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

9 SUSANA MANING,
10
11 Plaintiff,

12 vs.

13 CHRISTOPHER LAROSE, warden of
14 Otay Mesa Detention Center
15 DANIEL A. BRIGHTMAN, San Diego
16 Field Office Director, Immigration and
17 Customs Enforcement and Removal
18 Operations (“ICE/ERO”);
19 TODD LYONS, Acting Director of
20 Immigration Customs Enforcement
21 (“ICE”);
22 KRISTI NOEM, Secretary of the
23 Department of Homeland Security
24 (“DHS”);
25 PAMELA BONDI, Attorney General of
26 the United States,
27 U.S. DEPARTMENT OF HOMELAND
28 SECURITY;
U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT;

Respondents.

Case No.: '26CV0219 BJC SBC

Agency Number: 

PETITION FOR WRIT OF HABEAS
CORPUS

ORAL ARGUMENT REQUESTED

EXPEDITED HEARING
REQUESTED

INTRODUCTION

1
2 1. Susana Maning is a trans woman who sought refuge here in the
3
4 United States decades ago. She was the victim of severe persecution in her
5
6 homeland and sought the freedom to be herself without fear.

7 2. In 2001 Ms. Maning's request for asylum was heard. The court
8
9 could not grant asylum due to a time bar but was able to grant Withholding of
10
11 Removal. See Exhibit A. As a result, Ms. Maning was placed under an Order of
12
13 Supervision. See Exhibit B. As the notes indicate, Ms. Maning has been attending
14
15 her supervision visits on a regular basis for over 20 years. There has been no
16
17 allegation that she has not abided by this Order.

18 3. For over two decades Ms. Maning has lived freely in the United
19
20 States. She has developed social ties to the community. She has worked and
21
22 supported herself the entire time. She has not been involved in any criminal
23
24 activity since her grant of withholding. She has kept her promise to abide by the
25
26 Order of Supervision and be a respectable member of our community in San
27
28 Diego.

4. Part of Ms. Maning's supervision has been a requirement to check
in with ICE periodically. Initially this was every few months but as the years have
worn on it has become an annual visit to ensure that she is maintaining her address

1 they may create a new relationship with. Respondents do so based not on Ms.
2 Manning's personal circumstances or individualized facts, but because of
3
4 Respondents' interpretation of President Trump's whim and categorical
5 determination that, the Fifth Amendment notwithstanding, noncitizens are not
6
7 entitled to due process.

8 7. But Respondents cannot evade the law so easily. The U.S.
9 Constitution requires the Respondents provide at least the rights available to her
10 when she was granted Parole and when she filed her application for asylum¹.

11 8. Accordingly, to vindicate Petitioner's rights, this Court should grant
12 the instant petition for a writ of habeas corpus. Ms. Maning asks this Court to find
13 that Respondents' attempt to detain her are arbitrary and capricious and in
14 violation of the law, and to immediately issue an order preventing her transfer out
15 of this district.
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17
18

19 JURISDICTION

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24

25 ¹ See, e.g., NBC News, Meet the Press interview of President Donald Trump (May 4, 2025),
26 <https://www.nbcnews.com/politics/trump-administration/read-full-transcript-president-donaldtrump-interviewed-meet-press-mod-rcna203514> (in response to a question whether noncitizens
27 deserve due process under the Fifth Amendment, President Trump replied "I don't know. It
28 seems—it might say that, but if you're talking about that, then we'd have to have a million or 2
million or 3 million trials.").

1 9. This action arises under the Constitution of the United States and
2 the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et. seq.
3

4 10. This court has subject matter jurisdiction under 28 U.S.C. § 2241
5 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the
6 United States Constitution (Suspension Clause).
7

8 11. This Court may grant relief under the habeas corpus statutes, 28
9 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq.,
10 the All Writs Act, 28 U.S.C. § 1651, and the Immigration and Nationality Act, 8
11 U.S.C. § 1252(e)(2).
12

13 **VENUE**

14
15 12. Venue is proper because Petitioner is in Respondents' custody in
16 San Diego, California. Venue is further proper because a substantial part of the
17 events or omissions giving rise to Petitioner's claims occurred in this District,
18 where Petitioner is now in Respondent's custody. 28 U.S.C. § 1391(e).
19

20
21 13. For these same reasons, divisional venue is proper under Local
22 Rule HC.1

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


24
25 14. The Court must grant the petition for writ of habeas corpus or
26 issue an order to show cause (OSC) to the Respondents "forthwith," unless the
27

1 petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court
2 must require Respondents to file a return “within three days unless for good cause
3 additional time, not exceeding twenty days, is allowed.” *Id.*

4
5 15. Courts have long recognized the significance of the habeas statute
6 in protecting individuals from unlawful detention. The Great Writ has been
7 referred to as “perhaps the most important writ known to the constitutional law of
8 England, affording as it does a swift and imperative remedy in all cases of illegal
9 restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963).
10

11
12 16. Petitioner is “in custody” for the purpose of § 2241 because he is
13 arrested and detained by Respondents.
14

15 PARTIES

16 17. Ms. Maning (“Petitioner”) is a 67-year-old citizen of Mexico, born
17
18  She is a resident of San Diego, California, and is present within
19 the state of California as of the time of the filing of this petition.

20
21 18. Respondent Christopher Larosse is the Warden of the Otay Mesa
22 Detention Center and is a legal custodian of Petitioner.

23
24 19. Respondent Daniel A. Brightman is the Field Office Director for
25 the San Diego Field Office, Immigration and Customs Enforcement and Removal
26 Operations (“ICE”). The San Diego Field Office is responsible for local custody
27

1 decisions relating to non-citizens charged with being removable from the United
2 States, including the arrest, detention, and custody status of non- citizens. The San
3 Diego Field Office's area of responsibility includes San Diego, California and the
4 Otay Mesa Detention Center. Respondent Sidney Aki is a legal custodian of
5
6
7 Petitioner.

8 20. Respondent Todd Lyons is the acting director of U.S. Immigration
9 and Customs Enforcement, and he has authority over the actions of respondent
10 Sidney Aki and ICE in general. Respondent Lyons is a legal custodian of
11
12 Petitioner.

13 21. Respondent Kristi Noem is the Secretary of the Department of
14 Homeland Security (DHS) and has authority over the actions of all other DHS
15 Respondents in this case, as well as all operations of DHS. Respondent Noem is a
16
17 legal custodian of Petitioner and is charged with faithfully administering the
18 immigration laws of the United States.
19

20 22. Respondent Pamela Bondi is the Attorney General of the United
21 States, and as such has authority over the Department of Justice and is charged
22
23 with faithfully administering the immigration laws of the United States.
24

25 23. Respondent U.S. Immigration Customs Enforcement is the federal
26 agency responsible for custody decisions relating to non-citizens charged with
27

1 being removable from the United States, including the arrest, detention, and
2 custody status of non-citizens.
3

4 24. Respondent U.S. Department of Homeland Security is the federal
5 agency that has authority over the actions of ICE and all other DHS Respondents.
6

7 25. This action is commenced against all Respondents in their official
8 capacities.
9

10 **LEGAL FRAMEWORK**

11
12 26. The Refugee Act of 1980, the cornerstone of the U.S. asylum
13 system, provides a right to apply for asylum to individuals seeking safe haven in
14 the United States. The purpose of the Refugee Act is to enforce the “historic policy
15 of the United States to respond to the urgent needs of persons subject to
16 persecution in their homelands.” Refugee Act of 1980, § 101(a), Pub. L. No. 96-
17 212, 94 Stat. 102 (1980).
18
19

20
21 27. The “motivation for the enactment of the Refugee Act” was the
22 United Nations Protocol Relating to the Status of Refugees, “to which the United
23 States had been bound since 1968.” *INS v. Cardoza-Fonseca*, 480 U.S. 421, 424,
24 432-33 (1987). The Refugee Act reflects a legislative purpose “to give ‘statutory
25
26
27

1 meaning to our national commitment to human rights and humanitarian concerns.””

2 *Duran v. INS*, 756 F.2d 1338, 1340 n.2 (9th Cir. 1985).

3
4 28. The Refugee Act established the right to apply for asylum in the
5 United States and defines the standards for granting asylum. It is codified in
6 various sections of the INA.
7

8 29. The INA gives the Attorney General or the Secretary of Homeland
9 Security discretion to grant asylum to noncitizens who satisfy the definition of
10 “refugee.” Under that definition, individuals generally are eligible for asylum if
11 they have experienced past persecution or have a well-founded fear of future
12 persecution on account of race, religion, nationality, membership in a particular
13 social group, or political opinion and if they are unable or unwilling to return to
14 and avail themselves of the protection of their homeland because of that
15 persecution of fear. 8 U.S.C. § 1101(a)(42)(A).
16
17
18

19 30. Although a grant of asylum or withholding of deportation may be
20 discretionary, the right to apply for asylum is not. The Refugee Act broadly affords
21 a right to apply for asylum to any noncitizen “who is physically present in the
22 United States or who arrives in the United States[.]” 8 U.S.C. § 1158(a)(1).
23
24

25 31. Because of the life-or-death stakes, the statutory right to apply for
26 asylum and withholding is robust. The right necessarily includes the right to
27

1 counsel, at no expense to the government, see 8 U.S.C. § 1229a(b)(4)(A), § 1362,
2 the right to notice of the right to counsel, see 8 U.S.C. § 1158(d)(4), and the right
3
4 to access information in support of an application, see § 1158(b)(1)(B) (placing the
5 burden on the applicant to present evidence to establish eligibility.).

6
7 32. Noncitizens seeking asylum and withholding are guaranteed Due
8 Process under the Fifth Amendment to the U.S. Constitution. *Reno v. Flores*, 507
9 U.S. 292, 306 (1993).

10
11 33. Noncitizens who are applicants for asylum are entitled to a full
12 hearing in immigration court before they can be removed from the United States. 8
13 U.S.C. § 1229a. Consistent with due process, noncitizens may seek administrative
14 appellate review before the Board of Immigration Appeals of removal orders
15 entered against them and judicial review in federal court upon a petition for
16 review. 8 U.S.C. § 1252(a) *et seq.*

17
18
19 34. Immigration detention is a form of civil confinement that
20 “constitutes a significant deprivation of liberty that requires due process
21 protection.” *Addington v. Texas*, 441 U.S. 418, 4253 (1979).

22
23 35. Immigration detention should not be used as a punishment and
24 should only be used when, under an individualized determination, a noncitizen is a
25

1 flight risk because they are unlikely to appear for immigration court or a danger to
2 the community. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

3
4 36. Ms. Maning's Order of Supervision must be terminated upon
5 notice and an opportunity to be heard.

6 **FACTUAL BACKGROUND**

7
8 37. Petitioner is a citizen of Mexico, born .

9
10 38. Petitioner was persecuted and threatened with future persecution
11 in Mexico.

12 39. In 2001 Ms. Maning was granted Withholding of Removal. A
13 copy of the order is attached as Exhibit A.

14
15 40. Ms. Maning was also granted and Order of Supervision. She has
16 kept the terms of that Order for nearly 25 years. *See* Exhibit B.

17
18 41. On information and belief, Petitioner regularly complied with and
19 appeared for ICE check-ins.

20
21 42. On December 19, 2025, Ms. Maning was attending a regularly
22 scheduled ICE check in appointment. She arrived at the appointed time and waited
23 to be called in to see an officer. To her utter shock and dismay once she was called
24 into an interview room she was immediately put in handcuffs and then led to
25 detention.
26

1 43. She was never given a written notice that her parole was being
2 terminated. She was not given any particularized reason for why she was being
3 placed into detention. She was never presented with a warrant for her arrest. She
4 was eventually transported to Otay Mesa Detention Center.
5

6 44. On December 31, 2025, Ms. Maning had a bond hearing before an
7 immigration judge. Based on her decades of living in the United States without
8 incident, her continual check ins with ICE, the court determined she was not a
9 flight risk nor a danger to the community. She was granted the minimum amount
10 of bond, \$1500.00. However, DHS has filed a notice of intent to appeal which
11 stays her release. *See Exhibit C.*
12
13
14

15 45. On January 20, 2025, President Donald Trump issued several
16 executive actions relating to immigration, including “Protecting the American
17 People Against Invasion,” an executive order (EO) setting out a series of interior
18 immigration enforcement actions. The Trump administration, through this and
19 other actions, has outlined sweeping, executive branch-led changes to immigration
20 enforcement policy, establishing a formal framework for mass deportation. The
21 “Protecting the American People Against Invasion” EO instructs the DHS
22 Secretary “to take all appropriate action to enable” ICE, CBP, and USCIS to
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1 prioritize civil immigration enforcement procedures including through the use of
2 mass detention.
3

4 46. On information and belief, Respondents are detaining Petitioner
5 regardless of the individual facts and circumstances of her case.
6

7 47. On information and belief, Respondents are using the immigration
8 detention system as a means to punish individuals for asserting rights under the
9 Refugee Act.
10

11 48. On information and belief, Petitioner has no criminal history.
12

13 **COUNT ONE**

14 **Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A)**

15 **Not in Accordance with Law and in Excess of Statutory Authority**

16 **Unlawful Detention**

17
18 49. Petitioner restates and realleges all paragraphs as if fully set forth
19 here.
20

21 50. Under the APA, a court shall “hold unlawful and set aside agency
22 action” that is an abuse of discretion. 5 U.S.C. § 706(2)(A).
23

24 51. An action is an abuse of discretion if the agency “entirely failed to
25 consider an important aspect of the problem, offered an explanation for its decision
26 that runs counter to the evidence before the agency, or is so implausible that it
27

1 could not be ascribed to a difference in view or the product of agency expertise.”

2 *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551U.S. 644, 658 (2007)

3
4 (*quoting Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*,
5 463 U.S. 29, 43 (1983)).

6
7 52. To survive an APA challenge, the agency must articulate “a
8 satisfactory explanation” for its action, “including a rational connection between
9 the facts found and the choice made.” *Dep’t of Com. v. New York*, 139 S. Ct. 2551,
10 2569 (2019) (citation omitted).

11
12 53. By categorically revoking Petitioner’s Order of Supervision and
13 transferring her to Otay Mesa Detention Center without consideration of her
14 individualized facts and circumstances, Respondents have violated the APA.

15
16 54. Respondents have made no finding that Petitioner is a danger to
17 the community.

18
19 55. Respondents have made no finding that Petitioner is a flight risk.

20
21 56. By detaining the Petitioner categorically, Respondents have
22 further abused their discretion because there have been no changes to her facts or
23 circumstances since the agency made its initial determination to parole her into the
24 United States.

1 57. Respondents have already considered Petitioner’s facts and
2 circumstances and determined that she was not a flight risk or danger to the
3 community. There have been no changes to the facts that justify this revocation of
4 his parole.
5

6 **COUNT TWO**
7

8 **Violation of Fifth Amendment Right to Due Process**

9 **Procedural Due Process**
10

11 58. Petitioner restates and realleges all paragraphs as if fully set forth
12 here.
13

14 59. The Due Process Clause of the Fifth Amendment to the U.S.
15 Constitution prohibits the federal government from depriving any person of “life,
16 liberty, or property, without due process of law.” U.S. Const. Amend. V. Due
17 process protects “all ‘persons’ within the United States, including [non-citizens],
18 whether their presence here is lawful, unlawful, temporary, or permanent.”
19 Zadvydas, 533 U.S. at 693; accord Flores, 507 U.S. at 306.
20
21

22 60. Due process requires that government action be rational and non-
23 arbitrary. See U.S. v. Trimble, 487 F.3d 752, 757 (9th Cir. 2007).
24

25 61. While the government has discretion to detain individuals under 8
26 U.S.C. § 1226(a) and to revoke custody decisions under 8 U.S.C. § 1226(b), this
27

1 discretion is not “unlimited” and must comport with constitutional due process. *See*
2 *Zadvydas*, 533 U.S. at 698.

3
4 62. Here, Respondents have chosen to revoke Petitioner’s release in
5 an arbitrary manner and not based on a rational and individualized determination
6 of whether he is a safety or flight risk, in violation of due process. Because no
7 individualized custody revocation has been made and no circumstances have
8 changed to make Petitioner a flight risk or a danger to the community,
9 Respondents’ revocation of Petitioner’s release violates his right to procedural due
10 process.
11
12

13
14 **PRAAYER FOR RELIEF**

15 WHEREFORE, Petitioner respectfully requests this Court to grant the
16 following:

- 17
18 (1) Assume jurisdiction over this matter;
19
20 (2) Issue an Order to Show Cause ordering Respondents to show
21 cause why this Petition should not be granted within three days;
22
23 (3) Declare that Petitioner’s detention without an individualized
24 determination violates the Due Process Clause of the Fifth Amendment;
25
26 (4) Declare that Petitioner’s detention without an individualized
27 determination violates the Administrative Procedures Act;

1 (5) Issue a Writ of Habeas Corpus ordering Respondents to release
2 Petitioner from custody;

3
4 (6) Issue an Order prohibiting the Respondents from transferring
5 Petitioner from the district without the court's approval;

6
7 (7) Issue an Order prohibiting the Petitioner's re-detention without
8 notice and an individualized determination that he is a flight risk or danger to the
9 community;

10
11 (8) Issue an Order prohibiting Respondents from placing the
12 Petitioner into an Alternative to Detention program and specifically prohibiting the
13 requirement for an ankle monitor; and

14
15 (9) Grant any further relief this Court deems just and proper.
16
17

18 Dated: January 14, 2026

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