

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Fedlin Devilmar v. U.S. Immigration and Customs Enforcement ICE;
and Otay Mesa Detention Center

Devilmar · No. 3:26-cv-0009-JES-MSB · Decided January 16, 2026

SUMMARY

The United States District Court for the Southern District of California granted Fedlin Devilmar’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The Court ordered Respondents to provide a bond determination hearing under 8 U.S.C. § 1226(a), file a notice of compliance, and close the case after receiving that notice.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	James E. Simmons Jr.
JURISDICTION	United States District Court for the Southern District of California
DECIDED	January 16, 2026
DOCKET	3:26-cv-0009-JES-MSB
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention.
STANDARD OF REVIEW	The court addressed the jurisdictional objection and reviewed the habeas petition on the merits; no separately articulated standard of review appears.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status not stated in the opinion.
PARTIES	Fedlin Devilmar v. U.S. Immigration and Customs Enforcement ICE, Otay Mesa Detention Center

TOPICS

- immigration detention
- federal habeas corpus
- immigration
- subject matter jurisdiction

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should dismiss the § 2241 petition for lack of jurisdiction because Petitioner failed to name the warden of Otay Mesa Detention Center as a respondent.
2. Whether Petitioner, as a person detained under 8 U.S.C. § 1226(a) and covered by Maldonado Bautista, was entitled to a bond determination hearing.

HOLDINGS

1. The court declined to dismiss the petition on the naming and jurisdictional ground and addressed the petition on its merits.
2. Because Respondents acknowledged that Petitioner was detained under 8 U.S.C. § 1226(a) and was covered by Maldonado Bautista, the court granted the habeas petition and ordered Respondents to provide a bond determination hearing within ten days.

KEY QUOTATIONS

“In light of Petitioner’s pro se status and the liberty interests at issue, the Court finds it prudent to follow suit of its sister courts and address the Petition on the merits rather than dismiss the Petition.” (1)

“The Court ORDERS Respondents to provide Petitioner with a bond determination hearing under 8 U.S.C. § 1226(a) within ten days of this Order.” (1)

FACTUAL BACKGROUND

Fedlin Devilmar was detained at Otay Mesa Detention Center in immigration custody. Respondents acknowledged that he was detained under 8 U.S.C. § 1226(a) and therefore was covered by the final judgment in Maldonado Bautista v. Santacruz. The court ordered Respondents to provide a bond determination hearing and prohibited them from denying bond on the ground that Petitioner was detained under 8 U.S.C. § 1225(b)(2).

PROCEDURAL HISTORY

Fedlin Devilmar filed a pro se § 2241 habeas petition. After the court issued an order to show cause, Respondents filed a response arguing that the court lacked jurisdiction because Petitioner had not named the warden of Otay Mesa Detention Center. The court declined to dismiss on that basis, reached the merits, granted the petition, ordered a bond determination hearing, and directed Respondents to file a notice of compliance.

DISPOSITION

writ_granted

CASES CITED

- Guatam v. Corr. Corp. of Am., No. 3:25-CV-3600-JES-DEB, 2026 WL 25846, at *2 (S.D. Cal. Jan. 5, 2026)

- Maldonado Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 FEDLIN DEVILMAR, Case No.: 3:26-cv-0009-JES-MSB 12 Petitioner,
ORDER GRANTING PETITION FOR 13 v. WRIT OF HABEAS CORPUS PURSUANT TO 8
U.S.C. § 2241 14 U.S. IMMIGRATION AND CUSTOMS 15 ENFORCEMENT ICE; AND OTAY
[ECF No. 1] 16 MESA DETENTION CENTER 17 Respondents. 18 19 20 21 22 23 24 25 26
Before the Court is Petitioner Fedlin Devilmar's Petition for Writ of Habeas Corpus 27 pursuant to
28 U.S.C. § 2241.

ECF No. 1. Pursuant to the Court's Order to Show Cause, 28 Respondents filed a Response to the
Petition. ECF No. 4. 1 DISCUSSION 2 A. Jurisdiction 3 In the Response to the Petition,
Respondents argue that this Court lacks jurisdiction 4 over this Petition because Petitioner failed to
name the warden of Otay Mesa Detention 5 Center as a Respondent. ECF No. 4 at 2.

This issue has recently addressed by the 6 undersigned in *Guatam v. Corr. Corp of Am.*, No. 3:25-
CV-3600-JES-DEB, 2026 WL 7 25846, at *2 (S.D. Cal. Jan. 5, 2026). Therefore, the Court elects
to follow its reasoning in 8 *Guatam* and incorporates it by reference. 2026 WL 25846, at *2. 9 In
light of Petitioner's pro se status and the liberty interests at issue, the Court finds 10 it prudent to
follow suit of its sister courts and address the Petition on the merits rather than 11 dismiss the
Petition.

12 B. Petitioner is a Maldonado Bautista Class Member 13 Respondents acknowledged that
Petitioner must be considered detained under 8 14 U.S.C. § 1226(a), pursuant to the final
judgment entered in *Maldonado Bautista v. 15 Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F.
Supp. 3d ---, 2025 WL 3289861 (C.D. 16 Cal. Nov. 20, 2025).

Accordingly, the Court GRANTS the Petition as follows: 17 (1) The Court ORDERS Respondents
to provide Petitioner with a bond 18 determination hearing under 8 U.S.C. § 1226(a) within ten
days of this 19 Order. At the hearing, Respondents may not deny Petitioner bond on the 20 basis
that he is detained under 8 U.S.C. § 1225(b)(2); and 21 (2) Respondents are ORDERED to File a
Notice of Compliance within five 22 days of providing Petitioner with a bond redetermination
hearing, 23 including apprising the Court of the results of the hearing; and 24 (3) The Clerk of
Court is DIRECTED to CLOSE the suit after receipt of 25 Respondents' Notice.

26 // 27 // 28 // I IT IS SO ORDERED. 2 || Dated: January 16, 2026 4 Honorable James E.
Simmons Jr. 5 United States District Judge 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24
25 26 27 28

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