

1 straightforward and overwhelmingly successful for those noncitizens who are not subject
2 to inadmissibility grounds as set forth in the Immigration and Nationality Act. Now as a
3 result of the initial unlawful arrest, a continuing harm affects Petitioner's liberty.

4 Petitioner as agreed above has been released from ICE custody out on a \$3000
5 bond, ordered to no ATD such as monitoring or check ins. In light of the illegality of the
6 arrest and detention, Counsel argues paying the bond seems to tacitly agree to the arrest
7 (and subsequent detention) which happened with no due process or agency-outlined
8 procedural uniformity. In this status report, Counsel gives the details and not just the
9 outcome in order to illustrate the continuing illegality present in the current immigration
10 system, which even once Petitioner was released, continues to perpetuate deprivation of
11 basic liberties in violation of the Administrative Procedures Act mandating review of
12 agency action where a legal wrong is inflicted on a person where the agency's actions are
13 "arbitrary, capricious, and an abuse of discretion" or "contrary to a constitutional right."
14 *See* 5 U.S.C. § 702-706.

15 In Petitioner's bond hearing, Counsel argued vehemently against Alternatives to
16 Detention ("ATD") measures which often result in an opportunity for ICE to re-detain
17 those already out of custody; a practice that seems particularly popular at the present time.
18 In order to necessitate this, Petitioner was ordered to pay a bond twice as high as other
19 similarly situated people with no criminal history, strong ties to the U.S. and solid
20 (already filed for) relief. The bond was paid and Petitioner was eventually dropped off
21 thirty-nine hours after being ordered released.

22 When Counsel called while Petitioner was still in custody, I was told that since she
23 was a woman and the only person being released, they would do so in the daylight hours.
24 Instead, Petitioner was dropped off past 11:00PM with an ICE check in letter and an ISAP
25 monitor and no identity documents. Evidence of Counsel and Petitioner attempts to
26 clarify with ICE prior to leaving the facility were brushed aside by at least 4 different ICE
27 employees and supervisors. In fact, as Petitioner asked officials to check the order,
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1 officers instead insisted she had been in ATD before her detention. Petitioner knew this
2 was false and told officers she had not and did not want to sign anything with the mistaken
3 fact as to her identity. They insisted repeatedly she was previously apprehended and told
4 her if she would not agree she could go back into detention and not be released today.
5 Ultimately, a change in officers seemed to change this false narrative and Petitioner was
6 told that ICE could confirm the facts as she stated. Additionally, Petitioner's identity
7 documents were also not returned despite attempts to retrieve them and still remain in
8 ICE custody. This all evidences the claim that the agency's actions are "arbitrary and
9 carious an abuse of power" in such meaningful ways and are "contrary to constitutional
10 right, power, privilege, or immunity" and in need of judicial review. 5 U.S.C. § 706.

11 Post release, on December 10, Petitioner was ordered to go to ICE for check in and
12 an ISAP Orientation. Because of the inability to get the Immigration Judge's order
13 enforced prior to release, Counsel contacted ICE to explain that the Judge Sameit's order
14 did not include such ATD. We were sent to ISAP where approximately eighty people,
15 similarly situated waited to check-in for orientation. Counsel had Judge Sameit's order
16 and explained the situation to ISAP officials. Counsel was told it would be approximately
17 3 hours. Surmising that something was not being understood, Counsel inquired what the
18 wait time was for and was instructed it would be for Petitioner's ISAP orientation.
19 Petitioner and Counsel were told that ISAP was not authorized by ICE to remove the
20 monitoring thus we went back to ICE at 880 Front Street, where a similar scene played
21 out with long wait times as people lined the halls. Counsel called ICE and informed them
22 of what transpired at ISAP. ICE officers asked to consult with Counsel and we discussed
23 the situation. The supervisor instructed Counsel to return to ISAP and he would call to
24 clarify and get Petitioner out of monitoring. About 3 hours had passed since first
25 discussing the situation with ICE and now at ISAP we were told a wait would be required.
26 Counsel spoke to the same individual each time at ISAP so he was familiar with
27 Petitioner's situation and the Immigration Judge's order. We were called back and the

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1 same employee photographed the Petitioner and then brought us back to a table,
2 instructed us to use a QR code to sign into the orientation and then began to leave.
3 Counsel again stated Petitioner should not be completing the orientation since Petitioner
4 should not even be in the monitor in the first place then asked the employee if it would
5 be best to call ICE and clarify again. The employee got his supervisor who removed the
6 ankle monitor. From this situation, it is implied that only judicial orders can overcome
7 the repeated Constitutional violations being perpetuated daily. Multiple times the fact that
8 this habeas was pending meant that Petitioner's position and rights were taken more
9 seriously, as DHS Counsel at the bond hearing seemed only amenable to no ATD due to
10 the underlying federal claim. As Counsel interacted with ICE, officers referred to
11 Petitioner as someone with a habeas on file. These facts are chilling and also demonstrate
12 the need for careful review of agency actions which are repeatedly and pervasively
13 violating the Petitioner's Constitutional rights.

14 Multiple attempt to retrieve Petitioner's identity documents have also failed.
15 Counsel inquired with 3 ICE officers, including a Supervisor at 880 Front Street location.
16 Counsel was told to contact Otay Mesa Detention Center. Upon contact, OMDC staff
17 stated they were not authorized to release documents. Counsel called and spoke to 3
18 separate ICE officers who said they would "follow up" and never heard back. Petitioner,
19 accompanied by her family went to OMDC directly and was similarly refused. Several
20 times since December 10, 2025, I contacted the OMDC Supervisor who I called and
21 emailed and again was told that follow up would ensue. As of today, no way forward
22 seems possible.

23 Back in EOIR, in relation to removal proceedings, present Counsel attempted to
24 reach out to DHS Duty Attorney through court-approved messaging, email and phone
25 about stipulating to joint termination and none of those attempts were returned or even
26 acknowledged. Counsel also inquired about identity documents. It seems clear that
27 despite the waste and strain on judicial resources caused by the violations of the agency,
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1 no one is willing to work collaboratively to aid justice. Ultimately, Counsel filed a motion
2 to terminate the removal proceedings without any response from the government; the
3 motion remains pending.

4 Additionally, a FOIA was requested by Counsel immediately upon Petitioner's
5 arrest. As the Court is aware, FOIAs are often used by attorneys to aid clients in
6 understanding their immigration options and history. In the present case a heavily
7 redacted and almost incomprehensible set of documents was returned, alleging privacy
8 (whose privacy is still unclear as Counsel requested on behalf the detained Petitioner she
9 represents in the matter which is the subject of the request). This is another common yet
10 troubling practice that seems to restrict access to vital information to practitioners and
11 clients alike in violation of the law. What is clear in the FOIA provided is the Petitioner's
12 approval decision from her November 11, 2025 interview is "continue decision" as
13 opposed to denied or approved, suggesting a simply keystroke could resolve this matter
14 in its entirety. What basis is there to create such unreasonable delay after Petitioner has
15 lawfully submitted application, paid all applicable fees, voluntarily attended the
16 interview, and complied with all obligations set forward by the government? In a spirit
17 of collaboration, for judicial economy, and to discontinue the infringement of Petitioner's
18 liberty and rights, Counsel reached out to USCIS through phone, email, and Live Agent
19 feature to understand the answer to this question. No one replied. Additionally, the
20 community liaison, whose role is to aid in agency operations, has been contacted via
21 phone and email with no response.

22 If USCIS adjudicates and approves, the Immigration Court's termination of the
23 matter becomes mandatory. See 8 C.F.R. §§ 1003.10(m)(i). If not, Petitioner must hope
24 that Petitioner's Motion to Terminate is unopposed or granted by the Immigration Judge.
25 If the motion is not granted, Petitioner can again expect to be extorted beyond the bond
26 amount and be forced to pay an additional fee through the courts to obtain the
27 immigration benefit that she has already completed all the steps for. Counsel argued that
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1 although termination is not mandatory per say, the grounds closely mirror a ground for
2 mandatory termination in that Petitioner has already completed all steps necessary, such
3 that circumstances are akin to having lawful permanent residence, for the purpose of
4 granting the motion to terminate removal proceedings. Petitioner again must hope that
5 the systemic brokenness witnessed thus far will not persist, but makes pleas to this Court
6 out of the prevalent violations of the law that continues to occur.

7 As further example, today, Counsel just received ICE's Form I-830 through eCAS
8 Portal. It shows an incorrect address for Petitioner and still erroneously lists "*ATD at*
9 *DHS discretion.*" On the record, after the foregoing facts and circumstances outlined
10 above about the endless hours righting the violations inflicted on Petitioner, DHS'
11 erroneous position is *still* the Petitioner is subject to ATD. How can this still be the subject
12 of debate at present? It is clear this Writ cannot be considered moot as this departure from
13 law exists on the record.

14 Counsel can only assume the incorrect address listed on the I-830 is that of the
15 mysterious individual ICE told Petitioner she was while she was detained. Another
16 inconsistency that will likely require judicial intervention to clear up. Unfortunately, the
17 current operations leave little room to believe the agency has any intention of operating
18 within the law or even its own procedures and protocols. The completely lack of
19 adherence to DHS's own procedures and policies is depriving Petitioner of meaningful
20 remedies within the agency or USCIS or EOIR more broadly. Procedural due process
21 constrains governmental decisions that deprive individuals of property or liberty interests,
22 as defined by the Due Process Clause of the Fifth Amendment. See *Matthews v. Eldridge*,
23 424 U.S. 319, 332 (1976) see also *Perry v. Sindermann*, 408 U.S. 593, 601- 603(1972)
24 (reliance on informal policies and practices may establish a legitimate claim of
25 entitlement to a constitutionally protected interest).

26 In sum, the Due Process Clause of the Fifth Amendment forbids the government
27 from depriving any individuals of their right to be free from unjustified deprivations of
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1 liberty. U.S.Const. amend. V. Here, Petitioner is *still* being deprived of a liberty interest
2 long after release and thus the Writ is not moot. See *Trump v. J. G. G.*, 604 U.S. 670, 672
3 2025, stating “immediate physical release [is not] the only remedy under the federal writ
4 of habeas corpus.”) Petitioner was deprived of Due Process, but still continues to suffer
5 harm from the unconstitutional act of arrest and the continuing arbitrary and capricious
6 policy of DHS via ICE Enforcement Operations. Unfortunately, Counsel’s attempts to
7 work collaboratively with the government have been met with no response thus
8 necessitating continuing federal intervention to protect Petitioner’s constitutional rights
9 and the repeated gross violations of the agency’s unlawful conduct.

10 Petitioner asks that this Court order that no re-detention or any Alternatives to
11 Detention (ATD) can be ordered in connection with the present removal proceedings.
12 Petitioner also asks that this Court order the return of Petitioner’s identity documents still
13 being held by ICE. Additionally, Petitioner asks the Court to direct USCIS to adjudicate
14 the application in order to protect Petitioner’s liberty interest and can stop the infringement
15 of Petitioner’s rights. Additionally to award reasonable costs and attorneys’ fees under the
16 Equal Access to Justice Act, as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any
17 other basis justified under law and any other relief this Court deems appropriate.

18 **Respondents’ Position**

19 Respondents’ position is that Petitioner’s habeas petition is resolved and that there
20 are no further requests for relief that the Court can resolve or grant in this matter. See
21 8 U.S.C. § 2241(c) (An individual may seek habeas relief under 28 U.S.C. § 2241 if he is “in
22 custody” under federal authority “in violation of the Constitution or laws or treaties of the
23 United States.”); 8 U.S.C. § 1252; *Pinson v. Carvajal*, 69 F.4th 1059, 1072 (9th Cir. 2023)
24 (“[O]ur review of the history and purpose of habeas leads us to conclude the relevant
25 question is whether, based on the allegations in the petition, release is *legally required*
26 irrespective of the relief requested.”); *Crawford v. Bell*, 599 F.2d 890, 891 (9th Cir. 1979);
27 *Dep’t of Homeland Security v. Thraissigiam*, 591 U.S. 103, 117 (2020) (The writ of habeas
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1 corpus historically “provide[s] a means of contesting the lawfulness of restraint and
2 securing release.”).

3 DATED: December 22, 2025

4 s/ Caroline Matthews
5 CAROLINE MATTHEWS
6 Attorney for Petitioner

7 DATED: December 22, 2025

8 ADAM GORDON
9 United States Attorney

10 s/Erin M. Dimbleby
11 ERIN M. DIMBLEBY
12 Assistant U.S. Attorney
13 Attorneys for Respondents

14 **SIGNATURE CERTIFICATION**

15 Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies
16 and Procedures of the United States District Court for the Southern District of California,
17 I hereby certify that the content of this document is acceptable to Caroline Matthews,
18 counsel for Petitioner, and that I have obtained Ms. Matthews’ authorization to affix her
19 electronic signature to this document.

20 DATED: December 22, 2025

21 s/Erin M. Dimbleby
22 ERIN M. DIMBLEBY
23 Assistant United States Attorney
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