

1 Stacy Tolchin (CA SBN #217431)  
2 Law Offices of Stacy Tolchin  
3 776 E. Green St., Ste. 210  
4 Pasadena, CA 91101  
5 Telephone: (213) 622-7450  
6 Facsimile: (213) 622-7233  
7 Email: Stacy@Tolchinimmigration.com

8 Emily Robinson  
9 Law Office of Emily Robinson  
10 5012 Eagle Rock Blvd  
11 Los Angeles, CA 90041  
12 Telephone: 323-524-7611  
13 Email: eldrobinson@gmail.com

14 Counsel for Petitioners

15  
16 **UNITED STATES DISTRICT COURT**  
17 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

18 Jorge ARRAZOLA-GONZALEZ; Oswaldo  
19 GONZALEZ;

20 Petitioners,

21 v.

22 Kristi NOEM, Secretary, Department of  
23 Homeland Security; Pam BONDI, Attorney  
24 General; EXECUTIVE OFFICE FOR  
25 IMMIGRATION REVIEW; Todd LYONS,  
26 Executive Associate Director of ICE  
27 Enforcement and Removal  
28 Operations (ERO); and David A. MARIN,  
Adelanto Immigration and Customs  
Enforcement Field Office Director.

Respondents.

No.: 5:25-cv-01789-ODW-DFM

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

## **INTRODUCTION**

1. Petitioner Jorge Arrazola-Gonzalez has been residing in the United States since 1997 and was apprehended by immigration authorities on June 7, 2025 in Los Angeles, California in a widescale immigration enforcement action.

2. Petitioner Oswaldo Gonzalez has been residing in the United States since 1999 and was apprehended by immigration authorities on June 18, 2025 in Whittier, California in that same immigration enforcement action.

3. They are both currently detained at the Adelanto detention center by immigration authorities and are the subject of a pending removal hearings.

4. Petitioners are charged with having entered the United States without inspection and being present without valid immigration documents. 8 U.S.C. § 1182(a)(6)(A)(i), § 1182(a)(7)(A)(i).

5. Petitioners were denied release by the Department of Homeland Security (DHS) and sought a bond redetermination hearings before an immigration judge. On July 11, and August 7, 2025, they were denied the opportunity for a bond redetermination hearing because the immigration judge held that he lacked jurisdiction over the bond hearing based on new agency policy that all persons who entered without inspection are deemed applicants for admission to the United States and are ineligible for bond redetermination hearings based on the immigration statute, 8 U.S.C. § 1225(b)(2)(A).

6. Section 1225(b)(2)(A) states that an applicant for admission seeking admission shall be detained for a removal proceeding. It is the position of the Executive Office for Immigration Review (EOIR), which houses both the BIA and immigration judges, that 8 U.S.C. § 1225(b)(2)(A) applies to *all* individuals who arrived in the United States without documents, regardless of how long they have lived in the United States and regardless of how far they were apprehended from the border.

7. However, § 1225(b)(2)(A) does not apply to individuals, like Petitioner, who are present in the United States. Instead, such individuals are subject to detention under a different statute, § 1226(a), and eligible for release on bond.



1 8. Nevertheless, earlier in July 2025, ICE released a memorandum instructing its  
2 attorneys to coordinate with the Department of Justice, the agency housing EOIR, to reject  
3 bond redetermination hearings for applicants who arrived in the United States without  
4 documents.<sup>1</sup>

5 9. EOIR has already applied this reasoning in a May 22, 2025 BIA decision,  
6 finding that a noncitizen who had been residing in the United States for almost ten years  
7 and had entered into the United States without documents was ineligible for bond.

8 10. Further, despite a legal ruling in *Rodriguez v. Bostock*, 2025 WL 1193850  
9 (W.D. Wa. Apr. 24, 2025), rejecting this position, Respondents continue to maintain that  
10 noncitizens who entered the United States without inspection are not eligible for bond  
11 redetermination hearings, because they are applicants for admission within the meaning of  
12 8 U.S.C. § 1225(b)(2)(A).

13 11. This reading is a violation of the statute and due process.

14 12. As such, Petitioners seeks an order of declaratory and injunctive relief and set  
15 aside relief under the Administrative Procedure Act requiring that they be provided bond  
16 redetermination hearings before the immigration judge.

### 17 **JURISDICTION AND VENUE**

18 13. This Court has jurisdiction under 28 U.S.C. § 2241 (federal habeas statute);  
19 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 2201-2 (declaratory judgment); United  
20 States Constitution Article I, Section 9 (Suspension Clause).

21 14. Venue properly lies within the Central District of California under 28 U.S.C.  
22 § 1391, because this is a civil action in which Respondents are agencies of the United  
23

---

24  
25 <sup>1</sup> “ICE Says Many In Immigration Detention No Longer Qualify For Bond Hearings,”  
26 *CBS News* (Jul. 15, 2025) [https://www.cbsnews.com/news/ice-immigration-detention-](https://www.cbsnews.com/news/ice-immigration-detention-bond-hearings/)  
27 [bond-hearings/](https://www.cbsnews.com/news/ice-immigration-detention-bond-hearings/); “ICE declares millions of undocumented immigrants ineligible for bond  
28 [hearings,” \*The Washington Post\* \(Jul. 15, 2025\)](https://www.washingtonpost.com/immigration/2025/07/14/ice-trump-undocumented-immigrants-bond-hearings/)  
[https://www.washingtonpost.com/immigration/2025/07/14/ice-trump-undocumented-](https://www.washingtonpost.com/immigration/2025/07/14/ice-trump-undocumented-immigrants-bond-hearings/)  
[immigrants-bond-hearings/](https://www.washingtonpost.com/immigration/2025/07/14/ice-trump-undocumented-immigrants-bond-hearings/)

1 States, Petitioner is detained in this District, and a substantial part of the events or  
2 omissions giving rise to this action occurred in the District.

3 **PARTIES**

4 15. Petitioner Jorge Arrazola-Gonzalez resides in Los Angeles, California and is  
5 currently detained at the Adelanto immigration detention center.

6 16. Petitioner Oswaldo Gonzalez resides in Whittier, California and is currently  
7 detained at the Adelanto immigration detention center. Respondent Kristi Noem is the  
8 Secretary of the Department of Homeland Security (“DHS”), and is sued in her official  
9 capacity. The Secretary of Homeland Security is charged with the administration and  
10 enforcement of immigration laws. 8 U.S.C. § 1103(a).

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

14 18. Respondent Executive Office for Immigration Review is a component agency  
15 of the Department of Justice responsible for conducting removal and bond hearings of  
16 noncitizens. EOIR is comprised of a lower adjudicatory body administered by immigration  
17 judges and an appellate body known as the Board of Immigration Appeal (BIA).  
18 Immigration judges issue bond redetermination hearing decisions, which are then subject  
19 to appeal to the BIA.

20 19. Respondent Todd Lyons is the Acting Director of U.S. Immigration and  
21 Customs Enforcement (ICE) and is sued in his official capacity. ICE is responsible for the  
22 detention of Petitioners.

23 20. Respondent David A. Marin is the Immigration and Customs Enforcement  
24 Field Office Director at the ICE Adelanto immigration detention facility and is sued in his  
25 official capacity. Respondent Marin is responsible for the detention of Petitioners.

26  
27  
28 **LEGAL BACKGROUND**

21. The Immigration and Nationality Act (INA) prescribes three basic forms of detention for noncitizens in removal proceedings.

22. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard non-expedited removal proceedings before an immigration judge (IJ). *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

23. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).

24. Last, the Act also provides for detention of noncitizens who have been previously ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

25. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

26. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583, 3009–585. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119–1, 139 Stat. 3 (2025).

27. Following enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

28. Thus, in the decades that followed, most people who entered without inspection—unless they were subject to some other detention authority—received bond



1 hearings. That practice was consistent with many more decades of prior practice, in  
2 which noncitizens who were not deemed “arriving” were entitled to a custody hearing  
3 before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep.  
4 No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention  
5 authority previously found at § 1252(a)).

6 29. Respondents’ new policy turns this well-established understanding on its  
7 heads and violates the statutory scheme.

8 30. Indeed, this legal theory that noncitizens who entered the United States  
9 without admission or parole are ineligible for bond hearings was already rejected by a  
10 District Court in the Western District of Washington, finding that such individuals are  
11 entitled to bond redetermination hearings before immigration judges, and rejecting the  
12 application of § 1225(b)(2) to such cases. *Rodriguez v. Bostock*, No. 3:25-CV-05240-  
13 TMC, 2025 WL 1193850, at \*12 (W.D. Wash. Apr. 24, 2025).

14 31. Despite this finding from a federal court, in July 2025, ICE released a  
15 memorandum instructing its attorneys to coordinate with the Department of Justice, the  
16 agency housing EOIR, to reject bond redetermination hearings for applicants who arrived  
17 in the United States without documents.

18 32. A May 22, 2025 unpublished BIA decision confirms that EOIR is taking this  
19 same position that noncitizens who entered the United States without admission or parole  
20 are ineligible for immigration judge bond hearings.

21 33. This is now a widespread position applying across the United States.

22 34. This interpretation defies the INA. The plain text of the statutory provisions  
23 demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

24 35. Section 1226(a) applies by default to all persons “pending a decision on  
25 whether the [noncitizen] is to be removed from the United States.” These removal  
26 hearings are held under § 1229a, which “decid[e] the inadmissibility or deportability of  
27 a[] [noncitizen].”  
28

36. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* [8 U.S.C. § 1226\(c\)\(1\)\(E\)](#). Subparagraph (E)’s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

37. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute’s entire framework is premised on inspections at the border of people who are “seeking admission” to the United States. 8 U.S.C. § 1225(b)(2)(A).

38. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to people like Petitioner who are alleged to have entered the United States without admission or parole.

## FACTS

Petitioner Jorge Arrazola Gonzalez

39. Petitioner Jorge Arrazola Gonzalez has resided in the United States since 1997 and lives in Los Angeles, California.

40. On June 6, 2025, he was arrested by immigration authorities as part of a widescale immigration enforcement action in Los Angeles.

41. He was placed into removal proceedings to appear before an IJ, and was charged with having entered the United States without inspection and being present without valid immigration documents. 8 U.S.C. § 1182(a)(6)(A)(i), § 1182(a)(7)(A)(i).

42. ICE denied Petitioner's request for release, and he requested a bond redetermination hearing before an immigration judge.

43. Petitioner Jorge Arrazola Gonzalez has four United States citizen children, one of whom is disabled, and no criminal history. He is the sole financial provider for his family, has steady employment, attends church regularly, and is an active volunteer in his community. He is neither a danger to others nor a flight risk.



1 44. On July 11, 2025, an Adelanto IJ issued a decision that he lacked jurisdiction  
2 to conduct a bond redetermination hearing because Petitioner was an applicant for  
3 admission.

4 45. Any appeal to the Board of Immigration Appeals is futile.  
5

6 **Petitioner Oswaldo Gonzalez**

7 46. Petitioner Oswaldo Gonzalez has resided in the United States since 1999 and  
8 lives in Whittier, California.

9 47. On June 18, 2025, he was arrested by immigration authorities as part of a  
10 widescale immigration enforcement action in Los Angeles.

11 48. He was placed into removal proceedings to appear before an IJ, and was  
12 charged with having entered the United States without inspection and being present  
13 without valid immigration documents. 8 U.S.C. § 1182(a)(6)(A)(i), § 1182(a)(7)(A)(i).

14 49. ICE denied Petitioner Oswaldo Gonzalez's request for release, and he  
15 requested a bond redetermination hearing before an immigration judge.

16 50. Petitioner Oswaldo Gonzalez has one United States citizen child. He attends  
17 church regularly. He is neither a danger to others nor a flight risk.

18 51. On August 7, 2025, an Adelanto IJ issued a decision that he lacked  
19 jurisdiction to conduct a bond redetermination hearing because Petitioner was an  
20 applicant for admission.

21 Any appeal to the Board of Immigration Appeals is futile  
22

23 **CAUSES OF ACTION**

24 **COUNT I**

25 **Violation of 8 U.S.C. § 1226(a)**

26 ***Unlawful Denial of Bond Hearing***

27 52. Petitioners repeat, re-allege, and incorporate by reference each and every  
28 allegation in the preceding paragraphs as if fully set forth herein.





1 from government custody, detention, or other forms of physical restraint—lies at the  
2 heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690,  
3 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001).

4 60. Petitioners have a fundamental interest in liberty and being free from official  
5 restraint.

6 61. The government’s detention of Petitioners without a bond redetermination  
7 hearing to determine whether they are a flight risk or danger to others violates their  
8 right to due process.

9  
10 **PRAYER FOR RELIEF**

11 WHEREFORE, Petitioners respectfully requests that this Court:

- 12  
13 a. Assume jurisdiction over this matter;  
14 b. Declare that the refusal to allow Petitioners a bond redetermination hearing before  
15 an immigration judge violates the INA, APA, and Due Process;  
16 c. Issue a writ of habeas corpus requiring that Defendants release them or provide the  
17 bond hearing to which they are entitled within 14 days;  
18 d. Set aside Respondents’ unlawful detention policy under the APA, 5 U.S.C. §  
19 706(2);  
20 e. Award reasonable attorneys’ fees and costs pursuant to the Equal Access to Justice  
21 Act, 28 U.S.C. § 2412(d), 5 U.S.C. § 504, or any other applicable law; and  
22 f. Order further relief as this Court deems just and appropriate.  
23  
24

25 Dated: August 11, 2025

Respectfully Submitted,

26 S/Stacy Tolchin

27 Stacy Tolchin (CA SBN #217431)

28 Law Offices of Stacy Tolchin

776 E. Green St., Ste. 210



1 Pasadena, CA 91101  
2 Telephone: (213) 622-7450  
3 Facsimile: (213) 622-7233  
4 Email:  
5 [Stacy@Tolchinimmigration.com](mailto:Stacy@Tolchinimmigration.com)

6 Emily Robinson  
7 Law Office of Emily Robinson  
8 5012 Eagle Rock Blvd  
9 Los Angeles, CA 90041  
10 Telephone: 323-524-7611  
11 Email: eldrobinson@gmail.com

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
Counsel for Petitioner