

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

SAUL CONCHAS-VALDEZ, <i>Petitioner,</i> v. JEREMY CASEY, Facility administrator at the Imperial Regional Detention Facility, GREGORY J. ARCHAMBEAULT, Director of the U.S. Immigration and Customs Enforcement San Diego Field Office, TODD LYONS, acting Director of U.S. Immigration and Customs Enforcement, KRISTI NOEM, Secretary of the U.S. Department of Homeland Security, and PAM BONDI, U.S. Attorney General.	VERIFIED EMERGENCY PETITION FOR A WRIT OF HABEAS CORPUS, ORDER TO SHOW CUASE WITHIN THREE DAYS AND COMPLAINT FOR DECLARATORY RELIEF ORAL ARGUMENT REQUESTED <u>'25CV2469 DMS JLB</u>
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PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. §2241

INTRODUCTION

1. Petitioner Saul Conchas-Valdez is detained by Respondents in the Imperial Regional Detention Facility in Calexico, California in violation of the Immigration and Nationality Act (INA) and due process. Mr. Conchas-Valdez is a Mexican national and was granted deferral of removal under the Convention Against Torture (CAT) by Immigration Judge Nguyen of the Las Vegas Immigration Court on February 19, 2025. However, rather than release him from custody, Immigration and Customs Enforcement (ICE) has held him in prolonged indefinite detention without conducting the necessary custody reviews and without providing Mr. Conchas-Valdez notice of such reviews and notice of ICE's decisions around his custody.

[REDACTED]
[REDACTED], prompting him to flee Mexico and seek haven in the United States. Despite being granted deferral of removal under CAT, ICE has detained him for seven months, well beyond the presumptively reasonable six-month period established by the Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). ICE has left Mr. Conchas-Valdez to languish in custody, exacerbating the depression, anxiety, and [REDACTED]
[REDACTED]
[REDACTED]

3. Mr. Conchas-Valdez's detention violates 8 U.S.C. § 1231(a)(6), and he is entitled to immediate release. His prolonged detention also violates both the substantive and procedural guarantees of the Fifth Amendment's Due Process Clause because it is not reasonably related to Section 1231's primary purpose of ensuring his imminent removal, and ICE's internal custody review processes do not meet the minimum procedural safeguards that due process requires. *See id.* at 690-91.

4. Mr. Conchas-Valdez requests that this Court grant him a Writ of Habeas Corpus, ordering Respondents to immediately release him from custody.

JURISDICTION AND VENUE

5. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201-02 (declaratory relief), and art. I sec. 9, cl. 2 of the United States Constitution (Suspension Clause), as Mr. Conchas-Valdez is presently in custody under the authority of the United States and challenges his detention as in violation of the Constitution, laws, or treaties of the United States.

6. The federal district courts have jurisdiction under Section 2241 to hear habeas claims by individuals challenging the lawfulness of their detention by ICE. *See Jennings v. Rodriguez*, 583 U.S. 281, 290-92 (2018).

7. Venue is proper in the Southern District of California, pursuant to 28 U.S.C. §§ 1391 and 2241(d) because Mr. Conchas-Valdez is detained at the Imperial Regional Detention Facility in Calexico, California.

REQUIREMENTS OF 28 U.S.S. § 2243

8. 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 U.S.C. § 2243. If an order to show cause 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.*

9. Court 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 and confinement. *Fay v. Noia*, 372 U.S. 391, 400 (1963) (overruled on other grounds by *Wainwright v. Sykes*, 433 U.S. 72 (1977)) (emphasis added).

PARTIES

10. Petitioner Saul Conchas-Valdez is currently detained by Respondents in the Imperial Regional Detention Facility after having been granted deferral of removal under CAT, pending the government’s attempts to remove him to a country other than Mexico.

11. Respondent Jeremy Casey is the facility administrator at the Imperial Regional Detention Facility in Calexico, California where Mr. Conchas-Valdez is currently detained. He is thus Mr. Conchas-Valdez's immediate custodian. He is sued in his official capacity.

12. Respondent Gregory J. Archambeault is the Director of ICE's San Diego Field Office, which has jurisdiction over ICE detention facilities in San Diego and Imperial County, including the Imperial Regional Detention Center, and is thus Mr. Conchas-Valdez's immediate custodian. He is sued in his official capacity.

13. Respondent Todd Lyons is the Director of ICE. He is responsible for the administration of ICE and the implementation and enforcement of the immigration laws, including immigrant detention. As such, Mr. Lyons is a legal custodian of Mr. Conchas-Valdez. He is sued in his official capacity.

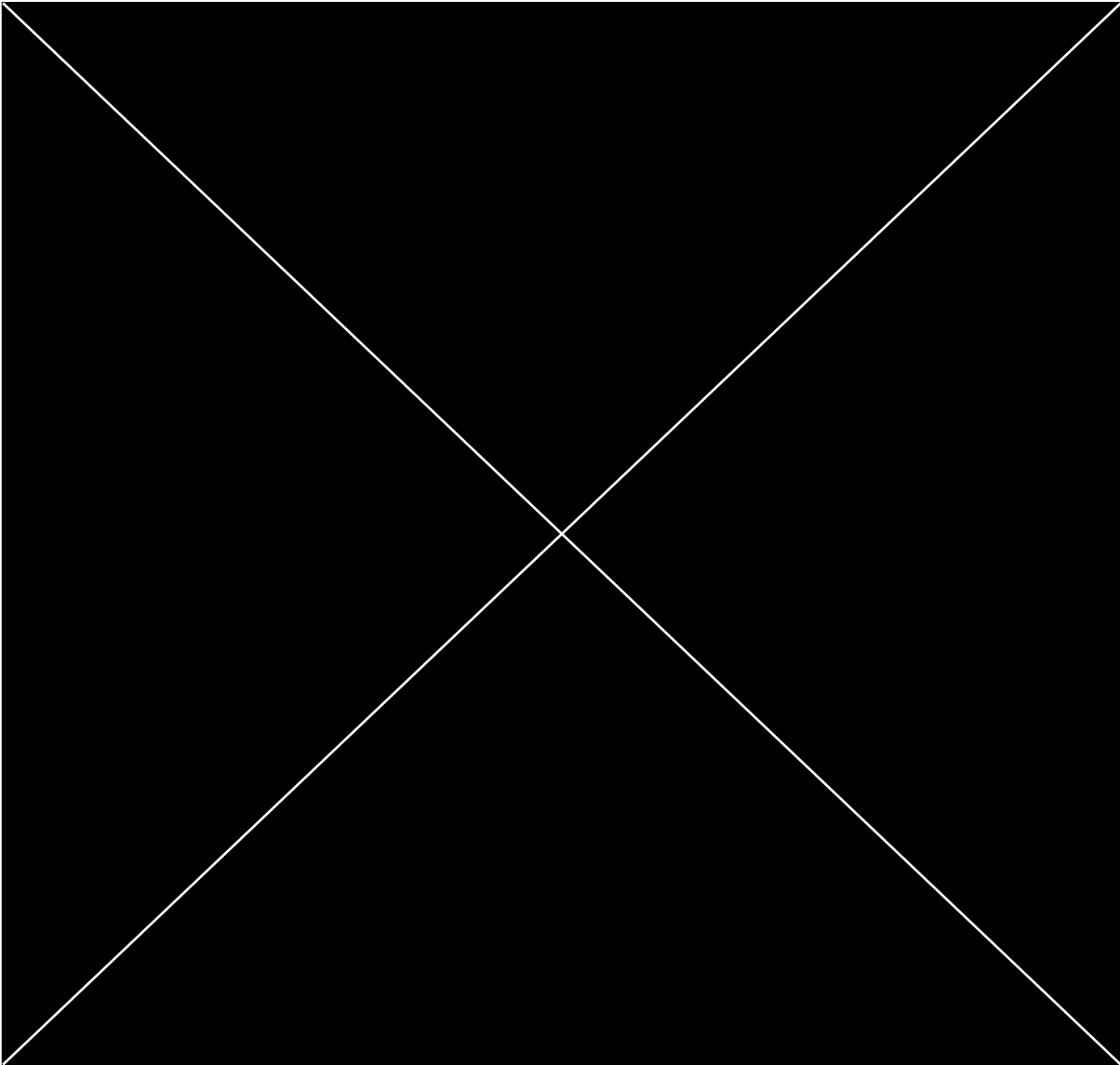
14. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (DHS), which is responsible for the administration of ICE, a subunit of DHS, and the implementation and enforcement of the immigration laws. As such, Ms. Noem is the ultimate legal custodian of Mr. Conchas-Valdez. She is sued in her official capacity.

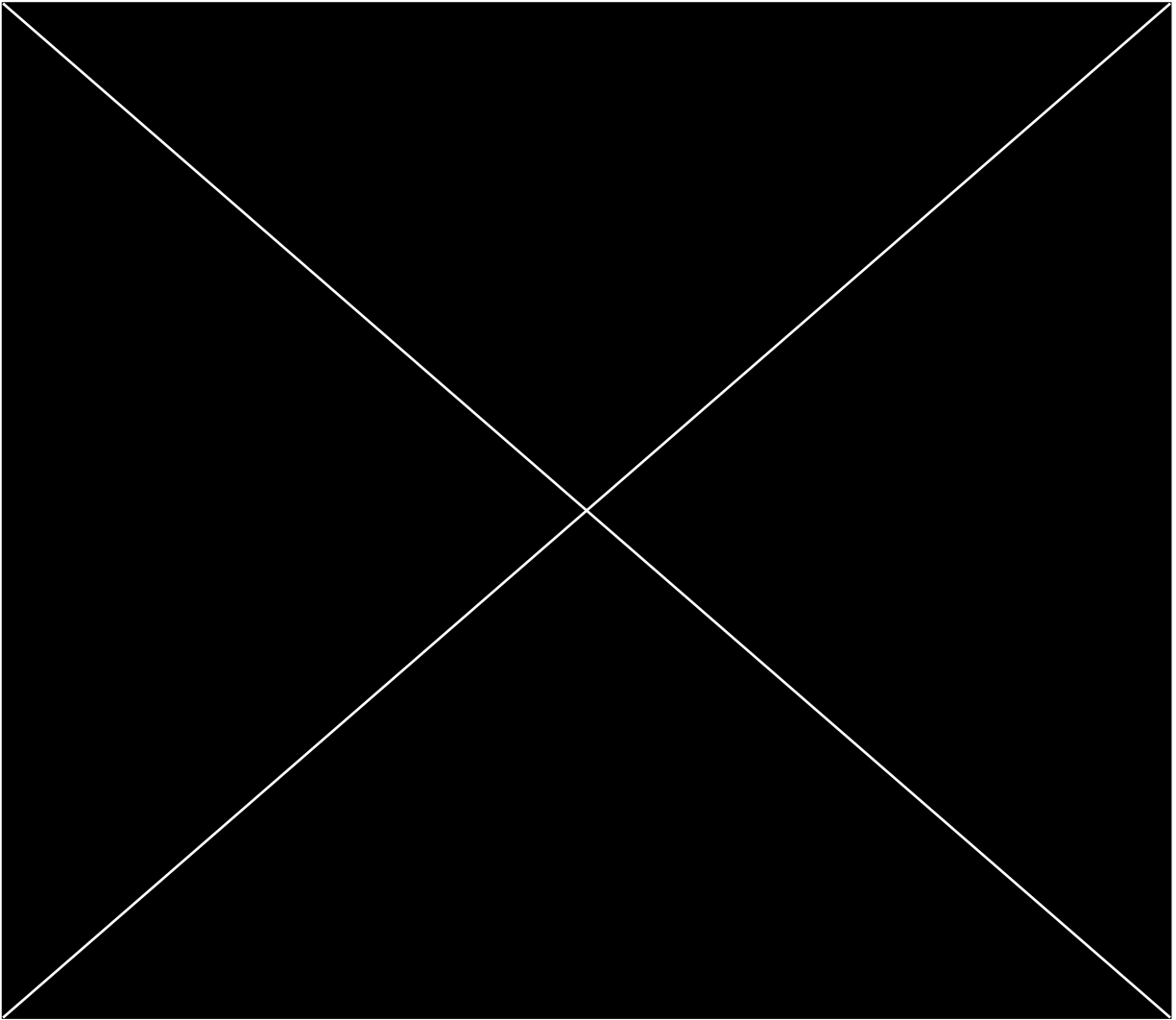
15. Respondent Pam Bondi is the Attorney General of the United States and head of the Department of Justice, which encompasses the Board of Immigration Appeals and the Immigration Courts. Ms. Bondi shares responsibility for implementation and enforcement of the immigration laws with Respondent Noem. Ms. Bondi is a legal custodian of Mr. Conchas-Valdez. She is sued in her official capacity.

FACTS

Mr. Conchas-Valdez

16. Mr. Conchas-Valdez, was born on [REDACTED] in Zacatecas, Mexico. He last entered the United States on May 25, 2023, near San Luis, Rio Colorado, fleeing torture, physical and mental abuse, and threats to his life. Mr. Conchas-Valdez was a taxi driver and the owner of a small taxi business in Jalisco, Mexico. [REDACTED]





22. Fearing for his life



Mr. Conchas-Valdez had no choice but to flee Mexico and seek refuge in the United States. As a result of the torture and physical and mental abuse he suffered, he was granted deferral of removal under CAT by the immigration judge. To qualify for relief under CAT, Mr. Conchas-Valdez was required to demonstrate that “it is more likely than not” that he will be tortured if returned to Mexico and such torture is inflicted by or at the instigation of or with the consent or acquiescence of a public official or by persons the Mexican government is unable or unwilling

to control. *Xochihua-Jaimes v. Barr*, 962 F.3d 1175, 1183 (9th Cir. 2020); 8 C.F.R. §208.18(a)(1); 8 C.F.R. § 208.16 (c)(2)).

Mr. Conchas-Valdez has been detained for seven months with no indication that he will be released or removed from the United States

23. After being granted deferral of removal under CAT, Mr. Conchas-Valdez expected that he would immediately be released from immigration detention. The Immigration Judge advised Mr. Conchas-Valdez to follow all state and local laws upon his release. However, he was not released, and ICE did not proactively communicate with him about his custodial status. Several days after the judge's decision, and confused about why he was still in custody, Mr. Conchas-Valdez reached out to immigration officers at the Nevada Southern Detention Center in Pahrump, Nevada and inquired about his release. He was told that the government had one month to appeal and that he would remain in custody during that time.

24. After one month had passed, Mr. Conchas-Valdez remained in custody and still had not been provided with additional information from ICE about his continued detention. He followed up with immigration officers at the Nevada Southern Detention Center and asked why he was still in custody. He was told that the government was trying to deport him to a country other than Mexico and that immigration officers had contacted El Salvador, Guatemala, and Costa Rica about accepting him. He was not asked if he feared being deported to any of those countries. Mr. Conchas-Valdez was told by immigration officers at the detention center that none of those countries agreed to take him.

25. At this point Mr. Conchas-Valdez asked the ICE officer every week for an update about the status of his case. He was repeatedly told that nothing had changed and to follow up again the following week.

26. Mr. Conchas-Valdez was transferred to the Imperial Regional Detention Facility in Calexico, California on or about April 12, 2025. He was informed after arriving at the facility that Officer Perez was the Deportation and Removal Officer assigned to his case. He began messaging Officer Perez on the tablets provided to detainees at the facility about his detention status. He estimates that he has sent more than ten emails to Officer Perez since arriving at the Imperial Regional Detention Facility. He has never met with Officer Perez in person but has received responses that his case is “under review” and that the local officers were “waiting for a response from headquarters.” After several months of minimal contact with Officer Perez and almost no information about why he remained in custody, Mr. Conchas-Valdez asked for a new officer to be assigned to his case. He was then told that “headquarters denied your release.” When he asked whether there were additional steps he could take or anyone else he could follow up with to appeal or question this finding, he was told that he “just had to wait in custody.” His family also attempted to follow up with ICE and has not been provided with additional information about his custodial status or the government’s efforts to remove him to a third country.

27. On August 19, 2025, after six months had passed since he was granted CAT, Mr. Conchas-Valdez sent a message to Officer Perez, asking for an update regarding his detention. He was again told that he was going to be deported to a country other than Mexico. He is not aware that ICE conducted any reviews of his custody status.

28. During the last week of August, an immigration official visited Mr. Conchas-Valdez’s unit at the detention facility. Mr. Conchas-Valdez gave the official his name and A number and asked him for an update regarding his custody status. The official informed him that Officer

Perez had not done anything on his case since June and that there were no updates regarding Mr. Conchas-Valdez's custody status.

29. Mr. Conchas-Valdez has never been to Costa Rica, Guatemala, or El Salvador. He has no family, friends, or community ties to any of those countries. Moreover, he fears that he will

[REDACTED]

[REDACTED]

He also

fears that those countries will return him to Mexico, where the Immigration Judge concluded that it is more likely than not that he will be tortured or killed.

30. Mr. Conchas-Valdez's detention has been extremely burdensome on him,

[REDACTED]

abuse, and torture he suffered in Mexico. He struggles with constant anxiety and often feels desperate and afraid. He has lost his appetite. He has trouble falling asleep and sleeping through night and often has terrible nightmares that wake him up, leaving him feeling anxious and fearful. He startles easily. He feels like crying one moment and screaming the next. He loses track of time for days or weeks on end and loses the desire to interact with others, including his family.

CLAIMS FOR RELIEF

COUNT ONE

VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT – 8 U.S.C. § 1231

31. Mr. Conchas-Valdez re-alleges and incorporates by reference each allegation contained above.

32. Mr. Conchas-Valdez is detained pursuant to the discretionary, post-removal period detention provision, Section 1231(a)(6), because more than ninety days of detention have elapsed since his removal order became administratively final. *See* 8 U.S.C. § 1231(a)(1)(A) & (B); 8 C.F.R. § 1241.1.

33. In *Zadvydas*, the Supreme Court was clear that “a statute permitting indefinite detention of an alien would present a serious constitutional question.” 533 U.S. at 690. “If removal is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by statute.” *Id.* 533 U.S. at 699-700. The Court construed § 1231 to contain an implicit temporal limitation of six months, after which detention is no longer presumptively reasonable. *Id.* at 690, 701. After that point, “if a detainee ‘provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future,’ . . . [and] the government fails to rebut the detainee’s assertion, he must be released.” *Singh*, 945 F.3d at 1313-14 (quoting *Zadvydas*, 533 U.S. at 701).

34. Mr. Conchas-Valdez’s detention under §1231 is not presumptively reasonable because he has been detained for seven months despite having been granted deferral of removal under CAT. While the government has stated that it intends to deport him to a third country, it has not done so and has informed Mr. Conchas-Valdez that the three countries with which ICE communicated have declined to accept him. Moreover, Mr. Conchas-Valdez has the right to present to the immigration judge his fear of being deported to any third country to which the U.S. should attempt to remove him.

35. For the foregoing reasons, Mr. Conchas-Valdez’s detention violates §1231, and he is entitled to immediate release from custody.

COUNT TWO

**VIOLATION OF THE DUE PROCESS CLAUSE
OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION**

36. Mr. Conchas-Valdez re-alleges and incorporates by reference each allegation contained above.

37. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty” that the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)).

38. Civil immigration detention violates due process if it is not reasonably related to its statutory purpose. *See id.* (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention: to mitigate the risk of flight and prevent danger to the community. *Demore v. Kim*, 538 U.S. 510 at 528 (2003).

39. Prolonged civil detention also violates due process unless it is accompanied by strong procedural protections to guard against the erroneous deprivation of liberty. *Zadvydas* at 690-91; *Foucha*, 504 U.S. at 81-83; *Kansas v. Hendricks*, 521 U.S. at 346, 364-69 (1997); *United States v. Salerno*, 481 U.S. 739, 750-752 (1987).

40. Mr. Conchas-Valdez’s prolonged civil detention, which has lasted for seven months after he was granted deferral of removal under CAT, and which is likely to continue indefinitely, is not reasonably related to the primary statutory purpose of ensuring his imminent removal.

41. To determine whether Mr. Conchas-Valdez’s ongoing detention remains justified, ICE is required to conduct post-order custody reviews pursuant to 8 C.F.R. § 241.4. Mr. Conchas

Valdez had not been provided paperwork or notification that ICE conducted such reviews or how ICE came to the decision that he should remain in custody. He has only been informed that “headquarters denied your release.” Under 8 C.F.R. §241.4(d), “a copy of any decision by the District Director, Director of the Detention and Removal Filed Office, or Executive Associate Commissioner to release or to detain an alien shall be provided to the detained alien. A decision to retain custody shall briefly set forth the reasons for the continued detention.” Mr. Conchas-Valdez has not been provided a copy of any decision setting forth the reasons why ICE has decided that he should remain in custody. Nor has he been served with any “notices, decisions, or other documents in connection with custody reviews” pursuant to 8 C.F.R. §241.4(d)(2) in accordance with 8 CFR §103.8.

42. Under DHS regulations, custody reviews are supposed to occur within 90 days, 180 days, and 18 months of confinement. 8 C.F.R. 241.4(k)(1)(i). Mr. Conchas-Valdez is entitled to certain rights with respect to this review, including the rights to receive written notice of the review, to submit information in writing to support release and to be assisted by any individual of his choosing in preparing or submitting information in response to the notice. *See id.* §241.4(h)(1)-(2). After the first review and decision to hold him in detention within 90 days of the judge’s decision, Mr. Conchas-Valdez should have received a second review after 180 days had passed. *See id.* §241.4(k)(2)(iii). Mr. Conchas-Valdez has not been provided notice of, nor been afforded the opportunity to participate in any custody reviews during the seventh months that he has been detained by ICE after the IJ granted deferral of removal.

43. Mr. Conchas-Valdez has likewise not been provided the opportunity to demonstrate that he is not a danger to the community or to the safety of other persons or a significant risk of flight pursuant to 8 C.F.R. §241.4 (d)(1).

44. The internal post-order custody reviews ICE conducted in Mr. Conchas-Valdez's case, if indeed they conducted such reviews, do not meet the minimum procedural safeguards required by due process to justify his continued detention. *See Diouf v. Napolitano*, 634 F.3d 1081, 1092 (9th Cir. 2011) (abrogated on other grounds by *Rodriguez Diaz v. Garland* 53 F.4th 1189 (9th Cir. 2022)).

45. The government's failure to provide Mr. Conchas-Valdez with the custody reviews required by regulations also violates *Mathews v. Eldridge*, 424 U.S. 319 (1976). In *Mathews*, the Supreme Court articulated a balancing test for deciding what procedures are required to comport with due process when there has been a deprivation of liberty. *Id.* at 334-35. The government must consider 1) the private interest affected; 2) the risk of erroneous deprivation of such interest; 3) the government's interest. *Id.* at 335. "The fundamental requirement of due process is the opportunity to be heard 'at a meaningful time and in a meaningful manner.'" *Id.* at 333. There is no indication that the government followed any of the legally required procedures to determine that Mr. Conchas-Valdez should remain in custody. Mr. Conchas-Valdez has not been afforded any right to be heard with respect to his continued detention. Thus, the government's failure to weigh the factors set forth in *Mathews* and afford Mr. Conchas-Valdez the opportunity to be heard constitutes violation of Procedural Due Process. *Id.* at 331.

46. Considering the foregoing, Mr. Conchas-Valdez's detention violates both substantive and procedural due process.

PRAYER FOR RELIEF

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

1. Assume jurisdiction over this matter.

2. Order that Mr. Conchas-Valdez shall not be transferred outside the Southern District of California.
3. Issue a writ of habeas corpus ordering Respondents to immediately release Mr. Conchas-Valdez from custody.
4. Issue an Order to Show Cause why this Petition should not be granted within three days and set a hearing on this Petition within five days of the return pursuant to 28 U.S.C. § 2243.
5. Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Mr. Conchas-Valdez.
6. Declare that Mr. Conchas-Valdez's detention violates the Immigration and Nationality Act.
7. Declare that Mr. Conchas-Valdez's detention violates the Due Process Clause of Fifth Amendment.
6. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412.
7. Grant such further relief as this Court deems just and proper.

Respectfully submitted,

Cassandra Lopez

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Pro Bono Counsel for Petitioner

Dated: September 19, 2025

**VERIFICATION BY ATTORNEY ACTING ON MR. CONCHAS-VALDEZ'S
BEHALF PURSUANT TO 28 U.S.C. §2242**

I am submitting this verification on behalf of Mr. Conchas-Valdez because I am his attorney. As Mr. Conchas-Valdez's attorney, I hereby verify that the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: September 19, 2025

By: /s/ Cassandra Lopez