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8 **UNITED STATES DISTRICT COURT FOR THE**
9 **DISTRICT OF ARIZONA**

10 Oscar Armando Solis Quintanilla (AKA Jose
11 Oscar Armando Solis Quintanilla),

12 Petitioner,

13 v.

14 Kristi Noem, *Secretary of Homeland Security*;
15 Todd Lyons, *Acting Director, U.S. Immigration*
16 *and Customs Enforcement*; John Cantu, *Field*
17 *Office Director, Phoenix Field Office,*
18 *Immigration and Customs Enforcement*; Pamela
19 Bondi, *Attorney General*; Luis Rosa, Jr.,
20 *Warden, Florence Detention Center,*

21 Respondents.

Case No.:

**PETITION FOR WRIT OF
HABEAS CORPUS**

22 **INTRODUCTION**

23
24 1. In April 2019, Petitioner Oscar Armando Solis Quintanilla won an
25 order from an immigration judge granting him a form of relief called withholding
26 of removal under the Convention Against Torture (“CAT”), which prohibits
27
28

1 Respondents from removing him to his native El Salvador. Should Respondents
2 wish to remove Petitioner to El Salvador, the law sets forth specific procedures by
3 which they can reopen the case and seek to set aside the grant of withholding of
4 removal. Should Respondents wish to remove Petitioner to any other country, they
5 must first provide him with notice and the opportunity to apply for protection as to
6 *that* country as well. Until they do either of these things, they cannot remove
7 Petitioner from the United States. However, Respondents have arrested Petitioner
8 without warning or observance of procedures required by regulation and are
9 detaining him for no reason. Though Respondent has received no formal notice of
10 removal to an alternate country, Respondents appear to be seeking to deport
11 Petitioner without observance of any legal procedures whatsoever, ripping him
12 away from his family. Such conduct cries out for immediate judicial relief.

17 JURISDICTION AND VENUE

18 2. This Court has jurisdiction to hear this case under 28 U.S.C. § 2241;
19 28 U.S.C. § 2201, the Declaratory Judgment Act; and 28 U.S.C. § 1331, Federal
20 Question Jurisdiction. In addition, the individual Respondents are United States
21 officials. 28 U.S.C. § 1346(a)(2).
22

23 3. The Court has authority to enter a declaratory judgment and to provide
24 temporary, preliminary and permanent injunctive relief pursuant to Rules 57 and 65
25 of the Federal Rules of Civil Procedure, 28 U.S.C. §§ 2201-2202, the All Writs Act,
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1 and the Court's inherent equitable powers, as well as issue a writ of habeas corpus
2 pursuant to 28 U.S.C. § 2241.

3
4 4. Venue lies in this District because Petitioner is currently detained at
5 the Florence Detention Center, within this judicial district; and each Respondent is
6 an agency or officer of the United States sued in his or her official capacity. 28
7 U.S.C. § 2241; 28 U.S.C. § 1391(e)(1). In addition, John Cantu, the Field Office
8 Director for the Phoenix ICE Field Office, maintains his principal place of business
9 in Phoenix, Arizona.
10

11 **THE PARTIES**

12
13 5. Petitioner Oscar Armando Solis Quintanilla (AKA Jose Oscar
14 Armando Solis Quintanilla) is a native of and citizen of El Salvador. He is currently
15 detained by Respondents in Florence, Arizona.
16

17 6. Respondent Kristi Noem is the Secretary of the Department of
18 Homeland Security ("DHS"). She is the cabinet-level secretary responsible for all
19 immigration enforcement in the United States.
20

21 7. Respondent Todd Lyons is the Acting Director of U.S. Immigration
22 and Customs Enforcement ("ICE"). He is the head of the federal agency responsible
23 for all immigration enforcement in the United States.
24

25 8. Respondent John Cantu, the Field Office Director of the U.S.
26 Immigration and Customs Enforcement ("ICE") Phoenix Field Office, is
27 responsible for overseeing ICE operations pertaining to noncitizens within its
28

1 territorial jurisdiction, such as Petitioner, including detentions, enforcement, and
2 removal operations. His regular place of business is in Phoenix, Arizona. He is the
3 immediate legal custodian of Petitioner for purposes of a federal habeas petition.
4

5 9. Respondent Pamela Bondi is the Attorney General of the United
6 States. The Immigration Judges who decide removal cases and application for relief
7 from removal do so as her designees.
8

9 10. Respondent Luis Rosa, Jr. is the warden of the Florence Detention
10 Center in Florence, AZ. He is the immediate custodian who is currently holding
11 Petitioner in physical custody.
12

13 11. All government Respondents are sued in their official capacities.
14

15 **LEGAL BACKGROUND**

16 12. Withholding of removal under the Convention Against Torture
17 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or
18 Punishment, Dec. 10, 1984, S. Treaty Doc. No. 100–20, 1465 U. N. T. S. 113
19 (hereinafter “CAT”) prohibits the government from removing a noncitizen to a
20 country where it is more likely than not that the individual would be tortured at the
21 hands of that country's government or by private actors with the government's
22 acquiescence. *See* 8 CFR § 1208.16(c). This form of relief is mandatory if the
23 applicant meets the regulatory standard. It is distinct from asylum in that it does not
24 provide a path to permanent residency.
25
26
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28 13. To qualify for withholding of removal under the CAT, the noncitizen

1 bears the burden of proving that it is more likely than not that they would be tortured
2 if returned to their country of origin, by or at the consent of a public official. The
3 government may not remove an individual with a valid order granting withholding
4 of removal under the CAT to that country unless the order is formally terminated
5 following the procedures set forth in the regulations. *See* 8 C.F.R. § 1208.24(f).
6

7
8 14. If a noncitizen is granted withholding of removal, including under the
9 CAT, “DHS may not remove the alien to the country designated in the removal
10 order unless the order of withholding is terminated.” *Johnson v. Guzman Chavez*,
11 594 U.S. 523, 531 (2021). No exceptions lie.
12

13 15. Federal regulations provide a procedure by which a grant of
14 withholding of removal issued by an immigration judge may be terminated: DHS
15 must provide the grantee with sufficient notice of intent to terminate and an
16 opportunity to present evidence as to why their grant of withholding of removal
17 should not be terminated. 8 C.F.R. § 1208.24(c). Only after termination may
18 removal proceed.
19
20

21 16. However, withholding of removal is a country-specific form of relief.
22 Should the government wish to remove an individual with a grant of withholding
23 of removal to some *other* country, it must first provide that individual with notice
24 and an opportunity to apply for withholding of removal to *that* country as well, if
25 appropriate. 8 U.S.C. § 1231(b)(3)(A). *See also Andriasian v. INS*, 180 F.3d 1033,
26 1041 (9th Cir. 1999); *Kossov v. INS*, 132 F.3d 405, 408-09 (7th Cir. 1998); *El Himri*
27
28

1 *v. Ashcroft*, 378 F.3d 932, 938 (9th Cir. 2004); *cf. Protsenko v. U.S. Att’y Gen.*, 149
2 F. App’x 947, 953 (11th Cir. 2005) (per curiam) (permitting removal to third
3 country only where individuals received “ample notice and an opportunity to be
4 heard”).

5
6 17. Finally, for individuals with a removal order who cannot be removed
7 (because there is no country designated to which they can lawfully be removed, or
8 because logistical or practical considerations prevent execution of an otherwise
9 lawfully executable order), 8 U.S.C. §1231(a) permits the government to detain
10 noncitizens during the “removal period,” which is defined as the 90-day period
11 during which “the Attorney General shall remove the alien from the United States.”
12 8 U.S.C. §1231(a)(1)(A).

13
14
15 18. After the expiration of the removal period, 8 U.S.C. § 1231(a)(3)
16 provides that the government shall release unremovable noncitizens on an order of
17 supervision (the immigration equivalent of supervised release, with strict reporting
18 and other requirements). Pursuant to 8 U.S.C. § 1231(a)(6), even noncitizens with
19 aggravated felony convictions may be “released” if “subject to the terms of
20 supervision” set forth in 8 U.S.C. § 1231(a)(3).

21
22
23 19. Constitutional limits on detention beyond the removal period are well
24 established. Government detention violates due process unless it is reasonably
25 related to a legitimate government purpose. *Zadvydas v. Davis*, 533 U.S. 678, 701
26 (2001). “[W]here detention’s goal is no longer practically attainable, detention no
27
28

1 longer ‘bear[s][a] reasonable relation to the purpose for which the individual [was]
2 committed.’” *Id.* at 690 (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)).
3
4 Additionally, cursory or pro forma findings of dangerousness do not suffice to
5 justify prolonged or indefinite detention. *Zadvydas*, 533 U.S. at 691 (“But we have
6 upheld preventative detention based on dangerousness only when limited to
7 especially dangerous individuals [like suspected terrorists] and subject to strong
8 procedural protections.”)

9
10 20. The purpose of detention during and beyond the removal period is to
11 “secure[] the alien’s removal.” *Zadvydas*, 533 U.S. at 682. In *Zadvydas*, the
12 Supreme Court “read § 1231 to authorize continued detention of an alien following
13 the 90-day removal period for only such time as is reasonably necessary to secure
14 the alien’s removal.” *Demore v. Kim*, 538 U.S. 510, 527 (2003) (citing *Zadvydas*,
15 533 U.S. at 699).

16
17
18 21. As the Supreme Court explained, where there is no possibility of
19 removal, immigration detention presents substantive due process concerns because
20 “the need to detain the noncitizen to ensure the noncitizen’s availability for future
21 removal proceedings is “weak or nonexistent.” *Zadvydas*, 533 U.S. at 690-92.
22 Detention is lawful only when “necessary to bring about that alien’s removal.” *See*
23 *id.* at 689.

24
25
26 22. To balance these competing interests, the *Zadvydas* Court established
27 a rebuttable presumption regarding what constitutes a “reasonable period of
28

1 detention” for noncitizens after a removal order. *Id.* at 700-01. The Court
2 determined that six months’ detention could be deemed a “presumptively
3 reasonable period of detention,” after which the burden shifts to the government to
4 justify continued detention if the noncitizen provides a “good reason to believe that
5 there is not significant likelihood of removal in the reasonably foreseeable future.”
6
7
8 *Id.* at 701.

9 23. Where a petitioner has provided “good reason to believe there is no
10 significant likelihood of removal in the reasonably foreseeable future,” the burden
11 shifts to the government to rebut that showing. *Zadvydas*, 533 U.S. at 701.

13 24. The order of supervision regulation 8 C.F.R. § 241.4 addresses
14 continued detention beyond the period of removal. Subsection 241.4(l)(1) provides
15 that “[u]pon revocation, the alien will be notified of the reasons for revocation of
16 his or her release or parole.”

18 25. The regulation allows re-detention, inter alia, when “[i]t is appropriate
19 to enforce a removal order.” 8 C.F.R. § 241.4(l)(2)(iii).

21 26. Finally, the regulation promises: “The alien will be afforded an initial
22 informal interview promptly after his or her return to Service custody to afford the
23 alien an opportunity to respond to the reasons for revocation stated in the
24 notification.” 8 C.F.R. § 241.4(l)(1).


26 27. Specific officials are authorized to revoke an order of supervision,
27 namely the Executive Associate Commissioner. See 8 C.F.R. § 241.4(l)(2).
28

1 However, that authority can be delegated to the district director (and no further)
2 when “revocation is in the public interest **and** circumstances do not reasonably
3 permit referral of the case to the Executive Associate Commissioner.” *Id.* (emphasis
4 added).
5

6 28. Finally, an individual subject to a final order of removal, who is
7 released on an order of supervision, is eligible for work authorization “only if the
8 alien cannot be removed due to the refusal of all countries designated by the alien
9 or under section 241 of the Act to receive the alien, or because the removal of the
10 alien is otherwise impracticable or contrary to the public interest.” 8 U.S.C. §
11 1231(a)(7)(A).
12
13

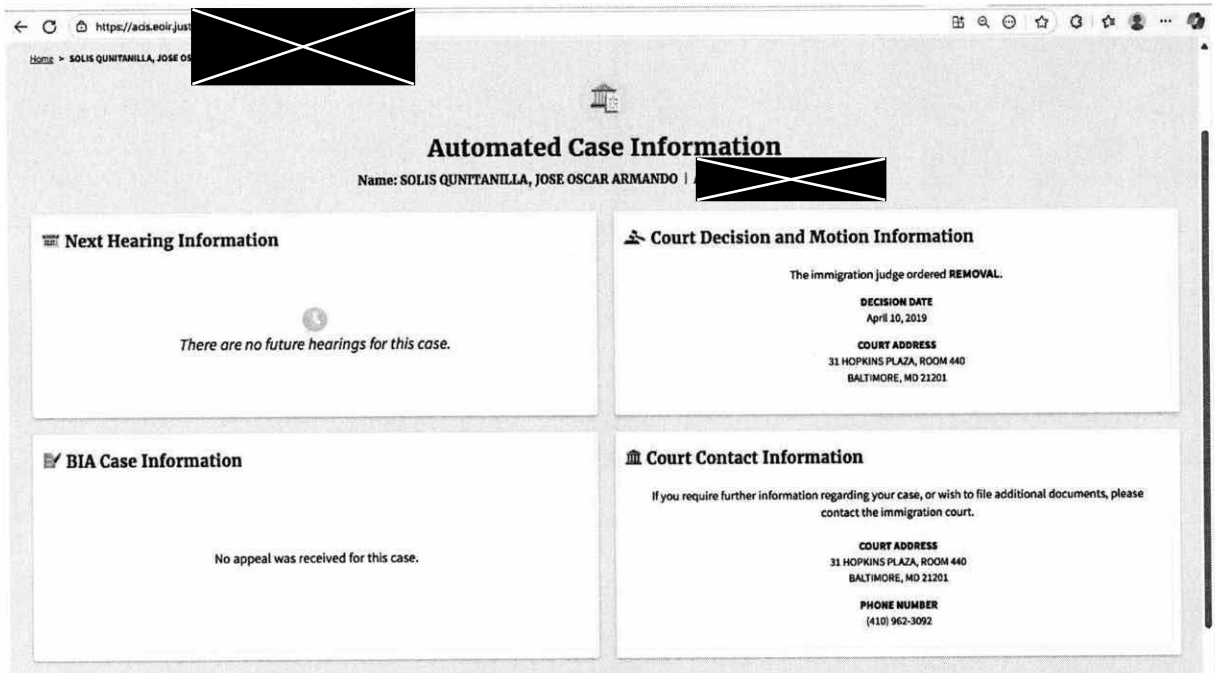
14 **FACTS**

15
16 29. Petitioner Oscar Armando Solis Quintanilla was born in 1993 in El
17 Salvador. He is a citizen of El Salvador.

18
19 30. Petitioner first entered the United States in 2015 after fleeing El
20 Salvador. Petitioner was brutally attacked by 

21
22
23
24 31. On April 10, 2019, an immigration judge ordered Petitioner removed
25 from the United States. The immigration judge also granted Petitioner withholding
26 of removal pursuant to 8 C.F.R. § 1208.16(c), after finding that he had established
27 it was more likely than not that he would be tortured in El Salvador, either by the
28

1 government or with its acquiescence.¹ Petitioner and the Department of Homeland
2 Security (“DHS”) waived appeal, so the order of removal became final on April 10,
3 2019. *Id.* To date, Respondents have not taken any steps to reopen or rescind the
4 grant of relief. See EOIR Automated Case Information (available at
5 <https://acis.eoir.justice.gov/> (last visited on October 14, 2025)):
6



19 32. On February 24, 2020, Petitioner was placed on an Order of
20 Supervision pursuant to 8 U.S.C. § 1231(a)(3).² Between 2020 and 2025, Petitioner
21 applied for and received employment authorization and attended his scheduled ICE
22 check-ins without issue.³
23
24
25

26

27 ¹ Ex. 1, Immigration Judge Order.

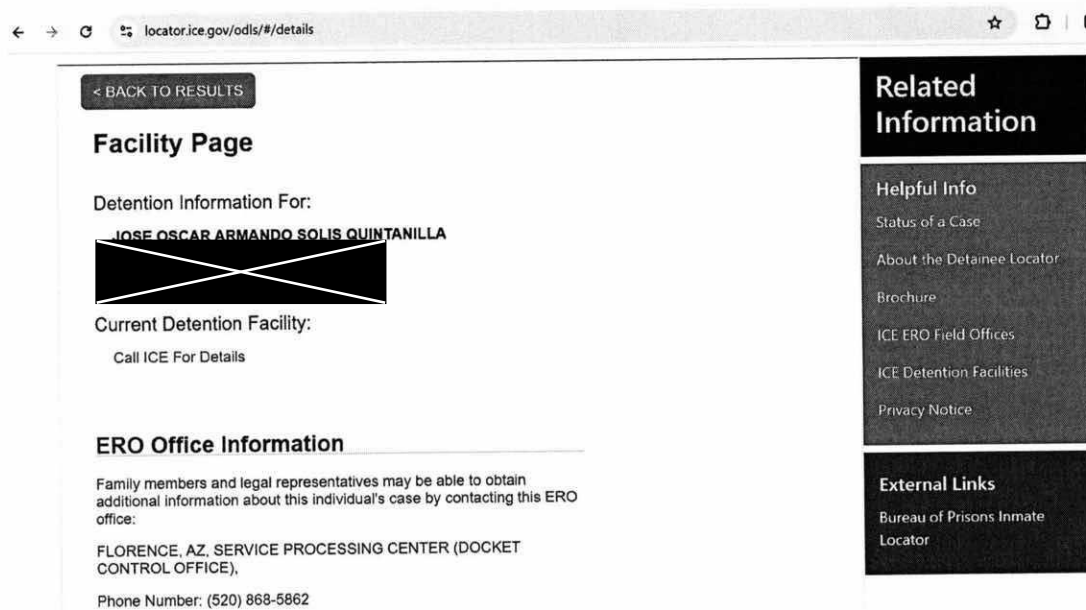
28 ² Ex. 2, Order of Supervision.

³ Ex. 5, Approval Notices for Petitioner’s Employment Authorization Document

1 33. On September 24, 2025, Petitioner reported to the Baltimore Field
2 Office of ICE located at 31 Hopkins Plaza, 6th Floor, Baltimore, Maryland 21201.
3
4 He was reporting as directed by the Order of Supervision issued by ICE under 8
5 C.F.R. § 241.4. Without any explanation for the legal or factual basis for his
6 detention, besides an officer’s vague accusation that he’d committed a “violation”
7
8 of his order of supervision, Petitioner was detained by ICE. ICE has not specified
9 how Petitioner allegedly violated his conditions of supervision.

10 34. Prior to his unlawful detention, Petitioner was dutifully attending
11 scheduled check-ins with ICE pursuant to his release on supervision. He now
12 remains in ICE custody as of the filing of this habeas corpus petition, at the Florence
13 Detention Center. See ICE Detainee Locator information (available at
14 <https://locator.ice.gov/> (last visited on October 14, 2025)):
15
16

17



The screenshot shows a web browser window with the URL locator.ice.gov/odls/#/details. The page content includes a navigation button labeled "< BACK TO RESULTS". The main heading is "Facility Page". Under "Detention Information For:", the name "JOSE OSCAR ARMANDO SOLIS QUINTANILLA" is displayed above a redacted area. Below that, "Current Detention Facility:" is listed as "Call ICE For Details". A section titled "ERO Office Information" provides instructions for family members and legal representatives to contact the ERO office at the Florence, AZ, Service Processing Center (Docket Control Office) with the phone number (520) 868-5862. On the right side, there are two sidebar sections: "Related Information" with links for "Helpful Info" (Status of a Case, About the Detainee Locator, Brochure, ICE ERO Field Offices, ICE Detention Facilities, Privacy Notice) and "External Links" (Bureau of Prisons Inmate Locator).

1 period for continued removal efforts expired on October 7, 2019

2 40. Under *Zadvydas*, Petitioner's continued detention is unreasonable and
3 not authorized by 8 U.S.C. § 1231.
4

5 **SECOND CLAIM FOR RELIEF:**
6 **Violation of due process: detention with no significant likelihood of removal**
7 **in the reasonably foreseeable future**

8 41. Petitioner re-alleges and incorporates by reference the preceding
9 paragraphs 1-37.
10

11 42. Petitioner's detention during the removal period is only
12 constitutionally permissible under the Due Process Clause when there is a
13 significant likelihood of removal in the reasonably foreseeable future. Respondents
14 may have rearrested and re-detained Petitioner on the assumption that Petitioner
15 will be removable to a third country, but they have shown no factual basis to believe
16 that such third-country removal will ever become both practicable and legally
17 permissible.
18

19 43. Respondents continue to detain Petitioner without formal notice, let
20 alone any evidence, that they will be able to remove him imminently to Mexico or
21 to any other country.
22

23 44. Respondents' detention of Petitioner no longer bears any reasonable
24 relation to a legitimate government purpose and thus violates the Due Process
25 Clause.
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**THIRD CLAIM FOR RELIEF:
Violation of due process: third country removal without
immigration judge review**

45. Petitioner incorporates the foregoing paragraphs 1-37 by reference.

46. Petitioner has a procedural due process right not to be removed to any country to which he has expressed a fear of removal without an immigration judge first reviewing his fear claim. Respondents' procedures for third-country removal do not allow him the right to go before an immigration judge.

47. Respondents' procedures for third-country removal ignore this critical right and attempt to circumvent the process due to Petitioner should he face deportation to a third country where he fears persecution or torture.

**FOURTH CLAIM FOR RELIEF:
Violation of 8 C.F.R. § 241.4(l)**

48. Petitioner incorporates the foregoing paragraphs 1-37 by reference.

49. As set forth above, Respondents' actions in cancelling Petitioner's release on supervision and re-arresting Petitioner without any meaningful explanation of the legal or factual basis for re-detention and without an opportunity to respond to that reasoning violated 8 C.F.R. § 241.4(l), a regulation designed to protect the due process rights of noncitizens like Petitioner.

50. In addition, Petitioner's Order of Supervision was revoked by an individual who lacked authority to do so, without observance of proper and required

1 formalities, without the requisite findings being made, and without the required
2 notice to Petitioner, in violation of 8 C.F.R. § 241.4(*I*)(1)-(2).

3
4 51. This violation of required procedures also violated Petitioner's due
5 process rights under the Fifth Amendment to the U.S. Constitution.

6
7 52. In arresting and re-detaining Petitioner, Respondents violated
8 important substantive and procedural rules designed to protect his due process
9 rights, and the writ of habeas corpus should issue.

10 **REQUEST FOR RELIEF**

11
12 Petitioner prays for judgment against Respondents and respectfully requests
13 that the Court enters an order:

- 14
15 a) Issuing an Order to Show Cause, ordering Respondents to justify the basis
16 of Petitioner's detention in fact and in law, forthwith;
- 17
18 b) Preliminarily enjoining Respondents from transferring Petitioner outside
19 of this judicial district while this case is pending;
- 20
21 c) Preliminarily and permanently enjoining Respondents from removing
22 Petitioner to El Salvador, unless and until his order of Withholding of
23 Removal is terminated, including all appeals;
- 24
25 d) Preliminarily and permanently enjoining Respondents from removing
26 Petitioner to any other country, including but not limited to Mexico,
27 without first providing him notice and offering him adequate opportunity
28 to apply for withholding of removal or protection under the Convention

1 Against Torture as to that other country, including review by an
2 immigration judge;

3
4 e) Setting aside the revocation of Petitioner's Order of Supervision, and
5 restoring him to his Order of Supervision;

6 f) Issuing a writ of habeas corpus, and ordering that Petitioner be released
7 from physical custody;

8
9 g) Granting Petitioner his costs of suit and reasonable attorney's fees under
10 the Equal Access to Justice Act; and

11
12 h) Granting such other relief at law and in equity as justice may require.
13

14
15 Respectfully submitted,

16 *//s// Lauren Hodges*

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25 *Counsel for Petitioner*
26
27
28

Dated: October 15, 2025

CERTIFICATE OF SERVICE

I, Lauren Hodges, hereby certify that on this 15th day of October, 2025, I uploaded the foregoing, with all attachments thereto, to this court's CM/ECF system, which will send a Notice of Electronic Filing (NEF) to all case participants. I furthermore will send a copy by certified U.S. mail, return receipt requested, to:

Civil Process Clerk
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40 N. Central Avenue, Suite 1800
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Counsel for Petitioner

Civil Cover Sheet

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the District of Arizona.

The completed cover sheet must be printed directly to PDF and filed as an attachment to the Complaint or Notice of Removal.

Plaintiff(s): **Oscar Armando Solis Quintanilla , ; ; ;**

Defendant(s): **Kristi Noem , Secretary of Homeland Security; Todd Lyons , Acting Director, U.S. Immigration and Customs Enforcement; John Cantu , Field Office Director, Phoenix Field Office, Immigration and Customs Enforcement; Pamela Bondi , Attorney General; Luis Rosa, Jr. , Warden, Florence Detention Center;**

County of Residence: Outside the State of Arizona

County of Residence: Outside the State of Arizona

County Where Claim For Relief Arose: Pinal

Plaintiff's Atty(s):

Defendant's Atty(s):

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U.S. Attorney's Office
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Phoenix, Arizona 85004

IFP REQUESTED

REMOVAL FROM COUNTY, CASE #

II. Basis of Jurisdiction:

2. U.S. Government Defendant

III. Citizenship of Principal Parties(Diversity Cases Only)

Plaintiff:-

N/A

Defendant:-

N/A

IV. Origin :

1. Original Proceeding

V. Nature of Suit:

463 Alien Detainee

VI.Cause of Action:

28 USC 2241

VII. Requested in Complaint

Class Action:

No

Dollar Demand:

Jury Demand:

No

VIII. This case is not related to another case.

Signature: Lauren Hodges

Date: 10/15/2025

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, save this form as a PDF and include it as an attachment to your case opening documents.