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7 Counsel for Petitioner
8 Andres Barrera Lopez

9 UNITED STATES DISTRICT COURT FOR THE
10 DISTRICT OF ARIZONA

11 Andres Barrera Lopez, Alien # 
12 

13 Petitioner,
14 v.

15 Pamela Bondi, in her official capacity as
16 Attorney General;

17 U.S. Department of Justice;

18 Kristi Noem, in her official capacity as Secretary
19 of the Department of Homeland Security;

20 U.S. Department of Homeland Security;

21 David Rivas, in his official capacity as Warden
22 of San Luis Regional Detention Facility;

23 John Cantu, in his official capacity as ICE Field
24 Office Director,
25 Respondents.

Case No.

**VERIFIED PETITION FOR
HABEAS CORPUS AND
COMPLAINT FOR
INJUNCTIVE AND
DECLARATORY RELIEF**

**IMMIGRATION HABEAS
CASE**

**ORAL ARGUMENT
REQUESTED**

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FACTUAL BACKGROUND

PETITIONER’S IMMIGRATION HISTORY

1. Andres Barrera (Petitioner), by and through his undersigned counsel, hereby files this petition for a writ of habeas corpus challenging his unlawful detention by Immigration and Customs Enforcement (ICE).
2. Petitioner entered the United States in approximately October 2000. In approximately 2009, he departed the United States, and he returned on or about May 10, 2013. He has resided continuously in the United States since that time.
3. Petitioner is married to a U.S. citizen, Selena Jazmin Rodriguez, and he has seven children: Andrea Yeraldin (26 years old – currently lives in Mexico), Brayán (24 years old – currently in Mexico), Elizabeth (22 years old – U.S. citizen), C [REDACTED] (age 15 years old – lawful permanent resident), K [REDACTED] (13 years old – lawful permanent resident), A [REDACTED] (10 years old – U.S. citizen), and S [REDACTED] (2 years old – U.S. citizen). *See* Exhibit D. Petitioner’s father, Felipe Barrera Bibian, is a lawful permanent resident. *Id.* His wife, children, and father reside in Oxnard, California. He also has one U.S.-citizen sibling (Liliana Barrera Lopez) and one lawful permanent resident sibling (Andriana Vargas).

- 1 4. Prior to his detention, Petitioner was gainfully employed as a maintenance
2 worker for Arts Labor Services in Camarillo, California. He has worked for
3 the same employer for over 15 years. He was detained by ICE during a
4 workplace raid on or about July 10, 2025. He is being housed at the San Luis
5 Regional Detention Center in San Luis, Arizona.
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- 7 5. The Department of Homeland Security (DHS) subsequently filed a Notice to
8 Appear in the Otay Mesa Immigration Court, commencing removal
9 proceedings against Petitioner and charging him with being present in the
10 United States without admission or parole pursuant to 8 U.S.C.
11 § 1182(a)(6)(A)(i). *See* Exhibit A.
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- 13 6. On August 12, 2025, Immigration Judge Jose Penalosa, Jr., granted
14 Petitioner a bond in the amount of \$1,500. *See* Exhibit B. The Department
15 of Homeland Security (DHS) subsequently filed a stay of that order pursuant
16 to 8 C.F.R. § 1003.19(i)(2). *See* Exhibit C. The DHS later appealed the
17 bond decision to the Board of Immigration Appeals. The filing of the stay
18 prevented Petitioner from posting bond and being released from ICE
19 custody, despite his wife attempting to pay the bond at least six times.
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25 7. Petitioner has no criminal record anywhere in the world.
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LEGAL BACKGROUND

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- 3 8. On September 5, 2025, the Board of Immigration Appeals published its
- 4 decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), in
- 5 which the Board determined that immigration judges (IJ) lack jurisdiction to
- 6 grant bond to any non-citizen who entered the United States without
- 7 admission.
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- 10 9. Petitioner’s detention on this basis violates the plain language of the
- 11 Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.* Section
- 12 1225(b)(2)(A) (which provides for mandatory detention of certain
- 13 “applicants for admission”) does not apply to individuals like Petitioner who
- 14 previously entered and are now present and residing in the United States.
- 15 Instead, such individuals are subject to a different statute, 8 U.S.C. § 1226(a),
- 16 that allows for release on conditional parole or bond. That statute expressly
- 17 applies to people who, like Petitioner, are charged as removable for having
- 18 entered the United States without inspection and being present without
- 19 admission.
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- 24 10. Respondents’ new legal interpretation of the INA set forth in *Matter of*
- 25 *Yajure Hurtado* is plainly contrary to the statutory framework and contrary to
- 26 decades of agency practice applying § 1226(a) to people like Petitioner who
- 27 are present within the United States.
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1 11. Respondents' new legal interpretation of the INA also violates Petitioner's
2 right to due process. All individuals within the United States have
3 constitutional rights. "[T]he Due Process Clause applies to all 'persons'
4 within the United States, including aliens, whether their presence here is
5 lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S.
6 678, 693 (2001).
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9 12. 8 U.S.C. § 1226 authorizes the detention of noncitizens in § 1229a removal
10 proceedings before an IJ. Individuals covered by § 1226(a) detention are
11 generally entitled to a bond hearing at the outset of their detention, *see* 8
12 C.F.R. §§ 1003.19(a), 1236.1(d), while certain noncitizens who have been
13 arrested, charged with, or convicted of certain crimes are subject to
14 mandatory detention. *See* 8 U.S.C. § 1226(c).
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17 13. However, the INA provides for mandatory detention of noncitizens
18 subjected to an expedited removal order imposed pursuant to 8 U.S.C.
19 § 1225(b)(1) and for certain other noncitizen applicants for admission to the
20 U.S. who are deemed not clearly entitled to be admitted. *See* 8 U.S.C. §
21 1225(b)(2).
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24 14. Respondents' position that all non-citizens who enter the United States
25 without being admitted are subject to mandatory detention under 8 U.S.C. §
26 1225(b)(2) has been rejected by federal courts across the country. *See e.g.*,
27 *Rosa v. Figueroa*, 2025 WL 2337099, *7 (D. Az. Aug, 11, 2025), report and
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1 recommendation adopted, No. CV-25-02157-PHX-DLR (CDB), 2025 WL
2 2349133 (D. Az. Aug. 13, 2025); *Hasan v. Crawford*, --- F.Supp.3d ----,
3 2025 WL 2682255, *8-9 (E.D. Va. Sept. 19, 2025)) (noting that
4 Respondents’ interpretation of 8 U.S.C. § 1225(b) “would render superfluous
5 those provisions of § 1226 that apply to certain categories of inadmissible
6 aliens, such as § 1226(c)(1)(A), (D), and (E)”); *Jimenez v. FCI Berlin*, ---
7 F.Supp.3d ----, 2025 WL 2639390, *10 (D. N.H. Sept. 8, 2025); *Ramirez*
8 *Clavijo v. Kaiser*, 2025 WL 2419263, *4 (N.D. Ca. Aug. 21, 2025); *Lopez*
9 *Benitez v. Francis*, --- F.Supp.3d ----, 2025 WL 2371588, *5 (S.D.N.Y. Aug,
10 13, 2025); *Martinez v. Hyde*, --- F.Supp.3d ----, 2025 WL 2084238, *9 (D.
11 Ma. July 24, 2025); *Gomes v. Hyde*, 2025 WL 1869299, *8 (D. Ma. July 7,
12 2025); *Arrazola-Gonzalez v. Noem*, 2025 WL 2379285, *2 (C.D. Ca. Aug.
13 15, 2025); *Maldonado v. Olson*, 2025 WL 2374411, *13 (D. Minn. Aug. 15,
14 2025); *Leal-Hernandez v. Noem*, 2025 WL 2430025, *10 (D. Md. Aug. 24,
15 2025); *Kostak v. Trump*, 2025 WL 2472136, *3 (W.D. La. Aug. 27, 2025);
16 *Lopez-Campos v. Raycraft*, 2025 WL 2496379, *8 (E.D. Mich. Aug. 29,
17 2025); *Vasquez Garcia v. Noem*, 2025 WL 2549431, *6 (S.D. Cal. Sept. 3,
18 2025).

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25 15. The decision in *Yujare Hurtado* also conflicts with the regulations that
26 specify which non-citizens are ineligible for bond. 8 C.F.R. § 1003.19(h)(2)
27 lists five categories of noncitizens who may not receive bond: (1)
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1 respondents in exclusion proceedings, § 1003.19(h)(2)(i)(A); (2) “arriving
2 aliens” in removal proceedings, § 1003.19(h)(2)(i)(B); (3) noncitizens
3 described in section 237(a)(4) of the INA, § 1003.19(h)(2)(i)(C); (4)
4 noncitizens subject to mandatory detention under section 236(c)(1) of the
5 INA, § 1003.19(h)(2)(i)(D); and (5) noncitizens in deportation proceedings
6 under former section 242(a)(2) of the INA, § 1003.19(h)(2)(i)(E).
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8 Individuals who entered without being admitted, like Petitioner, do not fall
9 into any of these categories.
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12 16. The decision to allow IJs to grant bond to inadmissible noncitizens (except
13 for arriving aliens) was deliberately made by then-Attorney General Janet
14 Reno following the passage of the Illegal Immigration Reform and
15 Immigrant Responsibility Act of 1996 (IIRIRA). In a proposed rule issued in
16 early 1997, the Justice Department provided that all “[i]nadmissible aliens in
17 removal proceedings” would be ineligible for bond. *Inspection and*
18 *Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of*
19 *Removal*, 62 Fed. Reg. 444, 483 (Jan. 3, 1997). After receiving comments,
20 however, the Attorney General deleted the proposed provision and replaced
21 it with one that would apply only to “[a]rriving aliens, as described in §
22 1.1(q) of this chapter, including aliens paroled pursuant to section 212(d)(5)
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1 of the INA, in removal proceedings.”¹ *Inspection and Expedited Removal of*
2 *Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings;*
3 *Asylum Procedures*, 62 Fed. Reg. 10312, 10361 (March 6, 1997). As the
4 Attorney General explained, “[t]he effect of this change is that inadmissible
5 aliens, except for arriving aliens, have available to them bond
6 redetermination hearings before an immigration judge, while arriving aliens
7 do not.” *Id.* at 10323.

10 17. Relatedly, the Attorney General also specifically considered how to define
11 the term “arriving alien.” In the proposed rule, the Attorney General
12 described the definition of “arriving alien” as applying to “aliens arriving at a
13 port-of-entry, aliens interdicted at sea, and aliens previously paroled upon
14 arrival.” 62 Fed. Reg. at 445. The Attorney General stated that the phrase
15 potentially “could also include other classes of aliens, e.g., those
16 apprehended crossing a land border between ports-of-entry,” and she invited
17 comments on the proper scope of the definition. *Id.* The Attorney General
18 received numerous comments in response, including from those who
19 suggested expanding the definition to include noncitizens who had been
20 present in the country for less than 24 hours without being inspected or
21 admitted, or who were apprehended within a certain distance of the border.

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¹ This provision was originally promulgated as 8 C.F.R. 236.1(c)(5)(i) and was later transferred to 8 C.F.R. 1003.19(h)(2)(i)(B).

1 62 Fed. Reg. at 10303. But the Attorney General elected not to modify the
2 proposed definition of “arriving alien,” *id.*, which remains materially
3 identical today.
4

5 18. Thus, Respondents’ application of mandatory detention to all non-citizens
6 who entered without being admitted is an attempt to perform an end run
7 around the regulations that bind them, and which limit mandatory detention
8 to the five classes of individuals described above.
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10 19. In addition, the automatic stay provision contained at 8 C.F.R.

11 § 1003.19(i)(2) is *ultra vires* and violates Petitioner’s due process rights, as it
12 allows the DHS to usurp the authority granted by Congress to IJs to grant
13 bond to non-citizens detained under 8 U.S.C. § 1226(a). “[T]he challenged
14 regulation permits an agency official who is also a participant in the
15 adversarial process to unilaterally override the immigration judge’s
16 decisions. Such a rule is anomalous in our legal system[.]” *Gunaydin v.*
17 *Trump*, 784 F.Supp.3d 1175, 1187 (D. Minn. May 21, 2025); *see also*
18 *Jacinto v. Trump*, --- F.Supp.3d ----, 2025 WL 2402271, *4, 5 (D. Neb. Aug.
19 19, 2025) (automatic stay provision violates Petitioner’s procedural due
20 process rights and “is ultra vires because it exceeds the statutory authority
21 granted to the Attorney General”); *Zavala v. Ridge*, 310 F.Supp.2d 1071,
22 1079 (N.D. Ca. March 1, 2004) (stay provision is ultra vires); *Campos Leon*
23 *v. Forestal*, 2025 WL 2694763, *4 (S.D. Ind. Sept. 22, 2025) (“DOJ
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1 unlawfully empowered DHS to nullify decisions Congress specifically
2 assigned to the attorney general.”); *Herrera v. Knight*, --- F.Supp.3d ----,
3 2025 WL 2581792, *12 (D. Nv. Sept. 5, 2025) (stay provision violates
4 procedural due process); *Martinez v. Secretary of Noem*, 2025 WL 2598379,
5 *4 (W.D. Tx. Sept. 8, 2025) (same); *Hasan*, 2025 WL 2682255 at *1 (E.D.
6 Va. Sept. 19, 2025) (same); *Sampiao v. Hyde*, ---- F.Supp.3d ----, 2025 WL
7 2607924, *2 (D. Ma. Sept. 9, 2025) (same); *Barrera v. Tindall*, 2025 WL
8 2690656, *10 (W.D. Ky. Sept. 19, 2025) (same); *Leal-Hernandez*, 2025 WL
9 WL 2430025 at *13, 14, 15 (provision violates substantive due process and
10 procedural due process and is *ultra vires*); *Augusto Alves da Silva v. US*
11 *Immigration and Customs Enforcement*, 2025 WL 2778083, *4 (D. N.H.
12 Sept. 29, 2025) (provision violates procedural due process).

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17 20. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be
18 permitted to pay the bond issued by Immigration Judge Penalosa and
19 immediately released upon the posting of the \$1500 bond. *See e.g., Campos*
20 *Leon*, 2025 WL 2694763 at *6 (ordering Respondents to release petitioner
21 pursuant to the IJ’s bond order).
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24 **REQUIREMENTS OF 28 U.S.C. § 2243**

25 21. The Court must grant a petition for writ of habeas corpus or order
26 Respondents to show cause “forthwith,” unless a petitioner is not entitled to
27 relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents
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1 must file a return “within three days unless for good cause additional time,
2 not exceeding twenty days, is allowed.” *Id.*

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4 22. Habeas corpus is “perhaps the most important writ known to the
5 constitutional law . . . affording as it does a swift and imperative remedy in
6 all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400
7 (1963). “The application for the writ usurps the attention and displaces the
8 calendar of the judge or justice who entertains it and receives prompt action
9 from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d
10 1116, 1120 (9th Cir. 2000) (citation omitted).
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13 **PARTIES**

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15 23. Petitioner Andres Barrera is a citizen of Mexico, who is currently in the
16 custody of the DHS at the San Luis Regional Detention Center in San Luis,
17 Arizona.
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19 24. Respondent Pamela Bondi, the Attorney General, is the highest-ranking
20 official within the Department of Justice (DOJ). Respondent Bondi has
21 responsibility for the administration and enforcement of the immigration
22 laws pursuant to 8 U.S.C. § 1103. She is also the head of the agency that
23 encompasses the Board of Immigration Appeals, which issued the
24 interpretation of bond law outlined in *Yujare Hurtado*. As the Immigration
25 and Nationality Act (INA) has not been amended to reflect the designation
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1 of the Secretary of the DHS as the administrator and enforcer of
2 immigration laws, Respondent Bondi is sued in her official capacity to the
3 extent that 8 U.S.C. § 1102 gives her authority over immigration law.
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5 25. Respondent Kristi Noem, the Secretary of the DHS, is the highest-ranking
6 official within the DHS. Respondent Noem, by and through her agency for
7 the DHS, is responsible for the implementation of the INA, and for ensuring
8 compliance with applicable federal law. She is also responsible for the
9 detention of non-citizens by DHS. Respondent Noem is sued in her official
10 capacity as an agent of the government of the United States.
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12 26. The DHS is the agency responsible for detaining Petitioner.
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14 27. The DOJ is the agency responsible for administering the immigration courts
15 and the Board of Immigration Appeals. As such, it is responsible for the
16 publication of the decision in *Yajure Hurtado*. It is also the agency
17 responsible for the promulgation and implementation of the automatic stay
18 provision contained at 8 C.F.R. § 1003.19(i)(2).
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22 28. Respondent David Rivas is the warden at San Luis Regional Detention
23 Facility. He oversees Petitioner's place of custody.
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25 29. Respondent John Cantu is the Field Office Director of the Phoenix Field
26 Office of ICE. He oversees the custody of all ICE detainees at the San Luis
27 Regional Detention Facility. Respondent Cantu is sued in his official
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1 capacity as an agent of the government of the United States.

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3 **JURISDICTION AND VENUE**
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5 30. This Court has jurisdiction over the present action pursuant to 28 U.S.C.
6 § 1331, general federal question jurisdiction; 5 U.S.C. §§ 701 et seq., the
7 Administrative Procedure Act (APA); habeas jurisdiction pursuant to 28
8 U.S.C. § 2241 et seq.; Art I., § 9, Cl. 2 of the United States Constitution (the
9 Suspension Clause); 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201-
10 02 (Declaratory Judgment Act); The Fourth and Fifth Amendments to the
11 U.S. Constitution; and the common law. This action arises under the Due
12 Process Clause of the Fifth Amendment of the U.S. Constitution and the
13 INA. This Court may grant relief under the habeas corpus statutes, 28
14 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2001 et
15 seq., and the All-Writs Act, 28 U.S.C. § 1651.
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20 31. Federal district courts have jurisdiction to hear habeas claims by
21 noncitizens challenging the lawfulness or constitutionality of DHS conduct.
22 Federal courts are not stripped of jurisdiction under 8 U.S.C. § 1252. *See*
23 *e.g., Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).
24

25 32. Venue is proper pursuant to 28 U.S.C. § 1391(e) because Respondents are
26 agencies of the United States or officers or employees thereof acting in their
27 official capacity or under color of legal authority; Petitioner is in the
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1 custody of the Phoenix Field Office of Immigration and Customs
2 Enforcement and the warden of the San Luis Regional Detention Center,
3 both of which are in the jurisdiction of the District of Arizona; and there is
4 no real property involved in this action.
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7 **FIRST CAUSE OF ACTION**

8 **THE AUTOMATIC STAY PROVISION IS ULTRA VIRES**

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10 33. Petitioner re-alleges and incorporates each allegation contained in paragraphs
11 1-32.

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13 34. The automatic stay provision contained at 8 C.F.R. § 1003.19(i)(2) is *ultra*
14 *vires*, as it allows the DHS to unilaterally overrule the authority granted by
15 Congress to the Attorney General (and delegated to IJs) to grant bond to non-
16 citizens detained under 8 U.S.C. § 1226(a).
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18 35. Thus, this Court should order Respondents to release Petitioner upon
19 payment of that bond, with no additional restrictions other than those
20 imposed by the IJ.
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23 **SECOND CAUSE OF ACTION**

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25 **PETITIONER'S DETENTION VIOLATES THE FIFTH AMENDMENT**
26 **RIGHT TO DUE PROCESS**
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36. Petitioner re-alleges and incorporates each allegation contained in paragraphs 1-32.

37. The government may not deprive a person of life, liberty, or property 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 Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

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

39. To invoke the automatic stay provision, the DHS need not make even a *prima facie* showing that an IJ’s bond decision was erroneous. There are no procedural protections in place to guard against erroneous deprivation of Petitioner’s liberty while the DHS’s appeal is pending. Thus, Petitioner’s continued detention due to the automatic stay provision violates due process.

THIRD CAUSE OF ACTION

PETITIONER’S CONTINUED DETENTION VIOLATES 8 U.S.C.

§ 1226(a)

40. Petitioner re-alleges and incorporates each allegation contained in paragraphs 1-32.

1 41. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply
2 to noncitizens who have entered and were residing in the United States prior
3 to being arrested, have been placed under § 1229a removal proceedings, and
4 been charged with a ground of inadmissibility, including 8 U.S.C.
5 § 1182(a)(6)(A)(i), by Respondents. Such noncitizens may only be detained
6 pursuant to § 1226(a), unless subject to § 1225(b)(1), § 1226(c), or § 1231-
7 none of which apply to Petitioner. Indeed, an IJ has already ordered
8 Petitioner to be released on bond pursuant to 8 U.S.C. § 1226(a). As such,
9 Respondents cannot justify the continued detention of Petitioner by relying
10 on 8 U.S.C. § 1225(b)(2).
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15 **FOURTH CAUSE OF ACTION**

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17 **PETITIONER’S CONTINUED DETENTION WOULD VIOLATE THE**
18 **REGULATIONS GOVERNING BOND ELIGIBILITY**
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20 42. Petitioner re-alleges and incorporates each allegation contained in paragraphs
21 1-32.
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23 43. In 1997, after Congress amended the INA through IIRIRA, EOIR and the
24 then-Immigration and Naturalization Service issued an interim rule to
25 interpret and apply IIRIRA. Specifically, under the heading of
26 “Apprehension, Custody, and Detention of [Noncitizens],” the agencies
27 explained that “[d]espite being applicants for admission, [noncitizens] who
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1 are present without having been admitted or paroled (formerly referred to as
2 [noncitizens] who entered without inspection) will be eligible for bond and
3 bond redetermination.” 62 Fed. Reg. at 10323. The agencies thus made
4 clear that individuals who had entered without inspection were eligible for
5 consideration for bond and bond hearings before IJs under 8 U.S.C. § 1226
6 and its implementing regulations.
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9 44. Nonetheless, pursuant to *Yajure Hurtado*, Respondents have a policy and
10 practice of applying § 1225(b)(2) to individuals like Petitioner. Any
11 application of § 1225(b)(2) to Petitioner unlawfully mandates his continued
12 detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19. Thus, the
13 decision in *Yajure Hurtado* cannot be used to justify Petitioner’s continued
14 detention.
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18 **FIFTH CAUSE OF ACTION**

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20 **PETITIONER’S CONTINUED DETENTION WOULD VIOLATE**
21 **THE ADMINISTRATIVE PROCEDURE ACT, 5 U.S.C. § 706(2)**

22 45. Petitioner re-alleges and incorporates each allegation contained in paragraphs
23 1-32.
24

25 46. Under the Administrative Procedure Act, a court must “hold unlawful and set
26 aside agency action” that is “arbitrary, capricious, an abuse of discretion, or
27 otherwise not in accordance with the law,” that is “contrary to constitutional
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1 right [or] power,” or that is “in excess of statutory jurisdiction, authority, or
2 limitations, or short of statutory right.” 5 U.S.C. § 706(2)(A)-(C).

3
4 47. Any continued detention of Petitioner pursuant to § 1225(b)(2) is arbitrary
5 and capricious, violates the INA and the Fifth Amendment, is not authorized
6 under § 1225(b)(2), and therefore is in violation of 5 U.S.C. § 706(2).

7
8 **PRAYER FOR RELIEF**

9
10 WHEREFORE, Petitioner respectfully requests that this Court grant the
11 following relief:

- 12 1. Assume jurisdiction over this matter;
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14 2. Issue an order to show cause ordering Respondents to show cause within
15 three days why this petition should not be granted;
- 16
17 3. Issue a writ of habeas corpus ordering Respondents to immediately release
18 Petitioner from custody, conditioned only payment of the \$1500 bond set by
19 the IJ, and imposing no additional conditions than those outlined in the IJ’s
20 bond order;
- 21
22 4. Prohibit Respondents from re-detaining Petitioner under 8 U.S.C. § 1225(b);
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24 5. Declare that Petitioner’s detention is unlawful;
- 25
26 6. Award Petitioner his costs and reasonable attorneys’ fees in this action as
27 provided for by the Equal Access to Justice Act, 28 U.S.C. § 2412, and on
28 any further basis justified under law;

1 7. Grant such further relief as the Court deems just and proper.

2
3 **RESPECTFULLY SUBMITTED this 15th day of October, 2025**

4 **/s/ Sabrina Damast**

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11 **TABLE OF EXHIBITS**

12 **Exhibit A:** Notice to Appear

13 **Exhibit B:** IJ's Bond Memorandum

14 **Exhibit C:** DHS Stay of Bond Order

15 **Exhibit D:** Proof of Petitioner's Family Ties

- 16
 - 17 • Marriage Certificate of Selena Jazmin Rodriguez and Andres Barrera

18 Lopez

- 19
 - 20 • U.S. Passport of Selena Jazmin Rodriguez (Petitioner's wife)

- 21
 - 22 • Birth Certificate of E [REDACTED] (Petitioner's daughter)

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 - 24 • Birth Certificate of A [REDACTED] (Petitioner's daughter)

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 - 26 • Birth Certificate of S [REDACTED] (Petitioner's daughter)

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 - 28 • Birth Certificate and Lawful Permanent Resident Card of C [REDACTED]

[REDACTED] (Petitioner's son)

- Birth Certificate and Lawful Permanent Resident Card of K [REDACTED]

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(Petitioner's daughter)

- Lawful Permanent Resident Card of Adriana B. Vargas (Petitioner's sister)
- Naturalization Certificate of Liliana Barrera Lopez (Petitioner's sister)
- Lawful Permanent Resident Card of Felipe R. Barrera Bibian (Petitioner's father)

UNITED STATES DISTRICT COURT DISTRICT OF ARIZONA

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): Andres Barrera Lopez , ;

Defendant(s): Pamela Bondi , U.S. Attorney General; U.S. Department of Justice , ; Kristi Noem , U.S. Secretary of Homeland Security; U.S. Department of Homeland Security , ; David
