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8 **UNITED STATES DISTRICT COURT**
9
10 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

11 **M.G.L.**, a minor, by and through his
12 attorney Frances Arroyo,
13 Plaintiff,

14 vs.

15 **PAMELA BONDI**, Office of the
16 Attorney General;

17 **KRISTI NOEM**, Secretary, U.S.
18 Department of Homeland Security;

19 **TODD LYONS**, Director, U.S.
20 Immigration and Customs Enforcement;

21 Houston Field Office Director, U.S.
22 Immigration and Customs Enforcement
23 ("ICE-Houston")

24 Los Angeles Field Office Director, U.S.
25 Immigration and Customs Enforcement
26 ("ICE-LosAngeles");

27 Director, Homeland Security
28 Investigations ("HSI"); and

Director, Office of Refugee
Resettlement ("ORR"),

Defendants.

Civil Action No. 2:25-cv-05184

**FIRST AMENDED COMPLAINT:
PETITION FOR WRIT OF
HABEAS CORPUS AND MOTION
FOR DECLARATORY AND
INJUNCTIVE RELIEF**

I. INTRODUCTION

This civil action and habeas petition seek declaratory, injunctive, and habeas corpus relief against the above-named Defendants to halt the continued unlawful removal, concealment, and denial of due process rights to M.G.L. (Plaintiff) and his father, Martir Garcia Banegas, who were unlawfully deported by the U.S. Immigration and Customs Enforcement (ICE) after being taken into custody in Los Angeles, California. M.G.L., a 10-year-old minor, is the subject of an active Special Immigrant Juvenile Status (SIJS) case pending in California state court (Stanley Mosk Courthouse, Case No. 24STPT01867). Their removal has irreparably interfered with protected statutory immigration relief and violated Plaintiff's rights under the Administrative Procedure Act (APA) and the Fifth Amendment's guarantee of due process.

The case has drawn significant attention from trusted media outlets, which have reported on ICE's refusal to disclose the child's location, its separation of the child from his father without lawful process, and the community's concern over potential constitutional and statutory violations.¹

On May 29, 2025, ICE officers detained Plaintiff, a minor child, and his father

¹ Nathan Solis and Ruben Vives, *Torrance boy, 9, detained by ICE for planned deportation to Honduras. Community is outraged*, L.A. Times (June 5, 2025), <https://www.latimes.com/california/story/2025-06-05/torrance-community-searches-for-answers-on-student-detained-by-feds>; Travis Rice, *California 9-Year-Old Detained by ICE with Family, Facing Deportation*, FOX 11 Los Angeles (June 6, 2025), <https://www.foxla.com/news/california-9-year-old-detained-by-ice-with-family-honduras-deportation>; *Torrance 9-Year-Old, Father Detained by ICE, Facing Deportation, Reports Say*, ABC7 Eyewitness News (June 6, 2025), <https://abc7.com/post/torrance-9-year-old-father-detained-ice-facing-deportation-reports-say/16676565/>; *SoCal Boy to Be Deported Following Detainment by ICE*, KTLA 5 News (June 6, 2025), <https://ktla.com/news/local-news/southern-california-boy-to-be-deported-following-detainment-by-ice/>.

1 during a scheduled check-in at the ICE Los Angeles Field Office (300 N. Los Angeles
2 St.). Without providing notice or access to counsel, ICE separated the child from his
3 father and transported him to an undisclosed location. Despite multiple efforts by
4 undersigned counsel to determine their whereabouts—including urgent legal inquiries
5 and formal requests submitted to ICE Field Offices in Los Angeles and Texas—ICE
6 has denied access to the Plaintiff and his father and has failed to provide any
7 meaningful update on their status.

8 On June 6, 2025, an ICE officer informed a paralegal in undersigned counsel's
9 office that Plaintiff and his father had been deported. However, no official notice or
10 documentation confirming this removal has been provided. Indeed, Plaintiffs' counsel
11 has received no confirmation as to whether Plaintiff remains in ICE custody, whether
12 he and his father were in fact removed, when the removal occurred, or to where they
13 were sent. Although there is anecdotal evidence from an ICE functionary in Louisiana
14 suggesting that deportation occurred on June 6, ICE continues to withhold critical
15 information, leaving the minor's legal status uncertain and obstructing the ability of
16 counsel to safeguard his rights.²

17 In light of these circumstances, Plaintiff seeks immediate preliminary
18 injunctive relief requiring ICE to provide official confirmation of Plaintiff's current
19 status, including whether he is still in ICE custody or has been deported, and, if
20 deported, the date, country of removal, and current location. If Plaintiff has indeed
21 been removed, Plaintiff respectfully requests that the Court order Defendants to
22 facilitate his return to the United States so that pending state court proceedings for
23 appointment of a Guardian ad Litem may proceed, allowing Plaintiff to pursue

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25 ² *Flores v. Garland*, No. CV 85-4544-DMG (C.D. Cal. Jan. 5, 2024) (CBP
26 settlement agreement), [https://youthlaw.org/sites/default/files/2025-01/CBP-](https://youthlaw.org/sites/default/files/2025-01/CBP-Settlement-Agreement.pdf)
27 [Settlement-Agreement.pdf](https://youthlaw.org/sites/default/files/2025-01/CBP-Settlement-Agreement.pdf).
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1 protections available to him under the Special Immigrant Juvenile Status (SIJS)
2 framework.

3 Defendants' actions have deprived Plaintiff and his father of access to counsel,
4 due process, and their statutory rights under SIJS. This arbitrary and unlawful conduct
5 is subject to judicial review under the Administrative Procedure Act (APA), 5 U.S.C.
6 §§ 702–706. Moreover, these actions violate child welfare obligations and the Flores
7 Settlement Agreement. Even if Plaintiff has been removed, this Court retains
8 jurisdiction under 28 U.S.C. § 2241 due to the ongoing legal consequences of ICE's
9 conduct and Plaintiff's constructive custody. Venue is proper in this district, where
10 the constitutional violations—including the denial of access to counsel—occurred.

11 This case presents an extraordinary failure of transparency, due process, and
12 child protection that places a vulnerable child at grave and irreparable risk. As the
13 Supreme Court emphasized in *Nken v. Holder*, 556 U.S. 418 (2009), the irreparable
14 nature of removal without due process demands urgent judicial intervention. Plaintiff
15 further relies on *Noem v. Abrego Garcia*, 604 U.S. ____ (2025), No. 24A949, in
16 respectfully requesting that this Court compel Defendants to facilitate Plaintiff's
17 return.

18 The facts here closely mirror *Ramirez v. ICE*, 471 F. Supp. 3d 88 (D.D.C.
19 2020), where the court issued a temporary restraining order to halt the removal of a
20 noncitizen youth with a pending SIJS application. As in *Ramirez*, ICE's failure to
21 consider less restrictive alternatives and its decision to remove Plaintiff without regard
22 for his pending Special Immigrant Juvenile Status (SIJS) proceedings violates both
23 the APA and the agency's statutory obligations under the Trafficking Victims
24 Protection Reauthorization Act (TVPRA), 8 U.S.C. § 1232(c)(2)(B).

25 II. JURISDICTION & VENUE

26 This Court has jurisdiction under 28 U.S.C. §§ 1331, 1361, and 2241, and 5
27 U.S.C. §§ 702–706. Venue is proper under 28 U.S.C. § 1391(e) because Plaintiff
28 resided in this district and all material acts and omissions occurred here, including

1 ICE's denial of counsel access at its Los Angeles Field Office.

2 Although Plaintiff may have been removed from the United States, jurisdiction
3 under § 2241 remains because ICE retains constructive custody over Plaintiff: (1) the
4 removal order remains in effect, (2) the removal is challenged as unlawful and in
5 violation of due process, and (3) Plaintiff continues to suffer legal disabilities due to
6 the wrongful removal. See *Lopez v. Heinauer*, 332 F.3d 507 (8th Cir. 2003); *Nken v.*
7 *Holder*, 556 U.S. 418 (2009); *Ramirez v. ICE*, 471 F. Supp. 3d 88 (D.D.C. 2020).

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III. PARTIES

10 A. Plaintiff, M.G.L. is a 10-year-old minor who entered the United States
11 with his father in 2020 and was in federal immigration custody at the
12 time of the events giving rise to this action. A SIJS guardianship case
13 remains pending in Stanley Mosk Courthouse (Case No. 24STPT01867),
14 naming Plaintiff's father as the proposed legal guardian.

15 B. Defendants include the U.S. Attorney General, Secretary of U.S.
16 Department of Homeland Security (DHS), Directors of ICE (national,
17 Houston, and Los Angeles field offices), the Director of Homeland
18 Security Investigations (HSI), and the Director of Office of Refugee
19 Resettlement (ORR).

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IV. FACTUAL ALLEGATIONS

- 21 1. Plaintiff was taken into ICE custody with his father on May 29, 2025, during a
22 scheduled ICE check-in in Los Angeles.
- 23 2. Plaintiff was separated from his father without any court order or emergency
24 justification.
- 25 3. Plaintiff's legal representatives were not timely informed of their transfer or
26 whereabouts, in direct violation of the Flores Settlement Agreement, which
27 mandates appropriate notice, placement, and access to legal counsel and family
28 members.

- 1 4. Plaintiff remains eligible for SIJS and has an active Family Court case naming
- 2 his father as the proposed legal guardian.
- 3 5. Although there is anecdotal evidence from an ICE officer in Louisiana that
- 4 Plaintiff and his father were deported on or about June 6, 2025, ICE officials
- 5 have failed to provide any details or official confirmation. No formal notice or
- 6 documentation regarding their removal, including the date, destination, or
- 7 current whereabouts, has been provided to Plaintiff's counsel.
- 8 6. Plaintiff's removal would irreparably harm his due process rights under the
- 9 Constitution, the INA, and SIJS provisions.
- 10 7. ICE has failed to coordinate with ORR, as required under the TVPRA and
- 11 Flores, and failed to consider less restrictive alternatives to detention, as
- 12 mandated in *Ramirez v. ICE*, supra.
- 13 8. Media reports confirm a lack of transparency and rising community concern
- 14 over this incident.
- 15 9. Constructive custody persists, as ICE's actions continue to affect Plaintiff's
- 16 legal status and his ability to obtain SIJS protection.
- 17 10. Numerous elected officials have contacted DHS seeking information about the
- 18 child, to no avail.
- 19 11. Per L.R. 77-1 and Fed. R. Civ. P. 65, this request is filed during normal
- 20 business hours, with notice to the courtroom deputy to follow.

21 22 V. LEGAL CLAIMS

23 **Claim I: Petition for Writ of Habeas Corpus (28 U.S.C. § 2241):**

24 Plaintiff remains in the constructive custody of ICE due to the agency's
25 unlawful and unconfirmed removal actions. Habeas relief is appropriate where, as
26 here, Plaintiff's removal was effectuated without a final order of removal being
27 lawfully executed, and without confirmation or documentation as required by law.
28 This has left Plaintiff in legal limbo, deprived of due process and without the ability

1 to challenge his removal or seek return. The unlawful and opaque nature of Plaintiff's
2 detention, transfer, and potential removal—without notice, access to counsel, or the
3 opportunity to be heard—violates core constitutional and statutory protections.
4 Habeas relief is warranted to restore the status quo ante and ensure Plaintiff can pursue
5 Special Immigrant Juvenile Status (SIJS) protections under 8 U.S.C. § 1101(a)(27)(J).

6 Given these due process violations and in light of the Supreme Court's
7 recognition in *Noem v. Abrego Garcia*, 604 U.S. ____ (2025), No. 24A949, of district
8 courts' authority to compel the return of unlawfully deported SIJS applicants, the
9 Court should order the government to immediately facilitate the return of Plaintiff and
10 his father.

11
12 **Claim II: Due Process Violation (Fifth Amendment):**

13 Defendants' failure to notify Plaintiff's counsel, their denial of access to legal
14 representation, and their refusal to confirm the Plaintiff's custody or removal status
15 constitute grave violations of the Fifth Amendment. Plaintiff was separated from his
16 father—his proposed legal guardian in a pending California SIJS guardianship
17 proceeding—without any legal justification, emergency rationale, or court order.
18 Because of Defendants' actions, Plaintiff was prevented from completing state court
19 proceedings necessary to establish eligibility for SIJS. The father's physical presence
20 is essential to obtaining the guardianship order that forms the predicate for SIJS relief.
21 Without that adjudication, Plaintiff cannot proceed with his immigration case. This
22 constitutes a direct injury: denial of a statutory path to permanent protection in the
23 United States.

24 Moreover, the separation from his father caused Plaintiff severe emotional and
25 psychological trauma. Extensive research, including studies published by the
26 American Academy of Pediatrics and expert findings cited in *Ms. L. v. ICE*, 310 F.
27 Supp. 3d 1133 (S.D. Cal. 2018), has established that forcible family separation causes
28 acute and potentially lifelong trauma in children. The emotional and mental health

1 harms suffered by Plaintiff are not speculative—they are foreseeable, documented,
2 and severe.

3 Additionally, the danger Plaintiff faces if removed to Honduras is imminent
4 and grave. As a child with no meaningful support network in Honduras, Plaintiff is at
5 extreme risk of abuse, exploitation, and gang violence. Honduras has one of the
6 highest rates of violence against children in the Western Hemisphere. U.S.
7 immigration courts have recognized country conditions in Honduras as posing
8 particular risks to vulnerable children, especially those with disrupted family
9 structures. Plaintiff faces irreparable harm—including serious bodily injury or
10 death—if returned.

11 **Count III: Violation of Flores Settlement Agreement:**

12 Defendants violated the Flores Settlement by failing to (1) place the child in
13 the least restrictive setting, (2) provide timely notice to counsel and family regarding
14 separation and transfer, and (3) ensure safe and humane treatment of a minor in federal
15 custody. These failures are exacerbated by ICE's refusal to provide any official
16 confirmation of Plaintiff's location, removal status, or care.

17 **Count IV: Violation of the APA – Arbitrary & Capricious Agency Action (5**
18 **U.S.C. § 706(2)(A)):**

19 Defendants acted arbitrarily and capriciously in removing Plaintiff without
20 considering less restrictive alternatives to detention, in violation of the Trafficking
21 Victims Protection Reauthorization Act (TVPRA), 8 U.S.C. § 1232(c)(2)(B), and
22 relevant agency guidance. As recognized in *Ramirez v. ICE*, 471 F. Supp. 3d 88
23 (D.D.C. 2020), the removal of SIJS-eligible minors without such consideration is
24 unlawful and violates the APA.

25 **Count V: APA Violation – Exceeding Statutory Authority (5 U.S.C. § 706(2)(C))**

26 Defendants exceeded their statutory authority by detaining and deporting
27 Plaintiff without the required coordination with the Office of Refugee Resettlement
28

(ORR), in violation of 8 U.S.C. §§ 1232(b)–(c), and by denying the child’s right to access legal counsel and state court proceedings necessary to assert SIJS eligibility.

Count VI: APA Violation – Unlawful Action Contrary to Constitutional Right (5 U.S.C. § 706(2)(B))

Defendants’ actions constitute unlawful seizures and deprivation of liberty without due process, in violation of the Fourth and Fifth Amendments. Plaintiff’s separation from his father and his removal without notice or legal representation constitute state action that directly infringes upon his fundamental liberty interests in family unity, legal redress, and physical safety.

VI. PRAYER FOR RELIEF

Plaintiff, through counsel, respectfully requests that this Court:

1. **GRANT** a writ of habeas corpus pursuant to 28 U.S.C. § 2241 ordering the release and return of Plaintiff to the United States, given that he remains in ICE’s constructive custody and continues to suffer severe harm—including psychological trauma, deprivation of legal process, and interference with statutory protections—resulting from his unlawful detention, separation from his father, and possible deportation;
2. **ORDER** the Defendants to facilitate the immediate return of Plaintiff to the United States, as his removal unlawfully disrupted a pending SIJS guardianship proceeding in California family court. Plaintiff’s physical presence is essential to that proceeding, and his removal has obstructed his ability to pursue relief under 8 U.S.C. § 1101(a)(27)(J) and 8 C.F.R. § 204.11, in violation of due process and statutory protections. See *Noem v. Abrego Garcia*, 604 U.S. ____ (2025), No. 24A949.
3. **DECLARE** that Defendants’ conduct—specifically, the failure to provide notice of removal, denial of access to counsel, refusal to confirm Plaintiff’s location or legal status, and forced separation from his father—was unlawful

1 under the Administrative Procedure Act (APA), the U.S. Constitution, the
2 Flores Settlement Agreement, and governing immigration statutes, and caused
3 concrete harm to Plaintiff's physical safety, emotional wellbeing, and
4 immigration eligibility;

5 4. **GRANT** a preliminary injunction under Fed. R. Civ. P. 65(a) prohibiting
6 further separation, concealment, or interference with Plaintiff's rights under the
7 SIJS framework, and enjoining any additional removal efforts pending the
8 outcome of these proceedings;

9 5. **ORDER** that Defendants comply with the Flores Settlement Agreement and
10 the Trafficking Victims Protection Reauthorization Act (TVPRA), 8 U.S.C. §
11 1232(c)(2)(B), by ensuring Plaintiff's placement in the least restrictive, child-
12 appropriate setting, with access to legal counsel, family support, and trauma-
13 informed care;

14 6. **ORDER** the immediate disclosure of Plaintiff's current physical location,
15 including all transfer history, dates of movement, and whether Plaintiff remains
16 in ICE custody or was removed, and if so, the date, manner, and country of
17 removal;

18 7. **RECOGNIZE** the irreparable harm and trauma suffered by Plaintiff—
19 including the acute psychological effects of sudden and forced separation from
20 his parent, as documented in the child welfare literature and court findings in
21 *Ms. L. v. ICE*, 310 F. Supp. 3d 1133 (S.D. Cal. 2018)—and the imminent
22 danger he faces if returned to Honduras, including the threat of exploitation,
23 gang violence, and lack of care or protection;

24 8. **ORDER** reunification of minor Plaintiff with his parent in a safe, non-detention
25 setting consistent with the Flores Settlement and the TVPRA;

26 9. **ORDER** the release of minor Plaintiff into the care of a licensed child welfare
27 provider, the Office of Refugee Resettlement, or another appropriate placement
28 to ensure continuity of his SIJS proceeding;

1 10. **AWARD** attorneys' fees and costs under the Equal Access to Justice Act
2 (EAJA), 28 U.S.C. § 2412; and

3 11. **GRANT** any additional relief this Court deems just and proper in the interest
4 of justice, child protection, and constitutional compliance.

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7 Respectfully submitted,

Date: June 25, 2025

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11 _____
12 Frances E. Arroyo, Esq.
13 Attorney for Plaintiff
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