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10 Attorneys for Petitioner,
Fidel Arias Torres

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12 UNITED STATES DISTRICT COURT
13 SOUTHERN DISTRICT OF CALIFORNIA
14

15 FIDEL ARIAS TORRES,) Case No. 25CV2457 BAS MSB
16 Petitioner,)
17 v.) WRITTEN ARGUMENT IN
18 PAM BONDI, Attorney General of the) SUPPORT OF PETITIONER'S
19 United States, in her official capacity;) REQUEST FOR WRIT OF HABEAS
20 KRISTI NOEM, Secretary of the U.S.) CORPUS
21 Department of Homeland Security, in her)
22 official capacity; EXECUTIVE OFFICE)
23 FOR IMMIGRATION REVIEW; TODD)
24 LYONS, Acting Director of U.S.)
25 Immigration and Customs Enforcement,)
in his official capacity; PATRICK)
DIVVER, ICE Field Office Director for)
26 San Diego County, in his official capacity.)
27 Respondent.)
28

1 Petitioner attaches a recent U.S. District Court, Southern District of
2 California decision not as precedent because it is not a published case. The
3 decision does cite published cases which are addressed by both Petitioner and
4 Respondent.
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6 In addition, *Vasquez Garcia* involves almost identical issues ruling in favor
7 of the Petitioner. Notably, the likelihood of irreparable injury on page 13.
8 Exhaustion of remedies is also discussed on page 8 and 9.

9 The Petitioner contends that based on the Notice to Appear - - the
10 Government at the trial level did not contend he is an applicant for admission. In
11 Petitioner's case the Immigration Judge set a bond of \$2,500 in large part because
12 the Notice to Appear was unusually vague, lacking in information and thus
13 defective. Petitioner seeks to preserve the status quo which would compel the
14 Respondent to permit the posting of the \$2,500 bond.
15

16 It is believed Respondent will not accept the bond and appeal to the Ninth
17 Circuit and seek to keep Petitioner in custody for many more months. Obviously,
18 Respondent has a right of appeal - - but based on many similar cases locally and
19 nationwide - - it is not likely Respondent will prevail. Therefore, Petitioner argues
20 he should be released immediately because should Respondent succeed on appeal,
21 Respondent can have the bond cancelled and Petitioner would be returned to
22 custody to allow Respondent to keep Petitioner in custody pending Respondent's
23 appeal will likely compound the irreparable harm to Petitioner.
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25 Respectfully submitted,
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27 Dated: October 23, 2025
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/s/ Pedro De Lara, Jr.
Pedro De Lara, Jr.

1 Dated: October 23, 2025
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s/LeRoy George Siddell
LeRoy George Siddell

4 Attorneys for Petitioner
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