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6 UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF
CALIFORNIA

8 J.A.M.C.,
9 Petitioner-Plaintiff,

10 v.

11 Sergio ALBARRAN, Acting Field Office Director
12 of the San Francisco Immigration and Customs
Enforcement Office

13 Todd M. LYONS, Acting Director, Immigration
14 and Customs Enforcement, U.S. Department of
Homeland Security;

15 Kristi NOEM, in her Official Capacity, Secretary,
U.S. Department of Homeland Security; and

16 Pam BONDI, in her Official Capacity, Attorney
17 General of the United States;

18 Respondents-Defendants.

Case No. 3:25-cv-09649

**PETITION FOR WRIT OF
HABEAS CORPUS AND
COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

Challenge to Unlawful
Incarceration Under Color of
Immigration Detention Statutes;
Request for Declaratory and
Injunctive Relief

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25 **J.A.M.C. v Albarran at al; PETITION FOR WRIT OF HABEAS CORPUS AND
COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

1 **INTRODUCTION**

2 1. Petitioner, J.A.M.C., by and through his undersigned counsel, hereby files this petition for
3 writ of habeas corpus and complaint for declaratory and injunctive relief to prevent the U.S.
4 Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE)
5 from continuing to detain him in an immigration jail pending resolution of his removal case
6 without first providing him a due process hearing where the government bears the burden to
7 demonstrate to a neutral adjudicator that he is a danger to the community or a flight risk by clear
8 and convincing evidence.

9 2. J.A.M.C. also seeks an order enjoining DHS from continuing to violate the undisturbed
10 bond determination that the Executive Office for Immigration Review (EOIR), Immigration Court,
11 Eloy, AZ, issued on April 15, 2025.

12 3. J.A.M.C. seeks his immediate release from detention at a holding facility at 630 Sansome
13 Street, San Francisco, CA, 94111, where ICE unlawfully re-detained and continues to imprison
14 him without a hearing and without demonstrating that he is a flight risk or danger to the
15 community, as required by the Due Process clause of the Fifth Amendment.

16 4. This arrest is part of a new, nationwide DHS strategy of sweeping up people who attend
17 their immigration court hearings or their ICE appointments, detaining them, and seeking to re-
18 route them to fast-track deportations. Since mid-May of this year, DHS has implemented a
19 coordinated practice of leveraging immigration detention to strip people like Petitioner of their
20 substantive and procedural rights and pressure them into deportation.

21 5. Immigration detention is civil and thus is permissible for only two reasons: to ensure a
22 noncitizen's appearance at immigration hearings and to prevent danger to the community.
23 However, DHS did not arrest and detain J.A.M.C., who demonstrably poses no risk of absconding
24

2 A declaration is attached hereto

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1 from immigration proceedings or being a danger to the community, for either of these reasons.
2 Instead, as part of its broader enforcement campaign, DHS detained J.A.M.C. to strip him of his
3 procedural rights, force him to forfeit his applications for relief, and pressure him into fast-track
4 removal.

5 6. J.A.M.C. is a citizen and national of Mexico. He was brought to the United States as a
6 child in 1991, when he was only three years old. Except for a brief absence in 2008, he has resided
7 continuously in the United States for more than thirty years and has spent virtually his entire life
8 here. J.A.M.C. first came into immigration custody in 2008 following an arrest and subsequent
9 conviction. During those proceedings, he accepted a stipulated order of removal, and his case was
10 administratively concluded at that time.

11 7. On February 5, 2025, the DHS detained J.A.M.C. at his home based on charges under the
12 Immigration and Nationality Act § 212(a)(6)(A)(i) (entered without inspection). On February 19,
13 2025, DHS placed J.A.M.C. in 8 U.S.C. § 1229a proceedings. On April 15, 2025, an Immigration
14 Judge in Eloy, Arizona, reviewed J.A.M.C.'s immigration history, criminal history, and equities,
15 and ordered J.A.M.C. released on a \$10,000 bond and an ankle monitoring device. DHS waived
16 the appeal. This bond decision of April 15, 2025, reflected the finding that J.A.M.C. is (1) not
17 subject to mandatory detention, is (2) not a danger to society and (3) that the bond amount was
18 appropriate to mitigate any flight risk. J.A.M.C.'s next master calendar immigration hearing is
19 scheduled for March 20, 2028, in the San Francisco Immigration Court.

20 8. J.A.M.C. has lived in the United States for over 30 years, since he was 3 years old. He has
21 a United States citizen sister and a brother who has a U non-immigrant status. His father is a few
22 days from his consular interview to obtain his legal permanent status. He has three United States
23 citizen children, aged between seven and fifteen, who rely on him for emotional and financial
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1 support. [REDACTED] was born on [REDACTED] 2018, and has been diagnosed with autism. [REDACTED] was born on
2 [REDACTED] 2017 [REDACTED] was born on [REDACTED] 2010, and has also been diagnosed with
3 autism. At the time of detention, J.A.M.C. was working as a barber at "The Grove on Waterman,"
4 located at 8470 Elk Grove Blvd #140, Elk Grove, CA 95758. J.A.M.C. lived in Antioch,
5 California.

6 9. Today, November 7, 2025, in compliance with instructions from ICE, J.A.M.C. presented
7 himself for a scheduled check-in at the San Francisco ICE Field Office located at 630 Sansome
8 Street, San Francisco, California. J.A.M.C. arrived at the facility in the morning and is currently
9 being held in substandard conditions. ICE alleges a violation of the GPS monitoring terms, related
10 to an incident on Labor Day, when J.A.M.C. visited Stinson Beach to spend the day with his
11 girlfriend. J.A.M.C. had requested and was granted permission from his ISAP officer for the trip,
12 but the ICE agents informed him today that he could not have gone.

13 10. J.A.M.C.'s arrest and detention have caused and will cause immediate, tremendous, and
14 ongoing harm, which includes hygiene, sleep, and nutrition deprivation, family separation,
15 emotional and economic harm to minor children, loss of employment, and psychological damage.

16 11. J.A.M.C. has consistently demonstrated his willingness to comply with immigration
17 proceedings and to pursue a lawful immigration status in the United States. He appeared at all of
18 his scheduled immigration court hearings.

19 12. J.A.M.C. is not a danger nor a flight risk, as evidenced by the April 15, 2025 immigration
20 judge order.

21 13. By statute and regulation, as interpreted by the Board of Immigration Appeals (BIA), ICE
22 has the authority to re-arrest a noncitizen where there has been a material change in circumstances
23 since the individual's release. 8 U.S.C. § 1226(b); 8 C.F.R. § 236.1(c)(9); *Matter of Sugay*, 17
24 4 A declaration is attached hereto

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1 I&N Dec. 647, 640 (BIA 1981). The government has further clarified in litigation that any change
2 in circumstances must be “material.” *Saravia v. Barr*, 280 F. Supp. 3d 1168, 1197 (N.D. Cal.
3 2017), *aff’d sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018) (emphasis
4 added). That authority, however, is proscribed by the Due Process Clause because it is well-
5 established that individuals released from incarceration have a liberty interest in their freedom. In
6 turn, to protect that interest, on the particular facts of J.A.M.C.’s case, due process requires notice
7 and a hearing, *before any re-arrest*, at which he is afforded the opportunity to advance his
8 arguments as to why his release should not be revoked.

9 14. That basic principle—that individuals placed at liberty are entitled to process before the
10 government imprisons them—has particular meaning here. An immigration judge previously
11 found that J.A.M.C. need not be incarcerated to prevent flight or to protect the community, and
12 no material circumstances have changed that would justify re-arrest. Therefore, at a minimum, to
13 lawfully re-arrest J.A.M.C., the government must first establish, by clear and convincing
14 evidence and before a neutral decision maker, that he is a danger to the community or a flight
15 risk, such that his reincarceration is necessary. ICE’s re-arrest of J.A.M.C. on November 7, 2025,
16 violated these regulations, laws, and due process.

17 15. On November 7, 2025, the undersigned e-mailed the ICE San Francisco office requesting
18 the immediate release of J.A.M.C., explaining that J.A.M.C. should be released because he is
19 not a flight risk and not a danger to the community. To date, the undersigned has not received an
20 answer.

21 16. J.A.M.C. respectfully seeks a writ of habeas corpus ordering the government to
22 immediately release him from his ongoing, unlawful detention, and prohibiting his re-arrest
23 without a hearing to contest that re-arrest before a neutral decisionmaker. In addition, to preserve
24 5 A declaration is attached hereto

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1 this Court's jurisdiction, Petitioner also requests that this Court order the government not to
2 transfer him outside of the District or deport him for the duration of this proceeding.

3 **CUSTODY**

4 17. J.A.M.C. is currently in the custody of ICE at the 630 Sansome holding facility in San
5 Francisco, California. J.A.M.C. is therefore in ““custody’ of [the DHS] within the meaning of the
6 habeas corpus statute.” *Jones v. Cunningham*, 371 U.S. 236, 243 (1963).

7 **JURISDICTION AND VENUE**

8 18. The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal question),
9 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201–02 (Declaratory Judgment Act), 28 U.S.C.
10 § 2241 (habeas corpus), Article I, § 9, cl. 2 of the U.S. Constitution (the Suspension Clause), the
11 Fourth and Fifth Amendments to the U.S. Constitution, and 5 U.S.C. §§ 701-706 (Administrative
12 Procedure Act).

13 19. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(a) and 28 U.S.C.
14 § 1391(b)(2) and (e)(1) because Petitioner is physically detained within this district.

15 **REQUIREMENTS OF 28 U.S.C. § 2243**

16 20. The Court must grant the petition for writ of habeas corpus or issue an order to show
17 cause (OSC) to Respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C.
18 § 2243. If an OSC is issued, the Court must require Respondents to file a return “within *three*
19 *days* unless for good cause additional time, *not exceeding twenty days*, is allowed.” *Id.* (emphasis
20 added).

21 21. Courts have long recognized the significance of the habeas statute in protecting

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1 individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most
2 important writ known to the constitutional law of England, affording as it does a *swift* and
3 imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391,
4 400 (1963) (emphasis added).

5 22. Habeas corpus must remain a swift remedy. Importantly, “the statute itself directs
6 courts to give petitions for habeas corpus ‘special, preferential consideration to ensure expeditious
7 hearing and determination.’” *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000) (internal citations
8 omitted). The Ninth Circuit warned against any action creating the perception “that courts are
9 more concerned with efficient trial management than with the vindication of constitutional
10 rights.” *Id.*

11 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

12 23. For habeas claims, exhaustion of administrative remedies is prudential, not
13 jurisdictional. *Hernandez*, 872 F.3d at 988. A court may waive the prudential exhaustion
14 requirement if “administrative remedies are inadequate or not efficacious, pursuit of
15 administrative remedies would be a futile gesture, irreparable injury will result, or the
16 administrative proceedings would be void.” *Id.* (quoting *Laing v. Ashcroft*, 370 F.3d 994, 1000
17 (9th Cir. 2004) (citation and quotation marks omitted)). J.S.H.M. asserts that exhaustion should
18 be waived because administrative remedies are (1) futile and (2) his continued detention results
19 in irreparable harm.

20 24. It would be futile for J.A.M.C. to seek a bond hearing from an Immigration Judge. His
21 request would be summarily denied based on the current interpretation of the BIA’s recent
22 decisions in *Matter of Q. Li*, 29 I&N Dec. 66 (B.I.A. 2025) and *Matter of YAJURE HURTADO*,
23 29 I&N Dec. 216 (BIA 2025).

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25. Further, no statutory exhaustion requirements apply to J.A.M.C.’s claim of unlawful custody in violation of his due process rights, and there are no administrative remedies that he needs to exhaust. *Reno v Amer.-Arab Anti-Discrim. Comm.*, 525 U.S. 471, 119 S.Ct. 936, 142 L.Ed.2d 940 (1999) (finding exhaustion to be a “futile exercise because the agency does not have jurisdiction to review” constitutional claims); *In re Indefinite Det. Cases*, 82 F. Supp. 2d 1098, 1099 (C.D. Cal. 2000) (same).

PARTIES

26. J.A.M.C. is a citizen and national of Mexico. He was brought to the United States as a child in 1991. He is gainfully employed and spends his free time with his children.

27. Respondent Sergio ALBARRAN is the Acting Field Office Director of the San Francisco ICE Field Office. In this capacity, he is responsible for the administration of immigration laws and the execution of immigration enforcement and detention policy within ICE's San Francisco Area of Responsibility, including the detention of Petitioner. Respondent Albaran maintains an office and regularly conducts business in this district. Respondent Albaran is sued in his official capacity.

28. Respondent Todd M. LYONS is the Acting Director of ICE and is named in his official capacity. Among other things, ICE is responsible for the administration and enforcement of the immigration laws, including the removal of noncitizens. In his official capacity as head of ICE, he is the legal custodian of J.A.M.C.

29. Respondent Kristi NOEM is the Secretary of DHS and is named in her official capacity. DHS is the federal agency that encompasses ICE, which is responsible for administering and enforcing the INA and all other laws related to the immigration of noncitizens. In her capacity as

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1 Secretary, Respondent Noem has responsibility for the administration and enforcement of the
2 immigration and naturalization laws pursuant to section 402 of the Homeland Security Act of
3 2002, 107 Pub. L. No. 296, 116 Stat. 2135 (Nov. 25, 2002); *see also* 8 U.S.C. § 1103(a).
4 Respondent Noem is the ultimate legal custodian of J.A.M.C.

5 30. Respondent Pam BONDI is the Attorney General of the United States and the most senior
6 official in the U.S. Department of Justice (DOJ) and is named in her official capacity. She has the
7 authority to interpret immigration laws and adjudicate removal cases. The Attorney General
8 delegates this responsibility to the Executive Office for Immigration Review (EOIR), which
9 administers the immigration courts and the BIA.

10 **STATEMENT OF FACTS**

11 31. Since mid-May 2025, DHS has initiated an aggressive new enforcement campaign
12 targeting people who are in regular removal proceedings in immigration court, many of whom
13 have pending applications for asylum or other relief. This “coordinated operation” is “aimed at
14 dramatically accelerating deportations” by arresting people at the courthouse or at the ICE office
15 and placing them into expedited removal.¹ The Trump administration implemented a policy to
16 drastically increase immigration arrests to a target of at least 3,000 per day. According to White
17 House officials like Stephen Miller, this directive prioritized arrest numbers over the individuals'
18 criminal history, encouraging agents to conduct mass round-ups in public spaces rather than
19 targeted investigations.

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22 ¹ Arelis R. Hernández & Maria Sacchetti, *Immigrant Arrests at Courthouses Signal New Tactic in Trump's*
23 *Deportation Push*, Wash. Post, May 23, 2025,
<https://www.washingtonpost.com/immigration/2025/05/23/immigration-court-arrests-ice-trump/>; *see also* Hamed
24 Aleaziz, Luis Ferré-Sadurní, & Miriam Jordan, *How ICE is Seeking to Ramp Up Deportations Through Courthouse*
Arrests, N.Y. Times, May 30, 2025, <https://www.nytimes.com/2025/05/30/us/politics/ice-courthouse-arrests.html>.

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1 32. As a result, arrests of non-citizens with no criminal record surged by over 800%, and two-
2 thirds of those deported had no criminal history. This focus on quantity over public safety led to
3 a new and aggressive tactic: systematically arresting immigrants at courthouses and ICE
4 appointments, regardless of the status of their legal cases. This has created a climate of fear,
5 discouraging people from attending their mandatory hearings or ICE appointments.

6 33. In addition, individuals are now held for extended periods, sometimes days, in temporary
7 holding cells that are not designed for overnight or prolonged detention, often under inhumane
8 conditions. Government officials have justified these harsh conditions not as a matter of
9 necessity, but as an intentional deterrent, which is not a constitutionally permissible reason for
10 detention.

11 34. The government's new campaign is also a significant shift from the previous DHS practice
12 of re-detaining noncitizens only after a material change in circumstances. *See Saravia v. Sessions*,
13 280 F. Supp. 3d 1168, 1197 (N.D. Cal. 2017), *aff'd sub nom. Saravia for A.H. v. Sessions*, 905
14 F.3d 1137 (9th Cir. 2018) (describing prior practice).

15 35. On February 5, 2025, the DHS detained J.A.M.C. at his home based on charges under the
16 Immigration and Nationality Act § 212(a)(6)(A)(i) (entered without inspection). On February 19,
17 2025, DHS placed J.A.M.C. in U.S.C. § 1229a proceedings. On April 15, 2025, an Immigration
18 Judge in Eloy, Arizona, reviewed J.A.M.C.'s immigration history, criminal history, and equities,
19 and ordered J.A.M.C. released on a \$10,000 bond and an ankle monitoring device. DHS waived
20 the appeal. This bond decision of April 15, 2025, reflected the finding that J.A.M.C. is (1) not
21 subject to mandatory detention, is (2) not a danger to society and (3) that the bond amount was
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1 appropriate to mitigate any flight risk. J.A.M.C.'s next master calendar immigration hearing is
2 scheduled for March 20, 2028, in the San Francisco Immigration Court.

3 36. Following his release, J.A.M.C. appeared at the San Francisco local ICE office at 630
4 Sansome, San Francisco, CA, 94111, each time as requested. He retained the undersigned to work
5 on his immigration case.

6 37. J.A.M.C. has lived in the United States for over 30 years, since he was 3 years old. He has
7 a United States citizen sister and a brother who has a U non-immigrant status. His father is a few
8 days from his consular interview to obtain his legal permanent status. He has three United States
9 citizen children, aged between seven and fifteen, who rely on him for emotional and financial
10 support. Noah was born on July 25, 2018, and has been diagnosed with autism. King was born on
11 February 27, 2017. Valentine was born on November 29, 2010, and has also been diagnosed with
12 autism. At the time of detention, J.A.M.C. was working as a barber at "The Grove on Waterman,"
13 located at 8470 Elk Grove Blvd #140, Elk Grove, CA 95758. J.A.M.C. lived in Antioch,
14 California.

15 38. Today, November 7, 2025, in compliance with instructions from ICE, J.A.M.C. presented
16 himself for a scheduled check-in at the San Francisco ICE Field Office located at 630 Sansome
17 Street, San Francisco, California. J.A.M.C. arrived at the facility in the morning and is currently
18 being held in substandard conditions. ICE alleges a violation of the GPS monitoring terms, related
19 to an incident on Labor Day, when J.A.M.C. visited Stinson Beach to spend the day with his
20 girlfriend. J.A.M.C. has requested and was granted permission from his ISAP officer for the trip,
21 but the ICE agents today told him he could not have gone.

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39. J.A.M.C.'s arrest and detention have caused and will cause immediate, tremendous, and ongoing harm, which includes hygiene, sleep, and nutrition deprivation, family separation, emotional and economic harm to minor children, loss of employment, and psychological harm.

40. On November 7, 2025, the undersigned has notified the U.S. Attorney's Office that J.A.M.C. would be filing the motion by email to the U.S. Attorney's Office email address for habeas petition filings.

41. J.A.M.C. is not a flight risk, as evidenced by his perfect compliance with in-person reporting requirements and his deep ties to the community and family. He is not a danger to the community. His detention serves no legitimate purpose.

42. This case has substantial factual and legal support to be granted, resulting in J.A.M.C. 's release from custody, and enjoining DHS from detaining J.A.M.C. pending a hearing before a neutral adjudicator, to substantiate a material change in circumstances indicating that J.S.H.M. is either a flight risk or a danger to the community.

43. Intervention from this Court is therefore required to ensure that J.A.M.C. is released from his current custody based on his unlawful arrest, returned to his home in Antioch, California, where ICE can then provide him with a hearing before determining to re-arrest him pursuant to the Due Process Clause of the Fifth Amendment.

LEGAL BACKGROUND

Statutory Framework

44. J.A.M.C. 's removal proceedings before the San Francisco Immigration Judge are governed by section 240 of the Immigration and Nationality Act ("section 240 proceedings"). Section 240 proceedings provide important statutory protections, including hearings before an Immigration Judge. See 8 U.S.C. § 1229a(a)(1), (a)(4).

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1 **Right to a Hearing Prior to Re-incarceration**

2 45. In J.A.M.C.’s particular circumstances, the Due Process Clause of the Constitution makes
3 it unlawful for Respondents to re-arrest him without first providing a pre-deprivation hearing
4 before a neutral decision maker to determine whether circumstances have materially changed
5 since his release from custody in April of 2025, such that detention would now be warranted on
6 the basis that he is a danger or a flight risk by clear and convincing evidence.

7 46. The statute and regulations grant ICE the ability to unilaterally revoke any noncitizen’s
8 immigration bond determination or parole, and re-arrest the noncitizen at any time. 8 U.S.C. §
9 1226(b); 8 C.F.R. § 236.1(c)(9). Notwithstanding the breadth of the statutory language granting
10 ICE the power to revoke an immigration bond “at any time,” 8 U.S.C. 1226(b), in *Matter of Sugay*,
11 17 I&N Dec. at 640, the BIA has recognized an implicit limitation on ICE’s authority to re-arrest
12 noncitizens. There, the BIA held that “where a previous bond determination has been made by an
13 immigration judge, no change should be made by [the DHS] absent a change of circumstance.”
14 *Id.* In practice, DHS “requires a showing of changed circumstances both where the prior bond
15 determination was made by an immigration judge *and* where the previous release decision was
16 made by a DHS officer.” *Saravia*, 280 F. Supp. 3d at 1197 (emphasis added). The Ninth Circuit
17 has also assumed that, under *Matter of Sugay*, ICE has no authority to re-detain an individual
18 absent changed circumstances. *Panosyan v. Mayorkas*, 854 F. App’x 787, 788 (9th Cir. 2021)
19 (“Thus, absent changed circumstances … ICE cannot redetain Panosyan.”).

20 47. ICE has further limited its authority as described in *Sugay*, and “generally only re-arrests
21 [noncitizens] pursuant to § 1226(b) after a *material* change in circumstances.” *Saravia*, 280 F.
22 Supp. 3d at 1197, *aff’d sub nom. Saravia for A.H.*, 905 F.3d 1137 (quoting Defs.’ Second Supp.
23 Br. at 1, Dkt. No. 90) (emphasis added). Thus, under BIA case law and ICE practice, ICE may
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1 re-arrest a noncitizen who had been previously released on bond only after a material change in
2 circumstances. *See Saravia*, 280 F. Supp. 3d at 1176; *Matter of Sugay*, 17 I&N Dec. at 640.

3 48. ICE's power to re-arrest a noncitizen who is at liberty following a release from
4 custody is also constrained by the demands of due process. *See Hernandez v. Sessions*, 872 F.3d
5 976, 981 (9th Cir. 2017) ("the government's discretion to incarcerate non-citizens is always
6 constrained by the requirements of due process"). *See also Gagnon v. Scarpelli*, 411 U.S. 778,
7 782 (1973) (Due Process requires pre-deprivation hearing before revocation of probation);
8 *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972) (same, in parole context). Petitioner's release
9 from custody in April of 2025 and ties to his family and community provide him with a protected
10 liberty interest. *See Ortega v. Bonnar*, 415 F. Supp. 3d 963 (N.D. Cal. Nov. 22, 2019)

11 49. Federal district courts in California have repeatedly recognized that the demands of due
12 process and the limitations on DHS's authority to revoke a noncitizen's release from custody set
13 out in DHS's stated practice and *Matter of Sugay* both require a pre-deprivation hearing for a
14 noncitizen on ICE's supervision, like J.S.H.M. before ICE re-detains him. *See, e.g., Meza v.*
15 *Bonnar*, 2018 WL 2554572 (N.D. Cal. June 4, 2018); *Ortega v. Bonnar*, 415 F. Supp. 3d 963
16 (N.D. Cal. 2019); *Vargas v. Jennings*, No. 20-CV-5785-PJH, 2020 WL 5074312, at *3 (N.D. Cal.
17 Aug. 23, 2020); *Jorge M. F. v. Wilkinson*, No. 21-CV-01434-JST, 2021 WL 783561, at *2 (N.D.
18 Cal. Mar. 1, 2021); *Romero v. Kaiser*, No. 22-cv-02508-TSH, 2022 WL 1443250, at *3-4 (N.D.
19 Cal. May 6, 2022) (Petitioner would suffer irreparable harm if re-detained, and required notice
20 and a hearing before any re-detention); *Enamorado v. Kaiser*, No. 25-CV-04072-NW, 2025 WL
21 1382859, at *3 (N.D. Cal. May 12, 2025) (temporary injunction warranted preventing re-arrest at
22 plaintiff's ICE interview when he had been on bond for more than five years). *See also Doe v.*
23 *Becerra*, No. 2:25-cv-00647-DJC-DMC, 2025 WL 691664, *4 (E.D. Cal. Mar. 3, 2025) (holding
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1 the Constitution requires a hearing before any re-arrest).

2 **J.S.H.M.'s Protected Liberty Interest in His Conditional Release**

3 50. The Due Process Clause protects J.A.M.C.'s liberty from immigration custody: "Freedom
4 from imprisonment—from government custody, detention, or other forms of physical restraint—
5 lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas v. Davis*, 533 U.S.
6 678, 690 (2001).

7 51. Since April 15, 2025, J.A.M.C. exercised that freedom under the immigration
8 judge's order releasing him from custody. As he was released from custody, he retains a weighty
9 liberty interest under the Due Process Clause of the Fifth Amendment in avoiding unlawful re-
10 incarceration. *See Young v. Harper*, 520 U.S. 143, 146-47 (1997); *Gagnon v. Scarpelli*, 411 U.S.
11 778, 781-82 (1973); *Morrissey*, 408 U.S. at 482-483. Respondents created a reasonable
12 expectation that J.A.M.C. would be permitted to live and work in the United States without being
13 subject to arbitrary arrest and removal.

14 52. This reasonable expectation creates constitutionally-protected liberty and property
15 interests. *Perry v. Sindermann*, 408 U.S. 593, 601–03 (1972) (reliance on policies and practices
16 may establish a legitimate claim of entitlement to a constitutionally-protected interest); *see also*
17 *Texas v. United States*, 809 F.3d 134, 174 (2015), affirmed by an equally divided court, 136 S.
18 Ct. 2271 (2016) (explaining that "DACA involve[s] issuing benefits" to certain applicants). These
19 benefits are entitled to constitutional protections no matter how they may be characterized by
20 Respondents. *See, e.g., Newman v. Sathyavaglswaran*, 287 F.3d 786, 797 (9th Cir. 2002) ("[T]he
21 identification of property interests under constitutional law turns on the substance of the interest
22 recognized, not the name given that interest by the state or other independent source.") (internal
23 quotations omitted).

24 15 A declaration is attached hereto

25 **J.A.M.C. v Albarran at al; PETITION FOR WRIT OF HABEAS CORPUS AND
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1 53. In *Morrissey*, the Supreme Court examined the “nature of the interest” that a parolee has
2 in “his continued liberty.” 408 U.S. at 481-82. The Court noted that, “subject to the conditions of
3 his parole, [a parolee] can be gainfully employed and is free to be with family and friends and to
4 form the other enduring attachments of normal life.” *Id.* at 482. The Court further noted that “the
5 parolee has relied on at least an implicit promise that parole will be revoked only if he fails to live
6 up to the parole conditions.” *Id.* The Court explained that “the liberty of a parolee, although
7 indeterminate, includes many of the core values of unqualified liberty and its termination inflicts
8 a grievous loss on the parolee and often others.” *Id.* In turn, “[b]y whatever name, the liberty is
9 valuable and must be seen within the protection of the [Fifth] Amendment.” *Morrissey*, 408 U.S.
10 at 482.

11 54. This basic principle—that individuals have a liberty interest in their conditional release—
12 has been reinforced by both the Supreme Court and the circuit courts on numerous occasions.
13 *See, e.g., Young v. Harper*, 520 U.S. at 152 (holding that individuals placed in a pre-parole
14 program created to reduce prison overcrowding have a protected liberty interest requiring pre-
15 deprivation process); *Gagnon v. Scarpelli*, 411 U.S. at 781-82 (holding that individuals released
16 on felony probation have a protected liberty interest requiring pre-deprivation process). As the
17 First Circuit has explained, when analyzing the issue of whether a specific conditional release
18 rises to the level of a protected liberty interest, “[c]ourts have resolved the issue by comparing the
19 specific conditional release in the case before them with the liberty interest in parole as
20 characterized by *Morrissey*.” *Gonzalez-Fuentes v. Molina*, 607 F.3d 864, 887 (1st Cir. 2010)
21 (internal quotation marks and citation omitted). *See also, e.g., Hurd v. District of Columbia*, 864
22 F.3d 671, 683 (D.C. Cir. 2017) (“a person who is in fact free of physical confinement—even if
23 that freedom is lawfully revocable—has a liberty interest that entitles him to constitutional due
24 16 A declaration is attached hereto

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1 process before he is re-incarcerated") (citing *Young*, 520 U.S. at 152, *Gagnon*, 411 U.S. at 782,
2 and *Morrissey*, 408 U.S. at 482).

3 55. In fact, it is well-established that an individual maintains a protectable liberty
4 interest even where the individual obtains liberty through a mistake of law or fact. *See id.*;
5 *Gonzalez-Fuentes*, 607 F.3d at 887; *Johnson v. Williford*, 682 F.2d 868, 873 (9th Cir. 1982)
6 (noting that due process considerations support the notion that an inmate released on parole by
7 mistake, because he was serving a sentence that did not carry a possibility of parole, could not be
8 re-incarcerated because the mistaken release was not his fault, and he had appropriately adjusted
9 to society, so it "would be inconsistent with fundamental principles of liberty and justice" to
10 return him to prison) (internal quotation marks and citation omitted).

11 56. Here, when this Court "compar[es] the specific release in [J.A.M.C.'s case], with
12 the liberty interest in parole as characterized by *Morrissey*," it is clear that they are strikingly
13 similar. *See Gonzalez-Fuentes*, 607 F.3d at 887. Just as in *Morrissey*, J.S.H.M.'s release "enables
14 him to do a wide range of things open to persons" who have never been in custody or convicted
15 of any crime, including to live at home, practice his faith, care for his grandmother, and "be with
16 family and friends and to form the other enduring attachments of normal life." *Morrissey*, 408
17 U.S. at 482.

18 **J.A.M.C. 's Liberty Interest Mandates a Hearing Before any Re-Arrest and Revocation of
19 Release from Custody**

20 57. J.A.M.C. asserts that, here, (1) where his detention would be civil; (2) where he has been
21 at liberty since April 2025; (3) where no change in circumstances exist that would justify his
22 lawful detention; and (4) where the only circumstance was ICE's move to arrest as many people
23 as possible because of the new administration, due process mandates that he be released from his

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25 **J.A.M.C. v Albarran at al; PETITION FOR WRIT OF HABEAS CORPUS AND
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1 unlawful custody and receive notice and a hearing before a neutral adjudicator *prior* to any re-
2 arrest or revocation of his custody release.

3 58. “Adequate, or due, process depends upon the nature of the interest affected. The more
4 important the interest and the greater the effect of its impairment, the greater the procedural
5 safeguards the [government] must provide to satisfy due process.” *Haygood v. Younger*, 769 F.2d
6 1350, 1355-56 (9th Cir. 1985) (en banc) (citing *Morrissey*, 408 U.S. at 481-82). This Court must
7 “balance [J.S.H.M.’s] liberty interest against the [government’s] interest in the efficient
8 administration of” its immigration laws in order to determine what process he is owed to ensure
9 that ICE does not unconstitutionally deprive him of his liberty. *Id.* at 1357. Under the test set forth
10 in *Mathews v. Eldridge*, this Court must consider three factors in conducting its balancing test:
11 “first, the private interest that will be affected by the official action; second, the risk of an
12 erroneous deprivation of such interest through the procedures used, and the probative value, if
13 any, of additional or substitute procedural safeguards; and finally the government’s interest,
14 including the function involved and the fiscal and administrative burdens that the additional or
15 substitute procedural requirements would entail.” *Haygood*, 769 F.2d at 1357 (citing *Mathews v.*
16 *Eldridge*, 424 U.S. 319, 335 (1976)). Several district courts have applied the Mathews factors in
17 similar cases, and found that those in Petitioner’s position, noncitizens granted the liberty of
18 release pending removal proceedings, have due process rights. See e.g., *Calderon v. Kaiser*, No.
19 25-CV-06695-AMO, 2025 WL 2430609, at *3 (N.D. Cal. Aug. 22, 2025); *Ramirez Clavijo v.*
20 *Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263, at *5 (N.D. Cal. Aug. 21, 2025); *Pinchi v.*
21 *Noem*, No. 5:25-CV-05632-PCP, 2025 WL 2084921, at *3 (N.D. Cal. July 24, 2025); *Hernandez*
22 *Nieves v. Kaiser*, No. 25-CV-06921-LB, 2025 WL 2533110, at *4 (N.D. Cal. Sept. 3, 2025).

23 59. The Supreme Court “usually has held that the Constitution requires some kind of
24 18 A declaration is attached hereto

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1 a hearing *before* the State deprives a person of liberty or property.” *Zinermon v. Burch*, 494 U.S.
2 113, 127 (1990) (emphasis in original). Only in a “special case” where post-deprivation remedies
3 are “the only remedies the State could be expected to provide” can post-deprivation process
4 satisfy the requirements of due process. *Zinermon*, 494 U.S. at 985. Moreover, only where “one
5 of the variables in the *Mathews* equation—the value of predeprivation safeguards—is negligible
6 in preventing the kind of deprivation at issue” such that “the State cannot be required
7 constitutionally to do the impossible by providing predeprivation process,” can the government
8 avoid providing pre-deprivation process. *Id.*

9 60. Because, in this case, ICE is required to release J.A.M.C. from his unlawful
10 custody and provide J.A.M.C. with notice and a hearing *prior* to any re-incarceration and
11 revocation of his liberty. *See Morrissey*, 408 U.S. at 481-82; *Haygood*, 769 F.2d at 1355-56;
12 *Jones*, 393 F.3d at 932; *Zinermon*, 494 U.S. at 985; *see also Youngberg v. Romeo*, 457 U.S. 307,
13 321-24 (1982); *Lynch v. Baxley*, 744 F.2d 1452 (11th Cir. 1984) (holding that individuals awaiting
14 involuntary civil commitment proceedings may not constitutionally be held in jail pending the
15 determination as to whether they can ultimately be recommitted). Under *Mathews*, “the balance
16 weighs heavily in favor of [J.S.H.M.’s] liberty” and requires a pre-deprivation hearing before a
17 neutral adjudicator.

18 **J.A.M.C.'s Private Interest in His Liberty is Profound**

19 61. Under *Morrissey* and its progeny, individuals conditionally released from serving
20 a criminal sentence have a liberty interest that is “valuable.” *Morrissey*, 408 U.S. at 482. In
21 addition, the principles espoused in *Hurd* and *Johnson*—that a person who is in fact free of
22 physical confinement, even if that freedom is lawfully revocable, has a liberty interest that entitles
23 him to constitutional due process before he is re-incarcerated—apply with even greater force to
24

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1 individuals like J.S.H.M., who have been released pending civil removal proceedings, rather than
2 parolees or probationers who are subject to incarceration as part of a sentence for a criminal
3 conviction. Parolees and probationers have a diminished liberty interest given their underlying
4 convictions. *See, e.g., U.S. v. Knights*, 534 U.S. 112, 119 (2001); *Griffin v. Wisconsin*, 483 U.S.
5 868, 874 (1987). Nonetheless, even in the criminal parolee context, the courts have held that the
6 parolee cannot be re-arrested without a due process hearing in which they can raise any claims
7 they may have regarding why their re-incarceration would be unlawful. *See Gonzalez-Fuentes*,
8 607 F.3d at 891-92; *Hurd*, 864 F.3d at 683. Thus, J.A.M.C. retains a truly weighty liberty interest
9 even though he is under conditional release.

10 62. What is at stake in this case for J.A.M.C. is one of the most profound individual
11 interests recognized by our legal system: whether ICE may unilaterally nullify a prior decision
12 releasing him from custody and to take away—without a lawful basis—his physical freedom, i.e.,
13 his “constitutionally protected interest in avoiding physical restraint.” *Singh v. Holder*, 638 F.3d
14 1196, 1203 (9th Cir. 2011) (internal quotation omitted). “Freedom from bodily restraint has
15 always been at the core of the liberty protected by the Due Process Clause.” *Foucha v. Louisiana*,
16 504 U.S. 71, 80 (1992). *See also Zadvydas*, 533 U.S. at 690 (“Freedom from imprisonment—
17 from government custody, detention, or other forms of physical restraint—lies at the heart of the
18 liberty that [the Due Process] Clause protects.”); *Cooper v. Oklahoma*, 517 U.S. 348 (1996).

19 63. Thus, it is clear that there is a profound private interest at stake in this case, which must
20 be weighed heavily when determining what process he is owed under the Constitution. *See*
21 *Mathews*, 424 U.S. at 334-35.

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1 **The Government's Interest in Re-Incarcerating J.A.M.C. Without a Hearing is Low and**
2 **the Burden on the Government to Refrain from Re-Arresting Him Unless and Until He is**
3 **Provided a Hearing That Comports with Due Process is Minimal**

4 64. The government's interest in detaining J.A.M.C. without a due process hearing is low,
5 and when weighed against J.A.M.C. 's significant private interest in his liberty, the scale tips
6 sharply in favor of enjoining Respondents to release J.A.M.C. from his unlawful custody and
7 refrain from re-arresting J.A.M.C. unless and until the government demonstrates by clear and
8 convincing evidence that he is a flight risk or danger to the community. It becomes abundantly
9 clear that the *Mathews* test favors J.A.M.C. when the Court considers that the process he seeks—
10 notice and a hearing regarding whether he has violated any conditions of his release, and, if so,
11 providing J.A.M.C. with a hearing before this Court (or a neutral decisionmaker) to determine
12 whether there is clear and convincing evidence that J.A.M.C. is a flight risk or danger to the
13 community would impose only a *de minimis* burden on the government, because the government
14 routinely provides this sort of hearing to individuals like J.A.M.C.

15 65. As immigration detention is civil, it can have no punitive purpose. The
16 government's only interest in holding an individual in immigration detention can be to prevent
17 danger to the community or to ensure a noncitizen's appearance at immigration proceedings. *See*
18 *Zadvydas*, 533 U.S. at 690. In this case, the government cannot plausibly assert that it has any
19 lawful basis for detaining J.A.M.C. J.A.M.C. has lived at liberty complying with the conditions
20 of his release since April of 2025.

21 66. ICE determined J.A.M.C. not to be a danger to the community or a flight risk in
22 April of 2025 and has done nothing to undermine that determination. To the contrary, he complied
23 with the terms of his release. *See Morrissey*, 408 U.S. at 482 (“It is not sophistic to attach greater
24 importance to a person's justifiable reliance in maintaining his conditional freedom so long as he

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1 abides by the conditions on his release, than to his mere anticipation or hope of freedom'")
2 (quoting *United States ex rel. Bey v. Connecticut Board of Parole*, 443 F.3d 1079, 1086 (2d Cir.
3 1971).

4 67. It is difficult to see how the government's interest in ensuring his presence at the moment
5 of removal has materially changed since he was released in April of 2025, when he has appeared
6 at every ISAP and ICE appointment. The government's interest in detaining J.A.M.C. at this time
7 is therefore low. That ICE has a new policy to make a minimum number of arrests each day under
8 the new administration does not constitute a material change in circumstances or increase the
9 government's interest in detaining him.²

10 68. Moreover, the "fiscal and administrative burdens" that his immediate release and a lawful
11 pre-detention hearing would impose is nonexistent in this case. *See Mathews*, 424 U.S. at 334-35.
12 J.A.M.C. does not seek a unique or expensive form of process, but rather a routine hearing
13 regarding whether his order of release should be revoked and whether he should be re-
14 incarcerated.

15 69. As the Ninth Circuit noted in 2017, which remains true today, "[t]he costs to the public of
16 immigration detention are 'staggering': \$158 each day per detainee, amounting to a total daily
17 cost of \$6.5 million." *Hernandez*, 872 F.3d at 996. ICE's unlawful action of placing him in
18

19
20 ² See "Trump officials issue quotas to ICE officers to ramp up arrests," *Washington Post* (January 26, 2025), available
21 at: <https://www.washingtonpost.com/immigration/2025/01/26/ice-arrests-raids-trump-quota/>; "Stephen Miller's
22 Order Likely Sparked Immigration Arrests And Protests," *Forbes* (June 9, 2025),
<https://www.forbes.com/sites/stuartanderson/2025/06/09/stephen-millers-order-likely-sparked-immigration-arrests-and-protests/> ("At the end of May 2025, 'Stephen Miller, a senior White House official, told Fox News that the White House was looking for ICE to arrest 3,000 people a day, a major increase in enforcement. The agency had arrested more than 66,000 people in the first 100 days of the Trump administration, an average of about 660 arrests a day,' reported the New York Times. Arresting 3,000 people daily would surpass 1 million arrests in a calendar year.").
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1 custody is more of a financial burden than releasing him and providing a pre-custody hearing
2 before any future re-arrest occurs.

3 70. In addition, providing J.A.M.C. with a hearing before this Court (or a neutral
4 decisionmaker) regarding release from custody is a routine procedure that the government
5 provides to those in immigration jails on a daily basis. At that hearing, the Court would have the
6 opportunity to determine whether circumstances have changed sufficiently to justify his re-arrest.
7 But there is no justifiable reason to re-incarcerate J.A.M.C. prior to such a hearing taking place.
8 As the Supreme Court noted in *Morrissey*, even where the State has an “overwhelming interest
9 in being able to return [a parolee] to imprisonment without the burden of a new adversary criminal
10 trial if in fact he has failed to abide by the conditions of his parole . . . the State has no interest in
11 revoking parole without some informal procedural guarantees.” *Morrissey*, 408 U.S. at 483.

12 71. Releasing J.A.M.C. from unlawful custody and enjoining his re-arrest until ICE (1) moves
13 for a pre-deprivation bond hearing before an Immigration Judge and (2) demonstrates by clear
14 and convincing evidence that J.A.M.C. is a flight risk or danger to the community. *Hernandez*,
15 872 F.3d at 996.

16 **Without a Due Process Hearing Prior to Any Re-Arrest, the Risk of an Erroneous
17 Deprivation of Liberty is High, and Process in the Form of a Constitutionally Compliant
18 Hearing Where ICE Carries the Burden Would Decrease That Risk**

19 72. Releasing J.A.M.C. from unlawful custody and providing J.A.M.C. a pre-deprivation
20 hearing would decrease the risk of J.A.M.C. being erroneously deprived of his liberty. Before
21 J.A.M.C. can be lawfully detained, he must be provided with a hearing before a neutral
22 adjudicator at which the government is held to show that there has been sufficiently changed
23 circumstances such that the immigration court’s April of 2025 release from custody determination

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1 should be altered or revoked because clear and convincing evidence exists to establish that
2 J.A.M.C. is a danger to the community or a flight risk.

3 73. On November 7, 2025 J.A.M.C. did not receive this protection. Instead, he was detained
4 by ICE, without notice, as he attended his appointment with ICE, demonstrating compliance, and
5 there have been no material changes in his circumstances.

6 74. By contrast, the procedure J.A.M.C. seeks—a hearing in front of a neutral adjudicator at
7 which the government must prove by clear and convincing evidence that circumstances have
8 changed to justify his detention *before* any re-arrest—is much more likely to produce accurate
9 determinations regarding factual disputes, such as whether a particular occurrence constitutes a
10 “changed circumstance.” *See Chalkboard, Inc. v. Brandt*, 902 F.2d 1375, 1381 (9th Cir. 1989)
11 (when “delicate judgments depending on credibility of witnesses and assessment of conditions
12 not subject to measurement” are at issue, the “risk of error is considerable when just
13 determinations are made after hearing only one side”). “A neutral judge is one of the most basic
14 due process protections.” *Castro-Cortez v. INS*, 239 F.3d 1037, 1049 (9th Cir. 2001), *abrogated*
15 *on other grounds by Fernandez-Vargas v. Gonzales*, 548 U.S. 30 (2006). The Ninth Circuit has
16 noted that the risk of an erroneous deprivation of liberty under *Mathews* can be decreased where
17 a neutral decisionmaker, rather than ICE alone, makes custody determinations. *Diouf v.*
18 *Napolitano* (“*Diouf II*”), 634 F.3d 1081, 1091-92 (9th Cir. 2011).

19 75. Due process also requires consideration of alternatives to detention at any custody
20 determination hearing that may occur. The primary purpose of immigration detention is to ensure
21 a noncitizen’s appearance during removal proceedings. *Zadvydas*, 533 U.S. at 697. Detention is
22 not reasonably related to this purpose if there are alternatives to detention that could mitigate risk

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1 of flight. *See Bell v. Wolfish*, 441 U.S. 520, 538 (1979). Accordingly, alternatives to detention
2 must be considered in determining whether J.A.M.C. 's reincarceration is warranted.

3 **FIRST CAUSE OF ACTION**

4 **Procedural Due Process**

5 **U.S. Const. amend. V**

6 76. J.A.M.C. re-alleges and incorporates herein by reference, as is set forth fully herein, the
7 allegations in all the preceding paragraphs.

8 77. The Due Process Clause of the Fifth Amendment forbids the government from depriving
9 any "person" of liberty "without due process of law." U.S. Const. amend. V.

10 78. J.A.M.C. has a vested liberty interest in his lawful conditional release. Due Process does
11 not permit the government to strip him of that liberty without a hearing before this Court. *See*
12 *Morrissey*, 408 U.S. at 487-488.

13 79. The Court must therefore order that ICE release J.A.M.C. from his current unlawful
14 custody.

15 80. Prior to any re-arrest, the government must provide him with a hearing before a neutral
16 adjudicator. At the hearing, the neutral adjudicator would evaluate, *inter alia*, whether clear and
17 convincing evidence demonstrates, taking into consideration alternatives to detention, that
18 J.A.M.C. is a danger to the community or a flight risk, such that his reincarceration is warranted.
19 During any custody determination hearing that occurs, this Court or, alternatively, a neutral
20 adjudicator must consider alternatives to detention when determining whether J.A.M.C. 's re-
21 incarceration is warranted.

22 **SECOND CAUSE OF ACTION**

23 **Substantive Due Process**

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U.S. Const. amend. V

81. J.A.M.C. re-alleges and incorporates herein by reference, as is set forth fully herein, the allegations in all the preceding paragraphs.

82. The Due Process Clause of the Fifth Amendment forbids the government from depriving individuals of their right to be free from unjustified deprivations of liberty. U.S. Const. amend. V.

83. J.A.M.C. has a vested liberty interest in his conditional release. Due Process does not permit the government to strip him of that liberty without it being tethered to one of the two constitutional bases for civil detention: to mitigate against the risk of flight or to protect the community from danger. Since April of 2025, J.A.M.C. has attended all of his court hearings and appointments, thus demonstrating that he is neither a flight risk nor a danger. Re-arresting him now would be punitive and violate his constitutional right to be free from the unjustified deprivation of his liberty.

84. For these reasons, J.A.M.C. 's continued unlawful custody and any subsequent re-arrest without first being provided a pre-deprivation hearing would violate the Constitution.

85. The Court must therefore order that he be released from custody.

86. The Court must order the government to not re-arrest him in any subsequent action without a hearing before a neutral adjudicator. At the hearing, the neutral adjudicator would evaluate, *inter alia*, whether clear and convincing evidence demonstrates, taking into consideration alternatives to detention, that J.A.M.C. . is a danger to the community or a flight risk, such that his reincarceration is warranted. During any custody determination hearing that

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1 occurs, this Court or, in the alternative, a neutral adjudicator must consider alternatives to
2 detention when determining whether J.A.M.C. 's reincarceration is warranted.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, J.A.M.C. prays that this Court grant the following relief:

- 5 (1) Assume jurisdiction over this matter;
- 6 (2) Declare that ICE's November 7, 2025, apprehension and detention of J.A.M.C.
7 was an unlawful exercise of authority because the ICE officer provided no
8 reason that he presents a danger to the community or is flight risk;
- 9 (3) Order ICE to immediately release J.A.M.C. from his unlawful detention;
- 10 (4) Enjoin re-arresting J.A.M.C. nless and until a hearing can be held before a
11 neutral adjudicator to determine whether his re-incarceration would be lawful
12 because the government has shown that he is a danger or a flight risk by clear
13 and convincing evidence;
- 14 (5) Declare that J.A.M.C. cannot be re-arrested unless and until he is afforded a
15 hearing on the question of whether his re-incarceration would be lawful—i.e.,
16 whether the government has demonstrated to a neutral adjudicator that he is a
17 danger or a flight risk by clear and convincing evidence;
- 18 (6) Award reasonable costs and attorney fees; and
- 19 (7) Grant such further relief as the Court deems just and proper.

20
21 Dated: November 7, 2025

Respectfully submitted,
/s/ Natalia Santanna
Natalia Santanna
Attorney for J.A.M.C.

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24 27 A declaration is attached hereto

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VERIFICATION PURSUANT TO 28 U.S.C. 2242

I am submitting this verification on behalf of the Petitioner because I am one of Petitioner's attorneys. I have discussed the events described in the Petition with the Petitioner. Based on those discussions, I hereby verify that the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Executed on November 7, 2025, in Oakland, CA.

/s/ Natalia Santanna
Natalia Vieira Santanna
Attorney for J.A.M.C.

28 A declaration is attached hereto

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