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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

Hugo E. VALLE VARGAS,

Petitioner-Plaintiff,

v.

Mary De ANDA-YBARRA, Field Office Director of  
Albuquerque Office of Detention and Removal, U.S.  
Immigrations and Customs Enforcement; U.S.  
Department of Homeland Security;

Todd M. LYONS, Acting Director, Immigration and  
Customs Enforcement, U.S. Department of Homeland  
Security;

Kristi NOEM, in her Official Capacity, Secretary,  
U.S. Department of Homeland Security;

Pam BONDI, in her Official Capacity, Attorney  
General of the United States; and

Ryan ELISON, in his Official Capacity, U.S.  
Attorney of New Mexico.

Respondents-Defendants.

Case No.

A [REDACTED]

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

Challenge to Unlawful  
Incarceration Under Color of  
Immigration Detention Statutes;  
Request for Declaratory and  
Injunctive Relief

## **INTRODUCTION**

1. Petitioner, Hugo E. Valle Vargas (“Mr. Valle Vargas”), Agency number [REDACTED] by and through his undersigned counsel, hereby files this petition for writ of habeas corpus and complaint for declaratory and injunctive relief to prevent the U.S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE) from continuing to detain him in an immigration jail pending resolution of his removal case without lawful basis.

2. Petitioner seeks his immediate release from detention in Otero County Processing Center where ICE unlawfully detained and continues to imprison him without demonstrating, with clear and convincing evidence, that he is a flight risk or danger to the community, as required by the Due Process clause of the Fifth Amendment, or in the alternative, a constitutionally adequate bond hearing at which the government bears the burden to justify detention.

3. As background, Mr. Valle Vargas has been detained since March 12, 2025, when ICE officials arrested him at his home in South Lake Tahoe, California not because of any charges or evidence against him, but he became a target immediately after his son was arrested by ICE. Mr. Valle Vargas was taken into custody even though he has no criminal record, no immigration violations beyond overstaying a visa, and no history of violence.

4. After being taken into custody, a bond hearing was set for May 5, 2025. During the bond hearing, it was alleged that Mr. Valle Vargas has ties to cartel organizations in Mexico. Mr. Valle Vargas was also asked about this allegation immediately after his arrest. During both circumstances, he has been adamant that he has never had ties to any cartel organization. Rather, he has expressed his deep fear of the cartel and how he felt he was being targeted and was in danger while he was in Mexico.

5. While under oath during the bond hearing, Mr. Valle Vargas reiterated this fact, even stating that he was afraid of the cartel in Mexico. However, the Immigration Judge (IJ) erroneously deemed this testimony insufficient and thus speculated that the information provided in form I-213, Record of Deportable/Inadmissible Alien, was fact without any actual evidence of these claims being provided. Additionally, the IJ asked no further questions about this fear, he simply ended the testimony giving Mr. Valle Vargas no further opportunity to show that he merits

1 release on bond.

2       6. The bond was ultimately denied by the IJ on May 05, 2025, based simply on the  
3 governments allegations that Mr. Valle Vargas had affiliations with cartel organizations.  
4 Following this decision, undersigned counsel filed an Appeal with the Board of Immigration  
5 Appeals (BIA) on May 20, 2025, once again reiterating that the claims made in the bond hearing  
6 were false and no evidence for said claims was produced.

7       7. On appeal, the BIA affirmed the bond denial but recognized that IJ's finding of cartel  
8 involvement was speculative and unsupported by evidence, citing Matter of D-R-, 25 I&N Dec.  
9 445, 454 (BIA 2011) (explaining that an Immigration Judge's findings must be based on  
10 "reasonable inferences from direct and circumstantial evidence" in the record, and not  
11 "speculation and conjecture").

12       8. Mr. Valle Vargas's prolonged detention violates the Due Process Clause of the Fifth  
13 Amendment, as DHS has failed to establish, by **clear and convincing** evidence, that Mr. Valle  
14 Vargas is either a danger to the community or a flight risk.

15       9. Mr. Valle Vargas respectfully seeks immediate release from detention, or in the  
16 alternative, a constitutionally adequate bond hearing at which the government bears the burden to  
17 justify detention.

#### CUSTODY

19       10. Mr. Valle Vargas is currently in the custody of ICE at the Otero County Processing  
20 Center in Albuquerque, New Mexico. Mr. Valle Vargas is therefore in "custody" of [the DHS]  
21 within the meaning of the habeas corpus statute." *Jones v. Cunningham*, 371 U.S. 236, 243 (1963).

#### JURISDICTION

23       11. This Court has jurisdiction over the present action pursuant to 28 U.S.C. § 1331,  
24 general federal question jurisdiction; 5 U.S.C. § 701, *et seq.*, All Writs Act; 28 U.S.C. § 2241, *et*  
25 *seq.*, habeas corpus; 28 U.S.C. § 2201, the Declaratory Judgment Act; Art. 1, § 9, Cl. 2 of the  
26 United States Constitution (Suspension Clause); Art. 3 of the United States Constitution, and the  
27 common law.

## **REQUIREMENTS OF 28 U.S.C. § 2243**

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

13. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to 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) (emphasis added).

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

## **VENUE**

15. Venue is properly before this Court pursuant to 28 U.S.C. § 1391(e) because the Respondents are employees or officers of the United States, acting in their official capacity. Mr. Valle Vargas is under the jurisdiction of the Albuquerque ICE Field Office, where he is currently being detained. There is no real property involved in this action.

## **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

16. For habeas claims, exhaustion of administrative remedies is prudential, not jurisdictional. *Hernandez*, 872 F.3d at 988. A court may waive the prudential exhaustion requirement if “administrative remedies are inadequate or not efficacious, pursuit of administrative remedies would be a futile gesture, irreparable injury will result, or the administrative proceedings would be void.” *Id.* (quoting *Laing v. Ashcroft*, 370 F.3d 994, 1000

1 (9th Cir. 2004) (citation and quotation marks omitted)). Mr. Valle Vargas asserts that exhaustion  
2 should be waived because administrative remedies are (1) futile and (2) his continued detention  
3 results in irreparable harm.

4 17. No statutory exhaustion requirements apply to Mr. Valle Vargas's claim of unlawful  
5 custody in violation of his due process rights, and there are no administrative remedies that he  
6 needs to exhaust. *Reno v Amer.-Arab Anti-Discrim. Comm.*, 525 U.S. 471, 119 S.Ct. 936, 142  
7 L.Ed.2d 940 (1999) (finding exhaustion to be a "futile exercise because the agency does not have  
8 jurisdiction to review" constitutional claims); *In re Indefinite Det. Cases*, 82 F. Supp. 2d 1098,  
9 1099 (C.D. Cal. 2000) (same).

10 **PARTIES**

11 18. Mr. Valle Vargas is a citizen and national of Mexico who entered the U.S. in 2016, and  
12 has remained in the United States since that time.

13 19. Respondent Mary De ANDA-YBARRA is the Field Office Director of ICE, in  
14 Alburquerque, New Mexico and is named in her official capacity. ICE is the component of the  
15 DHS that is responsible for detaining and removing noncitizens according to immigration law  
16 and oversees custody determinations. In her official capacity, she is the legal custodian of Mr.  
17 Valle Vargas.

18 20. Respondent Todd M. LYONS is the Acting Director of ICE and is named in his official  
19 capacity. Among other things, ICE is responsible for the administration and enforcement of the  
20 immigration laws, including the removal of noncitizens. In his official capacity as head of ICE,  
21 he is the legal custodian of Mr. Valle Vargas.

22 21. Respondent Kristi NOEM is the Secretary of DHS and is named in her official capacity.  
23 DHS is the federal agency encompassing ICE, which is responsible for the administration and  
24 enforcement of the INA and all other laws relating to the immigration of noncitizens. In her  
25 capacity as Secretary, Respondent Noem has responsibility for the administration and  
26 enforcement of the immigration and naturalization laws pursuant to section 402 of the Homeland  
27 Security Act of 2002, 107 Pub. L. No. 296, 116 Stat. 2135 (Nov. 25, 2002); *see also* 8 U.S.C. §  
28 1103(a). Respondent Noem is the ultimate legal custodian of Mr. Valle Vargas.

1       22. Respondent Pam BONDI is the Attorney General of the United States and the most senior  
2 official in the U.S. Department of Justice (DOJ) and is named in her official capacity. She has the  
3 authority to interpret the immigration laws and adjudicate removal cases. The Attorney General  
4 delegates this responsibility to the Executive Office for Immigration Review (EOIR), which  
5 administers the immigration courts and the BIA.

## **STATEMENT OF FACTS**

7 23. Mr. Valle Vargas is citizen and national of Mexico who entered the U.S. in 2016 using a  
8 B-2 Visitor Visa and has remained in the U.S. since.

9       24. Mr. Valle Vargas's entry was promoted by a fear of the cartel in Mexico. Mr. Valle Vargas  
10      was considered wealthy in Mexico, having attended law school as well as owning multiple  
11      businesses, which made him a target to the cartel organizations in Mexico. Mr. Valle Vargas,  
12      unwilling to work with or be victim to these organizations, sought out life and safety in the United  
13      States. When he immigrated to the United States, he effectively gave up all his wealth and higher  
14      education and took a job in maintenance just for the comfort of being safe.

15        25. Shortly after Mr. Valle Vargas entered the United States, members of the cartel kidnapped.  
16        Mr. Valle Vargas's son, Omar, and demanded a ransom from Mr. Valle Vargas. While Mr. Valle  
17        Vargas scrambled to collect the amount of money they were demanding to ensure his sons safety,  
18        Omar was able to escape and ultimately decided to join his father in the U.S. for safety.

19       26. In March of 2025, ICE arrested Mr. Valle Vargas immediately after arresting his son. ICE  
20 agents went to Mr. Valle Vargas's home in South Lake Tahoe, California and asked Mr. Valle  
21 Vargas to step outside so his son could give him his keys. This was a blatant lie in an attempt to  
22 get Mr. Valle Vargas outside so they could arrest him. Mr. Valle Vargas, a man who has followed  
23 laws closely during his time in the United States, obeyed and when he exited his residence, ICE  
24 agents arrested him. Additionally, Mr. Valle Vargas was not provided with a warrant at this time.

25        27. At his bond hearing on May 05, 2025, the Immigration Judge denied bond after  
26 misinterpreting Mr. Valle Vargas's testimony. When asked if he feared anyone in Mexico, Mr.  
27 Valle Vargas truthfully replied that he feared the cartel. The IJ erroneously construed this  
28 statement as an admission that Mr. Valle Vargas was a member of the cartel. The IJ asked no

1 further questions, no clarifying questions, effectively denying Mr. Valle Vargas the ability to  
2 prove that he merits release.

3 28. DHS counsel also alleged that the FBI had information linking Petitioner to cartel activity,  
4 but no evidence was produced, nor has Mr. Valle Vargas ever been questioned by the FBI or any  
5 other law enforcement agency outside of ICE.

6 29. Mr. Valle Vargas appealed the IJ's decision on May 20, 2025. On August 08, 2025, the  
7 BIA affirmed the denial of bond but explicitly noted that the IJ's denial based on the cartel finding  
8 was speculative and unsupported by evidence.

9 30. Mr. Valle Vargas has no criminal record, no history of violence, and zero indication of  
10 gang involvement.

11 31. Mr. Valle Vargas's son, Omar, was eventually ordered removed and he returned to  
12 Mexico, under duress. Shortly after his return to Mexico, he disappeared under very suspicious  
13 circumstances. No member of Mr. Valle Vargas's family nor friends have heard from him since  
14 August 11, 2025, which is out of the ordinary for Omar. Mr. Valle Vargas is devastated and  
15 helpless from detention, unable to seek information or provide protection for his family. It is  
16 glaringly clear that it is because of Mr. Valle Vargas's denial to work with the cartel, that he and  
17 his family have now become targets.

18 32. On May 24, 2025, undersigned counsel submitted Form I-914, Application for T-  
19 Nonimmigrant status on behalf of Mr. Valle Vargas, after thoroughly assessing his circumstances  
20 and determined that he is eligible for relief. This status is designed for individuals who have  
21 endured severe human trafficking, and in his case, it is based on a harrowing history of labor  
22 trafficking that began shortly after his entry in the U.S.<sup>1</sup>  
23 to his community, or how he had violated any conditions of his 2012 bond release.

24 33. It has been almost a decade since Mr. Valle Vargas entered the United States. Over these  
25 last 9 years that he has lived in freedom, he has been dedicated to his life in the U.S. as well as

26 <sup>1</sup> While Form I-914, Application for T-Nonimmigrant status has been submitted  
27 to USCIS, counsel has not received receipts for this filing due to extended  
28 processing times demonstrated by USCIS. Counsel has confirmed, using USPS  
tracking numbers, that the Application was delivered to USCIS Vermont Service  
Center on May 24, 2025.

1 dedicated to supporting his son as well. He has stepped down from his business ventures in  
2 Mexico, recognizing that he is not offered that same eligibility to do those things within in the  
3 U.S. Instead, he is working in maintenance, making sure that he can support himself and his  
4 family.

5 34. Petitioner has not efficiently been given the opportunity to prove his eligibility for bond  
6 and release. The IJ made his bond ruling based on speculative information provided by a DHS  
7 counsel, who has not provided Mr. Valle Vargas nor anyone else with any actual evidence  
8 regarding these allegations. This Court is therefore required to ensure that Mr. Valle Vargas is  
9 released from his current custody based his unlawful arrest, returned to his home in South Lake  
10 Tahoe, California, where ICE can then provide him with a hearing before determining to re-arrest  
11 him pursuant to the Due Process Clause of the Fifth Amendment, or in the alternative, provide  
12 Mr. Valle Vargas with a new, constitutionally adequate, bond hearing date where the government  
13 bears the burden to justify detention.

14 **LEGAL BACKGROUND**

15 **Right to Liberty and Due Process**

16 35. The Fifth Amendment of the U.S. Constitution guarantees that “[no] person shall... be  
17 deprived of life, liberty, or property, without due process of law.” U.S. Const. amend. V.  
18 Importantly, the supreme court has clarified that this protection extends to noncitizens, stating:  
19 “Once an alien enters the country, the legal circumstances changes, for the Due Process clause  
20 applies to all ‘persons’ within the United States. *Zadvydas v. Davis*, 533 U.S. 678, 699–701  
21 (2001).

22 36. Civil immigration detention is meant to serve limited regulatory purposes: ensuring  
23 appearance at proceedings and protecting the community. The Supreme Court in *Demore v. Kim*,  
24 538 U.S. 510 (2003), emphasized that detention may only last for the “brief period necessary  
25 for... removal proceedings” and cannot be punitive.

26 37. Where detention extends beyond those limited purposes or rests on mere allegations, it  
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1 violates due process. As the Court stressed in *Zadvydas*: “freedom from imprisonment – from  
2 government custody, detention, or other forms of physical restraint – lies at the heart of the liberty  
3 that the Clause protects.” 533 U.S. at 690.

4 **Prohibition Against Speculation**

5 38. The Board of Immigration Appeals has consistently prohibited reliance on conjecture. In  
6 D-R-, 25 I&N Dec. 445, 454 (BIA 2011), the Board held: “An Immigration Judge’s conclusions  
7 must be based on reasonable, substantial, and probative evidence. Speculation and conjecture  
8 cannot serve as substitutes for evidence.”

9 39. Here, the IJ violated Matter of D-R- by misinterpreting Petitioner’s statement that he  
10 feared the cartel as proof of affiliation with the cartel. The BIA itself found this to be “speculation”  
11 and not supported by evidence.

12 **Requirement of a Neutral Decisionmaker**

13 40. The Supreme Court in *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976), set forth the  
14 balancing test for due process: courts must weigh (1) “the private interest that will be affected by  
15 the official action”; (2) “the risk of an erroneous deprivation of such interest through the  
16 procedures used, and the probable value, if any, of additional or substitute procedural safeguards”;  
17 and (3) “the Government’s interest, including the function involved and the fiscal and  
18 administrative burdens that the additional or substitute procedural requirement would entail.”

19 41. Petitioner’s liberty interest is profound, as the Supreme Court explained: “The loss of  
20 liberty produced by an involuntary confinement is more than a loss of freedom from confinement.  
21 It is indisputably a massive curtailment of liberty.” *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

22 42. The risk of erroneous deprivation is unacceptably high here, as DHS relied on undisclosed  
23 allegations and the IJ misinterpreted testimony. The government’s interest, by contrast is, low:  
24 Petitioner has no criminal record, no history of violence, and strong family and community ties.

25 **Courts’ Rejection of Speculative Detention**

26 41. In *Hernandez v. Sessions*, the Ninth Circuit made clear that “the government must provide  
27 sufficient procedural protections to ensure that detention serves its legitimate purposes.”

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1 872 F.3d 976, 990 (9th Cir. 2017). The court warned that absent such protections,  
2 detention risks becoming “arbitrary, punitive, and unconstitutional.” Id.

3 42. Similarly, in *Singh v. Holder*, the Ninth Circuit emphasized that “[t]he allocation of the  
4 burden of proof at bond hearings is critical” because placing it on the noncitizen “creates  
5 a significant risk that an alien will be erroneously deprived of his liberty.” 638 F.3d at  
6 1205.

7 43. These holdings underscore that Petitioner’s detention—based only on speculation and  
8 with the burden improperly shifted—violates both procedural and substantive due process.

9 **Civil Nature of Immigration Detention**

10 44. The Supreme Court has repeatedly held that immigration detention is **civil, not punitive**.  
11 In *Bell v. Wolfish*, 441 U.S. 520, 535 (1979), the Court explained: “If a restriction or  
12 condition is not reasonably related to a legitimate governmental objective, it amounts to  
13 punishment.”

14 45. Here, Petitioner’s detention is unrelated to any legitimate government objective. He has  
15 no criminal history, poses no risk to public safety, and has a pending T-Visa application.  
16 His detention, based only on speculation, operates as punishment in violation of *Bell v.*  
17 *Wolfish* and the Due Process Clause.

18 **FIRST CAUSE OF ACTION**

19 **Procedural Due Process**

20 **U.S. Const. amend. V**

21 46. Petitioner re-alleges and incorporates by reference all preceding paragraphs.

22 47. The **Due Process Clause** forbids the deprivation of liberty without adequate  
23 procedural safeguards. U.S. Const. amend. V. As the Supreme Court has long recognized: “The  
24 fundamental requirement of due process is the opportunity to be heard at a meaningful time and  
25 in a meaningful manner.” *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).

26 48. In immigration custody hearings, due process requires that the **government** bear the  
27 burden to prove by **clear and convincing evidence** that continued detention is justified. *Singh v.*  
28 *Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011). The Ninth Circuit emphasized: “Placing the burden

1 of proof on the alien creates a significant risk that an alien will be erroneously deprived of his  
2 liberty." Id. at 1205.

3 49. In Petitioner's bond hearing, the Immigration Judge denied release **without evidence**,  
4 relying only on a misinterpretation of Petitioner's testimony. The government produced no  
5 corroborating evidence of cartel involvement. This hearing violated the requirement that liberty  
6 may not be taken away without a fair process where the government carries the burden.

7 50. The **BIA itself** agreed that the IJ's finding of cartel affiliation was "speculative." As  
8 *Matter of D-R-* makes clear, "Speculation and conjecture cannot serve as substitutes for  
9 evidence." 25 I&N Dec. 445, 454 (BIA 2011).

10 51. Because the government failed to meet its burden with clear and convincing evidence,  
11 and because the IJ relied on conjecture rather than probative evidence, Petitioner's bond denial  
12 violated procedural due process.

13 **SECOND CAUSE OF ACTION**

14 **Substantive Due Process**

15 **U.S. Const. amend. V**

16 52. Petitioner re-alleges and incorporates by reference all preceding paragraphs.

17 53. Substantive due process prohibits arbitrary and punitive detention. As the Supreme  
18 Court has explained: "Freedom from imprisonment—from government custody, detention, or  
19 other forms of physical restraint—lies at the heart of the liberty that the Due Process Clause  
20 protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

21 54. The government's authority to detain in civil immigration proceedings is limited to  
22 two regulatory purposes: (1) preventing danger to the community, and (2) ensuring appearance at  
23 proceedings. *Demore v. Kim*, 538 U.S. 510, 518–19 (2003). Detention outside of these purposes  
24 constitutes unconstitutional punishment.

25 55. Petitioner has **no criminal history**, no history of violence, and no evidence links him  
26 to cartel activity. As the BIA recognized, the IJ's adverse finding was purely speculative.  
27 Petitioner's detention therefore serves neither permissible purpose.

1       56. As the Supreme Court stated in *Bell v. Wolfish*, 441 U.S. 520, 535 (1979): “If a  
 2 restriction or condition is not reasonably related to a legitimate governmental objective, it  
 3 amounts to punishment.” Petitioner’s detention, grounded in unsupported speculation, is  
 4 unrelated to any legitimate governmental objective and therefore punitive in nature.

5       57. Substantive due process also prohibits prolonged detention when it ceases to be  
 6 reasonably related to its purpose. In *Diouf v. Napolitano (Diouf II)*, 634 F.3d 1081, 1091 (9th Cir.  
 7 2011), the court held: “When detention crosses the six-month threshold and release or removal is  
 8 not imminent, the private interests at stake are profound,” requiring a bond hearing.

9       58. Petitioner has been detained since **March 12, 2025**, well beyond the point at which  
 10 detention is presumptively prolonged. His continued detention is unconstitutional because it lacks  
 11 evidentiary justification, is punitive, and violates substantive due process.

12 **Application of the Mathews v. Eldridge Balancing Test**

13       59. The *Mathews v. Eldridge* balancing test, 424 U.S. at 335, reinforces that due process  
 14 was denied here:

15               (1) Private Interest: Petitioner’s interest in liberty is paramount. The Supreme  
 16 Court has repeatedly emphasized that “[f]reedom from bodily restraint has always been at  
 17 the core of the liberty protected by the Due Process Clause.” *Foucha v. Louisiana*, 504 U.S.  
 18 71, 80 (1992).

19               (2) Risk of Erroneous Deprivation: The risk here is exceptionally high. The IJ  
 20 relied on speculation and a misinterpretation of testimony, while DHS failed to present any  
 21 evidence. As the Ninth Circuit warned in *Singh*, misallocation of the burden “creates a  
 22 significant risk” of erroneous detention. 638 F.3d at 1205.

23               (3) Government’s Interest: The government’s interest in detention is minimal  
 24 because Petitioner poses no threat and has a pending T-Visa application. As the Ninth  
 25 Circuit stated in *Hernandez v. Sessions*, 872 F.3d 976, 991 (9th Cir. 2017): “When the  
 26 government detains noncitizens without providing adequate procedural protections, the  
 27 detention becomes arbitrary and unlawful.”

1       60. Balancing these factors demonstrates that the Constitution requires either Petitioner's  
2 immediate release or, at minimum, a bond hearing where DHS bears the burden to justify  
3 detention with clear and convincing evidence.

4 **Conclusion on Causes of Action**

5       61. Petitioner's detention violates both procedural and substantive due process. The IJ denied  
6 liberty based on speculation, DHS failed to meet its burden of proof, and detention continues  
7 absent evidence of flight risk or danger.

8       62. The Constitution demands Petitioner's immediate release or a new custody  
9 redetermination that comports with due process.

10       **PRAYER FOR RELIEF**

11       WHEREFORE, Mr. Valle Vargas prays that this Court grant the following relief:

- 12       (1) Assume jurisdiction over this matter;
- 13       (2) Declare that the IJ's May 05, 2025 Order Denying Motion for Bond  
14           Determination and detention of Mr. Valle Vargas was an unlawful exercise of  
15           authority because the ICE officer provided no evidence that he presents a  
16           danger to the community or is flight risk;
- 17       (3) Order ICE to immediately release Mr./Ms. Client Name from his unlawful  
18           detention;
- 19       (4) Declare a hearing can be held before a neutral adjudicator to determine whether  
20           his re-incarceration would be lawful because the government has shown that  
21           he is a danger or a flight risk by clear and convincing evidence;
- 22       (5) Declare that Mr. Valle Vargas cannot be re-arrested unless and until he is  
23           afforded a hearing on the question of whether his re-incarceration would be  
24           lawful—i.e., whether the government has demonstrated to a neutral  
25           adjudicator that he is a danger or a flight risk by clear and convincing evidence;
- 26       (6) Award reasonable costs and attorney fees; and
- 27       (7) Grant such further relief as the Court deems just and proper.

1 Dated: August 27, 2025

Respectfully submitted,

Karen Monreal

Karen S. Monreal, Esq.

Attorney for Petitioner Client Name

5 **VERIFICATION PURSUANT TO 28 U.S.C. 2242**

6 I am submitting this verification on behalf of the Petitioner because I am one of  
7 Petitioner's attorneys. I have discussed with the Petitioner the events described in the Petition.  
8 Based on those discussions, I hereby verify that the factual statements made in the attached  
9 Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

10 Executed on this August 27, 2025 in Reno, NV.

11 Karen Monreal

12 Karen S. Monreal

13 Attorney for Petitioner Hugo Valle  
14 Vargas

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