



PETITION FOR WRIT OF HABEAS CORPUS

(28 U.S.C. § 2241 — NEXT FRIEND — EXPEDITED)

'25CV3820 AGS MSB

UNITED STATES DISTRICT COURT

FIDEL FLOREZ PEREZ, by Next friend Jesus Rios Tello
Petitioner,

v.
Pamela Bond; U.S. Attorney General
Christopher La Rose warden
Respondent. Kristi Noem Secretary of Homeland Security - et al

PETITION FOR WRIT OF HABEAS CORPUS

(28 U.S.C. § 2241 — NEXT FRIEND)

COMES NOW JESUS RIOS TELLO, as Next Friend of Petitioner, and petitions for a Writ of Habeas Corpus, stating:

I. JURISDICTION

This Court has jurisdiction under **28 U.S.C. § 2241**, as Petitioner is in federal custody within this District.

II. CUSTODY

Petitioner is detained at:
OTAY MESA DETENTION CENTER

Respondent is Petitioner's immediate custodian.

III. FACTS

III. FACTS

1. Petitioner voluntarily appeared at a courthouse to participate in proceedings related to immigration relief.
 2. **Immediately upon exiting the courthouse**, Petitioner was detained by ICE agents.
 3. Petitioner was not evading authorities and was actively complying with judicial process.
 4. The arrest occurred at or immediately outside a courthouse — a location afforded heightened protection to ensure unimpeded access to the courts.
 5. Petitioner is now detained without prompt judicial review, individualized findings, or meaningful procedural safeguards.
 6. In addition to constitutional concerns, Petitioner's arrest violated the long-standing **common law privilege against civil arrest for individuals attending or departing court proceedings**.
-

IV. GROUNDS FOR RELIEF

A. Fifth Amendment Due Process Violation

Civil immigration detention must be reasonably related to a legitimate governmental purpose and accompanied by procedural safeguards. Continued detention here violates due process. (*Zadvydas v. Davis*, 533 U.S. 678 (2001)).

B. Unlawful Courthouse Arrest Chilling Access to the Courts

Petitioner's arrest immediately following a courthouse appearance undermines fundamental fairness and chills access to judicial proceedings.

Federal courts have recently recognized that ICE courthouse arrests cause **irreparable harm**, obstruct the administration of justice, and are **arbitrary and capricious** (N.D. Cal., December 2024). While that ruling applies directly to Northern California, the constitutional reasoning applies nationwide under the Fifth Amendment.

In addition to Fifth Amendment protections, Petitioner asserts the long-standing **common law privilege against civil arrest for those attending or departing court proceedings**. *Lamb v. Schmitt*, 285 U.S. 222, 225–26 (1932).

C. Habeas Relief Is Proper

Habeas corpus is the appropriate remedy where custody itself is unlawful. Petitioner challenges the **fact of detention**, not the conditions of confinement.

V. NO REQUEST FOR BOND

Petitioner **does not seek a bond hearing.**

Bond presumes lawful detention. Petitioner asserts that detention itself is unconstitutional and seeks **immediate release**, not conditional liberty.

VI. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that this Court:

1. Grant the Writ of Habeas Corpus;
2. Order Petitioner's **immediate release from ICE custody**;
3. Declare the detention unlawful under the Fifth Amendment;
4. Grant any further relief necessary to remedy the constitutional violation.

This Petition does **not waive or adjudicate** any civil remedies, including potential actions under **42 U.S.C. § 1983 or Bivens**, which are expressly reserved.

VII. VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 12/30/25 at San Diego



JESUS RIOS TELLO
Next Friend of Petitioner



DECLARATION OF NEXT FRIEND

I, JESUS RIOS TELLO, declare under penalty of perjury:

'25CV3820 AGS MSB

1. I am the nephew of [Uncle's Full Legal Name].
2. I have a significant familial relationship with Petitioner.
3. Petitioner is detained and lacks meaningful ability to access the Court.
4. I am acting solely to protect his liberty and constitutional rights.

Executed on 12/30/25 at San Diego

JESUS RIOS TELLO