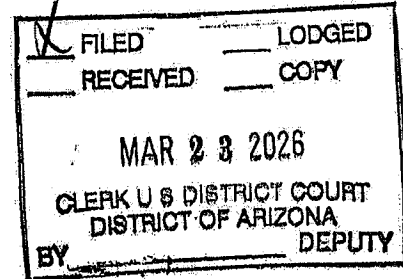


BLAS GUADALUPE GRACIA-RUVALCABA
A#
Central Arizona Florence Correctional Complex
P.O. BOX 6300
Florence, AZ 85132



Pro Se

**THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Blas Guadalupe Gracia-Ruvalcaba,

Petitioner,

Case No. **CV26-01981-PHX-SMB--CDB**

v.

Anna Nordstrom, in her official capacity
as Docket Officer for U.S. Immigration
and Customs Enforcement;

Luis Rosa, Jr. in his official capacity as
Facility Administrator of the Florence
Correctional Center;

John Cantu, in his official capacity as
Phoenix Field Office Director for U.S.
Immigration and Customs Enforcement;

Todd Lyons, in his official capacity as
Acting Director of U.S. Immigration and
Customs Enforcement;

Kristi Noem, in her official capacity as
Secretary of the Department of
Homeland Security;

Pamela Bondi, in her official capacity as
Attorney General of the United States; and

Sirce Owen, in her official capacity as

**VERIFIED PETITION FOR
WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241
AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF AND MOTION FOR
TEMPORARY RESTRAINING ORDER**

Acting Director of the Executive Office of
Immigration Review,

Respondents,

INTRODUCTION

1. Petitioner, Blas Guadalupe Gracia-Ruvalcaba, a 41-year - old citizen of Mexico ("Mr. Gracia-Ruvalcaba or Petitioner") petitions this Court for writ of Habeas corpus; complaint for declaratory and injunctive relief; and motion for temporary restraining order, to remedy Petitioner's erroneous deprivation, and punitive and unconstitutional detention by Respondents.

2. Petitioner, entered the United States at the age of 5 years old, on or about in 1989 with his father, Blas, his mother, Maria, and two siblings, Raul and Karen to Phoenix, Arizona. Petitioner's status was then later adjusted to Lawful Permanent Resident on June 5, 1997. Petitioner has been in custody of Immigration and Custom Enforcement (ICE) since January 07, 2024 at CoreCivic Central Arizona, Florence Correctional Complex in Florence, AZ ("CAFCC or Florence") for approximately 780 days. Petitioner's continued detention is unconstitutional and unlawful because his removal is not foreseeable. Petitioner has been pursuing relief from his removal and requested a custody re-determination hearing, which was denied.

3. On November 6th, 2024 Petitioner sought relief by applying for Cancellation of Removal "COR" for LPR (Form EOIR-42A) and was denied on June 26, 2025, and Petitioner is now pursuing an appeal. Accordingly, to vindicate Petitioner's constitutional rights, this court should grant the instant petition for writ of Habeas Corpus.

4. Petitioner claims violation of due process during his initial detention. He had previously been interviewed by DHS/ICE representatives on at least 3 occasions and subsequently ICE had not issued a detainer or warrant against petitioner. Mr Gracia-Ruvalcaba claims violation of his Fifth

Amendment "Due Process" clause in that his "Liberty" was granted to him by ICE/DHS lastly on or about June 2019. On that date he was not detained by ICE after being interviewed. He claims erroneous deprivation and He also claims violation in the lack of a Predeprivation hearing. Absent an order from this court, Petitioner will continue to be detained for an unknown and unreasonable amount of time by ICE. Petitioner seeks Immediate release to remedy the violation.

5. As an immigration detainee, Petitioner is being detained in punitive, and unconstitutional conditions in a privately ran subcontracted jail facility with less rights and privileges than prisoners and pretrial detainees. As a person facing civil commitments who is held in a similar condition as criminal detainees, the Petitioner asks the district court to presume the conditions are punitive and thus unconstitutional. Civil detainees deserve a standard that is more protective of their rights than the standard for pretrial detainees or convicted prisoners. Petitioner argues that he has not gotten the usual protection under the Eighth Amendment.

6. Removal proceedings are initiated under 8 U.S.C.S. § 1229(a), also known as full removal, by filing a Notice to Appear with the Immigration Court. Section § 1226 provides that while removal proceedings are pending, a non-citizen may be arrested and detained and that the government may release the non-citizen on conditional parole. When a person is apprehended under § 1226(a), an ICE officer makes the initial custody determination. A non-citizen will be released if the non-citizen demonstrates to the satisfaction of the officer that such release would not pose a danger to property or persons, and that the non-citizen is likely to appear for any future proceeding. Federal regulations provide that non-citizens detained under § 1226(a) receive bond hearings at the outset of detention. If, at this hearing, the detainee demonstrates by the preponderance of the evidence that the detainee is not a threat to national security, a danger to the community at large, likely to abscond, or otherwise a poor bail risk, the Immigration Judge will order the detainee's release.

7. Mr. Gracia-Ruvalcaba's detention further violated ICE's own regulations and his Fifth

Amendment due process rights. ICE has failed to comply with its own regulations for revocation of release and review of detention, in violation of the Administrative Procedure Act ("APA") and due process, pursuant to *Accardi v. Shaughnessy*, 347 U.S. 260 (1954). Independent of such violations, Mr. Gracia-Ruvalcaba's detention without notice and an opportunity to be heard runs afoul of his Fifth Amendment due process rights under the test in *Matters v. Eldridge*, 424 U.S. 319, 333 (1976).

JURISDICTION AND VENUE

8. This Court has subject matter jurisdiction and may grant relief pursuant to 28 U.S.C. § 2241 (Habeas corpus), 28 U.S.C. § 1651 (All Writs Act), and 28 U.S.C. § 1331 (federal questions). This Court also has jurisdiction to hear this case under the Suspension Clause of Article I of the United States Constitution. *INS v. St. Cyr*, 533 U.S. 289 (2001). Since this Petition arises under the Constitution and Laws of the United States, namely the detention provisions of the Immigration and Nationality Act, the accompanying regulations codified at 8 C.F.R. § 2241; and the Due Process Clause of the Fifth Amendment.

9. This Court may grant relief pursuant to the Habeas Corpus Act, 28 U.S.C. § 2241, *et seq.*; the Declaratory Judgment Act, 28 U.S.C. § 2201, *et seq.*; the ALL Writs Act, 28 U.S.C. § 1651; and the Court's inherent equitable powers.

10. Federal district courts have jurisdiction to hear Habeas claims by non-citizens challenging the lawfulness of their detention. *Zadvydas*, 533 U.S. at 687.

11. Federal courts also have federal-question jurisdiction, through the APA, to "hold unlawful and set aside agency action" that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A). APA claims are cognizable via Habeas 5 U.S.C. § 703 (providing that judicial review of agency action under the APA may proceed by "any applicable form of legal action, including actions for declaratory judgments or writs of prohibitory or mandatory

injunction or Habeas corpus"). The APA affords a right of review to a person who is "adversely affected or aggrieved by agency action." 5 U.S.C. § 702. ICE's continued detention of Mr. Gracia-Ruvalcaba has adversely and severely affected his liberty.

12. Venue is proper in this district pursuant to 28 U.S.C. § 1391 (b) and (e); 28 U.S.C. § 2241(c)(3) AND 28 U.S.C. § 1391(b)(2) and (e)(1) because at the time of filing Petitioner was detained in the CoreCivic Central Arizona Florence Correctional Complex (CAFCC) in Florence, Arizona, within the Jurisdiction of this Court; a substantial part of the events and omissions giving rise to the claim occurred in this district; Respondent Cantu resides in this district; and the Respondent is an officer of the United States acting in his official capacity.

13. Exhaustion of administrative remedies is not required because it would be futile.

PARTIES

14. Mr. Gracia-Ruvalcaba is a 41-year-old citizen of Mexico who is being detained by Respondents at the CoreCivic Central Arizona Florence Correctional Complex (CAFCC) in Florence, Arizona.

15. Respondent Anna Nordstrom is a Docket Officer for ICE. Respondent Nordstrom is responsible for ICE's policies, practices, and procedures, including those relating to detention of immigrants during the removal process. Respondent Nordstrom is a legal custodian of Petitioner. She is named in her official capacity.

16. Respondent Luis Rosa, Jr. is the Facility Administrator of the CoreCivic Central Arizona Florence Correctional Complex (CAFCC) in Florence, Arizona, which detains individuals suspected of civil immigration violations pursuant to a contract with Immigration and Customs Enforcement (ICE). Respondent Rosa is the immediate physical custodian responsible for the detention of petitioner. He is named in his official capacity.

17. Respondent John Cantu is the director of ICE's Phoenix Field office, which is responsible for ICE activities in Arizona and is responsible for the Florence Correctional Center. Respondent Cantu's place of business is in the District of Arizona, and he is an immediate legal custodian responsible for Petitioner's detention. He is named in his official capacity.

18. Respondent Todd Lyons is the Acting director of ICE. Respondent Lyons is responsible for ICE's policies, practices, and procedures, including those relating to detention of immigrants during the removal process. Respondent Lyons is a legal custodian of Petitioner. He is named in his official capacity.

19. Respondent Kristi Noem is the Secretary of the U.S Department of Homeland Security. She is named in her official capacity. In that capacity, Respondent is responsible for the administration of the Immigration Laws pursuant to 8 U.S.C. § 1103.

20. Respondent Pamela J. Bondi is the Attorney General of the United States. She is named in her official capacity.

21. Respondent Sirce Owen is the Acting Director of Executive Office of Immigration review. She is named in her official capacity.

LEGAL BACKGROUND AND CONSTITUTIONAL CLAIM

22. Petitioner argues that his detention-violates the Due Process Clause of the Fifth Amendment. Petitioner asks the Court to analyze the claim "in two steps: the first asks whether there exists a protected liberty interest under the Due Process Clause, and the second examines the procedures necessary to ensure any deprivation of that protected liberty interest accords with the Constitution.

287.7 DETAINER PROVISIONS UNDER SECTION 287(d)(3) OF THE ACT

23. Detainers in general are issued pursuant to sections 236 and 287 of the Act and this

chapter 1. Any authorized immigration officer may at any time issue a Form I-247, Immigration Detainer-Notice of Action, to any other Federal, State, or local law enforcement agency. A detainer serves to advise another law enforcement agency that the Department seeks custody of an alien presently in the custody of that agency, for the purpose of arresting and removing the alien. The detainer is a request that such agency advise the Department, prior to release of the alien, in order for the Department to arrange to assume custody, in situations when gaining immediate physical custody is either impracticable or impossible.

24. Availability of records. In order for the Department to accurately determine the propriety of issuing a detainer, serving a notice to appear, or taking custody of an alien in accordance with this section, the criminal justice agency requesting such action or informing the Department of a conviction or act that renders an alien inadmissible or removable under any provision of law shall provide the Department with all documentary records and information available from the agency that reasonably relates to the alien's status in the United States, or that may have an impact on conditions of release.

25. Temporary detention at Department request. Upon a determination by the Department to issue a detainer for an alien not otherwise detained by a criminal justice agency, such agency shall maintain custody of the alien for a period not to exceed 48 hours, excluding Saturdays, Sundays, and holidays in order to permit assumption of custody by the Department.

26. In this case Mr. Gracia-Ruvalcaba's lack of a I-247 detainer should be taken into conclusion as a "waiver" or "non detainer" order in the several occasions up to 2019 where ICE/DHS interviewed Mr. Gracia-Ruvalcaba and did not issue a I-247 detainer and allowed his exit from county detention. Somebody, somewhere with the ICE/DHS authority to detain or order the detention of the petitioner did not feel it was necessary, thus

FACTUAL ALLEGATIONS

27. Petitioner, Blas Gracia-Ruvalcaba was born in Mexico on 

28. Petitioner entered the United States on or about in 1989, with father Blas, mother, Maria, two siblings, Raul and Karen.

29. Petitioner's immigration history is as follows; granted Lawful Permanent Resident status in 1997, Petitioner has resided in the United States for approximately 36 year, and has established deep community ties and a longstanding presence in this country.

30. Petitioner was detained by ICE on or about January 7th, 2024. Petitioner has remained in continuous detention since that date.

31. Petitioner applied for cancellation of removal for certain permanent residents (EOIR-42A). On June 26, 2025, the Immigration Judge denied Petitioner's application for cancellation of removal. petitioner is pursuing an appeal of that decision.

32. Petitioner remains in detention at Central Arizona Florence Correctional Complex in Florence, AZ (CAFCC or Florence). Petitioner's family and close community contacts have suffered undue emotional and financial hardship due to his continued detention. Petitioner's prolonged detention has caused significant instability for those who rely on him, and continued prolonged detention would exacerbate this hardship.

33. Petitioner is eligible for relief from removal and intends to pursue all available avenues of protection. Petitioner's longstanding residence in the United states and substantial community ties weigh heavily against his detention and demonstrate that his release on reasonable conditions is appropriate.

PROTECTED LIBERTY INTEREST

34. A protected liberty interest may arise from a conditional release from physical restraint. *Young v. Harper*, 520 U.S. 143, 147-49, 117 S. Ct. 1148, 137 L. Ed. 2d 270 (1997). Even when a statute

allows the government to arrest and detain an individual, a protected liberty interest under the Due Process Clause may entitle the individual to procedural protections not found in the statute.

35. Petitioner was able to provide for his family and aide in their day to day care. His support from friends and family show his meaningful ties to his community. Petitioner is experiencing decline in medical and mental state due to his prolonged detention.

36. Petitioner asks the Court to recognize that he has a protected liberty interest in his release.

37. If released, Mr. Gracia-Ruvalcaba plans to return to his home in Phoenix, AZ. resume work, and be with his family whom are all Naturalized U.S. Citizens.

MATTHEWS BALANCING

38. Due process "is a flexible concept that varies with the particular situation." *Zinnermon v. Burch*, 494 U.S. 113, 127, 110 S. Ct. 975, 108 L. Ed. 2d 100 (1990). The procedural protections required in a given situation are evaluated using the *Mathews v. Eldridge* factors:

39. First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. *Id.* (quoting *Mathews v. Eldridge*, 424 U.S. 319, 335, 96 S. Ct. 893, 47 L. Ed. 2d 18 (1976)); see *Hernandez*, 872 F.3d 976, 993 (9th Cir. 2017) (applying Mathews factors in immigration detention context). Petitioner argues that a proper weighing of these factors demonstrates that he should be afforded a pre-deprivation bond hearing where the government bears the burden of proof.

40. Turning to the first factor, Petitioner has a significant private interest in remaining free

from detention. "Freedom from imprisonment-from government custody, detention, or other forms of physical restraint-lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S. Ct. 2491, 150 L. Ed. 2d 653 (2001). Petitioner had been out of custody, acquired and maintained employment, was promoted to supervisor and manager positions for Schuff Steel in Phoenix, AZ and during that time has created ties with his church and his community of the Phoenix Metro areas. His detention denies him that freedom. He is entitled to a determination as to whether modification of the ICE officials own recognizance release in . See *Morrissey*, 408 U.S. at 482-84.

41. Second, the risk of an erroneous deprivation of liberty in these circumstances is considerable. See *Ramirez Clavijo*, 2025 U.S. Dist. LEXIS 163056, 2025 WL 2419263, at *6; *Lopez Benitez*, 2025 U.S. Dist. LEXIS 157214, 2025 WL 2371588, at *12. Civil immigration detention, which is "non-punitive in purpose and effect[.]" is justified when a non-citizen presents a risk of flight or danger to {2025 U.S. Dist. LEXIS 17} the community. See *Zadvydas*, 533 U.S. at 690; *Padilla*, 704 F. Supp. 3d at 1172. "[B]ecause [p]etitioner's substantial liberty interest is at stake, due process [] requires [the government] to prove by clear and convincing evidence that [petitioner] is a flight risk or danger to the community before depriving [him] of that liberty," even though petitioner already has other procedures available to him. *Ramirez Clavijo*, 2025 U.S. Dist. LEXIS 163056, 2025 WL 2419263, at *6 (emphasis added); see *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011), abrogated on other grounds by *Jennings v. Rodriguez*, 583 U.S. 281, 138 S. Ct. 830, 200 L. Ed. 2d 122 (2018) (invoking due process principles and explaining that "the substantial liberty interest at stake" warranted placing the burden on the government to "prove by clear and convincing evidence that an alien is a flight risk or a danger to the community to justify denial of bond."). While petitioner remains in a detention center nearly a hundred miles from his home in Phoenix, AZ., he has limited ability to gather evidence and to contact his family and friends who would testify on his behalf at the hearing, and his

family and friends might not be able to travel the miles to such a hearing, unlike if he had such a proceeding out of custody in the immigration court near where he resided. These considerations create a significant risk that he might be erroneously deprived of his protected liberty interest, even with the availability of a post-detention section 1226(a) bond hearing.

42. On balance, the Mathews factors show that Petitioner is entitled to a bond hearing, which should have been provided before Petitioner was detained. "[T]he root requirement' of the Due Process Clause" is "that an individual be given an opportunity for a hearing before he is deprived of any significant protected interest." *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542, 105 S. Ct. 1487, 84 L. Ed. 2d 494 (1985) (quoting *Boddie v. Connecticut*, 401 U.S. 371, 379, 91 S. Ct. 780, 28 L. Ed. 2d 113 (1971)); {2025 U.S. Dist. LEXIS 19}see *Zinerman*, 494 U.S. at 127 ("Applying [the Mathews] test, the Court usually has held that the Constitution requires some kind of a hearing before the State deprives a person of liberty . . ."). The Supreme Court has held that Due Process requires a pre-deprivation hearing before those released on parole from a criminal conviction can have their bond finally revoked. See *Morrissey*, 408 U.S. at 480-86. The same is true for those subject to revocation of probation. *Gagnon v. Scarpelli*, 411 U.S. at 782. Numerous district courts have held that these principles extend to the context of immigration detention. See, e.g., *Ramirez Clavijo*, 2025 U.S. Dist. LEXIS 163056, 2025 WL 2419263, at *4-6; *Garcia*, 2025 U.S. Dist. LEXIS 133521, 2025 WL 1927596, at *5; *Pinchi v. Noem*, No. 25-CV-05632-RMI (RFL), 2025 U.S. Dist. LEXIS 127539, 2025 WL 1853763, at *1 (N.D. Cal. July 4, 2025); *Ortega*, 415 F. Supp. 3d at 970; *Doe*, 2025 U.S. Dist. LEXIS 37929, 2025 WL 691664, at *6; *Diaz v. Kaiser*, No. 3:25-cv-05071, 2025 U.S. Dist. LEXIS 113566, 2025 WL 1676854, at *2 (N.D. Cal. June 14, 2025); *Romero v. Kaiser*, No. 22-cv-02508-TSH, 2022 U.S. Dist. LEXIS 82538, 2022 WL 1443250, at *4 (N.D. Cal. May 6, 2022); *Vargas v. Jennings*, No. 20-cv-5785-PJH, 2020 U.S. Dist. LEXIS 153579, 2020 WL 5074312, at *4 (N.D. Cal. Aug. 23, 2020).

43. With these considerations in mind, petitioner is likely to succeed on the merits.

IRREPARABLE HARM

44. Petitioner has already suffered, and is likely to suffer or experience irreparable harm. The government erroneously has mandated his detention. The Ninth Circuit has recognized that, even though the statute authorizes detention, there may be numerous "irreparable harms imposed on anyone subject to immigration detention," such as "subpar medical and psychiatric care in ICE detention facilities, the economic burdens imposed on detainees and their families as a result of detention, and the collateral harms to children of detainees whose parents are detained." *Hernandez*, 872 F.3d at 995

PRELIMINARY INJUNCTION

45. "The Court may issue a preliminary injunction or a temporary restraining order only if the movant gives security in an amount that the Court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained." Fed. R. Civ. P. 65(c). The Court has "discretion as to the amount of security required, if any," and it "may dispense with the filing of a bond when it concludes there is no realistic likelihood of harm to the defendant from enjoining his or her conduct." *Jorgensen v. Cassidy*, 320 F.3d 906, 919 (9th Cir. 2003) (citation modified). Because "the [Government] cannot reasonably assert that it is harmed in any legally cognizable sense by being enjoined from constitutional violations," *Zepeda*, 753 F.2d at 727, the Court finds that no security is required here.

ARGUMENT

46. Mr. Gracia-Ruvalcaba's Fifth Amendment due process rights and the APA, pursuant to *Accardi*. Mr. Gracia-Ruvalcaba's detention and continued detention violates the Immigration and Nationality Act and U.S Constitution.

47. Petitioner argues there was no Pre-deprivation Hearing "before" being detained In front

of a neutral third party, where Petitioner can "show proof" evidences and government can "show proof" or evidence to show cause of detention.

48. Further, the lack of procedures afforded to Mr. Gracia-Ruvalcaba to challenge his detention after years of freedom produced by a waiver from I-247 detainer violates the Due Process Clause of the Fifth Amendment and the APA.,

49. Mr. Gracia-Ruvalcaba's extended length of detention without a "due process guaranteed" detention re-determination (bond) hearing violates constitutional due process and this Court should order his immediate release.

50. The clear and convincing evidence standard is a high burden and must be demonstrated in fact. Immigrants detained under 8 U.S.C.S. § 1231(a)(6) remain entitled to bond hearings every six months to determine whether the Government showed they are a flight risk or danger by clear and convincing evidence.

THE LONGER THE IMMIGRANT IS DETAINED, THE MORE ROBUST THE PROCEDURAL PROTECTIONS

51. The longer an immigrant is detained, the more robust the procedural protections governing their detention should be. Furthermore, because the immigration judge (IJ) must consider the recent and severity of any past offenses, evidence of criminal conduct grows less powerful as it becomes less current.

52. Thus, the passage of time is undeniably relevant and the IJ must consider it. But that does not mean that criminal conviction evidence inevitably loses its persuasive force. The Government is not required as a matter of law to present new evidence of dangerousness at a subsequent bond hearing.

53. Mr. Gracia-Ruvalcaba's request for re determination hearing "procedural protection", not only relevant, robust, and necessary, but the denial of such hearings by the government is a completely blatant violation of his Fifth Amendment "Due Process" rights.

A. ICEs detention of Mr. Gracia-Ruvalcaba Without Sufficient Process Violates His Due Process Rights.

54. Petitioner's detention without a pre deprivation hearing violates his right to Substantive and Procedural Due Process guaranteed by the United States Constitution Fifth Amendment.

55. The fact that Mr. Gracia-Ruvalcaba has never been placed in detention which makes his detention particularly problematic. Indeed, there have been no material changes to Mr. Gracia-Ruvalcaba situation since ICE previously released him.

CLAIMS FOR RELIEF

COUNT I – VIOLATIONS of 8 U.S.C.S § 1231 (a)(6)

56. Mr. Gracia-Ruvalcaba re-alleges and incorporates by reference the paragraphs above as though fully set forth herein.

57. Petitioner's continued detention violates the Immigration and Nationality Act and U.S. Constitution..

COUNT II – VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT

58. Mr. Gracia-Ruvalcaba re alleges and incorporates by reference the paragraphs above as though fully set forth herein.

59. Petitioner's detention violates his right to Substantive and Procedural Due Process guaranteed by the Fifth Amendment to the United States Constitution.

60. The Due Process Clause of the Fifth Amendment forbids the Government from depriving any person of liberty without due process of law. U.S. Const. Amend. V. Respondents were required to provide Mr. Gracia-Ruvalcaba with notice and a meaningful opportunity to be heard prior to detaining him, which they failed to do.

COUNT III – ARBITRARY AND CAPRICIOUS AGENCY ACTION UNDER THE ADMINISTRATIVE PROCEDURE ACT, 5 U.S.C.S § 706 (2)(A)

61. Mr. Gracia-Ruvalcaba re-alleges and incorporates by reference the paragraphs above as though fully set forth herein.

62. Courts must "hold unlawful and set aside agency action" that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C.S § 706 (2)(A).

63. As discussed above, Respondents have violated their own binding regulations regarding the procedures for revocation of release. This is arbitrary, capricious, and contrary to law in violation of the APA.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully request that this court:

- (a) Assume jurisdiction over this matter;
- (b) Issue an order pursuant to 28 U.S.C. § 2243 directing Respondents to show cause why the writ of Habeas corpus should not be granted within three days.
- (c) Grant a writ of Habeas corpus and order Petitioner's immediate release from custody;
- (d) Mr. Gracia-Ruvalcaba asks to be released immediately from DHS custody and asks that DHS not impose any additional restrictions on him, such as electronic monitoring, unless that is determined to be necessary at a later custody hearing;
- (e) Permanently enjoin Respondents and all their officers, agents, employees, attorneys, and persons acting on their behalf or in concert with them and restrict or restrain them from:
 - 1. Re-arresting or re-detaining Mr. Gracia-Ruvalcaba absent compliance with constitutional protections, which include at a minimum, pre-deprivation notice of at least seven days before a pre-deprivation hearing at which the government will bear the burden of demonstrating by clear and convincing evidence that he is likely to flee or pose a danger to the community if not arrested;

2. Relocating or transferring Petitioner from this district
- (f) Any additional relief that this court deems just, proper and equitable.
- (g) Declare that Petitioner's detention violates the Due Process of the Fifth Amendment.

VERIFICATION

64. I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as those, I believe them to be true.

I certify under penalty of perjury that the foregoing is true and correct.

Date: 03/10/2026

Signature: 
Petitioner

BLAS GUADALUPE GRACIA-RUVALCABA

A# 

CENTRAL ARIZONA FLORENCE CORRECTIONAL COMPLEX

P.O. BOX 6300

FLORENCE, AZ – 85132

CERTIFICATE OF SERVICE

On 03/10/2026, I Blas Guadalupe Gracia-Ruvalcaba, served a copy of this: _____
(Date)

Petition For Writ of Habeas Corpus
(Type of Document)

and any attached pages by United States Postal Service (U.S.P.S) to the following:

- **United States District Court, District of Arizona – Phoenix Division**
Sandra Day O'Connor U.S. Courthouse, Suite 130
401 W. Washington Street, SPC 1
Phoenix, AZ – 85003-2118
- **ICE Headquarters (ERO Removal Division)**
Potomac Center North
500 12th Street, SW
Washington, D.C. 20536
- **ICE Field Office in Phoenix**
2035 N. Central Avenue
Phoenix, AZ 85004

Date: 03/10/2026

Signature: Blas Gracia

INCORPORATION OF EXHIBITS**TABLE OF CONTENTS**

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BLAS GUADALUPE GRACIA-RUVALCABA

A#

CENTRAL ARIZONA FLORENCE CORRECTIONAL COMPLEX

P.O. BOX 6300

FLORENCE, AZ – 85132

CERTIFICATE OF SERVICE

On 03/10/2026, I Blas Guadalupe Gracia-Ruvalcaba, served a copy of this: _____
(Date)

Declaration

(Type of Document)

and any attached pages by United States Postal Service (U.S.P.S) to the following:

- > **United States District Court, District of Arizona – Phoenix Division**
Sandra Day O'Connor U.S. Courthouse, Suite 130
401 W. Washington Street, SPC 1
Phoenix, AZ – 85003-2118
- > **ICE Headquarters (ERO Removal Division)**
Potomac Center North
500 12th Street, SW
Washington, D.C. 20536
- > **ICE Field Office in Phoenix**
2035 N. Central Avenue
Phoenix, AZ 85004

Date: 03/10/2026

Signature: Blas Guadalupe

EXHIBIT

A

DECLARATION

I, Blas Guadalupe Gracia-Ruvalcaba, hereby declare under penalty of perjury that the following statements are true and correct.

My Background

1. I was born in Mexico, on 
2. I entered the United States of America on or about in 1989.
3. I was placed in ICE custody on January 7th, 2024.
4. I have been in ICE custody since then.
5. Right now, I am detained at the CoreCivic Central Arizona Florence Correctional Complex.
6. The detention center is located in Florence, AZ.
7. I have been at this detention center since January 7th, 2024.
8. In my removal proceedings, I applied for: Asylum; Withholding of Removal; Withholding of Removal Convention Against Torture; Deferral of Removal; and Cancellation of Removal.
9. My case was decided on: June 26th, 2025 by Immigration Judge Bruce Taylor.

I have asked to be released from custody.

10. While in detention I have filed a redetermination bond hearing request before the Immigration Judge February 6th, 2026 and was DENIED.

I have cooperated with ICE to get my travel documents.

11. I have provided all the information about my sponsor and everything ICE has requested.

I have a sponsor in the U.S. willing to receive me.

12. My sponsor is:

Karen L. Gracia



My medical conditions create hardship for me in detention.

13. I suffer from the following medical conditions:

Generalized Anxiety Disorder.

14. I have been arrested in the U.S. and convicted of crimes.

On or about January 5th, 2024, I was arrested by Phoenix Police Department and charged with Dangerous Drug Possession, Conspiracy for Sale.

15. However, I have learned from these mistakes and have completed the following rehabilitation efforts:

5 months of Rehab at the Salvation Army Rehabilitation Center in Phoenix, AZ.

16. I know that I will not make mistakes like this in the future because:

My family needs me and I've realized how much damage I've done to myself and the hurt I've inflicted on my kids from my mistakes.

17. Despite my full cooperation with ICE, and a sponsor willing and able to receive me in the U.S., I have been detained in ICE custody for over 26 months.

18. If released I will live with my sponsor in:

3960 W. Culver St
Phoenix, AZ - 85009

19. I will cooperate and fulfill the conditions ICE establishes.

Date: 03/20/2026

Signature: _____

Blaas Garcia
Petitioner

EXHIBIT

B



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
FLORENCE IMMIGRATION COURT

Respondent Name:

GRACIA RUVALCABA, BLAS
GUADALUPE

To:

GRACIA RUVALCABA, BLAS
GUADALUPE

A-Number:



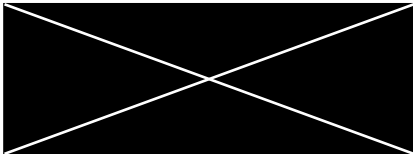
Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

06/26/2025



ORDER OF THE IMMIGRATION JUDGE

- ☒ This is a summary of the oral decision entered on 06/26/2025. The oral decision in this case is the official opinion, and the immigration court issued this summary for the convenience of the parties.
- ☐ Both parties waived the issuance of a formal oral decision in this proceeding.

I. Removability

The immigration court found Respondent ☒ removable ☐ inadmissible under the following Section(s) of the Immigration and Nationality Act (INA or Act): 237(a)(2)(A)(ii) for 2 CIMTs

The immigration court found Respondent ☐ not removable ☐ not inadmissible under the following Section(s) of the Act:

II. Applications for Relief

Respondent's application for:

A. Asylum/Withholding/Convention Against Torture

- ☒ Asylum was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☒ Withholding of Removal under INA § 241(b)(3) was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☒ Withholding of Removal under the Convention Against Torture was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☒ Deferral of Removal under the Convention Against Torture was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☐ \$ USD instead of the presumptive amount.

If Respondent fails to voluntarily depart within the time specified, the alternate order of removal shall automatically take effect, and Respondent shall be ineligible, for a period of 10 years, for voluntary departure or for relief under sections 240A, 245, 248, and 249 of the Act, to include cancellation of removal, adjustment of status, registry, or change of nonimmigrant status. *Id.* If Respondent files a motion to reopen or reconsider prior to the expiration of the voluntary departure period set forth above, the grant of voluntary departure is automatically terminated; the period allowed for voluntary departure is not stayed, tolled, or extended. If the grant of voluntary departure is automatically terminated upon the filing of such a motion, the penalties for failure to depart under section 240B(d) of the Act shall not apply.

If Respondent appeals this decision, Respondent must provide to the Board of Immigration Appeals (Board), within 30 days of filing an appeal, sufficient proof of having posted the voluntary departure bond. The Board will not reinstate the voluntary departure period in its final order if Respondent does not submit timely proof to the Board that the voluntary departure bond has been posted.

In the case of conversion to a removal order where the alternate order of removal immediately takes effect, where Respondent willfully fails or refuses to depart from the United States pursuant to the order of removal, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

IV. Removal

- ☒ Respondent was ordered removed to MEXICO
- ☐ In the alternative, Respondent was ordered removed to
- ☐ Respondent was advised of the penalties for failure to depart pursuant to the removal order:

If Respondent is subject to a final order of removal and willfully fails or refuses to depart from the United States pursuant to the order, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

V. Other

- ☐ Proceedings were ☐ dismissed ☐ terminated with prejudice
- ☐ terminated without prejudice ☐ administratively closed.
- ☐ Respondent's status was rescinded under INA § 246.
- ☒ Other:

EXHIBIT

C

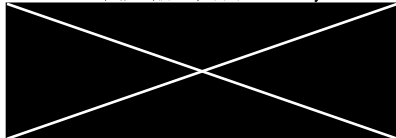


Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

GRACIA RUVALCABA, BLAS GUADALUPE



DHS/ICE Office of Chief Counsel - FLO
3250 N. Pinal Parkway Ave.
Florence, AZ 85132

Name: GRACIA RUVALCA...



Type of Proceeding: Removal

Date of this notice: 7/31/2025

Type of Appeal: Case Appeal

Filed by: Alien

FILING RECEIPT FOR APPEAL

The Board of Immigration Appeals acknowledges receipt of your appeal and fee or fee waiver request (where applicable) on 7/21/2025 in the above-referenced case.

WARNING: If you leave the United States after filing this appeal but before the Board of Immigration Appeals (Board or BIA) issues a decision, your appeal will be considered withdrawn and the Immigration Judge's decision will become final as if no appeal had been taken (unless you are an "arriving alien" as defined in the regulations under 8 C.F.R. § 1001.1(q)).

WARNING: If you have been granted voluntary departure by the Immigration Judge, you must submit sufficient proof of having posted the voluntary departure bond set by the Immigration Judge to the Board. Your submission of proof must be provided to the Board within 30 days of filing this appeal. If you do not timely submit proof to the Board that the voluntary departure bond has been posted, the Board cannot reinstate the period of voluntary departure. 8 C.F.R. § 1240.26(c)(3)(ii).

FILING INSTRUCTIONS:

If the respondent/applicant is represented by counsel, a Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals (Form EOIR-27) must be filed with the Board.

If the respondent/applicant is unrepresented (also called pro se) and receives assistance on documents to be filed with the Board (such as help preparing an appeal, motion, form, briefs, or other documents), a Notice of Entry of Limited Appearance for Document Assistance before the Board of Immigration Appeals (Form EOIR-60) must be submitted with the document(s) that assistance was provided when filed with the Board.

In all future correspondence or filings with the Board, please list the name and registration number ("A" number) of the case (as indicated above), as well as all of the names and "A" numbers for every family member who is included in this appeal.

Certificate of service on the opposing party at the address above is required for ALL submissions to the Board of Immigration Appeals -- including correspondence, forms, briefs, motions, and other documents. If you are the Respondent or Applicant, the "Opposing Party" is the DHS Counsel or the Director of HHS/ORR at the address shown above. Your certificate of service must clearly identify the document sent to the opposing party, the opposing party's name and address, and the date it was sent to them. Any submission filed with the Board without a certificate of service on the opposing party will be rejected. See Chapter 3.2 (Service) of the Board's Practice Manual.

FILING INSTRUCTIONS -- IMPORTANT REMINDER

Electronic filing through ECAS is mandatory for attorneys and accredited representatives appearing as practitioners of record (filed a Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals (Form EOIR-27)), as well as for DHS in every case that is eligible for electronic filing. See 8 C.F.R. §§ 1003.2(g)(4), 1003.3(g)(1), 1003.31(a).

Where electronic filing is not required, use of an overnight courier service to the address listed in the **FILING ADDRESS** section below is encouraged to ensure timely filing.

FILING ADDRESS:

Board of Immigration Appeals
Clerk's Office
5107 Leesburg Pike, Suite 2000
Falls Church, VA 22041

Business hours: Monday through Friday, 8:00 a.m. to 4:30 p.m.

cc:

VonackS

Userteam: PCM

EXHIBIT

D



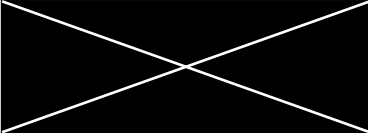
UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
FLORENCE IMMIGRATION COURT

Respondent Name:

GRACIA-RUVALCABA, BLAS

To:

GRACIA-RUVALCABA, BLAS
FCC



A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

02/06/2026

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
Respondent is subject to mandatory detention under INA 236(c).

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

☒ Other:
Notice must reach the BIA in Falls Church, VA, on or before March 9, 2026.