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11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 Jesus Domingo-Ros,
14 Yoni Jacinto Garcia, and
15 Edwin Juarez-Cobon,

16 Petitioners-Plaintiffs,

17 v.

18 Gregory J. Archambeault,
19 San Diego Field Office
20 Director, Immigration and
21 Customs Enforcement,
22 Enforcement and Removal
23 Operations, and

24 Jeremy Casey, Warden,
25 Imperial Regional Detention
26 Facility, Calexico, California

27 Respondents-Defendants.
28

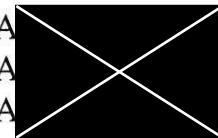
CASE NO.: '25CV1208 DMS DEB

PETITION FOR WRIT OF HABEAS
CORPUS PURSUANT TO
8 U.S.C. § 1252(e)(2) AND
28 U.S.C. § 2241;
VERIFIED PETITION

Petitioners' DHS Nos. A

A

A



INTRODUCTION

1. Petitioners Jesus Domingo-Ros (DHS No. A [REDACTED]), Yoni Jacinto Garcia (DHS No. A [REDACTED]), and Edwin Juarez-Cobon (DHS No. A [REDACTED]) are in the custody of Immigration and Customs Enforcement (“ICE”) and are detained at the Imperial Regional Detention Facility in Calexico, California.
2. Each Petitioner is at imminent risk of removal from the United States as a result of being unlawfully arrested on April 22, 2025 in Pomona (Los Angeles County), California by U.S. Border Patrol agents from the El Centro Border Patrol Sector and subsequently being subjected to Expedited Removal Orders pursuant to 8 U.S.C. § 1225(b)(1).
3. Each Petitioner was subject to detentive stops by U.S. Border Patrol agents without reasonable suspicion, arrested without a warrant or probable cause, and subjected to final Expedited Removal Orders pursuant to 8 U.S.C. § 1225(b)(1).
4. Petitioners’ arrests and the Expedited Removal Orders are unlawful because Border Patrol agents conducted detentive stops of each Petitioner without reasonable suspicion that Petitioners were in the country unlawfully and effected warrantless arrests without probable cause and without making individualized determinations as to flight risk.
5. Statements allegedly made by Petitioners and or evidence seized from Petitioners as a result of the unlawful detentive stops and subsequent arrests were unlawfully used to make alienage determinations on which the Expedited Removal Orders are based.
6. The Border Patrol failed to afford Petitioners the opportunity to challenge the applicability and manner in which the Expedited Removal process was used against Petitioners within the interior of the United States.

- 1 7. The Border Patrol denied Petitioners their statutory right to representation by
2 an attorney pursuant to 5 U.S.C. § 555(b) and 8 C.F.R. § 292.5(b) and denied
3 them the right to be afforded sufficient time to gather and present evidence in
4 their defense, including having a meaningful and adequate opportunity to
5 demonstrate they are not subject to Expedited Removal pursuant to 8 U.S.C.
6 § 1225(b)(1)(A)(iii)(II).
- 7 8. The Border Patrol's detention and arrest of Petitioners and the issuance of
8 Expedited Removal Orders violate Petitioners' rights under the Fourth
9 Amendment, the Fifth Amendment's Due Process Clause, and were in
10 violation of 8 U.S.C. § 1357(a)(2).

11 JURISDICTION AND VENUE

- 13 9. Jurisdiction is proper and relief is available pursuant to 28 U.S.C. § 1331
14 (federal question), 28 U.S.C. § 1346 (original jurisdiction), 5 U.S.C. § 702
15 (waiver of sovereign immunity), 8 U.S.C. § 1252(e)(2) (habeas corpus
16 jurisdiction to review determinations made under 8 U.S.C. § 1225(b)(1)), 28
17 U.S.C. § 2241 (habeas corpus jurisdiction), and Article I, Section 9, clause 2
18 of the United States Constitution (the Suspension Clause).
- 19 10. Venue is proper in the Southern District of California under 28 U.S.C. §
20 1391, because at least one federal Defendant resides in this District and
21 because the Petitioners are detained in this District.

22 PARTIES

23 *Petitioners*

- 24 11. Jesus Domingo-Ros has been issued an Expedited Removal Order pursuant
25 to 8 U.S.C. § 1225(b)(1) and is detained at the Imperial Regional Detention
26 Facility in Calexico, California.
27
28

1 12. Yoni Jacinto Garcia has been issued an Expedited Removal Order pursuant
2 to 8 U.S.C. § 1225(b)(1) and is detained at the Imperial Regional Detention
3 Facility in Calexico, California.

4 13. Edwin Juarez-Cobon has been issued an Expedited Removal Order pursuant
5 to 8 U.S.C. § 1225(b)(1) and is detained at the Imperial Regional Detention
6 Facility in Calexico, California.

7
8 ***Respondents-Defendants***

9 14. Defendant Gregory J. Archambeault is the Director of the San Diego Field
10 Office of ICE Enforcement and Removal Operations (“ICE ERO”), a federal
11 law enforcement agency within the Department of Homeland Security. ERO
12 is a directorate within ICE whose responsibilities include operating the
13 immigration detention system. In his capacity as ICE ERO San Diego Field
14 Office Director, Defendant Archambeault exercises control over and is a
15 custodian of persons held at the Imperial Regional Detention Facility in
16 Calexico, California. At all times relevant to this Complaint, Defendant
17 Archambeault was acting within the scope and course of his employment
18 with ICE. He is sued in his official capacity.

19 15. Defendant Jeremy Casey is the Warden for the Imperial Regional Detention
20 Facility in Calexico, California. At all times relevant to this Complaint,
21 Defendant Casey was acting within the scope and course of his status as the
22 warden of the detention facility. He is sued in his official capacity.

23
24 **STATEMENT OF FACTS**

25
26 16. On April 22, 2025, multiple Border Patrol agents from the El Centro Sector,
27 including agents with the Anti-Smuggling Unit, the Special Operations
28

1 Detachment, and the Calexico Station, traveled to Pomona, California in Los
2 Angeles County to execute an arrest warrant for an individual named Martin
3 Majin-Leon. Majin-Leon was arrested at gunpoint at his business at 945 E.
4 Holt Ave, Pomona, CA on April 22, 2025.¹

5
6 17. The Border Patrol agents and vehicles involved in the arrest of Majin-Leon
7 then drove approximately 3.5 miles and joined other Border Patrol agents at a
8 “staging area” in a Home Depot parking lot at 2707 S. Towne Ave., Pomona,
9 CA.
10

11
12 18. Multiple Border Patrol agents then conducted at least nine detentive stops of
13 men who were present in the Home Depot parking lot seeking informal work
14 as day laborers, including the three Petitioners.
15

16 19. The detentive stops of the Petitioners by Border Patrol agents were
17 conducted without reasonable suspicion.
18

19 20. The detentive stops of the Petitioners were escalated to warrantless arrests
20 without an evaluation of whether any of the Petitioners posed a flight risk.
21

22 21. The actions of the Border Patrol agents in arresting the Petitioners in this
23 manner are consistent with the Border Patrol’s documented noncompliance
24 with constitutional, statutory, and regulatory limits on its authority when it
25

26
27 ¹ Various media sources report that Majin-Leon has been released from Border
28 Patrol custody. *See, e.g.* <https://www.cbsnews.com/losangeles/news/barber-released-by-federal-agents-after-in-pomona/>.

1 acts away from the international border *within the interior* of the United
 2 States.²

3
 4 22. The actions to which Petitioners were subjected by Border Patrol agents are
 5 consistent with repeated public statements regarding enforcement operations
 6 made by the El Centro Border Patrol Sector's leadership. In a post on the
 7 social media site X referencing the El Centro Sector's recent "Operation
 8 Return to Sender", Chief Patrol Agent Gregory Bovino, who oversees the El
 9 Centro Sector, stated: "Sanctuary policies hinder common sense approaches
 10 w/getting serious criminals off our streets; we have to go looking for them in
 11
 12
 13

14
 15 ² See, e.g., *UFW, et al. v. Noem, et al.*, No. 1:25-cv-246-JLT-CDB (USDC ED
 16 Calif.), Order Granting Plaintiffs' Motion for Provisional Class Certification and
 17 Granting Plaintiffs' Motion for Preliminary Injunction, April 29, 2025, Dkt. No. 47;
 18 New York Civil Liberties Union, *et al.*, Justice Derailed: What Raids on New
 19 York's Trains and Buses Reveal About Border Patrol's Interior Enforcement
 20 Practices (2011),
 21 https://assets.nyclu.org/publications/NYCLU_justicederailedweb_0.pdf (report
 22 describing pattern of disproportionate stops of people of color by Border Patrol in
 23 New York State); Letter from ACLU Border Litigation Project to U.S. Customs and
 24 Border Protection (Nov. 20, 2014),
 25 [https://www.acluaz.org/sites/default/files/documents/100%20Mile%20Zone%20Up
 26 dated%201120.2014.pdf](https://www.acluaz.org/sites/default/files/documents/100%20Mile%20Zone%20Updated%201120.2014.pdf) (letter to Border Patrol describing concerns about racial
 27 profiling in New York State); Press Release, ACLU Washington, Settlement Reins
 28 in Border Patrol Stops on the Olympic Peninsula (Sept. 24, 2013),
[https://www.aclu-wa.org/news/settlement-reins-border-patrol-stops-olympic-
 peninsula](https://www.aclu-wa.org/news/settlement-reins-border-patrol-stops-olympic-peninsula) (Washington lawsuit alleging Border Patrol conducted racially motivated
 stops without reasonable suspicion); Complaint to U.S. Dep't of Homeland Security
 Office for Civil Rights and Civil Liberties and Office of Inspector General from
 ACLU of Arizona and ACLU Border Litigation Project (Oct. 9, 2013),
[https://www.acluaz.org/sites/default/files/documents/ACLU%20AZ%20Complaint
 %20re%20CBP%20Roving%20Patrols%20Oct%209%202013.pdf](https://www.acluaz.org/sites/default/files/documents/ACLU%20AZ%20Complaint%20re%20CBP%20Roving%20Patrols%20Oct%209%202013.pdf).

1 the communities, leading to unintended arrests.”³

2 23. In response to a commenter on the social media site X who asked about the
3 Border Patrol’s apparent strategy of “[s]tanding outside gas station stops at
4 [H]ome [D]epots preying on any random person,” Chief Bovino stated:
5 “Undocumented means just that. I recommend returning to the country of
6 origin, obtaining proper documents, and doing it the right way. If not, *we will*
7 *arrest.*”⁴
8

10 24. In a similar comment on Facebook, the El Centro Border Patrol Sector stated
11 its intent to continue to effect warrantless arrests regardless of individual
12 circumstances, posting: “*anyone we encounter who doesn’t have the legal*
13 *right to be in or remain in the U.S. will be arrested.*”⁵
14

16 25. After Petitioner’s arrests in the Home Depot parking lot, they were
17 transported to the El Centro Sector Centralized Processing Center in
18 Imperial, CA where they were detained in Border Patrol custody for several
19 days before being transferred to the ICE Imperial Regional Detention Facility
20 in Calexico, CA.
21

23 ³ @USBPChiefELC, X (Jan. 13, 2025, 5:53 PM),
24 <https://x.com/USBPChiefELC/status/1878983633073307860>.

25 ⁴ @USBPChiefELC, X (Jan. 12, 2025, 7:58 AM) (emphasis added),
26 <https://x.com/USBPChiefELC/status/1878471709482737998>.

27 ⁵ US Border Patrol El Centro Sector, Facebook (Jan. 28, 2025, 9:53 AM) (emphasis
28 added),
<https://www.facebook.com/USBorderPatrolElCentroSector/posts/pfbid02oBnaCzDoxG72oGXFjijJEJEtPWWixAqgZhkYbPtEqLnsLr1M8mcd7D3bi5koxWVv1>.

1 26. Each Petitioner was subsequently issued an Expedited Removal Order
2 pursuant to 8 U.S.C. § 1225(b)(1)(A)(iii)(II).
3

4 **FIRST CLAIM FOR RELIEF**

5 **Fourth Amendment - Alienage Determinations Relied Upon by the Border**
6 **Patrol to Issue Petitioners' Expedited Removal Orders Were Based on**
7 **Evidence Obtained in Violation of the Fourth Amendment**

8 27. Petitioners repeat and incorporate by reference all allegations above as
9 though set forth fully here.

10 28. Evidence obtained as a result of an egregious violation of the Fourth
11 Amendment must be excluded in immigration proceedings. *See Orhorhaghe*
12 *v. INS*, 38 F.3d 488, 493 (9th Cir. 1994); *INS v. Lopez-Mendoza*, 468 U.S.
13 1032, 1050 (1984) (suppression may be required if there are "egregious
14 violations of Fourth Amendment or other liberties that might transgress
15 notions of fundamental fairness.").

16 29. Subjecting an individual to a detentive stop without reasonable suspicion is
17 an egregious violation of the Fourth Amendment. *See, e.g., Sanchez v.*
18 *Sessions*, 904 F.3d 643 (9th Cir. 2018).

19 30. The detentive stops to which Petitioners were subjected occurred without
20 reasonable suspicion and therefore constitute an egregious violation of the
21 Fourth Amendment. Statements and or other evidence obtained as a result of
22 the detentive stops must be excluded and cannot be used to support the
23 necessary alienage determination required to issue the Expedited Removal
24 Orders.

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SECOND CLAIM FOR RELIEF

8 U.S.C. §§ 1225(b)(1)(A)(iii)(II), 1252(e)(2)(B) – Petitioners’ Expedited Removal Orders Lack a Factual Basis as Required by 8 U.S.C. §§ 1225(b)(1)(A)(iii)(II)

31. Petitioners repeat and incorporate by reference all allegations above as though set forth fully here.

32. Expedited Removal Orders may only be issued to an individual who is encountered within the interior of the United States away from an international border if certain requirements are met, including the requirement that the individual have been physically present in the United States for less than two years. 8 U.S.C. § 1225(b)(1)(A)(iii)(II).

33. Expedited Removal Orders which at the time of issuance lack a factual basis for the determination that an individual has been physically present for less than two years are invalid.

34. The Border Patrol’s determination that Petitioners have been physically present for less than two years lacked a sufficient factual basis required to issue the Expedited Removal Orders.

THIRD CLAIM FOR RELIEF

Fifth Amendment – Petitioners Were Not Afforded an Adequate or Meaningful Process to Challenge the Use of the Expedited Removal Process; Petitioners Were Not Afforded an Opportunity to Defend Themselves or Offer Evidence Regarding Length of Physical Presence Before Being Subjected to Expedited Removal Orders in Violation of the Fifth Amendment’s Due Process Clause

35. Petitioners repeat and incorporate by reference all allegations above as though set forth fully here.

36. Individuals present within the interior of the United States and who are not at or near an international border are unquestionably protected by the Due

1 Process Clause. “[T]he Due Process Clause applies to all ‘persons’ within the
2 United States, including aliens, whether their presence here is lawful,
3 unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693
4 (2001).

5 37. Due process protections apply to individuals present within the interior of
6 the United States in connection with the Expedited Removal process, even if
7 due process protections may not apply to individuals encountered at or near
8 an international border.

9 38. Petitioners are entitled to an adequate and meaningful process to defend
10 themselves during the Expedited Removal process which includes
11 challenging the manner in which the Expedited Removal process is used
12 against them within the interior of the United States, exercising their
13 statutory right to representation by an attorney pursuant to 5 U.S.C. § 555(b)
14 and 8 C.F.R. § 292.5(b), and exercising the right to be afforded sufficient
15 time to gather and present evidence in their defense, including evidence
16 pertaining to the crucial two-year continuous physical presence issue.

17 39. The Border Patrol denied Petitioners access to an attorney, failed to provide
18 Petitioners a meaningful opportunity to challenge the applicability of the
19 Expedited Removal process as applied to their circumstances within the
20 interior of the United States, and failed to provide Petitioners the opportunity
21 to gather and present evidence regarding physical presence before issuing the
22 Expedited Removal Orders in violation of the Fifth Amendment.

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FOURTH CLAIM FOR RELIEF

8 U.S.C. § 1357(a)(2) – Petitioners Were Arrested Without Warrants and Without Reason to Believe They Were Likely to Escape Before a Warrant Could Be Obtained in Violation of 8 U.S.C. § 1357(a)(2)

40. Petitioners repeat and incorporate by reference all allegations above as though set forth fully here.

41. 8 U.S.C. § 1357(a)(2) requires the Border Patrol to obtain a warrant before arresting an individual for immigration violations unless there is a reason to believe that the individual is likely to escape before a warrant can be obtained.

42. The Border Patrol arrested Petitioners without warrants and without “reason to believe” that they were likely to escape before a warrant could be obtained in violation of 8 U.S.C. § 1357(a)(2).

PRAYER FOR RELIEF

WHEREFORE, Petitioners respectfully ask this Court to take jurisdiction over this actual controversy and:

- a. Issue an Order vacating the Expedited Removal Orders and requiring Respondents to provide Petitioners with hearings pursuant to 8 U.S.C. § 1229a. *See* 8 U.S.C. § 1252(e)(4);
- b. Issue a Writ of Habeas Corpus and order the release of Petitioners because their detention and the process by which Expedited Removal Orders were issued violated the Fourth and Fifth Amendments and 8 U.S.C. § 1357(a)(2);
- c. In the alternative, issue injunctive relief ordering Respondents to release Petitioners on the ground that their continued detention and the process by

1 which the Expedited Removal Orders were issued violated the Fourth and
2 Fifth Amendments and 8 U.S.C. § 1357(a)(2);

- 3 d. Award Petitioners their costs and reasonable attorneys' fees in this action
4 under the Equal Access to Justice Act, as amended, 5 U.S.C. § 504 and 28
5 U.S.C. § 2412, and on any other basis justified under law; and,
6 e. Grant any other and further relief that this Court deems just and
7 appropriate.

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9 Dated: May 12, 2024

s/ Niels W. Frenzen

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11 USC GOULD SCHOOL OF LAW,
12 IMMIGRATION CLINIC
13 Attorney for Petitioners
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VERIFICATION

I, Niels W. Frenzen, declare as follows:

I am an attorney admitted to practice law in the State of California.

Because many of the allegations of this Petition require a legal knowledge not possessed by Petitioners, I am making this verification on their behalf.

I have read the foregoing Petition for Writ of Habeas Corpus and know the contents thereof to be true to my knowledge, information, or belief.

I certify under penalty of perjury that the foregoing is true and correct and that this declaration was executed on May 12, 2024.

s/ Niels W. Frenzen

NIELS W. FRENZEN

USC GOULD SCHOOL OF LAW, IMMIGRATION CLINIC

Attorney for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 12, 2025, I served a copy of this Petition for Writ of Habeas Corpus by email to the following individual:

Mary Wiggins
Civil Docketing Clerk
U S Attorney's Office
880 Front Street, Suite 6293, San Diego, CA 92101
Email: Mary.Wiggins@usdoj.gov

s/ Niels W. Frenzen
Niels W. Frenzen
Counsel for Petitioners