PRO SE

FEE DUE

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SAGASTEGUI-RONCEROS LUIGUIE MARTIN

Petitioner,

v.

FERETI SEMAIA, in official capacity, Facility Administrator of Adelanto ICE processing center; ERNESTO SANTACRUZ, in official capacity, Field Office Director of ICE's Los Angeles Field Office; TODD LYONS, Acting Director of United States of Immigration and Customs Enforcement; KRISTI NOEM, Secretary of the United States Department of Homeland Security, PAMELA BONDI, Attorney General of the United States, acting their official capacities,

Respondents.

CASE NO. **5:25-CV-03324-SVW-BFM**

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner Sagastegui-Ronceros Luiguie Martin is a young man and a professional mechanical engineer of the University of Engineering and Technology from Lima, Peru. He has two sisters residing in the United States of America, their names are Melissa Vega Sagastegui (she is an American citizen from San Francisco, CA) and Shirley Sagastegui (she is a permanent resident from Houston, TX). Petitioner has never been convicted of any crime.

2. On October 22, 2025, he was unlawfully detained inside of the ATD's office (Alternative to Detention program by ICE) in the city of Santa Ana, Orange County. Petitioner asked the ATD's officer if there were another options of electronic monitoring instead of the ankle monitor and the officer called ICE officers and they arrested him. Petitioner have been detained for 45 days already since his arrest by ICE.

3. Petitioner is an asylum seeker from Peru. He has filed a timely asylum claim and was scheduled to have a merits hearing in the Santa Ana Immigration Court on March 23, 2026.

4. Petitioner is represented by counsel in that removal proceeding.

5. Petitioner's asylum claim alleges seek asylum by [redacted] It has been fully briefed and is ready for a master hearing and following a final hearing.

6. Petitioner was placed on an ICE check-ins schedule and never missed an appointment.

7. Throughout Petitioner's asylum case, he has been on the non-detained docket, that is, he has been allowed to be free while pursuing his immigration case. After being apprehended at the border, Respondents released Petitioner to pursue their immigration case from a position of liberty.

8. In this position of freedom, Petitioner with his Bachelor's degree in Science of Mechanical Engineering has a high-demand of jobs opportunities since Science careers are careers of National Interest for the United States of America, according to the visa EB-2 NIW (Employment Based – National Interest Waiver) by USCIS. Also, Petitioner has his EB-2 NIW visa application 90% completed and could not finish it because of his arrest by ICE. In this sense, since Petitioner obtained his Employment Authorization Document and Social Security Number he have been working in many well-recognized companies across the country such as Service Corporation International Inc., Mor Furniture for Less Inc., C&B California Gate Solutions Inc., FJS Cable Engineering Inc. by AT&T, and others. Also he engaged of pro-social activities that free people carry out.

9. Yet, on October 22, 2025. Respondents abruptly deprived him of his liberty interest.

10. Between 11 a.m. and 1 p.m. on October 22, 2025, Respondents unlawfully detained him inside of the ATD's office in the city of Santa Ana, Orange County. ICE agents hailed him by name and told him that he does not have another option of electronic monitoring and they were there to arrest him.

11. Petitioner's immigration counsel says that ICE assertion is incorrect – that ICE have different options for electronic monitoring. No evidence has been presented to Petitioner to document the grounds for that accusation and detention. Nor was there any pre-deprivation hearing where he could confront the facts that supposedly justify his detention.

12. Nor are there any "changed circumstances" as would be required before ICE can detain a person in Petitioner's position. *See Matter of Sugay*, 17 I&N Dec. 637, 640 (BIA 1981).

13. On December 2, 2025. the day of Petitioner's immigration court in Adelanto ICE Processing Center, the Department of Homeland Security filed a motion to "pretermit" his pending asylum case, asserting the provisions of the US-Honduras ACA. This motion has not been ruled upon and cannot constitute a "changed circumstance."

14. The Due Process Clause applies to "all 'persons' within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678 (2001). "Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause from arbitrary governmental action." *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

15. In recent months, Courts in this circuit have repeatedly held that non-citizens suddenly arrested by ICE, like Petitioner, are entitled to pre-deprivation bond hearings and ordered their immediate release. *See e.g., J.A.E.M. v. Wofford*, No. 1:25-CV-01380-KES-HBK, 2025 U.S. Dist. LEXIS 211728 (E.D. Cal., Oct. 27, 2025 (arrested at ICE check-in); *J.C.L.A. v. Wofford*, No. 1:25-CV-01310-KES-EPG, 2025 U.S. Dist. LEXIS 205300 (E.D. Cal., Oct. 17, 2025) (same); *J.S.H.M. v. Wofford*, 1:25-CV-01309 JLT SKO, 2025 U.S. Dist. LEXIS 204422 (E.D. Cal., Oct. 16, 2025) (same); *J.O.L.R. v. Wofford*, No. 1:25-CV-01241-KES-SKO, 2025 U.S. Dist. LEXIS 202706 (E.D. Cal., Oct. 14, 2025) (same).

16. Petitioner respectfully seeks a writ of habeas corpus ordering the government to immediately release him from his ongoing, unlawful detention, and prohibiting his re-arrest without a hearing to contest that re-arrest before a neutral decisionmaker. At any pre-deprivation hearing, there

must be notice to Petitioner and the government must prove by clear and convincing evidence that Petitioner is a danger or flight risk.

17. In addition, to preserve this Court's jurisdiction, Petitioner also requests that this Court order the government not to transfer him outside of the District or deport him for the duration of this proceeding.

18. In the alternative, Petitioner requests that this Court order a bond hearing at which the government bears the burden of proving by clear and convincing evidence that he is a danger or flight risk.

JURISDICTION AND VENUE

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

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

PARTIES

21. Petitioner Sagastegui-Ronceros Luiguie Martin is a young man and a professional mechanical engineer of the University of Engineering and Technology from Lima, Peru. He has a pending application for asylum, withholding of removal, and protection under the Convention Against Torture. He is presently in civil immigration detention at 10250 Rancho Road, Adelanto, CA 92301 since October 22, 2025.

22. Respondent Ernesto Santacruz is the Field Office Director of Los Angeles Immigration and Customs Enforcement Office. He is responsible for the administration of immigration laws and the execution of immigration enforcement and detention policy within ICE's Los Angeles Area of Responsibility, including the detention of Petitioner. He maintains an office and regularly conducts business in this district. He is sued in his official capacity.

23. Respondent Todd M. Lyons is the Acting Director of ICE. As the Senior Official Performing the Duties of the Director of ICE, he is responsible for the administration and enforcement of the immigration laws of the United States; routinely transacts business in this District; and is legally

responsible for pursuing any effort to detain and remove the Petitioner, Respondent Lyons is sued in his official capacity.

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

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

EXHAUSTION

26. There is no requirement to exhaust because no other form exists in which Petitioners can raise the claims herein. There is no statutory exhaustion requirement prior to challenging the constitutionally of an arrest or detention, or challenging a policy under the Administrative Procedure Act. Prudential exhaustion is not required here because it would be futile, and Petitioners will "suffer irreparable harm if unable to secure immediate judicial consideration of their claim." *McCarthy v. Madigan*, 503 U.S. 140, 147 (1992). Any further exhaustion requirements would be unreasonable.

LEGAL BACKGROUND

Revocation of Parole

27. The Constitution establishes due process rights for "all 'persons' within the United States, including non-citizens, whether their presence here is lawful, unlawful, temporary, or permanent." *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017) (quoting *Zadvydas*, 533 U.S. at 693). These due process rights are both substantive and procedural.

28. First, "the touchstone of due process is protection of the individual against arbitrary action of government," *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), including "the exercise of power without any reasonable justification in the service of a legitimate government objective," *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998).

29. These protections extend to non-citizens facing detention, as "in our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception." *United States*

v. Salerno, 481 U.S. 739, 755 (1987). Accordingly, "freedom from imprisonment – from government custody, detention, or other forms of physical restraint – lies at the heart of the liberty that the Due Process Clause protects." *Zadvydas*, 533 U.S. at 690.

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

31. Second, the procedural component of the Due Process Clause prohibits the government from imposing even permissible physical restraints without adequate procedural safeguards.

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

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

34. This reasoning applies with equal if not greater force to people released from civil immigration detention, like Petitioner. After all, non-citizens living in the United States like Petitioner have a protected liberty interest in their ongoing freedom from confinement. *See Zadvydas*, 533 U.S. at 690. And "given the civil context of immigration detention, the liberty interest of non-citizens released from custody is arguably greater than the interest of paroles." *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019).

Detention Framework

35. The immigration and Nationality Act prescribes three basic forms of detention for the vast majority of non-citizens in removal proceedings.

36. First, 8 U.S.C. § 1226 authorizes the detention of non-citizens in standard removal proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while non-citizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

37. Second, the INA provides for mandatory detention of non-citizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).

38. Last, the INA also provides for detention of non-citizens who have been ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231 (a)-(b).

39. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2). The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act ("IIRIRA") of 1996, Pub. L. No. 104-208, Div. C, §§ 302-03, 110 Stat. 3009-546, 3009-582 to 3009-583, 3009-585. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025).

40. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were considered detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1977).

41. Thus, in the decades that followed, most people who entered without inspection and were placed in standard removal proceedings received bond hearings, unless their criminal history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent with many more decades of prior practice, in which non-citizens who where not deemed "arriving" were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply "restates" the detention authority previously found at § 1252(a)).

42. On July 8, 2025, ICE, "in coordination with" DOJ, announced a new policy that rejected well-established understanding of the statutory framework and reversed decades of practice.

43. The new policy, entitled "Interim Guidance Regarding Detention Authority for Applicants for Admission,"[1] claims that all persons who entered the United States without inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended, and affects those who have resided in the United States for months, years, and even decades.

44. On September 5, 2025, the BIA adopted this same position in a published decision, *Matter of Yajure Hurtado*. There, the Board held that all non-citizens who entered the United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are ineligible of IJ bond hearings.

45. Since Respondents adopted their new policies, dozens of federal courts have rejected their new interpretation of the INA's detention authorities. Courts have likewise rejected *Matter of Yajure Hurtado*, which adopts the same reading of the statute as ICE.

46. Even before ICE or the BIA introduced these nationwide policies, IJs in the Tacoma, Washington, immigration court stopped providing bond hearings for persons who entered the United States without inspection and who have resided here. There, the U.S. District Court in the Western District of Washington found that such a reading of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies to non-citizens who are not apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025).

47. Subsequently, court after court has adopted the same reading of the INA's detention authorities and rejected ICE and EOIR's new interpretation. *See e.g. Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*, No. CV 25-11613-BEM, F. Supp. 3d, 2025 WL 2084238 (D. Mass, July 24, 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL2349133 (D. Ariz. Aug. 13, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-CV-01789-ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-CV-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-CV-01093-JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051 (ECT/DJF), --- F.

1 Available at https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admision.

Supp. 3d, 2025 WL 2466670 (D. Minn. Aug. 27, 2025); *Lopez-Campos v. Raycraft*, No. 2:25-CV-12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Vasquez Garcia v. Noem*, No. 25-CV-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *see also, e.g., Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at *2 (D. Neb. Sept. 3, 2025) (noting that "the court tends to agree" that § 1226(a) and not § 1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-CV-03161-JFB-RCC, 2025 WL 2402271 at *3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-CV-03158-JFB-RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14, 2025) (same); *O.P.A.M. v. Wofford*, No. 1:25-CV-01423 JLT SAB (E.D. CA Nov. 7, 2025); *see also, F.M.V. v. Wofford*, No. 1:25-CV-01381-KES-SAB (HC) (E.D. CA Nov. 4, 2025) (Petitioner disputed DHS' allegations of several missed ICE check-in dates, yet Petitioner's immediate release granted and motion for preliminary injunction was granted.)

48. Courts have roundly rejected DHS's and EOIR's new interpretation because it defies the INA. As the *Rodriguez Vazquez* court and others have explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

49. Section 1226(a) applies by default to all persons "pending a decision on whether the [non-citizen] is to be removed from the United States." These removal hearings are held under § 1229(a), to "decide the inadmissibility or deportability of a non-citizen."

50. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)'s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). As the Rodriguez Vazquez court explained, "when Congress creates 'specific exceptions' to a statute's applicability, it 'proves' that absent those exceptions, the statute generally applies." *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); *see also Gomes*, 2025 WL 1869299, at *7.

51. Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

52. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute's entire framework is premised on inspections at the border of

people who are "seeking admission" to the United States. 8 U.S.C § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies "at the Nation's borders and ports of entry, where the Government must determine whether a non-citizen seeking to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

53. To the extent that the government now wants to reclassify Petitioner as detained under § 1225(b)(2)(A) after initially releasing him under § 1226(a), courts have found this to be an impermissible post hoc rationalization. *Lopez Benitez v. Francis*, No. 25-CV-5937, 2025 WL 2371588, at *13-14 (S.D.N.Y. Aug. 13, 2025); *see also C.A.R.V. v. Wofford*, No. 1:25-CV-01395 JLT SKO2025 U.S. Dist. LEXIS 216277, at *27 (E.D. Cal., Nov. 1, 2025) ("Respondents fail to contend with the liberty interest created by the fact that the Petitioner in this case was released on recognizance in 2022, prior to the manifestation of this interpretation."), emphasis in original.

54. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply to people like Petitioner, who have already entered and were residing in the United States at the time they were apprehended.

FACTUAL ALLEGATIONS

Petitioner is Unlawfully Arrested at his Supervision Alternative Program

55. Mr. Sagastegui-Ronceros Luiguie Martin fled Peru and arrived in the United States in May 2022 at the Texas border. He was apprehended by immigration official at the border. Respondents determined he posed little if any flight risk or danger to the community and released him into the community in 11 days. A Notice to Appear was issued on August, 23, 2024. Petitioner was alleged to be inadmissible because he entered without inspection.

56. Petitioner filed an asylum application on May 10, 2023. in which he applied for asylum, withholding of removal, and protection under the Convention Against Torture. The asylum application noted that he was [redacted] He has a grave fear of returning to life in Peru. Petitioner is a mechanical engineer and a member of the Peruvian researchers community.

57. A merits hearing on his asylum application is currently schedule for January 13, 2026.

58. On today's date, the Department of Homeland Security filed a motion in immigration court to pretermit his asylum pending case. That motion has not been ruled on. His asylum and related claims for relief continue to be pending.

59. Because Petitioner has never been determined to be a flight risk or danger to the community, his ongoing detention is not related to either of the permissible justifications for civil immigration litigation. His detention does not further any legitimate government interest.

60. Further, because of Petitioner's experience suffering racist mistreatment because of his nationality in Mexico, and persecution by Peruvian government authorities and other mistreatment, he is at a heightened risk for harm from this unlawful detention.

As a result of His Arrest and Detention, Petitioner is Suffering Ongoing and Irreparable Harm

61. Petitioner is being deprived of his liberty without any permissible justification. The government previously released him on his own recognizance because he did not pose sufficient risk of flight risk or danger to the community to warrant detention.

62. None of that has changed. He was released on his own recognizance on 2022 by ICE.. Petitioner has never been convicted of any crime, and there is no basis to believe that he poses any public-safety risk. Nor is Petitioner a flight risk. He has appeared repeatedly at his immigration hearings and he never missed any immigration court and ICE check-ins.

63. Indeed, Petitioner is actively seeking to comply with his ICE check-in and immigration obligations.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

Violation of the Fifth Amendment to the United States Constitution

(Procedural Due Process – Detention)

64. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Petition as if fully set forth herein.

65. As part of the liberty protected by the Due Process Clause, Petitioner has a weighty liberty in avoiding re-incarceration after his release. *See Young v. Harper*, 520 U.S. 143, 146-47 (1997); *Gagnon v. Scarpelli*, 411 U.S. 778, 781-82 (1973); *Morrisey v. Brewer*, 408 U.S. 471, 482-83 (1972); *see also Ortega*, 415 F. Supp. 3d at 969-70 (holding that a non-citizen has a protected liberty interest in remaining out of custody following an IJ's bond determination).

66. Accordingly, "in the context of immigration detention, it is well-settled that due process requires adequate procedural protections to ensure that the government's asserted justification for physical confinement outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Hernandez*, 872 F.3d at 990 (cleaned up); *Zinermon*, 494 U.S. at 127 (Generally,

"the Constitution requires some kind of a hearing *before* the State deprives a person of liberty or property."). In the immigration context, for such hearings to comply with due process, the government must bear the burden to demonstrate, by clear and convincing evidence, that the non-citizen poses a flight risk or danger to the community. *See Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011); *see also Martinez v. Clark*, 124 F.4th 775, 785, 786 (9th Cir. 2024).

67. Petitioner's re-detention without a pre-deprivation hearing violated due process. Long after deciding to release Petitioner from custody on her own recognizance, Respondents re-detained Petitioner with no notice, it was mainly because he was asking for another option of electronic monitoring instead of ankle monitor in the ATD's office, and no opportunity to contest his re-detention before a neutral adjudicator before being taken into custody.

68. Petitioner has a profound personal interest in his liberty. Because he received no procedural protections, the risk of erroneous deprivation is high. And the government has no legitimate interest in detaining Petitioner without a hearing; bond hearings are conducted as a matter of course in immigration proceedings. *See, e.g., Jorge M.F. v. Wilkinson*, 2021 WL 783561, at *3 (N.D. Cal. Mar. 1, 2021); *Vargas v. Jennings*, 2020 WL 5074312, at *3 (N.D. Cal. Aug. 23, 2020) ("the government's concern that delay in scheduling a hearing could exacerbate flight risk or danger is unsubstantiated in light of petitioner's strong family ties and his continued employment during the pandemic as an essential agricultural worker").

SECOND CLAIM FOR RELIEF

Violation of the Fifth Amendment to the United States Constitution

(Substantive Due Process-Detention)

69. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Petition as if fully set forth herein.

70. The Due Process Clause of the Fifth Amendment protects all "persons" from deprivation of liberty "without due process of law." U.S. Const. Amend. V. "Freedom from imprisonment – from government custody, detention, or other forms of physical restraint – lies at the heart of the liberty that 'the Due Process Clause' protects." *Zadvydas*, 533 U.S. at 690.

71. Immigration detention is constitutionally permissible only when it furthers the government's legitimate goals of ensuring the non-citizen's appearance during removal proceedings and preventing danger to the community. *See id.*

72. Petitioner is not a flight risk or danger to the community. Respondent's detention of Petitioner is therefore unjustified and unlawful. Accordingly, Petitioner is being detained in violation of the Due Process Clause of the Fifth Amendment.

73. Moreover, Petitioner's detention is punitive as it bears no "reasonable relation" to any legitimate government purpose. *Id.* (finding immigration detention is civil and thus ostensibly "non-punitive in purpose and effect"). Here, the purpose of Petitioner's detention appear to be "not to facilitate deportation, or to protect against risk of flight or dangerousness, but to incarcerate for other reasons" – namely, to meet newly-imposed DHS quotas and enact a mass deportation campaign. *See Demore*, 538 U.S. at 532-33 (Kennedy, J., concurring).

PRAYER FOR RELIEF

Petitioner respectfully request that this Court:

1. Assume jurisdiction over this matter;
2. Assign pro bono counsel to this case;
3. Issue a Writ of Habeas Corpus requiring Petitioner's immediate release and prohibiting his re-detention unless the government provides seven days' notice and a hearing before a neutral arbiter in which it proves by clear and convincing evidence that Petitioner is a danger or flight risk, and;
4. Declare that Petitioner's arrest and detention violates the Due Process Clause of the Fifth Amendment.
5. Enjoin Respondents from transferring Petitioner outside this District or deporting Petitioner pending these proceedings;
6. Award Petitioners their 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
7. Grant such further relief as the Court deems just and proper.

Date: December 04, 2025

Respectfully submitted,

Sagastegui-Ronceros Luiguie Martin
10250 Rancho Rd. Adelanto, CA 92301
PRO SE

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

I, Sagastegui-Ronceros Luiguie Martin, am submitting this verification on my own behalf. I hereby verify that the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

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Executed on 12/04/2025 at Adelanto, California.

Sagastegui-Ronceros Luiguie Martin A-[redacted]

10250 Rancho Rd. Adelanto, CA 92301 Dorm: [redacted]

PRO SE