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DEC 15 2025  
CLERK U.S. DISTRICT COURT  
DISTRICT OF ARIZONA  
BY \_\_\_\_\_ DEPUTY

1 Jose Alberto Miron Quijano  
2 Alien No.   
3 San Luis Regional Detention Center  
4 406 N Ave D  
5 San Luis, AZ 85349  
6

7 **IN THE UNITED STATES DISTRICT COURT**  
8 **FOR THE DISTRICT OF ARIZONA**

9 **CV25-04676-PHX-DJH--CDB**

10 JOSE ALBERTO MIRON QUIJANO,  
11  
12 -Petitioner, *Pro Se*,  
13 v.  
14 THE UNITED STATES OF AMERICA et. al.,  
15  
16 Kristi NOEM, in her Official Capacity,  
17 Secretary of the Department of Homeland Security,  
18  
19 Pamela J. BONDI, in her Official Capacity,  
20 Attorney General, Department of Justice,  
21  
22 John CANTU, in his Official Capacity,  
23 Phoenix Field Office Director,  
24 ICE Enforcement and Removal Operations,  
25  
26 David R. RIVAS, in his Official Capacity,  
27 Warden of Immigration Detention Facility,  
28 San Luis Regional Detention Center;  
29 -Respondents.  
30  
31

) Case No.:  
)  
) INS No.   
)  
) Custody Status: DETAINED  
)  
)  
) **Motion for Appointment**  
) **of Counsel Pursuant to**  
) **18 U.S.C. § 3006A**  
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)  
)  
)  
) THIS DOCUMENT IS NOT IN PROPER FORM ACCORDING  
) TO FEDERAL AND/OR LOCAL RULES AND PRACTICES  
) AND IS SUBJECT TO REJECTION BY THE COURT.  
) REFERENCE LR 101.54  
) (Rule Number/Section)

**MOTION FOR APPOINTMENT OF COUNSEL**  
**PURSUANT TO 18 U.S.C. § 3006A**

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4       Petitioner Mr. Jose Alberto Miron Quijano respectfully moves this Court to appoint  
5 counsel to represent him on his petition for writ of habeas corpus under 28 U.S.C. § 2241  
6 challenging his prolonged immigration detention without due process of law.

7       Here, appointing counsel would serve the “interests of justice” because Mr. Miron  
8 Quijano has a meritorious claim but the legal issues involved are complex. *See* 18 U.S.C. §  
9 3006A(a)(2)(B) (permitting district courts to appoint counsel in § 2241 matters where “the  
10 interests of justice so require”). Petitioner Mr. Miron Quijano has been in immigration  
11 detention without a bond hearing and challenges his prolonged detention. *See generally*  
12 *Petition for Writ of Habeas Corpus*, filed concurrently. Courts have recognized that prolonged  
13 detention without a bond hearing may violate due process. *See, e.g., Archiga v. Archambeault*,  
14 No. 2:23-cv-CDS-VCF, 2023 WL 5207589 (D. Nev. Aug. 11, 2023).

15       Given “the absence of binding authority on this issue,” however, legal representation is  
16 critical to Petitioner’s ability to effectively present his claim. *Id.* at \*4. *See, e.g., Perez-Cortez*  
17 *v. Bernacke et al*, No. 2:24-cv-01307-GMN-NJK (D. Nev. 2024) (finding the appropriateness  
18 of appointed counsel in immigration-related habeas matters raising substantial legal questions).

19       Federal courts in Arizona and elsewhere have recognized that appointment of counsel  
20 under 18 U.S.C. § 3006A(a)(2)(B) or the court’s inherent equitable powers is appropriate  
21 where the petitioner faces detention, language barriers, limited legal knowledge, and the risk  
22 of irreparable harm. *See Agyeman v. INS*, 296 F.3d 871, 877–78 (9th Cir. 2002) (holding  
23 appointment of counsel may be warranted in immigration habeas cases where due process  
24 concerns or complex issues arise); *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009)

1 (emphasizing the district court's discretion to appoint counsel in civil cases where the interests  
2 of justice so require).

3 Courts have often examined three elements in determining whether appointment of  
4 counsel is necessary: (1) the likelihood of success on the merits; (2) the complexity of the legal  
5 issues involved in the case; and (3) the ability of the Petitioner to present the case in light of  
6 its complexity. *See, e.g., Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983); *Saldina v.*  
7 *Thornburgh*, 755 F. Supp. 507, 511 (D. Conn. 1991). The rules governing habeas corpus  
8 proceedings require the appointment of counsel in certain circumstances.<sup>1</sup> Under Rule 6(a), 28  
9 U.S.C. foll. § 2254, a Judge *must* appoint counsel for Petitioner if it is “necessary for effective  
10 utilization of discovery procedures.” This Court should appoint counsel.

11 Generally, under the authority of Rule 8(c), 28 U.S.C. foll. § 2254, the court is required  
12 to appoint counsel in a habeas corpus proceeding if an evidentiary hearing is needed. Here,  
13 Petitioner cordially asks this Court to appoint counsel in the event that an evidentiary hearing  
14 or motions hearing is held. Notably, Petitioner's Writ of Habeas Corpus may be opposed by  
15 the government (“Respondents”) and therefore, a motions hearing will most likely be necessary  
16 in this case. This calls for the need of assistance of counsel. Under 8 U.S.C. § 1362, an alien  
17 must have a full record preserved in order to prevent abuse.

18 Interestingly, Petitioner must have a full record preserved. *Kwock Jan Fat v. White*, 25  
19 U.S. 454 (1920). Proceedings at this time without the assistance of counsel would significantly  
20 risk violating Petitioner's rights to a fair trial. Under these significant factors, this Court should  
21 grant this present motion and appoint *pro bono* counsel in the interest of equity and fairness.

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<sup>1</sup> The rules cited in this motion typically govern those habeas corpus cases brought under § 2254. However, these rules may be applied to habeas cases that do not fall under § 2254—such as those cases arising under § 2241—at the discretion of the Court. *See* Rule 1(b), 28 U.S.C. foll. § 2254.

1 Because Petitioner is proceeding *pro se*, this Court should construe these submissions  
2 solicitously. *See Triestman v. Fed. Bureau of Prisons*, 470 F.3d 471, 474-75 (2d Cir. 2006).  
3 Under these relevant factors, this Court should grant Petitioner's request for appointment of  
4 counsel for this instant case. *See Jovel v. Holder*, 501 Fed. Appx. 708, 2012 U.S. App. LEXIS  
5 26574 (9th Cir., Dec. 28, 2012).

6 Taken as a whole, the appointment of counsel would benefit this Court as to ensure a fair  
7 hearing because the interest of justice is so required in this instant matter. Therefore, this Court  
8 should appoint counsel pursuant to 18 U.S.C. § 3006A.

9 Accordingly, the appointment of counsel is both necessary and appropriate to protect  
10 Petitioner's due process rights, ensure effective advocacy, and avoid a fundamentally unequal  
11 proceeding. Appointing counsel would also ensure parity between the parties.

12 This is special case where Petitioner's liberty is at stake, therefore, the appointment of  
13 counsel is both necessary and appropriate to protect Petitioner's due process rights, ensure  
14 effective advocacy, and avoid a fundamentally unequal proceeding.

15 Appointing counsel would also ensure parity between the parties. And the appointment  
16 of counsel serves in the interests of justice, given among other things the complexities of this  
17 case. Prisoners applying for habeas corpus relief are entitled to appointment of counsel when  
18 the circumstances indicate that appointed counsel is necessary to prevent due process  
19 violations. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986) (citing *Kreiling v. Field*, 431  
20 F.2d 638, 640 (9th Cir. 1970) (per curiam)).

21 Indeed, the court may appoint counsel at any stage of the proceedings if the interests of  
22 justice so require. *See* 18 U.S.C. § 3006A; *see also* Rule 8(c), Rules Governing § 2254 Cases;  
23 *Chaney*, 801 F.2d at 1196.

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5 Therefore, Petitioner, Mr. Jose Alberto Miron Quijano respectfully requests that the  
6 Court grant this motion and appoint counsel to represent him pursuant to 18 U.S.C. § 3006A  
7 and any other relief this Court deems just and proper.

8  
9 **Respectfully submitted on this 12th day of December, 2025.**

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11  
12 J.A.M. Q

13 -Petitioner, *Pro Se*

14 Jose Alberto Miron Quijano

15 Alien No. 

16 San Luis Regional Detention Center

17 406 N Ave D

18 San Luis, AZ 85349

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5 **ACKNOWLEDGEMENT AND VERIFICATION**

6 Under penalty of perjury, the undersigned declares that he is the named Petitioner in the  
7 foregoing petition. I have read the foregoing petition and its contents. The statements in the  
8 petition are true and correct to the best of my knowledge, except as to any statements alleged  
9 on information and belief, and as to those statements, I believe them to be true.

10  
11 **DATED this 12th day of December, 2025.**

12  
13  
14 J.A.M.Q.

15 -Petitioner, *Pro Se*

16 Jose Alberto Miron Quijano

17 Alien No. 

18 San Luis Regional Detention Center

19 406 N Ave D

20 San Luis, AZ 85349

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**CERTIFICATE OF SERVICE**

I, Jose Alberto Miron Quijan, hereby certify that the foregoing documents has been submitted on December 12, 2025. Further, I personally served a true, complete and correct copy of the foregoing documents by placing it in a pre-paid stamped envelope and mailing it to the following individuals:

**John Cantu**  
Phoenix Field Office Director  
ICE Enforcement & Removal Operations  
2035 N. Central Avenue  
Phoenix, AZ 85004


**David R. Rivas**  
Warden of Immigration Detention Facility  
San Luis Regional Detention Center  
406 N Ave D  
San Luis, AZ 85349

**Kristi Noem**  
Secretary of the Department of  
Homeland Security  
U.S. Dep't of Homeland Security  
3801 Nebraska Ave NW  
Washington, DC 20528

**Pamela J. Bondi**  
Attorney General of the United States  
950 Pennsylvania Avenue, NW,  
Washington, DC 20530-0001

**Respectfully submitted on this 12th day of December, 2025.**

**Executed in San Luis, Arizona.**

J.A.M.Q.  
Jose Alberto Miron Quijano  
Alien No.   
San Luis Regional Detention Center  
406 N Ave D  
San Luis, AZ 85349

# **EXHIBIT B**



## CASA MARIANELLA

821 Gunter Street • Austin, TX 78702  
Tel: (512) 385-5571 • Fax: (512) 842-9360  
supportletters@casamarianella.org  
www.casamarianella.org

August 5, 2024

Jose Miron-Quijano

A# [REDACTED]

Country of Origin: El Salvador

Imperial Regional Detention Facility  
1572 Gateway Rd.  
Calexico, CA 92231

To whom it may concern:

Casa Marianella agrees to receive Jose Miron-Quijano. Casa Marianella is a shelter that serves immigrants, asylum-seekers, and asylees. We provide housing, case management, transportation (including bus fare from detention), and other supportive services to such individuals. We are located at 821 Gunter Street, Austin, Texas 78702, and our office phone number is (512) 385-5571. Our phone line is often busy; to confirm sponsorship of Jose Miron-Quijano, it is best to contact the shelter's Support Letter Team at supportletters@casamarianella.org, with the individual's name and A# as the subject. Casa Marianella is not open to the public, and we do not accept everyone who applies to stay with us. We have a strict screening process of individuals that contact us while in ICE custody, and Jose Miron-Quijano clearly meets all of our criteria.

Casa Marianella has been operating since 1986 and has welcomed residents from over 40 countries. Casa Marianella offers a wide variety of services to both residents and the greater immigrant community in Austin. Casa Marianella staff, who are present on site at all times, are trained and experienced in working with immigrants and refugees. I, Jennifer Long, am the director of Casa Marianella. I also provide case management services to residents in order to support them in pursuing their legal immigration cases.

Upon arriving, each resident of Casa Marianella has access to a case manager who can support the individual in various capacities: obtaining services in the community, monitoring their behavior and well-being in the shelter, and ensuring that the individual attends ICE appointments and court dates. Casa Marianella can also connect residents to medical care and legal assistance. I am willing to provide case management to Jose Miron-Quijano during their time at Casa Marianella.

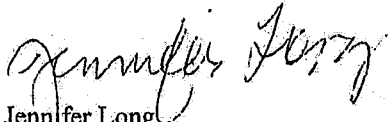
Residents of Casa Marianella are expected to abide by strict house rules and participate in upkeep of the house. The residents participate in household chores every day and are expected to keep their bed and belongings clean and orderly. The shelter has a strict curfew the residents must abide by, and each resident is required to attend a nightly meeting. While living at Casa Marianella, Jose Miron-Quijano will be expected to abide by house rules, abstain from drugs and alcohol, and refrain from the use of violence in any form.

Casa Marianella specializes in working with and managing asylum seekers while their immigration claims are pending, and we have extensive experience in this area. Casa Marianella staff assist residents in building self-sufficiency. In recent years, over 90% of residents who have exited the shelter have successfully transitioned into permanent housing.

In addition to shelter, case management, transportation to ICE appointments and hearings, and access to legal and medical resources, residents at Casa Marianella can receive clothing and food. If they do not already speak English, residents are required to attend English classes four nights per week.

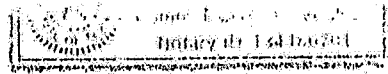
Casa Marianella's mission is to provide hospitality to immigrants and refugees. We appreciate the opportunity to serve refugees in need of housing during their immigration process. Thank you for your attention to this urgent matter.

Sincerely,

  
Jennifer Long  
Director  
Casa Marianella

Sworn and signed before me this 5<sup>th</sup> day of August, 2024 by Jennifer Long.

  
Public Notary, TX



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**MOTION FOR APPOINTMENT OF COUNSEL  
PURSUANT TO 18 U.S.C. § 3006A**

**JOSE ALBERTO MIRON OUIJANO**  
**ALIEN No. [REDACTED]**  
**PETITIONER, PRO SE**  
**CUSTODY STATUS: DETAINED**