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UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

JOAQUIN E. VILLALTA SALAZAR,
Petitioner-Plaintiff,

v.

Timothy ROBBINS, Acting Field Office Director of Los Angeles Office of Detention and Removal, U.S. Immigrations and Customs Enforcement; U.S. Department of Homeland Security;

Todd M. LYONS, Acting Director, Immigration and Customs Enforcement, U.S. Department of Homeland Security;

Kristi NOEM, in her Official Capacity, Secretary, U.S. Department of Homeland Security; and

Pam BONDI, in her Official Capacity, Attorney General of the United States;

Respondents-Defendants.

Case No. 2:25-cv-05743

PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Challenge to Unlawful Incarceration Under Color of Immigration Detention Statutes; Request for Declaratory and Injunctive Relief

INTRODUCTION

1. Petitioner, Joaquin E. Villalta Salazar ("Mr. Villalta" or "Petitioner"), Agency number [redacted], by and through his undersigned counsel, hereby files this petition for writ of habeas corpus and complaint for declaratory and injunctive relief to prevent the U.S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE) from returning him to an immigration jail pending resolution of his removal case without first providing him a due process hearing where the government bears the burden to demonstrate to a neural adjudicator that he is a danger to the community or a flight risk by clear and convincing evidence.

2. Petitioner also seeks an order enjoining the DHS from violating the February 3, 2025 order, issued by the Board of Immigration Appeals, staying his removal order. Petitioner is seeking an injunction directing the DHS not to remove Petitioner from the United States while that stay is in place.

3. Petitioner lastly seeks his return and release to Los Angeles where ICE unlawfully re-detained him without a hearing, without demonstrating that he is a flight risk or danger to the community, or for unlawful reason that he was given, which "the President wants this." Congress does not permit ICE to re-detain a Petitioner for the sole purpose of being a political pawn.

4. The DHS previously incarcerated Mr. Villalta for sixteen months—between September 18, 2020 and February 3, 2022—pending resolution of his immigration case. Mr. Villata was initially denied bond. But on February 3, 2022, ICE released him from custody pursuant to the *Friahat v. ICE,* 445 F. Supp. 3d 709 (C.D. Cal. Apr. 20, 2020) after determining that he had health conditions—most notably high blood pressure—that places him at heighted risk of severe illness and death if he contracts the COVID-19 virus. *See* ***Exhibit B.*** An ICE officer determined that he was neither a flight risk nor a danger. Upon his release, ICE installed an electronic ankle monitor and enrolled Mr. Villalta in the Intensive Supervision Appearance Program (ISAP). Mr. Villalta complied with all conditions of release, and reported each month for 40 months—from February 2022 until June 2025.

5. Over the last three years and four months in which he has lived at liberty, Mr. Villalta has been the sole caretaker for wife who has an aggressive form of breast cancer. Mr. Villalta has

been employed on a fulltime basis and provides all financial support to his wife and has provided all care for her as she has had chemotherapy treatments, including a time period when she needed weekly chemotherapy treatments. In addition, Mr. Villalta provides financial support to his five year old daughter with whom he shares custody and provides emotional and financial support to his step-children.

6. Mr. Villalta has also continued to diligently litigate his removal proceedings. On February 16, 2021, an IJ denied his claims for asylum, withholding, and protection under the Convention Against Torture (CAT) and ordered him removed. When his case was pending before the Ninth Circuit Court of Appeals, 21-953, the Court appointed undersigned counsel to be pro bono counsel. Although the Court denied that petition, on July 25, 2024, Mr. Villalta filed a motion to reopen with the Board of Immigration Appeals (BIA) seeking a new hearing to apply for asylum, withholding, and CAT. This motion is still pending before the BIA. *See* ***Exhibit C.*** On February 3, 2025, the BIA issued an order staying the removal while the BIA adjudicates the pending motion to reopen. *See* ***Exhibit A.*** This order prevents the DHS from removing Mr. Villalta from the country while his case is pending.

7. Mr. Villalta reported to the ICE office in downtown Los Angeles and did so each month for 40 months without issue.

8. On June 13, 2025, Mr. Villalta received a message from ISAP on his telephone in the Spanish language that translates as: "Please report to the ICE Office at 321 Cortez Circle, Camarillo, CA, between the hours of 8:00 a.m. and 4:00 p.m. on Saturday, June 14, 2025 or Sunday, June 15, 2025. Failure to report as instructed will be considered a violation." ***Exhibit E***

9. On information and belief, on June 6, 2025, ISAP in Los Angeles sent the same or similar text message to dozens of noncitizens, instructing them to appear at ISAP in Los Angeles on either June 7, 2025, or June 8, 2025.

10. On information and belief, many of those individuals who appeared as instructed at ISAP in Los Angeles were incarcerated or re-incarcerated by ICE.[1]

[1] "Immigrants at ICE check-ins detained, held in basement of federal building in Los Angeles, some overnight," CBS News (June 7, 2025), https://www.cbsnews.com/news/immigrants-at-ice-check-ins-detained-and-held-in-basement-of-federal-building-in-los-angeles/; "They followed

11. On information and belief, numerous other noncitizens in the San Francisco Bay Area and Los Angeles received the same or similar text message on June 13, 2025. *Id.*

12. Numerous credible reports demonstrate that, across the country, including in San Francisco and other Bay Area cities, individuals are being called in for ISAP check-ins or other check-ins with ICE and then arrested by ICE.[2]

13. In recent months, ICE has engaged in highly publicized arrests of individuals who presented no flight risk or danger, often with no prior notice that anything regarding their status was amiss or problematic, whisking them away to faraway detention centers without warning.[3]

14. On June 14, 2025, at around noon, Mr. Villalta went to the ICE appointment as instructed. At that time, he presented the February 3, 2025 order staying his removal and EOIR docket information showing that his case was still pending. The ICE officer told him that he was going to be detained because that is "what President Trump wants."

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the government's rules. ICE held them anyway," LAist (June 11, 2025), https://laist.com/news/politics/ice-raids-los-angeles-family-detained.

[2] "ICE confirms arrests made in South San Jose," NBC Bay Area (June 4, 2025), https://www.nbcbayarea.com/news/local/ice-agents-san-jose-market/3884432/ ("The Rapid Response Network, an immigrant watchdog group, said immigrants are being called for meetings at ISAP – Intensive Supervision Appearance Program – for what are usually routine appointments to check on their immigration status. But the immigrants who show up are taken from ISAP to a holding area behind Chavez Supermarket for processing and apparently to be taken to a detention center, the Rapid Response Network said."); "ICE arrests 15 people, including 3-year-old child, in San Francisco, advocates say," San Francisco Chronicle (June 5, 2025), https://www.sfchronicle.com/bayarea/article/ice-arrests-sf-immigration-trump-20362755.php; "Cincinnati high school graduate faces deportation after routine ICE check-in," ABC News (June 9, 2025), https://abcnews.go.com/US/cincinnati-high-school-graduate-faces-deportation-after-routine/story?id=122652262.

[3] *See, e.g.*, McKinnon de Kuyper, *Mahmoud Khalil's Lawyers Release Video of His Arrest*, N.Y. Times (Mar. 15, 2025), *available at* https://www.nytimes.com/video/us/politics/100000010054472/mahmoud-khalils-arrest.html (Mahmoud Khalil, arrested in New York and transferred to Louisiana); "What we know about the Tufts University PhD student detained by federal agents," CNN (Mar. 28, 2025), https://www.cnn.com/2025/03/27/us/rumeysa-ozturk-detained-what-we-know/index.html (Rumeysa Ozturk, arrested in Boston and transferred to Louisiana); Kyle Cheney & Josh Gerstein, *Trump is seeking to deport another academic who is legally in the country, lawsuit says*, Politico (Mar. 19, 2025), *available at* https://www.politico.com/news/2025/03/19/trump-deportationgeorgetown-graduate-student-00239754 (Badar Khan Suri, arrested in Arlington, Virginia and transferred to Texas).

15. ICE officer never articulated a reason as to why Mr. Villalta was a flight risk, was a danger to his community, had violated any condition of his release, or whose health condition no longer posed a risk to him. To the contrary, the only reason given that the re-detention is occurring because it is "what President Trump wants" is not a legal basis to redetain him.

16. On Saturday, June 14, 2025, the ICE inmate locator did not provide any information as to his whereabouts. To the contrary, ICE posted only that Mr. Villalta was "in custody." Counsel called the Ventura ICE office in Camarillo, CA at (805) 482-1587. No person picked up the phone and Counsel was directed to call (800) 973-2867 to reach an officer after business hours. Counsel then called that 800 number and spoke to an officer who stated that he was located in Florida and stated that the Camarillo office was "closed" and that Counsel could not speak to any officer there.

1. By 8:36 PM PST on June 16, 2025, the DHS updated the inmate locator to state that he is in custody and the only information about his whereabouts are "TX 79934." ***Exhibit D*** That same page directs "family members and legal representatives" to contact the "ERO office: LOS ANGELES, CALIFORNIA, Phone Number: (213) 830-4925." ***Exhibit D.*** This information establishes that the Los Angeles ICE office retains control over his location. On information and belief, El Paso is the location where ICE has a detention center, but also, has been a place where it has identified people to be sent out of the country within days of their arrival.

17. By statute and regulation, as interpreted by the Board of Immigration Appeals (BIA), ICE has the authority to re-arrest a noncitizen and revoke their bond, only where there has been a change in circumstances since the individual's release. 8 U.S.C. § 1226(b); 8 C.F.R. § 236.1(c)(9); *Matter of Sugay*, 17 I&N Dec. 647, 640 (BIA 1981). The government has further clarified in litigation that any change in circumstances must be "material." *Saravia v. Barr*, 280 F. Supp. 3d 1168, 1197 (N.D. Cal. 2017), *aff'd sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018) (emphasis added). That authority, however, is proscribed by the Due Process Clause because it is well-established that individuals released from incarceration have a liberty interest in their freedom. In turn, to protect that interest, on the particular facts of Mr. Villalta's case, due process requires notice and a hearing, *prior to any re-arrest*, at which he is afforded the

opportunity to advance his arguments as to why his release should not be revoked.

18. That basic principle—that individuals placed at liberty are entitled to process before the government imprisons them—has particular force here, where Mr. Villalta's detention was *already* found to be unnecessary to serve its purpose. An ICE officer previously found that he need not be incarcerated to prevent flight or to protect the community, and no circumstances have changed that would justify re-arrest.

19. Therefore, at a minimum, in order to lawfully re-arrest Mr. Villalta, the government must first establish, by clear and convincing evidence and before a neutral decision maker, that he is a danger to the community or a flight risk, such that his re-incarceration is necessary. ICE's re-arrest of Mr. Villalta on June 14, 2025 violated these regulations, laws, and due process.

CUSTODY

20. Mr. Villalta is currently in the custody of ICE at an unknown location. On June 14, 2025, an officer at (800) 973-2867 did not provide Counsel with that information. As of 8:30 pm PST, on June 16, 2025, the ICE detainer locator does not have Mr. Villalta's location on it, instead it only lists that he is in detention in "TX, 79934." ***Exhibit D.*** Due to additional conditions of release set by ICE, he is also participating in ISAP, a monitoring program for immigrants in removal proceedings who have been released from custody. The program is operated by a private contractor, BI Incorporated. Pursuant to his contract with ISAP, among other restrictions, Mr. Villalta is subject to check-ins like the appointment scheduled via a message to his phone on June 13, 2025. Such stringent requirements "impose[] conditions which significantly confine and restrain his freedom; this is enough to keep him in the 'custody' of [the DHS] within the meaning of the habeas corpus statute." *Jones v. Cunningham*, 371 U.S. 236, 243 (1963); *see also Rodriguez v. Hayes*, 591 F.3d 1105, 1118 (9th Cir. 2010) (holding that comparable supervision requirements constitute "custody" sufficient to support habeas jurisdiction).

JURISDICTION

21. This Court has jurisdiction over the present action pursuant to 28 U.S.C. § 1331, general federal question jurisdiction; 5 U.S.C. § 701, *et seq.*, All Writs Act; 28 U.S.C. § 2241, *et seq.*, habeas corpus; 28 U.S.C. § 2201, the Declaratory Judgment Act; Art. 1, § 9, Cl. 2 of the United

States Constitution (Suspension Clause); Art. 3 of the United States Constitution, and the common law.

REQUIREMENTS OF 28 U.S.C. § 2243

22. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to Respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return "within *three days* unless for good cause additional time, *not exceeding twenty days*, is allowed." *Id.* (emphasis added).

23. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

24. Habeas corpus must remain a swift remedy. Importantly, "the statute itself directs courts to give petitions for habeas corpus 'special, preferential consideration to insure expeditious hearing and determination.'" *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000) (internal citations omitted). The Ninth Circuit warned against any action creating the perception "that courts are more concerned with efficient trial management than with the vindication of constitutional rights." *Id.*

VENUE

25. Venue is properly before this Court pursuant to 28 U.S.C. § 1391(e) because the Respondents are employees or officers of the United States, acting in their official capacity; because a substantial part of the events or omissions giving rise to the claim occurred in the Western District of the Central District of California. Mr. Villalta is under the jurisdiction of the Los Angeles ICE Field Office and has been reporting to the Los Angeles ICE office on forty occasion between February 2022 and June 2025. ICE unlawfully re-arrested him at 321 Cortez Circle, Camarillo, CA in violation of 8 U.S.C. § 1226(b); 8 C.F.R. § 236.1(c)(9); *Matter of Sugay*, 17 I&N Dec. 647, 640 (BIA 1981). As of June 16, 2025, ICE directs family and legal

representatives to contact the Los Angeles ERO office to obtain more information about Mr. Villalta's location. ***Exhibit D***. All of the these locations are in the jurisdiction of the Central District of California, Western Division. There is no real property involved in this action.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

26. For habeas claims, exhaustion of administrative remedies is prudential, not jurisdictional. *Hernandez*, 872 F.3d at 988. A court may waive the prudential exhaustion requirement if "administrative remedies are inadequate or not efficacious, pursuit of administrative remedies would be a futile gesture, irreparable injury will result, or the administrative proceedings would be void." *Id.* (*quoting Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004) (citation and quotation marks omitted)). Mr. Villalta asserts that exhaustion should be waived because administrative remedies are (1) futile and (2) his continued detention results in irreparable harm.

27. No statutory exhaustion requirements apply to Mr. Villalta's claim of unlawful custody in violation of his due process rights, and there are no administrative remedies that he needs to exhaust. *See Am.-Arab Anti-Discrimination Comm. v. Reno*, 70 F.3d 1045, 1058 (9th Cir. 1995) (finding exhaustion to be a "futile exercise because the agency does not have jurisdiction to review" constitutional claims); *In re Indefinite Det. Cases*, 82 F. Supp. 2d 1098, 1099 (C.D. Cal. 2000) (same).

PARTIES

28. Mr. Villalta was born in El Salvador and moved to the United States in 2005 at the age of twenty-seven. On February 3, 2022, ICE released Mr. Villalta from immigration custody because of his health conditions placed him at heightened risk of harm if he contracted COVID-19. An ICE officer determined that he was neither a flight risk nor a danger. Upon his release, ICE installed an electronic ankle monitor and enrolled Mr. Villalta in the ISAP program. Mr. Villalta complied with all conditions of release, and reported each month for 40 months—from February 2022 until June 2024.

29. Mr. Villalta has been employed fulltime since his release from detention and is the sole caretaker for wife who has an aggressive form of breast cancer. He has shared custody with his five-year old U.S. citizen daughter. Mr. Villalta has a meritorious application for a motion to

reopen proceedings to receive protection under asylum, withholding, and CAT, which is pending before the BIA.

30. Respondent Timothy ROBBINS is the Acting Field Office Director of ICE, in Los Angeles, California and is named in his official capacity. ICE is the component of the DHS that is responsible for detaining and removing noncitizens according to immigration law and oversees custody determinations. In his official capacity, he is the legal custodian of Mr. Villlalta.

31. Respondent Todd M. LYONS is the Acting Director of ICE and is named in his official capacity. Among other things, ICE is responsible for the administration and enforcement of the immigration laws, including the removal of noncitizens. In his official capacity as head of ICE, he is the legal custodian of Mr. Villalta.

32. Respondent Kristi NOEM is the Secretary of DHS and is named in her official capacity. DHS is the federal agency encompassing ICE, which is responsible for the administration and enforcement of the INA and all other laws relating to the immigration of noncitizens. In her capacity as Secretary, Respondent Noem has responsibility for the administration and enforcement of the immigration and naturalization laws pursuant to section 402 of the Homeland Security Act of 2002, 107 Pub. L. No. 296, 116 Stat. 2135 (Nov. 25, 2002); *see also* 8 U.S.C. § 1103(a). Respondent Noem is the ultimate legal custodian of Mr. Villalta.

33. Respondent Pam BONDI is the Attorney General of the United States and the most senior official in the U.S. Department of Justice (DOJ) and is named in her official capacity. She has the authority to interpret the immigration laws and adjudicate removal cases. The Attorney General delegates this responsibility to the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA.

STATEMENT OF FACTS

34. Mr. Villalta is citizen and national of El Salvador who entered the U.S. in 2005 at the age of twenty-seven years old.

35. On September 18, 2020, DHS issued a Notice to Appear, took him into custoy and commenced immigration proceedings.

36. On February 16, 2021, an IJ denied his claims for asylum, withholding, and protection

under the Convention Against Torture (CAT) and ordered him removed. On October 12, 2021, the BIA dismissed the appeal.

37. On October 21, 2021, Mr. Villalta pro se filed a timely petition for review with the Ninth Circuit Court of Appeals. *See* Docket Sheet No. 21-953, # 1. On May 20, 2022, the Court appointed undersigned counsel pro bono counsel. *See* Docket Sheet No. 21-953, # 16. On August 25, 2023, Respondent filed his opening brief with the Court. *See* Docket Sheet No. 21-953, # 41. On May 15, 2024, the Court denied the petition for review. *See* Docket Sheet No. 21-953, # 74.

38. On July 25, 2024,, Mr. Villalta filed a motion to reopen with the Board of Immigration Appeals (BIA) seeking a new hearing to apply for asylum, withholding, and CAT. This motion is still pending before the BIA. *See* ***Exhibit A.***.

39. On February 3, 2025, the BIA issued an order staying the removal while the BIA adjudicates the pending motion to reopen. *See* ***Exhibit B.*** This stay means that the DHS cannot remove Mr. Villalta from the country until the BIA adjudicates his motion to reopen.

40. The DHS previously incarcerated Mr. Villalta for sixteen months—between September 18, 2020 and February 3, 2022—pending resolution of his immigration case. Mr. Villata was initially denied bond.

41. On February 3, 2022, ICE released him from custody pursuant to the *Friahat v. ICE,* 445 F. Supp. 3d 709 (C.D. Cal. Apr. 20, 2020) after determining that he had health conditions—most notably high blood pressure—that places him at heighted risk of severe illness and death if he contracts the COVID-19 virus. *See* ***Exhibit B***. An ICE officer determined that he was neither a flight risk nor a danger.

42. Upon his release, ICE installed an electronic ankle monitor and enrolled Mr. Villalta in the Intensive Supervision Appearance Program (ISAP). Mr. Villalta complied with all conditions of release, and reported each month for 40 months—from February 2022 until June 2025.

43. Over the last three years and four months in which he has lived at liberty, Mr. Villalta has been the sole caretaker for wife who has an aggressive form of breast cancer. Mr. Villalta has been employed on a fulltime basis and provides all financial support to his wife and has provided all care for her as she has had chemotherapy treatments, including a time period when she needed

weekly chemotherapy treatments. In addition, Mr. Villalta provides financial support to his five year old daughter with whom he shares custody and provides emotional and financial support to his step-children.

44. While litigating his request for protection under ICE, Mr. Villalta reported to the ICE office in downtown Los Angeles and did so each month for 40 months without issue.

45. On June 13, 2025, Mr. Villalta received a message from ISAP on his telephone stating in the Spanish language that translates as: "Please report to the ICE Office at 321 Cortez Circle, Camarillo, CA, between the hours of 8:00 a.m. and 4:00 p.m. on Saturday, June 14, 2025 or Sunday, June 15, 2025. Failure to report as instructed will be considered a violation." ***Exhibit E.***

46. On June 14, 2025, at around noon, Mr. Villalta went to the ICE appointment as instructed. At that time, he presented the February 3, 2025 order staying his removal and EOIR docket information showing that his case was still pending. The ICE officer told him that he was going to be detained because that is "what President Trump wants."

47. ICE officer never articulated a reason as to why Mr. Villalta was a flight risk, was a danger to his community, had violated any condition of his release, or whose health condition no longer posed a risk to him. To the contrary, the only reason given that the re-detention is occurring because it is "what President Trump wants" is not a legal basis to redetain him.

48. On Saturday, June 14, 2025, the ICE inmate locator did not provide any information as to his whereabouts. To the contrary, ICE posted only that Mr. Villalta was "in custody." Counsel called the Ventura ICE office in Camarillo, CA at (805) 482-1587. No person picked up the phone and Counsel was directed to call (800) 973-2867 to reach an officer after business hours. Counsel then called that 800 number and spoke to an officer who stated that he was located in Florida and stated that the Camarillo office was "closed" and that Counsel could not speak to any officer there.

49. Intervention from this Court is therefore required to ensure that Mr. Villalta is released from his current custody based his unlawful arrest, returned to his home in Los Angeles where ICE can provide him with a hearing before determining to re-arrest him, and enjoin DHS from

removing him from the country, which would violate the February 3, 2025 BIA order prohibiting such conduct.

LEGAL BACKGROUND

Right to a Hearing Prior to Re-incarceration

50. In Mr. Villalta's particular circumstances, the Due Process Clause of the Constitution makes it unlawful for Respondents to re-arrest him without first providing a pre-deprivation hearing before a neutral decision maker to determine whether circumstances have materially changed since his release from custody in February 2022, such that detention would now be warranted on the basis that he is a danger or a flight risk by clear and convincing evidence.

51. The statute and regulations grant ICE the ability to unilaterally revoke any noncitizen's immigration bond and re-arrest the noncitizen at any time. 8 U.S.C. § 1226(b); 8 C.F.R. § 236.1(c)(9). Notwithstanding the breadth of the statutory language granting ICE the power to revoke an immigration bond "at any time," 8 U.S.C. 1226(b), in *Matter of Sugay*, 17 I&N Dec. at 640, the BIA recognized an implicit limitation on ICE's authority to re-arrest noncitizens. There, the BIA held that "where a previous bond determination has been made by an immigration judge, no change should be made by [the DHS] absent a change of circumstance." *Id.* In practice, DHS "requires a showing of changed circumstances both where the prior bond determination was made by an immigration judge *and* where the previous release decision was made by a DHS officer." *Saravia*, 280 F. Supp. 3d at 1197 (emphasis added). The Ninth Circuit has also assumed that, under *Matter of Sugay*, ICE has no authority to re-detain an individual absent changed circumstances. *Panosyan v. Mayorkas*, 854 F. App'x 787, 788 (9th Cir. 2021) ("Thus, absent changed circumstances … ICE cannot redetain Panosyan.").

52. ICE has further limited its authority as described in *Sugay*, and "generally only re-arrests [noncitizens] pursuant to § 1226(b) after a *material* change in circumstances." *Saravia*, 280 F. Supp. 3d at 1197, *aff'd sub nom. Saravia for A.H.*, 905 F.3d 1137 (quoting Defs.' Second Supp. Br. at 1, Dkt. No. 90) (emphasis added). Thus, under BIA case law and ICE practice, ICE may re-arrest a noncitizen who had been previously released on bond only after a material change in

circumstances. *See Saravia*, 280 F. Supp. 3d at 1176; *Matter of Sugay*, 17 I&N Dec. at 640.

53. ICE's power to re-arrest a noncitizen who is at liberty following a release from custody is also constrained by the demands of due process. *See Hernandez v. Sessions*, 872 F.3d 976, 981 (9th Cir. 2017) ("the government's discretion to incarcerate non-citizens is always constrained by the requirements of due process"). In this case, the guidance provided by *Matter of Sugay*—that ICE should not re-arrest a noncitizen absent changed circumstances—failed to protect Mr. Villalta's weighty interest in his freedom from any lawful detention.

54. Federal district courts in California have repeatedly recognized that the demands of due process and the limitations on DHS's authority to revoke a noncitizen's release from custody set out in DHS's stated practice and *Matter of Sugay* both require a pre-deprivation hearing for a noncitizen on bond, like Mr. Villatalta *before* ICE re-detains him. *See, e.g.*, *Meza v. Bonnar*, 2018 WL 2554572 (N.D. Cal. June 4, 2018); *Ortega v. Bonnar*, 415 F. Supp. 3d 963 (N.D. Cal. 2019); *Vargas v. Jennings*, No. 20-CV-5785-PJH, 2020 WL 5074312, at *3 (N.D. Cal. Aug. 23, 2020); *Jorge M. F. v. Wilkinson*, No. 21-CV-01434-JST, 2021 WL 783561, at *2 (N.D. Cal. Mar. 1, 2021); *Romero v. Kaiser*, No. 22-cv-02508-TSH, 2022 WL 1443250, at *3-4 (N.D. Cal. May 6, 2022) (Petitioner would suffer irreparable harm if re-detained, and required notice and a hearing before any re-detention); *Enamorado v. Kaiser*, No. 25-CV-04072-NW, 2025 WL 1382859, at *3 (N.D. Cal. May 12, 2025) (temporary injunction warranted preventing re-arrest at plaintiff's ICE interview when he had been on bond for more than five years). *See also Doe v. Becerra*, No. 2:25-cv-00647-DJC-DMC, 2025 WL 691664, *4 (E.D. Cal. Mar. 3, 2025) (holding the Constitution requires a hearing before any re-arrest).

Mr. Villalta's Protected Liberty Interest in His Conditional Release

55. Mr. Villalta's liberty from immigration custody is protected by the Due Process Clause: "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

56. Since February 3, 2022, Mr. Villalta exercised that freedom under ICE's order releasing him from custody. *See* ***Exhibit B***. Although he was released from custody (and thus under

government custody, as further demonstrated by his enrollment in ISAP), he retains a weighty liberty interest under the Due Process Clause of the Fifth Amendment in avoiding unlawful re-incarceration. *See Young v. Harper*, 520 U.S. 143, 146-47 (1997); *Gagnon v. Scarpelli*, 411 U.S. 778, 781-82 (1973); *Morrissey v. Brewer*, 408 U.S. 471, 482-483 (1972).

57. In *Morrissey*, the Supreme Court examined the "nature of the interest" that a parolee has in "his continued liberty." 408 U.S. at 481-82. The Court noted that, "subject to the conditions of his parole, [a parolee] can be gainfully employed and is free to be with family and friends and to form the other enduring attachments of normal life." *Id.* at 482. The Court further noted that "the parolee has relied on at least an implicit promise that parole will be revoked only if he fails to live up to the parole conditions." *Id.* The Court explained that "the liberty of a parolee, although indeterminate, includes many of the core values of unqualified liberty and its termination inflicts a grievous loss on the parolee and often others." *Id.* In turn, "[b]y whatever name, the liberty is valuable and must be seen within the protection of the [Fifth] Amendment." *Morrissey*, 408 U.S. at 482.

58. This basic principle—that individuals have a liberty interest in their conditional release—has been reinforced by both the Supreme Court and the circuit courts on numerous occasions. *See, e.g.*, *Young v. Harper*, 520 U.S. at 152 (holding that individuals placed in a pre-parole program created to reduce prison overcrowding have a protected liberty interest requiring pre-deprivation process); *Gagnon v. Scarpelli*, 411 U.S. at 781-82 (holding that individuals released on felony probation have a protected liberty interest requiring pre-deprivation process). As the First Circuit has explained, when analyzing the issue of whether a specific conditional release rises to the level of a protected liberty interest, "[c]ourts have resolved the issue by comparing the specific conditional release in the case before them with the liberty interest in parole as characterized by *Morrissey*." *Gonzalez-Fuentes v. Molina*, 607 F.3d 864, 887 (1st Cir. 2010) (internal quotation marks and citation omitted). *See also, e.g.*, *Hurd v. District of Columbia*, 864 F.3d 671, 683 (D.C. Cir. 2017) ("a person who is in fact free of physical confinement—even if that freedom is lawfully revocable—has a liberty interest that entitles him to constitutional due

process before he is re-incarcerated") (citing *Young*, 520 U.S. at 152, *Gagnon*, 411 U.S. at 782, and *Morrissey*, 408 U.S. at 482).

59. In fact, it is well-established that an individual maintains a protectable liberty interest even where the individual obtains liberty through a mistake of law or fact. *See id.*; *Gonzalez-Fuentes*, 607 F.3d at 887; *Johnson v. Williford*, 682 F.2d 868, 873 (9th Cir. 1982) (noting that due process considerations support the notion that an inmate released on parole by mistake, because he was serving a sentence that did not carry a possibility of parole, could not be re-incarcerated because the mistaken release was not his fault, and he had appropriately adjusted to society, so it "would be inconsistent with fundamental principles of liberty and justice" to return him to prison) (internal quotation marks and citation omitted).

60. Here, when this Court "'compar[es] the specific conditional release in [Mr. Villalta's case], with the liberty interest in parole as characterized by *Morrissey*,'" it is clear that they are strikingly similar. *See Gonzalez-Fuentes*, 607 F.3d at 887. Just as in *Morrissey*, Mr. Villalta's release "enables him to do a wide range of things open to persons'" who have never been in custody or convicted of any crime, including to live at home, work, care for his children, including his U.S. citizen son for whom he is the sole caretaker, and "be with family and friends and to form the other enduring attachments of normal life." *Morrissey*, 408 U.S. at 482.

61. Mr. Villalta is the financial, emotional, and medical caretaker for his wife who has an aggressive form of breast cancer. He also is the father to a five-year-old U.S. citizen and a strong father figure to adult step-children. He has complied with all conditions of release for over three years, as he litigates his removal proceedings. He has a meritorious application for relief from removal, including a substantial motion to reopen pending before the BIA.

Mr. Villlalta's Liberty Interest Mandates a Hearing Before any Re-Arrest and Revocation of Release from Custody

62. Mr. Villlalta asserts that, here, (1) where his detention would be civil; (2) where he has been at liberty for 40 months, during which time he has complied with all conditions of release and served as the sole caretaker for his cancer-stricken wife; (3) where he has a substantial application for a motion to reopen pending before the BIA; (4) where no change in circumstances

exist that would justify his lawful detention; and (5) where the only circumstance that has changed is ICE's move to arrest as many people as possible because of the new administration, due process mandates that he be released from his unlawful custody and receive notice and a hearing before a neutral adjudicator *prior* to any re-arrest or revocation of his custody release.

63. "Adequate, or due, process depends upon the nature of the interest affected. The more important the interest and the greater the effect of its impairment, the greater the procedural safeguards the [government] must provide to satisfy due process." *Haygood v. Younger*, 769 F.2d 1350, 1355-56 (9th Cir. 1985) (en banc) (citing *Morrissey*, 408 U.S. at 481-82). This Court must "balance [Mr. Villalta's] liberty interest against the [government's] interest in the efficient administration of" its immigration laws in order to determine what process he is owed to ensure that ICE does not unconstitutionally deprive him of his liberty. *Id.* at 1357. Under the test set forth in *Mathews v. Eldridge*, this Court must consider three factors in conducting its balancing test: "first, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probative value, if any, of additional or substitute procedural safeguards; and finally the government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirements would entail." *Haygood*, 769 F.2d at 1357 (*citing Mathews v. Eldridge*, 424 U.S. 319, 335 (1976)).

64. The Supreme Court "usually has held that the Constitution requires some kind of a hearing *before* the State deprives a person of liberty or property." *Zinermon v. Burch*, 494 U.S. 113, 127 (1990) (emphasis in original). Only in a "special case" where post-deprivation remedies are "the only remedies the State could be expected to provide" can post-deprivation process satisfy the requirements of due process. *Zinermon*, 494 U.S. at 985. Moreover, only where "one of the variables in the *Mathews* equation—the value of predeprivation safeguards—is negligible in preventing the kind of deprivation at issue" such that "the State cannot be required constitutionally to do the impossible by providing predeprivation process," can the government avoid providing pre-deprivation process. *Id.*

65. Because, in this case, ICE is required to release Mr. Villalta from his unlawful custody

and provide Mr. Villalta with notice and a hearing *prior* to any re-incarceration and revocation of his bond. *See Morrissey*, 408 U.S. at 481-82; *Haygood*, 769 F.2d at 1355-56; *Jones*, 393 F.3d at 932; *Zinermon*, 494 U.S. at 985; *see also Youngberg v. Romeo*, 457 U.S. 307, 321-24 (1982); *Lynch v. Baxley*, 744 F.2d 1452 (11th Cir. 1984) (holding that individuals awaiting involuntary civil commitment proceedings may not constitutionally be held in jail pending the determination as to whether they can ultimately be recommitted). Under *Mathews*, "the balance weighs heavily in favor of [Mr. Villalta's] liberty" and requires a pre-deprivation hearing before a neutral adjudicator.

Mr. Villalta's Private Interest in His Liberty is Profound

66. Under *Morrissey* and its progeny, individuals conditionally released from serving a criminal sentence have a liberty interest that is "valuable." *Morrissey*, 408 U.S. at 482. In addition, the principles espoused in *Hurd* and *Johnson*—that a person who is in fact free of physical confinement, even if that freedom is lawfully revocable, has a liberty interest that entitles him to constitutional due process before he is re-incarcerated—apply with even greater force to individuals like Mr. Villlalta, who have been released pending civil removal proceedings, rather than parolees or probationers who are subject to incarceration as part of a sentence for a criminal conviction. Parolees and probationers have a diminished liberty interest given their underlying convictions. *See, e.g.*, *U.S. v. Knights*, 534 U.S. 112, 119 (2001); *Griffin v. Wisconsin*, 483 U.S. 868, 874 (1987). Nonetheless, even in the criminal parolee context, the courts have held that the parolee cannot be re-arrested without a due process hearing in which they can raise any claims they may have regarding why their re-incarceration would be unlawful. *See Gonzalez-Fuentes*, 607 F.3d at 891-92; *Hurd*, 864 F.3d at 683. Thus, Mr. Villalta retains a truly weighty liberty interest even though he is under conditional release.

67. What is at stake in this case for Mr. Villalta is one of the most profound individual interests recognized by our legal system: whether ICE may unilaterally nullify a prior decision releasing him from custody and to take away—without a lawful basis—his physical freedom, i.e., his "constitutionally protected interest in avoiding physical restraint." *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011) (internal quotation omitted). "Freedom from bodily restraint has

always been at the core of the liberty protected by the Due Process Clause." *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992). *See also Zadvydas*, 533 U.S. at 690 ("Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects."); *Cooper v. Oklahoma*, 517 U.S. 348 (1996).

68. Thus, it is clear that there is a profound private interest at stake in this case, which must be weighed heavily when determining what process he is owed under the Constitution. *See Mathews*, 424 U.S. at 334-35.

The Government's Interest in Re-Incarcerating Mr. Villlalta Without a Hearing is Low and the Burden on the Government to Refrain from Re-Arresting Him Unless and Until He is Provided a Hearing That Comports with Due Process is Minimal

69. The government's interest in detaining Mr. Villalta without a due process hearing is low, and when weighed against Mr. Villalta's significant private interest in his liberty, the scale tips sharply in favor of enjoining Respondents to release Mr. Villalta from his unlawful custody and refrain from re-arresting Mr. Villaltaunless and until the government demonstrates by clear and convincing evidence that he is a flight risk or danger to the community. It becomes abundantly clear that the *Mathews* test favors Mr. Villalta when the Court considers that the process he seeks—notice and a hearing regarding whether he has violated any conditions of his release, and, if so, providing Mr. Villalta with a hearing before this Court (or a neutral decisionmaker) to determine whether there is clear and convincing evidence that Mr. Villalta is a flight risk or danger to the community would impose only a *de minimis* burden on the government, because the government routinely provides this sort of hearing to individuals like Mr. Villalta.

70. As immigration detention is civil, it can have no punitive purpose. The government's only interests in holding an individual in immigration detention can be to prevent danger to the community or to ensure a noncitizen's appearance at immigration proceedings. *See Zadvydas*, 533 U.S. at 690. In this case, the government cannot plausibly assert that it has any lawful basis for detaining Mr. Villalta. Indeed, when taking him into an unlawful custody, the ICE officers told him that the reason was because it was "what President Trump wanted." Such a reason is as brazen as it is unlawful. Mr. Villalta has lived at liberty complying with the conditions of his release since February 2022 while acting as the sole caretaker for his cancer-stricken wife and a

loving father to his minor child and stepchildren..

71. Mr. Villalta was determined by an ICE officer not to be a danger to the community in February 2022 and has done nothing to undermine that determination. *See Morrissey*, 408 U.S. at 482 ("'It is not sophistic to attach greater importance to a person's justifiable reliance in maintaining his conditional freedom so long as he abides by the conditions on his release, than to his mere anticipation or hope of freedom'") (quoting *United States ex rel. Bey v. Connecticut Board of Parole*, 443 F.3d 1079, 1086 (2d Cir. 1971).

72. As to flight risk, since his release from custody in February 2022, ICE has maintained an ankle monitor on him and required monthly check-ins.. Those conditions have proven sufficient to guard against any possible flight risk, to "assure [his] presence at the moment of removal." *Zadvydas*, 533 U.S. at 699. Furthermore, In fact, Mr. Villalta has meritorious motion to reopen before the BIA and the BIA has issued a stay of removal while adjudicating that motion. It is difficult to see how the government's interest in ensuring his presence at the moment of removal has materially changed since he was released in February 2022, when he has complied with all conditions of release. The government's interest in detaining Mr. Villalta at this time is therefore low. That ICE has a new policy to make a minimum number of arrests each day under the new administration does not constitute a material change in circumstances or increase the government's interest in detaining him.[4]

73. Moreover, the "fiscal and administrative burdens" that his immediate release and a lawful pred-detention hearing would impose is nonexistent in this case. *See Mathews*, 424 U.S. at 334-

[4] *See* "Trump officials issue quotas to ICE officers to ramp up arrests," *Washington Post* (January 26, 2025), available at: https://www.washingtonpost.com/immigration/2025/01/26/ice-arrests-raids-trump-quota/.; "Stephen Miller's Order Likely Sparked Immigration Arrests And Protests," Forbes (June 9, 2025), https://www.forbes.com/sites/stuartanderson/2025/06/09/stephen-millers-order-likely-sparked-immigration-arrests-and-protests/ ("At the end of May 2025, 'Stephen Miller, a senior White House official, told Fox News that the White House was looking for ICE to arrest 3,000 people a day, a major increase in enforcement. The agency had arrested more than 66,000 people in the first 100 days of the Trump administration, an average of about 660 arrests a day,' reported the New York Times. Arresting 3,000 people daily would surpass 1 million arrests in a calendar year.").

35. Mr. Villalta does not seek a unique or expensive form of process, but rather a routine hearing regarding whether his bond should be revoked and whether he should be re-incarcerated.

74. As the Ninth Circuit noted in 2017, which remains true today, "[t]he costs to the public of immigration detention are 'staggering': $158 each day per detainee, amounting to a total daily cost of $6.5 million." *Hernandez*, 872 F.3d at 996. Mr. Villalta has a stay of removal, which means that he will remain in custody unil the agency adjudicates his case. ICE's unlawful action of placing him in custody is more of a financial burden than releasing him and providing any pre-custody hearing before any future re-arrest occurs.

75. In the alternative, providing Mr. Villalta with a hearing before this Court (or a neutral decisionmaker) regarding release from custody is a routine procedure that the government provides to those in immigration jails on a daily basis. At that hearing, the Court would have the opportunity to determine whether circumstances have changed sufficiently to justify his re-arrest. But there is no justifiable reason to re-incarcerate Mr. Villalta prior to such a hearing taking place. As the Supreme Court noted in *Morrissey*, even where the State has an "overwhelming interest in being able to return [a parolee] to imprisonment without the burden of a new adversary criminal trial if in fact he has failed to abide by the conditions of his parole . . . the State has no interest in revoking parole without some informal procedural guarantees." 408 U.S. at 483.

76. Releasing Mr. Villalta from unlawful custody and enjoining Mr. Mr. Villalta's re-arrest until ICE (1) moves for a bond re-determination before an IJ and (2) demonstrates by clear and convincing evidence that Mr. Villalta is a flight risk or danger to the community is far *less* costly and burdensome for the government than keeping him detained. g to a total daily cost of $6.5 million." *Hernandez*, 872 F.3d at 996.

Without a Due Process Hearing Prior to Any Re-Arrest, the Risk of an Erroneous Deprivation of Liberty is High, and Process in the Form of a Constitutionally Compliant Hearing Where ICE Carries the Burden Would Decrease That Risk

77. Releasing Mr. Villalta from unlawful custody and providing Mr. Villalta a pre-deprivation hearing would decrease the risk of him being erroneously deprived of his liberty. Before Mr. Villalta can be lawfully detained, he must be provided with a hearing before a neutral adjudicator at which the government is held to show that there has been sufficiently changed circumstances

such that ICE's February 2022 release from custody determination should be altered or revoked because clear and convincing evidence exists to establish that Mr. Villalta is a danger to the community or a flight risk.

78. On June 14, 2025, Mr. Villalta did not receive this protection. Instead, he was ordered to report, and when Mr. Villalta complied with the conditions of his release, ICE took him into custody for the sole reason that it is "what President Trump wants."

79. By contrast, the procedure Mr. Villalta seeks—a hearing in front of a neutral adjudicator at which the government must prove by clear and convincing evidence that circumstances have changed to justify his detention *before* any re-arrest—is much more likely to produce accurate determinations regarding factual disputes, such as whether a certain occurrence constitutes a "changed circumstance." *See Chalkboard, Inc. v. Brandt*, 902 F.2d 1375, 1381 (9th Cir. 1989) (when "delicate judgments depending on credibility of witnesses and assessment of conditions not subject to measurement" are at issue, the "risk of error is considerable when just determinations are made after hearing only one side"). "A neutral judge is one of the most basic due process protections." *Castro-Cortez v. INS*, 239 F.3d 1037, 1049 (9th Cir. 2001), *abrogated on other grounds by Fernandez-Vargas v. Gonzales*, 548 U.S. 30 (2006). The Ninth Circuit has noted that the risk of an erroneous deprivation of liberty under *Mathews* can be decreased where a neutral decisionmaker, rather than ICE alone, makes custody determinations. *Diouf v. Napolitano* ("*Diouf II*"), 634 F.3d 1081, 1091-92 (9th Cir. 2011).

80. Due process also requires consideration of alternatives to detention at any custody redetermination hearing that may occur. The primary purpose of immigration detention is to ensure a noncitizen's appearance during removal proceedings. *Zadvydas*, 533 U.S. at 697. Detention is not reasonably related to this purpose if there are alternatives to detention that could mitigate risk of flight. *See Bell v. Wolfish*, 441 U.S. 520, 538 (1979). Accordingly, alternatives to detention must be considered in determining whether Mr. Villalta's re-incarceration is warranted.

FIRST CAUSE OF ACTION

Procedural Due Process

U.S. Const. amend. V

81. Mr. Villalta re-alleges and incorporates herein by reference, as is set forth fully herein, the allegations in all the preceding paragraphs.

82. The Due Process Clause of the Fifth Amendment forbids the government from depriving any "person" of liberty "without due process of law." U.S. Const. amend. V.

83. Mr. Villalta has a vested liberty interest in his lawful conditional release. Due Process does not permit the government to strip him of that liberty without a hearing before this Court. *See Morrissey*, 408 U.S. at 487-488.

84. The Court must therefore order that ICE release Mr. Villalta from his current unlawful custody.

85. Prior to any re-arrest, the government must provide him with a hearing before a neutral adjudicator. At the hearing, the neutral adjudicator would evaluate, *inter alia,* whether clear and convincing evidence demonstrates, taking into consideration alternatives to detention, that Mr. Villalta is a danger to the community or a flight risk, such that his re-incarceration is warranted. During any custody redetermination hearing that occurs, this Court or, in the alternative, a neutral adjudicator must consider alternatives to detention when determining whether Mr. Mr. Villalta's re-incarceration is warranted.

86. The Court must order ICE not to cause Mr. Villalta to leave the United States, which would violate the February 3, 2025 BIA order and *D.V.D. v. U.S. Dep't of Homeland Sec.*, No. CV 25-10676-BEM, 2025 WL 1142968, at *19 (D. Mass. Apr. 18, 2025) (granting class certification to non-citizens to whom the administration may send to a third country without a prior credible fear screening).

SECOND CAUSE OF ACTION

Substantive Due Process

U.S. Const. amend. V

87. Mr. Villalta re-alleges and incorporates herein by reference, as is set forth fully herein, the allegations in all the preceding paragraphs.

88. The Due Process Clause of the Fifth Amendment forbids the government from depriving individuals of their right to be free from unjustified deprivations of liberty. U.S. Const. amend. V.

89. Mr. Villalta has a vested liberty interest in his conditional release. Due Process does not permit the government to strip him of that liberty without it being tethered to one of the two constitutional bases for civil detention: to mitigate against the risk of flight or to protect the community from danger.

90. Since February 2022, Mr. Villalta has fully complied with the conditions of release imposed on him by ICE, thus demonstrating that he is neither a flight risk nor a danger. Re-arresting him now—while he is the sole caretaker for his cancer-stricken wife—would be punitive and violate his constitutional right to be free from the unjustified deprivation of his liberty.

91. For these reasons, Mr. Villalta's continued unlawful custody and any subsequent re-arrest without first being provided a hearing would violate the Constitution.

92. The Court must therefore order that he be released from custody.

93. The Court must order the government to not re-arrest him in any subsequent action without a hearing before a neutral adjudicator. At the hearing, the neutral adjudicator would evaluate, *inter alia,* whether clear and convincing evidence demonstrates, taking into consideration alternatives to detention, that Mr. Villalta is a danger to the community or a flight risk, such that his re-incarceration is warranted. During any custody redetermination hearing that occurs, this Court or, in the alternative, a neutral adjudicator must consider alternatives to detention when determining whether Mr. Villalta's re-incarceration is warranted.

94. The Court must order ICE not to cause Mr. Villalta to leave the United States, which would violate the February 3, 2025 BIA order and *D.V.D. v. U.S. Dep't of Homeland Sec.*, No. CV 25-10676-BEM, 2025 WL 1142968, at *19 (D. Mass. Apr. 18, 2025) (granting class certification to non-citizens to whom the administration may send to a third country without a prior credible fear screening).

PRAYER FOR RELIEF

WHEREFORE, the Mr. Villalta prays that this Court grant the following relief:

(1) Assume jurisdiction over this matter;

(2) Declare that ICE's June 14, 2025 apprehension and detention of Mr. Villalta was an unlawful exercise of authority because in the ICE officer provided no reason that he presents a danger or flight risk

(3) Order ICE to release Mr. Villalta from his unlawful detention;

(4) Enjoin re-arresting Mr. Villalta unless and until a hearing can be held before a neutral adjudicator to determine whether his re-incarceration would be lawful because the government has shown that he is a danger or a flight risk by clear and convincing evidence;

(5) Declare that Mr. Villalta cannot be re-arrested unless and until he is afforded a hearing on the question of whether his re-incarceration would be lawful—i.e., whether the government has demonstrated to a neutral adjudicator that he is a danger or a flight risk by clear and convincing evidence;

(6) Declare that Respondents and all other agencies of the U.S. government cannot violate the February 2, 2025 BIA order preventing him from being sent out of the country while his motion to reopen is pending

(7) Award reasonable costs and attorney fees; and

(8) Grant such further relief as the Court deems just and proper.

Dated: June 16, 2025

Respectfully submitted,

/s/ Kari Hong

Kari Hong
Attorney for Mr. Villalta

VERIFICATION PURSUANT TO 28 U.S.C. 2242

I am submitting this verification on behalf of the Petitioner because I am one of Petitioner's attorneys. I have discussed with the Petitioner the events described in the Petition. Based on those discussions, I hereby verify that the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Executed on this June 16, 2025, in Missoula, MT.

/s/ Kari Hong
Kari Hong
Attorney for Petitioner