

**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**

JOSE VIRGILIO MARTINEZ ARANDA )  
 )  
 *Petitioner,* )  
 )  
 v. )  
 )  
 *Christopher J. LaRose in his official as Warden* )  
 *of OTAY MESA DETENTION FACILITY;* )  
 *Patrick Divver in his official Capacity as San* )  
 *Diego Field Office Director of the Immigration* )  
 *and Customs Enforcement, Enforcement and* )  
 *Removal Operations OTAY MESA* )  
 *DETENTION FACILITY; KRISTI NOEM,* )  
 *in her official capacity as Secretary* )  
 *of the U.S. Department of Homeland Security;* )  
 *and PAM BONDI, in her official* )  
 *capacity as Attorney General of the United States,* )  
 )  
 *Respondents.* )  
 )

'25CV2730 AGS AHG

**PETITION FOR WRIT OF  
HABEAS CORPUS**

**INTRODUCTION**

1. This petition for Writ of Habeas Corpus filed on behalf of Petitioner Jose Virgilo Martinez Aranda ("Petitioner") to remedy their unlawful detention.
2. Petitioner is a native of Mexico, born on [REDACTED] [See Exhibit A: "Birth Certificate for Petitioner Jose Virgilo Martinez Aranda"]. He is the father of two young U.S. citizen children, [REDACTED] and [REDACTED]



[See Exhibit C: "Birth Certificates for Children of Petitioner Jose Virgilo Martinez Aranda"].

3. 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 Jose Virgilo Martinez Aranda"]. He was detained without reasonable suspicion while targeted on private property at his place of work, Bonita Carwash, in San Dimas, California. *Id.*
4. On August 15, 2025, Petitioner was granted release from custody under bond of \$9,000 Alternatives to Detention (ATD) at the discretion of the Department of Homeland Security (DHS). [See Exhibit D: "Executive Office for Immigration Review Order Granting Petitioners Release Under Bond"]. However, on the same day ICE counsel filed a Notice of ICE Intent to Appeal Custody Redetermination. [See Exhibit E: "Notice of ICE Intent to Appeal Custody Redetermination"]. On August 28, 2025, ICE counsel filed an appeal from the Immigration Judge's decision in bond proceedings. [See Exhibit F: "Notice of Appeal from a Decision of an Immigration Judge"]. At this time the appeal is currently pending with the Board of Immigration Appeals. [See Exhibit G: "Board of Immigration Appeals Bond Memorandum and Brief Scheduling Order"].
5. On August 13, 2025, Petitioner through his attorney filed a Motion to Suppress Evidence which was denied on September 2, 2025. [See Exhibit H: "Executive Office for Immigration Review Order Granting Petitioner's Motion to Suppress"].
6. Following the Appeal of Motions for Custody Redetermination and denial of Motion to Suppress Evidence the Petitioner has exhausted all available legal remedies with ICE and EOIR to seek release.

7. Petitioner currently has an Application to Register Permanent Residence or Adjust Status under form I-485 with USCIS. [See Exhibit I: "Receipt Notice for I-485 Application"]. He also has a pending EOIR 42B Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents with EOIR. [See Exhibit J: "Receipt Notice for EOIR Form 42B Application"]. Lastly, he has also filed an I-589, Application for Asylum with EOIR. [See Exhibit K: "Receipt Notice for I-589, Application for Asylum"].
8. 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

9. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*
10. 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).
11. 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

12. 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.
13. 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**



14. 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).
15. 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**

16. 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.
17. 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.
18. 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.

19. 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.
20. 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

21. Petitioner is a 41-year-old citizen of Mexico. [See Exhibit A: "Birth Certificate for Petitioner Jose Virgilo Martinez Aranda"]. He has two young U.S. citizen children,   
  
[See Exhibit C: "Birth Certificates for Children of Petitioner Jose Virgilo Martinez Aranda"].
22. 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 Jose Virgilo Martinez Aranda"].
23. At or around 8:40 A.M. multiple unmarked trucks and vans arrived at the private parking lot of Bonita Carwash in San Dimas, California. *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.*

24. Unmarked vehicles entered the private property of Bonita Car Wash at a reckless high velocity. *Id.* The officers exited their vehicles wearing masks and hoods. *Id.* Petitioner was in fear because he did not know who these men were or what was going on around him. *Id.* The officers lacked identifying markings and masked their physical features. *Id.*
25. Petitioner contends that he was working at the time of the incident and that the encounter was not consensual. *Id.* In addition, Petitioner was coerced into providing information to ICE officials *Id.* Petitioner contends that the ICE agent did not properly present themselves, had masks, and were arresting people without probable cause or warrants. *Id.*
26. On August 15, 2025, Petitioner was granted release from custody under bond of \$9,000 Alternatives to Detention (ATD) at the discretion of the DHS. [*See* Exhibit D: “Executive Office for Immigration Review Order Granting Petitioners Release Under Bond”]. On the same day ICE counsel filed a Notice of ICE Intent to Appeal Custody Redetermination. [*See* Exhibit E: “Notice of ICE Intent to Appeal Custody Redetermination”]. On August 28, 2025, ICE counsel filed an appeal from the Immigration Judge’s decision in bond proceedings. [*See* Exhibit F: “Notice of Appeal from a Decision of an Immigration Judge”]. The appeal for custody determination is currently pending with the Board of Immigration Appeals. [*See* Exhibit G: “Board of Immigration Appeals Bond Memorandum and Brief Scheduling Order”].
27. On August 13, 2025, Petitioner through his attorney filed a Motion to Suppress Evidence which was denied on September 2, 2025. [*See* Exhibit H: “Executive Office for Immigration Review Order Granting Petitioner’s Motion to Suppress”].
28. Petitioner currently has an Application to Register Permanent Residence or Adjust Status under form I-485 with USCIS. [*See* Exhibit I: “Receipt Notice for I-485 Application”]. He

also has a pending EOIR 42B Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents with EOIR. [See Exhibit J: "Receipt Notice for EOIR Form 42B Application"]. Lastly, he has also filed an I-589, Application for Asylum with EOIR. [See Exhibit K: "Receipt Notice for I-589, Application for Asylum"].

29. Petitioner has been detained at this facility for almost four months. He has exhausted all measures to seek release from ICE and EOIR and has not been granted a fair opportunity. ICE has not identified any exceptional circumstances warranting Petitioner's continued detention under their policy. His detention violates his 4<sup>th</sup> and 5<sup>th</sup> Amendment rights and continued detention under these circumstances is unlawful.

#### LEGAL FRAMEWORK

30. 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).

31. 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 Ninth Circuit injunction, the court's order in *Noem v. Vasquez Perdomo*, No. 25A169, 606 U.S. \_\_\_\_ (2025), reaffirms the constitutional requirement that immigration related stops must be based on individualized, reasonable suspicion of unlawful presence, and that reliance solely on race, language, or other proxies for national origin is insufficient under the Fourth Amendment. Longstanding precedent, including *United States v. Brignoni-Ponce*, 422 U.S. 873 (1975), remains controlling emphasizing that while ethnicity may be one factor among many, it cannot be the sole or primary justification for a stop.

32. 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.

33. 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**

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

37. Under *Zadvydas* and *Denmore*, immigration detention is permissible only while proceedings are pending and removal is reasonably foreseeable. Here, removal is not reasonably foreseeable. Petitioner has several avenues for relief with USCIS and EOIR. He currently has an Application to Register Permanent Residence or Adjust Status under form I-485 with USCIS. [See Exhibit I: “Receipt Notice for I-485 Application”]. He has a pending Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents with EOIR. [See Exhibit J: “Receipt Notice for EOIR Form 42B Application”]. Lastly, he has also filed an I-589, Application for Asylum with EOIR. [See Exhibit K: “Receipt Notice for I-589, Application for Asylum”]. These applications are currently all pending with USCIS and EOIR, making Petitioners immediate removal unforeseeable. These agencies must process and make determinations for these applications. Continued detention is therefore unlawful, and habeas relief in the form of release is warranted.
38. 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

39. The allegations in the above paragraphs are realleged and incorporated herein.
40. 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.”

41. 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.
42. The agents’ actions constituted a non-consensual seizure under the Fourth Amendment. When the unmarked vehicles entered the private property of Bonita Car Wash they were driving at a reckless high velocity. [See Exhibit B: “Declaration of Petitioner Jose Virgilo Martinez Aranda”]. The officers exited their vehicles wearing masks and hoods. *Id.* Petitioner was in fear because he did not know who these men were or what was going on around him. *Id.* The officers lack identifying markings and masked physical features created a sense of fear in Petitioner. *Id.* Petitioner felt as if he were being kidnapped. *Id.* A reasonable person in Petitioner's position would feel fear upon seeing a group of hooded and masked men exiting an unmarked vehicle
43. The presence of multiple agents is a significant factor in determining that a reasonable person

would not have felt free to leave. 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 and submit to questioning about his legal status. *Id.* Petitioner was then arrested and put into one of the unmarked vehicles. *Id.* Petitioner contends that he submitted to questioning under fear and coercion. *Id.* These circumstances created an environment of coercion and duress, effectively compelling a reasonable person to feel as if they are not free to leave.

44. 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.*
45. 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. *Id.* 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 L: "Declarations from Witnesses of Petitioners Arrest"]
46. Another witness, Maria Del Rocio Martinez 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" *Id.*

47. Petitioner was at work, at a car wash and the officers did not have any reasonable suspicion that petitioner was personally involved in illegal activity. He was peacefully performing his job at a place where he is allowed to be. ICE agents did not ensure that the Petitioner was properly aware of who was interrogating him, nor did they provide a basis for targeting him. [See Exhibit B: "Declaration of Petitioner Jose Virgilo Martinez Aranda"]. After he was questioned, the Petitioner was immediately arrested, thrown in the back of an unmarked vehicle and taken to an ICE processing center. *Id.*

48. For these reasons, Petitioner's detention violates the Fourth Amendment, and he must be immediately released.

**COUNT THREE**  
**Violation of Fifth Amendment Due Process Clause**

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

50. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty" that the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)). Civil 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).

51. First, Petitioner does not pose a danger to the community. He has a family that he cares for emotionally and financially. [See Exhibit M: “Letters of Support for Petitioner Jose Virgilo Martinez Aranda”]. He is an active member of the Holy Name of Mary Catholic Church. The Permanent Deacon of the church has described him as “an active member of our community and believes strongly in the values of the dignity” and as “one of the most dependable, conscientious, honest, and peace-loving people I have ever met.” Although Petitioner has been convicted of Misdemeanor VC § 23152(B), this offense does not make a danger to his community because it was his first and only conviction. [See Exhibit N: “Criminal Court Documents for Petitioner Jose Virgilio Martinez Aranda”]. The violation did not involve a controlled substance, bodily harm or death. *Id.* He has completed all the requirements of his probation and has not committed another offense since then. *Id.* Petitioner is a beloved member of his community. Several people have affirmed that he is a person of good moral character and valuable member of their community. [See Exhibit M: “Letters of Support for Petitioner Jose Virgilo Martinez Aranda”]. For these reasons, Petitioner does not pose a danger to the community.

52. Second, Petitioner does not pose a risk of flight. Petitioner has strong family and community ties in the United States. *Id.* Petitioner has a network of supportive members of his community who wish to see him released and back in their community. *Id.* His children are only 4 and 9 years old. [See Exhibit C: “Birth Certificates for Children of Petitioner Jose Virgilo Martinez Aranda”]. Petitioner's children rely on him for transportation, childcare, medical attention, and to teach them right from wrong. [See Exhibit M: “Letters of Support

for Petitioner Jose Virgilo Martinez Aranda”]. These strong family and community ties show his responsibility to deter flight. His main priority upon release will be to regain the lost time with his children and remain present in their lives. 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.

53. Furthermore, immigration detention is a civil matter and therefore it violates due process unless it is reasonably related to its statutory purpose. The fifth amendment’s due process clause prohibits punitive civil detention. The similarity between the conditions of Petitioner’s detention and penal confinement weigh in favor of granting habeas relief. 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 O: “Cal Matter’s Report on ICE Facilities”]. The detention center is described as overcrowded with detainees even sleeping on the floor. [See Exhibit P: “KPBS Article on Otay Mesa Overcrowding”]. Continued detention under these conditions imposes irreparable harm to petitioner and his U.S. citizen family.

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

#### COUNT FOUR


55. 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 Jose Virgilo Martinez Aranda*

Dated: October 13, 2025

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

I represent Petitioner, Jose Virgilo Martinez Aranda, 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 13 day of October 2025.

A handwritten signature in black ink, appearing to read 'Alfonso Morales', is written over a horizontal line.

Alfonso Morales, Esq.  
*Attorney for Jose Virgilo Martinez Aranda*