

1 ERIN E. MEYER - # 274244  
emeyer@keker.com  
2 JULIA L. ALLEN - # 286097  
jallen@keker.com  
3 CLAIRE C. BONELLI - #317735  
cbonelli@keker.com  
4 ELLEN WATLINGTON - # 336422  
ewatlington@keker.com  
5 JACQUIE P. ANDREANO - # 338354  
jandreano@keker.com  
6 KAYLA CROWELL - # 349061  
kcrowell@keker.com  
7 KEKER, VAN NEST & PETERS LLP  
633 Battery Street  
8 San Francisco, CA 94111  
Telephone: (415) 391-5400

9 Attorneys for Petitioner

10 *[ADDITIONAL COUNSEL ON NEXT PAGE]*

BREE BERNWANGER - # 331731  
bbernwanger@aclunc.org  
MICHELLE (MINJU) Y. CHO - # 321939  
mcho@aclunc.org  
NEIL K. SAWHNEY - # 300130  
nsawhney@aclunc.org  
LAUREN M. DAVIS - # 357292  
ldavis@aclunc.org  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF NORTHERN  
CALIFORNIA  
39 Drumm Street  
San Francisco, CA 94111  
Telephone: (415) 621-2493

ABBY SULLIVAN ENGEN- # 270698  
asullivanengen@centrolegal.org  
JESSE NEWMARK - # 247488  
jesseneemark@centrolegal.org  
NIKOLAS DE BREMAEKER (admitted pro  
hac vice)  
ndebremaeker@centrolegal.org  
CENTRO LEGAL DE LA RAZA  
3400 E. 12th Street  
Oakland, CA 94601  
Telephone: (510) 437-1863

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN JOSE DIVISION

18 Juany GALO SANTOS,  
19 Petitioner,  
20 v.

21 SERGIO ALBARRAN, Field Office Director  
of the San Francisco Immigration and  
22 Customs Enforcement Office; KRISTI  
NOEM, Secretary of the United States  
23 Department of Homeland Security; TODD  
LYONS, Acting Director of United States  
24 Immigration and Customs Enforcement,  
acting in their official capacities; U.S.  
25 DEPARTMENT OF HOMELAND  
SECURITY; U.S. IMMIGRATION AND  
CUSTOMS ENFORCEMENT,

26 Defendants-Respondents.  
27  
28

Case No. 5:25-cv-10830-PCP

**AMENDED COMPLAINT AND  
PETITION FOR WRIT OF HABEAS  
CORPUS**

Date Filed: October 10, 2025

1 JUDY RABINOVITZ (admitted pro hac vice)  
jrabinovitz@aclu.org  
2 AMERICAN CIVIL LIBERTIES UNION FOUNDATION  
125 Broad Street, 18th Floor  
3 New York, NY 10004  
Telephone: (212) 549-2660

4 OSCAR SARABIA ROMAN - # 341385  
osarabia@aclu.org  
5 AMERICAN CIVIL LIBERTIES UNION FOUNDATION  
425 California Street, Ste 7th Floor  
6 San Francisco, CA 94104  
7 Telephone: (916) 813-7891

8 Attorneys for Petitioner  
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1 INTRODUCTION

2 1. Petitioner Juany Galo Santos (“Ms. Galo Santos” or “Petitioner”) hereby files this  
3 amended habeas petition in response to the Court’s Order Granting Motion to Sever, ECF 1. She  
4 filed her original pleading on October 10, 2025, as part of an amended habeas petition and civil  
5 class action complaint with two similarly-situated co-plaintiff/petitioners. Ms. Galo Santos  
6 remains a class representative plaintiff in the related APA civil class action challenge to  
7 Defendants’ Re-Detention Policy, docketed at 5:25-cv-05632-PCP.

8 2. Ms. Galo Santos is an asylum seeker from Honduras. She is the sole caregiver to  
9 her daughters, one of whom has serious medical needs arising from cerebral palsy. When Ms. Galo  
10 Santos arrived in the United States in 2023, immigration agents briefly detained her before  
11 releasing her from custody. Since then, she has complied with every requirement our immigration  
12 system has imposed on her. She has no criminal history anywhere in the world.

13 3. Ms. Galo Santos nevertheless faces an imminent risk of re-arrest as part of the  
14 Trump Administration’s sweeping and unprecedented campaign to re-arrest and re-detain  
15 noncitizens living in the community—many for years—without any individualized determination  
16 that they now pose a flight risk or danger.

17 4. Federal immigration officials have the authority to release apprehended  
18 noncitizens pending ongoing removal proceedings. Any decision to release a noncitizen—whether  
19 on parole, bond, other supervision conditions, or their own recognizance—necessitates a finding  
20 that the specific individual poses no flight risk or danger to the community that warrants detention.  
21 For decades, federal immigration officials have adhered to a policy of not re-arresting and re-  
22 detaining noncitizens previously released from federal custody, absent an individualized  
23 determination that there had been a material change in their circumstances that rendered them a  
24 danger or flight risk. This longstanding policy reflects a fundamental due process principle: When  
25 the government conditionally releases an individual, it makes “an implicit promise” that their  
26 liberty will not be revoked unless they fail to satisfy their conditions of release. *See Morrissey v.*  
27 *Brewer*, 408 U.S. 471, 482 (1972). It also conforms with the Fourth Amendment’s prohibition on  
28 repeated seizures based on the same probable cause without a material change in circumstances.

1           5.       Countless noncitizens have relied on this implicit promise to build their lives.  
2 While their removal proceedings remain ongoing, they have pursued relief from removal, grown  
3 their families, paid taxes, invested in their education, and developed extensive community and  
4 family ties. The government’s policy assured these individuals that they would retain their liberty  
5 while they litigated their claims for immigration relief, so long as they continued to pose no danger  
6 or flight risk, i.e., avoided criminal activity and complied with their obligations under the  
7 immigration laws.

8           6.       This all changed around May 2025, when Defendants initiated an aggressive new  
9 campaign targeting noncitizens living in the community for re-arrest and re-detention. Most  
10 visibly, Defendants have sent Immigration and Customs Enforcement (“ICE”) officers to  
11 immigration courts, including San Francisco, Concord, and Sacramento Immigration Courts, to  
12 arrest and detain people after they exit their immigration hearings. In addition, ICE has been re-  
13 arresting noncitizens when they attend required check-ins with ICE, its co-agencies within DHS,  
14 and its contractors. In other words, this campaign specifically targets noncitizens who are doing  
15 exactly what the government told them to do.

16           7.       These arrests and detentions continue to occur at immigration courts as well as at  
17 required check-ins with ICE (including check-ins through the Intensive Supervision Appearance  
18 Program, or ISAP) notwithstanding the current lapse in government appropriations.

19           8.       These enforcement actions arise from a new policy (the “Re-Detention Policy”),  
20 which has drastically overturned longstanding federal policies and practices by authorizing re-  
21 arrest and re-detention of noncitizens untethered from any basis in—or individualized assessment  
22 of—their flight risk or danger to the community.

23           9.       Defendants’ implementation of this policy in ICE’s San Francisco Area of  
24 Responsibility has torn apart families, interfered with people’s ability to access counsel and to  
25 pursue eligible claims for relief, caused trepidation and reluctance in noncitizens who otherwise  
26 want to comply with their legal obligations to appear for court hearings and supervision check-ins,  
27 and sown fear in immigrant communities throughout Northern and Central California.

28





1           21.     8 U.S.C. § 1225(b) sets forth DHS’s detention authority related to the “inspection”  
2 process. The first subsection, § 1225(b)(1), governs the detention of noncitizens placed in  
3 “expedited removal” proceedings, a fast-track form of removal that historically has applied only at  
4 the border and ports of entry. The second subsection, 8 U.S.C. § 1225(b)(2), governs the detention  
5 of noncitizens who are “applicant[s] for admission,” are actively “seeking admission,” and are  
6 “not clearly and beyond a doubt entitled to be admitted,” but who are placed in removal  
7 proceedings before an immigration judge (also known as “Section 240 proceedings” or  
8 proceedings under 8 U.S.C. § 1229a rather than expedited removal).

9           22.     In contrast, 8 U.S.C. § 1226 governs the detention of noncitizens “already in the  
10 country pending the outcome of removal proceedings[.]” *Jennings v. Rodriguez*, 583 U.S. 281, 289  
11 (2018). When Congress enacted § 1226, it issued an interim regulation making clear that the  
12 statute applies to the subset of “applicants for admission” not covered by § 1225(b)(2): those “who  
13 are present without having been admitted or paroled.” In other words, § 1226 applies to  
14 noncitizens who “entered [the U.S.] without inspection” between ports of entry. 62 Fed. Reg.  
15 10312, 10323 (Mar. 6, 1997). Section 1226(a) creates a “default rule,” which authorizes, but does  
16 not require, DHS to detain noncitizens in Section 240 proceedings. A narrower subsection,  
17 § 1226(c), mandates detention for certain noncitizens based on criminal conduct or terrorist  
18 activity that subjects them to removability or inadmissibility. This year, Congress amended  
19 § 1226(c) to also mandate the detention of noncitizens who are inadmissible not only because they  
20 entered without inspection, but who also have been arrested for or convicted of certain property  
21 crimes. *See* Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025); 8 U.S.C. § 1226(c)(1)(E).

22           23.     The source of DHS’s authority to release noncitizens from custody depends on  
23 which detention statute applies. Section 1226(c) is the most restrictive provision and authorizes  
24 release only when necessary under federal witness protection statutes. *See* 8 U.S.C. § 1226(c)(4).  
25 On its face, § 1225 also offers few paths to release. Noncitizens subject to either subsection of §  
26 1225 are not statutorily eligible for bond—whether by DHS or an immigration judge—or release  
27 on their own recognizance. However, DHS can release them on humanitarian parole under 8  
28 U.S.C. § 1182(d)(5)(A). Section 1226(a) is broader in scope. Under § 1226(a), DHS can release

1 noncitizens on bond, on their own recognizance (formally called “conditional parole”), or on  
2 humanitarian parole. *See* 8 U.S.C. § 1226(a)(2); 8 C.F.R. § 236.1(c)(8). Noncitizens who are  
3 subject to § 1226(a) are also entitled to a bond hearing before an immigration judge.

4 24. Regardless of the statutory vehicle for release, a DHS officer may not release a  
5 noncitizen unless the individual does not pose a risk of flight or danger to the community. *See*  
6 8 C.F.R. §§ 236.1(c)(8), 1236.1(c)(8) (noncitizen must “demonstrate to the satisfaction of the  
7 officer that such release would not pose a danger to property or persons, and that the [noncitizen]  
8 is likely to appear for any future proceeding”); *see also* 8 C.F.R. § 212.5 (humanitarian parole  
9 available only when “the [noncitizens] present neither a security risk nor a risk of absconding”).

10 25. Similarly, in deciding whether to release a noncitizen on bond or their own  
11 recognizance, immigration judges consider whether the individual poses a danger to the  
12 community and whether they are likely to appear for future proceedings. *In Re Guerra*, 24 I. & N.  
13 Dec. 37, 40 (BIA 2006).

14 26. As a result, any “[r]elease” of a noncitizen “reflects a determination by the  
15 government that the noncitizen is not a danger to the community or a flight risk.” *Saravia v.*  
16 *Sessions*, 280 F. Supp. 3d 1168, 1176 (N.D. Cal. 2017), *aff’d sub nom. Saravia for A.H. v.*  
17 *Sessions*, 905 F.3d 1137 (9th Cir. 2018).

18 27. Statutory and regulatory provisions governing re-arrest also depend on the manner  
19 of release. Under the text of the INA and federal regulations, certain DHS officials “at any time  
20 may revoke a bond or [conditional] parole authorized under [§ 1226(a)], rearrest the [noncitizen]  
21 under the original warrant, and detain the [noncitizen].” 8 U.S.C. § 1226(b); *see* 8 C.F.R. §  
22 236.1(c)(9). Certain DHS officials may terminate humanitarian parole upon written notice when  
23 they determine that the purpose for parole has been “accomplish[ed]” or when “neither  
24 humanitarian reasons nor public benefit warrants the [noncitizen’s] continued presence . . . in the  
25 United States[.]” 8 C.F.R. § 212.5(e)(2)(i). For decades, however, DHS has had a consistent policy  
26 and practice of re-detaining noncitizens in removal proceedings only when the individual  
27 circumstances related to their flight risk or danger to the community had materially changed.

28

1 28. DHS has placed explicit limits on re-detention under 8 U.S.C. § 1226(b) by  
2 requiring authorization from a high-level official within the field office. By regulation, such  
3 revocations of release from custody may only be carried out in the “discretion of the district  
4 director, acting district director, deputy director, assistant district director for investigations,  
5 assistant district director for detention and deportation, or officer in charge (except foreign).”  
6 8 C.F.R. § 236.1(c)(9).

7 29. Additionally, despite “the breadth of [the] statutory language” in 8 U.S.C.  
8 § 1226(b), the federal government’s authority is subject to “an important implicit limitation”: It  
9 cannot lawfully re-arrest or re-detain someone without “a material change in circumstances.”  
10 *Saravia*, 280 F. Supp. 3d at 1197; *see also, e.g., Matter of Sugay*, 17 I. & N. Dec. 637, 640 (BIA  
11 1981).

12 30. In the immigration context, this limitation means that a person who immigration  
13 authorities released from initial custody cannot be re-arrested “solely on the ground that he is  
14 subject to removal proceedings[,]” without some new, intervening cause. *Saravia*, 280 F. Supp. at  
15 1196. Indeed, the Fourth Amendment, which applies to seizures by immigration authorities,  
16 prohibits such re-arrests, which courts have long held could result in “harassment by continual  
17 rearrests.” *United States v. Holmes*, 452 F.2d 249, 261 (7th Cir. 1971) (Stevens, J.) (prohibiting re-  
18 arrest without change in circumstances in criminal context); *see also U.S. v. Brignoni-Ponce*, 422  
19 U.S. 873, 884 (1975) (applying Fourth Amendment principles from criminal context to “limit”  
20 scope of immigration agents’ seizure authority); *Gonzalez v. United States Immigr. & Customs*  
21 *Enf’t*, 975 F.3d 788, 817 (9th Cir. 2020) (Fourth Amendment limits apply equally to seizures in  
22 criminal and civil immigration context). The same applies here.

23 31. This prohibition also derives from fundamental constitutional principles enshrined  
24 in the Due Process Clause of the Fifth Amendment. “Freedom from imprisonment—from  
25 government custody, detention, or other forms of physical restraint—lies at the heart of the liberty  
26 that [the Due Process] Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). And those  
27 due process protections extend to “all ‘persons’ within the United States, including [noncitizens],  
28 whether their presence here is lawful, unlawful, temporary, or permanent.” *Hernandez v. Sessions*,

1 872 F.3d 976, 990 (9th Cir. 2017) (quoting *Zadvydas*, 533 U.S. at 693).

2 32. “The touchstone of due process is protection of the individual against arbitrary  
3 action of government,” *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), including “the exercise of  
4 power without any reasonable justification in the service of a legitimate government objective,”  
5 *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998). Due process requires that all forms of  
6 civil detention—including immigration detention—bear a “reasonable relation” to a non-punitive  
7 purpose. *See Jackson v. Indiana*, 406 U.S. 715, 738 (1972).

8 33. The Supreme Court has recognized only two permissible non-punitive purposes  
9 for immigration detention: ensuring a noncitizen’s appearance at immigration proceedings (or, in  
10 the case of a removal order, at removal); and preventing danger to the community. *Zadvydas*, 533  
11 U.S. at 690-92; *see Demore v. Kim*, 538 U.S. 510, 519-20, 527-28, 531 (2003). It has also held  
12 that, in general, these purposes may not be assessed on a blanket or categorical basis. Instead,  
13 immigration custody decisions generally must be based on an “individualized determination” of  
14 flight risk and danger to the community. *See INS v. Nat’l Ctr. for Immigrants’ Rts., Inc.*, 502 U.S.  
15 183, 194 (1991); *see also Zadvydas*, 533 U.S. at 690; *R.I.L.-R v. Johnson*, 80 F. Supp. 3d 164, 188  
16 (D.D.C. 2015).

17 34. Moreover, individuals who are released from government custody have a protected  
18 liberty interest in remaining out of custody. The government’s decision to release an individual  
19 from custody creates “an implicit promise” that their liberty “will be revoked only if [they] fail[ ]  
20 to live up to the . . . conditions [of release].” *Morrissey*, 408 U.S. at 482.

21 35. Accordingly, in the criminal context, the Supreme Court has repeatedly recognized  
22 that re-detention after some form of conditional release requires a pre-deprivation hearing. *Young*  
23 *v. Harper*, 520 U.S. 143, 152 (1997) (re-detention after pre-parole conditional supervision);  
24 *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973) (same, in probation context); *Morrissey v. Brewer*,  
25 408 U.S. 471 (1972) (same, in parole context).

26 36. These principles apply with at least equal force to people released from civil  
27 immigration detention. After all, noncitizens living in the United States have a protected liberty  
28 interest in their ongoing freedom from confinement. *See Zadvydas*, 533 U.S. at 690. And, “[g]iven

1 the civil context [of immigration detention], [the] liberty interest [of noncitizens released from  
2 custody] is arguably greater than the interest of parolees.” *Ortega v. Bonnar*, 415 F. Supp. 3d 963,  
3 970 (N.D. Cal. 2019).

#### 4 FACTUAL ALLEGATIONS

##### 5 I. For decades, Defendants required a material change in circumstances before 6 invoking 1226(b)’s re-detention authority.

7 37. For decades, federal immigration officials have adhered to a policy of not re-  
8 arresting and re-detaining noncitizens who have been released pending removal proceedings,  
9 absent an individualized determination that there has been a material change with respect to  
10 whether a particular person poses a flight risk or danger to the community.

11 38. As far back as 1981, the Board of Immigration Appeals made clear that the  
12 government could not re-arrest and re-detain a noncitizen released by an immigration judge on  
13 bond “absent a change of circumstance” warranting detention. *Matter of Sugay*, 17 I. & N. Dec.  
14 637, 640 (BIA 1981); *see also Panosyan v. Mayorkas*, 854 F. App’x 787, 788 (9th Cir. 2021).

15 39. Federal immigration officials reiterated this policy on numerous occasions. For  
16 example, the head of the Immigration and Naturalization Service (ICE’s predecessor agency)  
17 stated in a 1995 memorandum that: “[w]hen a[] [noncitizen] has been released from INS custody  
18 under bond, such bond can be revoked by the district director . . . but only based upon ‘a change of  
19 circumstances.’ . . . As such, INS must be able to justify any revocation decision, future detention  
20 or release condition.” *Demore v. Kim*, 2002 WL 34705774 (U.S. Aug. 29, 2002), (No. 01-1491),  
21 Joint Appendix at 57.

22 40. As a matter of policy and longstanding practice, DHS and its predecessor agencies  
23 applied the same rule to release decisions made by federal immigration officers, including ICE  
24 officers. As DHS previously represented to a court in this District, the government historically re-  
25 arrested previously released noncitizens only after “a material change in circumstances” as to  
26 whether they are a flight risk or dangerous. *Saravia*, 280 F. Supp. 3d at 1197; Federal Defendants’  
27 Supplemental Brief at 1, *Saravia v. Sessions*, No. 3:17-cv-03615-VC, (N.D. Cal. Nov. 3, 2017),  
28 Dkt. No. 90. Since then, courts in this District and nationwide have repeatedly acknowledged the  
existence of DHS’s prior policy and practice. *See, e.g., U.S. v. Cisneros*, No. 19-CR-00280-RS-5,

1 2021 WL 5908407, at \*3-4 (N.D. Cal. Dec. 14, 2021); *Rosado v. Figueroa*, No. CV-25-02157-  
2 PHX-DLR (CDB), 2025 WL 2337099, (D. Ariz. Aug. 11, 2025); *Dos Santos v. Noem*, No. 1:25-  
3 CV-12052-JEK, 2025 WL 2370988, at \*9 (D. Mass. Aug. 14, 2025).

4 41. Under DHS's prior policy and practice, and across presidential administrations,  
5 ICE officers in the San Francisco Area of Responsibility generally would not re-arrest or re-detain  
6 a non-detained noncitizen in removal proceedings without conducting an individualized  
7 assessment and determining that their flight risk or danger to the community had materially  
8 changed since their release or their last check-in appointment. This policy and practice applied  
9 regardless of whether a noncitizen had previously been released on bond, conditional parole, or  
10 humanitarian parole.

11 42. For example, if a noncitizen became involved with the criminal justice system,  
12 violated a condition of ICE supervision, or violated a condition of the Intensive Supervision  
13 Appearance Program (ISAP), which is run by a private contractor, ICE generally would set an  
14 appointment and interview the non-citizen about the changed circumstance before making an  
15 individualized decision as to whether re-detention was warranted. If the noncitizen affirmatively  
16 sought to remedy the violation or returned to compliance, ICE often would not re-detain the  
17 noncitizen.

18 43. Countless noncitizens released pending removal proceedings, including Petitioner,  
19 have relied on the government's policy against indiscriminate re-arrest and re-detention to plan  
20 their lives. So long as they complied with their legal obligations to attend immigration proceedings  
21 and avoid criminal activity, noncitizens could confidently assume they would be able to litigate  
22 their right to remain in the United States while living in the community and with their families,  
23 rather than from detention. This meant they could access and consult with legal representatives,  
24 enter into leases for residential housing, seek work authorization and lawful employment, invest in  
25 their education, develop community ties, participate in religious life, and grow and take care of  
26 their families (including U.S. citizen family members).

1           **II.           Around May 2025, Defendants adopted and implemented the Re-Detention**  
2           **Policy, which abandoned their longstanding policy and practice.**

3           44.       In or around May 2025, Defendants reversed this longstanding policy and adopted  
4           the Re-Detention Policy, which authorizes re-arrest and re-detention of previously released  
5           noncitizens without any individualized assessment of a person’s flight risk or danger—indeed,  
6           without any individualized justification at all.

7           45.       The Re-Detention Policy does away with the previous policy’s requirement that,  
8           *before* a person previously released from immigration custody on recognizance, parole, or bond  
9           can be re-arrested and re-detained, DHS must conduct an individualized determination of  
10          materially changed circumstances (*e.g.*, danger to the community and/or flight risk) to justify the  
11          re-arrest and re-detention. In fact, the government has admitted in some cases that there was *no*  
12          change in circumstance justifying re-detention. *See, e.g., Maklad v. Murray*, No. 1:25-cv-00946  
13          JLT SAB, 2025 WL 2299376, at \*3 (E.D. Cal. Aug. 8, 2025) (“[T]he government conceded that  
14          [prior to her re-detention] there were no changes in circumstances since the original determination  
15          that Ms. Maklad does not pose a flight risk or a danger to the community[.]”).

16          46.       ICE has implemented its new policy in an unprecedented campaign of re-arrests at  
17          immigration courthouses, ICE offices, and myriad other locations within this District, the broader  
18          region, and nationwide. These re-arrests have targeted individuals, like Petitioner, who have not  
19          had any material change in circumstances with respect to whether they posed a flight risk or  
20          danger to the community since their release from DHS custody. On the contrary, these individuals  
21          complied with the requirements that the government imposed on them, including attending  
22          immigration court hearings and ICE supervision check-ins.

23          47.       This campaign substantially materialized in the form of aggressive enforcement  
24          actions at immigration courts, including the San Francisco, Concord, and Sacramento Immigration  
25          Courts. Since May 2025, ICE has arrested noncitizens who, like Petitioner, are in removal  
26          proceedings, as they leave routine immigration court hearings. Generally, DHS attorneys make an  
27          oral motion to dismiss the proceedings—without any notice to the affected individual—in advance  
28          of a re-arrest. Although DHS regulations do not permit such motions to dismiss absent a showing  
                that the “[c]ircumstances of the case have changed,” 8 C.F.R. § 239.2(a)(7), (c), DHS attorneys do

1 not conduct any case-specific analysis of changed circumstances before filing these motions to  
2 dismiss or offer case-specific reasons for dismissal. ICE agents then re-arrest noncitizens, often as  
3 they leave the courtroom, regardless of whether the immigration judge grants the motion.

4 48. This “coordinated operation” is “aimed at dramatically accelerating deportations”  
5 by re-arresting people like Petitioner, many of whom have pending applications for asylum or  
6 other relief, while they are attending immigration court hearings in their cases.<sup>1</sup> In addition,  
7 Defendants’ sweeping re-arrest and re-detention campaign has expanded past its initial targeting of  
8 people at or near immigration courthouses to sweep up people at numerous other locations. For  
9 example, many noncitizens have regularly attended “check-in” appointments with ICE or its  
10 contractor ISAP for months or years while they pursue their immigration cases. Like immigration  
11 court hearings, these previously routine appointments have become hotbeds for re-arrest and re-  
12 detention. When noncitizens arrive at their local ICE Field Office or ISAP office, rather than  
13 conducting the regular “check-in,” Defendants instead have begun to re-arrest and re-detain them.  
14 Like the re-arrests at immigration courthouses, Defendants conduct arrests at these check-in  
15 appointments without requiring or considering any change in the individualized circumstances of  
16 the noncitizen.

17 49. Additionally, on information and belief, the Re-Detention Policy allows the re-  
18 arrest and re-detention of non-citizens released pursuant to 8 U.S.C. § 1226(a) without the  
19 authorization of “the district director, acting district director, deputy district director, assistant  
20 district director for investigations, assistant district director for detention and deportation, or  
21 officer in charge,” as is required by 8 C.F.R. § 236.1(c)(9).

22 50. Defendants adopted and implemented the Re-Detention Policy amid a nationwide  
23 push to dramatically increase immigration arrests and detention, regardless of the individual  
24

25 <sup>1</sup> Arelis R. Hernández & Maria Sacchetti, *Immigrant Arrests at Courthouses Signal New Tactic in*  
26 *Trump’s Deportation Push*, Wash. Post, May 23, 2025,  
27 <https://www.washingtonpost.com/immigration/2025/05/23/immigration-court-arrests-ice-trump/>;  
28 *see also* Hamed Aleaziz, Luis Ferré-Sadurní, & Miriam Jordan, *How ICE is Seeking to Ramp Up*  
*Deportations Through Courthouse Arrests*, N.Y. Times, May 30, 2025,  
<https://www.nytimes.com/2025/05/30/us/politics/ice-courthouse-arrests.html>; Dani Anguiano,  
*Mother Arrested at LA Court Alongside Six-Year-Old Son with Cancer Sues ICE*, Guardian, June  
27, 2025, <https://www.theguardian.com/us-news/2025/jun/27/honduras-mother-ice-arrest-lawsuit>.

1 circumstances of the people arrested and detained.

2 51. For example, in late May 2025, the White House and the Department of Homeland  
3 Security imposed a “goal” on federal immigration agencies of 3,000 immigration-related arrests  
4 per day—with “consequences for not hitting arrest targets.”<sup>2</sup>

5 52. In order to reach these targets, White House Deputy Chief of Staff Stephen Miller  
6 directed high-level officials to change their approach to stops and arrests in the field. Agents and  
7 officers, according to him, should no longer conduct targeted operations based on investigations.  
8 Instead, they should “just go out there and arrest [unauthorized noncitizens]” by rounding up  
9 people in public spaces like “Home Depot” and “7-Eleven” convenience stores.<sup>3</sup> Agents received  
10 instructions that arrests were “all about the numbers, not the level of criminality.”<sup>4</sup>

11 53. In a May 28, 2025 interview with Fox News, Mr. Miller stated that “[u]nder  
12 President Trump’s leadership, we are looking to set a goal of a minimum of 3,000 arrests for ICE  
13 every day, and President Trump is going to keep pushing to get that number up higher each and  
14 every single day.”<sup>5</sup>

15 54. Re-arrests and re-detentions without any individualized assessment of changed  
16 circumstances related to flight risk or danger have skyrocketed because of these enforcement  
17 operations. Since May 2025, dozens of people have been detained at the San Francisco  
18 Immigration Court following their routine immigration hearings and without any assertion that an  
19 individualized material change in circumstances justified their detention.<sup>6</sup> In addition to these

20 \_\_\_\_\_  
21 <sup>2</sup> Elizabeth Findell, et al., *The White House Marching Orders That Sparked the L.A. Migrant*  
22 *Crackdown*, *The Wall Street Journal* (June 9, 2025), <https://www.wsj.com/us-news/protests-los-angeles-immigrants-trump-f5089877>.

23 <sup>3</sup> *Id.*

24 <sup>4</sup> Ted Hesson & Kristina Cooke, *ICE’s Tactics Draw Criticism as it Triples Daily Arrest Targets*,  
25 *Reuters*, June 10, 2025, [https://www.reuters.com/world/us/ices-tactics-draw-criticism-it-triples-](https://www.reuters.com/world/us/ices-tactics-draw-criticism-it-triples-daily-arrest-targets-2025-06-10/)  
26 [daily-arrest-targets-2025-06-10/](https://www.reuters.com/world/us/ices-tactics-draw-criticism-it-triples-daily-arrest-targets-2025-06-10/); Alayna Alvarez & Brittany Gibson, *ICE Ramps Up Immigration*  
27 *Arrests in Courthouses Across the U.S.*, *Axios*, June 12, 2025,  
28 <https://www.axios.com/2025/06/12/ice-courthouse-arrests-trump>

<sup>5</sup> *See, e.g., Vasquez Perdomo v. Noem*, 148 F. 4th 656, 665 n. 2 (9th Cir. 2025).

<sup>6</sup> Sarah Ravani, *ICE Arrests Two More at S.F. Immigration Court, Advocates Say*, *S.F. Chron.*,  
June 12, 2025, [https://www.sfchronicle.com/bayarea/article/sf-immigration-court-arrests-](https://www.sfchronicle.com/bayarea/article/sf-immigration-court-arrests-20374755.php)  
20374755.php; Margaret Kadifa & Gustavo Hernandez, *Immigrants fearful as ICE Nabs at least*  
15 *in S.F., Including Toddler*, *Mission Local*, June 5, 2025, [https://missionlocal.org/2025/06/ice-](https://missionlocal.org/2025/06/ice-arrest-san-francisco-toddler/)  
arrest-san-francisco-toddler/; Tomoki Chien, *Undercover ICE Agents Begin Making Arrests at SF*

1 courthouse arrests, dozens more have been detained since May 2025 at ICE and ISAP check-ins  
 2 without any assertion of materially changed circumstances. These arrests have extended to other  
 3 Northern California immigration courthouses too, including at least several dozen arrests at the  
 4 Sacramento Immigration Court<sup>7</sup> and, at minimum, four more arrests within a single day at the  
 5 Concord Immigration Court.<sup>8</sup> On information and belief, ICE arrests at these immigration courts  
 6 and at ICE and ISAP check-ins in the San Francisco Area of Responsibility have increased by  
 7 more than 500% since May 2025. These re-arrests and re-detentions would not have been  
 8 permissible under DHS's prior policy.

9 55. These same trends have materialized nationwide. In New York City, for example,  
 10 "ICE agents [] apprehended so many people showing up for routine appointments . . . that the  
 11 facilities" were "overcrowded[,] with "[h]undreds of migrants . . . sle[eping] on the floor or  
 12 sitting upright, sometimes for days[.]"<sup>9</sup>

13 56. Indeed, in part because of these operations, ICE's arrests nationwide of noncitizens  
 14 with no criminal record have increased more than 1,100% since before January.<sup>10</sup> 79 percent of  
 15 ICE's weekly non-custodial arrests involved people with no criminal convictions, up 23

16 *Immigration Court*, S.F. Standard, May 27, 2025, <https://sfstandard.com/2025/05/27/undercover-ice-agents-make-arrests-san-francisco-court/>; Mariana Garcia, *ICE Makes Largest Single-Court Arrest in S.F., Detaining 8*, MISSION LOCAL, Sept. 12, 2025, <https://missionlocal.org/2025/09/ice-arrests-8-asylum-seekers-at-s-f-immigration-court-most-ever-in-single-morning/>.

17 <sup>7</sup> Sharon Bernstein, *Sacramento Courthouse Immigration Stops, Some Violent, Detailed in Legal Filing*, Sept. 29, 2025, <https://www.sacbee.com/news/local/article312274458.html>.

18 <sup>8</sup> Megan Cassidy & Jessica Flores, *S.F. East Bay Immigration Courts Abruptly Shut Down After ICE Arrests*, June 10, 2025, <https://www.sfchronicle.com/sf/article/ice-arrest-courthouse-immigration-trump-20370459.php>.

19 <sup>9</sup> Luis Ferré-Sadurní, *Inside a Courthouse, Chaos and Tears as Trump Accelerates Deportations*, N.Y. Times, June 12, 2025, <https://www.nytimes.com/2025/06/12/nyregion/immigration-courthouse-arrests-trump-deportation.html>; Jasmine Garsd, *In Recorded Calls, Reports of Overcrowding and Lack of Food at ICE Detention Centers*, NPR, June 6, 2025, <https://www.npr.org/2025/06/05/nx-s1-5413364/concerns-over-conditions-in-u-s-immigration-detention-were-hearing-the-word-starving> (estimating ICE is at 125% capacity and reporting nation-wide "overcrowding, illness and hunger in detention facilities"); Luis Ferré-Sadurní, *Deportation of 6-Year-Old Puts Spotlight on ICE's Detention of Families*, N.Y. Times, Aug. 20, 2025, <https://www.nytimes.com/2025/08/20/nyregion/ice-6-year-old-nyc.html> (reporting that immigration authorities have detained about 50 children and deported at least 38 in the New York City area since January).

20 <sup>10</sup> David J. Bier, *ICE Is Arresting 1,100 Percent More Noncriminals on the Streets Than in 2017*, Cato at Liberty Blog, June 24, 2025, <https://www.cato.org/blog/ice-arresting-1100-percent-more-noncriminals-streets-2017>.

1 percentage points from January.<sup>11</sup> ICE arrests in total have increased 123 percent since 2024.<sup>12</sup>

2 57. At the same time as it has increased immigration arrests, the Administration has  
3 moved forward with radically increasing immigration detention capacity nationwide.

4 58. On July 4, 2025, President Trump signed the “Big Beautiful Bill” into law. The  
5 legislation makes U.S Immigration and Customs and Enforcement the largest federal law  
6 enforcement agency, giving it \$45 billion for building new detention centers in addition to \$14  
7 billion for deportation operations. In addition, the legislation includes \$3.5 billion for  
8 reimbursements to state and local governments for costs related to immigration-related  
9 enforcement and detention.<sup>13</sup>

10 59. In explaining the need for the legislation, “border czar” Tom Homan told reporters  
11 that the bill needed to pass so the federal government could buy more detention beds because “the  
12 more beds we have, the more bad guys we arrest.”<sup>14</sup> The Trump administration has already opened  
13 new immigration detention facilities, such as the South Florida Detention Facility—nicknamed  
14 Alligator Alcatraz.<sup>15</sup> In California, the administration has repurposed a former state prison in  
15 California City as an ICE detention center.<sup>16</sup> California City Detention Facility is now the largest  
16 immigration detention center in the state, with over 2,500 beds.<sup>17</sup>

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18 <sup>11</sup> *Id.*

19 <sup>12</sup> Albert Sun, *Immigration Arrests Are Up Sharply in Every State. Here Are the Numbers.*, N.Y.  
20 TIMES, June 27, 2025, <https://www.nytimes.com/interactive/2025/06/27/us/ice-arrests-trump.html>.

21 <sup>13</sup> Lauren-Brooke Eisen, *Budget Bill Massively Increases Funding for Immigration Detention*,  
22 Brennan Center for Justice, July 3, 2025, <https://www.brennancenter.org/our-work/analysis-opinion/budget-bill-massively-increases-funding-immigration-detention>.

23 <sup>14</sup> Juliana Kim, *How Trump’s tax cut and policy bill aims to ‘supercharge’ immigration enforcement*, NPR, July 3, 2025, <https://www.npr.org/2025/07/03/g-s1-75609/big-beautiful-bill-ice-funding-immigration>.

24 <sup>15</sup> *Florida’s Secretive Immigration Detention Center, Explained*, August 15, 2025,  
25 <https://www.aclu.org/news/immigrants-rights/floridas-secretive-immigration-detention-center-explained>.

26 <sup>16</sup> U.S. Immigration and Customs Enforcement, California, Detention Facilities, California City  
27 Detention Facility, <https://www.ice.gov/detain/detention-facilities/california-city-detention-facility> (Last Updated Sep. 5, 2025).

28 <sup>17</sup> Tyche Hendricks, *California’s Newest Immigration Facility Is Also Its Biggest. Is It Operating Legally?*, Sep. 4, 2025, <https://www.kqed.org/news/12054544/californias-newest-immigration-facility-is-also-its-biggest-is-it-operating-legally>.

1           60. Government officials have also suggested their motivation in their massive  
2 detention efforts is to pressure individuals to give up their right to contest removal and agree to  
3 deportation, rather than either of the two constitutionally permissible bases for detention:  
4 preventing flight risk or danger to the community. For instance, Secretary Noem in discussing how  
5 the administration has opened detention facilities in seemingly treacherous locations, indicated the  
6 administration’s goal of ensuring that people know “if they are detained, they [wi]ll be removed”  
7 and offered that detention is an effective strategy to encourage people, including those with  
8 meritorious claims for immigration relief, to deport themselves “voluntarily.”<sup>18</sup>

9           **III. Petitioner now faces re-detention under Defendants’ unlawful Re-**  
10           **Detention Policy.**

11           61. The Re-Detention Policy has resulted in the sudden, no-notice re-detention of  
12 countless noncitizens whom the government has already determined are neither dangerous nor  
13 flight risks, without any individualized consideration of whether any new facts exist to justify a  
14 different determination. Indeed, the facts show that the people caught up in the new policy  
15 overwhelmingly lack any criminal history and have a proven record of compliance with  
16 immigration check-ins and court appearances. Through their conduct, they have shown that the  
17 government’s initial assessment of them was accurate—they are neither dangerous nor flight risks.  
18 Nevertheless, they now face arbitrary re-arrest and indefinite re-detention. Petitioner’s case  
19 illustrates these very concerns.

20           62. Petitioner Juany Galo Santos is an asylum seeker who fled Honduras in 2023.  
21 Immigration agents apprehended Ms. Galo Santos and her two young daughters after they crossed  
22 the border and detained them overnight. The next day, after determining that Ms. Galo Santos was  
23 not a flight risk or a danger to the community, agents released her on her own recognizance under  
24 8 C.F.R. § 236.1(c)(8). The agents also fitted her with an ankle monitor.

25           63. Ms. Galo Santos attended her first check-in with ICE in January 2024, at which  
26 time her ankle monitor was removed. Since that time, Ms. Galo Santos has complied with all

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28 <sup>18</sup> Nicole Sganga, *Kristi Noem says “Alligator Alcatraz” to be model for ICE state-run detention centers*, CBS News, Aug. 4, 2025, <https://www.cbsnews.com/news/alligator-alcatraz-model-kristi-noem-homeland-security/>.

1 reporting, supervision, and immigration court requirements, including in-person check-ins and  
2 updating ICE and the immigration court with her correct address. She has no criminal history.  
3 Since settling in San Mateo, California, Ms. Galo Santos has built a life for herself and her two  
4 daughters. She has an upcoming ICE check-in on January 16, 2026, and a master calendar hearing  
5 at the San Francisco Immigration Court on February 19, 2026. Under Defendants' prior policy,  
6 Ms. Galo Santos could attend her hearing and future supervision appointments confident that she  
7 would not be re-detained, based on her compliance with her terms of release and lack of any  
8 criminal history. But under Defendants' Re-Detention Policy, she now risks being ripped from her  
9 daughters, leaving them with no one to care for them or provide for them, for no reason.

10 64. The government previously released Ms. Galo Santos after finding that she did not  
11 pose a flight risk or danger to the community. Her conduct since she was released has only  
12 reinforced the accuracy of that determination. Her re-detention under Defendants' unlawful Re-  
13 Detention Policy would deprive her of her protected interest in her ongoing liberty without any  
14 procedural protections.

15 **IV. Defendants' Re-Detention imposes extraordinary and irreparable harm on**  
16 **Petitioner.**

17 65. The risk that Defendants will re-detain Ms. Galo Santos at her upcoming ICE  
18 check-in and immigration court hearing causes her extreme anxiety and fear. Ms. Galo Santos  
19 fears that if she is re-detained, she will be ripped away from her young daughters, for whom she is  
20 the sole caregiver and provider. Ms. Galo Santos fears that any separation from her daughters  
21 would cause them significant trauma. In particular, one of Ms. Galo Santos' daughters suffers  
22 from severe cerebral palsy. As a result of her medical condition, she is almost totally paralyzed, is  
23 confined to a wheelchair, cannot speak, and requires assistance with critical daily tasks. Because  
24 Ms. Galo Santos is the sole caregiver for her daughter, she fears that any separation from her  
25 daughter would lead to a lapse in her medical care and cause her health to suffer.  
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**CLAIMS FOR RELIEF**

**FIRST CLAIM FOR RELIEF**

**Violation of the Fifth Amendment to the United States Constitution**  
***Petitioner's Detention Violates Substantive Due Process***

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

67. The Due Process Clause of the Fifth Amendment protects all “person[s]” from deprivation of liberty “without due process of law.” U.S. Const. amend. V. “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.

68. Immigration detention is constitutionally permissible only when it furthers the government’s legitimate goals of ensuring a noncitizen’s appearance during removal proceedings and preventing danger to the community.

69. Ms. Galo Santos was previously released on her own recognizance (“conditional parole”) by Defendants. These previous releases constituted a determination by Defendants that she was neither dangerous to the community nor a flight risk.

70. Ms. Galo Santos has not become a danger or flight risk since her release from custody. Her re-detention thus does not serve a legitimate goal. Accordingly, her re-detention would violate the Due Process Clause.

**SECOND CLAIM FOR RELIEF**

**Violation of the Fifth Amendment to the United States Constitution**  
***Petitioner's Detention Violates Procedural Due Process***

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

72. The Fifth Amendment guarantees noncitizens present in the country with due process rights, including the right to not be deprived of a liberty or property interest without notice and a hearing before a neutral decision-maker.

73. Ms. Galo Santos has already been determined not to pose a flight risk or danger to the community. She has a protected liberty interest in her continued freedom from detention and is

1 entitled to due process before the government can deprive her of her liberty by re-detaining her.  
2 The Due Process Clause prohibits her re-detention without a pre-deprivation hearing before a  
3 neutral decision-maker in which the government bears the burden of demonstrating that she poses  
4 a flight risk or danger to the community.

5 **THIRD CLAIM FOR RELIEF**

6 **Violation of the Fourth Amendment to the United States Constitution**  
7 ***Petitioner's Re-Arrest Constitutes an Unreasonable Seizure***

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

10 75. The Fourth Amendment protects the right of all persons present in the United  
11 States to be free from unreasonable seizures by government officials. Petitioner therefore has the  
12 right to be free from unreasonable seizures.

13 76. As a corollary to that right, the Fourth Amendment prohibits re-arrest on the same  
14 charge without a material change in circumstances.

15 77. The circumstances related to Ms. Galo Santos's flight risk or danger to the  
16 community have not changed since her prior release from custody. Re-arresting her would violate  
17 the Fourth Amendment.

18 **PRAYER FOR RELIEF**

19 Petitioner respectfully requests that the Court grant the following relief:

- 20 a. Issue an order pursuant to the All Writs Act, 28 U.S.C. § 1651, to protect this  
21 Court's jurisdiction over the litigation by barring Defendants from deporting  
22 Petitioner, pending the duration of these proceedings;
- 23 b. Declare that Petitioner's re-arrest violates the Fourth Amendment;
- 24 c. Declare that Petitioner's re-detention violates the Fifth Amendment;
- 25 d. Issue a writ of habeas corpus prohibiting Defendants from re-arresting or re-  
26 detaining Petitioner without an order from this Court finding that a material  
27 change in individual circumstances related to her flight risk or danger to the  
28 community justifies her re-arrest and re-detention, *or in the alternative* issue a writ

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of habeas corpus prohibiting Defendants from re-arresting or re-detaining  
Petitioner unless her 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 she is a flight risk or danger to the community;

- e. Award Petitioner reasonable attorney’s fees and costs; and
- f. Grant any other and further relief as the Court deems just and equitable.

Dated: December 23, 2025

KEKER, VAN NEST & PETERS LLP

By: /s/ Erin E. Meyer  
 ERIN E. MEYER  
 JULIA L. ALLEN  
 CLAIRE C. BONELLI  
 ELLEN WATLINGTON  
 JACQUIE P. ANDREANO  
 KAYLA CROWELL

Attorneys for Petitioner

Dated: December 23, 2025

AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF NORTHERN

/s/ Bree Bernwanger  
 BREE BERNWANGER  
 MICHELLE (MINJU) Y. CHO  
 NEIL K. SAWHNEY  
 LAUREN M. DAVIS

Attorneys for Petitioner

Dated: December 23, 2025

CENTRO LEGAL DE LA RAZA

/s/ Abby Sullivan Engen  
 ABBY SULLIVAN ENGEN  
 JESSE NEWMARK  
 NIKOLAS DE BREMAEKER

Attorneys for Petitioner

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Dated: December 23, 2025

AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION

/s/ Judy Rabinovitz  
JUDY RABINOVITZ  
OSCAR SARABIA ROMAN

Attorneys for Petitioner