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DETAINED AT IMPERIAL REGIONAL DETENTION FACILITY

UNITED STATES DISTRICT COURT
US SOUTHERN DISTRICT OF CALIFORNIA

PEDRO LUIS NAULA **A#:** [redacted] **Petitioner,** v. **TODD BLANCHE,** **Acting Attorney General of the United States of America, and,** **MARKWAYNE MULLIN,** **Secretary of the Department of Homeland Security, (DHS) and,** **TODD M. LYONS,** **Acting Director,** **United States Immigration and Customs Enforcement (ICE), and,** **Warden** **Imperial Regional Detention Facility** **Respondents.**	Civil Action No. **'26CV4414 TWR MSB** Hon.

VERIFIED HABEAS CORPUS PETITION

INTRODUCTION

1. Petitioner by and through undersigned counsel, respectfully petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. Through this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, Petitioner challenges the legality of his continued civil immigration detention, which violates the Due Process Clause of the Fifth Amendment and the Administrative Procedure Act ("APA").

2. This is an immigration habeas corpus action brought by a noncitizen currently detained by ICE inside the Imperial Regional Detention Facility in Calexico, California.

3. The Petitioner is a male, native, and citizen of Ecuador.[1], who is currently detained by the U.S. Immigration and Customs Enforcement ("ICE") at the Imperial Regional Detention Facility in Imperial County, California[2].

4. Petitioner is not subject to a final administrative order of removal.

5. Accordingly, Petitioner's ongoing, unreviewed detention constitutes an egregious violation of the Due Process Clause of the Fifth Amendment. He seeks immediate release or, in the alternative, a judicially mandated bond hearing.

6. Petitioner challenges only the legality of his detention, not the merits of his removal proceedings.

[1] See attached Exhibit A – Copy of Petitioner's Passport.
[2] See attached Exhibit B – Copy of ICE Detainee's locator search showing Petitioner's current location.

7. Civil immigration detention is constitutionally permissible only when authorized by statute and reasonably related to a legitimate regulatory purpose. Because Petitioner has no final order of removal, no disqualifying criminal convictions, and his continued detention lacks a valid statutory predicate and violates the Due Process Clause of the Fifth Amendment.

8. Despite the absence of a final removal order, and meritorious eligibility for Cancellation of Deportation, Respondents have detained Petitioner under a mandatory no bond detention framework.

9. Petitioner therefore seeks a writ of habeas corpus declaring his detention unlawful and ordering his immediate release from immigration custody, or such other relief as this Court deems just and proper.

JURISDICTION

10. This action arises under the United States Constitution and the Immigration and Nationality Act, 8 U.S.C. §§ 1101 et seq.

11. This Court has Subject Matter Jurisdiction under 28 U.S.C. § 2241 (habeas corpus), and 28 U.S.C. § 1331 (federal question), and Art. I & 9, Clause 2 of the United States Constitution (Suspension Clause). Petitioner is detained at the Imperial Regional Detention Facility in Imperial County, California, under the authority of the United States in violation of the Constitution and laws of the United States.

VENUE

12. Venue is proper in the Southern District of California under 28 U.S.C. § 1391(b) because Petitioner is currently physically detained in Imperial Regional Detention Facility in Imperial County, California, within the territorial jurisdiction of this Court, and Respondent Warden has immediate physical custody over him.

PARTIES

13. Petitioner is a native and citizen of Ecuador, who is detained by ICE at the Imperial Regional Detention Facility in Imperial County, California. He seeks issuance of a writ of habeas corpus.

14. Respondent Todd Blanche is sued in his official capacity as the Acting Attorney General of the United States. In this capacity, he is responsible for administering and enforcing the immigration laws pursuant to 8 U.S.C. § 1103 and is the Petitioner's legal custodian.

15. Respondent Markwayne Mullin is sued in his official capacity as Secretary of the Department of Homeland Security the agency in charge of administering and enforcing the immigration laws in Pennsylvania and is the Petitioner's legal custodian.

16. Respondent Todd M. Lyons is sued in his official capacity as the Acting Director of the United States Immigration and Customs Enforcement (ICE) the department within the Department of Homeland Security and in this capacity, he is responsible for administering and enforcing the immigration laws in Pennsylvania and is Petitioner's legal custodian.

17. Respondent, the Warden of the Imperial Regional Detention Facility in Imperial County, California, is sued in their official capacity as the Warden of the Imperial Regional Detention Facility in Imperial County, California, and in this capacity, they are the Petitioner's actual physical custodian.

FACTS

18. Petitioner, a native and citizen of Ecuador, was detained on July 29, 2026, and then taken to the ICE Imperial Regional Detention Facility in Imperial County, California.

19. In or about June of 2000, Petitioner entered the United States without inspection.

20. Following his entry, Petitioner established residence in the State of New Jersey.

21. Prior to his detention by ICE, Petitioner worked in construction while residing in New Jersey.

22. On July 29, 2026, ICE officers detained Petitioner while he was on his way to work in New Jersey. Petitioner was then taken into the ICE Imperial Regional Detention Facility in Imperial County, California, where he remains in custody.

23. Petitioner has no misdemeanors, felonies, or convictions, and has no convictions involving violence, serious bodily injury, or weapons.

24. Other than entering the United States without inspection, Petitioner has no misdemeanors, felonies, or convictions, and has never been convicted of any crime.

25. Petitioner has a pending application for Cancellation of Deportation that was filed and remains pending before the Executive Office for Immigration Review.

26. At the time of his arrest, and continuously through the present day, Petitioner has not been issued a final administrative order of removal by an Immigration Judge or the Board of Immigration Appeals. No final order of removal exists in his immigration administrative record.

27. The Petitioner does not have a final order of removal.

28. Petitioner's removal from the United States cannot be effectuated in the reasonably foreseeable future. Absent judicial review of his custody claim, Petitioner will suffer irreparable injury by being deprived of his physical liberty. He seeks the only avenue of judicial review of his detention available to him, habeas review.

COUNT I

29. The allegations contained in paragraphs 1 through 28 above are repeated and realleged as though fully set forth herein. Petitioner's continued detention violates the Due Process Clause of the United States Constitution.

30. The Fifth Amendment's Due Process Clause prohibits the government from depriving any person, including noncitizens within our borders, of liberty without due process of law. *Zadvydas v. Davis*, 533 U.S. 678 (2001)

COUNT II

31. The allegations contained in paragraphs 1 through 28 are repeated and realleged as though fully set forth herein. Petitioner's detention is unlawful under the Administrative Procedures Act.

COUNT III

32. The allegations contained in paragraphs 1 through 28 are repeated and realleged as though fully set forth herein. Petitioner's detention is unlawful under the Immigration and Nationality Act.

33. Under the Immigration and Nationality Act (INA), an individual who does not have a valid, unexpired final order of removal must be detained, if at all, under pre-order detention frameworks (such as 8 U.S.C. § 1226) which provide clear paths to bond hearings and administrative trials.

34. Petitioner challenges only the legality of his detention, not the merits of his removal proceedings.

35. Because Petitioner has no final order of removal, his current detention is unauthorized by statute and is unlawful.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court:

1. Issue a Writ of Habeas Corpus directed to Respondents requiring them to immediately release the Petitioner from ICE custody, as he is being detained unlawfully.
2. In the alternative, Order Respondents to immediately bring Petitioner before an Immigration Judge for a comprehensive bond hearing where the government bears the burden of justifying his ongoing detention;

3. Enjoin/Stay Respondents from removing Petitioner from the United States or transferring him out of the territorial jurisdiction of the Southern District of California during the pendency of these proceedings;
4. Award Petitioner costs and attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.
5. Grant any such other and further relief as this Court deems just and equitable.

Maribel J Allen

MARIBEL J. ALLEN, ESQ

Dated: August 02, 2026

VERIFICATION BY COUNSEL

I, Maribel J. Allen, Esq., declare under penalty of perjury in accordance with 28 U.S.C. § 1746 as follows:

1. I am the attorney for plaintiff-petitioner in this matter and am personally familiar with the facts of his case;
2. I have read the allegations contained in the foregoing Petition, and to the best of my knowledge, those allegations are true based upon my personal knowledge, information, and belief.
3. I have also reviewed the documents attached to this habeas petition and confirm that they are true copies of the originals and that all the facts or allegations ascertained therein are true and correct to the best of my knowledge and experience.

Executed on August 02, 2026

Maribel J Allen

MARIBEL J. ALLEN, ESQ.

VERIFICATION

I, Pedro Luis Naula, declare under penalty of perjury in accordance with 28 U.S.C. § 1746 as follows:

1. I am the Petitioner in this matter.
2. I have read the allegations contained in the foregoing Petition, and to the best of my knowledge, those allegations are true based upon my personal knowledge, information and belief.
3. I have also reviewed the documents attached to this habeas petition and confirm that they are true copies of the originals and that all the facts or allegations ascertained therein are true and correct to the best of my knowledge and experience.

Executed on August 02, 2026

Pedro Luis Naula

PEDRO LUIS NAULA