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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

C.R.J.M.,

Petitioner,

vs.

ROBERT F. KENNEDY, JR., et al.,

Respondents.

Case No. 26-cv-00742-DJC-EFB

**REPLY IN SUPPORT OF VERIFIED
PETITION FOR
WRIT OF HABEAS CORPUS AND
COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF**

The question at the heart of this Petition is narrow: has C.R.J.M. been lawfully detained by ORR in California? The answer is no, because: (1) C.R.J.M. has Special Immigrant Juvenile status (see Ex. 2); and (2) ORR released C.R.J.M. to the custody of his mother in St. Paul, Minnesota ten years ago (see Ex. 1 at 26, ¶8). C.R.J.M.'s continued and prolonged detention by ORR in California is wrongful for the following three reasons:

First, ORR's custody is limited to "unaccompanied minors," and C.R.J.M. is not an "unaccompanied minor" as defined by the law. Holding C.R.J.M. without authority deprives him of his freedom from confinement and his right to family integrity.

Second, ORR cannot change its determination that C.R.J.M.'s mother is an appropriate sponsor without a showing "the minor is now a danger to himself or the community, or a flight risk." Hearsay statements in a DHS document are not enough to make this showing. This is a violation of the TVPRA, the Foundational Rule, and is a deprivation of

1 C.R.J.M.'s freedom from confinement and his right to family integrity without
2 Constitutionally sufficient due process.

3 **Third**, the mandatory detention provisions of Laken Riley Act are inapplicable here.

4 Those provisions apply only to "illegal criminal aliens;" C.R.J.M has SIJ status and is the
5 subject of on-going juvenile delinquency proceedings in Minnesota. As such, C.R.J.M. is
6 neither "illegal" nor a "criminal."

7 The consequences of C.R.J.M.'s unlawful detention are enormous and terrifying. He is in
8 custody in another state without any of his family support. The immigration proceedings are
9 being conducted in a jurisdiction that is nowhere near his lawful home. C.R.J.M.'s immigration
10 attorneys at Mid-Minnesota Legal Aid are based in Minneapolis, Minnesota. Neither his mother
11 nor his attorney received any notice of his pending immigration proceedings; that notice went to
12 "Compass Connections" staff. There is no telling how long those proceedings will last, meaning
13 that C.R.J.M.'s detention in California is indefinite.

14 C.R.J.M should not be in the custody of ORR in California away from his decade-long
15 home and support system. C.R.J.M. should not be forced to appear in immigration court in
16 California, a state where he has no ties, no family, and no sponsor. C.R.J.M. should be released
17 immediately to his mother so that his Minnesota immigration lawyers at Mid-Minnesota Legal
18 Aid can change the venue of his current immigration proceedings to Minnesota. There is no
19 danger that C.R.J.M. will not attend his immigration hearings – the overwhelming evidence
20 shows that he has been appearing at every immigration proceeding he has been required to attend
21 since he was 5 years old.

22 C.R.J.M. stands ready to appear before immigration court; the law, the Constitution, and
23 justice demands that he do so in Minnesota.

24 **SUMARY OF FACTS**

25 Respondents gave short shrift to and ignore the vast bulk of C.R.J.M.'s history with the
26 United States immigration system. This history is supported by filings and documents and set
27 forth Exhibits 1-10 attached to and summarized in the Petition. Although Petitioner has a pending
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request to file the exhibits to his Petition under seal, given the intentional omission of facts, Petitioner attaches those Exhibits here in redacted form. The main points that bear repeating are:

- C.R.J.M. arrived in the United States as a 5-year-old toddler on November 25, 2015. See Ex. 1 at 8.
- When he arrived in the United States, C.R.J.M was apprehended by immigration officials at the United States border and placed in the custody of the Office of Refugee Resettlement. See Ex. 1 at 25-26, ¶8.
- In December 2015, the Office of Refugee Resettlement determined that N.E.C.M. was a safe and loving sponsor and released C.R.J.M to her custody in St. Paul, Minnesota. See Ex. 1 at 26, ¶8.
- C.R.J.M.'s Petition for SIJ classification was granted on or about January 10, 2017. See Ex. 2.
- C.R.J.M. routinely appeared at his immigration proceedings, starting with the Notice to Appear issued in November 2015, during his proceedings related to his Petition for SIJ classification filed on October 13, 2016 (see Ex. 1), and during his proceedings related to his I-485 Application to Adjust Status and Register as a Permanent Resident Based on Approved I-360 Special Immigrant Juvenile Status filed on October 28, 2020. See Ex. 6.

LEGAL ARGUMENTS

A. C.R.J.M. Is Not An "Unaccompanied Minor" As Defined By The Law

ORR has no legal authority to hold C.R.J.M. ORR only has authority to hold "unaccompanied minors." The term "unaccompanied alien child" means a child who "(A) has no lawful immigration status in the United States; (B) has not attained 18 years of age; and (C) with respect to whom— (i) there is no parent or legal guardian in the United States; or (ii) no parent or legal guardian in the United States is available to provide care and physical custody." See 6 USC § 279(g)(2).

1 ORR is unlawfully treating C.R.J.M. as an “unaccompanied minor.” He is not. C.R.J.M.
2 has SIJ status and has a parent in the United States. In fact, a Minnesota State Court awarded
3 custody of C.R.J.M. to his mother in 2016. See Ex. 1 at 29. C.R.J.M. has been living in St. Paul,
4 Minnesota since 2015. Respondents have not proffered any reason why they transferred him to an
5 ORR facility in California or why they initiated removal proceedings in California.

6 Significantly, ORR is taking steps to place C.R.J.M. with a sponsor, by having his mother
7 file an application to be a sponsor. See Ex. 12. While we vehemently disagree that his mother
8 needs to re-apply as a sponsor, ORR’s actions show that ORR understands that it has no authority
9 to detain C.R.J.M. indefinitely and, instead, he must be “promptly placed in the least restrictive
10 setting that is in the best interest of the child.” 8 U.S.C. § 1232(c)(2)(A).

11 ORR’s holding C.R.J.M. for the past month, and continuing to do so, without authority
12 deprives C.R.J.M. of his freedom from confinement and his right to family integrity.

13 **B. ORR Has Not Changed Its Determination That C.R.J.M.’s Mother Is An**
14 **Appropriate Sponsor**

15 In December 2015, a month after his initial detention in an ORR facility, ORR released
16 C.R.J.M. to his mother. See Ex. 1 at 25-26, ¶8. Last week, on March 5, 2026, ORR sent
17 C.R.J.M.’s mother an application to become C.R.J.M.’s sponsor. See Ex. 12. ORR is requiring
18 C.R.J.M.’s mother to prove (once again) her relationship to C.R.J.M., her address, and to sit for
19 an orientation and interview. See Ex. 12. ORR and the Minnesota State Court determined that
20 N.E.C.M. was C.R.J.M.’s mother and an appropriate sponsor over ten years ago. See Ex. 1 at 25-
21 26, ¶8.

22 Once ORR has determined that the appropriate place for a minor was with a sponsor, that
23 decision cannot be changed without a showing “the minor is now a danger to himself or the
24 community, or a flight risk.” See Saravia v. Sessions, 280 F. Supp. 3d 1168, 1196 (N.D. Cal.
25 2017). “[D]ue process ... requires that the minor receive a prompt hearing in which the
26 government must show that these changed circumstances exist.” See id. at 1197 (N.D. Cal. 2017).

27 Based upon the email received from Daniel Rodriguez, Placement Program Analyst –
28 Intakes, at ORR, ORR is seeking a sponsor for C.R.J.M. See Ex. 12. For what purpose? Over a

1 decade ago, ORR determined that N.E.C.M. was a safe and loving sponsor and released C.R.J.M.
2 to her custody in St. Paul, Minnesota. See Ex. 1 at 26, ¶8. ORR has not asserted that C.R.J.M. “is
3 now a danger to himself or the community, or a flight risk.” Indeed, ORR is willing to consider
4 C.R.J.M.’s mother as his sponsor, despite the fact that she was and is C.R.J.M.’s approved
5 sponsor.

6 Any assertion that C.R.J.M is a flight risk is absurd and against the weight of the
7 evidence. C.R.J.M has spent his entire life since he was 5 years old in St. Paul, Minnesota. He has
8 attended every immigration proceeding he has been required to attend. His immigrations lawyers
9 from Mid-Minnesota Legal Aid are based in Minneapolis.

10 Moreover, Respondents have made no showing here that C.R.J.M. is a danger to his
11 community. Respondents say that “Petitioner attempted to reach for his knife while instructed to
12 exist the vehicle” and that “Petitioner was recently convicted on October 28, 2025 of Robbery
13 and Burglary.” These statements are hearsay and are not supported by any witness or even agent
14 affidavits. Respondents have not filed any charges against C.R.J.M. related to his allegedly
15 reaching for a knife.

16 To the contrary, C.R.J.M. was not convicted of any crime. Rather, C.R.J.M. was the
17 subject of a delinquency matter in Ramsey County Court. See Ex. 11. According to confidential
18 records, C.R.J.M. was charged with Burglary- 4th Degree, Simple Robbery, and Aggravated
19 Robbery – 1st Degree. The Aggravated Robbery charge was dismissed, and the case regarding the
20 other two charges were “continued without adjudication for 180 days.” The matter “will end
21 upon the end of this period unless further order of the court.” As made clear by C.R.J.M.’s
22 probation officer, “there have been no adjudications” of these charges. See Ex. 13. In other
23 words, the people tasked with protecting the local community where C.R.J.M. lives – state
24 prosecutors and corrections officers -- determined that C.R.J.M. should not be into custody.
25 C.R.J.M. has been abiding by his probation conditions, even while in the custody of ORR. See
26 Ex. 13.
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To be clear, Petitioner is not requesting that the Court decide whether or not C.R.J.M. should be removed or whether the allegations in his juvenile delinquency proceedings or during his arrest warrant removal. Those issues will be decided during his immigration proceedings. The sole question for this Court to decide is whether ORR can lawfully detain C.R.J.M. in California while those proceedings are pending. ORR cannot. The Court should order the release of C.R.J.M. to his home with his mother in Minnesota – his previously approved sponsor -- so that the immigration proceedings can be appropriately transferred to Minnesota.

C. The Mandatory Detention Provisions Of The Laken Riley Act Are Inapplicable

C.R.J.M. disagrees that the Laken Riley Act mandates detention. They do not. The LRA sets forth a two-prong test about when the Attorney General shall take into custody any alien who:

(i) is inadmissible under paragraph (6)(A), (6)(C), or (7) of section 1182(a) of this title [8 USCS § 1182(a)]; **and**

(ii) is charged with, is arrested for, is convicted of, admits having committed, or admits committing acts which constitute the essential elements of any burglary, theft, larceny, shoplifting, or assault of a law enforcement officer offense, or any crime that results in death or serious bodily injury to another person . . .

8 USC § 1226(c)(1)(E)(i) and (ii) (emphasis added).

Under the first prong, Respondents must prove that C.R.J.M. was “inadmissible” under certain sections. C.R.J.M.’s SIJ status is dispositive of this issue. Pursuant to 8 USCS § 1255(h)(2), in determining the admissibility of a person with SIJ status, “. . . (6)(A), (6)(C), . . . (7)(A), . . . of section 1182(a) of this title **shall not apply.**” See 8 USCS § 1255(h)(2) (emphasis added). This law recognizes that SIJ status allows a person to be in the country legally while he pursues permanent residency.

Under the second prong, as discussed above, C.R.J.M. was not convicted of a crime. Rather, C.R.J.M. was the subject of a delinquency matter in Ramsey County Court. See Ex. 12. This matter was continued **without adjudication** and C.R.J.M was placed on probation. It is well

1 established that a juvenile delinquency adjudication does not constitute a criminal conviction for
2 immigration purposes, regardless of the nature of the offense. In *Matter of Devison*, the Board of
3 Immigration Appeals (BIA) reaffirmed its longstanding rule “that juvenile delinquency
4 proceedings are not criminal proceedings, that acts of juvenile delinquency are not crimes, and
5 that findings of juvenile delinquency are not convictions for immigration purposes.” *Matter of*
6 *Devison*, 22 I&N Dec. 1362, 1365 (BIA 2000), citing, e.g., *Matter of De La Nues*, 18 I&N Dec.
7 140 (BIA 1981), *Matter of Ramirez-Rivero*, 18 I&N Dec. 135 (BIA 1981), *Matter of C. M.*, 5
8 I&N Dec. 27 (BIA 1953). The BIA relied on Congress’ recognition that adjudications for
9 juvenile delinquency are separate from criminal convictions. The BIA likened delinquency
10 proceedings to removal proceedings and found that delinquency is not criminal, but civil in
11 nature. Delinquency does not result in punishment. The applicable due process standard for
12 delinquency, like removal proceedings, is fundamental fairness. This case law continues to be
13 applied today to mean that a juvenile delinquency adjudication does not trigger any of the
14 grounds of inadmissibility or deportability that require a criminal conviction. See, e.g., 7 USCIS-
15 PM F.7(C)(4) (“Findings of juvenile delinquency are not considered criminal convictions for
16 purposes of immigration law.”)

17 The only times that the INA has imposed a mandatory bar or punishment based on
18 delinquency, this was a specific statute or regulation authorizing such mandatory action. For
19 example, Congress has explicitly penalized people for acts of delinquency in two contexts in
20 immigration law: the Adam Walsh Act, and Family Unity. See the Adam Walsh Act provisions at
21 INA § 204(a)(1)(A)(viii), which includes certain delinquency dispositions as defined at 34 USC §
22 20911(8); and the Family Unity inclusion of delinquency dispositions at 8 CFR § 236.13(d). In
23 the absence of any explicit indication in the text of the LRA, the mandatory detention provisions
24 of the LRA should be interpreted to be only about crimes, not acts of delinquency addressed in a
25 civil system.
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1 Respondents cannot meet the two-prong test for mandatory detention under the Laken
2 Riley Act. There is no legal basis for ORR's continued detention of C.R.J.M. in California.
3 C.R.J.M. must be released to his mother in Minnesota.
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5 **CONCLUSION**

6 Petitioner respectfully requests that the Court issue the remedies set forth in the Verified
7 Petition.

8 Dated: March 10, 2026

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10 By /s/Peter P. Meringolo

11 Attorneys for Petitioner
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