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UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

Jhonger Andrey Caicedo Garcia;

Petitioner,

v.

KRISTI NOEM, SECRETARY,  
DEPARTMENT OF HOMELAND  
SECURITY; PAM BONDI, ATTORNEY  
GENERAL; IMMIGRATION AND  
CUSTOMS ENFORCEMENT; TODD  
LYONS, ACTING DIRECTOR,  
IMMIGRATION AND CUSTOMS  
ENFORCEMENT; ERNESTO  
SANTACRUZ JR., LOS ANGELES FIELD  
OFFICE DIRECTOR, IMMIGRATION  
AND CUSTOMS ENFORCEMENT

## Respondents.

Civil Case No.:

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

1 **INTRODUCTION**

2 1. Petitioner was detained in Los Angeles, California on September 26, 2025 for  
3 civil immigration violations and is currently being held at the B-18 processing office in  
4 downtown Los Angeles.

5 2. He was detained without reasonable suspicion, without an arrest warrant, and  
6 in violation of the immigration regulations and due process.

7 3. Petitioner faces transfer outside of this judicial district and away from his  
8 family and legal representation. He also faces imminent removal from the United States.

9 4. Petitioner seeks an order from this Court that he be released from custody,  
10 and, in the interim, an order from the Court that he not be removed from this judicial district  
11 or removed from the United States, pending disposition of his petition for writ of habeas  
12 corpus.

13 **JURISDICTION AND VENUE**

14 5. This Court has jurisdiction under 28 U.S.C. § 2241 (federal habeas statute);  
15 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 2201-2 (declaratory judgment); United  
16 States Constitution Article I, Section 9 (Suspension Clause).

17 6. Venue properly lies within the Central District of California under 28 U.S.C.  
18 § 1391, because this is a civil action in which Respondents are agencies of the United  
19 States, Petitioner is detained in this district, and because a substantial part of the events or  
20 omissions giving rise to this action occurred in the District.

21 **PARTIES**

22 7. Petitioner resides in Los Angeles, California and is currently detained at the  
23 Los Angeles downtown federal building in the basement, Room B-18.

24 8. Respondent Kristi Noem is the Secretary of the Department of Homeland  
25 Security (“DHS”) and is sued in her official capacity. The Secretary of Homeland Security  
26 is charged with the administration and enforcement of immigration laws. 8 U.S.C. §  
27 1103(a).

9. Respondent Pam Bondi is the Attorney General of the United States and is sued in her official capacity as the head of the Department of Justice. The Attorney General is responsible for the fair administration of the laws of the United States.

10. Respondent Immigration and Customs Enforcement is the agency responsible for the detention of noncitizens, and the transfer or removal of Petitioner outside of this judicial district.

11. Respondent Todd Lyons is the Acting Director of ICE, and is sued in his official capacity. Respondent Lyons leads ICE, which is the agency responsible for the detention of noncitizens, and the transfer or removal of Petitioner outside of this judicial district.

12. Respondent Ernesto Santacruz Jr. is the Los Angeles Field Office Director of ICE, and is sued in his official capacity. Respondent Santacruz is responsible for the detention of noncitizens in the Los Angeles district, and for any transfer or removal of Petitioner outside of this judicial district.

## FACTS

13. Petitioner was detained by immigration enforcement officers in Los Angeles, California, on September 26, 2025.

14. He was walking home after dropping off his 8-year-old daughter at her elementary school when agents dressed in dark green vests approached him.

15. The agents did not identify themselves.

16. Petitioner was not free to leave the area.

17. Petitioner was very scared and worried for his daughter. Agents handcuffed him and made him get in an unmarked car parked nearby.

18. Respondents did not have reasonable suspicion that Petitioner was in the United States unlawfully.

19. Respondents did not have probable cause for Petitioner's arrest.

20. Respondents did not have a warrant for Petitioner's arrest.

21. Respondents did not make an individualized finding of flight risk.

1           22. Respondents did not consult with the Office of the Principal Legal Advisor  
2 prior to arresting Petitioner.

3           23. Respondents did not inform Petition of the basis for his arrest.

4           24. Petitioner was placed in the agents' vehicle, driven around for some time,  
5 and eventually transported to the federal building at 300 North Los Angeles St. where he  
6 has been held in the basement, room B-18, since.

7           25. Petitioner is being processed for removal from the United States.

8           26. Petitioner has a claim for asylum.

9           27. Petitioner has representation in his asylum claim,. His counsel is located in  
10 Los Angeles, California.

11           28. Petitioner's family lives in Los Angeles, California, including his 8-year-old  
12 daughter, for whom he is the primary supporter.

13           29. Petitioner faces imminent transfer outside of this judicial district and removal from  
14 the United States.

15           **CAUSES OF ACTION**

16           **COUNT ONE**

17           **Violation of 8 U.S.C. § 1357(a)(2):**

18           ***Warrantless Arrests Without Probable Cause of Flight Risk***

19           30. Petitioner repeats, re-alleges, and incorporates by reference each and every  
20 allegation in the preceding paragraphs as if fully set forth herein.

21           31. Respondents ICE arrested Petitioner without probable cause and without a  
22 warrant. Before the arrest, Respondents failed to make an individualized finding of flight  
23 risk. The failure to meet these requirements is a violation of 8 U.S.C. § 1357(a)(2).

24

25           **COUNT TWO**

26           **Violation of 8 C.F.R. § 287.8(c)(2)(ii):**

27           ***Warrantless Arrests Without Probable Cause of Flight Risk***

32. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

33. Respondent ICE arrested Petitioner without a warrant and without “reason to believe” that he was “likely to escape before a warrant can be obtained” in violation of 8 C.F.R. § 287.8(c)(2)(ii). The reason to believe standard meets the probable cause standard of the Fourth Amendment. *Perez Cruz v. Barr*, 926 F.3d 1128, 1137 (9th Cir. 2019).

34. Arrest in violation of the regulation is unlawful. *See Sanchez v. Sessions*, 904 F.3d 643, 650 (9th Cir. 2018); *Perez Cruz v. Barr*, 926 F.3d 1128, 1137 (9th Cir. 2019).

### **COUNT THREE**

### ***Fourth Amendment: Arrests Without Probable Cause***

35. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

36. The Fourth Amendment prohibits Respondents from arresting an individual for an immigration violation without probable cause.

37. Respondents ICE arrested Petitioner without probable cause that he was a noncitizen unlawfully in the United States.

## **COUNT FOUR**

*(Failure to Identify Officers and Basis for Arrest in Violation of 8 C.F.R. § 287.8(c)(3))*

38. Petitioner incorporates the allegations in the paragraphs above as though fully set forth here.

39. The regulations require arresting officers identify themselves as “an immigration officer who is authorized to execute an arrest” and “state that the person is under arrest and the reason for the arrest.” 8 C.F.R. § 287.8(c)(3).

1           40. Respondent ICE failed to identify themselves at the time of arrest and failed  
2 to inform Petitioner of the reasons for his arrest.

3

4           **COUNT FIVE**

5           *(Violation of Due Process)*

6           41. Petitioner incorporates the allegations in the paragraphs above as though  
7 fully set forth here.

8           42. The government may not deprive a person of life, liberty, or property  
9 without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from  
10 government custody, detention, or other forms of physical restraint—lies at the heart of  
11 the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct.  
12 2491, 150 L.Ed.2d 653 (2001).

13           43. The government’s detention of Petitioner violates her right to due process  
14 because he has been detained without lawful authority, infringing on his fundamental  
15 right to liberty.

16

17

18           **PRAYER FOR RELIEF**

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

20           (1) Assume jurisdiction over this matter;

21           (2) Declare that Petitioner is detained in violation of law;

22           (3) Enjoin Respondents from transferring Petitioner outside of this judicial  
23 district during the pendency of removal proceedings;

24           (4) Enjoin Respondents from removing Petitioner from the United States without  
25 the procedures for removal identified in the Immigration and Nationality Act;

26           (5) Order the immediate release of Petitioner pending these proceedings;

27           (6) Award costs and reasonable attorney fees incurred under this action under 28  
28 U.S.C. § 2412, et. seq. (Equal Access to Justice Act); and

1 (7) Grant any further relief that this Court may deem fit and proper.  
2  
3

4 Dated: September 26, 2025  
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6

7 Respectfully Submitted,  
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9

10 /s/ Rebecca Brown  
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