

1 Wilson M. Dunlavy (SBN 307719)
2 Celena H. Nelson (SBN 356840)
3 Nicole M. Rubin (SBN 361232)
4 **LIEFF CABRASER HEIMANN & BERNSTEIN, LLP**
5 275 Battery Street, 29th Floor
6 San Francisco, CA 94111-3339
7 Telephone: 415.956.1000
8 Facsimile: 415.956.1008
9 wdunlavy@lchb.com
10 chnelson@lchb.com
11 nrubin@lchb.com

12 *Attorneys for Petitioner*

13 UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA

15 ESTEBAN QUIROGA-CHAPARRO,


16 Petitioner,

17 v.

18 Warden of the Golden State Annex Detention
19 Facility, Current or Acting Field Office Director,
20 TODD LYONS, Acting Director of U.S.
21 Immigrations and Customs Enforcement, KRISTI
22 NOEM, Secretary of Homeland Security, PAMELA
23 BONDI, Attorney General of the United States, *in
24 their official capacities,*

25 Respondents.

Case No. 1:25-at-1211


Agency No. 

PETITION FOR WRIT OF HABEAS CORPUS

ORAL ARGUMENT REQUESTED

Expedited Hearing Requested

INTRODUCTION

1. Petitioner Esteban Quiroga-Chaparro was relentlessly pursued, attacked, and physically
injured by  in his native Colombia, forcing him to flee for his life and seek
sanctuary in the United States.

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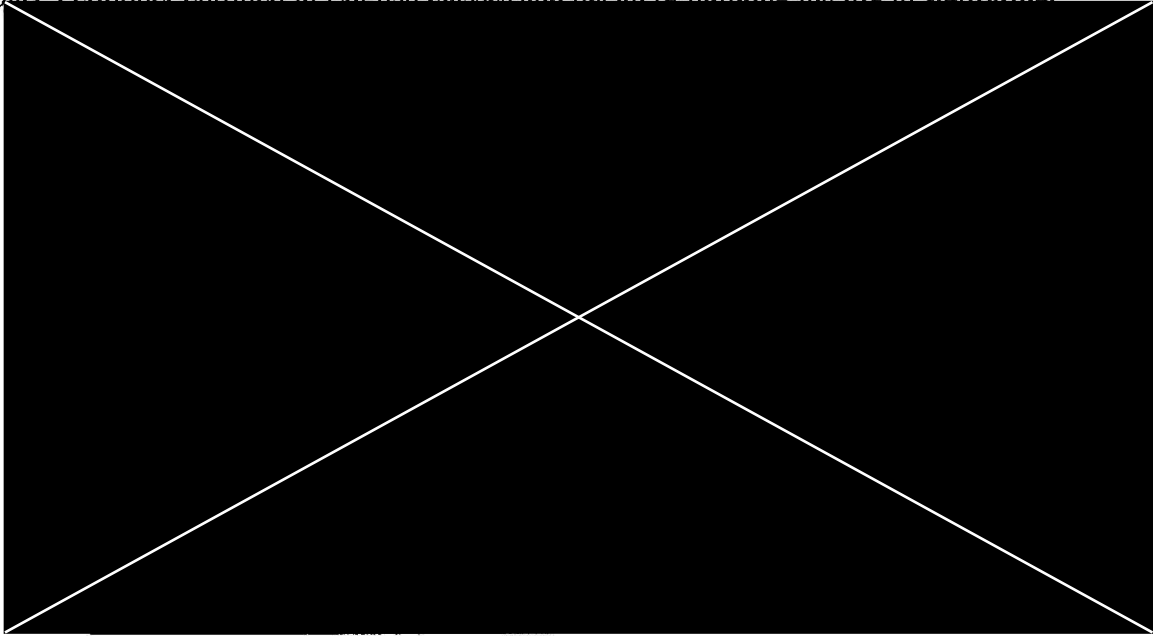

1 [REDACTED]
2 [REDACTED]
3 3. In fear for his life, Petitioner fled Bogotá to stay with relatives in the city of Girardot,
4 Colombia. But [REDACTED]

5 [REDACTED] Petitioner narrowly escaped, then fled to the city of Cali, Colombia,
6 some 350 miles away from Girardot, where he stayed with friends. On March 9, 2023, members of the
7 group again tracked down and attacked Petitioner. [REDACTED]
8 [REDACTED]

9 4. Certain that he faced imminent death [REDACTED] if he stayed in his native
10 Colombia, Petitioner fled his home for the United States in April 2023, seeking sanctuary from persecution.

11 5. Petitioner entered the United States on April 14, 2023. He crossed the Rio Grande River into
12 Texas near the Eagle Pass Port of Entry. He searched for and immediately presented himself to Customs and
13 Border Patrol (“CBP”) officers, who arrested and detained him. Petitioner informed the officers that he was
14 seeking asylum, claiming credible fear of physical harm and death on the basis of his sexual minority status
15 if returned to Colombia. While in detention, he was interviewed by an asylum officer who, on April 20,
16 2023, deemed Petitioner’s claim credible based on [REDACTED]
17 owing to his sexual minority status.
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1 6. Respondents released Petitioner on parole on May 1, 2023. He traveled to San Jose,
2 California, to live with a friend of his mother. There, he met and began dating his now husband, U.S. citizen
3 Jacob Rojas. Petitioner enrolled in English classes and began re-building his life in California.



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14 *Petitioner and his husband celebrating their wedding in April 2024.*

15 7. On April 9, 2024, Petitioner timely submitted his application for asylum and for withholding of
16 removal. Respondents commenced removal proceedings against Petitioner in immigration court, entitling
17 Petitioner to present an asylum claim with the Due Process rights afforded under 8 U.S.C. § 1229a.
18 Petitioner complied.

19 8. Petitioner married Mr. Rojas on April 12, 2024. On April 29, 2025, Mr. Rojas submitted a
20 “Petition for Alien Relative” before the U.S. immigration authorities.

21 9. On July 28, 2025, the U.S. immigration authorities noticed an in-person master hearing for
22 Petitioner before the San Francisco Immigration Court for July 17, 2026.

23 10. Three months later, on October 22, 2025, Petitioner presented himself at what he thought was
24 another routine check-in in San Francisco. But that is not what happened.

25 11. Without warning or cause, Immigrations and Customs Enforcement (“ICE”) detained
26 Petitioner upon his presentation at the Field Office and transferred him to the Golden State Annex in
27 McFarland, California, where he remains in detention without explanation, cause, or any process.
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1 12. Mr. Rojas continues to visit Petitioner every week, driving five hours for only a short
2 opportunity to see his husband, and they speak every day by phone, video call, or text message. Petitioner
3 has described to Mr. Rojas very poor conditions in the facility (*e.g.*, lack of showers, overcrowding, rough
4 handling of detainees by guards, *etc.*). In short, an asylum applicant whose claim has already been
5 determined to be credible by an asylum officer has been effectively imprisoned without any process to
6 await, at best, a master hearing almost eight months from now.

7 13. To vindicate Petitioner's rights, Petitioner respectfully requests that this Court grant the
8 instant petition for a writ of habeas corpus. Petitioner respectfully asks this Court to find that Respondents'
9 detention and transfer of Petitioner are arbitrary and capricious and in violation of the law, and furthermore,
10 to immediately issue an order preventing Petitioner's transfer out of this district. Alternatively or
11 additionally, this Court should issue an Order to Show Cause ("OSC") to the Respondents "forthwith,"
12 directing them to show cause why Petitioner's writ of habeas corpus should not be granted

13 JURISDICTION

14 14. This action arises under the Constitution of the United States and the Immigration and
15 Nationality Act (INA), 8 U.S.C. §§ 1101 *et. seq.*

16 15. This court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C.
17 § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

18 16. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. §§ 2241 *et. seq.*, the
19 Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et. seq.*, the All Writs Act, 28 U.S.C. § 1651, and the
20 Immigration and Nationality Act, 8 U.S.C. § 1252(e)(2).

21 VENUE

22 17. Venue is proper because Petitioner is in Respondents' custody in McFarland, California.
23 Venue is furthermore proper because a substantial part of the events or omissions giving rise to Petitioner's
24 claims occurred in this District, where Petitioner is now in Respondents' custody. 28 U.S.C. § 1391(e).

25 18. For these same reasons, divisional venue is proper under Local Rule 120(d).

26 REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

27 19. The Court must grant the petition for writ of habeas corpus or issue an OSC to the
28 Respondents "forthwith," directing Respondents to show cause why the petition for a writ of habeas corpus filed

1 by Petitioner pursuant to 28 U.S.C. § 2241 should not be granted. 28 U.S.C. § 2243. If an OSC is issued, the
2 Court must require Respondents to file a return “within three days unless for good cause additional time, not
3 exceeding twenty days, is allowed.” *Id.*

4 20. Courts have long recognized the significance of the habeas statute in protecting individuals
5 from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to
6 the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal
7 restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (citation omitted) (overruled on other
8 grounds).

9 21. Petitioner is “in custody” for the purpose of § 2241 because Petitioner is arrested and detained
10 by Respondents and is under the direct control of Respondents.

11 **PARTIES**

12 22. Petitioner ESTEBAN QUIROGA-CHAPARRO resides in Hayward, California, and is
13 currently detained at the Golden State Annex Detention Facility immigration detention center in McFarland,
14 California.

15 23. Respondent KRISTI NOEM is the Secretary of the Department of Homeland Security
16 (“DHS”), and is sued in her official capacity. The Secretary of Homeland Security is charged with the
17 administration and enforcement of immigration laws. 8 U.S.C. § 1103(a).

18 24. Respondent PAMELA BONDI is the Attorney General of the United States and is sued in
19 her official capacity as the head of the Department of Justice. The Attorney General is responsible for the
20 fair administration of the laws of the United States.

21 25. Respondent TODD LYONS is the Acting Director of U.S. Immigration and Customs
22 Enforcement (“ICE”) and is sued in his official capacity. ICE is responsible for the detention of Petitioner.

23 26. Respondent FIELD OFFICE DIRECTOR of the Immigration and Customs Enforcement
24 Field Office Director at the ICE Golden State Annex immigration detention facility is sued in their official
25 capacity. Respondent Director is responsible for the detention of Petitioner.

26 27. Respondent WARDEN of the ICE Golden State Annex immigration detention facility is sued
27 in their official capacity. Respondent Director is responsible for the detention of Petitioner.

LEGAL FRAMEWORK

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2 28. Immigration detention is civil detention and is distinct from detention ordered in a criminal
3 proceeding. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Civil detention should not be used as a
4 punishment and should only be used in certain special and narrow non-punitive circumstances (*e.g.*, harm-
5 threatening mental illness). *Id.* (citations omitted).

6 29. Non-citizens in immigration proceedings are entitled to Due Process under the Fifth
7 Amendment of the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993).

8 30. The Immigration and Nationality Act (“INA”) establishes various procedures through which
9 individuals may be detained pending a decision on whether the non-citizen is to be removed. 8 U.S.C.
10 § 1226(a).

11 31. Removal proceedings described in Section 240 of the INA are used to determine whether
12 individuals, such as Petitioner, should be removed from the United States. *See* 8 U.S.C. § 1229a.

13 32. The Refugee Act of 1980, the cornerstone of the U.S. asylum system, provides a right to
14 apply for asylum to individuals seeking safe haven in the United States. The purpose of the Refugee Act is
15 to enforce the “historic policy of the United States to respond to the urgent needs of persons subject to
16 persecution in their homelands.” Refugee Act of 1980, § 101(a), Pub. L. No. 96-212, 94 Stat. 102 (1980).

17 33. The “motivation for the enactment of the Refugee Act” was the United Nations Protocol
18 Relating to the Status of Refugees, “to which the United States had been bound since 1968.” *INS v.*
19 *Cardoza-Fonseca*, 480 U.S. 421, 424, 432-33 (1987). The Refugee Act reflects a legislative purpose “to give
20 statutory meaning to our national commitment to human rights and humanitarian concerns.” *Duran v. INS*,
21 756 F.2d 1338, 1340 n.2 (9th Cir. 1985) (internal citations omitted).

22 34. The Refugee Act established the right of non-citizens to apply for asylum in the United States
23 and defines the standards for granting asylum. *Perez-Guzman v. Lynch*, 835 F.3d 1066, 1071 (9th Cir. 2016).
24 It is codified in various sections of the INA.

25 35. The INA gives the Attorney General or the Secretary of Homeland Security discretion to
26 grant asylum to non-citizens who satisfy the definition of “refugee.” Under that definition, individuals
27 generally are eligible for asylum if they have experienced past persecution or have a well-founded fear of
28 future persecution on account of race, religion, nationality, membership in a particular social group, or

1 political opinion and if they are unable or unwilling to return to and avail themselves of the protection of
2 their homeland because of that persecution of fear. 8 U.S.C. § 1101(a)(42)(A).

3 36. Although a grant of asylum may be discretionary, the right to apply for asylum is not. The
4 Refugee Act broadly affords a right to apply for asylum to any noncitizen “who is physically present in the
5 United States or who arrives in the United States[.]” 8 U.S.C. § 1158(a)(1).

6 37. Immigration detention is a form of civil confinement that “constitutes a significant
7 deprivation of liberty that requires due process protection.” *Addington v. Texas*, 441 U.S. 418, 425 (1979).

8 38. Custody determinations for individuals in § 1229a removal proceedings are governed by 8
9 U.S.C. § 1226. Under § 1226(a), an individual may be released if he does not present a danger to persons or
10 property and is not a flight risk. *Zadvydus*, 533 U.S. at 690; *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006).

11 39. Custody determinations under § 1226(a) are individualized and based on the facts presented
12 in those cases. Unlike § 1226(c) “Detention of Criminal Aliens,” which can provide for categorical
13 determinations for detention regardless of flight risk or safety risks, § 1226(a) requires a case-by-case review
14 of the facts and circumstances.

15 40. Once a determination to release an individual from custody is made, the release order may be
16 revisited when the facts or circumstances warrant revocation or reconsideration. 8 U.S.C. § 1226(b). For an
17 individual who was once in custody, the Attorney General may take that individual back into custody by
18 revoking the individual’s release when the facts and circumstances warrant it.

19 41. Revocation and return to custody is authorized only based on the individualized facts and
20 circumstances. 8 C.F.R. § 1236.1(c)(9). By regulation, revocation decisions are limited in nature and may
21 only be made by certain authorized officials. 8 C.F.R. § 1236.1(c)(9).

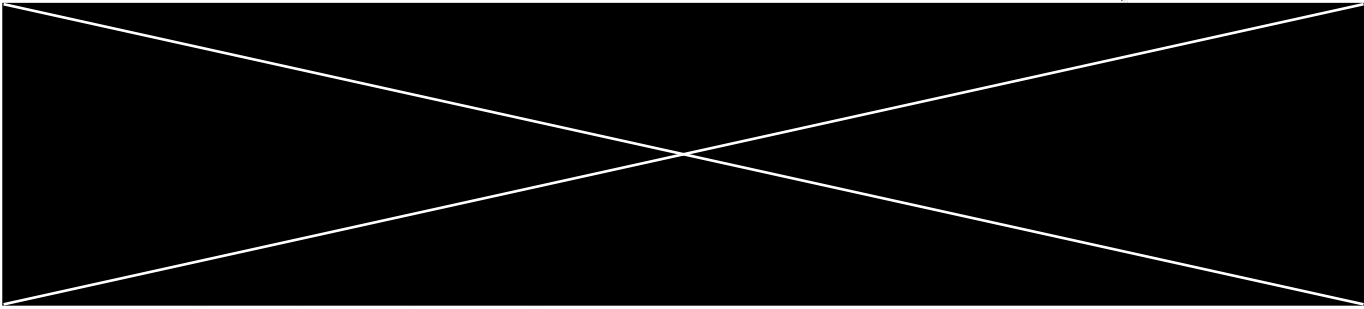
22 **FACTUAL BACKGROUND**

23 42. Petitioner Esteban Quiroga-Chaparro has resided in the United States since 2023 and lives in
24 Hayward, California. Exhibit A at 218. He is married to and lives with his husband, U.S. citizen Jacob
25 Rojas. Petitioner is a student at Chabot College in Hayward, California, where he studies English as a
26 Second Language (“ESL”). *Id.* at 235.

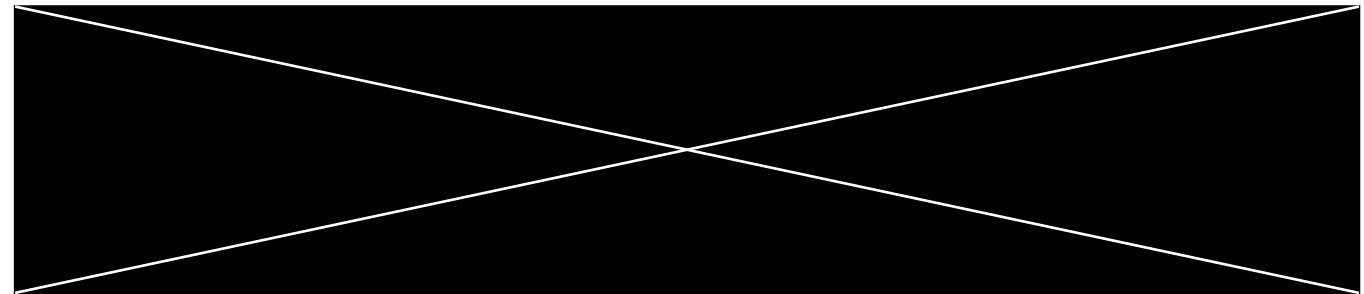
27 43. Petitioner fled Colombia due to credible fear [REDACTED]

28 [REDACTED] *Id.* at 98-100. On January 13, 2023, [REDACTED]

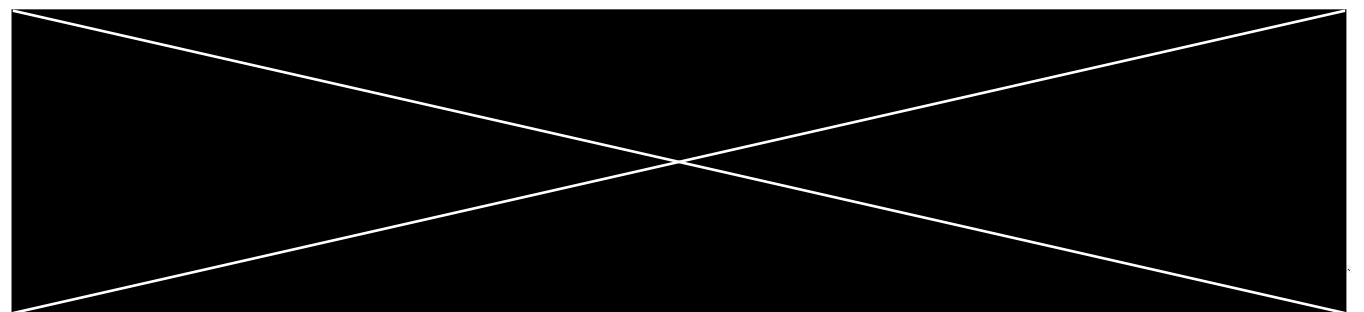
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44. Petitioner fled Bogotá to stay with relatives in the city of Girardot, hoping to avoid further violence. *Id.* But [REDACTED]



46. Petitioner then fled to the city of Cali, where he stayed with friends. *Id.* On March 9, 2023, however, [REDACTED]



47. Shortly thereafter, Petitioner, fearing for his life, made the difficult decision to leave his home and flee to the United States. *Id.*

48. On April 14, 2023, Petitioner entered the U.S. by crossing the Rio Grande near Eagle Pass, Texas. *Id.* at 87. Petitioner sought out the authorities, found them quickly, and was apprehended by Customs and Border Patrol (“CBP”). They arrested him and issued a Notice and Order of Expedited Removal under § 235(b)(1) of the INA on grounds of inadmissibility under INA § 212(a)(7)(A)(i)(I). *Id.* at 72. Petitioner claimed fear of return and was interviewed by an immigration officer regarding his fear of returning to Colombia. *Id.* at 21-24. Petitioner was then transferred to a detention center in Karnes City, Texas.

1 49. A few days later, on April 20, 2023, Petitioner was interviewed telephonically by a USCIS
2 asylum officer who made a positive credible fear determination. *Id.* at 28. One day later, the supervisory
3 asylum officer approved the determination. *Id.* at 29.

4 50. On May 1, 2023, Petitioner was released on parole with reporting requirements under the
5 Alternatives to Detention program. *Id.* at 4. Petitioner moved to California, properly informed authorities of
6 the same, and his file was transferred to the San Jose field office. *Id.* at 203.

7 51. While living in San Jose, California, Petitioner met and began dating his now husband, U.S.
8 citizen Jacob Ryan Rojas. On April 12, 2024, Petitioner married Mr. Rojas in Clark County, Nevada. *Id.* at
9 230. The couple celebrated with 20 of their closest friends and family members.

10 52. In April 2025, Mr. Rojas submitted the Spousal I-130 package. *Id.* at 214. In July 2025, an
11 immigration judge in San Francisco noticed a Master Hearing for Petitioner's case set for July 17, 2026. *Id.*
12 at 217.

13 53. On April 9, 2024, Petitioner filed a defensive asylum application (Form I-589). *Id.* at 218.
14 Shortly thereafter, Petitioner's Individual Service Plan was updated with San Francisco field office periodic
15 visits and reporting via SmartLINK. *Id.* at 263.

16 54. Petitioner did not miss any of his scheduled in-person check-ins at the ISAP Office located at
17 478 Tehama Street in San Francisco. He checked-in at the ISAP Office every 48 weeks as instructed.

18 55. On October 22, 2025, Petitioner arrived for his scheduled in-person check-in at the ISAP
19 Office in San Francisco, accompanied by Mr. Rojas. However, unlike his previous check-ins, agents at the
20 ISAP Office directed Petitioner to report to the Immigrations and Customs Enforcement Field Office in San
21 Francisco (the "Field Office"). After Petitioner and his husband waited for several hours at the Field Office,
22 Petitioner was detained and transferred to the Golden State Annex in McFarland, California.

23 56. Petitioner has never received a document providing the reasons for his detention or any
24 writing even alleging any violations of the conditions of his release. Petitioner received only a Warrant for
25 Arrest of Alien stating that "there is probable cause to believe that [Petitioner] is removable from the United
26 States." *See* Exhibit B. The Warrant does not include any facts or details related to the reason for his
27 detainment. *Id.*

28 57. Petitioner remains in detention and has been denied a bond hearing.

1 58. At least once a week, and sometimes more, Mr. Rojas drives over five hours from their home
2 in the Bay Area to McFarland to visit Petitioner. Mr. Rojas and Petitioner speak every day through phone
3 call, video call, or text message. Petitioner has described poor conditions in the facility, causing his husband
4 significant distress.

5 59. On information and belief, Respondents are detaining and seeking to transfer Petitioner
6 regardless of the individual facts and circumstances of his case.

7 60. On information and belief, Respondents are using the immigration detention system,
8 including extra-territorial transfer and detention, as a means to punish individuals for asserting rights under
9 the Refugee Act.

10 61. On information and belief, Petitioner has no criminal history.

11 **CLAIMS FOR RELIEF**

12 **COUNT ONE**

13 **Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A) Abuse of Discretion**
14 **Violation of 8 U.S.C. § 1226(b), 8 C.F.R. § 1236.1(c)(9)**

15 62. Petitioner re-states and re-alleges all paragraphs as if fully set forth here.

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

18 64. “[U]nder the under the Administrative Procedure Act, immigration parolees are entitled to
19 determinations related to their parole revocations that are not arbitrary, capricious or an abuse of discretion.”
20 *Castillo v. Wofford*, No. 1:25-CV-01586-JLT-HBK, 2025 WL 3466064, at *5 (E.D. Cal. Dec. 2, 2025).

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

26 66. To survive an APA challenge, the agency must articulate “a satisfactory explanation” for its
27 action, “including a rational connection between the facts found and the choice made.” *Dep’t of Com. v. New*
28 *York*, 588 U.S. 752, 773 (2019) (citation omitted).

1 67. By detaining Petitioner without consideration of his individualized facts and circumstances,
2 including his Master Hearing scheduled for July 2026, Respondents have violated the APA.

3 68. By detaining the Petitioner categorically, Respondents have further abused their discretion
4 because there have been no changes to his facts or circumstances.

5 **COUNT TWO**

6 **Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A) Not in Accordance with Law and**
7 **in Excess of Statutory Authority Violation of 8 U.S.C. § 1226(b), 8 C.F.R. § 1236.1(c)(9)**

8 69. Petitioner re-states and re-alleges all paragraphs as if fully set forth here.

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

12 71. 8 U.S.C. § 1226(b) authorizes that “[t]he Attorney General at any time may revoke a bond or
13 parole authorized under [8 U.S.C. § 1226](a)” and re-arrest a noncitizen under the initial warrant. In
14 implementing this statutory provision, 8 C.F.R. § 1236.1(c)(9) clarifies that such revocations of release from
15 custody may only be carried out in the “discretion of the district director, acting district director, deputy
16 district director, assistant district director for investigations, assistant district director for detention and
17 deportation, or officer in charge (except foreign).”

18 72. It is a well-established administrative principle that “agency action taken without lawful
19 authority is at least avoidable, if not void *ab initio*.” *L.M.-M. v. Cuccinelli*, 442 F. Supp. 3d 1, 35 (D.D.C.
20 2020) (citation omitted); *see also Hooks v. Kitsap Tenant Support Servs., Inc.*, 816 F.3d 550, 555 (9th Cir.
21 2016) (invalidating agency action because it was taken by unauthorized official).

22 73. On information and belief, Respondents have arbitrarily and capriciously re-detained
23 Petitioner without the individual exercise of discretion required by law or by the individuals enumerated by
24 regulation to do so.

25 74. Because Petitioner’s revocation of release from custody has been made or will be
26 categorically directed by government officials not authorized by law to make this determination,
27 Respondents’ detention of Petitioner is not in accordance with law and in excess of statutory authority.
28

COUNT THREE

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

75. Petitioner re-states and re-alleges all paragraphs as if fully set forth here.

76. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits the federal government from depriving any person of “life, liberty, or property, without due process of law.” U.S. Const. Amend. V. Due process protects “all ‘persons’ within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693; *accord Flores*, 507 U.S. at 306.

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

78. While the government has discretion to detain individuals under 8 U.S.C. § 1226(a) and to revoke custody decisions under 8 U.S.C. § 1226(b), this discretion is not “unlimited” and must comport with constitutional due process. *See Zadvydas*, 533 U.S. at 697-98.

79. Here, Respondents’ actions are not rational and are arbitrary. Respondents have chosen to revoke Petitioner’s release not based on any individualized determination of whether he is a safety or flight risk. Furthermore, no individual circumstances have changed regarding whether he is a safety or flight risk. Petitioner has never been arrested and was indeed detained when he was checking in at an ICE facility in San Francisco. Petitioner has attended each and every one of his scheduled in-person check-ins. Petitioner has responded to all requests for his location through SMARTLink, in compliance with the conditions of his parole.

80. Because no individualized custody revocation has been made and no circumstances have changed to indicate Petitioner is a flight risk or a danger to the community, Respondents’ revocation of Petitioner’s release is arbitrary, not rational, and violates his right to procedural due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests this Court to grant the following:

1. Assume jurisdiction over this action;

- 1 2. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should
- 2 not be granted within three days;
- 3 3. Declare that Petitioner's detention without an individualized determination violates the Due
- 4 Process Clause of the Fifth Amendment;
- 5 4. Declare that Petitioner's revocation of parole from custody was made in violation of statute
- 6 and regulation;
- 7 5. Issue a Writ of Habeas Corpus ordering Respondents to schedule a bond hearing before an
- 8 immigration judge, and, at such hearing, afford Petitioner the opportunity to be released on bail;
- 9 6. Issue an Order prohibiting the Respondents from transferring Petitioner from the district
- 10 without the Court's approval;
- 11 7. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any
- 12 other basis justified under law; and
- 13 8. Grant any further relief this Court deems just and proper.

14 Dated: December 4, 2025

Respectfully submitted,

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16 By: 

17 _____
18 Wilson M. Dunlavy(SBN 307719)
19 Celena H. Nelson (SBN 356840)
20 Nicole M. Rubin (SBN 361232)
21 **LIEFF CABRASER HEIMANN & BERNSTEIN, LLP**
22 275 Battery Street, 29th Floor
23 San Francisco, CA 94111-3339
24 Telephone: 415.956.1000
25 Facsimile: 415.956.1008
26 wdunlavy@lchb.com
27 chnelson@lchb.com
28 nrubin@lchb.com

Attorneys for Petitioner

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

1
2 I represent Petitioner, Esteban Quiroga-Chaparro, and submit this verification on his behalf. I hereby
3 verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and
4 correct to the best of my knowledge.

5 Dated this 4th day of December, 2025.

6
7 /s/ Celena Heredia Nelson
8 Celena Heredia Nelson
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