

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
SOUTHERN DISTRICT OF CALIFORNIA

| | | |
|--|---|---|
| AGUSTIN MARTINEZ RIVERA |) | <u>'25CV2667 BEN VET</u> |
| <i>Petitioner,</i> |) | |
| v. |) | PETITION FOR WRIT OF HABEAS CORPUS |
| <i>Christopher J. LaRose in his official as Warden of OTAY MESA DETENTION FACILITY;</i> |) | |
| <i>Patrick Divver in his official Capacity as San Diego Field Office Director of the Immigration and Customs Enforcement, Enforcement and Removal Operations OTAY MESA</i> |) | |
| <i>DETENTION FACILITY; KRISTI NOEM, in her official capacity as Secretary of the U.S. Department of Homeland Security;</i> |) | |
| <i>and PAM BONDI, in her official capacity as Attorney General of the United States,</i> |) | |
| <i>Respondents.</i> |) | |

INTRODUCTION

1. This petition for Writ of Habeas Corpus filed on behalf of Petitioner Agustin Martinez Rivera (“Petitioner”) to remedy their unlawful detention.
2. Petitioner is a native of Mexico, born on  [See Exhibit A: “Birth Certificate for Petitioner Agustin Martinez Rivera”]. He entered the United States on or about May 2000 without inspection and has not left the United States.

3. Petitioner has been living in the United States since he was around 28 years old and has not had any criminal convictions.
4. On June 28, 2025, Petitioner was arrested by Immigration and Customs Enforcement (ICE) without reasonable suspicion in violation of the Fourth Amendment's safeguard against unreasonable seizures. [*See Exhibit B: "Declaration of Petitioner Agustin Martinez Rivera"*].
5. Petitioner has been denied two separately filed Motions for Custody Redetermination on July 15, 2025, and September 9, 2025. [*See Exhibit C: "EOIR Orders Denying Petitioners Motions for Custody Redetermination"*].
6. On August 28, 2025, Petitioner's Motion to Suppress Evidence was granted by Executive Office for Immigration Review (EOIR), determining that the Department of Homeland Security (DHS) did not meet its burden of establishing alienage. [*See Exhibit D: "EOIR Order Granting Petitioners Motion to Suppress"*].
7. Notably, on September 17, 2025, EOIR granted Petitioner's Motion to Terminate Proceedings. [*See Exhibit E: "EOIR Order Granting Petitioners Motion to Terminate"*]. However, despite this order by the Immigration Judge, Petitioner remains unlawfully detained in ICE custody at Otay Mesa Detention Facility in San Diego, California.
8. Following the Order granting Termination of Immigration Proceedings and denial of Motions for Custody Redetermination the Petitioner has exhausted all available legal remedies with EOIR to seek release. ICE must now release Petitioner pursuant to this order.
9. 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

10. This action arises under the Constitution of the United States and the Immigration and

Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

11. 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).
12. 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

13. 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 at Otay Mesa Detention Facility in San Diego, California, which is within the jurisdiction of this District.
14. 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 Otay Mesa Detention Facility in San Diego, California. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243

15. 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).
16. 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

17. Petitioner was arrested by ICE officers on June 28, 2025, and was transferred to Otay Mesa Detention Facility where he is currently detained. He is in custody, and under the direct control, of Respondents and their agents.
18. Christopher J. LaRose, as the acting Warden of Otay Mesa 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.
19. Respondent Patrick Divver is sued in his official capacity as the Acting Director of the San Diego Field Office of U.S. Immigration and Customs Enforcement. Respondent Divver is a legal custodian of Petitioner and has authority to release him.
20. 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.
21. 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

22. Petitioner is a 52-year-old citizen of Mexico. [See Exhibit A: "Birth Certificate for Petitioner Agustin Martinez Rivera"]. He is a father to two children, one of which is a U.S. citizen, Edgar Martinez. [See Exhibit F: "Birth Certificate for Petitioner's Child"].
23. Petitioner entered the United States on or about May 2000 without inspection and has not left the United States since then. He has continuous physical presence in the United and does not have a criminal background.
24. On or about June 28, 2025, Petitioner was unlawfully detained by ICE while he was working at Bonita Carwash in San Dimas, California. [See Exhibit B: "Declaration of Petitioner Agustin Martinez Rivera"].
25. At or around 8:30 A.M. multiple unmarked trucks and vans arrived at the private parking lot of Bonita Carwash. *Id.* ICE agents approached workers from Bonita Carwash including Petitioner. *Id.* The officer arrested Petitioner and several other workers and placed them into their unmarked vans. *Id.*
26. Petitioner contends that he was working at the time of the incident and that the encounter was not consensual. *Id.* In addition, Petitioner did not willingly provide information to ICE officials and that no warrant was shown. *Id.* Petitioner contends that the ICE agent did not properly present themselves, had masks, and were arresting people without probable cause. *Id.*
27. Petitioner arrived at the ICE facility Border where he was then asked for identification documents and the Petitioner then answered their questions.

28. More importantly, Petitioner contends that he is not a “target” for ICE as he does not have a criminal history or outstanding warrant or immigration violations; therefore, there was no reason for ICE to specifically target the Petitioner at his place of work. *Id.*
29. Petitioner contends that he and his co-workers were racially profiled as they were all working at a car wash and arrested for no reason by unidentifiable, masked individuals. *Id.* The Petitioner contends that he was working his job, like he had been for years, and did not commit any violations of municipal, state, or federal laws before or after the arrest and there was no reason to commit a search or seizure. *Id.*
30. On July 15, 2025, the Immigration Judge ordered a denial of Petitioners Motion for Custody Redetermination on. [See Exhibit C: “EOIR Order Denying Petitioners Motions for Custody Redetermination”].
31. On August 28, 2025, EOIR approved Petitioner’s Motion to Suppress evidence, effectively suppressing the evidence contained within the I-213 Record of Deportable/Inadmissible Alien dated June 29, 2025, as the information contained with that document is prejudicially flawed. [See Exhibit D: “EOIR Order Granting Petitioners Motion to Suppress”].
32. On September 9, 2025, the Immigration Judge ordered another denial of Petitioners second Motion for Custody Redetermination on. [See Exhibit C: “EOIR Order Denying Petitioners Motions for Custody Redetermination”].
33. On September 17, 2025, Petitioner was granted termination of his immigration proceedings in an Order by an Immigration Judge. [See Exhibit E: “Order Granting Petitioners Motion to Terminate”].
34. Petitioner is being detained unlawfully at Otay Mesa Detention Facility, in San Diego, California despite an order of the Immigration Judge to Terminate his Proceedings.

35. Petitioner has been detained at this facility for over four months. Continued detention under order by the Immigration Judge to Terminate Proceedings constitutes unlawful detention and violates Due Process. Once proceedings are terminated, detention has no lawful justification.
36. ICE has not identified any exceptional circumstances warranting Petitioner's continued detention under ICE policy.

LEGAL FRAMEWORK

37. 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).
38. 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 Brigoni-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.

39. 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.
40. 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

41. Petitioner realleges and incorporates by reference the paragraphs above.
42. The Immigration and Nationality Act at § 236(a), 8 U.S.C. § 1226(a), authorizes DHS to detain pending a decision on whether the alien is to be removed with exceptions where detention regards the detention of a criminal alien.
43. In addition, The Immigration and Nationality Act at 8 U.S.C. § 1231(a) authorizes detention “beyond the removal period” only for the purpose of effectuating removal. 8 U.S.C. § 1231(a)(6); *see also Zadvydas*, 533 U.S. at 699 (“[O]nce removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute.”).
44. Detention authority under INA § 236(a), 8 U.S.C. § 1226(a), permits detention pending a decision on whether the alien is to be removed. In Petitioners’ case, because the Immigration Judge granted both the Motion to Suppress and the Motion to Terminate, there are no active

proceedings against him. [See Exhibit D: “Order Granting Petitioners Motion to Suppress” and Exhibit E: “Order Granting Petitioners Motion to Terminate”]. Once termination of proceedings occurred, ICE lacked statutory authority under INA § 236(a), 8 U.S.C. § 1226(a), to continue detention of Petitioner because there is no longer any pending decision about removal.

45. Furthermore, the Immigration Judge found that DHS could not meet its burden of proof under INA § 240(c)(3)(A) 8 U.S.C. § 1229a to establish removability by clear and convincing evidence. [See Exhibit D: “Order Granting Petitioners Motion to Suppress”]. Without lawfully obtained evidence of alienage, DHS cannot sustain its charge and therefore cannot meet its burden of proof. Any evidence of alienage was excluded as the product of an unlawful stop lacking reasonable suspicion, leaving the government without a basis to proceed. These conditions make continued detention unforeseeable and unlawful.

46. Under the INA detention must align with the statutes purpose. INA § 236(a), 8 U.S.C. § 1226(a) is a civil detention statute designed to ensure appearance at hearings and protect the community. Because the immigration court has already granted Petitioner’s motion to suppress and motion to terminate, there are no ongoing removal proceedings to justify continued detention under INA § 236(a), 8 U.S.C. § 1226(a). With proceedings terminated and no criminal record, detention exceeds statutory authority and purpose.

47. Under *Zadvydas* and *Denmore*, immigration detention is permissible only while proceedings are pending and removal is reasonably foreseeable. Here, once the Immigration Judge granted the Motion to Terminate there is no further pending decision in Petitioners case. In Petitioners case there is no final order of removal because immigration proceedings have been terminated. Therefore, detention serves no purpose other than punishment, in violation

of the fifth amendment. Continued detention is therefore unlawful, and habeas relief in the form of release is warranted.

48. Petitioner's removal is not reasonably foreseeable; his detention does not effectuate the purpose of the statute and is accordingly not authorized by the INA 8 U.S.C. § 1231(a). Petitioner was granted termination of his immigration proceedings, which ended his deportation case without a final order of removal. Petitioner's removal is not reasonably foreseeable as his case with EOIR has been terminated and he has not been ordered removed by an Immigration Judge. Continued detention under these circumstances would be unlawful and unauthorized.

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

COUNT TWO
Violation of Fourth Amendment Unreasonable Search and Seizure

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

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

provides that for an immigration officer to lawfully detain a person they suspect to be in the country illegally they must have “a reasonable suspicion, based on specific articulable facts, that the person being questioned is, or is attempting to be, engaged in an offense against the United States or is an alien illegally in the United States.”

52. The agents’ actions constituted a non-consensual seizure under the Fourth Amendment. A reasonable person, questioned by officers dressed in official vests and covered in hoods, arriving in unmarked vehicles, would not feel free to leave or refuse questioning.
53. The presence of multiple agents is a significant factor in determining that a reasonable person would not have felt free to leave. [See Exhibit B: “Declaration of Petitioner Agustin Martinez Rivera”]. The use of unmarked vehicles and agents lack of identifying insignia created conditions of intimidation and fear, effectively compelling Petitioner to remain at the location. *Id.* As a consequence of these circumstances, Petitioner felt as if he was not free to leave and was therefore compelled to stay. *Id.* These conditions would make any reasonable person feel detained, regardless of whether they physically tried to flee.
54. In addition, Petitioner was detained without reasonable suspicion, in violation of the Fourth Amendment’s safeguard against unreasonable seizures. The seizure was unsupported by reasonable suspicion because the officers relied solely on racial appearance, which is impermissible under *Brigoni-Ponce*. ICE agents detained Petitioner without individualized, reasonable suspicion, instead relying on his appearance, location, and name. *Id.*
55. Here, ICE agents engaged in at least two types of egregious violations of the Fourth Amendment. First, the ICE agents used coercion and duress during the search and second, they lacked reasonable suspicion to seize the Petitioner, ICE targeted the Petitioner based on his race, color of his skin and the location of his work.

56. It is clear based on the declarations provided that the Petitioner was simply present at his place of work when he was detained without reason. A witness who was there at the time of the arrest states: "I saw no badges, no form of identification, no warrants of why he was being arrested. They detained someone just based on the color of his skin. I felt tears in my eyes, my heart racing in anxiety, fear, towards the incident and the ICE agents themselves."

[See Exhibit G: "Declaration of Vart Ani Soghomonian"]

57. Another witness states: "[t]he officers were in uniforms, but I cannot confirm if they were actual ICE uniforms. I can only say with certainty that they were masked and unidentifiable, especially since they were not wearing badges. I did not hear any agents identify themselves as ICE or explain their presence, and for a moment, I feared it was a hostage situation or a shooting. My mind raced to the worst scenarios until I began to see them targeting specific workers, and then it dawned on me what was happening. I observed them systematically scrutinizing everyone and only detaining certain individuals, particularly those who were Latino." [See Exhibit H: "Declaration of Feliciano Gonzalez Ceja"].

58. Petitioner's daughter, Maria Del Rocio Martinez was also present when her father was apprehended, she states, "Suddenly a couple of unmarked Ford vehicles came speeding through the back of the car wash --- they were driving so fast, I instinctively jumped back. They almost hit me. My heart dropped. In over seven years working there, I had never seen anything like that. I froze. That area is private property --- only employees are ever back there" [See Exhibit I: "Declaration from Maria del Rocio Martinez"].

59. Furthermore, the Petitioner contends that he does not have a criminal history or warrant for his arrest that would have prompted ICE to target him. The Petitioner believes that he and his co-workers were racially profiled and wrongfully questioned for no reason other than to be

arrested and trigger removal proceedings. The declarations of witnesses confirm that the Petitioner was targeted due to his race and type of work he was performing. Finally, the encounter occurred on private property, a fact that does not add up to the ICE agent's narrative that the encounter was consensual.

60. In the instant case, the Petitioner was at work, at a car wash and was not personally asked for his identification or his status within the United States at the time he was arrested. The Petitioner was immediately arrested, thrown in the back of an unmarked vehicle and taken to an ICE processing center, where he was then asked questions pertaining to his person.
61. ICE agents do not contend that they had any identifying information on them and or markings; however, the Petitioner couldn't make out it was ICE until he was already arrested and in the back of the unmarked vehicle. ICE agents should have ensured that the Petitioner was properly aware of who was interrogating him and provided a basis for targeting him.
62. 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

63. The allegations in the above paragraphs are realleged and incorporated herein.
64. 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 proceedings are assumed to be nonpunitive in nature. *Id.* 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)). To determine whether immigration detention meets the standard, the court asks whether the detention exceeds a period reasonably necessary to secure removal. *See id.* at 699. The courts measures whether removal is reasonably foreseeable and holds that continued detention is unreasonable and no longer authorized when it is not reasonably foreseeable. *Id.* 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).

65. First, Petitioner does not pose a danger to the community. He has no criminal history and has demonstrated strong law-abiding behavior in his community. He has a family that he cares for emotionally and financially. He cares for his elderly parents financially and was working two jobs to help make a better life for his family. [See Exhibit : Letters of Support for Petitioner"]. He is an active member of his church and is described as honest and peace-loving. *Id.* Petitioner is not a danger to his community; in fact, he is described as helpful and responsible. *Id.* His conduct and community involvement reflect a commitment to peaceful and productive living. *Id.*

66. Second, Petitioner does not pose a risk of flight. Petitioner has strong family and community ties in the United States. *Id.* Petitioner has created a network of supportive members of his community who wish to see him released and back in their community. *Id.* These strong family and community ties show his responsibility to deter flight. In addition, Petitioner has also demonstrated compliance with court proceedings as he has litigated motions through EOIR. This adherence to the law shows that Petitioner does not pose a risk of flight because he is disposed to go through the proper avenues to secure immigration relief.

67. Furthermore, immigration detention is a civil matter and therefore it violates due process

unless it is reasonably related to its statutory purpose. With proceedings terminated, there is no removal case to adjudicate, making detention punitive. Here, the government's statutory purpose of securing removal is no longer feasible as Petitioner immigration proceedings are terminated. Petitioner has been detained in Otay Mesa Detention Center for over four months and remains detained despite termination of his proceedings. Petitioner prolonged detention without justification violates due process because his continued detention serves no purpose other than punitive confinement.

68. In addition, the similarity between the conditions of Petitioner's detention and penal confinement weigh in favor of granting habeas relief. The fifth amendment's due process clause prohibits punitive civil detention. The conditions of Otay Mesa Detention Center have been reported as having "Staffing shortages, poor coordination between medical and mental health care providers, and widespread problems with record-keeping contributed to the risks for detainees, many of whom suffer from depression, anxiety, and post-traumatic stress disorder." [See Exhibit K: "Cal Matter's Report on ICE Facilities"]. In addition, the detention center is described as overcrowded with detainees even sleeping on the floor. [See Exhibit L: "KPBS Article on Otay Mesa Overcrowding"]. Continued detention under these conditions imposes irreparable harm to petitioner and his U.S. citizen family.

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

COUNT FOUR

70. If he prevails, Petitioner requests attorney's fees and costs in the amount of \$15,000 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) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law and
- (8) Grant any further relief this Court deems just and proper.

Respectfully submitted,



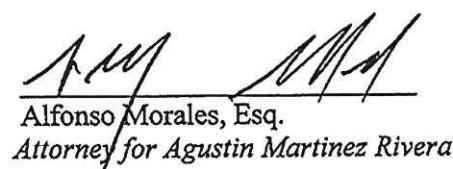
Alfonso Morales, Esq.
Attorney for Agustin Martinez Rivera

Dated: October 2, 2025

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

I represent Petitioner, Agustin Martinez Rivera, 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 2 day of October 2025.



Alfonso Morales, Esq.
Attorney for Agustin Martinez Rivera

INDEX IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

AGUSTIN MARTINEZ RIVERA

| EXHIBIT | PAGE | DESCRIPTION |
|----------|--------------|--|
| <u>A</u> | <u>1-3</u> | BIRTH CERTIFICATE FOR PETITIONER AGUSTIN MARTINEZ RIVERA WITH ENGLISH TRANSLATION |
| <u>B</u> | <u>4-5</u> | DECLARATION OF PETITIONER AGUSTIN MARTINEZ RIVERA WITH ENGLISH TRANSLATION |
| <u>C</u> | <u>6-9</u> | EXECUTIVE OFFICE FOR IMMIGRATION REVIEW ORDER DENYING PETITIONER'S MOTION FOR CUSTODY REDETERMINATION |
| <u>D</u> | <u>10-14</u> | EXECUTIVE OFFICE FOR IMMIGRATION REVIEW ORDER GRANTING PETITIONER'S MOTION TO SUPPRESS |
| <u>E</u> | <u>15-18</u> | EXECUTIVE OFFICE FOR IMMIGRATION REVIEW ORDER GRANTING PETITIONER'S MOTION TO TERMINATE |
| <u>F</u> | <u>19</u> | BIRTH CERTIFICATES FOR CHILDREN OF PETITIONER AGUSTIN MARTINEZ RIVERA |
| <u>G</u> | <u>20-22</u> | DECLARATION FROM WITNESS OF PETITIONERS ARRESTS BY VART ANI SOGHOMONIAN |
| <u>H</u> | <u>23-24</u> | DECLARATION FROM WITNESS OF PETITIONERS ARRESTS BY FELICIANO GONZALEZ CEJA |
| <u>I</u> | <u>25-27</u> | DECLARATION FROM WITNESS OF PETITIONERS ARRESTS BY MARIA DEL ROCIO MARTINEZ |
| <u>J</u> | <u>28-50</u> | LETTERS OF SUPPORT FOR PETITIONER AGUSTIN MARTINEZ RIVERA |
| <u>K</u> | <u>51-53</u> | CAL MATTER'S REPORT ON ICE FACILITIES "CALIFORNIA SENT INVESTIGATORS TO ICE FACILITIES. THEY FOUND MORE DETAINES, AND HEALTH CARE GAPS." |

| | | |
|----------|--------------|--|
| <u>L</u> | <u>54-60</u> | KPBS ARTICLE "OVERCROWDED CONDITION PLAGUE OTAY MESA AND OTHER IMMIGRANT DETENTION FACILITIES" |
|----------|--------------|--|



LAW OFFICES OF ALFONSO MORALES, ESQ.

THE OFFICER OR AGENT OF THE CIVIL REGISTRY

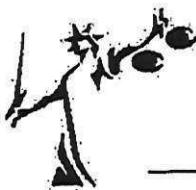
I, AURA NAVARRO, ATTEST TO MY COMPETENCY TO TRANSLATE FROM SPANISH TO ENGLISH. I CERTIFY THAT THIS IS A
CORRECT AND FAITHFUL ENGLISH TRANSLATION OF ALL INFORMATION OF THIS BIRTH CERTIFICATE FROM THE SPANISH
ORIGINAL.

AURA NAVARRO, Legal Assistant

07/07/25

Date

EXHIBIT B



LAW OFFICES OF ALFONSO MORALES, ESQ.

DECLARACION PARA AGUSTIN MARTINEZ-RIVERA

1. Mi nombre es Agustin Martinez Rivera, naci el [REDACTED] y soy de Guerrero Mexico.
2. Fui detenido por Agentes de Inmigracion el 28 de Junio de 2025 en mi sitio de trabajo Bonita Car Wash en San Dimas, CA aproximadamente a las 8:45 AM.
3. Estaba trabajando con un carro de un client cuando mire unos hombres salir de unos carros no marcados. Los hombres tenian mascaras no les podia ver la cara, traian chalecos, traje y estaban encapuchados. Trate de corer pero estaba rodeado de vehiculos distintos por todo el car wash y por las salidas del carwash.
4. El oficial se me acerco y me pregunto si tenia papeles. Yo no le conteste y me arresto. El oficial no se identifico conmigo, no me enseño una orden judicial y no me leyó mis derechos. Me agarran agresivamente y esposaran. Me metieron a un carro no marcado, no tenia luces preventivas de ICE. Solo se llevaron a los trabajadores que tenian la camisa de Bonita Car Wash como yo.

DECLARO BAJO PENALIDAD POR PERJURA QUE LA AFIRMACIONES ANTERIORES SON VERDADERAS Y CORRECTAS SEGUN MI MEJOR CONOCIMIENTO

7/16/2025

Agustin Martinez Rivera

Date

TRANSLATION OF
DECLARATION FOR AGUSTIN MARTINEZ RIVERA

1. My name is Agustin Martinez Rivera, I was born on [REDACTED] and I am from Guerrero, Mexico.
2. I was detained by immigration agents on June 28, 2025 at my workplace, Bonita Carwash in San Dimas, CA at approximately 8:45 AM.
3. I was working on a customer's car when I saw some men get out of unmarked cars. The men were wearing mask, so I couldn't see their faces. They were wearing vest, suits and hoods. I tried to run, but I was surrounded by different vehicles throughout the car wash and at the car wash exits.
4. The officer approached me and asked me if I had papers. I didn't answer him and then he arrested me. The officer did not identify himself to me, did not show me a warrant and did not read me my rights. They grabbed me aggressively and handcuffed me. They put me in an unmarked car that did not have ICE warning lights. They only took the workers who were wearing Bonita Car Wash shirts like me.

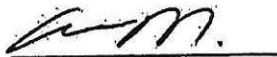
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

s/Agustin Martinez Rivera

s/Date

CERTIFICATE OF TRANSLATOR

I Aura Navarro am competent to translation from SPANISH language into ENGLISH and certify that the translation of DECLARATION OF AGUSTIN MARTINEZ RIVERA is true and accurate to the best of my abilities.


Signature of Translator

Aura Navarro
Printed Name of Translator

Translator Address: 1109 W. San Bernardino Rd. #140, Covina, CA 91722

Phone Number: 951-340-2770

EXHIBIT C

EXHIBIT D

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OTAY MESA IMMIGRATION COURT
7488 Calzada de la Fuente
San Diego, California 92154

File No.: A [REDACTED]) Date: August 28, 2025
In the Matter of)
Agustin MARTINEZ-RIVERA) IN REMOVAL PROCEEDINGS
Respondent.)

ON BEHALF OF
THE RESPONDENT:
Alfonso Morales, Esquire
8131 Rosecrans Avenue, Suite 200
Paramount, California 90723

ON BEHALF OF THE DEPARTMENT
OF HOMELAND SECURITY:
Antonio Estrada, Assistant Chief Counsel
P.O. Box 438150
San Diego, California 92143

MOTION: Respondent's Motion to Suppress Evidence

DECISION AND ORDER OF THE IMMIGRATION JUDGE

I. INTRODUCTION AND PROCEDURAL HISTORY

On July 5, 2025, the Department of Homeland Security ("DHS") personally served Respondent with a Notice to Appear ("NTA"), alleging that he is a native and citizen of Mexico who entered the United States at or near an unknown place on an unknown date. *See* Exh. 1. The DHS charged Respondent as inadmissible under section 212(a)(6)(A)(i) of the Immigration and Nationality Act ("INA") as an alien present in the United States without being admitted or paroled. On July 9, 2025, the DHS filed the NTA with the Immigration Court in Otay Mesa, California, thereby vesting jurisdiction with this Court over these proceedings. 8 C.F.R. § 1003.14(a).

The DHS submitted as evidence a Form I-213, Record of Deportable/Inadmissible Alien ("I-213"). *See* DHS' Submission of Evid. (Jul. 24, 2025). The Respondent moved to suppress the I-213. *See* Resp't's Mot. to Suppress (Aug. 4, 2025); Resp't's Supplement to Mot. to Suppress (Aug. 8, 2025). Respondent alleges that he was unlawfully detained and interrogated in violation of the regulations and his Fourth and Fifth Amendment rights. As a result of these alleged violations, the Respondent moves the Court to suppress the unlawfully seized evidence and terminate proceedings. DHS filed an opposition to Respondent's motion to suppress stating that Respondent did not carry his burden to establish a *prima facie* case that the challenged evidence was unlawfully obtained. *See* DHS' Opp. To Resp't's Mot. to Suppress (Aug. 14, 2025). Respondent filed a response to DHS' opposition. *See* Resp't's Response to DHS' Opposition (Aug. 20, 2025). On August 20, 2025, the Court held a suppression hearing to determine whether the Respondent established a Fourth

Amendment violation such that the evidence should be suppressed. *See Matter of Tang*, 13 I&N Dec. 691, 692 (BIA 1971).

II. LAW AND ANALYSIS

A. Exclusionary Rule

The Respondent moves to suppress and exclude the I-213 on the basis that his Fourth and Fifth Amendment rights were violated. Resp't's Mot. to Suppress at 2, 5-10. He also alleges that ICE agents violated the two regulations related to immigration law and INA § 287(a)(2). The exclusionary rule does not ordinarily apply in civil immigration proceedings. *INS v. Lopez-Mendoza*, 468 U.S. 1032, 1050 (1984). However, there are two exceptions to this general rule: "(1) when the agency violates a regulation promulgated for the benefit of petitioners and that violation prejudices the petitioner's protected interests and (2) when the agency egregiously violates a petitioner's Fourth Amendment rights." *Sanchez v. Sessions*, 904 F.3d 643, 649 (9th Cir. 2018) (internal citations omitted). When challenging the admission of evidence, a respondent must establish a *prima facie* case that one of the exceptions to the exclusionary rule applies to sustain their burden. *See Matter of Barcenas*, 19 I&N Dec. 609, 611 (BIA 1988).

1. Fourth Amendment Violation

To trigger the exclusionary rule in immigration proceedings for an alleged Fourth Amendment violation, a respondent must establish (1) a *prima facie* case that law enforcement violated their Fourth Amendment rights and (2) that the Fourth Amendment violation was egregious. *Lopez-Rodriguez v. Mukasey*, 536 F.3d 1012, 1016 (9th Cir. 2008). The Ninth Circuit has defined an "egregious violation" as "evidence [] obtained by deliberate violations of the Fourth Amendment, or by conduct a reasonable officer should have known was in violation of the Constitution." *Martinez-Medina v. Holder*, 673 F.3d 1029, 1034 (9th Cir. 2011) (citing *Gonzalez-Rivera v. INS*, 22 F.3d 1441, 1449 (9th Cir. 1994)). If a respondent establishes both, the burden shifts to the DHS to defend the constitutionality of its actions. *See Matter of Barcenas*, 19 I&N Dec. at 611.

The Fourth Amendment protects "the right of people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." U.S. Const. amend. IV. Fourth Amendment seizures are reasonable "only if based on probable cause." *Perez Cruz v. Barr*, 926 F.3d 1128, 1138 (9th Cir. 2019) (quoting *Dunaway v. New York*, 442 U.S. 200, 213 (1979)). In the immigration context, a seizure is permissible if an arresting officer has a reasonable suspicion that the subject of the seizure is a noncitizen present in the United States without immigration status. *See Orhorhaghe v. INS*, 38 F.3d 488, 497 (9th Cir. 1994).

The Court finds the Respondent was seized by the immigration officers. A seizure is when, taking into account all the circumstances surrounding the encounter, the police conduct would have

communicated to a reasonable person that they were not at liberty to ignore the police presence and go about their business. *Florida v. Bostick*, 501 U.S. 429 (1991). Asking for identification or documents generally does not constitute a seizure. *INS v. Delgado*, 466 U.S. 210 (1984). However, detaining someone physically to determine identity, after the individual refuses an officer's request to identify themselves is a Fourth Amendment violation of the right to be free from an unreasonable seizure. *Id.; Brown v. Texas*, 443 U.S. 47, 99 (1979).

Here, Respondent testified he was drying a customer's car at his worksite. About 15-20 officers with hoods approached him and his coworkers. One officer grabbed Respondent and did not ask Respondent any questions. Respondent was placed in a van. While there, officers took Respondent's telephone and wallet. Officers did not ask Respondent his name or say they had a warrant. The Respondent was arrested and officers took him to another location about 6 miles from Respondent's place of work. There, officers asked Respondent his name, citizenship, and nationality. Respondent provided his name and country of citizenship. The Court found the Respondent testimony to be candid, not exaggerated, internally consistent and consistent with the testimony of other individuals who were detained during this incident.¹ Therefore, the Court finds Respondent credible. Furthermore, the DHS did not present the ICE officers as witnesses. Because the Court credits Respondent's testimony, and ICE officers did not testify, the Court will not credit the I-213 statement that this scenario was a "consensual encounter" during which the Respondent admitted to being a citizen and national of Mexico. The I-213 also made no mention of the location or circumstances surrounding the Respondent's alleged admission. Based on these facts, the Court finds the Respondent was seized within the meaning of the Fourth Amendment.

Immigration officers may "seize" an individual under the Fourth Amendment through a temporary detention to investigate whether that person is in the country unlawfully so long as the officer can "articulate objective facts providing a reasonable suspicion that [the subject of the seizure] was an alien illegally in this country." *Orhorhaghe v. INS*, 38 F.3d at 497 (no record of entry in INS computer system, plus a foreign sounding name and foreign look was insufficient for reasonable suspicion, noting U.S. citizens also do not have entry records); *see also* 8 C.F.R. § 287.8(b)(2) (codifying this standard into the regulations). Reasonable suspicion requires particularized suspicion, and in an area in which a large number of people share a specific characteristic, that characteristic casts too wide a net to play any part in a particularized reasonable suspicion determination. *See United States v. Montero-Camargo*, 208 F.3d 1122, 1134 (9th Cir. 2000). Physical characteristics suggestive of ethnicity or ancestry are not, standing alone, a reasonable basis to stop and question an individual regarding his immigration or citizenship status. *See United States v. Brignoni-Ponce*, 422 U.S. 873, 886-87 (1975); *Sanchez*, 904 F.3d at 650-51. Additionally, refusal to answer questions, by itself, does not create reasonable suspicion. *See Florida v. Royer*, 460 U.S. 491, 497-98 (1983).

¹ The Court heard testimony from two other respondents (240-083-761, 246-058-249) who were also present at this worksite at the time of the incident, arrested, and placed into removal proceedings. All three respondents are represented by the same attorney.

The Court finds that, at the time the Respondent was seized, the ICE officers did not have reasonable suspicion that the Respondent was an alien illegally in this country. First, officers did not ask the Respondent for identification or documents prior to seizing him. Second, the I-213 states the officers were executing Operation at Large “targeting immigration violators,” but the I-213 contains no evidence that officers had reasonable suspicion that Respondent was in the country illegally. *Sanchez*, 904 F.3d at 650-51 (finding no specific and articulable facts –therefore no reasonable suspicion -- that would support a detention because there was no evidence in the record that officers knew ahead of his detention that he entered without inspection 2 decades ago). Rather, the I-213 presents boilerplate information that lacks sufficient detail, including the sequence of events and location where Respondent allegedly provided information about his citizenship. Finally, the DHS did not present the ICE agents who were present during this apprehension; therefore, no testimony was heard regarding whether ICE agents had reasonable suspicion. Based on these facts, the Court finds that the Respondent’s seizure was unlawful.

Having determined that the seizure was a violation of the Fourth Amendment, the Court next considers whether the violation was egregious. Here, the Court finds that a reasonable officer should have known that grabbing and physically restraining an individual without having reasonable suspicion that the individual was in the United States illegally was in violation of the Constitution. Therefore, the Court finds the Respondent made a *prima facie* showing of an egregious Fourth Amendment sufficient to trigger the exclusionary rule, and the burden shifts to the DHS to defend the constitutionality of its actions. *See Matter of Barcenas*, 19 I&N Dec. at 611-12.

At the suppression hearing, the DHS argued that the seizure was constitutional because the immigration officers were free to enter the area where the Respondent was located and the officers did not tell the Respondent that he could not leave. The Court finds this argument unpersuasive because it does not address the lack of reasonable suspicion that is required for a lawful seizure. Also, although the officers did not explicitly tell the Respondent that he could not leave, their conduct – including the presence of several officers and physically grabbing the Respondent and placing him in a van -- was such that a reasonable person would not believe he could terminate the encounter. *Orhorhaghe v. INS*, 38 F.3d at 497. Therefore, the Court finds the Respondent sustained his burden of establishing that the exclusionary rule applies. *See Matter of Barcenas*, 19 I&N Dec. at 611 (discussing the burden shifting framework).

2. Independent Evidence Doctrine

Even with evidence of a Fourth Amendment violation, an alien’s identity is never suppressible as the fruit of an unlawful arrest. *United States v. Guzman-Bruno*, 27 F.3d 420, 422 (9th Cir. 1994); *Matter of Cervantes-Torres*, 21 I&N Dec. 351, 353 (BIA 1996). The exclusionary rule is inapplicable when a respondent’s identity leads to the discovery of preexisting records. *Id.*; *see Perez Cruz v. Barr*, 926 F.3d 1128, 1136 (9th Cir. 2019) (noting that while identity evidence is never suppressible, evidence of alienage uncovered as a result of an egregious Fourth Amendment violation should be

suppressed). If DHS submits documents that existed in the government's control prior to the disputed encounter, they cannot and need not be suppressed due to any violation, constitutional or regulatory, that occurred later in time. *See Sanchez*, 904 F.3d at 653 ("The fruit-of-the-poisonous-tree doctrine does not extend backwards to taint evidence that existed before any official misconduct took place"). This is true even where DHS became aware of the records solely because the allegedly unlawful encounter brought a respondent to their attention. *See United States v. Ortiz-Hernandez*, 427 F.3d 567, 577 (9th Cir. 2005) ("There is no sanction to be applied when an illegal arrest only leads to discovery of the man's identity and that merely leads to the official file or other independent evidence.").

At the suppression hearing, the DHS did not present "independent evidence" of Respondent's alienage. *See Matter of Cervantes-Torres*, 21 I&N Dec. 351, 353 (BIA 1996) ("[O]nce the respondent has been placed in deportation proceedings, any evidence which is independently obtain may be relied upon, regardless of the alleged illegal arrest."). At the next master calendar hearing, the Court will determine whether the DHS can meet its burden to demonstrate alienage. 8 C.F.R. § 1240.8(c). If so, then the burden will shift to the Respondent to demonstrate by clear and convincing evidence that he is lawfully in the United States pursuant to a prior admission and is clearly and beyond a doubt entitled to be admitted to the United States. *Id.*

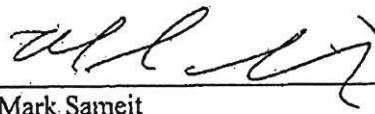
III. CONCLUSION

The Court concludes that the Respondent demonstrated that an egregious Fourth Amendment violation occurred. Therefore, the Court finds that suppression of the I-213 is warranted. As such, the Court need not reach the Respondent's remaining arguments for suppression. *See INS v. Bagamashad*, 429 U.S. 24, 25 (1976) ("As a general rule courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach.").

ORDER

IT IS ORDERED that Respondent's Motion to Suppress be GRANTED.

Dated: 28 Aug 25



Mark Sameit
Immigration Judge

EXHIBIT E

EXHIBIT G

Vart Ani Soghomonian

My name is Vart Ani Soghomonian, and I am a U.S. citizen. I currently reside in Covina, California, and I have been employed at Bohita Car Wash since May 16, 2021.

I am writing this letter to report an incident that occurred at my workplace on June 28th at approximately 8:30 AM. I was working at the gas station, and everything seemed normal until I suddenly heard shouting. I immediately stood up and looked out the window, where I spotted a white civilian SUV speeding onto private property without a warrant or any consent. This raised alarm bells in my head. I quickly grabbed my key, locking the front door and ran out the back door to my co-worker, whose daughter, Agustin Martinez, was distraught and crying seeing her father being arrested. I stayed close to her. Once I turned around I noticed another white SUV coming through to get to the employees parking lot which is private parking and private property aiming toward my co-worker. I ran in front of the SUV which made him brake and backed away speeding carelessly while pedestrians/customers are always walking. Not caring if he hit anything I chased after the SUV to the hotel next door seeing another man being detained by masked men. I saw no badges, no form of identification, no warrants of why he was being arrested. They detained someone just based on the color of his skin. I felt tears in my eyes, my heart racing in anxiety, fear, towards the incident and the ICE agents themselves. It was devastating seeing my coworker crying for her father who has been working here for so long just being picked up for no reason. Agustin is a great man who's always working and never fails to put a smile on everyone.

I, Vart Ani Soghomonian, affirm that I have spoken my truth regarding what I witnessed that morning, and I pledge that everything I have written is an accurate description of the incident.





EXHIBIT H

Feliciano Gonzalez

Phone number is [REDACTED]

I am a citizen of the United States. On the day of the incident, Saturday, June 28th, I was working at Bonita Carwash, located at 555 W Bonita Ave in San Dimas, California. My role at the car wash is as the outdoor car dryer. That morning, a group of unidentified vehicles surrounded the establishment, both in the front and back, resembling a SWAT team, albeit with fewer standards and protocols. Within seconds, we felt ambushed by these masked individuals. They also entered the back of the establishment, where there it's private property and parking. Six of my coworkers were taken, including Agustin Martinez. I personally witnessed the officers apprehending my coworkers. During this incident, I was at the back of the building performing my duties. There were approximately 10 to 15 agents, if I remember correctly. The officers were in uniforms, but I cannot confirm if they were actual ICE uniforms. I can only say with certainty that they were masked and unidentifiable, especially since they were not wearing badges. I did not hear any agents identify themselves as ICE or explain their presence, and for a moment, I feared it was a hostage situation or a shooting. My mind raced to the worst scenarios until I began to see them targeting specific workers, and then it dawned on me what was happening. I observed them systematically scrutinizing everyone and only detaining certain individuals, particularly those who were Latino. I have worked at this car wash for over 15 years, and this is by far the worst thing I have ever witnessed. One moment that stands out was when my coworker, Agustin Martinez, was detained in front of his daughter, who also works with us. Both of them were completely distraught, and she clung to him while crying hysterically. I cannot erase those images from my mind, and if this was traumatizing for me, I cannot begin to imagine how their families must have felt in that moment and continue to feel being separated to this day. The officers did not present any paperwork or warrants to detain individuals. I am not saying this merely because I know these people, but it did not appear professional; it looked like a group of amateurs targeting the first Latino individuals they encountered. I think that is why I did not immediately assume it was ICE, as there was no semblance of routine in their actions. No one dared to interact with the officers out of fear, as they were not asking questions; they were simply placing people in their vehicles. A week prior, ICE was reported at the Lowe's next door. They arrived when we were closed. It saddens me to know that one of my long-term coworkers has been taken from us. We shared many memories and always enjoyed great company while working together.

I, Feliciano Gonzalez, declare under penalty of perjury that the information provided in this letter is true and accurate to the best of my knowledge.

07 15 25
Feliciano Gonzalez

EXHIBIT I

Maria Del Rocio Martinez



On June 28, 2025, I went to work at 7:30 a.m. at the Bonita Carwash in San Dimas. I was working the cashier shift that Saturday morning. Around 8:30 a.m., I stepped out to the gas station nearby to get a bottle of water — I always prefer it at room temperature. But as I walked out of the store, something felt off. Suddenly, a couple of unmarked Ford vehicles came speeding through the back of the car wash lot — they were driving so fast, I instinctively jumped back. They almost hit me. My heart dropped. In over seven years working there, I had never seen anything like that. I froze. That area is private property — only employees are ever back there. We even have a sign that says, "Private property and Staff parking only." Then I saw them — masked men stepping out of the vehicles. One of them walked up and said "Good morning," in a voice that made my stomach twist. I couldn't tell who they were or what was happening. I looked around, panicking, trying to figure out how to warn my coworkers. My thoughts were racing. Who were these people? Why were they here? Why were they dressed like that? I felt the air tighten around me. I couldn't breathe properly. And then I turned and saw something I'll never forget — my dad being grabbed and handcuffed by one of the masked men. My body went cold. I didn't hear any words exchanged. No one showed a badge. No one gave a reason. I ran toward them, begging them to let him go. My dad looked completely shaken — his face was full of fear and confusion. I could see it in his eyes; he didn't know what was happening either. I hugged him as tightly as I could. I didn't want to let go. My hands were shaking. My voice cracked as I pleaded. He hadn't done anything wrong — he's never even been stopped by the police in his entire life. I held on until they pulled him away from me. They never said where they were taking him. No names. No answers. Just silence and force. Watching him disappear into the back of an unmarked truck broke something inside me. My dad has worked at Bonita Carwash for over 24 years — he was just doing his job that day, trying to provide for our family like he always has. I still live at home with him, my mom, and my brother. He's more than just my dad — he's been my biggest supporter. He helped me buy my first car. He supported me through dental school. He believed in me when I didn't believe in myself. I want him to see me succeed — to walk beside me into the future he helped build. I want him to hold his grandkids someday. I'm his little girl — and I always will be. I also want to state for the record that I have video recordings from the carwash that clearly show the events as they occurred. The footage captures the unmarked vehicles entering the property; the individuals involved, and the moment my father was detained without explanation. This evidence supports everything I have described here and reflects exactly what took place that morning at Bonita Carwash where my dad and I worked.

I, Maria Martinez, affirm under penalty of perjury that the statements I have made are true and correct to the best of my knowledge. Everything I have written accurately reflects what I witnessed and how I experienced it.

Thank you.

Maria Del Rocio Martinez



08/01/25

EXHIBIT J



HOLY NAME OF
MARY
CATHOLIC CHURCH
724 East Bonita Avenue
San Dimas, CA 91773
(909) 599-1243
www.hnmparish.org

To Whom it May Concern:

It is my distinct pleasure to write this letter of reference for Agustin Martinez Rivera. I have known Agustin since June 2000. In fact, he was part of our community.

Mr Agustin Martinez Rivera is an active member of our community and believes strongly in the values of the dignity. He is a productive member of his family and does his best to represent the community in a positive light through his words, actions, example, and in the diligence of the work he does.

His family has lived since 16 year's ago in [REDACTED]
Pomona CA 91767

He is one of the most dependable, conscientious, honest, and peace-loving people I have ever met and would be an excellent addition to our community. I wish I could return the kindness he has shown me and let him feel welcome and at home in our country. I am happy to provide further information if required.

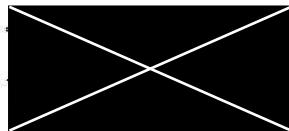
If you have any further questions about Agustin Martinez Rivera character, please feel free to call [REDACTED] or email me at lopezhernandezmario@yahoo.com, and I will be glad to speak with you in greater detail.

Sincerely,

Mario Lopez
Permanent Deacon, Holy Name of Mary Parish

June 30, 2025

Juan & Vidalia Garcia



To whom it may concern,

We Juan and Vidalia Garcia under penalty of prejudice declare that what is written in this letter is the truth. We hope that you take this letter into consideration. We have known Agustin Martinez Riverá for approximately 8 yrs. We have known him to be a hardworking, responsible, very respectful, he has a positive attitude and does not get into any problems with anyone and is a very caring man with his family. He was working Two jobs and put in many work hours just to make a better life for his family. Agustin is a friend of ours.

Like most people Agustin came to this country to have a better life for him and his family and also to help his elderly parents financially which, Agustin's Parents reside in Mexico.

Agustin is also the type of person that will lend a hand to friends, neighbors and family members when needed. Agustin has a special bond with his family and spends whatever free time he has with them.

Just the fact of them being separated is breaking their hearts, they are worried and frightened of what could happen to him. They are going through a lot without Agustin. It is hurting them emotionally and not to mention economically as well because that would put them in a very difficult situation.

We ask that you please take this letter in consideration.

Juan Garcia

Juan Garcia
Vidalia Garcia

Vidalia Garcia A black rectangular box with a white 'X' drawn through it, used to redact a signature.

Arthur Rey

1535 Via Arroyo

La Verne Ca. 91750

Artrey54@gmail.com



6/30/2025

To Whom It May Concern:

U.S. Immigration and Customs Enforcement

300 N.Los Angeles St.

Subject: Support Letter for Agustin Martinez

Dear Officer / To Whom It May Concern,

I am writing in regard to the apprehension and detention of Agustin Martinez by U.S. Immigration and Customs Enforcement.

I have known Agustin for 20 years and have had the opportunity to observe his character, conduct, and contributions to our community. Based on my personal experiences, I can say with confidence that he is a person of high moral character, integrity, and responsibility.

Throughout the time I have known him ,Agustin has demonstrated qualities that reflect strong values, compassion for others, and a deep commitment to lawful and productive living.

I understand and respect the role of ICE in

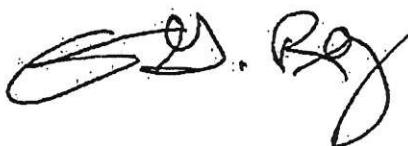
upholding immigration law. However, I respectfully request that you take this letter into consideration when evaluating Agustin's case. I believe that he poses no threat to public safety and has the potential to continue making positive contributions to the community if allowed to remain in the United States.

Please feel free to contact me if you require any further information or verification.

Sincerely,

Arthur Gabriel Rey

I Arthur Rey, declare under penalty of perjury that what I have written here is true.

A handwritten signature in black ink, appearing to read "A. Rey".

Affidavit of Witness

To Whom It May Concern,

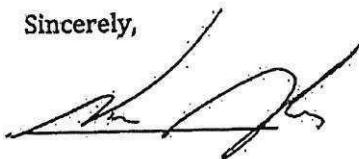
I, Nicolas Teposte Robles, a citizen of the United States, born on [REDACTED] in Guadalajara, Jalisco, Mexico, hereby declare under penalty of perjury that I have personal knowledge of the facts stated below and that they are true and correct to the best of my knowledge and belief.

I have known Agustin Martinez Ribera, born on [REDACTED], since he and his family moved into the mobile park where we were neighbors (he lived in Spc. [REDACTED]). They arrived in 2010, and during that time we were neighbors, our children attended Claremont High School together.

I can testify that Agustin Martinez Ribera is a responsible and hardworking person, a good father and a respectful neighbor. I have never known him to have any problems and he has always been a person of good moral character.

I make this statement in good faith to support Agustin Martinez Ribera's case before USCIS.

Sincerely,



Nicolas Teposte Robles

Date: 7/2/2025

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles

Subscribed and sworn to (or affirmed) before me on this 02
day of July, 2025, by Nicolas Teposte Robles

proved to me on the basis of satisfactory evidence to be the
person(s) who appeared before me.



(Seal)

Signature

Hayde Z Vigil



Declaration of Anahi Garcia

To whom it may concern,

My name is Anahi Garcia, I am a United States citizen born and raised in California, where I have known my Godfather, Agustin Martinez, ever since I can remember. Throughout my twenty years, he has always been present and in reach, in case I ever needed anything. I know him because he's also my uncle, married to my aunt. My aunt and uncle were always so sweet to me; they are the happiest, most vibrant, and in love couple. I saw them as another set of parents; therefore, my mom asked them to be my Godparents at my baptism, to which they happily agreed. My entire family is very close, and we often get together to celebrate any occasion in order to spend more time together, and oftentimes, more likely than not, we would all go to the Martinez home for these celebrations. I can confidently say they are the backbone to our large extended family, and to have their family be torn apart would not only affect our family, but also a considerably large community that they have formed in the time my uncle Augustine and his family have lived here. Even though I am an adult, he continues to step up as his kindness knows no bounds. Just the other day, I called him to ask about a car issue I was experiencing. Whenever my family has any issues around the house, he is one of the first people we call. This help spans from handiwork, electrical help, to life advice from him to us; he is always someone we can depend on. My uncle is such a hard worker, there is no opportunity he doesn't accept to bring more to the table for his family. The day he was detained, I accompanied his son and daughter to both of his jobs to let them know he would be unavailable because he was such a hard worker who seldom rested. Most of all, though, it would affect us, his family, as he has always been there as a support beam in case anyone ever needed help. He lived a brisk walk away with my aunt and his kids, and I found myself going there when I needed absolutely anything, as small as sugar, so if I needed it, the shirts off their backs. He and my aunt have raised their children to be exceptional Americans who contribute so much and, like their father, are always there to help. If given the opportunity, they will continue to give back to the country that has given us so much over our lives. The help he gives not only spreads to the people he loves and his family, but to everyone in his vicinity. If you happen to work around him, you can't help but admire him because he is always the first person to volunteer when someone needs help. I've heard many stories from his family friends about him casually offering up help and subsequently making connections through that. We have a very large community of family friends, and a large portion of this grew from him making friendships with his coworkers and people he encounters. All this boils down to him being a good member of society who contributes often to his community, a community that he builds with his kindness. I can say with absolute certainty that many people would be left irreparably in disarray if they had to go longer being separated from him. The celebrations that were once in his house will feel empty without the heart of it there. Life doesn't feel real knowing that he is separated from us and at risk of having no direct contact with them. Family deserves to be with each other, and that includes being able to hug their family and be

there for them after these traumatizing events. This is deeply saddening, knowing that my entire family is all inconsolable and at risk of depression because of this. Still, through our grieving, we show support and love for him because we have been gathering as a community and holding rosary vigils and praying that my uncle Augustine will be back home with us.

Thank you for your time and consideration. Should you have any questions for me, please feel free to contact me at the number shown below.

Onah Garcia



Liliana Chavez



July 1, 2025

To whom it may concern:

My name is Liliana Chavez, and under the penalty of perjury, I declare that everything I share in this letter is true to the best of my knowledge and memory. I truly hope you take my words into consideration, as they come from the deepest parts of my heart, filled with sincerity, love, and lived experience.

Agustin Martinez Rivera is my uncle by marriage. He became part of our family when he married my aunt Marina in 1995. I was just about six years old at the time, but I clearly remember attending their church wedding—it was one of my earliest memories of family celebration and unity.

Growing up, I spent countless nights at their home. I always felt safe, welcomed, and deeply cared for. Their home was filled with love, laughter, and warmth, and Agustin played a huge role in creating that atmosphere. We've shared so many beautiful moments together as a family—celebrating holidays, birthdays, and life milestones—but we've also faced painful times. I will never forget the look on his face the day his newborn baby passed away. The pain was unimaginable, but so was his quiet strength through it all.

When I was about 11 years old, my family and I lived with Agustin, my aunt Marina, and their two children—Edgar and Maria—for several years. We were under the same roof until I was around 14. During those years, I never felt uncomfortable or unsafe. Agustin treated me and my siblings like his own. He was always there—present, responsible, and deeply caring. He looked after us with so much love and patience. His children, Maria and Edgar, aren't just cousins to me; they feel like my own siblings.

Even after we all moved into our own homes, we remained very close. Agustin and his family have always been here, for every birthday, every holiday, every special moment. One of the most meaningful memories I hold is seeing him at my wedding, standing with us as we celebrated one of the most important days of my life. It meant everything to me to have him and his family there with my husband, Gregory Chavez, and our loved ones.

What stands out most about Agustin is his unwavering dedication to his family. I've watched him work two jobs without ever complaining—doing everything he could to provide a stable, loving life for his wife and children. He leads by example, showing his children what it means to work hard, stay humble, and live with integrity. Those values have deeply shaped not only his kids but also the people around him—including me. Even when life was hard or his days were long, Agustin always made time to connect with others. I remember many nights when he came home close to midnight after a long day, but he'd still sit down beside me, ask how I was doing, and really listen. That kind of presence and attentiveness is rare, and it meant the world to me.

specially during the times my husband was deployed. During those lonely and challenging months, their ⁹² home became a second home to my children and me. I'll never forget that kindness. I'll always be grateful.

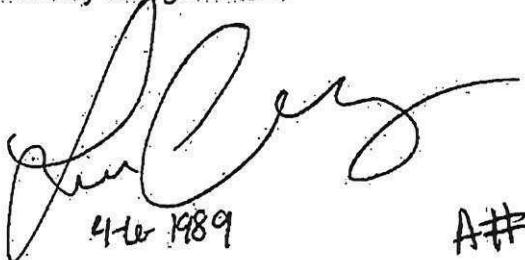
o this day, my children, now 17 and 12, look up to Agustin as more than just a relative. They see him as a role model—someone who treats people with respect, works hard without seeking recognition, and lives with honesty and heart. To them, he's family in every sense of the word.

Agustin is one of the most humble and good-hearted people I've ever known. He doesn't seek attention or praise—he just quietly and consistently shows up for the people he loves. He is generous with his time, selfless with his energy, and deeply rooted in his values. In all the years I've known him, I've never seen him act out of anger or selfishness. He approaches life with compassion and calm strength.

he world needs more people like Agustin. He is a good man—genuine, hardworking, and full of heart. It's hard to fully express how much he has meant to me and my family, but I hope this letter offers even a small glimpse into the kind of person he is.

Thank you so much for taking the time to read this.

With sincerity and gratitude,

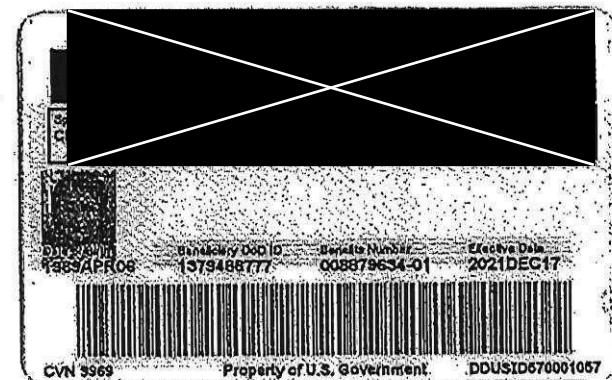
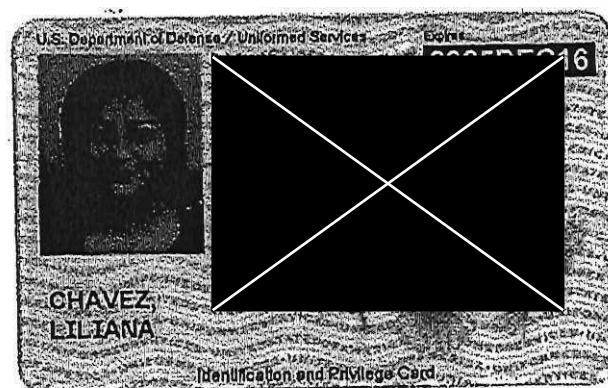


7-1-2025

4-16-1989

A# 

Silvana Chavez



Gregory M. Chavez



July 1, 2025

To Whom It May Concern,

My name is Gregory M. Chavez. Under penalty of perjury, I declare what I write is true to my knowledge. I hope that you take this latter into consideration. I've had the privilege of knowing Agustin Martinez Rivera since 2006, when I began dating my now wife, Liliana Chavez. Over the past 18 years, Agustin has become much more than just extended family—he's someone I deeply respect and admire.

Though my job keeps me away for long stretches, I've always looked forward to the times I get to see Agustin—whether it's at family reunions, holidays, or birthday celebrations. No matter how much time has passed, he has consistently welcomed me, my wife, and our children into his home with open arms and genuine warmth.

What stands out most to me is the kind of man Agustin is: a devoted father, a hard worker, and a quiet leader who sets an example through his actions. He treats my wife and our kids—now 17 and 12—not just as guests, but as part of his own family. Knowing they feel safe, respected, and cared for in his presence brings me tremendous peace, especially when I'm away.

Agustin is the kind of person who brings people together, who creates a sense of home and belonging. I am grateful to know him and proud to call him family.

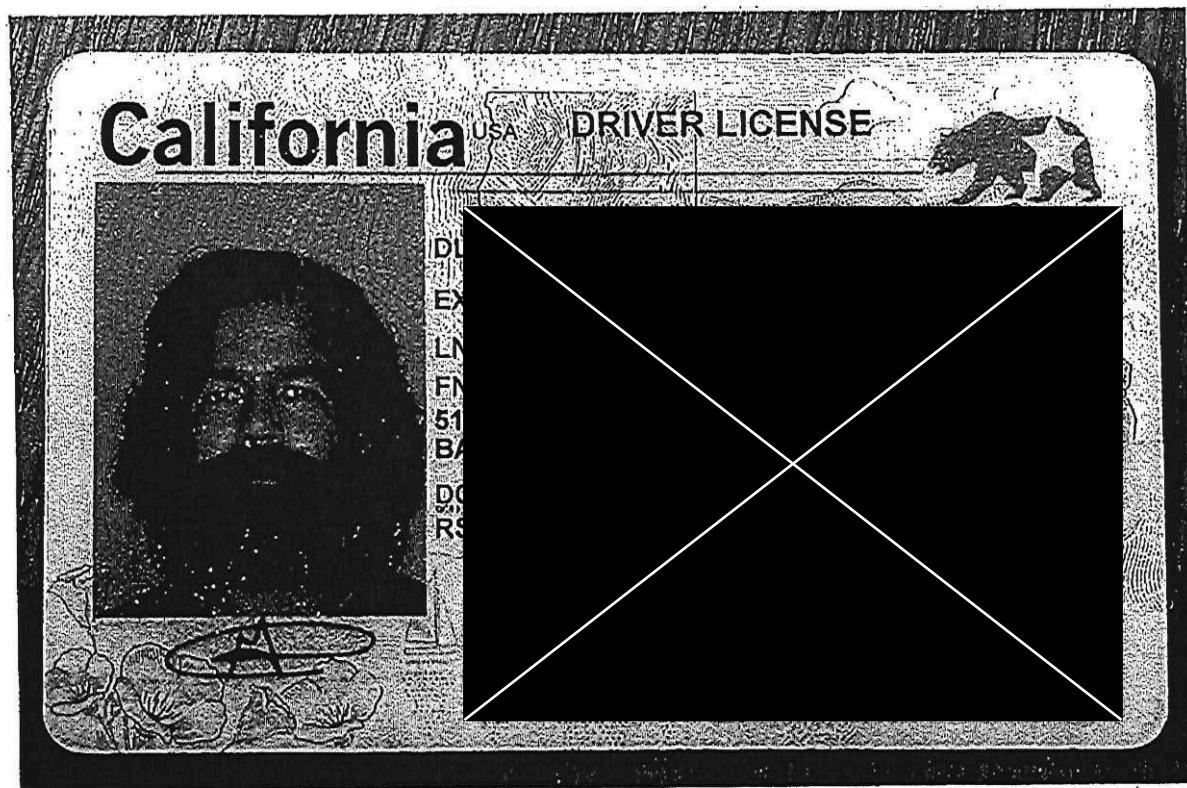
With respect and sincerity,

Gregory Chavez



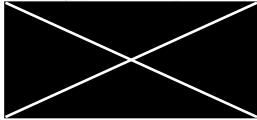
7-3-25

41



June 30, 2025

Norma Islas-Guadarrama



To whom it may concern:

Subject: Letter of support and good conduct for Agustin Martinez Rivera

I, Norma Islas-Guadarrama, under penalty of perjury declare that what is written here is the truth.

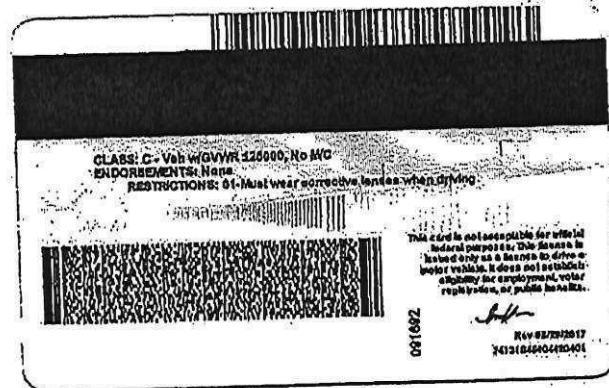
My name is Norma Islas-Guadarrama, and I am writing this letter to speak on behalf of my uncle, Agustin Martinez. He has been married to my aunt, Mariana Martinez, since 1998 and has been a part of my family ever since. He has been a supportive second father to me and has been there through my milestones in life-graduating high school, college, graduate school, and becoming a mother. Agustin is a caring, humble, compassionate, respectful and hardworking man.

While I was in graduate school he would assist, along with my aunt, in taking care of my daughters and would treat them like his own. To this day he has had a positive influence in my daughters' life. His home became a second home for me. I know I could always go there and be welcomed, cared for and listened to if I needed to. His positive influence has not only been towards my family but also expressed and felt with anyone around him. Agustin leads by example as his children, Edgar and Maria Martinez, reflect his strong character and work ethic.

Agustin has demonstrated to be productive member of society that his work ethic and determination to provide for his family has pushed him to be self-disciplined, responsible and resilient. He came to this country seeking the "American Dream" to provide for his family to the best of his abilities. He has always been a hard worker and has managed to raise his children to display his moral teachings. If further information is required, please contact me using the phone number provided.

With respect and sincerity,


Norma Islas-Guadarrama



4:

Jaime Daniel Rodriguez

July 03, 2025

Subject: Letter of Support and Good Conduct for Agustin Martinez Rivera

To whom it may concern,

I, Jaime Daniel Rodriguez, declare under penalty of perjury that what is written here is the truth.

My name is Jaime Daniel Rodriguez, and I live at [REDACTED] United States. I was born on December 24, 1990 in Los Angeles, CA. I am writing about my relationship with Agustin Martinez Rivera for the past 13 years, since we first met in 2012. I first met Agustin at a family party through my wife, who was my girlfriend back then. Agustin is my wife's uncle. My wife always talked about her uncles being strong and supportive, and till this day they have shown that.

Agustin is a hard working father, honest person, and supportive to his family and friends. He works two jobs just to make ends meet, rarely taking a day off for himself to relax. When he does have a day off, he is always providing assistance to those who need repairs with their homes at the mobile park he lives at. He doesn't ask for money in return, his only request is to always come and ask him to lend a hand. He likes to see families thrive, and not struggle financially as he knows very well how that feels like. He came to this country to seek a better future, not just for him but for his family. He has always stayed away from trouble, and is a firm believer of the golden rule; treat others with respect as you would like to be treated.

Agustin personally came to me in a time when I was at all-time low in my life. My mother had passed away, and then my newborn son shortly passed away in 2022. I didn't ask for help from anyone, and I thought I was hiding my sadness but he could tell right away I needed help. Out of his heart, he came to me and gave me \$100.00. He told me "I hope this helps with whatever, and don't take it bad."

Throughout the 13 years of knowing Agustin, I was able to attend his family parties, food gatherings, and he even attended to some of mine, whenever he wasn't working. He is a kind and upstanding individual. I deeply believe that his family needs him very much, as without him they are not complete. His void is greatly felt; his absence has caused a financial burden to his family as he is the main income provider.

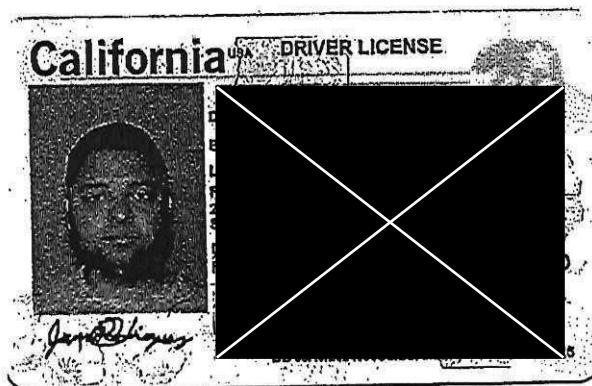
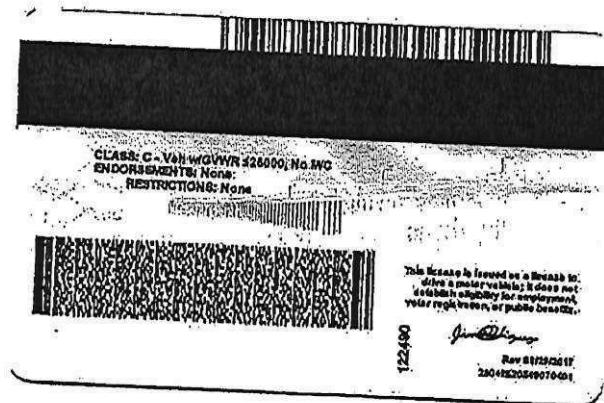
Please do not hesitate to get in touch if you should require any further information.

Sincerely yours,

Jaime Daniel Rodriguez



07/03/25



49

EXHIBIT K



JUSTICE

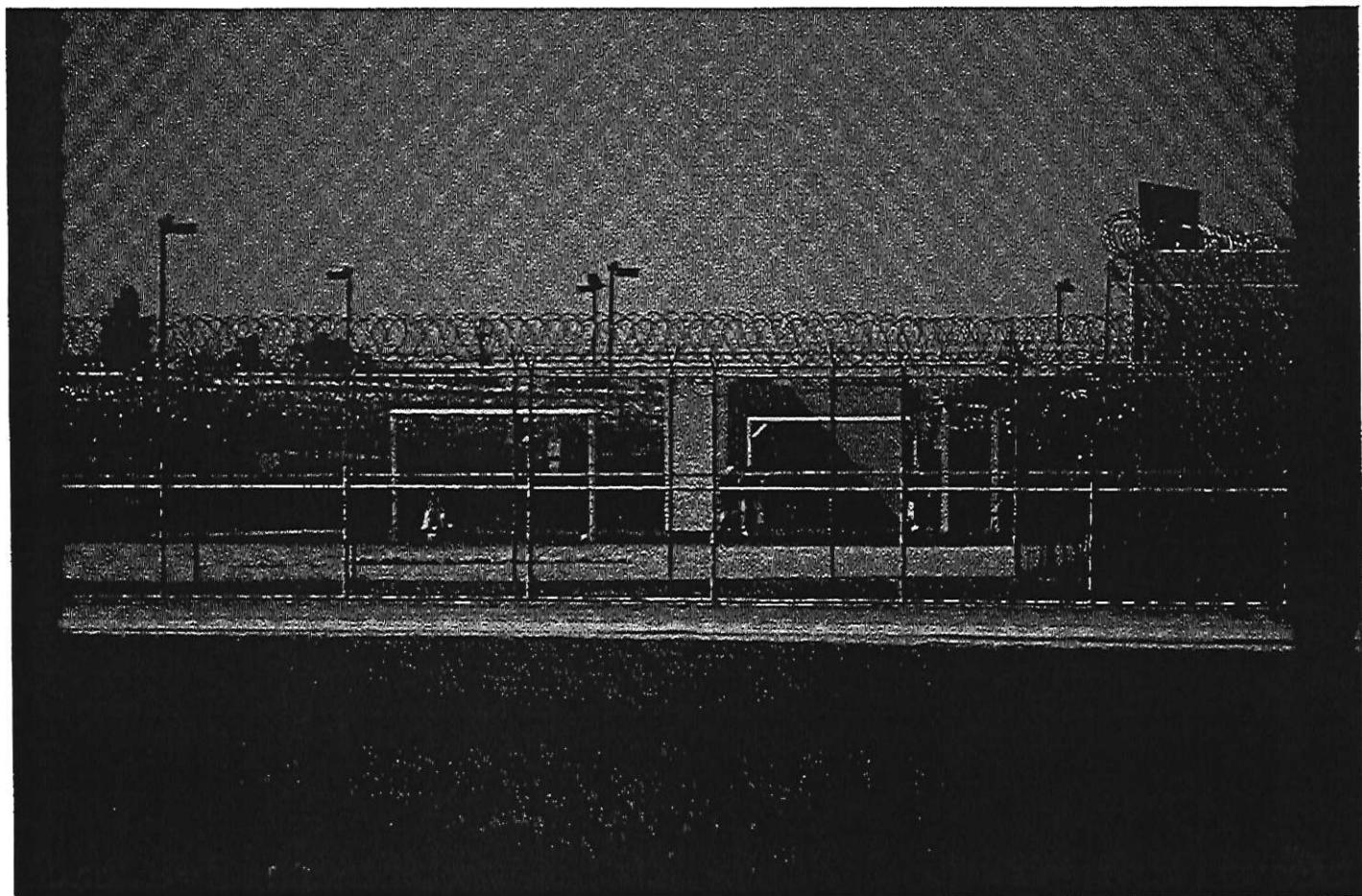
California sent investigators to ICE facilities. They found more detainees, and health care gaps



BY WENDY FRY

APRIL 29, 2025 UPDATED MAY 2, 2025

Republish



People detained inside the Golden State Annex, a U.S. Immigration and Customs Enforcement detention facility run by The GEO Group, in McFarland on March 9, 2025. Photo by Larry Valenzuela, CalMatters/CatchLight Local

IN SUMMARY

A California law empowers state investigators to check on conditions at ICE detention centers. A new report raises concerns about health care inside them.

A new report from the California Department of Justice finds that immigration detention facilities across the state continue to fall short in providing basic mental health care, with gaps in suicide prevention and treatment, recordkeeping, and use of force incidents against mentally ill detainees.

The report's release today comes alongside an aggressive expansion of immigration enforcement and broader changes to immigration policy under President Donald Trump's second administration. The timing of the report's release signals California officials plan to continue oversight as federal officials move to expand immigration detention capacity in the state.

It flagged that California's detainee population has grown since the state's last review: more than 3,100 people were held in immigration detention statewide as of April 16, up from the daily average of about 1,750 in 2021, the report found. About 75% of those detained had no documented criminal history.

Investigators with the state's Department of Justice inspected all six active immigration facilities in California. The inspections were conducted under a 2017 state law that mandated the Attorney General's office review and report on immigration detention facilities operating in California. It's the fourth report to be released on conditions in facilities where noncitizens are detained in California by federal Immigration and Customs Enforcement authorities.

The findings come amid broader concerns about federal oversight: the report notes that the federal Department of Homeland Security recently moved to shutter internal offices tasked with investigating civil rights complaints and detention conditions. Last week, the homeland security department quietly removed more than 100 civil rights and civil liberties records from its website, sparking concerns about transparency and accountability in immigration enforcement.

"California's facility reviews remain especially critical in light of efforts by the Trump Administration to both eliminate oversight of conditions at immigration detention facilities and increase its inhumane campaign of mass immigration enforcement, potentially exacerbating critical issues already present in these facilities by packing them with more people," said Attorney General Rob Bonta.

The 165-page report details conditions at privately operated facilities where federal immigration officials detain people facing deportation. State investigators found "deficiencies in suicide prevention and intervention strategies" at every site, including missed mental health screenings and improper clinical decisions about when to release detainees from suicide watch.

Staffing shortages, poor coordination between medical and mental health care providers, and widespread problems with record-keeping contributed to the risks for detainees, many of whom suffer from depression, anxiety, and post-traumatic stress disorder, according to the report.

Conditions that can worsen mental health, such as solitary confinement, remain common, the report found. At facilities known as Desert View Annex, Imperial, and Otay Mesa, investigators found that force was disproportionately used against individuals with mental health conditions, including cases where chemical agents were deployed. At the Mesa Verde facility in Bakersfield, officials failed to properly document or report the forced transfer of detainees who had participated in a peaceful hunger strike, the report said.

Despite federal guidelines discouraging the isolation of detainees with mental illness, the California review found people with serious mental health conditions were routinely placed in segregation, sometimes for months at a time. Investigators found some facilities failed to properly inform detainees about protections under a federal court settlement that requires legal representation for people with severe mental health disorders.

Pat-down policies at the Mesa Verde center discouraged detainees from seeking health care, the review found. Detainees reported feeling that invasive searches deterred them from attending medical appointments or accessing other services.

Christopher V. Ferreira, spokesperson for Geo Group, the private company that operates several of the facilities, in a written statement said the company “strongly disagrees with these baseless allegations, which are part of a long-standing, politically motivated, and radical campaign to abolish ICE and end federal immigration detention by attacking the federal government’s immigration facility contractors.”

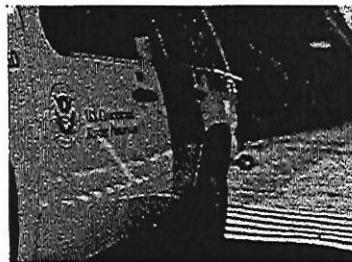
“This report by the California attorney general is an unfortunate example of a politicized campaign by open borders politicians to interfere with the federal government’s efforts to arrest, detain, and deport dangerous criminal illegal aliens in accordance with established federal law,” Ferreira wrote.

Alexandra Wilkes, spokesperson for a trade association that represents Geo Group and three other companies that operate private detention facilities, in a written statement said the contractors have worked “to enhance the conditions for individuals navigating immigration processes” over several decades.

“These improvements include safe and dignified care within modern, purpose-built facilities that offer in-house healthcare services, access to the U.S. legal system, immigrant-rights advocates, religious services, recreation, and more,” wrote Wilkes of the organization called the Day 1 Alliance.

After this story published, ICE spokesman Mike Alvarez released a written statement in which he said the agency “takes its commitment to promoting safe, secure, humane environments for those in our custody very seriously”. He added that agency conducts routine inspections of detention centers to hold them to its standards.

[READ MORE](#)



Border Patrol to retrain hundreds of California agents on how to comply with the Constitution

APRIL 10, 2025



Raid or rumor? Reports of immigration sweeps are warping life in California’s Central Valley

MARCH 31, 2025

EXHIBIT L



Give Now

BORDER BRIEF: Watch our new series breaking down the complexities of immigration in the Trump era.

Overcrowded conditions plague Otay Mesa and other immigrant detention facil...



A new study shows immigration detention centers across the country are over capacity, including the Otay Mesa Detention Center in San Diego County. KPBS reporter Gustavo Solis says the conditions are making detainees sick and derailing their cases.

Overcrowded conditions plague Otay Mesa and other immigrant detention facilities

By Gustavo Solis / Investigative Border Reporter
Contributors: Carlos Castillo / Video Journalist

Published July 28, 2025 at 6:00 AM PDT



KPBS
KPBS Midday Edition

LISTEN • 5:09

Leer en español

San Diego County's Otay Mesa Detention Center is among many immigration detention facilities nationwide beset by overcrowding – from detainees sleeping on the floor to deferred medical care resulting in hospitalizations, according to research and reports from immigration lawyers.

"A system that was very inconsistent to begin with is now complete chaos," said Michael Garcia, San Diego County's chief deputy public defender.

Advertisement

[Become a KPBS sponsor](#)

Garcia oversees the county's immigrant defense program, through which more than 50 attorneys provide free legal representation to women and men detained at Otay Mesa.

"We're definitely seeing it," Garcia said of overcrowding conditions. "I get reports from my attorneys when they visit their clients all the time."

[According to a new report from Syracuse University](#), 84 of the country's 181 immigration detention centers exceeded their contractual capacity in April, which is when the latest data was available.

The report shows the Otay Mesa Detention Center housed more than 100 people over its contractual capacity of 1,358 detainees.

The report notes that contractual capacity is different from physical capacity, and the ~~two figures are not always the same. A detention center may exceed its contractual~~

KPBS

KPBS Midday Edition

65

Become a KPBS sponsor

CoreCivic, the private company that runs Otay Mesa, did not respond to questions from KPBS.

ICE emailed the following statement:

"Any claim that there is overcrowding or subprime conditions is categorically false. All detainees are provided with proper meals, medical treatment, and have opportunities to communicate with their family members and lawyers. As we arrest and remove criminal illegal aliens and public safety threats from the U.S., ICE has worked diligently to obtain greater necessary detention space while avoiding overcrowding."

'Civil' prisons

With the administration pushing Immigration and Customs Enforcement (ICE) to meet arrest quotas of 3,000 people a day, detention centers are a key part of President Donald Trump's mass deportation campaign.

Trump's new budget bill allocates billions of new tax dollars for more detention space.

Have a tip?

The Investigations Team at KPBS holds powerful people and institutions accountable. But we can't do it alone — we depend on tips from the public to point us in the right direction. There are two ways to contact the I-Team.

For general tips, you can send an email to investigations@kpbs.org.

If you need more security, you can send anonymous tips or share documents via our secure Signal account at 619-594-8177.

From the outside, the Otay Mesa Detention Center looks like a prison. It's surrounded by tall barbed wire fences, guards and security cameras monitor every visitor. Windowless walls prevent anyone from the outside from seeing inside.

But the facility is not technically a prison or a jail. Immigration detention is classified as civil detention because people are not being held because of a specific criminal offense. It's meant to house people waiting to be deported or for their hearing before an immigration judge. Not people facing criminal trials.

"They call it civil detention as a way to differentiate it from incarceration," said Tracy Crowley, a lawyer with the Immigrant Defenders Legal Center. "But I worked as a criminal defense attorney for years. It's no different."

Guards often refuse to call detainees by their names. Instead, they use the last four digits of someone's case number, according to Sydney Johnson, an associate attorney with Jacobs and Schlesinger.

Johnson has also heard guards refer to detainees as, "body." For example, "Do you have the body? Or are you transferring the body to legal?"

"It just takes away from their humanity," Johnson said. "It's hard to listen to."

Poor living conditions

One common complaint lawyers are hearing is detainees being forced to sleep in overcrowded rooms.

"There's around 10 or 13 people inside one room, and there's only eight beds in each room," said Valerie Sigamani, a San Diego-based attorney.

Those who do not get a bed sleep on a mat on the floor, she added.

"From what I've heard, because they're sleeping on the floor, the males have been getting a lot more sick because they have the air [conditioner] hitting them from below," Sigamani said.

Multiple lawyers told KPBS that their clients have become sick in the detention

Crowley said a client of hers developed a rash she believes came from dirty clothes and bedsheets.

"He had a rash all over his body, made it so he couldn't sleep," she said. "Every time we were meeting to discuss his case, he had to itch his body."

Her client repeatedly asked for an anti-itch cream so he could sleep at night. But staff would only bring a little cup, she said.

Johnson said two of her clients detained at Otay Mesa have been hospitalized. She said a combination of factors, including poor nutrition and delayed medical care, exacerbated their medical conditions.

"Things keep happening over and over again and not really be fixed, instead it's just sort of waiting until it hits a breaking point and you have to transfer them to an emergency room," she said.

Poor communication

Immigration lawyers told KPBS that they struggle to reach anyone in the detention center – whether it is to advocate for their clients or inquire about upcoming court cases.

Johnson said two of her clients were transferred to other detention centers, including one in Louisiana, without her knowing.

"It's incredibly frustrating because there's not really one person you can be in contact with," she said. "A lot of the time, you contact USCIS (U.S. Citizenship and Immigration Services) and they say contact ICE. You contact ICE and they say contact USCIS."

Garcia, who runs the county's immigrant defense program, said confusion is the primary problem. Almost like the system is not built to process so many cases so quickly.

"It's so overcrowded that there's confusion up and down the system," he said. "Somebody will be told that they're going to have their credible fear interview on an asylum case, and it never happens," he said.

Lawyers told KPBS that agents inside the detention center pressure detainees to sign "voluntary departure" papers, which is essentially a form of self-deportation.

"A lot of the clients are just choosing to not fight their case anymore," Garcia said. "Which is probably by design and exactly what the administration wants."

All the lawyers KPBS spoke to said they feel guilty whenever they leave Otay Mesa.

"It feels really bad, in a way, to leave knowing that my clients can't leave," Crowley said.

Johnson said sometimes it feels like "cruelty is the point." That the administration wants both immigrants and their lawyers to burn out.

"To encourage people to just give up and go home, and maybe even to encourage attorneys that maybe this isn't something you can do for a long time because it's heartbreaking," she said.

Sigamani says it's difficult not to take the work home.

"We probably cry a few times," she said. "Understanding that good people are sitting in here and being mistreated and feeling like there's nothing we can do about it."

But, she said, there is something they can do about it. They can keep showing up. And keep serving their clients.

Latest investigations

- **Animal shelter supervisor 'out of the office' after revelation of profane recording**
- **Ramona cemetery district board member uncovers unusual compensation records**
- **Experts concerned about white nationalist imagery in ICE recruitment materials**
- **County official overseeing animal shelters complained of 'shit dogs,' too few euthanasias in voice message**

Tags

Border & Immigration

Investigations

California

Immigration

San Diego



Gustavo Solis

Gustavo became the Investigative Border Reporter at KPBS in 2021. He was born in Mexico City, grew up in San Diego and has two passports to prove it. He graduated from Columbia University's School of Journalism in 2013 and has worked in New York City, Miami, Palm Springs, Los Angeles, and San Diego. In 2018 he was part of a team of reporters who shared a Pulitzer Prize for explanatory journalism. When he's not working - and even sometimes when he should be - Gustavo is surfing on both sides of the border.

[See stories by Gustavo Solis](#)

BORDER

BRIEF

Border Brief

We're breaking down the complexities of immigration in the Trump era — from the mass

KPBS

KPBS Midday Edition

60