

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

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