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15 UNITED STATES DISTRICT COURT
16 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
17

18 **HECTOR D TELLO TELLO**
19 Plaintiff and Petitioner,
20

21 vs.
22

23
24 CHRISTOPHER LAROSE Warden of the
25 Otay Mesa Detention Center; Gregory
26 ARCHAMBEAULT, Director of the San
27 Diego Field Office, United States
28 Immigration and Customs Enforcement;
PAM BONDI, Attorney General, United
States Department of Justice; KRISTI
NOEM, Secretary, United States Department
of Homeland Security; TODD LYONS,
Acting Director of United States Immigration
and Customs Enforcement; and DOES 1-5

Defendants-Respondents

Case No.: '26CV525 JES AHG

Hon:

WRIT OF HABEAS CORPUS
AND COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF

INTRODUCTION

1
2
3 1. This case challenges the unlawful and punitive detention of Plaintiff-Petitioner,
4 who is currently in the custody of Immigration and Customs Enforcement (“ICE”) at in
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6
7 Otay Mesa Detention Center, Otay Mesa CA. Petitioner is neither a flight risk nor a
8
9 danger to the community.

10
11 2. Although a class member of the *Maldonado Bautista* certified class Respondents
12
13 have already denied his request for a release on bond twice and will continue to detain
14
15 him unlawfully unless the Court intervene and orders his immediate release.

16
17 3. Plaintiff-Petitioner is not challenging or seeking judicial review of the initiation
18
19 of removal proceedings, the way his removal proceedings are or would be conducted,
20
21 or the adjudication of immigration relief by the EOIR or USCIS.

22
23 4. Through their uniform practices Respondents violate the rights of Petitioner
24
25 under the due process and equal protection guarantees of the U.S. Constitution, the
26
27 INA and its regulations, and the Administrative Procedure Act.
28

JURISDICTION AND VENUE

5. This action arises under the Constitution of the United States; the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), Pub. L. No. 104-208, 110 Stat. 1570 [hereinafter ‘INA’]; and Administrative Procedure Act, 5 U.S.C. §§ 701 et seq [hereinafter “APA”].

6. This Court has further jurisdiction under 28 U.S.C. § 2241, 2243, art. I § 9, cl. 2 of the United States Constitution (“Suspension Clause”), and 28 U.S.C. §

1331, as Petitioner is presently in custody under color of the authority of the
WRIT OF HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND INJUCTIVE
RELIEF - 2

1 United States based on the service of a Notice to Appear, and such custody is in
2 violation of the Constitution, laws, or treaties of the United States.
3

4
5 7. This Court also may grant relief pursuant to 28 U.S.C. § 2241, 5 U.S.C. §
6 702, and the All Writs Act, 28 U.S.C. § 1651.
7

8
9 8. This court has further remedial authority pursuant to the Declaratory
10 Judgment Act, 28 U.S.C. § 2201 et seq..
11

12
13 9. The use of the Writ of Habeas Corpus to challenge detention by ICE is not
14 foreclosed by the REAL ID Act. The REAL ID Act of 2005, Pub. L. 109-13, 119
15 Stat. 231 (May 11, 2005), Title I, Section 106(c), amending INA §§ 242(a)(2)(A),
16 (B), (C) and § 242(g), only deprives the district court of habeas jurisdiction to
17 review orders of removal, not challenges to detention or the denial of constitutional
18 rights. *See INS v. St. Cyr*, 533 U.S. 289, 364-65 (2001) (“The writ of habeas corpus
19 has always been available to review the legality of executive detention.”).
20
21

22
23 10. This Court could enjoin federal officials pursuant to *Ex Parte Young*, 209
24 U.S. 123 (1908). *See Philadelphia Co. v. Stimson*, 223 U.S. 605, 619–21 (1912)
25 (applying *Ex Parte Young* to federal official); *Goltra v. Weeks*, 271 U.S. 536, 545
26 (1926) (same).
27

28
11. Plaintiff-Petitioner has exhausted all administrative remedies to the extent
available and required by law.

12. Venue properly lies within the Southern District of California, because each
named Defendant-Respondent is present in this district and a substantial part of the
events or omissions giving rise to this action occurred and continue to occur in this
District. *See* 28 U.S.C. §1391(b). Moreover, Petitioner is currently detained within

1 this district to wit, the Otay Mesa Detention Center, in Otay Mesa CA.

2
3 Accordingly, the “restraint complained of” is occurring within the Court’s
4
5 territorial jurisdiction. *See* 28 U.S.C. § 2241(a)

6
7 13. No petition for habeas corpus has previously been filed in any court to
8
9 review this the named Plaintiff-Petitioner’s detention.

10
11 **PARTIES**

12
13 14. Plaintiff-Petitioner Hector Tello Tello is a 22-year-old national and citizen of
14
15 Guatemala who was arrested by ICE on 18 October 2025 by state troopers in
16
17 Florida and released to ICE custody.

18
19 15. The U.S. Department of Homeland Security (“DHS”) is a cabinet
20
21 department of the United States federal government with the primary mission of
22
23 securing the United States.

24
25 16. ICE is an agency within DHS with the primary mission of arresting,
26
27 detaining, and removing non-citizens physically present within the territory of the
28
United States. ICE is also responsible for the custody and care of all detained non-
citizens awaiting resolution of their immigration cases or removal after a final
order of removal had been entered.

17. Defendant Kristi Noem is the Secretary for DHS. In this capacity, Ms. Noem
has responsibility for the administration of immigration laws pursuant to 8 U.S.C.
§1103(a), has authority over ICE and its field offices, and has authority to order the
release of Plaintiff-Petitioner. At all times relevant to this Complaint,
Defendant Noem was acting within the scope and course of her position as the
Secretary for DHS. Defendant Noem is sued in her official capacity.

1 18. Defendant Pam Bondi is the Attorney General of the United States. In this
2
3 capacity, Ms. Bondi oversees the immigration court system, including all
4
5 immigration judges and the Board of Immigration Appeals, and has responsibility
6
7 for the administration of immigration laws pursuant to 8 U.S.C. §1103(a), has
8
9 authority over EOIR and all immigration judges, and has authority to order the
10
11 release of Plaintiff-Petitioner. At all times relevant to this Complaint, Defendant
12
13 Bondi was acting within the scope and course of her position as the Attorney
14
15 General of the United States. Defendant Bondi is sued in her official capacity.

16
17 19. Defendant-Respondent Todd Lyons is the Acting Director and Senior
18
19 Official Performing the Duties of the Director of ICE. Defendant Lyons is
20
21 responsible for the implementation of all ICE's policies, practices, and procedures,
22
23 including those relating to detention of non-citizens. Defendant Lyons is a legal
24
25 and immediate custodian of Plaintiff. At all times relevant to this Complaint,
26
27 Defendant Lyons was acting within the scope and course of his position as an ICE
28
official. He is sued in his official capacity.

20. Defendant-Respondent Gregory Archambeault is the Acting Director of the
San Diego Field Office, United States Immigration and Customs Enforcement and
currently has immediate and physical custody of Plaintiff-Petitioner. He is sued in
his official capacity.

21. Defendant Christopher LaRose is the warden of the Otay Mesa Detention
Facility in San Diego County, where Plaintiff-Petitioner is currently detained.
Defendant LaRose is the immediate and the physical custodian of Plaintiff. He is
named in his official capacity.

1 22. The true names or capacities, whether individual, corporate, associate or
2
3 otherwise, of the Defendants-Respondents named herein as Does 1 through 5 are
4
5 unknown to Plaintiff-Petitioner, who therefore sues said Respondents by such
6
7 fictitious names, and Plaintiff will amend this Complaint to show their true names
8
9 and capacities when ascertained. Does 1 through 5 are the immediate, physical
10
11 custodians of Plaintiff-Petitioner.
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14
15 **FACTS RELEVANT TO ALL CAUSES OF ACTIONS**
16

17 23. Plaintiff-Petitioner **Hector D Tello Tello** is a 22-year-old national and citizen of
18
19 Guatemala who entered the United States without inspection in 2022. See Exhibit A.
20
21 He was not apprehended upon entry and has resided in the country for about 3 years.

22
23 Id.

24 24. Petitioner Tello Tello was arrested on or about 18 November 2025 without a
25
26 valid warrant and/or probable cause by state troopers in Florida and promptly release
27
28 into the custody of ICE. See Exhibit C

25. On 1 December 2025 Respondents filed a Notice to Appear with the EOIR
and initiated section 240 removal proceedings against Petitioner. See Exhibit B.

26. Through his immigration counsel Petitioner requested a bond hearing in
November 2025 but bond was denied pursuant to *Matter of Yajure Hurtado*, 29
I&N Dec. 216 (BIA 2025). See Exhibit D.

27. Subsequently Petitioner and asserted his *Maldonado Bautista* class

membership before the EOIR. On 10 December 2025, the immigration judge
WRIT OF HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE
RELIEF - 6

1 denied Petitioner's bond request finding that "The Court finds that it continues to
2
3 lack jurisdiction to redetermine Respondent's custody status. See Matter of Yajure-
4
5 Hurtado, 29 I&N Dec. 216 (BIA 2025). Although the United States District Court
6
7 for the Central District of California recently granted class certification in
8
9 Maldonado Bautista v. Noem, No. 5:25 CV-01873-SSS-BFM (C.D. Cal. Nov. 25,
10
11 2025), Maldonado Bautista remains pending with the District Court. As such, the
12
13 Court denies Respondent's request for custody redetermination." Exhibit E.
14
15

16
17 28. Petitioner was not allowed to post a bond and remains in custody.
18

19
20 29. The Respondents have refused to release Petitioner from custody
21
22 asserting that he is subject to the mandatory detention under section 1225(b)(2).
23

24 30. There is no order of removal in effect against Petitioner. Exhibit D.
25

26 **RELEVANT IMMIGRATION STATUTORY SCHEME**

27 **Warrantless Arrests**

28
31. The Immigration and Nationality Act provides immigration agents with only limited authority to conduct warrantless arrests. 8 U.S.C. § 1357(a)(2); *see also Arizona v. U.S.*, 567 U.S. 387, 407–08 (2012). The strict limitations on warrantless arrests are further codified in regulations. *See* 8 C.F.R. § 287.8(c)(2)(ii).

32. An immigration officer can make an arrest without a warrant only if they have probable cause to believe that the individual "is in the United States in violation of any [immigration] law or regulation," and (2) the individual "is likely to escape before a warrant can be obtained" for his arrest. § 1357(a)(2); § 287.8(c)(2)(ii)

1 (same); *Tejeda-Mata v. INS*, 626 F.2d 721, 725 (9th Cir. 1980). The requirement that
2
3 officers establish probable cause of flight risk before conducting a warrantless arrest
4
5 requires a particularized finding of likelihood of escape. *Mountain High Knitting,*
6
7 *Inc. v. Reno*, 51 F.3d 216, 218 (9th Cir. 1995).

8
9 **33.** Since June 2025, however, Respondents have implemented an uniform policy
10
11 and practice of effectuating warrantless arrests without making any individualized
12
13 flight risk determinations and requiring officers to abide by this policy.

14
15 **34.** Arrests pursuant to an I-200 must be based on an existing or concurrently
16
17 prepeated Notice to Appear (“NTA”), the charging document for removal proceedings.
18
19 8 C.F.R. § 236.1(b)(1) (specifying that an administrative warrant of arrest can be
20
21 issued “[a]t the time of issuance of the [NTA], or at any time thereafter,” not before);
22
23 8 U.S.C. § 1229 (legal requirements for NTA). This requirement is necessary because
24
25 the use of Form I-200 is dependent on the arrest occurring “pending a decision” on
26
27 removal. *See* 8 U.S.C. § 1226(a); 8 C.F.R. § 239.2(e) (explaining an I-200 warrant of
28
arrest is *automatically canceled* when a NTA is canceled or removal proceedings
terminated)

35. The arresting officers here did not have a warrant to arrest Petitioner and did
not ask him any questions to assess individualized flight risk or his immigration status
prior effectuating the actual arrest and detention. Instead, Respondents were notified
of Petitioner’s identity by state authorities after they declined to press charges.

36. Petitioner was not served with a NTA or a judicial or administrative warrant at
the time of his arrest. The NTA was issued over 45 days after his arrest and detention.

Immigration Detention

1 37. The INA governs the use of immigration detention both pre- and post-final
2 order. Post-final-order immigration detention is governed by 8 U.S.C. § 1231(a);
3 pre-final-order detention by 8 U.S.C. § 1226.
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5

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7 38. In 8 U.S.C. §§ 1226 and 1231 Congress created different, but interrelated,
8 comprehensive frameworks for detaining criminal and non-criminal non-citizens.
9

10
11 39. Section 1226 authorizes the detention of non-citizens during removal
12 proceedings: section 1226(a) controls non-criminal aliens' detentions, while
13 section 1226(c) controls criminal aliens' detentions. *See* 8 U.S.C. § 1226(a)&(c).
14
15 Once a non-citizen's removal proceedings are completed ICE's detention authority
16 is controlled by section 1231, which also distinguishes between non-criminal and
17 criminal non-citizens. *See* 8 U.S.C. § 1231.
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19
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23 *Section 1226(a) and Non-Criminal Non-citizens*
24 *During Removal Proceedings*
25

26 40. The Attorney General has discretion to detain a non-criminal non-citizen
27 "pending a decision on whether the alien is to be removed from the United States."
28 *See* 8 U.S.C. § 1226(a). The Attorney General may detain the non-citizen for the
duration of the removal proceedings or release him on bond or conditional parole.
See 8 U.S.C. § 1226(a)(1)-(2).

41. In connection with § 1226(a), the DHS promulgated regulations setting out
the process by which a non-criminal non-citizen may obtain release. The
regulations provide that, in order to obtain bond or conditional parole, the "alien
must demonstrate to the satisfaction of the officer that such release would not pose

1 a danger to property or persons, and that the alien is likely to appear for any future
2 proceeding.” See 8 C.F.R. § 1236.1(c)(8).
3

4
5 *Section 1226(c) and Criminal Non-citizens*
6 *During Removal Proceedings*
7

8
9 42. Although the Attorney General has broad discretion to release non-criminal
10 non-citizens during the pendency of their removal proceedings, the INA limits the
11 Attorney General’s discretion in the case of criminal non-citizens. Specifically,
12 section 1226(c) mandates that “[t]he Attorney General shall take into custody any
13 alien who . . . is deportable by reason of having committed [certain specified
14 offenses].” See 8 U.S.C. § 1226(c)(1)(B).
15
16
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20 43. Section 1226(c) provides that the Attorney General may release a criminal
21 non-citizen “only if” necessary for narrow witness protection purposes. See 8
22 U.S.C. § 1226(c)(2). Under § 1226(c), custody is mandatory for criminal non-
23 citizens throughout the entirety of their removal proceedings, and there is no
24 statutory possibility for release on bond.
25
26
27
28

44. Petitioner was never detained under the authority of section 1226(c) as he
has no qualifying criminal record.

Detention Pursuant to 8 U.S.C. § 1225(b)(2)

45. Under § 1225(b)(2), “in the case of an alien who is an applicant for
admission, if the examining immigration officer determines that an alien seeking
admission is not clearly and beyond a doubt entitled to be admitted, the alien shall
be detained.” 8 U.S.C. § 1225(b)(2). By contrast, an alien arrested on a warrant
issued by the Attorney General “may” be detained but is also eligible for release on
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1 bond. 8 U.S.C § 1226(a). Courts have repeatedly held that § 1225 applies to
2 arriving aliens, while § 1226 governs detention of “aliens already in the country.”
3
4 *Jennings v. Rodriguez*, 583 U.S. 281, 281 (2018). Petitioner is not an arriving alien
5 under § 1225 and in fact Respondents charged Petitioner as an “alien present in the
6 United States who has not been admitted or paroled” rather than an “arriving
7 alien.” (Exhibit B)
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11

12 *The Madonado Bautista Class Judgment*

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15 46. In *Maldonado Bautista*, the United States District Court for the Central
16 District of California found that “the[8 July 2025] DHS policy is unlawful” and “the
17 interpretation in *Yajure-Hurtado*, 29 I. & N. Dec. 216, which contradicts the Court’s
18 reasoning is no longer controlling.” *Bautista v. Santacruz*, No. 5:25-CV-01873-
19 SSS-BFM, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025), *reconsideration granted*
20 *in part*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3713982 (C.D. Cal. Dec. 18,
21 2025), *and amended and superseded on reconsideration*, No. 5:25-CV-01873-SSS-
22 BFM, 2025 WL 3713987 at 12 (C.D. Cal. Dec. 18, 2025), *judgment entered sub*
23 *nom. Bautista v. Noem*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3678485 (C.D.
24 Cal. Dec. 18, 2025), *appeal docketed sub nom. Bautista v. Dep’t of Homeland Sec.*,
25 No. 25-7958 (9th Cir. Dec. 19,
26
27
28

47. The *Maldonado Bautista* court also certified the “Bond Eligible Class,”
which is defined as:

All noncitizens in the United States without lawful status who (1) have
entered or will enter the United States without inspection; (2) were not or

will not be apprehended upon arrival; and (3) are not or will not be subject to

1 detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the
2
3 Department of Homeland Security makes an initial custody determination.
4

5 *See Maldonado Bautista*, 2025 WL 3713987, at *32. Respondents appealed
6
7 the *Maldonado Bautista* judgment to the Ninth Circuit, *see Maldonado Bautista v.*
8
9 *DHS*, 9th Cir. No. 25-7958, but neither the district court nor the Ninth Circuit has
10
11 issued a stay of the district court's order.” The Class judgment is thus final and
12
13 binding on all parties in this case.

14
15 48. Petitioner asserted his membership in the Bond Eligible Class but was
16
17 denied an individualized bond hearing under section 1226(a) and the
18
19 *Maldonado* class judgment. (Exhibit E). The Immigration Judge decision denying
20
21 bond to Petitioner for “lack of jurisdiction” was not an aberration or isolated event.
22
23 Following the issuance of *Maldonado Bautista*, immigration judges have and
24
25 continue to rely on legal interpretations that were expressly found unlawful therein.
26
27 *See e.g.*, Dkt. No. 4-2 at 15 in *Roberto Carlos Rivas Martinez v. Ernesto Santacruz*
28
Jr. et al., Case No. 5:25-cv- 03597-SSS-BFM (C.D. Cal. Dec. 31, 2025)
(demonstrating that an IJ cited to *Yajure-Hurtado* as a jurisdictional bar to
entertaining a bond hearing); Dkt. No. 8-1 at 14 in *Martin Carisino Mena Enriquez*
v. Ernesto Santacruz Jr et al., Case No. 2:25-cv-11649-SSS-BFM (Dec. 11, 2025)
(same); Dkt. No. 6-2 at 2, in *Jose Gonzalez Giron et al. v. Kristi Noem et al.*, Case
No. 5:25-cv-03395-SSS-BFM (C.D. Cal. Dec. 15, 2025) (same)].

49. On 13 January 2026 at 3:09 PM that the Chief Immigration Judge, EOIR,
sent a directive to all immigration judges which stated:

1 Maldonado Bautista [the final declaration in the national bond hearing class
2 action in California] is not a nationwide injunction and does not purport to
3 vacate, stay, or enjoin *Yajure Hurtado*. Therefore, *Yajure Hurtado* remains
4 binding precedent on agency adjudicators. For clarification, declaratory
5 judgments differ from injunctions in that the former clarifies parties' legal
6 rights and relationships without ordering specific action, while the latter is a
7 court order compelling a party to do or stop doing a specific act. A
8 declaratory judgment is not an equitable remedy and does not, by itself, have
9 the effect of compelling specific action by a party.

10 See Exhibit F; *see also* Nate Raymond, *Top US immigration judge says bond*
11 *hearings should be denied despite court rulings, documents show*, Reuter, available
12 at [https://www.reuters.com/legal/government/top-us-immigration-judge-says-](https://www.reuters.com/legal/government/top-us-immigration-judge-says-bond-hearings-should-be-denied-despite-court-2026-01-16/)
13 [bond-hearings-should-be-denied-despite-court-2026-01-16/](https://www.reuters.com/legal/government/top-us-immigration-judge-says-bond-hearings-should-be-denied-despite-court-2026-01-16/).

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COUNT ONE

**Detention in Violation of the Fifth Amendment
(substantive due process)**

Against all Respondents

50. Petitioner repeats and incorporates by reference all allegations in paragraphs 1 to 49 above.

51. The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law. U.S. Const. Amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical

1 restraint—lies at the heart of the liberty that Clause protects.” *Zadvydas v. Davis*,
2
3 533 U.S. 678, 690 (2001).

4
5 52. “Government detention violates the Due Process Clause unless it is ordered
6
7 in a criminal proceeding with adequate procedural safeguards, or in certain special
8
9 and non-punitive circumstances ‘where a special justification, . . . outweighs the
10
11 individual’s constitutionally protected interest in avoiding physical restraint.’”

12
13 *Zavala v. Ridge*, 310 F. Supp. 2d 1071, 1076 (N.D. Cal. 2004) (quoting *Kansas v.*
14
15 *Hendricks*, 521 U.S. 346, 356 (1997)).

16
17 53. Respondents cannot show any “special justification” or compelling
18
19 governmental interest which would outweigh Petitioner’s constitutional liberty.

20
21 54. Petitioner is neither a danger or flight risk or risk to the community.

22
23 55. The governmental interest in the continued detention of these least-
24
25 dangerous individuals does not and cannot outweigh the liberty interest at stake.

26
27 **COUNT TWO**

28
**Detention in violation of 8 U.S.C. § 1226(a)
against All Respondents**

56. Petitioners repeat and incorporate by reference all allegations in paragraphs
1 to 49 above.

57. The Attorney General has discretion to detain a non-criminal non-citizen
“pending a decision on whether the alien is to be removed from the United States.”
See 8 U.S.C. § 1226(a). The Attorney General may detain the non-citizen for the
duration of the removal proceedings or release him on bond or conditional parole.
See 8 U.S.C. § 1226(a)(1)-(2).

1 58. Respondents maintain that Petitioner is not eligible for bond and release as a
2
3 matter of law because he is not subject to section 1226(a) but must be mandatorily
4
5 detained under section 1225(b)(2). The position is a radical departure from
6
7 decades-long practice and is entirely based on a recent “Guidance” subjecting
8
9 uniformly all non-citizens like Petitioners to mandatory detention based on a new
10
11 interpretation by Respondents of the provisions of the INA.

12
13 59. Under § 1225(b)(2), “in the case of an alien who is an applicant for
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15 admission, if the examining immigration officer determines that an alien seeking
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17 admission is not clearly and beyond a doubt entitled to be admitted, the alien shall
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19 be detained.” 8 U.S.C. § 1225(b)(2). By contrast, an alien arrested on a warrant
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21 issued by the Attorney General “may” be detained but is also eligible for release on
22
23 bond. 8 U.S.C § 1226(a). Courts have repeatedly held that § 1225 applies to
24
25 arriving aliens, while § 1226 governs detention of “aliens already in the country.”
26
27 *Jennings v. Rodriguez*, 583 U.S. 281, 281 (2018). Petitioner here is not an arriving
28
alien under § 1225 but entered the United States decades ago and has resided in the
country ever since.

COUNT THREE

Violation of 8 U.S.C. § 1357(a)(2) Warrantless Arrests Without Probable Cause of Flight Risk against All Respondents

60. Petitioners repeat and incorporate by reference all allegations in paragraphs 1 to
49 above.

1 61. 8 U.S.C. § 1357(a)(2) requires that arrests without a warrant be accompanied
2
3 by “reason to believe” that an individual is “likely to escape before a warrant can be
4
5 obtained for [their] arrest.”

6
7 62. Respondents arrested Petitioner without any warrant and without making an
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9 individualized determination of flight risk. In fact, Respondents have no mechanism
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11 for ensuring agents’ compliance with the statutory limits on warrantless arrest authority
12
13 and do not provide guidance or training to agents and officers on how to make an
14
15 individualized determination of likelihood of escape. Respondents permit agents and
16
17 officers to make warrantless arrests at whim and in violation of law.

18
19 **COUNT FOUR**

20
21 **Violation of 8 C.F.R. § 287.8(c)(2)(ii)**
22 **against All Respondents**

23 63. Petitioners repeat and incorporate by reference all allegations in paragraphs
24
25 1 to 49 above.

26
27 64. By regulation Respondents are required to conform warrantless arrests to the
28
standards in 8 C.F.R. § 287.8(c), including the requirement of 8 C.F.R. §
287.8(c)(2)(ii) that officers have reason to believe that an individual is “likely to
escape before a warrant can be obtained.”

65. Respondents arrested Petitioner without any warrant and without making an
individualized determination of flight risk.

66. In fact, Respondents have no mechanism for ensuring agents’ compliance with
the statutory limits on warrantless arrest authority and do not provide guidance to
agents and officers on how to make an individualized determination of likelihood of

1 escape. Respondents permit agents and officers to make warrantless arrests at whim
2
3 and in violation of law.
4

5 IRREPARABLE HARM

6
7 67. Petitioner has resided in the United States for over 3 years, is a productive
8
9 member of society, and has established deep roots in the communities. See Exhibit A.
10
11 Because of his unlawful arrest and detention Petitioner has been separated from his
12
13 family members and friends. He is experiencing severe emotional distress. *Id.*

14
15 68. “It is well established that the deprivation of constitutional rights
16
17 unquestionably constitutes irreparable injury.” *Melendres v. Arpaio*, 695 F.3d 990,
18
19 1002 (9th Cir. 2012). “When an alleged deprivation of a constitutional right is
20
21 involved, most courts hold that no further showing of irreparable injury is necessary.”
22
23 *Warsoldier v. Woodford*, 418 F.3d 989, 1001–02 (9th Cir. 2005) (cleaned up).
24
25 Suspicionless stops, warrantless arrests unsupported by probable cause, and punitive
26
27 and unlawful detention violate the Fourth and Fifth Amendments and constitute a
28
constitutional violation warranting injunctive (including preliminary injunctive) relief.
See Int’l Molders’ & Allied Workers’ Loc. Union No. 164 v. Nelson, 799 F.2d 547,
553 (9th Cir. 1986); *Melendres*, 695 F.3d at 1002 (irreparable harm exists where
plaintiffs face “a real possibility” that they will “again be stopped or detained and
subjected to unlawful detention”).

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

WRIT OF HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE
RELIEF - 17

- 1 (1) Assume jurisdiction over this matter;
- 2
- 3 (2) Issue an Order to Show Cause requiring Respondents to answer this Petition
- 4 and show the legal basis for Petitioner's detention;
- 5
- 6
- 7 (3) Issue a Writ of Habeas Corpus on the ground that Petitioner's continued
- 8 detention violates the Due Process Clause and order Petitioner's immediate
- 9 release;
- 10
- 11
- 12
- 13 (4) In the alternative, issue injunctive relief ordering Respondents to
- 14 immediately release Petitioner, on the ground that his continued detention
- 15 violates Plaintiff's constitutional due process rights;
- 16
- 17
- 18
- 19 (5) Issue an injunction ordering Respondents not to arrest and detain Petitioner
- 20 without a proper finding that he has committed a violation of the conditions
- 21 of release;
- 22
- 23
- 24
- 25 (6) Issue an injunction ordering Respondents not revoke Petitioner's grant of
- 26 release and/or bond without providing prior written notice, an opportunity to
- 27 respond, and be represented by counsel prior to deprivation of liberty when
- 28 the individual is not yet subject to a final order of removal;
- (7) Issue an injunction prohibiting the transfer of Petitioner outside of the jurisdictional limits of this Court;
- (8) Vacate Respondents' 13 January 2026 policy;
- (9) Enter a judgment declaring that Respondents' detention of Petitioner is and will be unauthorized by statute and contrary to law;
- (10) Award Petitioner reasonable costs and attorney fees.

Date: 1/26/2026

WRIT OF HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF - 18

Verified and Submitted by

s/ Nicolette Glazer Esq.

Nicolette Glazer Esq.
LAW OFFICES OF LARRY R GLAZER
2121 Avenue of the Stars #800
Century City, CA 90067
T: 310-407-5353
F: 310-407-5354
nicolette@glazerandglazer.com
ATTORNEY FOR PETITIONER

VERIFICATION OF COUNSEL

I am counsel for Petitioner who is detained by ICE outside of the counties in which I maintain my offices and he cannot easily receive and return documents. Accordingly, I make this verification for and on behalf of Petitioner for that reason. I have conducted a reasonable investigation into the facts and circumstances in this case and I am informed and believe and on that ground allege that the factual matters stated in the foregoing Petition for Habeas Corpus are true and correct to the best of my knowledge. I so declare under penalty of perjury.

s/ Nicolette Glazer Esq.

Nicolette Glazer Esq.
LAW OFFICES OF LARRY R GLAZER
2121 Avenue of the Stars #800
Century City, CA 90067
T: 310-407-5353
F: 310-407-5354
nicolette@glazerandglazer.com
ATTORNEY FOR PETITIONER

I Hector Donaldo Tello Tello I am over 18 years old and I declare under penalty of perjury that the following is true and correct to the best of my knowledge

1. My name is Hector Donaldo Tello Tello
2. I am from Guatemala.
3. I am 22 years old.
4. I have entered in the United States over 3 years ago.
5. I escaped from my country because I have fear to return to my country.
6. I have court proceeding pending with the immigration court.
7. I am applying for asylum application.
8. I live in Florida. On 10/18/2025, I was stopped by a trooper when I was driving. The troopers and the sheriffs there worked for the immigration. They asked me about my legal status and my identification. They arrested me and took me to the county jail and then transferred to alligator island. During the detention in the alligator island, I was starving and there was no food to eat. When I was transferring to Texas detention center in Port Isabel Detention Center, there was a problem with the airplane. I was handcuffed during all these times and I had to sleep on the floor with my handcuffs. There was no blanket. Later, the immigration took me to California at Otay Mesa.
9. I am very sick now at detention center. I have cold when I am inside the facility. There are a lot of people staying in the same place and people are sick and spread to each other. The treatment there was not helpful. It is very cold there and I didn't have enough clothes and blankets. I have so much fear inside and I worry so much about my life.
10. There are a lot of people together stayed in the same room.
11. They gave us food that is not eatable at all.
12. I am very depressed and I am under a lot of stress inside.
13. I could not sleep because of my medical condition. It is a nightmare to me about what happened on 10/18/2025. I came to this country to seek refugee because of the country condition in my country. I never expected to have those inhuman treatments like this. When I slept at night, I would have nightmare about what happened on 10/18/2025.
14. I miss my family especially my partner.
15. I feel very helpless and vulnerable under this circumstance and I am so afraid of my life if I continue to stay inside.
16. I need to get out of there since my family needs me.
17. I miss my family and I need your help



**EXHIBIT
A**

I, Vanessa Saenz, prepared the contents of the above declaration at the request and with the permission of Hector Donaldo Tello Tello. I am competent in interpreting from English to Spanish. I read the information contained herein to the Petitioner in Spanish to the best of my ability. The Petitioner confirmed to me that all the translated information from Spanish to English and vice versa in this document is true and correct and adopted the contents of the declaration as her own. Hector Donaldo Tello Tello unequivocally authorized me to affix her name as an indication of approval and adoption as she is detained and cannot receive and send documents easily.

I declare under penalty of perjury on 12/23/25



DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: 10/30/2002

Event No:

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID:

FINS:

File No:

In the Matter of:

Respondent: HECTOR DONALDO TELLO TELLO currently residing at:

7488 Calzada de la Fuente San Diego, CALIFORNIA 921542717

(619) 671-8700

(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 GUATEMALA and a citizen of GUATEMALA;
3. You entered the United States at an unknown place, on an unknown date;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

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)(5)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

- 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)

**EXHIBIT
B**

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

7488 CALZADA DE LA FUENTE, SAN DIEGO, CALIFORNIA 92154. OTAY MESA DETENTION CENTER

(Complete Address of Immigration Court, including Room Number, if any)

on December 1, 2025 at 8:00 am to show why you should not be removed from the United States based on the

(Date)

(Time)

charge(s) set forth above.

O. FLORES - SDDO
(Signature and Title of Issuing Officer)

Date: November 20, 2025

San Diego, California

(City and State)

EOIR - 1 OF 5

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 8 CFR 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 I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-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)

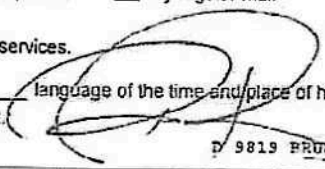
Certificate of Service

This Notice To Appear was served on the respondent by me on November 20, 2025, in the following manner and in compliance with section 239(a)(1) of the Act.

- in person by certified mail, returned receipt # _____ requested by regular mail
 Attached is a credible fear worksheet.
 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.

(Signature of Respondent if Personally Served)


D 9819 BRUNETTE - Deportation
Officer

(Signature and Title of officer)

EOIR - 2 OF 5

Privacy Act Statement

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-sorns>. 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

Subject ID : 400440565

Record of Deportable/Inadmissible Alien

Family Name (CAPS) TELLO TELLO, HECTOR DONALDO		First	Middle	Sex M	Hair [REDACTED]	Eyes [REDACTED]	Complexion [REDACTED]
Country of Citizenship GUATEMALA	Passport Number and Country of Issue [REDACTED]			Height [REDACTED]	Weight [REDACTED]	Occupation UNKNOWN	
US Address [REDACTED]				Scars and Marks			
Date, Place, Time, and Manner of Last Entry Unknown Date Unknown Time, UNK, WI-Without Inspection			Port of Boarding at	F.B.I. Number 68D56806P	<input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Married <input type="checkbox"/> Widower <input type="checkbox"/> Separated		
Number, Street, City, Province (State) and Country of Permanent Residence				Method of Location/Apprehension 287			
Date of Birth [REDACTED]	Age: 22	Date of Action 10/19/2025	Location Code WPD/MIA	At Near See I-831	Date/Time 10/19/2025 09:39		
City, Province (State) and Country of Birth GUATEMALA		AK <input checked="" type="checkbox"/>	Form: (Type and No.) Listed <input type="checkbox"/> Not Listed <input type="checkbox"/>	By L. 8591 CAMACHO-URIBE			
NIV Issuing Post and NIV Number		Social Security Account Name		Status at Entry		Status When Found	
Date Visa Issued		Social Security Number		Length of Time Illegally in U.S.			
Immigration Record NEGATIVE			Criminal Record See Narrative				
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)						Number and Nationality of Minor Children None	
Father's Name, Nationality, and Address, if Known			Mother's Present and Maiden Names, Nationality, and Address, if Known				
Monies Due/Property in U.S. Not in Immediate Possession None Claimed		Forgotten? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Systems Checks See Narrative	Charge Code/Word(s) See Narrative			
Name and Address of (Last) Current U.S. Employer		Type of Employment See Narrative	Salary	Employed from/to IR			
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: [REDACTED]		Left Index Fingerprint [REDACTED]		Right Index Fingerprint [REDACTED]			
Subject Health Status The subject claims good health.							
Current Administrative Charges 10/19/2025 - 212a6Ai - ALIEN PRESENT WITHOUT ADMISSION OR PAROLE - (PWAs)							
RECORDS CHECKED ... (CONTINUED ON I-831)							
Alien has been advised of communication privileges _____ (Date/Initials)				L. 8591 CAMACHO-URIBE Deportation Officer (Signature and Title of Immigration Officer)			
Distribution:				Received (Subject and Documents) (Report of Interview) Officer L. 8591 CAMACHO-URIBE on October 19, 2025 (Date) Disposition Warrant of Arrest/Notice to Appear Examining Officer: DELBAUGH, C. 6662			

EXHIBIT C

Christopher R. Delbaugh

EOIR - 1 of 8

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name TELLO TELLO, HECTOR DONALDO	File Number [REDACTED]	Date 10/19/2025
Event No: [REDACTED]		

NCIC Pos
TECS Neg
CIS Neg
CLAIM Neg
EARM Neg

 TYPE OF EMPLOYMENT

Occupation Not Reported

AT/NEAR

WEST PALM BEACH, FL

Record of Deportable/Excludable Alien:

ENCOUNTER:

HECTOR TELLO TELLO (hereinafter "alien") was encountered by Stuart CAP officers after being arrested by Florida Highway Patrol for civil 287(g) violations. The alien appears to be a native and citizen of Guatemala. Additionally, the alien appears to be in the country illegally; has no pending claims to U.S. Citizenship or Legal Permanent Resident Status and no petitions pending, according to records checks conducted through Department of Homeland Security electronic indices.

ENTRY IMMIGRATION STATUS:

The alien is a citizen and national of Guatemala who entered the United States at an unknown place/time and not a designated port of entry. Record checks revealed that the alien has not adjusted status to that of a Lawful Permanent Resident. The alien's parents are not citizens/natives of the United States. The aliens' parents have not naturalized; therefore, the alien does not meet the guidelines for derivation of citizenship.

IMMIGRATION HISTORY:

The alien appears to have never been encountered by immigration officials.

CRIMINAL HISTORY:

The alien does have a previous history of arrest, please see NCIC for details.

CITIZENSHIP/MILITARY:

None claimed.

TERRORIST LINKS:

None reported.

GANG AFFILIATION:

None reported.

CUSTODY DETERMINATION:

This alien will remain in ICE custody pending placement into removal proceedings.

BASIS FOR REMOVAL:

This alien is inadmissible according to Section 212 of the INA.

VALID TRAVEL DOCUMENTS IN FILE:

None.

Signature L. 8591 CAMACHO-URIBE	Title Deportation Officer
------------------------------------	------------------------------

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name TELLO TELLO, HECTOR DONALDO	File Number [REDACTED]	Date 10/19/2025
Event No: [REDACTED]		
MEDICAL PROBLEMS: None reported.		
FAMILY ISSUES: None reported.		
Other Identifying Numbers		
ALIEN- [REDACTED]		
State Criminal Number/State Bureau Number- [REDACTED] (UNITED STATES)		
Inmate Number - County Jail- [REDACTED] (UNITED STATES)		
..COMMENT: PALM BEACH COUNTY JAIL		
Signature L. 8591 CAMACHO-URIBE		Title Deportation Officer

EOIR - 3 of 8



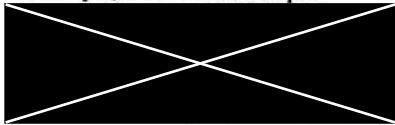
UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OTAY MESA IMMIGRATION COURT

Respondent Name:

TELLO-TELLO, HECTOR DONALDO

To:

Anaya, Richard Joseph



A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

11/24/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

Denied, because
No jurisdiction. Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025)

Granted. It is ordered that Respondent be:
 released from custody on his own recognizance.
 released from custody under bond of \$
 other:

Other:

EXHIBIT
D



Immigration Judge: Grande, Guy 11/24/2025

Appeal: Department of Homeland Security: waived reserved
Respondent: waived reserved

Appeal Due: 12/24/2025

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [] Alien | [] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : TELLO-TELLO, HECTOR DONALDO | A-Number : 

Riders:

Date: 11/24/2025 By: GONZALEZ, EMELY, Court Staff



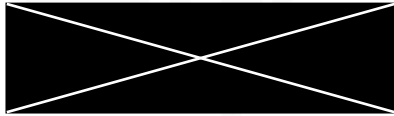
UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OTAY MESA IMMIGRATION COURT

Respondent Name:

TELLO TELLO, HECTOR DONALDO

To:

Anaya, Richard Joseph



A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

12/10/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

Denied, because

The Court finds that it continues to lack jurisdiction to redetermine Respondent's custody status. See Matter of Yajure-Hurtado, 29 I&N Dec. 216 (BJA 2025). Although the United States District Court for the Central District of California recently granted class certification in Maldonado Bautista v. Noem, No. 5:25 CV-01873-SSS-BFM (C.D. Cal. Nov. 25, 2025), Maldonado Bautista remains pending with the District Court. As such, the Court denies Respondent's request for custody redetermination.

Granted. It is ordered that Respondent be:

- released from custody on his own recognizance.
- released from custody under bond of \$
- other:

Other:

**EXHIBIT
E**

Guy Grande

Immigration Judge: Grande, Guy 12/10/2025

Appeal: Department of Homeland Security: waived reserved
Respondent: waived reserved


Appeal Due: 01/12/2026

Certificate of Service

This document was served:

Via: Mail | Personal Service | Electronic Service | Address Unavailable

To: Alien | Alien c/o custodial officer | Alien atty/rep. | DHS

Respondent Name : TELLO TELLO, HECTOR DONALDO | A-Number : 

Riders:

Date: 12/10/2025 By: GONZALEZ, EMELY, Court Staff