

1 Jana Whalley (CA SBN #318367)
2 Public Counsel
3 610 South Ardmere Avenue
4 Los Angeles, CA 90005
5 Telephone: (213) 385-2977
6 Facsimile: (213) 201-4727
7 Email: jwhalley@publiccounsel.org
8 Counsel for Petitioner

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

Reyna PATRICIO ORTIZ;

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**

1 **INTRODUCTION**

2 1. Petitioner was detained in Los Angeles, California on July 1, 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 seeks an order from this Court that she be released from custody,
10 and, in the interim, an order from the Court that she not be removed from this judicial
11 district or removed from the United States, pending disposition of her petition for writ of
12 habeas corpus.

13 **JURISDICTION AND VENUE**

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, Petitioner is detained in this district, and because a substantial part of the events or
20 omissions giving rise to this action occurred in the District.

21 **PARTIES**

22 7. Petitioner resides in Los Angeles, California and is currently detained at the
23 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).

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 Petitioner 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 Petitioner outside of this judicial district.

FACTS

12. Petitioner was detained by immigration enforcement officers in Los Angeles, California, on July 1, 2025.

13. She was selling food when agents dressed in dark green vests that said POLICE on them approached her.

14. The agents were masked so that their faces could not be seen. Petitioner was not free to leave the area.

15. Petitioner was very scared. Agents asked her for her ID. Agents handcuffed her and made her get in an unmarked car parked nearby.

16. Respondents did not have reasonable suspicion that Petitioner was in the United States unlawfully.

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

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

19. Respondents did not make an individualized finding of flight risk.

20. Respondents did not consult with the Office of the Principal Legal Advisor prior to arresting Petitioner, despite her pending U visa application.

21. Respondents did not inform Petition of the basis for her arrest.

1 22. Petitioner was placed in the agents' vehicle, driven around for some time,
2 and eventually transported to the federal building at 300 North Los Angeles St. where she
3 has been held in the basement, room B-18, since July 1, 2025.

4 23. Petitioner is being processed for removal proceedings to be removed from
5 the United States.

6 24. Petitioner has a U visa application pending before United States Customs
7 and Immigration Services.

8 25. Petitioner has representation in her U visa application, in bond proceedings,
9 and before the Department of Homeland Security. Her counsel is located in Los Angeles,
10 California.

11 26. Petitioner's family lives in Los Angeles, California, including her U.S.
12 Citizen children, nieces, and nephews. She has a strong community of support in Los
13 Angeles.

14 27. Petitioner faces imminent transfer outside of this judicial district and
15 removal from the United States. Immigration officers have repeatedly threatened to
16 transfer her to Florida or Texas if she chooses to fight her case before an immigration
17 judge.

18
19 **CAUSES OF ACTION**

20 **COUNT ONE**

21 ***Violation of 8 U.S.C. § 1357(a)(2):***

22 ***Warrantless Arrests Without Probable Cause of Flight Risk***

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

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

1 **COUNT TWO**

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

3 ***Warrantless Arrests Without Probable Cause of Flight Risk***

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

6 31. Respondent ICE arrested Petitioner without a warrant and without “reason to
7 believe” that she was “likely to escape before a warrant can be obtained” in violation of 8
8 C.F.R. § 287.8(c)(2)(ii). The reason to believe standard meets the probable cause
9 standard of the Fourth Amendment. *Perez Cruz v. Barr*, 926 F.3d 1128, 1137 (9th Cir.
10 2019).

11 32. Arrest in violation of the regulation is unlawful. *See Sanchez v. Sessions*,
12 904 F.3d 643, 650 (9th Cir. 2018); *Perez Cruz v. Barr*, 926 F.3d 1128, 1137 (9th Cir.
13 2019).

14
15 **COUNT THREE**

16 ***Fourth Amendment: Arrests Without Probable Cause***

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

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

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

23
24 **COUNT FOUR**

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

26 36. Petitioner incorporates the allegations in the paragraphs above as though
27 fully set forth here.

37. 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).

38. Respondent ICE failed to identify themselves at the time of arrest and failed to inform Petitioner of the reasons for her arrest.

COUNT FIVE

(Violation of Due Process)

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

40. 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).

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

COUNT SIX

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

Arbitrary & Capricious

Violation of Agency Directive 11005.4

42. The allegations in the above paragraphs are realleged and incorporated herein.

43. Under the APA, a court shall “hold unlawful and set aside agency action” that is arbitrary and capricious. 5 U.S.C. § 706(2)(A).

44. An action is arbitrary and capricious if the agency “entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” Nat’l Ass’n of Home Builders v. Defs. of Wildlife, 551 U.S. 644, 658 (2007) (quoting Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43 (1983)).

45. To survive an APA challenge, the agency must articulate “a satisfactory explanation” for its action, “including a rational connection between the facts found and the choice made.” *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted).

46. By deciding to detain and transfer Petitioner without prior consultation with OPLA despite her status as an applicant for a victim-based immigration benefit, Respondents violated the APA. Respondents' own directive, ICE Directive 11005.4. ICE Directive 11005.4 provides that "prior to conducting a civil enforcement action against" a petitioner for a U visa, "agents should consult with the Office of the Principal Legal Advisor "to ensure any such action is consistent with applicable legal limitations."

47. By choosing to categorically detain and transfer Petitioner, a known applicant for a victim-based immigration benefit, without consultation with OPLA, Respondents act arbitrarily and capriciously in violation of the APA.

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;

1 (3) Enjoin Respondents from transferring Petitioner outside of this judicial
2 district during the pendency of removal proceedings;

3 (4) Enjoin Respondents from removing Petitioner from the United States without
4 the procedures for removal identified in the Immigration and Nationality Act;

5 (5) Order the immediate release of Petitioner pending these proceedings;

6 (6) Award costs and reasonable attorney fees incurred under this action under 28
7 U.S.C. § 2412, et. seq. (Equal Access to Justice Act); and

8 (7) Grant any further relief that this Court may deem fit and proper.
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10 Dated: July 3, 2025

Respectfully Submitted,

11 /s/ Jana Whalley

12 Jana Whalley (CA SBN #318367)

13 Public Counsel

14 610 South Ardmore Avenue

15 Los Angeles, CA 90005

16 Telephone: (213) 385-2977

17 Facsimile: (213) 201-4727

18 Email: jwhalley@publiccounsel.org

19 Counsel for Petitioner
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