

1 Beles and Beles Law Offices
Robert J. Beles Bar No. 41993
2 Emilio Parker Bar No. 276310
1 Kaiser Plaza, Suite 2300
3 Oakland, California 94612-3616
Tel. No. (510) 836-0100
4 Fax No. (510) 832-3690
emiliotparker@gmail.com

5 Attorneys for *Petitioner* Chilber Pedrozo Munoz
6

7
8 **UNITED STATES DISTRICT COURT**
EASTERN DISTRICT OF CALIFORNIA
9

10 Chilber Pedrozo Munoz,

11 *Petitioner,*

12 v.

13 Christopher Chestnut, Warden, California
14 City Correctional Facility;

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

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

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

22 *Respondents - Defendants,*
23
24
25
26
27
28

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. Petitioner, Chilber Pedrozo Munoz, (“Mr. Pedrozo Munoz”), by and through his undersigned counsel, hereby files this petition for writ of habeas corpus to remedy Respondents- Defendants’ (“Respondents”) unlawful re-detention of Mr. Pedrozo Munoz without any process, in violation of the Fifth Amendment to the U.S. Constitution.

2. Mr. Pedrozo Munoz is a native and citizen of Colombia. Mr. Pedrozo Munoz entered the United States with inspection on May 9, 2024 seeking asylum with his wife and his daughter. When Mr. Pedrozo Munoz arrived in the United States, federal agents briefly detained him, determined that he was not a flight risk or danger to the community, and released him on his own recognizance with a notice to appear for removal proceedings in immigration court on October 1, 2024. Since arriving, Petitioner had appeared at two immigration court hearings in the San Francisco Immigration Court. Since arriving, had done everything the government asked him to do; he has diligently attended every Immigration and Customs Enforcement (“ICE”) and United States Citizenship and Immigration Services (“USCIS”) appointments and check-ins.

3. On November 18, 2024, Mr. Pedrozo Munoz filed an asylum application with the immigration court. On December 2, 2024, Mr. Pedrozo Munoz appeared in immigration court with his immigration attorney.

4. On June 17, 2025, Mr. Pedrozo Munoz received his employment authorization granting him legal work authorization.

5. The Department of Homeland Security (“DHS”) filed a Notice to Appear with the Immigration Court.

6. On December 6, 2025, Mr. Pedrozo Munoz, his spouse and daughter went to Disneyland for his daughter’s seven-year-old birthday. On the way to Disneyland, ISAP called to inform Mr. Pedrozo Munoz that he left his permitted area. When he informed ISAP that he was going to Disneyland, ISAP informed him that it was okay and to keep contact with them. ISAP continuously called him and he responded to indicate where he was located. On Sunday while at Disneyland, he received another phone call and was informed that he had to present himself at ISAP in San Francisco, California on December 8, 2025 before 4:00 PM. Mr. Pedrozo Munoz presented himself to ISAP on December 8, 2025 and was informed to go to ICE on December 9, 2025 at 8:00 AM. On December 9, 2025, Mr. Pedrozo Munoz was detained by ICE at 630

1 Sansome Street in San Francisco, California. ICE informed him that he violated the terms of his
2 release by leaving the restricted area.

3 7. Mr. Pedrozo Munoz does not have an order of deportation. When Mr. Pedrozo Munoz
4 was released from ICE custody upon entering the United States, the immigration authorities
5 informed Mr. Pedrozo Munoz that he would have to appear at all ICE appointments and court
6 hearings. Mr. Pedrozo Munoz was informed that he must not violate any local, State or Federal
7 law or ordinances.

8 8. Over the last year and a half years in which he has lived at liberty, Mr. Pedrozo Munoz
9 has complied with all immigration obligations and ICE orders.

10 9. Mr. Pedrozo Munoz has not committed any violation of any local, State or Federal law
11 since being released. Mr. Pedrozo Munoz has been steadily employed in construction since
12 obtaining legal work authorization in the United States. He provided for his wife and daughter
13 here in the United States while they filed their asylum case.

14 10. Mr. Pedrozo Munoz resides with his wife and daughter in Hayward, California.

15 11. Mr. Pedrozo Munoz arrest and detention have caused him tremendous and ongoing harm.
16 Every additional day Mr. Pedrozo Munoz spends in unlawful detention subjects him to further
17 irreparable harm.

18 12. The Constitution protects Mr. Pedrozo Munoz – and every other person present in this
19 country – from arbitrary deprivations of his liberty and guarantees him due process of law. The
20 government’s power over immigration is broad, but as the Supreme Court has declared, it
21 is subject to important constitutional limitations.” *Zadvydas v. Davis*, 533 U.S. 678, 695 (2001).
22 “Freedom from bodily restraint has always been at the core of this liberty protected by the Due
23 Process Clause from arbitrary government action.” *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

24 13. By status and regulation, as interpreted by the Board of Immigration Appeals (“BIA”),
25 ICE has the authority to re-arrest a noncitizen and revoke their bond, only where there has been
26 a change in circumstances since the individual’s release, 8 U.S.C. § 236.1(c)(9); *Matter of Sugay*,
27 17 I&N Dec. 647, 640 (BIA 1981). The government has further clarified in litigation that any
28 change in circumstance must be “material.” *Saravia v. Barr*, 280 F. Supp. 3d 1168, 1197 (N.D.
Cal. 2017). That authority, however, is proscribed by the Due Process Clause because it’s well-
established that individuals released from incarceration have a liberty interest in their freedom.
In turn, to protect that interest, on the particular facts of Mr. Pedrozo Munoz’s case, due process

1 requires notice and a hearing, prior to any revocation of his conditional release, at which he is
2 afforded the opportunity to advance his arguments as to why his release should not be revoked.

3 14. That basic principle – that individuals placed at liberty are entitled to due process before
4 the government imprisons them – has particular force here, where Mr. Pedrozo Munoz’s
5 detention was already found to be unnecessary to serve its purpose.

6 15. Therefore, at a minimum, to lawfully re-arrest Mr. Pedrozo Munoz, the government must
7 first establish, by clear and convincing evidence and before a neutral decision maker, that he is a
8 danger to the community or a flight risk, such that his re-incarceration is necessary.

9 16. Mr. Pedrozo Munoz respectfully seeks a writ of habeas corpus ordering the government
10 to immediately release him from his ongoing, unlawful detention, and prohibit his re-arrest
11 without a hearing to contest that re-arrest before a neutral decision maker. In addition, to preserve
12 this Court’s jurisdiction, Mr. Pedrozo Munoz also requests that this Court order the government
13 not to deport him for the duration of this proceeding or transfer him outside of this Court’s
14 jurisdiction.

15 JURISDICTION AND VENUE

16 17. This Court has jurisdiction over the present action pursuant to 28 U.S.C. § 1331, general
17 federal question jurisdiction; 5 U.S.C. § 701, et seq., All Writs Act; 28 U.S.C. § 2241, et seq.,
18 habeas corpus; 28 U.S.C. § 2201, the Declaratory Judgment Act; Art. 1, § 9, CL. 2 of the United
19 States Constitution (the Suspension Clause); Art. 3 of the United States Constitution, and the
20 common law., the Fourth and Fifth Amendments to the U.S. Constitution, and 5 U.S.C. §§ 701-
21 7-6 (Administrative Procedure Act).

22 18. Venue is proper in this district and division pursuant to 28 U.S.C. §2241(a) and 28 U.S.C.
23 § 1391(b)(2) and (e)(1) because Mr. Pedrozo Munoz is physically detained within this District at
24 the California City Detention Center.

25 EXHAUSTION OF ADMINISTRATIVE REMEDIES

26 19. For habeas claims, exhaustion of administrative remedies is prudential, not jurisdictional.
27 *Hernandez*, 872 F.3d at 988. A court may waive the prudential exhaustion requirement if
28 “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.” *Id.* (quoting *Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004)(citation and quotation
marks omitted)). Mr. Pedrozo Munoz asserts that exhaustion should be waived because

1 administrative remedies are (1) futile and (2) his continued detention results in irreparable harm.
2 Prudential exhaustion is not required here because it would be futile, and Mr. Pedrozo Munoz
3 will “suffer irreparable harm if unable to secure immediate judicial consideration of his claim.”
4 *McCarthy v. Madigan*, 503 U.S. 140, 147 (1992). Any attempt to exhaust his administrative
5 remedies would be futile because an Immigration would deny his request for a bond hearing
6 under the recent Bureau of Immigration Appeals (“BIA”) decisions *Matter of Yajure Hurtado*,
7 29 I&N Dec. 216 (BIA 2025), and *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025). Any further
8 exhaustion requirements would be unreasonable.

9 20. Both *Yajure Hurtado* and *Q. Li* held that IJs do not have the authority to hold a bond
10 hearing where the moving noncitizens entered the country without inspection.

11 21. Because Mr. Pedrozo Munoz entered the country without inspection, if he were to move
12 for a bond hearing, an IJ following these decisions would have to decline jurisdiction over the
13 issue.

14 22. Undersigned counsel reached out to ICE to request immediate release however ICE has
15 not responded to his email.

16 PARTIES

17 23. Petitioner, Mr. Pedrozo Munoz is a 30-year-old man from Colombia. He has no criminal
18 history anywhere in the world. He has a pending application for Asylum, Withholding of
19 Removal and relief under the Convention Against Torture with the immigration court. He is
20 presently in civil immigration detention at California City Detention Facility.

21 24. Respondent, Christopher Chestnut, is the Warden of California City Correctional Facility
22 In his official capacity, he is the legal custodian of Mr. Pedrozo Munoz.

23 25. Respondent Todd M. LYONS is the Acting Director of ICE and is named in his official
24 Capacity. Among other things, ICE is responsible for the administration and enforcement of the
25 immigration laws, including the removal of noncitizens. In his official capacity as head of ICE,
26 he is the legal custodian of Mr. Pedrozo Munoz.

27 26. Respondent Kristi NOEM is the Secretary of DHS and is named in her official capacity.
28 DHS is the federal agency encompassing ICE, which is responsible for the administration and
enforcement of the INA and all other laws relating to the immigration of noncitizens In her
capacity as Secretary, Respondent Noem has responsibility for the administration and
enforcement of the immigration and naturalization laws pursuant to section 402 of the Homeland

1 Security Act of 2002, 107 Pub. L. No. 296, 116 Stat. 2135 (Nov. 25, 2002); see also 8 U.S.C. §
 2 1103(a). Respondent Noem is the ultimate legal custodian of Mr. Pedrozo Munoz.

3 27. Respondent Pamela BONDI is the Attorney General of the United States and the most
 4 senior official at the Department of Justice. In that capacity and through her agents, she is
 5 responsible for overseeing the implementation and enforcement of the federal immigration laws.
 6 The Attorney General delegates this responsibility to the Executive Office for Immigration
 7 Review, which administers the immigration courts and the BIA. She has the authority to interpret
 8 immigration laws and adjudicate removal cases.

8 **LEGAL BACKGROUND**

9 **A. The Constitution Protects Noncitizens Like Petitioner from Arbitrary** 10 **Arrest and Detention.**

11 28. The Constitution Establishes due process rights for “all ‘persons’ within the United
 12 States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or
 13 permanent.” *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017)(quoting *Zadvydas*, 533
 14 U.S. at 693). These due process rights are both substantive and procedural.

15 29. These protections extend to noncitizens facing detention, as “in our society liberty is the
 16 norm, and detention prior to trial or without trial is the carefully limited exception.” *United States*
 17 *v. Salerno*, 481 U.S. 739, 755, (1987). Accordingly, “freedom from imprisonment – from
 18 government custody, detention, or other forms of physical restraint – lies at the heart of the liberty
 19 that (the Due Process) Clause protects.” *Zadvydas*, 533 U.S. at 690.

20 30. Substantive due process requires that all forms of civil detention – including immigration
 21 detention bear a “reasonable relation” to a non-punitive purpose. See *Jackson v. Indiana*, 406
 22 U.S. 715, 738 (1972). The Supreme Court has recognized only two permissible non-punitive
 23 purposes of immigration detention: ensuring a noncitizen’s appearance at immigration
 24 proceedings and preventing danger to the community. *Zadvydas*, 53 U.S. at 690-92; see also
 25 *Demore v. Kim*, 538 U.S. 510 at 519-20, 527-28 (2003).

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

28 32. In Mr. Pedrozo Munoz’s particular circumstances, the Due Process Clause of the
 Constitution makes it unlawful for Respondents to re-arrest him without first providing a pre-
 deprivation hearing before a neutral decision maker to determine whether circumstances have

1 materially changed since his release in 2024, such that detention would now only be warranted
2 on the basis that he is a danger or flight risk by clear and convincing evidence.

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

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

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

28 36. Federal district courts in California have repeatedly recognized the demands of due
process and the limitations on DHS's authority to revoke a noncitizen's bond or parole set out in
DHS's stated practice and *Matter of Sugay* both require a pre-deprivation hearing for a noncitizen
on bond, like Mr. Pedrozo Munoz, before ICE re-detains him. See e.g., *Meza v. Bonnar*, 2018

1 WL 2554572 (N.D. Cal. June 4, 2018); *Enamorado v. Kaiser*, No. 25-CV-04072-NW, 2025 WL
 2 1382859, at 3 (N.D. Cal. May 12, 2025)(temporary injunction warranted preventing re-arrest at
 3 plaintiff's ICE interview when he had been on bond for more than five years). See also *Doe v.*
 4 *Becerra*, No. 2:25-cv-00647-DJC-DMC, 2025 WL 691664, 4 (E.D. Cal. Mar. 3, 2025)(holding
 5 the Constitution requires a hearing before any re-arrest).

6 FACTUAL ALLEGATIONS

7 37. Mr. Pedrozo Munoz's liberty from immigration custody is protected by the Due Process
 8 Clause: "Freedom from imprisonment- from government custody, detention, or other forms of
 9 physical restraint – lies at the heart of the liberty that (the Due Process) Clause protects."
Zadvydas v. Davis, 533 U.S. 678, 690 (2001).

10 38. Since May 9, 2024, Mr. Pedrozo Munoz exercised that freedom when he was released
 11 on his own recognizance. As a result, he retained a weighty liberty interest under the Due Process
 12 Clause of the Fifth Amendment in avoiding re-incarceration. See *Young v. Harper*, 520 U.S.
 13 143, 146-47 (1997); *Gagnon v. Scarpelli*, 411 U.S. 778, 781-82 (1973); *Morrissey v. Brewer*,
 14 408 U.S. 471, 482-483 (1972).

15 39. Just as in *Morrissey*, Mr. Pedrozo Munoz's release "enables him to do a wide range of
 16 things open to persons" who have never been in custody or convicted of any crime, including to
 17 live at home, work, go to the doctor, take his medication, and "be with family and friends and to
 18 form the other enduring attachments of normal life" *Morrissey*, 408 U.S. at 482.

19 40. Mr. Pedrozo Munoz has complied with all conditions for release for over one year and
 20 half, as he litigates his removal proceedings. He has meritorious applications for relief from
 21 removal.

22 **A. Mr. Pedrozo Munoz is Unlawfully Arrested and Detained Pursuant to** 23 **DHS's New Policy.**

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

42. Mr. Pedrozo Munoz asserts that, here, (1) where his detention would be civil, (2) where
 he has been at liberty for three and half years, during which time he has complied with all

1 conditions of release and has maintained steady employment, (3) where he has a substantial
 2 application for Asylum, withholding and CAT pending before USCIS (4) where no change in
 3 circumstances exist that would justify his detention, and (5) where the only circumstance that has
 4 changed is ICE's move to arrest as many people as possible because of the new administration,
 5 due process mandates that he receive notice and a hearing before a neutral adjudicator prior to
 6 any re-arrest or revocation of a bond.

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

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

21 45. Because, in this case, the provision for a pre-deprivation hearing is both possible and
 22 valuable to prevent an erroneous deprivation of liberty, ICE is required to provide Mr. Pedrozo
 23 Munoz with notice and a hearing prior to any re-incarceration and revocation of his pre-trial
 24 release. See *Morrissey*, 408 U.S. at 481-82; *Haygood*, 769 F.2d at 1355-56; *Jones*, 393 F.3d at
 25 932; see also *Youngberg v. Romeo*, 457 U.S. 307, 321-24 (1982); *Lynch v. Baxley*, 744 F.2d 1452
 26 (11th Cir. 1984)(holding that individuals awaiting involuntary civil commitment proceedings may
 27 be constitutionally be held in jail pending the determination as to whether they can ultimately be
 28 committed). Under *Mathews*, "the balance weighs heavily in favor of Mr. Pedrozo Munoz" and
 requires a pre-deprivation hearing before a neutral adjudicator.

46. In 2024, Petitioner fled to the United States. He was initially arrested by DHS officers
 but was released one day later on his own recognizance with a notice to appear for removal

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

3 47. DHS has not yet filed Mr. Pedrozo Munoz's Notice to Appear with the immigration
4 court. On June 9, 2022, Mr. Pedrozo Munoz filed an asylum, withholding and CAT application
5 with USCIS as his case has not been filed with the immigration court. On December 5, 2022,
6 Mr. Pedrozo Munoz filed for work authorization with USCIS. On January 27, 2023, Mr. Pedrozo
Munoz's work authorization was approved by USCIS.

7 48. Since arriving to the United States, Mr. Pedrozo Munoz has attended every immigration
8 appointment that he was required to attend. Mr. Pedrozo Munoz has no criminal history. Mr.
9 Pedrozo Munoz lives in Hayward, California with his family. Mr. Pedrozo Munoz has informed
10 ICE about his change of address. Mr. Pedrozo Munoz has attended all check-ins with ICE.

11 49. On November 18, 2025, Mr. Pedrozo Munoz has applied for asylum based on well-
12 founded fear of persecution in Colombia.

13 50. Ever since Mr. Pedrozo Munoz entered the country, he has fully complied with all court
14 and supervision requirements.

15 51. On December 9, 2025, Mr. Pedrozo Munoz was detained at 9:00 AM when he appeared
16 at an ICE interview at the ICE San Francisco Office at 630 Sansome Street in San Francisco,
California.

17 52. The ICE agent informed Mr. Pedrozo Munoz that he had violated his ISAP conditions
18 and that he would be detained.

19 53. After Mr. Pedrozo Munoz immigration attorney informed him that they could not get a
20 bond hearing in his case, Petitioner retained undersigned counsel to represent him in this habeas
21 corpus proceeding. On December 15, 2025, undersigned counsel sent an email to the Bakersfield
ICE office requesting immediate release but has not yet received a response.

22 54. Mr. Pedrozo Munoz remains in custody. At this time, there are no new circumstances
23 that would justify a re-arrest of petitioner.

24 55. Because Mr. Pedrozo Munoz has never been determined to be a flight risk or danger to
25 the community, his detention is not related to either of the permissible justifications for civil
26 immigration litigation. His detention does not further any legitimate government interest.

27 **B. As a Result of His Arrest and Detention, Mr. Pedrozo Munoz is**
28 **Suffering Ongoing and Irreparable Harm.**

1 56. Mr. Pedrozo Munoz is being deprived of his liberty without any permissible justification.
2 The government previously released him on his own recognizance because he did not pose
3 sufficient risk of flight or danger to the community to warrant detention.

4 57. None of that has changed. Mr. Pedrozo Munoz has no criminal record, and there is no
5 basis to believe that he poses any public-safety risk. Nor is Mr. Pedrozo Munoz, who was arrested
6 while appearing for an ICE check-in is conceivably a flight risk. To the contrary, Mr. Pedrozo
Munoz appeared for every immigration appearance.

7 58. Mr. Pedrozo Munoz is now separated from his family and work.

8 59. Mr. Pedrozo Munoz's family and job require his presence.

9 60. Mr. Pedrozo Munoz is suffering from debilitating conditions at the California City
10 Correctional Facility.

11 **CLAIMS FOR RELIEF**

12 **FIRST CLAIM FOR RELIEF**

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

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

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

16 62. 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 63. Immigration detention is constitutionally permissible only when it furthers the
government's legitimate goals of ensuring the noncitizen's appearance during removal
21 proceedings and preventing danger to the community. See *id.*

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

25 65. Moreover, Petitioner's detention is punitive as it bears no “reasonable relation” to any
26 legitimate government purpose. *Id.* (finding immigration detention is civil and thus ostensibly
27 “nonpunitive in purpose and effect”). Here, the purpose of Petitioner's detention appears to be
28 “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)

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

67. 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).

68. 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).

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

70. Petitioner has a profound personal interest in his liberty. Because he received no procedural protections, the risk of erroneous deprivation is high. And the government has no legitimate interest in detaining Petitioner without a hearing; bond hearings are conducted as a matter of course in immigration proceedings, and nothing in Petitioner’s record suggested that he 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 delay in scheduling a hearing could exacerbate flight risk or danger is unsubstantiated in light of petitioner’s strong family ties and his continued employment during the pandemic as an essential agricultural worker”).

THIRD CLAIM FOR RELIEF

Violation of the Fourth Amendment to the United States Constitution

(Unlawful Arrest)

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

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

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

74. In the immigration context, this prohibition means that a person who immigration authorities released from initial custody cannot be re-arrested “solely on the ground that he is subject to removal proceedings” and without some new, intervening cause. *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1196 (N.D. Cal. 2017), *aff’d sub nom., Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018). Courts have long recognized that permitting such rearrests could result in “harassment by continual rearrests.” *United States v. Holmes*, 452 F.2d 249, 261 (7th Cir. 1971). DHS agents arrested Petitioner in 2022 after he entered the United States, charged him with a violation of civil immigration law, and released him on his own recognizance with a notice to

1 appear in immigration court. Petitioner appeared at his ICE check-in as instructed even though
2 his removal case had been taken off calendar by the immigration judge.

3 75. DHS re-arrested Petitioner on December 9, 2025, based on nothing more than the 2024
4 civil charge of violating immigration law for which he was previously released. Petitioner had
5 not engaged in any conduct in the intervening time that made him a flight risk or danger to the
6 community. No material change in circumstances justified Petitioner's re-arrest.

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

9 **PRAYER FOR RELIEF**

10 Petitioner respectfully requests that this Court:

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

25 Date: December 17, 2025

26 Respectfully Submitted,

27 /s/ Robert Beles

28 Robert Beles

Attorney For Petitioner

Chilber Pedrozo Munoz

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 Beles

Attorney for Chilber Pedrozo
Munoz