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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SARAH BRUNO REYES,

Petitioner,

vs.

CHRISTOPHER J. LAROSE, in his official capacity as Senior Warden of Otay Mesa Detention Center; GREGORY J. ARCHAMBEAULT, in his official capacity as San Diego Field Office Director, U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations, TODD LYONS, Acting Director of U.S. Immigration and Customs Enforcement; KRISTI NOEM, in her official capacity as Secretary of the Department of Homeland Security; and PAMELA BONDI, U.S. Attorney General, in her official capacity,

Respondents.

Case No.: '25CV2959 JLS JLB

COMPLAINT AND PETITION FOR WRIT OF HABEAS CORPUS AND INJUNCTIVE RELIEF;

Petitioner SARAH BRUNO REYES (DHS No. A[redacted][1], is a transgender woman from Mexico who is being unlawfully detained by Respondents.

I. INTRODUCTION

1. Petitioner Sarah Bruno Reyes is a 62-year-old citizen of Mexico, who has lived in the United States for over eighteen years since February 2007. Mrs. Bruno Reyes fled Mexico due to the persecution she was facing on account of her sexual orientation and gender identity.
2. Mrs. Bruno Reyes is currently in the custody of Immigration and Customs Enforcement ("ICE") at the Otay Mesa Detention Center ("OMDC") based on a removal order that cannot be executed. Mrs. Bruno Reyes has no pending removal proceedings or judicial review in her immigration case.
3. Mrs. Bruno Reyes files this habeas petition to seek immediate release from custody, as ICE unlawfully arrested and detained her without providing any constitutionally mandated notice and hearing; without complying with regulatory standards and procedures for re-detention and revocation of release; and in violation of the detention statute and substantive due process. Her continued detention is arbitrary and unlawful, violates the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment of the U.S. Constitution, and warrants an order from this Court for her immediate release from ICE custody.

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[1] Mrs. Bruno Reyes legally changed her name in the Superior Court of California, County of Orange, on August 26, 2020. Respondents incorrectly refer to her as "Jesus Bruno-Reyes" in DHS proceedings.

4. In the alternative, Mrs. Bruno Reyes also seeks to enjoin Respondents from removing her to a third country without the notice and opportunity to be heard that is required by 8 U.S.C. § 1231(b)(3) and the implementing regulations, the Foreign Affairs Reform and Restructuring Act of 1998 (FARRA), Pub. L. No. 105–277, div. G, Title XXII, § 2242(a), 112 Stat. 2681, 2681–822 (1998) (codified as Note to 8 U.S.C. § 1231) and implementing regulations, and the Due Process Clause of the Constitution, and to enjoin Respondents from removing her to a third country for a punitive purpose and effect.

II. JURISDICTION AND VENUE

5. This case arises under the Constitution of the United States, the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101, *et seq*., and the Administrative Procedures Act ("APA"), 5 U.S.C. §§ 500-596, 701-706. Respondents have waived sovereign immunity for purposes of this suit. 5 U.S.C. §§ 702, 706.

6. This Court has subject matter jurisdiction under 28 U.S.C. § 2241, *et seq*. (habeas corpus), U.S. Const. art. I, § 9, cl. 2 (Suspension Clause), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1346 (original jurisdiction; United States as Respondent), and 28 U.S.C. § 1651 (All Writs Act).

7. Venue is proper in this District and division pursuant to 28 U.S.C. § 1391 (e)(1) and 28 U.S.C. § 2241(c)(3) because Mrs. Bruno Reyes is detained in this District, Respondents are agencies or officers of agencies of the United States, Respondents Mrs. Bruno Reyes resides in this District, and a substantial part of the events or

omissions giving rise to Mrs. Bruno Reyes's claims occurred in this District and no real property is involved in this action.

III. REQUIREMENTS OF 28 U.S.C. § 2243

8. 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).

9. 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).

IV. PARTIES

10. Mrs. Bruno Reyes is a native and citizen of Mexico. She has a final order of removal dated February 19, 2013, with Mexico as the country designated for removal. Since February 20, 2013 she has been released from ICE custody pursuant to an OSUP order. She is currently detained at Otay Mesa Detention Facility. She is a resident of Santa Ana, California.

11. Christopher J. LaRose is the Senior Warden of Otay Mesa Detention Facility, a privately owned and operated by CoreCivic jail that contracts with ICE to detain non-

citizens. He is responsible for overseeing Otay Mesa's administration and management. Mr. LaRose is Mrs. Bruno Reyes's immediate custodian. Respondent LaRose is sued in his official capacity.

12. Gregory J. Archambeault is the Field Office Director of the ICE Enforcement and Removal Operations (ERO) San Diego Field Office and is the federal agent charged with overseeing all ICE detention centers in San Diego and Imperial County, including Otay Mesa. Mr. Archambeault is a legal custodian of Mrs. Bruno Reyes. Respondent Archambeault is sued in his official capacity.

13. Todd Lyons is the Acting Director and Senior Official Performing the Duties of the Director of ICE. Respondent Lyons is responsible for ICE's policies, practices, and procedures, including those relating to removal procedures and the detention of immigrants during their removal procedures. Respondent Lyons is a legal custodian of Mrs. Bruno Reyes. Respondent Lyons is sued in his official capacity.

14. Kristi Noem is the Secretary of the U.S. Department of Homeland Security (DHS). DHS oversees ICE, which is responsible for administering and enforcing the immigration laws. Secretary Noem is the ultimate legal custodian of Mrs. Bruno Reyes. Respondent Noem is sued in her official capacity.

15. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice. The Executive Office for Immigration Review, which is comprised of the Board of Immigration Appeals and immigration courts, is a component agency of DOJ. She is sued in her official capacity.

V. STATEMENT OF FACTS

16. Mrs. Bruno Reyes is a sixty-two-year-old transgender woman and a native and citizen of Mexico. She has lived in the United States for the majority of her adult life and has established deep familial, professional, and community ties. Mrs. Bruno Reyes has been receiving consistent hormone therapy for many years now.

17. Due to the constant persecution Mrs. Bruno Reyes suffered on account of her transgender identity, she fled Mexico and attempted to enter the United States multiple times. On October 19, 2002, Mrs. Bruno Reyes was encountered by U.S. Border Patrol near the San Ysidro, California, Port of Entry, and was granted a voluntary return to Mexico. On February 15, 2006, Mrs. Bruno Reyes was again encountered by U.S. Border Patrol near San Ysidro, California, and was granted a second voluntary return to Mexico. Mrs. Bruno Reyes subsequently re-entered the United States without inspection in February 2007 and has resided continuously in the country since then.

18. Mrs. Bruno Reyes was arrested and convicted of multiple low-level, non-violent offenses. Her last arrest occurred on February 22, 2012, which ultimately led to her detention by ICE. She has never been convicted of any violent offense. For more than thirteen years since that time, Mrs. Bruno Reyes has lived a law-abiding life, free from any further arrests or negative encounters with law enforcement. During this period, she has demonstrated rehabilitation, stability, and positive growth.

19. On June 7, 2012, ICE issued a Notice to Appear (NTA) charging her as removable under 8 U.S.C. § 1182(a)(6)(A)(i), as a non-citizen present in the United States

without being admitted or paroled. (Exhibit 1).

20. On August 14, 2012, Immigration Judge Lorraine J. Munoz at the N. Los Angeles Street Immigration Court denied Mrs. Bruno Reyes's application for asylum and withholding of removal due to an adverse credibility determination and ordered her removed from the United States to Mexico. On September 10, 2012, Mrs. Bruno Reyes timely filed an appeal with the Board of Immigration Appeals ("BIA"). On January 17, 2013, the BIA ordered that the record is remanded to the Immigration Judge for further proceedings consistent with their order and for the entry of a new decision. (Exhibit 2).

21. On February 19, 2013, the IJ granted Mrs. Bruno Reyes's application for protection from removal under 8 U.S.C. § 1231(b)(3). (Exhibit 3). The IJ found recognizing that she faced persecution in Mexico on account of her membership in a particular social group—transgender women. DHS did not appeal this decision.

22. Following the grant of protection, on February 20, 2013, ICE released Mrs. Bruno Reyes from immigration custody under an Order of Supervision ("OSUP").

23. For more than twelve years Mrs. Bruno Reyes has complied with all supervisory conditions, including annual check-ins with ICE.

24. Mrs. Bruno Reyes resides in Santa Ana, California, with her U.S. citizen spouse, Randsom Bruno-Reyes Holly, whom she married on January 21, 2020. On August 26, 2020 (Exhibit 4), she lawfully changed her name and gender marker to Sarah Bruno Reyes pursuant to an order of the Superior Court of California, County of Orange. (Exhibit 5).

25. On February 28, 2024, U.S. Citizenship and Immigration Services (USCIS) approved the petition for an immigrant visa that Mrs. Bruno Reyes's U.S. citizen husband filed on her behalf. On August 24, 2024, Mrs. Bruno Reyes filed Form I-131F (IOE9361912225), an Application for Parole in Place for Certain Noncitizen Spouses (Exhibit 6), under USCIS's Keeping Families Together program, which was later vacated. Prior to her abrupt arrest and detention, Mrs. Bruno Reyes was in the process of preparing a waiver application on Form I-601, Application for Waiver of Grounds of Inadmissibility, that would allow her to obtain an immigrant visa at a consular post abroad, consistent with her lawful and ongoing effort to obtain permanent residence.

26. On March 11, 2025, while attending her routine annual ICE check-in at 34 Civic Center Plaza, Santa Ana, California, Mrs. Bruno Reyes was unexpectedly arrested and detained by ICE officers. She was informed that "the laws have changed" and that she would be taken into custody notwithstanding her grant of protection from removal to Mexico.

27. Upon her arrest and return to custody, ICE did not promptly serve Mrs. Bruno Reyes with written notice of the reasons for revoking her release under OSUP, as required by 8 C.F.R. § 241.4, the arresting ICE officer simply stated that "the laws have changed". She was subsequently transported to and remains detained at the Otay Mesa Detention Center in San Diego, California.

28. On March 12, 2025, undersigned counsel reached out to the San Diego ERO Field Office via email to submit a Form G-28 Notice of Appearance as Attorney of Record.

ICE did not respond. (Exhibit 7).

29. On May 23, 2025, counsel again contacted the San Diego ERO Field Office via email to follow up on Mrs. Bruno Reyes's detention. ICE did not respond. (Exhibit 7).

30. On September 17, 2025, counsel emailed the ICE ERO San Diego/Otay Mesa Field Office requesting production of all documents related to Mrs. Bruno Reyes's case, including: (a) Form I-213, Record of Deportable/Inadmissible Alien; (b) Form I-286, Notice of Custody Determination; (c) Form I-862, Notice to Appear; and (d) Any other documents created during Mrs. Bruno Reyes's encounter with ICE. ICE did not respond. (Exhibit 7).

31. On the same date, September 17, 2025, counsel sent an additional email to ICE ERO San Diego, formally requesting Mrs. Bruno Reyes's release on her own recognizance or, alternatively, under an Order of Supervision through the ISAP Alternatives to Detention (ATD) Program. The email attached a G-28 Notice of Representation, a formal written request for release, and a USPS tracking label confirming the mailed version of the same. Counsel emphasized that Mrs. Bruno Reyes had been detained since March 11, 2025—exceeding 180 days—and posed neither a danger to the community nor a flight risk, as her removal remained unforeseeable given her standing grant of withholding of removal. ICE did not respond. (Exhibit 7).

32. Counsel also mailed a written version of this request via USPS Tracking No. 9410 8301 0935 5006 1464 12, which was picked up at the San Diego postal facility on September 22, 2025, at 9:43 a.m. and signed for by "J. John." To date, ICE has not

responded. (Exhibit 7).

33. On October 3, 2025, counsel filed a motion for a bond hearing before the Otay Mesa Immigration Court. ICE an I-213 Record of Deportable/Inadmissible Alien on October 9, 2025 indicating that ICE had placed Mrs. Bruno Reyes in custody "pending removal to a designated third country." (Exhibit 8).

34. On October 10, 2025, Immigration Judge Paula Dixon denied Mrs. Bruno Reyes's request for custody redetermination, stating that the Court lacked jurisdiction for bond, as Mrs. Bruno Reyes had been detained beyond the ninety-day removal period. The IJ held that "federal habeas corpus proceedings are available as the forum for statutory and constitutional challenges to post-removal-period detention," citing 8 U.S.C. § 1231(a)(6) and *Zadvydas v. Davis*, 533 U.S. 678 (2001). The IJ further found that Mrs. Bruno Reyes was not entitled to a bond hearing pursuant to *Rodriguez v. Robbins*, 804 F.3d 1060 (9th Cir. 2015), because she is detained within the Southern District of California, and thus is not a class member. (Exhibit 9).

35. Mrs. Bruno Reyes has a strong and reliable support system awaiting her release. Her husband, Randsom Bruno-Reyes Holly, is fully prepared to provide her with emotional and practical support as she transitions back into her community. He can personally attest to her good character, her dedication to her family, and her sincere commitment to rebuilding her life in a positive and stable manner. (Exhibit 10). In addition, her niece, Nancy Bruno, also stands ready to assist and support Mrs. Bruno Reyes upon her release. Nancy can likewise attest to Mrs. Bruno Reyes's integrity,

compassion, and the positive influence she has always had on her family and loved ones. Together, they form a strong network of care, stability, and encouragement to help Mrs. Bruno Reyes reintegrate successfully. (Exhibit 11).

36. Mrs. Bruno Reyes has now been detained for over seven months. Her prolonged and indefinite detention has also caused severe deterioration of her mental and physical health, including anxiety, depression, and chronic sleep deprivation. Although she receives minimal hormone therapy, her access to medical and psychological care remains inadequate. Despite these hardships, Mrs. Bruno Reyes has continued to demonstrate full compliance, respect for facility rules, and unwavering cooperation with immigration authorities. Her detention remains indefinite, arbitrary, and unlawful, as DHS has failed to identify any statutory authority for continued custody, nor has it designated or obtained acceptance from any third country to which Mrs. Bruno Reyes may lawfully be removed.

VI. LEGAL FRAMEWORK

A.) Withholding of Removal

37. Non-citizens in immigration removal proceedings can seek withholding of removal under 8 U.S.C. § 1231(b)(3) if they fear persecution in their home country based on race, religion, nationality, membership in a particular social group, or political opinion. *See* 8 U.S.C. § 1231(b)(3)(B)(iii); 8 C.F.R. § 1208.16(b).

38. To be granted withholding of removal, a non-citizen must demonstrate that it is "more likely than not" they would face persecution on a protected ground if removed to their

home country. 8 C.F.R. § 1208.16(b)(2). This standard requires a higher likelihood of harm than the "well-founded fear" standard for asylum but ensures protection against non-refoulement under U.S. law and international obligations.

39. When an IJ grants withholding of removal, the IJ issues a removal order but simultaneously withholds that order with respect to the country or countries where the non-citizen demonstrated a sufficient risk of persecution. *See Johnson v. Guzman Chavez*, 594 U.S. 523, 531 (2021). Either party may appeal the decision to the BIA within 30 days. 8 C.F.R. § 1003.38(b). If no appeal is filed or both parties waive appeal, the withholding grant and accompanying removal order become administratively final. 8 C.F.R. § 1241.1.

40. A non-citizen with a final withholding of removal grant cannot be removed to the country or countries where they face a likelihood of persecution. 8 U.S.C. § 1231(b)(3)(A); 8 C.F.R. § 1208.16(e). While ICE is authorized to remove such non-citizens to alternative countries under 8 U.S.C. § 1231(b)(2), the statute imposes strict criteria for selecting appropriate countries, such as the country of citizenship, birth, or prior residence. 8 U.S.C. § 1231(b)(2)(D)-(E).

41. If ICE identifies a potential alternative country for removal, further proceedings in immigration court are required to ensure the non-citizen does not face persecution in that country. *See Jama v. ICE*, 543 U.S. 335, 348 (2005) (noting that non-citizens facing removal to a third country may seek withholding of removal under § 1231(b)(3)(A)).

42. Similarly, Congress codified protections enshrined in the United Nations Convention Against Torture (CAT) prohibiting the government from removing a person to a country where they would be tortured. *See* FARRA at 2681–822 (codified as Note to 8 U.S.C. § 1231) ("It shall be the policy of the United States not to expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are substantial grounds for believing the person would be in danger of being subjected to torture, regardless of whether the person is physically present in the United States."); 28 C.F.R. § 200.1; *Id.* §§ 208.16-208.18, 1208.16-1208.18. CAT protection is also mandatory.

B.) Statutes and Regulations Governing ICE Detention of Noncitizens with Final Removal Orders

43. 8 U.S.C. § 1231(a), governs the detention, release, and removal of non-citizens ordered removed from the United States. When a non-citizen is ordered removed, the government "shall remove the [non-citizen] from the United States within a period of 90 days," referred to as the "removal period." 8 U.S.C. § 1231(a). The "removal period" begins when the removal order becomes "administratively final," unless judicial review of the order is pending and a stay of removal is in place, or the person is in non-immigration custody. 8 U.S.C. § 1231(a)(1)(B). If an individual appeals a removal order issued by the immigration court to the BIA, the order becomes administratively final upon any "determination by the [BIA] affirming such order." 8 U.S.C. § 1101(a)(47)(B).

44. This 90-day period is often referred to as the "initial removal period," and during it, the government "shall detain the [non-citizen]." 8 U.S.C. § 1231(a)(2). In some circumstances, the Department of Homeland Security (DHS) can continue to detain a [non-citizen] beyond the initial removal period. *See e.g., id.* § 1231(a)(6); 8 C.F.R. § 241.4.

45. *In Zadvydas v. Davis*, 533 U.S. 678 (2001), the Court addressed the question of how long the government can detain a non-citizen pursuant to § 1231(a)(6). The *Zadvydas* Court rejected the government's position that § 1231(a)(6) permitted indefinite detention following the initial removal period. *See Zadvydas*, 533 U.S. at 690. It held that "[a] statute [that] permit[ed] indefinite detention of [a non-citizen] would raise a serious constitutional problem," *id.*, and instead determined that § 1231(a)(6) "implicitly limits [a non-citizen]'s detention to a period reasonably necessary to bring about that [non-citizen]'s removal," *Id.* at 679. Thus, "once removal is no longer reasonably foreseeable, continued detention is no longer authorized by [§ 1231(a)(6)]." *Id.* at 699.

46. The Court instituted a framework governing challenges to § 1231(a)(6) detention. "[F]or the sake of uniform administration in the federal courts," the Court found that post-removal detention was "presumptively reasonable" for the first six months. *Id.* at 700-01. When that "presumptively reasonable" six-month period ends, non-citizens seeking release from custody bear the initial burden of providing "good reason to believe that there is no significant likelihood of removal in the

reasonably foreseeable future." *Id.* at 701. Once that initial showing is made, the burden shifts to the government to respond with evidence sufficient to rebut it. *See id.*

47. Upon release from custody, a non-citizen subject to a final order of removal must comply with certain conditions of supervision. 8 U.S.C. § 1231(a)(3), (6). The revocation of that release is governed by 8 C.F.R. §§ 241.4(l) and 241.13(i), which authorize ICE to revoke release only if the individual has violated the conditions of their release or removal has become reasonably foreseeable.

48. ICE may revoke a noncitizen's release and return them to ICE custody due to failure to comply with any of the conditions of release. 8 C.F.R. § 241.13(i)(1); 8 C.F.R. § 241.4(l). ICE may also revoke a noncitizen's release if, "on account of changed circumstances, the Service determines that there is a significant likelihood that the [noncitizen] may be removed in the reasonably foreseeable future," 8 C.F.R. § 241.13(i)(2).

49. Upon such a determination by ICE to re-detain:

> "the [non-citizen] will be notified of the reasons for revocation of his or her release. [ICE] will conduct an initial informal interview promptly after his or her return to [ICE] custody to afford the [non-citizen] an opportunity to respond to the reasons for revocation stated in the notification. The [non-citizen] may submit any evidence or information that he or she believes shows there is no significant likelihood he or she be removed in the reasonably foreseeable future, or that he or she has not violated the order of supervision. The revocation custody review will include an evaluation of any contested facts relevant to the revocation and a determination whether the facts as determined warrant revocation and further denial of release." *Id.* § 241.13(i)(3).

50. 8 C.F.R. § 241.4 provides regulations governing custody determinations beyond the

removal period for noncitizens specified in § 1231(a)(6), including inadmissible non-citizens. Under 8 C.F.R. § 241.4(j)(1), ICE may release non-citizens detained beyond the removal period subject to "conditions or special conditions . . . as the Service considers appropriate in an individual case or cases." The only bases for re-detention once a non-citizen is released under 8 C.F.R. § 241.4 are if the non-citizen violates the conditions of her release, or if the Executive Associate Commissioner revokes release based on the following considerations:

> "(i) the purposes of release have been served; (ii) the [non-citizen] violates any condition of release; (iii) it is appropriate to enforce a removal order or to commence removal proceedings against a[] [non-citizen]; or (iv) the conduct of the [non-citizen], or any other circumstance, indicates that release would no longer be appropriate."

8 C.F.R. § 241.4(l)(2)(i-iv). Upon revocation of release, the non-citizen "will be notified of the reasons for revocation" and "will be afforded an initial informal interview promptly" after their return to custody "to afford the [non-citizen] an opportunity to respond to the reasons for revocation stated in the notification." 8 C.F.R. § 241.4(l)(1). If the non-citizen is not released following the informal interview, ICE's Headquarters Post–Order Detention Unit ("HQPDU") Director shall schedule a further review process which "will commence with notification to the [non-citizen] of a records review and scheduling of an interview, which will ordinarily be expected to occur within approximately three months" after re-detention. 8 C.F.R. § 241.4(l)(3). That review will include an evaluation of "any contested facts relevant to the revocation" and a determination of whether those facts warrant re-detention. *Id.*

51. If at any time an inadmissible non-citizen detained under 8 C.F.R. § 241.4 submits, or the record contains, information providing a substantial reason to believe that a non-citizen's removal "is not significantly likely in the foreseeable future," ICE should follow the custody review procedures in § 241.13, rather than those of § 241.4. 8 C.F.R. § 241.4(i)(7). If it is determined "that there is no significant likelihood that the [non-citizen] will be removed in the reasonably foreseeable future, . . . [and] [u]nless there are special circumstances justifying continued detention, the Service shall promptly make arrangements for the release of the [non-citizen] subject to appropriate conditions." 8 C.F.R. § 241.13(g)(1). Where a non-citizen has been released under 8 C.F.R. § 241.13, the procedures for revoking release are virtually identical to those outlined in 8 C.F.R. § 241.4. 8 C.F.R. § 241.13(i)(1)-(2) provides that release may be revoked for a non-citizen whose removal is not imminently foreseeable if the non-citizen "violates any conditions of release" or "on account of changed circumstances, [ICE] determines that there is a significant likelihood that the [non-citizen] may be removed in the reasonably foreseeable future." Where ICE seeks to re-detain a non-citizen under 8 C.F.R. § 241.13(i)(2), ICE must adduce specific facts supporting "(1) an individualized determination (2) by ICE that, (3) based on changed circumstances, (4) removal has become significantly likely in the reasonably foreseeable future." *Kong v. U.S.*, 62 F.4th 608, 619–20 (1st Cir. 2023) (citing 8 C.F.R. § 241.13(i)(2)). Upon revocation, ICE must provide the non-citizen with notice of the reasons for revocation and conduct an informal interview to evaluate "any contested facts" and

whether the facts "warrant revocation and further denial of release." 8 C.F.R. § 241.13(i)(3).

52. In addition to the regulatory framework, procedural due process does not permit ICE to re-detain an individual it has released on an order of supervision without providing a pre-deprivation hearing on the reasons for re-detention. Individuals released on orders of supervision have a protected liberty interest in remaining in the community on supervision that cannot be taken away without notice and a pre-deprivation hearing. *See*, e.g., *Zakzouk v. Becerra*, No. 25-cv-06254, 2025 WL 2097470, at *3 (N.D. Cal. July 26, 2025) ("Courts have previously found that individuals released from immigration custody. . . have a protectable liberty interest in remaining out of custody.") (citing cases); *Romero v. Kaiser*, No. 22-cv-02508-TSH, 2022 WL 1443250, at *2 (N.D. Cal. May 6, 2022).

53. "[C]ivil immigration detention is permissible only to prevent flight or protect against danger to the community." *Zadvydas*, 533 U.S. at 690. Once a person has been ordered released and is complying with the conditions of supervision, ICE has no legitimate interest in re-detaining the individual. In the event a travel document is obtained, ICE can notify the individual and facilitate their orderly departure without detention, consistent with ICE's standard notice of release and order of supervision. The language of ICE's "Release Notification" reads "Once a travel document is obtained, you will be required to surrender to the ICE for removal. You will, at that time, be given an opportunity to prepare for an orderly departure." *Ceesay v. Brophy*, No. 1:25-

cv-00267-LJV, ECF No. 9-2 at 7 (W.D.N.Y. Apr. 4, 2025) (Declaration of Nicholas Truax).

54. Detention under all sections of the INA, including 8 U.S.C. § 1231(a)), must comport with the Fifth Amendment's Due Process Clause, which "applies to all 'persons' within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693. To comport with substantive due process, immigration detention must "bear [a] reasonable relation to the purpose for which the individual [was] committed." *Zadvydas*, 533 U.S. at 690. When considering due process challenges, courts should first consider whether the government's deprivation of liberty violates substantive due process. Only if the deprivation passes muster in that inquiry does the court turn to the procedural due process claim. *See Zinermon v. Burch*, 494 U.S. 113, 126 (1990) (substantive due process challenges the deprivation itself, whereas procedural due process challenges only the process that accompanied it); *Huynh v. Reno*, 56 F. Supp. 2d 1160, 1162 n.3 (W.D. Wash. 1999) ("[O]nly when a restriction on liberty survives substantive due process scrutiny does the further question of whether the restriction is implemented in a procedurally fair manner become ripe for consideration.") (citing *United States v. Salerno*, 481 U.S. 739, 755 (1987)).

55. Under the APA, "final agency action for which there is no other adequate remedy in a court [is] subject to judicial review." 5 U.S.C. § 704. The reviewing Court "shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . .

arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law," or "unsupported by substantial evidence." 5 U.S.C. § 706(2)(A), (E). The *Accardi* doctrine requires agencies to follow their own rules and policies. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954). *Accardi* challenges may be framed as arbitrary and capricious challenges. *Nat'l Ass'n of Home Builders v. Norton*, 340 F.3d 835, 841, 852 (9th Cir. 2003).

C.) Third Country Removals

56. Congress authorized only the DHS Secretary with "enforcement [of final removal orders] and all other laws relating to immigration . . . of [noncitizens] . . . ." 8 U.S.C. § 1103(a)(1). Paragraphs (b)(1) and (b)(2) of 8 U.S.C. § 1231 govern the countries to which DHS is authorized to remove noncitizens with final removal orders. The statutory scheme consists of "four consecutive removal commands." *Jama v. ICE*, 543 U.S. at 341. DHS must attempt to remove the individual first to the country of choice (designated on the removal order), then their country of origin, next a country to which they have a lesser connection, and finally, if, and only if, removal to any of those countries is "impracticable, inadvisable, or impossible," may DHS remove a person to another country "whose government will accept" them. *Id.* (citing 8 U.S.C. § 1231(b)(2)).[2]

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[2] For noncitizens placed in removal proceedings upon "arriv[ing] in the United States," the designated country is the one from which they departed, or, alternatively, to which they have a connection. *Id.* § 1231(b)(1)(A)-(C). Another country is permitted only if removal to each of those countries "is impracticable, inadvisable, or impossible." *Id.* § 1231(b)(1)(C)(iv).

57. Before removal to any country where a noncitizen fears persecution or torture, U.S. law guarantees the right to raise a claim under the withholding of removal statute, 8 U.S.C. § 1231(b)(3) and/or Article 3 of the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment (CAT). First, 8 U.S.C. § 1231(b)(1) and (b)(2) make *any* country of removal "[s]ubject to paragraph (3)." Paragraph (3), entitled "Restriction on removal to a country where [noncitizen's] life or freedom would be threatened," reads:

> *Notwithstanding paragraphs (1) and (2)*, the Attorney General may not remove [a noncitizen] to a country if the Attorney General decides that the [noncitizen's] life or freedom would be threatened in that country because of the [noncitizen's] race, religion, nationality, membership in a particular social group, or political opinion.

Id. § 1231(b)(3)(A) (emphasis added);[3] *see also Jama v. ICE*, 543 U.S. at 348.

58. Congress also enacted the Foreign Affairs Reform and Restructuring Act of 1998 (FARRA) to implement CAT, instructing that the U.S. government may not "expel, extradite, or otherwise effect the involuntary return of *any person* to a country in which there are substantial grounds for believing the person would be in danger of being subjected to torture." Pub. L. 105-277, Div. G, § 2242(a), 112 Stat. 2681, 2681-822 (1998) (emphasis added) (codified as statutory note to 8 U.S.C. § 1231). Congress directed that the government "shall prescribe regulations to implement the obligations

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[3] Withholding of removal is a "mandatory" protection for noncitizens who are ineligible for asylum but can establish that they are more likely than not to face persecution in the designated country. *Id.* § 1231(b)(3)(A); *see also* 8 C.F.R. §§ 208.16, 1208.16; *INS v. Aguirre-Aguirre*, 526 U.S. 415, 419 (1999). Withholding of removal contains exceptions for, inter alia, individuals who have committed certain serious crimes. *See* 8 U.S.C. § 1231(b)(3)(B).

of the United States under Article 3 of the [CAT]," *id.* § 2242(b), 112 Stat. at 2681-822, which the government did, *see, e.g.*, 28 C.F.R. § 200.1 (explaining that a Title V removal order "shall not be executed in circumstances that would violate Article 3 of [CAT]").[4]

59. Consistent with the United States' commitment to non-refoulement, DHS must provide individuals who express a fear of return to the designated country an opportunity to demonstrate a reasonable fear of persecution or torture to an asylum officer, and those who pass this threshold are eligible to apply for withholding under 8 U.S.C. § 1231(b)(3) and/or CAT protection in withholding-only proceedings. *See id.* §§ 241.8(e), 238.1(f)(3); *see also id.* §§ 208.31, 1208.31.

60. On March 30, Respondent Noem issued a memorandum entitled "Guidance Regarding Third Country Removals." *See* Memorandum from Kristi Noem, DHS Secretary, on Guidance Regarding Third Country Removals, to Kika Scott, Pete R. Flores and Todd Lyons, (March 30, 2025), https://immigrationlitigation.org/wp-content/uploads/2025/04/43-1-Exh-A-Guidance.pdf. (Exhibit 12). It applies to individuals with final orders of removal under 8 U.S.C. §§ 1229a, 1231(a)(5), or 1228(b). The Memo allows removal to a third country without any notice or process if DHS has received "credible" "diplomatic assurances that [noncitizens] removed from the United States will not be persecuted or tortured." Otherwise, DHS must "inform the [noncitizen] of removal to that country." *Id.* at 2. Only if a noncitizen

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[4] Individuals are eligible for CAT protection no matter the basis of their removal order. *See* 8 C.F.R. §§ 208.16-208.18, 208.31, 241.8(e), 1208.16-1208.18.

"affirmatively states" fear, without any prompting, will DHS refer the individual for a screening interview before an asylum officer, generally within 24 hours. *Id.* If the individual does not establish a likelihood of persecution or torture, DHS will remove them. *Id.* If the individual meets this standard, the officer will refer individuals not previously in proceedings to an IJ; for all others, the officer will notify U.S. Immigration and Customs Enforcement (ICE) to consider filing a motion to reopen. *Id.*

61. On April 18, 2025, a district court in Massachusetts certified a nationwide class of individuals with final removal orders and issued a preliminary injunction, ordering that, prior to any third-country removal, noncitizens and their counsel, if any, receive written notice of the country of removal in a language the noncitizen understands and a meaningful opportunity to assert a claim for CAT protection. *See D.V.D. v. DHS*, 778 F. Supp. 3d 355, 392 (D. Mass. 2025). If the noncitizen demonstrates a reasonable fear of removal, DHS must move to reopen proceedings to allow an IJ to adjudicate the CAT claim; if the noncitizen does not so demonstrate, they must be given 15 days to move to reopen proceedings. *Id.* at 392–393.

62. On May 27, 2025, the government filed an emergency application for a stay of the preliminary injunction with the Supreme Court, which the Court granted on June 23, 2025. *DHS v. D.V.D.*, 145 S. Ct. 2153 (2025). The Supreme Court's order renders the injunction unenforceable through the pendency of the First Circuit's disposition of the appeal and through any judgment rendered by the Supreme Court following a

subsequent timely filed petition for certiorari. *Id.*

63. On July 9, 2025, ICE issued guidance regarding how to implement DHS's now-operative March 30 Memo. *See* Guidance to All ICE Employees, Third Country Removals Following the Supreme Court's Order in *Department of Homeland Security v. D.V.D.*, No. 24A1153 (U.S. June 23, 2025) from Todd Lyons, Acting Director, ICE (July 9, 2025), https://immigrationlitigation.org/wp-content/uploads/2025/07/190-1-July-9-Guidance.pdf. (Exhibit 13). The July 9 Guidance is identical to the March 30 Memo except that, in cases where diplomatic assurances do not exist, it provides that an officer will serve a "Notice of Removal" with interpretation. *Id.* at 1. DHS may effectuate removal 24 hours serving notice; however, "[i]n exigent circumstances," with approval from chief counsel of DHS or ICE, DHS may execute removal to the third country with a mere six hours' notice if ICE provides the noncitizen "means and opportunity to speak with an attorney."

64. To comport with 8 U.S.C. § 1231(b)(3), FARRA, and the implementing regulations as well as due process, DHS must provide notice of the third country and an opportunity to contest removal on the basis of a fear of persecution or torture in the designated third country. Due process requires "written notice of the country being designated" and "the statutory basis for the designation, i.e., the applicable subsection of § 1231(b)(2)." *Aden v. Nielsen*, 409 F. Supp. 3d 998, 1019 (W.D. Wash. 2019); *Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir. 1999) (due process requires notice to the noncitizen of the right to apply for asylum and withholding to the country where

they will be removed). The government must be able to show evidence that the third country will accept the individual into that country. *See Himri v. Ashcroft*, 378 F.3d 932, 939 (9th Cir. 2004) (when "at the time the government proposes a country of removal pursuant to § 1231(b)(2)(E)(vii), the government must be able to show that the proposed country will accept the [individual]").

65. Due process also demands that the government ask the "noncitizen whether he or she fears persecution or harm upon removal to the designated country and memorialize in writing the noncitizen's response. This requirement ensures DHS will obtain the necessary information from the noncitizen to comply with §1231(b)(3) and avoids [a dispute about what the officer and noncitizen said]." *Aden*, 409 F. Supp. 3d at 1019.

66. If the noncitizen claims fear, measures must be taken to ensure that the noncitizen can seek asylum, withholding, and relief under CAT before an immigration judge in reopened removal proceedings. *Aden*, 409 F. Supp. 3d at 1019 (requiring notice and time for a respondent to file a motion to reopen and seek relief).

67. Finally, notice of the country to which the noncitizen will be removed must not be "last minute" because that would deprive an individual of a meaningful opportunity to apply for fear-based protection from removal. *Andriasian*, 180 F.3d at 1041. The noncitizen must have time to prepare and present relevant arguments and evidence and to seek reopening of their removal case.

E.) Punitive Removal Practices

68. It is bedrock law that the U.S. government may not impose or inflict an infamous

punishment for violations of civil immigration law. In 1896, the Court ruled that while deportation itself was not a punishment, the government could not attach punitive conditions to deportation—in that case, imprisonment at hard labor—absent a criminal charge, trial in a court of law, and the protections of the Fifth, Sixth, and Eighth Amendments. *Wong Wing v. United States*, 163 U.S. 228, 237 (1896).

69. Importantly, the Court drew a distinction between deportation, which the Court reasoned is "not a 'banishment,' in the sense in which that word is often applied to the expulsion of a citizen from his country by way of punishment," and government actions aimed at punishment, such as imprisonment at hard labor in addition to deportation. *Id.* at 236. The Court explained that deportation "is but a method of enforcing the return to his own country of an [non-citizen] who has not complied with the conditions upon the performance of which the government of the nation, acting within its constitutional authority and through the proper departments, has determined that his continuing to reside here shall depend." *Id.* (quoting *Fong Yue Ting v. United States*, 149 U.S. 698, 730 (1893)). But the Court admonished that the government may not "declare unlawful residence within the country to be an infamous crime, punishable by deprivation of liberty and property . . . unless provision were made that the fact of guilt should first be established by a judicial trial." *Id.* at 237.

VII. CLAIMS FOR RELIEF

COUNT ONE

Violation of the Immigration and Nationality Act (Indefinite and Unlawful Re-Detention) and Implementing Regulations

70. Mrs. Bruno Reyes repeats and realleges all the allegations above and incorporates them by reference here.

71. The INA does not permit detention after the 90-day removal period unless removal is significantly likely to occur in the reasonably foreseeable future. See *Zadvydas*, 533 U.S. at 699–701 (2001).

72. Neither the statute nor the Constitution authorizes ICE's sudden re-detention of Mrs. Bruno Reyes, nor does it authorize her continued detention.

73. Mrs. Bruno Reyes has already cycled through ICE custody multiple times and was released because her removal was not foreseeable. She has been detained for a cumulative period exceeding the presumptive six-month limit under *Zadvydas*. As the reasonably presumptive period of six months for post-order detention has long elapsed, ICE had no authority under the detention statute or the Constitution to re-detain Mrs. Bruno Reyes again without first obtaining a travel document and a travel date. Civil immigration detention is only authorized if a person is a flight risk or a danger to the community. Mrs. Bruno Reyes is neither.

74. Respondents cannot lawfully remove Mrs. Bruno Reyes to Mexico since she has a final grant of withholding of removal to that country, which has not been reopened. Upon information and belief, Respondents do not have agreement from Mexico to repatriate Mrs. Bruno Reyes and have not secured her travel documents. There is no evidence that Mexico has or will issue travel documents for Mrs. Bruno Reyes.

75. Mrs. Bruno Reyes provides good reason to believe that there is no significant

likelihood of her removal in the reasonably foreseeable future, which places the burden on Respondents to demonstrate through evidence that Mrs. Bruno Reyes's removal is significantly likely to occur in the reasonably foreseeable future, a period that shrinks as the duration of Mrs. Bruno Reyes's imprisonment grows. Due to the prolonged duration of Mrs. Bruno Reyes's imprisonment, ICE must prove her removal is imminent.

76. Because ICE cannot meet its burden, its continued incarceration of Mrs. Bruno Reyes violates the INA.

77. For all these violations, this Court should order Mrs. Bruno Reyes's immediate release.

COUNT TWO

Violation of the Fifth Amendment to the United States Constitution (Substantive Due Process)

78. Mrs. Bruno Reyes re-alleges and incorporates by reference the paragraphs above.

79. 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.

80. The government has two legitimate interests that may be served by civil immigration detention: preventing flight from removal proceedings and protecting the community from danger.

81. Where the interests of the government cannot be served by detention because ICE has already determined that the noncitizen is not removable in the reasonably foreseeable

future and previously released the noncitizen under an Order of Supervision, ICE cannot then revoke that Order of Supervision without showing changed circumstances.

82. There are no changed circumstances. Mrs. Bruno Reyes has demonstrated that she has not violated the conditions of her release and her removal is not likely in the reasonably foreseeable future, and ICE has not rebutted that showing.

83. Mrs. Bruno Reyes's detention is untethered to any legitimate government interest, which would be amply satisfied by her release with appropriate conditions. For these reasons, DHS's revocation of her release and ongoing detention violates due process.

COUNT THREE

Violation of the Fifth Amendment to the United States Constitution (Procedural Due Process) and the Administrative Procedure Act, 5 U.S.C. § 706(2) (*Accardi* Violation)

84. Mrs. Bruno Reyes repeats and realleges all the allegations above and incorporates them by reference here.

85. Respondents were required to provide Mrs. Bruno Reyes pre-deprivation notice and a hearing before re-detaining her, given that she has remained fully compliant with her order of supervision and release conditions.

86. ICE failed to follow the procedures in 8 C.F.R. § 241.13, or, alternatively, 8 C.F.R. § 241.4(l)(2), when re-detaining Mrs. Bruno Reyes. Her private interest in her liberty and the risk of erroneous deprivation of her liberty far outweigh the government's

interest in re-detaining her when she is neither a flight risk, a danger, nor likely to be removed in the reasonably foreseeable future. *See Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). ICE's failure to provide Mrs. Bruno Reyes with any procedural due process before re-detaining her and throughout her re-detention violates her Fifth Amendment rights.

87. Courts must "hold unlawful and set aside agency action" that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law." Under the *Accardi* doctrine, an administrative agency is required to adhere to its own internal operating procedures. United States ex rel. *Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954). *Accardi* challenges may be framed as arbitrary and capricious challenges. *Nat'l Ass'n of Home Builders v. Norton*, 340 F.3d 835, 841, 852 (9th Cir. 2003).

88. Respondents arbitrarily and capriciously revoked Mrs. Bruno Reyes's stay of removal, ATD enrollment, and conditions of supervision in violation of the APA. Respondents violated governing regulations for revoking Mrs. Bruno Reyes's conditions of release. Mrs. Bruno Reyes has duly complied with the conditions of her supervised release, including attending check-ins and providing the information and documentation requested of her. Her release may be revoked only if changed circumstances make her removal significantly likely in the reasonably foreseeable future. 8 C.F.R. § 241.13(i)(2). Upon such a determination, several procedural steps are required to revoke release, *id.* § 241.13(i)(3), none of which were followed here. Respondents are required to follow their own regulations. *Accardi*, 347 U.S. at 268.

89. ICE has deviated from its own regulations in re-detaining Mrs. Bruno Reyes without following any of the procedures for revocation of release and continued detention past the removal period as outlined in 8 C.F.R. § 241.13 or, alternatively, 8 C.F.R. § 241.4. ICE has neither provided Mrs. Bruno Reyes nor her attorney a written statement of its reasons for re-detaining Mrs. Bruno Reyes, nor given Mrs. Bruno Reyes or his attorney an opportunity to respond.

90. ICE's detention of Mrs. Bruno Reyes without following its own regulations and procedures is, therefore, arbitrary and capricious in violation of the APA and the *Accardi* doctrine.

COUNT FOUR

Third Country Removal Violation of the Fifth Amendment, 8 U.S.C. § 1231, Convention Against Torture, Implementing Regulations, and the Administrative Procedure Act

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

92. The Fifth Amendment, the INA, the CAT, and implementing regulations mandate meaningful notice and opportunity to respond to any attempt to remove Mrs. Bruno Reyes to a third country in reopened removal proceedings. They also require an opportunity for Mrs. Bruno Reyes to make a fear-based claim against removal to a third country in reopened removal proceedings. Respondents' policy for third country removals is in violation of the statute, regulations, and Fifth Amendment.

93. Prior to any attempt to remove Mrs. Bruno Reyes to a third country, DHS must

provide her with constitutionally and statutorily compliant notice and an opportunity to respond and contest that removal if she has a fear of persecution or torture in that country in reopened removal proceedings.

COUNT FIVE

Punitive Third Country Banishment Violation of the Fifth and Eighth Amendments

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

95. Under the Fifth Amendment of the U.S. Constitution, no person shall "be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury;" "be subject for the same offence to be twice put in jeopardy of life or limb;" or "be deprived of life, liberty, or property, without due process of law."

96. The Eighth Amendment provides that no "cruel and unusual punishments" may be inflicted.

97. The U.S. Supreme Court long ago held that the government may not inflict upon individuals an "infamous punishment" in addition to deportation, as a penalty for an immigration violation, absent criminal charges, a judicial trial, and attendant constitutional protections. *Wong Wing*, 163 U.S. at 236-38.

98. Mrs. Bruno Reyes' criminal convictions date back over a decade, and she has long since satisfied all associated sentences. According to her Federal Bureau of Investigation records, her most recent arrest occurred on February 22, 2012, which

culminated in the grant of withholding of removal. Importantly, Mrs. Bruno Reyes has no convictions for any violent offenses. For more than thirteen years since that time, Mrs. Bruno Reyes has maintained an exemplary, law-abiding existence, devoid of any subsequent arrests or adverse interactions with law enforcement authorities. Throughout this time, the Mrs. Bruno Reyes has evinced genuine rehabilitation, maturity, and stability. She has sustained steady employment as a caregiver—a vocation demanding profound levels of trust, patience, and compassion—and has established herself as a valued and accountable contributor to her community.

99. Although Mrs. Bruno Reyes' prior convictions rendered her removable under immigration law, they do not confer authority upon the government to impose supplementary punishment through the exercise of executive discretion. Respondents' third-country removal program is inherently punitive in both design and implementation. Pursuant to this program, individuals have been deported to third countries notorious for pervasive human rights violations, political instability, and protracted indefinite detention. Upon deportation, such individuals are routinely incarcerated without formal charges, often isolated from familial support and legal representation. These removals are deliberately publicized to stigmatize and dehumanize the affected persons, thereby instilling fear within immigrant communities and functioning as an instrument of extrajudicial retribution rather than a bona fide enforcement of immigration policy.

100. Subjecting Mrs. Bruno Reyes to such treatment would constitute an impermissible punishment that "shocks the conscience" in violation of the substantive due process

guarantees enshrined in the Fifth Amendment to the United States Constitution, and would further amount to cruel and unusual punishment proscribed by the Eighth Amendment, absent any criminal charge or adjudicative proceeding. Having fully rehabilitated and lived responsibly for over a decade, Mrs. Bruno Reyes should not be subjected to renewed punishment through a policy designed to inflict harm and humiliation rather than to serve justice.

101. Respondents may not seek to remove Mrs. Bruno Reyes to a third country under their punitive banishment policy and practices.

VIII. PRAYER FOR RELIEF

WHEREFORE, Mrs. Bruno Reyes respectfully requests that this Court:

a. Assume jurisdiction over this matter;

b. Grant the petition and issue a writ of habeas corpus commanding Mrs. Bruno Reyes's immediate release from Respondents' custody under the same conditions of supervision set forth in the OSUP under which she reported for over twelve years.

c. Order that Respondents may not re-detain Mrs. Bruno Reyes absent a violation of those conditions proven by ICE at a pre-deprivation hearing, following the statutory and regulatory procedures for revocation of release;

d. Order that Respondents may not remove or seek to remove Mrs. Bruno Reyes to a third country without notice and meaningful opportunity to respond in compliance with the statute and due process in reopened removal proceedings;

e. Order that Respondents may not remove Mrs. Bruno Reyes to any third country because Respondents' third country removal program seeks to impose unconstitutional punishment on its subjects, including imprisonment and other forms of harm;

f. Enjoin Respondents from causing Mrs. Bruno Reyes any greater harm during the pendency of this litigation and her immigration court case, such as by transferring her away from her counsel;

g. Declare Mrs. Bruno Reyes's detention in Respondents' custody unlawful under the INA and the Due Process Clause of the Fifth Amendment of the United States Constitution;

h. Declare ICE's decision to revoke Mrs. Bruno Reyes's release was arbitrary and capricious and done without following the procedures outlined in 8 C.F.R. §§ 241.13(i)(3) or 241.4(l)(2);

i. Declare that Mrs. Bruno Reyes is entitled to meaningful notice and an opportunity to contest removal on the basis of a fear prior to any removal to a third country, and declare that DHS' third country removal policy is unlawful;

j. Award Mrs. Bruno Reyes reasonable attorneys' fees, costs, and other disbursements in this action permitted under the Equal Access to Justice Act, 28 U.S.C. § 2412, and on any other basis justified under law; and

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

Respectfully submitted on October 31, 2025

Osvaldo A. Vargas
Pro Bono Attorney for Petitioner

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

I represent Petitioner Mrs. Bruno Reyes and submit this verification on her 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 31 day of October, 2025.

s/Osvaldo A. Vargas