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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

Ana Gisela Valle Garcia,

Petitioner,

v.

Christopher Chestnut, Warden, California
City Correctional Facility;

Todd M. LYONS, Acting Director,
Immigration and Customs Enforcement, U.S.
Department of Homeland Security;

Kristi NOEM, in her Official Capacity,
Secretary, U.S. Department of Homeland
Security; and

Pam BONDI, in her Official Capacity,
Attorney General of the United States;

Respondents - Defendants,

No.

PETITION FOR WRIT OF HABEAS
CORPUS AND COMPLAINT FOR A
DECLARATORY AND INJUNCTIVE
RELIEF

Challenge to Unlawful Incarceration Under
Color of Immigration Detention Statutes;
Request for Declaratory and Injunctive Relief

INTRODUCTION

1
2 1. Petitioner, Ana Gisela Valle Garcia, by and through her undersigned counsel, hereby files
3 this petition for writ of habeas corpus to remedy Respondents-Defendants' ("Respondents")
4 unlawful re-detention of Ms. Valle Garcia without any process, in violation of the Fifth
5 Amendment to the U.S. Constitution.

6 2. Ms. Valle Garcia is a native and citizen of Honduras. Ms. Valle Garcia entered the United
7 States with inspection on April 2, 2022 seeking asylum. When Ms. Valle Garcia arrived in the
8 United States, federal agents briefly detained her, determined that she was not a flight risk or
9 danger to the community, and released her on her own recognizance with a notice to appear for
10 removal proceedings in immigration court on April 3, 2022. Since then, Petitioner had done
11 everything the government asked her to do; she has diligently attended every Immigration and
12 Customs Enforcement ("ICE") and United States Citizenship and Immigration Services
("USCIS") appointment and check-in.

13 3. On November 9, 2025, she presented herself to a regularly scheduled ICE appointment
14 where she was informed that she violated and ISAP appointment when she did not appear at the
15 door. The ISAP officer arrived at her regularly scheduled appointment and left the house after
16 knocking on the door for one minute. Ms. Valle Garcia did not hear the initial knock was at
17 home but unable to make it to the door in the one minute that the ISAP officer waited for her at
the door. This happened on August 28, 2025.

18 4. When Ms. Valle Garcia went to her ICE appointment on November 9, 2025, she was
19 detained for the supposed violation of August 28, 2025. The ICE officer also accused Ms. Valle
20 Garcia of not properly taking a picture of herself with the ISAP Application but did not tell her
21 when that happened.

22 5. Ms. Valle Garcia does not have an order of deportation. When Ms. Valle Garcia was
23 released from ICE custody upon entering the United States, the immigration authorities gave her
24 a copy of a Notice to Appear in Immigration Court on August 22, 2022. She also attended a
25 Master Calendar hearing on May 26, 2023. Since getting detained, Ms. Valle Garcia had a court
26 on December 1, 2025 and another Ms. Valle Garcia is set for February 18, 2026. The authorities
27 informed Ms. Valle Garcia that she would have to appear at all ICE appointments and court
28 hearings. Ms. Valle Garcia was informed that she must not violate any local, State or Federal

1 law or ordinances. Ms. Valle Garcia's immigration attorney requested a bond hearing but she
2 was denied a bond hearing based on recent case law.

3 6. Over the last three and a half years in which she has lived at liberty, Ms. Valle Garcia has
4 complied with all obligations of release. In 2023, Ms. Valle Garcia retained an immigration
5 attorney to file her asylum application. Ms. Valle Garcia has not committed any violation of
6 any local, State or Federal law since being released.

7 7. Ms. Valle Garcia suffers from health issues which require medications which she has not
8 received since getting re-arrested by ICE, putting her at risk of substantial harm and/or
9 hospitalization.

10 8. Ms. Valle Garcia resides with her significant other and three-year-old US citizen son in
11 Bakersfield, California.

12 9. Ms. Valle Garcia arrest and detention have caused her tremendous and ongoing harm.
13 Every additional day Ms. Valle Garcia spends in unlawful detention subjects her to further
14 irreparable harm.

15 10. The Constitution protects Ms. Valle Garcia – and every other person present in this
16 country – from arbitrary deprivations of her liberty and guarantees her due process of law. The
17 government's power over immigration is broad, but as the Supreme Court has declared, it
18 is subject to important constitutional limitations." *Zadvydas v. Davis*, 533 U.S. 678, 695 (2001).
19 "Freedom from bodily restraint has always been at the core of this liberty protected by the Due
20 Process Clause from arbitrary government action." *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

21 11. By status and regulation, as interpreted by the Board of Immigration Appeals ("BIA"),
22 ICE has the authority to re-arrest a noncitizen and revoke their bond, only where there has been
23 a change in circumstances since the individual's release, 8 U.S.C. § 236.1(c)(9); *Matter of Sugay*,
24 17 I&N Dec. 647, 640 (BIA 1981). The government has further clarified in litigation that any
25 change in circumstance must be "material." *Saravia v. Barr*, 280 F. Supp. 3d 1168, 1197 (N.D.
26 Cal. 2017). That authority, however, is proscribed by the Due Process Clause because it's well-
27 established that individuals released from incarceration have a liberty interest in their freedom.
28 In turn, to protect that interest, on the particular facts of Ms. Valle Garcia's case, due process
requires notice and a hearing, prior to any revocation of her conditional release, at which she is
afforded the opportunity to advance her arguments as to why her release should not be revoked.

1 12. That basic principle – that individuals placed at liberty are entitled to due process before
2 the government imprisons them – has particular force here, where Ms. Valle Garcia’s detention
3 was already found to be unnecessary to serve its purpose.

4 13. Therefore, at a minimum, to lawfully re-arrest Ms. Valle Garcia, the government must
5 first establish, by clear and convincing evidence and before a neutral decision maker, that she is
6 a danger to the community or a flight risk, such that her re-incarceration is necessary.

7 14. Ms. Valle Garcia respectfully seeks a writ of habeas corpus ordering the government to
8 immediately release her from her ongoing, unlawful detention, and prohibit her re-arrest without
9 a hearing to contest that re-arrest before a neutral decision maker. In addition, to preserve this
10 Court’s jurisdiction, Ms. Valle Garcia also requests that this Court order the government not to
11 deport her for the duration of this proceeding or transfer her outside of this Court’s jurisdiction.

11 JURISDICTION AND VENUE

12 15. This Court has jurisdiction over the present action pursuant to 28 U.S.C. § 1331, general
13 federal question jurisdiction; 5 U.S.C. § 701, et seq., All Writs Act; 28 U.S.C. § 2241, et seq.,
14 habeas corpus; 28 U.S.C. § 2201, the Declaratory Judgment Act; Art. 1, § 9, CL. 2 of the United
15 States Constitution (the Suspension Clause); Art. 3 of the United States Constitution, and the
16 common law., the Fourth and Fifth Amendments to the U.S. Constitution, and 5 U.S.C. §§ 701-
17 7-6 (Administrative Procedure Act).

18 16. Venue is proper in this district and division pursuant to 28 U.S.C. §2241(a) and 28 U.S.C.
19 § 1391(b)(2) and (e)(1) because Ms. Valle Garcia is physically detained within this District at
20 the California City Detention Center.

20 EXHAUSTION OF ADMINISTRATIVE REMEDIES

21 17. For habeas claims, exhaustion of administrative remedies is prudential, not jurisdictional.
22 *Hernandez*, 872 F.3d at 988. A court may waive the prudential exhaustion requirement if
23 “administrative remedies are inadequate or not efficacious, pursuit of administrative remedies
24 would be a futile gesture, irreparable injury will result, or the administrative proceedings would
25 be void.” *Id.* (quoting *Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004)(citation and quotation
26 marks omitted)). Ms. Valle Garcia asserts that exhaustion should be waived because
27 administrative remedies are (1) futile and (2) her continued detention results in irreparable harm.
28 Prudential exhaustion is not required here because it would be futile, and Ms. Valle Garcia will
“suffer irreparable harm if unable to secure immediate judicial consideration of his claim.”

1 *McCarthy v. Madigan*, 503 U.S. 140, 147 (1992). Any attempt to exhaust her administrative
2 remedies would be futile because an Immigration would deny her request for a bond hearing
3 under the recent Bureau of Immigration Appeals (“BIA”) decisions *Matter of Yajure Hurtado*,
4 29 I&N Dec. 216 (BIA 2025), and *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025). Any further
5 exhaustion requirements would be unreasonable.

6 18. Both *Yajure Hurtado* and *Q. Li* held that IJs do not have the authority to hold a bond
7 hearing where the moving noncitizens entered the country without inspection. Because Ms. Valle
8 Garcia entered the country without inspection, if she were to move for a bond hearing, an IJ
9 following these decisions would have to decline jurisdiction over the issue.

10 19. Ms. Valles Garcia’s immigration attorney informed her that the court rejected their
11 request for a bond hearing. On December 15, 2025, habeas counsel for Ms. Valle Garcia emailed
12 ICE in Bakersfield requesting immediate release however ICE has not responded to that text.

12 **PARTIES**

13 20. Petitioner, Ms. Valle Garcia is a 23 year-old woman from Honduras. She has no criminal
14 history anywhere in the world. She has a pending application for Asylum, Withholding of
15 Removal and relief under the Convention Against Torture with the immigration court. She is
16 presently in civil immigration detention at California City Detention Facility.

17 21. Respondent, Christopher Chestnut, is the Warden of California City Correctional Facility
18 In his official capacity, he is the legal custodian of Ms. Valle Garcia.

19 22. Respondent Todd M. LYONS is the Acting Director of ICE and is named in his official
20 Capacity. Among other things, ICE is responsible for the administration and enforcement of the
21 immigration laws, including the removal of noncitizens. In his official capacity as head of ICE,
22 he is the legal custodian of Ms. Valle Garcia.

23 23. Respondent Kristi NOEM is the Secretary of DHS and is named in her official capacity.
24 DHS is the federal agency encompassing ICE, which is responsible for the administration and
25 enforcement of the INA and all other laws relating to the immigration of noncitizens In her
26 capacity as Secretary, Respondent Noem has responsibility for the administration and
27 enforcement of the immigration and naturalization laws pursuant to section 402 of the Homeland
28 Security Act of 2002, 107 Pub. L. No. 296, 116 Stat. 2135 (Nov. 25, 2002); see also 8 U.S.C. §
1103(a). Respondent Noem is the ultimate legal custodian of Ms. Valle Garcia.

24. 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. She has the authority to interpret immigration laws and adjudicate removal cases.

LEGAL BACKGROUND

A. The Constitution Protects Noncitizens Like Petitioner from Arbitrary Arrest and Detention.

25. 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.

26. These protections extend to noncitizens 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.

27. Substantive due process 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 of immigration detention: ensuring a noncitizen’s appearance at immigration proceedings and preventing danger to the community. *Zadvydas*, 53 U.S. at 690-92; see also *Demore v. Kim*, 538 U.S. 510 at 519-20, 527-28 (2003).

28. The procedural component of the Due Process Clause prohibits the government from imposing even permissible physical restraints without adequate procedural safeguards.

29. In Ms. Valle Garcia’s particular circumstances, the Due Process Clause of the Constitution makes it unlawful for Respondents to re-arrest her without first providing a pre-deprivation hearing before a neutral decision maker to determine whether circumstances have materially changed since her release in 2022, such that detention would now only be warranted on the basis that she is a danger or flight risk by clear and convincing evidence.

1 30. The statute and regulations grant ICE the ability to unilaterally revoke any noncitizen's
2 immigration bond and re-arrest the noncitizen at any time. 8 U.S.C. § 1226(b); 8 C.F.R. §
3 236.1(c)(9). Notwithstanding the breadth of the statutory language granting ICE the power to
4 revoke an immigration bond "at any time," 9 U.S.C. 1226(b), in *Matter of Sugay*, 17 I&N Dec.
5 at 640, the BIA recognized an implicit limitation on ICE's authority to re-arrest noncitizens.
6 There, the BIA held that "where a previous bond determination has been made by an immigration
7 judge, no change should be made by the DHS absent a change of circumstance." *Id.* In practice,
8 DHS "requires a showing of changed circumstances both where the prior bond determination
9 was made by an immigration judge and where the previous release decision was made by a DHS
10 officer." *Saravia*, 280 F. Supp. 3d at 1197 (emphasis added). The Ninth Circuit has also assumed
11 that, under *Matter of Sugay*, ICE has no authority to re-detain an individual absent changed
12 circumstances. *Panosyan v. Mayorkas*, 854 F. App'x 787, 788 (9th Cir. 2021) ("thus, absent
13 changed circumstances... ICE cannot detain Panosyan.").

14 31. ICE has further limited its authority as described in *Sugay*, and "generally only re-arrests
15 (noncitizens) pursuant to § 1226(b) after a material change in circumstances." *Saravia*, 280 F.
16 Supp. 3d at 1197, *aff'd sub nom.* *Saravia for A.H.*, 905 F.3d 1137 (quoting Defs. ' Second Supp.
17 Br. At 1, Dkt. No 90) (emphasis added). Thus, under BIA case law and ICE practice, ICE may
18 re-arrest a noncitizen who had previously released on bond only after a material change in
19 circumstances. See *Saravia*, 280 F. Supp. 3d at 1176; *Matter of Sugay*, 17 I&N Dec. at 640.

20 32. ICE's power to re-arrest a noncitizen who is at liberty following a release on bond is also
21 constrained by the demands of due process. See *Hernandez v. Sessions*, 872 F.3d 976, 981 (9th
22 Cir. 2017) ("the government's discretion to incarcerate non-citizens is always constrained by the
23 requirements of due process"). In this case the guidance provided by *Matter of Sugay* – that ICE
24 should not re-arrest a noncitizen absent changed circumstances – is insufficient to protect Ms.
25 Valle Garcia's weighty interest in her freedom from detention.

26 33. Federal district courts in California have repeatedly recognized the demands of due
27 process and the limitations on DHS's authority to revoke a noncitizen's bond or parole set out in
28 DHS's stated practice and *Matter of Sugay* both require a pre-deprivation hearing for a noncitizen
on bond, like Ms. Valle Garcia, before ICE re-detains her. See e.g., *Meza v. Bonnar*, 2018 WL
2554572 (N.D. Cal. June 4, 2018); *Enamorado v. Kaiser*, No. 25-CV-04072-NW, 2025 WL
1382859, at 3 (N.D. Cal. May 12, 2025) (temporary injunction warranted preventing re-arrest at

1 plaintiff's ICE interview when he had been on bond for more than five years). See also *Doe v.*
 2 *Becerra*, No. 2:25-cv-00647-DJC-DMC, 2025 WL 691664, 4 (E.D. Cal. Mar. 3, 2025)(holding
 3 the Constitution requires a hearing before any re-arrest).

4 FACTUAL ALLEGATIONS

5 34. Ms. Valle Garcia's liberty from immigration custody is protected by the Due Process
 6 Clause: "Freedom from imprisonment- from government custody, detention, or other forms of
 7 physical restraint – lies at the heart of the liberty that (the Due Process) Clause protects."
Zadvydas v. Davis, 533 U.S. 678, 690 (2001).

8 35. Since April 2, 2022, Ms. Valle Garcia exercised that freedom when she was released on
 9 her own recognizance. As a result, she retained a weighty liberty interest under the Due Process
 10 Clause of the Fifth Amendment in avoiding re-incarceration. See *Young v. Harper*, 520 U.S.
 11 143, 146-47 (1997); *Gagnon v. Scarpelli*, 411 U.S. 778, 781-82 (1973); *Morrissey v. Brewer*,
 12 408 U.S. 471, 482-483 (1972).

13 36. Just as in *Morrissey*, Ms. Valle Garcia's release "enables her to do a wide range of things
 14 open to persons" who have never been in custody or convicted of any crime, including to live at
 15 home, work, go to the doctor, take her medication, and "be with family and friends and to form
 the other enduring attachments of normal life." *Morrissey*, 408 U.S. at 482.

16 37. Ms. Valle Garcia has complied with all conditions for release for well over three years,
 17 as she litigates her removal proceedings. She has meritorious applications for relief from
 18 removal.

19 **A. Ms. Valle Garcia is Unlawfully Arrested and Detained Pursuant to** 20 **DHS's New Policy.**

21 38. Deportation, like detention, constitutes a deprivation of liberty protected by the Due
 22 Process Clause. As the Supreme Court has held, a noncitizen's interest in deportation proceedings
 23 "is, without question, a weighty one" because "[s]he stands to lose the right 'to stay and live and
 24 work in this land of freedom.'" *Landon v. Plasencia*, 459 U.S. 21, 34 (1982) (quoting *Bridges v.*
Wixon, 326 U.S. 135, 154 (1945)).

25 39. Ms. Valle Garcia asserts that, here, (1) where her detention would be civil, (2) where
 26 she has been at liberty for three and half years, during which time she has complied with all
 27 conditions of release and has maintained steady employment, (3) where she has a substantial
 28 application for Asylum, withholding and CAT pending before the immigration (4) where no

1 change in circumstances exist that would justify her detention, (5) where petitioner has health
2 issues which require continued medication and medical supervision and (6) where the only
3 circumstance that has changed is ICE's move to arrest as many people as possible because of the
4 new administration, due process mandates that she receive notice and a hearing before a neutral
5 adjudicator prior to any re-arrest or revocation of a bond.

6 40. "Adequate, or due, process depends upon the nature of the interest affected. The more
7 important the interest and the greater the effect of its impairment, the greater the procedural
8 safeguards the government must provide to satisfy due process." *Haygood v. Younger*, 769 F.2d
9 1350, 1355-56)9th Cir. 1985)(en banc)(citing *Morrissey*, 408 U.S. at 481-82). This Court must
10 "balance Mr. Cruz's liberty interest against the government's interest in the efficient administer
11 of" its immigration laws to determine what process he is owed to ensure that ICE does not
unconstitutionally deprive him of his liberty. *Id.* 1at 1357.

12 41. Under the test set forth in *Mathias v. Eldridge*, this Court must consider these factors in
13 conducting its balancing test: 'First , the private interest that will be affected by the official action;
14 second, the risk of an erroneous deprivation of such interest through the process used, and the
15 probative value, if any, of additional or substitute procedural safeguards; and finally the
16 government's interest, including the function involved and fiscal and administrative burdens that
17 the additional or substitute procedural requirements would entail." *Haygood*, 769 F.3d at 1357
(citing *Mathews v. Eldridge*, 424 U.S .319, 335 (1976).

18 42. Because, in this case, the provision for a pre-deprivation hearing is both possible and
19 valuable to prevent an erroneous deprivation of liberty, ICE is required to provide Ms. Valle
20 Garcia with notice and a hearing prior to any re-incarceration and revocation of her pre-trial
21 release. See *Morrissey*, 408 U.S. at 481-82; *Haygood*, 769 F2d at 1355-56; *Jones*, 393 F.3d at
22 932; see also *Youngberg v. Romeo*, 457 U.S. 307, 321-24 (1982); *Lynch v. Baxley*, 744 F.2d 1452
23 (11th Cir. 1984)(holding that individuals awaiting involuntary civil commitment proceedings may
24 be constitutionally be held in jail pending the determination as to whether they can ultimately be
25 committed). Under *Mathews*, "the balance weighs heavily in favor of Ms. Valle Garcia" and
requires a pre-deprivation hearing before a neutral adjudicator.

26 43. In 2022, Petitioner fled to the United States. She was initially arrested by DHS officers
27 but was released one day later on her own recognizance with a notice to appear for removal
28

1 proceedings. In granting her release, DHS determined that she posed little if any risk of flight or
2 danger to the community.

3 44. DHS filed Ms. Valle Garcia's Notice to Appear with the immigration court. In 2023,
4 Ms. Valles Garcia retained an immigration to file an asylum application on her behalf.

5 45. Since arriving to the United States, Ms. Valle Garcia has attended every immigration
6 appointment that she was required to attend. Ms. Valle Garcia has no criminal history. Ms. Valle
7 Garcia lives in Bakersfield, California with her family. Ms. Valle Garcia has attended all check-
8 ins with ICE and court appearances.

9 46. Ms. Valle Garcia has applied for asylum based on well-founded fear of persecution in
10 Honduras.

11 47. Ever since Ms. Valle Garcia entered the country, she has fully complied with all court
12 and supervision requirements.

13 48. On November 9, 2025, Petitioner appeared at a regularly scheduled ICE check-in at the
14 ICE Bakersfield ICE office.

15 49. On November 9, 2025, the ICE agent informed Ms. Valle Garcia of a violation that
16 occurred three months prior on August 28, 2025 and detained her.

17 50. Petitioner had an immigration attorney who informed Ms. Valle Garcia that there was no
18 possibility of a bond with immigration because the court is denying requests for bond. Upon
19 learning of habeas corpus relief, Ms. Valles Garcia immediately retained the undersigned counsel
20 to file a habeas motion. On December 15, 2025, counsel sent an email to the Bakersfield ICE
21 office regarding release but received no response.

22 51. Ms. Valle Garcia remains in custody. At this time, there are no new circumstances that
23 would justify a re-arrest of petitioner.

24 52. Because Ms. Valle Garcia has never been determined to be a flight risk or danger to the
25 community, her detention is not related to either of the permissible justifications for civil
26 immigration litigation. Her detention does not further any legitimate government interest.

27 **B. As a Result of Her Arrest and Detention, Ms. Valle Garcia is**
28 **Suffering Ongoing and Irreparable Harm.**

53. Ms. Valle Garcia is being deprived of her liberty without any permissible justification.
The government previously released her on her own recognizance because she did not pose
sufficient risk of flight or danger to the community to warrant detention.

1 54. None of that has changed. Ms. Valle Garcia has no criminal record, and there is no basis
2 for believing that she poses any public safety risk. Nor is Ms. Valle Garcia, who was arrested
3 while appearing for an ICE check-in is conceivably a flight risk. On the contrary, Ms. Valle
4 Garcia appeared for every immigration appearance.

5 55. Ms. Valle Garcia is now separated from her family and work. She suffers from health
6 issues which require medications.

7 56. Ms. Valle Garcia's three-year-old US citizen son requires her presence.

8 57. Ms. Valle Garcia is suffering from debilitating conditions at the California City
9 Detention Facility.

10 **CLAIMS FOR RELIEF**

11 **FIRST CLAIM FOR RELIEF**

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

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

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

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

20 60. Immigration detention is constitutionally permissible only when it furthers the
21 government's legitimate goals of ensuring the noncitizen's appearance during removal
22 proceedings and preventing danger to the community. See *id.*

23 61. Petitioner is not a flight risk or danger to the community. Respondents' detention of
24 Petitioner is therefore unjustified and unlawful. Accordingly, Petitioner is being detained in
25 violation of the Due Process Clause of the Fifth Amendment.

26 62. Moreover, Petitioner's detention is punitive as it bears no “reasonable relation” to any
27 legitimate government purpose. *Id.* (finding immigration detention is civil and thus ostensibly
28 “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. *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)

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

64. 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).

65. Accordingly, “[i]n the context of immigration detention, it is well-settled that due process requires adequate procedural protection 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; *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 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).

66. Petitioner’s re-detention without a pre-deprivation hearing violated due process. Over three years after deciding to release Petitioner from custody on her own recognizance, Respondents re-detained Petitioner with no notice, no explanation of the justification of her re-detention, and no opportunity to contest her re-detention before a neutral adjudicator before being taken into custody.

67. Petitioner has a profound personal interest in her liberty. Because she 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, and nothing in Petitioner’s record suggested that she would abscond or endanger the community before a bond hearing could be carried out. 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

1 delay in scheduling a hearing could exacerbate flight risk or danger is unsubstantiated in light of
2 petitioner's strong family ties and his continued employment during the pandemic as an essential
3 agricultural worker").

4 **THIRD CLAIM FOR RELIEF**

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

6 **(Unlawful Arrest)**

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

8 69. The Fourth Amendment protects the right of persons present in the United States to be free
9 from unreasonable seizures by government officials.

10 70. As a corollary to that right, the Fourth Amendment prohibits government officials from
11 conducting repeated arrests on the same probable cause. It is axiomatic that seizures have
12 purposes. When those purposes are spent, further seizure is unreasonable. . . . [T]he primary
13 purpose of an arrest is to ensure the arrestee appears to answer charges. . . . Once the arrestee
14 appears before the court, the purpose of the initial seizure has been accomplished. Further seizure
15 requires a court order or new cause; the original probable cause determination is no justification.
16 *Williams v. Dart*, 967 F.3d 625, 634 (7th Cir. 2020); see also *United States v. Kordosky*, No. 88-
17 CR-52-C, 1988 WL 238041, at *7 n.14 (W.D. Wis. Sept. 12, 1988) ("Absent some compelling
18 justification, the repeated seizure of a person on the same probable cause cannot, by any standard,
19 be regarded as reasonable under the Fourth Amendment.").

20 71. In the immigration context, this prohibition means that a person who immigration
21 authorities released from initial custody cannot be re-arrested "solely on the ground that he is
22 subject to removal proceedings" and without some new, intervening cause. *Saravia v. Sessions*,
23 280 F. Supp. 3d 1168, 1196 (N.D. Cal. 2017), *aff'd sub nom., Saravia for A.H. v. Sessions*, 905
24 F.3d 1137 (9th Cir. 2018). Courts have long recognized that permitting such rearrests could result
25 in "harassment by continual rearrests." *United States v. Holmes*, 452 F.2d 249, 261 (7th Cir. 1971).
26 DHS agents arrested Petitioner in 2022 after she entered the United States, charged her with a
27 violation of civil immigration law, and released her on her own recognizance with a notice to
28 appear in immigration court. Petitioner appeared at her ICE check-in as instructed.

72. DHS re-arrested Petitioner on November 9, 2025, based on nothing more than the 2022
civil charge of violating immigration law for which she was previously released. Petitioner had

1 not engaged in any conduct in the intervening time that rendered her a flight risk or danger to the
2 community. No material change in circumstances justified Petitioner's re-arrest.

3 73. Petitioner's re-arrest and detention by Respondents absent any material change in
4 circumstances is thus an unreasonable seizure in violation of the Fourth Amendment.

5 **PRAYER FOR RELIEF**

6 Petitioner respectfully requests that this Court:

- 7 1. Assume jurisdiction over this matter;
8 2. Issue a writ of habeas corpus ordering Respondents to immediately release Petitioner
9 from custody;
10 3. Declare that Petitioner's arrest and detention violate the Due Process Clause of the
11 Fifth Amendment, the Fourth Amendment, the First Amendment, and the Administrative
12 Procedure Act;
13 4. Enjoin Respondents from deporting Petitioner pending these proceedings;
14 5. Enjoin Respondents from re-detaining Petitioner unless his re-detention is ordered at a
15 custody hearing before a neutral arbiter in which the government bears the burden of
16 proving, by clear and convincing evidence, that Petitioner is a flight risk or danger to the
17 community;
18 6. Award Petitioner her costs and reasonable attorneys' fees in this action as provided
19 for by the Equal Access to Justice Act and 28 U.S.C. § 2412; and
20 7. Grant such further relief as the Court deems just and proper.

21 Date: December 17, 2025

22 Respectfully Submitted,

23 /s/ Robert Beles

24 Robert J Beles

25 Attorney For Petitioner

26 Ana Gisela Valle Garcia

VERIFICATION PURSUANT TO 28 U.S.C. 2242

I am submitting this verification on behalf of the Petitioner because I am one of Petitioner's attorneys. I have discussed the events described in the Petition with the Petitioner. Based on those discussions, 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.

Executed on December 17, 2025, in Oakland, CA.

/s/ Robert Beles
Robert J Beles
Attorney for Ana Valle
Garcia