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5 Pro Bono Attorney for Petitioner

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

9 RENZO MANUEL ALBERTO SOTO MORI,

10 Petitioner,

11 v.

12 CHRISTOPHER J. LAROSE, Warden, Otay
13 Mesa Detention Center;
DANIEL A. BRIGHTMAN, Acting Field Office
14 Director, U.S. Immigration and Customs
Enforcement;
15 TODD M. LYONS, Acting Director, U.S.
16 Immigration and Customs Enforcement;
and
17 KRISTI NOEM, Secretary of United States
Department of Homeland Security;

18 Respondents.
19

Case No.: **'26CV1350 GPC BJW**

**PETITION FOR WRIT OF HABEAS
CORPUS**

Agency Doc. No. 

INTRODUCTION

1
2 1. Petitioner, Mr. Renzo Manuel Alberto Soto Mori (“Mr. Soto” or “Petitioner”),
3 entered the United States on March 26, 2023. Upon entry, he presented himself to U.S. Border
4 Patrol. He was briefly detained and was released into the United States on or about March 27, 2023,
5 by Respondents. That same day, Respondents commenced removal proceedings against Petitioner
6 in immigration court, entitling Petitioner to due process rights.

7 2. Upon release, Petitioner immediately moved to the state of Maryland and has resided
8 there since 2023. Petitioner then attended all his immigration hearings in the state of Maryland. On
9 April 23, 2025, after presenting his asylum application before the immigration court, Petitioner
10 was scheduled for an Individual Hearing on May 25, 2027.

11 3. On August 26, 2025, Petitioner was detained in the state of Maryland due to his
12 inability to pay traffic violations. On January 29, 2026, after standing trial, Petitioner was released.
13 Petitioner has paid his traffic violations. That same day, ICE detained Petitioner without a hearing
14 regarding his immigration detention.

15 4. Respondents then moved Petitioner from Baltimore, Maryland, to Southern
16 California with knowledge that Petitioner had another traffic related appearance scheduled for
17 March 26, 2026, in the state of Maryland.

18 5. Accordingly, to vindicate Petitioner’s rights, this Court should grant the instant
19 petition for a writ of habeas corpus and order his immediate release from custody. Petitioner asks
20 this Court to find that Respondents’ attempts to detain and transfer Petitioner are arbitrary and
21 capricious and in violation of the law.

JURISDICTION

22
23 6. This action arises under the United States Constitution and the Immigration and
24 Nationality Act, 8 U.S.C. § 1101 et seq., INA § 101 et seq., to challenge Petitioner’s detention

1 under the INA and any inherent or plenary powers the government may claim to continue holding
2 him.

3 7. This Court has jurisdiction under 28 U.S.C. § 1331, § 2241; 5 U.S.C. §§ 701–706
4 (Administrative Procedure Act, “APA”); and the Suspension Clause, U.S. Const. art. I, § 9, cl. 2,
5 and the Fifth and Eighth Amendments of the United States Constitution. Jurisdiction is not limited
6 by a petitioner’s nationality, immigration status, or any other classification. *See Boumediene v.*
7 *Bush*, 553 U.S. 723, 747 (2008). The Court may grant relief under the Suspension Clause; the Fifth
8 and Eighth Amendments; 5 U.S.C. § 706 (APA); and 28 U.S.C. §§ 1361 (Mandamus Act), 1651
9 (All Writs Act), §2201 (Declaratory Judgment Act), and §2241 (habeas corpus).

10 8. Specifically, this Court has jurisdiction under 28 U.S.C. § 2241 to review Petitioner’s
11 detention. Federal district courts possess broad authority to issue writs of habeas corpus when a
12 person is held “in custody in violation of the Constitution or laws or treaties of the United States”
13 (28 U.S.C. § 2241(c)(3)), and this authority extends to immigration detention challenges that
14 survived the REAL ID Act’s jurisdictional restrictions.

15 VENUE

16 9. Venue is proper because Petitioner is in Respondent’s custody in Southern California.
17 Venue is further proper in this District under 28 U.S.C. §§ 1391(b)(2) and (e)(1) because a
18 substantial part of the events or omissions giving rise to this claim have happened here. Venue is
19 also proper under 28 U.S.C. § 2243 because Petitioner’s immediate custodian resides in this
20 District. *See Rumsfeld v. Padilla*, 542 U.S. 426, 451-52 (2004).

21 REQUIREMENTS OF 28 U.S.C. § 2243

22 10. The Court must grant the petition for writ of habeas corpus or issue an order to show
23 cause (OSC) to the Respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C.
24

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

3 11. Furthermore, the Court should grant the petition for writ of habeas corpus
4 “forthwith,” as the legal issues have already been resolved for class members in *Maldonado*
5 *Bautista*.

6 12. Courts have long recognized the significance of the habeas statute in protecting
7 individuals from unlawful detention. Thus, habeas corpus is “perhaps the most important writ
8 known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases
9 of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

10 13. Petitioner is “in custody” for the purposes of §2241 because Petitioner was arrested
11 and is detained by Respondents.

12 **PARTIES**

13 14. Petitioner, Mr. Soto, is a citizen of Peru. He is currently in Respondents’ legal and
14 physical custody at the Otay Mesa Detention Center in San Diego, California.

15 15. Respondent, Christopher J. Larose (“Larose”), is the Warden at the Otay Mesa
16 Detention Center, where Petitioner is being held. Respondent Larose is the Petitioner’s immediate
17 custodian. Petitioner sues him in his official capacity.

18 16. Respondent Daniel A. Brightman is the Acting Director of ICE’s San Diego Field
19 Office for Enforcement and Removal Operations. That office determines whether the Petitioner
20 will be detained in ICE custody or released. Respondent Brightman has custodial authority over
21 Petitioner, who names him in his official capacity.

22 17. Respondent Todd M. Lyons is the Acting Director of ICE. ICE is a component of
23 the DHS, 6 U.S.C. § 271, and an “agency” within the meaning of the Administrative Procedure
24 Act, 5 U.S.C. § 701(b)(1). It is the agency responsible for enforcing immigration laws, and it is

1 detaining Petitioner. Respondent Lyons has custodial authority over Petitioner, who names him in
2 his official capacity.

3 18. Respondent Kristi Noem is the Secretary of the DHS. DHS is the federal agency
4 responsible for enforcing immigration laws and granting immigration benefits. *See* 8 U.S.C. §
5 1103(a); 8 C.F.R. § 2.1. Respondent Noem has ultimate custodial authority over the Petitioner,
6 who names her in her official capacity.

7 19. Respondent Pamela Bondi is the Attorney General of the United States. She is
8 responsible for the Department of Justice. The Executive Office for Immigration Review is a
9 component agency of the Department of Justice; the immigration court system is part of this
10 component agency and its judges issue bond redetermination hearing decisions. She is sued in her
11 official capacity.

12 **FACTUAL BACKGROUND**

13 20. Petitioner entered the United States on March 26, 2023, with his minor son and his
14 wife. Upon entry, he presented himself to U.S. Border Patrol, along with his family. Petitioner and
15 his family were briefly detained and released into the United States on, or about, March 27, 2023,
16 by Respondents.

17 21. That same day, March 27, 2023, Respondents commenced removal proceedings
18 against Petitioner in immigration court, entitling Petitioner to due process rights. Furthermore,
19 Petitioner was designated as “an alien present in the United States who has not been admitted or
20 paroled.”

21 22. Upon release from immigration detention, Petitioner resided in Maryland, with his
22 family, and attended all his immigration hearings in the State of Maryland. On April 23, 2025, after
23 presenting his asylum application before the immigration court, Petitioner was scheduled for an
24 Individual Hearing on May 25, 2027, in the State of Maryland.

1 23. On August 26, 2025, Petitioner was detained in the state of Maryland due to his
2 inability to pay traffic violations. On January 29, 2026, after standing trial, Petitioner was released
3 and required to pay the traffic violations. Petitioner has paid his traffic violations.

4 24. That same day, January 29, 2026, ICE detained Petitioner at the District Court of
5 Maryland for Montgomery County without holding a hearing regarding his immigration detention.

6 25. At the time of his detention, Petitioner was scheduled for an Individual Hearing
7 before the immigration court on May 25, 2027, in the State of Maryland; and was also scheduled
8 for a traffic related appearance on March 26, 2026, in the state of Maryland.

9 26. ICE transferred Petitioner from Maryland to New Jersey, from New Jersey to
10 Arizona, and from Arizona to California. Petitioner's family is still located in Maryland.

11 27. Petitioner believes he arrived at Otay Mesa Detention Center, in California, on or
12 about February 2nd, 2026.

13 28. On February 19, 2026, an Otay Mesa immigration judge issued a decision denying
14 Petitioner a bond hearing because he lacked jurisdiction to conduct a bond redetermination hearing
15 citing *Matter of Q Li*, 29 I&N Dec.66 (BIA 2025).

16 29. The reasoning on *Matter of Q Li* has been shown to be erroneous by several courts,
17 particularly important in this case is the Class certified in *Maldonado Bautista v. Santacruz*, No.
18 5:25-CV-01873-SSS-BFM (C.D. Cal.) on November 25, 2025.

19
20 **LEGAL FRAMEWORK**

21 30. Immigration detention should not be used as a punishment and should only be used
22 when, under an individualized determination, a noncitizen is a flight risk because they are unlikely
23 to appear for immigration court or a danger to the community. *Zadvydas v. Davis*, 533 U.S. 678,
24 690 (2001).

1 31. Noncitizens in immigration proceedings are entitled to Due Process under the Fifth
2 Amendment of the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993).

3 32. The Immigration and Nationality Act (INA) establishes various procedures through
4 which individuals may be detained pending a decision on whether the noncitizen is to be removed.
5 8 U.S.C. § 1226(a).

6 33. Immigration detention is a form of civil confinement that “constitutes a significant
7 deprivation of liberty that requires due process protection.” *Addington v. Texas*, 441 U.S. 418, 4253
8 (1979).

9 34. Once a determination to release an individual from custody is made, the release order
10 may be revisited when the facts or circumstances warrant revocation or reconsideration. 8 U.S.C.
11 § 1226(b). For an individual who was once in custody, the Attorney General may take that
12 individual back into custody by revoking the individual’s release when the facts and circumstances
13 warrant it.

14 35. Revocation and return to custody is authorized only based on the individualized facts
15 and circumstances. 8 C.F.R. § 1236.1(c)(9). By regulation, revocation decisions are limited in
16 nature and may only be made by certain authorized officials. 8 C.F.R. § 1236.1(c)(9).

17 36. On November 20, 2025, the District Court for the Central District of California
18 granted partial summary judgment on behalf of individual plaintiffs and on November 25, 2025,
19 certified a nationwide class and extended declaratory judgment to the certified class. *Maldonado*
20 *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at
21 *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-
22 Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---
23 -, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners’
24

1 proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from
2 Order Granting Petitioners' Motion for Partial Summary Judgment).

3 37. The declaratory judgment held that the Bond Denial Class members are detained
4 under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under §
5 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

6 38. Nonetheless, the Executive Office for Immigration Review and its subagency the
7 Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to
8 abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the
9 opportunity to be released on bond.

10 39. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full
11 "force and effect of a final judgment." 28 U.S.C. § 2201(a). Nevertheless, Respondents continue
12 to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful detention
13 despite his clear entitlement to consideration for release on bond as a Bond Eligible Class member.

14 **CLAIMS FOR RELIEF**

15 **COUNT ONE**

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

17 **Abuse of Discretion**

18 **Violation of 8 U.S.C. § 1226(b), 8 C.F.R. § 1236.1(c)(9)**

19 40. Petitioner realleges and incorporates by reference, as if fully set forth herein, the
20 allegations in the paragraphs above.

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

23 42. An action is an abuse of discretion if the agency "entirely failed to consider an
24 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

1 or the product of agency expertise.” *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551 U.S.
2 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*,
3 463 U.S. 29, 43 (1983)).

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

7 44. By categorically revoking Petitioner’s release and seeking to transfer him away from
8 his place of residency without consideration of his individualized facts and circumstances,
9 Respondents have violated the APA.

10 45. By categorically detaining and transferring the Petitioner away from his place of
11 residency with knowledge that he needs to attend a traffic violation hearing in Maryland,
12 Respondents have further abused their discretion because there have been no changes in his
13 circumstances since the agency made its initial custody determinations that support the revocation
14 of his release from custody.

15 46. Respondents have already considered Petitioner’s facts and circumstances and
16 determined that he was not a flight risk or danger to the community. Furthermore, Petitioner
17 attended all his immigration court hearings and attended his traffic violations trial, clearly showing
18 that he is not a flying risk. Moreover, Petitioner’s inability to pay his traffic violations cannot render
19 him a danger to the community. Thus, there have been no changes to the facts that justify this
20 revocation of his release on his own recognizance. The fact that Petitioner has already been granted
21 release by Respondents under the same facts and circumstances shows that Respondents do not
22 consider him, on an individualized basis, to be a danger to the community or a flight risk.

23 /

24 /

COUNT TWO

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

Not in Accordance with Law and in Excess of Statutory Authority

Violation of 8 U.S.C. § 1226(b), 8 C.F.R. § 1236.1(c)(9)

47. Petitioner realleges and incorporates by reference, as if fully set forth herein, the allegations in the paragraphs above.

48. Under the APA, a court “shall . . . hold unlawful . . . agency action” that is “not in accordance with law;” “contrary to constitutional right;” “in excess of statutory jurisdiction, authority, or limitations;” or “without observance of procedure required by law.” 5 U.S.C. § 706(2)(A)-(D).

49. 8 U.S.C. § 1226(b) authorizes that “[t]he Attorney General at any time may revoke a bond or parole authorized under [8 U.S.C. § 1226(a)] and rearrest a noncitizen under the initial warrant. In implementing this statutory provision, 8 C.F.R. § 1236.1(c)(9) clarifies that such revocations of release from custody may only be carried out in the “discretion of the district director, acting district director, deputy district director, assistant district director for investigations, assistant district director for detention and deportation, or officer in charge (except foreign).”

50. It is a well-established administrative principle that “agency action taken without lawful authority is at least voidable, if not void ab initio.” *L.M.-M. v. Cuccinelli*, 442 F. Supp. 3d 1, 35 (D.D.C. 2020), citing *SW General, Inc. v. NLRB*, 796 F.3d 67, 79 (D.C. Cir. 2015); *see also Hooks v. Kitsap Tenant Support Servs., Inc.*, 816 F.3d 550, 555 (9th Cir. 2016) (invalidating agency action because it was taken by unauthorized official).

51. On information and belief, Respondents have revoked Petitioner’s prior custody determination as a result of a categorical policy prepared by, and implemented by, unidentified government officials in Washington, not through the individual exercise of discretion required by law or by the individuals enumerated by regulation to do so.

1 52. Because Petitioner's revocation of release from custody has been made categorically
2 directed by government officials not authorized by law to make this determination, Respondents'
3 detention of Petitioner is not in accordance with law and in excess of statutory authority.

4 53. Furthermore, as a member of the Bond Eligible Class under *Maldonado Bautista*,
5 Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

6 54. The order granting partial summary judgment in *Maldonado Bautista* holds that
7 Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class
8 members.

9 55. The order granting class certification in *Maldonado Bautista* further orders that
10 "[w]hen considering this determination with the MSJ Order, the Court extends the same declaratory
11 relief granted to Petitioners to the Bond Eligible Class as a whole."

12 56. Respondents are parties to *Maldonado Bautista* and bound by the Court's declaratory
13 judgment, which has the full "force and effect of a final judgment." 28 U.S.C. § 2201(a).

14 57. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is subject
15 to mandatory detention under § 1225(b)(2), Respondents violated Petitioner's statutory rights
16 under the INA and the Court's judgment in *Maldonado Bautista*; therefore, Respondents' detention
17 of Petitioner is not in accordance with law and in excess of statutory authority.

18
19 **COUNT THREE**
20 **Violation of Fifth Amendment Right to Due Process**
21 **Procedural Due Process**

22 58. Petitioner realleges and incorporates by reference, as if fully set forth herein, the
23 allegations in the paragraphs above.

24 59. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits
the federal government from depriving any person of "life, liberty, or property, without due process

1 of law.” U.S. Const. Amend. V. Due process protects “all ‘persons’ within the United States,
2 including [non-citizens], whether their presence here is lawful, unlawful, temporary, or
3 permanent.” *Zadvydas*, 533 U.S. at 693; *accord Flores*, 507 U.S. at 306.

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

6 61. While the government has discretion to detain individuals under 8 U.S.C. § 1226(a)
7 and to revoke custody decisions under 8 U.S.C. § 1226(b), this discretion is not “unlimited” and
8 must comport with constitutional due process. *See Zadvydas*, 533 U.S. at 698.

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

14
15 **PRAYER FOR RELIEF**

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

- 17 (1) Assume jurisdiction over this matter;
- 18 (2) Issue a Writ of Habeas Corpus requiring that within one day, Respondents release
19 Petitioner;
- 20 (3) Alternatively, issue and Order to Show Cause ordering Respondents to show cause why
21 this petition should not be granted within three days;
- 22 (4) Declare that Petitioner’s detention without an individualized determination violates the
23 Due Process Clause of the Fifth Amendment;
- 24

1 (5) Declare that Petitioner's revocation of parole from custody was made in violation of
2 statute and regulation;

3 (6) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act
4 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

5 (7) Grant any other and further relief that this Court deems just and proper.
6
7

8 Dated: March 2, 2026

9 Respectfully Submitted,

10 By: /s/ Rocio Sanchez Flores
11 Rocio Sanchez Flores
12 SFR Law Corporation
13 1927 Pueblo St.
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17 *Attorney for Petitioner*
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1 **VERIFICATION STATEMENT PURSUANT TO 28 U.S.C. § 2242**

2
3 I, Rocio Sanchez Flores, declare as follows:

4 I represent Petitioner, Mr. Soto, in these habeas corpus proceedings. Petitioner is currently
5 being held in detention at Otay Mesa Detention Center, in San Diego, California, and cannot appear
6 in my office to sign this Verification. I have reviewed the record of his detention and discussed this
7 matter with Mr. Soto. I verify that the information contained in the foregoing petition is true and
8 correct to the best of my knowledge and belief

9
10 Dated: March 2, 2026

11 Respectfully Submitted,

12 By: /s/ Rocio Sanchez Flores
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