

1 Frances Arroyo #276747
2 Los Angeles Legal Advocates
3 farroyo@lalegaladvocates.com
4 1025 W 190th St
5 Suite 400
6 Gardena, CA 90248

7 Natalie Renee Shepherd
8 Of Counsel
9 (805) 907-5309
10 NatalieReneeShepherd@gmail.com

11 *Attorneys for Petitioner*

12 UNITED STATES DISTRICT COURT
13 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

14 **NORMA MARTINEZ,**

15 Petitioner,

16 vs.

17 **JEREMY CASEY, WARDEN OF**
18 **IMPERIAL REGIONAL DETENTION**
19 **FACILITY,**

20 **GREGORY J. ARCHAMBEAULT, IN**
21 **HIS OFFICIAL CAPACITY AS SAN**
22 **DIEGO FIELD OFFICE DIRECTOR,**
23 **ICE ENFORCEMENT AND REMOVAL**
24 **OPERATIONS;**

25 **KRISTI NOEM, SECRETARY OF**
26 **THE U.S. DEPARTMENT OF**
27 **HOMELAND SECURITY; AND**

28 **PAM BONDI, ATTORNEY GENERAL**
OF THE UNITED STATES,

IN THEIR OFFICIAL CAPACITIES,

Respondents

**PETITION FOR WRIT OF HABEAS
CORPUS**

**Challenge to Unlawful Incarceration
Under Color of Immigration Detention
Statutes; Request for Declaratory and
Injunctive Relief**

Case No. '26CV2531 JES SBC

INTRODUCTION

1
2 1. This habeas petition challenges the unlawful detention of Ms. Norma
3 Martinez, a 54-year-old woman who has lived in the United States for nearly three
4 decades, has no criminal history, and serves as the primary caretaker for her elderly
5 mother suffering from Alzheimer’s disease. Despite these undisputed facts,
6 Respondents have subjected Ms. Martinez to mandatory immigration detention
7 under a statute that does not apply to her.

8 2. The Immigration and Nationality Act draws a clear line between
9 individuals encountered at the border and those living inside the United States.
10 Congress reserved mandatory detention under 8 U.S.C. § 1225 for individuals
11 “seeking admission” at the threshold of entry. For individuals like Ms. Martinez—
12 longtime interior residents arrested during a routine traffic stop—Congress
13 prescribed a different framework: discretionary detention under 8 U.S.C. §
14 1226(a), which requires an individualized assessment of whether detention is
15 actually necessary.

16 3. Respondents have disregarded that statutory framework. By
17 classifying Ms. Martinez as an “applicant for admission,” they have subjected her
18 to mandatory detention without any opportunity to seek release, without any
19 evaluation of her circumstances, and without any determination that she poses a
20 danger or a flight risk. That classification is not merely incorrect—it is unlawful.
21 Courts across the Ninth Circuit have rejected this exact theory with near-uniform
22 consistency, holding that long-term residents apprehended in the interior are
23 governed by § 1226(a), not § 1225(b).

24 4. The consequences of that unlawful detention are immediate and
25 severe. Ms. Martinez has been separated from her family, removed from her role as
26 her mother’s primary caregiver, and deprived of consistent access to medical care
27
28

1 for her chronic conditions, including diabetes and hypertension. Each day she
2 remains confined compounds these harms.

3 5. This case presents a straightforward question of law: whether the
4 government may detain a longtime interior resident under a statute that applies
5 only to individuals seeking admission at the border. The answer is no. Because
6 Respondents lack statutory authority to detain Ms. Martinez under § 1225(b), her
7 continued confinement is ultra vires and unlawful from its inception.

8 6. The writ of habeas corpus exists to remedy precisely this kind of
9 unlawful restraint. Ms. Martinez respectfully requests that this Court grant the writ
10 and order her immediate release. At a minimum, she is entitled to the
11 individualized custody determination that Congress and the Constitution require.

12 JURISDICTION & VENUE

13 7. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner
14 is in custody under the authority of the United States and seeks a writ of habeas
15 corpus. This Court also has jurisdiction under 28 U.S.C. § 1331 because this action
16 arises under the Constitution, laws, and treaties of the United States, and under 5
17 U.S.C. §§ 701–706 because Petitioner challenges agency action that is arbitrary,
18 capricious, and not in accordance with law.

19 8. This Court has authority to grant declaratory and injunctive relief
20 pursuant to 28 U.S.C. §§ 2201–2202.

21 9. Neither 8 U.S.C. §§ 1252(b)(9) nor 1252(g) bar this Court’s review.

22 10. Section 1252(b)(9) is a “zipper clause” that channels review of final
23 orders of removal to the courts of appeals; it does not apply where, as here, no final
24 removal order exists and the petitioner challenges only the statutory authority
25 under which she is detained. *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525
26 U.S. 471, 482–83 (1999). As the Supreme Court explained in *Jennings v.*
27 *Rodriguez*, 583 U.S. 281 (2018), detention claims that raise “questions of law”—

including whether statutory provisions require detention without a bond hearing—do not “arise from” removal proceedings and therefore fall outside § 1252(b)(9). *Id.* at 292–95. The Ninth Circuit has repeatedly held that §§ 1252(a)(5) and (b)(9) do not preclude district-court review of claims that are “independent of or collateral to the removal process,” including challenges to unlawful or prolonged immigration detention. *J.E.F.M. v. Lynch*, 837 F.3d 1026, 1031–32 (9th Cir. 2016); *Martinez v. Napolitano*, 704 F.3d 620, 622 (9th Cir. 2012); *Gonzalez v. U.S. Immigration & Customs Enf’t*, 975 F.3d 788, 810 (9th Cir. 2020). The Supreme Court likewise confirmed that § 1252(b)(9) does not bar jurisdiction where petitioners are “not asking for review of an order of removal” but instead challenge the legality of detention and denial of bond procedures. *Nielsen v. Preap*, 586 U.S. 392, 402 (2019) (quoting *Jennings*, 583 U.S. at 294). Virtually every recent decision addressing the precise § 1225/§ 1226 misclassification issue has rejected the government’s § 1252(b)(9) argument for this same reason. See, e.g., *Monica Adriana Ruiz Yarleque v. Noem*, No. 5:25-cv-02836-MEMF-SP, 2025 WL 3043936, at *5–7 (C.D. Cal. Oct. 31, 2025); *Garcia v. Noem*, No. 5:25-cv-02771-ODW (PDX), 2025 WL 2986672, at *3–4 (C.D. Cal. Oct. 22, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW (DFMX), 2025 WL 2379285, at *1–2 (C.D. Cal. Aug. 15, 2025); *E.C. v. Noem*, No. 5:25-cv-02612-ODW (PDX), at *3 (C.D. Cal. Oct. 28, 2025); *Vasquez Perdomo v. Noem*, 790 F. Supp. 3d 850, 884–85 (C.D. Cal. 2025); *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361, at *3 (S.D. Cal. Oct. 24, 2025).

11. Section 1252(g) likewise poses no bar. The Supreme Court has held that § 1252(g) applies only to three discrete discretionary actions—commencing proceedings, adjudicating cases, and executing removal orders—and does not cover legal challenges to the scope of DHS’s detention authority. *Reno*, 525 U.S. at 482; *Jennings*, 583 U.S. at 294–96. Petitioner challenges none of those actions. Her

1 claim is a “purely legal question” that does not implicate any exercise of
2 prosecutorial discretion, and district courts retain jurisdiction over such claims.
3 *United States v. Hovsepian*, 359 F.3d 1144, 1155 (9th Cir. 2004); *Ibarra-Perez v.*
4 *United States*, No. 24-631, 2025 WL 2461663, at *6 (9th Cir. Aug. 27, 2025).
5 Consistent with this binding authority, courts in this district have repeatedly held
6 that § 1252(g) does not bar review of claims alleging detention under the wrong
7 statutory provision. *Ruiz Yarleque*, 2025 WL 3043936, at 5–6; *Garcia*, 2025 WL
8 2986672, at 3; *Arrazola-Gonzalez*, 2025 WL 2379285, at 1; *E.C.*, at 3.
9 Accordingly, this Court has jurisdiction to hear and resolve this petition.

10 12. Venue is proper in the Southern District of California under 28 U.S.C.
11 § 1391(e) because Petitioner is detained at Imperial Regional Detention Facility,
12 located within this judicial district, and because a substantial part of the events or
13 omissions giving rise to this action occurred in this district.

14 PARTIES

15 13. Petitioner NORMA MARTINEZ is a 54-year-old mother of four,
16 three of whom are united states citizens, and a longtime resident of the United
17 States who has lived here continuously for approximately thirty years. she is also
18 the primary caretaker for her elderly mother, who suffers from Alzheimer’s
19 disease. Ms. Martinez has no criminal history, yet is currently detained at the
20 Imperial Regional Detention Facility.

21 14. Respondent JEREMY CASEY, warden of Imperial Regional
22 Detention Facility.

23 15. Respondent GREGORY J. ARCHAMBEAULT is the San Diego
24 Field Office Director for ICE Enforcement and Removal Operations (“ERO”) and
25 is sued in his official capacity. He exercises authority over the detention and
26 removal of noncitizens in the Los Angeles region, including Petitioner.

1 reside in California. In addition to her role as a mother, Ms. Martinez serves as the
2 primary caretaker for her elderly mother, who suffers from Alzheimer's disease
3 and depends on her for daily care and support.

4 22. Ms. Martinez has no criminal history. She has never been convicted of
5 any crime and has no record of any DUI or other offense. Although she was once
6 present in a vehicle during an alleged theft-related incident, she was not an active
7 participant, and no charges or convictions resulted. She has never previously had
8 contact with immigration authorities.

9 23. On April 8, 2026, Ms. Martinez was detained following a routine
10 traffic stop in Indio, California, while returning home from Arizona, where she had
11 traveled to visit her sick child. During that stop, she was taken into custody by
12 immigration authorities and has remained detained since that date at a facility in
13 Imperial, California.

14 24. Ms. Martinez is currently in removal proceedings. She appeared for a
15 master calendar hearing on April 15, 2026, and her next hearing is scheduled for
16 May 4, 2026, to be conducted via internet-based proceedings.

17 25. Ms. Martinez suffers from multiple chronic health conditions,
18 including diabetes, hypertension, and high cholesterol, all of which require
19 ongoing medical management and medication. Her detention has already caused
20 disruption to her medical care, including a missed doctor's appointment. Continued
21 detention places her health at risk and further interrupts her ability to manage these
22 conditions.

23 26. Despite her decades-long presence in the United States, lack of any
24 criminal convictions, and strong family and community ties, the government has
25 subjected Ms. Martinez to a statutory framework reserved for recent entrants and
26 applicants for admission. In reality, she is a long-term resident with substantial
27 equities and no history suggesting flight risk or danger.

LEGAL FRAMEWORK

Section 1226(a)—Not Section 1225(b)—Governed When Petitioner Was Arrested in the Interior

27. Pre-final order detention is governed by two distinct INA provisions—8 U.S.C. §§ 1225 and 1226—operating in separate spheres. As the Supreme Court has emphasized, § 1225 governs “aliens seeking admission into the country,” whereas § 1226 governs “aliens already in the country pending the outcome of removal proceedings.” *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018). Where a noncitizen falls in this statutory scheme determines whether detention is mandatory or discretionary and what review process is available. *Prieto-Romero v. Clark*, 534 F.3d 1053, 1057 (9th Cir. 2008). That division is dispositive here because Petitioner was not encountered at the border or a port of entry in an inspection posture, but instead was arrested in the interior—approximately thirty years after entry—and placed into removal proceedings thereafter.

28. Section 1225’s text, structure, and context confirm its border/inspection focus. Its title—“Inspection by immigration officers; expedited removal of inadmissible arriving aliens; referral for hearing”—and its repeated references to inspection, “arriving” noncitizens, and examining immigration officers reflect Congress’s intent to regulate admission processing at the threshold of entry, not interior apprehensions of long-time residents. *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361, at *4–5 (S.D. Cal. Oct. 24, 2025); *Lepe v. Andrews*, No. 1:25-cv-01163-KES-SKO, 2025 WL 2716910, at *4–5 (E.D. Cal. Sept. 23, 2025); *Vazquez v. Feeley*, No. 2:25-CV-01542-RFB-EJY, 2025 WL 2676082, at *11–16 (D. Nev. Sept. 17, 2025). Titles and headings are appropriate interpretive tools confirming statutory scope. *Dubin v. United States*, 599 U.S. 110, 120–21 (2023).

1 29. Most importantly, § 1225(b)(2)(A) applies only when an examining
2 immigration officer determines that an “alien seeking admission is not clearly and
3 beyond a doubt entitled to be admitted.” 8 U.S.C. § 1225(b)(2)(A) (emphasis
4 added). Reading § 1225(b)(2) to sweep in all noncitizens present without
5 admission—regardless of whether they are actively seeking entry—would render
6 the “seeking admission” language meaningless surplusage. Courts must interpret
7 statutes as a whole and avoid constructions that make statutory terms “inconsistent,
8 meaningless or superfluous.” *Shulman v. Kaplan*, 58 F.4th 404, 410–11 (9th Cir.
9 2023). Consistent with that principle, courts in this Circuit have held that “seeking
10 admission” requires an affirmative, present-tense act—such as entering at the
11 border or applying for admission/status—and does not apply to individuals who
12 have been residing in the United States and have not taken any such affirmative
13 step. *Silvestre-Mendoza v. Noem*, No. 3:25-CV-03206-RBM-DDL, 2025 WL
14 3512410, at *2 (S.D. Cal. Dec. 8, 2025); *Esquivel-Ipina*, 2025 WL 2998361, at *5;
15 *Beltran v. Noem*, No. 25CV2650-LL-DEB, 2025 WL 3078837, at *4–7 (S.D. Cal.
16 Nov. 4, 2025). That reading also accords with Ninth Circuit precedent rejecting
17 “perpetual applicant” theories that untether the INA from its admission/inspection
18 framework. *United States v. Gambino-Ruiz*, 91 F.4th 981, 988–89 (9th Cir. 2024);
19 see also *Torres v. Barr*, 976 F.3d 918, 927 (9th Cir. 2020) (rejecting an
20 interpretation that would treat “applicant for admission” as equivalent to having
21 made an actual application for admission).

22 30. Section 1226 provides the complementary detention framework for
23 people arrested inside the United States pending removal proceedings—and it is
24 expressly discretionary. It authorizes arrest and detention “pending a decision on
25 whether the alien is to be removed,” and permits release on bond or conditional
26 parole “except as provided in subsection (c).” 8 U.S.C. § 1226(a)(1)–(2).
27 Regulations implement that discretionary scheme by providing a custody
28

1 redetermination (bond) hearing before an immigration judge. 8 C.F.R. §§
2 236.1(d)(1), 1236.1(d)(1); *In re Guerra*, 24 I. & N. Dec. 37, 40 (BIA 2006);
3 *Jennings*, 583 U.S. at 306 (noting that regulations provide bond hearings at the
4 outset for § 1226(a) detainees). This is the statutory framework Congress designed
5 for post-entry custody determinations—precisely Petitioner’s posture.

6 31. Text, structure, and Congress’s recent amendments confirm § 1226(a)
7 is the default rule for inadmissible noncitizens apprehended in the interior (absent a
8 specific mandatory-detention carve-out). The Laken Riley Act added §
9 1226(c)(1)(E), requiring mandatory detention for certain noncitizens who are
10 inadmissible under § 1182(a)(6)(A), (6)(C), or (7) and charged with specified
11 crimes. Pub. L. No. 119-1, 139 Stat. 3 (2025); 8 U.S.C. § 1226(c)(1)(E). Multiple
12 courts have recognized that if § 1225(b)(2) already mandated detention of all
13 inadmissible noncitizens present without admission, this targeted amendment to §
14 1226(c) would be inexplicable surplusage. *Silvestre-Mendoza*, 2025 WL 3512410,
15 at *2–3; *Beltran*, 2025 WL 3078837, at *4–7; *Vasquez Garcia v. Noem*, No. 25-
16 CV-2180-DMS-MMP, 2025 WL 2549431, at *6 (S.D. Cal. Sept. 3, 2025);
17 *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1256–57 (W.D. Wash. 2025)
18 (explaining that a specific mandatory-detention exception confirms the baseline
19 discretionary regime). And when Congress amends a statute, courts presume it
20 intends “real and substantial effect,” not a redundant add-on. *Stone v. I.N.S.*, 514
21 U.S. 386, 397 (1995).

22 32. This interpretation also accords with longstanding agency
23 implementation of IIRIRA’s detention provisions. In 1997, the agency’s
24 implementing rulemaking explained that “[d]espite being applicants for admission,
25 aliens who are present without having been admitted or paroled (formerly referred
26 to as aliens who entered without inspection) will be eligible for bond and bond
27 redetermination.” *Esquivel-Ipina*, 2025 WL 2998361, at *7 (quoting *Inspection*
28

1 *and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of*
2 *Removal Proceedings; Asylum Procedures*, 62 Fed. Reg. 10312, 10323 (Mar. 6,
3 1997)). That backdrop underscores the statutory architecture: § 1225 addresses
4 inspection/admission processing; § 1226 addresses apprehension and custody
5 decisions for those already living here pending removal proceedings.

6 33. Consistent with those principles, district courts have rejected the
7 government's expansive § 1225 theory with near-total unanimity and have held
8 that interior arrestees are detained under § 1226(a), not § 1225(b). See, e.g.,
9 *Silvestre-Mendoza v. Noem*, No. 3:25-CV-03206-RBM-DDL, 2025 WL 3512410,
10 at *2 (S.D. Cal. Dec. 8, 2025) ("There is no dispute that Petitioner was detained...
11 after having resided in the United States for seven years. Therefore, the
12 discretionary detention procedures of § 1226 govern Petitioner's detention, and the
13 Petition must be granted"); *Simon v. Larose*, No. 3:25-CV-3587-JES-VET, 2026
14 WL 49454, at *2 (S.D. Cal. Jan. 7, 2026); *Ramirez v. LaRose*, No. 25-CV-3257-
15 JES-VET, 2025 WL 3493567, at *2–5 (S.D. Cal. Dec. 5, 2025); *Beltran*, 2025 WL
16 3078837, at *4–7; *Esquivel-Ipina*, 2025 WL 2998361, at *4–7; *Martinez v. Larose*,
17 No. 3:25-CV-03449-DMS-MMP, 2025 WL 3640995, at *2–3 (S.D. Cal. Dec. 16,
18 2025); *Chavez Valdovinos v. Noem*, No. 25-CV-2439 TWR (KSC) slip op. at 9
19 (S.D. Cal. Nov. 25, 2025); *Yohan Diaz-Villatoro v. LaRose*, 2025 WL 3251377, at
20 *3–4 (S.D. Cal. Nov. 21, 2025); *Aparicio Sanchez v. Noem*, 2025 WL 3214987, at
21 *3–4 (S.D. Cal. Nov. 18, 2025); *Vasquez Garcia v. Noem*, 2025 WL 2549431
22 (S.D. Cal. Sept. 3, 2025); *Lopez Benitez v. Francis*, No. 25-Civ-5937, 2025 WL
23 2267803 (S.D.N.Y. Aug. 8, 2025); *Martinez v. Hyde*, No. CV 25-11613-BEM,
24 2025 WL 2084238, at *9 (D. Mass. July 24, 2025); *Gomes v. Hyde*, No. 1:25-cv-
25 11571-JEK, 2025 WL 1869299, at *8 (D. Mass. July 7, 2025); *Lopez-Campos v.*
26 *Raycraft*, No. 2:25-cv-12486, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025);
27 *Kostak v. Trump*, No. 3:25-cv-01093-JE, 2025 WL 2472136 (W.D. La. Aug. 27,

2025); *Benitez v. Noem*, No. 5:25-cv-02190 (C.D. Cal. Aug. 26, 2025) (minute order); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW, 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Aguilar Maldonado v. Olson*, No. 25-cv-3142, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Dos Santos v. Noem*, No. 1:25-cv-12052-JEK, 2025 WL 2370988 (D. Mass. Aug. 14, 2025); *Rocha Rosado v. Figueroa*, No. CV 25-02157, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), report and recommendation adopted 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01874-SSS-BFM, slip op. at *13 (C.D. Cal. July 28, 2025); *Oliveros v. Kaiser*, No. 25-cv-07117-BLF, 2025 WL 2677125, at *4 (N.D. Cal. Sept. 18, 2025). No court has adopted the government’s theory that § 1225(b)(2)(A) mandates detention for long-time residents arrested in the interior.

34. The near-unanimous district authority has now culminated in certified class relief. *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 25, 2025) confirmed that individuals who entered without inspection, were not apprehended at or near the border, and are not subject to §§ 1226(c), 1225(b)(1), or 1231 must be processed under § 1226—not § 1225. The court rejected DHS’s contrary position—namely, that § 1225(b)(2) authorizes mandatory detention of this population—holding that such an interpretation “runs counter to the plain language of the INA, foundational principles of statutory interpretation, and the INA’s statutory scheme.” *Id.* The certified class expressly covers individuals “at the time DHS makes an initial custody determination,” underscoring that DHS’s mandatory-detention classification for interior arrestees is unlawful at the custody-determination stage.

1 35. Accordingly, because Petitioner was arrested in the interior after
2 nearly thirty years of residence in the United States, her detention is governed by §
3 1226(a)'s discretionary framework—not § 1225(b)—and she is entitled to the
4 individualized custody process that framework presupposes. Respondents' failure
5 to apply that framework renders Petitioner's continued detention ultra vires and
6 unlawful. See 8 U.S.C. § 1226(a); *Jennings*, 583 U.S. at 288–89; *Lepe*, 2025 WL
7 2716910, at *4–5; *Lopez Benitez*, 2025 WL 2371588, at *7–8; *Vazquez*, 2025 WL
8 2676082, at *12–16.

9 **Because § 1226(A) Governs, Petitioner Has a Liberty Interest and Due**
10 **Process Rights, Including a Constitutionally Adequate Custody Hearing**

11 36. This statutory distinction reflects fundamental constitutional limits on
12 civil immigration detention and Congress's recognition of the different due process
13 rights afforded to those already inside the United States. "The relevant distinction
14 ... is between persons inside the United States and persons outside the United
15 States. That distinction is consistent with the long history of our immigration laws
16 and with the Constitution." *Lepe v. Andrews*, No. 1:25-cv-01163-KES-SKO, 2025
17 WL 2716910, at *5 (E.D. Cal. Sept. 23, 2025) (quoting *Zadvydas v. Davis*, 533
18 U.S. 678, 693 (2001)). Once a person enters the country, "the legal circumstance
19 changes, for the Due Process Clause applies to all 'persons' within the United
20 States, including aliens, whether their presence here is lawful, unlawful, temporary,
21 or permanent." *Id.*

22 37. Congress legislated against that constitutional backdrop. In
23 distinguishing between "arriving" and "residing" noncitizens, Congress reflected
24 "its understanding of longstanding due process precedent that recognizes the more
25 substantial due process rights of noncitizens already residing in the U.S. [as
26 compared to] those of noncitizens recently arriving." *Vazquez v. Feeley*, No. 2:25-
27 cv-01542-RFB-EJY, 2025 WL 2676082, at *4 (D. Nev. Sept. 17, 2025) (citing
28

1 *Knauff v. Shaughnessy*, 338 U.S. 537 (1950)). That framework underscores why §
2 1226(a)'s discretionary, individualized custody process governs interior residents,
3 while § 1225's mandatory inspection detention is confined to the threshold-of-
4 entry context.

5 38. Civil immigration detention, which is “nonpunitive in purpose and
6 effect,” is constitutionally permissible only where it serves the narrow purposes of
7 preventing flight or protecting the community—and only with adequate procedural
8 safeguards. *Zadvydas*, 533 U.S. at 690; *Padilla v. ICE*, 704 F. Supp. 3d 1163, 1172
9 (W.D. Wash. 2023). Extending § 1225(b)(2)(A)'s mandatory, unreviewable
10 detention scheme to long-term residents arrested in the interior would contravene
11 those constitutional limits. Courts confronting that theory have rejected it as
12 incompatible with due process. See *Romero v. Hyde*, 2025 WL 2403827, at *12–13
13 (D. Mass. Aug. 19, 2025); *Lopez-Campos v. Raycraft*, 2025 WL 2496379, at *9–10
14 (E.D. Mich. Aug. 29, 2025).

15 39. The governing framework for determining what process is
16 constitutionally required before the government may deprive a person of liberty is
17 the balancing test articulated in *Mathews v. Eldridge*, 424 U.S. 319 (1976), which
18 weighs (1) the private interest at stake, (2) the risk of erroneous deprivation under
19 existing procedures, and (3) the government's interest. See, e.g., *Diaz v. Garland*,
20 53 F.4th 1189, 1206–07 (9th Cir. 2022); *Jensen v. Garland*, No. 5:21-cv-01195-
21 CAS-AFM, 2023 WL 3246522, at *4 (C.D. Cal. May 3, 2023); *Hernandez v.*
22 *Wofford*, No. 1:25-cv-00986-KES-CDB (HC), 2025 WL 2420390, at *3 (E.D. Cal.
23 Aug. 21, 2025); *Cordero Pelico v. Kaiser*, No. 25-cv-07286-EMC, 2025 WL
24 2822876, at *6 (N.D. Cal. Oct. 3, 2025); *Naser Noori v. Larose*, No. 25-cv-1824-
25 GPC-MSB, 2025 WL 2800149, at *10 (S.D. Cal. Oct. 1, 2025); *Oliveros v. Kaiser*,
26 No. 25-cv-07117-BLF, 2025 WL 2677125, at *7 (N.D. Cal. Sept. 18, 2025);
27
28

1 *O.P.A.M. v. Wofford*, No. 1:25-cv-01423, 2025 WL 3120552, at *9 (E.D. Cal. Nov.
2 7, 2025).

3 40. Under *Mathews*, the private interest here is at its apex: freedom from
4 civil confinement, particularly where, as here, a long-term resident with no
5 criminal history is subjected to mandatory detention without any individualized
6 assessment. The government's countervailing interests—preventing flight and
7 protecting the community—are legitimate but are precisely the interests that §
8 1226(a)'s bond process is designed to evaluate through individualized
9 adjudication.

10 41. Courts applying *Mathews* in the misclassification context have
11 concluded that categorically detaining interior residents under § 1225(b) is
12 incompatible with the procedural protections the Fifth Amendment requires. The
13 private interest at stake—freedom from physical restraint—is at the core of the
14 liberty protected by the Fifth Amendment. The risk of erroneous deprivation is
15 substantial where DHS categorically classifies interior arrestees as subject to
16 mandatory detention, foreclosing any consideration of flight risk or danger, and the
17 government's interest does not justify dispensing with the procedures Congress
18 expressly provided in § 1226(a). See *Maldonado-Vazquez v. Feeley*, No. 5:24-cv-
19 00452-SVW-PD, 2025 WL 2863421, at *10 (C.D. Cal. June 30, 2025); *Ruiz*
20 *Yarleque v. Noem*, No. 5:25-cv-02836-MEMF-SP, 2025 WL 3043936, at *7–8
21 (C.D. Cal. Oct. 31, 2025); *Garcia v. Noem*, No. 5:25-cv-02771-ODW (PDx), 2025
22 WL 2986672, at *4–5 (C.D. Cal. Oct. 22, 2025); *Arrazola-Gonzalez v. Noem*, No.
23 5:25-cv-01789-ODW (DFMx), 2025 WL 2379285, at *2 (C.D. Cal. Aug. 15,
24 2025); *Hernandez Nieves v. Kaiser*, No. 25-cv-06921-LB, 2025 WL 2533110, at
25 *4 (N.D. Cal. Sept. 3, 2025). These courts recognize that when the INA entitles a
26 detainee to discretionary custody consideration under § 1226(a), the government
27 may not evade that process through categorical misclassification.

1 42. In short: because Petitioner is a person inside the United States, her
2 detention implicates a profound liberty interest protected by the Fifth Amendment.
3 And because § 1226(a) is the governing detention statute for interior residents like
4 Petitioner, due process requires an individualized custody determination—one that
5 meaningfully tests whether continued civil confinement is necessary to serve the
6 government’s narrow interests in preventing flight or protecting the community.
7 Respondents’ failure to provide that process renders Petitioner’s continued
8 detention constitutionally deficient and unlawful.

9 43. Each day Petitioner is held without that constitutionally adequate
10 process is an ongoing deprivation of liberty, compounding the harm to her health
11 and to those who depend on her care, and underscoring the urgent need for
12 immediate relief.

13 **The Government Bears the Burden of Proof**

14 44. Although § 1226(a) does not specify who bears the burden of proof at
15 a custody redetermination hearing—and the BIA has historically placed that
16 burden on the noncitizen in ordinary § 1226(a) proceedings, see *In re Guerra*, 24 I.
17 & N. Dec. 37 (BIA 2006); *In re Adeniji*, 22 I. & N. Dec. 1102, 1116 (BIA 1999)—
18 courts within the Ninth Circuit have made clear that this regulatory allocation
19 cannot control where the right to a bond hearing arises from the Constitution. See
20 *Singh v. Barr*, 400 F. Supp. 3d 1005, 1018 (S.D. Cal. 2019) (citing *Singh v.*
21 *Holder*, 638 F.3d 1196 (9th Cir. 2011)).

22 45. Where a noncitizen has been detained without the individualized bond
23 hearing that due process requires, the Fifth Amendment itself—not the INA or its
24 implementing regulations—dictates the procedural framework for any remedial
25 hearing. Under that framework, the government must bear the burden of proving,
26 by clear and convincing evidence, that continued detention is necessary to prevent
27 flight or protect the community. See *Singh v. Holder*, 638 F.3d 1196, 1203–04 (9th
28

1 Cir. 2011); *Singh v. Barr*, 400 F. Supp. 3d at 1018; *Rajnish v. Jennings*, No. 3:20-
2 cv-07819-WHO, 2020 WL 7626414, at *4–5 (N.D. Cal. Dec. 22, 2020).

3 46. District courts within this Circuit continue to order § 1226(a) bond
4 hearings requiring the government to justify detention by clear and convincing
5 evidence where due process supplies the hearing right. See, e.g., *Almali Samet v.*
6 *Divver*, No. 3:26-CV-00360-RBM-MMP, 2026 WL 412607, at *2 (S.D. Cal. Feb.
7 13, 2026) (ordering bond hearing within ten days and requiring the government to
8 establish danger or flight risk by clear and convincing evidence, with release if the
9 hearing is not timely conducted); *Mtiulishvili v. LaRose*, No. 26-CV-387-RSH-
10 JLB, 2026 WL 377870, at *3 (S.D. Cal. Feb. 10, 2026) (same); *Hernandez v.*
11 *Wofford*, 2025 WL 2420390, at *7–8 (E.D. Cal. Aug. 21, 2025); *A.E. v. Andrews*,
12 No. 1:25-cv-00801, 2025 WL 1808676, at *1 (E.D. Cal. July 1, 2025); *Abduraimov*
13 *v. Andrews*, 2025 WL 2912307, at *10 (E.D. Cal. Oct. 14, 2025).

14 47. The Ninth Circuit has acknowledged that *Singh* grounded its burden
15 rule in “general principles of procedural due process,” and declined to decide
16 whether *Singh* “remains good law in any respect” after *Jennings v. Rodriguez*, 583
17 U.S. 281 (2018). *Diaz v. Garland*, 53 F.4th 1189, 1196, 1199, 1202 n.4 (9th Cir.
18 2022). Nonetheless, district courts throughout this Circuit—and courts addressing
19 remedial hearings in misclassification and re-detention contexts—continue to
20 apply the clear-and-convincing government-burden requirement where the hearing
21 right derives from the Fifth Amendment.

22 48. Courts have repeatedly ordered that the government may not continue
23 civil immigration detention—particularly where detention has been imposed
24 without lawful process—absent proof, by clear and convincing evidence, that
25 detention is necessary to prevent flight or protect the community. See *Pablo*
26 *Sequen v. Albarran*, 2025 WL 2935630, at *1 (N.D. Cal. Oct. 15, 2025); *Faizyan v.*
27 *Casey*, 2025 WL 3208844, at *8 (S.D. Cal. Nov. 17, 2025); *Pinchi v. Noem*, 792 F.

1 Supp. 3d 1025, 1038 (N.D. Cal. 2025); *Salazar v. Dedos*, 2025 WL 2676729, at
2 *7–9 (D.N.M. Sept. 17, 2025); *Sadeqi v. LaRose*, 2025 WL 3154520, at *4 (S.D.
3 Cal. Nov. 12, 2025).

4 49. In sum, where the right to a custody hearing arises from the
5 Constitution—as it does here—the Fifth Amendment, not agency default rules,
6 governs the allocation of proof. The government must therefore establish, by clear
7 and convincing evidence, that continued detention is necessary to prevent flight or
8 protect the community. Absent such a showing, continued confinement cannot be
9 justified.

10 **Immediate Release Is the Proper Remedy for Ultra Vires Detention**

11 50. Where detention rests on an inapplicable statutory provision,
12 continued custody is ultra vires and habeas relief requires release—not merely a
13 remand for a post-deprivation hearing. The writ of habeas corpus “is designed to
14 secure release from illegal custody.” *Preiser v. Rodriguez*, 411 U.S. 475, 484
15 (1973). When the government detains a person under statutory authority that does
16 not apply, the detention itself is unlawful from its inception.

17 51. Courts confronting materially identical “misclassification” cases have
18 granted the writ and ordered release—not merely remanded for a post-deprivation
19 hearing. In *Lepe v. Andrews*, No. 1:25-cv-01163, 2025 WL 2716910 (E.D. Cal.
20 Sept. 23, 2025), the court held that § 1226—not § 1225—governed the detention of
21 an interior resident and granted habeas relief on that basis. Likewise, in *Silvestre-*
22 *Mendoza v. Noem*, No. 3:25-CV-03206-RBM-DDL, 2025 WL 3512410, at *2
23 (S.D. Cal. Dec. 8, 2025), the court concluded that detention under § 1225(b) was
24 improper where § 1226(a) governed and ordered immediate release.

25 52. These courts rejected the government’s argument that the proper
26 remedy is simply to direct a bond hearing. As one court explained, that position
27 “misapprehend[s] the purpose of a pre-detention hearing: if Petitioner is detained,
28

1 she will already have suffered the injury she is now seeking to avoid.” *Jorge M.F.*
2 *v. Jennings*, 534 F. Supp. 3d 1050, 1055 (N.D. Cal. 2021); see also *Domingo v.*
3 *Kaiser*, No. 25-cv-05893 (RFL), 2025 WL 1940179, at *3 (N.D. Cal. July 14,
4 2025) (even a prompt post-detention bond hearing would not cure the harm of
5 potentially erroneous detention). A post-deprivation hearing cannot retroactively
6 supply statutory authority that was absent at the time of arrest.

7 53. Here, as in *Lepe* and *Silvestre-Mendoza*, Petitioner was detained under
8 § 1225(b) despite being arrested in the interior after decades of residence. Like the
9 petitioners in those cases, Ms. Martinez is a long-term resident with no criminal
10 history who was subjected to mandatory detention under a statute that does not
11 apply to her. Because the INA does not authorize her detention under § 1225(b),
12 her continued confinement exceeds the government’s statutory authority and is
13 unlawful.

14 54. That unlawfulness is not abstract. Ms. Martinez’s continued detention
15 has already disrupted her medical care and removed her from her role as the
16 primary caretaker for her mother, compounding the harm each day she remains
17 confined. Under settled habeas principles, the proper remedy for detention imposed
18 without legal authority is release. *Preiser*, 411 U.S. at 484. At minimum,
19 Respondents may not continue custody absent a constitutionally adequate §
20 1226(a) determination—but where detention rests on the wrong statute from the
21 outset, immediate release is the appropriate and necessary remedy—not a post hoc
22 attempt to justify detention that was unlawful from the outset.

23 EXHAUSTION OF REMEDIES

24 55. There is no statutory exhaustion requirement applicable to this habeas
25 petition. *McKart v. United States*, 395 U.S. 185, 193 (1969); *Acevedo-Carranza v.*
26 *Ashcroft*, 371 F.3d 539, 541 (9th Cir. 2004). Although the Ninth Circuit generally
27 requires exhaustion of available administrative remedies before seeking relief
28

1 under 28 U.S.C. § 2241, that requirement is prudential rather than jurisdictional.
2 *Castro-Cortez v. INS*, 239 F.3d 1037, 1047 (9th Cir. 2001), abrogated on other
3 grounds by *Fernandez-Vargas v. Gonzales*, 548 U.S. 30 (2006); *Laing v. Ashcroft*,
4 370 F.3d 994, 998 (9th Cir. 2004).

5 56. Prudential exhaustion may be excused where (1) agency expertise is
6 unnecessary to resolve the issue presented; (2) administrative review would be
7 futile; or (3) requiring exhaustion would cause irreparable harm. *Puga v. Chertoff*,
8 488 F.3d 812, 815 (9th Cir. 2007) (citing *Noriega-Lopez v. Ashcroft*, 335 F.3d 874,
9 881 (9th Cir. 2003)); *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017)
10 (quoting *Laing*, 370 F.3d at 1000). Each factor independently supports waiver here.

11 57. First, agency expertise is unnecessary. This case presents a purely
12 legal question: whether Petitioner's detention is governed by 8 U.S.C. §
13 1225(b)(2)(A) or by 8 U.S.C. § 1226(a). The relevant facts—Petitioner's interior
14 arrest and ongoing detention—are undisputed. No further factual development by
15 the agency would aid this Court in resolving the statutory classification issue.
16 Where a petition raises a pure question of statutory interpretation concerning the
17 scope of federal detention authority, exhaustion is not required. *Puga*, 488 F.3d at
18 815. Moreover, courts—not agencies—have the final authority to interpret statutes.
19 *Loper Bright Enters. v. Raimondo*, 603 U.S. 369 (2024).

20 58. Second, exhaustion would be futile. The Immigration Judge denied
21 Petitioner's request for a custody redetermination solely on jurisdictional grounds,
22 concluding that Petitioner was subject to mandatory detention under INA § 235(b).
23 The IJ relied on *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), which
24 holds that noncitizens apprehended in the interior after entering without inspection
25 are categorically subject to § 1225(b)(2)(A). Precedential BIA decisions "serve as
26 precedent in all proceedings involving the same issue or issues." 8 C.F.R. §
27 1003.1; *Matter of Yajure Hurtado*, 29 I. & N. Dec. at 216. Because the Board of
28

1 Immigration Appeals is bound by its own precedent, it lacks authority to grant the
2 relief sought here—namely, an individualized custody determination under §
3 1226(a). Requiring Petitioner to appeal to the BIA would therefore be a futile
4 gesture. See *Singh v. Holder*, 638 F.3d 1196, 1203 n.3 (9th Cir. 2011) (exhaustion
5 excused where agency lacks authority to grant relief); *Leonardo v. Crawford*, 646
6 F.3d 1157, 1160 (9th Cir. 2011).

7 59. Courts in this District have repeatedly excused exhaustion under
8 materially identical circumstances, recognizing that further administrative review
9 serves no purpose where the BIA would be compelled to apply *Yajure Hurtado* and
10 deny bond jurisdiction. See, e.g., *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS
11 (BLM), 2025 WL 2998361, at *3–4 (S.D. Cal. Oct. 24, 2025) (finding exhaustion
12 futile because the BIA is obligated to apply *Yajure Hurtado*); *Beltran v. Noem*, No.
13 25CV2650-LL-DEB, 2025 WL 3078837, at *3–4 (S.D. Cal. Nov. 4, 2025) (same);
14 *Sanchez v. Noem*, No. 25-CV-3068 JLS (MMP), 2025 WL 3214987, at *3 (S.D.
15 Cal. Nov. 18, 2025) (same); *Garcia v. Noem*, No. 25-CV-2180-DMS-MMP, 2025
16 WL 2549431, at *4–5 (S.D. Cal. Sept. 3, 2025); *Hoyos Amado v. U.S. Dep’t of*
17 *Justice*, No. 25-cv-2687-LL (DDL), 2025 WL 3079052, at *3 (S.D. Cal. Nov. 4,
18 2025); *Efrain Fernando Caal Chub v. LaRose*, No. 25-CV-3513-RSH-BLM, 2025
19 WL 3654008, at *2 (S.D. Cal. Dec. 17, 2025).

20 60. Third, requiring exhaustion would cause irreparable harm. Petitioner
21 sought bond before the Immigration Court and was denied solely on jurisdictional
22 grounds. She remains detained without any opportunity for an individualized
23 determination of flight risk or danger. Each additional day of civil detention
24 without constitutionally adequate process constitutes irreparable injury,
25 compounding the harm to her health and depriving her family—particularly her
26 dependent mother—of her care. See *Iraheta-Martinez v. Garland*, 12 F.4th 942,

1 949 (9th Cir. 2021); *Sola v. Holder*, 720 F.3d 1134, 1135 (9th Cir. 2013) (per
2 curiam).

3 61. This case presents a paradigmatic basis for excusing prudential
4 exhaustion. The controlling legal issue has already been resolved adversely to
5 Petitioner at the administrative level, and no administrative body has authority to
6 grant the relief sought.

7 62. Because no further administrative process can provide an
8 individualized custody determination under § 1226(a), habeas corpus under 28
9 U.S.C. § 2241 is the only adequate and appropriate remedy to end Petitioner's
10 ongoing unlawful detention.

11 **CLAIMS FOR RELIEF**

12 **COUNT ONE**

13 ***(Unlawful Detention Under the Immigration and Nationality Act and***
14 ***the Administrative Procedure Act)***

15 63. Petitioner re-alleges and incorporates by reference all preceding
16 paragraphs as though fully set forth herein.

17 64. Petitioner is currently detained pursuant to an unlawful and
18 unauthorized application of 8 U.S.C. § 1225(b)(2)(A), despite being a long-time
19 resident of the United States apprehended in the interior and placed into removal
20 proceedings.

21 65. As set forth above, the Immigration and Nationality Act draws a clear
22 and dispositive distinction between individuals “seeking admission” at the border,
23 whose detention is governed by § 1225, and individuals already inside the United
24 States pending removal proceedings, whose detention is governed by § 1226.
25 *Jennings v. Rodriguez*, 583 U.S. 281, 288–89 (2018).

26 66. Ms. Martinez falls squarely within the latter category. She has lived in
27 the United States for approximately thirty years. She was not encountered at or
28

1 near a border, was not in an inspection posture, and was not seeking admission at
2 the time of her arrest. Instead, she was stopped during a routine traffic stop in the
3 interior of California while returning home and taken into custody.

4 67. Ms. Martinez was immediately placed into removal proceedings under
5 8 U.S.C. § 1229a. She has continuously resided in the United States since her
6 arrival, raising her family in California and maintaining deep ties to her
7 community. She has no criminal convictions.

8 68. Despite this posture, DHS classified Ms. Martinez as subject to
9 mandatory detention under § 1225(b)(2)(A). At her custody hearing, the
10 Immigration Judge denied bond for lack of jurisdiction based solely on DHS's
11 position that she was detained under § 1225(b). As a result, no individualized
12 custody determination was made and no assessment of flight risk, danger, or
13 conditions of release occurred.

14 69. That classification contravenes the INA. Section 1225(b)(2)(A), by its
15 own terms, applies only to an "alien seeking admission." It does not authorize
16 mandatory detention of long-term interior residents apprehended years after entry
17 and placed into ordinary removal proceedings. Applying § 1225 in this context
18 exceeds the statutory text and collapses Congress's two-track detention scheme.
19 See, e.g., *Lopez Benitez v. Francis*, 2025 WL 2371588, at *7 (S.D.N.Y. Aug. 13,
20 2025); *Chavez Valdovinos v. Noem*, No. 25-CV-2439 TWR (KSC), slip op. at 9
21 (S.D. Cal. Nov. 25, 2025).

22 70. By contrast, § 1226(a) governs the arrest and detention of individuals
23 already inside the United States pending a decision on removal and expressly
24 provides for discretionary release following an individualized custody
25 determination. 8 U.S.C. § 1226(a)(1)–(2); 8 C.F.R. § 1236.1(d).

26 71. Federal courts confronting materially identical facts have near-
27 uniformly rejected DHS's expansive § 1225 theory and held that long-time interior
28

1 residents are detained under § 1226(a), not § 1225(b). Respondents' continued
2 reliance on administrative precedent cannot expand the statute beyond its plain
3 language.

4 72. Ms. Martinez's circumstances underscore precisely why § 1226(a)
5 governs. She has no criminal history, has lived in the United States for decades,
6 and has strong family and community ties in California. She also suffers from
7 chronic medical conditions requiring ongoing care and serves as the primary
8 caretaker for her mother, who depends on her daily assistance. Nothing about her
9 posture resembles the border-inspection context Congress addressed in § 1225.

10 73. Nevertheless, Ms. Martinez has remained detained at the Imperial
11 Regional Detention Facility without any opportunity to demonstrate that she is
12 neither a danger nor a flight risk, and without any individualized custody
13 determination.

14 74. Respondents' detention of Petitioner under § 1225(b)(2)(A) is ultra
15 vires, contrary to law, and in excess of statutory authority within the meaning of 5
16 U.S.C. § 706(2)(A) and (C), and results in ongoing unlawful confinement.

17 75. Petitioner is therefore entitled to habeas relief under 28 U.S.C. § 2241
18 and appropriate relief under the Administrative Procedure Act, including
19 immediate release, or, at minimum, a prompt and constitutionally adequate custody
20 determination under 8 U.S.C. § 1226(a).

21 **COUNT TWO**

22 *(Violation of Fifth Amendment's Due Process Clause)*

23 76. Petitioner re-alleges and incorporates by reference all preceding
24 paragraphs as though fully set forth herein.

25 77. Petitioner's continued detention violates the Due Process Clause of the Fifth
26 Amendment, which protects all persons within the United States from arbitrary or unjustified
27 deprivations of liberty. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Civil immigration
28

1 detention, being nonpunitive, may be justified only when it serves legitimate regulatory goals—
2 such as ensuring appearance or protecting the public—and only when accompanied by adequate
3 procedural safeguards. *Id.* at 690; *Hernandez v. Sessions*, 872 F.3d 976, 991 (9th Cir. 2017).

4 78. Because Ms. Martinez is detained under INA § 1226(a), the Constitution requires
5 an individualized custody determination that meaningfully assesses whether continued detention
6 is necessary. The governing framework for determining what process is constitutionally due is
7 the balancing test articulated in *Mathews v. Eldridge*, 424 U.S. 319 (1976).

8 79. Under *Mathews*, courts weigh the following three factors: (1) “the private interest
9 that will be affected by the official action”; (2) “the risk of an erroneous deprivation of such
10 interest through the procedures used, and the probable value, if any, of additional or substitute
11 procedural safeguards”; and (3) “the Government’s interest, including the function involved and
12 the fiscal and administrative burdens that the additional or substitute procedural requirement
13 would entail.” *Mathews*, 424 U.S. at 335.

14 **Private Interest**

15
16 80. Ms. Martinez’s private interest—freedom from physical
17 confinement—is at its apex. The Supreme Court has recognized that civil detention
18 inflicts a “serious deprivation of liberty,” particularly where it separates individuals
19 from their families and livelihoods. *Zadvydas*, 533 U.S. at 690; *Hernandez*, 872
20 F.3d at 993–95.

21 81. Ms. Martinez has lived in the United States for approximately thirty
22 years. Her entire adult life is rooted here. She has raised her four children in
23 California, three of whom are United States citizens, and remains closely
24 connected to her family and community.

25 82. In addition to her role as a mother, Ms. Martinez serves as the primary
26 caretaker for her elderly mother, who suffers from Alzheimer’s disease and
27 depends on her for daily care and support. Her detention has abruptly removed that
28

1 care, leaving her vulnerable family member without her primary source of
2 assistance.

3 83. Ms. Martinez also suffers from multiple chronic medical conditions,
4 including diabetes, hypertension, and high cholesterol, all of which require
5 consistent monitoring and treatment. Her detention has already disrupted that care,
6 including causing her to miss a scheduled medical appointment. Continued
7 confinement places her health at risk and interferes with her ability to manage
8 these conditions.

9 84. Ms. Martinez has no criminal history. She has never been convicted of
10 any offense and poses no danger to the community. Prior to her arrest, she was
11 living openly in California, maintaining a stable life and fulfilling her family
12 responsibilities.

13 85. Her detention has severed her from her role as caregiver, mother, and
14 family anchor. The harm from continued confinement is immediate, ongoing, and
15 irreparable. The first *Mathews* factor weighs overwhelmingly in her favor.

16 **Risk of Erroneous Deprivation**

17 86. The risk of erroneous deprivation in this case is extreme. Ms.
18 Martinez was denied any individualized custody determination whatsoever. At her
19 custody hearing, the Immigration Judge concluded that the court lacked
20 jurisdiction because DHS classified her as subject to mandatory detention under §
21 1225(b). No evaluation of flight risk, danger, family ties, medical needs, or release
22 conditions occurred.

23 87. The procedures used therefore eliminated the very safeguard Congress
24 built into § 1226(a): individualized adjudication. Ms. Martinez was not assessed as
25 a person; she was treated categorically based on DHS's legal classification.

26 88. That risk of error is not theoretical. Ms. Martinez has lived in the
27 United States for decades, has strong family and community ties, and has no
28

1 criminal history. Nothing in her record suggests danger or flight risk. Yet she
2 remains detained solely because she was denied access to the statutory bond
3 process.

4 89. A routine § 1226(a) bond hearing before a neutral adjudicator would
5 significantly reduce the risk of erroneous deprivation. Such hearings are regularly
6 conducted and specifically designed to assess whether detention is actually
7 necessary to serve regulatory purposes. The second *Mathews* factor weighs heavily
8 in Petitioner's favor.

9 **Government Interest**

10 90. The government's legitimate interests in civil immigration detention
11 are limited to preventing flight and protecting the community. *Zadvydas*, 533 U.S.
12 at 690.

13 91. Those interests carry minimal weight here absent any individualized
14 finding. Ms. Martinez has lived openly in the United States for decades, has strong
15 family ties, a stable residence, and no criminal history. There has been no
16 determination that she poses a danger or a flight risk.

17 92. Nor would providing a bond hearing impose any meaningful
18 administrative burden. Immigration courts conduct § 1226(a) hearings as a matter
19 of course. The government "cannot claim a cognizable interest in avoiding
20 procedures that ensure compliance with the Constitution." *Cordero Pelico v.*
21 *Kaiser*, 2025 WL 2822876, at *6 (N.D. Cal. Oct. 3, 2025).

22 93. Where, as here, detention is maintained solely through categorical
23 misclassification and without individualized findings, the government's interest in
24 continued confinement carries little weight. The third *Mathews* factor therefore
25 also favors Petitioner.

Balance of Factors

94. Balancing the *Mathews* factors confirms that Ms. Martinez's continued detention without an individualized custody hearing violates due process. Her liberty interest is profound; the risk of erroneous deprivation under the procedures used is substantial; and the government's interest in avoiding an individualized determination is minimal.

95. Each additional day Ms. Martinez remains confined without access to a constitutionally adequate custody determination compounds the violation and inflicts ongoing, irreparable harm.

96. Petitioner is therefore entitled to immediate relief, including **release**, or, at minimum, a prompt bond hearing that complies with due process and meaningfully evaluates whether continued detention is necessary to serve the government's legitimate regulatory interests.

COUNT THREE

(Administrative Procedure Act, 5 U.S.C. §§ 701–706)

97. Petitioner re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

98. The Administrative Procedure Act ("APA") requires reviewing courts to "hold unlawful and set aside agency action" that is "not in accordance with law," "in excess of statutory jurisdiction, authority, or limitations," or "arbitrary, capricious, [or] an abuse of discretion." 5 U.S.C. § 706(2)(A), (C).

99. Respondents are unlawfully detaining Ms. Martinez pursuant to an unauthorized interpretation and application of 8 U.S.C. § 1225(b)(2)(A) to a noncitizen apprehended inside the United States decades after entry and placed into removal proceedings.

100. Through Immigration and Customs Enforcement ("ICE") and binding adjudicatory directives adopted by the Board of Immigration Appeals,

1 Respondents have implemented a policy and practice of classifying noncitizens
2 apprehended in the interior of the United States as “applicants for admission”
3 subject to mandatory detention under § 1225(b)(2)(A).

4 101. That policy—reflected in the July 8, 2025 DHS “Interim Guidance
5 Regarding Detention Authority for Applicants for Admission” and reinforced in
6 *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025)—constitutes final
7 agency action within the meaning of 5 U.S.C. § 704. It binds immigration judges,
8 dictates detention outcomes, and forecloses individualized custody determinations
9 under § 1226(a).

10 102. As applied to Ms. Martinez, this policy foreclosed any bond hearing
11 and resulted in her continued detention at the Imperial Regional Detention Facility
12 without statutory authorization.

13 103. The July 8, 2025 Interim Guidance has already been declared
14 unlawful and vacated under the Administrative Procedure Act. In *Maldonado*
15 *Bautista v. Santacruz*, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025), the court held
16 that the policy “unacceptably collapse[s] § 1226 into nonexistence under a wide-
17 reaching interpretation of ‘applicants for admission.’” *Id.* at *11. On
18 reconsideration, the court clarified that its ruling vacated the policy under 5 U.S.C.
19 § 706(2), explaining that vacatur is “the necessary consequence of declaring an
20 agency action unlawful.” *Maldonado Bautista*, 2025 WL 3713987, at *16 (C.D.
21 Cal. Dec. 18, 2025).

22 104. That vacatur has not been stayed. Because APA vacatur sets aside
23 agency action in its entirety, Respondents lack lawful authority to continue
24 applying the July 8, 2025 policy to Ms. Martinez. See *Maldonado Bautista*, 2025
25 WL 3713987, at *15–17; see also *Nat’l TPS All. v. Noem*, 773 F. Supp. 3d 807,
26 867 (N.D. Cal. 2025), *aff’d*, 150 F.4th 1000 (9th Cir. 2025) (recognizing the
27 nationwide effect of APA vacatur).

1 105. Respondents' application of § 1225(b)(2)(A) to Ms. Martinez is
2 contrary to the plain text, structure, and purpose of the Immigration and
3 Nationality Act.

4 106. Section 1225 governs inspection and detention of individuals seeking
5 admission at the border or port of entry. Section 1226 governs detention of
6 individuals already present in the United States pending removal proceedings.
7 *Jennings v. Rodriguez*, 583 U.S. 281, 288–89 (2018).

8 107. Ms. Martinez is not an arriving alien. She is a long-time interior
9 resident with deep ties to the United States, including her family and her role as a
10 primary caretaker within her household. She was arrested during a routine traffic
11 stop while living openly in California—not during inspection or admission
12 proceedings. Nothing in the INA authorizes treating such an individual as an
13 applicant for admission subject to mandatory detention under § 1225(b).

14 108. Federal district courts across the Ninth Circuit have repeatedly
15 rejected Respondents' position and held that detention of noncitizens apprehended
16 in the interior is governed by § 1226(a), not § 1225(b). See, e.g., *Rodriguez v.*
17 *Bostock*, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025); *Lepe v. Andrews*, 2025
18 WL 2716910 (E.D. Cal. Sept. 23, 2025); *Vazquez v. Feeley*, 2025 WL 2676082 (D.
19 Nev. Sept. 17, 2025).

20 109. By applying § 1225(b)(2)(A) to Ms. Martinez notwithstanding this
21 statutory framework, Respondents have acted in excess of statutory jurisdiction
22 and authority, in violation of 5 U.S.C. § 706(2)(C).

23 110. Respondents' detention of Ms. Martinez is also arbitrary and
24 capricious within the meaning of 5 U.S.C. § 706(2)(A).

25 111. Respondents failed to engage in reasoned decision-making when
26 classifying Ms. Martinez as subject to mandatory detention. No individualized
27
28

1 assessment was made regarding her decades of residence, absence of criminal
2 history, family ties, medical needs, or role as a caregiver.

3 112. Instead, Respondents applied a categorical rule that treats long-time
4 interior residents as indistinguishable from individuals apprehended at the
5 border—an approach that disregards statutory distinctions Congress deliberately
6 enacted and eliminates procedural protections Congress expressly preserved.

7 113. This mechanical misclassification resulted in the denial of a custody
8 hearing for lack of jurisdiction and perpetuates Ms. Martinez's ongoing detention
9 without lawful authority.

10 114. As a direct result of Respondents' unlawful policy and practice, Ms.
11 Martinez remains detained without statutory authorization and without the
12 individualized custody determination required by law.

13 115. This unlawful detention constitutes ongoing agency action that this
14 Court has authority—and an obligation—to set aside under the APA.

15 116. Petitioner is therefore entitled to declaratory and injunctive relief,
16 including an order vacating Respondents' unlawful application of § 1225(b)(2)(A)
17 to her detention and directing that she be immediately released, or, in the
18 alternative, provided a prompt, constitutionally adequate bond hearing under §
19 1226(a).

20 PRAYER FOR RELIEF

21 117. WHEREFORE, Petitioner respectfully requests that this Court:

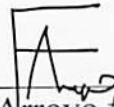
- 22 a. Issue a writ of habeas corpus directing Respondents to immediately release
23 Petitioner from custody, as her detention under 8 U.S.C. § 1225(b)(2)(A) is
24 unlawful under the Immigration and Nationality Act, the Administrative
25 Procedure Act, and the Due Process Clause of the Fifth Amendment;
26 b. In the alternative, order Respondents to provide Petitioner with a prompt,
27 individualized, and constitutionally adequate custody hearing before a
28

1 neutral decisionmaker under 8 U.S.C. § 1226(a), to be held within seven (7)
2 days, at which the Government bears the burden of proving, by clear and
3 convincing evidence, that continued detention is necessary to prevent flight
4 or protect the community and that no less restrictive alternative would
5 reasonably satisfy the Government's legitimate interests;

- 6 c. Declare that Respondents' reliance on 8 U.S.C. § 1225(b)(2)(A) to detain
7 Petitioner following her apprehension in the interior of the United States is
8 contrary to law and in excess of statutory authority, in violation of 5 U.S.C.
9 § 706(2)(A) and (C);
- 10 d. Declare that Respondents' continued detention of Petitioner without an
11 individualized custody determination under § 1226(a) violates the Fifth
12 Amendment's Due Process Clause, including Petitioner's fundamental
13 liberty interest in freedom from arbitrary civil confinement;
- 14 e. Expedite briefing and adjudication of this petition pursuant to 28 U.S.C. §
15 1657(a) and the Court's inherent authority, given Petitioner's ongoing and
16 unlawful deprivation of liberty;
- 17 f. Award attorneys' fees and costs pursuant to the Equal Access to Justice Act,
18 28 U.S.C. § 2412(d), and any other applicable authority; and
- 19 g. Grant such other and further relief as the Court deems just and proper.

20
21 DATED: April 21, 2026

22
23 Respectfully Submitted,

24
25 
26 _____
27 Frances Arroyo #276747
28 Los Angeles Legal Advocates
farroyo@lalegaladvocates.com

1025 W 190th St
Suite 400
Gardena, CA 90248



Natalie Renee Shepherd
Of Counsel
(805) 907-5309
NatalieReneeShepherd@gmail.com