



EMERGENCY MOTION FOR IMMEDIATE RELEASE

(Pending Resolution of Habeas Petition)

'25CV3820 AGS MSB

UNITED STATES DISTRICT COURT

FIDEL FLORES 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*

EMERGENCY MOTION FOR IMMEDIATE RELEASE

Petitioner, by and through his Next Friend, respectfully moves this Court for **immediate release from ICE custody pending adjudication of his habeas petition**, and states:

1. Petitioner is detained following an **arrest at or immediately outside a courthouse** after voluntarily appearing to pursue legal relief.
2. Continued detention constitutes an **ongoing deprivation of liberty** in violation of the Fifth Amendment.
3. Federal courts have recognized that ICE courthouse arrests cause **irreparable harm**, obstruct access to justice, and are arbitrary and capricious (N.D. Cal., December 2024).
4. The arrest also contravenes the **long-standing common law privilege against civil arrest** for those attending court proceedings (*Lamb v. Schmitt*, 285 U.S. 222 (1932)).
5. Each additional day of detention compounds the constitutional injury.
6. Petitioner **does not seek bond** and asserts detention itself is unlawful.

WHEREFORE, Petitioner respectfully requests that the Court:

- Order **immediate release from ICE custody**, or
- Grant such interim relief as necessary to prevent irreparable constitutional harm while the habeas petition is pending.

Respectfully submitted,

[Signature]
JESUS RIOS TELLO
Next Friend for Petitioner
Date: 12/30/25