

**Alfonso Morales, State Bar No. 235314**  
LAW OFFICE OF ALFONSO MORALES, ESQ.  
8131 Rosecrans Ave., Ste. 200  
Paramount, CA 90723  
Telephone: (310) 669-8700

Attorney for Petitioner

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

DIEGO JACINTO BRAVO )  
 )  
Petitioner, ) PETITION FOR WRIT OF  
v. ) HABEAS CORPUS  
 )  
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. )

**INTRODUCTION**

1. This petition for Writ of Habeas Corpus filed on behalf of Petitioner Diego Jacinto Bravo ("Petitioner") to remedy their unlawful detention.
2. Petitioner is a native of Mexico, born on [REDACTED] in Teopantlan, Puebla, Mexico.

He first entered the United States on or around 1994 and was given voluntary departure in 1997. Petitioner returned on or around 2001 and has not left the United States since then.

3. On or around June 6, 2025, Petitioner was detained at his place of employment, Ambiance Apparel in Los Angeles, California by Immigration and Customs Enforcement (ICE) without reasonable suspicion in violation of the Fourth Amendment's safeguard against unreasonable seizures. He is currently detained at the Adelanto Detention Facility and is seeking immediate release.
4. Petitioner is eligible to submit 42B Cancellation of Removal Application with the Executive Office for Immigration Review (EOIR) under INA § 240A(b)(1) and will be seeking this form of relief.
5. Petitioner has exhausted all other avenues for relief including a denial of his Motion to Suppress, Motion for Bond, and Motion to Reconsider Bond / Custody Redetermination Proceedings all filed with EOIR.
6. 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**

7. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*
8. 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).
9. 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**

10. 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.
11. 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**

12. 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).
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).

**PARTIES**

14. Petitioner was arrested by ICE officers on or around June 6, 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.
15. 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.

16. 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.

17. 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.

18. 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**

19. Petitioner is a 47-year-old citizen of Mexico. [See Exhibit A: "Birth Certificate for Petitioner Diego Jacinto Bravo"].

20. Petitioner first entered the United States on or around 1994 and was given voluntary departure in 1997. Petitioner returned on or around 2001 and has not left the United States since then.

21. Although Petitioner has an arrest record, he does not have any criminal convictions. On or around 2010, Petitioner was arrested for a DUI in East Los Angeles. The Petitioner was also arrested for an alleged incident involving domestic violence, it is important to note that no charges were ever filed in either case.
22. On the morning of or around June 26, 2025, Petitioner was detained by ICE at his place of employment, Ambience Apparel, in Los Angeles, California. [See Exhibit B: "Declaration for Diego Jacinto Bravo"].
23. Petitioner was in the restroom of his workplace when someone knocked on the restroom door. [Id.] Petitioner was detained by masked officers as soon as he exited the restroom. [Id.]
24. Petitioner was then taken to a conference room where they were holding around 18-20 of his coworkers, all of whom were Hispanic or Korean. [Id.]
25. At no time during Petitioners' arrest was he given any explanation of his arrests nor was he shown any warrant for his arrest. [Id.] The officers did not identify themselves to Petitioner at any time. [Id.]
26. Petitioner has exhausted and been denied all other avenues of relief. He has been denied relief on a Motion to Suppress, Motion for Bond, and Motion to Reconsider Bond / Custody Redetermination Proceedings all filed with EOIR. [See Exhibit C: "EOIR Court Orders"].
27. Petitioner qualifies for relief of 42B Cancellation of Removal under INA § 240A(b)(1). To qualify for 42B a person must be in removal proceedings, must have been physically present in the United States continuously for at least ten years, have good moral character for ten years, and show that deportation would cause exceptional and extremely unusual hardship to LPR or U.S. citizen spouse, children or parent. [See Exhibit D: "ILRC Non-LPR Cancellation of Removal Practice Advisory"].

28. Petitioner is in the process of submitting this application for relief with EOIR. Petitioner has four U.S. Citizen children, Erik Jacinto born on [REDACTED] 1999, D[REDACTED] J[REDACTED] born on [REDACTED] A[REDACTED] J[REDACTED] born on [REDACTED] and B[REDACTED] J[REDACTED] born on [REDACTED] [See Exhibit E: "Birth Certificates for Diego Jacinto Bravo's Children"] Additionally, he has been present continuously in the U.S since 2001. Petitioner must be given an opportunity to have his 42B Cancellation of Removal case heard and decided by EOIR.

29. Petitioner was taken to Adelanto Processing Center where he remains in custody.

30. ICE has not identified any exceptional circumstances warranting Petitioner's continued detention under ICE policy. [Id.]

#### LEGAL FRAMEWORK

31. 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).

32. 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 Ninths 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.

33. 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.

34. 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)**

35. Petitioner realleges and incorporates by reference the paragraphs above.
36. 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.
37. 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.”)

38. Petitioner has been detained since on or around June 6, 2025. [See Exhibit B: “Declaration for Petitioner Diego Jacinto Bravo”]. It is unlikely that removal will be reasonably foreseeable because Petitioner is eligible for relief under 42B Cancellation of Removal with EOIR. Petitioner has four U.S. children that he cares for. [See Exhibit E: “Birth Certificates for Diego Jacinto Bravo’s Children”] Petitioner has also been living continuously in the U.S. for over ten years.
39. Petitioner has been denied repeated requests for bond despite being held in detention for over three months, making it unlikely that Petitioner’s release is reasonably foreseeable. [See Exhibit C: “EOIR Court Orders”]. This prolonged and indefinite detention without a clear timeline for release along with his eligibility for relief under 42B makes removal not reasonably foreseeable.
40. 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**

41. The allegations in the above paragraphs are realleged and incorporated herein.
42. 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."

43. The agents' actions constituted a non-consensual seizure under the Fourth Amendment. A reasonable person, questioned by officers shielded by masks, would not feel free to leave or refuse questioning.
44. 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: "Declaration for Diego Jacinto Bravo"]. The agents lack of identification and hidden facial features 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.] Petitioners statements to officers were compelled by fear, intimidation and coercive tactics from ICE. [Id.] These conditions would make any reasonable person feel detained, regardless of whether they physically tried to flee.
45. In addition, Petitioner was detained without reasonable suspicion, in violation of the Fourth Amendment's safeguard against unreasonable seizures. Petitioner was detained during the

immigration raids conducted by ICE which targeted worksites including restaurants, hardware stores, and carwashes, among others, and led to the indiscriminate arrest of Petitioner and more like him. [Id.]

46. The seizure was unsupported by reasonable suspicion, relying solely on racial appearance, which is impermissible under *Brigoni-Ponce*. The ICE agents detained a group of Latino and Korean people in a targeted location, Ambiance Apparel. [Id.] Petitioner was the victim of a targeted and militarized ICE raid in which “Officials in tactical gear and helmets were seen walking down the streets of the Fashion District as armored trucks followed them.” [See Exhibit F: “NBC Los Angeles Article”]. ICE agents approached and detained Petitioner without individualized, reasonable suspicion, instead relying on his appearance and where he was located. [See Exhibit B: “Declaration for Diego Jacinto Bravo”].
47. Petitioner was apprehended and questioned by several officers as he exited the restroom. When Petitioner was detained, he was not given a specific or articulable reason for the seizure 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.]
48. 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**

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

51. First, Petitioner does not pose a danger to the community. Although Petitioner has an arrest record, he does not have any criminal convictions. On or around 2010, Petitioner was arrested for a DUI in East Los Angeles. The respondent was also arrested for an alleged incident involving domestic violence. It is important to note that no charges were ever filed in either case. The arrest alone does not equate to guilt, and the lack of prosecution suggests insufficient evidence or credibility concerns regarding the allegations. Therefore, these incidents should not weigh heavily against Petitioner. His current conduct and community involvement reflect a commitment to peaceful and productive living.
52. Petitioner is dedicated to supporting his four children and his extended family. Melissa Quito, Petitioner's niece, states that Petitioner is a kind, humble, and hardworking man who has supported us in many ways... he has helped care for young relatives, supported family members during hard time, and shown great responsibility in everything he does." [See Exhibit G: "Letters of Support for Petitioner Diego Jacinto Bravo"]. In addition, Petitioner is regard as an accountable person by his coworkers. Min Hur, shipping manager at Ambiance Apparel states that petitioner, "has a deep sense of accountability ... he would take responsibility and reflect on how he could have done better. [*Id.*] Furthermore, Petitioner does not pose a danger to his community because he has proven to be a valuable and

contributing member of his community. Hur recalls that Petitioner went out to help him when Hur had a tire blown out on the road on a rainy evening. [Id.] Petitioner stayed with Hur for over two hours while a new tire was delivered without a single complaint. [Id.] Therefore, Petitioner does not pose a risk to his community.

53. Second, Petitioner does not pose a risk of flight. Petitioner has strong family and community ties in the United States. [Id.] Petitioner has four children whom he cares for both physically and financially. [Id.] Petitioner has created a network of supportive members of his community who wish to see him released and back in their community. [Id.] Additionally, Petitioner will be seeking relief under 42B Cancellation of Removal. Petitioner has no reason to abscond as he pursues this form of relief.

54. 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.

55. For these reasons, Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment, and he must be immediately released.

#### **COUNT FOUR**

56. 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,



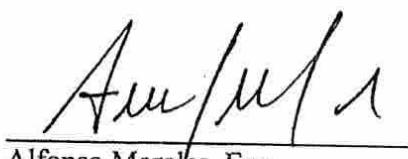
Alfonso Morales, Esq.  
Attorney for Diego Jacinto Bravo

Dated: September 24, 2025

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

I represent Petitioner, Diego Jacinto Bravo, 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 24 day of September, 2025.



Alfonso Morales, Esq.  
Attorney for Diego Jacinto Bravo