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11 **UNITED STATES DISTRICT COURT**  
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 **Reinaldo Chirino Rivero & KRIS**  
14 **STEFANY PINEDA**  
15 **TORREGROSA**

16 **Petitioner,**

17 **v.**

18 **CHRISTOPHER LAROSE**, Warden at Otay  
19 Mesa Detention Center; **DANIEL A.**  
20 **BRIGHTMAN**, San Diego Field Office  
21 Director ICE Enforcement Removal Operations;  
22 **TODD M. LYONS**, Acting Director,  
23 Immigration and Customs Enforcement.  
24 **KRISTI NOEM**, Secretary of the Department  
25 of Homeland Security; U.S. DEPARTMENT  
26 OF HOMELAND SECURITY; **PAMELA**  
27 **BONDI**, Attorney General of the United States;  
28 EXECUTIVE OFFICE FOR IMMIGRATION  
REVIEW

**Respondents.**

CIVIL CASE NO.: '26CV0753 LL MSB

**PETITION FOR WRIT OF  
HABEAS CORPUS AND ORDER  
TO SHOW CAUSE WITHIN  
THREE DAYS**

Expedited Hearing Requested

**INTRODUCTION**

1. Petitioners, Reinaldo Chirino Rivero (“Mr. Chirino”) and Kris Stefany Pineda Torregrosa (“Mrs. Pineda”), are husband and wife who are currently in

1 removal proceedings before the Immigration Court at Otay Mesa Detention Center.  
2 In Mr. Chirino’s case, the Notice to Appear filed with the Immigration Court, The  
3 Department of Homeland Security (“DHS”) alleges that Mr. Chirino is a Venezuelan  
4 national who entered the United States without inspection around December 25,  
5 2022. For Mrs. Pineda, DHS alleges that Mrs. Pineda is a Colombian national who  
6 entered the United States without inspection around December 25, 2022.

7  
8 2. Petitioners brings this petition for a writ of habeas corpus to seek  
9 enforcement of their rights as a member of the Bond Denial Class certified in  
10 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.)  
11 Petitioners are in the physical custody of Respondents at the Otay Mesa Detention  
12 Center. They now faces unlawful detention because DHS and the Executive Office  
13 for Immigration Review (“EOIR”) have refused to abide by the declaratory judgment  
14 issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

15 3. On November 20, 2025, the District Court granted partial summary  
16 judgment on behalf of individual plaintiffs and on November 25, 2025, certified a  
17 nationwide class and extended declaratory judgment to the certified class. *Maldonado*  
18 *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL  
19 3289861, at \*11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment  
20 to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-  
21 01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at \*9 (C.D. Cal. Nov. 25,  
22 2025) (order certifying Plaintiffs-Petitioners’ proposed nationwide Bond Eligible  
23 Class, incorporating and extending declaratory judgment from Order Granting  
24 Petitioners’ Motion for Partial Summary Judgment

25 4. The declaratory judgment held that the Bond Denial Class members  
26 are detained under 8 U.S.C. § 1226(a), and thus may not be denied consideration for  
27 release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at  
28 \*11.

1           5.       Nonetheless, EOIR and its subagency the Immigration Court and DHS  
2 have blatantly refused to abide by the declaratory relief and have continuously  
3 unlawfully ordered that class members be denied the opportunity to be released on  
4 bond.

5           6. Petitioners are members of the Bond Eligible Class, as:

6               a. DHS alleges that Petitioners do not have lawful status in the United  
7 States and are currently detained at the Otay Mesa Detention  
8 Center. They were apprehended by immigration authorities on  
9 January 27, 2026;

10              b. DHS alleges that Petitioners entered the United States without  
11 inspection over 3 years ago and were not apprehended upon arrival,  
12 cf. id.; and

13              c. They are not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or §  
14 1231.

15           7.       After apprehending Petitioners on January 27, 2026, DHS placed them  
16 in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS have charged Petitioners  
17 as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered  
18 the United States without inspection.

19           8.       The Court should expeditiously grant this petition.

20           9.       Respondents are bound by the judgment in *Maldonado Bautista*, as it  
21 has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a).  
22 Nevertheless, Respondents continue to flagrantly defy the judgment in that case and  
23 continue to subject Petitioners to unlawful detention despite their clear entitlement  
24 to consideration for release on bond as a Bond Eligible Class member.

25           10.       Immigration judges have informed class members in bond hearings  
26 that they have been instructed by “leadership” that the declaratory judgment in  
27 *Maldonado Bautista* is not controlling, even with respect to class members, and that  
28 instead IJs remain bound to follow the agency’s prior decision in *Matter of Yajure*

1 *Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

2 11. Additionally, Petitioners bring this writ of petition for habeas corpus  
3 as their 4<sup>th</sup> Amendment right against unreasonable seizures was violated when ICE  
4 arrested them without reasonable suspicion and without a warrant.

5 12. Because Respondents are detaining Petitioners in violation of the  
6 declaratory judgment issued in *Maldonado Bautista*, and Petitioners' 4<sup>th</sup>  
7 Amendment rights were violated, the Court should accordingly order that within  
8 one day, Respondent DHS must release Petitioners.

9 13. Alternatively, the Court should order Petitioners' release unless  
10 Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days

11 **II. VENUE AND JURISDICTION**

12 14. This Court has jurisdiction under 28 U.S.C. § 2241, 28 U.S.C. § 1331, and  
13 Article I, § 9, cl. 2 of the Constitution (Suspension Clause).

14 15. Venue lies in this Division because Petitioners are detained in Otay Mesa  
15 Detention Center, within the San Diego Division, and Respondent LaRose is their  
16 immediate custodian. See 28 U.S.C. §§ 2241(d), 1391(e).

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

18 16. The Court must grant the petition for writ of habeas corpus or issue an  
19 order to show cause (OSC) to the Respondents "forthwith," unless the  
20 petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court  
21 must require Respondents to file a return "within three days unless for good cause  
22 additional time, not exceeding twenty days, is allowed." *Id.*

23 17. The Court should grant the petition for writ of habeas corpus "forthwith,"  
24 as the legal issues have already been resolved for class members in *Maldonado*  
25 *Bautista*.

26 18. Habeas corpus is "perhaps the most important writ known to the  
27 constitutional law . . . affording as it does a swift and imperative remedy in all cases  
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1 of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis  
2 added). “The application for the writ usurps the attention and displaces the calendar  
3 of the judge or justice who entertains it and receives prompt action from him within  
4 the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir.  
5 2000) (citation omitted).

6 19. The Petitioners are “in custody” for the purpose of § 2241 because they  
7 were arrested and remain detained by the Respondents.

#### 8 IV. PARTIES

9 20. Petitioner Reinaldo Chirino Rivero (“Mr. Chirino”) is a 33-year-old man  
10 who resides in Chula Vista, California. He is currently detained at the Otay Mesa  
11 Detention Center in San Diego, California.

12 21. Petitioner Kris Stefany Pineda Torregrosa (“Mrs. Pineda”) is a 37-year-  
13 old woman who resides in Chula Vista, California. She is currently detained at the  
14 Otay Mesa Detention Center in San Diego, California.

15 22. Respondent Christopher J. LaRose is the Warden of Otay Mesa Detention  
16 Center. As such, Respondent is responsible for the operation of the Detention  
17 Center where Mr. Chirino is detained. Because ICE contracts with private prisons  
18 such as Otay Mesa to house immigration detainees such as Mr. Chirino, Respondent  
19 LaRose has immediate physical custody of the Petitioner.

20 23. Respondent Daniel A. Brightman is the San Diego Field Office Director  
21 (“FOD”) for ICE Enforcement and Removal Operations (“ERO”). As such,  
22 Respondent Brightman is responsible for the oversight of ICE operations at the  
23 Otay Mesa Detention Center. Respondent Brightman is being sued in his official  
24 capacity.

25 24. Respondent Todd Lyons is the Acting Director of Immigration and  
26 Customs Enforcement (“ICE”). As such, Respondent Lyons is responsible for the  
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1 oversight of ICE operations. Respondent Lyons is being sued in his official  
2 capacity.

3 25. Respondent Kristi Noem is the Secretary of the Department of Homeland  
4 Security (hereinafter “DHS”). As Secretary of DHS, Secretary Noem is responsible  
5 for the general administration and enforcement of the immigration laws of the  
6 United States. Respondent Secretary Noem is being sued in her official capacity.

7 26. Respondent Department of Homeland Security (DHS) is the federal  
8 agency responsible for implementing and enforcing the INA, including the  
9 detention and removal of noncitizens.

10 27. Respondent Pamela Bondi is the Attorney General of the United States.  
11 She is responsible for the Department of Justice, of which the Executive Office for  
12 Immigration Review and the immigration court system it operates is a component  
13 agency. She is sued in her official capacity

14 28. Respondent Executive Office for Immigration Review (EOIR) is the  
15 federal agency responsible for implementing and enforcing the INA in removal  
16 proceedings, including for custody redeterminations in bond hearings

## 17 **V. EXHAUSTION OF REMEDIES**

18 29. With regard to habeas claims, exhaustion of administrative remedies is  
19 prudential, not jurisdictional. *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir.  
20 2017). A court may waive the prudential exhaustion requirement if “administrative  
21 remedies are inadequate or not efficacious, pursuit of administrative remedies would  
22 be a futile gesture, irreparable injury will result, or the administrative proceedings  
23 would be void.” *Id.* (quoting *Liang v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004)).  
24 Petitioners assert that exhaustion should be waived because administrative remedies  
25 are (1) futile and (2) their continued detention results in irreparable harm.

26 30. Because Respondents will refuse to grant a bond hearing to Petitioners in  
27 violation of the declaratory judgment issued in *Maldonado Bautista*, seeking a bond  
28 hearing before an Immigration Judge would be a futile endeavor.

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**VI. STATEMENT OF FACTS**

31. Mr. Chirino was born on [REDACTED] and resides in Chula Vista, California. *See Exhibit A* Declaration of Reinaldo Chirino. Mr. Chirino is married to Kris Stefany Pineda Torregrosa (“Mrs. Pineda”), who was born on [REDACTED]. *See Exhibit B* Declaration of Kris Stefany Pineda Torregrosa. The couple share two minor children, [REDACTED] (12) and [REDACTED] (4). *Id.*

32. On the morning of January 27, 2026, Mr. Chirino and Mrs. Pineda, were apprehended by ICE shortly after they dropped their children off at school. *See Exhibits A and B.*

33. At no point during the encounter, did ICE officers identify themselves, tell the couple why they were being arrested, or question the couple on their immigration status. *Id.* The only information that Mrs. Pineda told the ICE officers was that their minor children were in school. *Id.*

34. Mr. Chirino and Mrs. Pineda were processed by ICE at the downtown ICE ERO office and eventually transferred to Otay Mesa Detention Center. *Id.*

35. Mrs. Pineda was able to contact a friend who could pick up the children and take care of them while the couple was detained. *Id.* This is the first time that the children have been separated from their parents, and they are having a very difficult time. *Id.*; *See also Exhibit C.* The friend had to surrender the family’s dog to a local shelter as she could not take care of the dog. *Id.* A community member stepped up to foster the dog during this difficult time. *Id.*

36. On July 02, 2025, ICE issued Directive 11064.4, “Detention and Removal of Alien Parents and Legal Guardians of Minor Children”<sup>1</sup> that in part states that ICE should not arrest and/or detain noncitizen parents, so as not to unnecessarily infringe upon their caregiving responsibilities and/or parental or

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<sup>1</sup> <https://www.ice.gov/doclib/foia/policy/11064.4.pdf>

1 guardianship rights. The directive details that when making a decision on  
2 enforcement, ICE personnel should remain cognizant of the impact enforcement  
3 actions may have on a minor child(ren).

#### 4 VII. LEGAL FRAMEWORK FOR RELIEF SOUGHT

5  
6 37. Habeas corpus relief extends to a person “in custody under or by color of  
7 the authority of the United States” if the person can show he is “in custody in  
8 violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. §  
9 2241 (c)(1), (c)(3); see also *Antonelli v. Warden, U.S.P. Atlanta*, 542 F.3d 1348,  
10 1352 (11th Cir. 2008) (holding a petitioner’s claims are proper under 28 U.S.C.  
11 section 2241 if they concern the continuation or execution of confinement).

12 38. “[H]abeas corpus is, at its core, an equitable remedy,” *Schlup v. Delo*,  
13 513 U.S. 298, 319 (1995), that “[t]he court shall ... dispose of [] as law and justice  
14 require,” 28 U.S.C. § 2243. “[T]he court’s role was most extensive in cases of  
15 pretrial and noncriminal detention.” *Boumediene v. Bush*, 553 U.S. 723, 779–  
16 80 (2008). “[W]hen the judicial power to issue habeas corpus properly is invoked  
17 the judicial officer must have adequate authority to make a determination in light  
18 of the relevant law and facts and to formulate and issue appropriate orders for relief,  
19 including, if necessary, an order directing the prisoner’s release.” *Id.* at 787.

20 39. Immigration detention is a form of civil confinement that “constitutes a  
21 significant deprivation of liberty that requires due process protection.” *Addington v.*  
22 *Texas*, 441 U.S. 418, 423 (1979). Noncitizens in immigration proceedings are entitled  
23 to Due Process under the Fifth Amendment of the U.S. Constitution. *Reno v. Flores*,  
24 507 U.S. 292, 306 (1993). Immigration detention should not be used as a punishment  
25 and should only be used when, under an individualized determination, a noncitizen is  
26 a flight risk because they are unlikely to appear for immigration court or are a danger  
27 to the community. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

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1 40. Removal proceedings described in section 240 of the INA are used to  
2 determine whether individuals, such as Petitioners, should be removed from the  
3 United States. See, 8 U.S.C. § 1229a. The Immigration and Nationality Act  
4 establishes various procedures through which individuals may be detained pending  
5 a decision on whether or not the noncitizen is to be removed. 8 U.S.C. § 1226(a).

6 41. Custody determinations for individuals in 1229a removal proceedings  
7 are governed by 8 U.S.C. § 1226. Under § 1226(a), an individual may be released  
8 if she does not present a danger to persons or property and is not a flight risk.  
9 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Matter of Guera*, 24 I&N Dec. 37  
10 (BIA 2006). Custody determinations under § 1226(a) are individualized and based  
11 on the facts presented in those cases. Unlike § 1226(c), which can provide  
12 categorical determinations for detention regardless of flight risk or safety risks, §  
13 1226(a) requires a case-by-case review of the facts and circumstances.

14 42. The Fourth Amendment protects “[t]he right of the people to be secure  
15 in their persons . . . against unreasonable searches and seizures.” U.S. Const. amend.  
16 IV.

17 43. “Except at the border and its functional equivalents,” immigration agents  
18 may stop individuals in public only after identifying “specific articulable facts,  
19 together with rational inferences from those facts, that reasonably warrant  
20 suspicion” of a violation of immigration law. *United States v. Brignoni-Ponce*, 422  
21 U.S. 873, 884 (1975).

22 44. Reasonable suspicion for an immigration stop cannot be based “on broad  
23 profiles which cast suspicion on entire categories of people without any  
24 individualized suspicion of the particular person to be stopped.” *United States v.*  
25 *Rodriguez Sanchez*, 23 F.3d 1488, 1492 (9th Cir. 1994). Rather, reasonable  
26 suspicion must be “particularized and objective,” *United States v. Arvizu*, 534 U.S.  
27 266, 273 (2002), meaning the officer has reasonable suspicion as to “the particular  
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1 person being stopped.” *United States v. Montero-Camargo*, 208 F.3d 1122, 1129  
2 (9th Cir. 2000) (en banc).

3 45. Immigration officers may arrest an individual without a warrant in  
4 limited circumstances. See *Arizona v. United States*, 567 U.S. 387, 407–08 (2012)  
5 (noting strong Congressional preference, as expressed in INA, for immigration  
6 arrests to be based on warrants).

7 46. The INA permits warrantless arrest if an immigration officer has  
8 reason to believe that a noncitizen (1) is in the United States in violation of the  
9 immigration laws and (2) “is likely to escape before a warrant can be obtained for  
10 his arrest”. 8 U.S.C. § 1357(a)(2); accord 8 C.F.R. § 287.8(c)(2)(i)-(ii). An officer  
11 “has reason to believe” when they have the equivalent of “the constitutional  
12 requirement of probable cause.” *Tejeda-Mata v. INS*, 626 F.2d 721, 725 (9th Cir.  
13 1980).

14 47. The Fifth Amendment right to remain silent may be properly invoked  
15 during a civil immigration arrest. See *Kastigar v. United States*, 406 U.S. 441, 444-  
16 45 (1972) (The privilege against self-incrimination “can be asserted in any  
17 proceeding, civil or criminal, administrative or judicial, investigatory or  
18 adjudicatory . . . This Court has been zealous to safeguard the values which underlie  
19 the privilege.”).

20 48. An immigration officer may not establish probable cause on the basis  
21 of a noncitizen’s silence pursuant to his Fifth Amendment rights. See *Hurd v.*  
22 *Terhune*, 619 F.3d 1080, 1088 (9th Cir. 2010) (affirming “the fundamental principle  
23 that a suspect’s silence in the face of questioning cannot be used as evidence against  
24 him at trial”).

25 49. If an immigration officer makes a warrantless arrest, at the time of an  
26 arrest and “as soon as it is practical and safe to do so,” immigration officers must  
27 identify themselves as immigration officers authorized to make arrests, inform the  
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1 person arrested that they are under arrest, and state the reason for the arrest. 8 C.F.R.  
2 § 287.8(c)(2)(iii).

3 **VIII. CAUSES OF ACTION**

4 **COUNT ONE**

5 **Violation of the INA:**

6 **Request for Relief Pursuant to *Maldonado Bautista***

7 50. Petitioners repeats, re-alleges, and incorporates by reference each and  
8 every allegation in the preceding paragraphs as if fully set forth herein.

9 51. As members of the Bond Eligible Class, Petitioners are entitled to  
10 consideration for release on bond under 8 U.S.C. § 1226(a).

11 52. The order granting partial summary judgment in Maldonado Bautista  
12 holds that Respondents violate the INA in applying the mandatory detention statute  
13 at § 1225(b)(2) to class members.

14 53. The order granting class certification in Maldonado Bautista further  
15 orders that “[w]hen considering this determination with the MSJ Order, the Court  
16 extends the same declaratory relief granted to Petitioners to the Bond Eligible  
17 Class as a whole.”

18 54. Respondents are parties to Maldonado Bautista and bound by the  
19 Court’s declaratory judgment, which has the full “force and effect of a final  
20 judgment.” 28 U.S.C. § 2201(a).

21 55. By denying class members a bond hearing under § 1226(a) and  
22 asserting that they are subject to mandatory detention under § 1225(b)(2),  
23 Respondents violate class members’ statutory rights under the INA and the Court’s  
24 judgment in Maldonado Bautista.

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**COUNT TWO**

**Violation of the Administrative Procedure Act—5 U.S.C. § 706(2)(A)  
Abuse of Discretion**

56. Petitioners incorporates the allegations in the paragraphs above as though fully set forth here.

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

58. An action is an abuse of discretion if the agency “entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007)(quoting *Motor Vehicle Mfrs. Ass’n of U.S. Inc. v. State Farm Mut. Auto Ins. Co.*, 463 U.S. 29, 43 (1983).

59. To survive an APA challenge, the agency must articulate “a satisfactory explanation for its action, “including a rational connection between the facts found and the choice made.” *Dept. of Com. v. New York*, 139 S.Ct. 2551,2569 (2019)(citation omitted).

60. By detaining Petitioners categorically, without an individualized assessment of his circumstances, and in complete violation of their own policy under ICE Directive 11064.4, the Respondents abused their discretion.

**COUNT THREE**

**Violation of the Due Process Clause of the Fifth Amendment**

61. Petitioners incorporates the allegations in the paragraphs above as though fully set forth here.

62. All persons residing in the United States are protected by the Due Process Clause of the Fifth Amendment.

1           63. The Due Process Clause of the Fifth Amendment provides that “[n]o  
2 person shall be ... deprived of life, liberty, or property, without due process of law.”  
3 U.S. CONT. amend. V. Freedom from bodily restraint is at the core of the liberty  
4 protected by the Due Process Clause. This vital liberty interest is at stake when an  
5 individual is subject to detention by the federal government.

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

8           65. Under the civil-detention framework set out in *Zadvydas v. Davis*, 533  
9 U.S. 678 (2001), and its progeny, the Government may deprive a non-citizen of  
10 physical liberty only when the confinement serves a legitimate purpose—such as  
11 ensuring appearance or protecting the community—and is reasonably related to,  
12 and not excessive in relation to, that purpose. Detention that lacks adequate  
13 procedural safeguards or is imposed without an individualized determination  
14 violates due process. *Id.* at 690.

15           66. Here, Petitioners were stopped, arrested, and detained in an arbitrary  
16 manner, without any notice of the basis for their arrest and continued detention, and  
17 not based on a rational and individualized determination of whether they should be  
18 detained based on individual facts and circumstances pertaining to whether they  
19 was a flight risk or danger to the community.

20           67. By continuing to detain Petitioners based on an unlawful classification of  
21 their custody as governed by § 1225(b)(2), and thereby depriving them of any  
22 meaningful opportunity for an individualized custody determination before a  
23 neutral decisionmaker, Respondents have violated Petitioners’ rights under the Due  
24 Process Clause of the Fifth Amendment.

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1 **COUNT FOUR**

2 **Violation of Fourth Amendment Right against Unreasonable**  
3 **Seizure**

4 68. Petitioners incorporates the allegations in the paragraphs above as though  
5 fully set forth here.

6 69. The Fourth Amendment clearly requires immigration agents to have  
7 reasonable suspicion before seizing a non-citizen. *Brignoni-Ponce*, 422 U.S. 873,  
8 886-7 (1975); *Orhorhaghe*, 38 F.3d at 494.

9 70. Reasonable suspicion must provide a "rational basis for separating out  
10 the illegal aliens from American citizens and legal aliens." *Nicacio v. INS*, 797 F.2d  
11 700, 704 (9th Cir. 1985). Reasonable suspicion also requires "specific articulable  
12 facts." *Gonzalez-Rivera*, 22 F.3d at 1445. Articulate facts standard has been  
13 defined by the Ninth Circuit as "measured against an objective reasonable man  
14 standard not by the subjective impressions of a particular officer." *Nicacio v. INS*,  
15 797 F.2d 700, 703 (9th Cir. 1985).

16 71. Here, the Respondents violated Petitioners' Fourth Amendment Rights  
17 because they did not have a reasonable suspicion, based on specific articulable  
18 facts, to arrest them.

19 **IX. PRAYER FOR RELIEF**

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

- 21 1. Assume jurisdiction over this matter;
- 22 2. Grant Petitioners a writ of habeas corpus directing the Respondents to  
23 immediately release them from custody;
- 24 3. In the alternative, conduct an immediate bond hearing before this Court  
25 where DHS bears the burden of justifying Petitioners' continued  
26 detention by clear and convincing evidence;
- 27  
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- 1 4. In the alternative, order an immediate bond hearing before a neutral  
2 decisionmaker where DHS bears the burden of justifying Petitioner s'  
3 continued detention by clear and convincing evidence;
- 4 5. Order Respondents to refrain from transferring Petitioners out of the  
5 jurisdiction of this court during the pendency of these proceedings and  
6 while the Petitioners remain in Respondents' custody;
- 7 6. Order Respondents to file a response within 3 business days of the filing  
8 of this petition;
- 9 7. Award Petitioners attorney's fees and costs under the Equal Access to  
10 Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis  
11 justified under law; and
- 12 8. Grant any other and further relief which this Court deems just and proper.  
13

14 I affirm, under penalty of perjury, that the foregoing is true and correct.  
15

16  
17 CONCLUSION

18 For all these reasons, this Court should grant the petition.  
19

20 Respectfully submitted this 6 day of February, 2026.  
21

22 /s/Nerea Sholl Woods  
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26 CA Bar # 273177  
27 *Attorney for Petitioners*  
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