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**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

Rosalina LUNA;

Petitioner,

v.

Kristi NOEM, Secretary, Department of
Homeland Security; Pam BONDI, Attorney
General; IMMIGRATION AND
CUSTOMS ENFORCEMENT; and Todd
LYONS, Acting Los Angeles Field Office
Director, Immigration and Customs
Enforcement.

Respondents.

Civil Case No.:

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

INTRODUCTION

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2 1. Petitioner was detained in Pasadena, California on June 28, 2025 for civil
3 immigration violations and is currently being held at the B-18 processing office in
4 downtown Los Angeles.

5 2. She was detained without reasonable suspicion, without an arrest warrant, and
6 in violation of the immigration regulations and due process.

7 3. Petitioner faces transfer outside of this judicial district and away from her
8 family and legal representation. She also faces imminent removal from the United States.

9 4. Petitioner seek an order from this Court that she be released from custody,
10 and, in the interim, an order from the Court that they are not removed from this judicial
11 district or removed from the United States, pending disposition of their petition for writ of
12 habeas corpus.

JURISDICTION AND VENUE

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14 5. This Court has jurisdiction under 28 U.S.C. § 2241 (federal habeas statute);
15 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 2201-2 (declaratory judgment); United
16 States Constitution Article I, Section 9 (Suspension Clause).

17 6. Venue properly lies within the Central District of California under 28 U.S.C.
18 § 1391, because this is a civil action in which Respondents are agencies of the United
19 States, Petitioners are detained in this district, and because a substantial part of the events
20 or omissions giving rise to this action occurred in the District.

PARTIES

21
22 7. Petitioner Rosalina Luna resides in Pasadena, California and is currently
23 detained at the Los Angeles downtown federal building in the basement, Room B-18.

24 8. Respondent Kristi Noem is the Secretary of the Department of Homeland
25 Security ("DHS"), and is sued in her official capacity. The Secretary of Homeland Security
26 is charged with the administration and enforcement of immigration laws. 8 U.S.C. §
27 1103(a).
28

9. Respondent Pam Bondi is the Attorney General of the United States and is sued in her official capacity as the head of the Department of Justice. The Attorney General is responsible for the fair administration of the laws of the United States.

10. Respondent Immigration and Customs Enforcement is the agency responsible for the detention of noncitizens, and the transfer or removal of Petitioners outside of this judicial district.

11. Respondent Todd Lyons is the Acting Director of the Los Angeles Field Office of the Immigration and Customs Enforcement, Department of Homeland Security, and is sued in his official capacity. Respondent Lyons is responsible for the detention of noncitizens in the Los Angeles district and for any transfer or removal of Petitioners outside of this judicial district.

FACTS

12. Petitioner was detained by immigration enforcement officers in Pasadena, California on June 28, 2025.

13. Petitioner was accompanied by her sons and her son's girlfriend at the time of the arrest.

14. Petitioner was returning to her work to report her stolen wallet where she works as a caregiver at Del Mar Park Assisted living. After she got out of her car multiple vehicles pulled up around her car. Officers yelled out a name of someone else.

15. Individuals in plain clothes exited the vehicles. At least one agent had a visible badge. Petitioner was surrounded. They said we have a warrant. They did not identify themselves as ICE officials.

16. Petitioner's sons asked to see the warrant for Petitioner's arrest and a badge number of the arresting officers. The officers did not show them a warrant related to Petitioner. Eventually, Respondents showed Petitioner's sons what they were referring to as a warrant which was a picture of a profile on their phone of someone else who was not Petitioner.

1 17. Petitioner was terrified. She takes two pills a day for low blood pressure.
2 She began to have a headache and felt like her heart was beating too fast.

3 18. A bystander called the Pasadena police. Pasadena police and emergency
4 medical services arrived and assessed Petitioner. While she was being assessed by
5 EMTs, ICE officials again approached her.

6 19. Petitioner and her sons continued to try to show that she was not the
7 individual on the alleged warrant. Petitioner did not feel free to leave during any part of
8 the encounter.

9 20. Petitioner was petrified.

10 21. Respondent did not have reasonable suspicion that Petitioner was in the
11 United States unlawfully.

12 22. Respondents did not have probable cause for Petitioner's arrest.

13 23. Respondents did not have a warrant for Petitioner's arrest.

14 24. Respondents did not make an individualized finding of flight risk.

15 25. Respondents did not identify themselves as immigration agents and did not
16 inform Petitioner of the basis for the arrest.

17 26. Petitioner was placed in the agents' vehicle and transported to the federal
18 building at 300 North Los Angeles St. where she has been held in the basement, room B-
19 18, since June 28, 2025.

20 27. Petitioner is being processed for removal proceedings to be removed from
21 the United States.

22 28. Petitioner has representation in her removal proceedings. Her counsel is
23 located in Pasadena, California.

24 29. Petitioner's family is located in Pasadena, California.

25 30. Petitioner faces imminent transfer outside of this judicial district and face
26 removal from the United States.

CAUSES OF ACTION

COUNT ONE

Violation of 8 U.S.C. § 1357(a)(2):

Warrantless Arrest Without Probable Cause of Flight Risk

31. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

32. Respondents ICE arrested Petitioner without probable cause and without a warrant. Before the arrest, Respondent failed to make an individualized finding of flight risk. The failure to meet these requirements is a violation of 8 U.S.C. § 1357(a)(2).

COUNT TWO

Violation of 8 C.F.R. § 287.8(c)(2)(ii):

Warrantless Arrest Without Probable Cause of Flight Risk

33. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

34. Respondent ICE arrested Petitioner without a warrant and without “reason to believe” that they were “likely to escape before a warrant can be obtained” in violation of 8 C.F.R. § 287.8(c)(2)(ii). The reason to believe standard meets the probable cause standard of the Fourth Amendment. *Perez Cruz v. Barr*, 926 F.3d 1128, 1137 (9th Cir. 2019).

35. Arrest in violation of the regulation is unlawful. *See Sanchez v. Sessions*, 904 F.3d 643, 650 (9th Cir. 2018); *Perez Cruz v. Barr*, 926 F.3d 1128, 1137 (9th Cir. 2019).

COUNT THREE

Fourth Amendment: Arrest Without Probable Cause

36. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

37. The Fourth Amendment prohibits Respondents from arresting an individual for an immigration violation without probable cause.

38. Respondents ICE arrested Petitioner without probable cause that she was a noncitizen unlawfully in the United States.

COUNT FOUR

(Failure to Identify Officers and Basis for Arrest in Violation of 8 C.F.R. § 287.8(c)(3))

39. Petitioner incorporates the allegations in the paragraphs above as though fully set forth here.

40. The regulations require arresting officers identify themselves as “an immigration officer who is authorized to execute an arrest” and “state that the person is under arrest and the reason for the arrest.” 8 C.F.R. § 287.8(c)(3).

41. Respondent ICE failed to identify themselves at the time of arrest and failed to inform Petitioners of the reasons for their arrest.

COUNT FIVE

(Violation of Due Process)

42. Petitioner incorporates the allegations in the paragraphs above as though fully set forth here.

43. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001).

44. The government's detention of Petitioner violates her rights to due process because she has been detained without lawful authority, infringing on her fundamental right to liberty.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- (1) Assume jurisdiction over this matter;
- (2) Declare that Petitioner is detained in violation of law;
- (3) Enjoin Respondents from transferring Petitioner outside of this judicial district during the pendency of removal proceedings;
- (4) Enjoin Respondents from removing Petitioner from the United States without the procedures for removal identified in the Immigration and Nationality Act;
- (5) Order the immediate release of Petitioner pending these proceedings;
- (6) Award costs and reasonable attorney fees incurred under this action under 28 U.S.C. § 2412, et. seq. (Equal Access to Justice Act); and
- (7) Grant any further relief that this Court may deem fit and proper.

Dated: June 30, 2025

Respectfully Submitted,

s/Veronica Barba

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