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9 ATTORNEYS FOR PETITIONER

10 UNITED STATES DISTRICT COURT
11 FOR THE DISTRICT OF ARIZONA

12 Silvia Elizabeth Colman-Randas

13 Petitioner

14 VS

15 John Cantu, Immigrations and Customs
16 Enforcement Phoenix Field Office Director,
17 Todd Lyons, Acting Director of
18 Immigrations and Customs Enforcement;
19 Kristi Noem ,U.S. Department of Homeland
20 Security Secretary Kristi Noem; David R.
21 Rivas, Warden of the San Luis Regional
22 Detention Center and DOES 1-5,

23 Defendants-Respondents

Case No.:

**VERIFIED PETITION FOR
WRITS OF HABEAS CORPUS
AND IMMEDIATE RELEASE
FROM ICE CUSTODY AND
COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF AND
REQUEST FOR TEMPORARY
RESTRAINING ORDER**

24 INTRODUCTION

25 1. This case challenges the unlawful and punitive detention of Ms. Silvia Elizabeth
26 Colman-Randas (hereinafter "Petitioner" or "Ms. Colman-Randas"), who is currently

27
28 VERIFIED PETITION FOR WRITS OF HABEAS CORPUS AND IMMEDIATE RELEASE FROM ICE
CUSTODY AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND REQUEST FOR
TEMPORARY RESTRAINING ORDER - 1

1 in the custody of Immigration and Customs Enforcement (“ICE”) at San Luis Regional
2 Detention Center, in San Luis, Arizona. Petitioner is neither a flight risk nor a danger
3 to the community. But on or about 15 May 2025 ICE detained her without notice or
4 opportunity to be heard, on the decision of an individual without authority to do so,
5 without findings required by law, and in violation of agency rules and published
6 regulations.
7

8 2. Unless the Court orders her immediate release, Petitioners will continue to be
9 subjected to unlawful and punitive detention and denial of needed medical care.

10 3. Plaintiff -Petitioner, also challenge the Government’s practice of refusing to
11 accord reasonable accommodation or modification of policies and practices in
12 violation of the Rehabilitation Act.

13 4. Plaintiff-Petitioner further challenge the legality of 8 C.F.R. §241.4(l) and
14 Respondents’ uniform policy and practice of subjecting noncitizens to arrests,
15 detention, and removal without providing due notice of condition of release violation,
16 an opportunity to be heard and provide explanation prior to deprivation of liberty.
17

18 5. Plaintiffs-Petitioners are not challenging or seeking judicial review of any
19 outstanding order of removal, the way their removal proceedings were or are
20 conducted, or the denial of immigration relief by the EOIR.
21

22 6. Through their uniform practices Respondents violate the rights of Petitioner
23 under the due process and equal protection guarantees of the U.S. Constitution, the
24 INA and its regulations, the Administrative Procedure Act, and the Rehabilitation Act.
25

26 JURISDICTION AND VENUE

27
28 VERIFIED PETITION FOR WRITS OF HABEAS CORPUS AND IMMEDIATE RELEASE FROM ICE
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1 7. This action arises under the Constitution of the United States; the Immigration
2 and Nationality Act, 8 U.S.C. § 1101 et seq., as amended by the Illegal Immigration
3 Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), Pub. L. No. 104-208,
4 110 Stat. 1570 [hereinafter ‘INA’]; the Rehabilitation Act, 29 U.S.C. § 701 et seq.;
5 and the Administrative Procedure Act, 5 U.S.C. §§ 701 *et seq* [hereinafter “APA”].

6 8. This Court has further jurisdiction under 28 U.S.C. § 2241, 2243, art. I § 9,
7 cl. 2 of the United States Constitution (“Suspension Clause”), and 28 U.S.C. §
8 1331, as Petitioner is presently in custody under color of the authority of the
9 United States, and such custody is in violation of the Constitution, laws, or treaties
10 of the United States.
11

12 9. This Court also may grant relief pursuant to 28 U.S.C. § 2241, 5 U.S.C. §
13 702, and the All Writs Act, 28 U.S.C. § 1651.
14

15 10. This court has further remedial authority pursuant to the Declaratory
16 Judgment Act, 28 U.S.C. § 2201 et seq..
17

18 11. The use of the Writ of Habeas Corpus to challenge detention by ICE is not
19 foreclosed by the REAL ID Act. The REAL ID Act of 2005, Pub. L. 109-13, 119
20 Stat. 231 (May 11, 2005), Title I, Section 106(c), amending INA §§ 242(a)(2)(A),
21 (B), (C) and § 242(g), only deprives the district court of habeas jurisdiction to
22 review orders of removal, not challenges to detention or the denial of constitutional
23 rights. *See INS v. St. Cyr*, 533 U.S. 289, 364-65 (2001) (“The writ of habeas corpus
24 has always been available to review the legality of executive detention.”).
25
26
27

1 12. This Court has the ability to enjoin federal officials pursuant to *Ex Parte*
2 *Young*, 209 U.S. 123 (1908). *See Philadelphia Co. v. Stimson*, 223 U.S. 605, 619–
3 21 (1912) (applying *Ex Parte Young* to federal official); *Goltra v. Weeks*, 271 U.S.
4 536, 545 (1926) (same).

5
6 13. Plaintiff-Petitioner has exhausted all administrative remedies to the extent
7 available and required by law.

8 14. Venue properly lies within this District, because each named Defendant-
9 Respondent is present in this district and a substantial part of the events or
10 omissions giving rise to this action occurred and continue to occur in this District.
11 *See* 28 U.S.C. §1391(b). Ms. Colman-Randas is currently detained within this
12 district. Accordingly, the “restraint complained of” is occurring within the Court’s
13 territorial jurisdiction. *See* 28 U.S.C. § 2241(a)

14
15 15. No petition for habeas corpus has previously been filed in any court to
16 review these Plaintiff’s detention or claims.

17
18 **PARTIES**

19 16. Plaintiff-Petitioner, Silvia Elizabeth Colman-Randas, is a 47-year-old
20 national and citizen of Guatemala who was arrested by ICE Los Angeles on 15 May
21 2025 without providing her a prior notice of violation of condition of release, an
22 opportunity to be heard, and/or to be represented by counsel. Ms. Colman-Randas
23 has a pending Petition for Review before the Ninth Circuit Courts of Appeals and a
24 **stay of her removal is in effect** prohibiting her removal from the US until the
25 issuance of a mandate or further order by the Ninth Circuit. Ms. Colman-Randas

1 suffers from chronic hernia, back pain, nerve pain and inflammation, has a
2 prejudice immune system, and is blind in her left eye. Prior to her arrest she was on
3 medication, medical observation, and in need of continuing medical care. She is
4 currently detained in San Luis, Arizona.

5
6 17. The U.S. Immigration and Customs Enforcement ("ICE") is an agency
7 within DHS with the primary mission of arresting, detaining, and removing non-
8 citizens physically present within the territory of the United States. ICE is also
9 responsible for the custody and care of all detained non-citizens awaiting
10 resolution of their immigration cases or removal after a final order of removal had
11 been entered.

12
13 18. Defendant Kristi Noem is the Acting Secretary for DHS. In this capacity,
14 Ms. Noem has responsibility for the administration of immigration laws pursuant
15 to 8 U.S.C. §1103(a), has authority over ICE and its field offices, and has authority
16 to order the release of Plaintiff-Petitioner. At all times relevant to this Complaint,
17 Defendant Noem was acting within the scope and course of his position as the
18 Secretary for DHS. Defendant Noem is sued in his official capacity.

19
20 19. Defendant-Respondent Todd Lyons is the Acting Director and Senior
21 Official Performing the Duties of the Director of ICE. Defendant Lyons is
22 responsible for the implementation of all ICE's policies, practices, and procedures,
23 including those relating to detention of non-citizens. Defendant Lyons is a legal
24 and immediate custodian of Plaintiff. At all times relevant to this Complaint,
25

1 Defendant Lyons was acting within the scope and course of his position as an ICE
2 official. He is sued in his official capacity.

3 20. Defendant-Respondent John Cantu is the Director of the Phoenix Office of
4 ICE and he has immediate custody of Plaintiff-Petitioner. He is sued in his official
5 capacity.
6

7 21. Defendant David R. Rivas is the warden of San Luis Detention Facility
8 where Plaintiff-Petitioner is currently detained. See Exhibit A. Defendant Rivas is
9 the immediate, physical custodian of Plaintiff. He is named in his official capacity.
10

11 22. The true names or capacities, whether individual, corporate, associate or
12 otherwise, of the Defendants-Respondents named herein as Does 1 through 5 are
13 unknown to Plaintiff-Petitioner, who therefore sues said Respondents by such
14 fictitious names, and Plaintiffs will amend this Complaint to show their true names
15 and capacities when ascertained. Does 1 through 5 are the immediate, physical
16 custodians of Plaintiff.
17

18 **FACTS RELEVANT TO ALL CAUSES OF ACTIONS**

19 **A. Statement of Fact and Petitioner's Immigration History**

20 23. Petitioner is 47 years old and came to the United States from Guatemala in
21 December 2018 with her teenage daughter almost seven years ago seeking safe
22 heaven. Petitioner has resided in the United States continuously since then.
23

24 24. Respondents placed her in section 240 removal proceedings with the
25 issuance of a Notice of Appear on or about 17 April 2019. On the same date
26

27 Respondents found that Petitioner was not a flight risk or danger to the community

1 and placed her on an order of supervision and own recognizance, *Form I-220A*. See
2 Exhibit A.

3
4 25. Petitioner filed a timely application for asylum and withholding or removal
5 based on membership in a particular social group and political opinion, and
6 protection under the U.N Convention Against Torture based on severe
7 mistreatment she suffered in Guatemala.

8
9 26. On 19 July 2019 an immigration judge denied Petitioner's applications for
10 relief and ordered her and her daughter removed to Guatemala.

11
12 27. On 6 August 2019 Petitioner filed a timely appeal before the Board of
13 Immigration Appeals. The appeal was denied on or about 17 March 2023.

14
15 28. Through prior counsel Petitioner filed a timely Petition for Review with the
16 Ninth Circuit but prior counsel failed to file the opening brief on time resulting in
17 the initial dismissal of the appeal and the issuance of the mandate. See Exhibit B.

18
19 29. With the help with a new counsel Petitioner filed a request to recall the
20 mandate and reinstated the appeal. See Exhibit B.

21
22 30. On 17 June 2025 the 9th Circuit stayed Petitioners' removal pending
23 resolution of the motion to reinstate.

1 31. On 10 July 2025 the 9th Circuit granted the opposed motion to reinstate,
2 recalled the mandate and stayed Petitioner removal for the duration of the
3 proceedings before the 9th Circuit.
4

5 32. Since ICE released Petitioner on an order of supervision in 2019, Petitioner
6 has complied with all conditions of the order, including periodic check-ins with
7 ICE. No circumstances have changed that make Petitioner a flight risk or danger to
8 the community.
9

10
11 33. Throughout the time Petitioner was on supervised release she was told and
12 understood that ICE would give non-citizens in her circumstances “the opportunity
13 to prepare for an orderly departure” after securing Petitioner’s travel documents.
14

15 34. But at a regularly ICE scheduled check-in on 15 May 2025 ICE suddenly
16 revoked Petitioner’s order of supervision and arrested her on the spot. The
17 deportation officer who “revoked” the order on supervised release provided no
18 reason for the revocation nor did it allow Petitioner to contact her counsel of
19 record, or to provide a response and rebut.
20
21

22 35. Based on information and belief the officer who revoked Petitioner’s order
23 of supervision and own recognizance was not the Executive Associate Director of
24 ICE and did not have a lawfully delegated authority to revoke orders of
25 supervision; did not first refer the case to the ICE Executive Associate Director,
26
27

1 did not make findings that revocation was in the public interest and that
2 circumstances did not reasonably permit referral to the Executive Associate
3
4 Director.

5 36. Upon arrest, ICE transferred petitioner to a detention facility in California
6 and then moved her to the San Luis Detention facility where is currently is
7
8 detained.

9 37. Petitioner believes and alleges that Respondents transferred Petitioner to
10 Arizona away from her retained counsel and family to punish her for exercising
11 her First Amendment right to Petition the courts for redress and for obtaining a
12
13 stay of removal.

14 38. Petitioner is a person with disability and require medical care and
15 medication for pre-existing medical conditions which she is not receiving since her
16
17 transfer to Arizona.

18 39. Upon information and belief, at the time ICE revoked Petitioner's order of
19 supervision, the agency had not secured travel documents necessary for removal
20
21 from the United States.

22
23
24 **B. Medical Care in Immigration Detention Facilities is Utterly insufficient**

25 40. Medical care in the detention system administered by DHS is jail-like,
26
27 decentralized, and highly dysfunctional. According to a 2016 report by the

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1 Government Accountability Office, ICE lacks the tools to track and understand its
2 own system of medical care, from the actual cost of care to trends in off-site
3 medical care. *See* US Government Accountability Office, “Immigration
4 Detention: Additional Actions Needed to Strengthen Management and Oversight
5 of Detainee Medical Care,” <http://gao.gov/products/GAO-16-231>.
6

7 41. Under the Trump administration the medical care has become even worst
8 with a trend towards reduction of per-diem rate paid to the facility per person
9 detained and for off-site costs, requested through the Medical Payment
10 Authorization Request (MedPAR) system. As a result, for-profit companies and
11 county governments receiving payments from ICE for holding immigrants in
12 detention have a financial incentive to reduce costs related to both on-site and off-
13 site care, with little risk of real penalties for providing medical care that does not
14 meet the applicable detention standards.
15

16 42. Many non-citizens in immigration detention routinely fail to receive the
17 medical care they need. Specifically,
18

19 A) Non-citizens do not receive a prompt physical examination on intake
20 and as such are not placed on life-saving prescription medication for
21 days and sometimes for weeks. This is particularly problematic for
22 individuals who suffer from comorbidities that require a treatment
23 plan that includes daily and sometimes hourly monitoring;
24

25 B) Non-citizens with chronic medical problems do not receive a medical
26 exam or lab tests while incarcerated;
27

1 C) Non-citizens do not receive mental health screening and those
2 suffering from bi-polar disorders, depression, anxiety, stress and similar
3 conditions are denied medication and monitoring;

4 D) Non-citizens are penalized for requesting or insisting to see a medical
5 provider;

6 E) When care is provided, DHS approved facilities rely primarily on
7 licensed vocational nurses or licensed practical nurses. Detainees with
8 chronic medical conditions can go months without seeing a doctor,
9 while others who require emergency care are not transferred to a hospital,
10 are denied off-site care, and are denied prescription medication and
11 monitoring in an apparent attempt to save costs.

12 F) Requests for care are routinely refused, ignored, and/or unreasonably
13 delayed;

14 G) The Facilities keep inadequate medical records and refuse to provide
15 medical records to detainees, their families, and counsel.

16
17
18
19 43. Individuals like Petitioner who suffer from chronic medical conditions are
20 thus unable to manage effectively their illness and fear aggravations and extreme
21 consequences that jeopardize their lives.

22 44. These conditions created by DHS's carelessness and/or disregard for
23 medical needs of detainees causes pain, suffering, and extreme emotional distress.
24

25
26 **RELEVANT IMMIGRATION STATUTORY SCHEME**

27 **Immigration Detention**

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1 45. The INA governs the use of immigration detention both pre- and post-final
2 order. Post-final-order immigration detention is governed by 8 U.S.C. § 1231(a);
3 pre-final-order detention by 8 U.S.C. § 1226.
4

5 46. In 8 U.S.C. §§ 1226 and 1231 Congress created different, but interrelated,
6 comprehensive frameworks for detaining criminal and non-criminal non-citizens.

7 47. Section 1226 authorizes the detention of non-citizens during removal
8 proceedings: section 1226(a) controls non-criminal aliens' detentions, while
9 section 1226(c) controls criminal aliens' detentions. *See* 8 U.S.C. § 1226(a)&(c).
10 Once a non-citizen's removal proceedings are completed ICE's detention authority
11 is controlled by section 1231, which also distinguishes between non-criminal and
12 criminal non-citizens. *See* 8 U.S.C. § 1231.
13

14 *Section 1226(a) and Non-Criminal Non-citizens*
15 *During Removal Proceedings*

16 48. The Attorney General has discretion to detain a non-criminal non-citizen
17 "pending a decision on whether the alien is to be removed from the United States."
18 *See* 8 U.S.C. § 1226(a). The Attorney General may detain the non-citizen for the
19 duration of the removal proceedings or release him on bond or conditional parole.
20 *See* 8 U.S.C. § 1226(a)(1)-(2).
21

22 49. In connection with § 1226(a), the DHS promulgated regulations setting out
23 the process by which a non-criminal non-citizen may obtain release. Petitioner was
24 released on her own recognizance pursuant to section 1226(a) at the start of her
25 removal proceedings.
26

27 *Section 1226(c) and Criminal Non-citizens*
28 *During Removal Proceedings*

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1
2 50. Although the Attorney General has broad discretion to release non-criminal
3 non-citizens during the pendency of their removal proceedings, the INA limits the
4 Attorney General's discretion in the case of criminal non-citizens. Specifically,
5 section 1226(c) mandates that "[t]he Attorney General shall take into custody any
6 alien who . . . is deportable by reason of having committed [certain specified
7 offenses]." See 8 U.S.C. § 1226(c)(1)(B).

8
9 51. Section 1226(c) provides that the Attorney General may release a criminal
10 non-citizen "only if" necessary for narrow witness protection purposes. See 8
11 U.S.C. § 1226(c)(2). Under § 1226(c), custody is mandatory for criminal non-
12 citizens throughout the entirety of their removal proceedings, and there is no
13 statutory possibility for release on bond.
14

15 52. Petitioner was never detained under the authority of section 1226(c). She has
16 no criminal record of any kind or prior immigration record.

17 *Supervised Release*

18 53. When a non-citizen is released on bond or under supervision, the non-citizen
19 must periodically appear before an immigration officer, obey written restrictions,
20 and comply with other requirements provided for by regulation. See 8 U.S.C. §
21 1231(a)(3).
22

23 54. When a non-citizen is released on supervision ICE must issue and serve on
24 the individual a standardized form I-220 which imposes the following conditions
25 on release:
26

27
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- 1 a) The non-citizen must appear in person at the time and place specified, upon
- 2 each and every request of the agency, for identification and for deportation
- 3 or removal;
- 4
- 5 b) Upon request, the non-citizen must appear for medical and psychiatric
- 6 examination at the expense of the United States Government;
- 7
- 8 c) The non-citizen must provide information under oath about his/her
- 9 nationality, circumstances, habits, associations and activities and such other
- 10 information as the agency considers appropriate;
- 11
- 12 d) The non- non-citizen must notify the agency of all changes in residence and
- 13 employment;
- 14
- 15 e) The non-citizen must assist ICE in obtaining any necessary travel
- 16 documents;
- 17
- 18 f) Additional conditions tailored to the alien's criminal history.

19 55. Specifically, both the regulations and the standard form I-220 inform the
20 non-citizens that any violation of the conditions imposed by ICE "will result in
21 revocation of your employment authorization document" and that any violation of
22 the conditions "may result in your being taken into Service custody and you being
23 criminally prosecuted."

24 56. On information and belief Petitioner alleges that ICE now routinely takes
25 into custody non-citizens previously released on bond or under supervision when
26 they have not violated any condition of release and solely at the whim of the
27 deportation officer.

1 57. On information and belief Petitioner alleges that since 27 January 2025 DHS
2 and DOJ encourage officers to disregard the provisions and statutory limitations
3 imposed by section 1226 and 1231 for political reasons and to boost the
4 administrations' rhetoric and animus against non-citizens ordered removed and/or
5 unlawfully present in the U.S..

7 *Due Process Governs Decisions to Revoke an Order of Supervision*

8 58. "The Due Process Clause applies to all persons within the United States,
9 including aliens, whether their presence here is lawful, unlawful, temporary, or
10 permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) (citation modified).
11 "Freedom from imprisonment—from government custody, detention, or other
12 forms of physical restraint—lies at the heart of the liberty that Clause protects." *Id.*
13 at 690 (2001).

14 59. Under substantive due process doctrine, a restraint on liberty like revocation
15 of a non-citizen's order of supervision is only permissible if it serves a "legitimate
16 nonpunitive objective." *Kansas v. Hendricks*, 521 U.S. 346, 363 (1997). The
17 Supreme Court has only recognized two legitimate objectives of immigration
18 detention: *preventing danger to the community or preventing flight prior to*
19 *removal. See Zadvydas v. Davis*, 533 U.S. 678, 690-92 (discussing constitutional
20 limitations on civil detention).

1 60. “Procedural due process imposes constraints on governmental decisions
2 which deprive individuals of liberty,” like the decision to revoke a non-citizen’s
3 order of supervision. *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976) (citation
4 modified). “The fundamental requirement of [procedural] due process is the
5 opportunity to be heard at a meaningful time and in a meaningful manner.” *Id.* at
6 333 (citation modified).
7

8
9 *Statute and Regulation Govern Procedures for*
10 *Revoking an Order of Supervision*

11 61. A non-citizen with a final order of removal “who is not removed within the
12 [90-day] removal period . . . shall be subject to [an order of] supervision under
13 regulations prescribed by the Attorney General.” 8 U.S.C. § 1231(a)(3) (titled
14 “Supervision after 90-day period”).
15

16 62. A non-citizen may only be detained past the 90-day removal period
17 following a removal order if found to be “a risk to the community or unlikely to
18 comply with the order of removal” or if the order of removal was on specified
19 grounds. *Id.* § 1231(a)(6).
20
21

22 63. But even where initial detention past the 90-day removal period is
23 authorized, if “removal is not reasonably foreseeable, the court should hold
24 continued detention unreasonable and no longer authorized by [§ 1231(a)(6)]. In
25 that case, of course, the alien’s release may and should be conditioned on any of
26
27

1 the various forms of supervised release that are appropriate in the
2 circumstances” *Zadvydas v. Davis*, 533 U.S. 678, 699-700.

3
4 64. Regulations purport to give additional reasons, beyond those listed at §
5 1231(a)(6), that an order of supervision may be revoked and a non-citizen may be
6 re-detained past the removal period: “(1) the purposes of release have been served;
7 (2) the alien violates any condition of release; (3) it is appropriate to enforce a
8 removal order . . . ; or (4) the conduct of the alien, or any other circumstance,
9 indicates that release would no longer be appropriate.” 8 C.F.R. § 241.4(l)(2); *see*
10 *also id.* § 241.13(i) (permitting revocation of an order of supervision only if a
11 non-citizen “violates any of the conditions of release”). Because “[r]egulations
12 cannot circumvent the plain text of the statute[,]” courts question whether these
13 regulations are *ultra vires* of statutory authority. *See, e.g., You v. Nielsen*, 321 F.
14 Supp. 3d. 451, 463 (S.D.N.Y. 2018) (comparing regulations to 8 U.S.C. §
15 1231(a)(6), which authorizes detention past the removal period only if person is a
16 risk to the community, unlikely to comply with the order of removal, or was
17 ordered removed on specified grounds).

18
19 65. It is clear, however, that regulations permit only certain officials to revoke
20 an order of supervision: the ICE Executive Associate Director, a field office
21 director, or an official “delegated the function or authority . . . for a particular
22

1 geographic district, region, or area.” *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137,
2 161 (W.D.N.Y. 2025) (citing 8 C.F.R. §§ 1.2, 241.4(l)(2) and explaining that the
3 Homeland Security Act of 2002 renamed the position titles listed in § 241.4). If the
4 field office director or a delegated official intends to revoke an order of
5 supervision, they must first make findings that “revocation is in the public interest
6 and circumstances do not reasonably permit referral of the case to the Executive
7 Associate [Director].” 8 C.F.R. § 241.4(l)(2). And for a delegated official to have
8 authority to revoke an order of supervision, the delegation order must explicitly say
9 so. *See Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 161 (finding a delegation order
10 that “refers only to a limited set of powers under part 241 that do not include the
11 power to revoke release” insufficient to grant authority to revoke an order of
12 supervision).
13
14
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17

18 66. Upon revocation of an order of supervision, ICE must give a non-citizen
19 notice of the reasons for revocation and a prompt interview to respond. 8 C.F.R. §
20 241.4(l)(1).
21

22 67. Respondents failed to comply with these regulations and instead revoked
23 Petitioner’s order of supervision and whim and/or to punish her to seeking and
24 obtaining a stay of removal.
25
26

1 68. Petitioner cannot be lawfully removed while the 9th Circuit stay is in effect,
2 yet Respondents refuse to release Petitioner and re-instate her on an order of
3 supervision knowing that removal cannot be effect for months even years in light
4 of the severe backlog of cases.
5

6
7 **COUNT ONE**

8 **Violation of the Fifth Amendment Right to Substantive Due Process**
9 **(Unlawful Punishment)**
10 **Against All Defendants**

11 69. Petitioner repeats and incorporates by reference all allegations in paragraphs
12 to 68 above.

13 70. The Fifth Amendment of the Constitution guarantees that civil detainees,
14 including all immigrant detainees, may not be subjected to punishment.

15 71. Respondents violate this substantive due process right when they
16 continuously fail to satisfy their affirmative duty to provide conditions of
17 reasonable health and safety to the people they hold in their custody, and violate
18 the Constitution when they fails to provide for their basic human needs—*e.g.*,
19 food, clothing, shelter, hygiene, medical care, and reasonable safety. The federal
20 government also violates substantive due process when it subjects civil detainees to
21 cruel treatment and conditions of confinement that amount to punishment.

22 72. Respondents lack a constitutionally sufficient purpose for continued
23 detention of medically vulnerable individuals like Petitioner.
24
25
26
27

1 73. Petitioner's detention therefore does not bear a reasonable relationship to the
2 two regulatory purposes of immigration detention: preventing danger to the
3 community or flight prior to removal.

4
5 74. Because Respondents had no legitimate, non-punitive objective in revoking
6 Petitioner's order of supervision, Petitioner's detention violates substantive due
7 process under the Fifth Amendment to the U.S. Constitution.

8
9 **COUNT TWO**
10 **(Violation of the Rehabilitation Act – Failure to Provide Reasonable**
11 **Accommodation to Persons with Disabilities)**
12 **against All Defendants**

13 75. Petitioner repeats and incorporates by reference all allegations in paragraphs
14 1 to 68 above.

15 76. Section 504 of the Rehabilitation Act requires federal agencies to provide
16 "reasonable accommodations" to individuals with disabilities so they can fully
17 participate in benefits administered by these agencies. (29 U.S.C. § 794(a)).

18 77. DHS regulations implementing the Rehabilitation Act mandate that "[n]o
19 qualified individual with a disability in the United States, shall, by reason of his or
20 her disability, be excluded from participation in, be denied benefits of, or otherwise
21 be subjected to discrimination under any program or activity conducted by the
22 Department." (6 C.F.R. § 15.30; see also 29 U.S.C. § 794(a)).

23 78. The regulations implementing Section 504 prohibit entities receiving federal
24 financial assistance from utilizing "criteria or methods of administration (i) that
25 have the effect of subjecting qualified handicapped persons to discrimination on
26 the basis of handicap, (ii) that have the purpose or effect of defeating or

1 substantially impairing the accomplishment of the objectives of the recipient's
2 program or activity with respect to handicapped persons." (34 C.F.R. §
3 104.4(b)(4).)

4
5 79. Petitioner is blind in one eye, has a prejudiced immune system as a result of
6 an ongoing infection in her back and a surgery she underwent in 2024, and requires
7 preventive care for a hernia. She is on pain medication. Petitioner's medical
8 conditions qualify as disabilities under the Rehabilitation Act and they affect her
9 daily life functions such as walking, stooping, bending, sleeping, and working.

10
11 80. Petitioner has been denied access to medical care, prescription medications,
12 sufficient hygiene materials, food appropriate for comorbidities, and preventive
13 care.

14
15 81. The removal proceedings as codified in the INA are a benefit or program
16 administered by Respondents and Petitioner is entitled to participate in the removal
17 process. The services, programs, and activities within the detention centers where
18 DHS detains non-citizens receive substantial federal financial assistance.

19
20 82. Medical care as promulgated and mandated by ICE National Detention
21 Standards (NDS) 2019 and/or the Performance-Based National Detention
22 Standards 2011 (amended 2016) is a benefit or program administered by
23 Respondents and Petitioner is entitled to participate and receive the benefits of said
24 program.

25
26 83. Petitioner's underlying medical conditions qualify as disabilities for
27 purposes of the Rehabilitation Act. (29 U.S.C. §705(2)(B); 42 U.S.C. § 12102).

1 84. By exposing Petitioner to a heightened risk of aggravation of pre-existing
2 conditions and refusing to provide medication, treatment, and proper food,
3 Respondents are preventing Petitioner from participating in the removal process
4 and to access sufficient medical care by reason of her disability.
5

6 85. By failing to provide Petitioner adequate medical care Respondents have the
7 purpose or effect of defeating or substantially impairing the accomplishment of the
8 objectives of removal proceedings and the services, programs, and activities within
9 the detention centers with respect to Petitioner.
10

11 86. The only available “reasonable accommodation” that would mitigate
12 Petitioner’s disability is release from detention. Respondents have failed to
13 implement this reasonable accommodation, which would not be unduly
14 burdensome nor require a fundamental alteration in the removal process or the
15 programs and activities of the detention center.
16

17 87. Respondents have also denied “reasonable accommodation”, and continue to
18 do, by refusing needed medical care and access to medication and proper nutrition.

19 88. Respondents’ ongoing detention of Petitioner constitutes discrimination
20 because it is either disparate treatment of, or at the very least has a disparate impact
21 on, people with qualifying disabilities who are at severe risk of serious illness or
22 death.
23

24 89. For these reasons, Respondents’ ongoing detention of Petitioner violates the
25 Rehabilitation Act.

26 **COUNT III**
27 **Procedural Due Process Claim**

28 VERIFIED PETITION FOR WRITS OF HABEAS CORPUS AND IMMEDIATE RELEASE FROM ICE
CUSTODY AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND REQUEST FOR
TEMPORARY RESTRAINING ORDER - 22

1 **Arrest and revocation of bond and/or orders of supervision without notice and**
2 **opportunity to contest the revocation.**

3 **Against all Defendants**

4 90. Petitioner repeats and incorporates by reference all allegations in paragraphs
5 to 68 above.

6 91. Petitioner's arrest and/or continued detention is a violation of her
7 Constitutional procedural due process rights.

8 92. Respondents have a policy and practice of revoking section 1226 and section
9 1231 releases and work authorizations without providing any process and without a
10 finding that a violation of a condition for release had occurred. Once release on
11 specified conditions has been granted, however, it cannot be taken away without
12 adequate process. In the orders of supervision (standard Form 220) Respondents
13 served on Petitioner and others, Respondents warned them that any violation of the
14 conditions imposed by ICE "will result in revocation of your employment
15 authorization document" and that any violation of the conditions of release "may
16 result in your being taken into Service custody and you being criminally
17 prosecuted."
18 prosecuted."

19
20 93. As a matter of standard policy and practice, however, Respondents revoke
21 bonds and supervised release and take targets into custody without any violation of
22 enumerated conditions and without a notice or the opportunity to respond and be
23 heard. This policy and practice violates procedural due process because it fails to
24 provide the release recipients with notice, a reasoned explanation for the
25 revocation decision, and an opportunity to respond, present arguments and
26

1 evidence to demonstrate that the individual continues to be eligible for and
2 warrants the continuation of his or her grant of section 1226 release. Respondents'
3 policy and uniform practice also fails to provide for reinstatement in cases where
4 the revocation decision was in error.
5

6 94. Petitioner's private interests affected by Respondents' actions are profound –
7 their physical liberty. The risk of erroneous deprivation of liberty is high, because
8 Petitioner is neither a flight risk or a danger to the community. In fact, she was
9 found eligible and had previously been released from ICE custody for seven years.
10

11 95. The government's interest in Petitioner's arrest and punitive administrative
12 detention is minimal.

13 96. The deprivation of Petitioner's liberty interests far outweighs the
14 government's interest in arrests and continued detention after release under section
15 1226 had been granted as authorized by the INA and while they are actively
16 pursuing their path towards lawful status in pending removal proceedings before
17 the immigration court.
18

19 97. The burden on the Government for the additional process requested by
20 Petitioners and the class, to wit, a notice of condition violation and/or revocation of
21 release, an opportunity to respond, and be heard would be minimal.
22

23 98. Non-citizens granted bond or orders of supervision who are arrested at their
24 check-in ICE appointment or during targeted enforcement action have no other
25 judicial venue to challenge the revocation of their orders of release or the legality
26 of their arrests.
27

1 99. Not affording them a judicial forum to challenge the revocations and/or the
2 legality of their arrests though this habeas corpus proceedings would also violate
3 the Suspension Clause of the U.S. Constitution.

4
5 100. Respondents' revocation of Petitioner's order of supervision was contrary to
6 the agency's constitutional power under the Fifth Amendment's Due Process
7 Clause, as explained above.

8 101. The revocation was also not in accordance with the INA and implementing
9 regulations governing who may lawfully revoke an order of supervision and under
10 what circumstances, as cited and discussed above.

11
12 102. Petitioner's order of supervision was not revoked by the ICE Executive
13 Associate Director. The officer who revoked the order did not first make findings
14 that revocation was in the public interest and that circumstances did not reasonably
15 permit referral to the Executive Associate Director. Nor had the officer been
16 properly delegated authority to revoke an order of supervision.

17
18 103. Before revoking the order, Respondents did not make findings that Petitioner
19 is dangerous or unlikely to comply with a removal order, as required by statute.

20 104. Nor did the Respondents give Petitioner notice of the reasons for revocation
21 and opportunity to be heard.

22
23 **COUNT FOUR**
24 **VIOLATION OF FIFTH AMENDMENT RIGHT TO DUE PROCESS**
25 **(RIGHT TO COUNSEL AND TO A FULL AND FAIR HEARING)**

26 **Against all Defendants**

27
28 VERIFIED PETITION FOR WRITS OF HABEAS CORPUS AND IMMEDIATE RELEASE FROM ICE
CUSTODY AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND REQUEST FOR
TEMPORARY RESTRAINING ORDER - 25

1
2 105. Petitioner repeats and incorporates by reference all allegations in paragraphs
3 to 68 above.

4 106. The Due Process Clause of the Fifth Amendment guarantees the right to the
5 effective assistance of counsel during removal proceedings at no cost to the
6 government and to a full and fair hearing.

7
8 107. At all relevant times to this Complaint Petitioner was represented by counsel
9 in removal proceedings and before the ICE, EOIR, and the 9th Circuit.

10 108. Respondents knew that Petitioner was represented by counsel but
11 Respondents revoked her release and took her into custody without allowing her
12 the opportunity to respond, present evidence before a neutral decision maker, and
13 to be represented by counsel before the deprivation of their liberty.

14
15 109. Respondents' policies, practices, and omissions of indiscriminate arrests,
16 frequent transfers between facilities without updates, and detention in places away
17 from the person's residence, family, counsel, and community have further created
18 substantial barriers to Petitioner's efforts to access retained counsel and prepare her
19 claims, including but not limited no free phone calls, no private unmonitored legal
20 calls, no procedure to receive documents from counsel via fax or email, or send
21 documents to their attorneys.

22
23 110. Petitioner has a substantial interest in avoiding prolonged detention.

24 111. Petitioner has suffered and will imminently suffer irreparable injury as a
25 result of Respondents' policies, practices, and omissions and are entitled to
26 injunctive relief to avoid any further injury.

27
28 VERIFIED PETITION FOR WRITS OF HABEAS CORPUS AND IMMEDIATE RELEASE FROM ICE
CUSTODY AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND REQUEST FOR
TEMPORARY RESTRAINING ORDER - 26

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COUNT FIVE

**Statutory APA Violation Claim
Uniform Practice of Revocation of releases
Without prior notice, opportunity to respond, and to
be represented by counsel
Against all Defendants**

112. Petitioner repeats and incorporates by reference all allegations in paragraphs 1 to 68 above.

113. The Administrative Procedure Act (APA) forbids agency action that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). A court reviewing agency action “must assess ... whether the decision was based on a consideration of the relevant factors and whether there has been a clear error of judgment”; it must “examin[e] the reasons for agency decisions— or, as the case may be, the absence of such reasons.” *Judulang v. Holder*, 565 U.S. 42,53 (2011) (quotations omitted).

114. Respondents’ practice of terminating and/or revoking releases and employment authorizations without notice, a reasoned explanation, an opportunity to be heard, or a reinstatement procedure is arbitrary, capricious, and contrary to law, thus in violation of the APA because a discretionary release under 1226 on conditions of supervision once granted cannot be terminated without first providing a meaningful process.

115. Respondents’ practice of terminating or revoking a supervised release and employment authorization and taking the recipient into custody when no condition of supervised released had been violated is contrary to law and thus, in violation of

1 the APA for multiple reasons, including that such an revocation and arrest fails to
2 provide a reasoned basis for the adverse action; denied the beneficiary the right to
3 be represented by counsel and to be heard before a neutral decision maker prior to
4 the liberty deprivation, and the practice entrusts the revocation decision entirely on
5 the arbitrary decision of an ICE officer and his/her whim.
6

7 116. The revocation was also not in accordance with the INA and implementing
8 regulations governing who may lawfully revoke an order of supervision and under
9 what circumstances, as cited and discussed above.
10

11 117. Petitioner's order of supervision was not revoked by the ICE Executive
12 Associate Director. The officer who revoked the order did not first make findings
13 that revocation was in the public interest and that circumstances did not reasonably
14 permit referral to the Executive Associate Director. Nor had the officer been
15 properly delegated authority to revoke an order of supervision.
16

17 118. Before revoking the order, Respondents did not make findings that Petitioner
18 is dangerous or unlikely to comply with a removal order, as required by statute.

19 119. Nor did the Respondents give Petitioner notice of the reasons for revocation
20 and opportunity to be heard.

21 120. The revocation should be held unlawful and set aside because it was
22 contrary to the agency's constitutional power and not in accordance with the INA
23 and implementing regulations, is *ultra vires*, and arbitrary and capricious.
24

25 COUNT SIX

26 Non-Statutory Ultra Vires Action/Accardi Doctrine Violation 27 Against all Defendants

28 VERIFIED PETITION FOR WRITS OF HABEAS CORPUS AND IMMEDIATE RELEASE FROM ICE
CUSTODY AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND REQUEST FOR
TEMPORARY RESTRAINING ORDER - 28

1 121. Petitioner repeats and incorporates by reference all allegations in paragraphs
2 1 to 68 above.

3
4 122. There is no statute, constitutional provision, or other source of law that
5 authorizes Respondents to detain Petitioner under the circumstances of this case.

6
7 123. Petitioner has a non-statutory right of action to declare unlawful, set aside,
8 and enjoin Respondents' ultra vires actions.

9
10 124. Under the Accardi doctrine, Petitioner also has a right to set aside agency
11 action that violated agency procedures, rules, or instructions. *See United States ex*
12 *rel. Accardi v. Shaughnessy*, 347 U.S. 260 ("If petitioner can prove the allegation
13 [that agency failed to follow its rules in a hearing] he should receive a new
14 hearing").

15
16 125. Respondents violated agency regulations governing who and upon what
17 findings it may properly revoke an order of supervision when it revoked
18 Petitioner's order. "As a result, this Court cannot conclude that [the revoking
19 officer] had the authority to revoke release" and Petitioner "is entitled to release on
20 that basis alone." *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 162 (citing *Rombot v.*
21 *Moniz*, 296 F. Supp. 3d 386, 386-89); *see also, e.g., Zhu v. Genalo*, 2025 WL
22 2452352 (S.D.N.Y. Aug. 26, 2025); *M.S.L. v. Bostock*, 2025 WL 2430267 (D. Or.
23 Aug. 21, 2025) (releasing habeas petitioner where where revocation of an ICE

1 order of supervision was ordered by someone without regulatory authority to do
2 so).

3
4 126. Respondents also violated agency instructions in Petitioner's release
5 notification to give an opportunity to prepare for an orderly departure when they
6 revoked Petitioner's order without advance notice.
7

8
9 **PRAYER FOR RELIEF**

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

11 (1) Assume jurisdiction over this matter;

12 (2) Issue a Writ of Habeas Corpus on the ground that Petitioner's continued
13 detention violates the Due Process Clause and order Petitioner's immediate
14 release;
15

16 (3) In the alternative, issue injunctive relief ordering Respondents to
17 immediately release Petitioners, on the ground that their continued detention
18 violates Plaintiffs' constitutional due process rights;

19 (4) Issue a declaration that Respondents' continued detention in civil
20 immigration custody of individuals at increased risk for severe illness, and/or
21 underlying medical conditions that may increase the risk of serious illness or
22 death without proper access to medical care, violates the Due Process Clause

23
24 (5) Issue an injunction ordering Respondents not to arrest and detain Petitioner
25 without a proper finding that she has committed a violation of the conditions
26 of release;
27

1 (6) Issue an injunction ordering Respondents not revoke Petitioner's grant of
2 release without providing prior written notice, an opportunity to respond, and
3 be represented by counsel prior to deprivation of liberty when the individual
4 is not yet subject to a final order of removal;

5
6 (7) Enter a judgment declaring that Respondents' detention of Petitioner
7 is and will be unauthorized by statute and contrary to law;

8 (8) Award Petitioner and other members of the proposed class reasonable costs
9 and attorney fees.

10 Date: 9/25/2025

11
12 Verified and Submitted by

13 s/ Nicolette Glazer Esq.

14 Nicolette Glazer Esq.

15 LAW OFFICES OF LARRY R GLAZER

16 1875 Century Park East #700

17 Century City, CA 90067

18 T: 310-407-5353

19 F: 310-407-5354

20 nicolette@glazerandglazer.com

21 ATTORNEY FOR PETITIONER

U. S. Department of Homeland Security
Immigration and Customs Enforcement

Notice to EOIR: Alien Address

Date: 4/16/2019

To: Executive Office for Immigration Review
300 N. Los Angeles Street, Room 4330
Los Angeles, CA 90012

From: U.S. Department Of Homeland Security
300 N. Los Angeles Street, Room 7621
Los Angeles, CA 90012

Respondent: COLMAN Randas, Silvia Elizabeth

Alien File No: 

This is to notify you that this respondent is:

Currently incarcerated by Federal, state or local authorities. A charging document has been served on the respondent and an Immigration Detainee-Notice of Action by ICE (Form I-247) has been filed with the institution shown below. He/she is incarcerated at:

His/her anticipated release date is:

Detained by ICE on _____ at:

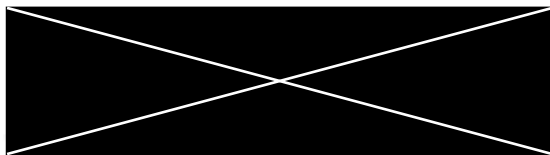
Detained by ICE and transferred on _____ to:



Released from ICE custody on the following condition(s):

- Order of Supervision or Own Recognizance (Form I-220A)
- Bond in the amount of _____
- Removed, Deported, or Excluded
- Other: _____

Upon release from ICE custody, the respondent reported his/her address and telephone number will be:



I hereby certify that the respondent was provided an EOIR-33 and notified that they must inform the Immigration Court of any further change of address.

ICE Official:

L. Serrano

Deportation Officer 


Court of Appeals Docket #: 23-676
Colman-Randas, et al. v. Bondi
Appeal From: Board of Immigration Appeals
Fee Status: IFP

Docketed: 04/17/2023

Case Type Information:

- 1) Agency
- 2) Immigration
- 3)

Originating Court Information:

Agency: BIA - Los Angeles Central California : 
Date Rec'd COA: 04/17/2023
Date Order/Judgment: 03/17/2023

Prior Cases:

Current Cases:

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RANDAS

Petitioner

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Terminated: 06/17/2025
Respondent

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Washington, DC 20044

Petitioners,

v.

PAMELA BONDI, Attorney General,

Respondent.

04/17/2023 1 Case **PETITION FOR REVIEW** filed by Petitioner(s). [Entered: 04/17/2023 02:26 PM] Page 36 of 37
 04/17/2023 2 **MOTION** to proceed in forma pauperis filed by Petitioner(s). [Entered: 04/17/2023 02:26 PM]
 04/17/2023 3 **CASE OPENED.** Petition for Review has been received in the Clerk's office of the United States Court of Appeals for the Ninth Circuit on **4/17/2023**.
 The U.S. Court of Appeals docket number **23-676** has been assigned to this case. All communications with the court must indicate this Court of Appeals docket number. Please carefully review the docket to ensure the name(s) and contact information are correct. It is your responsibility to alert the court if your contact information changes.
Resources Available
 For more information about case processing and to assist you in preparing your brief, please review the Case Opening Information (for attorneys and pro se litigants), review the Appellate Practice Guide, and counsel for petitioner(s) should also review the Immigration Outline and consider contacting the court's Appellate Mentoring Program for help with the brief and argument. [Entered: 04/17/2023 02:27 PM]
 04/17/2023 4 **BRIEFING SCHEDULE NOTICE.** Certified Administrative Record due 5/22/2023, Immigration Petitioner Opening Brief due 7/21/2023, Immigration Respondent Answering Brief due 9/19/2023. Optional Reply Brief due 21 days after service of Answering Brief. All briefs shall be served and filed pursuant to FRAP 31 and 9th Cir. R. 31-2.1.
 Failure of the petitioner to comply with this briefing schedule will result in automatic dismissal of the appeal. See 9th Cir. R. 42-1. [Entered: 04/17/2023 02:29 PM]
 04/18/2023 5 **NOTICE OF APPEARANCE** by Spencer Shucard for Respondent Merrick B. Garland. [Entered: 04/18/2023 08:14 AM]
 04/18/2023 6 **ADDED** Counsel for Respondent Spencer Shucard for Respondent Merrick B. Garland. [Entered: 04/18/2023 12:00 PM]
 05/01/2023 7 **CERTIFIED ADMINISTRATIVE RECORD** filed by DOJ Executive Office Of Immigration Review. [Entered: 05/01/2023 08:24 AM]
 05/16/2023 8 **ADDED** Petitioner Kellency Roshell Figueroa-Colman. [Entered: 05/16/2023 09:48 AM]
 05/26/2023 9 **ORDER FILED.** Lisa B. Fitzgerald, Appellate Commissioner.
 The motion to proceed in forma pauperis (Docket Entry No. 2) is granted. The Clerk will amend the docket to reflect this status.
 The opening brief is due July 21, 2023. The answering brief is due September 19, 2023. The optional reply brief is due within 21 days after service of the answering brief. [Entered: 05/26/2023 05:32 PM]
 09/15/2023 10 **ORDER FILED.** Petitioners have failed to file the opening brief in this case. Pursuant to Ninth Circuit 42-1, this case is dismissed for failure to prosecute.
 This order will be served on the agency and will become the mandate of the court in 21 days. [Entered: 09/15/2023 02:20 PM]
 06/14/2025 11 **NOTICE OF APPEARANCE** by Rosana Cheung for Petitioner Kellency Roshell Figueroa-Colman, Petitioner Silvia Elizabeth Colman-Randas. [Entered: 06/14/2025 02:25 PM]
 06/16/2025 12 **ADDED** Counsel for Petitioner Rosana Cheung [Entered: 06/16/2025 07:28 AM]
 06/16/2025 13 **Emergency MOTION** Circuit Rule 27-3 Certificate filed by Petitioner Silvia Elizabeth Colman-Randas, Petitioner Kellency Roshell Figueroa-Colman. [Entered: 06/16/2025 10:30 AM]
 06/16/2025 14 **MOTION** to Recall Mandate filed by Petitioner Silvia Elizabeth Colman-Randas, Petitioner Kellency Roshell Figueroa-Colman. [Entered: 06/16/2025 01:35 PM]
 06/17/2025 15 **ORDER FILED.** Kim McLane WARDLAW, Gabriel P. SANCHEZ, Anthony D. JOHNSTONE
 The motion (Docket Entry No. 14) to recall the mandate is granted for the limited purpose of considering whether to reinstate this petition for review. The government has informed the court that it intends to file a response to the motion. Petitioners' removal is stayed pending resolution of the motion to reinstate. [Entered: 06/17/2025 09:06 AM]
 06/17/2025 16 **ADDED** Respondent Pamela Bondi [Entered: 06/17/2025 09:10 AM]
 06/17/2025 17 **TERMINATED** participation of Respondent Merrick B. Garland. [Entered: 06/17/2025 09:10 AM]
 06/26/2025 18 **RESPONSE** to Motion to Recall Mandate (DE 14) filed by Respondent Pamela Bondi. [Entered: 06/26/2025 06:01 AM]
 07/10/2025 19 **ORDER FILED.** WARDLAW, SANCHEZ, and JOHNSTONE, Circuit Judges.
 The motion (Docket Entry No. 14) to recall the mandate and reinstate this petition for review is granted. See Meyers v. Birdsong, 83 F.4th 1157, 1159 (9th Cir. 2023) (addressing standards for recalling the mandate and reinstatement).
 The dismissal order (Docket Entry No. 10) is vacated and the petition for review is reinstated.
 The motion (Docket Entry No. 13) to stay removal is granted. See Nken v. Holder, 556 U.S. 418, 434 (2009);

Leiva-Perez v. Holder, 640 F.3d 962, 964-65 (9th Cir. 2011). The stay of removal remains in place until the
Case 2:25-cv-03594-MTL--ASB Document 1 Filed 09/30/25 Page 37 of 37
The opening brief is due September 23, 2025. The answering brief is due November 24, 2025. The optional
reply brief is due 21 days after the answering brief is served. [Entered: 07/10/2025 04:46 PM]

09/20/2025 20

MOTION to Extend Time to File Brief filed by Petitioner Silvia Elizabeth Colman-Randas, Petitioner Kellency Roshell Figueroa-Colman. [Entered: 09/20/2025 11:54 AM]