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8 JOSSIE ARANGUREN PACHECO

9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

11 JOSSIE ARANGUREN PACHECO,
12
13 Petitioner,

14 v.

15 KRISTI NOEM, in her official capacity,
Secretary of Homeland Security; PAM
16 BOND, in her official capacity,
Attorney General of the United States;
17 CHRISTOPHER CHESTNUT, in his
official capacity, Warden, California
City Detention Facility; SERGIO
18 ALBARRAN, in his official capacity,
Field Office Director of the San
19 Francisco Field Office, U.S. Immigration
and Custom Enforcement (ICE); TODD
20 M. LYONS, in his official capacity,
Acting Director of ICE,
21

22 Respondents.
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27
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Case No.

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

**VERIFIED PETITION
PETITIONER'S DHS NO:**



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INTRODUCTION

1. Jossie Esteban Aranguren Pacheco (“Petitioner”) is a 25-year-old refugee from Venezuela. After fleeing the country in 2021 to escape persecution, he sought Temporary Protective Status and asylum in the United States. *See* the Declaration of Carla Gomez at ¶¶ 3-4.¹ Since November 25, 2025, Petitioner has been arbitrarily detained by Respondents in violation of the Due Process Clause of the Fifth Amendment to the United States Constitution, the Fourth Amendment to the United States Constitution and his statutory rights under the Immigration and Nationality Act (“INA”) and the Administrative Procedure Act (“APA”).

2. Petitioner was apprehended and detained by immigration officials after crossing the border in September 2021, and, after it was determined that he posed no flight risk or danger to the community, he was released on his own recognizance. Gomez decl. at ¶ 3. He was re-arrested on November 25, 2025 when he attended his check-in appointment with Immigration Customs and Enforcement (“ICE”). *Id.* at ¶ 10, *see also* Exh. G.

3. Since his release in September 2021, Petitioner has timely applied for Asylum and for Withholding of Removal and obtained work authorization from DHS that is valid through 2029. Exh. C and D. In addition, he applied for and was granted Temporary Protective Status that expired on April 2, 2025. Exh. B. His asylum claim was still pending.

4. On November 25, 2025, Petitioner was arrested when he went to his ICE check-in appointment at the SF Field Office located at 630 Sansome Street. *See* Exh. G. The ICE official handed Petitioner an I-200, administrative warrant signed by an ICE officer not a judicial officer. The two boxes checked on the form that serve the basis for “probable cause” to believe he is removable from the

¹ Facts asserted in this Petition are drawn from the attached declaration of Carla Gomez, counsel for Petitioner, and from exhibits to that declaration. Further citation will be made directly to the individual exhibits attached to the declaration, or to the declaration itself, hereinafter “Gomez decl.”

1 United States: 1.) the pendency of ongoing removal proceedings against the
2 subject; and 2.) statements made voluntarily by the subject to an immigration
3 officer and/or other reliable evidence that affirmatively indicate the subject either
4 lacks immigration status or notwithstanding status is removable under U.S.
5 immigration law. There are not details explaining why he is removable under U.S.
6 immigration law when he has a strong asylum claim pending. Upon his arrest, he
7 was not afforded an opportunity to contest the alleged basis for his arrest and re-
8 detention. Gomez decl. at ¶ 10, *see also* sample I-200 form.

9 5. As a result of his arrest and detention, Petitioner is suffering
10 irreparable and ongoing harm. The unconstitutional deprivation of “physical
11 liberty” “unquestionably constitutes irreparable injury.” *Hernandez v. Sessions*,
12 872 F.3d 976, 994-95 (9th Cir. 2017). Indeed, “[f]reedom from imprisonment—
13 from government custody, detention, or other forms of physical restraint—lies at
14 the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas v.*
15 *Davis*, 533 U.S. 678, 690 (2001). Petitioner has also been sick with a fever,
16 chills, vomiting while in detention. He suffers from asthma and has not been
17 provided his inhaler or any type of medication. Gomez decl. at ¶¶ 12-13, *See also*
18 Exh. G, Pacheco decl. ¶ 17.

19 6. Considering substantially similar facts and legal issues, courts in this
20 circuit have repeatedly granted the relief Petitioner seeks – including in the
21 context of the re-arrest of individuals appearing for ICE check-in appointments.
22 See, e.g., *Vilela v. Robbins*, No. 1:25-cv-01393-KES-HBK, 2025 U.S. Dist.
23 LEXIS 219172, at *20 (E.D. Cal., Nov. 6, 2025); *J.A.E.M. v. Wofford*, No. 1:25-
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25 2025); *J.C.L.A. v. Wofford*, No. 1:25-cv-01310-KES-EPG, 2025 U.S. Dist.
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27 1:25-cv-01241-KES-SKO, 2025 U.S. Dist. LEXIS 202706, at *15-16 (E.D. Cal.,
28 Oct. 14, 2025); *M.R.R. v. Chestnut*, 1:25-cv-01517-JLT-SKO (E.D. Cal. Nov. 24,

2025); see also *Pinchi v. Noem*, 792 F.Supp.3d 1025, 1032 (N.D. Cal. 2025), converted to preliminary injunction at __ F. Supp. 3d __, 2025 WL 2084921 (N.D. Cal. July 24, 2025); *Singh v. Andrews*, 2025 WL 1918679, *10 (E.D. Cal. July 11, 2025) (granting preliminary injunction).

7. Petitioner has developed strong ties to Northern California over the last four years and he is not a flight risk. He has lived with his mother since 2022 in Alameda, California, obtained work authorization to lawfully be employed, paid taxes and attended community college. See Exh. H Pacheco Decl. ¶¶ 4, 12, see also Exh. D & E. These strong ties to the United States were not considered when Petitioner was rearrested. Rather than seeking to determine whether Petitioner posed a flight risk or danger to the community, federal immigration agents re-arrested him pursuant to Respondents' sweeping, and unlawful policy targeting people for arrest at immigration courthouses and ICE check-in appointments for the purpose of fast-tracking deportations. Respondents' current quota-driven policy amounts to: arrest and detain now, ask questions later and deport as soon as possible to deny legitimate asylum seekers their right to due process.

8. Petitioner's summary arrest and indefinite detention flout the Constitution. The only legitimate interests that civil immigration detention serves are mitigating flight risk and preventing danger to the community. When those interests are absent, the Fifth Amendment's Due Process Clause squarely prohibits detention. Additionally, by summarily arresting and detaining Petitioner without a warrant or bond hearing and without making any affirmative showing of changed circumstances, Respondents violated Petitioner's procedural due process rights. At the very least, prior to his re-detention, he was constitutionally entitled to a hearing before a neutral arbiter at which the government should have justified his re-detention—or been ordered to release him.

9. The Due Process Clause applies to "all 'persons' within the United

1 States, including [noncitizens], whether their presence here is lawful, unlawful,
2 temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

3 “Freedom from bodily restraint has always been at the core of the liberty protected
4 by the Due Process Clause from arbitrary governmental action.” *Foucha v.*
5 *Louisiana*, 504 U.S. 71, 80 (1992).

6 10. Immigration detention is civil and thus is permissible for only two
7 reasons: to ensure a noncitizen’s appearance at immigration hearings and to
8 prevent danger to the community. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
9 Here, there is no credible argument that Petitioner, *who was arrested while*
10 *attending his ICE check-in*, is a flight risk or danger.

11 11. Mr. Aranguren Pacheco has no prior convictions.²

12 12. In Marin county, he was not arrested, but he was charged on March
13 19, 2025, for a violation of California Penal Code (Pen. Code) § 459.5(a),
14 misdemeanor shoplifting, in case number . On December 3, 2025, the
15 case was dismissed in its entirety. He never made any admission or plea regarding
16 the facts of the case including a no contest plea. The case was dismissed pre-plea.
17 *See* Exh. J, Keast Decl. ¶ 5.

18 13. The Assistant District Attorney in Marin County has agreed that there
19 is evidence of actual innocence in the case, and he has agreed to vacate the arrest.
20 *See* Exh. J, Keast Decl. ¶ 6.

21 14. Petitioner’s arbitrary ICE arrest without due process follows a pattern
22 in recent months of ICE re-arresting noncitizens at their ICE check-ins. In many of
23 these cases, ICE does not argue that the noncitizens are flight risks or dangers to
24

25 ² Mr. Aranguren has not prior convictions. He has two arrests out of San
26 Francisco and Contra Costa County, however, no accusatory pleading were filed
27 charging him with an offense in either of those counties. *See* Exh. M and N
28 (verification from clerk’s office no charges were filed in either case). Pursuant to
Penal Code Sec. 849.5 when a person is arrested and released and no accusatory
pleading is filed charging him with an offense the arrest shall not be deemed an
arrest but a detention only.

1 the community. Instead, ICE claims that purported technical violations – often
 2 based on vague and unsupported allegations - are a sufficient justification for re-
 3 detention. Courts have rejected this contention. *See Bernal v. Albarran*, No. 25-cv-
 4 09772-RS, 2025 U.S. Dist. LEXIS 232122, at *19 (N.D. Cal. Nov. 25, 2025)
 5 (granting injunctive relief and holding that “detention is permitted under section
 6 1226(a) only if [petitioner] is dangerous or a flight risk,” and that “minor, technical
 7 violations” of his release conditions are insufficient to establish danger or flight
 8 risk).

9 15. Generally, “the Constitution requires some kind of a hearing *before*
 10 the State deprives a person of liberty or property.” *Zinerman v. Burch*, 494 U.S.
 11 113, 127 (1990) (emphasis added). Consistent with this principle, a growing
 12 number of district courts have held that noncitizens re-arrested at ICE check-in
 13 appointments are entitled to pre-deprivation bond hearings and ordered their
 14 immediate release. *See, e.g., See Vilela v. Robbins*, No. 1:25-cv-01393-KES-HBK,
 15 2025 U.S. Dist. LEXIS 219172, at *20 (E.D. Cal., Nov. 6, 2025).

16 16. ICE is under intense pressure by the current presidential
 17 administration to meet arrest quotas.³ As of December 7, 2025, “more than a third
 18 of the roughly 220,000 people arrested by ICE officers in the first nine months of
 19 the Trump administration had no criminal histories, according to new data.”⁴ The
 20 risk of erroneous deprivation without process is thus particularly high in the
 21 current political context. Pre-deprivation bond hearings are the only way to
 22

23 ³ See José Olivares & Will Craft, *ICE Arrests of Migrants with No Criminal*
 24 *History Surging under Trump*, The Guardian, June 14, 2025,
 25 [https://www.theguardian.com/us-news/2025/jun/14/ice-arrests-migrants-trump-](https://www.theguardian.com/us-news/2025/jun/14/ice-arrests-migrants-trump-figures)
 26 [figures](https://www.theguardian.com/us-news/2025/jun/14/ice-arrests-migrants-trump-figures); Hamed Aleaziz, Luis Ferré-Sadurní, & Miriam Jordan, *How ICE Is*
 27 *Seeking to Ramp Up Deportations Through Courthouse Arrests*, N.Y. Times, May
 28 30, 2025, [https://www.nytimes.com/2025/05/30/us/politics/ice-courthouse-](https://www.nytimes.com/2025/05/30/us/politics/ice-courthouse-arrests.html)
 29 [arrests.html](https://www.nytimes.com/2025/05/30/us/politics/ice-courthouse-arrests.html).

⁴ See Laura Strickler and Julia Ainsley, *ICE has Arrested Nearly 75,000*
People with no Criminal Records, Data Shows, NBC News, Dec. 7, 2025,
[https://www.nbcnews.com/politics/immigration/ice-arrested-nearly-75000-people-](https://www.nbcnews.com/politics/immigration/ice-arrested-nearly-75000-people-no-criminal-records-data-shows-rcna247377)
[no-criminal-records-data-shows-rcna247377](https://www.nbcnews.com/politics/immigration/ice-arrested-nearly-75000-people-no-criminal-records-data-shows-rcna247377)

1 safeguard against pretextual, quota-driven arrests and arbitrary detention and to
2 protect the due process rights of law-abiding refugees such as Petitioner.

3 17. Petitioner respectfully seeks a writ of habeas corpus ordering the
4 government to immediately release him from his ongoing, unlawful detention, and
5 prohibiting his re-arrest without a hearing to contest any violation that maybe
6 alleged before a neutral decision maker. In addition, to preserve this Court's
7 jurisdiction, Petitioner requests that this Court order Respondents not to transfer
8 him outside of the District or deport him outside of the United States for the
9 duration of these proceedings.

10 **JURISDICTION AND VENUE**

11 18. The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331
12 (federal question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201–02
13 (Declaratory Judgment Act), 28 U.S.C. § 2241 (habeas corpus), Article I, § 9, cl. 2
14 of the U.S. Constitution (the Suspension Clause) and the Fourth and Fifth
15 Amendments to the U.S. Constitution.

16 19. Venue is proper in this district and division pursuant to 28 U.S.C.
17 § 2241(a) and 28 U.S.C. § 1391(b)(2) and (e)(1) because Petitioner is physically
18 detained within this district. *See Braden v. 30th Judicial Circuit Court of Kentucky*,
19 410 U.S. 78, 484, 493- 500 (1973). Venue is also properly in this Court pursuant to
20 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of
21 the United States, and because a substantial part of the events or omissions giving
22 rise to the claims occurred in the Eastern District of California.

23 **PARTIES**

24 20. Petitioner is a twenty-five-year-old refugee from Venezuela. He is
25 presently in civil immigration detention at California City Detention Facility,
26 22844 Virginia Boulevard, California City, CA 93505 ("California City"), which is
27 in the Eastern District of California.

28 21. Respondent Kristi Noem is the Secretary of Homeland Security and

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

6 22. Respondent Pamela Bondi is the Attorney General of the United
7 States and the most senior official at the Department of Justice. In that capacity and
8 through her agents, she is responsible for overseeing the implementation and
9 enforcement of the federal immigration laws. The Attorney General delegates this
10 responsibility to the Executive Office for Immigration Review (“EOIR”), which
11 administers the immigration courts and the Board of Immigration Appeals (the
12 “BIA”). Respondent Bondi is sued in her official capacity.

13 23. Respondent Christopher Chestnut is the Warden of California City,
14 where Petitioner is detained. He has immediate physical custody of Petitioner. He
15 is sued in his official capacity.

16 24. Respondent Sergio Albarran is the Field Office Director of the San
17 Francisco Immigration and Customs Enforcement Office. He is responsible for the
18 administration of immigration laws and the execution of immigration enforcement
19 and detention policy within ICE’s San Francisco Area of Responsibility, including
20 the detention of Petitioner. He maintains an office and regularly conducts business
21 in this district. He is sued in his official capacity.

22 25. Respondent Todd M. Lyons is the Acting Director of ICE. As the
23 Senior Official Performing the Duties of the Director of ICE, he is responsible for
24 the administration and enforcement of the immigration laws of the United States;
25 routinely transacts business in this District; and is legally responsible for pursuing
26 any effort to detain and remove the Petitioner. Respondent Lyons is sued in his
27 official capacity.
28

REQUIREMENTS OF 28 U.S.C. § 2243

26. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 20 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

EXHAUSTION

27. There is no requirement to exhaust administrative remedies because no other forum exists in which Petitioner can raise the claims herein. There is no statutory exhaustion requirement prior to challenging the constitutionality of an arrest or detention or challenging a policy under the Administrative Procedure Act. In addition, any further exhaustion requirements would be unreasonable, as immigration judges have now taken the position, citing *Matter of Yajure Hurtado*, 29 I&N Dec. 216, 220 (BIA 2025), that they lack jurisdiction to conduct a bond hearing with respect to migrants such as Petitioner. Although Petitioner is not subject to mandatory detention as an arriving alien who has not entered and been released within the interior of the United States, immigration courts have also taken the position that an arriving alien is not eligible for bond. *See Matter of Q. Li*, 29 I. & N. Dec. 66, 69 (BIA 2025). As such, regardless of the statutory basis for his current detention, it would be futile for Petitioner to seek a bond hearing and release in immigration court. Only an order of this Court could effectively grant Petitioner relief. *See Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM),

2025 WL 2591530, at *5; (C.D. Cal. Sept. 8, 2025).

28. Prudential exhaustion is not required here because it would be futile, and Petitioner will "suffer irreparable harm if unable to secure immediate judicial consideration" of his claim. *McCarthy v. Madigan*, 503 U.S. 140, 147 (1992). A court may waive the prudential exhaustion requirement if "administrative remedies are inadequate or not efficacious, pursuit of administrative remedies would be a futile gesture, irreparable injury will result, or the administrative proceedings would be void." *Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004) (citation and quotation marks omitted)); *Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530, at *7 (C.D. Cal. Sept. 8, 2025).

LEGAL BACKGROUND

A. Revocation of Parole

29. The Constitution establishes due process rights for "all 'persons' within the United States, including [noncitizens], 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.

30. First, "[t]he 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).

31. These protections extend to noncitizens facing detention, as "[i]n 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, "[f]reedom 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.

1 32. Substantive due process thus requires that all forms of civil
2 detention—including immigration detention—bear a “reasonable relation” to a
3 non-punitive purpose. *See Jackson v. Indiana*, 406 U.S. 715, 738 (1972). The
4 Supreme Court has recognized only two permissible non-punitive purposes for
5 immigration detention: ensuring a noncitizen’s appearance at immigration
6 proceedings and preventing danger to the community. *Zadvydas*, 533 U.S. at 690–
7 92; *see also Demore v. Kim*, 538 U.S. 510 at 519–20, 527–28, 31 (2003).

8 33. *Second*, the procedural component of the Due Process Clause
9 prohibits the government from imposing even permissible physical restraints
10 without adequate procedural safeguards.

11 34. Generally, “the Constitution requires some kind of a hearing *before*
12 the State deprives a person of liberty or property.” *Zinerman v. Burch*, 494 U.S.
13 113, 127 (1990). This is so even in cases where that freedom is lawfully revocable.
14 *See Hurd v. D.C., Gov’t*, 864 F.3d 671, 683 (D.C. Cir. 2016) (citing *Young v.*
15 *Harper*, 520 U.S. 143, 152 (1997) (re-detention after pre-parole conditional
16 supervision requires pre-deprivation hearing)); *Gagnon v. Scarpelli*, 411 U.S. 778,
17 782 (1973) (same, in probation context); *Morrissey v. Brewer*, 408 U.S. 471 (1972)
18 (same, in parole context).

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

26 36. This reasoning applies with equal if not greater force to people
27 released from civil immigration detention at the border, like Petitioner. After all,
28 noncitizens living in the United States like Petitioner have a protected liberty

1 interest in their ongoing freedom from confinement. *See Zadvydas*, 533 U.S. at
2 690. And, “[g]iven the civil context [of immigration detention], [the] liberty
3 interest [of noncitizens released from custody] is arguably greater than the interest
4 of parolees.” *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019).

5 **B. Detention Framework**

6 37. The Immigration and Nationality Act prescribes three basic forms of
7 detention for the vast majority of noncitizens in removal proceedings.

8 38. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in
9 standard removal proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in §
10 1226(a) detention are generally entitled to a bond hearing at the outset of their
11 detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been
12 arrested, charged with, or convicted of certain crimes are subject to mandatory
13 detention, *see* 8 U.S.C. § 1226(c).

14 39. Second, the INA provides for mandatory detention of noncitizens
15 subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent
16 arrivals seeking admission referred to under § 1225(b)(2).

17 40. Last, the INA also provides for detention of noncitizens who have
18 been ordered removed, including individuals in withholding-only proceedings, *see*
19 8 U.S.C. § 1231(a)–(b).

20 41. This case concerns the detention provisions at §§ 1226(a) and
21 1225(b)(2). The detention provisions at § 1226(a) and § 1225(b)(2) were enacted
22 as part of the Illegal Immigration Reform and Immigrant Responsibility Act
23 (“IIRIRA”) of 1996, Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009–
24 546, 3009–582 to 3009–583, 3009–585. Section 1226(a) was most recently
25 amended earlier this year by the Laken Riley Act, Pub. L. No. 119–1, 139 Stat. 3
26 (2025).

27 42. Following the enactment of the IIRIRA, EOIR drafted new
28 regulations explaining that, in general, people who entered the country without

1 inspection were not considered detained under § 1225 and that they were instead
2 detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens;
3 Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum
4 Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

5 43. Thus, in the decades that followed, most people who entered without
6 inspection and were placed in standard removal proceedings received bond
7 hearings, unless their criminal history rendered them ineligible pursuant to 8
8 U.S.C. § 1226(c). That practice was consistent with many more decades of prior
9 practice, in which noncitizens who were not deemed “arriving” were entitled to a
10 custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a)
11 (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a)
12 simply “restates” the detention authority previously found at § 1252(a)).

13 44. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new
14 policy that rejected well-established understanding of the statutory framework and
15 reversed decades of practice.

16 45. The new policy, entitled “Interim Guidance Regarding Detention
17 Authority for Applicants for Admission,”⁵ claims that all persons who entered the
18 United States without inspection shall now be subject to mandatory detention
19 provision under § 1225(b)(2)(A). The policy applies regardless of when a person is
20 apprehended, and affects those who have resided in the United States for months,
21 years, and even decades.

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

26 47. Since Respondents adopted their new policies, dozens of federal
27

28 ⁵ Available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>.

1 courts have rejected their new interpretation of the INA's detention authorities.
2 Courts have likewise rejected *Matter of Yajure Hurtado*, which adopts the same
3 reading of the statute as ICE.

4 48. Even before ICE or the BIA introduced these nationwide policies, IJs
5 in the Tacoma, Washington, immigration court stopped providing bond hearings
6 for persons who entered the United States without inspection and who have since
7 resided here. There, the U.S. District Court in the Western District of Washington
8 found that such a reading of the INA is likely unlawful and that § 1226(a), not §
9 1225(b), applies to noncitizens who are not apprehended upon arrival to the United
10 States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025).

11 49. Subsequently, court after court has adopted the same reading of the
12 INA's detention authorities and rejected ICE and EOIR's new interpretation. *See*,
13 *e.g.*, *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July
14 7, 2025); *Diaz Martinez v. Hyde*, No. CV 25-11613-BEM, ___ F. Supp. 3d ___,
15 2025 WL 2084238 (D. Mass. July 24, 2025); *Rochó Rosado v. Figueroa*, No. CV
16 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), *report*
17 *and recommendation adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL
18 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937
19 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No.
20 0:25-cv-03142-SRN-SGE, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-*
21 *Gonzalez v. Noem*, No. 5:25-cv-01789-ODW (DFMx), 2025 WL 2379285 (C.D.
22 Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL 2403827 (D.
23 Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH), 2025 WL
24 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-
25 BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No.
26 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*,
27 No. 3:25-cv-01093- JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose*
28 *J.O.E. v. Bondi*, No. 25-CV-3051 (ECT/DJF), --- F. 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 “[t]he 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 was ordered and motion for preliminary injunction was granted.).

50. Courts have uniformly 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.

51. Section 1226(a) applies by default to all persons “pending a decision on whether the [noncitizen] is to be removed from the United States.” These removal hearings are held under § 1229(a), to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

52. 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

1 default, such people are afforded a bond hearing under subsection (a). As the
2 *Rodriguez Vazquez* court explained, “[w]hen Congress creates ‘specific
3 exceptions’ to a statute’s applicability, it ‘proves’ that absent those exceptions, the
4 statute generally applies.” *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing
5 *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400
6 (2010)); *see also Gomes*, 2025 WL 1869299, at *7.

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

10 54. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry
11 or who recently entered the United States. The statute’s entire framework is
12 premised on inspections at the border of people who are “seeking admission” to the
13 United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained
14 that this mandatory detention scheme applies “at the Nation’s borders and ports of
15 entry, where the Government must determine whether a[] [noncitizen] seeking to
16 enter the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

17 55. To the extent that the government now wants to reclassify Petitioner
18 as detained under § 1225(b)(2)(A) after initially releasing him under § 1226(a),
19 courts have found this to be an impermissible *post hoc* rationalization. *Lopez*
20 *Benitez v. Francis*, No. 25-cv-5937, 2025 WL 2371588, at *13–14 (S.D.N.Y. Aug.
21 13, 2025); *see, also, C.A.R.V. v. Wofford*, No. 1:25-CV-01395 JLT SKO2025 U.S.
22 Dist. LEXIS 216277, at *27 (E.D. Cal., Nov. 1, 2025) (“Respondents fail to
23 contend with the liberty interest created by the fact that the Petitioner in this case
24 was released on recognizance in 2021, prior to the manifestation of this
25 interpretation.”), *emphasis in original*.

26 56. Accordingly, the mandatory detention provision of § 1225(b)(2)(A)
27 does not apply to people like Petitioner, who have already entered and were
28 residing and working in the United States with the authorization of DHS at the

1 time they were apprehended.

2 57. Pursuant to 8 U.S.C. § 1226(b), “[t]he Attorney General at any time
3 may revoke a bond or parole authorized under subsection (a), rearrest the alien
4 under the original warrant, and detain the alien.” 8 U.S.C. § 1226(b). The
5 implementing regulations elaborate that “such release [under § 1226] may be
6 revoked at any time in the discretion of” various DHS officials, “in which event
7 the alien may be taken into physical custody and detained.” 8 C.F.R. §
8 1236.1(c)(9). However, DHS may not re-arrest that noncitizen absent a change in
9 circumstance. *See Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1197 (N.D. Cal.
10 2017), *aff’d sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018)
11 (“[w]here the release decision was made by a DHS officer, not an immigration
12 judge, the Government’s practice has been to require a showing of changed
13 circumstances before re-arrest.”).

14 **FACTUAL ALLEGATIONS**

15 **A. Petitioner is Unlawfully Arrested at His ICE Check-In**

16 58. Petitioner is a twenty-five-year-old refugee from Venezuela. After
17 fleeing Venezuela in 2021 to escape persecution, he sought asylum in the United
18 States. Exh. A; Gomez decl. at ¶ 4.

19 59. Petitioner was apprehended and detained by immigration officials
20 after crossing the border in September 2021, and, after it was determined that he
21 posed no flight risk or danger to the community, he was released on his own
22 recognizance. *See* Exh. A (NTA and I-213). In March of 2022, he timely submitted
23 his I-589 Application for Asylum and for Withholding of Removal (“I-589”). Exh.
24 C. He also applied for and received Temporary Protective Status that expired on
25 April 2, 2025. Exh. B. In addition, he received authorization from DHS to work in
26 the United States pending adjudication of his asylum case that is valid through
27 2029. Exh. D.

28 60. Petitioner has resided in Alameda, California since his release in

1 September of 2021. Since 2022 he has lived with mother, Zelaine Pacheco, he has
2 been lawfully employed, paid taxes, attended Peralta Community College in
3 Oakland. He has no prior convictions. Gomez decl. at ¶ 13, *see also* Exh. H
4 Pacheco decl. ¶ 12. He has not received any notice from DHS that he is a danger or
5 a threat to national security. He understood that the technical immigration law
6 “crime” of crossing the border into the United States without permission would not
7 apply to him if he were able to demonstrate under U.S. law h credible fear of
8 persecution or torture if forced to return to Venezuela as stated in his I-589. Exh.
9 C.

10 61. When Petitioner attended his check-in on November 25, 2025 at the
11 ICE San Francisco Field Office located at 630 Sansome Street in San Francisco
12 (“SF Field Office”), DHS officials arrested him, held him for hours in an ICE
13 holding cell at the SF Field Office, transported him to California City, where he
14 currently remains in detention. Gomez decl. at ¶ 10; *see also* Exh. G.

15 62. According to ICE officials the reason for the arrest is stated in the I-
16 200 form that there is “probable cause” to believe he is removable from the United
17 States: 1.) the pendency of ongoing removal proceedings against the subject; and
18 2.) statements made voluntarily by the subject to an immigration officer and/or
19 other reliable evidence that affirmatively indicate the subject either lacks
20 immigration status or notwithstanding status is removable under U.S. immigration
21 law. Gomez decl. at ¶ 11.

22 63. Petitioner is experiencing extreme emotional distress as a result of his
23 detention at California City. Petitioner has a very close relationship with his
24 mother, Zelaine Pacheco, and the loss of his presence in her life has been
25 extremely difficult for her emotionally and financially. Gomez dec. at ¶ 12; *see*
26 *also* Pacheco decl. ¶ 17. Petitioner reports that since he has been detained he has
27 been sick with a fever, chills and vomiting. He suffers from asthma which he has
28 not been provided his inhaler or medication despite a medical request. *Id.*

1 64. California City Detention Facility, where Petitioner is detained, is
2 about 350 miles from his home in the Bay Area, and 75 miles east of Bakersfield,
3 CA. The facility is the subject of a recently-filed class action lawsuit alleging
4 widespread abuse and neglect of detainees and deprivation of their
5 constitutionally-protected rights.⁶ As described in the Complaint filed in that case:

6 Conditions at California City Detention Facility are dire.

7 The facility is decrepit. Sewage bubbles up from the
8 shower drains, and insects crawl up and down the walls of
9 the cells. People are locked in concrete cells the size of a
10 parking space for hours on end, and officers threaten them
11 with violence and solitary confinement. Food is paltry and
12 people go hungry. Temperatures are frigid; those who
13 cannot afford to buy sweatshirts from the exorbitantly
14 priced commissary suffer in the cold, some wearing socks
15 on their arms as makeshift sleeves. Friends and family
16 members who travel to the Mojave Desert to see their
17 loved ones must do so across heavy glass; people detained
18 at California City cannot touch or hug their children. The
19 facility sharply limits access to lawyers, leaving people
20 bewildered and largely incommunicado.

21 Compl. at ¶ 4. Of particular relevance to Petitioner's plight are the inadequate and
22 substandard medical care and neglect of detainees' serious medical conditions
23 occurring at the California City Detention Facility. According to the Complaint:

24 The medical care system at California City is broken at
25 every level. People with serious medical conditions such
26

27 ⁶ See *Ruiz v. Immigr. & Customs Enf't*, No. 3:25-cv-09757 (N.D. Cal. Nov.
28 12, 2025), hereafter "Compl." available at <https://www.aclu.org/cases/gomez-ruiz-et-al-v-ice?document=Complaint>.

1 as heart disease, diabetes, and asthma do not receive
2 essential medications at arrival. When medications are
3 reordered, delivery is interrupted or stopped arbitrarily.
4 Requests for medical attention go unanswered for weeks,
5 or are never answered at all. When people finally see a
6 medical professional, the care they receive is dangerously
7 poor. Providers fail to document exams, do not address
8 abnormal lab results, and fail to order necessary treatment
9 in a timely manner. People who require medical attention
10 for conditions such as prostate cancer and heart failure are
11 told that there are no contracts for such services. As a
12 result, people in custody at California City are at severe
13 and ongoing risk of permanent, even life-threatening
14 harm.

15 Compl. at ¶ 5.

16 65. Petitioner has significant connections to his community in the United
17 States that he has maintained for several years. Since coming to the United States
18 in 2021, he has maintained employment after receiving work authorization from
19 DHS that is valid through 2029, paid taxes, and enrolled at Peralta Community
20 College in Oakland with the goal of transferring to a four-year university.

21 **B. As a Result of His Arrest and Detention, Petitioner is Suffering**
22 **Ongoing and Irreparable Harm.**

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

27 67. None of that has changed. Upon information and belief, Petitioner
28 has no criminal convictions and he is not a flight risk as demonstrated by his

1 continued check-ins with ICE and attending his immigration court hearings.⁷ His
2 goal as is evidenced by his continued education is to obtain status and become a
3 productive citizen of the United States.

4 **CLAIMS FOR RELIEF**

5 **FIRST CLAIM FOR RELIEF**

6 **Violation of the Fifth Amendment to the United States Constitution**

7 **(Substantive Due Process—Detention)**

8
9 68. Petitioner repeats and re-alleges the allegations contained in the
10 preceding paragraphs of this Petition as if fully set forth herein.

11 69. The Due Process Clause of the Fifth Amendment protects all
12 “person[s]” from deprivation of liberty “without due process of law.” U.S. Const.
13 amend. V. “Freedom from imprisonment—from government custody, detention,
14 or other forms of physical restraint—lies at the heart of the liberty that [the Due
15 Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.

16 70. Immigration detention is constitutionally permissible only when it
17 furthers the government’s legitimate goals of ensuring the noncitizen’s appearance
18 during removal proceedings and preventing danger to the community. *See id.*

19 71. Petitioner is not a flight risk or danger to the community.
20 Respondents’ detention of Petitioner is therefore unjustified and unlawful.
21 Accordingly, Petitioner is being detained in violation of the Due Process Clause of
22 the Fifth Amendment.

23
24 ⁷ Mr. Aranguren has no prior convictions. He has two arrests out of San
25 Francisco and Contra Costa County, however, no accusatory pleading were filed
26 charging him with an offense in either of those counties. *See* Exh. M and N
27 (verification from clerk’s office no charges were filed in either case). Pursuant to
28 Penal Code Sec. 849.5 when a person is arrested and released and no accusatory
pleading is filed charging him with an offense the arrest shall not be deemed an
arrest but a detention only. In Marin County he was never arrested, He was
charged with a misdemeanor theft and the case was dismissed. Keast Decl. at ¶
5. The District Attorney’s Office has conceded that there is evidence of innocence
to support a vacatur of the arrest. *See* Exh. K, Keast Decl. at ¶6.

72. 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 “nonpunitive in purpose and effect”). Here, the purpose of Petitioner’s detention appears 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 President Donald Trump’s mass deportation campaign. *See Demore*, 538 U.S. at 532–33 (Kennedy, J., concurring).

SECOND CLAIM FOR RELIEF

Violation of the Fifth Amendment to the United States Constitution (Procedural Due Process—Detention)

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

74. As part of the liberty protected by the Due Process Clause, Petitioner has a weighty liberty interest 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); *Morrissey v. Brewer*, 408 U.S. 471, 482–83 (1972); *see also Ortega*, 415 F. Supp. 3d at 969–70 (holding that a noncitizen has a protected liberty interest in remaining out of custody following an IJ’s bond determination).

75. Accordingly, “[i]n 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); *Zinerman*, 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 noncitizen poses a flight risk or danger to

1 the community. *See Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011); *see also*
2 *Martinez v. Clark*, 124 F.4th 775, 785, 786 (9th Cir. 2024).

3 76. Petitioner's re-detention without a pre-deprivation hearing violated
4 due process. Long after deciding to release Petitioner from custody on his own
5 recognizance, Respondents re-detained Petitioner with a generic I-200 that does
6 not specify a changed circumstance and no opportunity to contest his re-detention
7 before a neutral adjudicator before being taken into custody.

8 77. Petitioner has a profound personal interest in his liberty. Because
9 he received no procedural protections, the risk of erroneous deprivation is high.
10 And the government has no legitimate interest in detaining Petitioner without a
11 pre-deprivation hearing; bond hearings are conducted as a matter of course in
12 immigration proceedings. *See, e.g., Jorge M.F. v. Wilkinson*, 2021 WL 783561, at
13 *3 (N.D. Cal. Mar. 1, 2021); *Vargas v. Jennings*, 2020 WL 5074312, at *3 (N.D.
14 Cal. Aug. 23, 2020) ("the government's concern that delay in scheduling a
15 hearing could exacerbate flight risk or danger is unsubstantiated in light of
16 petitioner's strong family ties and his continued employment during the pandemic
17 as an essential agricultural worker").

18 **THIRD CLAIM FOR RELIEF**

19 **Violation of the Fourth Amendment to the United States Constitution**

20 **(Unlawful Arrest)**

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

23 79. The Fourth Amendment protects the right of persons present in the
24 United States to be free from unreasonable seizures by government officials.

25 80. As a corollary to that right, the Fourth Amendment prohibits
26 government officials from conducting repeated arrests on the same probable cause.
27 It is axiomatic that seizures have purposes. When those purposes are spent, further
28 seizure is unreasonable. . . . [T]he primary purpose of an arrest is to ensure the

1 arrestee appears to answer charges. . . . Once the arrestee appears before the court,
2 the purpose of the initial seizure has been accomplished. Further seizure requires a
3 court order or new cause; the original probable cause determination is no
4 justification. *Williams v. Dart*, 967 F.3d 625, 634 (7th Cir. 2020) (cleaned up); *see*
5 *also United States v. Kordosky*, No. 88-CR-52-C, 1988 WL 238041, at *7 n.14
6 (W.D. Wis. Sept. 12, 1988) (“Absent some compelling justification, the repeated
7 seizure of a person on the same probable cause cannot, by any standard, be
8 regarded as reasonable under the Fourth Amendment.”).

9 81. In the immigration context, this prohibition means that a person who
10 immigration authorities released from initial custody cannot be re-arrested “solely
11 on the ground that he is subject to removal proceedings” and without some new,
12 intervening cause. *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1196 (N.D. Cal.
13 2017), *aff’d sub nom., Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir.
14 2018). Courts have long recognized that permitting such rearrests could result in
15 “harassment by continual rearrests.” *United States v. Holmes*, 452 F.2d 249, 261
16 (7th Cir. 1971).

17 82. ICE agents arrested Petitioner in 2021 after he entered the United
18 States, charged him with a violation of civil immigration law and released him from
19 custody. Petitioner has tried to follow all the immigration law requirements: he
20 applied and obtained Temporary Protective Status; filed an asylum application and
21 obtained a government-issued work authorization that is valid through 2029. There
22 is no evidence that Petitioner has engaged in any conduct in the intervening time that
23 made him a flight risk or danger to the community. No material change has been
24 provided to justify Petitioner’s re-arrest.

25 83. Petitioner’s arbitrary re-arrest and detention by Respondents in
26 November of 2025 is thus an unreasonable seizure in violation of the Fourth
27 Amendment.
28

Fourth CLAIM FOR RELIEF

Violation of the Immigration and Nationality Act (INA)

(8 U.S.C. § 1226(a))

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

85. Petitioner was re-detained in the interior of the United States at an ICE check-in appointment and thus is currently detained under 8 U.S.C. § 1226(a). Detention under 8 U.S.C. § 1226(a) must serve a legitimate government purpose of mitigating danger or preventing flight. *See Zadvydas*, 533 U.S. at 690; 8 U.S.C. § 1226(a), (b); 8 C.F.R. 1236.1(c)(8).

86. Petitioner's prior release by DHS in 2021 necessarily reflects a determination that the noncitizen is neither a flight risk nor a danger to the community. 8 C.F.R. 1236.1(c)(8) (outlining requirements for release on recognizance); 8 C.F.R. 212.5(b) (outlining requirements for parole).

87. Thus, his re-detention pursuant 8 U.S.C. § 1226(a) requires an individualized determination of a material change in circumstances going to flight risk or danger in order for his re-detention to serve a regulatory purpose.

88. Petitioner's re-detention violates the INA, given he was not afforded an individualized determination of a material change in circumstances related to flight risk or danger to justify re-detention.

PRAYER FOR RELIEF

Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter;
2. Issue a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody;
3. Declare that Petitioner's arrest and detention violate the Due Process Clause of the Fifth Amendment, the Fourth Amendment, the Administrative Procedure Act and the Immigration and Nationality Act.
4. Enjoin Respondents from transferring Petitioner outside this District or deporting Petitioner pending these proceedings;
5. Enjoin Respondents from re-detaining Petitioner unless his re-detention is ordered at a custody hearing before a neutral arbiter in which the government bears the burden of proving, by clear and convincing evidence, that Petitioner is a flight risk or danger to the community;
6. Set aside Respondents' unlawful practice pursuant to 5 U.S.C. §706(2) as contrary to law, contrary to constitutional right, and in excess of statutory authority;
7. Award Petitioner his 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
8. Grant such further relief as this Court deems just and proper.

VERIFICATION

I, Carla V. Gomez, declare as follows:

I am an attorney admitted to practice law in the State of California. Because many of the allegations of this Petition require a legal knowledge not possessed by Petitioner, I am making this verification on his behalf. I have read the foregoing Petition for Writ of Habeas Corpus and know the contents thereof to be true to my knowledge, information, or belief.

I certify under penalty of perjury that the foregoing is true and correct and that this declaration was executed on December 17, 2025.

/s/ Carla V. Gomez

Carla V. Gomez