

LAW OFFICE OF EMILY L. ROBINSON
Emily L. Robinson Esq. (SBN: 285343)
5012 Eagle Rock Blvd.
Los Angeles, California 90041
Phone Number: (323) 524-7611
Email: eldrobinson@gmail.com

Counsel for Petitioner

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF EASTERN CALIFORNIA

GUSTAVO QUIROZ,

Petitioner,

vs.

KRISTI NOEM Secretary of U.S.
Department of Homeland Security;
TODD M. LYONS, Acting Director of
U.S. Immigration and Customs
Enforcement; Polly Kaiser, Deputy
Director of U.S. Immigration and
Customs Enforcement; and TONYA
ANDREWS, Facility
Administrator/Warden Golden State
Annex

Respondents

Case No.:

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

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

INTRODUCTION

1. Petitioner, Guastavo Quiroz (“Petitioner”), is unlawfully detained in civil immigration detention at Golden State Annex in McFarland, California.

2. This petition challenges Petitioner's unlawful detention pursuant to a reinstatement order that violates federal law, constitutional due process, and basic principles of administrative law. Petitioner's detention represents a pretextual targeting of a domestic violence victim who has been determined by USCIS—a co-equal DHS component—to be prima facie eligible for protection and immediate adjustment of status.

3. On June 17, 2025, without explanation, the Board of Immigration Appeals denied Petitioner's stay of removal, creating immediate risk of removal despite his pending VAWA protections and ongoing family medical crisis requiring his care.

4. Tonight, June 23, 2025, Petitioner was told that he is being “moved.” Counsel was not so informed. We do not know if he is being moved facilities, out of the State, out of the country, or to a third country. Given the Supreme Court decision dated June 23, 2025 permitting third country removals, this concern is immediate and reasonable.

5. The fundamental legal issue presented is whether ICE can lawfully detain and attempt to remove an individual when: (1) USCIS has already determined with full knowledge of his immigration history that he merits protection; (2) he has immediate adjustment eligibility creating an authorized period of stay; (3) ICE failed to follow mandatory regulatory procedures; and (4) the detention serves no legitimate law enforcement purpose but rather undermines congressional policy protecting domestic violence victims.

6. This case exemplifies the arbitrary enforcement targeting VAWA

1 beneficiaries that Congress sought to prevent. ICE's actions violate the scope of its
2 authority under 8 U.S.C. § 1231(a)(5), exceed constitutional bounds, and
3 contravene the rule of law by ignoring determinations made by a co-equal agency
4 component with superior expertise in adjudicating protection claims.
5

6 CUSTODY

7 7. Petitioner is currently in the custody of Respondents at Golden State
8 Annex Detention Facility, located at 3851 Burbank Road, McFarland, California
9 93250. Petitioner is being held pursuant to a reinstatement order issued under 8
10 U.S.C. § 1231(a)(5). Petitioner was informed this evening that he is being “moved.”
11 Neither Counsel nor Petitioner nor his family have been informed for what this
12 means. Because he does not appear on the detainee locator to date, this is deeply
13 concerning.
14

15 JURISDICTION

16 8. This Court has jurisdiction over this petition for writ of habeas corpus
17 pursuant to 28 U.S.C. § 2241, which provides federal district courts with
18 jurisdiction to hear habeas corpus petitions from persons in custody in violation of
19 the Constitution or laws of the United States. Federal district courts retain
20 jurisdiction to review the legality of immigration detention through habeas corpus,
21 including challenges to reinstatement orders that violate statutory requirements or
22 constitutional due process. See *Rodriguez v. Robbins*, 804 F.3d 1060 (9th Cir.
23 2015); *Casas-Castrillon v. DHS*, 535 F.3d 942 (9th Cir. 2008).
24
25
26
27

REQUIREMENTS OF 28 U.S.C. § 2243

9. 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.*

10. 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).

11. Under 28 U.S.C. § 2241, this Court has broad authority to inquire into the cause of detention and order release when detention violates the Constitution or federal law. In immigration detention cases, courts examine whether: (1) the detention violates statutory authority; (2) the detention violates constitutional due process; or (3) the conditions or duration of detention exceed lawful bounds. See *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Rodriguez v. Robbins*, 804 F.3d 1060 (9th Cir. 2015).

12. This Court reviews questions of law de novo and examines whether ICE exceeded its statutory authority or violated constitutional requirements. The Court is not limited to reviewing the administrative record but may consider evidence relevant to the legality of detention. *INS v. St. Cyr*, 533 U.S. 289 (2001). The government bears the burden of justifying continued detention and demonstrating that its actions comply with statutory and constitutional requirements.

VENUE

13. Venue is proper in this District pursuant to 28 U.S.C. § 2241(a), which provides that habeas corpus petitions challenging federal custody shall be filed in the district court for the district wherein the person is in custody. Petitioner is detained within this judicial district at Golden State Annex Detention Facility in McFarland, California.

PARTIES

14. Petitioner Gustavo Quiroz is a victim of domestic violence who has been found prima facie eligible for VAWA protection by USCIS and has immediate adjustment eligibility through his relationship with his United States citizen adult child.

15. Respondent KRISTI NOEM is Secretary of the U.S. Department of Homeland Security, who has ultimate authority over immigration enforcement and detention policies within DHS.

16. Respondent TODD M. LYONS is Acting Director of U.S. Immigration and Customs Enforcement, who has authority over ICE's enforcement operations, including reinstatement proceedings and detention decisions.

17. Respondent POLLY KAISER, is Deputy Director of U.S. Immigration and Customs Enforcement, who assists in overseeing ICE's enforcement operations and detention policies.

18. Respondent TONYA ANDREWS is Facility Administrator/Warden of Golden State Annex, who has immediate custody and control over Petitioner's detention and is responsible for his physical detention at the facility.

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

1 19. These Respondents, acting under color of federal law, have deprived
2 and continue to deprive Petitioner of his constitutional rights and liberty interests in
3 violation of the Constitution and federal law.
4

5 **FACTUAL BACKGROUND**

6 A. Petitioner's Immigration History and Continuous Residence 7

8 20. Petitioner entered the United States in the 1980s and has maintained
9 continuous residence for over four decades. In 2011, following immigration
10 proceedings, Petitioner departed the United States under what was initially
11 voluntary departure that converted to a removal order. Petitioner subsequently re-
12 entered the United States and has resided here continuously since that time without
13 any criminal complications or immigration violations for well over a decade.
14

15 B. VAWA Protection and Prima Facie Determination 16

17 21. Petitioner was the victim of domestic violence perpetrated by his
18 United States citizen adult child (over 21 years of age). This abusive relationship
19 by a USC child provides Petitioner with immediate adjustment eligibility under
20 VAWA provisions, as abuse by an adult USC child qualifies for the same immediate
21 relative treatment as spousal abuse.

22 22. Based on this abuse, Petitioner filed a VAWA self-petition, which
23 USCIS reviewed and found to be prima facie eligible for approval. This Prima Facie
24 Determination (PFD) reflects USCIS's initial finding that Petitioner has established
25 the requisite elements for VAWA protection, including: (1) the existence of a
26 qualifying relationship with a U.S. citizen abuser (adult child); (2) battery or
27 extreme cruelty by the U.S. citizen child; (3) good moral character; and (4)
28

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

1 residence in the United States with the abuser.

2 23. Critically, USCIS made this prima facie determination with full
3 knowledge and disclosure of Petitioner's prior removal order. The VAWA petition
4 explicitly disclosed the prior removal history, yet USCIS proceeded to find prima
5 facie eligibility, demonstrating the agency's determination that the prior order
6 should not bar VAWA protection.

7 24. Petitioner has a pending Form I-485 Application for Adjustment of
8 Status based on his approved VAWA petition, providing him with immediate
9 adjustment eligibility due to the qualifying relationship with his USC abuser-child.

10 C. Family Circumstances and Vulnerable Dependents

11
12 25. Petitioner's detention affects multiple vulnerable family members.
13 Petitioner's spouse also has a pending VAWA petition based on the same domestic
14 violence by their USC child. She suffers from serious health issues and recently
15 underwent surgery, requiring immobilization and care for at least six weeks
16 following her discharge. Petitioner serves as her primary caregiver during this
17 critical recovery period.

18 26. Petitioner has a USC granddaughter who experienced serious
19 complications requiring NICU care, resulting in lifelong audiology issues.
20 Petitioner provides essential care and support for her ongoing medical needs.

21 27. Petitioner has two additional USC children (separate from the abuser)
22 who maintain close family relationships. Petitioner serves as the primary caregiver
23 and support system for his medically vulnerable family members.

24 D. ICE's Pretextual Enforcement Action

25
26 28. Despite Petitioner's protected status and USCIS's determination of

27 VERIFIED PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR
28 DECLARATORY AND INJUNCTIVE RELIEF

1 eligibility within the same federal agency, ICE targeted Petitioner for reinstatement.
2 This enforcement action appears pretextual, as it: (1) contradicts co-equal agency
3 determination; (2) violates mandatory procedures; (3) ignores policy guidance; (4)
4 serves no law enforcement purpose; and (5) targets protected class.

5 29. ICE failed to comply with 8 C.F.R. § 241.8(b) requirements for notice
6 and opportunity to contest. Federal regulations mandate that DHS "shall provide the
7 alien with written notice of its determination and inform the alien that he or she may
8 make a written or oral statement contesting the conclusion that he or she is subject
9 to reinstatement."

10 30. ICE categorically failed to comply with this mandatory regulation.
11 Rather than providing Petitioner with notice of the reinstatement determination and
12 an opportunity to contest it, ICE limited its process to a reasonable fear interview.
13 This procedural failure is compounded by the fact that ICE conducted the RFI
14 despite being on clear notice of Petitioner's VAWA prima facie determination and
15 pending adjustment application.

16 17 E. ICE's Procedural Violations and Administrative History

18 31. On May 7, 2025, Petitioner was apprehended at his home and served
19 with a Notice of Intent to Reinstate the Prior Removal Order dated the same day.
20 This action occurred despite ICE having clear notice of Petitioner's pending VAWA
21 petition with prima facie determination and pending I-485 adjustment application.

22 32. On May 19, 2025, Petitioner was subjected to a reasonable fear
23 interview without the benefit of counsel. USCIS called Counsel directly and
24 asserted that Petitioner would be given a continuance and instead he was forced to
25 proceed with the interview. The interview was conducted without proper
26 consideration of his pending VAWA petition and the protection it provides.

Petitioner was found credible but told there was no protected ground, despite his valid prima facie determination. Despite being found credible, Respondent was issued a negative CFI determination and referred to EOIR for a RFI review hearing. At this hearing, the Immigration Judge affirmed the USCIS decision on May 30, 2025.

33. Contemporaneously, Petitioner, through undersigned Counsel, filed a Motion to Reopen with the Board of Immigration Appeals based on extraordinary circumstances, newly available VAWA relief, and fundamental violations throughout the case history. This motion included a request for an emergency stay of removal.

F. Critical Timeline and Immediate Removal Risk

34. On June 17, 2025, the Board of Immigration Appeals denied Petitioner's stay of removal without explanation. This denial removes the last administrative protection and creates immediate risk of removal, as Petitioner can now be removed at any moment, despite his pending Motion to Reopen still being under consideration.

35. Petitioner faces imminent removal that would permanently separate him from his vulnerable family members during his spouse's critical recovery period, render his pending VAWA and adjustment applications meaningless, and cause irreparable harm to U.S. citizen family members who depend on his care.

36. This evening, June 23, 2025, Petitioner was informed that he is being "moved" without notice. He does not appear in the inmate locator system for ICE and has not since his apprehension. His undersigned attorney and family have received no information or notice. It is possible he could be removed **this evening** to another country or out of this Court's jurisdiction.

G. Unconstitutional Detention Conditions

37. Petitioner is housed in Building B at Golden State Annex with approximately 85 detainees in a large hall containing about 30 bunk beds and 29 single beds. The mattresses are extremely thin, causing back and joint pain. Despite requests for pain relief ointment, Petitioner has not received any treatment.

38. Though Building B houses about 85 individuals, there are only six toilets, two urinals, and five showers. These facilities often malfunction due to plumbing issues and are frequently unclean. Detainees must clean areas themselves using a communal brush. Due to lack of proper sanitation, visible fungus on detainees' hands and feet is common.

39. Only low-grade soap and shampoo are available, causing significant dryness and irritation to Petitioner's scalp and skin. No hand sanitizer or face masks are provided despite requests from medical staff and security guards.

40. Food is provided at set times with breakfast, lunch, and dinner. Petitioner has observed food to be unsafe to consume, undercooked, sour, or rancid, often made of powder. The food frequently makes detainees ill, creating additional problems given the small number of showers and toilets and lack of cleaning supplies.

41. Petitioner, who was diagnosed pre-diabetic prior to detention and has a strong family history of diabetes, finds the meals inadequate. He has experienced nausea, stomach pain, and diarrhea from the food and has refrained from eating to avoid illness.

42. Since arriving at Golden State Annex, Petitioner has sought medical attention three times for an allergic reaction to a tuberculosis shot (which he stated he was allergic to but was told he would be isolated if he refused), flu-like symptoms, and persistent tooth pain. Each time treatment was delayed by five to

1 six days and he received minimal care, such as a cough drop for flu-like symptoms
2 including sore throat, sinus pressure, and fever.

3 43. Petitioner reports feeling discouraged from seeking medical care due
4 to minimal medical intervention and delayed response, often fearing for his life if
5 he were to require critical medical intervention.

6 44. These facility conditions and prolonged uncertainty have taken a
7 significant psychological toll on Petitioner. He reports anxiety and depressive
8 symptoms including difficulty sleeping, sadness, nightmares, loneliness, shortness
9 of breath, and isolation. Petitioner fears for his physical and mental health given the
10 risk of developing diabetes and having limited access to emergency medical care.

11 45. To Petitioner's knowledge, there are no mental health professionals
12 available to discuss these traumatic and emotional distress situations within the
13 facility. Access to legal counsel is limited, and Petitioner recently missed time with
14 his lawyer due to technical issues.

15 46. Today, at 10:00PM PST on June 23, 2025, Petitioner called his family
16 to alert them that ICE was "moving him." He was permitted a 30 second phone call.
17 The family was not told if he is being removed from the country or to another
18 facility.

19 20 EXHAUSTION

21 47. ICE's locator system failures create additional fear and uncertainty.
22 Petitioner has been in custody for a month and still does not appear in the ICE
23 Locator system, making it difficult for family and attorneys to locate detainees and
24 creating fear for families unable to find their loved ones.

25 48. Petitioner asserts that exhaustion should be waived for several reasons.
26 See *Laing v. Ashcroft*, 370 F.3d 994, 998 (9th Cir. 2004). Administrative remedies

1 are inadequate to address the constitutional violations presented, and Petitioner
2 faces irreparable harm from continued unlawful detention and imminent removal
3 following the BIA's denial of his stay.

4 49. Every day that Petitioner remains detained causes him harm that
5 cannot be repaired, particularly given his spouse's current medical condition
6 requiring his care and the ongoing medical neglect of his pre-diabetic condition in
7 detention.

8 LEGAL FRAMEWORK

9
10 50. Whenever the government detains someone, it has an affirmative duty
11 to provide conditions of reasonable health and safety. As the Supreme Court has
12 explained, "when the State takes a person into its custody and holds him there
13 against his will, the Constitution imposes upon it a corresponding duty to assume
14 some responsibility for his safety and general well-being." *DeShaney v. Winnebago*
15 *County Dept. of Soc. Servs.*, 489 U.S. 189, 199-200 (1989).

16 51. These principles apply with equal force in the immigration detention
17 context. Immigrant detainees are civil detainees held pursuant to civil immigration
18 laws. *Zadvydas*, 533 U.S. at 690. The Fifth Amendment's Due Process Clause
19 guarantees civil detainees conditions of confinement that are not punitive at all. See
20 *Bell v. Wolfish*, 441 U.S. 520, 535 (1970); *Jones v. Blanas*, 393 F.3d 918, 934 (9th
21 Cir. 2004).

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

ICE Exceeded Its Statutory Authority Under 8 U.S.C. § 1231(a)(5)

52. Petitioner incorporates by reference all preceding allegations.

53. The reinstatement statute, 8 U.S.C. § 1231(a)(5), grants ICE authority to reinstate prior removal orders only when specific statutory predicates are met. Courts have recognized that these requirements are jurisdictional—failure to meet them deprives ICE of authority to act.

54. ICE lacked authority to reinstate because: (1) Petitioner has immediate adjustment eligibility, placing him in an "authorized period of stay" that precludes reinstatement; (2) USCIS's prima facie determination creates a presumption against removability; and (3) ICE failed to establish that reinstatement serves any legitimate enforcement purpose.

55. When USCIS—with superior expertise in adjudicating protection claims—determines an individual is prima facie eligible for relief, ICE cannot simply ignore that determination. USCIS's finding was made with full knowledge of Petitioner's immigration history, including the prior removal order. This creates a jurisdictional bar to reinstatement because DHS has already concluded through its expert component that Petitioner should not be removed based on the prior order.

56. Under the Accardi doctrine, agencies must follow their own regulations. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954). ICE's failure to follow 8 C.F.R. § 241.8(b) renders the reinstatement order jurisdictionally invalid.

SECOND CLAIM FOR RELIEF

Violation of Constitutional Due Process

57. Petitioner incorporates by reference all preceding allegations.

58. The detention violates substantive due process by constituting arbitrary government action lacking any rational basis. When USCIS has determined with full knowledge of relevant facts that an individual merits protection, ICE's contradictory enforcement action is fundamentally arbitrary. This arbitrariness is compounded by: (1) ICE's targeting of a protected class Congress specifically sought to shield; (2) the pretextual nature of enforcement against an individual with immediate adjustment eligibility; (3) the lack of any legitimate law enforcement purpose served by the detention; and (4) the waste of government resources pursuing removal of someone likely to obtain lawful status.

59. ICE's process violated procedural due process by: (1) failing to provide constitutionally adequate notice of the basis for detention; (2) denying meaningful opportunity to contest the reinstatement determination; (3) refusing to consider material evidence bearing on removability; and (4) applying enforcement priorities in a discriminatory manner. The process provided fell far below the constitutional minimum required by *Mathews v. Eldridge*, 424 U.S. 319 (1976).

60. The detention conditions violate due process by subjecting Petitioner to punitive conditions including: (1) inadequate medical care for his pre-diabetic condition despite multiple requests; (2) unsanitary facilities causing health risks including visible fungus infections; (3) inadequate food causing illness and nutritional deficiencies dangerous for a pre-diabetic individual; (4) psychological distress from prolonged uncertainty and family separation; and (5) deliberate indifference to serious medical and mental health needs.

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

THIRD CLAIM FOR RELIEF

Violation of VAWA's Protective Framework

61. Petitioner incorporates by reference all preceding allegations.

62. Congress enacted VAWA in 1994 with explicit recognition that "immigration law has been used as a tool by batterers to prevent battered immigrant women from reporting crimes committed against them or leaving abusive relationships." H.R. Rep. No. 103-395, at 26 (1993). VAWA was designed to "break the cycle of domestic violence" by ensuring that "battered immigrants will not be trapped in abusive relationships by their immigration status."

63. Congress specifically found that "many immigrant women live in terror because they are unable to report domestic violence crimes committed against them, since the violence may be perpetrated by the very person upon whom their legal immigration status depends." The legislative history demonstrates Congress's determination that immigration law should not be weaponized by abusers against their victims.

64. VAWA's comprehensive statutory framework includes multiple interlocking protections specifically designed to shield victims from enforcement actions like those at issue here: (1) Confidentiality Protections (8 U.S.C. § 1367); (2) Special Waivers (INA § 212(a)(9)(C)(iii)); (3) Immediate Adjustment Eligibility (INA § 204(a)(1)(A)(vii)); and (4) Prima Facie Determination Process (8 C.F.R. § 204.2(c)(2)(iv)).

65. Current USCIS policy, as codified in 8 C.F.R. § 204.2(c)(1)(iii) and reflected in the USCIS Policy Manual, explicitly mandates: "USCIS protects the confidentiality of information provided by and about VAWA self-petitioners ... USCIS does not share such information with ICE for enforcement purposes."

66. Courts must "construe the immigration statutes as a harmonious whole

1 rather than at war with one another." *Escobar v. Holder*, 657 F.3d 537, 544 (9th Cir.
2 2011). Where Congress has created comprehensive protections for domestic
3 violence victims—including specific waivers for prior removal orders—the
4 reinstatement statute cannot be interpreted to categorically override those
5 protections, particularly where USCIS has made an informed determination that the
6 victim merits protection.

7 67. USCIS's *prima facie* determination under 8 C.F.R. § 204.2(c)(2)(iv)
8 represents more than administrative processing—it constitutes an expert agency
9 finding that Petitioner has established the statutory elements for protection based
10 on domestic violence. As the BIA explained in *Matter of Arthur*, 20 I&N Dec. 475,
11 477 (BIA 1992), such determinations create "presumptive eligibility" for the
12 underlying benefit.

13 14 FOURTH CLAIM FOR RELIEF

15 16 **Systematic Targeting of Protected Victims and Policy Violations**

17 68. Petitioner incorporates by reference all preceding allegations.

18 69. ICE's recent repeal of victim-based enforcement guidance represents a
19 deliberate shift toward targeting protected victims, including: (1) the 2021
20 "Guidance on Enforcement Actions at or Near Sensitive Locations"; (2) Victim and
21 Witness Protection policies that previously shielded individuals like Petitioner; and
22 (3) prosecutorial discretion guidelines that prioritized protecting vulnerable
23 populations.

24 70. This policy reversal demonstrates that enforcement actions like
25 Petitioner's are not isolated incidents but part of a coordinated policy to circumvent
26 Congressional protections for domestic violence victims.

1 71. Counsel has become aware that individuals in the same or similar
2 posture to Petitioner are experiencing these likely illegal enforcement actions with
3 increasing frequency. Individuals with T visa and U visa bona fide
4 determinations—which, like VAWA prima facie determinations, offer presumptive
5 eligibility and are meant to provide protection from enforcement—are being
6 apprehended and subjected to removal proceedings despite: (1) having no
7 intervening immigration violations; (2) having no criminal complications; (3)
8 actively pursuing congressionally-protected victim-based benefits; and (4) being in
9 compliance with all requirements of their protective status.

10 72. This pattern suggests systematic targeting of protected victim classes
11 rather than isolated enforcement decisions, raising serious questions about whether
12 ICE is implementing an undisclosed policy to target individuals with victim-based
13 protections, in direct contravention of: (1) Congressional intent to protect these
14 vulnerable populations; (2) DHS's own enforcement priorities; (3) the expertise and
15 determinations of co-equal agencies; and (4) basic principles of prosecutorial
16 discretion.

17 73. The systematic targeting of protected victims raises serious concerns
18 about improper data sharing between USCIS and ICE in violation of established
19 confidentiality protections. The primary mechanism by which ICE could identify
20 and target individuals with VAWA, T visa, and U visa applications would be
21 through access to USCIS application data that is subject to strict confidentiality
22 protections under 8 U.S.C. § 1367 and implementing regulations.

23
24 FIFTH CLAIM FOR RELIEF

25 **Violation of the Administrative Procedure Act (5 U.S.C. § 706(2))**

26 74. Petitioner incorporates by reference all preceding allegations.

27 VERIFIED PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR
28 DECLARATORY AND INJUNCTIVE RELIEF

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

76. ICE's enforcement action is arbitrary and capricious because it: (1) contradicts USCIS's expert determination within the same agency; (2) violates established enforcement priorities that deprioritize individuals with pending adjustment applications; (3) serves no legitimate law enforcement purpose; (4) wastes limited enforcement resources on someone with immediate adjustment eligibility; and (5) ignores material equitable factors without explanation.

77. ICE's actions violate fundamental administrative law principles requiring agency consistency and coordination. DHS cannot operate with internal contradictions where one expert component finds an individual eligible for protection while another simultaneously removes that person.

78. The systematic targeting of VAWA beneficiaries violates current USCIS confidentiality policies and suggests an undisclosed policy change implemented without proper notice and comment procedures required by the APA.

79. ICE's failure to exercise prosecutorial discretion despite overwhelming equitable factors including VAWA eligibility, immediate adjustment eligibility, four decades of residence, clean record for over a decade, and essential caregiving role for vulnerable family members was arbitrary and capricious under *Judulang v. Holder*, 565 U.S. 42 (2011).

SIXTH CLAIM FOR RELIEF

Violation of Villa-Anguiano Doctrine

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

80. Petitioner incorporates by reference all preceding allegations.

81. Under *Villa-Anguiano v. Holder*, 727 F.3d 873 (9th Cir. 2013), when circumstances change after a reinstatement order, ICE must allow individuals to make statements addressing relevant circumstances and "independently reassess" whether to proceed with reinstatement.

82. USCIS's prima facie determination of Petitioner's VAWA eligibility constitutes a material change in circumstances that requires ICE to reconsider the reinstatement decision. ICE's failure to provide this opportunity violates *Villa-Anguiano*.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over the matter;
2. Enjoin Respondents from transferring Petitioner outside the jurisdiction of this District pending the resolution of this case;
3. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within 3 days;
4. Issue a Writ of Habeas Corpus requiring Respondents to release Petitioner from custody immediately;
5. Declare that the reinstatement order violates federal law and constitutional due process and is therefore invalid and void;
6. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment;
7. Order Respondents to vacate the reinstatement order and either terminate removal proceedings or place Petitioner in removal proceedings under INA § 240 where he may pursue available relief;
8. Find that ICE lacked jurisdiction to issue the reinstatement order due to regulatory violations and Petitioner's authorized stay status;
9. Order that Petitioner be permitted to pursue his pending USCIS applications without interference from removal proceedings;
10. Award reasonable attorney's fees and costs pursuant to applicable law; and
11. Grant such other relief as the Court deems just and proper.

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

1
2 Respectfully submitted,

3
4 Dated: June 23, 2025

/s/Emily L. Robinson Esq.
Counsel for Petitioner

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
VERIFIED PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of the Petitioner because I am Petitioner's attorney. 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 23rd day of June 2025 in Los Angeles, California.

s/EMILY L ROBINSON

Emily L. Robinson Esq.

Counsel for Petitioner

Law Office of Emily L. Robinson

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

CERTIFICATE OF COUNSEL

Pursuant to Rule 65(b)(1)(B) of the Federal Rules of Civil Procedure and L.R. 65-1, I hereby certify that on June 23, 2025, this was filed in the Eastern District of California, which effectuates service on the U.S. Attorney's Office. No other service necessary.

Dated: June 23, 2025,

Respectfully Submitted,

/s/ Emily L. Robinson

Emily L. Robinson
Attorney for Petitioner

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