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

VICENTE SALAZAR-OSORIO,

Petitioner,

v.

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

Respondents.

CIVIL CASE NO.:

'25CV3296 JES MMP

**Petition for Writ
of
Habeas Corpus**

[28 U.S.C. § 2241]

1 INTRODUCTION

2 Mexican citizen Vicente Salazar-Osorio was ordered removed in 2014, but
3 when he returned to the United States in 2018, he passed a reasonable fear interview
4 and was placed in withholding proceedings. He was quickly flagged for placement
5 on a “*Franco* docket” due to his severe mental health conditions. Six months later,
6 he received a bond hearing before an immigration judge (“IJ”), and he was
7 subsequently released on bond. He remained on release for over six years, working
8 to support his five children and complying with all conditions.

9 Yet in September 2025, ICE re-detained him. ICE made no mention of the
10 IJ’s bond. Nor did ICE follow the regulations for revoking release, failing to
11 provide written notice of the reasons for revocation, granting no informal interview,
12 and giving no indication that the proper findings were made prior to re-detention.
13 Since his re-detention, Otay Mesa discontinued Mr. Salazar-Osorio’s prior
14 psychiatric medication, and between that change and the custodial environment, his
15 mental condition deteriorated. At a hearing in early November, an IJ found him
16 incompetent.

17 Because ICE’s actions violate DHS regulations, the IJ’s bond order, and due
18 process, this Court should order Mr. Salazar-Osorio’s immediate release.

19 STATEMENT OF FACTS

20 Mr. Salazar-Osorio, a Mexican citizen, has a somewhat convoluted
21 immigration history. Exh. A at ¶ 4. He was placed in expedited removal
22 proceedings and ordered removed on October 21, 2014. *Id.* He remained in
23 Mexico until September 1, 2018, when he returned to the United States. *Id.* at ¶ 5.
24 He was apprehended and detained that day. *Id.* Following a reasonable fear
25 interview, an asylum officer determined that he did have a reasonable fear of
26 persecution or torture in Mexico. *Id.* He was then referred to an immigration judge
27 and placed in withholding-only proceedings. *Id.*

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1 Mr. Salazar-Osorio was immediately flagged for special treatment under
2 *Franco-Gonzalez v. Holder*, Case No. 10-cv-02211 (C.D. Cal.) due to his severe
3 mental health conditions. *Id.* at ¶¶ 2, 6. (His condition is severe enough that his
4 immigration attorney, Tessa Cabrera, had to prepare a declaration to support this
5 habeas petition. *Id.* at ¶¶ 2–3. He could not have reliably related his immigration
6 history on his own. *Id.*¹) After six months in custody, he received a bond hearing,
7 and he was granted the minimum bond. *Id.* at ¶ 6. He was then released on an
8 order of supervision on February 7, 2019. *Id.*

9 Mr. Salazar-Osorio remained on release for the next six-and-a-half years.
10 During that time, he complied with all conditions, including by checking in with
11 ICE as scheduled. *Id.* at ¶ 8. On March 16, 2023, his withholding case was
12 administratively closed, and he continued living without issue in the community.
13 *Id.* at ¶ 7.

14 In 2024, Ms. Cabrera assisted Mr. Salazar-Osorio to obtain a work permit.
15 To do so, she and Mr. Salazar-Osorio checked in with an ICE officer to obtain
16 proof of compliance. *Id.* at ¶ 9. The officer confirmed compliance and wrote on
17 the order of supervision that he “has no more reporting requirements with ERO.”
18 *Id.* With this compliance evidence, he successfully obtained a work permit. He
19 used the permit to support his five children by working two jobs. *Id.* at ¶ 17.

20 This year, Ms. Cabrera sought proof of compliance again so that she could
21 renew the work permit. *Id.* at ¶ 10. Even though Mr. Salazar-Osorio no longer
22 needed to report, she wanted a letter from ICE confirming that he was in
23 compliance. *Id.* When she called, ICE refused to provide the documentation and
24 ordered Mr. Salazar-Osorio to come check in instead. *Id.*

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27 ¹ Ms. Cabrera has begun representing Mr. Salazar-Osorio pro bono, because he
28 cannot make enough money to pay her while detained. Exh. A at ¶ 1. He therefore
qualifies for Federal Defenders’ services even though he used to be able to pay an
attorney.

1 applies to people like Mr. Salazar-Osorio who are released on an order of
2 supervision. Exh. A at ¶ 6.²

3 ICE is required to follow its own regulations. *United States ex rel. Accardi*
4 *v. Shaughnessy*, 347 U.S. 260, 268 (1954); *see Alcaraz v. INS*, 384 F.3d 1150, 1162
5 (9th Cir. 2004) (“The legal proposition that agencies may be required to abide by
6 certain internal policies is well-established.”). A court may review a re-detention
7 decision for compliance with the regulations. *See Phan v. Beccerra*, No. 2:25-CV-
8 01757, 2025 WL 1993735, at *3 (E.D. Cal. July 16, 2025); *Nguyen v. Hyde*, No.
9 25-cv-11470-MJJ, 2025 WL 1725791, at *3 (D. Mass. June 20, 2025) (citing *Kong*
10 *v. United States*, 62 F.4th 608, 620 (1st Cir. 2023)). Many judges in this district
11 have granted habeas petitions or temporary restraining orders when ICE failed to
12 follow 8 C.F.R. § 241.4(l) and its counterpart, 241.13(i). *See, e.g., Constantinovici*
13 *v. Bondi*, ___ F. Supp. 3d ___, 2025 WL 2898985, No. 25-cv-2405-RBM (S.D. Cal.
14 Oct. 10, 2025); *Rokhfirooz v. Larose*, No. 25-cv-2053-RSH, 2025 WL 2646165
15 (S.D. Cal. Sept. 15, 2025); *Phan v. Noem*, 2025 WL 2898977, No. 25-cv-2422-
16 RBM-MSB, *3–*5 (S.D. Cal. Oct. 10, 2025); *Sun v. Noem*, 2025 WL 2800037, No.
17 25-cv-2433-CAB (S.D. Cal. Sept. 30, 2025); *Van Tran v. Noem*, 2025 WL
18 2770623, No. 25-cv-2334-JES, *3 (S.D. Cal. Sept. 29, 2025); *Truong v. Noem*, No.
19 25-cv-02597-JES, ECF No. 10 (S.D. Cal. Oct. 10, 2025); *Khambounheuang v.*
20 *Noem*, No. 25-cv-02575-JO-SBC, ECF No. 12 (S.D. Cal. Oct. 9, 2025).³

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23 ² Because Mr. Salazar-Osorio has a final removal order from 2014, he is detained
24 under 8 U.S.C. § 1231 even though he is in ongoing withholding-only proceedings.
See Johnson v. Guzman Chavez, 594 U.S. 523, 526 (2021).

25 ³ Courts in other districts have done the same. *Ceesay v. Kurzdorfer*, 781 F. Supp.
26 3d 137, 166 (W.D.N.Y. 2025); *You v. Nielsen*, 321 F. Supp. 3d 451, 463 (S.D.N.Y.
27 2018); *Rombot v. Souza*, 296 F. Supp. 3d 383, 387 (D. Mass. 2017); *Zhu v. Genalo*,
28 No. 1:25-CV-06523 (JLR), 2025 WL 2452352, at *7–9 (S.D.N.Y. Aug. 26, 2025);
M.S.L. v. Bostock, No. 6:25-CV-01204-AA, 2025 WL 2430267, at *10–12 (D. Or.
Aug. 21, 2025); *Escalante v. Noem*, No. 9:25-CV-00182-MJT, 2025 WL 2491782,

1 Here, ICE violated § 241.4(l) in at least three respects here.

2 First, ICE did not comply with 8 C.F.R. § 241.4(l)'s interview requirements.
3 That regulation “require[s] ICE to provide ‘an initial informal interview
4 promptly . . . to afford the alien an opportunity to respond to the reasons for
5 revocation.’” *Rombot v. Souza*, 296 F. Supp. 3d 383, 387 (D. Mass. 2017) (quoting
6 8 C.F.R. § 241.4(l)(1)). But Mr. Salazar has been detained for almost two-and-a-
7 half months without receiving an interview. Exh. A at ¶¶ 11, 14; Exh. B at ¶ 1. That
8 does not comply with § 241.4(l)(1)'s “prompt” interview requirement. *See M.S.L.*
9 *v. Bostock*, Civ. No. 6:25-cv-01204-AA, 2025 WL 2430267, at *11 (D. Or. Aug.
10 21, 2025) (finding an informal interview given 27 days after petitioner was taken
11 into ICE custody “cannot reasonably be construed as . . . prompt” and granting
12 habeas petition); *Yang v. Kaiser*, No. 2:25-cv-02205-DAD-AC (HC), 2025 WL
13 2791778, at *5 (E.D. Cal. Aug. 20, 2025) (finding “the failure to provide an
14 informal interview during that lengthy [two-month] period of time renders
15 petitioner’s re-detention unlawful”); *Soryadvongsa v. Noem*, 24-cv-2663-AGS-
16 DDL, 2025 WL 3126821, at *1 (S.D. Cal. Nov. 8, 2025) (“an interview 29 days
17 after arrest” is not prompt). That alone is enough to grant the petition.

18 Second, ICE did not comply with 8 C.F.R. § 241.4(l)(1)'s requirement that
19 “upon revocation,” the re-detained person be “notified of the reasons for
20 revocation.” As Judge Moskowitz recently explained, the regulation’s text and due
21 process require that the notice be written. *Tran v. Noem*, 25-cv-2391-BTM, Dkt.
22 16, at 5–6 (S.D. Cal. Oct. 27, 2025). Here, Mr. Salazar Osorio has never received
23 written notice of why his release was revoked, Exh. A at ¶ 12; Exh. B at ¶ 1, let
24 alone “upon revocation.” 8 C.F.R. § 241.4(l)(1).

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27 at *2–3 (E.D. Tex. July 18, 2025); *Hoac v. Becerra*, No. 2:25-cv-01740-DC-JDP,
28 2025 WL 1993771, at *4 (E.D. Cal. July 16, 2025); *Liu*, 2025 WL 1696526, at *2;
M.Q. v. United States, 2025 WL 965810, at *3, *5 n.1 (S.D.N.Y. Mar. 31, 2025).

1 Third, the proper government official did not make the requisite findings
2 prior to Mr. Salazar-Osorio's re-detention. Section 241.4(l)(2) permits revocation
3 if the "Executive Associate Commissioner" or "district director" determines that
4 the purposes of release have been served; the person has violated a release
5 conditions; it is appropriate to enforce a removal order or commence removal
6 proceedings; or release is otherwise no longer appropriate. On information and
7 belief, neither the executive associate commissioner nor district director had any
8 involvement in this revocation. Exh. A at ¶ 13. The revocation was carried out by
9 line ICE officers. *Id.* Because the government will not be able to produce "any
10 documented determination, made prior to Petitioner's arrest," that any of the
11 prerequisites to re-detention were met, he must be release on these grounds, too.
12 *Rokhfirooz v. Larose*, 2025 WL 2646165, at *3 (S.D. Cal. Sept. 15, 2025).

13 Any one of those violations therefore demands Mr. Salazar-Osorio's release.

14 **II. Count 2: ICE violated the Due Process Clause by revoking Mr. Salazar-**
15 **Osorio's release even though he never violated his bond conditions.**

16 Additionally, ICE violated the IJ's bond order by detaining Mr. Salazar-
17 Osorio while a valid bond order was pending and without changed circumstances
18 justifying cancellation.

19 "Section 1226(b) vests the government with broad discretion to cancel a
20 noncitizen's bond, providing that "[t]he Attorney General *at any time* may revoke a
21 bond or parole authorized under subsection (a), rearrest the alien under the original
22 warrant, and detain the alien." *dos Santos v. Noem*, No. 1:25-CV-12052-JEK, 2025
23 WL 2370988, at *9 (D. Mass. Aug. 14, 2025). But "[t]he BIA has placed the
24 following limitation on this authority: 'where a previous bond determination has
25 been made by an immigration judge, no change should be made by [the DHS]
26 absent a change of circumstance.'" *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 968
27 (N.D. Cal. 2019). "DHS has incorporated this holding into its practice, requiring a
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1 showing of changed circumstances . . . where the prior bond determination was
2 made by an immigration judge.” *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1197
3 (N.D. Cal. 2017), *aff’d sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th
4 Cir. 2018).

5 Here, to Ms. Cabrera’s knowledge, ICE did not even exercise the
6 discretionary authority under § 1226(b) to cancel Mr. Salazar-Osorio’s bond. Exh.
7 A at ¶ 15. No mention was made of the bond when Mr. Salazar-Osorio was
8 detained. *Id.* Furthermore, there were no changed circumstances that made bond
9 revocation appropriate, as Mr. Salazar-Osorio followed all release conditions. *Id.*
10 at ¶ 8. Finally, Mr. Salazar-Osorio was given no chance to make that case to a
11 neutral immigration judge. ICE revoked his release unilaterally. *See id.* at ¶¶ 11-
12 15.

13 Arresting Mr. Salazar-Osorio when he was on bond, with no change in
14 circumstances and no hearing, violated Mr. Salazar-Osorio’s due process rights.
15 *See Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019); *dos Santos v.*
16 *Noem*, No. 1:25-CV-12052-JEK, 2025 WL 2370988, at *9 (D. Mass. Aug. 14,
17 2025). Thus, if the court does not release Mr. Salazar-Osorio based on the
18 government’s regulatory violations, the Court should order that he be reinstated on
19 the immigration judge’s bond order absent changed circumstances and a pre-
20 deprivation hearing before an IJ. *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970 (N.D.
21 Cal. 2019) (prohibiting re-arrest absent pre-deprivation IJ hearing); *dos Santos v.*
22 *Noem*, No. 1:25-CV-12052-JEK, 2025 WL 2370988, at *9 (D. Mass. Aug. 14,
23 2025) (releasing outright for lack of changed circumstances).

24 **III. This Court must hold an evidentiary hearing on any disputed facts.**

25 Resolution of a prolonged-detention habeas petition may require an
26 evidentiary hearing. *Owino v. Napolitano*, 575 F.3d 952, 956 (9th Cir. 2009).
27 Mr. Salazar-Osorio hereby requests such a hearing on any material, disputed facts.
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IV. Prayer for relief

- For the foregoing reasons, Petitioner respectfully requests that this Court:
1. Order Respondents to immediately release Petitioner from custody;
 2. Enjoin Respondents from re-detaining Petitioner absent full compliance with 8 C.F.R. § 241.4(l);
 3. Enjoin Respondents from re-detaining Petitioner absent changed circumstances and a pre-deprivation hearing justifying bond revocation; and
 4. Order all other relief that the Court deems just and proper.

Respectfully submitted,

Dated: November 25, 2025

s/ Katie Hurrelbrink

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PROOF OF SERVICE

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I, the undersigned, will cause the attached Petition for a Writ of Habeas Corpus to be emailed to the U.S. Attorney’s Office for the Southern District of California at USACAS.Habeas2241@usdoj.gov when I receive the court-stamped copy.

Date: 11/25/2025

/s/ Katie Hurrelbrink
Katie Hurrelbrink