

1 Janice Deaton (CA SBN 135188)  
2 Jdeaton@immdef.org  
3 IMMIGRANT DEFENDERS LAW CENTER  
4 634 S. Spring Street, 10<sup>th</sup> Floor  
5 Los Angeles, CA 90014  
6 Telephone: 619-768-7134  
7 Facsimile: 213-282-3133

8  
9  
10 *Pro Bono Attorneys for Petitioner*

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

Natividad Aquino de la Cruz,

Petitioner,

vs.

CHRISTOPHER J. LAROSE, Senior  
Warden of Otay Mesa Detention Center,  
GREGORY J. ARCHAMBEAULT,  
Field Officer Director for the San Diego  
Immigration and Customs Enforcement  
Office; TODD LYONS, Acting Director  
of United States Immigration and  
Customs Enforcement; KRISTI NOEM,  
Secretary of the United States  
Department of Homeland Security,  
PAMELA BONDI, Attorney General of  
the United States, acting in their official  
capacities,

Respondents.

Case No. '25CV3770 LL MSB

PETITION FOR WRIT OF HABEAS  
CORPUS AND ORDER TO SHOW  
CAUSE WITHIN THREE DAYS;  
COMPLAINT FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF

Challenge to Unlawful  
Incarceration; Request for  
Declaratory and Injunctive Relief

ORAL ARGUMENT REQUESTED

1  
2 **PREFACE**

3 Is Ms. Aquino de la Cruz’s (“Ms. Aquino”) August 25, 2025, arrest and  
4 continued detention by the Department of Homeland Security (“DHS”) lawful,  
5 after her admission and parole into the United States *eighteen months earlier*, on  
6 February 13, 2024? Several courts in this district have ruled in favor of similarly  
7 situated petitioners on this issue recently, finding detention unlawful, and ordering  
8 their immediate release from custody. *See, e.g., Sayed Naser Noori v. Christopher*  
9 *LaRose, et al.*, No. 25-CV-1824-GPC-MSB, 2025 WL 2800149, at \*14 (S.D. Cal.  
10 Oct. 1, 2025) (holding that revocation of petitioner’s parole with no notification or  
11 individualized determination violated the APA and denied petitioner his due  
12 process rights); *N.A. v. Christopher J. LaRose, et. Al.*, 25-CV-2384-RSH-BLM;  
13 2025 WL --- (S.D. Cal. Oct. 07, 2025). (explaining that the petitioner, who had  
14 entered and been granted parole eight months prior, was not subject to mandatory  
15 detention as an arriving alien (citing 8 U.S.C. § 1225(b)(1)).

16 This Court should also rule in favor of Ms. Aquino and order her immediate  
17 release.

18 **INTRODUCTION**

19 1. Petitioner, Natividad Aquino de la Cruz (“Ms. Aquino”), an asylum seeker  
20 from the Dominican Republic, petitions this Court for a writ of habeas corpus  
21 under 28 U.S.C. § 2241 to remedy Respondents’ unlawful detention of her after  
22 her arrest outside of immigration court after having been paroled into the United  
23 States, because her detention violates the Constitution and is not authorized by any  
24 statute.  
25  
26  
27  
28

1 2. Ms. Aquino is an asylum seeker who fled the Dominican Republic after  
2 suffering persecution based on her female gender.<sup>1</sup> She is currently detained at the  
3 Otay Mesa Detention Facility (OMDC), which is owned and operated by Core  
4 Civic.

5 3. On February 13, 2024, Ms. Aquino arrived in the United States at the  
6 Houston, Texas, Port of Entry with a scheduled *CBP One* appointment.<sup>2</sup>  
7 Respondents paroled her based on the individualized facts in her case, under 8  
8 U.S.C. § 1182(d)(5). Specifically, Respondents found that Ms. Aquino is not a  
9 flight risk and that she is not a danger to the community. Indeed, her first  
10 immigration court appearance after being paroled into the United States was not  
11 for fourteen months, on April 30, 2025.

12 4. Respondents commenced removal proceedings against Ms. Aquino in  
13 immigration court, entitling her to present her asylum claim with the due process  
14 rights under 8 U.S.C. § 1229a. Respondents charged Ms. Aquino with removability  
15 under INA § 212(a)(7)(A)(i)(I), arguing that she lacked proper immigration  
16

---

17 <sup>1</sup> The Dominican Republic is experiencing an epidemic of femicide, also spelled  
18 femicide. Surveys indicate that 63% to 76% of Dominican women have  
19 experienced some form of gender-related violence in their lifetime. *See*  
20 [https://www.cepal.org/en/pressreleases/least-11-women-are-victims-femicide-  
every-day-latin-america-and-  
caribbean#:~:text=National%20surveys%20show%20that%20between%2063%25  
%20and,hands%20of%20their%20partner%20at%20least%20once](https://www.cepal.org/en/pressreleases/least-11-women-are-victims-femicide-every-day-latin-america-and-caribbean#:~:text=National%20surveys%20show%20that%20between%2063%25%20and,hands%20of%20their%20partner%20at%20least%20once) last visited  
21 10/08/2025  
22

23 <sup>2</sup> The *CBP One* phone application was the primary way for asylum-seekers in  
24 central and northern Mexico to schedule appointments to present themselves at a  
25 U.S. port of entry. It was discontinued by President Trump on January 21, 2025,  
26 and all pending appointments were cancelled. *See*  
27 [https://www.cbp.gov/newsroom/national-media-release/cbp-removes-scheduling-  
functionality-cbp-one-app](https://www.cbp.gov/newsroom/national-media-release/cbp-removes-scheduling-functionality-cbp-one-app) (Last viewed on 10/15/2025)  
28

1 documents at the time of entry into the United States. On April 30, 2025, Ms.  
2 Aquino appeared at her initial hearing in immigration court in San Francisco and  
3 requested that venue be moved to San Diego because her family had since moved  
4 to San Diego. This request was granted.

5 5. Ms. Aquino heard nothing regarding her asylum proceedings from  
6 immigration court, ICE, nor from DHS until May 1, 2025, when she received a  
7 Notice of In-Person Hearing from Immigration Court and EIOR, (Executive Office  
8 for Immigration Review). Her in-person hearing was scheduled for August 25,  
9 2025.

10 6. Meanwhile, Ms. Aquino began her medical treatment at La Maestra Medical  
11 Community Center. *See* Exhs. G, H, I and J.

12 7. Ms. Aquino appeared at the federal building with her son-in-law. Prior to her  
13 second court hearing, Ms. Aquino timely filed an I-589, application for asylum,  
14 withholding of removal, and protection under the Convention Against Torture on  
15 December 27, 2024. Respondents provided her work authorization on June 25,  
16 2025. In summary, Ms. Aquino prepared her case in immigration court; submitted  
17 extensive evidence including country conditions evidence, a declaration,  
18 photographs, and identity documents. She received her work authorization on June  
19 25, 2025. She has no criminal history anywhere in the world. Finally, Ms. Aquino  
20 was not required to check in with ICE, nor did she have “check-in’s” at the  
21 Intensive Supervision Appearance Program (ISAP). She therefore had no notice or  
22 information that might indicate her parole could be revoked.

23 8. On August 25, 2025, Ms. Aquino had a routine court appearance in  
24 downtown San Diego. Upon arriving at the Federal Building, which houses the  
25 immigration courts, a group of community advocates warned her not to attend her  
26 hearing because masked ICE agents were arresting people as they left their  
27

1 hearings.<sup>3</sup> But Ms. Aquino knew she had complied with all her legal obligations,  
2 and should have nothing to fear. Further, because Ms. Aquino understood her legal  
3 obligations to attend her immigration hearings as well as the consequences of  
4 failing to appear -- an order of removal would be entered in absentia -- she entered  
5 the San Diego Immigration Court for a routine hearing before Judge Catherine  
6 Halliday-Roberts, accompanied by her son-in-law. At this hearing the DHS  
7 attorney moved to dismiss her asylum proceedings (§ 240 proceedings), and the  
8 immigration judge expressly warned Ms. Aquino that she would likely be arrested  
9 in the hall outside the courtroom.<sup>4</sup>

10 9. Immediately upon exiting the courtroom, a group of Department of  
11 Homeland Security (“DHS”) agents, some masked, arrested Ms. Aquino. After  
12 taking her downstairs to the second floor of the federal building for processing, (and  
13 waiting for her medications from her son-in-law, *see infra*, Par. 15), Respondents  
14 transported her to the Otay Mesa Detention Center (OMDC) where she remains to  
15 this day, nearly four months later.

16 10. At the following immigration hearing on September 5, 2025, Ms. Aquino  
17 requested a continuance through counsel,<sup>5</sup> and at the immigration hearing on

---

19 <sup>3</sup> See Steve Price, *Video shows ICE agents arresting immigrants at San Diego*  
20 *federal courthouse, raising due process concerns*, CBS8 LOCAL NEWS (June 11,  
21 2025, 5:40 p.m. PDT). <https://www.cbs8.com/video/news/local/new-videos-show-ice-arrests-at-san-diego-federal-courthouses/509-075cdcc7-eda0-46b4-9811-24c9d3185a79> (last visited October 8, 2025.)

22 <sup>4</sup> Habeas counsel is not Petitioner’s counsel for purposes of her asylum  
23 proceedings.

24 <sup>5</sup> The stay issued in *Make the Road v. Noem*, No. 1:25-cv-00190-JMC. (Doc. 8)  
25 was already in effect as of September 19, 2025. In “*Make the Road*” the District  
26 Court of the District of Columbia found that immigrants who were paroled into the  
27 United States are not eligible for expedited removal. The judge therefore issued a  
28 stay blocking DHS from placing people who were paroled into the United States,  
as was Petitioner, into ER proceedings. Thus, government counsel was on notice it

1 September 19, 2025, DHS changed its mind regarding the dismissal of Ms.  
2 Aquino’s asylum proceedings and withdrew their motion, reinstating Ms. Aquino’s  
3 asylum proceedings under § 240. Her asylum proceedings remain ongoing.

4 11. Ms. Aquino never received written notification that her parole was being  
5 revoked prior to her detention on August 25, 2025. Again, Ms. Aquino was not  
6 required to check in with ICE, nor did she have “check-in’s” at the Intensive  
7 Supervision Appearance Program (ISAP). Additionally, since her detention, she  
8 has not received any written communication regarding the reasons her parole was  
9 revoked, any written communication indicating an individualized determination  
10 was made, nor has she been provided with an opportunity to refute any purported  
11 reasons for revoking her parole.

12 12. Individuals within the United States have constitutional rights. “[T]he Due  
13 Process Clause applies to all ‘persons’ within the United States, including aliens,  
14 whether their presence here is lawful, unlawful, temporary, or permanent.”  
15 *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

16 13. Despite apprehending her at San Diego Immigration Court without notice  
17 or due process, placing her at risk of being transferred away from the Southern  
18 District of California while she remains in Respondents’ physical and legal  
19 custody, Respondents now seek to keep Ms. Aquino detained without a meaningful  
20 opportunity to seek a bond or custody redetermination hearing. *See* 8 U.S.C. §  
21 1225. As explained below, Respondents do so based not on her personal or  
22 changed circumstances or individualized facts.

23 14. Ms. Aquino has complied with all terms of her parole by attending court  
24 hearings, timely filing for asylum, and remaining law abiding. Despite that, and  
25

26 \_\_\_\_\_  
27 was illegal to dismiss Petitioner's asylum case to place her in expedited removal  
28 proceedings.

1 with no prior notice, Respondents revoked her parole. Ms. Aquino has never  
2 received any written explanation for the reason for this revocation.

3 15. Ms. Aquino's arrest and detention are causing her tremendous and ongoing  
4 harm. She suffers from a variety of severe health issues, including diabetes, high  
5 blood pressure, coronary/heart illness and eye-related illnesses. Immediately upon  
6 her arrest, and prior to transferring Ms. Aquino to Otay Mesa Detention Center,  
7 Ms. Aquino's son-in-law returned to her home to obtain her medications and  
8 deliver them to the DHS officers who had custody of her. At the time of her arrest,  
9 Ms. Aquino was taking: atorvastatin (40 MG tablet); eliquis (5 MG tabs);  
10 metFORMIN (1000 mg tablet); metoprolol succinate (25 MG XL tablet);  
11 NIFEdipine (30 mg tablet); and telmisrtan-hydrochlorothiazide (80-25 MG tablet).  
12 As of the time of this writing, she has not received NIFEdipine, a medication used  
13 to control hypertension (high blood pressure), stroke, and other coronary  
14 symptoms, at the detention center for over four months.

15 16. In addition, Ms. Aquino has been torn away from her friends, health  
16 professionals, and community. Her continued detention is causing increased health  
17 problems, due to limited access to health professionals, an improper diet, and a  
18 failure to provide her prescribed medications. She has been experiencing severe  
19 symptoms associated with diabetes, including numbness from her waist down,  
20 swollen feet and legs, and poor vision.

21 17. This Fall, she fell leaving the bathroom, hurting her hip. Although she has  
22 complained several times about the pain she experiences, all she has received is  
23 acetaminophen and no tests. She does not receive medical care nor her proper diet  
24 while in custody.

25 18. The United States Constitution protects Ms. Aquino – and every other person  
26 present in this country-- from arbitrary deprivations of her liberty and guarantees her  
27

1 due process of law. The government’s power over immigration is broad but, as the  
2 Supreme Court has declared, it “is subject to important constitutional limitations.”  
3 *Zadvydas v. Davis*, 533 U.S. 678, 695 (2001). “Freedom from bodily restraint has  
4 always been at the core of the liberty protected by the Due Process Clause from  
5 arbitrary governmental action.” *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992). Ms.  
6 Aquino therefore respectfully seeks a writ of habeas corpus ordering the government  
7 to immediately release her from her ongoing, unlawful detention, prohibiting her re-  
8 arrest without a hearing to contest that re-arrest before a neutral decisionmaker.<sup>6</sup>

9 19. Additionally, Ms. Aquino seeks declaratory and injunctive relief to declare  
10 her detention unlawful at Otay Mesa Detention Center, where she has been held by  
11 DHS since being unlawfully detained on August 25, 2025, without first being  
12 provided a due process hearing to determine whether her incarceration is justified.

13 **JURISDICTION**

14 20. This action arises under the Constitution of the United States and the  
15 Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et. seq. The Court has  
16 subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal question), 28  
17 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201–02 (Declaratory Judgment Act),  
18 28 U.S.C. § 2241 (habeas corpus), Article I, § 9, cl. 2 of the U.S. Constitution (the  
19 Suspension Clause), the Fourth and Fifth Amendments to the U.S. Constitution,  
20 and 5 U.S.C. §§ 701-706 (Administrative Procedure Act).

21 **VENUE**

22 21. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(a)  
23 and 28 U.S.C. § 1391(b)(2) and (e)(1) because Ms. Aquino is physically detained  
24 within this district. Venue is further proper because a substantial part of the events

25 \_\_\_\_\_  
26 <sup>6</sup> Petitioner only challenges the legality of her detention. Since government counsel  
27 ultimately withdrew its motion for dismissal and did not place Ms. Aquino in  
expedited removal proceedings, her detention is the sole issue.

1 or omissions giving rise to Ms. Aquino’s claims occurred in this District, where  
2 she is now in Respondents’ custody. 28 U.S.C. § 1391(e).

3 **REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243**

4 22. The Court must grant the petition for writ of habeas corpus or issue an order  
5 to show cause (OSC) to the Respondents “forthwith,” unless the petitioner is not  
6 entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require  
7 Respondents to file a return “within three days unless for good cause additional  
8 time, not exceeding twenty days, is allowed.” *Id.*

9 23. Courts have long recognized the significance of the habeas statute in  
10 protecting individuals from unlawful detention. The Great Writ has been referred  
11 to as “perhaps the most important writ known to the constitutional law of England,  
12 affording as it does a swift and imperative remedy in all cases of illegal restraint or  
13 confinement.” *Fay v. Noia*, 372 U.S. 391,400 (1963).

14 24. Ms. Aquino is “in custody” for the purpose of § 2241 because she is  
15 arrested and is detained by Respondents.

16 **PARTIES**

17 25. Ms. Natividad Aquino de la Cruz is a 57-year-old resident of San Diego,  
18 California. She has no criminal history and is pursuing asylum based on a fear of  
19 persecution in the Dominican Republic based on her gender, which if approved,  
20 would give her lawful permanent residency, and eventually, U.S. citizenship. She  
21 is presently in the physical custody of Immigration and Customs Enforcement  
22 (ICE) at the Otay Mesa Detention Center, 7488 Calzada de la Fuente, San Diego,  
23 CA 92154.

24 26. Respondent Christopher J. LaRose is the Senior Warden of the Otay Mesa  
25 Detention Center. He is the physical custodian of Ms. Aquino. In this capacity, he  
26 is responsible for overseeing the operations of Otay Mesa Detention Center,  
27

1 including the detention of Ms. Aquino. Respondent LaRose is sued in his official  
2 capacity.

3 27. Respondent Gregory J. Archambeault is the Field Office Director of the San  
4 Diego ICE Field Office. In this capacity, he is responsible for the administration of  
5 immigration laws and the execution of immigration enforcement and detention  
6 policy within ICE's San Diego Area of Responsibility, including the detention of  
7 Ms. Aquino. Respondent Archambeault maintains an office and regularly conducts  
8 business in this district. Respondent Archambeault is sued in his official capacity.

9 28. Respondent Todd M. Lyons is the Acting Director of ICE. As the Senior  
10 Official Performing the Duties of the Director of ICE, he is responsible for the  
11 administration and enforcement of the immigration laws of the United States,  
12 routinely transacts business in this District, and is legally responsible for pursuing  
13 any effort to detain and remove Ms. Aquino. Respondent Lyons is sued in his  
14 official capacity.

15 29. Respondent Kristi Noem is the Secretary of Homeland Security and has  
16 ultimate authority over DHS. In that capacity and through her agents, Respondent  
17 Noem has broad authority over and responsibility for the operation and  
18 enforcement of the immigration laws, routinely transacts business in this District,  
19 and is legally responsible for pursuing any effort to detain and remove Ms. Aquino.  
20 Respondent Noem is sued in her official capacity.

21 30. Respondent Pamela Bondi is the Attorney General of the United States and  
22 the most senior official at the Department of Justice. In that capacity and through  
23 her agents, she is responsible for overseeing the implementation and enforcement  
24 of the federal immigration laws. The Attorney General delegates this responsibility  
25 to the Executive Office for Immigration Review, which administers the  
26 immigration courts and the BIA. Respondent Bondi is sued in her official capacity.  
27

**LEGAL BACKGROUND**

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

31. This case concerns the unlawful revocation of Petitioner’s release on parole without notice or review. “Procedural due process imposes constraints on governmental decisions which deprive individuals of ‘liberty’ or ‘property’ interests within the meaning of the Due Process Clause of the Fifth or Fourteenth Amendment.” *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (requiring notice and an opportunity to be heard before deprivation of a legally protected interest).

32. “[T]he Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. at 693.

33. Respondents revoked Ms. Aquino’s parole, arrested, and detained her without any notice, review or opportunity to object as she exited her court appearance.

34. Ms. Aquino has a vital interest in her liberty, which is a legally protected interest. *See Pinchi v. Noem*, No. 5:25-CV-05632-PCP, 2025 WL 2084921, at \*4 (N.D. Cal. July 24, 2025) (citing *Diaz v. Kaiser*, No. 3:25-CV-05071, 2025 WL 1676854 (N.D. Cal. June 14, 2025) (explaining that a non-citizen that ICE released from custody after initial apprehension “has a substantial private interest in remaining out of custody” which includes an interest in “...obtaining necessary medical care, [and] maintaining her relationships in the community...”). Indeed, once they are present in the United States, noncitizens have a “weighty” liberty interest in remaining, as they “stand[] to lose the right to stay and live and work in this land of freedom,” and “may lose the right to rejoin [their] immediate family, a

1 right that ranks high among the interests of the individual.” *Landon v. Plasencia*,  
2 459 U.S. 21, 34 (1982).

3 35. On July 8, 2025, ICE, “in coordination with” the Department of Justice,  
4 announced a new policy of immigration detention that rejected the well-established  
5 understanding of the statutory framework and reversed decades of practice where  
6 non-citizens who were paroled into the United States remained free on parole  
7 pending resolution of their immigration cases. The policy changed to begin  
8 detaining people who had been previously paroled into the United States, many  
9 who had established jobs and lives in the United States, and some who live in the  
10 interior of the United States.

11 **B. Respondent’s Arbitrary and Illegal Revocation of Parole and Arrest of**  
12 **Ms. Aquino Violate the Administrative Procedure Act 5 U.S.C. § 706(2)**

13 36. Under the Administrative Procedure Act, a court must “hold unlawful and  
14 set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or  
15 otherwise not in accordance with the law,” that is “contrary to constitutional right  
16 [or] power,” or that is “in excess of statutory jurisdiction, authority, or limitations,  
17 or short of statutory right.” 5 U.S.C. § 706(2)(A)-(C).

18 37. Respondents' revocation of Ms. Aquino’s parole and continued detention of  
19 Ms. Aquino is arbitrary and capricious, and violates the INA as well as the Fifth  
20 Amendment. Respondents do not have statutory authority under 1225(b)(2) or any  
21 other statute to detain Ms. Aquino. MS. Aquino was not provided the opportunity  
22 to respond or object to the revocation of her parole. Ms. Aquino's detention is  
23 arbitrary, capricious, an abuse of discretion, violative of the Constitution, and  
24 without statutory authority in violation of 5 U.S.C. § 706(2).

25 ///

**FACTUAL BACKGROUND**

1  
2  
3 38. Ms. Aquino is a 57 year-old citizen of the Dominican Republic.

4 39. Ms. Aquino fled the Dominican Republic after suffering physical violence,  
5 death threats, based on particular social group membership. She suffered gender-  
6 based violence for many years.

7 40. On February 13, 2024, Ms. Aquino arrived at the Houston, Texas, Port of  
8 Entry with a scheduled *CBP One* appointment. Ms. Aquino entered the United  
9 States to seek asylum, withholding of removal, and protection under the Convention  
10 Against Torture due to the persecution she suffered in the Dominican Republic.

11 41. Respondents processed her for admission and served her with a Notice to  
12 Appear for removal proceedings. Upon admission, she was issued her Form I-94  
13 and granted parole pursuant to Immigration and Naturalization Act (INA) §  
14 212(d)(5), which allowed Ms. Aquino to apply for other benefits such as a driver's  
15 license.

16 42. Ms. Aquino requested that her case be transferred to San Francisco, CA,  
17 from Houston, TX because she had family there.

18 43. On or about February 13, 2024, Respondents commenced removal  
19 proceedings against Petitioner under 8 U.S.C. § 1229a in San Francisco.  
20 Respondents alleged she was inadmissible to the United States under 8 U.S.C. §  
21 1182(a)(7)(A)(i)(I) and commanded her to appear for a hearing on December 2,  
22 2024, in the immigration court in San Francisco, California.

23 44. On December 27, 2024, Ms. Aquino filed her Form I-589 asylum  
24 Application *pro se* before the San Diego Immigration Court.

25 45. On April 30, 2025, Ms. Aquino appeared in immigration court in San  
26 Francisco and requested that venue be transferred to San Diego, which it was. Her  
27 family moved to the San Diego area.

1 46. Ms. Aquino received work authorization on June 25, 2025.

2 47. Ms. Aquino maintained her current address with DHS, and on May 1, 2025,  
3 was notified of an August 25, 2025, in-person hearing.

4 48. Ms. Aquino filed a motion to appear virtually based on her health condition  
5 and on her fear of arrest due to her health issues.

6 49. On August 25, 2025, she had her second immigration hearing. As of this  
7 date, Ms. Aquino had prepared her case in immigration court; submitted extensive  
8 evidence including country conditions evidence, a declaration, photographs, and  
9 identity documents. She has no criminal history anywhere in the world.

10 50. Upon arriving at the Federal Building in downtown San Diego which  
11 houses the immigration courts, a group of community advocates warned her not to  
12 attend her hearing because masked ICE agents were arresting people as they left  
13 their hearings. (*See* Ft. 2, *supra*.) Nevertheless, and because Ms. Aquino  
14 understood her legal obligations to attend her immigration hearings as well as the  
15 consequences of failing to appear, -- an order of removal would be entered if she  
16 failed to appear at a court appearance-- she entered the San Diego Immigration  
17 Court for a routine hearing before Immigration Judge Catherine Halliday-Roberts.

18 51. At this hearing, where Ms. Aquino was unrepresented by counsel, DHS  
19 moved to dismiss her § 240 proceedings. While the judge did not immediately  
20 grant the motion, she did inform Ms. Aquino that she would likely be arrested  
21 upon exiting the courtroom.

22 52. Immediately upon exiting the courtroom, a group of Department of  
23 Homeland Security (“DHS”) agents, many of whom were masked, arrested Ms.  
24 Aquino before she could leave the courthouse. After being processed at the  
25 Federal Building (where Ms. Aquino’s son-in-law was allowed to deliver her  
26 urgent medications), Respondents took Ms. Aquino to the Otay Mesa Detention  
27

1 Center operated by Core Civic, a private corporation.

2 53. On September 5, 2025, Ms. Aquino appeared with her newly retained  
3 attorney at the Otay Mesa Immigration Court.<sup>7</sup> Counsel requested a brief  
4 continuance until September 19, 2025.

5 54. On September 19, 2025, Respondents withdrew their motion to dismiss Ms.  
6 Aquino’s § 240 proceedings at Otay Mesa Immigration Court. Respondents did  
7 not, however, move to release Ms. Aquino.

8 55. Ms. Aquino remains in DHS custody at Otay Mesa Detention Center.

9 **CLAIMS FOR RELIEF**

10 **FIRST CLAIM FOR RELIEF**

11 **Ms. Aquinos’ Detention is in Violation of the 5<sup>th</sup> Amendment’s**  
12 **Procedural Due Process Protections**

13 56. Ms. Aquino incorporates by reference the allegations of fact set forth in the  
14 preceding paragraphs.

15 57. The Due Process Clause of the Fifth Amendment to the U.S. Constitution  
16 prohibits the federal government from depriving any person of “life, liberty, or  
17 property, without due process of law.” U.S. Const. Amend. V. Due process protects all  
18 ‘persons’ within the United States, including [non-citizens], whether their presence  
19 here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693.

20 58. What due process protections apply depend on the situation and accounts for 1)  
21 the private interest at issue, 2) the risk of erroneous deprivation of that interest through  
22 the procedures used, and 3) the Government’s interest. *Mathews v. Eldridge*, *supra*,  
23 424 U.S. at 334-35.

24  
25 \_\_\_\_\_  
26 <sup>7</sup> The undersigned is counsel only for purposes of Petitioner’s habeas corpus  
27 petition.

1 59. Detention constitutes "a loss of liberty that is . . . irreparable." *Moreno Galvez v.*  
2 *Cuccinelli*, 492 F. Supp. 3d 1169,1181 (W.D. Wash. 2020) (*Moreno II*), *aff'd in part*,  
3 *vacated in part on other grounds, remanded sub nom. Moreno Galvez v. Jaddou*, 52  
4 F.4th, 821 (9th Cir. 2022). It "is well established that the deprivation of constitutional  
5 rights unquestionably constitutes irreparable injury." *Melendres v. Arpaio*, 695 F.3d  
6 990,1002 (9th Cir. 2012) (citation modified); *Warsoldier v. Woodford*, 418 F.3d  
7 989,1001-02 (9th Cir. 2005). *See also Hernandez v. Sessions*, 872 F.3d 976,994-95  
8 (9th Cir. 2017) ("Thus,it follows inexorably from our conclusion that the  
9 government's current policies [which fail to consider financial ability to pay  
10 immigration bonds] are likely unconstitutional-and thus that members of the plaintiff  
11 class will likely be deprived of their physical liberty unconstitutionally in the absence  
12 of the injunction-that Plaintiffs have also carried their burden as to irreparable harm.");  
13 *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. July  
14 28,2025),Order Granting Temporary Restraining Order,Dkt.14 at 9 ("[T]he Court finds  
15 that the potential for Petitioners' continued detention without an initial bond hearing  
16 would cause immediate and irreparable injury, as this violates statutory rights afforded  
17 under§ 1226(a).")

18 60.Ms. Aquino has a private interest in remaining free. She has almost two years of  
19 presence in the United States, family ties, work authorization, and was in the midst of  
20 extensive medical treatment for serious medical conditions. Ms. Aquino was detained  
21 amid her removal proceedings, without any opportunity to be heard prior to being  
22 arrested and detained.

23 ///

24 ///

25 ///

26 ///

**SECOND CLAIM FOR RELIEF**

**Ms. Aquino’s Detention Violates her Fifth Amendment Right to Substantive Due Process**

65. Ms. Aquino incorporates by reference each and every allegation in the paragraphs above as if fully set forth herein.

66. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits the federal government from depriving any person of “life, liberty, or property, without due process of law.” U.S. Const. Amend. V. Due process protects “all ‘persons’ within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas*, 533 U.S. at 690.

67. Due process requires that government action be rational and non-arbitrary. *See U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

68. As already stated, Ms. Aquino has a vital liberty interest in remaining free from DHS custody. *See Pinchi v. Noem*, No. 5:25-CV-05632-PCP, 2025 WL 2084921, at \*4 (N.D. Cal. July 24, 2025) (citing *Diaz v. Kaiser*, No. 3:25-CV-05071, 2025 WL 1676854 (N.D. Cal. June 14, 2025) (explaining that a non-citizen that ICE released from custody after initial apprehension “has a substantial private interest in remaining out of custody” which includes an interest in “...obtaining necessary medical care, [and] maintaining her relationships in the community...”).

69. Ms. Aquino, prior to her detention complied with all aspects of her parole. Further, she obtained a work authorization, developed community ties, and was undergoing extensive medical treatment for serious medical conditions.

1 70. Prior to granting parole, Respondents considered Ms. Aquino’s facts and  
2 circumstances and determined she was not a flight risk or a danger to the  
3 community. There have been no changes to the facts that justify a revocation of her  
4 parole.

5 **THIRD CLAIM FOR RELIEF**

6 **Petitioners’ Detention Violates the Administrative Procedure Act,**  
7 **5 U.S.C. § 706(2)**

8 71. Ms. Aquino incorporates by reference the allegations of fact set forth  
9 in the preceding paragraphs.

10 72. Under the Administrative Procedure Act, a court must “hold unlawful and  
11 set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or  
12 otherwise not in accordance with the law,” that is “contrary to constitutional right  
13 [or] power,” or that is “in excess of statutory jurisdiction, authority, or limitations,  
14 or short of statutory right.” 5 U.S.C. § 706(2)(A)-(C).

15 73. Ms. Aquino’s detention is arbitrary, capricious, an abuse of discretion,  
16 violative of the Constitution, and without statutory authority in violation of 5  
17 U.S.C. § 706(2).

18 **FOURTH CLAIM FOR RELIEF**

19 **Respondent’s Arrest of Ms. Aquino Violates Her Fourth Amendment to**  
20 **Be Free from Unreasonable Seizures**  
21 **(Unlawful Arrest)**

22 74. Ms. Aquino repeats and re-alleges the allegations contained in the preceding  
23 paragraphs of this Petition as if fully set forth herein.

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

26 76. As a corollary to that right, the Fourth Amendment prohibits government  
27 officials from conducting repeated arrests on the same grounds. In the immigration

1 context, this prohibition means that a person who immigration authorities released  
2 from initial custody cannot be re-arrested “solely on the ground that he is subject to  
3 removal proceedings” and without some new, intervening cause. *Saravia v.*  
4 *Sessions*, 280 F. Supp. 3d 1168, 1196 (N.D. Cal. 2017), *aff’d sub nom.*, *Saravia for*  
5 *A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018).

6 **PRAYER FOR RELIEF**

7 Ms. Aquino respectfully requests that this Court:

- 8 1. Assume jurisdiction over this matter;
- 9 2. Issue an Order to Show Cause ordering Respondents to show cause why  
10 this Petition should not be granted within three days.
- 11 3. Declare that Ms. Aquino’s detention without an individualized  
12 determination violates the Due Process Clause of the Fifth  
13 Amendment;
- 14 4. Issue a Writ of Habeas Corpus ordering Respondents to release  
15 Ms. Aquino from custody forthwith;
- 16 5. Issue an Order prohibiting the Respondents from transferring  
17 Ms. Aquino from this district without the Court’s approval;

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27

28

1 6. Award Ms. Aquino’s counsel reasonable attorney’s fees and costs  
2 under the Equal Access to Justice Act, and on any other basis justified  
3 under law;

4 7. Grant such further relief as the Court deems just, equitable, and  
5 Appropriate.

6 Date: Dec. 23, 2025

7 Respectfully Submitted,  
8 /s/Janice Deaton  
9 IMMIGRANT DEFENDERS  
10 LAW CENTER  
11 634 S. Spring Street, 10<sup>th</sup> Floor  
12 Los Angeles, CA 90014  
13 Telephone: 619-768-7134  
14 Facsimile: 213-282-3133  
15 Jdeaton@immdef.org

16 *Attorneys for Ms. Aquino*

1 Janice Deaton  
2 Jdeaton@immdef.org  
3 IMMIGRANT DEFENDERS LAW CENTER  
4 1620 5th Ave., Suite 825  
5 San Diego, CA 92101  
6 Telephone: (613) 768-7134

7  
8 *Pro Bono Attorneys for the Petitioner*

9 **UNITED STATES DISTRICT COURT**  
10 **SOUTHERN DISTRICT OF CALIFORNIA**

11 Natividad Aquino de la Cruz  
12 Petitioner,

13 vs.

14 CHRISTOPHER J. LAROSE, Senior  
15 Warden of Otay Mesa Detention Center,  
16 GREGORY J. ARCHAMBEAULT, Field  
17 Officer Director for the San Diego  
18 Immigration and Customs Enforcement  
19 Office; TODD LYONS, Acting Director of  
20 United States Immigration and Customs  
21 Enforcement; KRISTI NOEM, Secretary of  
22 the United States Department of Homeland  
23 Security, PAMELA BONDI, Attorney  
24 General of the United States, acting in their  
25 official capacities,  
26 Respondents.

Case No.: '25CV3770 LL MSB

**EXHIBITS in SUPPORT  
OF HABEAS PETITION**

24 Exhibits:

25 A. Notice to Appear, dated December 27, 2023

26 B. Form I-213, Record of Deportable/Inadmissible Alien, dated 6/25/2025  
27  
28

1 C. I-94 issued to Petitioner by Respondents

2 D. Copy of Petitioner's Passport

3 E. I-797 Approval Notice for I-765, valid from June 25, 2025 - June 24, 2030

4 F. Interim Guidance Regarding Detention Authority for Applicants for  
5 Admission, July 8, 2025

6 G. Medical Letters of Referrals to Specialists (ENGLISH)

7 H. Medical Letters of Referrals to Specialists (SPANISH)

8 I. Medical Letters of Missed Appointments on August 25, 2025

9 J. List of Petitioner's Current Medications

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# Exhibit A

DEPARTMENT OF HOMELAND SECURITY  
NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act: Event No: [REDACTED]  
Subject ID : [REDACTED] FIN #: [REDACTED]  
SIGMA Event: [REDACTED] DOB: [REDACTED] File No: [REDACTED]  
In the Matter of: [REDACTED] NATIVIDAD

Respondent: [REDACTED], Natividad currently residing at:  
[REDACTED] CALIFORNIA 94928, UNITED STATES OF AMERICA [REDACTED]  
(Number, street, city, state and ZIP code) (Area code and phone number)

You are an arriving alien.  
 You are an alien present in the United States who has not been admitted or paroled.  
 You have been admitted to the United States, but are removable for the reasons stated below.


The Department of Homeland Security alleges that you:  
1. You are not a citizen or national of the United States;  
2. You are a native of Dominican Republic and a citizen of Dominican Republic;  
3. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act.  
4. On February 13, 2024, you applied for admission into the United States at the Hidalgo, Texas Port of Entry.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:  
See Continuation Page Made a Part Hereof

This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.  
 Section 235(b)(1) order was vacated pursuant to:  8CFR 208.30  8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:  
100 MONTGOMERY ST STE 800,  
SAN FRANCISCO, CA, US 94104  
*(Complete Address of Immigration Court, including Room Number, if any)*

on April 30, 2025 at 01:30 PM to show why you should not be removed from the United States based on the  
(Date) (Time) CANALES, Javier

charge(s) set forth above. CBP OFFICER   
(Signature and Title of Issuing Officer) Digitally Acquired Signature

Date: February 13, 2024 BIDALGO, TEXAS  
(City and State)

EOIP - 1 of 4

Uploaded on: 02/12/2024 at 01:51:22 PM (Pacific Standard Time) Case City: SER

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form 1-589, Application for Asylum and for Withholding of Removal. The Form 1-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form 1-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at http://www.ice.gov/contact/ero, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

(Signature of Respondent)

Date:

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on February 13, 2024, in the following manner and in compliance with section 239(a)(1) of the Act.

- [x] in person [ ] by certified mail, returned receipt # \_\_\_\_\_ requested [ ] by regular mail
[ ] Attached is a credible fear worksheet.
[x] Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the SPANISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

[Redacted Signature]

(Signature of Respondent if Personally Served)

CANALES, Javier
CBP OFFICER

(Signature and Title of officer)

[Handwritten initials]

EOIR - 3 of 4

**Authority:**

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

**Purpose:**

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

**Routine Uses:**

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

**Disclosure:**

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

U.S. Department of Homeland Security

Continuation Page for Form I-862

Alien's Name [REDACTED] NATIVIDAD	File Number A-[REDACTED] SIGMA Event: [REDACTED] Event No: [REDACTED]	Date February 13, 2024
--------------------------------------	---	---------------------------

ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:

212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

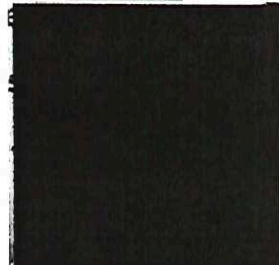
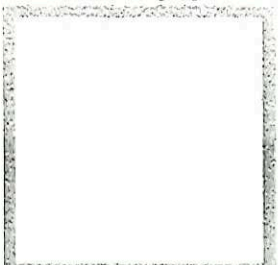
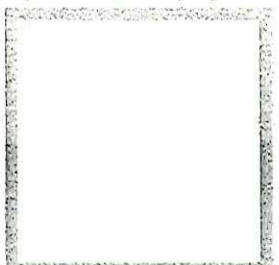
Signature CANALES, Javier	Title CBP OFFICER
------------------------------	----------------------

Digitally Acquired Signature

4 of 4 Pages

# Exhibit B

U.S. Department of Homeland Security Subject ID : 391804217 Record of Deportable/Inadmissible Alien

Family Name (CAPS) <b>[REDACTED] NATIVIDAD</b>		First	Middle	Sex <b>F</b>	Hair <b>[REDACTED]</b>	Eyes <b>[REDACTED]</b>	Complexion <b>[REDACTED]</b>
Country of Citizenship <b>DOMINICAN REPUBLIC</b>	Passport Number and Country of Issue <b>[REDACTED]</b>	Ed. Number <b>[REDACTED]</b>		Height <b>[REDACTED]</b>	Weight <b>[REDACTED]</b>	Occupation <b>[REDACTED]</b>	
U.S. Address <b>[REDACTED] CALIFORNIA, 94928</b>				Scars and Marks <b>[REDACTED]</b>			
Date, Place, Time, and Manner of Last Entry <b>02/13/2024 09:27, HID, PEDESTRIAN</b>			Passenger Boarded at <b>See Narrative</b>	F.B.I. Number <b>[REDACTED]</b>			
Number, Street, City, Province (State) and Country of Permanent Residence <b>[REDACTED]</b>				<input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Married <input type="checkbox"/> Widower <input type="checkbox"/> Separated			
Date of Birth <b>[REDACTED]</b>	Age: <b>55</b>	Date of Action <b>02/13/2024</b>	Location Code <b>HID/C23</b>	Method of Location/Apprehension <b>ISP NA</b>			
City, Province (State) and Country of Birth <b>SANCHEZ, DOMINICAN REPUBLIC</b>		AR <input checked="" type="checkbox"/>	Form : (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>	At/Near <b>HID</b>	Date/Time <b>02/13/2024 09:10</b>		
NIV Issuing Post and NIV Number		Social Security Account Name		By <b>23523777</b>			
Date Visa Issued		Social Security Number		Status at Entry		Status When Found	
Immigration Record <b>NEGATIVE</b>				Criminal Record <b>None Known</b>			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)				Number and Nationality of Minor Children <b>None</b>			
Father's Name, Nationality, and Address, if Known <b>[REDACTED] NATIONALITY: DOMINICAN REPUBLIC</b>			Mother's Present and Maiden Names, Nationality, and Address, if Known <b>[REDACTED] NATIONALITY: DOMINICAN REPUBLIC</b>				
Monies Due/Property in U.S. Not in Immediate Possession <b>None Claimed</b>		Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Systems Checks <b>See Narrative</b>	Charge Code Word(s) <b>See Narrative</b>			
Name and Address of (Last/Current) U.S. Employer		Type of Employment	Salary	Employed from/to			
				Hr			
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)							
FIN: <b>[REDACTED]</b>		Left Index fingerprint			Right Index fingerprint		
							
Subject Health Status -----							
Current Criminal Charges -----							
02/13/2024 - 8 USC 1182 - ALIEN INADMISSIBILITY UNDER SECTION 212							
Current Administrative Charges -----							
... (CONTINUED ON I-831)							
Alien has been advised of communication privileges _____ (Date/Initials)			JAVIER CANALES CBP Officer (Signature and Title of Immigration Officer)				
Distribution:				Received: (Subject and Documents) (Report of Interview)			
				Officer: <b>JAVIER CANALES</b>			
				on: <b>February 13, 2024</b> (time)			
				Disposition: _____			
				Examinee Officer: <b>MIRTHA AIELLO</b>			

EOIR - 3 of 6

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name [REDACTED] NATIVIDAD	File Number [REDACTED]	Date 02/13/2024
--------------------------------------	---------------------------	--------------------

02/13/2024 - 212a7AiI - IMMIGRANT WITHOUT AN IMMIGRANT VISA

Previous Criminal History

Subject has no criminal history

BOARDED AT

HIDALGO

Records Checked

TECS Neg  
NCIC Neg  
CIS Neg  
IAFIS Neg

SECTION CODES

904

null:

On February 13, 2024, subject arrived at the Hidalgo Port of Entry without documents sufficient for lawful entry into the United States. The subject was referred to secondary after verifying they were not in possession of valid documents to enter or reside in the United States.

Immigration Violation(s): None.

Criminal History/IDENT/IAFIS: Negative.

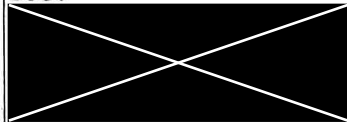
Consular Notification: Subject was afforded the opportunity to make a consular notification but declined.

Health: Subject appeared to be in good health and did not identify any medical concerns during the interview.

Subject arrived with a scheduled CBP One appointment.

Disposition: Subject was processed for an NTA and paroled into the U.S. pending a 240 hearing.

POC:



Other Identifying Numbers

Signature JAVIER CANALES	Title CBP Officer
-----------------------------	----------------------

EOIR - 4 of 6

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name [REDACTED] <b>NATIVIDAD</b>	File Number [REDACTED]	Date <b>02/13/2024</b>
---	---------------------------	---------------------------

ALIEN-[REDACTED]  
CBP One Confirmation Number-[REDACTED]

Signature <b>JAVIER CANALES</b>	Title <b>CBP Officer</b>
------------------------------------	-----------------------------

EOIR - 5 of 6

# Exhibit C

2/14/24, 7:52 PM

I94 - Official Website

For: NATIVIDAD [REDACTED]



### Most Recent I-94

Admission (I-94) Record Number : [REDACTED]

Most Recent Date of Entry: 2024 February 13

Class of Admission : DT

Admit Until Date : 02/11/2025

Details provided on the I-94 Information form:

Last/Surname : [REDACTED]

First (Given) Name : NATIVIDAD

Birth Date : [REDACTED]

Document Number : [REDACTED]

Country of Citizenship : Dominican Republic

[Get Travel History](#)

▶ Effective April 26, 2013, DHS began automating the admission process. An alien lawfully admitted or paroled into the U.S. is no longer required to be in possession of a preprinted Form I-94. A record of admission printed from the CBP website constitutes a lawful record of admission. See 8 CFR § 1.4(d).

▶ If an employer, local, state or federal agency requests admission information, present your admission (I-94) number along with any additional required documents requested by that employer or agency.

▶ Note: For security reasons, we recommend that you close your browser after you have finished retrieving your I-94 number.

OMB No. 1651-0111  
Expiration Date: 03/29/2024

[For inquiries or questions regarding your I-94, please click here](#)

[Accessibility](#) | [Privacy Policy](#)

PDF - 1 of 3

Privacy - Terms

# Exhibit D



# Exhibit E

**I-797 | NOTICE OF ACTION** | DEPARTMENT OF HOMELAND SECURITY  
U.S. CITIZENSHIP AND IMMIGRATION SERVICES



Receipt Number [REDACTED]	USCIS Account Number [REDACTED]	Case Type I765 - APPLICATION FOR EMPLOYMENT AUTHORIZATION
Received Date 06/01/2025	Priority Date 06/01/2025	Applicant A [REDACTED] NATIVIDAD
Notice Date 06/26/2025	Page 1 of 1	

[REDACTED] NATIVIDAD [REDACTED]	<p><b>Notice Type:</b> Approval Notice  <b>Class:</b> C08  <b>Valid from</b> 06/25/2025 to 06/24/2030</p>
------------------------------------	---

We have approved your application for employment authorization. We will send your Employment Authorization Document (EAD) (also known as an EAD card or Form I-766) to you separately. Your EAD card should be produced within one to two weeks. Your EAD card will be mailed via U.S. Postal Service (USPS) Priority Mail with Delivery Confirmation to the address you designated. The time frame in which you will receive your EAD card may vary, depending on USPS delivery times. Please allow a total of 30 days from approval before inquiring with USCIS. We encourage you to use Case Status Online <https://egov.uscis.gov/> to find your USPS tracking number for EAD card delivery. If you have not received your EAD card within this time frame, please visit <https://egov.uscis.gov/e-request/Intro.do> for instructions on how to submit an inquiry.

Your EAD card is proof that you are allowed to work in the United States. Show the card to your employer to verify your authorization to work during the dates on the card. You cannot use this approval notice as proof of your employment authorization.

When you receive your EAD card, please check that all the information on the card is correct. If you need to change any information on the card, please mail all of the following to the office listed below:

- A letter explaining what information needs to be corrected,
- Your EAD card,
- A photocopy of this notice, and
- Evidence to show what the correct information should be. For example, if you need to correct your name, submit a copy of your birth certificate or official name change.

**If You Have a Pending Form I-485**

If you have a pending or approved Form I-140 and a pending Form I-485, you may request to change employers if your Form I-485 has been pending for at least 180 days. In order to do so, you need to submit documentation about your new job offer. For more information on how to request a change of employers and what information you must submit, please visit the USCIS website at [www.uscis.gov](http://www.uscis.gov).

If your EAD card expires before we make a final decision on your Form I-485, you may apply for a new EAD card.

**THIS FORM IS NOT A VISA AND MAY NOT BE USED IN PLACE OF A VISA OR EVIDENCE OF EMPLOYMENT AUTHORIZATION.**

**NOTICE:** Although this application or petition has been approved, USCIS and the U.S. Department of Homeland Security reserve the right to verify this information before and/or after making a decision on your case so we can ensure that you have complied with applicable laws, rules, regulations, and other legal authorities. We may review public information and records, contact others by mail, the internet or phone, conduct site inspections of businesses and residences, or use other methods of verification. We will use the information obtained to determine whether you are eligible for the benefit you seek. If we find any derogatory information, we will follow the law in determining whether to provide you (and the legal representative listed on your Form G-28, if you submitted one) an opportunity to address that information before we make a formal decision on your case or start proceedings.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/file-online>.

USCIS TSC  
U.S. CITIZENSHIP & IMMIGRATION SVC  
6046 N Belt Line Rd. STE 114  
Irving TX 75038-0015

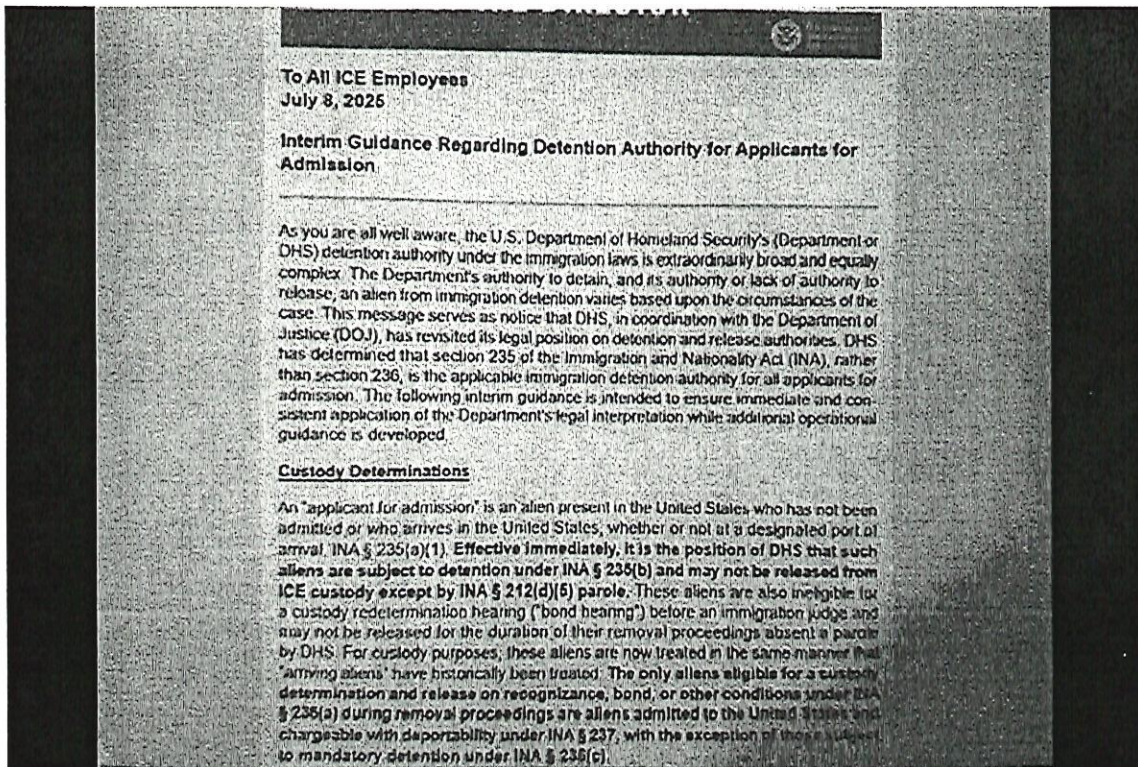


USCIS Contact Center: [www.uscis.gov/contactcenter](http://www.uscis.gov/contactcenter)

# Exhibit F

EXHIBIT \_\_\_\_\_

On July 8, 2025, ICE issued interim guidance regarding detention authority for applicants for admission and for people admitted under parole.



Moving forward, ICE will not issue Form I-286, *Notice of Custody Determination*, to applicants for admission because Form I-286 applies by its terms only to custody determinations under INA § 236 and part 236 of Title 8 of the Code of Federal Regulations. With a limited exception for certain habeas petitioners, on which the Office of the Principal Legal Advisor (OPLA) will individually advise, if Enforcement and Removal Operations (ERO) previously conducted a custody determination for an applicant for admission still detained in ICE custody, ERO will affirmatively cancel the Form I-286.

Because the position that detention is pursuant to INA § 235(b) is likely to be litigated, however, OPLA will need to make alternative arguments in support of continued detention before the Executive Office for Immigration Review. Accordingly, ERO and Homeland Security Investigations (HSI) should continue to develop and obtain evidence, including conviction records, to support OPLA's arguments of dangerousness and flight risk in those bond proceedings.

#### **Re-detention**

This interpretation does not impose an affirmative requirement on ICE to immediately identify and arrest all aliens who may be subject to INA § 235 detention. Rather, the custody provisions at INA § 235(b)(1)(B)(i), (a)(IV), and (b)(2)(A) are best understood as prohibitions on release once an alien enters ICE custody upon initial arrest or re-detention.

This change in legal interpretation may, however, warrant re-detention of a previously released alien in a given case. Until additional guidance is issued, ERO and HSI should consult with OPLA prior to rearresting an alien on this basis.

#### **Parole Requests by Previously Released Aliens**

It is expected that ICE will see an increase in applicants for admission previously released under INA § 236(a) requesting documentation of parole pursuant to INA § 212(d)(5) in order to establish eligibility for certain immigration benefits, including employment authorization and adjustment of status. DHS does not take the position that prior releases of applicants for admission pursuant to INA § 236(a) were releases on parole under INA § 212(d)(5) based on this change in legal position. Accordingly, ERO and HSI are not required to correct the release paperwork to listing INA § 212(d)(5) parole paperwork.


**DECLARATION OF NATIVIDAD AQUINO DE LA CRUZ  
IN SUPPORT OF APPLICATION FOR HABEAS CORPUS AND/OR TRO**

1. I, **NATIVIDAD AQUINO DE LA CRUZ**, am a native and citizen of the Dominican Republic. I applied for entry into the United States for the first and only time on February 13, 2024, with an appointment with the CBP One application. I have not left the United States since that time. I am filing this declaration in support of my petition for a temporary restraining order, for my release from immigration custody.

**Overview**

2. On February 13, 2024, I arrived in the United States at the Hidalgo, Texas, Port of Entry with a scheduled *CBP One* appointment, with CBP One confirmation number 12175491. Exh. B, p. 4 (I-213, Record of Deportable Alien.) I was admitted into the United States and I asked if my court could be in San Francisco, California. At the time, I had relatives who were living in the San Francisco area. I was provided a notice to appear in court fifteen months later in San Francisco, California on April, 30, 2025. Exh. A. (I-862, Notice to Appear.) I lived in San Diego with family members for fifteen months with no contact with ICE, DHS, or Immigration Court. I was arrested at my second court hearing in immigration court as I left the courtroom.

**Facts**

3. On February 13, 2024, I arrived in the United States at the Hidalgo, Texas, Port of Entry with a scheduled *CBP One* appointment, with CBP One confirmation number  Exh. B, p. 4 (I-213, Record of Deportable Alien.) I was admitted into the United States under humanitarian parole. I was not given any instructions other than to appear in immigration court in San Francisco California on April 30, 2025.
4. On December 27, 2024, I filed my Application for Asylum and Withholding of Removal, (Form I-589).
5. On April 30, 2025, I had my first hearing in immigration court in San Francisco and asked to move my case to San Diego. My relatives who had been living in the San Francisco Bay Area moved to San Diego between the time I was admitted into the United States and my first court appearance fifteen months later. The court granted my request to move jurisdiction of my case to San Diego. Exh C. (Order of the Immigration Judge)
6. I had been living in San Diego at the same address with my son-in-law and daughter for over one year as of the date my arrest.
7. The following day, on May 1, 2025, EOIR/San Diego Immigration Court issued a notice to appear for an in-person hearing on August 25, 2025. Exh. E (Notice To Appear For An In-Person Hearing.)
8. I received work authorization on June 25, 2025. My work authorization is valid through June 24, 2030. Exh. D ( I-797 Notice of Action).

**Health Issues**

9. I have coronary disease and diabetes.

10. My medical clinic is called La Maestra Health Community Center. I have been under their care since June, 2025. Exh. F (Letters from La Maestra Health Center.)
11. Prior to my arrest and detention, I was being treated for uncontrolled hypertension and uncontrolled diabetes, and I was receiving injections of Ozempic for diabetes.
12. I was taking the following medications on a daily basis: atorvastatin (40 MG tablet); eliquis (5 MG tabs); metFORMIN (1000 mg tablet); metoprolol succinate (25 MG XL tablet); (30 mgtablet); and telmisrtan-hydrochlorothiazide (80-25 MG tablet).
13. In addition to the La Maestra Health Clinic, I was also being treated by UCSD's Cardiology Unit because of my heart disease. Exh. G (Summary of Visit UCSD Medical Center).
14. I was regularly attending my doctors' appointments and was also working to control my diet by increasing my protein and avoiding sugar.
15. I had follow-up appointments with various doctors on or after August 25, 2025. Exh. J (Follow-up Letters from La Maestra Health Clinic.)

**Court, Arrest and Detention**

16. On August 25, 2025, I had an immigration hearing in downtown San Diego.
17. Prior to going to court, I filed a motion to appear via video, based on my health condition and need for good medical care. I was hearing reports of people being arrested when they went to court, which scared me. The judge denied my motion. Exh. H (Motion to Appear by Video)
18. When I appeared at the Federal Building for the hearing on August 25, 2025, with my son-in-law, a group of people warned me not to go in, but I knew I had no choice. I knew I would lose my asylum case if I did not go to court.
19. At this hearing the DHS attorney moved to dismiss my case proceedings (§ 240 proceedings), and the immigration judge explained to me that I would probably be arrested in the hallway. I was terrified and thought I was going to collapse right there in court.
20. I turned and grabbed my son-in-law's arm, and he escorted me out of the courtroom where I was surrounded by a group of men from ICE. Some of their jackets said "ERO" and some wore masks. They took me by the arms and said I was going to jail. I asked about my medicine.
21. My son-in-law begged them to let him drive home to get my medications, and they agreed. They told him to bring them back to their office on the second floor.
22. After my son-in-law brought my medications to ICE, they transported me to Otay Mesa Detention Center.
23. I hired an attorney after I was arrested.
24. I had court on September 5, 2025, and again on September 19, 2025. At the September 19, 2025, hearing, DHS withdrew their motion dismissing my case. Exh I (Motion to Withdraw.)
25. I never received written notification that my parole was being revoked prior to August 25, 2025. I was not required to check in with ICE, nor did I have "check-in's" at the

Intensive Supervision Appearance Program (ISAP). In fact, the August 25, 2025, court hearing where I was arrested was only my second interaction with DHS since they admitted me into the United States on February 13, 2024.

26. Additionally, since my detention, I have not received any written communication regarding the reasons my parole was revoked, any written communication indicating an individualized determination was made, nor have I been provided with an opportunity to refute any purported reasons for revoking my parole.

**Otay Mesa Detention Center Medical Care**

27. One important medication I take is NIFEdopine. (30 MG/day). This medication treats my hypertension, (high blood pressure), stroke, and other coronary symptoms. Otay Mesa Detention Center (OMDC) has never provided this important medication to me.

28. I see a nurse daily to measure my blood sugar and it was recently 259 mg/dL. This is extremely high and dangerous. I have only received one insulin injection since my arrest and detention.

29. There is no special diet for diabetics here, or if there is, I am not aware of it. I do notice they do not give me sweets but that is the main difference between my meals and everyone else's.

30. This Fall I fell leaving the bathroom and hurt my hip. I submitted a request to see a doctor and to get tests done but I only have been provided with acetaminophen by a nurse and have not had any x-rays or other tests.

31. I have been experiencing severe symptoms associated with diabetes, including numbness from her waist down, swollen feet and legs, and poor vision. My edema is worse than it has ever been.

32. My continued detention is causing increased health problems, due to limited access to health professionals, an improper diet and a failure to provide all my medications. I did not want my daughter to see me like this, so I refused one of her recent video visits.

33. I have been distressed at my deteriorating health but even more distressed because I miss my children. I was living with my daughter and son-in-law prior to my arrest, helping in their house. I also miss working with my health professionals who supported me and cared about me.

The above is correct to the best of my knowledge.

Signed,

/s/[signed Spanish version]  
Natividad Aquino de la Cruz

Date: December 23, 2025

I, **Janice Deaton**, attest to my ability to translate from Spanish into English, and I certify that, to the best of my Spanish and English language competency, this is a correct translation of the Spanish declaration signed by Ms. Aquino.

Date: 12/24/2025

Signed: Janice Deaton

**DECLARACIÓN DE NATIVIDAD AQUINO DE LA CRUZ  
EN APOYO DE HABEAS CORPUS**

1. Yo, **NATIVIDAD AQUINO DE LA CRUZ**, soy nativa y ciudadana de la República Dominicana. Solicité ingreso a los Estados Unidos por primera y única vez el 13 de febrero de 2024, con una cita a través de la aplicación CBP One. No he salido de los Estados Unidos desde esa fecha. Presento esta declaración en apoyo de mi petición de una orden de restricción temporal, para mi liberación de la custodia migratoria.

**Resumen**

2. El 13 de febrero de 2024, llegué a los Estados Unidos por el Puerto de Entrada de Hidalgo, Texas, con una cita programada a través de CBP One, con número de confirmación 12175491. Exh. B, p. 4 (I-213, Registro de Extranjero Deportable). Fui admitida a los Estados Unidos y solicité que mi corte fuera en San Francisco, California. En ese momento, tenía familiares que vivían en el área de San Francisco. Se me entregó un Aviso de Comparecencia ante la corte con fecha quince meses después, en San Francisco, California, el 30 de abril de 2025. Exh. A (I-862, Aviso de Comparecencia). Viví en San Diego con familiares durante quince meses sin ningún contacto con ICE, DHS o la Corte de Inmigración. Fui arrestada en mi segunda audiencia ante la corte de inmigración al salir de la sala del tribunal.

**Hechos**

3. El 13 de febrero de 2024, llegué a los Estados Unidos por el Puerto de Entrada de Hidalgo, Texas, con una cita programada a través de CBP One, con número de confirmación 12175491. Exh. B, p. 4 (I-213, Registro de Extranjero Deportable). Fui admitida a los Estados Unidos bajo libertad condicional humanitaria (humanitarian parole). No se me dieron instrucciones adicionales, salvo presentarme ante la corte de inmigración en San Francisco, California, el 30 de abril de 2025.
4. El 27 de diciembre de 2024, presenté mi Solicitud de Asilo y Retención de Remoción (Formulario I-589).
5. El 30 de abril de 2025, tuve mi primera audiencia en la corte de inmigración en San Francisco y solicité trasladar mi caso a San Diego. Mis familiares que vivían en el Área de la Bahía de San Francisco se mudaron a San Diego entre el momento en que fui admitida a los Estados Unidos y mi primera comparecencia ante la corte quince meses después. La corte concedió mi solicitud de cambio de jurisdicción a San Diego. Exh. C (Orden del Juez de Inmigración).
6. Había estado viviendo en San Diego, en la misma dirección, con mi yerno y mi hija, por más de un año a la fecha de mi arresto.

7. Al día siguiente, el 1 de mayo de 2025, la Corte de Inmigración de San Diego (EOIR) emitió un aviso de comparecencia para una audiencia presencial el 25 de agosto de 2025. Exh. E (Aviso de Comparecencia para Audiencia Presencial).
8. Recibí autorización de empleo el 25 de junio de 2025. Mi autorización de empleo es válida hasta el 24 de junio de 2030. Exh. D (I-797, Notificación de Acción).

### **Problemas de Salud**

9. Padezco enfermedad coronaria y diabetes.
10. Mi clínica médica se llama La Maestra Health Community Center. He estado bajo su cuidado desde junio de 2025. Exh. F (Cartas del Centro de Salud La Maestra).
11. Antes de mi arresto y detención, estaba siendo tratada por hipertensión no controlada y diabetes no controlada, y recibía inyecciones de Ozempic para la diabetes.
12. Tomaba diariamente los siguientes medicamentos: atorvastatina (tableta de 40 mg); Eliquis (tabletas de 5 mg); metformina (tableta de 1000 mg); metoprolol succinato (tableta de liberación prolongada de 25 mg); y telmisartán-hidroclorotiazida (tableta de 80-25 mg).
13. Además de la Clínica de Salud La Maestra, también estaba siendo atendida por la Unidad de Cardiología de UCSD debido a mi enfermedad cardíaca. Exh. G (Resumen de Visita del Centro Médico de UCSD).
14. Asistía regularmente a mis citas médicas y también trabajaba para controlar mi dieta, aumentando el consumo de proteínas y evitando el azúcar.
15. Tenía citas de seguimiento con varios médicos en o después del 25 de agosto de 2025. Exh. J (Cartas de Seguimiento de la Clínica de Salud La Maestra).

### **Corte, Arresto y Detención**

16. El 25 de agosto de 2025, tuve una audiencia de inmigración en el centro de San Diego.
17. Antes de ir a la corte, presenté una moción para comparecer por video, basada en mi condición de salud y mi necesidad de recibir buena atención médica. Había escuchado reportes de personas que estaban siendo arrestadas al acudir a la corte, lo cual me asustó. El juez negó mi moción. Exh. H (Moción para Comparecer por Video).
18. Cuando me presenté en el Edificio Federal para la audiencia del 25 de agosto de 2025, acompañada de mi yerno, un grupo de personas me advirtió que no entrara, pero sabía que no tenía otra opción. Sabía que perdería mi caso de asilo si no asistía a la corte.
19. En esta audiencia, el abogado del DHS presentó una moción para desestimar mis procedimientos (§ 240), y el juez de inmigración me explicó que probablemente sería arrestada en el pasillo. Estaba aterrorizada y pensé que iba a colapsar allí mismo en la corte.
20. Me di la vuelta y agarré el brazo de mi yerno, y él me escoltó fuera de la sala del tribunal, donde fui rodeada por un grupo de hombres de ICE. Algunas de sus chaquetas decían

- “ERO” y algunos llevaban mascarillas. Me tomaron de los brazos y dijeron que iba a ir a la cárcel. Pregunté por mis medicamentos.
21. Mi yerno les suplicó que le permitieran ir a casa a recoger mis medicamentos, y ellos accedieron. Le dijeron que los llevara a su oficina en el segundo piso.
  22. Después de que mi yerno llevó mis medicamentos a ICE, me trasladaron al Centro de Detención de Otay Mesa.
  23. Contraté a un abogado después de mi arresto.
  24. Tuve audiencia el 5 de septiembre de 2025 y nuevamente el 19 de septiembre de 2025. En la audiencia del 19 de septiembre de 2025, el DHS retiró su moción para desestimar mi caso. Exh. I (Moción para Retirar).
  25. Nunca recibí notificación escrita de que mi libertad condicional (parole) estuviera siendo revocada antes del 25 de agosto de 2025. No se me exigió presentarme ante ICE, ni tuve “chequeos” bajo el Programa de Supervisión Intensiva de Comparecencia (ISAP). De hecho, la audiencia del 25 de agosto de 2025, en la cual fui arrestada, fue apenas mi segunda interacción con el DHS desde que fui admitida a los Estados Unidos el 13 de febrero de 2024.
  26. Además, desde mi detención, no he recibido ninguna comunicación escrita sobre las razones por las cuales se revocó mi parole, ninguna comunicación escrita que indique que se hizo una determinación individualizada, ni se me ha brindado la oportunidad de refutar las supuestas razones para la revocación de mi parole.

#### **Atención Médica en el Centro de Detención de Otay Mesa**

27. Un medicamento importante que tomo es **nifedipina** (30 mg/día). Este medicamento trata mi hipertensión (presión arterial alta), previene derrames cerebrales y otros síntomas coronarios. El Centro de Detención de Otay Mesa (OMDC) nunca me ha proporcionado este medicamento esencial.
28. Veo a una enfermera diariamente para medir mi nivel de azúcar en la sangre, y recientemente fue de 259 mg/dL. Esto es extremadamente alto y peligroso. Me dieron una inyección de insulina desde mi arresto y detención.
29. No existe una dieta especial para personas diabéticas aquí, o si existe, no tengo conocimiento de ella. Noto que no me dan dulces, pero esa es la principal diferencia entre mis comidas y las de los demás.
30. Este otoño me caí al salir del baño y me lastimé la cadera. Presenté una solicitud para ver a un médico y para que me realizaran estudios, pero solo me han proporcionado acetaminofén por parte de una enfermera, y no me han hecho radiografías ni otros exámenes.
31. He estado experimentando síntomas severos asociados con la diabetes, incluyendo entumecimiento desde la cintura hacia abajo, pies y piernas hinchados y mala visión. Mi edema es peor de lo que jamás había sido.

32. Mi detención continua está causando un empeoramiento de mis problemas de salud, debido al acceso limitado a profesionales médicos, una dieta inadecuada y la falta de suministro de todos mis medicamentos. No quise que mi hija me viera en estas condiciones, por lo que rechacé una de sus recientes visitas por video.
33. He estado angustiada por el deterioro de mi salud, pero aún más angustiada porque extraño a mis hijos. Antes de mi arresto, vivía con mi hija y mi yerno, ayudando en su casa. También extraño trabajar con mis profesionales de la salud que me apoyaban y se preocupaban por mí.
- Lo anterior es correcto según mi leal saber y entender.

Firmado,

*Natividad Aquino de la Cruz*

12/23/2025

Fecha \_\_\_\_\_

\_\_\_\_\_  
Natividad Aquino de la Cruz