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15 UNITED STATES DISTRICT COURT

16 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

17 CARMEN ARACELY PABLO SEQUEN,

18 Petitioner,

19 v.

20 SERGIO ALBARRAN, Field Office Director  
of the San Francisco Immigration and Customs  
21 Enforcement Office, KRISTI NOEM,  
Secretary of the United States Department of  
22 Homeland Security, TODD M. LYONS,  
Acting Director of United States Immigration  
23 and Customs Enforcement, PAMELA BONDI,  
Attorney General of the United States, acting  
24 in their official capacities,

25 Respondents.

Case No. 5:25-CV-10216-PCP

26 AMENDED PETITION FOR WRIT OF  
27 HABEAS CORPUS

28 Trial Date: None Set

**INTRODUCTION**

1  
2 1. Petitioner Carmen Aracely Pablo Sequen (“Ms. Pablo Sequen” or “Petitioner”), a 30-  
3 year-old asylum seeker from Guatemala, hereby files this amended habeas petition in response to  
4 the Court’s Order Granting Motion to Sever, ECF 1. She filed her original pleading on August 1,  
5 2025.<sup>1</sup>

6 2. Ms. Pablo Sequen came to the United States on June 16, 2023, fleeing threats of  
7 violence. Approximately one week after her arrival in the United States, she turned herself in and  
8 was briefly detained by the U.S. Border Patrol, who released her into the interior to await her court  
9 hearings. *See*, Ex. 1, Notice to Appear, Ex. 2, Order of Release on Recognizance. Since then, she  
10 has been fully compliant with everything that the government asked of her. She attended both of her  
11 scheduled immigration court hearings. She filed an application for asylum within the required one-  
12 year deadline. She applied for and received an Employment Authorization Document (commonly  
13 called a “work permit”), and has been lawfully employed at a local bakery. She attends St. Mary’s  
14 church. She has no criminal record. She has a cognizable claim to asylum based on threats she faced  
15 in Guatemala, as well as her history of childhood sexual abuse.

16 3. On July 31, 2025, Ms. Pablo Sequen attended her second hearing at the San Francisco  
17 Immigration Court; it was a master calendar hearing, with multiple respondents scheduled together.  
18 The Department of Homeland Security (“DHS”) moved to dismiss her case, and the immigration  
19 judge gave her ten days to respond to the motion. Her case was scheduled for another hearing on  
20 August 28, 2025. Ms. Pablo Sequen filed an opposition to DHS’s motion of August 7, 2025. The  
21 immigration judge granted DHS’s motion to dismiss on August 8, 2025. Ms. Pablo Sequen’s timely  
22 appeal of that decision is pending at the Board of Immigration Appeals.

23 4. Ms. Pablo Sequen was arrested by Immigration and Customs Enforcement (“ICE”)  
24 agents as she exited the courtroom on July 31, 2025. Later that afternoon, when an attorney from  
25 CARECEN SF went to visit Ms. Pablo Sequen in detention, an ICE agent told the CARECEN SF

26 \_\_\_\_\_  
27 <sup>1</sup> Ms. Pablo Sequen’s petition was assigned case number 25-cv-06487. That case number  
28 continues to relate to the litigation of her amended class action complaint, while the case number  
on this filing—25-cv-10216—relates to her severed habeas petition.

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1 attorney that every noncitizen respondent attending that hearing had been arrested, save the  
2 respondents who had children included in their case.

3 5. Ms. Pablo Sequen was not told why she was being arrested. During the CARECEN  
4 SF attorney's visit that afternoon, she and a colleague asked two separate ICE agents why Ms. Pablo  
5 Sequen had been targeted for detention. Neither of them provided a reason other than to say that she  
6 was a detention priority. When asked why Ms. Pablo Sequen was a detention priority, the ICE agents  
7 could not or would not answer.

8 6. Ms. Pablo Sequen was then locked in a temporary holding area at 630 Sansome Street  
9 in San Francisco. One of the ICE agents informed the CARECEN SF attorney that Ms. Pablo Sequen  
10 would be transferred out the next day – that is, August 1, 2025.

11 7. This Court granted a temporary restraining order on August 1, 2025, and later  
12 converted that order into a preliminary injunction, requiring Ms. Pablo Sequen's immediate release  
13 and enjoining the government from re-detaining her absent prior notice and a hearing before a  
14 neutral immigration judge at which the government must demonstrate a valid basis for her  
15 detention. *Pablo Sequen v. Kaiser*, No. 25-CV-06487-PCP, 2025 WL 2650637, at \*10 (N.D. Cal.  
16 Sept. 16, 2025).

17 8. On September 18, 2025, within the time for amendment as of right permitted under  
18 Federal Rule of Civil Procedure 15, Ms. Pablo Sequen filed an amended pleading. Cognizant of  
19 the possibility that she likely will need to attend immigration court again and, if arrested, would  
20 likely have to endure the conditions of detention at 630 Sansome Street, Ms. Pablo Sequen added  
21 co-plaintiffs/petitioners and class claims challenging ICE and EOIR policies authorizing  
22 immigration courthouse arrests, an ICE policy permitting prolonged detention in ICE hold rooms,  
23 and conditions of detention at 630 Sansome Street. The Court found that joinder of these parties  
24 and claims was proper but exercised its discretion to grant the government's request to sever the  
25 case into three separate habeas actions and one class action. *See* Order Granting Motion to Sever,  
26 ECF 1, at 3-7; *accord Jones v. CertifiedSafety, Inc.*, No. 17-CV-02229-EMC, 2019 WL 758308,  
27 at \*3 (N.D. Cal. Feb. 20, 2019) (permitting original plaintiff to add co-plaintiff with additional  
28 claim against additional defendant). Ms. Pablo Sequen files this amended petition pursuant to that

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1 order.

2 9. Immigration detention is civil and thus is permissible for only two reasons: to ensure  
3 a noncitizen’s appearance at immigration hearings and to prevent danger to the community. But  
4 DHS did not arrest and detain Ms. Pablo Sequen—who demonstrably poses no risk of absconding  
5 from immigration proceedings nor danger to the community—for either of these reasons. Instead,  
6 Respondents have argued that their actions are justified by their reinterpretation of the immigration  
7 detention statutes. Without regard for their having treated Ms. Pablo Sequen as amenable to release  
8 pending her removal proceedings pursuant to 8 U.S.C. § 1226(a), Respondents now—erroneously—  
9 claim that she is subject to mandatory detention under 8 U.S.C. § 1225(b). *See*, Ex. 2, Order of  
10 Release on Recognizance; Ex. 3. Warrant for Arrest of Alien.

11 10. Discretionary detention and release authority under 8 U.S.C. § 1226(a) is the “default  
12 rule,” applicable to individuals who are “already in the country” and in removal proceedings.  
13 *Jennings v. Rodriguez* 583 U.S. 281, 288-89 (2018). Certain individuals in the interior are subject  
14 to well-defined exceptions that make detention mandatory—including, as relevant here, if they  
15 entered the United States without admission or parole and have been arrested for, charged with, or  
16 convicted of certain crimes. *See* 139 Stat. 3 (2025), codified at 8 U.S.C. § 1226(c)(1)(E). *See, e.g.*,  
17 *Pablo Sequen*, 2025 WL 2650637, at \*7. In contrast to the default rule of discretionary detention in  
18 the interior, Section 1225(b) makes available a mandatory detention scheme “at the Nation’s borders  
19 and ports of entry” to detain certain noncitizens “seeking to enter the country.” *Jennings*, 583 U.S.  
20 at 287. Section 1225(b)(2) provides that “in the case of an alien who is an applicant for admission,  
21 if the examining immigration officer determines that an alien seeking admission is not clearly and  
22 beyond a doubt entitled to be admitted, the alien shall be detained for a [full removal proceeding].”  
23 8 U.S.C. § 1225(b)(2)(A). The government may release noncitizens detained under Section 1225(b)  
24 on temporary parole “for urgent humanitarian reasons or significant public benefit.” 8 U.S.C. §  
25 1182(d)(5)(A). Respondents now argue that Section 1225(b)(2)(A)—despite its limitation to those  
26 who are “seeking admission”—mandates the re-detention of Ms. Pablo Sequen, who is now merely  
27 present in the interior while undergoing removal proceedings. This re-interpretation not only  
28 contradicts the government’s consistent treatment of Ms. Pablo Sequen as subject to Section 1226,

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1 but it also is incorrect as a matter of straightforward statutory interpretation. *See, e.g., Pablo Sequen,*  
2 2025 WL 2650637, at \*6-8.

3 11. Ms. Pablo Sequen’s arrest and detention caused her substantial harm, including the  
4 emotional trauma of being arrested like a criminal when she had been fully compliant with legal  
5 requirements ever since her entry to the United States. The psychological toll of any future arrest  
6 and confinement is considerable, and conditions in immigration detention facilities are often  
7 substandard. Every day of unlawful detention would add to her immiseration and subject her to  
8 further irreparable harm.

9 12. Moreover, detention would be highly prejudicial to her chance of success in her  
10 immigration proceedings, in that it undermines access to legal help from the limited number of  
11 nonprofit providers who take on detained cases. Those providers are already overwhelmed with  
12 demand for their services. While making it much harder to access legal help, detention would also  
13 make it much harder to go through all of the steps needed to prepare an asylum case – steps such as  
14 having extensive communication with counsel, collecting evidence, and preparing testimony.

15 13. The Constitution protects Ms. Pablo Sequen—and every other person present in this  
16 country—from arbitrary deprivations of her liberty, and guarantees her due process of law. The  
17 government’s power over immigration is broad, but as the Supreme Court has declared, it “is subject  
18 to important constitutional limitations.” *Zadvydas v. Davis*, 533 U.S. 678, 695 (2001). “Freedom  
19 from bodily restraint has always been at the core of the liberty protected by the Due Process Clause  
20 from arbitrary governmental action.” *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

21 14. Ms. Pablo Sequen respectfully seeks a permanent injunction prohibiting her re-arrest  
22 without a hearing to contest that re-arrest before a neutral decision-maker. In addition, to preserve  
23 this Court’s jurisdiction and ensure effective relief, she also requests that this Court order the  
24 government not to transfer her outside of the District, or deport her, for the duration of this  
25 proceeding.

#### 26 JURISDICTION AND VENUE

27 15. The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal  
28 question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201–02 (Declaratory Judgment Act), 28

1 U.S.C. § 2241 (habeas corpus), Article I, § 9, cl. 2 of the U.S. Constitution (the Suspension Clause),  
2 the Fourth and Fifth Amendments to the U.S. Constitution, and 5 U.S.C. §§ 701-706 (Administrative  
3 Procedure Act).

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

6 **PARTIES**

7 17. Ms. Pablo Sequen is a 30-year-old asylum seeker from Guatemala. She timely filed  
8 an application for asylum. She has no criminal history, and has been compliant with her legal  
9 obligations since being released by DHS following her apprehension at the southern border. At the  
10 time of filing her original petition, she was in civil immigration detention, in a temporary holding  
11 facility on the sixth floor of 630 Sansome Street in downtown San Francisco.

12 18. Respondent Sergio Albarran is the Field Office Director of the San Francisco ICE  
13 Field Office. In this capacity, he is responsible for the administration of immigration laws and the  
14 execution of immigration enforcement and detention policy within ICE's San Francisco Area of  
15 Responsibility, including the previous detention of Ms. Pablo Sequen and any future detention.  
16 Respondent Albarran maintains an office and regularly conducts business in this district.  
17 Respondent Albarran is sued in his official capacity. Moreover, while Ms. Pablo Sequen remained  
18 at the Sansome Street location, Mr. Albarran's predecessor Polly Kaiser served as her immediate  
19 physical custodian.

20 19. Respondent Todd M. Lyons is the Acting Director of ICE. As the Senior Official  
21 Performing the Duties of the Director of ICE, he is responsible for the administration and  
22 enforcement of the immigration laws of the United States; routinely transacts business in this  
23 District; and is legally responsible for pursuing any effort to detain and remove the Petitioner.  
24 Respondent Lyons is sued in his official capacity.

25 20. Respondent Kristi Noem is the Secretary of Homeland Security and has ultimate  
26 authority over DHS. In that capacity and through her agents, Respondent Noem has broad authority  
27 over and responsibility for the operation and enforcement of the immigration laws; routinely  
28 transacts business in this District; and is legally responsible for pursuing any effort to detain and

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1 remove Ms. Pablo Sequen. Respondent Noem is sued in her official capacity.

2 21. Respondent Pamela Bondi is the Attorney General of the United States and the most  
3 senior official at the Department of Justice. In that capacity and through her agents, she is  
4 responsible for overseeing the implementation and enforcement of the federal immigration laws.  
5 The Attorney General delegates this responsibility to the Executive Office for Immigration Review,  
6 which administers the immigration courts and the BIA. Respondent Bondi is sued in her official  
7 capacity.

8 **EXHAUSTION**

9 22. There is no requirement to exhaust because no other forum exists in which Ms. Pablo  
10 Sequen can raise the claims herein. There is no statutory exhaustion requirement prior to challenging  
11 the constitutionality of an arrest or detention, or challenging a policy under the Administrative  
12 Procedure Act. Prudential exhaustion is not required here because it would be futile, and Ms. Pablo  
13 Sequen would “suffer irreparable harm if unable to secure immediate judicial consideration of [her]  
14 claim.” *McCarthy v. Madigan*, 503 U.S. 140, 147 (1992). Any further exhaustion requirements  
15 would be unreasonable.

16 **LEGAL BACKGROUND**

17 23. The Constitution establishes due process rights for “all ‘persons’ within the United  
18 States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or  
19 permanent.” *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017) (quoting *Zadvydas*, 533 U.S.  
20 at 693). These due process rights are both substantive and procedural.

21 24. *First*, “[t]he touchstone of due process is protection of the individual against  
22 arbitrary action of government,” *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), including “the  
23 exercise of power without any reasonable justification in the service of a legitimate government  
24 objective,” *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998).

25 25. These protections extend to noncitizens facing detention, as “[i]n our society liberty  
26 is the norm, and detention prior to trial or without trial is the carefully limited exception.” *United*  
27 *States v. Salerno*, 481 U.S. 739, 755 (1987). Accordingly, “[f]reedom from imprisonment—from  
28 government custody, detention, or other forms of physical restraint—lies at the heart of the liberty

1 that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.

2 26. Substantive due process thus requires that all forms of civil detention—including  
3 immigration detention—bear a “reasonable relation” to a non-punitive purpose. *See Jackson v.*  
4 *Indiana*, 406 U.S. 715, 738 (1972). The Supreme Court has recognized only two permissible non-  
5 punitive purposes for immigration detention: ensuring a noncitizen’s appearance at immigration  
6 proceedings and preventing danger to the community. *Zadvydas*, 533 U.S. at 690–92; *see also*  
7 *Demore v. Kim*, 538 U.S. 510 at 519–20, 527–28, 31 (2003).

8 27. *Second*, the procedural component of the Due Process Clause prohibits the  
9 government from imposing even permissible physical restraints without adequate procedural  
10 safeguards.

11 28. Generally, “the Constitution requires some kind of a hearing *before* the State  
12 deprives a person of liberty or property.” *Zinermon v. Burch*, 494 U.S. 113, 127 (1990). This is so  
13 even in cases where that freedom is lawfully revocable. *See Hurd v. D.C., Gov’t*, 864 F.3d at 683  
14 (citing *Young v. Harper*, 520 U.S. 143, 152 (1997) (re-detention after pre-parole conditional  
15 supervision requires pre-deprivation hearing)); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973)  
16 (same, in probation context); *Morrissey v. Brewer*, 408 U.S. 471 (1972) (same, in parole context).

17 29. After an initial release from custody on conditions, even a person paroled following  
18 a conviction for a criminal offense for which they may lawfully have remained incarcerated has a  
19 protected liberty interest in that conditional release. *Morrissey*, 408 U.S. at 482. As the Supreme  
20 Court recognized, “[t]he parolee has relied on at least an implicit promise that parole will be revoked  
21 only if he fails to live up to the parole conditions.” *Id.* “By whatever name, the liberty is valuable  
22 and must be seen within the protection of the [Constitution].” *Id.*

23 30. This reasoning applies with equal if not greater force to people released from civil  
24 immigration detention at the border, like Ms. Pablo Sequen. After all, noncitizens living in the  
25 United States like Petitioner have a protected liberty interest in their ongoing freedom from  
26 confinement. *See Zadvydas*, 533 U.S. at 690. And, “[g]iven the civil context [of immigration  
27 detention], [the] liberty interest [of noncitizens released from custody] is arguably greater than the  
28 interest of parolees.” *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019).

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**FACTUAL ALLEGATIONS**

1  
2  
3 31. Ms. Pablo Sequen fled Guatemala in the face of credible threats, giving rise to an  
4 asylum claim. She also has a cognizable claim to asylum based on her history of childhood sexual  
5 abuse.

6 32. Only days after Ms. Pablo Sequen entered the United States, she sought out border  
7 patrol agents in order to turn herself in. After a brief detention, she was released on her own  
8 recognizance. In granting her release, DHS determined that she posed little if any risk of flight or  
9 danger to the community.

10 33. When DHS released Ms. Pablo Sequen, they instructed her to check in at the San  
11 Francisco ICE office on September 30, 2024 and later on March 21, 2025. She did as instructed, and  
12 was scheduled for a subsequent check-in appointment on March 20, 2026. She has remained at the  
13 same address that she provided to DHS at the time of her entry, and has made no attempt to abscond.

14 34. On May 15, 2025, Ms. Pablo Sequen filed an application for asylum with the San  
15 Francisco Immigration Court.

16 35. Ever since Ms. Pablo Sequen entered the United States, she has fully complied with  
17 court and supervision requirements. She has diligently attended all of her court hearings and check-  
18 in appointments.

19 36. Subsequent to her asylum application, she was granted employment authorization,  
20 and has been working lawfully in a bakery. She has no criminal history.

21 37. On July 31, 2025, Ms. Pablo Sequen appeared in San Francisco Immigration Court  
22 for a master calendar hearing before Judge O'Brien. She was unrepresented at the time but has since  
23 retained CARECEN SF as her immigration counsel.

24 38. At the hearing, DHS counsel moved to dismiss Ms. Pablo Sequen's case, and Judge  
25 O'Brien gave her ten days to respond to the motion. She was handed a notice of a subsequent hearing  
26 scheduled for August 28, 2025. Ms. Pablo Sequen filed an opposition to DHS's motion of August  
27 7, 2025. The immigration judge granted DHS's motion to dismiss on August 8, 2025. Ms. Pablo  
28 Sequen's timely appeal of that decision is pending at the Board of Immigration Appeals.

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1 39. Upon leaving the court, Ms. Pablo Sequen was surrounded by approximately three  
2 ICE agents who were waiting for her in the hall. The agents acted aggressively and made her feel  
3 like a criminal. They did not explain the reason for her arrest. From there, she was brought to a  
4 holding area in the same building. Approximately 90 minutes before filing the original petition in  
5 this habeas action, a CARECEN SF attorney was told by San Francisco ICE that Ms. Pablo Sequen  
6 was still there.

7 40. Because Ms. Pablo Sequen has never been determined to be a flight risk or a danger  
8 to the community, her detention would not be related to either of the permissible justifications for  
9 civil immigration detention. Her confinement would not further any legitimate government  
10 interest.

11 41. Ms. Pablo Sequen was deprived of her liberty without any permissible justification.  
12 The government previously released her on her own recognizance because she did not pose  
13 sufficient risk of flight or danger to the community to warrant detention.

14 42. None of that has changed. She has no criminal record, and there is no basis to believe  
15 that she poses any public safety risk. Nor is she, who was arrested *while appearing in court for her*  
16 *immigration case*, conceivably a flight risk. To the contrary, she has appeared for all of her  
17 immigration court hearings and supervision check-ins.

18 43. Further detention would cause Ms. Pablo Sequen further irreparable harm. It would  
19 greatly complicate her ability to access counsel and present her asylum claim. Immigration  
20 proceedings aside, it would pose a compounding psychological burden, in addition to whatever  
21 physical hardships she has to endure from prison conditions. It would deprive her of her livelihood,  
22 her community, her church, and her life as she knows it.

23 **CLAIMS FOR RELIEF**

24 **FIRST CLAIM FOR RELIEF**

25 **Violation of the Fifth Amendment to the United States Constitution**

26 **(Substantive Due Process—Detention)**

27 44. Ms. Pablo Sequen repeats and re-alleges the allegations contained in the preceding  
28 paragraphs of this Petition as if fully set forth herein.

1 45. The Due Process Clause of the Fifth Amendment protects all “person[s]” from  
2 deprivation of liberty “without due process of law.” U.S. Const. amend. V. “Freedom from  
3 imprisonment—from government custody, detention, or other forms of physical restraint—lies at  
4 the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.

5 46. Immigration detention is constitutionally permissible only when it furthers the  
6 government’s legitimate goals of ensuring the noncitizen’s appearance during removal proceedings  
7 and preventing danger to the community. *See id.*

8 47. Ms. Pablo Sequen is not a flight risk or danger to the community. Respondents’  
9 detention of Ms. Pablo Sequen therefore would violate substantive due process.

10 48. Moreover, Ms. Pablo Sequen’s detention would be punitive as it would bear no  
11 “reasonable relation” to any legitimate government purpose. *Id.* (finding immigration detention is  
12 civil and thus ostensibly “nonpunitive in purpose and effect”). Here, DHS’s purpose for seeking Ms.  
13 Pablo Sequen’s detention appears to be “not to facilitate deportation, or to protect against risk of  
14 flight or dangerousness, but to incarcerate for other reasons”—namely, to meet newly-imposed DHS  
15 arrest quotas. *Demore*, 538 U.S. at 532–33 (Kennedy, J., concurring).

16 **SECOND CLAIM FOR RELIEF**

17 **Violation of the Fifth Amendment to the United States Constitution**

18 **(Procedural Due Process—Detention)**

19 49. Ms. Pablo Sequen repeats and re-alleges the allegations contained in the preceding  
20 paragraphs of this Petition as if fully set forth herein.

21 50. As part of the liberty protected by the Due Process Clause, Ms. Pablo Sequen has a  
22 weighty liberty interest in avoiding re-incarceration after her initial release from DHS custody. *See*  
23 *Young v. Harper*, 520 U.S. 143, 146–47 (1997); *Gagnon v. Scarpelli*, 411 U.S. 778, 781–82 (1973);  
24 *Morrissey v. Brewer*, 408 U.S. 471, 482–83 (1972); *see also Ortega*, 415 F. Supp. 3d at 969–70  
25 (holding that a noncitizen has a protected liberty interest in remaining out of custody following an  
26 IJ’s bond determination).

27 51. Accordingly, “[i]n the context of immigration detention, it is well-settled that due  
28 process requires adequate procedural protections to ensure that the government’s asserted

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1 justification for physical confinement outweighs the individual's constitutionally protected interest  
2 in avoiding physical restraint.” *Hernandez*, 872 F.3d at 990 (cleaned up); *Zinermon*, 494 U.S. at  
3 127 (Generally, “the Constitution requires some kind of a hearing *before* the State deprives a  
4 person of liberty or property.”). In the immigration context, for such hearings to comply with due  
5 process, the government must bear the burden to demonstrate, by clear and convincing evidence,  
6 that the noncitizen poses a flight risk or danger to the community. *See Singh v. Holder*, 638 F.3d  
7 1196, 1203 (9th Cir. 2011); *see also Martinez v. Clark*, 124 F.4th 775, 785, 786 (9th Cir. 2024).

8 52. Ms. Pablo Sequen’s re-detention without a pre-deprivation hearing violated due  
9 process. Two years after deciding to release Ms. Pablo Sequen from custody on her own  
10 recognizance, Respondents re-detained her with no notice, no explanation of the justification of  
11 her re-detention, and no opportunity to contest her re-detention before a neutral adjudicator before  
12 being taken into custody.

13 53. Ms. Pablo Sequen has a profound personal interest in her liberty. Because she  
14 received no procedural protections, the risk of erroneous deprivation is high, and the government  
15 has no legitimate interest in detaining her without a hearing. Bond hearings are conducted as a  
16 matter of course in immigration proceedings, and nothing in Ms. Pablo Sequen’s record suggests  
17 that she would abscond or endanger the community before a bond hearing could be carried out.  
18 *See, e.g., Jorge M.F. v. Wilkinson*, 2021 WL 783561, at \*3 (N.D. Cal. Mar. 1, 2021); *Vargas v.*  
19 *Jennings*, 2020 WL 5074312, at \*3 (N.D. Cal. Aug. 23, 2020) (“the government’s concern that  
20 delay in scheduling a hearing could exacerbate flight risk or danger is unsubstantiated in light of  
21 petitioner’s strong family ties and his continued employment during the pandemic as an essential  
22 agricultural worker”).

23 **PRAYER FOR RELIEF**

24 Petitioner respectfully requests that this Court:

- 25 1. Assume jurisdiction over this matter;  
26 2. Declare that Ms. Pablo Sequen’s arrest and detention would violate the Due Process  
27 Clause of the Fifth Amendment;

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ONE MONTGOMERY STREET, SUITE 3000, SAN FRANCISCO, CALIFORNIA 94104-5500  
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- 3. Enjoin Respondents from transferring Ms. Pablo Sequen outside this District or deporting Ms. Pablo Sequen pending these proceedings;
- 4. Enjoin Respondents from re-detaining Ms. Pablo Sequen unless her re-detention is ordered at a custody hearing before a neutral arbiter in which the government bears the burden of proving, by clear and convincing evidence, that she is a flight risk or danger to the community;
- 5. Award Ms. Pablo Sequen her costs and reasonable attorneys' fees in this action as provided for by the Equal Access to Justice Act and 28 U.S.C. § 2412; and
- 6. Grant such further relief as the Court deems just and proper.

DATED: December 1, 2025

LAWYERS' COMMITTEE FOR CIVIL RIGHTS OF  
THE SAN FRANCISCO BAY AREA

By: /s/ Jordan Wells  
 MARISSA HATTON  
 ANDREW NTIM  
 VICTORIA PETTY  
 JORDAN WELLS  
 NISHA KASHYAP  
 Attorneys for Petitioner

DATED: December 1, 2025

CARECEN SF

By: /s/ Laura Victoria Sanchez  
 LAURA VICTORIA SANCHEZ  
 TALA BERARDI HARTSOUGH  
 Attorneys for Petitioner

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1 DATED: December 1, 2025

AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF NORTHERN CALIFORNIA

2

By: /s/ Neil K. Sawhney  
NEIL K. SAWHNEY  
LAUREN M. DAVIS  
Attorneys for Petitioner

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5

6 DATED: December 1, 2025

COBLENTZ PATCH DUFFY & BASS LLP

7

By: /s/ Mark L. Hejinian  
MARK L. HEJINIAN  
MARCIA V. VALENTE  
DAVID C. BEACH  
CHARMAINE G. YU  
EVAN G. CAMPBELL  
DARIEN LO  
Attorneys for Petitioner

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**VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

13

14 I am submitting this verification on behalf of Ms. Pablo Sequen because I am her counsel in  
15 the instant habeas petition. As her counsel acting on her behalf, I hereby verify that the factual  
16 statements made in this Amended Petition are true and correct to the best of my knowledge.

17

18 DATED: December 1, 2025

/s/ Laura Victoria Sanchez  
LAURA VICTORIA SANCHEZ  
Attorneys for Petitioner

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ATTESTATION

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I, Mark L. Hejinian, am the ECF user whose identification and password are being used to file the AMENDED PETITION FOR WRIT OF HABEAS CORPUS. In compliance with LR 5-1(i)(3), I hereby attest that all parties have concurred in this filing.

DATED: December 1, 2025

COBLENTZ PATCH DUFFY & BASS LLP

By:           /s/ Mark L. Hejinian            
MARK L. HEJINIAN  
Attorneys for Petitioner

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