

1 **HANNAH PINEIRO BASALONE**

2 Cal. Bar No. 368332

3 **FEDERAL DEFENDERS OF SAN DIEGO, INC.**

4 225 Broadway, Suite 900

5 San Diego, California 92101-5030

6 Telephone: (619) 234-8467

7 Facsimile: (619) 687-2666

8 BBB

9 Attorneys for Mr. Camacho-Perez



10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12
13 **MILTON CAMACHO-PEREZ,**

14 Petitioner,

15 v.

16 **MARKWAYNE MULLIN, Secretary of**
17 **the Department of Homeland Security,**
18 **TODD BLANCHE, Acting Attorney**
19 **General, TODD M. LYONS, Acting**
20 **Director, Immigration and Customs**
Enforcement, JESUS ROCHA, Acting
Field Office Director, San Diego Field
Office, CHRISTOPHER LAROSE,
Warden at Otay Mesa Detention Center,

21 Respondents.

CIVIL CASE NO.: 26-cv-3691-JLS-
DDL

Amended Petition for Writ
of
Habeas Corpus

[28 U.S.C. § 2241]

INTRODUCTION

Mr. Camacho-Perez is from El Salvador. He was released on an order of supervision on May 15, 2023. He remained on supervision for the next three years, complying with all conditions and attending check-ins.

Nevertheless, ICE detained him on May 26, 2026 when he appeared for a scheduled check-in appointment. No one told him why he was being re-detained, and no one gave him a chance to contest his re-detention. Two weeks later, ICE made a halfhearted effort at notice, telling him revocation was based on “conduct, or other circumstance, [that] indicates release is no longer appropriate,” namely, his January 13, 2021 order of removal that existed at the time he was originally released on supervision.

Mr. Camacho-Perez must be released. ICE gave him no timely notice or opportunity to contest re-detention, violating their own regulations. This Court should grant this petition.

STATEMENT OF FACTS

I. Mr. Camacho-Perez spent over three years following all requirements of an order of supervision.

Mr. Camacho-Perez was born in El Salvador. Declaration of Milton Camacho-Perez, Exhibit A at ¶ 1. He first came to the United States in 2009 but was deported back to El Salvador in 2014. *Id.* at ¶ 1. After he was returned to El Salvador, he was kidnapped and subjected to violence. *Id.* at ¶ 2. Mr. Camacho-Perez then came back to the United States and filed for asylum. *Id.* at ¶ 2.

On January 13, 2021, Mr. Camacho-Perez was ordered removed. *Id.* at ¶ 3. He appealed the decision to the BIA and was released on parole during that appeal. *Id.* at ¶ 3. In 2023, he was re-detained at Otay Mesa Detention Center for about three and a half months. *Id.* at ¶ 4. On May 15, 2023, he was released from detention on an order of supervision. *Id.* at ¶ 4. While on supervision, Mr. Camacho-Perez attended all of his check-ins. *Id.* at ¶ 5.

I. Count 1: ICE failed to comply with its own regulations before re-detaining Mr. Camacho-Perez, violating his rights under the Fifth Amendment and the Administrative Procedures Act.

The Department of Homeland Security has enacted a series of regulations to protect the due process rights of someone who, like Mr. Camacho-Perez, is re-detained following a period of release. Title 8 C.F.R. § 241.4(l) applies to re-detention generally, while 8 C.F.R. § 241.13(i) applies to persons released after providing good reason to believe that they will not be removed in the reasonably foreseeable future, *see Rokhfirooz v. Larose*, No. 25-CV-2053-RSH-VET, 2025 WL 2646165, at *2 (S.D. Cal. Sept. 15, 2025), as Mr. Camacho-Perez was.

ICE is required to follow its own regulations. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954); *see Alcaraz v. INS*, 384 F.3d 1150, 1162 (9th Cir. 2004) (“The legal proposition that agencies may be required to abide by certain internal policies is well-established.”). A court may review a re-detention decision for compliance with the regulations. *See Phan v. Beccerra*, No. 2:25-CV-01757, 2025 WL 1993735, at *3 (E.D. Cal. July 16, 2025); *Nguyen v. Hyde*, No. 25-cv-11470-MJJ, 2025 WL 1725791, at *3 (D. Mass. June 20, 2025) (citing *Kong v. United States*, 62 F.4th 608, 620 (1st Cir. 2023)). Many judges in this district, including this Court, have granted habeas petitions or temporary restraining orders when ICE failed to follow 8 C.F.R. §§ 241.4(l), 241.13(i). *See, e.g., Adam v. Noem*, 25-cv-3854-JLS-BJW, 2026 WL 92067, at *3–4 (S.D. Cal. Jan. 13, 2026); *Constantinovici v. Bondi*, 806 F. Supp. 3d 1155, 1165 (S.D. Cal. Oct. 10, 2025); *Rokhfirooz v. Larose*, 25-cv-2053-RSH, 2025 WL 2646165 (S.D. Cal. Sept. 15, 2025); *Phan v. Noem*, 25-cv-2422-RBM-MSB, 2025 WL 2898977, at *3–*5 (S.D. Cal. Oct. 10, 2025); *Sun v. Noem*, 25-cv-2433-CAB, 2025 WL 2800037 (S.D. Cal. Sept. 30, 2025); *Van Tran v. Noem*, 25-cv-2334-JES, 2025 WL 2770623, at *3 (S.D. Cal. Sept. 29, 2025); *Truong v. Noem*, 25-cv-02597-JES, ECF No. 10 (S.D. Cal. Oct. 10, 2025); *Khambounheuang v. Noem*, 25-cv-02575-JO-SBC, ECF No.

12 (S.D. Cal. Oct. 9, 2025).¹

Here, ICE violated § 241.13 in at least four respects.²

First, ICE did not comply with § 241.13(i)'s informal interview requirement. No matter the reason for re-detention, the re-detained person is entitled to "an initial informal interview promptly," during which they "will be notified of the reasons for revocation." *Id.* §§ 241.4(l)(1), 241.13(i)(3). The interviewer must "afford[] the [person] an opportunity to respond to the reasons for revocation," allowing them to "submit any evidence or information" relevant to re-detention and evaluating "any contested facts." *Id.* But Mr. Camacho-Perez has yet to receive the interview required by regulation. Exh. A at ¶ 8. Any interview conducted now would not be prompt. *See, e.g., M.S.L. v. Bostock*, Civ. No. 6:25-cv-01204-AA, 2025 WL 2430267, at *11 (D. Or. Aug. 21, 2025) (27-day delay not prompt); *Yang v. Kaiser*, No. 2:25-cv-02205-DAD-AC (HC), 2025 WL 2791778, at *5 (E.D. Cal. Aug. 20, 2025) (two-month delay not prompt); *Soryadvongsa v. Noem*, 24-cv-2663-AGS-DDL, 2025 WL 3126821, at *1 (S.D. Cal. Nov. 8, 2025) (29-day delay not prompt). That alone is enough to grant the petition.

Second, ICE did not comply with § 241.13(i)'s requirement that, "upon revocation," the re-detained person be "notified of the reasons for revocation." As

¹ Courts in other districts have done the same. *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 166 (W.D.N.Y. 2025); *You v. Nielsen*, 321 F. Supp. 3d 451, 463 (S.D.N.Y. 2018); *Rombot v. Souza*, 296 F. Supp. 3d 383, 387 (D. Mass. 2017); *Zhu v. Genalo*, No. 1:25-CV-06523 (JLR), 2025 WL 2452352, at *7–9 (S.D.N.Y. Aug. 26, 2025); *M.S.L. v. Bostock*, No. 6:25-CV-01204-AA, 2025 WL 2430267, at *10–12 (D. Or. Aug. 21, 2025); *Escalante v. Noem*, No. 9:25-CV-00182-MJT, 2025 WL 2491782, at *2–3 (E.D. Tex. July 18, 2025); *Hoac v. Becerra*, No. 2:25-cv-01740-DC-JDP, 2025 WL 1993771, at *4 (E.D. Cal. July 16, 2025); *Liu*, 2025 WL 1696526, at *2; *M.Q. v. United States*, 2025 WL 965810, at *3, *5 n.1 (S.D.N.Y. Mar. 31, 2025).

² Some of these violations also constitute § 241.4(l) violations, but because § 241.13(i) is more comprehensive, Mr. Camacho-Perez focuses his arguments on that regulation.

1 Judge Moskowitz recently explained, the regulation’s text and due process require
 2 that the notice be written. *Tran v. Noem*, 25-cv-2391-BTM, Dkt. 16, at 5–6 (S.D.
 3 Cal. Oct. 27, 2025). Here, Mr. Camacho-Perez did not receive any notice—written
 4 or otherwise—upon his revocation on May 26, 2026. Exh. A at ¶ 6. He did not get
 5 a Notice of Revocation until June 10, fifteen days after that revocation. *Id.* at ¶ 7.
 6 That untimely notice does not comply with the regulations, either.

7 Third, the untimely notice he did receive is far too vague to “notif[y] [Mr.
 8 Camacho-Perez] of the reasons for revocation of his [] release.” 8 C.F.R.
 9 § 241.13(i)(2). The notice simply says that the decision was made because
 10 “conduct, or other circumstance, indicates that release is no longer appropriate.”
 11 Exh. A at ¶ 7. But the only “circumstance” listed is Mr. Camacho-Perez’s order of
 12 removal from January 13, 2021, which existed at the time he was originally released
 13 on an order of supervision in 2023. The notice was provided “without any
 14 explanation” of what conduct supported revocation or whether there were any
 15 changed circumstances. *Sarail A. v. Bondi*, No. 25-CV-2144 (ECT/JFD), 2025 WL
 16 2533673, at *3 (D. Minn. Sept. 3, 2025). “This bare-bones explanation does not
 17 contain reasons for the revocation of Petitioner’s release, thus it does not satisfy the
 18 ‘the due-process notification requirement of § 241.13(i)(3).’” *Anh Nguyen v. Noem*,
 19 25-CV-2792-LL, Dkt. 10 at 4 (S.D. Cal. Nov. 6, 2025) (quoting *Tran v. Noem*, No.
 20 25-cv-2391-BTM-BLM, 2025 WL 3005347, at *2 (S.D. Cal. Oct. 27, 2025)).

21 Fourth, ICE did not revoke Mr. Camacho-Perez’s release for a permissible
 22 reason. He was not returned to custody because of a conditions violation. Exh. A at
 23 ¶¶ 5, 7. And there are no changed circumstances that justify re-detaining him.
 24 Absent any evidence for “why obtaining a travel document is more likely this time
 25 around[,] Respondents’ intent to eventually complete a travel document request for
 26 Petitioner” to any country “does not constitute a changed circumstance.” *Hoac v.*
 27 *Becerra*, No. 2:25-CV-01740-DC-JDP, 2025 WL 1993771, at *4 (E.D. Cal. July
 28 16, 2025) (citing *Liu v. Carter*, No. 25-3036-JWL, 2025 WL 1696526, at *2 (D.

1 Kan. June 17, 2025)). Indeed, there is no indication that ICE even made a pre-arrest
 2 determination that changed circumstances made Mr. Camacho-Perez's removal
 3 likely. And now, Mr. Camacho-Perez has a pending appeal before the Ninth Circuit.
 4 Exh. A at ¶ 11. If the government is unable to produce "any documented
 5 determination, made prior to Petitioner's arrest," that any of the prerequisites to re-
 6 detention were met, then Mr. Camacho-Perez must be released on those grounds,
 7 too. *Rokhfirooz v. Larose*, 2025 WL 2646165, at *3 (S.D. Cal. Sept. 15, 2025).

8 "[B]ecause officials did not properly revoke petitioner's release pursuant to
 9 the applicable regulations, that revocation has no effect, and [Mr. Camacho-Perez]
 10 is entitled to his release (subject to the same Order of Supervision that governed his
 11 most recent release)." *Liu*, 2025 WL 1696526, at *3.

12 **II. This Court must hold an evidentiary hearing on any disputed facts.**

13 Resolution of a prolonged-detention habeas petition may require an
 14 evidentiary hearing. *Owino v. Napolitano*, 575 F.3d 952, 956 (9th Cir. 2009). Mr.
 15 Camacho-Perez hereby requests such a hearing on any material, disputed facts.
 16

17 **III. Prayer for relief**

18 For the foregoing reasons, Petitioner respectfully requests that this Court:

- 19 1. Order Respondents to immediately release Petitioner from custody;
- 20 2. Enjoin Respondents from re-detaining Petitioner under 8 U.S.C.
 21 § 1231(a)(6) unless and until Respondents obtain a travel document for
 22 his removal;
- 23 3. Order all other relief that the Court deems just and proper.

24
 25 Respectfully submitted,

26 Dated: July 16, 2026

s/ Hannah Pineiro Basalone

Hannah Pineiro Basalone

Federal Defenders of San Diego, Inc.

Email: hannah_basalone@fd.org