NICOLETTE GLAZER ESQ. (CSBN 209713)
nicolette@glazerandglazer.com
LAW OFFICES OF LARRY R GLAZER
2121 Avenue of the Stars East #800
Century City, California 90067
T:310-407-5353
F:310-407-5354

ATTORNEY FOR PETITIONER

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

JIMMY WALTER GODINEZ OROZCO Plaintiff and Petitioner, vs. ACTING WARDEN of the Imperial Detention Center in Calexico,; TODD BLANCHE, Acting Attorney General, United States Department of Justice; MARKWAYNE MULLIN, Secretary, United States Department of Homeland Security; TODD LYONS, Acting Director of Unites States Immigration and Customs Enforcement; and DOES 1-5 Defendants-Respondents	Case No.: '26CV2586 BTM MMP Hon: **WRIT OF HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND INJUCTIVE RELIEF**

JURISDICTION AND VENUE

1. This action arises under the Constitution of the United States; the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), Pub. L. No. 104-208, 110 Stat. 1570 [hereinafter 'INA']; and Administrative Procedure Act, 5 U.S.C. §§ 701 *et seq* [hereinafter "APA"].

2. This Court has further jurisdiction under 28 U.S.C. § 2241, 2243, art. I § 9, cl. 2 of the United States Constitution ("Suspension Clause"), and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of the authority of the United States and in the physical custody of Respondents at the Imperial Regional Detention Center in Calexico, CA , and such custody is in violation of the Constitution, laws, or treaties of the United States.

3. This Court also may grant relief pursuant to 28 U.S.C. § 2241, 5 U.S.C. § 702, and the All Writs Act, 28 U.S.C. § 1651.

4. This court has further remedial authority pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq..

5. The use of the Writ of Habeas Corpus to challenge detention by ICE is not foreclosed by the REAL ID Act. The REAL ID Act of 2005, Pub. L. 109-13, 119 Stat. 231 (May 11, 2005), Title I, Section 106(c), amending INA §§ 242(a)(2)(A), (B), (C) and § 242(g), only deprives the district court of habeas jurisdiction to review orders of removal, not challenges to detention or the denial of constitutional rights. *See INS v. St. Cyr,* 533 U.S. 289, 364-65 (2001) ("The writ of habeas corpus has always been available to review the legality of executive detention.").

6. This Court could enjoin federal officials pursuant to *Ex Parte Young*, 209 U.S. 123 (1908). *See Philadelphia Co. v. Stimson*, 223 U.S. 605, 619–21 (1912) (applying *Ex Parte Young* to federal official); *Goltra v. Weeks*, 271 U.S. 536, 545 (1926) (same).

7. Plaintiff-Petitioner has exhausted all administrative remedies to the extent available and required by law.

8. Venue properly lies within the Southern District of California, because each named Defendant-Respondent is present in this district and a substantial part of the events or omissions giving rise to this action occurred and continue to occur in this District. *See* 28 U.S.C. §1391(b). Moreover, Petitioner is currently detained within this district to wit, the Imperial Regional Detention Center, in Calexico, California. Accordingly, the "restraint complained of" is occurring within the Court's territorial jurisdiction. *See* 28 U.S.C. § 2241(a)

9. No petition for habeas corpus has previously been filed in any court to review this the named Plaintiff-Petitioner's detention.

PARTIES

10. Plaintiff-Petitioner JIMMY WALTER GODINEZ OROZCO is a 48-year-old national and citizen of Guatemala, and the father of three United States citizen children. Although Petitioner has resided in the country for 22 years and has a stay of removal granted by the Ninth Circuit, Petitioner was arrested by ICE on 5 March 2026 without a probable cause, without a warrant, without providing him a prior notice or an opportunity to be heard or a pre-deprivation hearing.

11. The U.S. Department of Homeland Security ("DHS") is a cabinet department of the United States federal government with the primary mission of securing the United States.

12. ICE is an agency within DHS with the primary mission of arresting, detaining, and removing non-citizens physically present within the territory of the United States. ICE is also responsible for the custody and care of all detained non-citizens awaiting resolution of their immigration cases or removal after a final order of removal had been entered.

13. Defendant Markwayne Mullin is the Secretary for DHS. In this capacity, he has responsibility for the administration of immigration laws pursuant to 8 U.S.C. §1103(a), has authority over ICE and its field offices, and has authority to order the release of Plaintiff-Petitioner. At all times relevant to this Complaint, Defendant Mullin was acting within the scope and course of his position as the Secretary for DHS. Defendant Mullin is sued in her official capacity.

14. Defendant Todd Blanche is the Acting Attorney General of the United States. In this capacity, Mr. Blanche currently oversees the immigration court system, including all immigration judges and the Board of Immigration Appeals, and has responsibility for the administration of immigration laws pursuant to 8 U.S.C. §1103(a), has authority over EOIR and all immigration judges, and has authority to order the release of Plaintiff-Petitioner. At all times relevant to this Complaint, Defendant Blanch was acting within the scope and course of his position as the Acting Attorney General of the United States. Defendant Blanche is sued in his official capacity.

15. Defendant-Respondent Todd Lyons is the Acting Director and Senior Official Performing the Duties of the Director of ICE. Defendant Lyons is responsible for the implementation of all ICE's policies, practices, and procedures, including those relating to detention of non-citizens. Defendant Lyons is a legal and immediate custodian of Plaintiff-Petitioner. At all times relevant to this Complaint, Defendant Lyons was acting within the scope and course of his position as an ICE official. He is sued in his official capacity.

16. Defendant Acting Warden is the warden of the Imperial Regional Detention Center in Calexico, where Plaintiff-Petitioner is currently detained. Defendant Acting Warden is the immediate and the physical custodian of Plaintiff-Petitioner. He/she is named in their official capacity.

17. The true names or capacities, whether individual, corporate, associate or otherwise, of the Defendants-Respondents named herein as Does 1 through 5 are unknown to Plaintiff-Petitioner, who therefore sues said Respondents by such fictitious names, and Plaintiff will amend this Complaint to show their true names and capacities when ascertained. Does 1 through 5 are the immediate, physical custodians of Plaintiff-Petitioner.

FACTS RELEVANT TO ALL CAUSES OF ACTIONS

18. Plaintiff-Petitioner JIMMY WALTER GODINEZ OROZCO is a 48-year-old national and citizen of Guatemala who entered the United States without inspection some 22 years ago. See Exhibit A. He is the father of three United States children. Id.

Petitioner was not apprehended upon entry and has resided in the country for about 22 years. *Id.*

19. Petitioner has no criminal or prior immigration record.

20. Petitioner was placed in removal proceedings in in 2017 through the issuance of a putative Notice to Appear. See Exhibit B. His applications for relief were denied and on 15 October 2019 an immigration judge ordered him removed. See Exhibit C.

21. Petitioner filed a timely administrative appeal with the Board of Immigration Appeals which affirmed the immigration judge's decision and order on 27 August 2025. Id.

22. Petitioner filed a timely Petitioner for Review with the Ninth Circuit. See Exhibit D.

23. On 7 January 2026 the Ninth Circuit issued a temporary stay of removal which remains in effect. See Exhibit D & E.

24. On or about 5 March 2026 Respondents stopped Petitioner as he was returning from Arizona. See Exhibit A. At the time Respondent effected the stop Petitioner had a valid driver license, car registration, a valid work permit, and a stay of removal in effect. He was not engaged in criminal or suspicious activities, did not attempt to flee or resist. Petitioner believes and hereby alleges that Respondents stopped him solely because of his Latino appearance and origins.

25. Respondents demanded Petitioner present proof of his legal status, see Exhibit A, and despite being presented with a valid work permit and evidence of an stay of removal and pending Petition for Review, Respondents arrested Petitioner without a

warrant, notice, opportunity to respond, and without any form of pre or post deprivation hearing to ascertain flight risk or dangerousness.

26. At the time Respondents detained Petitioner there were no exigent circumstances or other special circumstances necessitating forgoing with substantive of procedural due process protections, including service of a warrant and pre-deprivation hearing before a neutral adjudicator.

27. Petitioner was transferred to the Imperial Regional detention center where he remains detained.

28. Petitioner was not allowed to post a bond and remains in custody.

29. The Respondents have refused to release Petitioner from custody asserting that he is subject to the mandatory detention under section 1225(b)(2) or 1231.

30. Because of the temporary stay, Petitioner remains subject to section 1226(a) and the final order of removal cannot be executed until and unless the stay is lifted.

RELEVANT IMMIGRATION STATUTORY SCHEME

Warrantless Arrests

31. The Immigration and Nationality Act provides immigration agents with only limited authority to conduct warrantless arrests. 8 U.S.C.§ 1357(a)(2); *see also Arizona v. U.S.*, 567 U.S. 387, 407–08 (2012). The strict limitations on warrantless arrests are further codified in regulations. *See* 8 C.F.R. § 287.8(c)(2)(ii).

32. An immigration officer can make an arrest without a warrant only if they have probable cause to believe that the individual "is in the United States in violation of any [immigration] law or regulation," and (2) the individual "is likely to escape before a warrant can be obtained" for his arrest. § 1357(a)(2); § 287.8(c)(2)(ii) (same); *Tejeda-Mata v. INS*, 626 F.2d 721, 725 (9th Cir. 1980). The requirement that officers establish probable cause of flight risk before conducting a warrantless arrest requires a particularized finding of likelihood of escape. *Mountain High Knitting, Inc. v. Reno*, 51 F.3d 216, 218 (9th Cir. 1995).

33. Since June 2025, however, Respondents have implemented an uniform policy and practice of effectuating warrantless arrests without making any individualized flight risk determinations and requiring officers to abide by this policy.

34. Victims and witnesses of such warrantless arrests have uniformly described Respondents and their officers as just grabbing or stopping people randomly without asking any questions.

35. Arrests pursuant to an I-200 must be based on an existing or concurrently prepated Notice to Appear ("NTA"), the charging document for removal proceedings. 8 C.F.R. § 236.1(b)(1) (specifying that an administrative warrant of arrest can be issued "[a]t the time of issuance of the [NTA], or at any time thereafter," not before); 8 U.S.C. § 1229 (legal requirements for NTA). This requirement is necessary because the use of Form I-200 is dependent on the arrest occurring "pending a decision" on removal. *See* 8 U.S.C. § 1226(a); 8 C.F.R. § 239.2(e) (explaining an I-200 warrant of arrest is *automatically canceled* when a NTA is canceled or removal proceedings terminated).

36. An arrest pursuant to a I-205 Warrant must be based on an executable final order of removal. See 8 C.F.R. § 241.2(a)(1) (2016). These administrative warrants are not reviewed, approved, or issued by any judicial officer, nor do they involve any neutral judicial assessment.

37. The arresting officers here did not have a warrant to arrest Petitioner and did not ask him any questions to assess individualized flight risk or her immigration status prior effectuating the actual arrest.

38. Petitioner believes and hereby alleges that as directed and authorized by Respondents' current policy and practice, officers are directed and in fact carry with them during at large raids and roving patrols dummy NTAs and administrative warrants which they "file" in the system after the person is arrested and detained. The practice is designed to avoid judicial scrutiny and shield officer's blatant violations of the applicable regulations.

39. Petitioner was not served or presented with ***any*** judicial or administrative warrant at the time of his arrest.

Immigration Detention

40. The INA governs the use of immigration detention both pre- and post-final order. Post-final-order immigration detention is governed by 8 U.S.C § 1231(a); pre-final-order detention by 8 U.S.C. § 1226.

41. In 8 U.S.C. §§ 1226 and 1231 Congress created different, but interrelated, comprehensive frameworks for detaining criminal and non-criminal non-citizens.

42. Section 1226 authorizes the detention of non-citizens during removal proceedings: section 1226(a) controls non-criminal aliens' detentions, while

section 1226(c) controls criminal aliens' detentions. *See* 8 U.S.C. § 1226(a)&(c). Once a non-citizen's removal proceedings are completed ICE's detention authority is controlled by section 1231, which also distinguishes between non-criminal and criminal non-citizens. *See* 8 U.S.C. § 1231.

Section 1226(a) and Non-Criminal Non-citizens During Removal Proceedings

43. The Attorney General has discretion to detain a non-criminal non-citizen "pending a decision on whether the alien is to be removed from the United States." *See* 8 U.S.C. § 1226(a). The Attorney General may detain the non-citizen for the duration of the removal proceedings or release him on bond or conditional parole. *See* 8 U.S.C. § 1226(a)(1)-(2).

44. In connection with § 1226(a), the DHS promulgated regulations setting out the process by which a non-criminal non-citizen may obtain release. The regulations provide that, in order to obtain bond or conditional parole, the "alien must demonstrate to the satisfaction of the officer that such release would not pose a danger to property or persons, and that the alien is likely to appear for any future proceeding." *See* 8 C.F.R. § 1236.1(c)(8).

45. Respondents exercised their discretion and did not detain Petitioner during the pendency of his removal proceeding before the EOIR.

Section 1226(c) and Criminal Non-citizens During Removal Proceedings

46. Although the Attorney General has broad discretion to release non-criminal non-citizens during the pendency of their removal proceedings, the INA limits the

Attorney General's discretion in the case of criminal non-citizens. Specifically, section 1226(c) mandates that "[t]he Attorney General shall take into custody any alien who . . . is deportable by reason of having committed [certain specified offenses]." *See* 8 U.S.C. § 1226(c)(1)(B).

47. Section 1226(c) provides that the Attorney General may release a criminal non-citizen "only if" necessary for narrow witness protection purposes. *See* 8 U.S.C. § 1226(c)(2). Under § 1226(c), custody is mandatory for criminal non-citizens throughout the entirety of their removal proceedings, and there is no statutory possibility for release on bond.

48. Petitioner was never detained under the authority of section 1226(c) as she has no qualifying criminal record.

Detention Pursuant to 8 U.S.C. § 1231

49. 8 U.S.C. § 1231 governs the detention of noncitizens only "during" and "beyond" the "removal period." 8 U.S.C. §§ 1231(a)(2)-(6). The "removal period" begins once a noncitizen's removal order "becomes administratively final" 8 U.S.C. § 1231(a)(1)(B), unless a stay of removal is in effect, *id*. The removal period lasts for 90 days, during which ICE "shall remove the [noncitizen] from the United States" and "shall detain the [noncitizen]" as it carries out the removal. 8 U.S.C. §§ 1231(a)(1)-(2).

50. Here the removal period and the authority to detain under section 1231 has not yet started because of the stay of removal in effect. See U.S.C. § 1231(a)(1)(B)(ii).

51. If ICE does not remove the noncitizen within the 90-day removal period, the noncitizen "may be detained beyond the removal period" if they meet certain criteria, such as being inadmissible or deportable under specified statutory categories. 8 U.S.C. § 1231(a)(6).

52. Here, although the BIA has entered a final removal order, because the Ninth Circuit Court of Appeals has issued a stay of removal pending the Court's review of that final order, the statutory removal period has not yet begun under 8 U.S.C. § 1231(a)(1)(B), and therefore Petitioner's detention does not yet fall under Section 1231. *Prieto-Romero v. Clark*, 534 F.3d 1053, 1059 (9th Cir. 2008).

COUNT ONE

Detention in Violation of the Fifth Amendment
(substantive due process)
Against all Respondents

53. Petitioner repeats and incorporates by reference all allegations in paragraphs 1 to 52 above.

54. The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law. U.S. Const. Amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

55. "Government detention violates the Due Process Clause unless it is ordered in a criminal proceeding with adequate procedural safeguards, or in certain special and non-punitive circumstances 'where a special justification, . . . outweighs the individual's constitutionally protected interest in avoiding physical restraint.'"

Zavala v. Ridge, 310 F. Supp. 2d 1071, 1076 (N.D. Cal. 2004) (quoting *Kansas v. Hendricks*, 521 U.S. 346, 356 (1997)).

56. Respondents cannot show any "special justification" or compelling governmental interest which would outweigh Petitioner's constitutional liberty.

57. Petitioner is neither a danger or flight risk or risk to the community.

58. The governmental interest in the continued detention of these least-dangerous individuals does not and cannot outweigh the liberty interest at stake.

COUNT TWO
Procedural Due Process Claim
Against All Respondents

59. Petitioner repeats and incorporates by reference all allegations in paragraphs 1 to 52 above.

60. Petitioner's continued detention is a violation of his Constitutional procedural due process rights.

61. Under the Due Process Clause non-citizens like Petitioner are entitled to a timely and meaningful opportunity to demonstrate that they should not be detained. Petitioner in this case has been denied that opportunity. Respondents have an uniform policy and practice of not providing any form of hearing –pre or post deprivation- for individuals like Petitioner who have a final order of removal but the removal period has not yet being triggered. The failure of Respondents to provide a neutral decision-maker to review the decision to detain and then the continued custody of Petitioner violates Petitioner's right to procedural due process. There is no administrative mechanism in place for the Petitioner to

demand a decision, ensure that a decision is made or appeal a custody decision prior to the application of section 1231.

62. Petitioner's private interests affected by Respondents' actions are profound – his physical liberty. The risk of erroneous deprivation of liberty is high, because Petitioner is neither flight risk nor danger to the community but faces a real and substantial risks of remaining in detention while his Petitioner for Review is adjudicated and while he still remains subject to section 1226(a) yet is denied any of the protection of the statutory scheme.

63. The government's interest in Petitioner's continued punitive administrative detention is minimal.

64. The deprivation of Petitioner's liberty interests far outweighs the government's interest in arrests and continued detention where there is no reasonable foreseeable chance of removal.

65. The burden on the Government for the additional process requested by Petitioners, to wit, a notice of continued detention and denial of release, an opportunity to respond, and be heard before a neutral adjudicator would be minimal.

66. Petitioner has no other judicial venue to challenge the legality of his detention.

67. Not affording him a judicial forum to challenge the legality of his detention though this habeas corpus proceedings would also violate the Suspension Clause of the U.S. Constitution.

68. Respondents' refusal to release Petitioner on an order of supervision was also contrary to the agency's constitutional power and obligations under the Fifth Amendment's Due Process Clause, as explained above.

69. Petitioner's continued detention is also not in accordance with the INA and implementing regulations as cited and discussed above.

COUNT III

Unreasonable Search and Seizure—Detention and Arrest in Violation of the Fourth Amendment
Against all Respondents

70. Petitioner repeats and re-alleges the allegations in paragraphs 1 through 52 above.

71. Except at the border and its functional equivalents, the Fourth Amendment prohibits Respondents from conducting a detentive stop to question a person without reasonable suspicion that a person is a noncitizen unlawfully in the United States. *United States v. Sokolow*, 490 U. S. 1, 7 (1989).

72. "A person's mere propinquity to others independently suspected of [unlawful] activity does not, without more, give rise to probable cause to search [or seize] that person." *Perez Cruz v. Barr*, 926 F.3d 1128, 1138 (9th Cir. 2019) (quotation omitted). "'Reasonable suspicion' is no different." *Id.*

73. Respondents have a policy, pattern, and practice of stopping individuals without regard to reasonable suspicion that they are unlawfully in the United States. As a part of Respondents' policy, pattern, and practice, when conducting stops, they engage in a show of force so overwhelming that a reasonable person would not feel free to leave.

As a matter of policy, pattern, and practice, Respondents do not evaluate the need for force or tailor the force they use to the circumstances of individual stops and arrests.

74. In this case Respondents had no objectively reasonable or specifically articulable factual basis to suspect that Petitioner was in the country illegally other his Latino appearance. Respondents also had no objectively reasonable or specifically articulable factual basis to suspect that Petitioner was involved in the commission of any crime, nor did Respondents have any confirmation that Petitioner lacked immigration status, had committed any crime, posed threat to anyone, nor did they observe Petitioner in possession of any illegal objects, contraband, or weapons. Petitioner was in possession of a lawfully issued driver's license/ID document and proof that he has a stay of removal in effect.

75. Respondents restrained, detained, and interrogated Petitioner without reasonable suspicion, arrested him without probable cause, and then used physical control and excessive force to handcuff him. The scope and manner of Respondents' actions in detaining, arresting, and the subsequent aggressive interrogations of Petitioner was unreasonable.

76. Respondents' conduct violated Petitioner's right to be secure in his person against unreasonable searches and seizures as guaranteed under the Fourth Amendment to the United States Constitution.

77. The manner of the arrest here renders the subsequent detention unlawful and properly within the scope of the traditional Grand Writ.

78. Petitioner seeks a declaration that Respondents violated her 4th Amendment rights, not a suppression of his identity or any evidence.

79. Petitioner seeks termination of the unlawful detention and immediate release.

80. Respondent also seeks to set aside Respondents' policy of arresting non-citizens without probable cause and without a warrant. Respondents also permit officers to create post hoc administrative warrants, thereby violating a clear and mandatory duty imposed by statute and regulations.

COUNT FOUR
Detention in violation of 8 U.S.C. § 1226(a)
against All Respondents

81. Petitioner repeats and incorporates by reference all allegations in paragraphs 1 to 52 above.

82. The Attorney General has discretion to detain a non-criminal non-citizen "pending a decision on whether the alien is to be removed from the United States." *See* 8 U.S.C. § 1226(a). The Attorney General may detain the non-citizen for the duration of the removal proceedings or release him on bond or conditional parole. *See* 8 U.S.C. § 1226(a)(1)-(2).

83. Respondents maintain that Petitioner is not eligible for bond and release as a matter of law because she is not subject to section 1226(a) but must be mandatorily detained under section 1225(b)(2) or 1231. The position is a radical departure from decades-long practice and is entirely based on a recent "Guidance" subjecting uniformly all non-citizens like Petitioners to mandatory detention based on a new interpretation by Respondents of the provisions of the INA.

84. Here, the removal period has not yet started and as such section 1231(a) is not yet implicated.

85. Under § 1225(b)(2), "in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained." 8 U.S.C. § 1225(b)(2). By contrast, an alien arrested on a warrant issued by the Attorney General "may" be detained but is also eligible for release on bond. 8 U.S.C § 1226(a). Courts have repeatedly held that § 1225 applies to arriving aliens, while § 1226 governs detention of "aliens already in the country." *Jennings v. Rodriguez*, 583 U.S. 281, 281 (2018). Petitioner here is not an arriving alien under § 1225 but entered the United States decades ago and has resided in the country ever since.

COUNT FIVE

Violation of 8 U.S.C. § 1357(a)(2) Warrantless Arrests Without Probable Cause of Flight Risk against All Respondents

86. Petitioners repeat and incorporate by reference all allegations in paragraphs 1 to 52 above.

87. 8 U.S.C. § 1357(a)(2) requires that arrests without a warrant be accompanied by "reason to believe" that an individual is "likely to escape before a warrant can be obtained for [their] arrest."

88. Respondents arrested Petitioner without any warrant and without making an individualized determination of flight risk. In fact, Respondents have no mechanism for ensuring agents' compliance with the statutory limits on warrantless arrest authority and do not provide guidance or training to agents and officers on how to make an

individualized determination of likelihood of escape. Respondents permit agents and officers to make warrantless arrests at whim and in violation of law.

COUNT SIX

Violation of 8 C.F.R. § 287.8(c)(2)(ii) against All Respondents

89. Petitioners repeat and incorporate by reference all allegations in paragraphs 1 to 52 above.

90. By regulation Respondents are required to conform warrantless arrests to the standards in 8 C.F.R. § 287.8(c), including the requirement of 8 C.F.R. § 287.8(c)(2)(ii) that officers have reason to believe that an individual is "likely to escape before a warrant can be obtained."

91. Respondents arrested Petitioner without any warrant and without making an individualized determination of flight risk.

92. In fact, Respondents have no mechanism for ensuring agents' compliance with the statutory limits on warrantless arrest authority and do not provide guidance to agents and officers on how to make an individualized determination of likelihood of escape. Respondents permit agents and officers to make warrantless arrests at whim and in violation of law.

PRAYER FOR RELIEF

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

(1) Assume jurisdiction over this matter;

(2) Issue an Order to Show Cause requiring Respondents to answer this Petition and show the legal basis for Petitioner's detention;

(3) Issue a Writ of Habeas Corpus on the ground that Petitioner's continued detention violates the 4th and/or the 5th Amendment and order Petitioner's immediate release;

(4) In the alternative, issue injunctive relief ordering Respondents to immediately release Petitioner, on the ground that his continued detention violates Plaintiff's constitutional due process rights and/or his statutory rights;

(5) Issue an injunction ordering Respondents not to re-detain Petitioner without a proper finding that he has committed a violation of the conditions of release;

(6) Issue an injunction ordering Respondents not revoke Petitioner's grant of release and/or bond without providing prior written notice, an opportunity to respond, and be represented by counsel prior to deprivation of liberty when and if the stay of removal is lifted;

(7) Issue an injunction prohibiting the transfer of Petitioner outside of the jurisdictional limits of this Court;

(8) Enter a judgment declaring that Respondents' detention of Petitioner is and will be unauthorized by statute and contrary to law;

(9) Award Petitioner reasonable costs and attorney fees.

Date: 4/23/2026

Respectfully Submitted by

_____*s/ Nicolette Glazer Esq.*________
Nicolette Glazer Esq.
LAW OFFICES OF LARRY R GLAZER
2121 Avenue of the Stars #800

Century City, CA 90067
T: 310-407-5353
F: 310-407-5354
nicolette@glazerandglazer.com
ATTORNEY FOR PETITIONER

VERIFICATION OF COUNSEL

I am counsel for Petitioner who is detained by ICE outside of the counties in which I maintain my offices and he cannot easily receive and return documents. Accordingly, I make this verification for and on behalf of Petitioner for that reason. I have conducted a reasonable investigation into the facts and circumstances in this case and I am informed and believe and on that ground allege that the factual matters stated in the foregoing Petition for Habeas Corpus are true and correct to the best of my knowledge. I so declare under penalty of perjury.

_____*s/ Nicolette Glazer Esq.*________

Nicolette Glazer Esq.
LAW OFFICES OF LARRY R GLAZER
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Century City, CA 90067
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ATTORNEY FOR PETITIONER

EXHIBIT A

I Jimmy Walter Godinez Orozco I am over 18 years old and I declare under penalty of perjury that the following is true and correct to the best of my knowledge

1. My name is Jimmy Walter Godinez Orozco
2. I am from Guatemala.
3. I am 48 years old.
4. I have entered in the United States for almost 22 years ago.
5. I escaped from my country because I have fear to return to my country.
6. I am married and I have 3 US citizen children. The youngest one is 11 years old.
7. On 3/5/2026, I was working in Arizona and I was driving back to California. I have driver license to drive. When I was in Indio on my way back home to see my children, I was stopped by the border patrol. Few people came out of the car and asked my legal status. I showed them my driver license and my work permit and I showed them I have a case pending with the 9th Circuit Court of Appeals. They asked me to get out of my car and I complied with them and they handcuffed me and detained me. They took me to their car. They didn't tell me why they had to detain me.
8. They took me in India to have the fingerprint and then transferred me to Imperial Detention Center.
9. It is unreasonable to detain me since I didn't have any trouble with the law.
10. I have medical problem and I have hernia a year ago and it is very painful. I am supposed to have a medical check up to have my possibly surgery. I received no medical treatment at all. They give me no treatment.
11. The living condition inside is extremely bad. The food is horrible and not eatable. There is not enough food for all of us.
12. My medical condition is getting worse. I am not being provided with any treatment and I am suffering inside.
13. I couldn't eat at all. It is a nightmare to me about what happened on 3/5/2026. I came to this country to seek refuge because of what happened to me in my country. I never expected to have those inhuman treatments like this. When I slept at night, I would have nightmare about what happened on 3/5/2026
14. I have a cold now. They didn't provide any medication for me. I am very depressed and I am under a lot of stress inside.
15. I am always a law abiding person. I filed tax returns since almost 20 years ago. I am the sole provider of the family
16. I miss my family especially my children.
17. I feel very helpless and vulnerable under this circumstance and I am so afraid of my life if I continue to stay inside.
18. I need to get out of there since my family needs me.
19. I miss my family, my children and I need your help

Jimmy Walter Godinez Orozco

I, Brenda Guerrero, prepared the contents of the above declaration at the request and with the permission of Jimmy Walter Godinez Orozco. I am competent in interpreting from English to Spanish. I read the information contained herein to the Petitioner in Spanish to the best of my ability. The Petitioner confirmed to me that all the translated information from Spanish to English and vice versa in this document is true and correct and adopted the contents of the declaration as his own. Jimmy Walter Godinez Orozco unequivocally authorized me to affix his name as an indication of approval and adoption as she is detained and cannot receive and send documents easily.

I declare under penalty of perjury on 03/19/2026,

Guerrero

EXHIBIT B

DE. .RTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

File No. [redacted]

In the Matter of:

Respondent: GODINEZ OROZCO, JIMMY WALTER currently residing at:

[redacted]

(Number, street, city and ZIP code) (Area code and phone number)

☐ You are an arriving alien.

☒ You are an alien present in the United States who has not been admitted or paroled

☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that:

1) You are not a citizen or national of the United States.
2) You are a native of GUATEMALA and a citizen of GUATEMALA;
3) You entered the United States at or near UNKNOWN POE on or about UNKNOWN DOE;
4) You were not then admitted or paroled after inspection by an Immigration Officer.

RECEIVED
DEPARTMENT OF JUSTICE
JUN 28 2017
My
EOIR
IMMIGRATION COURT
LOS ANGELES, CALIFORNIA

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

Section 212 (a) (6) (A)(i) of the Immigration and Nationality Act (Act), as amended, as an alien present in the United States without being admitted or paroled, or who has arrived in the United States at any time or place other than designated by the Attorney General.

EXHIBIT # 1

OCT 15 2019

Jan D. Latimore
Immigration Judge

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

606 S. OLIVE STREET, 15TH FLOOR, LOS ANGELES, CA 90014-0000

(Complete Address of Immigration Court, including Room Number, if any)

on TBD *(Date)* at TBD *(Time)* to show why you should not be removed from the United States based on the charge(s) set forth above.

SAO
(Signature and Title of Issuing Officer)

Date MAY 26 2017

ANAHEIM, CA
(City and State)

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents, which you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At you hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or removable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of departure voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the DHS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the Department of Homeland Security immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at http://www.ice.gov/contact/ero, as directed by DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United Stated and for ten years after departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act (the Act).

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise DHS by calling the ICE Law Enforcement Support Center toll free at (855)448-6903.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office of Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

____
(Signature of Respondent)

Date: ______________

____
(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on JUN 2 0 2017 in the following manner and in compliance with section 239(a)(1) of the Act.

☐ In person ☐ by certified mail, returned receipt # ______ requested ☒ by regular mail

☐ Attached is a credible fear worksheet.

☒ Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the ENGLISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

____
(Signature of Respondent if Personally Served)

_______________________ , IA
(Signature and Title of Officer)

EXHIBIT D

ACMS Docket Report

United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 26-110 **Docketed:** 01/07/2026

Godinez Orozco v. Blanche

Appeal From: Board of Immigration Appeals

Fee Status: Paid

Case Type Information:

1) Agency

2) Immigration

3)

Originating Court Information:

Agency: BIA - Los Angeles Central California [redacted]

Date Rec'd COA: 01/06/2026

Date Order/Judgment: 12/23/2025

Prior Cases:

None

Current Cases:

None

JIMMY WALTER GODINEZ OROZCO [redacted] Petitioner	Ms. Rosana Cheung, Attorney Direct: 213-891-1314 Email: roscheung@yahoo.com [Retained] Law Office of Rosana Kit Wai Cheung 617 South Olive Street Suite 710 Los Angeles, CA 90014
PAMELA BONDI, ATTORNEY GENERAL **Terminated:** 04/08/2026 Respondent	Mr. Anthony Cardozo Payne, Senior Litigation Counsel **Terminated:** 04/08/2026 Email: anthony.payne@usdoj.gov [Government] DOJ - U.S. Department of Justice Civil Division/Office of Immigration Litigation P.O. Box 878 Ben Franklin Station Washington, DC 20044 Jennifer A. Bowen, Trial Attorney **Terminated:** 04/08/2026 Email: Jennifer.Bowen@usdoj.gov [Government] DOJ - U.S. Department of Justice Civil Division/Office of Immigration Litigation P.O. Box 878

	Ben Franklin Station Washington, DC 20044 Oil **Terminated:** 04/08/2026 Email: ninth.circuit.oil@usdoj.gov [Government] DOJ - U.S. Department of Justice Civil Division/Office of Immigration Litigation P.O. Box 878 Ben Franklin Station Washington, DC 20044
TODD BLANCHE, ACTING ATTORNEY GENERAL Respondent	Oil Email: ninth.circuit.oil@usdoj.gov [Government] DOJ - U.S. Department of Justice Civil Division/Office of Immigration Litigation P.O. Box 878 Ben Franklin Station Washington, DC 20044 Mr. Anthony Cardozo Payne, Senior Litigation Counsel Email: anthony.payne@usdoj.gov [Government] DOJ - U.S. Department of Justice Civil Division/Office of Immigration Litigation P.O. Box 878 Ben Franklin Station Washington, DC 20044 Jennifer A. Bowen, Trial Attorney Email: Jennifer.Bowen@usdoj.gov [Government] DOJ - U.S. Department of Justice Civil Division/Office of Immigration Litigation P.O. Box 878 Ben Franklin Station Washington, DC 20044

JIMMY WALTER GODINEZ OROZCO, Petitioner, v. TODD BLANCHE, Acting Attorney General, Respondent.

1/6/2026	1	**PETITION FOR REVIEW** filed by Petitioner Jimmy Walter Godinez Orozco. [Entered: 01/07/2026 07:01 AM]
1/6/2026	2	**MOTION TO STAY REMOVAL** filed by Petitioner(s). [Entered: 01/07/2026 07:01 AM]
1/6/2026	3	**AGENCY DECISION** on review dated 12/23/2025. [Entered: 01/07/2026 07:01 AM]
1/7/2026	4	**CASE OPENED.** Petition for Review has been received in the Clerk's office of the United States Court of Appeals for the Ninth Circuit on **1/6/2026**. The U.S. Court of Appeals docket number **26-110** has been assigned to this case. All communications with the court must indicate this Court of Appeals docket number. Please carefully review the docket to ensure the name(s) and contact information are correct. It is your responsibility to alert the court if your contact information changes. **Resources Available** For more information about case processing and to assist you in preparing your brief, please review the Case Opening Information (for attorneys and pro se litigants), review the Appellate Practice Guide, and counsel for petitioner(s) should also review the Immigration Outline and consider contacting the court's Appellate Mentoring Program for help with the brief and argument. [Entered: 01/07/2026 07:01 AM]
1/7/2026	5	Under General Order 6.4, a temporary stay of removal is in effect until further order of the court. [Entered: 01/07/2026 07:03 AM]
1/7/2026	☐ 6 2 pg, 320 KB	**SCHEDULE NOTICE**. Respondent Response to Stay Motion (Filed with PFR) due (Respondent) 3/9/2026, Certified Administrative Record due (Respondent) 2/17/2026, Immigration Respondent Answering Brief due (Respondent) 4/27/2026, Immigration Petitioner Opening Brief due (Petitioner) 3/30/2026. All briefs shall be served and filed pursuant to FRAP 31 and 9th Cir. R. 31-2.1. Failure of the petitioner(s)/appellant(s) to comply with this briefing schedule will result in automatic dismissal of the appeal. See 9th Cir. R. 42-1 [Entered: 01/07/2026 07:13 AM]
1/7/2026	7	**NOTICE OF APPEARANCE** by Jennifer A. Bowen for Respondent Pamela Bondi. [Entered: 01/07/2026 08:28 AM]
1/7/2026	8	**ADDED** Counsel for Respondent Jennifer A. Bowen [Entered: 01/07/2026 08:44 AM]
1/7/2026	9	**NOTICE OF APPEARANCE** by Anthony Cardozo Payne for Respondent Pamela Bondi. [Entered: 01/07/2026 09:20 AM]
1/7/2026	10	**ADDED** Counsel for Respondent Anthony Cardozo Payne [Entered: 01/07/2026 09:25 AM]
1/14/2026	11	**CERTIFIED ADMINISTRATIVE RECORD** filed by DOJ Executive Office for Immigration Review. [Entered: 01/14/2026 10:06 AM]
3/9/2026	12	**OPPOSITION** to Motion to Stay Removal (DE 2) filed by Respondent Pamela Bondi. [Entered: 03/09/2026 09:50 AM]
3/28/2026	13	**MOTION** to Extend Time to File Brief filed by Petitioner Jimmy Walter Godinez Orozco. [Entered: 03/28/2026 03:36 PM]
4/8/2026	14	Respondent Pamela Bondi substituted by Todd Blanche effective 04/08/2026. [Entered: 04/08/2026 12:44 PM]
4/10/2026	15	**TEXT ORDER FILED.** The motion (Docket Entry No. 13) for an extension of time to file the opening brief is granted. The opening brief is due June 29, 2026. The answering brief is due July 29, 2026. The optional reply brief is due 21 days after the answering brief is served. [Entered: 04/10/2026 04:04 PM]