
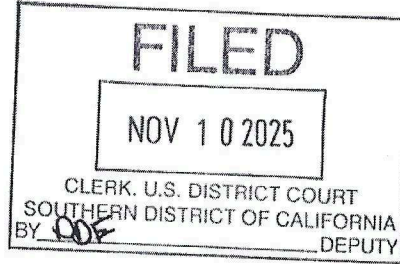


1 **Fidel Eduardo Arostegui-Campo**

2   
3 Otay Mesa Detention Center  
4 P.O. Box 439049  
5 San Diego, CA 92143-9049

6 Pro Se<sup>1</sup>



7  
8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 FIDEL EDUARDO AROSTEGUI-  
11 CAMPO,

12 Petitioner,

13 v.

14 KRISTI NOEM, Secretary of the  
15 Department of Homeland Security,  
16 PAMELA JO BONDI, Attorney General,  
17 TODD M. LYONS, Acting Director,  
18 Immigration and Customs Enforcement,  
19 JESUS ROCHA, Acting Field Office  
20 Director, San Diego Field Office,  
21 CHRISTOPHER LAROSE, Warden at  
22 Otay Mesa Detention Center,

23 Respondents.

CIVIL CASE NO.: 25CV3064 JLS MMP

**Petition for Writ  
of  
Habeas Corpus**  
**[28 U.S.C. § 2241]**

24  
25 \_\_\_\_\_  
26 <sup>1</sup> Mr. Arostegui-Campo is filing this petition for a writ of habeas corpus with the  
27 assistance of the Federal Defenders of San Diego, Inc., who drafted the instant  
28 petition. That same counsel also assisted the petitioner in preparing and  
submitting his request for the appointment of counsel, which has been filed  
concurrently with this petition, and all other documents supporting the petition.  
Federal Defenders has consistently used this procedure in seeking appointment for  
immigration habeas cases.

1 INTRODUCTION

2 Fidel Eduardo Arostegui-Campo, who fled Cuba in 1970 and a child, was  
3 ordered removed from the United States almost forty years ago in 1987. The  
4 United States has never been able to physically remove him to Cuba. Despite the  
5 inability to remove Mr. Arostegui-Campo, he has been subject to indefinite  
6 detention. In the 1990's, prior to the 2001 *Zadvydas* decision by the Supreme  
7 Court, Mr. Arostegui-Campo spent almost four years in immigration detention.  
8 He is again in immigration custody.

9 Mr. Arostegui-Campo has been under an order of immigration supervision  
10 for over 21 years. Every year, he went into ICE offices for a check-in. He has had  
11 no violations of the conditions of his supervision. He has been a productive  
12 member of society by working, caring for his family, and volunteering in his  
13 community.

14 On October 21, 2025, Mr. Arostegui-Campo went in for his regular check-  
15 in and he was re-detained. The only reason given to him for his re-detention was  
16 that it was due to the new administration. Mr. Arostegui-Campo has had no  
17 information about whether ICE has sought a travel document or even begun the  
18 process of seeking his deportation to Cuba. Worse yet, on July 9, 2025, ICE  
19 adopted a new policy permitting removals to third countries with no notice, six  
20 hours' notice, or 24 hours' notice depending on the circumstances, providing no  
21 meaningful opportunity to make a fear-based claim against removal.

22 Mr. Arostegui-Campo's detention violates his statutory and regulatory  
23 rights, *Zadvydas v. Davis*, 533 U.S. 678 (2001), and the Fifth Amendment. His  
24 detention violates his statutory and regulatory rights, *Zadvydas v. Davis*, 533 U.S.  
25 678 (2001), and the Fifth Amendment. Courts in this district have agreed in  
26 similar circumstances as to each of his claims. Specifically:

27 (1) *Regulatory and due process violations*: Petitioner must be released  
28 because ICE's failure to follow its own regulations about notice and an

1 opportunity to be heard violate due process. *See, e.g., Constantinovici v. Bondi*,  
2 \_\_\_ F. Supp. 3d \_\_\_, 2025 WL 2898985, No. 25-cv-2405-RBM (S.D. Cal. Oct. 10,  
3 2025); *Rokhfirooz v. Larose*, No. 25-cv-2053-RSH, 2025 WL 2646165 (S.D. Cal.  
4 Sept. 15, 2025); *Phan v. Noem*, 2025 WL 2898977, No. 25-cv-2422-RBM-MSB,  
5 \*3–\*5 (S.D. Cal. Oct. 10, 2025); *Sun v. Noem*, 2025 WL 2800037, No. 25-cv-  
6 2433-CAB (S.D. Cal. Sept. 30, 2025); *Van Tran v. Noem*, 2025 WL 2770623, No.  
7 25-cv-2334-JES, \*3 (S.D. Cal. Sept. 29, 2025); *Truong v. Noem*, No. 25-cv-  
8 02597-JES, ECF No. 10 (S.D. Cal. Oct. 10, 2025); *Khambounheuang v. Noem*,  
9 No. 25-cv-02575-JO-SBC, ECF No. 12 (S.D. Cal. Oct. 9, 2025); *Ho v. Noem*, 25-  
10 cv-02453-BAS-BLM, ECF 11 (Oct. 10, 2025) (all either granting temporary  
11 restraining orders releasing noncitizens, or granting habeas petitions outright, due  
12 to ICE regulatory violations during recent re-detentions of released noncitizens  
13 previously ordered removed).

14 (2) *Zadvydas* violations: Petitioner must also be released under *Zadvydas*  
15 because—having proved unable to remove him in the past—the government  
16 cannot show that there is a “significant likelihood of removal in the reasonably  
17 foreseeable future.” *Id.* at 701. *See, e.g., Conchas-Valdez*, 2025 WL 2884822, No.  
18 25-cv-2469-DMS (S.D. Cal. Oct. 6, 2025); *Alic v. Dep’t of Homeland*  
19 *Sec./Immigr. Customs Enf’t*, No. 25-CV-01749-AJB-BLM, 2025 WL 2799679  
20 (S.D. Cal. Sept. 30, 2025); *Rebenok v. Noem*, No. 25-cv-2171-TWR, ECF No. 13  
21 (S.D. Cal. Sept. 25, 2025) (granting habeas petitions releasing noncitizens due to  
22 *Zadvydas* violations).

23 (3) *Third-country removal due process* violations: This Court should enjoin  
24 ICE from removing Petitioner to a third country without providing an opportunity  
25 to assert fear of persecution or torture before an immigration judge. *See, e.g.,*  
26 *Rebenok v. Noem*, No. 25-cv-2171-TWR at ECF No. 13; *Van Tran v. Noem*, 2025  
27 WL 2770623 at \*3; *Nguyen Tran v. Noem*, No. 25-cv-2391-BTM, ECF No. 6  
28 (S.D. Cal. Sept. 18, 2025); *Louangmilith v. Noem*, 2025 WL 2881578, No. 25-cv-

1 2502-JES, \*4 (S.D. Cal. Oct. 9, 2025); *Ho v. Noem*, 25-cv-02453-BAS-BLM,  
2 ECF 11 (Oct. 10, 2025) (all either granting temporary restraining orders or habeas  
3 petitions ordering the government to not remove petitioners to third countries  
4 pending litigation or reopening of their immigration cases).

5 This Court should grant this habeas petition and issue appropriate  
6 injunctive relief on all three grounds addressed below.

7 **STATEMENT OF FACTS**

8 **I. Mr. Arostegui-Campo is ordered removed, released on supervision**  
9 **for four years, until he walks into ICE for his annual check-in.**

10 Mr. Arostegui-Campo was born in Cuba in 1960. In 1970, he entered the  
11 United States as a refugee with his mother. Exhibit, Declaration of Arostegui-  
12 Campo (“Arostegui-Campo Dec.”), at ¶ 1. On January 29, 1987, he was ordered  
13 deported from the United States to Cuba after he sustained a conviction for drugs.  
14 *Id.* at ¶ 2.<sup>2</sup>

15 Despite the inability to physically remove him to Cuba, the government civilly  
16 detained Mr. Arostegui-Campo for almost four years between 1994 and 1998. *Id.*  
17 at ¶¶ 3-4. He was moved from California, to Nevada, then to Louisiana. *Id.* He  
18 spent most of his immigration detention at a Louisiana state prison. *Id.* Mr.  
19 Arostegui-Campo believed that he would be detained indefinitely, but he was  
20 released in 1998. *Id.* In 2004, he was placed in immigration custody again for  
21 approximately 7 months. *Id.* at ¶ 4.

22 Since February 6, 2004, Mr. Arostegui-Campo has been on an order of  
23 supervision and has reported to immigration every year. *Id.* at ¶ 6. For those 21  
24 years, he never had a missed appointment or violation of his supervision. *Id.* He  
25 married and now has an 11-year-old son. *Id.* at ¶ 5. Mr. Arostegui-Campo has  
26

27 \_\_\_\_\_  
28 <sup>2</sup> EOIR Automated Case Information,  
<https://acis.eoir.justice.gov/en/caseInformation>.

1 dedicated his life to working, coming home, and taking care of his family. *Id.* He  
2 is a member of his neighborhood watch and is part of the trade show union. *Id.*

3 On October 21, 2025, Mr. Arostegui-Campo reported to ICE offices for his  
4 yearly check-in. *Id.* ¶ 7. An officer detained him. The only reason for his re-  
5 detention was that it was due to the administration. At the time of his arrest, Mr.  
6 Arostegui-Campo signed paperwork, but he did not get a copy of the documents.  
7 *Id.* at ¶ 7. He does not recall receiving a notice of revocation. *Id.* at ¶ 7. Mr.  
8 Arostegui-Campo said that he was confused as to why he was being taken in  
9 because nothing was explained to him. *Id.*

10 When Mr. Arostegui-Campo was booked into the Otay Detention Center, he  
11 was asked about his medical history. *Id.* at ¶ 8. He explained that he previously  
12 had liver cancer, he has high blood pressure, and suffers from migraines. *Id.* He  
13 takes medication for his cirrhosis but has not received the medication since he has  
14 been in detention. *Id.*

15 Mr. Arostegui-Campo has not received an interview for purposes of  
16 challenging his re-detention. *Id.* at ¶ 9. In fact, he states that other than the officer  
17 telling him he was being detained due to the administration, he has not spoken to  
18 any immigration officers about his case. *Id.* No one has asked Mr. Arostegui-  
19 Campo about signing papers for in order to obtain his travel documents to Cuba.  
20 *Id.* at ¶ 10.

21 **II. The repatriation agreement with Cuba allows it to use its discretion**  
22 **in accepting Cuban nationals that entered the United States prior to**  
23 **2017 on a case-by-case basis.**

24 Prior to 2017, there was no repatriation agreement between the United  
25 States and Cuba. *Clark v. Martinez*, 543 U.S. 371, 386 (2005). On January 12,  
26 2017, the United States and Cuba signed a joint statement (“2017 Joint  
27 Statement”) by which Cuba agreed to the repatriation of some Cuban nationals.  
28 *Cuba (17-112) – Joint Statement Concerning Normalization of Migration*

1 *Procedures*, Jan. 12, 2017, available at <https://www.state.gov/17-112/>. The 2017  
2 Joint Statement required Cuba to accept some Cuban nationals but allowed it to  
3 use its discretion to accept others on a case-by-case basis.

4 Specifically, under the agreement Cuba “shall receive back all Cuban  
5 nationals who after the signing” of the 2017 Joint Statement “found by the  
6 competent authorities of the United States to have tried to irregularly enter or  
7 remain in that country in violation of United States law.” *Id.* at 2. The agreement  
8 also stated that Cuba “shall accept individuals included in the list of 2,746 to be  
9 returned in accordance with the Joint Communiqué of December 14, 1984,” who  
10 came to the United States in 1980 via the Port of Mariel. *Id.* Cuba is not required  
11 to accept a third group of Cuban Nationals. Under the 2017 Joint Statement, Cuba  
12 agrees to “consider and decide on a case-by-case basis the return of other Cuban  
13 nationals presently in the United States of America who before the signing of this  
14 Joint Statement had been found by the competent authorities of the United States  
15 to have tried to irregularly enter or remain in that country in violation of United  
16 States law.” *Id.* Mr. Arostegui-Campo falls into this last group of Cuban Nationals  
17 since he was found to “have tried to irregularly enter or remain in that country”  
18 prior to the 2017 Joint Statement.

19 Moreover, despite the 2017 Joint Statement, a 2019 report by the Office of  
20 Inspector General classified Cuba as an “uncooperative country” in 2017, 2018,  
21 and 2019 based on its failure to provide travel documents on a timely basis.  
22 Department of Homeland Security, Office of Inspector General, Report No. OIG-  
23 19-28, *ICE Faces Barriers in Timely Repatriation of Detained Aliens* (Mar. 11,  
24 2019), available at <https://www.oig.dhs.gov/sites/default/files/assets/2019->  
25  
26  
27  
28

1 03/OIG-19-28-Mar19.pdf at pages 6-7, 10, 29. In May of 2018, Cuba was one of  
2 nine countries with the uncooperative categorization. *Id.* at 10.

3 As of the filing of this petition, Petitioner cannot find available numbers of  
4 pre-2017 Cuban nationals who have been repatriated to Cuba.

5 Based on the facts of Mr. Arostegui-Campo's individual case, it is evident  
6 that ICE has not obtained travel documents from Cuba. This is evident because  
7 for almost four decades since the order of deportation, eight of those since the  
8 2017 treaty, ICE has been unsuccessful in obtaining travel documents.

9 **III. The government is carrying out deportations to third countries**  
10 **without providing sufficient notice and opportunity to be heard.**

11 When immigrants cannot be removed to their home country—including  
12 Cuban immigrants—ICE has begun deporting those individuals to third countries  
13 without adequate notice or a hearing. The Trump administration reportedly has  
14 negotiated with at least 58 countries to accept deportees from other nations.  
15 Edward Wong et al, *Inside the Global Deal-Making Behind Trump's Mass*  
16 *Deportations*, N.Y. Times, June 25, 2025. On June 25, 2025, the New York  
17 Times reported that seven countries—Costa Rica, El Salvador, Guatemala,  
18 Kosovo, Mexico, Panama, and Rwanda—had agreed to accept deportees who are  
19 not their own citizens. *Id.* ICE has carried out highly publicized third country  
20 deportations to South Sudan and Eswatini.

21 The Administration has reportedly negotiated with countries to have many  
22 of these deportees imprisoned in prisons, camps, or other facilities. The  
23 government paid El Salvador about \$5 million to imprison more than 200  
24 deported Venezuelans in a maximum-security prison notorious for gross human  
25 rights abuses, known as CECOT. *See id.* In February, Panama and Costa Rica  
26 took in hundreds of deportees from countries in Africa and Central Asia and  
27 imprisoned them in hotels, a jungle camp, and a detention center. *Id.*; Vanessa  
28 Buschschluter, *Costa Rican court orders release of migrants deported from U.S.*,

1 BBC (Jun. 25, 2025). On July 4, 2025, ICE deported eight men to South Sudan.  
2 *See Wong, supra*. On July 15, ICE deported five men to the tiny African nation of  
3 Eswatini where they are reportedly being held in solitary confinement. Gerald  
4 Imray, *3 Deported by US held in African Prison Despite Completing Sentences*,  
5 *Lawyers Say*, PBS (Sept. 2, 2025). Many of these countries are known for human  
6 rights abuses or instability. For instance, conditions in South Sudan are so  
7 extreme that the U.S. State Department website warns Americans not to travel  
8 there, and if they do, to prepare their will, make funeral arrangements, and appoint  
9 a hostage-taker negotiator first. *See Wong, supra*.

10 On June 23 and July 3, 2025, the Supreme Court issued a stay of a national  
11 class-wide preliminary injunction issued in *D.V.D. v. U.S. Department of*  
12 *Homeland Security*, No. CV 25-10676-BEM, 2025 WL 1142968, at \*1, 3 (D.  
13 Mass. Apr. 18, 2025), which required ICE to follow statutory and constitutional  
14 requirements before removing an individual to a third country. *U.S. Dep't of*  
15 *Homeland Sec. v. D.V.D.*, 145 S. Ct. 2153 (2025) (mem.); *id.*, No. 24A1153, 2025  
16 WL 1832186 (U.S. July 3, 2025).<sup>3</sup> On July 9, 2025, ICE rescinded previous  
17 guidance meant to give immigrants a “‘meaningful opportunity’ to assert claims  
18 for protection under the Convention Against Torture (CAT) before initiating  
19 removal to a third country” like the ones just described. Exh. B (“Third Country  
20 Removal Policy”).

21  
22  
23  
24 <sup>3</sup> Though the Supreme Court’s order was unreasoned, the dissent noted that the  
25 government had sought a stay based on procedural arguments applicable only to  
26 class actions. *Dep't of Homeland Sec. v. D.V.D.*, 145 S. Ct. 2153, 2160 (2025)  
27 (Sotomayor, J., dissenting). Thus, “even if the Government [was] correct that  
28 classwide relief was impermissible” in *D.V.D.*, Respondents still “remain[]  
obligated to comply with orders enjoining [their] conduct with respect to individual  
plaintiffs” like Mr. Arostegui-Campo. *Id.* In short, the Supreme Court’s decision  
does not override this Court’s authority to grant individual injunctive relief. *See*  
*Nguyen v. Scott*, No. 2:25-CV-01398, 2025 WL 2419288, at \*20–23 (W.D. Wash.  
Aug. 21, 2025).

1 Under the new guidance, ICE may remove any immigrant to a third country  
2 “without the need for further procedures,” as long as—in the view of the State  
3 Department—the United States has received “credible” “assurances” from that  
4 country that deportees will not be persecuted or tortured. *Id.* at 1. If a country fails  
5 to credibly promise not to persecute or torture releasees, ICE may still remove  
6 immigrants there with minimal notice. *Id.* Ordinarily, ICE must provide 24 hours’  
7 notice. But “[i]n exigent circumstances,” a removal may take place in as little as  
8 six hours, “as long as the alien is provided reasonably means and opportunity to  
9 speak with an attorney prior to the removal.” *Id.*

10 Upon serving notice, ICE “will not affirmatively ask whether the alien is  
11 afraid of being removed to the country of removal.” *Id.* (emphasis original). If the  
12 noncitizen “does not affirmatively state a fear of persecution or torture if removed  
13 to the country of removal listed on the Notice of Removal within 24 hours, [ICE]  
14 may proceed with removal to the country identified on the notice.” *Id.* at 2. If the  
15 noncitizen “does affirmatively state a fear if removed to the country of removal”  
16 then ICE will refer the case to U.S. Citizenship and Immigration Services  
17 (“USCIS”) for a screening for eligibility for withholding of removal and  
18 protection under the Convention Against Torture (“CAT”). *Id.* at 2. “USCIS will  
19 generally screen within 24 hours.” *Id.* If USCIS determines that the noncitizen  
20 does not meet the standard, the individual will be removed. *Id.* If USCIS  
21 determines that the noncitizen has met the standard, then the policy directs ICE to  
22 either move to reopen removal proceedings “for the sole purpose of determining  
23 eligibility for [withholding of removal protection] and CAT” or designate another  
24 country for removal. *Id.*

25 **CLAIMS FOR RELIEF**

26 This Court should grant this petition and order two forms of relief.  
27  
28

1 First, it should order Mr. Arostegui-Campo’s immediate release. ICE failed  
2 to follow its own regulations requiring changed circumstances before re-  
3 detention, as well as a chance to promptly contest a re-detention decision. And  
4 *Zadvydas v. Davis* holds that immigration statutes do not authorize the  
5 government to detain immigrants like Mr. Arostegui-Campo, for whom there is  
6 “no significant likelihood of removal in the reasonably foreseeable future.” 533  
7 U.S. 678, 701 (2001).

8 Second, it should enjoin the Respondents from removing Mr. Arostegui-  
9 Campo to a third country without first complying with the removal process set  
10 forth in 8 U.S.C. § 1231(b)(2) and without first providing notice and a sufficient  
11 opportunity to be heard before an immigration judge.

12 **I. Claim 1: ICE failed to comply with its own regulations before re-**  
13 **detaining Mr. Arostegui-Campo, violating his rights under the Fifth**  
14 **Amendment and the Administrative Procedures Act.**

15 Two regulations establish the process due to someone who is re-detained in  
16 immigration custody following a period of release. 8 C.F.R. § 241.4(l) applies to  
17 all re-detentions, generally. 8 C.F.R. § 241.13(i) applies as an added, overlapping  
18 framework to persons released upon good reason to believe that they will not be  
19 removed in the reasonably foreseeable future, as Mr. Arostegui-Campo was. *See*  
20 *Phan v. Noem*, 2025 WL 2898977, No. 25-CV-2422-RBM-MSB, \*3–\*5 (S.D.  
21 Cal. Oct. 10, 2025) (explaining this regulatory framework and granting a habeas  
22 petition for ICE’s failure to follow these regulations); *Rokhfirooz*, No. 25-CV-  
23 2053-RSH-VET, 2025 WL 2646165 at \*2 (same).

24 These regulations permit an official to “return [the person] to custody” only  
25 when the person “violate[d] any of the conditions of release,” 8 C.F.R.  
26 §§ 241.13(i)(1), 241.4(l)(1), or, in the alternative, if an appropriate official  
27 “determines that there is a significant likelihood that the alien may be removed in  
28 the reasonably foreseeable future,” and makes that finding “on account of

1 changed circumstances,” § 241.13(i)(2).

2 No matter the reason for re-detention, the re-detained person is entitled to  
3 certain procedural protections. For one, “[u]pon revocation,’ the noncitizen ‘will  
4 be notified of the reasons for revocation of his or her release or parole.’” *Phan*,  
5 2025 WL 2898977 at \*3, \*4 (quoting §§ 241.4(l)(1), 241.13(i)(3)). Further, the  
6 person “‘will be afforded an initial informal interview promptly after his or her  
7 return’ to be given ‘an opportunity to respond to the reasons for revocation stated  
8 in the notification.’” *Id.*

9 In the case of someone released under § 241.13(i), the regulations also  
10 explicitly require the interviewer to allow the re-detained person to “submit any  
11 evidence or information that he or she believes shows there is no significant  
12 likelihood he or she be removed in the reasonably foreseeable future, or that he or  
13 she has not violated the order of supervision.” § 241.13(i)(3).

14 ICE is required to follow its own regulations. *United States ex rel. Accardi*  
15 *v. Shaughnessy*, 347 U.S. 260, 268 (1954); *see Alcaraz v. INS*, 384 F.3d 1150,  
16 1162 (9th Cir. 2004) (“The legal proposition that agencies may be required to  
17 abide by certain internal policies is well-established.”). A court may review a re-  
18 detention decision for compliance with the regulations, and “where ICE fails to  
19 follow its own regulations in revoking release, the detention is unlawful and the  
20 petitioner’s release must be ordered.” *Rokhfirooz*, 2025 WL 2646165 at \*4  
21 (collecting cases); *accord Phan*, 2025 WL 2898977 at \*5.

22 ICE followed none of its regulatory prerequisites to re-detention here.

23 First, ICE did not identify a proper reason under the regulations to re-detain  
24 Mr. Arostegui-Campo. He was not returned to custody because of a conditions  
25 violation, and there was apparently no determination before or at his arrest that  
26 there are “changed circumstances” such that there is “a significant likelihood that  
27 [Mr. Arostegui-Campo] may be removed in the reasonably foreseeable future.”  
28 § 241.13(i)(2).

1 Second, ICE did not notify Mr. Arostegui-Campo of the reasons for his re-  
2 detention upon revocation of release. *See* §§ 241.4(l)(1), 241.13(i)(3). He was re-  
3 detained on October 21, 2025 when he went to ICE offices to do his annual  
4 check-in. Exh. A at ¶ 7.

5 Third, Mr. Arostegui-Campo has yet to receive the informal interview  
6 required by regulation. Nor has he been afforded a meaningful opportunity to  
7 respond to the reasons for revocation or submit evidence rebutting his re-  
8 detention. Exh. A at ¶ 9-10. No one from ICE has ever invited him to contest his  
9 detention. *Id.*

10 Numerous courts have released re-detained immigrants after finding that  
11 ICE failed to comply with applicable regulations this summer and fall. *See, e.g.,*  
12 *Bui v. Warden*, 25-cv-02111-JES-DEB, Dkt. No. 18 (S.D. Cal. Oct. 23, 2025);  
13 *Khambounheuang v. Noem*, 25-cv-02575-JO-SBC, Dkt. No. 17 (S.D. Cal. Oct.  
14 23, 2025); *Phan*, 2025 WL 2898977 at \*5; *Rokhfirooz*, 2025 WL 2646165;  
15 *Grigorian*, 2025 WL 2604573; *Delkash v. Noem*, 2025 WL 2683988; *Ceesay v.*  
16 *Kurzdorfer*, 781 F. Supp. 3d 137, 166 (W.D.N.Y. 2025); *You v. Nielsen*, 321 F.  
17 Supp. 3d 451, 463 (S.D.N.Y. 2018); *Rombot v. Souza*, 296 F. Supp. 3d 383, 387  
18 (D. Mass. 2017); *Zhu v. Genalo*, No. 1:25-CV-06523 (JLR), 2025 WL 2452352,  
19 at \*7–9 (S.D.N.Y. Aug. 26, 2025); *M.S.L. v. Bostock*, No. 6:25-CV-01204-AA,  
20 2025 WL 2430267, at \*10–12 (D. Or. Aug. 21, 2025); *Escalante v. Noem*, No.  
21 9:25-CV-00182-MJT, 2025 WL 2491782, at \*2–3 (E.D. Tex. July 18, 2025);  
22 *Hoac v. Becerra*, No. 2:25-cv-01740-DC-JDP, 2025 WL 1993771, at \*4 (E.D.  
23 Cal. July 16, 2025); *Liu*, 2025 WL 1696526, at \*2; *M.Q. v. United States*, 2025  
24 WL 965810, at \*3, \*5 n.1 (S.D.N.Y. Mar. 31, 2025).

25 “[B]ecause officials did not properly revoke petitioner’s release pursuant to  
26 the applicable regulations, that revocation has no effect, and [Mr. Arostegui-  
27 Campo] is entitled to his release (subject to the same Order of Supervision that  
28 governed his most recent release).” *Liu*, 2025 WL 1696526, at \*3.

1           **II. Claim 2: Mr. Arostegui-Campo’s detention violates *Zadvydas* and 8**  
2           **U.S.C. § 1231.**

3           **A. Legal background**

4           In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court considered  
5 a problem affecting people like Mr. Arostegui-Campo: Federal law requires ICE  
6 to detain an immigrant during the “removal period,” which typically spans the  
7 first 90 days after the immigrant is ordered removed. 8 U.S.C. § 1231(a)(1)-(2).  
8 After that 90-day removal period expires, detention becomes discretionary—ICE  
9 may detain the migrant while continuing to try to remove them. *Id.* § 1231(a)(6).  
10 Ordinarily, this scheme would not lead to excessive detention, as removal  
11 happens within days or weeks. But some detainees cannot be removed quickly.  
12 Perhaps their removal “simply require[s] more time for processing,” or they are  
13 “ordered removed to countries with whom the United States does not have a  
14 repatriation agreement,” or their countries “refuse to take them,” or they are  
15 “effectively ‘stateless’ because of their race and/or place of birth.” *Kim Ho Ma v.*  
16 *Ashcroft*, 257 F.3d 1095, 1104 (9th Cir. 2001). In these and other circumstances,  
17 detained immigrants can find themselves trapped in detention for months, years,  
18 decades, or even the rest of their lives. If federal law were understood to allow for  
19 “indefinite, perhaps permanent, detention,” it would pose “a serious constitutional  
20 threat.” *Zadvydas*, 533 U.S. at 699. In *Zadvydas*, the Supreme Court avoided the  
21 constitutional concern by interpreting § 1231(a)(6) to incorporate implicit limits.  
22 *Id.* at 689.

23           *Zadvydas* held that § 1231(a)(6) presumptively permits the government to  
24 detain an immigrant for 180 days after his or her removal order becomes final.  
25 After those 180 days have passed, the immigrant must be released unless his or  
26 her removal is reasonably foreseeable. *Zadvydas*, 533 U.S. at 701. After six  
27 months have passed, the petitioner must only make a prima facie case for relief—  
28 there is “good reason to believe that there is no significant likelihood of removal

1 in the reasonably foreseeable future.” *Id.* Then the burden shifts to “the  
2 Government [to] respond with evidence sufficient to rebut that showing.” *Id.*<sup>4</sup>  
3 Using this framework, Mr. Arostegui-Campo can make all the threshold showings  
4 needed to shift the burden to the government.

5 **B. The six-month grace period has expired.**

6 The six-month grace period has long since ended. The *Zadvydas* grace  
7 period is linked to the date the final order of removal is issued. It lasts for “*six*  
8 *months* after a final order of removal—that is, *three months* after the statutory  
9 removal period has ended.” *Kim Ho Ma v. Ashcroft*, 257 F.3d 1095, 1102 n.5 (9th  
10 Cir. 2001). Indeed, the statute defining the beginning of the removal period is  
11 linked to the latest of three dates, all of which relevant here are tied to when the  
12 removal order is issued. 8 U.S.C. § 1231(a)(1)(B).<sup>5</sup>

13 Here, Mr. Arostegui-Campo’s order of removal was entered on January 29,  
14 1987. Exh. A at ¶ 2.<sup>6</sup> Accordingly, his 90-day removal period began then. 8  
15 U.S.C. § 1231(a)(1)(B). The *Zadvydas* grace period thus expired in June 1987,  
16 three months after the removal period ended. *See, e.g., Tadros v. Noem*, 2025 WL  
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21 <sup>4</sup> Further, even before the 180 days have passed, the immigrant must still be  
22 released if he *rebut*s the presumption that his detention is reasonable. *See, e.g.,*  
23 *Trinh v. Homan*, 466 F. Supp. 3d 1077, 1092 (C.D. Cal. 2020) (collecting cases  
24 on rebutting the *Zadvydas* presumption before six months have passed); *Zavvar*,  
25 2025 WL 2592543 at \*6 (finding the presumption rebutted for a person who was  
26 released and, years later, re-detained for less than six months).

27 <sup>5</sup> Those dates are, specifically, (1) “[t]he date the order of removal becomes  
28 administratively final;” (2) “[i]f the removal order is judicially reviewed and if a  
court orders a stay of the removal of the alien, the date of the court’s final order;”  
or (3) “[i]f the alien is detained or confined (except under an immigration  
process), the date the alien is released from detention or confinement.” *Id.*

<sup>6</sup> EOIR, *Automated Case Information*, <https://acis.eoir.justice.gov/en/>.

1 1678501, No. 25-cv-4108(EP), \*2–\*3. ICE will also, of course, have had almost  
2 40 years since his removal order was issued to remove him.<sup>7</sup>

3  
4 **C. The history of Cuba being uncooperative with repatriation**  
5 **provides very good reason to believe that Mr. Arostegui-Campo**  
6 **will not likely be removed in the reasonably foreseeable future.**

7 Because the six-month grace period has passed, this Court must evaluate  
8 Mr. Arostegui-Campo’s *Zadvydas* claim using the burden-shifting framework. At  
9 the first stage of the framework, Mr. Arostegui-Campo must “provide[] good  
10 reason to believe that there is no significant likelihood of removal in the  
11 reasonably foreseeable future.” *Zadvydas*, 533 U.S. at 701. This standard can be  
12 broken down into three parts.

13  
14 <sup>7</sup> The government has sometimes argued that release and rearrest resets the  
15 six-month grace period completely, taking the clock back to zero.  
16 “Courts . . . broadly agree” that this is not correct. *Diaz-Ortega v. Lund*, 2019 WL  
17 6003485, at \*7 n.6 (W.D. La. Oct. 15, 2019), *report and recommendation*  
18 *adopted*, 2019 WL 6037220 (W.D. La. Nov. 13, 2019); *see also Sied v. Nielsen*,  
19 No. 17-CV-06785-LB, 2018 WL 1876907, at \*6 (N.D. Cal. Apr. 19, 2018)  
20 (collecting cases).

21 It has also sometimes argued that rearrest creates a new three-month grace  
22 period. As a court explained in *Bailey v. Lynch*, that view cannot be squared with  
23 the statutory definition of the removal period in 8 U.S.C. § 1231(a)(1)(B). No. CV  
24 16-2600 (JLL), 2016 WL 5791407, at \*2 (D.N.J. Oct. 3, 2016). “Pursuant to the  
25 statute, the removal period, and in turn the [six-month] presumptively reasonable  
26 period, begins from the latest of ‘the date the order of removal becomes  
27 administratively final,’ the date of a reviewing court’s final order where the  
28 removal order is judicially removed and that court orders a stay of removal, or the  
alien’s release from detention or confinement where he was detained for reasons  
other than immigration purposes at the time of his final order of removal.” *Id.*  
None of these statutory starting points have anything to do with whether or when  
an immigrant is detained. *See id.* Because the statutorily-defined removal period  
has nothing to do with release and rearrest, releasing and rearresting the  
immigrant cannot reset the removal period.

1           **“Good reason to believe.”** The “good reason to believe” standard is a  
2 relatively forgiving one. “A petitioner need not establish that there exists no  
3 possibility of removal.” *Freeman v. Watkins*, No. CV B:09-160, 2009 WL  
4 10714999, at \*3 (S.D. Tex. Dec. 22, 2009). Nor does “[g]ood reason to  
5 believe’ . . . place a burden upon the detainee to demonstrate no reasonably  
6 foreseeable, significant likelihood of removal or show that his detention is  
7 indefinite; it is something less than that.” *Rual v. Barr*, No. 6:20-CV-06215 EAW,  
8 2020 WL 3972319, at \*3 (W.D.N.Y. July 14, 2020) (quoting *Senor v. Barr*, 401  
9 F. Supp. 3d 420, 430 (W.D.N.Y. 2019)). In short, the standard means what it says:  
10 Petitioners need only give a “good reason”—not prove anything to a certainty.

11           **“Significant likelihood of removal.”** This component focuses on whether  
12 Mr. Arostegui-Campo will likely be removed: Continued detention is permissible  
13 only if it is “significant[ly] like[ly]” that ICE will be able to remove him.  
14 *Zadvydas*, 533 U.S. at 701. This inquiry targets “not only the *existence* of  
15 untapped possibilities, but also [the] probability of *success* in such possibilities.”  
16 *Elashi v. Sabol*, 714 F. Supp. 2d 502, 506 (M.D. Pa. 2010) (second emphasis  
17 added). In other words, even if “there remains *some* possibility of removal,” a  
18 petitioner can still meet its burden if there is good reason to believe that  
19 successful removal is not significantly likely. *Kacanic v. Elwood*, No. CIV.A. 02-  
20 8019, 2002 WL 31520362, at \*4 (E.D. Pa. Nov. 8, 2002) (emphasis added).

21           **“In the reasonably foreseeable future.”** This component of the test  
22 focuses on when Mr. Arostegui-Campo will likely be removed: Continued  
23 detention is permissible only if removal is likely to happen “in the reasonably  
24 foreseeable future.” *Zadvydas*, 533 U.S. at 701. This inquiry places a time limit on  
25 ICE’s removal efforts. If the Court has “no idea of when it might reasonably  
26 expect [Petitioner] to be repatriated, this Court certainly cannot conclude that his  
27 removal is likely to occur—or even that it might occur—in the reasonably  
28 foreseeable future.” *Palma v. Gillis*, No. 5:19-CV-112-DCB-MTP, 2020 WL

1 4880158, at \*3 (S.D. Miss. July 7, 2020), *report and recommendation adopted*,  
2 2020 WL 4876859 (S.D. Miss. Aug. 19, 2020) (quoting *Singh v. Whitaker*, 362 F.  
3 Supp. 3d 93, 102 (W.D.N.Y. 2019)). Thus, even if this Court concludes that Mr.  
4 Arostegui-Campo “would *eventually* receive” a travel document, he can still meet  
5 his burden by giving good reason to anticipate sufficiently lengthy delays. *Younes*  
6 *v. Lynch*, 2016 WL 6679830, at \*2 (E.D. Mich. Nov. 14, 2016).

7 Mr. Arostegui-Campo readily satisfies this standard for two reasons.

8 *First*, as explained above, the 2017 Joint Statement between the United  
9 States and Cuba gives Cuba the discretion to accept individuals on a case-by-case  
10 basis. Even following the 2017 Joint Statement, the United States has categorized  
11 Cuba as uncooperative in providing travel documents in a timely manner.

12 *Second*, Mr. Arostegui-Campo own experience bears this out. ICE has now  
13 had almost forty years to deport him, eight of those years were after the 2017  
14 Joint Statement. He has fully cooperated with ICE’s removal efforts throughout  
15 that time, including at yearly check-ins. Exh. A ¶ 6. Yet ICE has not informed Mr.  
16 Arostegui-Campo of any communication with Cuba or the likelihood of obtaining  
17 travel documents from Cuba.

18 Thus, Mr. Arostegui-Campo has met his initial burden, and the burden  
19 shifts to the government. Unless the government can prove a “significant  
20 likelihood of removal in the reasonably foreseeable future,” Mr. Arostegui-Campo  
21 must be released. *Zadvydas*, 533 U.S. at 701.

22 **D. *Zadvydas* unambiguously prohibits this Court from denying Mr.  
23 Arostegui-Campo’s petition because of his criminal history.**

24 If released on supervision, Mr. Arostegui-Campo poses no risk of danger or  
25 flight. He has been on supervision for almost forty years. Exh. A at ¶ 3. During  
26 that time, he has had no violations, and has checked in regularly with ICE. *Id.* at  
27 ¶ 6. Moreover, during that time, he got married and has a child. *Id.* at ¶ 5. He is a  
28 union member and is part of his neighborhood watch. *Id.*

1 Even if the government did try to argue that Mr. Arostegui-Campo posed a  
2 danger or flight risk, however, *Zadvydas* squarely holds that those are not grounds  
3 for detaining an immigrant when there is no reasonable likelihood of removal in  
4 the reasonably foreseeable future. 533 U.S. at 684–91.

5 The two petitioners in *Zadvydas* both had significant criminal history.  
6 Mr. Zadvydas himself had “a long criminal record, involving drug crimes,  
7 attempted robbery, attempted burglary, and theft,” as well as “a history of flight,  
8 from both criminal and deportation proceedings.” *Id.* at 684. The other petitioner,  
9 Kim Ho Ma, was “involved in a gang-related shooting [and] convicted of  
10 manslaughter.” *Id.* at 685. The government argued that both men could be detained  
11 regardless of their likelihood of removal, because they posed too great a risk of  
12 danger or flight. *Id.* at 690–91.

13 The Supreme Court rejected that argument. The Court appreciated the  
14 seriousness of the government’s concerns. *Id.* at 691. But the Court found that the  
15 immigrant’s liberty interests were weightier. *Id.* The Court had never  
16 countenanced “potentially permanent” “civil confinement,” based only on the  
17 government’s belief that the person would misbehave in the future. *Id.*

18 The Court also noted that the government was free to use the many tools at  
19 its disposal to mitigate risk: “[O]f course, the alien’s release may and should be  
20 conditioned on any of the various forms of supervised release that are appropriate  
21 in the circumstances, and the alien may no doubt be returned to custody upon a  
22 violation of those conditions.” *Id.* at 700. The Ninth Circuit later elaborated, “All  
23 aliens ordered released must comply with the stringent supervision requirements  
24 set out in 8 U.S.C. § 1231(a)(3). [They] will have to appear before an immigration  
25 officer periodically, answer certain questions, submit to medical or psychiatric  
26 testing as necessary, and accept reasonable restrictions on [their] conduct and  
27 activities, including severe travel limitations. More important, if [they] engage[ ]  
28 in any criminal activity during this time, including violation of [their] supervisory

1 release conditions, [they] can be detained and incarcerated as part of the normal  
2 criminal process.” *Ma*, 257 F.3d at 1115.

3 These conditions have proved sufficient to protect the public for almost 40  
4 years. They will continue to do so while ICE keeps trying to deport Mr.  
5 Arostegui-Campo.

6  
7 **III. Claim 3: ICE may not remove Mr. Arostegui-Campo to a third  
8 country without adequate notice and an opportunity to be heard.**

9 In addition to unlawfully detaining him and the failure to comply with  
10 regulations and statute, ICE’s policies threaten his removal to a third country  
11 without adequate notice and an opportunity to be heard. These policies violate the  
12 Fifth Amendment, the Convention Against Torture, and implementing regulations.

13 **E. Legal background**

14 U.S. law enshrines protections against dangerous and life-threatening  
15 removal decisions. By statute, the government is prohibited from removing an  
16 immigrant to any third country where they may be persecuted or tortured, a form  
17 of protection known as withholding of removal. *See* 8 U.S.C. § 1231(b)(3)(A). The  
18 government “may not remove [a noncitizen] to a country if the Attorney General  
19 decides that the [noncitizen’s] life or freedom would be threatened in that country  
20 because of the [noncitizen’s] race, religion, nationality, membership in a particular  
21 social group, or political opinion.” *Id.*; *see also* 8 C.F.R. §§ 208.16, 1208.16.  
22 Withholding of removal is a mandatory protection.

23 Similarly, Congress codified protections enshrined in the CAT prohibiting  
24 the government from removing a person to a country where they would be tortured.  
25 *See* FARRA 2681-822 (codified as 8 U.S.C. § 1231 note) (“It shall be the policy of  
26 the United States not to expel, extradite, or otherwise effect the involuntary return  
27 of any person to a country in which there are substantial grounds for believing the  
28 person would be in danger of being subjected to torture, regardless of whether the

1 person is physically present in the United States.”); 28 C.F.R. § 200.1; *id.*  
2 §§ 208.16-208.18, 1208.16-1208.18. CAT protection is also mandatory.

3 To comport with the requirements of due process, the government must  
4 provide notice of the third country removal and an opportunity to respond. Due  
5 process requires “written notice of the country being designated” and “the statutory  
6 basis for the designation, i.e., the applicable subsection of § 1231(b)(2).” *Aden v.*  
7 *Nielsen*, 409 F. Supp. 3d 998, 1019 (W.D. Wash. 2019); *accord D.V.D. v. U.S.*  
8 *Dep’t of Homeland Sec.*, No. 25-cv-10676-BEM, 2025 WL 1453640, at \*1 (D.  
9 Mass. May 21, 2025); *Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir. 1999).

10 The government must also “ask the noncitizen whether he or she fears  
11 persecution or harm upon removal to the designated country and memorialize in  
12 writing the noncitizen’s response. This requirement ensures DHS will obtain the  
13 necessary information from the noncitizen to comply with section 1231(b)(3) and  
14 avoids [a dispute about what the officer and noncitizen said].” *Aden*, 409 F. Supp.  
15 3d at 1019. “Failing to notify individuals who are subject to deportation that they  
16 have the right to apply for asylum in the United States and for withholding of  
17 deportation to the country to which they will be deported violates both INS  
18 regulations and the constitutional right to due process.” *Andriasian*, 180 F.3d at  
19 1041.

20 If the noncitizen claims fear, measures must be taken to ensure that the  
21 noncitizen can seek asylum, withholding, and relief under CAT before an  
22 immigration judge in reopened removal proceedings. The amount and type of  
23 notice must be “sufficient” to ensure that “given [a noncitizen’s] capacities and  
24 circumstances, he would have a reasonable opportunity to raise and pursue his  
25 claim for withholding of deportation.” *Aden*, 409 F. Supp. 3d at 1009  
26 (citing *Mathews v. Eldridge*, 424 U.S. 319, 349 (1976) and *Kossov v. I.N.S.*, 132  
27 F.3d 405, 408 (7th Cir. 1998)); *cf. D.V.D.*, 2025 WL 1453640, at \*1 (requiring the  
28 government to move to reopen the noncitizen’s immigration proceedings if the

1 individual demonstrates “reasonable fear” and to provide “a meaningful  
2 opportunity, and a minimum of fifteen days, for the non-citizen to seek reopening  
3 of their immigration proceedings” if the noncitizen is found to not have  
4 demonstrated “reasonable fear”); *Aden*, 409 F. Supp. 3d at 1019 (requiring notice  
5 and time for a respondent to file a motion to reopen and seek relief).

6 “[L]ast minute” notice of the country of removal will not suffice, *Andriasian*,  
7 180 F.3d at 1041; *accord Najjar v. Lunch*, 630 Fed. App’x 724 (9th Cir. 2016), and  
8 for good reason: To have a meaningful opportunity to apply for fear-based  
9 protection from removal, immigrants must have time to prepare and present  
10 relevant arguments and evidence. Merely telling a person where they may be sent,  
11 without giving them a chance to look into country conditions, does not give them a  
12 meaningful chance to determine whether and why they have a credible fear.

13 **F. The June 6, 2025 memo’s removal policies violate the Fifth**  
14 **Amendment, 8 U.S.C. § 1231, the Conviction Against Torture, and**  
15 **Implementing Regulations.**

16 The policies in the June 6, 2025 memo do not adhere to these requirements.  
17 First, under the policy, ICE need not give immigrants *any* notice or *any* opportunity  
18 to be heard before removing them to a country that—in the State Department’s  
19 estimation—has provided “credible” “assurances” against persecution and torture.  
20 Exh. B. By depriving immigrants of any chance to challenge the State Department’s  
21 view, this policy violates “[t]he essence of due process,” “the requirement that a  
22 person in jeopardy of serious loss be given notice of the case against him and  
23 opportunity to meet it.” *Mathews v. Eldridge*, 424 U.S. 319, 348 (1976) (cleaned  
24 up).

25 Second, even when the government has obtained no credible assurances  
26 against persecution and torture, the government can still remove the person with  
27 between 6 and 24 hours’ notice, depending on the circumstances. Exh. B.  
28 Practically speaking, there is not nearly enough time for a detained person to assess

1 their risk in the third country and martial evidence to support any credible fear—let  
2 alone a chance to file a motion to reopen with an IJ. An immigrant may know  
3 nothing about a third country, like Eswatini or South Sudan, when they are  
4 scheduled for removal there. Yet if given the opportunity to investigate conditions,  
5 immigrants would find credible reasons to fear persecution or torture—like patterns  
6 of keeping deportees indefinitely and without charge in solitary confinement or  
7 extreme instability raising a high likelihood of death—in many of the third  
8 countries that have agreed to removal thus far. Due process requires an adequate  
9 chance to identify and raise these threats to health and life. This Court must prohibit  
10 the government from removing Mr. Arostegui-Campo without these due process  
11 safeguards.

12  
13 **IV. This Court must hold an evidentiary hearing on any disputed facts.**

14 Resolution of a prolonged-detention habeas petition may require an  
15 evidentiary hearing. *Owino v. Napolitano*, 575 F.3d 952, 956 (9th Cir. 2009). Mr.  
16 Arostegui-Campo hereby requests such a hearing on any material, disputed facts.

17 **V. Prayer for relief**

18 For the foregoing reasons, Petitioner respectfully requests that this Court:

- 19 1. Order Respondents to immediately release Petitioner from custody;  
20 2. Enjoin Respondents from re-detaining Petitioner under 8 U.S.C.  
21 § 1231(a)(6) unless and until Respondents obtain a travel document for  
22 his removal;  
23 3. Enjoin Respondents from re-detaining Petitioner without first following  
24 all procedures set forth in 8 C.F.R. §§ 241.4(l), 241.13(i), and any other  
25 applicable statutory and regulatory procedures;  
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4. Enjoin Respondents from removing Petitioner to any country other than Cuba, unless they provide the following process, *see D.V.D. v. U.S. Dep't of Homeland Sec.*, No. CV 25-10676-BEM, 2025 WL 1453640, at \*1 (D. Mass. May 21, 2025):
- a. written notice to both Petitioner and Petitioner's counsel in a language Petitioner can understand;
  - b. a meaningful opportunity, and a minimum of ten days, to raise a fear-based claim for CAT protection prior to removal;
  - c. if Petitioner is found to have demonstrated "reasonable fear" of removal to the country, Respondents must move to reopen Petitioner's immigration proceedings;
  - d. if Petitioner is not found to have demonstrated a "reasonable fear" of removal to the country, a meaningful opportunity, and a minimum of fifteen days, for the Petitioner to seek reopening of his immigration proceedings.
5. Order all other relief that the Court deems just and proper.

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**Conclusion**

For those reasons, this Court should grant this habeas petition.

DATED: 11/7/2025

Respectfully submitted,



Petitioner

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**Fidel Eduardo Arostegui-Campo**



Otay Mesa Detention Center  
P.O. Box 439049  
San Diego, CA 92143-9049

Pro Se<sup>1</sup>

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

FIDEL EDUARDO  
AROSTEGUI-CAMPO,

Petitioner,

v.

KRISTI NOEM, Secretary of the  
Department of Homeland Security,  
PAMELA JO BONDI, Attorney General,  
TODD M. LYONS, Acting Director,  
Immigration and Customs Enforcement,  
JESUS ROCHA, Acting Field Office  
Director, San Diego Field Office,  
CHRISTOPHER LAROSE, Warden at  
Otay Mesa Detention Center,

Respondents.

CIVIL CASE NO.:

**DECLARATION OF  
FIDEL EDUARDO AROSTEGUI-  
CAMPO**

<sup>1</sup> Mr. Arostegui-Campo is filing this petition for a writ of habeas corpus and all associated documents with the assistance of the Federal Defenders of San Diego, Inc. Federal Defenders has consistently used this procedure in seeking appointment for immigration habeas cases.

1 I, Fidel Eduardo Arostegui-Campo, declare:

2 1. I was born in Cuba in 1960. In 1970, I came to the United States as a  
3 refugee with my mother.

4 2. When I was young, I had problems with addiction. I sustained drug  
5 offense convictions. In 1987, I was ordered deported to Cuba.

6 3. After my deportation, I was placed in immigration custody for almost  
7 four years. I was detained between 1994 and 1998. During that time, I was in San  
8 Pedro for less than a year, then I was moved to Nevada for 18 to 19 months, then I  
9 was moved to Louisiana for 2 years. I thought I would be detained by  
10 immigration indefinitely. I was released in 1998.

11 4. In 2004, I was placed in immigration custody again for  
12 approximately 7 months.

13 5. I was released on February 6, 2004. Since that day, I have completely  
14 changed my life around. I have dedicated my life to working, coming home and  
15 taking care of my United States Citizen wife and now my 11-year-old son. I am a  
16 member of my neighborhood watch, and I am part of a trade show union.

17 6. Since February 6, 2004, I have been on an order of supervision. That  
18 means I have reported to immigration every year. I have not had any violations or  
19 missed appointments for 21 years.


20 7. On October 21, 2025, I reported to ICE offices for my yearly check-  
21 in. Normally, I would sign a form and they would say to me, please come back  
22 next year. But this time, the officer asked me to come to an office. I received no  
23 explanation as to why I was being re-detained. The officer said he was sorry but  
24 due to the administration, he had to bring me in. The officer had me sign a paper  
25 but I did not receive a copy of the paperwork. I do not remember seeing a form  
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1 called notice of revocation. I was completely confused as to why I was being  
2 taken in. Nothing was explained to me. I gave my wife my phone and my wallet  
3 and I was arrested.

4  
5 8. When I was booked into the Otay Detention Center, I was asked  
6 about my medical history. I explained that I previously had liver cancer, I have  
7 high blood pressure, and migraines. I take medication for my cirrhosis but since I  
8 have been detained, I have not been receiving my medication.

9 9. I have not been given an interview where I can challenge my re-  
10 detention. Since I have been detained, no one has even talked to me about my  
11 case. The only people I have spoken to are the security guards and an attorney  
12 from Federal Defenders.

13 10. No one has asked me about signing papers for my travel documents  
14 to Cuba. No one has talked to me about deporting to Mexico.

15  
16 11. I cannot afford an attorney. I work on an hourly basis setting up for  
17 trade shows. I have not worked since the first week of October. I am the sole  
18 bread winner of the family. My wife takes care of her mother who has cancer. In  
19 less than two months, we will not have enough to pay our mortgage and taxes for  
20 our home. Work has been slow this year, and I have made less than  since  
21 January of this year.

22 12. I do not have any legal education. I completed my GED while I was  
23 in detained by immigration in a Louisiana prison. I do not have the ability to do a  
24 habeas petition on my own. I know nothing about immigration law. I do not have  
25 unrestricted access to the internet in custody.

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I declare under penalty of perjury that the foregoing is true and correct,  
executed on 11-7-2025, in San Diego, California.



Declarant

# Exhibit B

**PROOF OF SERVICE**

I, the undersigned, caused to be served the within Petition for Writ of Habeas Corpus by email, at the request of Janet Cabral, Chief of the Civil Division, to:

U.S. Attorney's Office, Southern District of California  
Civil Division  
Janet.Cabral@usdoj.gov

Date: November 10, 2025

/s/ Zandra L. Lopez  
Zandra L. Lopez