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

JORGE LUIS GALINDO ARZATE,

Petitioner

v.

TONYA ANDREWS, in her official capacity,
Facility Administrator of Golden State Annex;

POLLY KAISER, in her official capacity, Acting
San Francisco Field Office Director, U.S.
Immigration and Customs Enforcement;

TODD M. LYONS, in his official capacity, Acting
Director, U.S. Immigration and Customs
Enforcement;

KRISTI NOEM, in her official Capacity, Secretary
of the U.S. Department of Homeland Security; and

PAMELA BONDI, in her official capacity,
Attorney General of the United States,

Respondent

Case No: _____

**PETITION FOR WRIT OF HABEAS
CORPUS**

IMMIGRATION HABEAS CASE

INTRODUCTION

1. Petitioner Jorge Luis Galindo Arzate (“Mr. Galindo”) is a 42-year-old citizen of Mexico, who is a husband, a father of five U.S. citizen children, and a grandfather. He has extensive and longstanding ties to the Fresno, California community. Mr. Galindo was detained by U.S. Immigration and Customs Enforcement (“ICE”), a division of the Department of Homeland Security (“DHS” or “the Department”) for six months in 2023. He was granted release on bond after an Immigration Judge (“IJ”) found that he was neither a danger nor a flight risk. Mr. Galindo paid his bond and was freed from immigration detention on August 4, 2023.

2. Since then, Mr. Galindo has been living peacefully in his Fresno, California community with his U.S. citizen wife and family, while he continues to litigate his legal challenge to his removal from the United States. He is gainfully employed as a foreman for a solar company, he cares for his children and grandchildren, and he regularly volunteers in his community.

3. During this nearly two-year period, he has been subject to close ICE monitoring and reporting requirements pursuant to an Order of Supervision. ICE has monitored Mr. Galindo directly, as well as through the Intensive Supervision Appearance Program (“ISAP”) program. Mr. Galindo has complied with all reporting requirements.

4. Last week, Mr. Galindo’s ISAP case specialist contacted Mr. Galindo and ordered him to report in person to the ISAP office on Monday, July 28, to discuss the status of his passport. It turns out, this was a ruse ICE created to unlawfully detain Mr. Galindo.

5. When Mr. Galindo reported to the ISAP office in Fresno on Monday, July 28, ICE suddenly and unilaterally re-detained Mr. Galindo—notwithstanding the IJ’s prior release order, Mr. Galindo’s compliance with that order, and ICE’s reporting requirements.

1 6. ICE declined to explain to Mr. Galindo why he was being detained, although after his
2 wife insisted to know what was going on, ICE informed her that they were now re-detaining Mr.
3 Galindo on the sole basis that a year ago—on July 29, 2024—Mr. Galindo was arrested by the
4 Las Vegas Metropolitan Police and detained for a few hours on an allegation of misdemeanor
5 battery in a case in which Mr. Galindo steadfastly maintains his innocence. The arrest occurred
6 in the early morning hours after Mr. Galindo was approached by two women while dining with
7 his wife and a group of their friends. These women accused Mr. Galindo of touching one of
8 their buttocks earlier in the evening. Both Mr. Galindo and his wife deny ever seeing the women
9 before and do not know why there were leveling these baseless accusations. While the incident
10 was ongoing, the women said they did not want to press charges, and Mr. Galindo and his wife
11 believed the matter was resolved the day it occurred. The Las Vegas District Attorney declined
12 to press charges, and court records reflect that no charges were ever filed against Mr. Galindo.

15 7. On Monday, July 28, 2025, Mr. Galindo's wife explained to ICE officers the
16 circumstances of the arrest, that he had not violated the law, and that no charges had ever been
17 filed against him. ICE said this did not matter, and they would be holding him in ICE detention
18 until his removal case reaches a final resolution. They also confirmed that they had ISAP lie to
19 Mr. Galindo to get him to present himself so that he could be arrested.

21 8. According to ICE, the *fact* that Mr. Galindo was arrested by police in July 2024—even
22 when *no charges were ever filed*, and *even with no evidence that Mr. Galindo actually violated*
23 *any criminal law*—granted them the power to *unilaterally* override an immigration judge's
24 order and deprive Mr. Galindo of his liberty. Undersigned counsel Amalia Wille spoke with
25 several ICE officials on Monday, July 28, 2025 regarding Mr. Galindo's case, and explained
26 that these were improper grounds to deprive Mr. Galindo of his liberty. ICE responded, "you
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1 can take your arguments to federal court,” and sent Mr. Galindo to the ICE detention center in
2 McFarland, California, where he now remains detained.

3 9. It is well established that Mr. Galindo has a liberty interest in his current freedom, and
4 that the Fifth Amendment’s Due Process Clause mandates that immigration detention serves a
5 legitimate purpose: to mitigate flight risk and/or prevent danger to the community. Neither of
6 these purposes are served by Mr. Galindo’s detention given that an IJ already determined that
7 Mr. Galindo was eligible to be released on bond and his conduct over the past two years has
8 only bolstered that conclusion. Due process requires that Mr. Galindo be immediately released
9 from custody, and his bond reinstated. If the government wants to argue that some material
10 change in circumstances has occurred such that the terms of Mr. Galindo’s release should be
11 modified in some way, they can do so before a neutral arbiter while he remains at liberty.
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14 10. Mr. Galindo brings this petition for writ of habeas corpus, and accompanying motion
15 for a temporary restraining order, to challenge ICE’s lawless deprivation of his liberty. Mr.
16 Galindo respectfully requests that the Court order his immediate release and the reinstatement
17 of his bond to return him to the status quo. In addition, the Court should enter an order
18 preventing Respondents from unlawfully re-detaining him thereafter in violation of the Fifth
19 Amendment to the U.S. Constitution.
20

21 JURISDICTION

22 11. This action arises under the Constitution of the United States, the Immigration and
23 Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*, the regulations implementing the INA, and the
24 Administrative Procedure Act (“APA”), 5 U.S.C. § 701 *et seq.*
25

26 12. Jurisdiction is proper under 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 2241
27 (habeas corpus), Article I, Section 9, Clause 2 of the United States Constitution (habeas corpus),
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1 28 U.S.C. §§ 2201-2202 (Declaratory Judgment Act), and the Suspension Clause of Article 1 of
2 the U.S. Constitution. The United States has waived its sovereign immunity pursuant to 5
3 U.S.C. § 702.

4 13. This Court may grant declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2241,
5 1651, 2201-02, and 5 U.S.C. §§ 702, 705-706. This Court also has broad equitable powers to
6 grant relief to remedy a constitutional violation. *See Roman v. Wolf*, 977 F.3d 935, 941 (9th Cir.
7 2020).

8
9 **REQUIREMENTS OF 28 U.S.C. § 2243**

10 14. The Court must grant the petition for writ of habeas corpus or issue an order to show
11 cause (OSC) to Respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C.
12 § 2243. If an OSC is issued, the Court must require Respondents to file a return “within *three*
13 *days* unless for good cause additional time, *not exceeding twenty days*, is allowed.” *Id.*
14 (emphasis added).

15
16 15. Courts have long recognized the significance of the habeas statute in protecting
17 individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most
18 important writ known to the constitutional law of England, affording as it does a *swift* and
19 imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391,
20 400 (1963) (emphasis added).

21
22 16. Habeas corpus must remain a swift remedy. Importantly, “the statute itself directs courts
23 to give petitions for habeas corpus ‘special, preferential consideration to insure expeditious
24 hearing and determination.’” *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000) (internal
25 citations omitted). The Ninth Circuit warned against any action creating the perception “that
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1 courts are more concerned with efficient trial management than with the vindication of
2 constitutional rights.” *Id.*

3
4 **VENUE**

5 17. Venue is properly before this Court pursuant to 28 U.S.C. § 1391(e)(1) because the
6 Respondents are employees or officers of the United States, acting in their official capacity;
7 because a substantial part of the events or omissions giving rise to the claim occurred or will
8 occur in the Eastern District of California; because one of the Respondents resides in this
9 District; and because there is no real property involved in this action. Petitioner is presently
10 detained in the Eastern District of California.
11

12 **INTRADISTRICT VENUE**

13 18. Assignment to the Fresno Division of this Court is proper under E.D. Local Rule 120(d)
14 because Mr. Galindo was detained at the Fresno ISAP office and subsequently transferred to the
15 Fresno ICE Field Office. Mr. Galindo is currently detained in McFarland, California, in Kern
16 County.
17

18 **PARTIES**

19 19. Petitioner Jorge Luis Galindo Arzate was born in Mexico, and is a long-time resident of
20 Fresno, California. He has lived safely in his California community since being freed from
21 immigration detention in August 2023, when an Immigration Judge determined that the
22 Department of Homeland Security was unable to justify Mr. Galindo’s ongoing detention by
23 clear and convincing evidence and ordered that he be released on a \$5,000 bond. He has
24 complied with all ICE reporting requirements since his release in August 2023. On July 28,
25 2025, without prior notice, ICE took Mr. Galindo into custody when he appeared at an ISAP
26 office visit in Fresno, California.
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1 20. Respondent Tonya Andrews is the facility administrator of Golden State Annex, a
2 detention center located in McFarland, California run by GEO Group Inc., a private, for-profit
3 company. Pursuant to the Ninth Circuit's recent decision in *Doe v. Garland*, 109 F.4th 1188,
4 1197 (9th Cir. 2024), Tonya Andrews is the proper respondent because she is the *de facto*
5 warden of the facility at which Mr. Galindo is being held.
6

7 21. Respondent Polly Kaiser is the Acting Field Office Director of ICE in San Francisco,
8 California, and is named in her official capacity. She maintains her office in San Francisco,
9 California. The San Francisco Field Office is responsible for carrying out ICE's immigration
10 detention operations throughout Northern California, including in Fresno County, California,
11 and Kern County, California. Respondent Kaiser is a legal custodian of Mr. Galindo.
12

13 22. Respondent Todd M. Lyons is the Acting Director of ICE and is named in his official
14 capacity. ICE, a component of the DHS, is responsible for detaining and removing noncitizens
15 according to immigration law and oversees custody determinations. Respondent Lyons is
16 responsible for ICE's policies, practices, and procedures, including those relating to the civil
17 detention of immigrants. Respondent Lyons is a legal custodian of Mr. Galindo.
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19 23. Respondent Kristi Noem is the Secretary of the DHS and is named in her official
20 capacity. She has authority over the detention and departure of noncitizens, because she
21 administers and enforces immigration laws pursuant to Section 402 of the Homeland Security
22 Act of 2002. Given this authority, Respondent Noem is the ultimate legal custodian over Mr.
23 Galindo and is empowered to carry out any administrative order against him.
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25 24. Respondent Pamela Bondi is the Attorney General of the United States and the most
26 senior official at the Department of Justice and is named in her official capacity. As such, she is
27 responsible for overseeing the implementation and enforcement of the federal immigration laws.
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1 The Attorney General delegates this responsibility to the Executive Office for Immigration
2 Review (EOIR), which administers the immigration courts and the Board of Immigration
3 Appeals (BIA). Respondent Bondi is responsible for the administration of immigration laws
4 pursuant to 8 U.S.C. § 1103(g) and oversees EOIR.
5

6 **STATEMENT OF FACTS**

7 25. Mr. Galindo is currently detained at Golden State Annex in McFarland, California. He is
8 forty-two years old and was born in Mexico. He resides in Fresno, California with his U.S.
9 citizen wife of many years, Araceli Suarez. He and his wife have five U.S. citizen children, and
10 five U.S. citizen grandchildren. He has an extensive network of friends, extended family, church
11 community, and work colleagues in the Fresno area who support him, and to whom he is
12 accountable. *See* Declaration of Jorge Galindo Arzate ("Galindo Decl."); Declaration of Araceli
13 Suarez ("Suarez Decl."); Declaration of Amalia Wille ("Wille Decl."), Exh. A at Tabs H-F.
14

15 26. Mr. Galindo was first brought to the United States as a 9-year-old child. He attended
16 elementary school and high school in the United States. *See* Wille Decl., Exh. A, Tab X (school
17 records).
18

19 27. Mr. Galindo has a single criminal conviction, from 2002, which stemmed from when he
20 was 18 years old and a senior in high school in Fresno. Mr. Galindo had begun hanging out with
21 another young man who turned out to be involved in drugs. That person asked Mr. Galindo to
22 sign for a package, which he did, and the package contained drugs. Mr. Galindo was
23 immediately arrested, as law enforcement had been tracking the package. *See* Wille Decl., Exh.
24 A, Tab A (2023 Galindo declaration). He pled guilty to and was convicted of a single count of
25 misprision of a felony, in violation of 18 USC § 4. He was sentenced to 21 months
26 imprisonment, which he served. *See* Wille Decl., Exh. A, Tab Y (court judgment for Case No.
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1 1:01CR05427-001). Mr. Galindo accepts responsibility for his poor judgment that led to his
2 arrest and conviction. By all accounts, this behavior was out of character for him at the time, as
3 he was a well-liked, responsible high school student, who did well in school. *See* Wille Decl.,
4 Exh. A, Tab Z (2002 letters from his high school teacher and guidance counselor). Nevertheless
5 Mr. Galindo acknowledges his poor decision-making and feels genuine remorse. *See* Wille
6 Decl., Exh. A, Tab A.

8 28. Mr. Galindo was deported in 2003 following his criminal conviction, and re-entered
9 illegally later in 2003, when he was about 20 years old. At that time, he explains that he was
10 young and immature. *See* Wille Decl., Exh. A, Tab A.

12 29. After his return to the United States, he started a family in the United States and
13 dedicated himself as a husband and father. Since 2003, he has been a loving and caring partner
14 to his U.S. citizen wife, Araceli Magana Suarez. As Ms. Suarez explains, Mr. Galindo supported
15 her after she experienced horrific domestic violence in a prior relationship, and he raised her
16 two young daughters as his own. *See* Wille Decl., Exh. A, Tab B (2023 Magana Declaration).
17 Mr. Galindo and Ms. Suarez also have three biological children together—all U.S. citizens. He
18 is a devoted father who is adored by his children *See* Wille Decl., Exh. A, Tabs B-S. He is a role
19 model for his children and is totally dedicated to their well-being. He is also now a grandfather,
20 and one of his grandchildren suffers from a congenital disorder called Koolen-de Vries
21 syndrome, which entails developmental delay and intellectual disability. As one example of Mr.
22 Galindo's character, his daughter, , describes how supportive he is of her disabled son's
23 medical needs – including acting as her emotional support when she needs to take her son to the
24 doctor for seizures, providing financial support, and bringing her food. *See* Wille Decl., Exh. A,
25 Tab C (Letter from Priscila Gonzalez).

30. In 2020, Mr. Galindo was arrested by immigration authorities and deported to Mexico. He and his family accepted his deportation and came together to support him in starting a life in Mexico. However, shortly after settling in Sinaloa, Mr. Galindo's brother-in-law, with whom he lived, was murdered at point-blank range, right in front of Mr. Galindo while the two were having breakfast together at a restaurant. The gunman then turned the gun on Mr. Galindo and told him he was next. Terrified for his life, Mr. Galindo returned to the United States to avoid being murdered. *See* Wille Decl., Exh. A, Tab A.

Mr. Galindo is Issued a Reinstatement Removal Order in 2023 and Granted Release on Bond by an Immigration Judge

31. In February 2023, ICE arrested Mr. Galindo and reinstated his prior removal order. Mr. Galindo expressed a fear of being removed to Mexico. *See* Wille Decl., Exh. A, Tab A. He passed a reasonable fear screening interview conducted by the DHS's Asylum Office and was placed in withholding-only proceedings before the Immigration Court. He applied for relief from removal in the form of applications for withholding of removal and protection under the Convention Against Torture, based on the murder of Mr. Galindo's brother-in-law and the threats against Mr. Galindo. *Id.* On June 12, 2023, the Immigration Judge denied Mr. Galindo's applications for relief. *See* Wille Decl., Exh. A, Tab AA (IJ Order). After that hearing, he retained undersigned counsel's office to represent him in his immigration matters, and he timely appealed the IJ's decision to the Board of Immigration Appeals. *Id.* at Tabs A, BB.

32. On August 3, 2023, after having spent six months in immigration custody, Mr. Galindo appeared before the IJ for an *Aleman Gonzalez* bond hearing.¹ *See Aleman Gonzalez v. Sessions*,

¹ The IJ mistakenly noted that the bond hearing was being held pursuant to 8 CFR § 1236. *See* Wille Decl., Exh. B

1 325 F.R.D. 616 (N.D. Cal. June 5, 2018)², *aff'd Aleman Gonzalez v. Barr*, 955 F.3d 762, 766
2 (9th Cir. 2020), *rev'd and remanded on other grounds sub nom. Garland v. Aleman Gonzalez*,
3 596 U.S. 543 (2022). Mr. Galindo filed extensive evidence with the Immigration Court setting
4 forth that he was neither a danger to the community, nor a flight risk. *See* Wille Decl., Exh. A,
5 Tabs A-BB. At the conclusion of the hearing, after considering all of the evidence, including
6 that Mr. Galindo's withholding of removal and CAT applications had been denied by the IJ and
7 were on appeal, the IJ concluded that the government had not demonstrated that Mr. Galindo
8 was a danger to the community nor such a flight risk that he could be held in continued
9 detention without bond. *See* Wille Decl., Exh. B (IJ Bond Order). The IJ ordered that Mr.
10 Galindo be released from custody upon the posting of a bond in the amount of \$5,000. The IJ
11 specified in her order that "the Court grants discretion to the Department [of Homeland
12 Security] to utilize Alternatives to Detention, EXCLUDING the use of electronic ankle
13 monitoring." *Id.* The DHS did not appeal the IJ's bond order to the BIA. Wille Decl.

16 33. On August 4, 2023, upon the posting of bond, Mr. Galindo was released from
17 immigration custody and re-united with his family. *See* Galindo Decl. He has been living in the
18 community in Fresno, California since. *See id.*

20 **Mr. Galindo's Release from Immigration Custody, from August 2023 to July 2025**

21 34. Upon release from custody, the DHS continued to monitor Mr. Galindo. On August 4,
22 2023, ICE issued an Order of Supervision, Form I-220B, requiring Mr. Galindo to periodically
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26
27 ² The District Court injunction currently remains in place. *See Aleman Gonzalez v. Whitaker*, No.
28 3:18-cv-01869 (N.D. Cal. Mar. 17, 2025) (order continuing case management conference).

1 report to the ICE Fresno Field Office. Wille Decl., Exh. C (Order of Supervision). In
2 accordance with the order, Mr. Galindo appeared at the ICE Fresno Field Office on August 8,
3 2023, where he was ordered to appear again on November 8, 2023. *Id.* When he appeared on
4 November 8, ICE informed him that his future monitoring would be through the Intensive
5 Supervision Appearance Program (“ISAP”). Galindo Decl.
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7 35. For the nearly two years between being placed on the ISAP program—from November
8 2023 until his sudden ICE detention on July 28, 2025—Mr. Galindo complied with all reporting
9 requirements from ISAP and DHS. *See* Galindo Decl.
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11 36. Mr. Galindo reported every Thursday to ISAP via a phone app, SmartLINK. In addition
12 to the weekly phone check-ins, he was subject to random home visits, as well as random “office
13 video calls” where he would be instructed to appear on a live video with the ISAP officer and
14 answer questions about where he was and who he was with. Mr. Galindo never missed an
15 appointment. *See* Galindo Decl.
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17 37. During the past two years since his release from ICE custody, Mr. Galindo has
18 maintained employment in the solar industry. *See* Galindo Decl.; Suarez Decl. U.S. Citizenship
19 and Immigration Services (USCIS), a division of the Department of Homeland Security, has
20 twice granted Mr. Galindo an employment authorization document. As part of the work permit
21 application process, Mr. Galindo has undergone biometrics and fingerprint processing. *See*
22 Wille Decl. In addition, in connection with his work permit applications, ICE has twice issued
23 letters confirming that Mr. Galindo is compliant with the terms of his Order of Supervision – on
24 December 8, 2023, and on November 20, 2024. Wille Decl., Exhs. D, E.
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26 38. Meanwhile, Mr. Galindo has further maintained and deepened his ties with his
27 community in Fresno. *See* Galindo Decl.; Suarez Decl. In addition to continuing his
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1 employment, supporting his wife, and caring for his children and grandchildren, Mr. Galindo is
 2 “very involved in the community. He volunteers for the UFW Foundation, and [his] church, St.
 3 James Episcopal Cathedral. He also volunteers as an assistant Soccer Coach for the Jensen
 4 sports complex U7 team. He is very dedicated to his community.” Suarez Decl.

5 39. Mr. Galindo’s appeal of the denial of his withholding and CAT applications remains
 6 pending at the BIA.³ Wille Decl., Exh. G.

7 40. On Thursday, July 24, 2025, ISAP informed Mr. Galindo that he would need to
 8 participate in a video “office visit” on Friday, July 25, 2025, and that on Monday, July 28, 2025,
 9 he would need to report in-person to the ISAP office in Fresno. ISAP informed Mr. Galindo that
 10 the purpose of the in-person appointment was to discuss his passport. *See* Galindo Decl. ISAP
 11 asked Mr. Galindo whether he had a currently valid passport, and if not, why not. Mr. Galindo
 12 informed ISAP that he did not have a passport and had not understood that to be a requirement.
 13 However, he informed ISAP that he would comply. He and his wife then made arrangements for
 14 a passport application appointment to take place on August 4, 2025. *See* Galindo Decl.; Suarez
 15 Decl. He informed ISAP of the passport appointment and asked whether he still needed to
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21 ³ As Mr. Galindo explained in his declaration submitted to the IJ in advance of the bond hearing,
 22 that, if he did not prevail in his administrative appeal at the BIA, he has long intended to pursue a
 23 petition for review at the Ninth Circuit. *See* Wille Decl., Exh A., Tab A. Although the BIA has
 24 not yet ruled on Mr. Galindo’s challenges to the IJ’s denial of withholding and CAT relief, on
 25 July 25, 2025, Mr. Galindo filed a protective petition for review at the Ninth Circuit pursuant to
 26 the Supreme Court’s recent decision in *Riley v. Bondi*, 145 S. Ct. 2190 (June 26, 2025). In *Riley*,
 27 the Supreme Court stated that “review of removability and withholding of removal should occur
 28 in a single appellate proceeding” and that “obvious[ly]. . . review of the denial of CAT relief
 cannot take place until the BIA has denied such relief.” *Riley*, 145 S. Ct. at 2200. However, the
 Supreme Court indicated that, in Mr. Galindo’s situation, where the agency had not yet
 completed adjudication of an individual’s fear-based claim, the parties “can alert the court of
 appeals to the pendency of a withholding-only proceeding so that review there can wait until that
 issue is decided.” *See id.* Mr. Galindo has now done so. *See* Ninth Circuit Case No. 25-4656.

1 report in person on Monday, July 28. ISAP told him that he was still required to report in person
2 related to the passport, between 7:00am and 7:30am. *Id.*; *See also* Wille Decl. Exh F (text
3 messages between Mr. Galindo and ISAP regarding the purpose of the in-person appointment).

4 **Mr. Galindo's Redetention by ICE on July 28, 2025**

5 41. On Monday, Mr. Galindo and his wife traveled together to the Fresno ISAP office and
6 arrived in the morning at the appointed time. While Mr. Galindo's wife waited, an ISAP case
7 worker called Mr. Galindo, and directed him to proceed alone to an office. Inside the office, two
8 officials were waiting for Mr. Galindo with handcuffs. The officers took him out the back door
9 of the ISAP office and placed him in a van. They handcuffed Mr. Galindo and drove him to the
10 Fresno ICE Field Office where they placed him in a holding cell. ICE officers took his
11 fingerprints, asked him biographic information, and confirmed that his case was still pending at
12 the Board of Immigration Appeals. Mr. Galindo informed the officers that he understood from
13 his attorney that it was illegal for ICE to re-detain him. The officers did not inform Mr. Galindo
14 why they were arresting him. *See* Galindo Decl.

15 42. Meanwhile, Mr. Galindo's wife had driven herself to the ICE Fresno Field Office to
16 inquire about what was happening. At the ISAP office, Ms. Suarez had seen her husband be
17 called into an office around 7:30am, and he never emerged. Ms. Suarez asked the ISAP case
18 specialist if everything was okay, and if he was being detained. The ISAP case worker simply
19 told Ms. Suarez that her husband had been taken to the ICE Field Office for "questioning."
20 When Ms. Suarez arrived at the ICE Field Office, ICE staff told her to return at 10:00am. She
21 asked ICE staff multiple times if he was being detained, and they told her they did not know.
22 They allowed her a 10-minute visit with her husband, who told her he did not understand what
23 was happening. *See* Suarez Decl.
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1 43. Eventually, Ms. Suarez was permitted to speak with her husband's assigned deportation
2 officer, who stated that ICE was detaining Mr. Galindo and would house him at the Golden
3 State Annex facility. She asked the officer why he was being detained when the ISAP officer
4 had informed him that the appointment was related to a passport. The officer told Ms. Suarez
5 that ICE had asked ISAP to schedule Mr. Galindo to come in so ICE could detain him. Ms.
6 Suarez emphasized that she did not think it was proper for her husband to be detained because
7 he had followed the law and his reporting requirements, and his case was still pending.
8

9 44. The ICE officer informed Ms. Suarez that they were detaining Mr. Galindo because he
10 had been arrested in Las Vegas, Nevada in July 2024.
11

12 45. The incident the ICE officer was referring to occurred on July 29, 2024. Mr. Galindo,
13 along with his wife and some friends, were dining at a restaurant in Las Vegas. At some point
14 during their dinner, two women approached Mr. Galindo's table and accused him of touching
15 one of them in her buttocks earlier that evening. Neither Mr. Galindo nor his wife had any idea
16 why they these women were leveling these baseless accusations, and neither of them had seen
17 these women before. Mr. Galindo and his wife contacted the restaurant staff to let them know
18 what was happening. Hotel security showed up who questioned Jorge. While everyone was
19 standing around with security, the women indicated that they did not plan to press charges and
20 Mr. Galindo and his wife believed everything was resolved. But the hotel security informed Mr.
21 Galindo and his wife that they had contacted the Las Vegas Police Department who indicated
22 there was an immigration warrant for Mr. Galindo's arrest. *See Galindo Decl; Suarez Decl.*
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25 46. Mr. Galindo was taken to the police station where he was held for several hours and
26 ultimately released. It was Mr. Galindo's understanding that there would be no criminal case
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1 filed and that he simply needed to return to court for the final paperwork showing as much,
2 which he later did. *See* Galindo Decl.; Suarez Decl.

3 47. On July 28, 2025, after Ms. Suarez explained the circumstances of the arrest, the lack of
4 any charges, and Mr. Galindo's innocence, the ICE officer informed Ms. Suarez that the order
5 was coming from Washington, and that Mr. Galindo's lawyer would have to take it up with a
6 federal judge, because ICE would not be releasing him. *See* Suarez Decl.

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8 48. Simultaneously on Monday, July 28, 2025 Mr. Galindo's counsel attempted to reach the
9 ICE Fresno Field Office to ascertain what was happening and why. At 8:18 am, undersigned
10 counsel Ms. Wille emailed ICE to request confirmation that Mr. Galindo was not being
11 detained. The email stated that Mr. Galindo's case remained pending at the BIA, and that he had
12 previously been ordered released by an Immigration Judge, so could not be re-detained
13 unilaterally by ICE. *See* Wille Decl., Exh. H. ICE never responded to the email. *See* Wille Decl.
14 Ms. Wille then called the ICE Field Office at 8:41am and was told that nobody was available to
15 discuss the case, and that someone would call her back. ICE never called. *Id.*

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17 49. Around 12:30pm, Ms. Wille again called and was able to speak directly with ICE Agent
18 Moradi, who confirmed that Mr. Galindo was being detained based on his 2024 arrest in Las
19 Vegas. Undersigned counsel explained to Agent Moradi that Mr. Galindo was never convicted
20 of, or even charged with, a crime, and that he has maintained his innocence the entire time, and
21 to her knowledge there was no evidence that he committed a crime.
22

23 50. Agent Moradi stated that the fact of the arrest alone meant he had violated the terms of
24 his bond, according to new ICE guidance from headquarters. Mr. Galindo's counsel explained
25 that an arrest alone does not equate to a commission of a crime, and Agent Moradi responded
26
27
28

1 something to the effect of: “you can take that to federal court.” Agent Moradi’s Supervisor,
2 Moises Becerra, reiterated Agent Moradi’s position. *See* Wille Decl.

3 4 LEGAL FRAMEWORK

5 **Right to a Hearing Prior to Re-Detention**

6 51. In Mr. Galindo’s particular circumstances, the Due Process Clause of the Constitution
7 makes it unlawful for Respondents to re-arrest him without first providing a pre-deprivation
8 hearing before a neutral adjudicator to determine whether circumstances have materially changed
9 since his release on bond in August 2023, such that some alteration in the terms of his
10 conditional release would now be warranted.

12 52. Federal district courts in California have repeatedly recognized that due process requires
13 a hearing for a noncitizen released on bond, like Mr. Galindo, *before* ICE can possibly re-detain
14 him. *See, e.g., Meza v. Bonnar*, 2018 WL 2554572 (N.D. Cal. June 4, 2018); *Ortega v. Bonnar*,
15 415 F. Supp. 3d 963 (N.D. Cal. 2019); *Vargas v. Jennings*, 2020 WL 5074312, at *3 (N.D. Cal.
16 Aug. 23, 2020); *Jorge M. F. v. Wilkinson*, 2021 WL 783561, at *2 (N.D. Cal. Mar. 1, 2021);
17 *Garcia v. Bondi*, 2025 WL 1676855, at *4 (N.D. Cal. June 14, 2025); *Diaz v. Kaiser*, 2025 WL
18 1676854, at *4 (N.D. Cal. June 14, 2025); *Guillermo M.R. v. Kaiser*, --- F. Supp. 3d --- 2025 WL
19 1983677, at *5 (N.D. Cal. Jul 17, 2025); *Ortega v. Kaiser*, 2025 WL 1771438, at *3 (N.D. Cal.
20 June 26, 2025) (collecting cases); *Garcia v. Andrews*, 2025 WL 1927596, at *3 (E.D. Cal. July
21 14, 2025); *Singh v. Andrews*, 2025 WL 1918679, at *8 (E.D. Cal. July 11, 2025) (collecting
22 cases)

25 **Mr. Galindo’s Protected Liberty Interest in His Conditional Release**

26 53. Mr. Galindo’s liberty from immigration custody is protected by the Due Process Clause:
27 “Freedom from imprisonment—from government custody, detention, or other forms of physical
28

1 restraint—lies at the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas v.*
2 *Davis*, 533 U.S. 678, 690 (2001).

3 54. For two years preceding his re-detention on July 28, 2025, Mr. Galindo exercised that
4 freedom under the IJ’s 2023 order granting him release on a low \$5,00 bond and release
5 conditions. *See* Wille Decl, Exh. B. Although Mr. Galindo was released on bond (and thus under
6 government custody), he retained a weighty liberty interest under the Due Process Clause of the
7 Fifth Amendment in avoiding re-incarceration. *See Young v. Harper*, 520 U.S. 143, 146-47
8 (1997); *Gagnon v. Scarpelli*, 411 U.S. 778, 781-82 (1973); *Morrissey v. Brewer*, 408 U.S. 471,
9 482-483 (1972).
10

11 55. In *Morrissey*, the Supreme Court examined the “nature of the interest” that a parolee has
12 in “his continued liberty.” 408 U.S. at 481-82. The Court noted that, “subject to the conditions of
13 his parole, [a parolee] can be gainfully employed and is free to be with family and friends and to
14 form the other enduring attachments of normal life.” *Id.* at 482. The Court further noted that “the
15 parolee has relied on at least an implicit promise that parole will be revoked only if he fails to
16 live up to the parole conditions.” *Id.* The Court explained that “the liberty of a parolee, although
17 indeterminate, includes many of the core values of unqualified liberty and its termination inflicts
18 a grievous loss on the parolee and often others.” *Id.* In turn, “[b]y whatever name, the liberty is
19 valuable and must be seen as within the protection of the [Fifth] Amendment.” *Morrissey*, 408
20 U.S. at 482.
21
22

23 56. This basic principle—that individuals have a liberty interest in their conditional release—
24 has been reinforced by both the Supreme Court and the circuit courts on numerous occasions.
25 *See, e.g., Young*, 520 U.S. at 152 (holding that individuals placed in a pre-parole program created
26 to reduce prison overcrowding have a protected liberty interest requiring pre-deprivation
27
28

process); *Gagnon*, 411 U.S. at 781-82 (holding that individuals released on felony probation have a protected liberty interest requiring pre-deprivation process). As the First Circuit has explained, when analyzing the issue of whether a specific conditional release rises to the level of a protected liberty interest, “[c]ourts have resolved the issue by comparing the specific conditional release in the case before them with the liberty interest in parole as characterized by *Morrissey*.” *Gonzalez-Fuentes v. Molina*, 607 F.3d 864, 887 (1st Cir. 2010) (internal quotation marks and citation omitted). *See also, e.g., Hurd v. District of Columbia*, 864 F.3d 671, 683 (D.C. Cir. 2017) (“a person who is in fact free of physical confinement—even if that freedom is lawfully revocable—has a liberty interest that entitles him to constitutional due process before he is re-incarcerated”) (citing *Young*, 520 U.S. at 152, *Gagnon*, 411 U.S. at 782, and *Morrissey*, 408 U.S. at 482).

57. In fact, it is well-established that an individual maintains a protectable liberty interest even where the individual obtains liberty through a mistake of law or fact. *See id.*; *Gonzalez-Fuentes*, 607 F.3d at 887; *Johnson v. Williford*, 682 F.2d 868, 873 (9th Cir. 1982) (noting that due process considerations support the notion that an inmate released on parole by mistake, because he was serving a sentence that did not carry a possibility of parole, could not be re-incarcerated because the mistaken release was not his fault, and he had appropriately adjusted to society, so it “would be inconsistent with fundamental principles of liberty and justice” to return him to prison) (internal quotation marks and citation omitted).

58. Here, when this Court “compar[es] the specific conditional release in [Petitioner’s case], with the liberty interest in parole as characterized by *Morrissey*,” it is clear that they are strikingly similar. *See Gonzalez-Fuentes*, 607 F.3d at 887. Just as in *Morrissey*, Mr. Galindo’s release “enables him to do a wide range of things open to persons” who have never been in

1 custody or convicted of any crime, including to live at home, work, and “be with family and
 2 friends and to form the other enduring attachments of normal life.” *Morrissey*, 408 U.S. at 482;
 3 *see also* Suarez Decl. (describing how Mr. Galindo supports her and their children financially,
 4 socially and emotionally, and volunteers with his community, including with his church.)

5 59. Noncitizens released on a bond have a similar liberty interest. *See e.g., Ortega*, 415 F.
 6 Supp. 3d at 969-970; *Ortega*, 2025 WL 1771438, at *3 (collecting cases finding that noncitizens
 7 out on bond have a strong liberty interest); *Garcia*, 2025 WL 1927596, at *5 (finding that
 8 Petitioner, whose detention was pursuant to 8 U.S.C § 1231(a)(6) has established a strong
 9 likelihood of success in showing that he has a liberty interest); *Diaz*, 2025 WL 1676854, at *2
 10 (“Courts have previously found that individuals released from immigration custody on bond have
 11 a protectable liberty interest in remaining out of custody on bond.”); *see also Jorge M.F.*, 2021
 12 WL 783561, at *3 (N.D. Cal. March 1, 2021) (holding that a Mexican citizen with pending
 13 removal proceedings who had been released on bond had “a substantial private interest in
 14 remaining on bond”).

15 60. It is of no moment that Mr. Galindo’s current, and prior, detention is pursuant to 8 U.S.C
 16 § 1231(a)(6) as he is subject to a final order of removal. As Judge Lin in the Northern District of
 17 California recently explained,

18 The Ninth Circuit has rejected [the notion that individuals being held pursuant to
 19 8 USC 1231(a)(6) have a diminished liberty interest], “holding that the ‘liberty
 20 interests of persons detained under § 1231(a)(6) are comparable to those of
 21 persons detained under § 1226(a).’ *Diouf v. Napolitano*, 634 F.3d 1081, 1086–87
 22 (9th Cir. 2011) (“*Diouf II*”) (noting that any difference would be “at the
 23 margin”). The court reasoned that both groups could be subject to prolonged
 24 detention, and that individuals subject to 1231(a)(6) may still seek to challenge or
 25 delay their removal, which augments their liberty interest.

26 *Guillermo M.R.*, 2025 WL 1983677, at *5. And, here, of course, Mr. Galindo is
 27 challenging his removal via his application for withholding of removal and protection
 28

1 under the CAT. *See* Wille Decl., Exh G. The Chief Judge of this District agrees with
2 Judge Lin, finding an individual released on bond but re-detained under 8 U.S.C
3 § 1231(a)(6) has a liberty interest in his conditional release. *Garcia*, 2025 WL 1927596,
4 at *3 (specifically rejecting the government’s argument “that because § 1231(a)(6) — the
5 statute governing detention and removal of noncitizens ordered removed — does not
6 require a bond hearing before an immigration judge after six months of detention,
7 Petitioner has no liberty interest in his continued release on bond.”).

8
9 61. “Furthermore, because Petitioner has had an individualized determination from an IJ,” he
10 is differently situated than individuals detained under Section 1231 in the first instance. *See*
11 *Guillermo M.R.*, 2025 WL 1983677, at *6. Because “a neutral adjudicator has performed an
12 individualized assessment and found no flight risk or danger, and determined that removal is not
13 imminent” Mr. Galindo has the same due process right as anyone—citizen or noncitizen—who is
14 out of incarceration on a conditional release. *See id.* As Judge Lin explained, there is simply “no
15 principled reason for why Petitioner’s liberty interest should be less than that of a U.S. citizen
16 parolee or probationer.” *See id.*

17
18
19 62. Since his release in August 2023, Mr. Galindo has returned to living with his wife and
20 children and maintained steady employment. Galindo Decl.; Suarez Decl. While released, he was
21 able to participate in the “attachments of normal life,” *Morrissey*, 408 U.S. at 482, and as such,
22 he has a protected liberty interest and his continued detention without adequate process violates
23 his due process rights.

24
25 **Mr. Galindo’s Liberty Interest Mandates a Hearing Before any Re-Arrest and Revocation**
26 **of Bond**

27 63. Mr. Galindo asserts that, here, (1) where his detention is civil, (2) he has diligently
28 complied with ICE’s reporting requirements over a two year period, (3) he has an appeal pending

1 before the Board of Immigration Appeals, (4) the only change in circumstances that ICE could
2 possibly argue is a year old arrest that did not lead to any charges, (5) ICE has not otherwise
3 indicated that the bond has been breached or provided any evidence that would support Mr.
4 Galindo's re-detention, due process mandates that he was required to receive notice and a
5 hearing before a neutral adjudicator prior to any re-arrest or revocation of a bond.
6

7 64. "Adequate, or due, process depends upon the nature of the interest affected. The more
8 important the interest and the greater the effect of its impairment, the greater the procedural
9 safeguards the [government] must provide to satisfy due process." *Haygood v. Younger*, 769
10 F.2d 1350, 1355-56 (9th Cir. 1985) (en banc) (citing *Morrissey*, 408 U.S. at 481-82). This Court
11 must "balance [Mr. Galindo's] liberty interest against the [government's] interest in the efficient
12 administration of" its immigration laws to determine what process he is owed to ensure that ICE
13 does not unconstitutionally deprive him of his liberty. *Id.* at 1357. Under the test set forth in
14 *Mathews v. Eldridge*, this Court must consider three factors in conducting its balancing test:
15 "first, the private interest that will be affected by the official action; second, the risk of an
16 erroneous deprivation of such interest through the procedures used, and the probative value, if
17 any, of additional or substitute procedural safeguards; and finally the government's interest,
18 including the function involved and the fiscal and administrative burdens that the additional or
19 substitute procedural requirements would entail." *Haygood*, 769 F.2d at 1357 (citing *Mathews v.*
20 *Eldridge*, 424 U.S. 319, 335 (1976)).
21
22
23

24 65. The Supreme Court "usually has held that the Constitution requires some kind of a
25 hearing *before* the State deprives a person of liberty or property." *Zinermon v. Burch*, 494 U.S.
26 113, 127 (1990) (emphasis in original). Only in a "special case" where post-deprivation remedies
27 are "the only remedies the State could be expected to provide" can post-deprivation process
28

1 satisfy the requirements of due process. *Zinerman*, 494 U.S. at 985. Moreover, only where “one
 2 of the variables in the *Mathews* equation—the value of predeprivation safeguards—is negligible
 3 in preventing the kind of deprivation at issue” such that “the State cannot be required
 4 constitutionally to do the impossible by providing predeprivation process,” can the government
 5 avoid providing pre-deprivation process. *Id.*

6
 7 66. Because, in this case, the provision of a pre-deprivation hearing was both possible and
 8 valuable in preventing an erroneous deprivation of liberty, ICE was required to provide Mr.
 9 Galindo with notice and a hearing *prior* to any re-incarceration. *See Morrissey*, 408 U.S. at 481-
 10 82; *Haygood*, 769 F.2d at 1355-56; *Zinerman*, 494 U.S. at 985; *see also Youngberg v. Romeo*,
 11 457 U.S. 307, 321-24 (1982); *Lynch v. Baxley*, 744 F.2d 1452 (11th Cir. 1984) (holding that
 12 individuals awaiting involuntary civil commitment proceedings may not constitutionally be held
 13 in jail pending the determination as to whether they can ultimately be recommitted). Under
 14 *Mathews*, “the balance weighs heavily in favor of [Mr. Galindo’s] liberty” and required a pre-
 15 deprivation hearing before a neutral adjudicator, which ICE failed to provide.

16 17 **Mr. Galindo’s Private Interest in His Liberty is Profound**

18
 19 67. Under *Morrissey* and its progeny, individuals conditionally released from serving a
 20 criminal sentence have a liberty interest that is “valuable.” *Morrissey*, 408 U.S. at 482. In
 21 addition, the principles espoused in *Hurd* and *Johnson*—that a person who is in fact free of
 22 physical confinement, even if that freedom is lawfully revocable, has a liberty interest that
 23 entitles him to constitutional due process before he is re-incarcerated—apply with even greater
 24 force to individuals like Mr. Galindo, who have been released pending civil removal
 25 proceedings, rather than parolees or probationers who are subject to incarceration as part of a
 26 sentence for a criminal conviction.

27
 28 68. Parolees and probationers have a diminished liberty interest given their underlying

convictions. *See, e.g., U.S. v. Knights*, 534 U.S. 112, 119 (2001); *Griffin v. Wisconsin*, 483 U.S. 868, 874 (1987). Nonetheless, even in the criminal parolee context, the courts have held that the parolee cannot be re-arrested without a due process hearing in which they can raise any claims they may have regarding why their re-incarceration would be unlawful. *See Gonzalez-Fuentes*, 607 F.3d at 891-92; *Hurd*, 864 F.3d at 683. Thus, Mr. Galindo retains a truly weighty liberty interest even though he was under conditional release prior to his re-arrest.

69. What is at stake in this case for Mr. Galindo is his freedom: one of the most profound individual interests recognized by our constitution and, more plainly, by virtue of being human. “Freedom 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. T 690; *see also Foucha v. Louisiana*, 504 U.S. 71, 80 (1992). Thus, it is clear there is a profound private interest at stake in this case, which must be weighed heavily when determining what process Mr. Galindo is owed under the Constitution. *See Mathews*, 424 U.S. at 334-35; *see also e.g., Pham v. Becerra*, 717 F.Supp.3d 877, 886 (N.D. Cal. 2024) (stating that a person’s “liberty interest persists no matter the length of detention.”).

The Risk of an Erroneous Deprivation is High for Mr. Galindo While the Probable Value of Mr. Galindo’s Release and a Hearing Prior to Any Re-Detentions Is Substantial.

70. Here, without notice, the Government ripped Mr. Galindo from his family and community because of a year-old arrest that resulted in no charges. *See Wille Decl., Exh. I* (Las Vegas Court Docket confirming DA declined charges). In other words, despite being free from physical restraint pursuant to a bond order by an immigration judge, and living peacefully and productively for nearly two years, the government re-arrested and detained Mr. Galindo without any notice or process. *See Galindo Decl., Suarez Decl.* As such the risk of an erroneous deprivation is high. *See e.g., Singh*, 2025 WL 1918679, at *7; *see also Garcia*, 2025 WL

1927596, at * 5 (finding the risk of erroneous deprivation considerable on substantially similar facts).

71. Correspondingly, the process Mr. Galindo seeks—a hearing before a neutral arbiter—would add serious value. As an initial matter, Mr. Galindo is not statutory eligible for a bond hearing under 8 U.S.C. § 1231(a)(6). *See Johnson v. Arteaga-Martinez*, 596 U.S. 573 (2022). And the existing procedures under 8 C.F.R. § 241.4 are not adequate to avoid an erroneous deprivation of Mr. Galindo’s liberty. The regulations provide for a custody review only after a minimum of three months of detention, and even then, “do not afford adequate procedural safeguards because they do not provide for an in-person hearing, they place the burden on the [noncitizen] rather than the government and they do not provide for a decision by a neutral arbiter.” *Diouf v. Napolitano*, 634 F.3d 1081, 1091 (9th Cir. 2011) (abrogated on other grounds).

72. Moreover, here, ICE has already made clear that it will not change its custody determination regarding Mr. Galindo, regardless of any evidence put before it. ICE already informed Mr. Galindo’s counsel that they believe the fact of the 2024 arrest *alone*⁴—regardless of whether it resulted in a conviction, and regardless of whether there exists credible evidence that Mr. Galindo committed a crime—warrants Mr. Galindo’s mandatory detention. *See Wille Decl.*; *see also Suarez Decl.* ICE specifically told Mr. Galindo’s wife and his counsel that the only thing that could result in his release is a federal court order. *See id.*

⁴ As this Court is aware, an arrest, without more, is proof of nothing. This derives from the presumption of innocence, where one is “to judge an accused’s guilt or innocence solely on the evidence adduced at trial and not on the basis of suspicions that may arise from the fact of his arrest, indictment, or custody, or from other matters not introduced as proof at trial.” *Bell v. Wolfish*, 441 U.S. 520, 533 (1979); *see also Matter of Arreguin De Rodriguez*, 21 I&N Dec. 38, 42 (BIA 1995).

73. Given that Petitioner was previously found to not be a danger or risk of flight, and that his conduct over two years has bolstered that conclusion, the value in granting Petitioner a procedural safeguard in the form of notice and hearing before a neutral adjudicator is readily apparent. *See e.g., Singh*, 2025 WL 1918679, at *7 (“the probable value of additional procedural safeguards, i.e., a bond hearing, is high.”); *see also Ortega*, 415 F. Supp. 3d at 970 (the safeguard [petitioner] proposes—a decision from a neutral adjudicator—could provide substantial value).

74. This is particularly true here as a hearing will allow a neutral arbiter to consider the government’s contention that a single arrest from a year ago that did not result in charges somehow affects the IJ’s prior bond determination. *See Ortega*, 415 F. Supp. 3d at 970 (noting the second factor weighs in favor of petitioner where the government asserted a material change had occurred and that it had the unilateral right to determine that); *see also e.g., Guillermo M.R.*, 2025 WL 1983677, at *8 (“allowing a neutral arbiter to review the facts would significantly reduce the risk of erroneous deprivation.”).

The Government’s Interest in Keeping Mr. Galindo Detained without a Neutral Arbiter reviewing that Detention is Low

75. The government’s interest in detaining Mr. Galindo without process is low.

76. First, as immigration detention is civil, it can serve no punitive purpose. The government’s only interest in holding an individual in immigration detention can be to prevent danger to the community or to ensure a noncitizen’s appearance at immigration proceedings. *See Zadvydas*, 533 U.S. at 690.⁵ In this case, the government cannot plausibly assert that it had a sudden interest in detaining Mr. Galindo in July 2025 due to an arrest that occurred over a year

⁵ Mr. Galindo acknowledges that, in some instances, detention may be lawful for a brief period to effectuate removal.

ago and resulted in no criminal charges being brought against Mr. Galindo. *See, e.g., Guillermo M.R. v. Kaiser*, 2025 WL 1810076, at *2 (N.D. Cal. June 30, 2025) (noting the government waiting *six weeks* to arrest petitioner “demonstrates their lack of urgency.”)

77. As Mr. Galindo and Ms. Suarez both explain, they understood that the matter in Las Vegas was resolved the day that it occurred. *See* Galindo Decl.; Suarez Decl. And in addition, since the arrest, the government has run Mr. Galindo’s fingerprints at least twice when it processed his employment authorization, the last one being submitted in September 2024 and approved in February 2025—i.e., after Mr. Galindo’s arrest. *See* Wille Decl.; *see also Guillermo M.R.*, 2025 WL 1983677, at *8 (noting that two months had passed since petitioner’s criminal arrest and the government had failed to take any action). Publicly-available court records confirm that no charges were filed in the case. *See* Wille Decl., Exh I. Certainly ICE could have accessed this information, and Mr. Galindo’s wife and his counsel specifically informed ICE on Monday that no charges had been filed. *See* Wille Decl.; Suarez Decl.

78. Moreover, if ICE is so confident that a single arrest from a year ago that did not result in any charges warrants the revocation of Mr. Galindo’s bond, it should have no problem establishing that before a neutral adjudicator.

79. Finally, the “fiscal and administrative burdens” that release from custody, unless and until a pre-deprivation bond hearing is provided, would impose are nonexistent in this case. *See Mathews*, 424 U.S. at 334-35; *see e.g., Garcia*, 2025 WL 1927596, at *5. Mr. Galindo does not seek a unique or expensive form of process, but rather his release from custody until a routine hearing regarding whether his bond should be revoked or modified in any way.

80. Release from custody until ICE (1) moves for a bond re-determination before a neutral adudicator and (2) demonstrates by clear and convincing evidence that there has been a change

1 in circumstances that warrants altering the conditions of Mr. Galindo's release is far *less* costly
2 and burdensome for the government than keeping him detained. As the Ninth Circuit noted in
3 2017, "[t]he costs to the public of immigration detention are 'staggering': \$158 each day per
4 detainee, amounting to a total daily cost of \$6.5 million." *Hernandez*, 872 F.3d at 996.

5
6 **CAUSE OF ACTION**

7 **Due Process**

8 **U.S. Const. Amend. V**

9 81. Mr. Galindo re-alleges and incorporates herein by reference, as is set forth fully herein,
10 the allegations in all the preceding paragraphs.

11 82. The Due Process Clause of the Fifth Amendment forbids the government from depriving
12 any "person" of liberty "without due process of law." U.S. Const. amend. V.

13
14 83. Mr. Galindo had a vested liberty interest in his conditional release. Due Process does not
15 permit the government to strip him of that liberty without notice and a hearing. *See Morrissey*,
16 408 U.S. at 487-488. For these reasons, Mr. Galindo's re-arrest without notice and a hearing
17 violated the Constitution. The only remedy of this violation is his immediate release from
18 immigration detention and restoration of his IJ bond order until DHS proves to a neutral
19 adjudicator, by clear and convincing evidence, that something has changed that warrants an
20 alteration in the Immigration Judge's prior bond order. *See Garcia*, 2025 WL 1927596, at *6
21 (ordering the release of petitioner and a pre-deprivation hearing prior to any re-detention); *see*
22 *also Singh*, 2025 WL 1918679, at *8 ("Petitioner's immediate release is required to return him to
23 the status quo ante—"the last uncontested status which preceded the pending controversy.")
24
25

26 **PRAYER FOR RELIEF**

27 WHEREFORE, Mr. Galindo prays that this Court grant the following relief:

28 (1) Assume jurisdiction over this matter;

- 1 (2) Enjoin Respondents from transferring Mr. Galindo outside the jurisdiction of the
2 Eastern District of California pending the resolution of this case;
- 3 (3) Declare that the immediate release of Mr. Galindo, and reinstatement of his prior
4 bond order, is necessary to preserve his due process rights, and declare that once
5 released Mr. Galindo's due process rights entitle him to a hearing before a neutral
6 adjudicator at which the DHS must prove by clear and convincing evidence that there
7 has been a change in circumstances that warrant a change in the conditions of his
8 release;
9
- 10 (4) Order the immediate release of Mr. Galindo from DHS custody, reinstate his prior
11 bond order, and enjoin Respondents from re-arresting Mr. Galindo until DHS proves
12 to a neutral adjudicator by clear and convincing evidence that circumstances have
13 changed such that the conditions of his release should be modified;
14
- 15 (5) Award reasonable costs and attorney fees; and
16
- 17 (6) Grant such further relief as the Court deems just and proper.

18 Dated: August 1, 2025 Respectfully submitted,

19 /s/Judah Lakin
20 Judah Lakin

21 /s/Amalia Wille (as authorized on August 1, 2025)
22 Amalia Wille

23 LAKIN & WILLE LLP

24 *Attorneys for Petitioner*
25
26
27
28