

Andrew J. Vazquez, Esq. SB#175005 (CA)
P.O. Box 2199 PRO HAC VICE
Pasadena, CA 91102
(626) 683-2288
ajvlegal@gmail.com

Maurice H. Goldman, Esq. SB #025295 (AZ)
Goldman Immigration, PC
1575 West Ina Road
Tucson, AZ 85704
(520) 797-9229
mo@ggoldmanlaw.com

Attorneys for Petitioner

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA
PHOENIX, DIVISION

Dina Arevalo Chicas,

Petitioner,

v.

Fred Figueroa, Warden Eloy Detention Center
John E. Cantu, Field Office Director, ICE Phoenix
Office of Detention and Removal;
Kristi Noem, Secretary Department of Homeland
Security;
Pamela Bondi, U.S. Attorney General,

Respondents.

Case No.:

Agency No.: A 

PETITION FOR WRIT OF
HABEAS CORPUS

INTRODUCTION

1. Petitioner, Dina Arevalo Chicas, was detained on or about July 15, 2025, in Los Angeles, California, without statutory authority. She is currently detained at the Eloy Detention Center, in Eloy, Arizona. On 10/17/2023, Immigration Judge Sandra Santos-Garcia ordered her removed

from the United States to El Salvador, however, Petitioner timely appealed this order to the Board of Immigration Appeals (“BIA”) on 11/08/2023, the appeal remains pending. Once a timely appeal is received by the BIA, the order of removal is automatically stayed until a final decision is rendered by the BIA. 8 CFR §1003.6(a). Moreover, a \$5,000 release bond was posted on her behalf on 12/30/2021, whereupon she was released from Immigration & Customs Enforcement (“ICE”) detention while her removal case proceeds. Accordingly, in order to vindicate Ms. Arevalo Chicas’ constitutional, statutory and regulatory rights, this Court should grant the instant petition for a writ of habeas corpus. Absent an order from this Court, Petitioner faces unnecessary and continued detention and confinement and separation from her family and loved ones.

JURISDICTION

2. This action is brought pursuant to the Constitution of the United States and the Immigration & Nationality Act (“INA”), 8 USC §1101 *et seq.*
3. This Court has subject matter jurisdiction under 28 USC §2241 (habeas corpus), 28 USC §1331 (federal question), and Article I, §9, cl.2 of the U.S. Constitution (Suspension Clause).
4. This Court may grant relief under 28 USC §2241 *et seq.* (Habeas Corpus), 28 USC §2201 *et seq.* (Declaratory Judgment Act), and 28 USC §1651 (All Writs Act).

VENUE

5. Venue is proper because Petitioner, Dina Arevalo Chicas, is detained at the Eloy Detention Center located in Eloy, Arizona, which is in the jurisdiction of this District. In addition, venue is proper because a substantial part of the events giving rise to Ms. Arevalo Chica’s claims are continuing in this District. In addition, at least one of the Respondents is located within the District. 28 USC §1391(e).

28 USC §2243

6. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (“OSC”) to the Respondents forthwith, unless the Petitioner is not entitled to relief. 28 USC §2243. If an OSC is issued, Respondents are to be required to file a return “**within three days** unless for good cause additional time, not exceeding twenty days, is allowed.” *Ibid.* (Emphasis added).

7. Courts have long recognized the significance of the habeas corpus in protecting individuals from unlawful detention. The Supreme Court has referred to the Great Writ as “perhaps the most important writ known to the constitutional law of England, 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).

PARTIES

8. Petitioner, Dina Arevalo Chicas is a native and citizen of El Salvador. Although an Immigration Judge ordered her removal from the United States, her case is currently on appeal to the BIA affording her an automatic stay from removal. Moreover, a release bond was posted on her behalf so she was released from ICE custody while her removal case proceeds. The bond was never rescinded. She is being detained at the Eloy Detention Center in Eloy, Arizona (run by CoreCivic). She is in the custody and under the direct control of Respondents and their designees and/or agents.

9. Respondent, Fred Figueroa, is the warden of CoreCivic’s Eloy Detention Center in Eloy, Arizona. He has immediate physical custody and control of Petitioner pursuant to the facility’s contract with ICE to detain non-citizens like her. Respondent, Fred Figueroa, is a legal custodian of Petitioner.

10. Respondent, John E. Cantu, is the Field Office Director, ICE Phoenix Office of Detention and Removal. Respondent, John E. Cantu, is a legal custodian of Petitioner and has the lawful authority to order Petitioner's release.

11. Respondent, Kristi Noem, is the Secretary Department of Homeland Security. In this capacity she is responsible for the implementation and enforcement of the INA and oversees, ICE; the agency responsible for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner and has the lawful authority to order her release.

12. Respondent, Pamela Bondi, is the Attorney General of the United States. In this capacity she has the authority to adjudicate immigration removal cases and to oversee the Executive Office for Immigration Review ("EOIR"); which administers the immigration courts and Board of Immigration Appeals. Respondent Bondi is a legal custodian of Petitioner and has the lawful authority to order Petitioner's release.

STATEMENT OF FACTS

13. Ms. Arevalo Chicas is a 42 year old citizen of El Salvador. She was admitted to the United States as a visitor on 04/03/2016, at Alexandria, VA. As noted by the Immigration Judge in her decision dated 10/17/2023.

14. Petitioner was placed in removal proceedings before an Immigration Judge in detention at Adelanto, California. After posting bond and being released from custody at that time, her case was transferred to Immigration Judge, Sandra Santos-Garcia, in Van Nuys, California. A copy of the Bond receipt is attached hereto as Exhibit A.

15. In these proceedings Petitioner applied for asylum, withholding of removal and protection under the Conventional Against Torture (CAT).

16. On 10/17/2023, Immigration Judge Santos-Garcia denied her applications for asylum, withholding of removal and for protection under the Convention Against Torture and ordered her removed to El Salvador. No alternate country of removal was named or ordered.

17. On 11/08/2023, Petitioner timely appealed the Immigration Judge's decision to the BIA. This means that while the appeal is pending the removal order is automatically stayed and Petitioner cannot be removed from the United States. A copy of EOIR's online case status is attached hereto as Exhibit B. And again, a release bond was posted on Petitioner's behalf which released her from ICE custody in Adelanto, California, and has not been rescinded. *See* Exhibit A.

18. Based on information and belief, from communication with Petitioner's current boyfriend an ICE agent called on the evening of July 14, 2025, and asked where Petitioner would be on the morning of July 15th. Petitioner informed the ICE agent that she would be at work.

19. Based on information and belief, from communication this same person, he was dropping Petitioner off at her workplace, when the car was suddenly surrounded by other vehicles, a number of masked agents with flak jackets and guns drawn ordered Petitioner out of the car. She was forcefully handcuffed and stuffed into one of the vehicles. She was then taken to an ICE holding facility in Los Angeles (Rm B-18, 300 N. Los Angeles St., Los Angeles, CA 90012) where she was held for only a few days. Then, Petitioner was transferred to the Eloy Detention Center, where she is currently confined.

20. Respondents have not petitioned an Immigration Judge to rescind the original bond. Nor, have the unilaterally cancelled it and returned the money to the bond poster. In addition, Petitioner's appeal remains pending before the BIA.

21. Petitioner remains detained by Respondents in CoreCivic's Detention Center in Eloy, Arizona, in violation of the original bond that was posted on her behalf and the automatic stay and her rights to Due Process.

ARGUMENT

22. A Petitioner who has been granted bond by an Immigration Judge for release from custody and who such bond has been posted on her behalf has been granted release from custody while her case is pending. *See gen.* 8 CFR §1003.19. If ICE re-detains a non-citizen who was released on bond, ICE is required to inform the Immigration Court with administrative control over where the non-citizen is detained, in writing informing the court that the detention occurred, where the non-citizen is housed and their address. 8 CFR §1003.19(g). This has not been done. In addition, while the Attorney General has the authority to revoke the bond at any time [INA §236(b); 8 USC 1226(b)], here the Attorney General has not done so. Thus, her bond remains in effect.

23. INA §241(a)(1)(A), 8 USC §1231 (a)(1)(A) states that after a non-citizen is ordered removed "the Attorney General shall remove the alien from the United States within a period of 90 days (...the 'removal period')". INA §241(a)(2)(A), 8 USC §1231(a)(2)(A) states the "[d]uring the removal period, the Attorney General shall detain the alien. Under no circumstances during the removal period shall the Attorney General release an alien who has been found inadmissible...or deportable..."

24. However, in this case no removal period has begun. Since Petitioner timely appealed the Immigration Judge's decision, the removal order is automatically stayed while the appeal is pending. 8 CFR §1003.6(a).

25. On 11/08/2023, Petitioner timely filed her appeal to the BIA. *See* Exhibit B. Moreover, she is actively pursuing her appeal. On 03/04/2024, Petitioner timely filed her appellate brief before the BIA, however, ICE has not shown the same interest and did not file any brief. *See* Exhibit B.

CLAIM FOR RELIEF

VIOLATION OF THE FIFTH AMENDMENT AND STATUTORY RIGHTS TO DUE PROCES

26. Petitioner incorporates by this reference and re-alleges as though fully set forth herein the allegations of paragraphs 1 through 25 inclusive.

27. Respondents have violated Petitioner's rights to due process under the U.S. Constitution by detaining her without statutory authority.

28. INA §236, 8 USC §1226 authorizes the detention of non-citizens during the pending of removal proceedings. However, an Immigration Judge granted her a release bond of \$5,000, which was posted on her behalf on 12/30/2021. The Attorney General has not revoked this bond. Cf. INA §236(b), 8 USC §1226(b). Thus, her new detention deprives Petitioner of her right to due process.

29. INA §241, 8 USC §1231 authorizes detention of non-citizens following the issuance of an administratively final order of removal and during the removal period alone (8 CFR §241.4 notwithstanding). Petitioner's removal proceedings are on appeal and currently pending, so no removal period has begun. Indeed, the Immigration Judge's removal order is automatically stayed. 8 CFR §1003.6(a). Thus, there is no statutory authority for her current detention, violating her constitutional and statutory rights.

30. Absent detention authority under INA §236, 8 USC §1226 or §241, 8 USC §1231, Respondents' decision to detain Petitioner violates the Due Process clause of the Fifth Amendment.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests that this Court grant the following:

- (1) Assume jurisdiction over this matter.
- (2) Issue an Order to Show Cause ordering Respondents to show cause as to why this Petition should not be granted.
- (3) Declare that Petitioner's detention violates the Due Process clause of the 5th Amendment to the U.S. Constitution and statutory provisions cited herein.
- (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner forthwith.
- (5) Award Petitioner attorney's fees and costs under the Equal Act, and any other basis allowed by law.
- (6) Grant any further relief that this Court deems just and proper.

Dated: August 07, 2025

Respectfully submitted,

s/Andrew J. Vazquez
Andrew J. Vazquez, Esq. Pro Hac Vice
Attorney for Petitioner

s/Maurice Goldman
Maurice Goldman, Esq.
Attorney for Petitioner

VERIFICATION PURSUANT TO 28 USC §2242

We represent Petitioner, Dina Arevalo Chicas, and we submit this verification on her behalf. We hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this _____ day of August, 2025.

s/Maurice H. Goldman
Attorney for Petitioner

s/ Andrew J. Vazquez
Attorney for Petitioner

Civil Cover Sheet

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the District of Arizona.

The completed cover sheet must be printed directly to PDF and filed as an attachment to the Complaint or Notice of Removal.

Plaintiff(s): Arevalo Chicas, Dina , ;

Defendant(s): Figueroa, Fred Eloy Detention Center, Warden;
Cantu, John E. ICE Phoenix Office of Detention
and Removal, Field Office Director; Noem, Kristi
Department of Homeland Security, Secretary;
Bondi, Pamela , U.S. Attorney General;

County of Residence: Pinal

County of Residence: Pinal

County Where Claim For Relief Arose: Pinal

Plaintiff's Atty(s):

Andrew J. Vazquez Pro Hac Vice,
Attorney at Law
P.O. Box 2199
Pasadena, California 91102
(626) 683-2288

Maurice H. Goldman ,
Goldman Immigration, PC
1575 West Ina Road
Tucson, Arizona 85704
(520) 797-9229

Defendant's Atty(s):

U.S. Attorney's Office ,
Dept. of Justice
40 N. Central Ave.
Phoenix, Arizona 85004
(602) 514-7500

IFP REQUESTED

REMOVAL FROM COUNTY, CASE #

II. Basis of Jurisdiction:

2. U.S. Government Defendant

III. Citizenship of Principal Parties(Diversity Cases Only)

N/A

Plaintiff:-

N/A

Defendant:-

IV. Origin :

1. Original Proceeding

V. Nature of Suit:

463 Alien Detainee

VI.Cause of Action:

8 USC 2241 Petition for Write of Habeas Corpus

VII. Requested in Complaint

No

Class Action:

Dollar Demand:

VIII. This case **is not related** to another case.

Signature: s/Andrew J. Vazquez

Date: 08/07/2025

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, save this form as a PDF and include it as an attachment to your case opening documents.

Revised: 01/2014