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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION - RIVERSIDE**

IVAN VIDAL ZARATE

Petitioner,

v.

*Warden of ADELANTO DETENTION
FACILITY; Ernesto Santacruz Jr in his official
Capacity as Field Office Director of the
Immigration and Customs Enforcement,
Enforcement and Removal Operations
ADELANTO DETENTION FACILITY; KRISTI
NOEM, in her official capacity as Secretary of the
U.S. Department of Homeland Security; and PAM
BONDI, in her official capacity as Attorney
General of the United States,*

Respondents.

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. This petition for Writ of Habeas Corpus filed on behalf of Petitioner Ivan Vidal Zarate ("Petitioner") to remedy their unlawful detention.
2. Petitioner has lived in the United States from around the age of 7 years old. He is a dedicated student and was accepted and set to attend California Polytechnic State University for the 2025 fall semester, which began on August 21, 2025.

3. Petitioner is an unmarried 18-year-old who meets all the statutory criteria for Special Immigrant Juvenile Status (SIJS) under 8 U.S.C. § 1101(a)(27)(J) and is therefore eligible to apply for such relief. However, Petitioners' current detention impedes his ability to pursue this crucial form of relief. Additionally, Petitioner has a current case pending with the Ninth Circuit of the United States Court of Appeals.
4. On August 2, 2025, Petitioner was arrested by Immigration and Customs Enforcement (ICE) without reasonable suspicion in violation of the Fourth Amendment's safeguard against unreasonable seizures.
5. Petitioner asks this Court to find that Petitioner's detention is unlawful and issue a writ of habeas corpus for Petitioner to be immediately released from custody.

JURISDICTION

6. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*
7. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).
8. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

9. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(c)(3) and 28 U.S.C. § 1391(b)(2) and (e)(1) because Petitioner is detained within this district Adelanto Detention Facility in Adelanto, California, which is within the jurisdiction of this District.

10. Venue is proper in this District because a substantial part of the events or omissions giving rise to this action occurred and continue to occur Adelanto Detention Facility in Adelanto, California. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243

11. 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.* (emphasis added).
12. 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).

PARTIES

13. Petitioner was arrested by ICE officers on August 2, 2025, and was transferred to Adelanto Detention Center where he is currently detained. He is in custody, and under the direct control, of Respondents and their agents.
14. The acting Warden of Adelanto Detention Facility has immediate physical custody of Petitioner pursuant to the facility’s contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent is a legal custodian of Petitioner.
15. Respondent Ernesto Santacruz Jr is sued in his official capacity as the Acting Director of the

Los Angeles Field Office of U.S. Immigration and Customs Enforcement. Respondent

Santacruz is a legal custodian of Petitioner and has authority to release him.

16. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S.

Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible

for the implementation and enforcement of the Immigration and Nationality Act, and

oversees U.S. Immigration and Customs Enforcement, the component agency responsible for

Petitioner's detention and custody. Respondent Noem is a legal custodian of Petitioner.

17. Respondent Pam Bondi is sued in her official capacity as the Attorney General of the United

States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she

has the authority to adjudicate removal cases and to oversee the Executive Office for

Immigration Review (EOIR), which administers the immigration courts and the BIA.

Respondent Bondi is a legal custodian of Petitioner.

STATEMENT OF FACTS

18. Petitioner is a 18-year-old citizen of Mexico. [See Exhibit A: "Birth Certificate for Petitioner

Ivan Vidal Zarate"].

19. Petitioner has permanently resided in the United States since 2014. He has continuous

physical presence in the United and does not have a criminal background.

20. Petitioner has a current case pending with the Ninth Circuit of the United States Court of

Appeals. [See Exhibit C: "General Docket United States Court of Appeals for the Ninth

Circuit"].

21. Petitioner is eligible to apply for Special Juvenile Status as he meets all the statutory

requirements for this humanitarian form of relief. Petitioner's continued detention impedes

him from applying for this form of relief.

22. Petitioner is a recent graduate of Corona High School. [See Exhibit E: "Copies of Achievement Awards for Petitioner Ivan Vidal Zarate"]. Over his academic career he has received several awards for athletics, superior grades, and attendance among others. [Id.] He is regarded as an active member of his community by his peers and teachers. [See Exhibit D: "Copies of Letters of Support for Petitioner Ivan Vidal Zarate"].
23. Before he was detained and taken into ICE custody, Petitioner was accepted and set to attend Cal Polytechnic State University. [Id.] He intended to major in business while at this university. [Id.] Additionally, he recently ventured into creating his own cleaning business. [Id.]
24. On the morning of August 2, 2025, at 7am, Petitioners father, Teofilo Vidal Castillo was driving Petitioner, and Petitioner uncle, Delfino Reyes Castillo to work when Petitioner observed a white truck stopped on the street they turned into. [See Exhibit B: "Copy of Declaration for Petitioner Ivan Vidal Zarate"].
25. Petitioner observed that the white truck began to closely follow them. [Id.] The truck was intently following Petitioners vehicle and ignoring the road lines. [Id.]
26. After Petitioners vehicle made another left turn the white truck followed them until they hit a stop light. [Id.] After around a minute the white truck turned on their lights. Petitioners father pulled over after seeing the lights. [Id.] Once Petitioner's vehicle was pulled over four or more additional vehicles arrived and surrounded their vehicle. [Id.] All the vehicles were unmarked. [Id.]
27. The officers exited their vehicle and at least two officers came to the windows of petitioner's vehicles. [Id.]

28. Petitioner remembers the officers were wearing normal apparel with green vests; some wore sunglasses and hats. [Id.] Apart from one officer, all the officers wore masks to cover their faces. [Id.] Petitioner viewed the words ICE and ERO on the vests of the officers. [Id.]
29. The officers at Petitioner's vehicles windows asked if anyone in the car was named "Adan." [Id.] Petitioner and his father and uncle all told the officers that none of them were named Adan. [Id.] The officers then asked for identification from all the occupants of the vehicle. [Id.] At first petitioner believed he did not have his wallet with him, so he told the officers he did not have an identification card. [Id.]
30. The officers continuously insisted that Petitioner produce his Identification Card. [Id.] The officers were very close to Petitioner's face and not allowing him to speak. [Id.] Due to the repeated questioning Petitioner searched his belongings and was able to produce his Identification Card. [Id.] Petitioner contends that he presented the officer with his Identification Card because he was afraid. [Id.]
31. After the officers verified that Petitioner was in fact not "Adan" he immediately called Petitioner's name into his handheld radio to check for immigration status on the other line. [Id.] Petitioner asked for ID card back but was denied his request. [Id.]
32. Petitioner overheard another officer asking Petitioner's father for his Real ID. [Id.] Petitioner informed officers that the stop was merely a traffic stop and they do not need anything besides a license. [Id.]
33. The officer asked Petitioner if he was a U.S. citizen and Petitioner responded with "I am here." [Id.] After this response the officer told the petitioner to exit the vehicle, and he complied. Petitioner was handcuffed and placed in the officer's vehicle. [Id.]
34. At no time was Petitioner shown a warrant or informed as to why he was detained. [Id.]

35. Petitioner was separated from his father and uncle until they arrived in San Bernardino, California. [*Id.*]
36. When Petitioner arrived to San Bernardino unidentified officers took a picture of Petitioner standing next to another unidentified officer with his face to the wall. [*Id.*] When Petitioner asked what the photo was for the officer stated it was “for the gram” meaning Instagram. [*Id.*]
37. The same day, an unidentified officer at a computer asked Petitioner for his name. [*Id.*]
- Petitioner only spoke English for the entire interaction. [*Id.*] The officer told Petitioner “Con el nopal en la frente hablando ingles” which translates to “with a cactus on your face speaking English” a racial saying meant to disparage brown skinned Mexican people. [*See* Exhibit B: “Declaration of Petitioner Ivan Vidal Zarate” and Exhibit F: “Explanation of Phrase “Con el Nopal en la Frente”].
38. Petitioner has been detained by U.S. Immigration and Customs Enforcement (ICE) for over a month, with no end in sight. [*See* Exhibit B: “Copy of Declaration for Petitioner Ivan Vidal Zarate”].
39. ICE has not identified any exceptional circumstances warranting Petitioner’s continued detention under ICE policy. [*Id.*]

LEGAL FRAMEWORK

40. The Fourth Amendment protects “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” U.S. Const. amend. IV. It is a fundamental tenet of Fourth Amendment law that “a search or seizure of a person must be supported by probable cause particularized with respect to that person.” *Ybarra v. Illinois*, 444 U.S. 85, 91 (1979).

41. Furthermore, 8 C.F.R. § 287.8(b)(2) provides that for an immigration officer to lawfully detain a person they suspect to be in the country illegally they must have “a reasonable suspicion, based on specific articulable facts, that the person being questioned is, or is attempting to be, engaged in an offense against the United States or is an alien illegally in the United States.” The Court of Appeals for the Ninth Circuit has held that ICE agents that “carr[ied] out preplanned mass detentions, interrogations, and arrests [. . .], without individualized reasonable suspicion” violates 8 C.F.R. § 287.8(b)(2). *Perez Cruz v. Barr*, 926 F.3d 1128, 1133 (9th Cir. 2019). Most recently, on August 1, 2025, the Ninth Circuit upheld a temporary restraining order barring the federal government from conducting detentive stops for the purposes of immigration enforcement without first establishing individualized, reasonable suspicion that the person to be stopped is unlawfully in the United States. *Vasquez Perdomo v. Noem*, No. 25-4312, 2025 WL 2181709 (9th Cir. Aug. 1, 2025). Although, the Supreme Court has issued a temporary stay of the Ninth Circuit injunction, the court’s order in *Noem v. Vasquez Perdomo*, No. 25A169, 606 U.S. ____ (2025), reaffirms the constitutional requirement that immigration related stops must be based on individualized, reasonable suspicion of unlawful presence, and that reliance solely on race, language, or other proxies for national origin is insufficient under the Fourth Amendment. Longstanding precedent, including *United States v. Brignoni-Ponce*, 422 U.S. 873 (1975), remains controlling emphasizing that while ethnicity may be one factor among many, it cannot be the sole or primary justification for a stop.

42. The Due Process Clause requires that the deprivation of Petitioners’ liberty be narrowly tailored to serve a compelling government interest. See *Reno v. Flores*, 507 U.S. 292, 301–02 (1993) (holding that due process “forbids the government to infringe certain ‘fundamental’

liberty interests at all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest”). As the Supreme Court held in *Zadvydas*, indefinite detention, and detention without adequate procedural protections, would raise a “serious constitutional problem” and run afoul of the Due Process Clause. 533 U.S. at 690.

43. Section 1231 of Title 8 of the U.S. Code governs the detention and removal of noncitizens.

Section 1231(a)(2) authorizes a 90-day period of mandatory post-final-removal-order detention, during which ICE is supposed to effectuate removal. This 90-day period known as the “removal period” begins on the latest of one of the triggering conditions listed in Section 1231(a)(1)(B)(i)-(iii): (i) the entry of a final removal order; (ii) the final order from a circuit court reviewing the removal order, if the court ordered a stay of removal pending review, or (iii) “[i]f the [noncitizen] is confined (except under an immigration process), the date the [noncitizen] is released from detention or confinement.” Pursuant to 8 U.S.C. § 1231(a)(3), After the 90-day removal period ends, those individuals who are not removed within the 90-day removal period are no longer subject to mandatory detention, and should generally be released under conditions of supervision, such as periodic reporting and other reasonable restrictions. Under § 1231(a)(6), The government may continue to detain certain noncitizens beyond the 90-day removal period if they have been ordered removed on inadmissibility grounds after violating nonimmigrant status or conditions of entry, or on grounds stemming from criminal convictions, or security concerns or if they have been determined to be a danger to the community or a flight risk. If these groups of noncitizens are released, they are also subject to the supervision terms set forth in Section 1231(a)(3).

CLAIMS FOR RELIEF

COUNT ONE

Violation Of Immigration and Nationality Act, 8 U.S.C. § 1231(A)(6)

44. Petitioner realleges and incorporates by reference the paragraphs above.
45. 8 U.S.C. § 1231(a)(6), as interpreted by the Supreme Court in *Zadvydas*, authorizes detention only for “a period reasonably necessary to bring about the alien’s removal from the United States.” 533 U.S. at 689, 701.
46. Post-removal order detention for less than six months may still be unreasonable in unique circumstances like Petitioner’s where he can meet his burden of demonstrating that removal is not reasonably foreseeable. *Trinh v. Homan*, 466 F. Supp. 3d 1077, 1093 (C.D. Cal. 2020) (“*Zadvydas* established a ‘guide’ for approaching detention challenges, not a categorical prohibition on claims challenging detention less than six months.”)
47. Petitioner has been detained since August 2, 2025. [See Exhibit B: “Copy of Declaration for Petitioner Ivan Vidal Zarate”]. It is unlikely that removal will be reasonably foreseeable because Petitioner has a pending case with the Ninth Circuit. [See Exhibit C: “General Docket United States Court of Appeals for the Ninth Circuit”]. In addition, Petitioner is eligible for Special Juvenile Status case and may apply if he is released.
48. Petitioner has been repeatedly ridiculed and mocked for his race. [See Exhibit B: “Copy of Declaration for Petitioner Ivan Vidal Zarate”]. The officer’s blatant racism of Petitioner evidenced by the comment on the color of petitioner’s skin and the degrading act of taking a picture of Petitioner in handcuffs for Instagram, demonstrates a clear lack of professionalism, objectivity, and respect for due process. The discriminatory behavior raises serious doubts about whether ICE is acting in good faith to secure removal or evaluate Petitioners’ release. The officer’s blatant racism and unprofessional conduct are strong indicators that petitioner

may not be treated fairly or objectively within the detention system. When officers display such overt bias, it calls into question whether internal processes, such as custody reviews or prosecutorial discretion, are being fairly and accurately applied to Petitioner. If decisions about custody are being tainted by racism or humiliation rather than by lawful criteria, then the likelihood of release is materially affected, making it speculative at best and not clearly reasonably foreseeable under the law.

49. Continued detention therefore violates 8 U.S.C. § 1231(a)(6) as interpreted by the U.S. Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001).

COUNT TWO
Violation of Fourth Amendment Unreasonable Search and Seizure

50. The allegations in the above paragraphs are realleged and incorporated herein.

51. The Fourth Amendment protects “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” U.S. Const. amend. IV. Within the meaning of the Fourth Amendment a person has been “seized” only if, in view of all of the circumstances surrounding the incident, a reasonable person would have believed that he was not free to leave. *United States v. Mendenhall*, 446 U.S. 544 (1980). If the person to whom questions are put remains free to disregard the questions and walk away, there has been no intrusion upon that person's liberty or privacy as would require some particularized and objective justification. *Id.* It is a fundamental tenet of Fourth Amendment law that “a search or seizure of a person must be supported by probable cause particularized with respect to that person.” *Ybarra v. Illinois*, 444 U.S. 85, 91 (1979). In addition, 8 C.F.R. § 287.8(b)(2) provides that for an immigration officer to lawfully detain a person they suspect to be in the country illegally they must have “a reasonable suspicion, based on specific articulable facts,

that the person being questioned is, or is attempting to be, engaged in an offense against the United States or is an alien illegally in the United States.”

52. The agents’ actions constituted a non-consensual seizure under the Fourth Amendment. A reasonable person, questioned by officers dressed in official vests, arriving in unmarked vehicles, would not feel free to leave or refuse questioning.
53. The presence of multiple agents is a significant factor in determining that a reasonable person would not have felt free to leave. [See Exhibit B: “Copy of Declaration for Petitioner Ivan Vidal Zarate”]. The use of unmarked vehicles and agents lack of identifying insignia created conditions of intimidation and fear, effectively compelling Petitioner to remain at the location and submit to questioning. [Id.] As a consequence of these circumstances, Petitioner felt as if he was not free to leave and was therefore compelled to stay and provide information. [Id.] These conditions would make any reasonable person feel detained, regardless of whether they physically tried to flee.
54. In addition, Petitioner was detained without reasonable suspicion, in violation of the Fourth Amendment’s safeguard against unreasonable seizures.
55. The seizure was unsupported by reasonable suspicion, relying solely on racial appearance, which is impermissible under *Brigoni-Ponce*. ICE agents detained Petitioner without individualized, reasonable suspicion, instead relying on his appearance and name. [Id.]
56. Petitioner was merely a passenger in a vehicle. [Id.] Petitioner had no reason to believe he was breaking any law, nor was he given any reason for the stop. [Id.] Further, Petitioner was not given any indications of traffic violations. Petitioner was not given a specific or articulable reason for the stop by any law enforcement agent. [Id.] The officers’ lack of

articulable reasoning is a direct violation of constitutional protection against unreasonable searches and seizures. [*Id.*]

57. For these reasons, Petitioner's detention violates the Fourth Amendment, and he must be immediately released.

COUNT THREE
Violation of Fifth Amendment Due Process Clause

58. The allegations in the above paragraphs are realleged and incorporated herein.

59. 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)). Civil immigration detention violates due process if it is not reasonably related to its statutory purpose. See *id.* at 690 (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. *Id.*; *Demore v. Kim*, 538 U.S. 510, 514–15, 528 (2003).

60. First, Petitioner does not pose a danger to the community. He has no criminal history and has demonstrated strong law-abiding behavior in his community. Petitioner has been accepted and confirmed to attend Cal Polytechnic State University. [*See* Exhibit D: "Copies of Letters of Support for Petitioner Ivan Vidal Zarate"]. He is an admirable student with strong ties to his community. [*Id.*] His conduct and community involvement reflect a commitment to peaceful and productive living. [*Id.*]

61. Second, Petitioner does not pose a risk of flight. Petitioner has strong family and community ties in the United States. [*Id.*] Petitioner is a focused and determined student. [*Id.*] His priority would be to attend University once he is released, as he intended before he was detained. [*Id.*] Petitioner worked hard to be accepted into this competitive school and his dreams to attend would not end due to this detention. Petitioner has created a network of supportive members of his community who wish to see him released and back in their community. [*Id.*] These strong family and community ties show his responsibility to deter flight. In addition, these strong ties with his community show that he would continue to comply with any condition of release.
62. In addition, because Petitioner is currently in immigration detention, he is unable to effectively apply for SIJS. SIJS provides a pathway for permanent residency for undocumented children under the age of 21 in the U.S. who have been abused, neglected or abandoned by one or both parents. [*See* Exhibit G: “ILRC “What is SIJS” Community Resource”]. Continued detention infringes on Petitioner’s right to access immigration relief for which he qualifies. Additionally, ongoing detention may cause irreparable harm, such as the risk that Petitioner ages out of his window to apply for this relief. Therefore, habeas relief is warranted to facilitate his prompt release and ensure access to the SIJS process.
63. For these reasons, Petitioner’s continued detention violates the Due Process Clause of the Fifth Amendment, and he must be immediately released.

COUNT FOUR


64. If he prevails, Petitioner requests attorney’s fees and costs in the amount of \$5,000 under the Equal Access to Justice Act (“EAJA”), as amended, 28 U.S.C. § 2412

PRAYER FOR RELIEF

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

- (1) Assume jurisdiction over this matter.
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- (3) Declare that Petitioners' detention violates the Immigration and Nationality Act, Due Process Clause of the Fourth Amendment, Due Process Clause of the Fifth Amendment.
- (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately.
- (5) Enjoin Respondents from further unlawfully detaining Petitioners.
- (6) Grant a writ of habeas corpus ordering Respondents to immediately release Petitioners from custody.
- (7) In the alternative, grant a writ of habeas corpus ordering Respondents to immediately release Petitioners from custody under reasonable conditions of supervision.
- (8) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law and
- (9) Grant any further relief this Court deems just and proper.

Respectfully submitted,

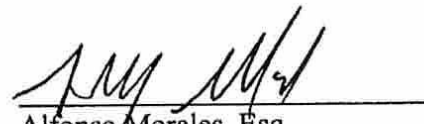

Alfonso Morales, Esq.
Attorney for Ivan Vidal Zarate

Dated: September 23, 2025

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Ivan Vidal Zarate, and submit this verification on his behalf. I 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 23 day of September, 2025.



Alfonso Morales, Esq.
Attorney for Ivan Vidal Zarate