C. § 2241 to challenge the legality of his continued detention by the Department of Homeland Security following his prolonged residence at liberty in the United States, his affirmative participation in the asylum process administered by federal immigration authorities—including government-directed biometrics, security vetting, and the approval of employment authorization—and his subsequent arrest and detention in the interior of the United States after years of cooperation with those authorities.

4. Petitioner affirmatively sought protection under the immigration laws by filing Form I-589, Application for Asylum and for Withholding of Removal. In connection with that application, USCIS required Petitioner to submit biometrics and fingerprints and conducted security vetting while permitting him to remain at liberty in the community. (*Ex.* 1.)

5. USCIS subsequently approved Petitioner's application for employment authorization and issued him an Employment Authorization Document valid through July 23, 2030. (*Ex.* 2.)

6. Throughout this process, Petitioner openly disclosed his identity, residence, fingerprints, and continued presence in the United States to federal immigration authorities. Petitioner complied with every governmental requirement imposed upon him, was authorized to work pursuant to a DHS-issued Employment Authorization Document, and openly resided in the community for years without any allegation that he posed a danger to the community or a risk of flight.

7. On or about May 26, 2026, Petitioner was stopped during a routine traffic stop in Mulberry, Florida. During that encounter, a state law enforcement officer contacted immigration authorities, and Petitioner was subsequently arrested and taken into immigration custody. Before

revoking Petitioner's previously granted liberty, Respondents provided no prior notice, no individualized explanation, and identified no changed circumstances justifying Petitioner's sudden detention after years of openly residing in the community while complying with federal immigration requirements.

8. Petitioner was subsequently transferred to the Otay Mesa Detention Center in San Diego, California, where he remains detained.

9. Respondents' continued detention of Petitioner is unlawful. Respondents required Petitioner to identify himself, submit biometrics, and undergo security vetting, approved his application for employment authorization, issued him an Employment Authorization Document, and knowingly permitted him to reside and work openly in the United States for years. Despite those affirmative governmental actions, Respondents abruptly revoked that previously granted liberty without constitutionally adequate process and without any individualized determination justifying Petitioner's continued detention.

10. Respondents have detained Petitioner without providing constitutionally adequate pre-deprivation process, without identifying any individualized basis demonstrating that he presents a danger to the community or a risk of flight, and without affording him a meaningful opportunity to challenge the revocation of his previously granted liberty before a neutral decisionmaker.

11. The government's actions therefore violate the Administrative Procedure Act and the Due Process Clause of the Fifth Amendment.

12. Petitioner therefore respectfully requests that this Court declare his continued detention unlawful and order his immediate release. In the alternative, and only if the Court declines to order immediate release, Petitioner respectfully requests that the Court order Respondents to provide a prompt constitutionally adequate custody hearing before a neutral decisionmaker at which Respondents bear the burden of establishing, by clear and convincing evidence, that Petitioner's continued detention is necessary because he presents a danger to the

community or a risk of flight, and at which less restrictive alternatives to detention are considered.

CUSTODY

13. Petitioner is currently in the legal and physical custody of Respondents and is detained at the Otay Mesa Detention Center in San Diego, California, within the jurisdiction of this Court.

JURISDICTION AND VENUE

14. This action arises under the United States Constitution and the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq., INA § 101 et seq., to challenge Petitioner's detention under the INA and any inherent or plenary powers the government may claim to continue holding him.

15. This Court has jurisdiction under 28 U.S.C. § 2241; Art. I, § 9, cl. 2 of the United States Constitution; and 28 U.S.C. § 1331, as Petitioner is presently in Respondents' custody under the United States' color of authority, and such custody violates the Constitution, laws, or treaties of the United States. This Court's jurisdiction is not limited by a petitioner's nationality, status as an immigrant, or any other classification. See *Boumediene v. Bush*, 553 U.S. 723, 747 (2008). This Court may grant relief under U.S. CONST. art. I, § 9, cl. 2; U.S. CONST. amends. V and VIII; 28 U.S.C. §§ 1361 (mandamus), 1651 (All Writs Act), and 2241 (habeas corpus).

16. Specifically, this Court has jurisdiction under 28 U.S.C. § 2241 to review Petitioner's detention. Federal district courts possess broad authority to issue writs of habeas corpus when a person is held "in custody in violation of the Constitution or laws or treaties of the United States" (28 U.S.C. § 2241(c)(3)), and this authority extends to immigration detention challenges that survived the REAL ID Act's jurisdictional restrictions.

17. Because Petitioner seeks the traditional habeas remedy of release from allegedly unlawful detention rather than additional administrative review of his underlying claims, his petition presents precisely the type of threshold legality-of-detention question that § 2241 was

designed to address. See *INS v. St. Cyr*, 533 U.S. 289, 301 (2001); see also *Lopez-Marroquin v. Barr*, 955 F.3d 759, 759 (9th Cir. 2020) (citing *Singh*, 638 F.3d at 1211–12).

18. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(2) and (e)(1) because a substantial part of the events or omissions giving rise to this claim have occurred here, Petitioner is detained here, and his custodian resides here. Venue is also proper under 28 U.S.C. § 2243 because Petitioner's immediate custodian resides in this District. See *Rumsfeld v. Padilla*, 542 U.S. 426, 451–52 (2004) (Kennedy, J., concurring).

19. Sections 8 U.S.C. §§ 1252(b)(9) and 1252(g) do not bar this Court's jurisdiction because Petitioner challenges only the legality of his detention, not the validity of removal proceedings or any removal order. Federal courts have consistently recognized that habeas corpus remains available to review the statutory and constitutional basis of immigration detention. Petitioner's claims therefore fall squarely within this Court's habeas jurisdiction under 28 U.S.C. § 2241.

PARTIES

20. Petitioner, Jaime Santis Santis, is a native and citizen of Mexico currently detained at the Otay Mesa Detention Center in San Diego, California.

21. Respondent Christopher LaRose is the Warden of the Otay Mesa Detention Center in San Diego, California, Petitioner's immediate custodian, and is responsible for Petitioner's confinement. Respondent LaRose is sued in his official capacity.

22. Respondent Markwayne Mullin is the Secretary of the U.S. Department of Homeland Security (DHS).

23. Respondent David J. Venturella is the Senior Official Performing the Duties of the Director of U.S. Immigration and Customs Enforcement (ICE).

24. Respondent Todd Blanche is the Acting Attorney General of the United States and the head of the U.S. Department of Justice (DOJ).

25. All Respondents are named in their official capacities.

STATEMENT OF FACTS

26. Petitioner is currently detained at the Otay Mesa Detention Center in San Diego, California. Petitioner is a native and citizen of Mexico who entered the United States without inspection on or about 2005.

27. Petitioner has a pending Form I-589, Application for Asylum and for Withholding of Removal.

28. In connection with Petitioner's pending immigration application, USCIS required Petitioner to appear for biometrics and fingerprinting. USCIS issued Petitioner an appointment notice directing him to appear at the USCIS Application Support Center. Petitioner complied with that requirement, thereby providing federal immigration authorities with his identity, address, fingerprints, and continued presence in the United States. (*Ex.* 1.)

29. USCIS thereafter approved Petitioner's application for employment authorization under category C08 and issued him an Employment Authorization Document valid through July 23, 2030. Through that affirmative governmental action, DHS authorized Petitioner to work in the United States while his immigration application remained pending. (*Ex.* 2.)

30. Throughout this process, Petitioner openly disclosed his identity, residence, fingerprints, and continued presence in the United States to federal immigration authorities. Petitioner complied with all governmental requirements imposed upon him, openly resided in the community, and worked pursuant to DHS-issued employment authorization.

31. On or about May 26, 2026, Petitioner was stopped during a routine traffic stop in Mulberry, Florida. During that encounter, the state law enforcement officer contacted immigration authorities, and Petitioner was subsequently arrested and taken into immigration custody.

32. Petitioner was thereafter transferred to the Otay Mesa Detention Center in San Diego, California, where he remains detained.

33. Before arresting and detaining Petitioner, Respondents provided no prior notice that they intended to revoke the liberty they had previously permitted Petitioner to enjoy while

administering his pending immigration application. Nor did Respondents provide Petitioner with any meaningful opportunity to challenge that decision before a neutral decisionmaker.

34. Respondents have identified no changed circumstances or individualized basis justifying Petitioner's sudden detention after years of openly residing in the United States while complying with DHS and USCIS requirements, submitting biometrics and fingerprints, undergoing security vetting, and working pursuant to a DHS-issued Employment Authorization Document. Nor have Respondents identified any facts demonstrating that Petitioner presents a danger to the community or a risk of flight.

REQUIREMENTS OF 28 U.S.C. § 2243

35. Under 28 U.S.C. § 2243, the Court "must" grant the petition for a writ of habeas corpus or issue an order to show cause ("OSC") "forthwith," unless the petitioner is not entitled to relief. If an OSC is issued, the statute requires that Respondents file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

36. Federal courts have long emphasized the importance of habeas corpus as a protection against unlawful restraint. The Supreme Court has described the Great Writ as "perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963).

37. Congress and the courts have repeatedly reaffirmed that habeas corpus must remain a prompt and expeditious remedy. As the Ninth Circuit has explained, "The statute itself directs courts to give petitions for habeas corpus 'special, preferential consideration to insure expeditious hearing and determination.'" *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted). The court cautioned that delays in habeas proceedings risk creating the impression "that courts are more concerned with efficient trial management than with the vindication of constitutional rights." *Id.*

EXHAUSTION OF ADMINISTRATIVE REMEDIES

38. In habeas corpus proceedings, exhaustion of administrative remedies is prudential, not jurisdictional. *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017). A court may waive prudential exhaustion where "administrative remedies are inadequate or not efficacious, pursuit of administrative remedies would be a futile gesture, irreparable injury will result, or the administrative proceedings would be void." *Id.* (quoting *Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004)). Here, exhaustion should be excused because the available administrative process is inadequate to remedy Petitioner's pre-deprivation due-process claim and because his continued detention causes irreparable harm.

39. Petitioner's claim challenges Respondents' failure to provide constitutionally adequate process before revoking his previously granted liberty. Although an administrative custody proceeding may address whether Petitioner should remain detained going forward, it cannot retroactively provide the process required before his re-detention or remedy the deprivation that had already occurred.

40. Moreover, no statutory exhaustion requirement applies to Petitioner's constitutional claim. The claim presents a pure question of constitutional law concerning the procedures required before the government may revoke previously granted liberty through re-detention. That question falls outside the agency's adjudicatory competence and is properly resolved through habeas review.

41. Petitioner suffers irreparable harm for each additional day he remains unlawfully detained. The loss of physical liberty constitutes an injury that cannot be adequately remedied after the fact. Continued incarceration following years during which Respondents knowingly permitted Petitioner to remain at liberty while administering his pending immigration application magnifies that ongoing harm. Courts routinely excuse exhaustion where prolonged or unlawful detention inflicts irreparable injury. Petitioner's ongoing detention therefore further warrants waiver of prudential exhaustion.

LEGAL FRAMEWORK

42. The Immigration and Nationality Act distinguishes between detention at the time of entry and detention following arrest within the interior of the United States. See 8 U.S.C. §§ 1225, 1226.

43. Consistent with that statutory distinction, the Ninth Circuit has held that noncitizens apprehended in the interior of the United States are detained under INA § 236(a), not INA § 235(b). *Rodriguez Vazquez v. Bostock,* No. 25-6842, slip op. at 31–34 (9th Cir. July 30, 2026).

44. At the time of Petitioner's re-detention, Respondents' stated position was that noncitizens who entered the United States without inspection remained applicants for admission subject to detention under INA § 235(b), consistent with DHS policy and *Matter of Yajure-Hurtado*. The Ninth Circuit has since rejected that interpretation, holding that unadmitted noncitizens apprehended in the interior of the United States are detained under INA § 236(a), not INA § 235(b). *Rodriguez Vazquez v. Bostock*, No. 25-6842, slip op. at 31–34 (9th Cir. July 30, 2026)

45. Where the federal government knowingly permits a noncitizen to reside at liberty in the United States while affirmatively administering that individual's pending immigration application, serious constitutional questions arise when the government later revokes that liberty through detention without constitutionally adequate process.

46. Federal courts have recognized that the Due Process Clause protects against arbitrary deprivations of physical liberty. Where the government affirmatively requires a noncitizen to submit biometrics, conducts security vetting, authorizes employment, and knowingly permits the individual to remain at liberty in the community, a subsequent detention without constitutionally adequate process presents substantial constitutional concerns.

47. The Due Process Clause protects all persons within the United States from arbitrary detention. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Freedom from physical restraint lies at the core of the liberty protected by the Constitution.

48. Immigration detention is civil in nature and is permissible only when justified by legitimate governmental interests, such as ensuring appearance at proceedings or protecting the community. *Id.* at 690–91.

49. By requiring Petitioner to disclose his identity and residence, submit biometrics and fingerprints, and undergo security vetting; by approving Petitioner's application for employment authorization and issuing him an Employment Authorization Document; and by knowingly permitting him to reside and work openly in the United States while his immigration application remained pending, Respondents created a substantial liberty interest in Petitioner's continued freedom from physical restraint. Abruptly revoking that liberty without prior notice or a meaningful opportunity to be heard violates the Due Process Clause.

50. Where the government affirmatively permits a noncitizen to remain at liberty in the community while administering that individual's pending immigration application, those governmental actions reflect a determination that immediate detention is unnecessary. Once that liberty has been affirmatively recognized through the government's own conduct, it cannot be revoked without constitutionally adequate process. Detention without such process therefore raises serious due process concerns.

51. The Administrative Procedure Act prohibits agency action that is arbitrary, capricious, or not in accordance with law. 5 U.S.C. § 706(2)(A). An agency must provide a reasoned explanation for its actions based on the relevant facts and circumstances.

52. Re-detaining a noncitizen after the government has knowingly permitted that individual to remain at liberty without providing constitutionally adequate process or a reasoned explanation for revoking that previously granted liberty constitutes arbitrary agency action.

CLAIM FOR RELIEF

COUNT 1

Violation of Due Process U.S. Constitution Amendment V

53. Petitioner re-alleges and incorporates by reference, as if fully set forth herein, all preceding paragraphs.

54. The Due Process Clause of the Fifth Amendment prohibits the federal government from depriving any person of "life, liberty, or property, without due process of law." U.S. CONST. amend. V. This protection applies to all persons within the United States, including noncitizens, "whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

55. For years, Petitioner openly resided in the United States while affirmatively participating in the federal immigration system. During that period, Petitioner filed an Application for Asylum and for Withholding of Removal, USCIS required him to appear for biometrics and fingerprinting, conducted security vetting, and approved his application for employment authorization. Despite Petitioner's extensive cooperation with federal immigration authorities, his disclosure of his identity, residence, and fingerprints, and the absence of any allegation that he posed a danger to the community or a risk of flight, Respondents abruptly detained Petitioner following a routine traffic stop in Mulberry, Florida, on or about May 26, 2026, without prior notice, without any individualized explanation, and without any identified change in circumstances.

56. By requiring Petitioner to disclose his identity and residence, submit biometrics and fingerprints, and undergo security vetting, and by approving Petitioner's application for employment authorization and issuing Petitioner an Employment Authorization Document, the government knowingly permitted Petitioner to openly reside and work in the United States for years. Through those affirmative governmental actions, Respondents created a substantial liberty interest in Petitioner's continued freedom from detention. Abrupt detention without notice, without an individualized determination, and without a meaningful opportunity to be heard before a neutral decisionmaker constitutes an arbitrary deprivation of that liberty in violation of the Due Process Clause. See *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976); *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

COUNT 2

Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A) (Agency Action Not in Accordance with Law and in Excess of Statutory Authority)

57. Petitioner re-alleges and incorporates by reference, as if fully set forth herein, the allegations in the paragraphs above.

58. Under the Administrative Procedure Act, a court shall "hold unlawful and set aside agency action" that is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. 5 U.S.C. § 706(2)(A).

59. Agency action is arbitrary and capricious where the agency fails to consider relevant factors, offers an explanation that runs counter to the evidence, or fails to articulate a rational connection between the facts found and the decision made. *Motor Vehicle Mfrs. Ass'n v. State Farm*, 463 U.S. 29, 43 (1983).

60. An agency must provide a reasoned explanation for its actions based on the facts and circumstances of the individual case. *Dep't of Com. v. New York,* 139 S. Ct. 2551, 2569 (2019).

61. Here, Respondents abruptly detained Petitioner after years of knowingly permitting him to reside and work openly in the United States, after previously requiring Petitioner to submit biometrics and fingerprints, conducting security vetting, approving his application for employment authorization, and issuing him an Employment Authorization Document. Respondents have provided no reasoned explanation for this detention and have identified no changed circumstances that would justify revoking Petitioner's liberty.

62. Respondents have further failed to provide any individualized assessment justifying Petitioner's detention. They have not identified any facts indicating that Petitioner poses a danger to the community or a risk of flight.

63. By detaining Petitioner without explanation, without identifying any changed circumstances, without providing any individualized justification, and after previously requiring Petitioner to submit biometrics and undergo security vetting, approving Petitioner's application for employment authorization, issuing Petitioner an Employment Authorization Document, and

knowingly permitting Petitioner to reside and work openly in the United States for years, Respondents have acted arbitrarily, capriciously, and not in accordance with law.

64. Accordingly, Respondents' decision to detain Petitioner must be set aside under 5 U.S.C. § 706(2)(A).

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

A) Assume jurisdiction over this matter;

B) Issue the writ of habeas corpus or, in the alternative, an order to show cause directing Respondents to show cause, within three days of the filing of this Petition, why the relief requested should not be granted, and set a hearing within five days of Respondents' return, consistent with 28 U.S.C. § 2243;

C) Declare that Petitioner's continued detention without prior notice, without an individualized determination, and without any identified change in circumstances violates the Due Process Clause of the Fifth Amendment;

D) Declare that Respondents lack lawful authority to detain Petitioner without constitutionally adequate process after knowingly permitting him to openly reside and work in the United States following their requirement that he submit biometrics and fingerprints, undergo security vetting, and their approval of his application for employment authorization and issuance of an Employment Authorization Document;

E) Declare that Respondents' actions in detaining Petitioner without constitutionally adequate process, without a reasoned explanation, without identifying any changed circumstances, and without any individualized justification were arbitrary, capricious, an abuse of discretion, and not in accordance with law, in violation of the Administrative Procedure Act, 5 U.S.C. § 706(2);

F) Set aside Respondents' unlawful action under the Administrative Procedure Act, pursuant to 5 U.S.C. § 706(2)(A);

G) Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from custody;

H) Order Respondents to restore Petitioner to the status quo ante litem, including returning all of Petitioner's documents and personal belongings upon his release;

I) Enjoin Respondents from re-arresting or re-detaining Petitioner absent compliance with constitutional requirements, including constitutionally adequate pre-deprivation notice, identification of any changed circumstances, and a meaningful pre-deprivation hearing before a neutral decisionmaker;

J) In the alternative, order a constitutionally adequate custody hearing, at which Respondents bear the burden of demonstrating by clear and convincing evidence that Petitioner's continued detention is necessary because he poses a danger to the community or a risk of flight, and at which the neutral adjudicator must consider alternatives to detention and Petitioner's ability to pay any bond imposed;

K) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412, and any other basis authorized by law; and

L) Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

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Counsel for Petitioner

Dated: August 3, 2026

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

I submit this verification as counsel for Petitioner in this action. The factual allegations contained in this Petition are based on information provided directly by Petitioner during my visit with him at the Otay Mesa Detention Center, as well as my review of available immigration records and supporting documents, including, but not limited to, Petitioner's biometrics appointment notice, employment authorization approval notice, records concerning his pending Form I-589, and records relating to Petitioner's current detention.

Based on that information and my review of those records, and to the best of my knowledge, information, and belief, I declare that the factual allegations contained in this Petition are true and correct and accurately reflect Petitioner's circumstances and the procedural history of his detention.

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Dated: August 3, 2026