



1 Morales, who entered the United States as an unaccompanied minor in early 2015.  
2 He was apprehended shortly after his entry, transferred and released by the Office  
3 of Refugee Resettlement, to pursue his removal proceedings.  
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5 2. Removal proceedings ensued in the Phoenix, Arizona immigration court  
6 then to the San Diego Immigration Court. Mr. Figueroa, out of custody, attended  
7 all his scheduled immigration court proceedings without incident.  
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9 3. In 2016, his removal proceedings were administratively closed.  
10 He was not required to check in with ICE, nor did he have “check-in’s” at the  
11 Intensive Supervision Appearance Program (ISAP). He therefore had no notice or  
12 information that might indicate his release could be revoked.  
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14 4. Nevertheless, on October 2, 2025, ICE re-detained Mr. Figueroa while he  
15 was at a Home Depot. Agents approached him, without a warrant, and detained  
16 him.  
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18 5. Before re-detaining him, Respondents did not provide Mr. Figueroa with any  
19 written notice explaining the basis for the revocation of his release. Nor did they  
20 provide a hearing before a neutral decisionmaker where ICE was required to justify  
21 the basis for re-detention or explain why Mr. Figueroa is a flight risk or danger to  
22 the community.  
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24 6. As Courts have recently held, due process demands such a hearing prior to  
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1 the government's decision to terminate a person's liberty. *E.A. T.-B. v. Wamsley*, --  
2 - F. Supp. 3d --- No. C25-1192-KKE, 2025 WL 2402130 (W.D. Wash. Aug. 19,  
3 2025). Many other courts have held the same in recent months.  
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5 7. By failing to provide such a hearing, Respondents have violated Mr.  
6 Figueroa's constitutional right to due process. Accordingly, this Court should grant  
7 the instant petition for a writ of habeas corpus and order his immediate release. *See*  
8 *id.* at \*6 (ordering immediate release because "a post-deprivation hearing cannot  
9 serve as an adequate procedural safeguard because it is after the fact and cannot  
10 prevent an erroneous deprivation of liberty").  
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### 13 JURISDICTION

14 8. 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.  
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17 9. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas  
18 corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United  
19 States Constitution (Suspension Clause) the Fourth and Fifth Amendments to the  
20 U.S. Constitution, and 5 U.S.C. §§ 701-706 (Administrative Procedure Act).  
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22 10. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. §  
23 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., and the All  
24 Writs Act, 28 U.S.C. § 1651.  
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**VENUE**

1 11. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(a)  
2 and 28 U.S.C. § 1391(b)(2) and (e)(1) because Mr. Figueroa is physically  
3 detained within this district.  
4

5 12. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e)  
6 because Respondents are employees, officers, and agencies of the United States,  
7 and because a substantial part of the events or omissions giving rise to the claims  
8 occurred in the Southern District of California.  
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**REQUIREMENTS OF 28 U.S.C. § 2243**

11 13. The Court must grant the petition for writ of habeas corpus or issue an order  
12 to show cause (OSC) to the Respondents “forthwith,” unless Petitioner is not  
13 entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require  
14 Respondents to file a return “within three days unless for good cause additional  
15 time, not exceeding twenty days, is allowed.” *Id.*  
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18 14. Habeas corpus is “perhaps the most important writ known to the  
19 constitutional law . . . affording as it does a swift and imperative remedy in all  
20 cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963).  
21 “The application for the writ usurps the attention and displaces the calendar of the  
22 judge or justice who entertains it and receives prompt action from him within the  
23 four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir.  
24 2000) (citation omitted); *see also Van Buskirk v. Wilkinson*, 216 F.2d 735, 737–38  
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1 (9th Cir. 1954) (Habeas corpus is “a speedy remedy, entitled by statute to special,  
2 preferential consideration to insure expeditious hearing and determination.”).

3 15. Mr. Figueroa is “in custody” for the purpose of 28 U.S.C. § 2241 because  
4 he is in Respondents’ custody at the Imperial Regional Detention Facility.  
5

### 7 **PARTIES**

8 16. Miguel Angel Figueroa Morales is an adult citizen of Guatemala. He has no  
9 criminal history. His removal proceedings had been closed since 2016. Since his  
10 detention his removal proceedings have been re-calendared. He has a U.S. Citizen  
11 fiancé whom he has been with for over five years. He will apply for cancellation of  
12 removal, and his future wife will petition him, which once a waiver is approved,  
13 would give him lawful permanent residency, and eventually, U.S. citizenship. He  
14 is presently in custody of Immigration and Customs Enforcement (ICE) at the  
15 Imperial Regional Detention Facility, 1572 Gateway Rd, Calexico, CA 92231.  
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18 17. Respondent Gregory J. Archambeault is the Field Office Director for ICE’s  
19 San Diego and Imperial Field Office. The Imperial Field Office is responsible for  
20 local custody decisions relating to noncitizens charged with being removable from  
21 the United States. The Imperial Field Office’s area of responsibility includes San  
22 Diego and Imperial County in California. Respondent Archambeault is a legal  
23 custodian of Mr. Figueroa and is sued in his official capacity.  
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27 18. Warden of Imperial Regional Detention Facility and is sued in his official  
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PETITION FOR WRIT OF HABEAS CORPUS

1 capacity.

2 19. Respondent Todd M. Lyons is the Acting Director of ICE. As the Senior  
3 Official Performing the Duties of the Director of ICE, he is responsible for the  
4 administration and enforcement of the immigration laws of the United States,  
5 routinely transacts business in this District, and is legally responsible for pursuing  
6 any effort to detain and remove Mr. Figueroa. Respondent Lyons is sued in his  
7 official capacity.  
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10 20. Respondent Kristi Noem is the Secretary of the Department of Homeland  
11 Security (DHS). She is responsible for the implementation and enforcement  
12 of the Immigration and Nationality Act (INA), and oversees ICE, which is  
13 responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority  
14 over Petitioner and is sued in her official capacity.  
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17 21. Respondent Pamela Bondi is the Attorney General of the United States, and  
18 as such has authority over the Department of Justice. She is sued in her official  
19 capacity.  
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22 22. Respondent U.S. Department of Homeland Security is the federal agency  
23 that has authority over the actions of ICE.  
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#### 25 **FACTUAL BACKGROUND**

26 23. Mr. Figueroa is a 26-year-old citizen and national of Guatemala.

27 24. Mr. Figueroa fled Guatemala at fifteen years old arriving in the United  
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1 States as an unaccompanied minor.

2 25. On or about May 16, 2015, he arrived in the United States at or near the  
3 Nogales, Arizona port of entry. That same day, he was detained by border patrol  
4 and placed with the juveniles. He was held for a Notice to Appear for further  
5 proceedings.  
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8 26. Pursuant to statute, ICE/DHS transferred Petitioner's custody to the Office  
9 of Refugee Resettlement ("ORR"). ORR affirmatively released Petitioner to an  
10 adult family-member sponsor. Following that release, DHS permitted Petitioner to  
11 remain at liberty for nearly a decade and did not place him under any form of  
12 immigration detention or custodial supervision.  
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15 27. After release from ORR custody, Petitioner consistently appeared at all  
16 scheduled removal proceedings. Venue was transferred from Arizona to the San  
17 Diego Immigration Court, where Petitioner resided with his sponsor in San Diego,  
18 California. Petitioner worked with an attorney, attending all scheduled court  
19 hearings.  
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22 28. In 2016 his removal proceedings were administratively closed.

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24 29. Petitioner was not placed under supervision or required to check in with  
25 ISAP.

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27 30. Over the past ten years, Petitioner, has remained law abiding.

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31. Petitioner has a U.S. Citizen fiancé whom he has had a long, loving and

1 stable relationship with for over five years. Once married she will petition him, he  
2 will file a waiver and if approved will eventually be able to obtain lawful  
3 permanent residency. His detention has stalled their marriage plans.  
4

5 32. Subsequent to his re-detention DHS re-calendared removal proceedings  
6 which are currently pending with the Imperial Immigration Court.  
7

8 33. Petitioner has a private interest in remaining free. He has a fiancé, and over  
9 ten years in the country. He has established a residence, family and friendships.  
10

11 34. On October 2, 2025, while Mr. Figueroa was outside a Home Depot, ICE  
12 agents pulled up to where he was and started questioning him. They did not present  
13 a warrant, provide notice of any alleged violation, or identify any statutory basis  
14 for arrest. His removal proceedings were administratively closed and DHS had  
15 released him from custody without conditions. Nevertheless, they took him into  
16 custody where he remains detained and deprived of his liberty.  
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19 35. Prior to Mr. Figueroa's re-detention, he did not receive written notice of the  
20 reason for his re-detention.  
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22 36. Prior to Mr. Figueroa's re-detention, he never received a hearing before a  
23 neutral decisionmaker to determine if his re-detention is justified.  
24

### 25 **LEGAL FRAMEWORK**

26 37. Due process requires that if DHS seeks to re-arrest a person like Mr.  
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1 Figuroa, who has lived in the United States without incident after DHS first  
2 released him and has complied with the terms of his release, the government must  
3 afford a hearing before a neutral decisionmaker to determine whether any re-  
4 detention is justified, and whether the person is a flight risk or danger to the  
5 community.  
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8 38. “Freedom from imprisonment—from government custody, detention, or  
9 other forms of physical restraint—lies at the heart of the liberty protected by the  
10 Due Process Clause.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). As this Court  
11 recently recognized, this is the “the most elemental of liberty interests.” *E.A. T.-B.*,  
12 2025 WL 2402130, at \*3 (citation modified).  
13

14  
15 39. Consistent with this principle, individuals released on parole or other forms  
16 of conditional release have a liberty interest in their “continued liberty.” *Morrissey*  
17 *v. Brewer*, 408 U.S. 471, 482 (1972).  
18

19 40. Such liberty is protected by the Fifth Amendment because, “although  
20 indeterminate, [it] includes many of the core values of unqualified liberty,” such as  
21 the ability to be gainfully employed and live with family, “and its termination  
22 inflicts a ‘grievous loss’ on the [released individual] and often on others.” *Id.*  
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24  
25 41. To guarantee against arbitrary re-detention and to guarantee the right to  
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1 liberty, due process requires “adequate procedural protections” that ensure the  
2 government’s asserted justification for a noncitizen’s physical confinement  
3 “outweighs the individual’s constitutionally protected interest in avoiding physical  
4 restraint.” *Zadvydas*, 533 U.S. at 690 (citation modified).  
5

6  
7 42. Due process thus guarantees notice and an individualized hearing before a  
8 neutral decisionmaker to assess danger or flight risk before the revocation of an  
9 individual’s release. *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970) (“The  
10 fundamental requisite of due process of law is the opportunity to be heard . . . . at a  
11 meaningful time in a meaningful manner.” (citation modified)); *see also, e.g.*,  
12 *Morrissey*, 408 U.S. at 485 (requiring “preliminary hearing to determine whether  
13 there is probable cause or reasonable ground to believe that the arrested parolee has  
14 committed . . . a violation of parole conditions” and that such determination be  
15 made “by someone not directly involved in the case” (citation modified)).  
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20 43. Several courts, have recognized that these principles apply with respect to  
21 the re-detention of the many noncitizens that DHS has recently begun taking back  
22 into custody, often after such persons have been released for months and years.  
23

24 44. For example, in *E.A. T.-B.*, this Court applied the *Mathews v. Eldridge*, 424  
25 U.S. 319 (1976), framework to hold that even in a case where the government  
26 argued mandatory detention applied, a person’s re-detention required a hearing.  
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1 45. In applying the three *Mathews* factors, this Court held that the petitioner had  
2 “undoubtedly [been] deprive[d] . . . of an established interest in his liberty,” *E.A.*  
3 *T.-B.*, 2025 WL 2402130, at \*3, which, as noted, “is the most elemental of liberty  
4 interests,” *id.* (citation modified). The Court further explained that even if  
5 detention was mandatory, the risk of erroneous deprivation of liberty without a  
6 hearing was high because a hearing serves to ensure that the purposes of  
7 detention—the prevention of danger and flight risk—are properly served. *Id.* at \*4—  
8 5. Finally, the Court explained that “the Government’s interest in re-detaining non-  
9 citizens previously released without a hearing is low: although it would have  
10 required the expenditure of finite resources (money and time) to provide Petitioner  
11 notice and hearing on [ISAP] violations before arresting and re-detaining him,  
12 those costs are far outweighed by the risk of erroneous deprivation of the liberty  
13 interest at issue.” *Id.* at \*5. As a result, this Court ordered the petitioner’s  
14 immediate release. *Id.* at \*6.

15 46. This Court’s decision in *E.A. T.-B.* is consistent with many other district  
16 court decisions addressing similar situations. *See, e.g., Valdez v. Joyce*, No. 25  
17 CIV. 4627 (GBD), 2025 WL 1707737 (S.D.N.Y. June 18, 2025) (ordering  
18 immediate release due to lack of pre-deprivation hearing); *Pinchi v. Noem*, --- F.  
19 Supp. 3d ---, No. 5:25-CV-05632-PCP, 2025 WL 2084921 (N.D. Cal. July 24,  
20 2025) (similar); *Maklad v. Murray*, No. 1:25-CV-00946 JLT SAB, 2025 WL

1 2299376 (E.D. Cal. Aug. 8, 2025) (similar); *Garcia v. Andrews*, No. 1:25-CV-  
2 01006 JLT SAB, 2025 WL 2420068 (E.D. Cal. Aug. 21, 2025) (similar).

3  
4 47. The same framework and principles apply here and compel Mr. Figueroa's  
5 immediate release.

6  
7 **COUNT I**  
8 **Violation of Fifth Amendment Right to Due Process**  
9 **Procedural Due Process**

10 48. Mr. Figueroa restates and realleges all paragraphs as if fully set forth here.

11 49. Due process does not permit the government to strip Mr. Figueroa of his  
12 liberty without written notice and a hearing before a neutral decisionmaker to  
13 determine whether re-detention is warranted based on danger or flight risk. *See*  
14 *Morrissey*, 408 U.S. at 487–88. Such written notice and a hearing must occur *prior*  
15 to any re-detention.

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

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

52. Respondents revoked Mr. Figueroa's release and deprived him of liberty without affording him any written notice or meaningful opportunity to be heard by a neutral decisionmaker prior to his re-detention.

53. Detention constitutes "a loss of liberty that is . . . irreparable." *Moreno Galvez v. 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 F.4th, 821 (9th Cir. 2022). It "is well established that the deprivation of constitutional rights unquestionably constitutes irreparable injury." *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (citation modified); *Warsoldier v. Woodford*, 418 F.3d 989, 1001-02 (9th Cir. 2005).

54. Accordingly, Mr. Figueroa's re-detention violates the Due Process Clause of the Fifth Amendment.

## COUNT II

### Mr. Figueroa's Detention Violates his Fifth Amendment Right to Substantive Due Process

55. Mr. Figueroa restates and realleges all paragraphs as if fully set forth here

56. The Due Process Clause of the Fifth Amendment to the U.S. Constitution

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

10  
11 57. Due process requires that government action be rational and non-arbitrary.  
12 See *U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

13  
14 58. As already stated, Mr. Figueroa has a vital liberty interest in remaining free  
15 from DHS custody. See *Pinchi v. Noem*, No. 5:25-CV-05632-PCP, 2025 WL  
16 2084921, at \*4 (N.D. Cal. July 24, 2025) (citing *Diaz v. Kaiser*, No. 3:25-CV-  
17 05071, 2025 WL 1676854 (N.D. Cal. June 14, 2025) (explaining that a non-citizen  
18 that ICE released from custody after initial apprehension “has a substantial private  
19 interest in remaining out of custody” which includes an interest in “...obtaining  
20 necessary medical care, [and] maintaining her relationships in the community...”).

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23 59. Mr. Figueroa, prior to his detention complied with all aspects of his release.  
24 Further, he developed community ties, and a loving relationship.

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26 60. Prior to his initial release, Respondents considered Mr. Figueroa’s facts and  
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1 circumstances and determined that he was not a flight risk or a danger to the  
2 community. There have been no changes to the facts that justify revocation of his  
3 release.  
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5 **PRAYER FOR RELIEF**

6 WHEREFORE, Mr. Figueroa respectfully requests that this Court:

- 7 (1) Assume jurisdiction over this matter;
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- 9 (2) Issue an Order to Show Cause ordering Respondents to show cause  
10 within three days as to why this Petition should not be granted as required by  
11 28 U.S.C. § 2243;
- 12 (3) Issue a Writ of Habeas Corpus ordering Respondents to release Mr.  
13 Figueroa from custody immediately and permanently enjoining his re-  
14 detention absent written notice and a hearing prior to re-detention where  
15 Respondents must prove by clear and convincing evidence that he is a flight  
16 risk or danger to the community and that no alternatives to detention would  
17 mitigate those risks;
- 18 (4) Declare that Mr. Figueroa's detention without an individualized  
19 determination before a neutral decisionmaker violates the Due Process  
20 Clause of the Fifth Amendment;
- 21 (5) Issue an Order prohibiting the Respondents from transferring Mr.  
22 Figueroa from this district without the Court's approval;
- 23 (6) Award Mr. Figueroa attorney's fees and costs under the Equal Access to  
24 Justice Act, and on any other basis justified under law; and
- 25 (7) Grant any further relief this Court deems just and proper.

26 Dated: February 2, 2026

Respectfully submitted,

27 /s/LeRoy George Siddell

28 LeRoy George Siddell  
Attorney for Petitioner

1  
2 VERIFICATION OF COUNSEL

3 I, LeRoy George Siddell, hereby certify that I am familiar with the case of the  
4 named Petitioner and that the facts as stated above are true and correct to the best  
5 of my knowledge and belief.

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7  
8 s/LeRoy George Siddell  
9 attorneysiddell@yahoo.com  
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1 EXHIBIT LIST

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PETITION FOR WRIT OF HABEAS CORPUS