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IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION

23 C.G., a minor,
24 5300 Angeles Vista Boulevard
25 Los Angeles, CA 90043, and
26 VIVIAN VAL, as Next Kin of
27 minor,
28 24355 Trailblazer Lane, Menifee,
CA, United States, 92584,

CIVIL ACTION NO.

1 Petitioners/Plaintiffs,

2 v.

PETITION FOR WRIT OF
HABEAS CORPUS

3
4 JAY ALLEN, President and CEO
5 of Wayfinder Family Services,
6 5300 Angeles Vista Boulevard
7 Los Angeles, CA 90043,
8 ROBIN DUNN MARCOS, in her
9 official capacity as Director of the
10 Office of Refugee Resettlement,
11 330 C Street, S.W., Washington,
12 D.C. 20201,
13 ANDREW GRADISON, in his
14 official capacity as Assistant
15 Secretary for the Administration of
16 Children and Families,
17 330 C Street, S.W., Washington,
18 D.C. 20201,
19 ROBERT F. KENNEDY JR., in his
20 official capacity as Secretary of the
21 Department of Health and Human
22 Services,
23 330 C Street, S.W., Washington,
24 D.C. 20201,
25 DEREK GORDON, in his official
26 capacity as Acting Executive
27 Associate Director for Homeland
28 Security Investigations,
425 I Street
Washington, D.C. 20536,
TODD LYONS in his official
capacity as Acting Director of U.S.
Immigration and Customs
Enforcement,
Office of the Principal Legal
Advisor, 500 12th St. SW, Mail
Stop 5900, Washington, DC 20536-
5900, and
RODNEY S. SCOTT,

1 Commissioner, U.S. Customs and
2 Border Protection
3 c/o Office of Chief Counsel
4 U.S. Customs and Border
5 Protection
6 1300 Pennsylvania Avenue, Ste
7 4.4-B
8 Washington, D.C. 20229,
9
10 Respondents/Defendants.

11
12
13 **PETITION FOR WRIT OF HABEAS CORPUS**

14 C.G., *a minor*, and her adoptive mother, Vivian Val, ("Petitioners") petition
15 this Court for a Writ of Habeas Corpus, pursuant to 28 USC §2241 and the
16 Administrative Procedure Act, 5 U.S.C. § 701, et seq., to remedy C.G.'s continued
17 unlawful detention and separation from her mother, by Respondents. Petitioners
18 hereby request that an immediate hearing be set on this matter. Petitioners also
19 request that C.G. be released during the pendency of this Petition. In support of
20 this Petition, Petitioners allege as follows:

21 **INTRODUCTION**

22 1. Petitioner, C.G., is a one-year-old native and citizen of Nigeria who
23 was detained by U.S. Customs and Border Protection ("CBP") in or around July
24 2024, at the age of four months old, while attempting to enter the United States
25 along with her lawful permanent resident adoptive mother.
26
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28

1 2. C.G.'s prolonged detention and separation from her *mother* is the
2 result of DHS, ICE, and ORR's unlawful policies and practices regarding family
3 separation. ORR has a statutory responsibility to "promptly" place C.G. "in the
4 least restrictive setting that is in the best interest of the child." 8 U.S.C. §
5 1232(c)(2)(A). From the documents submitted into C.G.'s immigration court
6 record of proceedings, it does not appear that DHS ever notified ORR that C.G.
7 entered the United States with her legally adoptive mother. *Exhibit C*.

8
9
10 3. For many immigrant children who come into its custody, ORR fulfills
11 its mandate by placing children with their parents or other relatives in the United
12 States. For immigrant children who have no family or relatives in the U.S., ORR
13 may release the child to a sponsor designated by the child's parents to fulfill its
14 mandate. 8 U.S.C. § 1232(c)(2)(A).

15
16
17 4. Despite Respondent's statutory responsibility, they have summarily
18 and without reason rejected C.G.'s mother's reunification efforts. Respondent's
19 failure to act "promptly" and without any effort whatsoever, violates C.G.'s
20 constitutional rights to due process and family integrity.
21

22 23 **JURISDICTION AND VENUE**

24 5. This Court has subject matter jurisdiction over the claims alleged in
25 this Petition pursuant to 28 U.S.C. § 1331, as they arise under federal statutes, 28
26 U.S.C. § 2201 (Declaratory Judgment Act); and 28 U.S.C. § 2241 (habeas corpus).
27
28

1 6. Venue is proper in this District because Petitioner C.G. resides in this
2 district.
3

4 **PARTIES**

5 7. Petitioner C.G., *a minor*, is a one-year-old child from Nigeria who
6 traveled with her adoptive mother to the United States in July 2024. *Exhibit E*,
7 Mother's Declaration.
8

9 8. Petitioner Vivian Val, C.G.'s mother, has requested the care and
10 custody of C.G. as C.G.'s legally adoptive mother and a lawful permanent
11 residence of the United States. Petitioner Val lives in Menifee, California and files
12 this petition as Next Kin of C.G.
13

14 9. Respondent Robin Dunn Marcos is the Director of ORR, the
15 component of the U.S. Department of Health and Human Services (HSS)
16 responsible for implementing HSS's obligations to unaccompanied minors who are
17 immigrants. ORR is the government entity directly responsible for the detention of
18 C.G. Respondent Dunn Marcos is sued in her official capacity.
19
20

21 10. Respondent Andrew Gradison is the Assistant Secretary for the
22 Administration of Children and Families ("ACF"). The Administration for
23 Children and Families is the division within HHS that has responsibility for ORR.
24 Respondent Gradison is sued in his official capacity.
25
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1 11. Respondent Robert F. Kennedy Jr. is the Secretary of HHS, the
2 department of which ORR is part. Respondent Kennedy Jr. is sued in his official
3 capacity.
4

5 12. Respondent Derek Gordon is the Acting Executive Associate Director
6 for Homeland Security Investigations, and he is responsible for DHS' actions
7 regarding the transfer of C.G. to ORR. Respondent is sued in his official capacity.
8

9 13. Respondent Jay Allen is the President and CEO of Wayfinder Family
10 Services, the facility where C.G. is being held at the time of this petition.
11 Respondent Allen is sued in his official capacity.
12

13 14. Respondent Rodney S. Scott is Commissioner of U.S. Customs and
14 Border Protection, and he is responsible for CBP's actions regarding the transfer of
15 C.G. to ORR. Respondent is sued in his official capacity.
16

17 15. Respondent Todd Lyons is Acting Director of U.S. Immigration and
18 Customs Enforcement ("ICE"), and he is responsible for ICE's actions regarding
19 the transfer of C.G. to ORR. Respondent is sued in his official capacity
20

21 **STATEMENT OF FACTS**

22 16. Petitioner, Vivian Val, is a native and citizen of Nigeria and the
23 adoptive mother to C.G. Petitioner Val is a Lawful Permanent Resident of the
24 United States. *See Ex. A*, Copy of Green Card; *Exhibit B*, Copy of Adoption
25 Documents.
26
27
28

1 17. C.G. was initially taken into custody by U.S. Customs and Border
2 Protection ("CBP"), and allegedly then turned over to U.S. Immigration and
3 Customs Enforcement ("ICE") (and temporarily with Bethany Christian Services
4 in North Carolina) before she was then transferred to the Office of Refugee
5 Resettlement ("ORR"). *Exhibit C*, Copy of EOIR Record of Proceeding.
6

7
8 18. On August 7, 2024, the Young Center for Immigrant Children's
9 Rights became C.G.'s federally appointed Child Advocate. *Id.*

10 19. On October 2, 2024, ORR placed C.G. in a long-term foster care
11 program in Los Angeles, California – Wayfinder Family Services. *Id.*
12

13 20. Further, C.G. was issued a Notice to Appear ("NTA") in Immigration
14 Court, and she was scheduled for a hearing on December 4, 2024, at which point
15 her removal proceedings were administratively closed or dismissed. *Id.*
16

17 **STATUTORY AND PROCEDURAL BACKGROUND**

18 **A. Laws and Agreements Governing the Care and Custody of** 19 **Unaccompanied Minor Children**

20 21. Three key laws and agreements govern the federal government's
21 treatment and custody of unaccompanied immigrant children: the 1997 Flores
22 Settlement Agreement; the Homeland Security Act of 2002; and the Trafficking
23 Victims Protection Reauthorization Act.
24

25
26 22. The Flores Settlement Agreement arose from a lawsuit filed by a
27 group of immigrant children challenging their detention and seeking to be released
28

1 to family members and/or sponsors within the United States. *See Flores v.*
2 *Sessions*, 862 F.3d 863, 869 (9th Cir. 2017) (discussing the history of the Flores
3 litigation); *see also Flores v. Sessions*, Case No. CV 85-4544-DMG (C.D. Cal.,
4 July 9, 2018) (affirming the terms of the Flores Settlement Agreement). In 1997,
5 the plaintiff children entered into a consent decree with the federal government that
6 created a nationwide policy governing the custody and release of immigrant
7 children by immigration authorities and applies to this case. *Flores v. Reno*, No.
8 CV 85-4544, Settlement Agreement ("Flores Settlement Agreement"), *Exhibit D*.
9 Among other things, the Agreement requires: (a) release without unnecessary
10 delay, (b) release to an adult caregiver, with parents, legal guardians, and other
11 family members given priority, and (c) placement in the "least restrictive setting"
12 appropriate to the minor's needs. Flores Settlement Agreement, ¶¶ 11, 14.

17 23. At the time of the Flores Settlement Agreement, a single agency – the
18 Immigration and Naturalization Service (INS) – administered the custody,
19 detention, and deportation of immigrant children. In 2002, Congress passed the
20 Homeland Security Act (HSA), which abolished the INS, created a new
21 Department of Homeland Security, and transferred all functions related to the care
22 and custody of unaccompanied immigrant children to ORR, a sub-department of
23 the Department of Health and Human Services. *See* Pub. L. 107-296, 116 Stat.
24 2153 (Nov. 25, 2002). Section 462 of the HSA extended the key terms of the
25
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1 Flores Settlement Agreement to all unaccompanied immigrant children, including
2 the requirement that ORR place such children in the least restrictive setting. *Id.*
3

4 24. In 2008, Congress further strengthened protections for
5 unaccompanied children through the Trafficking Victims Protection
6 Reauthorization Act ("TVPRA"). *See* Pub. L. 110-457, 122 Stat. 5044 (Dec. 23,
7 2008). The TVPRA requires federal officials to screen these unaccompanied
8 children for certain vulnerabilities, including whether they are victims of
9 trafficking and whether they fear persecution in their home countries. *See* 8 U.S.C.
10 § 1232(a)(4). The TVPRA also enacted procedures for ensuring "safe and secure
11 placements" for these children. *See* 8 U.S.C. § 1232(c)(1). Like the Flores
12 Settlement Agreement, the TVPRA mandates that an unaccompanied child "shall
13 be promptly placed in the least restrictive setting that is in the best interest of the
14 child." 8 U.S.C. § 1232(c)(2)(A).
15

16 25. In accordance with these Congressional procedural safeguards, ORR
17 has a statutory responsibility to grant Petitioner Val's reunification request and
18 place C.G. in the least restrictive setting that is in her best interests.
19

20
21
22
23 **B. Respondents Have a Legal Duty to Promptly Place C.G. in the Least**
24 **Restrictive Setting in the Child's Best Interest**

25 26. The individual available to provide care and support is the very person
26 who traveled to the United States with C.G. – her adoptive mother. Petitioner Val is
27 a lawful permanent resident who entered the United States with her daughter, C.G.,
28

1 on and around July 2024. Release from custody and returning the child to her
2 lawful parent and guardian is the “least restrictive setting in the child’s best
3 interest”. Releasing the child to her adoptive mother will also facilitate Petitioner
4 Val’s ability to process the necessary U.S. immigration documents for her
5 daughter.
6

7
8 27. The Flores Settlement Agreement, Homeland Security Act, and
9 TVPRA provide ORR multiple placement options for unaccompanied children.
10 Paragraph 14 of the Flores Settlement Agreement requires in relevant part:

11
12 Where the INS [ORR] determines that the detention of the minor is not
13 required either to secure his or her timely appearance before the INS or
14 the immigration court, or to ensure the minor’s safety or that of others,
15 the INS [ORR] shall release a minor from its custody without
16 unnecessary delay, in the following order of preference, to:
17

- 18 a. a parent
19
20 b. a legal guardian
21
22 c. an adult relative (brother, sister, aunt, uncle, or grandparent);
23
24 d. an adult individual or entity designated by the parent or legal
25 guardian as capable and willing to care for the minor’s well-being
26 in a declaration signed under penalty of perjury before an
27 immigration or consular officer....
28

1 *See also* 8 U.S.C. §§ 1232(c)(2)(A), 1232(c)(3) (codifying the Flores Settlement
2 Agreement).

3
4 28. C.G.'s mother is fully committed to providing for C.G.'s presence at
5 all called appearances for her immigration court proceedings, at all meetings or
6 conferences called for by Respondents or other government agencies, and to keep
7 Respondents advised of the status as necessary.
8

9 29. There is no basis whatsoever for Respondents to determine that C.G.'s
10 mother will not properly and fully provide for C.G.'s physical and mental well-
11 being, as well as the processing of her immigration paperwork with the appropriate
12 authorities.
13

14 **C. Respondents Have Violated Their Legal Duty**
15

16 30. As the legally adopted child of Petitioner Val and her spouse, this
17 protracted separation from her mother at such a tender age could have grave
18 consequences for C.G.'s development. Further, her prolonged detention is
19 inflicting devastating trauma to both parties as a family unit. This grievous harm
20 caused by C.G.'s prolonged detention at the hands of the government is ongoing,
21 as are the violations of C.G.'s constitutional, statutory, and other legal rights.
22
23

24 31. ORR's ongoing and prolonged detention of C.G. bears no reasonable
25 relation to any government purpose. C.G. has committed no crime. C.G.'s mother
26 has committed no crime. They are not a danger to anyone.
27
28

1 32. C.G.'s mother is in fact a capable, proper, and fit parent and guardian,
2 and it is highly unlikely a young child such as C.G. presents a risk of flight. C.G.
3 should be released into the care and custody of her mother immediately and
4 without further delay.
5

6 ***CLAIMS FOR RELIEF***
7 **FIRST CLAIM FOR RELIEF**
8 **HABEAS CORPUS**
9

10 33. As set forth above, Respondents are holding Petitioner C.G. in federal
11 custody, in violation of the Flores Settlement Agreement, federal statutes, and the
12 U.S. Constitution.
13

14 34. Accordingly, Petitioner C.G. seeks a writ of habeas corpus compelling
15 Respondents to release C.G. to the custody and care of her legally adoptive mother.
16

17 **SECOND CLAIM FOR RELIEF**
18 **VIOLATION OF FIFTH AMENDMENT RIGHT TO SUBSTANTIVE DUE**
19 **PROCESS**

20 35. C.G. incorporates the allegations set forth in Paragraphs 1 through 32,
21 as if fully set forth herein.

22 36. The substantive component of the Due Process Clause of the Fifth
23 Amendment to the United States Constitution protects C.G.'s liberty interests.
24 C.G. has a substantive liberty interest in family integrity, and as a one year-old
25 child separated from her family, C.G. is suffering grave harm due to her prolonged,
26 unjustified and unlawful detention.
27
28

1 37. Respondents' policies and actions, as set forth above, have infringed
2 upon C.G.'s substantive liberty interest in being free from confinement, and in
3 family integrity. These policies and actions have caused a period of prolonged
4 confinement in detention facilities and foster placements without any government
5 need, resulting in grave harm to a young child.
6

7
8 38. Respondents' policies and actions, as set forth above, have infringed
9 upon C.G.'s substantive liberty interest in family integrity. Respondents have
10 refused to put into effect the wishes of C.G. and her mother with regard to her care
11 and safety, without a legal or factual basis, shocking the conscience.
12

13 **THIRD CLAIM FOR RELIEF**
14 **VIOLATION OF FIFTH AMENDMENT RIGHT TO PROCEDURAL DUE**
15 **PROCESS**

16 39. C.G. incorporates the allegations set forth in Paragraphs 1 through 36,
17 as if fully set forth herein.
18

19 40. The procedural component of the Due Process Clause of the Fifth
20 Amendment to the United States Constitution prevents the United States from
21 depriving C.G. of liberty without procedural protections. It also prevents the
22 United States from depriving C.G. of her right to family integrity without
23 procedural protections.
24

25 41. Respondents' policies and actions, as set forth above, have deprived
26 C.G. of freedom from confinement and her right to family integrity without
27 providing notice, a right to counsel, an opportunity to respond including an
28

1 opportunity to present and confront evidence, a neutral decision-maker, a written
2 decision, and a right of appeal.
3

4
5 **FOURTH CLAIM FOR RELIEF**
6 **VIOLATION OF THE FLORES SETTLEMENT AGREEMENT**

7 42. C.G. incorporates the allegations set forth in Paragraphs 1 through 39,
8 as if fully set forth herein.
9

10 43. The Flores Settlement Agreement authorizes any minor who disagrees
11 with ORR's placement or custodial determination to seek review in "any United
12 States District Court with jurisdiction and venue over the matter to challenge that
13 placement determination . . ." Flores Settlement Agreement, ¶ 24B, *Exhibit D*.
14

15 44. The standard of review for placement decisions is "de novo." *Id.* at ¶
16 24C.
17

18 45. As an unaccompanied immigrant minor, C.G. is a member of the
19 Flores class and is therefore authorized to challenge Respondents' custodial
20 decision in this Court.
21

22 46. Respondents' actions of absolutely refusing to acknowledge that her
23 mother is in the United States as a legal permanent resident and desperate for
24 reunification, as s capable and willing parent to care for and love C.G., despite
25 Respondent's purported allegations, and Respondents' continued incarceration of
26 C.G., is a violation of the Flores Settlement Agreement.
27
28

1 **FIFTH CLAIM FOR RELIEF**
2 **VIOLATION OF SECTION 235 OF THE TRAFFICKING VICTIMS**
3 **PROTECTION REAUTHORIZATION ACT, 8 U.S.C. § 1232**

4 47. C.G. incorporates the allegations set forth in Paragraphs 1 through 44,
5 as if fully set forth herein.

6 48. Respondents have a non-discretionary duty to promptly place C.G. in
7 the least restrictive setting that is in her best interests under the TVPRA – which
8 entails her immediate release and reunification with her mother. 8 U.S.C. §
9 1232(c)(2)(A).
10

11 49. Respondents have failed to act promptly or at all.
12

13 **SIXTH CLAIM FOR RELIEF**
14 **VIOLATION OF THE ADMINISTRATIVE PROCEDURES ACT**

15 50. C.G. incorporates the allegations set forth in Paragraphs 1 through 47,
16 as if fully set forth herein.

17 51. C.G. has been aggrieved by Respondents' actions in detaining C.G.
18 and refusing to consider her placement with her mother. Respondents' detainment
19 of and failure to release C.G. constitutes final agency action.
20

21 52. Respondents' detention of C.G. and their failure to release C.G. to her
22 mother is arbitrary, capricious, and not in accordance with the law, ignoring the
23 mandate of the Flores Settlement Agreement.
24

25 53. The agency's action determined the rights of C.G. and has the legal
26 consequence of continued detainment, depriving C.G. of her fundamental right to
27
28

1 family integrity. Accordingly, C.G. is entitled to judicial review of ORR's actions
2 under 5 U.S.C. § 704.
3

4 54. C.G. has exhausted all administrative remedies available to her as of
5 right. C.G.'s mother has made extensive efforts on her own, as well as through the
6 assistance of counsel, to contact Respondents and requests information as to C.G.'s
7 whereabouts and the status of her release, to no avail.
8

9 55. C.G. and her mother have no recourse other than judicial review
10 through this action.
11

12 PRAYER FOR RELIEF

13 Petitioners C.G. and Vivian Val pray that the Court assume jurisdiction over
14 this Petition and Complaint and grant the following relief:
15

- 16 I. Issue a Writ of Habeas Corpus compelling Respondents to release C.G. to
17 the custody and care of her mother.
- 18 II. A declaration that Respondents have violated C.G.'s constitutional and
19 statutory rights.
- 20 III. An injunction compelling C.G.'s placement in the custody of her mother, as
21 required by federal statutes, the Flores Settlement Agreement, and the U.S.
22 Constitution.
- 23 IV. An award of attorney's fees and costs to the extent permitted by law,
24 including but not limited to the Equal Access to Justice Act, 5 U.S.C. § 504,
25 28 U.S.C. § 2412; and
26
27
28

1 V. Any other relief the Court deems just and proper.

2
3 Respectfully submitted this 27th day of October, 2025.

4 /s/ Bernard Wolfsdorf
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CERTIFICATE OF SERVICE

I, Bernard Wolfsdorf, hereby certify that on October 27, 2025, I filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I will mail a hard copy of the document to the above individual pursuant to Fed.R.Civ.P. 4 via first-class mail to:

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14 Respectfully submitted,

15 /s/ Bernard Wolfsdorf
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