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

18 Jose TELETOR SENTE,
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-10832-PCP

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

Date Filed: October 10, 2025

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INTRODUCTION

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2 1. Petitioner Jose Teletor Sente (“Mr. Teletor Sente” or “Petitioner”) hereby files this
3 amended habeas petition in response to the Court’s Order Granting Motion to Sever, ECF 1. He
4 filed his 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. Mr. Teletor Sente
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. Mr. Teletor Sente fled persecution in Guatemala and resides in San Francisco,
9 California, with his son, for whom he is the sole caregiver in the United States. Since he entered
10 the country in 2019, Mr. Teletor Sente has complied with every obligation the immigration system
11 has required of him. He has no criminal history anywhere in the world.

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

16 4. Federal immigration officials have the authority to release apprehended
17 noncitizens pending ongoing removal proceedings. Any decision to release a noncitizen—whether
18 on parole, bond, other supervision conditions, or their own recognizance—necessitates a finding
19 that the specific individual poses no flight risk or danger to the community that warrants detention.
20 For decades, federal immigration officials have adhered to a policy of not re-arresting and re-
21 detaining noncitizens previously released from federal custody, absent an individualized
22 determination that there had been a material change in their circumstances that rendered them a
23 danger or flight risk. This longstanding policy reflects a fundamental due process principle: When
24 the government conditionally releases an individual, it makes “an implicit promise” that their
25 liberty will not be revoked unless they fail to satisfy their conditions of release. *See Morrissey v.*
26 *Brewer*, 408 U.S. 471, 482 (1972). It also conforms with the Fourth Amendment’s prohibition on
27 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 10. Mr. Teletor Sente’s re-detention pursuant to the policy would be unlawful. It

1 would radically upend fundamental due process principles requiring an individualized
2 determination of flight risk and danger to the community prior to re-detention, and the Fourth
3 Amendment's prohibition on unreasonable seizures.

4 11. Petitioner asks the Court to exercise its habeas authority and enjoin Defendants
5 from re-detaining him in violation of the Due Process Clause and Fourth Amendment.

6 JURISDICTION AND VENUE

7 12. This Court has jurisdiction under 28 U.S.C. § 2241 (writ of habeas corpus) and 28
8 U.S.C. § 1331 (federal question) because this action arises under the United States Constitution.
9 Because this suit seeks relief other than money damages and challenges Defendants' unlawful
10 actions, the United States has waived sovereign immunity from this suit. 5 U.S.C. § 702.

11 13. Venue is proper in the Northern District of California under 28 U.S.C.
12 § 1391(e)(1) because Petitioner resides in this judicial district; each Defendant is an agency of the
13 United States or an officer of the United States sued in their official capacity; and a substantial part
14 of the events giving rise to the claims in this action took place in this District. Venue is also proper
15 because Petitioner faces a risk of re-detention in the custody of Respondent Albarran.

16 PARTIES

17 Petitioner

18 14. Plaintiff/Petitioner Jose Waldemar Teletor Sente is a 37-year-old man who resides
19 in San Francisco, California. After entering the country without inspection in 2019, Mr. Teletor
20 Sente was placed in removal proceedings under 8 U.S.C. § 1229a and charged with inadmissibility
21 under 8 U.S.C. § 1182. Thereafter, DHS released him on his own recognizance pursuant to 8
22 U.S.C. § 1226(a) and 8 C.F.R. § 236.1(c)(8). Since 2019, Mr. Teletor Sente has built a life in the
23 United States with his son. Mr. Teletor Sente received a work permit and began working in
24 construction to support his son and the members of his family who remained in Guatemala. Mr.
25 Teletor Sente has fully complied with the conditions of his release. He has no criminal history and
26 has filed an application for asylum based on his fear of violence in Guatemala. If his application
27 for asylum is granted, he will continue on the path to permanent residency, and eventually U.S.
28 citizenship.

Defendants

15. Defendant Sergio Albarran, sued in his official capacity, is the Field Office Director of the San Francisco ICE Field Office. In this capacity, he is responsible for the administration of immigration laws and the execution of immigration enforcement and detention policy within ICE's San Francisco Area of Responsibility. Defendant Albarran maintains an office and regularly conducts business in this District.

16. Defendant Kristi Noem, sued in her official capacity, is the Secretary of Homeland Security. As the highest-ranking officer for DHS, Defendant Noem has ultimate statutory authority over the administration and enforcement of the immigration laws. *See* 6 U.S.C. § 557 (transferring functions from the Attorney General).

17. Defendant U.S. Department of Homeland Security is a cabinet-level department of the Executive Branch of the federal government. DHS includes various component agencies, including Immigration and Customs Enforcement and Customs and Border Patrol. DHS, together with all of its component agencies, is responsible for administering and enforcing the immigration laws.

18. Defendant Todd M. Lyons, sued in his official capacity, is the Acting Director of U.S. Immigration and Customs Enforcement. As the highest-ranking officer for ICE, Defendant Lyons has authority over immigration enforcement, including arrest and detention related to civil immigration matters.

19. Defendant U.S. Immigration and Customs Enforcement is a component agency of DHS. ICE's mission includes the enforcement of civil laws related to immigration. Among other things, ICE is responsible for arrest and detention related to civil immigration charges in the interior of the United States and is responsible for arrest and detention related to civil immigration matters.

LEGAL BACKGROUND

20. Two mutually exclusive provisions of the Immigration and Nationality Act ("INA") govern ICE's authority to detain noncitizens who do not have administratively final orders of removal.

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

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

23. The source of DHS’s authority to release noncitizens from custody depends on which detention statute applies. Section 1226(c) is the most restrictive provision and authorizes release only when necessary under federal witness protection statutes. *See* 8 U.S.C. § 1226(c)(4). On its face, § 1225 also offers few paths to release. Noncitizens subject to either subsection of § 1225 are not statutorily eligible for bond—whether by DHS or an immigration judge—or release on their own recognizance. However, DHS can release them on humanitarian parole under 8 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.¹ 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 ¹ 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.”²

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.³ Agents received
10 instructions that arrests were “all about the numbers, not the level of criminality.”⁴

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.”⁵

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.⁶ In addition to these

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

21 ³ *Id.*

22 ⁴ Ted Hesson & Kristina Cooke, *ICE’s Tactics Draw Criticism as it Triples Daily Arrest Targets*, *Reuters*, June 10, 2025, <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 Arrests in Courthouses Across the U.S.*, *Axios*, June 12, 2025, <https://www.axios.com/2025/06/12/ice-courthouse-arrests-trump>

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

24 ⁶ 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-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-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 Court⁷ and, at minimum, four more arrests within a single day at the
 5 Concord Immigration Court.⁸ 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[.]"⁹

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 percent since before January.¹⁰ 79 percent
 15 of 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-](https://sfstandard.com/2025/05/27/undercover-ice-agents-make-arrests-san-francisco-court/)
 17 *ice-agents-make-arrests-san-francisco-court/*; Mariana Garcia, *ICE Makes Largest Single-Court*
 18 *Arrest in S.F., Detaining 8*, MISSION LOCAL, Sept. 12, 2025, [https://missionlocal.org/2025/09/ice-](https://missionlocal.org/2025/09/ice-arrests-8-asylum-seekers-at-s-f-immigration-court-most-ever-in-single-morning/)

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

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

23 ⁹ Luis Ferré-Sadurní, *Inside a Courthouse, Chaos and Tears as Trump Accelerates Deportations*,
 24 N.Y. Times, June 12, 2025, [https://www.nytimes.com/2025/06/12/nyregion/immigration-](https://www.nytimes.com/2025/06/12/nyregion/immigration-courthouse-arrests-trump-deportation.html)
 25 *courthouse-arrests-trump-deportation.html*; Jasmine Garsd, *In Recorded Calls, Reports of*
 26 *Overcrowding and Lack of Food at ICE Detention Centers*, NPR, June 6, 2025,
 27 [https://www.npr.org/2025/06/05/nx-s1-5413364/concerns-over-conditions-in-u-s-immigration-](https://www.npr.org/2025/06/05/nx-s1-5413364/concerns-over-conditions-in-u-s-immigration-detention-were-hearing-the-word-starving)
 28 *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).

¹⁰ 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-](https://www.cato.org/blog/ice-arresting-1100-percent-more-noncriminals-streets-2017)
 noncriminals-streets-2017.

percentage points from January.¹¹ ICE arrests in total have increased 123 percent since 2024.¹²

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

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

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

¹¹ *Id.*

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

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

¹⁴ 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>.

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

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

¹⁷ 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>.

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

III. Petitioner now faces re-detention under Defendants' unlawful Re-Detention Policy.

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

62. Plaintiff/Petitioner Jose Waldemar Teletor Sente is an asylum seeker who fled Guatemala in 2019 and entered the United States without inspection in 2019. Mr. Teletor Sente and his then-nine-year-old son were apprehended by border patrol agents and were briefly detained before being released on their own recognizance under 8 C.F.R. § 236.1(c)(8).

63. Mr. Teletor Sente moved to San Francisco, California and built a life there for himself and his son. After receiving his work permit, he began working in construction, rented an apartment, and enrolled his son in school. At first, Mr. Teletor Sente was required to report to the

¹⁸ 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 ICE office in person once a month. He has since been enrolled in a remote monitoring program
2 that requires him to check-in through the SmartLink application weekly. Mr. Teletor Sente has
3 complied with all reporting, supervision, and immigration court requirements, both in person and
4 remote. Mr. Teletor Sente has no criminal history.

5 64. At the time Mr. Teletor Sente filed his original petition, he had an upcoming
6 master calendar hearing at the San Francisco Immigration Court in November 2025. Concerned
7 that he might be re-detained at his hearing under Defendants' Re-Detention Policy, Mr. Teletor
8 Sente requested to appear via video instead of in person. Judge Ila Deiss granted Mr. Teletor
9 Sente's request. However, Mr. Teletor Sente was subsequently notified that his hearing date had
10 moved by several weeks to November 18, 2025, in front of a different immigration judge (Judge
11 Elisa Brasil), and that he would need to appear in person. This in-person requirement may be due
12 to the fact that Judge Brasil was recently fired, and, on information and belief, an attorney from the
13 Armed Forces' Judge Advocate General's (JAG) Corps will be replacing her. After filing the
14 petition, Mr. Teletor Sente learned that his hearing had been rescheduled for 2027. However, the
15 Government has rescheduled his hearing date *ten times* since he arrived in the United States, and it
16 remains subject to change.

17 65. Under Defendants' prior policy, Mr. Teletor Sente could attend his upcoming
18 hearing and any check-ins that ICE schedules without worrying that he would be re-detained,
19 based on his compliance with his terms of release and lack of any criminal history. But under
20 Defendants' Re-Detention Policy, he now risks re-detention, which would upend the life he has
21 built here, leaving his son with no one to care for him, and losing his apartment, car, and the
22 ability to support his family in Guatemala.

23 66. The government previously released Mr. Teletor Sente after finding that he did not
24 pose a flight risk or danger to the community. Since that time, he has complied with all his
25 immigration requirements and given the government no reason to question that determination. His
26 re-detention under Defendants' unlawful Re-Detention Policy would deprive him of his protected
27 interest in his ongoing liberty without any procedural protections.

28

1 **IV. Defendants' Re-Detention imposes extraordinary and irreparable harm on**
2 **Petitioner.**

3 67. Mr. Teletor Sente is experiencing extreme anxiety and fear at the risk that he will
4 be re-detained. Mr. Teletor Sente fears that if he is re-detained, his minor son would be left with
5 no one to care for him or provide for him. If Mr. Teletor Sente is re-detained, he will lose his
6 apartment, which means that his minor son will be left with nowhere to live and will be forced to
7 drop out of school and work in order to survive. Mr. Teletor Sente also fears that his son could be
8 re-detained with him, subjecting him to the traumas of detention and disrupting his education.

9 **CLAIMS FOR RELIEF**

10 **FIRST CLAIM FOR RELIEF**

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

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

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

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

22 71. Mr. Teletor Sente was previously released on his own recognizance ("conditional
23 parole") by Defendants. These previous releases constituted a determination by Defendants that he
24 was neither dangerous to the community nor a flight risk.

25 72. Mr. Teletor Sente has not become a danger or flight risk since his release from
26 custody. His re-detention thus does not serve a legitimate goal. Accordingly, his re-detention
27 would violate the Due Process Clause.
28

SECOND CLAIM FOR RELIEF

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

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

74. 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.

75. Mr. Teletor Sente has already been determined not to pose a flight risk or danger to the community. He has a protected liberty interest in his continued freedom from detention and is entitled to due process before the government can deprive him of his liberty by re-detaining him. The Due Process Clause prohibits his re-detention without a pre-deprivation hearing before a neutral decision-maker in which the government bears the burden of demonstrating that he poses a flight risk or danger to the community.

THIRD CLAIM FOR RELIEF

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

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

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

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

79. The circumstances related to Mr. Teletor Sente's flight risk or danger to the community have not changed since his prior release from custody. Re-arresting him would violate the Fourth Amendment.

PRAYER FOR RELIEF

Petitioner respectfully requests that the Court grant the following relief:

- a. Issue an order pursuant to the All Writs Act, 28 U.S.C. § 1651, to protect this Court's jurisdiction over the litigation by barring Defendants from deporting Petitioner, pending the duration of these proceedings;
- b. Declare that Petitioner's re-arrest violates the Fourth Amendment;
- c. Declare that Petitioner's re-detention violates the Fifth Amendment;
- d. Issue a writ of habeas corpus prohibiting Defendants from re-arresting or re-detaining Petitioner without an order from this Court finding that a material change in individual circumstances related to his flight risk or danger to the community justifies his re-arrest and re-detention, *or in the alternative* issue a writ of habeas corpus prohibiting Defendants from re-arresting or re-detaining Petitioner unless his re-detention is ordered at a custody hearing before a neutral arbiter in which the government bears the burden of proving, by clear and convincing evidence, that he 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

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