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5 Attorney for Petitioner  
6 DIEGO ALEJANDRO LARA URRIOLA

7 UNITED STATE DISTRICT COURT  
8 SOUTHER DISTRICT OF CALIFORNIA

9 DIEGO ALEJANDRO LARA URRIOLA,

10  
11 Plaintiff,

12 v.

13 CHRISTOPHER J. LAROSE, Senior  
14 Warden, Otay Mesa Detention Center;  
15 DANIEL A. BRIGHTMAN, San Diego  
16 Field Office Director, Immigration and  
17 Customs Enforcement and Removal  
18 Operations ("ICE/ERO"); TODD M.  
19 LYONS, Acting Director of Immigration  
20 Customs Enforcement ("ICE"); U.S.  
21 Immigration and Customs Enforcement;  
KRISTI NOEM, Secretary of the  
22 Department of Homeland Security  
23 ("DHS"); U.S. Department of Homeland  
24 Security; and PAMELA BONDI,  
25 Attorney General of the United States,

26 Respondents.  
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CASE NO.: '25CV3556 DMS MMP

**PETITION FOR WRIT OF HABEAS  
CORPUS AND ORDER TO SHOW  
CAUSE WITHIN THREE DAYS;  
COMPLAINT FOR DECLARATORY  
RELIEF**

Challenge to Unlawful Incarceration:  
Request for Declaratory and Injunctive  
Relief



- 1 5. Petitioner applied for asylum before the San Diego Immigration Court on  
2 December 4, 2024.
- 3 6. Petitioner is prima facie eligible for Special Immigrant Juvenile Status (SIJS). He  
4 has obtained all required state court findings, and adjudication of his pending  
5 Form I-360 petition would eliminate the sole ground of removability charged in his  
6 December 28, 2023, Notice to Appear.
- 7  
8 7. On June 24, 2025, Petitioner sought a guardianship appointment and SIJS  
9 predicate findings in state probate court. On July 1, 2025, while those proceedings  
10 were pending, the Department of Homeland Security (DHS) attempted to  
11 terminate his removal case and place him into expedited removal—an action that  
12 would have foreclosed SIJS eligibility altogether. The Immigration Judge rejected  
13 the attempt. Nevertheless, DHS detained Petitioner as he exited the courtroom  
14 following that hearing.
- 15  
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17 8. Because of the detention, the Probate Court convened an emergency hearing and  
18 issued the required SIJS findings. Petitioner subsequently filed his Form I-360 on  
19 July 31, 2025.
- 20  
21 9. Mr. Lara Urriola’s arrest at the courthouse is part of a nationwide DHS strategy  
22 of apprehending individuals who appear for their immigration court hearings,  
23 detaining them, and attempting to funnel them into expedited deportation  
24 processes. Since approximately mid-May 2025, DHS has engaged in a coordinated  
25 practice of using immigration detention to deprive individuals like Mr. Lara  
26 Urriola of substantive and procedural rights and to coerce them into self-  
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1 deportation.<sup>1</sup> Immigration detention is civil in nature and is permissible only to  
2 ensure a noncitizen's appearance at immigration proceedings or to protect the  
3 community from danger. DHS did not arrest or detain Mr. Lara Urriola for either  
4 of these legitimate purposes as he plainly poses neither a flight risk nor a danger  
5 to the community.  
6

### 7 JURISDICTION

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

10 11. This court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus),  
11 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States  
12 Constitution (Suspension Clause).  
13

14 12. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et.  
15 seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., the All Writs Act, 28  
16 U.S.C. § 1651, and the Immigration and Nationality Act, 8 U.S.C. § 1252(e)(2).  
17

### 18 VENUE

19 13. Venue is proper because Petitioner is in Respondents' custody in Otay Mesa,  
20 California Venue is further proper because a substantial part of the events or  
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24 <sup>1</sup> Steve Price, *Video shows ICE agents arresting immigrants at San Diego federal*  
25 *courthouse, raising due process concerns*, CBS8 LOCAL NEWS (June 11, 2025,  
26 5:40 p.m. PDT), <https://www.cbs8.com/article/news/local/video-ice-agents-arrest-immigrants-at-san-diego-federal-courthouse-raises-due-process-concerns/509-49745585-774b-4144-81ff-3486c5fadbe9> (last visited Dec, 2025) (“The exact number of arrests is unclear, but footage shows agents detaining people immediately after court appearances.”).  
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1 omissions giving rise to Petitioner's claims occurred in this District, where  
2 Petitioner is now in Respondent's custody. 28 U.S.C. § 1391(e).

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

8  
9 15. Petitioner is "in custody" for the purpose of § 2241 because Petitioner was arrested  
10 and is detained by Respondents.  
11

## 12 **PARTIES**

13  
14 16. Petitioner is a 20-year-old citizen of Venezuela. Petitioner is present within the  
15 state of California at the time of the filing of this petition.

16 17. Respondent Christopher LaRose ("LaRose") is the Senior Warden at Otay Mesa  
17 Detention Center in San Diego, California, where Mr. Lara Urriola is detained.  
18 LaRose is responsible for the day-to-day operations and confinement of noncitizens  
19 detained at that facility. He acts at the direction of Respondents Brightman,  
20 Lyons, and Noem. LaRose is a custodian of Ms. N.A. and is named in his official  
21 capacity.  
22

23  
24 18. Respondent, Daniel A. Brightman, is the Field Office Director for the San Diego  
25 Field Office, Immigration and Customs Enforcement and Removal Operations  
26 ("ICE"). The San Diego Field Office is responsible for local custody decisions  
27 relating to non-citizens charged with being removable from the United States,  
28

1 including the arrest, detention, and custody status of noncitizens. The San Diego  
2 Field Office's area of responsibility includes San Diego and Imperial Counties in  
3 California. Respondent Daniel Brightman is a legal custodian of Petitioner.

4 19. Respondent Todd Lyons is the acting director of U.S. Immigration and Customs  
5 Enforcement, and he has authority over the actions of respondent Daniel  
6 Brightman and ICE in general. Respondent Daniel Brightman is a legal custodian  
7 of Petitioner.  
8

9 20. Respondent Kristi Noem is the Secretary of the Department of Homeland Security  
10 (DHS) and has authority over the actions of all other DHS Respondents in this  
11 case, as well as all operations of DHS. Respondent Noem is a legal custodian of  
12 Petitioner and is charged with faithfully administering the immigration laws of  
13 the United States.  
14

15 21. Respondent Pamela Bondi is the Attorney General of the United States, and as  
16 such has authority over the Department of Justice and is charged with faithfully  
17 administering the immigration laws of the United States.  
18

19 22. Respondent U.S. Immigration Customs Enforcement is the federal agency  
20 responsible for custody decisions relating to non-citizens charged with being  
21 removable from the United States, including the arrest, detention, and custody  
22 status of non-citizens.  
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24 23. Respondent U.S. Department of Homeland Security is the federal agency that has  
25 authority over the actions of ICE and all other DHS Respondents.  
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27 24. This action is commenced against all Respondents in their official capacities.  
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**LEGAL FRAMEWORK**

25. Immigration detention should not be used as a punishment and should only be used when, under an individualized determination, a noncitizen is a flight risk because they are unlikely to appear for immigration court or a danger to the community. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

26. Noncitizens in immigration proceedings are entitled to Due Process under the Fifth Amendment of the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993).

27. The Immigration and Nationality Act (INA) sets the rules for detaining noncitizens while the government decides whether they are removable. See 8 U.S.C. § 1226(a). A grant of Special Immigrant Juvenile Status (SIJS) is discretionary, but the right to seek SIJS is not. Congress created SIJS in 8 U.S.C. § 1101(a)(27)(J) to protect children who cannot reunify with one or both parents because of abuse, neglect, abandonment, or a similar ground under state law, and the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 strengthened these protections by ensuring that eligible children—especially unaccompanied minors—“shall be eligible to apply for special immigrant juvenile status” and by barring states and agencies from limiting access to juvenile courts or SIJS findings based on immigration status or federal custody. See TVPRA 2008, § 235(d). Thus, although SIJS relief depends on agency adjudication, a qualifying child’s right to pursue that relief is firmly guaranteed by both the INA and the Wilberforce Act. Immigration detention is a form of civil confinement that

1 “constitutes a significant deprivation of liberty that requires due process  
2 protection.” *Addington v. Texas*, 441 U.S. 418, 4253 (1979).

3 28. Custody determinations for individuals in 1229a removal proceedings are  
4 governed by 8 U.S.C. § 1226. Under § 1226(a), an individual may be released if he  
5 does not present a danger to persons or property and is not a flight risk. *Zadvydas*  
6 *v. Davis*, 533 U.S. 678, 690 (2001); *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006).

7  
8 29. Custody determinations under § 1226(a) are individualized and based on the facts  
9 presented in those cases. Unlike § 1226(c), which can provide for categorical  
10 determinations for detention regardless of flight risk or safety risks, § 1226(a)  
11 requires a case-by-case review of the facts and circumstances.  
12

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

19  
20 31. Revocation and return to custody is authorized only based on individualized facts  
21 and circumstances. 8 C.F.R. § 1236.1(c)(9). By regulation, revocation decisions are  
22 limited in nature and may only be made by certain authorized officials. 8 C.F.R. §  
23 1236.1(c)(9).  
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25 **FACTUAL BACKGROUND**  
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1 32. Petitioner, Diego Alejandro Lara Urriola, fled a fear of persecution in his home  
2 country of Venezuela and entered the United States of America seeking protection  
3 as a refugee under its asylum laws.

4 33. Petitioner Lara Urriola was released into the United States on or about December  
5 29, 2023, by Respondents.

6 34. Respondents commenced removal proceedings against Petitioner in immigration  
7 court, entitling Petitioner to present an asylum claim with the due process rights  
8 under 8 U.S.C. § 1229a.  
9

10 35. Additionally, on June 24, 2025, Petitioner filed in the San Diego Superior Court a  
11 Petition seeking appointment of a guardian and Special Immigrant Juvenile  
12 Findings.  
13

14 36. While released from ICE custody on his own recognizance on December 29, 2023,  
15 he remained free for over a year and a half. During that time, Petitioner Lara  
16 Urriola was monitored by Intensive Supervision Appearance Program (ISAP) and  
17 complied with every request, demand and requirement imposed by Respondents,  
18 in addition to complying with all the court and legal timelines in pursuing  
19 immigration relief.  
20

21 37. Petitioner appeared for a legally required immigration court hearing on July 1,  
22 2025. At this hearing, DHS attempted to dismiss his removal proceedings before  
23 the Executive Office for Immigration Review ("EOIR") in order to place him into  
24 expedited removal.  
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1 38. The Immigration Judge (“IJ”) denied the DHS motion – noting that such action  
2 would possibly strip him of the ability to obtain SIJS at all given his pending  
3 proceedings in the State Court.

4 39. Despite the IJ’s ruling, DHS detained Respondent as he walked out of the  
5 courtroom after that hearing. His sudden detention could have derailed the  
6 ongoing state court process however the probate held an emergency ex parte  
7 hearing for the purpose of allowing Mr. Lara Urriola to preserve his right to seek  
8 SIJS in the hopes of facilitating his release.  
9

10 40. At that emergency hearing, necessitated by DHS’s decision to detain the  
11 Petitioner, the court appointed a guardian and issued all required SIJS findings.  
12 Respondent then immediately filed a Form I-360 SIJS petition with USCIS on  
13 July 31, 2025.  
14

15 41. Although prima facie eligible for SIJS, DHS continues to hold the Petitioner.  
16

17 42. Accordingly, to vindicate Petitioner’s rights, this Court should grant the instant  
18 petition for a writ of habeas corpus. Petitioner asks this Court to find that  
19 Respondents’ attempts to detain the Petitioner are arbitrary and capricious and in  
20 violation of the law, and to immediately issue an order releasing Petitioner from  
21 ICE custody to allow him pursue his SIJS application.  
22

23 **CLAIMS FOR RELIEF**

24 **COUNT ONE**

25 **Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A)**  
26 **Abuse of Discretion**  
27 **Violation of 8 U.S.C. § 1226(b), 8 C.F.R. § 1236.1(c)(9)**  
28

1 43. Petitioner restates and realleges all paragraphs as if fully set forth here.

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

4 45. An action is an abuse of discretion if the agency “entirely failed to consider an  
5 important aspect of the problem, offered an explanation for its decision that runs  
6 counter to the evidence before the agency, or is so implausible that it could not be  
7 ascribed to a difference in view or the product of agency expertise.” Nat’l Ass’n of  
8 Home Builders v. Defs. of Wildlife, 551 U.S. 644, 658 (2007) (quoting Motor  
9 Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43  
10 (1983)).

11 46. To survive an APA challenge, the agency must articulate “a satisfactory  
12 explanation” for its action, “including a rational connection between the facts  
13 found and the choice made.” *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569  
14 (2019) (citation omitted).

15 47. By categorically revoking Petitioner’s release without consideration of his  
16 individualized facts and circumstances, Respondents have violated the APA.

17 48. By detaining the Petitioner categorically, Respondents have further abused their  
18 discretion because there have been no changes to his facts or circumstances since  
19 the agency made its initial custody determinations that support the revocation of  
20 his release from custody.

21 49. Respondents have already considered Petitioner’s facts and circumstances and  
22 determined that he was not a flight risk or danger to the community. There have  
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1 been no changes to the facts that justify this revocation of his release on his own  
2 recognizance.

3 50. The fact that Petitioner has already been granted release by Respondents under  
4 the same facts and circumstances shows that Respondents do not consider him, on  
5 an individualized basis, to be a danger to the community or a flight risk.  
6

7 **COUNT TWO**

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

11 51. Petitioner restates and realleges all paragraphs as if fully set forth here.

12 52. Under the APA, a court “shall . . . hold unlawful . . . agency action” that is “not in  
13 accordance with law;” “contrary to constitutional right;” “in excess of statutory  
14 jurisdiction, authority, or limitations;” or “without observance of procedure  
15 required by law.” 5 U.S.C. §706(2)(A)-(D).  
16

17 53. 8 U.S.C. § 1226(b) authorizes that “[t]he Attorney General at any time may revoke  
18 a bond or parole authorized under [8 U.S.C. § 1226(a)] and rearrest a noncitizen  
19 under the initial warrant. In implementing this statutory provision, 8 C.F.R. §  
20 1236.1(c)(9) clarifies that such revocations of release from custody may only be  
21 carried out in the “discretion of the district director, acting district director,  
22 deputy district director, assistant district director for investigations, assistant  
23 district director for detention and deportation, or officer in charge (except  
24 foreign).”  
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1 54. It is a well-established administrative principle that “agency action taken without  
2 lawful authority is at least voidable, if not void ab initio.” *L.M.-M. v. Cuccinelli*,  
3 442 F. Supp. 3d 1, 35 (D.D.C. 2020), citing *SW General, Inc. v. NLRB*, 796 F.3d 67,  
4 79 (D.C. Cir. 2015); see also *Hooks v. Kitsap Tenant Support Servs., Inc.*, 816 F.3d  
5 550, 555 (9th Cir. 2016) (invalidating agency action because it was taken by  
6 unauthorized official).  
7

8 55. On information and belief, Respondents have revoked or are revoking Petitioner’s  
9 prior custody determination as a result of a categorical policy prepared by and  
10 implemented by unidentified government officials in Washington, not through the  
11 individual exercise of discretion required by law or by the individuals enumerated  
12 by regulation to do so.  
13

14 56. Because Petitioner’s revocation of release from custody has been made or will be  
15 categorically directed by government officials not authorized by law to make this  
16 determination, Respondents’ detention of Petitioner is not in accordance with law  
17 and in excess of statutory authority.  
18

19  
20 **COUNT THREE**

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

23 57. Petitioner restates and realleges all paragraphs as if fully set forth here.

24 58. The Due Process Clause of the Fifth Amendment to the U.S. Constitution  
25 prohibits the federal government from depriving any person of “life, liberty, or  
26 property, without due process of law.” U.S. Const. Amend. V. Due process protects  
27 “all ‘persons’ within the United States, including [non-citizens], whether their  
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1 presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S.  
2 at 693; accord *Flores*, 507 U.S. at 306. 62. Due process requires that government  
3 action be rational and non-arbitrary. See *U.S. v. Trimble*, 487 F.3d 752, 757 (9th  
4 Cir. 2007).

5  
6 59. While the government has discretion to detain individuals under 8 U.S.C. §1226(a)  
7 and to revoke custody decisions under 8 U.S.C. § 1226(b), this discretion is not  
8 “unlimited” and must comport with constitutional due process. See *Zadvydas*, 533  
9 U.S. at 698.

10  
11 60. Here, Respondents have chosen to revoke Petitioner’s release in an arbitrary  
12 manner and not based on a rational and individualized determination of whether  
13 he is a safety or flight risk, in violation of due process. Because no individualized  
14 custody revocation has been made and no circumstances have changed to make  
15 Petitioner a flight risk or a danger to the community, Respondents’ revocation of  
16 Petitioner’s release violates his right to procedural due process.  
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18  
19 **PRAYER FOR RELIEF**

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

- 21  
22 1. Assume jurisdiction over this matter;  
23 2. Issue an Order to Show Cause ordering Respondents to show cause why this  
24 Petition should not be granted within three days;  
25 3. Declare that Petitioner’s detention without an individualized determination  
26 violates the Due Process Clause of the Fifth Amendment;  
27 4. Declare that Petitioner’s revocation of parole from custody was made in  
28

1 violation of statute and regulation;

2 5. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner

3 from custody;

4 6. Award Petitioner attorney's fees and costs under the Equal Access to Justice

5 Act, and on any other basis justified under law; and

6 7. Grant any further relief this Court deems just and proper.

7  
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9  
10 Date: \_\_\_\_\_

**STERGER LAW GROUP, P.C.**

11  
12 By: \_\_\_\_\_

13 Richard S. Sterger, Esq.

14 Attorney for Petitioner

15 DIEGO ALEJANDRO LARA URRIOLO