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

13 Leonel Navarrete Hernandez,)

14 Petitioner-Plaintiff,)

15 v.)

16 Todd Lyons, Acting Director,
17 Immigration and Customs
18 Enforcement;

19 and)

20 Ernesto Santacruz Jr.,
21 Los Angeles Field Office
22 Acting Director, Immigration
23 and Customs Enforcement,
24 Enforcement and Removal
25 Operations)

26 Respondents-Defendants.)
27 _____)
28

CASE NO.: _____

PETITION FOR WRIT OF HABEAS
CORPUS PURSUANT TO
28 U.S.C. § 2241

VERIFIED PETITION

Petitioner DHS No. A 

INTRODUCTION

1. Petitioner Leonel Navarrete Hernandez (DHS No. A [REDACTED]) is in the custody of Immigration and Customs Enforcement (“ICE”) and is detained at an ICE Enforcement and Removal Operations (“ERO”) holding facility in Santa Ana, California.
2. Petitioner is unlawfully detained. Petitioner was released from ICE custody over two years ago after posting a \$10,000 bond on January 11, 2023 pending removal proceedings pursuant to 8 U.S. Code § 1229a.
3. On May 19, 2025, an Immigration Judge (“IJ”) granted Petitioner protection against removal to his country of nationality, El Salvador, under the Convention Against Torture.
4. On June 12, 2025, ICE filed a notice of appeal of the IJ’s decision with the Board of Immigration Appeals.
5. On June 12, 2025, Petitioner attended his ISAP check-in in Los Angeles, CA and was arrested and detained by ICE.
6. There has been no change in Petitioner’s circumstances that would subject Petitioner to re-detention. Petitioner does not have a final removal order. The IJ’s recent grant of protection under the Convention Against Torture renders any risk of flight even lower than at the time Petitioner was released on bond two years ago. Petitioner has remained out of detention for over two years, remained in compliance with ICE supervision and the conditions of release, and Petitioner has developed significant liberty interests.
7. ICE’s arrest and detention of Petitioner violates Petitioner’s rights under the Fourth Amendment protection against unreasonable seizure, the Fifth Amendment’s Due Process Clause, and are in violation of 5 U.S.C. § 706(2)(A), (B), and (C).

JURISDICTION AND VENUE

8. Jurisdiction is proper and relief is available pursuant to 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1346 (original jurisdiction), 5 U.S.C. § 702 (waiver of sovereign immunity), 28 U.S.C. § 2241 (habeas corpus jurisdiction), and Article I, Section 9, clause 2 of the United States Constitution (the Suspension Clause).
9. Venue is proper in the Central District of California under 28 U.S.C. § 1391, because at least one federal Defendant resides in this District and because the Petitioner was arrested and is detained in this District.

PARTIES

Petitioner

10. Leonel Navarrete Hernandez is a citizen of El Salvador who has been granted protection under the Convention Against Torture by an Immigration Judge.

Respondents-Defendants

11. Todd Lyons is the Acting Director of Immigration and Customs Enforcement, a federal law enforcement agency within the Department of Homeland Security. ICE's responsibilities include operating the immigration detention system. In his capacity as ICE Acting Director, Respondent Lyons exercises control over and is a custodian of persons held at the ICE facilities nationally. At all times relevant to this Complaint, Respondent Lyons was acting within the scope and course of his employment with ICE. He is sued in his official capacity.
12. Respondent Ernesto Santacruz, Jr. is the Acting Director of the Los Angeles Field Office of ICE Enforcement and Removal Operations ("ICE ERO"), a federal law enforcement agency within the Department of Homeland

1 Security. ERO is a directorate within ICE whose responsibilities include
2 operating the immigration detention system. In his capacity as ICE ERO Los
3 Angeles Acting Field Office Director, Respondent Santacruz, Jr. exercises
4 control over and is a custodian of persons held at the ICE facilities in the Los
5 Angeles Field Office which includes Santa Ana, California. At all times
6 relevant to this Complaint, Respondent Santacruz, Jr. was acting within the
7 scope and course of his employment with ICE. He is sued in his official
8 capacity.

10 STATEMENT OF FACTS

11 13. Petitioner was released from ICE custody on bond on January 11, 2023.

12 Petitioner complied with conditions of bond including attending all his court
13 appearances over the course of his removal proceedings lasting over two
14 years.

15 14. Petitioner was granted protection from removal to El Salvador pursuant to
16 the Convention Against Torture by an Immigration Judge on May 19, 2025.

17 15. The Government filed a notice of appeal of the Immigration Judge decision
18 to the Board of Immigration Appeals on June 12, 2025. Petitioner is
19 therefore not subject to a final administrative order of removal.

20 16. Petitioner reported to his ISAP check-in located near Broadway and Second
21 Street in Los Angeles, CA on June 12, 2025.

22 17. At that location officers arrested Petitioner. Petitioner informed the ICE
23 officers that he had an order from an Immigration Judge and that he was
24 represented by an attorney. ICE officers responded that the judge's order did
25 not matter and that only the President's Orders matter. The ICE officers also
26 told him that having an attorney did not matter.

27 18. Petitioner was transported to Santa Ana, CA to an ICE ERO processing
28 facility.

FIRST CLAIM FOR RELIEF

**Petitioner's Detention Violates His Fourth Amendment Right Against
Unreasonable Seizure**

19. Petitioner repeats and incorporates by reference all allegations above as though set forth fully here.
20. Subjecting an individual to an unreasonable arrest without probable cause is a violation of the Fourth Amendment. *See, e.g., Sanchez v. Sessions*, 904 F.3d 643 (9th Cir. 2018).
21. Petitioner was complying with the conditions of his bond in reporting to the ISAP office, he did not present as a flight risk or a danger, and his arrest by Respondents was unreasonable and constitutes a violation of the Fourth Amendment.

SECOND CLAIM FOR RELIEF

Petitioner's Detention Violates His Fifth Amendment Right to Due Process

22. Petitioner repeats and incorporates by reference all allegations above as though set forth fully here.
23. "The Fifth Amendment's Due Process Clause forbids the Government to 'deprive' any 'person . . . of . . . liberty . . . without due process of law.'" *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
24. "[D]ue process requires the Government to show by clear and convincing evidence that an immigrant is a flight risk or a danger to the community at the time of the bond hearing." *Ramos v. Sessions*, No. 18-cv-00413-JST, 2018 U.S. Dist. LEXIS 42239, at *17 (N.D. Cal. Mar. 13, 2018) (citing *Singh*, 638 F.3d at 1208).
25. Here, Petitioner was released on bond and remained free from ICE custody for over two years. There was no violation of his bond conditions or change

1 in circumstances to authorize re-detention. Petitioner attended all
2 immigration court hearings.

3 26. Respondents' act of re-detaining Petitioner without notice and without a
4 hearing after he posted bond and has demonstrated for two years that he is
5 not a flight risk or danger to the community violates his right to due process.

6 **THIRD CLAIM FOR RELIEF**

7 **Petitioner's Detention Violates the Administrative Procedure Act**

8 **5 U.S.C. § 706(2)**

9 27. Petitioner repeats and incorporates by reference all allegations above as
10 though set forth fully here.

11 28. Under the Administrative Procedure Act, a court must "hold unlawful and set
12 aside agency action" that is "arbitrary, capricious, an abuse of discretion, or
13 otherwise not in accordance with the law," that is "contrary to constitutional
14 right [or] power," or that is "in excess of statutory jurisdiction, authority, or
15 limitations, or short of statutory right." 5 U.S.C. § 706(2)(A)-(C).

16 29. Respondents' arrest and detention of Petitioner- who has remained out of
17 custody on bond for over two years during his removal proceedings- was
18 arbitrary and capricious. Respondents' arrest and detention of Petitioner
19 violates the Fourth and Fifth Amendments of the Constitution. Respondents
20 do not have statutory authority to arrest and re-detain Petitioner.

21 Respondents do not have the authority to remove Petitioner from the United
22 States as he does not have a final administrative removal order.

23 30. Petitioner's arrest and detention is arbitrary, capricious, an abuse of
24 discretion, violative of the Constitution, and without statutory authority in the
25 violation of 5 U.S.C. § 706(2).

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PRAYER FOR RELIEF

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

- a. Issue a Writ of Habeas Corpus and order the release of Petitioner because his arrest and detention violates the Fourth and Fifth Amendments and 5 U.S.C. § 706(2);
- b. Issue injunctive relief forbidding Respondents from removing Petitioner from the United States;
- c. In the alternative, issue injunctive relief ordering Respondents to release Petitioner on the ground that his arrest and continued detention violates the Fourth and Fifth Amendments and 5 U.S.C. § 706(2);
- d. Award Petitioner his costs and reasonable attorneys' fees in this action under the Equal Access to Justice Act, as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified under law; and,
- e. Grant any other and further relief that this Court deems just and appropriate.

Dated: June 13, 2025

s/ Jean Reisz

JEAN REISZ
USC GOULD SCHOOL OF LAW,
IMMIGRATION CLINIC
Attorney for Petitioner

VERIFICATION

I, Jean Reisz, 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 Petitioner, I am making this verification on his 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 June 13, 2025.

s/ Jean Reisz

JEAN REISZ

USC GOULD SCHOOL OF LAW, IMMIGRATION CLINIC

Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 13, 2025, I served a copy of this Petition for Writ of Habeas Corpus by email to the following individual:

David M. Harris
Chief of the Civil Division
U.S. Attorney's Office
300 N. Los Angeles St., Ste. 7516
Los Angeles, CA 90012-3341
Email: David.M.Harris@usdoj.gov

s/ Jean Reisz

Jean Reisz

Counsel for Petitioner