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8 Counsel for Petitioner

9 **UNITED STATES DISTRICT COURT FOR THE**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 Mauricio LEON,

12 Plaintiff,

13 v.

14 Kristi NOEM, Secretary, Department of
15 Homeland Security; Todd LYONS, in his
16 official capacity as Acting Director of U.S.
17 Immigration and Customs Enforcement; Pam
18 BONDI, Attorney General of the United
19 States; Ernesto SANTACRUZ Jr., Acting
20 Director, Los Angeles ICE Field Office; and
21 Fereti SEMAIA, Warden, Adelanto ICE
Processing Center.

Respondents.

No.

**Petition for Writ of Habeas
Corpus**

Immigration Case

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INTRODUCTION

1. Petitioner is a native of Mexico who is in lawful deferred action status. He is also deaf and nonverbal.

2. Petitioner was arrested by immigration authorities on September 12, 2025 while he was working at a car wash in El Monte, California. He was grabbed by immigration officers and attempted to gesture to his pocket where he kept his work permit, but was unable to speak.

3. He was handcuffed and taken in an unmarked vehicle and taken into immigration custody.

4. He is being held at the Adelanto detention center and has not been placed into removal proceedings, as he is not subject to removal.

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JURISDICTION AND VENUE

5. This Court has jurisdiction over the present action based on 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1331 (Federal Question), 28 U.S.C. § 1346(b) (Federal Defendant), and 28 U.S.C. § 1361 (Mandamus Act).

6. Venue is properly with this Court pursuant to 28 U.S.C. § 1391(e)(1) because this is a civil action in which Defendants are employees or officers of the United States, acting in their official capacity; and a substantial part of the events or omissions giving rise to the claim occurred within the Central District of California, and there is no real property involved in this action.

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PARTIES

7. Petitioner is a native of Mexico who has deferred action status. He is currently detained at the Adelanto immigration detention center.

8. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the

1 Immigration and Nationality Act and oversees ICE, which is responsible for
2 Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner.
3 She is sued in her official capacity.

4 9. Respondent Todd Lyons is the Acting Director of ICE and has authority
5 over the operations of ICE. In that capacity and through his agents, Respondent
6 Lyons has broad authority over the operation and enforcement of the immigration
7 laws. Respondent Lyons is sued in his official capacity.

8 10. Respondent Pam Bondi is the Attorney General of the United States. She
9 is responsible for the Department of Justice and is sued in her official capacity.

10 11. Respondent Ernesto Santacruz Jr. is the Acting Director of the Los
11 Angeles Field Office of ICE's Enforcement and Removal Operations division. As
12 such, he is the custodian of all persons held at the ICE facilities in the Los Angeles
13 Field Office. He is Petitioner's immediate custodian and is responsible for his
14 detention. He is sued in his official capacity.

15 12. Respondent Fereti Semaia is the Warden of the of the Adelanto ICE
16 Processing Center, Adelanto, California, where Petitioner is detained. He has
17 immediate physical custody of Petitioner and is sued in his official capacity.

18 **FACTUAL ALLEGATIONS**

19 13. Petitioner was born in Mexico and resides in Southern California with this
20 family, including his United States citizen daughter.

21 14. Petitioner is deaf and nonverbal.

15. Petitioner was granted deferred action status on April 11, 2025, based on a
pending application for a U Visa, a benefit for victims of crimes.¹

16. His deferred action status is confirmed based on the issuance of an

¹ <https://www.uscis.gov/records/electronic-reading-room/national-engagement-u-visa-and-bona-fide-determination-process-frequently-asked-questions>

1 Employment Authorization Document (EAD) which is valid from April 11, 2025
2 until April 10, 2029.

3 17. On September 12, 2025, Petitioner was working at a car wash in El
4 Monte, California. He was wearing his work clothes and had just finished cleaning
5 a car when suddenly someone grabbed him aggressively by the arm. He looked up
6 and realized it was an immigration agent. He saw several unmarked vehicles parked
7 around where he and other workers were, that had not been there moments earlier.
8 They were blocking the entrance and exit. He also saw several other agents in the
9 immediate area around him, grabbing his coworkers.

10 18. Petitioner was grabbed by an agent and Petitioner attempted to
11 communicate that he was deaf. The agent kept pulling at him. Petitioner attempted
12 to gesture to his pocket, where he keeps his work permit, but the agent said "no"
13 and handcuffed him.

14 19. At no point did Petitioner attempt to run or hide.

15 20. He was quickly placed into one of the unmarked vehicles and driven away
16 while handcuffed. The entire interaction took a couple minutes.

17 21. Petitioner was taken to the Adelanto detention center and is being held
18 there.

19 22. At Adelanto, Petitioner is being held in a room by himself within the
20 medical unit.

21 23. In the two weeks he had been at Adelanto he had not been brought to
commissary, to recreation, or allowed to go outdoors. Petitioner passes the time by
pacing in his room and drawing pictures until his hands hurt.

24. Petitioner is unable to communicate with the staff and had not been
provided with a sign language interpreter.

CAUSES OF ACTION

COUNT ONE

***Violation of Fourth Amendment and 8 C.F.R. § 287.8(b)(2):
Unlawful Detention Without Reasonable Suspicion***

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

26. Respondents detained Petitioner without reasonable suspicion.

27. Respondents impermissibly relied on Petitioner's race, language, presence at Home Depot, and their work as a basis for detention.

28. Respondents' detention of Petitioner violated the Fourth Amendment and the regulations at 8 C.F.R. § 287.8(b)(2).

COUNT TWO

***Violation of Fourth Amendment and 8 C.F.R. § 287.8(c)(2):
Unlawful Arrest Without Probable Cause***

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

30. Respondents arrested Petitioner without probable cause.

31. Respondents impermissibly relied on Petitioner's race, language, presence at Home Depot, and their work as a basis for arrest.

32. Respondents' arrest of Petitioner violated the Fourth Amendment and the regulations at 8 C.F.R. § 287.8(c)(2).

COUNT THREE

***Violation of 8 U.S.C. § 1357(a)(2):
Warrantless Arrests Without Probable Cause of Flight Risk***

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

34. Respondents arrested Petitioner without probable cause and without a warrant. Before the arrest, Respondent failed to make an individualized finding of

1 flight risk. The failure to meet these requirements is a violation of 8 U.S.C. §
2 1357(a)(2).

3 **COUNT FOUR**

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

5 ***Warrantless Arrests Without Reason to Believe of Flight Risk***

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

8 36. Respondents arrested Petitioner without a warrant and without “reason to
9 believe” that he was “likely to escape before a warrant can be obtained” in violation
10 of 8 C.F.R. § 287.8(c)(2)(ii).

11 37. Arrest in violation of the regulation is unlawful. *See Sanchez v. Sessions*,
12 904 F.3d 643, 650 (9th Cir. 2018); *Perez Cruz v. Barr*, 926 F.3d 1128, 1137 (9th
13 Cir. 2019).

14 **COUNT FIVE**

15 ***Violation of Due Process in Detaining Petitioner Who is in Lawful Status***

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

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

40. Petitioner has a fundamental interest in liberty and being free from official
restraint.

41. Petitioner has deferred action and cannot be removed from the United
States.

42. The ongoing detention of Petitioner when he is not subject to removal violates his right to due process. *Ayala v. Bondi*, No. 2:25-CV-01063-JNW-TLF, 2025 WL 2209708, at *4 (W.D. Wash. Aug. 4, 2025)

COUNT SIX

Violation of Section 504 of the Rehabilitation Act

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

44. Section 504 of the Rehabilitation Act, 29 U.S.C. § 794, states in relevant part that “[n]o otherwise qualified individual with a disability ... shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” 29 U.S.C. § 794(a).

45. A plaintiff bringing a section 504 claim thus “must show that ‘(1) he is an individual with a disability; (2) he is otherwise qualified to receive the benefit; (3) he was denied the benefits of the program solely by reason of his disability; and (4) the program receives federal financial assistance.’ ” *Updike v. Multnomah County*, 870 F.3d 939, 949 (9th Cir. 2017) (quoting *Duvall v. County of Kitsap*, 260 F.3d 1124, 1135 (9th Cir. 2001)).

46. Respondents include executive agencies that are covered by Section 504 because of their responsibility for immigration detention.

47. Petitioner's isolation in detention is a violation of Section 504 of the Rehabilitation Act.

48. The failure to provide an interpreter to Petitioner who is able to communicate with him is a violation of Section 504 of the Rehabilitation Act.

PRAYER FOR RELIEF

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

- (1) Assume jurisdiction over this matter;
- (2) Declare that Petitioner's detention is unlawful;
- (3) Order Petitioner's immediate release from immigration custody;
- (4) Award reasonable costs and attorneys' fees; and
- (5) Grant such further relief as the Court deems just and proper.

Dated: September 30, 2025

Respectfully submitted,

By: /s/ Stacy Tolchin

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