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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BEATRIZ URIBE TREJO,

Petitioner,

v.

CHRISTOPHER LAROSE, warden of Otay Mesa Detention Center
SIDNEY AKI, San Diego Field Office Director, Immigration and Customs Enforcement and Removal Operations ("ICE/ERO");
TODD LYONS, Acting Director of Immigration Customs Enforcement ("ICE");
KRISTI NOEM, Secretary of the Department of Homeland Security ("DHS");
PAMELA BONDI, Attorney General of the United States,
U.S. DEPARTMENT OF HOMELAND SECURITY;
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT;

Respondents.

Case No.: 3:25-cv-03253-JES-DDL

PETITIONER'S TRAVERSE

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INTRODUCTION

Ms. Uribe Trejo was petitioned by her United States Citizen (U.S.C.) daughter earlier this year for a legally sought immigration benefit before United States Citizenship and Immigration Service (USCIS). Ms. Uribe Trejo submitted all the foregoing information and complied with each required step outlined by USCIS. But despite complying with all the immigration-related requirements associated with submitting an affirmative application, Ms. Uribe Trejo was arrested with no notice or due process of law at the very interview that would be the last step in the affirmative process. In a strange and unprecedented turn, the USCIS officer conducted the *entirety* of her affirmative process, even signing her application, then in violation of its own procedure and in violation of due process of law, four Immigration and Custom Enforcement (ICE) officers came and arrested Ms. Uribe Trejo. Despite counsel requesting documents pertaining to the arrest, ICE officers showed no such warrant or Notice to Appear. After this unlawful arrest, Ms. Uribe Trejo was held in the downtown San Diego facility for eleven hours without a warrant and was then transferred to the Otay Mesa Detention Facility. Her A-number would yield nothing in EOIR (Executive Office of Immigration Review) case information database; this database would indicate if removal proceedings had been initiated. Most importantly to the claims herein, *Ms. Uribe Trejo was never given a warrant for arrest,* despite the government's claim to the contrary. Looking at the government's exhibits,

miraculously a warrant is included with a date of November 15, 2025 and shown to be executed. The question of where the warrant was at the time prior to the arrest or anytime during the detention that ensured, remains a mystery only ICE and the government seem to have the keys to unlock.

The arrest was unlawful for being made without cause in violation of the Fourth and Fifth Amendment to the Constitution. The arrest and detention are unlawful as they occurred without due process guaranteed by the Fifth Amendment to the Constitution and because they violate the Administrative Procedures Act and for other reasons as set out more fully below. Ultimately, as a result of Ms. Uribe Trejo's unlawful arrest and detention a habeas petition was filed on November 21, 2025 with this esteemed court.

This Court has jurisdiction to consider the claims asserted in Ms. Uribe Trejo's habeas petition, for three reasons. First, her claims are inextricably intertwined with the government's authority to detain her, which this Court has jurisdiction to review. Second, this Court has jurisdiction to consider whether the agency has complied with due process and its mandatory, nondiscretionary duties. Finally, even if Ms. Uribe's claims *were* precluded by the Immigration and Nationality Act, which they are not, this Court could review them under the Suspension Clause. Thus, no jurisdictional bars prevent this Court from reviewing Ms. Uribe's claims.

Ms. Uribe Trejo's claims also succeed on the merits. When the government arrested and detained Ms. Uribe Trejo at the conclusion of her affirmative I-485 interview then, after the fact served a Notice to Appear (NTA), initiating removal proceedings, they did so in violation of the statute and regulations. These statutes and regulations require written notification and a determination that USCIS is referring to EOIR or is denying the immigration benefit and thus serving the noncitizen with a NTA. Either way, the agency's actions violated the Administrative Procedures Act and procedural due process. Forcing Ms. Trejo Uribe to pursue her affirmative process, defensively in the courts also violates the Administrative Procedures Act and procedural due process because the agency provided no notice, explanation, or reasons for its decision in violation of its own policies, guidance, and practice.

Thus, this Court should order the immediate release of Ms. Uribe Trejo, bar any re-detention or further imposition of liberty without further order of this court (i.e. ICE check ins, ISAP monitoring, etc) , reinstate her affirmative proceeding and order USCIS to adjudicate the application (for which they already have all the evidence and required documents to approve).

STATEMENT OF FACTS

I. Ms. Uribe Trejo was inspected and admitted into the United States and allowed to affirmatively apply for a green card through USCIS.

Often individuals present in the United States who have a family member who can submit a family-based petition for them, are prevented from adjusting status because of the manner they entered. Because Ms. Uribe Trejo always used a valid Border Crossing Card, issued by the United States, to enter the United States; she was "inspected and admitted" for the purposes of immigration law. (INA §245(a)). In other words, Ms. Uribe Trejo entered lawfully.

This is a key requirement in determining whether and where an individual is able to file for immigration benefits. Upon her last valid visitor visa entry (B1/B2) with this border crossing card, she ultimately stayed in the United States caring for her family. Ms. Uribe Trejo has three United States citizen-children and one of these children petitioned with United States Citizenship and Immigration Service (USCIS) for Ms. Uribe Trejo earlier this year. This application included a Form I-130, Petition for Alien Relative, and a Form I-485 Application to Register to Permanent Residence or Adjust Status. (This is often referred to as a "one-step" adjustment.) As a part of this application, information is submitted about the noncitizen's financial support. Additionally, the noncitizen must submit to a required medical exam conducted by a government approved physician, and is

required to attend a biometric appointment where fingerprint data is used to determine eligibility and verify identity. After many months of processing, the noncitizen will be sent an interview notice directing the petitioning USC and the noncitizen to report to the USCIS Field Office for an interview. The final step in a long process to becoming a Legal Permanent Resident (LPR).

II. Petitioner is in receipt of an I-130 approval and completed all required steps to be approved for Legal Permanent Residence prior to the government instituting removal proceedings

On October 1, 2025, Ms Uribe Trejo's Form I-130 was approved by USCIS, who holds sole jurisdiction to adjudicate this crucial petition. While Form I-130 does not itself confer an immigration benefit, it verifies the existence of the relationship necessary to be eligible for the approval of the I-485 Application to Register to Permanent Residence or Adjust Status. Note, that the form I-130 may only be adjudicated by USCIS.

On October 7, 2025, counsel received a Form I-797C, Notice of Action, Request For Applicant to Appear for Initial Interview, directing petitioner to appear at the San Diego Field Office on November 18, 2025 at 9:10am. On November 18, 2025, petitioner and interview counsel appeared, ready to have her affirmative I-485 interview at the San Diego Field office located at 1325 Front Street in downtown San Diego.What ensued was anything but ordinary procedure.

Since the I-130 petition was previously approved, the USCIS Officer began to conduct the I-485 interview necessary to adjudicate and approve the I-485. At

the end of the entire interview, Ms. Uribe Trejo signed electronically to conclude the interview.

III. At the conclusion of her USCIS Adjustment of Status interview, Ms. Uribe Trejo is arrested and detained and later placed in removal proceedings with no notice or explanation depriving her of a liberty interest

The interview at this point was completed and the officer and USCIS would have all the required documents to approve, deny, or request additional evidence for the adjustment of status. Instead, immediately following this interview, four Immigration and Customs Enforcement (ICE) agents entered the room. Three male agents were dressed in marked vests and one female agent was plain clothed. Apparently United States Citizenship and Immigration Services officers colluded to entrap Ms. Uribe Trejo under the guise of adjudicating an interview for a lawfully sought immigration benefit. It became clear the ICE agents intended to detain Ms. Uribe Trejo so Counsel asserted Ms. Uribe Trejo's right to notice and demanded to see a warrant, Notice to Appear (NTA), or other documentation which would justify why ICE was claiming jurisdiction over the matter.

Counsel insisted several times for the justification of what was happening. Ms. Uribe Trejo was given no prior notice or written justification for the detainment and infringement on her liberty. The officers said they had no such

documentation and that it could be obtained later. Counsel insisted that she could not be detained under these circumstances as her Due Process rights were being violated without any particularized written notice for the reasons for her detainment.

Next, Ms. Uribe Trejo was shackled and taken to ICE custody downtown and spent the next eleven hours in a room with no beds and still no warrant was presented. Ms. Uribe Trejo was eventually told about the Notice to Appear by an ICE officer which she refused to sign.

V. **Inability to locate Ms. Uribe Trejo, misrepresentations made by ICE, and Ms. Uribe Trejo is placed in removal proceedings with no notice or explanation. Habeas petition filed.**

After the arrest, present counsel searched for Ms. Uribe Trejo in any of Department of Homeland Security's online databases, yielding "no results found" over the many hours that Ms. Uribe Trejo was in custody. Counsel was told that only once Ms. Uribe Trejo arrived at ICE's holding facility could she see Counsel or any NTA or warrant be shown to Counsel . After waiting hours for the announcement of Ms. Uribe Trejo's arrival it was clear that no such action would occur and in fact Ms. Uribe Trejo was downstairs at the very location as all this transpired. Phone calls to ICE and Otay Mesa Detention Center yielded nothing as well. Counsel called over five times to ICE's downtown holding facility between 10:00 am on November 18 until 1:00 am and was repeatedly told Ms. Uribe Trejo

was not present; a fact later found to be patently false. In fact, the petitioner spent eleven hours in that very place with fellow detainees in a room with no beds, taking turns sleeping on the floor.

After being unable to be found, Counsel was again forestalled from conferring with Ms. Uribe Trejo when for a brief moment she appeared on the ICE locator, gone about 5 minutes later. Counsel went to Otay Mesa on November 19, 2025 and was told the client was still not in the system and thus it was not possible to confer with her. Additionally, no EOIR case was registered to her. Counsel thus made the decision to draft and ultimately file a Habeas Petition with this esteemed court on November 21, 2025. At least 30 hours *after* the arrest, a Notice to Appear was available for viewing in the online EOIR Case Portal.

LEGAL ANALYSIS

I. Petitioner is Not Lawfully Detained Under 8 U.S.C. 1226(a). Accordingly, Petitioner is Not Required to Exhaust Administrative Remedies

The government argues that the petitioner is lawfully detained under 8 U.S.C. 1226(a). While Ms. Uribe Trejo does not argue that Section 1226 provides for arrest and detention of those pending removal, it certainly does not provide wide latitude to arrest and detain anyone they decide on a whim, in violation of proscribed law, to provide notice. If Ms. Uribe Trejo was "pending a decision on whether [she] is to be removed from the United States," under 1226(a) she should be aware that such proceedings have been initiated with a particularized written

notice. The way a noncitizen is given such notice is through a Notice to Appear (NTA) or Warrant for Arrest, neither of which occurred at the time of the arrest. In the Return, the government states that a Form I-200, Warrant for Arrest was issued *pursuant to 1226(a)* (emphasis added), but if that were true, why did Counsel nor the Petitioner receive this warrant? The return states "on the same date, she was apprehended on *that arrest warrant.*"I can assure you no such warrant was ever given to Counsel or the Petitioner, despite repeated demands for such a document, and the first sighting of this crucial warrant is in the Respondent's Return Exhibits. A Notice to Appear also miraculously appeared only after Ms. Uribe Trejo was arrested and detained.

After a person is arrested and detained, serving a NTA, does not remedy the unlawful act. The government completely dismisses Ms. Uribe Trejo's unlawful arrest and detention, likely relying on what the practice should and likely even has been in the past, but relying on what should be does not account for what occurred in the specific facts herein. The government's contention seems to be that whatever happened on November 18, 2025 can be rectified by later serving an NTA and that Ms. Uribe Trejo can now wait for a bond hearing while she.

A bond hearing that presupposes the noncitizen is lawfully detained under U.S.C. 1226(a). Why would a person who is unlawfully arrested and detained be required to pay a bond to rectify the unlawful detention? This is the latest

obfuscation of law. The pervasive policy of ICE and DHS is to arrest and detain first and then create a paper trail affirming commitments to Constitutional protections we all rely on. In the midst of the frenzy to make sure quotas are reached, the government violates the law ruining the lives of so many along the way. For this pleasure, the government asserts Ms. Uribe Trejo, and others similarly situated, should pay to get out of this unlawful situation. Now, like so many unfortunate people, she is in removal and detention awaiting justice as crowded dockets lack the ability to serve those housed in their jurisdiction. The government's position seems to rationalize unlawful arrest and detention can be fixed by wronged parties paying bonds assuring their not a flight risk or a danger to the community. This circular reasoning seems to create additional legal and financial hurdles to those who have sought legal pathways to a stable immigration status. Bonds, additional legal fees, and even additional application fees are associated with removal proceedings.

II. Ms. Uribe Trejo's Habeas Claims are Proper and are not Jurisdictionally Barred

In this habeas petition, Ms. Uribe Trejo challenges the arrest and detention that violated her Constitutional rights and took away her vested interest in pursuing affirmative immigration relief. The government improperly states that Petitioner is asking the Court to take jurisdiction over removal proceedings or the commencement of those proceedings, but instead Petitioner is correctly asking the Court to take jurisdiction over the government's authority to do so without

meaningful notice in violation of a Constitutional right to all persons. There are two pertinent legal questions in this analysis: 1) whether the Court has jurisdiction to consider these claims; and 2) whether these claims succeed on the merits. The answer to both is yes.

1. This Court has jurisdiction to consider Ms. Uribe Trejo's claims.

In cases raising similar claims, the government has argued that this Court lacks jurisdiction to consider or grant relief under 8 U.S.C. §§ 1252(g) and 1252(b)(9). This argument fails here for at least three independent reasons. First, Ms. Uribe Trejo's claims are inextricably intertwined with the government's authority to detain her, which this Court has jurisdiction to consider. Second, this Court has jurisdiction to review whether the agency has complied with due process and its mandatory, nondiscretionary duties. Finally, even if Ms. Uribe Trejo's claims *were* precluded by the statute, which they are not, this Court could review them under the Suspension Clause.

A. Ms. Uribe Trejos's claims challenge the government's authority to detain her.

While the government asserts the Court does not have subject matter jurisdiction to review a decision to commence or adjudicate removal proceedings, Courts have jurisdiction to "decide a purely legal question that does not challenge the Attorney General's discretionary authority." *Ibarra-Perez v. United States*, 154 F.4th 989, 996 (9th Cir. 2025) (quotations omitted). In *Ibarra-Perez*, the Ninth

Circuit squarely held that "§ 1252(g) does not prohibit challenges to unlawful practices merely because they are in some fashion connected to removal orders." *Id.* at 997. Accordingly, the question is whether Ms. Uribe Trejo's claims "challenge the Attorney General's discretionary authority." *Id.* at 996.

They do not. First, Ms. Uribe Trejo's claims relate to the government's authority to detain her, and courts have widely held that review of issues related to detention is not barred by § 1252(g) or (b)(9). *See, e.g., Flores–Torres v. Mukasey,* 548 F.3d 708, 711 (9th Cir. 2008) (holding that habeas jurisdiction exists to review a challenge to immigration detention based on a citizenship claim); *Kong v. United States*, 62 F.4th 608, 617 (1st Cir. 2023) (holding that "assertions of illegal detention [were] plainly collateral to ICE's prosecutorial decision to execute [a detainee's removal" and thus not subject to § 1252's jurisdictional bars); *Cardoso v. Reno*, 216 F.3d 512, 516 (5th Cir. 2000) ("[S]ection 1252(g) does not bar courts from reviewing an alien detention order[.]"); *Parra v. Perryman*, 172 F.3d 954, 957 (7th Cir. 1999) (§ 1252(g) did not apply to a "claim concern[ing] detention"). To undersigned counsel's knowledge, every judge in this district has held that it has jurisdiction to consider claims that an individual is unlawfully detained.

Importantly, all of the claims Ms. Uribe Trejo asserts in her habeas petition relate to the government's authority to arrest and detain her. Arresting her at her USCIS interview and commencing [INA] 240 removal proceedings violated

procedural due process and the Administrative Procedures Act. As this claim suggests, the government's commencement of removal proceedings is inextricably intertwined with its authority to detain her.

The Supreme Court recently clarified that when petitioners' claims for relief "necessarily imply the invalidity of their confinement and removal," such claims "fall within the core of the writ of habeas corpus." *Trump v. J. G. G.*, 672 (2025) (quotations omitted). Because the government's authority to detain Ms. Uribe Trejo is thus inextricably intertwined with the claims in the habeas petition, this Court has jurisdiction to consider them.

B. This Court has jurisdiction to consider claims alleging that the government failed to comply with its mandatory duties and due process.

Even if Ms. Uribe's claims were *not* inextricably intertwined with the government's authority to detain her, they would still not be jurisdictionally barred. That is because the jurisdictional bars of § 1252 do not bar review of claims that ICE is "failing to carry out non-discretionary statutory duties and provide due process." *J.R. v. Bostock*, No. 2:25-CV-01161-JNW, 2025 WL 1810210, at *3 (W.D. Wash. June 30, 2025); *see also D.V.D. v. U.S. Dep't of Homeland Sec.*, 778 F. Supp. 3d 355, 377–78 (D. Mass. 2025) (§ 1252(g) did not bar review of "the purely legal question of whether the Constitution and relevant statutes require notice and an opportunity to be heard").

In *Dep't of Homeland Sec. v. Regents of the Univ. of California*, 140 S. Ct. 1891, 1907 (2020), the Supreme Court held that § 1252(b)(9) "does not present a jurisdictional bar" where those bringing suit "are not asking for review of an order of removal," "the decision to seek removal," or "the process by which removability will be determined." (quotations and alterations omitted). And in *Vasquez Garcia v. Noem*, 25-cv-02180-DMS-MMP, 2025 WL 2549431, Dkt. 7 at *8 (S.D. Cal. Sept. 3,2025), Judge Sabraw held that "§ 1252(g) does not limit the Court's jurisdiction in the present case" because the petitioners were "enforcing their constitutional rights to due process in the context of the removal proceedings—not the legitimacy of the removal proceedings or any removal order."

Here, Ms. Uribe Trejo similarly challenges the legality of the government's arbitrary decision to improperly interfere with USCIS jurisdiction to adjudicate her I-485 and place her in proceedings before an immigration judge without notice, an opportunity to be heard, or any justification. Because these actions were "not performed in accordance with the mandatory procedures," they were not undertaken "in the discretion" of the agency. *Noori*, 2025 WL 2800149, at *6; *see also United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 265–68 (1954) (holding that agencies must adhere to their own binding regulations, both substantively and procedurally). Accordingly, this Court is not jurisdictionally barred from reviewing them.

C. Ms. Uribe Trejo's claims do not fall within the plain language of § 1252 and if they did, the statute would violate the Suspension Clause and Due Process.

Finally, Ms. Uribe Trejo's claims do not fall within the plain language of the § 1252(g) and § 1252(b)(9) jurisdictional bars. And even if they did, this Court could still review them under the Suspension Clause.

Section 1252(g) precludes judicial review of an agency decision to "commence proceedings, adjudicate cases, or execute removal orders." "The Supreme Court has instructed that we should read § 1252(g) narrowly." *Ibarra-Perez v. United States*, 154 F.4th 989, 991 (9th Cir. 2025) (citing *Reno v. Am.-Arab Anti-Discrimination Comm.* (*AADC*), 525 U.S. 471, 487 (1999); *Dep't of Homeland Sec. v. Regents of the Univ. of Cal.*, 591 U.S. 1, 19 (2020). That is because, as a general matter, establishing unreviewability is a "heavy burden," and "where substantial doubt about the congressional intent exists, the general presumption favoring judicial review of administrative action is controlling." *Block v. Cmty. Nutrition Inst.*, 467 U.S. 340, 351 (1984).

Here, Ms. Uribe Trejo's challenge does not fall within any of the three categories of § 1252(g). She does not challenge the agency's decision to "commence proceedings" under § 1252(g) because her one-step adjustment had "commenced" before USCIS. Nor does Ms. Uribe Trejo challenge the agency's decision to "adjudicate" her case—only the arbitrary decision to switch from one adjudicator (USCIS) to another (immigration court) after the final step was

accomplished. And Ms. Uribe Trejo could not challenge the agency's ability to "execute the removal order" given that she does not have one. Reading § 1252(g) "narrowly," *Ibarra-Perez*, 154 F.4th at 991, thus shows that Ms. Uribe's claims do not fall within any of these three categories.

The same is true of § 1252(b)(9). This section bars "[j]udicial review of all questions of law and fact, including interpretation and application of constitutional and statutory provisions, arising from any action taken or proceeding brought to remove an alien from the United States[.]" 8 U.S.C. § 1252(b)(9). But the Ninth Circuit holds that this statute, by its plain language, applies only to "judicial review of an order of removal" and does not eliminate the ability of a court to review claims that are "independent of challenges to removal orders." *Singh v. Gonzales,* 499 F.3d 969, 978 (9th Cir. 2007) (quotations omitted). Rather, § 1252(b)(9) was designed to limit noncitizens to "one bite of the apple with regard to challenging an order of removal," precluding, for instance, claims that the BIA erred in finding an individual "ineligible for asylum, withholding of removal, and relief under the [Convention Against Torture]." *Martinez v. Napolitano*, 704 F.3d 620, 622–23 (9th Cir. 2012). Thus, determining jurisdiction under § 1252 "requires a case-by-case inquiry turning on a practical analysis" of the noncitizen's circumstances. *Singh v. Holder*, 638 F.3d 1196, 1211 (9th Cir. 2011).

Here, Ms. Uribe Trejo does not challenge any decision that the BIA or a

circuit court could review as part of a final order of removal. Nor could she, since the agency has yet to issue a decision regarding removal. Rather, she seeks review of the agency's change of where to have her case adjudicated, which does not relate to the substance of his removal proceedings. Thus, neither provision in § 1252 strips this Court of jurisdiction to hear his claims.

But even if the government's expansive reading of § 1252 *were* correct, this Court could still hear Ms. Uribe Trejo's claims under the Suspension Clause. Under the Suspension Clause, "[t]he Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it." U.S. Const. Art. I 9, cl. 2. Courts have held that even when "Congress intended to strip all courts of jurisdiction over [a petitioner's] claim, the Suspension Clause of the Constitution nonetheless requires that [she] may bring [her] challenge through the writ of habeas corpus." *Ragbir v. Homan*, 923 F.3d 53, 57–58 (2d Cir. 2019), *cert. granted, judgment vacated sub nom. Pham v. Ragbir*, 141 S. Ct. 227 (2020). In determining the reach of the Suspension Clause, courts are required to consider "(1) the citizenship and status of the detainee and the adequacy of the process through which that status determination was made; (2) the nature of the sites where apprehension and then detention took place; and (3) the practical obstacles inherent in resolving the prisoner's entitlement to the writ." *Boumediene v. Bush*, 553 U.S. 723, 766 (2008).

The *Boumediene* factors weigh in Ms. Uribe Trejo's favor, and at a minimum, this

Court has jurisdiction to review her claims under the Suspension Clause.

III. On the merits, the government's actions violated the Administrative Procedures Act and due process.

Moving to the merits, Ms. Uribe Trejo claim argues that ICE's usurping of jurisdiction from UCSIS, arresting, detaining and placing Petitioner in removal violates the Administrative Procedures Act and procedural due process.

1. Failing to allow USCIS to adjudicate the I-485 and instead arresting and detaining Ms. Urbe Trejo violates the Administrative Procedures Act and Due Process.

A. The government's actions violated the Administrative Procedures Act.

Under the Administrative Procedures Act (APA), an agency action may be held unlawful and set aside if it is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A). An action is an abuse of discretion if the agency "entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *Nat'l Ass'n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)). For a challenged agency action to be upheld, the agency "must explain the evidence which is available, and must offer a rational connection between the facts found and the choice made." *Motor Vehicle Mfrs,* 463 U.S. at 52 (1983)

(internal quotations omitted) (quoting *Burlington Truck Lines, Inc. v. United States*, 371 U.S. 156, 168 (1962)).

Here, ICE, in connection with USCIS, violated the APA. Ms. Uribe Trejo was in the last step in a long process to lawfully seek an immigration benefit. Quite literally she had nothing further to do having signed her amended application with USCIS. Generally, the next step would be the interviewing USCIS officer would recommend approval and Ms. Uribe Trejo would shortly receive a notification of her approval. Next, a card would be produced and mailed to the new Legal Permanent Resident within short order. Instead, she was arrested, shackled, and detained with no notice. Doing so violated the APA because the agency did not "offer a rational connection between the facts found and the choice made"—i.e., the fact that Ms. Uribe Trejo was admissible and eligible to be approved as an LPR, yet instead was arrested and detained. *Motor Vehicle Mfrs,* 463 U.S. at 52. And nothing suggests that there *was* a "rational" reason for this choice, given that Ms. Uribe Trejo has an approved I-130, a complete and valid I-485 application, submitted to a medical examination, paid all applicable fees, submitted tax documents, complied with all the required appointments, and had no criminal or immigration history. This was the epitome of an "arbitrary" and "capricious" act under the APA. 5 U.S.C. § 706(2)(A).

B. The government's actions violated procedural due process.

The Fifth Amendment guarantees that "[n]o person shall be ... deprived of life, liberty, or property, without due process of law." U.S. Const. amend. V. To determine a violation of procedural due process, courts weigh the traditional factors of (1) the private interest at issue, (2) the risk of erroneous deprivation of that interest through the procedures used, and (3) the government's interest. *Mathews v. Eldridge*, 424 U.S. 319, 334–35 (1976). Here, these factors easily weigh in Ms. Uribe Trejo's favor.

First, the private interest at issue is Ms. Uribe Trejo's deprivation of liberty—i.e., becoming a Legal Permanent Resident, rather than being detained. *See Morrissey v. Brewer*, 408 U.S. 471, 482-483 (1972); *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) ("Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects."). The Immigration and Nationality Act governs where individuals can apply for immigration benefits based on circumstances unique to the beneficiaries. In the case of Ms. Uribe Trejo, she was able to choose her venue for seeking immigration benefits because of her lawful entry, relationship to a U.S. citizen, lack of adverse criminal or immigration history, financial stability and complying dutifully with all the relevant immigration laws. Our laws gave her a choice in where she pursued the immigration benefit she applied for based on her lawful conduct. The agency usurped this liberty interest when it arbitrarily chose the venue for Ms. Uribe

Trejo, placing her instead into removal with EOIR. Not only is Ms. Uribe Trejo's general liberty interest substantial; she has an added interest in remaining out of custody so she can care for her children and family. Thus, the first factor weighs heavily in Ms. Uribe Trejo's favor.

Second, the procedures the agency used presented a high risk of erroneous deprivation of liberty. To date, the agency's actions surrounding Ms. Uribe Trejo's I-485 application have completely failed to comply with the statute, the regulations, and even the agency's own written policies and procedures. Because consideration of any of these factors should have led to a different result, the risk of erroneous deprivation has been enormous. Instead of leaving USCIS with a green card, Ms. Uribe Trejo has been detained erroneously, unable to care for her family thus this factor weighs heavily in her favor as well.

Finally, any government interest in placing Ms. Uribe Trejo into detention and into proceedings before EOIR is minimal. Ms. Uribe Trejo has a relief to removal that is all but adjudicated with USCIS. It wastes time, resources, and money to arbitrarily move MS. Uribe Trejo to EOIR now. She has complied with all requirements, has no criminal history, and has already *completed the final step- the USCIS interview.* All the government need do is comply with its policy and procedure and have USCIS adjudicate the I-485 properly. Thus, the *Mathews v. Eldrige* factors weigh heavily in Ms. Uribe Trejo's favor, that the arrest, detention, and change of jurisdiction violates procedural due process. If she were denied the

benefit with USCIS, the Policy Memorandum, dated February 28, 2025, already addresses this concern. PM-602-0187, states that a mandatory NTA, initiating removal proceedings, will be given in the case of USCIS denial. Given the minimal burden placed on the government, combined with Ms. Uribe Trejo's weighty interests on the first two factors, the *Mathews v. Eldridge* factors lean heavily in her favor. Accordingly, this Court should find that the government's change of adjudicator after completing the process with USCIS affirmatively violated due process.

Conclusion

Because this Court has jurisdiction to consider Ms. Uribe Trejo's claims, and because these claims succeed on the merits, this Court should GRANT the Habeas Petition and ORDER

1. Ms. Uribe Trejo's immediate release;
2. Prohibit her re-detention without further order of this court;
3. Prohibit ICE from requiring monitoring in relation to the present matter;
4. Reinstate her affirmative application with USCIS;
5. Direct USCIS to adjudicate her application;
6. And any other relief the court deems appropriate.

Respectfully submitted,

Dated: December 1, 2025

/s/Caroline G. Matthews
Caroline G. Matthews, Esq.

CERTIFICATE OF SERVICE

I, Caroline Matthews, CERTIFY

I am over the age of 18 and not a party to this matter. My business address is 120 Stevens Avenue, Solana Beach, CA 92075. On December 1, 2025, I served a copy of this Reply to Response by the method and to the parties listed below: On December 1, 2025, I accessed the electronic mailing list for CM/ECF users in this case and representatives of all parties are CM/ECF users and are noticed as follows:

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