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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 Carmen Aracely PABLO SEQUEN,

12 **Petitioner,**

13 **v.**

14 Polly KAISER, Acting Field Office Director of
15 the San Francisco Immigration and Customs
Enforcement Office; Todd LYONS, Acting
16 Director of United States Immigration and
Customs Enforcement; Kristi NOEM, Secretary
17 of the United States Department of Homeland
Security, Pamela BONDI, Attorney General of
18 the United States, acting in their official
capacities,

19 **Respondents.**
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Case No.

**PETITION FOR WRIT OF HABEAS
CORPUS**

INTRODUCTION

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2 1. Petitioner Carmen Aracely Pablo Sequen ("Ms. Pablo Sequen" or "Petitioner") is a
3 30-year-old asylum seeker from Guatemala. She came to the United States on June 16, 2023,
4 fleeing threats of violence. Upon her arrival in the United States, she was briefly detained by the
5 U.S. Border Patrol and then released into the interior to await her court hearings. Since then, she
6 has been fully compliant with everything that the government of asked of her. She attended both
7 of her scheduled immigration court hearings. She filed an application for asylum within the
8 required one-year deadline. She applied for and received an Employment Authorization Document
9 (commonly called a "work permit"), and has been lawfully employed at a local bakery. She attends
10 St. Mary's church. She has no criminal record. She has a cognizable claim to asylum based on
11 threats she faced in Guatemala, as well as her history of childhood sexual abuse. She is actively
12 seeking counsel to represent her in her immigration proceedings.

13 2. On July 31, 2025, Ms. Pablo Sequen attended her second hearing at the San
14 Francisco Immigration Court; it was a master calendar hearing, with multiple respondents
15 scheduled together. On information and belief, government counsel moved to dismiss her case,
16 and the immigration judge gave her ten days to respond to the motion. Her case was scheduled for
17 another hearing on August 28, 2025.

18 3. Ms. Pablo Sequen was arrested by Immigration and Customs Enforcement ("ICE")
19 agents as she exited the courtroom. Later that afternoon, when the undersigned Counsel went to
20 visit Ms. Pablo Sequen in detention, an ICE agent told Counsel that every noncitizen respondent
21 attending that hearing had been arrested, save the respondents who had children included in their
22 case.

23 4. Ms. Pablo Sequen was not told why she was being arrested. During Counsel's visit
24 that afternoon, she and a colleague asked two separate ICE agents why Ms. Pablo Sequen had been
25 targeted for detention. Neither of them provided a reason other than to say that she was a detention
26 priority. When asked why Ms. Pablo Sequen was a detention priority, the ICE agents could not or
27 would not answer.

28 5. Ms. Pablo Sequen is currently locked in a temporary holding area at 630 Sansome
Street in San Francisco. One of the ICE agents informed counsel that Ms. Pablo Sequen would be

1 transferred out the next day – that is, August 1, 2025.

2 6. This arrest is part of a new, nationwide DHS strategy of sweeping up people who
3 attend their immigration court hearings, detaining them, and seeking to re-route them to fast-track
4 deportations. Since mid-May, DHS has implemented a coordinated practice of leveraging
5 immigration detention to strip people like Ms. Pablo Sequen of their substantive and procedural
6 rights and effect their swift deportation. Immigration detention is civil, and thus is permissible for
7 only two reasons: to ensure a noncitizen's appearance at immigration hearings and to prevent
8 danger to the community. But DHS did not arrest and detain Ms. Pablo Sequen—who
9 demonstrably poses no risk of absconding from immigration proceedings nor danger to the
10 community—for either of these reasons. Instead, as part of its broader enforcement campaign,
11 DHS detained Ms. Pablo Sequen to strip her of her procedural rights, force her to forfeit her
12 application for asylum, and pressure her into fast-track removal.

13 7. In immigration court, noncitizens have the right to pursue claims for relief from
14 removal (including asylum), be represented by counsel, gather and present evidence, and pursue
15 appeals. 8 U.S.C. § 1229(a). By dismissing an ongoing case, DHS—in its view—can transfer a
16 noncitizen's case from removal proceedings in immigration court, governed by 8 U.S.C. § 1229a,
17 to cursory proceedings under 8 U.S.C. § 1225(b)(1) called “expedited removal,” where the
18 procedural protections and opportunities to pursue relief from removal built into regular
19 immigration-court proceedings do not apply. In places where immigration judges do not routinely
20 grant unsupported DHS motions to dismiss, DHS has a track record of arresting individuals,
21 transferring them to faraway detention centers, and re-filing motions to dismiss before judges who
22 are more likely to grant dismissal. At the same time, those detained respondents typically have
23 great difficulty seeking legal assistance in responding to such motions.

24 8. Ms. Pablo Sequen's recent arrest and detention have already caused her substantial
25 harm, including the emotional trauma of being arrested like a criminal when she had been fully
26 compliant with legal requirements ever since her entry to the United States. The psychological toll
27 of confinement is considerable, and conditions in immigration detention facilities are often
28 substandard. Every additional day of unlawful detention will add to her immiseration and subject
her to further irreparable harm.

11. Ms. Pablo Sequen respectfully seeks a writ of habeas corpus ordering the government to immediately release her from ongoing, unlawful detention, and prohibiting her re-arrest without a hearing to contest that re-arrest before a neutral decision-maker. In addition, to preserve this Court's jurisdiction, Petitioner also requests that this Court order the government not to transfer her outside of the District, or deport her, for the duration of this proceeding.

12. The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201-02 (Declaratory Judgment Act), 28 U.S.C. § 2241 (habeas corpus), Article I, § 9, cl. 2 of the U.S. Constitution (the Suspension Clause), the Fourth and Fifth Amendments to the U.S. Constitution, and 5 U.S.C. §§ 701-706 (Administrative Procedure Act).

PETITION FOR WRIT OF HABEAS CORPUS
Case No.

PARTIES

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2 14. Ms. Pablo Sequen is a 30-year-old asylum seeker from Guatemala. She timely filed
3 an application for asylum, which remains pending. She has no criminal history, and has been
4 compliant with her legal obligations since being released by ICE following her apprehension at
5 the southern border. She is currently in civil immigration detention, in a temporary holding facility
6 on the sixth floor of 630 Sansome Street in downtown San Francisco.

7 15. Respondent Polly Kaiser is the Acting Field Office Director of the San Francisco
8 ICE Field Office. In this capacity, she is responsible for the administration of immigration laws
9 and the execution of immigration enforcement and detention policy within ICE's San Francisco
10 Area of Responsibility, including the detention of Ms. Pablo Sequen. Respondent Kaiser maintains
11 an office and regularly conducts business in this district. Respondent Kaiser is sued in her official
12 capacity. Moreover, while Ms. Pablo Sequen remains at the Sansome Street location, Mr. Kaiser
13 serves as her immediate physical custodian.

14 16. Respondent Todd M. Lyons is the Acting Director of ICE. As the Senior Official
15 Performing the Duties of the Director of ICE, he is responsible for the administration and
16 enforcement of the immigration laws of the United States; routinely transacts business in this
17 District; and is legally responsible for pursuing any effort to detain and remove the Petitioner.
18 Respondent Lyons is sued in his official capacity.

19 17. Respondent Kristi Noem is the Secretary of Homeland Security and has ultimate
20 authority over DHS. In that capacity and through her agents, Respondent Noem has broad authority
21 over and responsibility for the operation and enforcement of the immigration laws; routinely
22 transacts business in this District; and is legally responsible for pursuing any effort to detain and
23 remove Ms. Pablo Sequen. Respondent Noem is sued in her official capacity.

24 18. Respondent Pamela Bondi is the Attorney General of the United States and the most
25 senior official at the Department of Justice. In that capacity and through her agents, she is
26 responsible for overseeing the implementation and enforcement of the federal immigration laws.
27 The Attorney General delegates this responsibility to the Executive Office for Immigration
28 Review, which administers the immigration courts and the BIA. Respondent Bondi is sued in her
official capacity.

EXHAUSTION

19. There is no requirement to exhaust because no other forum exists in which Ms. Pablo Sequen can raise the claims herein. There is no statutory exhaustion requirement prior to challenging the constitutionality of an arrest or detention, or challenging a policy under the Administrative Procedure Act. Prudential exhaustion is not required here because it would be futile, and Ms. Pablo Sequen will “suffer irreparable harm if unable to secure immediate judicial consideration of [their] claim.” *McCarthy v. Madigan*, 503 U.S. 140, 147 (1992). Any further exhaustion requirements would be unreasonable.

LEGAL BACKGROUND

A. The Constitution Protects Noncitizens Like Petitioner from Arbitrary Arrest and Detention.

20. The Constitution establishes due process rights for “all ‘persons’ within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017) (quoting *Zadvydas*, 533 U.S. at 693). These due process rights are both substantive and procedural.

21. First, “[t]he touchstone of due process is protection of the individual against arbitrary action of government,” *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), including “the exercise of power without any reasonable justification in the service of a legitimate government objective,” *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998).

22. These protections extend to noncitizens facing detention, as “[i]n our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.” *United States v. Salerno*, 481 U.S. 739, 755 (1987). Accordingly, “[f]reedom 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*, 533 U.S. at 690.

23. Substantive due process thus requires that all forms of civil detention—including immigration detention—bear a “reasonable relation” to a non-punitive purpose. See *Jackson v. Indiana*, 406 U.S. 715, 738 (1972). The Supreme Court has recognized only two permissible non-punitive purposes for immigration detention: ensuring a noncitizen’s appearance at immigration proceedings and preventing danger to the community. *Zadvydas*, 533 U.S. at 690—

92; *see also Demore v. Kim*, 538 U.S. 510 at 519–20, 527–28, 31 (2003).

24. *Second*, the procedural component of the Due Process Clause prohibits the government from imposing even permissible physical restraints without adequate procedural safeguards.

25. Generally, “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). This is so even in cases where that freedom is lawfully revocable. *See Hurd v. D.C., Gov’t*, 864 F.3d at 683 (citing *Young v. Harper*, 520 U.S. 143, 152 (1997) (re-detention after pre-parole conditional supervision requires pre-deprivation hearing)); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973) (same, in probation context); *Morrissey v. Brewer*, 408 U.S. 471 (1972) (same, in parole context).

26. After an initial release from custody on conditions, even a person paroled following a conviction for a criminal offense for which they may lawfully have remained incarcerated has a protected liberty interest in that conditional release. *Morrissey*, 408 U.S. at 482. As the Supreme Court recognized, “[t]he 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.* “By whatever name, the liberty is valuable and must be seen within the protection of the [Constitution].” *Id.*

27. This reasoning applies with equal if not greater force to people released from civil immigration detention at the border, like Ms. Pablo Sequen. After all, noncitizens living in the United States like Petitioner have a protected liberty interest in their ongoing freedom from confinement. *See Zadvydas*, 533 U.S. at 690. And, “[g]iven the civil context [of immigration detention], [the] liberty interest [of noncitizens released from custody] is arguably greater than the interest of parolees.” *Ortega v. Bonmar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019).

FACTUAL ALLEGATIONS

A. DHS Dramatically Expands the Scope of Expedited Removal.

28. For decades, DHS applied expedited removal exclusively in the border enforcement context, with only narrow exceptions to that general rule. From 1997 until 2002, expedited removal applied only to inadmissible noncitizens arriving at ports of entry. *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum

1 Procedures; Final Rule, 62 Fed. Reg. 10312 (Mar. 6, 1997).

2 29. In 2002, the government for the first time invoked its authority to apply expedited
3 removal to persons already inside the country, but only for a narrow group of people who arrived
4 by sea, were not admitted or paroled, and were apprehended within two years of entry. *See* Notice
5 Designating Aliens Subject to Expedited Removal Under Section 235(b)(1)(A)(iii) of the
6 Immigration and Nationality Act, 67 Fed. Reg. 68924 (Nov. 13, 2002).

7 30. In 2004, the government authorized the application of expedited removal to
8 individuals who entered by means other than sea, but only if they were apprehended within 100
9 miles of a land border and were unable to demonstrate that they had been continuously physically
10 present in the United States for 14 days. *See* Designating Aliens for Expedited Removal, 69 Fed.
11 Reg. 48877 (Aug. 11, 2004).

12 31. In 2019, at the direction of President Trump, DHS published a Federal Register
13 Notice authorizing the application of expedited removal to certain noncitizens arrested anywhere
14 in the country who could not affirmatively show that they had been continuously present for two
15 years. *See* Designating Aliens for Expedited Removal, 84 Fed. Reg. 35409 (July 23, 2019). The
16 District Court for the District of Columbia entered a preliminary injunction preventing the rule
17 from taking effect, which the D.C. Circuit later vacated. *Make the Rd. New York v. McAleenan*,
18 405 F. Supp. 3d 1, 11 (D.D.C. 2019), *vacated sub nom. Make the Rd. New York v. Wolf*, 962 F.3d
19 612, 618 (D.C. Cir. 2020).

20 32. In 2021, President Biden directed the DHS Secretary to review the rule expanding
21 expedited removal and consider whether it comported with legal and constitutional requirements,
22 including due process. In 2022, DHS rescinded the rule. *See* Rescission of the Notice of July 23,
23 2019, Designating Aliens for Expedited Removal, 87 Fed. Reg. 16022 (Mar. 21, 2022).

24 33. While the 2019 expansion was in effect, the government applied expedited removal
25 to persons inside the country in an exceedingly small number of cases. Thus, from 1997 to 2025,
26 with limited exceptions, immigration authorities generally did not apply expedited removal to
27 noncitizens apprehended far from the border, or individuals anywhere in the United States
28 (including near the border) who had been residing in the country for more than fourteen days.

34. This state of affairs changed drastically on January 20, 2025, the day that President

1 Trump took office for his second term. That day, President Trump signed Executive Order 14159,
2 “Protecting the American People Against Invasion,” the purpose of which was “to faithfully
3 execute the immigration laws against all inadmissible and removable aliens, particularly those
4 aliens who threaten the safety or security of the American people.” Exec. Order No. 14,159, 90
5 C.F.R. § 8443 (Jan. 20, 2025). The order directed the Secretary of Homeland Security to take
6 various actions “to ensure the efficient and expedited removal of aliens from the United States.”
7 *Id.*

8 35. To implement this Executive Order, DHS issued a notice immediately authorizing
9 application of expedited removal to certain noncitizens arrested anywhere in the country who
10 cannot show “to the satisfaction of an immigration officer” that they have been continuously
11 present in the United States for at least two years. 90 Fed. Reg. 8139 (published Jan. 24, 2025).

12 36. On January 23, 2025, the Acting Secretary of Homeland Security issued a
13 memorandum “provid[ing] guidance regarding how to exercise enforcement discretion in
14 implementing” the new expedited-removal rule. The guidance directed federal immigration
15 officers to “consider . . . whether to apply expedited removal” to “any alien DHS is aware of who
16 is amenable to expedited removal but to whom expedited removal has not been applied.” As part
17 of that process, the guidance encourages officers to “take steps to terminate any ongoing removal
18 proceeding and/or any active parole status.”¹

19 37. The government has subsequently taken other steps to expand the use of expedited
20 removal far beyond what has been seen before. In a leaked ICE memo from earlier this year, ICE
21 leadership shared its interpretation of the law such that some noncitizens encountered at the border
22 are subject to expedited removal with no time limit.

23 38. Under the administration’s expanded approach to expedited removal, hundreds of
24 thousands of noncitizens who have lived in the country for significant periods of time are at
25 imminent risk of summary removal without any hearing, meaningful process, access to counsel,
26 or judicial review—regardless of the strength of their ties to the United States.

27 ¹ Benjamine C. Huffman, *Guidance Regarding How to Exercise Enforcement Discretion*, Dep’t
28 of Homeland Sec. (Jan. 23, 2025), [https://www.dhs.gov/sites/default/files/2025-01/25_0123_er-](https://www.dhs.gov/sites/default/files/2025-01/25_0123_er-and-parole-guidance.pdf)
[and-parole-guidance.pdf](https://www.dhs.gov/sites/default/files/2025-01/25_0123_er-and-parole-guidance.pdf).

B. To Place More People in Expedited Removal, DHS Undertakes New Campaign of Courthouse Arrests and Detention.

39. Since mid-May 2025, DHS has initiated an aggressive new enforcement campaign targeting people who are in regular removal proceedings in immigration court, many of whom have pending applications for asylum or other relief. This “coordinated operation” is “aimed at dramatically accelerating deportations” by arresting people at the courthouse and placing them into expedited removal.²

40. The first step of this enforcement operation typically takes place inside the immigration court. When people arrive in court for their master calendar hearings, DHS attorneys orally file a motion to dismiss the proceedings—without any notice to the affected individual. Although DHS regulations do not permit such motions to dismiss absent a showing that the “[c]ircumstances of the case have changed,” 8 C.F.R. § 239.2(a)(7), (c), DHS attorneys do not conduct any case-specific analysis of changed circumstances before filing these motions to dismiss.

41. Even though individuals are supposed to have ten days to respond to a motion to dismiss, some IJs have granted the government’s oral motion on the spot and immediately dismissed the case. This is consistent with recent instructions from the Department of Justice to immigration judges stating that they may allow the government to move to dismiss cases orally, in court, without a written motion, and to decide that motion without allowing the noncitizen an opportunity to file a response.

42. Despite these instructions, some IJs have still asked DHS to re-file the motion as a written motion and continued proceedings to allow individuals to file their response. A smaller group of IJs have expressly denied the motion to dismiss on the record or in a written order.

43. The next step of DHS’s new campaign takes place outside the courtroom. ICE officers, in consultation with DHS attorneys and officials, station themselves in courthouse waiting

² Arelis R. Hernández & Maria Sacchetti, *Immigrant Arrests at Courthouses Signal New Tactic in Trump’s Deportation Push*, Wash. Post, May 23, 2025, <https://www.washingtonpost.com/immigration/2025/05/23/immigration-court-arrests-ice-trump/>; see also Hamed Aleaziz, Luis Ferré-Sadurní, & Miriam Jordan, *How ICE is Seeking to Ramp Up Deportations Through Courthouse Arrests*, N.Y. Times, May 30, 2025, <https://www.nytimes.com/2025/05/30/us/politics/ice-courthouse-arrests.html>.

rooms, hallways, and elevator banks. When an individual exits their immigration hearings, ICE officers—typically masked and in plainclothes—immediately arrest the person and detain them. ICE officers execute these arrests regardless of how the IJ rules on the government’s motion to dismiss. On information and belief, they typically do not have an arrest warrant.

44. Once the person has been transferred to a detention facility, the government places the individual in expedited removal. In cases in which the IJ did not dismiss the person’s removal proceedings, DHS attorneys unilaterally transfer venue of the case to a “detained” immigration court, where they renew their motions to dismiss—again with the goal of putting the person in expedited removal.

45. DHS is aggressively pursuing this arrest and detention campaign at courthouses throughout the country. In New York City, for example, “ICE agents have apprehended so many people showing up for routine appointments this month that the facilities” are “overcrowded,” with “[h]undreds of migrants . . . sle[eping] on the floor or sitting upright, sometimes for days.”³

46. The same is true at the San Francisco Immigration Court, where Petitioner was arrested. In recent months, unprecedented numbers of people have been arrested and detained after attending their routine immigration hearings.⁴

47. DHS’s aggressive tactics at immigration courts appear to be motivated by the Administration’s imposition of a new daily quota of 3,000 ICE arrests.⁵ In part as a result of this campaign, ICE’s arrests of noncitizens with no criminal record have increased more than 800%

³ Luis Ferré-Sadurní, *Inside a Courthouse, Chaos and Tears as Trump Accelerates Deportations*, N.Y. Times, June 12, 2025, <https://www.nytimes.com/2025/06/12/nyregion/immigration-courthouse-arrests-trump-deportation.html>.

⁴ Sarah Ravani, *ICE Arrests Two More at S.F. Immigration Court, Advocates Say*, S.F. Chron., June 12, 2025, <https://www.sfchronicle.com/bayarea/article/sf-immigration-court-arrests-20374755.php>; Margaret Kadifa & Gustavo Hernandez, *Immigrants fearful as ICE Nabs at least 15 in S.F., Including Toddler*, Mission Local, June 5, 2025, <https://missionlocal.org/2025/06/ice-arrest-san-francisco-toddler/>; Tomoki Chien, *Undercover ICE Agents Begin Making Arrests at SF Immigration Court*, S.F. Standard, May 27, 2025, <https://sfstandard.com/2025/05/27/undercover-ice-agents-make-arrests-san-francisco-court/>.

⁵ Ted Hesson & Kristina Cooke, *ICE’s Tactics Draw Criticism as it Triples Daily Arrest Targets*, Reuters, June 10, 2025, <https://www.reuters.com/world/us/ices-tactics-draw-criticism-it-triples-daily-arrest-targets-2025-06-10/>; Alayna Alvarez & Brittany Gibson, *ICE Ramps Up Immigration Arrests in Courthouses Across the U.S.*, Axios, June 12, 2025, <https://www.axios.com/2025/06/12/ice-courthouse-arrests-trump>.

1 since before January.⁶

2 48. The new courthouse arrest and detention campaign is a sharp break from DHS's
3 previous practices, when immigration officers avoided arrests at courthouses given the concern
4 that such enforcement actions would deter people from appearing for their proceedings and
5 complying with court orders.⁷

6 49. In fact, DHS officials previously permitted ICE officers to conduct "civil
7 immigration enforcement action . . . in or near a courthouse" only in highly limited
8 circumstances, such as when "it involves a national security threat," or "there is an imminent risk
9 of death, violence, or physical harm." These limitations were necessary, DHS explained, because
10 "[e]xecuting civil immigration enforcement actions in or near a courthouse may chill individuals'
11 access to courthouses, and, as a result, impair the fair administration of justice."⁸ The new policy
12 includes no such limiting language.⁹

13 50. The government's new campaign is also a significant shift from previous DHS
14 practice of re-detaining noncitizens only after a material change in circumstances. *See Saravia v.*
15 *Sessions*, 280 F. Supp. 3d 1168, 1197 (N.D. Cal. 2017), *aff'd sub nom. Saravia for A.H. v.*
16 *Sessions*, 905 F.3d 1137 (9th Cir. 2018) (describing prior practice).

17 **C. Petitioner is Unlawfully Arrested and Detained Pursuant to DHS's New Policy.**

18 51. Ms. Pablo Sequen fled Guatemala in the face of credible threats, giving rise to an
19 asylum claim. She also has a cognizable claim to asylum based on her history of childhood sexual
20 abuse.

21 ⁶ José Olivares & Will Craft, *ICE Arrests of Migrants with No Criminal History Surging under*
22 *Trump*, The Guardian, June 14, 2025, [https://www.theguardian.com/us-news/2025/jun/14/ice-](https://www.theguardian.com/us-news/2025/jun/14/ice-arrests-migrants-trump-figures)
23 [arrests-migrants-trump-figures](https://www.theguardian.com/us-news/2025/jun/14/ice-arrests-migrants-trump-figures).

24 ⁷ Hamed Aleaziz, Luis Ferré-Sadurní, & Miriam Jordan, *How ICE Is Seeking to Ramp Up*
25 *Deportations Through Courthouse Arrests*, N.Y. Times, May 30, 2025,
26 <https://www.nytimes.com/2025/05/30/us/politics/ice-courthouse-arrests.html>.

27 ⁸ A true and correct copy of DHS' April 27, 2021 *Civil Immigration Enforcement Actions in or*
28 *Near Courthouses* memorandum from Tae Johnson and Troy Miller is attached hereto as Exhibit
1.

2 ⁹ A true and correct copy of ICE's January 21, 2025 *Interim Guidance: Civil Immigration*
3 *Enforcement Actions in or near Courthouses* memorandum from Caleb Vitello is attached hereto
4 as Exhibit 2. A true and correct copy of ICE's May 27, 2025 *Civil Immigration Enforcement*
5 *Actions In or Near Courthouses* memorandum from Todd M. Lyons is attached hereto as Exhibit
6 3.

1 52. When Ms. Pablo Sequen entered the United States, she sought out border patrol
2 agents in order to turn herself in. After a brief detention, she was released on her own recognizance.
3 In granting her release, DHS determined that she posed little if any risk of flight or danger to the
4 community.

5 53. When DHS released Ms. Pablo Sequen, they instructed her to check in at the San
6 Francisco ICE office on September 30, 2024 and later on March 21, 2025. She did as instructed,
7 and was scheduled for a subsequent check-in appointment on March 20, 2026. She has remained
8 at the same address that she provided to DHS at the time of her entry, and has made no attempt to
9 abscond.

10 54. On May 15, 2025, Ms. Pablo Sequen filed an application for asylum with the San
11 Francisco Immigration Court.

12 55. Ever since Ms. Pablo Sequen entered the United States, she has fully complied with
13 court and supervision requirements. She has diligently attended all of her court hearings and check-
14 in appointments.

15 56. Subsequent to her asylum application, she was granted employment authorization,
16 and has been working lawfully in a bakery. She has no criminal history.

17 57. On July 31, 2025, Ms. Pablo Sequen appeared in San Francisco Immigration Court
18 for a master calendar hearing before Judge O'Brien. She was unrepresented.

19 58. On information and belief, at the hearing, DHS counsel moved to dismiss Ms. Pablo
20 Sequen's case, and Judge O'Brien gave her ten days to respond to the motion. She was handed a
21 notice of a subsequent hearing scheduled for August 28, 2025.

22 59. Upon leaving the court, Ms. Pablo Sequen was surrounded by approximately three
23 ICE agents who were waiting for her in the hall. She describes the agents as acting aggressively
24 and making her feel like a criminal. They did not explain the reason for her arrest. From there, she
25 was brought to a holding area in the same building. Approximately 90 minutes before filing this
26 petition, Counsel was told by San Francisco ICE that Ms. Pablo Sequen was still there.

27 60. Because Ms. Pablo Sequen has never been determined to be a flight risk nor a
28 danger to the community, her ongoing detention is not related to either of the permissible
justifications for civil immigration detention. Her confinement does not further any legitimate

1 government interest.

2
3 ***D. As a Result of Her Arrest and Detention, Petitioner is Suffering Ongoing and Irreparable***
4 ***Harm.***

5 61. Ms. Pablo Sequen is being deprived of her liberty without any permissible
6 justification. The government previously released her on her own recognizance because she did
7 not pose sufficient risk of flight or danger to the community to warrant detention.

8 62. None of that has changed. She has no criminal record, and there is no basis to
9 believe that she poses any public safety risk. Nor is she, who was arrested *while appearing in court*
10 *for her immigration case*, conceivably a flight risk. To the contrary, she has appeared for all of her
11 immigration court hearings and supervision check-ins.

12 63. Detention will pose her irreparable harm. It will interfere with her ability to
13 respond to DHS' motion to dismiss, which would have fatal consequences for her asylum case.
14 Even if her case is not dismissed, it will greatly complicate her ability to present her asylum claim
15 and to find legal assistance. Immigration proceedings aside, it will pose a compounding
16 psychological burden, in addition to whatever physical hardships she has to endure from prison
17 conditions. It will deprive her of her livelihood, her community, her church, and her life as she
18 knows it.

19 **CLAIMS FOR RELIEF**

20 **FIRST CLAIM FOR RELIEF**

21 **Violation of the Fifth Amendment to the United States Constitution**

22 **(Substantive Due Process—Detention)**

23 64. Ms. Pablo Sequen repeats and re-alleges the allegations contained in the preceding
24 paragraphs of this Petition as if fully set forth herein.

25 65. The Due Process Clause of the Fifth Amendment protects all “person[s]” from
26 deprivation of liberty “without due process of law.” U.S. Const. amend. V. “Freedom from
27 imprisonment—from government custody, detention, or other forms of physical restraint—lies at
28 the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.

66. Immigration detention is constitutionally permissible only when it furthers the

1 government's legitimate goals of ensuring the noncitizen's appearance during removal
2 proceedings and preventing danger to the community. *See id.*

3 67. Ms. Pablo Sequen is not a flight risk or danger to the community. Respondents'
4 detention of Ms. Pablo Sequen is therefore unjustified and unlawful. Accordingly, Ms. Pablo
5 Sequen is being detained in violation of the Due Process Clause of the Fifth Amendment.

6 68. Moreover, Ms. Pablo Sequen's detention is punitive as it bears no "reasonable
7 relation" to any legitimate government purpose. *Id.* (finding immigration detention is civil and
8 thus ostensibly "nonpunitive in purpose and effect"). Here, the purpose of Ms. Pablo Sequen's
9 detention appears to be "not to facilitate deportation, or to protect against risk of flight or
10 dangerousness, but to incarcerate for other reasons"—namely, to meet newly-imposed DHS quotas
11 and transfer immigration court venue away from an IJ who refused to facilitate DHS's new
12 expedited removal scheme. *Demore*, 538 U.S. at 532–33 (Kennedy, J., concurring).

13 **SECOND CLAIM FOR RELIEF**

14 **Violation of the Fifth Amendment to the United States Constitution**

15 **(Procedural Due Process—Detention)**

16 69. Ms. Pablo Sequen repeats and re-alleges the allegations contained in the preceding
17 paragraphs of this Petition as if fully set forth herein.

18 70. As part of the liberty protected by the Due Process Clause, Ms. Pablo Sequen has
19 a weighty liberty interest in avoiding re-incarceration after her initial release from DHS custody.
20 *See Young v. Harper*, 520 U.S. 143, 146–47 (1997); *Gagnon v. Scarpelli*, 411 U.S. 778, 781–82
21 (1973); *Morrissey v. Brewer*, 408 U.S. 471, 482–83 (1972); *see also Ortega*, 415 F. Supp. 3d at
22 969–70 (holding that a noncitizen has a protected liberty interest in remaining out of custody
23 following an IJ's bond determination).

24 71. Accordingly, "[i]n the context of immigration detention, it is well-settled that due
25 process requires adequate procedural protections to ensure that the government's asserted
26 justification for physical confinement outweighs the individual's constitutionally protected
27 interest in avoiding physical restraint." *Hernandez*, 872 F.3d at 990 (cleaned up); *Zinerman*, 494
28 U.S. at 127 (Generally, "the Constitution requires some kind of a hearing *before* the State
deprives a person of liberty or property."). In the immigration context, for such hearings to

1 comply with due process, the government must bear the burden to demonstrate, by clear and
2 convincing evidence, that the noncitizen poses a flight risk or danger to the community. *See Singh*
3 *v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011); *see also Martinez v. Clark*, 124 F.4th 775, 785,
4 786 (9th Cir. 2024).

5 72. Ms. Pablo Sequen's re-detention without a pre-deprivation hearing violated due
6 process. Two years after deciding to release Ms. Pablo Sequen from custody on her own
7 recognizance, Respondents re-detained her with no notice, no explanation of the justification of
8 her re-detention, and no opportunity to contest her re-detention before a neutral adjudicator
9 before being taken into custody.

10 73. Ms. Pablo Sequen has a profound personal interest in her liberty. Because she
11 received no procedural protections, the risk of erroneous deprivation is high, and the government
12 has no legitimate interest in detaining her without a hearing. Bond hearings are conducted as a
13 matter of course in immigration proceedings, and nothing in Ms. Pablo Sequen's record suggests
14 that she would abscond or endanger the community before a bond hearing could be carried out.
15 *See, e.g., Jorge M.F. v. Wilkinson*, 2021 WL 783561, at *3 (N.D. Cal. Mar. 1, 2021); *Vargas v.*
16 *Jennings*, 2020 WL 5074312, at *3 (N.D. Cal. Aug. 23, 2020) ("the government's concern that
17 delay in scheduling a hearing could exacerbate flight risk or danger is unsubstantiated in light of
18 petitioner's strong family ties and his continued employment during the pandemic as an essential
19 agricultural worker").

20 PRAYER FOR RELIEF

21 Petitioner respectfully requests that this Court:

- 22 1. Assume jurisdiction over this matter;
- 23 2. Issue a writ of habeas corpus ordering Respondents to immediately release Ms.
24 Pablo Sequen from custody;
- 25 3. Declare that Ms. Pablo Sequen's arrest and detention violates the Due Process
26 Clause of the Fifth Amendment;
- 27 4. Enjoin Respondents from transferring Ms. Pablo Sequen outside this District or
28 deporting Ms. Pablo Sequen pending these proceedings;

- 1 5. Enjoin Respondents from re-detaining Ms. Pablo Sequen unless her re-detention is
- 2 ordered at a custody hearing before a neutral arbiter in which the government bears
- 3 the burden of proving, by clear and convincing evidence, that she is a flight risk or
- 4 danger to the community;
- 5 6. Award Ms. Pablo Sequen her costs and reasonable attorneys' fees in this action as
- 6 provided for by the Equal Access to Justice Act and 28 U.S.C. § 2412; and
- 7 7. Grant such further relief as the Court deems just and proper.

8
9 Date: August 1, 2025

Respectfully Submitted,

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