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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10 **FRESNO DIVISION**

11
12 NARCISA DE JESUS YUGLA ALOMALIZA

13 *Petitioner,*

14
15 v.

16 Timothy S. ROBBINS, Field Office Director of the
Los Angeles Field Office of U.S. Immigration and
17 Customs enforcement; Todd M. LYONS, Acting
18 Director of U.S. Immigration and Customs
Enforcement; U.S. DEPARTMENT OF
19 HOMELAND SECURITY, Kristi NOEM,
20 Secretary of the U.S. Department of Homeland
Security, Christopher CHESTNUT, Warden,
21 California City Corrections Center, and Pamela
BONDI, Attorney General of the United States
22

23 *Respondents,*

Case No. 25-1215

**PETITION FOR WRIT OF HABEAS
CORPUS PURSUANT TO 28 U.S.C. §2241**

IMMIGRATION HABEAS CASE

INTRODUCTION

1
2 1. Petitioner Narcisa de Jesus Yugla Alomaliza (“Petitioner”) is an asylum seeker who fled
3 Ecuador along with her spouse and their minor child. After Petitioner and her family arrived in the
4 United States on March 29, 2024, federal agents briefly detained them, determined that none of them
5 were not a flight risk or danger to the community, and released Petitioner and her family on their own
6 recognizance. A Notice to Appear was subsequently provided to her, ordering her to appear at removal
7 proceedings with the Immigration Court. Since her entry to the United States, Petitioner has done
8 everything the government asked her to do, including complying with all terms of her monitoring
9 program, which includes sending pictures of herself to ICE on a regular basis, presenting herself for in-
10 person check-ins at the ICE field office, and maintain ICE informed of her whereabouts. In addition,
11 Petitioner has no criminal history anywhere in the world. Shortly after being served with the Notice to
12 Appear on March 29, 2024, Petitioner and her spouse started working on their case, initially by having
13 their case transferred to the Concord Immigration Court, retaining the services of an office to prepare an
14 asylum application for Petitioner and her entire family and then submitting an application prior to the
15 scheduled March 26, 2026 Master Calendar hearing with the San Francisco Immigration Court.

16 2. On November 1, 2025, Petitioner was at her home with her minor daughter when Immigration
17 and Custom Enforcement (“ICE”) agents knocked at her front door. When Petitioner opened the door,
18 she was promptly detained by the ICE agents, who told Petitioner they had a warrant for her arrest and
19 that she was being detained because she had missed sending them a selfie-picture. On the same day,
20 Petitioner was transferred to the California City Detention Center, in California City, California.

21 3. Prior to that date, Respondent had sent numerous selfie-pictures to ISAP, and she always
22 provided updates about her new address, and she appeared at all of her in person visits to the ICE field
23 office. In regards to any possible missteps in relation to the monitoring program, in or around August
24 2024 Petitioner missed taking a selfie-picture because she had forgotten to charge her cellphone.
25 However, on the following day, once Petitioner noticed her cell phone battery had died, she proceeded
26 with recharging it and she promptly sent a picture. Another occasion was in early October 2025, under
27 the exact same circumstances. Regardless, Petitioner always sent a picture to rectify her mistake. In
28

1 addition, she always kept ICE informed about her whereabouts and appeared in person at all her
2 scheduled in-person visits.

3 4. Before re-detaining her, Respondents did not provide Petitioner with any written notice
4 Explaining the basis for the revocation of her release. Nor did they provide a hearing before a neutral
5 decisionmaker where ICE was required to justify the basis for re-detention or explain why Petitioner is a
6 flight risk or danger to the community.

7 5. A number of courts have held that due process demands such a hearing before the government's
8 Decision to terminate a person's liberty. (See *E.A. T.-B. v. Wamsley*, --- F.Supp. 3d --- No. C25-1192-
9 KKE, 2025 WL 2402130 (W.D. Wash. Aug. 19, 2025.)

10 6. By failing to provide such a hearing, Respondents have violated Petitioner's constitutional right
11 to due process. Accordingly, this Court should grant the instant petition for a writ of habeas corpus and
12 order her immediate release. (See *Id.* at 6 * (ordering immediate release because "a post-deprivation
13 hearing cannot serve as an adequate procedural safeguard because it is after the fact and cannot prevent
14 an erroneous deprivation of liberty."))

15 JURISDICTION AND VENUE

16 7. The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal question),
17 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201-02 (Declaratory Judgment Act), 28 U.S.C. § 2241
18 (habeas corpus), Article I, § 9, cl. 2 of the U.S. Constitution (the Suspension Clause), the Fourth and
19 Fifth Amendments to the U.S. Constitution, and 5 U.S.C. §§ 701-706 (Administrative Procedure Act).

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

22 REQUIREMENTS OF 28 U.S.C. § 2243

23 9. The Court must grant the petition for writ of habeas corpus or issue an order to show cause
24 (OSC) to the Respondents "forthwith," unless Petitioner is not entitled to relief. (28 U.S.C. §2243.) If
25 an OSC is issued, the Court must require Respondents to file a return "within three days unless for good
26 cause additional time, not exceeding twenty days, is allowed." (*Id.*)

1 10. Habeas corpus is perhaps the most important writ known to the constitutional law... affording
2 as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” (*Fay v. Noia*,
3 372 U.S. 391, 400 (1963).) “The application for the writ usurps the attention and displaces the calendar
4 of the judge or justice who entertains it and receives prompt action from him within the four corners of
5 the application.” (*Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted); *see also Van*
6 *Buskirk v. Wilkinson*, 216 F.2d 735, 737–38 (9th Cir. 1954) (Habeas corpus is “a speedy remedy,
7 entitled by statute to special, preferential consideration to insure expeditious hearing and
8 determination.”).

9 11. Petitioner is “in custody” for the purpose of 28 U.S.C. § 2241 because she is in Respondents’
10 custody at California City Corrections Center.

11 **PARTIES**

12 12. Petitioner is a 53-year-old asylum seeker from Ecuador. She has a pending case with the
13 Adelanto Immigration Court¹, and has no criminal history. She is presently in civil immigration
14 detention at the California City Correctional Center, in California City, California.

15 13. Respondent Timothy S. Robbins is the Acting Field Office Director of the Los Angeles
16 ICE Field Office. In this capacity, he is responsible for the administration of immigration laws
17 and the execution of immigration enforcement and detention policy within ICE’s Los Angeles
18 Area of Responsibility, including the detention of Petitioner. Respondent Robbins maintains an
19 office and regularly conducts business in this district. Respondent Robbins is sued in his official
20 capacity.

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

25 _____
26 ¹ Following her detention and transfer to the California City Detention Center, her case was transferred to the Adelanto
27 Immigration Court. An initial Master Calendar Hearing has been scheduled for January 7, 2026. Prior to that, she had a case
28 along with her spouse, Edwin Vladimir Cordova Morejon with the San Francisco Immigration Court, where she had her first
Master Calendar hearing scheduled for January 6, 2026.

1 Respondent Lyons is sued in his official capacity.

2 15. Respondent Kristi Noem is the Secretary of Homeland Security and has ultimate
3 authority over DHS. In that capacity and through her agents, Respondent Noem has broad authority
4 over and responsibility for the operation and enforcement of the immigration laws; routinely
5 transacts business in this District; and is legally responsible for pursuing any effort to detain and
6 remove the Petitioner. Respondent Noem is sued in her official capacity.

7 16. Respondent Department of Homeland Security (DHS) is the federal agency responsible for
8 implementing and enforcing the INA, including the detention and removal of noncitizens.

9 17. Respondent Christopher Chestnut is employed by the private corporation, CoreCivic, Inc., as the
10 Warden of the California City Corrections Center, where Petitioner is detained. He has immediate
11 physical custody of Petitioner. He is sued in his official capacity.

12 18. Respondent Pamela Bondi is the Attorney General of the United States and the most
13 senior official at the Department of Justice. In that capacity and through her agents, she is
14 responsible for overseeing the implementation and enforcement of the federal immigration laws.
15 The Attorney General delegates this responsibility to the Executive Office for Immigration
16 Review, which administers the immigration courts and the BIA. Respondent Bondi is sued in her official
17 capacity.

18 EXHAUSTION

19 19. There is no requirement to exhaust because no other forum exists in which
20 Petitioner can raise the claims herein. There is no statutory exhaustion requirement prior to
21 challenging the constitutionality of an arrest or detention, or challenging a policy under the
22 Administrative Procedure Act. Prudential exhaustion is not required here because it would be
23 futile, and Petitioner will “suffer irreparable harm if unable to secure immediate judicial
24 consideration of [their] claim.” (*McCarthy v. Madigan*, 503 U.S. 140, 147 (1992).) Any further
25 exhaustion requirements would be unreasonable.

26 FACTUAL BACKGROUND

27 20. Petitioner is a 53-year-old citizen and national of Ecuador.

1 21. Petitioner is married to Edwin Vladimir Cordova Morejon, who is also a citizen and national of
2 Ecuador.

3 22. Petitioner and Edwin Vladimir Cordova Morejon have one child together, E [REDACTED]
4 [REDACTED] who is 15 years old as of the present time.

5 23. Petitioner and her family fled Ecuador to seek asylum and related protections from persecution
6 and torture in the United States.

7 24. On or about March 29, 2024, Petitioner arrived in the United States along with her spouse and
8 child to seek asylum. That same day, Respondents arrested and detained Petitioner and her family. At
9 the time of her detention, Petitioner was provided with a Warrant for Arrest of Alien, which provided
10 she was being taken into custody as authorized by Section 236 of the Immigration and Nationality Act.

11 23. On or about March 30, 2029, Respondent DHS paroled Petitioner from its custody into the
12 United States under 8 U.S.C. § 1182(d)(5), after a determination that she was low flight risk and was not
13 a danger to the community. Petitioner was provided with a Notices of Custody Determination on March
14 29, 2024, which stated Petitioner was being released on her own recognizance pursuant to section 236 of
15 the Immigration and Nationality Act. Petitioner was also served with a Notice of Appear, indicating she
16 was to appear for a Master Calendar Hearing with the New York Immigration Court on April 30, 2025.

17 24. Petitioner was also provided with two Orders of Release on Recognizance. The first Order of
18 Release on Recognizance was dated March 29, 2024, and the second Order of Release on Recognizance
19 was dated March 30, 2024². Both orders informed Petitioner that as a condition of her release, she was
20 instructed to make an initial in person appearance at the ICE Field office in New York on May 27, 2024
21 and on May 1, 2024 respectively. Both orders also stated Petitioner was being released pursuant to
22 Section 236 of the Immigration and Nationality Act.

23 25. At the time of her release from custody, ICE officers placed an ankle monitor on Petitioner.

24 25. Following her release from detention on March 30, 2024, Petitioner and her family relocated to
25 the City of San Mateo, in California on April 2, 2024. On April 13, 2024, Petitioner notified DHS/ICE
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27 _____
28 ² Petitioner is unaware as for why DHS provided her with two different Orders of release on Recognizance.

1 about their new address. She was instructed to appear in person as the ICE San Francisco Field Office
2 on May 20, 2024.

3 26. Petitioner appeared for her initial in-person check-in at the ICE San Francisco Field Office on or
4 around May 20, 2024, where ICE agents removed her ankle monitor and instructed her to return on May
5 22, 2025 for a second in-person check-in visit, along with her spouse. Petitioner was also provided with
6 a cell phone, which contained a monitoring app. Petitioner was instructed to take selfie-pictures on a
7 monthly basis.

8 27. In or around May 22, 2024, Petitioner filed a Motion to Change Venue with the Immigration
9 Court. The Immigration Court granted the Motion to Change Venue and a Master Calendar Hearing
10 was scheduled for Petitioner and her family with the San Francisco Immigration Court for March 13,
11 2026.

12 28. Per the ICE officer instructions, following her in-person visit to ICE on May 20, 2024,
13 Petitioner started taking selfie pictures on a monthly. Until the date of her arrest on November 1, 2025,
14 she only missed taking a selfie-picture on two occasions. The first occasion was in or around August
15 2024, when Petitioner missed taking a selfie-picture because she forgot to charge her cellphone.
16 However, on the following day, Petitioner sent a picture after she noticed that her cell phone battery had
17 died and she proceeded with recharging her cell phone. When Petitioner returned to the ICE San
18 Francisco Field Office on May 22, 2025, the ICE officer mentioned she had missed taking a selfie
19 picture on August 2024. After Petitioner explained the circumstances which led her to only take the
20 picture the next day, the ICE Officer told her that she did not need to worry about the incident.

21 29. In regards to the second occasion where Petitioner missed taking a selfie-picture, the
22 circumstances were exactly the same as the incident of August 2024. Petitioner took a picture on the
23 next day.

24 31. In preparation for her removal proceedings, Petitioner and her family started working on their
25 case. Petitioner and her spouse retained an office³ to prepare an asylum application to be filed with the
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27 ³ Petitioner and her spouse believed they were retaining the services of an attorney, but in reality, the individual who prepared
28 the asylum application was a paralegal. However, without Petitioner's knowledge, the filing was rejected due to the fact that

1 San Francisco Immigration office. The same was submitted to the San Francisco Immigration Court by
2 mail on March 17, 2024 by the legal services provider, and Petitioner was named as a beneficiary in the
3 application.

4 32. To the best of her knowledge, Petitioner complied with all ISAP requirements during the
5 eighteen months following her May 20, 2024 visit to ICE. These requirements included phone and
6 picture check-ins through the ISAP mobile phone application (ISAP app). Petitioner submitted a photo
7 via the app every time she was instructed via text to do so. In addition, Petitioner appeared at the ICE
8 Field Office in San Francisco on every date indicated in her Form I-220A.

9 33. In addition, since her entry into the United States on March 29, 2024, Petitioner had been living
10 a productive life. Until the time of her arrest, Petitioner had been working as a house cleaner, which
11 allowed her to provide for her family. Petitioner was happy about the fact her minor daughter was
12 thriving as a student at San Mateo High School. Petitioner also attended religious services with her
13 spouse at St. Timothy Catholic Church, in the city of San Mateo, where she was able to make numerous
14 friends.

15 34. On November 1, 2025, Petitioner was at her home with her minor daughter when Immigration
16 and Custom Enforcement (“ICE”) agents knocked at her front door. When Petitioner opened the door,
17 she was promptly detained by the ICE agents, who told Petitioner they had a warrant for her arrest and
18 that she was being detained because she had missed sending them a selfie-picture. Petitioner tried to
19 explain that although she had missed taking pictures on two occasions, she had taken a picture on the
20 next day. However, the ICE officers disregarded Petitioner and proceeded with taking her away. All
21 this occurred in the presence of Petitioner’s daughter. On the same day, Petitioner was transferred to the
22 California City Detention Center, in California City, California.

23 35. Prior to Petitioner’s re-detention, she did not receive written notice of the reason for her re-
24 detention.

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26
27 a proof of service was missing. The same was subsequently re-filed in court on December 2, 2025, once Petitioner’s spouse
28 became aware that the submission had been rejected.

1 36. Prior to Petitioner’s re-detention, ICE did not provide notice of the revocation of her parole, as
2 required by 8 C.F.R. § 212.5(e)(2).

3 37. Prior to Petitioner’s re-detention, she never received a hearing before a neutral decisionmaker to
4 determine if her re-detention is justified.

5 **LEGAL BACKGROUND**

6 38. Under current caselaw that governs the immigration court system, the mandatory detention
7 scheme under 8 U.S.C. § 1225(b)(1) applies to individuals who are placed in expedited removal
8 proceedings, pass a CFI, and are subsequently placed in removal proceedings. (See *Matter of M-S-*, 27 I.
9 & N. Dec. 509 (A.G. 2019).) Such individuals are subject to detention without any bond hearing until
10 the conclusion of their proceedings unless DHS releases them on parole. (See *Id.* at 510, 518–19.)

11 39. However, once released, due process requires that a person like Petitioner receive a hearing
12 before a neutral decisionmaker to determine whether any re-detention is justified, and whether the
13 person is a flight risk or danger to the community.

14 40. “Freedom from imprisonment—from government custody, detention, or other forms of physical
15 restraint—lies at the heart of the liberty protected by the Due Process Clause.” (*Zadvydas v. Davis*, 533
16 U.S. 678, 690 (2001).) As a number of District Courts recently recognized, this is the “the most
17 elemental of liberty interests.” *E.A. T.-B. v. Wamsley*, ___ F.Supp.3d ___, No. C25-1192-KKE, 2025 WL
18 2402130, at *3 (W.D. Was. Aug. 19, 2025).)

19 41. Consistent with this principle, individuals released on parole or other forms of conditional
20 release have a liberty interest in their “continued liberty.” (*Morrissey v. Brewer*, 408 U.S. 471, 482
21 (1972).)

22 42. Such liberty is protected by the Fifth Amendment because, “although indeterminate, [it]
23 includes many of the core values of unqualified liberty,” such as the ability to be gainfully employed and
24 live with family, “and its termination inflicts a ‘grievous loss’ on the [released individual] and often on
25 others.” (*Id.*)

26 43. To guarantee against arbitrary re-detention and to guarantee the right to liberty, due process
27 requires “adequate procedural protections” that ensure the government’s asserted justification for a
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1 noncitizen’s physical confinement “outweighs the individual’s constitutionally protected interest in
2 avoiding physical restraint.” (*Zadvydas*, 533 U.S. at 690 (citation modified).)

3 44. Due process thus guarantees notice and an individualized hearing before a neutral
4 decisionmaker to assess danger or flight risk before the revocation of an individual’s release. (*Goldberg*
5 *v. Kelly*, 397 U.S. 254, 267 (1970) (“The fundamental requisite of due process of law is the opportunity
6 to be heard . . . at a meaningful time in a meaningful manner.” (citation modified)); *see also, e.g.,*
7 *Morrissey*, 408 U.S. at 485 (requiring “preliminary hearing to determine whether there is probable cause
8 or reasonable ground to believe that the arrested parolee has committed . . . a violation of parole
9 conditions” and that such determination be made “by someone not directly involved in the case”
10 (citation modified)).

11 45. Several courts, have recognized that these principles apply with respect to the re-detention of the
12 many noncitizens that DHS has recently begun taking back into custody, often after such persons have
13 been released for months and years.

14 46. For example, in *E.A. T.-B.*, the Federal Court for the Western District of Washington applied the
15 *Mathews v. Eldridge*, 424 U.S. 319 (1976), framework to hold that even in a case where the government
16 argued mandatory detention applied, a person’s re-detention required a hearing.

17 47. In applying the three *Mathews* factors, the Court held that the petitioner had “undoubtedly
18 [been] deprive[d] . . . of an established interest in his liberty,” (*E.A. T.-B.*, 2025 WL 2402130, at *3),
19 which, as noted, “is the most elemental of liberty interests,” *id.* (citation modified). The Court further
20 explained that even if detention was mandatory, the risk of erroneous deprivation of liberty without a
21 hearing was high because a hearing serves to ensure that the purposes of detention—the prevention of
22 danger and flight risk—are properly served. (*Id.* at *4–5.) Finally, the Court explained that “the
23 Government’s interest in re-detaining non-citizens previously released without a hearing is low:
24 although it would have required the expenditure of finite resources (money and time) to provide
25 Petitioner notice and hearing on [ISAP] violations before arresting and re-detaining him, those costs are
26 far outweighed by the risk of erroneous deprivation of the liberty interest at issue.” (*Id.* at *5.) As a
27 result, this Court ordered the petitioner’s immediate release. (*Id.* at *6.)

1 48. The decision in *E.A. T.-B.* is consistent with many other district court decisions addressing
2 similar situations. (See, e.g. *Valdez v. Joyce*, No. 25 CIV. 4627 (GBD), 2025 WL 1707737 (S.D.N.Y.
3 June 18, 2025) (ordering immediate release due to lack of pre-deprivation hearing); *Pinchi v. Noem*, ---
4 F. Supp. 3d ---, No. 5:25-CV-05632-PCP, 2025 WL 2084921 (N.D. Cal. July 24, 2025) (similar);
5 *Maklad v. Murray*, No. 1:25-CV-00946 JLT SAB, 2025 WL 2299376 (E.D. Cal. Aug. 8, 2025)
6 (similar); *Garcia v. Andrews*, No. 1:25-CV-01006 JLT SAB, 2025 WL 2420068 (E.D. Cal. Aug. 21,
7 2025) (similar); *Doe v. Becerra*, No. 2:25-CV-00647-DJC-DMC, 2025 WL 691664, at *4 (E.D. Cal.
8 March 3, 2025); *Arzate v. Andrews*, No. 1:25-CV---942-KES-SKo-(HC), 2025 WL 2230521, at *7
9 (E.D. Cal. Aug. 4, 2025); *Guillermo M.R. v. Kaiser*, No. 25-CV-05436-RFL, 2025 WL 1983677, at *9
10 (N.D. Cal. July 17, 2025) (“absent evidence of urgent concerns, a pre-deprivation hearing is required to
11 satisfy due process, particularly where an individual has been released on bond by an IJ”).)

12 49. The same framework and principles apply here and compel Petitioner’s immediate release.

13 **CLAIM FOR RELIEF**

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

15 **Procedural Due Process**

16 50. Petitioner restates and realleges all paragraphs as if fully set forth here.

17 51. Due process does not permit the government to strip Petitioner of her liberty without written
18 notice and a hearing before a neutral decisionmaker to determine whether re-detention is warranted
19 based on danger or flight risk. (See *Morrissey*, 408 U.S. at 487–88.) Such written notice and a hearing
20 must occur *prior* to any re-detention.

21 52. Respondents revoked Petitioner’s release and deprived her of liberty without affording her any
22 written notice or meaningful opportunity to be heard by a neutral decisionmaker prior to her re-
23 detention.

24 53. Accordingly, Petitioner’s re-detention violates the Due Process Clause of the Fifth Amendment.

25 **PRAYER FOR RELIEF**

26 WHEREFORE, Petitioner respectfully requests that this Court:

27 (1) Assume jurisdiction over this matter;

- 1 (2) Issue an Order to Show Cause ordering Respondents to show cause within three days as to why
2 this Petition should not be granted as required by 28 U.S.C. § 2243;
- 3 (3) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from custody
4 immediately and permanently enjoining her re-detention absent written notice and a hearing
5 prior to re-detention where Respondents must prove by clear and convincing evidence that he is
6 a flight risk or danger to the community and that no alternatives to detention would mitigate
7 those risks;
- 8 (4) Declare that Petitioner's detention without an individualized determination before a neutral
9 decisionmaker violates the Due Process Clause of the Fifth Amendment;
- 10 (5) Award Petitioner's attorney's fees and costs under the Equal Access to Justice Act, and on any
11 other basis justified under law; and
- 12 (6) Grant any further relief this Court deems just and proper.

13 Respectfully submitted,

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16 DATE: 12/04/2025

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