

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Case No. _____

MARCELINO CERRO HUERTA,

Petitioner,

v.

PAMELA BONDI, in her official capacity as Acting Attorney General of the United States; **KRISTI NOEM**, in her official capacity as the Secretary of the U.S. Department of Homeland Security; **TODD M. LYONS**, in his official capacity as Senior Official Performing the Duties of Director of U.S. Immigration and Customs Enforcement; **ORESTES CRUZ**, in his official capacity as Field Office Director of U.S. Immigration and Customs Enforcement San Francisco Field Office; **FACILITY ADMINISTRATOR OF MESA VERDE ICE PROCESSING CENTER**, in his or her official capacity as facility administrator of the Mesa Verde Immigration and Customs Enforcement Processing Center;

Respondents.

_____ /

PETITION FOR WRIT OF HABEAS CORPUS

The petitioner, Marcelino Cerro Huerta, submits this petition for writ of habeas corpus and alleges as follows:

INTRODUCTION

1. Petitioner Marcelino Cerro Huerta is in the physical custody of Respondents at the Mesa Verde Immigration and Customs Enforcement ("ICE") Processing Center. In a stark departure from historical practice, the Department of Homeland Security (DHS) and the

Executive Office of Immigration Review (EOIR) have wrongly concluded that Petitioner is subject to mandatory detention without a bond hearing.

2. Petitioner has been living in the United States peacefully for over two decades. He has three U.S. citizen children and a spouse who rely on him for emotional and financial support. In June 2025, ICE detained him during a traffic stop and charged him with removability for having entered the United States without inspection. 8 U.S.C. § 1182(a)(6)(A)(i).

3. Based on this allegation in Petitioner's removal proceedings, DHS found him ineligible for release from immigration custody, consistent with a new DHS policy issued on July 8, 2025, instructing all Immigration and Customs Enforcement (ICE) employees to consider anyone inadmissible under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without inspection—to be an “applicant for admission” under 8 U.S.C. § 1225(b)(2)(A) and therefore subject to mandatory detention, no matter their length of residence in the U.S.

4. Petitioner sought a bond redetermination hearing before an immigration judge (IJ) in Adelanto, California, but on July 14, 2025, the IJ held that she lacked jurisdiction to grant bond. The IJ based this decision on the same legal analysis as the DHS memo. Indeed, the DHS policy states it was issued “in coordination with the Department of Justice (DOJ).” The IJ concluded that notwithstanding Petitioner's nearly twenty-five (25) years residing in the United States, he is nevertheless an “applicant for admission” who is “seeking admission” and subject to mandatory detention under § 1225(b)(2)(A). After admitting documentary evidence into the record and taking testimony from Petitioner, the IJ made no finding of dangerousness or flight risk, indicating clearly on the record that she “would grant bond” but for ICE's sweeping novel argument, namely, that immigration courts lack jurisdiction to grant bond to persons who entered the United States without inspection.

5. Petitioner's detention on this basis violates the plain language of the Immigration and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who previously entered and are now residing in the United States. Instead, such individuals are subject to a different statute, § 1226(a), that allows for release on conditional parole or bond. That statute expressly applies to people who—like Petitioner—are charged as inadmissible for having entered the United States without inspection.

6. Respondents' erroneous legal interpretation is plainly contrary to the statutory framework governing immigrant detention and contrary to decades of agency practice applying § 1226(a) to people like Petitioner. It also violates Petitioner's right to due process.

7. Petitioner is a putative class member in a pending challenge to the Adelanto Immigration Court's practice of denying bond based on this new, erroneous legal interpretation of the applicable immigration statutes. *See Lazaro Maldonado v. Bautista et al v. Ernesto Santacruz Jr. et al.*, No. 25-cv-01873-SSS-BFM, (C.D.Cal. 2025) [D.E. 14]. The Central District of California issued an order providing injunctive relief to the named Plaintiffs in that matter on July 28, 2025. *Id.*

8. Petitioner seeks a writ of habeas corpus requiring that he be released immediately after nearly two (2) months in detention. Alternatively, Petitioner requests that the Court order Respondents to provide an individualized bond hearing under § 1226(a) within seven (7) calendar days.

JURISDICTION

9. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Mesa Verde ICE Processing Center.

10. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

11. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

12. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Eastern District of California, the judicial district in which Petitioner is currently detained.

13. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Eastern District of California.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

14. Petitioner is not required to exhaust administrative remedies. Exhaustion for habeas claims is prudential, not jurisdictional. *See Laing v. Ashcroft*, 370 F.3d 994, 997 (9th Cir. 2004). The prudential exhaustion requirement may be waived if “administrative remedies are inadequate or not efficacious, pursuit of administrative remedies would be a futile gesture, [or] irreparable injury will result.” *Id.* at 1000.

15. Petitioner has already submitted a bond motion to the Adelanto immigration court. Seeking additional administrative remedies in the form of a successive bond motion or an administrative appeal would be futile, inadequate, and inefficacious for Petitioner. As an initial matter, the immigration judge has already ruled that Petitioner is subject to mandatory

detention. EOIR thus cannot and will not provide Petitioner with a bond hearing under its erroneous interpretation of the immigration detention statutes. Furthermore, asserting Petitioner's due process claim before EOIR would also be futile as immigration agencies do not have the authority to rule on constitutional questions. *See Wang v. Reno*, 81 F.3d 808, 815–16 (9th Cir. 1996) (per curiam) (“the inability of the INS to adjudicate the constitutional claim completely undermines most, if not all, of the purposes underlying exhaustion”).

16. Requiring exhaustion at the Board of Immigration Appeals (“BIA”) would cause Petitioner irreparable harm in the form of additional detention and continued separation from his spouse, children and community. *See Cortez v. Sessions*, 318 F. Supp. 3d 1134, 1139 (N.D. Cal. 2018) (habeas petitioner “suffers potentially irreparable harm every day that he remains in custody without a hearing, which could ultimately result in his release from detention.”)

REQUIREMENTS OF 28 U.S.C. § 2243

17. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

18. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . 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) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

19. Petitioner Marcelino Cerro Huerta is a citizen of Mexico who has been in immigration detention since June 6, 2025. After arresting Petitioner near Savannah, Georgia, ICE did not set bond and Petitioner requested review of his custody by an IJ. On July 14, 2025, Petitioner was denied bond by an IJ at the Adelanto Immigration Court because he was deemed subject to mandatory detention under 8 U.S.C. § 1225(b)(2). Petitioner has resided in the United States since on or around April 2001.

20. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. She is sued in her official capacity.

21. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (DHS). She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

22. Respondent Todd Lyons is the Senior Official Performing the Duties of Director of ICE. As the official charged with oversight of all ICE operations, he is responsible for Petitioner's detention. Todd Lyons has custodial authority over Petitioner and is sued in his official capacity.

23. Respondent Orestes Cruz is the Director of the San Francisco Field Office of ICE's Enforcement and Removal Operations division. As such, Orestes Cruz is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

24. Respondent Facility Administrator of the Mesa Verde ICE Processing Center (“Respondent Facility Administrator”) is employed by GEO Group, Inc. as the facility administrator of the Mesa Verde ICE Processing Center, where Petitioner is detained. Respondent Facility Administrator has immediate physical custody of Petitioner. Respondent Facility Administrator is sued in his or her official capacity.

LEGAL FRAMEWORK

25. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

26. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally 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).

27. 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).

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

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

30. 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).

31. Following the 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).

32. Thus, in the decades that followed, most people who entered without inspection and were placed in standard removal proceedings received bond hearings, unless their criminal history rendered them ineligible. That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority previously found at § 1252(a)).

33. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that rejected well-established understanding of the statutory framework and reversed decades of practice.

34. The new policy, entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission,”¹ claims that all persons who entered the United States without inspection shall now be deemed “applicants for admission” under 8 U.S.C. § 1225, and therefore are subject to mandatory detention provision under § 1225(b)(2)(A). The policy applies

¹ Available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applicants-for-admission>.

regardless of when a person is apprehended, and it affects those who have resided in the United States for months, years, and even decades.

35. In a May 22, 2025 unpublished decision from the Board of Immigration Appeals (BIA), EOIR adopts this same position.² That decision holds that all noncitizens who entered the United States without admission or parole are considered applicants for admission and are ineligible for immigration judge bond hearings.

36. ICE and EOIR have adopted this position even though federal courts have rejected this exact conclusion. For example, after IJs in the Tacoma, Washington, immigration court stopped providing bond hearings for persons who entered the United States without inspection and who have since resided here, the U.S. District Court in the Western District of Washington found that such a reading of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, --- F. Supp. 3d --- 2025 WL 1193850 (W.D. Wash. Apr. 24, 2025); *see also Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *8 (D. Mass. July 7, 2025) (granting habeas petition based on same conclusion); *Martinez v. Hyde*, --- F. Supp. 3d ---, 2025 WL 2084238, at *6-9 (D. Mass. July 24, 2025) (same); Minute Entry, *Lopez Benitez v. Francis*, No. 1:25-cv-5937 (S.D.N.Y. July 28, 2025) (reflecting oral order granting habeas petition and release.)

37. DHS's and DOJ's interpretation defies the INA. As the court in *Rodriguez Vazquez* and other courts have explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

² Available at <https://nwirp.org/our-work/impact-litigation/assets/vazquez/59-1%20ex%20A%20decision.pdf>.

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

39. 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). As the *Rodriguez Vazquez* court explained, “[w]hen Congress creates “specific exceptions” to a statute’s applicability, it “proves” that absent those exceptions, the statute generally applies. *Rodriguez Vazquez*, 2025 WL 1193850, at *12 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).

40. 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.

41. 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). Indeed, the Supreme Court has explained that this mandatory detention scheme applies “at the Nation’s borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

42. 8 U.S.C. § 1225(b)(2)(A) refers to the inspection of applicants for admission, and the term “inspection” is repeatedly found in the INA in the context of provisions that govern the admission process at or near ports of entry. *See, e.g.*, 8 U.S.C. § 1752a (providing for “model

points of entry” to be established including “enhanced queue management in the Federal Inspection Services area leading up to primary inspection”); 8 U.S.C. § 1187 (requiring data sharing under visa waiver program for officers “conducting inspections at ports of entry”); 8 U.S.C. § 1225a (setting forth rules governing “preinspection” that may take place in foreign airports prior to boarding). *See also* U.S.C. § 1225(d) (titled “Authority relating to inspections,” and providing that immigration officers may board and search “any vessel, aircraft, railway car, or other vehicle in which they believe aliens are being brought into the United States.”)

43. The inspection and admission process is closely related to the limited, delegated authority of Customs and Border Protection (CBP) at or near ports of entry. 6 U.S.C. § 211. CBP is authorized to perform “the inspection, processing, and admission of persons who seek to enter or depart the United States” and is charged with “the detection, interdiction, removal, departure from the United States, short-term detention, and transfer of persons *unlawfully entering, or who have recently unlawfully entered* the United States. 6 U.S.C. §211(c)(8)(A) &(B) (emphasis added.)

44. The plain language of the statute indicates that it does not apply to “applicants for admission” generically, but to a much narrower subset of noncitizens: “alien(s) [actually] seeking admission.” 8 U.S.C. §1225(b)(2)(A).

45. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to people like Petitioner, who have already entered and were residing in the United States for decades at the time they were apprehended.

FACTS

46. Petitioner is a citizen of Mexico. Prior to his arrest on June 6, 2025, Petitioner lived in Claxton, Georgia.

47. Petitioner entered the United States on or around April 2001, when he was twenty-four (24) years old. He has never departed from the United States since then. Other than his June 6, 2025 arrest resulting in his current detention, Petitioner had no other encounters with immigration authorities after his entry into the United States in 2001.

48. Petitioner has been married to his wife, Virginia, who is also a citizen of Mexico, for over twenty-four (24) years. Together they have three (3) U.S. citizen children: Leonel, who is twenty-three (23), Ashley, who is eighteen (18); and Dillan, who is ten (10).

49. Over the course of more than two decades, Petitioner built a life in the United States based on hard work, family, and faith. He worked for approximately thirteen (13) years at a poultry farm in Claxton, Georgia, and then began working at a business specialized in professional painting services, drywall installation and repair, and pressure washing services, beginning in 2015.

50. Petitioner regularly attended Mass at St. Matthews Church with his children, who were all baptized and received confirmation there.

51. Upon information, knowledge, and belief, Petitioner has not been arrested or convicted of any crime other than for traffic-related offenses in 2023 and 2024. He was charged twice with driving without a license and once for failure to obey a traffic device. See Attachment 'A' DHS Statement and Evidence dated July 13, 2025. He has appeared in court and paid all fines and court costs related to these charges.

52. Petitioner was detained by ICE shortly after he was stopped for driving without a license on or around June 6, 2025. Petitioner's wife, Virginia, was detained at the same time.

53. Petitioner was originally detained at the Folkston ICE Processing Center in Folkston GA, and his wife, Virginia, was sent across the state to the Stewart Detention Center in

Lumpkin, Georgia. Petitioner and his spouse were transferred to two different detention centers outside of Georgia. Petitioner's spouse is now detained at the Houston Contract Facility in Texas. Petitioner was transferred to the Mesa Verde facility in Bakersfield, California, on or around June 15, 2025.

54. Petitioner is pursuing cancellation of removal for certain non-lawful permanent residents ("Non-LPR Cancellation") based on his decades-long presence in the U.S., good moral character, and the extreme and unusual hardship that his U.S. citizen children will suffer if he is deported from the United States and permanently separated from his family.

55. Within a couple of weeks of his detention, Petitioner requested a bond hearing before the Adelanto immigration court. See Attachment 'B,' Petitioner's Motion for Custody Redetermination dated June 26, 2025. The hearing was held on July 14, 2025. Prior to the hearing, counsel for ICE submitted a statement arguing that Petitioner was not eligible for a bond hearing because he had entered the United States without inspection and was therefore subject to mandatory detention. See Attachment "A."

56. In support of his request for a bond, Petitioner submitted evidence including: a file-stamped copy of an application for Non-LPR cancellation; tax returns; birth certificates of his U.S. citizen children; letters of support from his deacon at St. Matthews Church and other members of the community; a sponsorship letter from his adult U.S. citizen son, Leonel, indicating that he would take him to any scheduled immigration court hearings if he were released; a letter from a mental health counselor about the psychological devastation visited upon his daughter, Ashley, due to her separation from her parents; and copies of traffic ticket citations and receipts showing payment of fines. See Attachment 'C,' Petitioner's Supplemental Evidence Parts 1-4 dated July 13-14, 2025.

57. The presiding IJ reviewed the evidence submitted on Petitioner's behalf and took testimony from him regarding the length of his presence in the country, his tax returns, his children, and past traffic citations. At the end of the hearing, the IJ stated on the record that she "would grant bond" except for the jurisdictional question raised by ICE. She did not rule immediately.

58. A few hours later, the IJ issued a decision agreeing with ICE and concluding that she did not have jurisdiction to consider Petitioner's request for release on bond. She did not find Petitioner to be a flight risk or danger. See Attachment 'D,' IJ Bond Order dated July 14, 2025.

59. Petitioner was denied bond solely because the IJ concluded he had entered the United States without inspection and therefore, according to DHS and the IJ, was subject to mandatory detention.

60. Petitioner's continuing detention is inflicting significant harm on his family. His eighteen-year-old daughter Ashley and ten-year-old son Dillan need him for support. His daughter Ashley reports suffering from persistent insomnia and deep emotional distress. His ten-year-old son Dillan remains in a state of depression, confusion, and agitation due to the separation from both of his parents since his parents' arrest nearly two months ago.

61. DHS placed Petitioner in removal proceedings before the Adelanto Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with, *inter alia*, being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States without inspection.

62. Any appeal to the BIA to challenge his statutory detention authority is futile. DHS's new policy was issued "in coordination with DOJ," which oversees the immigration courts. Further, as noted, the most recent unpublished BIA decision on this issue held that

persons like Petitioner are subject to mandatory detention as applicants for admission. Finally, in the *Rodriguez Vazquez* litigation, where EOIR and the Attorney General are defendants, DOJ has affirmed its position that individuals like Petitioner are applicants for admission and subject to detention under § 1225(b)(2)(A). *See* Mot. to Dismiss, *Rodriguez Vazquez v. Bostock*, No. 3:25-CV-05240-TMC (W.D. Wash. June 6, 2025), Dkt. 49 at 27–31.

CLAIMS FOR RELIEF

COUNT I

Violation of the INA

63. Petitioner incorporates by reference the allegations of fact set forth in the paragraphs 1-62.

64. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

65. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates the INA.

COUNT II

Violation of Due Process

66. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in paragraphs 1-62 as if fully set forth herein.

67. 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).

68. Petitioner has a fundamental interest in liberty and being free from official restraint.

69. The government’s detention of Petitioner without a bond redetermination hearing to determine whether he is a flight risk or danger to others violates his right to due process.

PRAYER FOR RELIEF

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

- a. Assume jurisdiction over this matter;
- b. Set this matter for expedited consideration pursuant to 28 U.S.C. § 1657;
- c. Enter an Order to Show Cause against the respondents;
- d. Order the respondents to refrain from transferring the petitioner out of the jurisdiction of this Court during the pendency of this proceeding and while the petitioner remains in the respondents’ custody;
- e. Grant the petitioner a writ of habeas corpus that orders his immediate release from the custody of the respondents;
- f. Issue a writ of habeas corpus requiring that Respondents immediately release Petitioner or, in the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven (7) calendar days;
- g. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act (“EAJA”), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- h. Grant any other and further relief that this Court deems just and proper.

DATED this 1st day of August, 2025.

Manohar Raju, Public Defender
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Pro bono counsel for Petitioner

**VERIFICATION BY SOMEONE ACTING ON THE PETITIONER'S BEHALF
PURSUANT TO 28 U.S.C. § 2242**

I, Felix A. Montanez, in coordination with co-counsel Genna Beier, am submitting this verification on behalf of the petitioner because I am the petitioner's attorney and am acting on his behalf pursuant to 28 U.S.C. § 2242. I have discussed the events described in this petition with the petitioner, Marcelino Cerro Huerta. On the basis of these discussions, I hereby verify that the statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: August 1, 2025

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**pro hac vice* motion is forthcoming.