

1 Caroline Matthews (California #285754)
2 *Pro bono* counsel for the Petitioner
3 120 Stevens Ave
4 Solana Beach, CA 92075
5 (858) 509 - 2597
6 caroline@pathwayssd.org

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

9 BEATRIZ URIBE TREJO,
10
11 Plaintiff,

12 vs.

13 CHRISTOPHER LAROSE, warden of
14 Otay Mesa Detention Center
15 SIDNEY AKI, San Diego Field Office
16 Director, Immigration and Customs
17 Enforcement and Removal Operations
18 (“ICE/ERO”);
19 TODD LYONS, Acting Director of
20 Immigration Customs Enforcement
21 (“ICE”);
22 KRISTI NOEM, Secretary of the
23 Department of Homeland Security
24 (“DHS”);
25 PAMELA BONDI, Attorney General of
26 the United States,
27 U.S. DEPARTMENT OF HOMELAND
28 SECURITY;
U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT;

Respondents.

Case No.: '25CV3253 JES DDL

Agency Number: 

PETITION FOR WRIT OF HABEAS CORPUS


EXPEDITED HEARING REQUEST

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INTRODUCTION

1. Our nation has long realized the deep rooted interest in family.

Recognizing this interest is reflected in many of our laws and policies. In this tradition, much of immigration policy is guided by the principle that family-based immigration is afforded special deference and no area is more sacred than that of the immediate relative category under immigration law. This petition hinges on the special deference our law gives to these family relations and is also why this petition for habeas corpus should be immediately granted.

2. The petitioner, Ms. Uribe Trejo, was born on  1981. The petitioner is a mother of three United States citizen children. Her family is her central motivating factor in life and she has built an incredible network in the community because of her commitment to her family and community. Ms. Trejo Uribe has no criminal or immigration history in the United States or anywhere in the world. In fact, quite to the contrary,

3. She came to the United States frequently from Mexico via a valid Border Crossing card (also known as a B1/B2 Visa) issued by the United

1 States. She used this card, as authorized, for many years, coming to visit
2 family and friends in San Diego. She had family who were Legal Permanent
3 Residents (“LPR”) and Ms. Uribe Trejo frequently visited and cared for
4 family as they aged.
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8 4. Eventually, those same family connections fostered, inspired one of
9 Ms. Uribe Trejo's three U.S. citizen children apply for her mother to adjust
10 status through United State Citizenship and Immigration Services (USCIS)
11 and become an LPR herself. The process becomes the centerpiece of our
12 current need for the habeas petition.
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16 JURISDICTION

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19 5. This action arises under the Constitution of the United States and
20 the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et. seq.
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22 6. This court has subject matter jurisdiction under 28 U.S.C. § 2241
23 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2
24 of the United States Constitution (Suspension Clause).
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27 7. This Court may grant relief under the habeas corpus statutes, 28
28 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et.

1 seq., the All Writs Act, 28 U.S.C. § 1651, and the Immigration and
2
3 Nationality Act, 8 U.S.C. § 1252(e)(2).

4 **VENUE**

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6 8. Venue is proper because Petitioner is in Respondents' custody in
7
8 San Diego, California. Venue is further proper because a substantial part of
9
10 the events or omissions giving rise to Petitioner's claims occurred in this
11
12 District, where Petitioner is now in Respondent's custody. 28 U.S.C. §
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14 1391(e).

15 9. For these same reasons, divisional venue is proper under Local 5
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17 Rule HC.1

18 **REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243**

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20 10. The Court must grant the petition for writ of habeas corpus or
21
22 issue an order to show cause (OSC) to the Respondents "forthwith," unless
23
24 the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued,
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26 the Court must require Respondents to file a return "within three days unless
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28 for good cause additional time, not exceeding twenty days, is allowed." *Id.*

11. Courts have long recognized the significance of the habeas statute
in protecting individuals from unlawful detention. The Great Writ has been

1 referred to as “perhaps the most important writ known to the constitutional
2 law of England, affording as it does a swift and imperative remedy in all
3 cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400
4 (1963).
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8 12. Petitioner is “in custody” for the purpose of § 2241 because she is
9 arrested and detained by Respondents.
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16 **PARTIES**
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18 13. Beatriz Uribe Trejo (“Petitioner”) is a 44-year-old citizen of
19 Mexico. She is a resident of San Diego, California, and is present within the
20 state of California as of the time of the filing of this petition.
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23 14. Respondent Christopher Larosse is the Warden of the Otay Mesa
24 Detention Center and is a legal custodian of Petitioner.
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26 15. Respondent Sydney Aki is the Field Office Director for the San
27 Diego Field Office, Immigration and Customs Enforcement and Removal
28 Operations (“ICE”). The San Diego Field Office is responsible for local

1 custody decisions relating to non-citizens charged with being removable
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3 from the United States, including the arrest, detention, and custody status of
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5 non- citizens. The San Diego Field Office's area of responsibility includes
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7 San Diego, California and the Otay Mesa Detention Center. Respondent
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9 Sidney Aki is a legal custodian of Petitioner.

10 16. Respondent Todd Lyons is the acting director of U.S. Immigration
11
12 and Customs Enforcement, and he has authority over the actions of
13
14 respondent Sidney Aki and ICE in general. Respondent Lyons is a legal
15
16 custodian of Petitioner.

17 17. Respondent Kristi Noem is the Secretary of the Department of
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19 Homeland Security (DHS) and has authority over the actions of all other
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21 DHS Respondents in this case, as well as all operations of DHS. Respondent
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23 Noem is a legal custodian of Petitioner and is charged with faithfully
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25 administering the immigration laws of the United States.

26 18. Respondent Pamela Bondi is the Attorney General of the United
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28 States, and as such has authority over the Department of Justice and is
charged with faithfully administering the immigration laws of the United
States.

1 Third, the noncitizen must not be otherwise barred under the Act. Lastly,
2 whether the noncitizen was “inspected and admitted” under immigration law
3 will be determinative for most applicants. *Immigration and Nationality Act*
4
5 *(INA) §245(a)-(e)*
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8 24. An immediate relative under the law is defined as “the spouse of a
9 U.S. citizen; the unmarried child under 21 years of age of a U.S. citizen; or
10 the parent of a U.S. citizen (if the U.S. citizen is 21 years of age or older).”
11 For an immediate relative a visa is always available. INA § 201(b)(2)(A)(i).
12


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14 25. This definition distinguishes a unique category of persons and
15 protects the importance of the closest familial relationship between a United
16 States citizen and the immediate relative. Immediate relatives can adjust
17 status, *even if* some of the bars to adjustment have occurred. The bars at INA
18 § 245(c) prohibit adjustment of status under § 245(a) if the person falls
19 within certain categories, like those that failed to maintain lawful status,
20 worked without authorization, or certain other categories. These bars do not
21 apply to immediate relatives. A fact that other categories of applicants are
22 not afforded bearing special significance on the importance of this
23 protection. Individuals in a preference category, on the other hand, are
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1 subject to the bars at § 245(c) and cannot adjust under INA § 245(a) if they
2 have fallen out of status (or never had lawful status) or have worked without
3 authorization. This means that most preference category immigrants, even
4 after meeting the threshold requirement of having been “inspected and
5 admitted or paroled” will still be unable to adjust status in the United States.
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9 26. The INA defines “admission” as the “lawful entry of the
10 noncitizen into the United States after inspection and authorization by an
11 immigration officer.” Those admitted into the United States with a valid visa,
12 whether with a tourist visa (B-2), or other eligible nonimmigrant visa, meet
13 the requirement of having been “inspected and admitted.” INA §101
14
15 Noncitizens in immigration proceedings are entitled to Due Process under
16 the Fifth Amendment of the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292,
17 306 (1993).
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23 27. The Immigration and Nationality Act (INA) establishes various
24 procedures through which individuals may be detained pending a decision
25 on whether the noncitizen is to be removed. 8 U.S.C. § 1226(a).
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1 31. We proceeded after determining that Ms. Uribe Trejo was an
2
3 “immediate relative,” as a parent of a U.S.Citizen petitioner, thus a visa was
4
5 immediately available. Additionally, Ms. Uribe Trejo was (and remains)
6
7 admissible, triggering no grounds of inadmissibility that required any
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9 waivers. Ms. Uribe Trejo also meets the legal requirement to be “inspected
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11 and admitted” through her B1/B2 Border Crossing card entry. Because of all
12
13 this, Ms. Uribe Trejo was eligible to file her one-step adjustment with
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15 USCIS thus on July 25, 2025 the above-mentioned applications were mailed
16
17 out with required USCIS fees in the manner and method required by USCIS.
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19 The entire submission was officially received by USCIS on July 31, 2025.
20
21 Notwithstanding all this, Ms. Uribe Trejo is also eligible to adjust even if the
22
23 245(c) bars to adjustment were present since they do not apply to *immediate*
24
25 *relatives*.

26 32. On October 1, 2025, Ms Uribe Trejo’s Form I-130 was approved.
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28 Her I-130 was based on a birth certificate proving she is the biological
 mother of petitioning United States citizen daughter, . She
 has complied with all immigration requirements including submitting to
 biometric data at her assigned appointment. On October 7, 2025, counsel

1 received a Form I-797C, Notice of Action, Request For Applicant to Appear
2
3 for Initial Interview, directing petitioner to appear at the San Diego Field
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5 Office on November 18, 2025 at 9:10am.

6 33. On November 18, 2025, petitioner and interview counsel
7
8 appeared, ready to have her affirmative I-485 interview at the San Diego
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10 Field office located at 1325 Front Street. Holly Richardson, as interview
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12 counsel, petitioning U.S. citizen daughter, [REDACTED] translator,
13
14 Ashley Lopez, and Ms. Uribe Trejo all presented to the field office 30
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16 minutes prior and were cleared through security.

17 34. After security, Ms. Uribe was asked to submit fingerprints and
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19 check in on the Fourth Floor, as is the regular procedure of USCIS prior to
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21 an adjustment interview. After a period of waiting, USCIS Field Officer
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23 Tatum came to the Fourth Floor lobby to summon Ms. Uribe Trejo, her
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25 petitioning U.S. citizen daughter, [REDACTED] along with accompanying
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27 attorney, Holly Richardson, and interpreter, Ashley Lopez. The group was
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29 led into Officer Tatum's office as normal.

30 35. Since the I-130 petition was previously approved, Officer Tatum
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32 began to conduct the I-485 interview necessary to adjudicate and approve

1 the I-485. At the near conclusion of the interview, Officer Tatum said he was
2 required to call his supervisor as a witness and have Ms. Uribe Trejo to sign
3 a Record of Sworn Statement. The supervisor stayed in the room while Ms.
4 Uribe Trejo reviewed the statement. After one change was made to the sworn
5 statement, Ms. Uribe Trejo signed the statement, as did the supervisor. The
6 supervisor then left the interview room. At the end of the entire interview,
7 Ms. Uribe Trejo signed electronically to conclude the interview. Officer
8 Tatum then said that agents will give you instructions.

14 36. The interview at this point was completed and the officer and
15 USCIS would have all the required documents to approve the adjustment of
16 status, effectively making Ms. Uribe Trejo a Legal Permanent Resident. The
17 egregiousness of this seems particularly troubling for purposes of
18 jurisdiction. While immigration courts through Executive Office of
19 Immigration Review (EOIR) are capable of adjudicating a I-485 application,
20 there is a distinct right for individuals to seek jurisdiction under USCIS
21 minimizing fees and obstacles involved with court-related know-how. It
22 appears that instead of following the INA and DHS published procedure,
23 ICE is effectively making the choice of venue for Ms. Uribe Trejo. Instead,

1 immediately following this interview, four Immigration and Customs
2 Enforcement (ICE) agents entered the room. Three male agents were dressed
3 in marked vests and one female agent was plain clothed.
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6 37. Apparently United States Citizenship and Immigration
7 Services officers colluded to entrap Ms. Uribe Trejo under the guise of
8 adjudicating an interview for a lawfully sought immigration benefit. It
9 became clear the ICE agents intended to detain Ms. Uribe Trejo so, Attorney
10 Holly Richardson asserted Ms. Uribe Trejo's right to notice and Ms.
11 Richardson demanded to see a warrant, Notice to Appear (NTA), or other
12 documentation. Ms. Richardson insisted several times for the justification of
13 what was happening. Ms. Uribe Trejo was given no prior notice or written
14 justification for the detainment and infringement on her liberty.
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21 38. The officers said they had no such documentation. Counsel
22 insisted that she could not be detained under these circumstances as her Due
23 Process rights were being violated without any particularized written notice
24 for the reasons for her detainment.
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28 39. Next, all, but Ms. Uribe Trejo were summarily escorted back to
the Fourth Floor lobby, past the locked door which only U.S. government

1 employees can open. Ms. Richardson, Ms. Camacho, and Ms. Lopez were
2 not given information on where Ms. Uribe Trejo would be or how to obtain
3 that information. Attorney Holly Richardson promptly contacted Caroline
4 Matthews, current counsel herein. I gave instructions to go to 880 Front
5 Street, San Diego, California to the Second Floor of the USGSA Public
6 Building services where ICE conducts check-ins and has a basement level
7 processing and holding area.
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13 40. Meanwhile, Ms. Uribe Trejo was then placed in handcuffs and
14 escorted through non-public, restricted spaces down to the garage of the
15 USCIS Field Office building where ICE agents hoped to be shielded from
16 attention. Before they placed her in the vehicle they also handcuffed her feet.
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19 41. Several community members encountered the ICE agents who
20 were now masked in order to hide their identities. These community
21 members filmed the encounter where you can see Ms. Uribe Trejo is
22 compliant and courageous in spite of agents' unlawful actions. The
23 community members ask why a woman is being detained at her affirmative
24 interview who is eligible and admissible for the immigration benefit she
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1 seeks. No answer was given and in fact, ICE agents began to photograph the
2 community members without their consent.
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4 42. Next, a shackled Ms. Uribe Trejo was driven somewhere for a
5 short time, with about 6 other individuals who were detained, presumably
6 taken to 880 Front Street to ICE offices. Once she arrived, she and the other
7 detainees were brought to the basement. They received a paper about getting
8 their documents from USCIS and were again placed in a room.
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12 43. At the same time, Holly Richardson and Ashley Lopez entered
13 the building and went to the ICE Office on the second floor. They spoke with
14 an ICE agent at that office and asked about the whereabouts of Ms. Uribe
15 Trejo. The agent used her A-Number to attempt to locate her. The agent was
16 unable to locate Ms. Uribe Trejo in the system. He told Ms. Richardson and
17 Ms. Lopez that ICE did not know where Ms. Uribe Trejo was and that it
18 could be many hours before she would arrive. Ironically, Ms. Uribe Trejo
19 was downstairs as this whole scene played out. A fact that would have been
20 easy to confirm if it was investigated by the DHS employees. 6. At no time
21 were Ms. Trejo Uribe or her counsel, given any written notice of a violation
22 of immigration law under the INA or any other law for that matter. Neither
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1 Ms. Uribe Trejo nor counsel were told how or why a determination had been
2 made that she was now deemed a flight risk and/or a danger to society such
3 that detention is necessitated.
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6 44. Furthermore, the agent informed Ms. Richardson and Ms.
7 Lopez that they could not go to the DHS holding facility in the basement of
8 the building until Ms. Uribe Trejo arrived and called them. At that point,
9 they could then be escorted to the basement by a DO. This procedure would
10 be the only way that Richardson and Lopez would even have a chance to see
11 Ms. Uribe Trejo. Eventually it became clear that there would be no way to
12 see Ms. Uribe Trejo or know more details about her whereabouts.
13 Repeatedly, Ms. Richardson asked for an NTA or processing paperwork and
14 was told none could be provided.
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21 45. Present counsel called ICE directly and Otay Mesa Detention
22 Facility as the A-Number yielded nothing in the ICE locator. I would call in
23 this fashion over the next 24 hours with the same lack of results. I attempted
24 to file an electronic G-28 through ERO file and was similarly met that no
25 immigration case exists for this A-number.
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1 46. More hours passed as the detainees were brought into another
2 room. Initially, Ms. Uribe Trejo, shared this space with three women and
3 eventually, by around 6pm, there were nine women in total sharing the space
4 with no beds and an exposed toilet to share. For more than eleven hours in
5 total, Ms. Uribe Trejo was detained in these circumstances. She slept on the
6 floor that night as different agents took each detainee throughout the night.
7 They were given some basic necessities and a phone call.
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13 47. After Early the next morning, Ms. Uribe Trejo and many other
14 detainees, male and female, were taken to Otay and arrived around 6am.
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16 48. Eventually Respondents placed Ms. Uribe Trejo into 240
17 removal proceedings and instituted removal proceedings. Respondents did
18 so based not on Ms. Uribe Trejo's personal circumstances or individualized
19 facts, but because of Respondents' whim and categorical determination that,
20 the Fifth Amendment notwithstanding, noncitizens are not entitled to due
21 process.
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26 49. But Respondents cannot evade the law so easily. The U.S.
27 Constitution requires the Respondents provide . Accordingly, to vindicate
28 Petitioner's rights, this Court should grant the instant petition for a writ of

1 habeas corpus. Ms. Uribe Trejo asks this Court to find that Respondents’
2 attempt to detain her are arbitrary and capricious and in violation of the law,
3 and to immediately issue an order preventing his transfer out of this district.
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6 50. On January 20, 2025, President Donald Trump issued several
7 executive actions relating to immigration, including “Protecting the
8 American People Against Invasion,” an executive order (EO) setting out a
9 series of interior immigration enforcement actions. The Trump
10 administration, through this and other actions, has outlined sweeping,
11 executive branch-led changes to immigration enforcement policy,
12 establishing a formal framework for mass deportation. The “Protecting the
13 American People Against Invasion” EO instructs the DHS Secretary “to take
14 all appropriate action to enable” ICE, CBP, and USCIS to prioritize civil
15 immigration enforcement procedures including through the use of mass
16 detention.
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24 51. On information and belief, Respondents are detaining Petitioner
25 regardless of the individual facts and circumstances of his case.
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1 52. On information and belief, Respondents are using the
2
3 immigration detention system as a means to punish individuals for asserting
4
5 rights under the Refugee Act.

6 53. On information and belief, Petitioner has no criminal history.

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8 **CLAIMS FOR RELIEF**

9
10 **COUNT ONE**

11 **Violation of Fifth Amendment Right to Due Process**

12 **Procedural Due Process**

13
14 54. Petitioner restates and realleges all paragraphs as if fully set forth
15
16 here.

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18 55. The Due Process Clause of the Fifth Amendment to the U.S.
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20 Constitution prohibits the federal government from depriving any person of
21
22 “life, liberty, or property, without due process of law.” U.S. Const. Amend.
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24 V. Due process protects “all ‘persons’ within the United States, including
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26 [non-citizens], whether their presence here is lawful, unlawful, temporary, or
27
28 permanent.” *Zadvydas*, 533 U.S. at 693.

 56. Due process requires that government action be rational and non-
arbitrary. *See U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

1 65. Under the APA, a court shall “hold unlawful and set aside agency
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3 action” that is an abuse of discretion. 5 U.S.C. § 706(2)(A).

4 66. An action is an abuse of discretion if the agency “entirely failed to
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6 consider an important aspect of the problem, offered an explanation for its
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8 decision that runs counter to the evidence before the agency, or is so
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10 implausible that it could not be ascribed to a difference in view or the
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12 product of agency expertise.” *Nat’l Ass’n of Home Builders v. Defs. of*
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14 *Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass’n of*
15
16 *U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).

17 67. To survive an APA challenge, the agency must articulate “a
18
19 satisfactory explanation” for its action, “including a rational connection
20
21 between the facts found and the choice made.” *Dep’t of Com. v. New York*,
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23 139 S. Ct. 2551, 2569 (2019) (citation omitted).

24 68. By using the affirmative interview setting as a pre-text for
25
26 entrapment and ultimately transferring Ms. Uribe Trejo to Otay Mesa
27
28 Detention Center without consideration of the individualized facts and
circumstances, Respondents have violated the APA.

1 78. Due process requires that government action be rational and non-
2 arbitrary. See *U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).
3

4 79. While the government has discretion to detain individuals under 8
5 U.S.C. § 1226(a) and to revoke custody decisions under 8 U.S.C. § 1226(b),
6 this discretion is not “unlimited” and must comport with constitutional due
7 process. See *Zadvydas*, 533 U.S. at 698.
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10

11 80. Here, Respondents have chosen to revoke Petitioner’s release in
12 an arbitrary manner and not based on a rational and individualized
13 determination of whether he is a safety or flight risk, in violation of due
14 process. Because no individualized custody revocation has been made and
15 no circumstances have changed to make Petitioner a flight risk or a danger to
16 the community, Respondents’ revocation of Petitioner’s release violates his
17 right to procedural due process.
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23 **COUNT FIVE**

24 **Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A)**

25 **Not in Accordance with Law and in Excess of Statutory Authority**

26 **Violation of 8 U.S.C. § 1225(b)**
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1 81. Petitioner restates and realleges all paragraphs as if fully set forth
2
3 here.

4 82. Under the APA, a court “shall . . . hold unlawful . . . agency
5
6 action” that is “not in accordance with law;” “contrary to constitutional
7
8 right;” “in excess of statutory jurisdiction, authority, or limitations;” or
9
10 “without observance of procedure required by law.” 5 U.S.C. § 706(2)(A)-
11
12 (D).

13 83. Congress has made it clear that the expedited removal statute does
14
15 not apply and may not be applied to individuals who were “paroled” into the
16
17 United States. 8 U.S.C. § 1225(b).

18 84. Petitioner is not amenable to nor may he be subjected to expedited
19
20 removal because he is not “arriving in the United States” as he has been
21
22 physically present for almost two years.

23 85. Petitioner is not amenable to nor may he be subjected to expedited
24
25 removal under the January 2025 designation because he was paroled. 8
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27 U.S.C. §1225(b)(1)(A)(iii)(II) (limiting expedited removal designations only
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to individuals who “has not been admitted or paroled into the United States).

1 (7) Award Petitioner attorney’s fees and costs under the
2
3 Equal Access to Justice Act, and on any other basis justified under law; and

4 (8) Grant any further relief this Court deems just and
5
6 proper.
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11 Dated: November 21, 2025

/s/Caroline G. Matthews
Caroline Matthews, Esq.
CASB# 285754
caroline@pathwayssd.org
120 Stevens Avenue
Solana Beach, CA 92075
Telephone: +1 858-509-2597
Pro Bono Attorney for Petitioner