

FILED

JUL 02 2026

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BY
DEPUTY CLERK

1 Name: Raul Frometa Cruz

2 A Number: [REDACTED]

3 Address: 611 Frontage Road

4 McFarland, CA 93250

5 **PRO SE**

6
7 **UNITED STATES DISTRICT COURT**
8 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
9

10 Raul Frometa Cruz

11 [REDACTED] [Your name]

12 A #: [REDACTED]

13 Petitioner,

14 V.

15 **TONYA ANDREWS**, Warden of the Golden
16 State Annex Detention Facility; **TODD BLANCHE**
17 Attorney General for the United States of
18 America; **MARKWAYNE MULLIN**, Secretary
19 of the Department of Homeland Security; **DAVID**
20 **VENTURELLA**, Acting Director of Immigration
21 and Customs Enforcement; **ICE/ERO**, Fresno Field
22 Office of Bureau of Immigration and Customs
23 Enforcement.

24 Respondents,
25
26
27
28

Case No. 1:26CV05097-KES-SAB
[leave blank for clerk to fill in]

Petition for Writ of Habeas Corpus.

Pursuant to 28 U.S.C. § 2241

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

INTRODUCTION

1. Petitioner is currently detained by Immigration and Customs Enforcement ("ICE") at Golden State Annex [write the name of the detention center where you are detained // *escriba el nombre del centro de detención donde está detenido*] Detention Center.

2. Petitioner has been detained in immigration custody since approximately May 14, 2026 [write the approximate date when ICE arrested and detained you for your current detention // *escriba la fecha aproximada en que ICE lo arrestó y detuvo para esta detención actual*].

3. Prior to Petitioner's current, ongoing detention, Petitioner lived in Tampa, FL [city, state // *ciudad, estado donde vivía antes de su detención actual*]. Respondents Department of Homeland Security (DHS) and/or its component agencies, including ICE, Customs and Border Patrol (CBP), and/or U.S. Citizenship and Immigration Services (USCIS) knew about Petitioner. Respondents had previously encountered Petitioner and had chosen to release Petitioner and/or allow them to remain non-detained; upon a determination that Petitioner was neither dangerous nor a flight risk.

4. Since Respondents' prior determination that Petitioner was neither dangerous nor a flight risk, there has been no material change in Petitioner's individual circumstances as to dangerousness or flight risk. Petitioner lived a law-abiding life in the United States and diligently pursued their immigration claims before the agency or in immigration court.

5. Despite the lack of materially changed circumstances as to Petitioner's dangerousness or flight risk, Respondents re-arrested Petitioner.

6. Immigration detention is civil. It is permissible for only two reasons: to ensure a noncitizen's appearance at immigration hearings and to prevent danger to the community. Petitioner's arrest cannot be explained by either justification: Respondents previously determined that Petitioner is neither dangerous nor a flight risk, and Petitioner's conduct while free confirmed Respondents' determination was correct.

7. The Constitution protects Petitioner, like all noncitizens, from arbitrary

1 deprivations of liberty. The Constitution also guarantees Petitioner due process of law. The
2 government's power over immigration is broad, but it "is subject to important constitutional
3 limitations." *Zadvydas v. Davis*, 533 U.S. 678, 695 (2001). "Freedom from bodily restraint has
4 always been at the core of the liberty protected by the Due Process Clause from arbitrary
5 governmental action." *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

6 8. The Fourth Amendment prohibits the re-arrest of immigrants without a "material
7 change in circumstance." *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1197 (N.D. Cal. 2017), *aff'd*
8 *sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018). For a re-arrest to comport
9 with the Fourth Amendment, the government must have new probable cause separate from the
10 probable cause that supported a person's initial arrest. *Id.*

11 9. To the extent that Petitioner was re-arrested, the re-arrest violated the Fourth
12 Amendment because it was not supported by a new probable cause.

13 10. Furthermore, Petitioner may be a member of the certified class in *Garro Pinchi v.*
14 *Noem*, 813 F. Supp. 3d 973 (N.D. Cal. 2025). That litigation challenges DHS's new policy of re-
15 detaining class members despite no change in their individual circumstances as to their
16 dangerousness or flight. *Garro Pinchi* found that DHS adopted that new re-detention policy in or
17 around May 2025, and held the policy is likely unlawful under the Administrative Procedure Act
18 (APA). *Id.* at 995–96, 1036. The court granted "Plaintiffs' motion to stay DHS's re-detention
19 policy pending final resolution of their APA claims," and "postpone[d] the effective date of the
20 re-detention policy within ICE's San Francisco Area of Responsibility until the entry of a final
21 judgment in this action." *Id.* at 1040.

22 11. To the extent Petitioner is a member of the *Garro Pinchi* class, Respondents appear
23 to have re-detained Petitioner in violation of the *Garro Pinchi* order cited above, which remains
24 in effect. Accordingly, Petitioner's ongoing detention is unlawful.

25 12. Petitioner's arrest and detention have caused them ongoing, irreparable harm.
26 Every additional day Petitioner spends unlawfully detained subjects them to compounding harm.

27 13. Petitioner is entitled to immediate release.

28 14. Petitioner respectfully requests a writ of habeas corpus ordering the government to

1 immediately release them from their unlawful detention. To preserve this Court's jurisdiction,
2 Petitioner further requests an order prohibiting Respondents from transferring them outside the
3 District or deporting them for the duration of this habeas proceeding.

4 **JURISDICTION**

5 15. Petitioner is detained by Respondents at Golden State Annex
6 [*escriba el nombre del centro de detención donde está detenido*] Detention Center.

7 16. This action arises under the Due Process Clause of the Fifth Amendment to the U.S.
8 Constitution. Jurisdiction is proper under 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651
9 (All Writs Act), 28 U.S.C. §§ 2201–02 (Declaratory Judgment Act), 28 U.S.C. § 2241 (habeas
10 corpus), Article I, § 9, cl. 2 of the U.S. Constitution (Suspension Clause), and the Due Process
11 Clause of the Fifth Amendment.

12 **VENUE**

13 17. Venue is proper in this district and division pursuant to 28 U.S.C. §§ 2241(a) and
14 1391(b)(2) and (e)(1) because Petitioner is physically detained within this district, Petitioner's
15 immediate physical custodian is in this district, at least one Respondent is in this district, and a
16 substantial part of the events giving rise to the claims in this action took place in this district.

17 **REQUIREMENTS OF 28 U.S.C. § 2243**

18 18. The Court should grant the petition for writ of habeas corpus "forthwith," as
19 Petitioner's unlawful detention constitutes compounding and irreparable harm. 8 U.S.C. § 2243.

20 19. Furthermore, to the extent Petitioner is a member of the *Garro Pinchi* class, the
21 legal issues have already been resolved for *Garro Pinchi* class members.

22 20. Habeas corpus is "perhaps the most important writ known to the constitutional law
23 . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or
24 confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963). "The application for the writ usurps the
25 attention and displaces the calendar of the judge or justice who entertains it and receives prompt
26 action from him within the four corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116, 1120
27 (9th Cir. 2000) (citation modified).
28

PARTIES

21. Petitioner is a noncitizen currently civilly detained by Respondents.

22. Respondent Warden or Acting Warden of Golden State Annex

[escriba el nombre del centro de detención donde está detenido] Detention Facility is the Facility Administrator of the detention center where Petitioner is detained, a private, for-profit detention facility that contracts with ICE to detain individuals suspected of civil immigration violations. Respondent Warden or Acting Warden is Petitioner's immediate physical custodian and is sued in their official capacity.

23. Respondent Acting or Current Field Office Director of the San Francisco ICE Field Office is responsible for the administration of immigration laws and the execution of immigration enforcement and detention policy within ICE's San Francisco Area of Responsibility, including Petitioner's detention. Respondent maintains an office and regularly conducts business in this District. Respondent Acting or Current Field Office Director is a legal custodian of Petitioner and is sued in their official capacity.

24. Respondent Acting or Current Director of ICE is responsible for the administration and enforcement of the immigration laws of the United States; routinely transacts business in this District; and is legally responsible for any effort to detain and/or remove Petitioner. ICE's policies, practices, and procedures, including those relating to the detention of immigrants. Respondent Acting or Current ICE Director is a legal custodian of Petitioner and is sued in their official capacity.

25. Respondent Acting or Current Secretary of DHS has ultimate authority over DHS. In that capacity and through their agents, Respondent has broad authority over and responsibility for the operation of the immigration laws; routinely transacts business in this District; and is legally responsible for pursuing any effort to detain and/or remove Petitioner. Respondent Acting or Current DHS Secretary is a legal custodian of Petitioner and is sued in their official capacity.

26. Respondent Acting or Current Attorney General of the United States is the most senior official in the U.S. Department of Justice (DOJ). In that capacity and through their agents, they are responsible for overseeing the implementation and enforcement of the federal immigration

1 laws. The Attorney General delegates this responsibility to the Executive Office for Immigration
2 Review, which administers the immigration courts and the Board of Immigration Appeals.
3 Respondent Acting or Current Attorney General is named in their official capacity.

4 EXHAUSTION

5 27. In habeas claims, exhaustion of administrative remedies is prudential, not
6 jurisdictional. *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017). A court may waive the
7 prudential exhaustion requirement if “administrative remedies are inadequate or not efficacious,
8 pursuit of administrative remedies would be a futile gesture, irreparable injury will result, or
9 the administrative proceedings would be void.” *Id.* (quoting *Laing v. Ashcroft*, 370 F.3d 994, 1000
10 (9th Cir. 2004) (citation modified)). Here, exhaustion is not required because no other forum exists
11 in which Petitioner can raise their claims, exhaustion would be futile, there is no requirement to
12 exhaust before challenging the constitutionality of an arrest or detention, and Petitioner will “suffer
13 irreparable harm if unable to secure immediate judicial consideration of [their] claim.” *McCarthy*
14 *v. Madigan*, 503 U.S. 140, 147 (1992).

15 LEGAL BACKGROUND

16 28. The Constitution establishes due process rights for “all ‘persons’ within the United
17 States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or
18 permanent.” *Hernandez*, 872 F.3d at 990 (quoting *Zadvydas*, 533 U.S. at 693). These due process
19 rights are both substantive and procedural. These rights protect Petitioner from arbitrary arrest and
20 detention.

21 29. First, the procedural component of the Due Process Clause prohibits the
22 government from imposing physical restraints without adequate procedural safeguards.

23 30. Generally, “the Constitution requires some kind of a hearing *before* the State
24 deprives a person of liberty or property.” *Zinerman v. Burch*, 494 U.S. 113, 127 (1990). This is so
25 even where that freedom is lawfully revocable. *See Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973)
26 (re-detention after release on probation requires pre-deprivation hearing); *Morrissey v. Brewer*,
27 408 U.S. 471 (1972) (same, for parole); *see also Johnson v. Williford*, 682 F.2d 868, 873 (9th Cir.
28 1982) (returning to prison a person even *mistakenly* released on parole would violate due process).

1 31. After an initial release from custody on conditions, even a person paroled following
2 a conviction for a criminal offense for which they may lawfully have remained incarcerated has a
3 protected liberty interest in that conditional release. *Morrissey*, 408 U.S. at 482. As the Supreme
4 Court recognized, “[t]he parolee has relied on at least an implicit promise that parole will be
5 revoked only if he fails to live up to the parole conditions.” *Id.* “By whatever name, the liberty is
6 valuable and must be seen within the protection of the [Constitution].” *Id.*

7 32. This reasoning applies with equal if not greater force to people subject to civil
8 immigration detention authority, like Petitioner. Noncitizens living in the United States like
9 Petitioner have a protected liberty interest in their ongoing freedom from confinement, regardless
10 of their immigration status. *See Zadvydas*, 533 U.S. at 690. And, “[g]iven the civil context [of
11 immigration detention], [their] liberty interest is arguably greater than the interest of parolees.”
12 *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019); *see also Vilela v. Robbins*, No. 1:25-
13 cv-01393-KES-HBK (HC), 2025 WL 3101334, at *6 n.5 (E.D. Cal. Nov. 6, 2025).

14 33. *Second*, “[t]he touchstone of due process is protection of the individual against
15 arbitrary action of government,” *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), including “the
16 exercise of power without any reasonable justification in the service of a legitimate government
17 objective,” *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998).

18 34. These protections extend to noncitizens facing detention, as “[i]n our society
19 liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.”
20 *United States v. Salerno*, 481 U.S. 739, 755 (1987). Accordingly, “[f]reedom from
21 imprisonment—from government custody, detention, or other forms of physical restraint—lies
22 at the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.

23 35. Substantive due process thus requires that all forms of civil detention—including
24 immigration detention—bear a “reasonable relation” to a non-punitive purpose. *See Jackson v.*
25 *Indiana*, 406 U.S. 715, 738 (1972). The Supreme Court has recognized only two permissible
26 non-punitive purposes for immigration detention: ensuring a noncitizen’s appearance at
27 immigration proceedings and preventing danger to the community. *Zadvydas*, 533 U.S. at 690-
28 92; *see also Demore v. Kim*, 538 U.S. 510 at 519–20, 527–28, 31 (2003).

36. Finally, the Fourth Amendment prohibits law enforcement, including immigration officers, from re-arresting people who have been previously arrested absent a new intervening cause. *Saravia*, 280 F. Supp. at 1196. Immigration authorities may not conduct re-arrests without new probable cause so as to avoid “harassment by continual rearrests.” *United States v. Holmes*, 452 F.2d 249, 261 (7th Cir. 1971) (Stevens, J.) (prohibiting re-arrest without change in circumstances in criminal context); *see also U.S. v. Brignoni-Ponce*, 422 U.S. 873, 884 (1975) (applying Fourth Amendment principles from criminal context to “limit” scope of immigration agents’ seizure authority); *Gonzalez v. ICE*, 975 F.3d 788, 817 (9th Cir. 2020) (Fourth Amendment limits apply equally to seizures in criminal and civil immigration context).

STATEMENT OF FACTS

A. *ICE Begins Arresting and Detaining Noncitizens Previously Released or Previously Permitted To Live in the Community, Without Any Materially Changed Circumstances*

37. The Immigration and Nationality Act and implementing regulations govern Respondents’ authority to detain or release noncitizens pending removal proceedings. Release is available only after an immigration agent or immigration judge (IJ) first determines that a noncitizen is neither a flight risk nor a danger to the community. *See, e.g.*, 8 C.F.R. §§ 212.5(b), 236.1(c)(8), 1236.1(c)(8); 8 U.S.C. § 1226(c)(4); *Matter of Sugay*, 17 I. & N. Dec. 637, 640 (BIA 1981); *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1176 (N.D. Cal. 2017), *aff’d sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018).

38. Moreover, the authority to arrest is always subject to the Fourth Amendment’s requirement of probable cause.

39. For more than 40 years, Respondents’ practice was to arrest and detain noncitizens who had been released or whom Respondents had previously allowed to live in the community, only *after* making an individualized determination that the noncitizen’s circumstances had materially changed, such that the noncitizen posed a flight risk or danger to the public. *See generally Garro Pinchi*, 813 F. Supp. 3d at 994–95.

40. In the second Trump administration, that changed. Respondents began arresting and detaining noncitizens who had been previously released or whom Respondents had previously permitted to live in the community, without first making any individualized determination of

changed circumstances. Many of these arrests occurred without notice, after noncitizens appeared for removal proceedings at immigration courthouses, check-ins with ICE or ICE's Intensive Supervision Appearance Program (ISAP), or scheduled immigration-related interviews. See generally *Garro Pinchi*, 813 F. Supp. 3d at 996.

41. Dozens, if not hundreds, of federal courts in California have found these arrests and detentions are, or likely are, unconstitutional. See, e.g., *R.A.N.O. v. Wofford*, 820 F. Supp. 3d 1094, 1105 (E.D. Cal. 2026) (E.D. Cal. Jan. 6, 2026); *Huang v. Albarran*, 818 F. Supp. 3d 1154, 1166 (E.D. Cal. 2026); *Meneses v. Santacruz*, 811 F. Supp. 3d 1158, 1163 (C.D. Cal. 2025); *Kharitonova v. Albarran*, No. 3:26-CV-01362-JSC, 2026 WL 531441, at *4 (N.D. Cal. Feb. 25, 2026); *E.E.O.H. v. Noem*, No. 1:26-CV-01266-JLT-SAB, 2026 WL 850363, at *5 (E.D. Cal. Mar. 26, 2026), *report and recommendation adopted*, No. 1:26-CV-01266 JLT SAB, 2026 WL 967670 (E.D. Cal. Apr. 9, 2026). This district has been flooded with such challenges, and judges have overwhelmingly concluded that Respondents' new practice of arresting and detaining individuals without an individualized determination of materially changed circumstances violates the Constitution and the law.

B. Respondents Arrest and Detain Petitioner Despite No Material Change in Circumstances to Justify Arrest or Detention

42. Petitioner last entered the United States on/around August, 2021
[escriba el mes y el año en que ingresó a los Estados Unidos más recientemente].

43. [Check the box that applies to you. // Marque la casilla que corresponda a su caso.]:

☐ Petitioner entered the United States without inspection by immigration agents.
[El/La petionario/a ingresó a los Estados Unidos sin ser inspeccionado por agentes de inmigración antes de ingresar.]

☒ Petitioner entered the United States at a port of entry, such as an airport or a border checkpoint, and an immigration agent permitted Petitioner to physically enter the country. [El/La petionario/a ingresó a los Estados Unidos por un puerto de entrada, tal como un aeropuerto o un puesto de control fronterizo, y un agente de inmigración le permitió ingresar físicamente al país.]

1 44. Petitioner settled into life in the United States. *[El/La petionario/a se instaló en*
2 *la vida en los Estados Unidos.]*

3 Check all boxes that apply to you // Marque todas las casillas que correspondan a usted:

4 ☒ Petitioner rented or owned a home. *[El/La petionario/a alquilaba o era*
5 *propietario/a de una vivienda.]*

6 ☒ Petitioner lived with their family or other loved ones. *[El/La petionario/a vivía*
7 *con su familia u otros seres queridos.]*

8 ☒ Petitioner joined a religious community, such as a church, temple, or mosque.
9 *[El/La petionario/a se unió a una comunidad religiosa, tal como una iglesia, un*
10 *templo o una mezquita.]*

11 ☒ Petitioner worked regularly to provide for themselves. *[El/La petionario/a*
12 *trabajaba regularmente para mantenerse a sí mismo.]*

13 Describe any work history while living in the U.S. // Describa cualquier
14 historia laboral mientras residía en los EE. UU. _____

15 Factory laborer
16 _____
17 _____
18 _____
19 _____

20 ☒ Petitioner bought or leased a car. *[El/La petionario/a compró o arrendó un*
21 *automóvil.]*

22 ☐ Petitioner lived with and cared for their child (under 18 years old). *[El/La*
23 *petionario/a convivió con su hijo (menor de 18 años) y cuidó de él/ella.]*

24 ☐ Petitioner enrolled their child (under 18 years old) in daycare or school. *[El/La*
25 *petionario/a inscribió a su hijo/a (menor de 18 años) en una guardería o escuela.]*

26 ☐ Petitioner enrolled themselves in school or other classes. *[El/La petionario/a se*
27 *inscribió en la escuela u otras clases.]*

28 ☒ Petitioner volunteered regularly in the community. *[El/La petionario/a se ofrecía*

regularmente como voluntario/a en la comunidad.]

- ☐ Petitioner applied for immigration benefits, such as (circle all that apply) [El/La peticionario/a solicitó beneficios de inmigración, tales como (encierre en un círculo todos los que correspondan)]: asylum, withholding, protection under the Convention Against Torture (CAT), Special Immigrant Juvenile Status (SIJS), Temporary Protected Status (TPS), U-visa, T-visa, family-based petition.

Add any other immigration benefits you applied for. // Agregue cualquier otro beneficio migratorio que haya solicitado.]:

I applied For a Permanent Residency.

- ☐ Explain any other ways you and/or your loved ones settled into life in the United States that you want the Court to know. // Explique cualquier otra forma en que usted y/o sus seres queridos se adaptaron a la vida en los EE. UU. que desee poner en conocimiento del Tribunal.: Since I got to the

U.S. I been working to save money so I can accomplish my American dream, I also enrolled to ESL classes so I can adapted to this country communicating with the American people.

45. Respondents knew Petitioner was present in the United States and allowed Petitioner to remain at liberty. [Los demandados sabían que el/la Peticionario/a se encontraba presente en los Estados Unidos y permitieron que permaneciera en libertad.]

Check all boxes below that apply to you, and fill in any additional information. [Marque

todas las casillas siguientes que correspondan a su caso y complete cualquier información

adicional.]

☐ Petitioner was previously arrested and detained by immigration agents (whether for a short or long time) and then released (for example: on bond, parole, own recognizance, etc.). *[El/La peticionario/a fue arrestado y detenido previamente por agentes de inmigración (ya sea por un periodo corto o largo) y posteriormente puesto en libertad (por ejemplo: bajo fianza, libertad condicional, bajo su propia palabra, etc.).]*

Explain any further details you can provide, such as when you were previously arrested/detained and released, under what law/authority you were released, and any other details you know or can remember. *[Explique cualquier detalle adicional que pueda proporcionar, tales como cuándo fue arrestado/detenido y puesto en libertad anteriormente, bajo qué ley o autoridad fue puesto en libertad, y cualquier otro detalle que conozca o pueda recordar.]:* _____

N/A

☐ Petitioner was required to check-in with ICE and/or ISAP, and attended *all* ICE and/or ISAP check-ins scheduled for them. *[Se requirió que el/la peticionario/a se presentara ante ICE y/o ISAP, y asistió a todas las presentaciones ante ICE y/o ISAP programadas para él/ella.]*

Explain any further details you can provide, such as when you attended check-ins, who you spoke to, and what happened at the check-ins. *[Explique cualquier detalle adicional que pueda proporcionar, tales como cuándo asistió a los controles, con quién habló y qué sucedió durante los mismos.]:* _____

N/A

N/A

- ☐ Petitioner attended *most* ICE and/or ISAP check-ins scheduled for them. [El/La *petionario/a* *asistió a la mayoría de las presentaciones ante ICE y/o ISAP programadas para él/ella.*]

Explain any check-ins you missed, why, and anything you did to try and fix the mistake. [*Explica cualquier registro de entrada que hayas omitido, el motivo y cualquier medida que hayas tomado para intentar corregir el error.*]: _____

N/A

- ☐ Petitioner attended at least one ICE and/or ISAP check-ins scheduled for them.

[El/La *petionario/a* *asistió a al menos una de las citas de registro programadas con ICE y/o ISAP.*]

Explain any check-ins you missed, why, and anything you did to try and fix the mistake. [*Explica cualquier registro de entrada que hayas omitido, el motivo y cualquier medida que hayas tomado para intentar corregir el error.*]: _____

N/A

☐ Petitioner attended every immigration court hearing scheduled for them. *[El/La petionario/a asistió a todas las audiencias ante el tribunal de inmigración programadas para él/ella.]*

☐ Petitioner attended *most* immigration court hearings scheduled for them. *[El/La petionario/a asistió a la mayoría de las audiencias ante el tribunal de inmigración programadas para él/ella.]*

Explain any immigration court hearings you missed, why, and anything you did to try and fix the mistake. *[Explique cualquier audiencia ante el tribunal de inmigración a la que no asistió, el motivo y cualquier medida que haya tomado para intentar subsanar el error.]:*

N/A

☐ Petitioner attended at least one immigration court date. *[El/La petionario/a asistió al menos a una fecha en el tribunal de inmigración.]*

Explain any further details you can provide, such as when you attended immigration court, what happened, and what you expected would happen next. *[Explique cualquier detalle adicional que pueda proporcionar, tales como cuándo asistió al tribunal de inmigración, qué sucedió y qué esperaba que ocurriera a continuación.]:*

N/A

N/A

☐ Petitioner submitted applications related to their immigration case to U.S. Citizenship and Immigration Services (USCIS) and/or the immigration court. *[El/La peticionario/a presentó solicitudes relacionadas con su caso de inmigración ante el Servicio de Ciudadanía e Inmigración de los Estados Unidos (USCIS) y/o el tribunal de inmigración.]*

Explain any further details you can provide, such as what the applications were for, when you submitted them, what happened after you submitted them, whether you attended any interviews for them, and what you expected would happen next. *[Explique cualquier detalle adicional que pueda proporcionar, tales como el propósito de las solicitudes, cuándo las presentó, qué sucedió después de enviarlas, si asistió a alguna entrevista relacionada con ellas y qué esperaba que ocurriera a continuación.]*

On 2023 I applied for a Permanent Residence (Green Card)

☒ Petitioner provided immigration authorities with Petitioner's home and/or mailing address. *[El/La peticionario/a proporcionó a las autoridades de inmigración su domicilio y/o dirección postal.]*

☐ If Petitioner moved to a new home, Petitioner informed immigration authorities of every new home and/or mailing address. *[Si el/la Peticionario/a se mudó a un nuevo domicilio, informó a las autoridades de inmigración sobre cada nuevo domicilio]*

1 y/o dirección postal.]

- 2 ☐ If Petitioner moved to a new home, Petitioner informed immigration authorities of
3 most of the new home and/or mailing addresses. [*Si el/la Peticionario/a se mudó a*
4 *un nuevo domicilio, informó a las autoridades de inmigración sobre la mayoría de*
5 *los nuevos domicilios y/o direcciones postales.*]

6 Explain any new home and/or mailing addresses you did not inform
7 immigration authorities about, why, and anything you did to try and fix the mistake.
8 [*Explique cualquier nuevo domicilio y/o dirección postal sobre el cual no haya*
9 *informado a las autoridades de inmigración, el motivo de ello y cualquier medida*
10 *que haya tomado para intentar subsanar el error.*]: _____

11 N/A
12
13
14
15
16
17

- 18 ☐ Petitioner was previously required to wear an ankle monitor and/or pay a bond to
19 DHS. [*Anteriormente, se le exigió al/a la peticionario/a portar un monitor de*
20 *tobillo y/o pagar una fianza al DHS.*]

21 Explain any further details you can provide, such as when you wore an ankle
22 monitor and/or paid a bond. [*Explique cualquier detalle adicional que pueda*
23 *proporcionar, tal como cuándo llevó un monitor de tobillo y/o pagó una fianza.*]: _____

24 N/A
25
26
27
28

☒ Explain any other ways you know that DHS, ICE, CBP, and/or USCIS was aware of your presence in the United States prior to your current detention, that you want the Court to know. // Explique cualquier otra forma que usted conozca por la cual el DHS, el ICE, el CBP y/o el USCIS tuvieran conocimiento de su presencia en los EE. UU. con anterioridad a su actual detención, y que usted desee que el Tribunal conozca.: The DHS knows that I am

in this country since day one. When I crossed the river in Piedras Negras, Texas. I turn myself in to the border patrol. Consequently, they process me, took fingerprints, pictures, and DNA and released me.

46. In releasing Petitioner and/or allowing Petitioner to remain at liberty, Respondents necessarily determined that Petitioner was not a flight risk.

47. In releasing Petitioner and/or allowing Petitioner to remain at liberty, Respondents necessarily determined that Petitioner was not a danger to the community. [Check all boxes that apply to you. // Marque todas las casillas que correspondan a usted.]:

☐ Petitioner has no criminal record (no convictions) in the United States. [El/La peticionario/a no tiene antecedentes penales (sin condenas) en los Estados Unidos.]

☐ Petitioner has not been convicted of any crimes since their most recent release from immigration custody. [El/La peticionario/a no ha sido condenado/a por ningún delito desde su liberación más reciente de la custodia de inmigración.]

☒ Petitioner has only a minimal criminal record (one or more convictions, but they are

not serious) in the United States. *[El/La peticionario/a tiene únicamente antecedentes penales mínimos (una o más condenas, pero estas no son graves) en los Estados Unidos.]*

Explain, including why your conviction(s) is/are not serious. *[Explique, incluyendo por qué su(s) condena(s) no es/son grave(s).]:*

I been convicted of battery with deadly weapon.

☐ Petitioner has one or more criminal conviction(s), which Respondents DHS, ICE, and/or CBP knew about. Even though Respondents knew about Petitioner's criminal record, they chose *not* to detain Petitioner. *[El/La Peticionario/a cuenta con una o más condenas penales, de las cuales los Demandados DHS, ICE y/o CBP tenían conocimiento. A pesar de que los Demandados conocían los antecedentes penales del Peticionario, optaron por no detenerlo.]*

Explain further. For example, perhaps you had a check-in, interview, or immigration court at some point after your conviction(s), but ICE allowed you to remain out of custody. Also explain how much time passed between ICE knowing about your conviction and your current detention. *[Explique con mayor detalle. Por ejemplo, tal vez haya tenido una presentación de control, una entrevista o una audiencia ante un tribunal de inmigración en algún momento posterior a su(s) condena(s), pero ICE le permitió permanecer fuera de custodia. Explique también cuánto tiempo transcurrió entre el momento en que ICE tuvo conocimiento de su condena y su detención actual.]:*

N/A

N/A

48. To the extent Petitioner has any *new* criminal arrests, charges, or convictions since their most recent release from immigration custody and/or interaction with immigration authorities prior to Petitioner's current detention, those new arrests, charges, or convictions do not indicate Petitioner is dangerous. *See, e.g., Moises V. A. v. Wofford*, No. 1:25-cv-01419-SKO, 2026 WL 252237, at *4 (E.D. Cal. Jan. 30, 2026) ("Although Respondents assert that Petitioner has been charged with several crimes, the charges remain pending, and Petitioner remains innocent until proven guilty. No neutral arbiter has determined that Petitioner is a flight risk or danger to the community. No neutral arbiter has determined that circumstances had materially changed sufficiently to justify revocation of parole."); *Guzman v. Andrews*, No. 1:25-cv-01015-KES-SKO, 2025 WL 2617256, at *6 (E.D. Cal. Sept. 9, 2025) (to comply with due process, a person who sustains a conviction while released on conditional liberty is still "entitled to a determination as to whether that violation warrants modification of [their prior] release order"); *Tinoco v. Noem*, No. 1:25-cv-01762-DC-JDP (HC), 2025 WL 3567862, at *6 (E.D. Cal. Dec. 14, 2025) (misdemeanor DUI conviction did not justify re-detention of noncitizen where "no neutral arbiter . . . has determined whether those facts show that Petitioner is a flight risk or danger to the community").

☐ Check this box if you believe you have any new arrests, charges, or convictions since your most recent release from immigration custody and/or interaction with immigration authorities, but before to your current detention, that you want to explain to the court. If you checked this box, explain further, and explain why you are not dangerous despite the new arrest, charge, or conviction. [*Marque esta casilla si considera que tiene nuevos arrestos, cargos o condenas desde su liberación más reciente de la custodia de inmigración y/o desde su interacción con*]

1 las autoridades de inmigración, pero previa a su detención actual, y que usted
2 desea explicar ante el tribunal. Si ha marcado esta casilla, proporcione una
3 explicación detallada y explique por qué no representa un peligro a pesar de la
4 nueva detención, cargo o condena.]; _____

5
6 N/A
7
8
9
10
11

12 49. To the extent Petitioner has any alleged technical violations of Petitioner's ISAP or
13 supervision conditions since their most recent release from immigration custody and/or interaction
14 with immigration authorities prior to Petitioner's current detention, "[c]ourts have repeatedly
15 rejected the argument that ICE can re-detain a noncitizen for technical violations 'without regard
16 to whether that technical violation means that one is a flight risk or danger.'" *A.F.A.M. v. Albarran*,
17 No. 25-cv-10492-AMO, 2025 WL 3752190, at *4 (N.D. Cal. Dec. 22, 2025) (collecting cases);
18 *Tinoco v. Noem*, 818 F. Supp. 3d 1141, 1152 (E.D. Cal. 2025) (alleged violations of supervision
19 conditions did not justify re-detention of noncitizen where "no neutral arbiter . . . has determined
20 whether those facts show that Petitioner is a flight risk or danger to the community").

21 ☐ Check this box if you believe you have any technical violations of ISAP or other
22 supervision conditions that you want to explain to the court. If you checked this
23 box, explain further. [*Marque esta casilla si considera que ha incurrido en alguna*
24 *violación técnica del ISAP u otras condiciones de supervisión que desee explicar*
25 *ante el tribunal. Si ha marcado esta casilla, explique con mayor detalle.*]; _____

26
27 N/A
28

N/A

50. For the reasons explained above, Petitioner was neither a flight risk or danger while Respondents allowed Petitioner to live in the community.

51. Despite Petitioner's constitutionally protected interest in their liberty and lack of materially changed circumstances as to dangerousness or flight risk, Respondents arrested and detained Petitioner arrested on (date) May 14, 2026 [escriba la fecha aproximada en que ICE lo arrestó y lo volvió a detener], in (city, state) Tampa, FL [escriba la ciudad y el estado donde fue arrestado].

52. The facts surrounding Petitioner's arrest and detention are as follows. [Describe where you were arrested for your current detention, anything the arresting agents said to you about why you were being arrested, and any other details you want the Court to know. If you were arrested while appearing at court, a check-in, or appointment with immigration authorities, state that. // Describa el lugar donde fue arrestado en relación con su detención actual, cualquier cosa que los agentes que efectuaron el arresto le hayan dicho sobre el motivo de su detención, y cualquier otro detalle que desee poner en conocimiento del Tribunal. Si fue arrestado mientras comparecía ante un tribunal, acudía a una presentación periódica o asistía a una cita con las autoridades de inmigración, indíquelo.]:

The Sheriff Turn me in with ICE without any Pending warrant, when I got release from County Jail

53. Medical conditions [*Afecciones médicas*]— Check all boxes that apply to you.

[*Marque todas las casillas que correspondan a usted.*]:

☐ Petitioner has no medical conditions requiring ongoing care to report at this time.

[*El/La petionario/a no tiene condiciones médicas que requieran atención continua que reportar en este momento.*]

☐ Petitioner has medical conditions requiring ongoing care to report at this time.

[*El/La petionario/a tiene afecciones médicas que requieren atención continua y que declara en este momento.*]

These include [*Estas incluyen*]:

N/A

☐ Petitioner's detention is making their medical conditions worse. [*La detención del/de la petionario/a está agravando sus condiciones médicas.*]

Explain how. For example, any difficulty accessing medication or medical equipment, difficulty seeing a doctor when needed, how being detained has made your medical conditions worse, etc. [*Explique cómo. Por ejemplo, cualquier dificultad para acceder a medicamentos o equipos médicos, dificultad para ver a un médico cuando es necesario, cómo el haber estado detenido ha empeorado sus afecciones médicas, etc.*]:

N/A

N/A

54. Petitioner is being deprived of liberty without permissible justification. Respondents previously released Petitioner, and/or previously encountered Petitioner and allowed them to live in the community, upon a determination that Petitioner was neither a flight risk nor danger to the community to warrant detention. Nothing material has changed to justify altering that initial determination. Therefore, Petitioner's ongoing detention is not related to either of the permissible justifications for civil immigration litigation: danger or flight risk. Petitioner's ongoing detention furthers no legitimate government interest.

55. To the extent Respondents re-arrested Petitioner without any material change in circumstances, the re-arrest was without new probable cause, in violation of Petitioner's Fourth Amendment right against unreasonable seizures.

C. Garro Pinchi v. Noem Litigation and Order of Preliminary Relief

56. Petitioner brings to the Court's attention that Petitioner may be a member of the provisionally certified class in *Garro Pinchi v. Noem*, 813 F. Supp. 3d 973 (N.D. Cal. 2025).

57. In October 2025, three plaintiffs filed a complaint under the Administrative Procedure Act (APA) challenging DHS's new policy of re-detaining previously released noncitizens without materially changed circumstances as to dangerousness or flight risk. *Garro Pinchi*, No. 5:25-cv-05632-PCP, Dkt. No. 38 (Class Action Complaint and Amended Petition for Writ of Habeas Corpus) (N.D. Cal. filed Oct. 10, 2025). The plaintiffs filed a motion to "stay" the challenged policy pending final judgment on their claims and a motion for provisional class certification. *Id.* at Dkt. No. 48 (Notice of Motion and Motion to Stay Effective Date of Agency Action or Preserve Status or Rights) (N.D. Cal. filed Oct. 16, 2025).

58. On December 19, 2025, the *Garro Pinchi* court issued an order granting the

1 plaintiffs' motions to provisionally grant class certification and stay agency action. *Garro Pinchi*,
2 813 F. Supp. 3d at 1039–40.

3 59. *Garro Pinchi* certified the following class: “All noncitizens in the jurisdiction of
4 the San Francisco ICE Field Office who (1) entered or will enter the United States without
5 inspection; (2) have been or will be charged with inadmissibility under 8 U.S.C. § 1182 and have
6 been or will be released from DHS custody; and who (3) are in removal proceedings under 8 U.S.C.
7 § 1229a, including any § 1229a proceedings that have been dismissed where the dismissal is not
8 administratively final; and (4) are not subject to detention under 8 U.S.C. § 1226(c).” *Garro*
9 *Pinchi*, 813 F. Supp. 3d at 1010–11.

10 60. Relevant to the class definition, the jurisdiction of the San Francisco ICE Field
11 Office covers California from the Oregon border to (and including) Kern County; Hawaii; Guam;
12 and the Northern Mariana Islands. Within California, the Sacramento, Stockton, San Jose/Morgan
13 Hill, Fresno, and Bakersfield sub-field ICE offices are all within the San Francisco Area of
14 Responsibility. A map depicting the geographic the jurisdiction of the San Francisco ICE Field
15 Office is available at <https://www.ice.gov/doclib/about/offices/ero/pdf/eroFieldOffices.pdf>.

16 61. *Garro Pinchi* certified one subclass: “All members of the Class whose release from
17 DHS custody was or will be on bond, conditional parole, or their own recognizance under 8 U.S.C.
18 § 1226(a) and/or 8 C.F.R. § 236.1(c)(8).” *Garro Pinchi*, 813 F. Supp. 3d at 1010–11.

19 62. On the merits, *Garro Pinchi* held that the new re-detention policy is likely arbitrary
20 and capricious because, based on the preliminary record: Respondents failed to provide a reasoned
21 explanation for their new policy at the time of its implementation; any post hoc rationalization
22 Respondents provided for the new policy was based on legal error; Respondents failed to consider
23 released noncitizens' serious reliance interests when implementing the new policy; and
24 Respondents failed to adequately consider noncitizens' protected liberty interests when
25 implementing the new policy. *Garro Pinchi*, 813 F. Supp. 3d at 1027.

26 63. *Garro Pinchi* held that DHS's new interpretation of 8 U.S.C. § 1225(b)(2) did not
27 justify the agency's adoption of the new policy. *Garro Pinchi*, 813 F. Supp. 3d at 1028–33. The
28 court held that the new policy was likely unlawful regardless of whether the underlying statutory

1 authority for re-detention was 8 U.S.C. § 1225(b)(2) or § 1226(a), and stayed the policy from
2 applying to any class member detained under color of either statute. *Id.* at 1037.

3 64. *Garro Pinchi* further concluded that class members would suffer irreparable harm
4 without preliminary relief, and that the balance of equities and public interest favored such relief.
5 *Garro Pinchi*, 813 F. Supp. 3d at 1018.

6 65. Accordingly, *Garro Pinchi* granted preliminary relief and stayed Respondents' new
7 re-detention policy, effective immediately. *Garro Pinchi*, 813 F. Supp. 3d at 1040. The order has
8 the effect of requiring Respondents to revert to their longstanding prior policy of *not* re-arresting
9 and re-detaining class members without an individualized determination that there are materially
10 changed circumstances as to the class member's dangerousness or flight risk. *See Paulsen v.*
11 *Daniels*, 413 F.3d 999, 1008 (9th Cir. 2005) ("The effect of invalidating an agency rule is to
12 reinstate the rule previously in force.").

13 **D. Petitioner is Experiencing Irreparable Harm**

14 66. Petitioner's arrest and detention are causing them ongoing irreparable harm.
15 Respondents previously released Petitioner, and/or previously encountered Petitioner and allowed
16 them to live in the community, necessarily entailing a determination that Petitioner was neither a
17 danger to the community nor a flight risk to warrant detention. No material change in
18 circumstances warranted departing from that previous determination.

19 67. Due to Petitioner's ongoing detention, they are suffering irreparable harm, and
20 every additional day Petitioner spends in unlawful detention subjects them to further irreparable
21 harm. [*Debido a la detención continua del/de la Peticionario/a, este está sufriendo un daño*
22 *irreparable, y cada día adicional que el/la Peticionario/a permanece en detención ilícita lo somete*
23 *a un daño irreparable aún mayor.*].

24 68. Petitioner is being irreparably harmed in the following ways: (Describe specifically
25 how your detention is harming you. Examples could include separation from family, isolation from
26 your community, inability to work, difficulty practicing your religion, medical conditions that are
27 worsening, harms to your children or other family members, difficulty communicating with your
28 lawyer, etc.) [*El/La Peticionario/a está sufriendo un daño irreparable de las siguientes maneras:*

1 (Describa específicamente de qué manera su detención le está causando perjuicios. Los ejemplos
2 podrían incluir la separación de su familia; el aislamiento de su comunidad, la imposibilidad de
3 trabajar, la dificultad para practicar su religión, el agravamiento de condiciones médicas,
4 perjuicios a sus hijos u otros familiares; la dificultad para comunicarse con su abogado, etc.)):

5 See Attachment.

My name is Raul Frometa Cruz, I am a Cuban citizen.

Your Honor I want to apologize for my illegal entry to the United States of America, the reason I came to America is to support my family and worked hard for their needs. Unfortunately, I make a big mistakes committing a crime against my wife, and I want to apologize for that. Your Honor, during the time I was incarcerated, I decide to invested my time in my rehabilitation. I took **Anger Management classes, Domestic Violence classes**, these courses changed my life completely, helping me to understand and identify my belief systems, then identify my character defects and replace them with character assets, Understanding the cycle of violence, how to break the cycle to stop the violence and how to build a healthy relationship. On May 14, 2026, the Sheriff Department of Tampa, Florida released me from custody, and they turn me in to ICE **without any pending warrant**.

I am a father of 4 children. I never been in trouble in my whole life. I was the main financial support of my family as far is rent and bills. They are going to a hard times now without me, we are suffering, mentally, emotionally, and physically with this immigration process. All this situation is a torture, physically and mentally for me and my family. I been I many different detention around the United States, until I get to California in the Golden State Annex without any solution and court date.

Your Honor I beg you to consider my case and my situation and **GRANT my immediately release** so I can be with my family and contribute to this country. I am willing to take any self-help groups or any conditions you want me to accomplish. Thank you for your consideration. May God bless you.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

**Violation of the Fifth Amendment to the United States Constitution
(Procedural Due Process—Detention)**

69. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Petition as if fully set forth herein.

70. As part of the liberty protected by the Due Process Clause, Petitioner has a weighty interest in avoiding re-incarceration after Respondents released them from custody and/or encountered them and allowed them to live in the community. *See Young*, 520 U.S. at 146–47; *Gagnon*, 411 U.S. at 781–82; *Morrissey*, 408 U.S. at 482–83; *see also Ortega*, 415 F. Supp. 3d at 969–70 (holding that a noncitizen has a protected liberty interest in remaining out of custody following an IJ’s bond determination).

71. Accordingly, “[i]n the context of immigration detention, it is well-settled that due process requires adequate procedural protections to ensure that the government’s asserted justification for physical confinement outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Hernandez*, 872 F.3d at 990 (cleaned up); *Zinerman*, 494 U.S. at 127 (explaining that generally, “the Constitution requires some kind of a hearing *before*

1 the State deprives a person of liberty or property.”).

2 72. In the immigration context, for such hearings to comply with due process, the
3 government bears the burden to demonstrate, by clear and convincing evidence, that the
4 noncitizen poses a flight risk or danger to the community. *See Singh v. Holder*, 638 F.3d 1196,
5 1203 (9th Cir. 2011); *see also Martinez v. Clark*, 124 F.4th 775, 785, 786 (9th Cir. 2024).

6 73. Petitioner’s detention without a pre-deprivation hearing violated due process.
7 After deciding to release Petitioner from custody and/or encountering Petitioner and allowing
8 them to live in the community because custody was not required to protect against flight risk or
9 dangerousness, Respondents detained Petitioner with no notice, no explanation of the
10 justification of their detention, and no opportunity to contest their detention before a neutral
11 adjudicator before being taken into custody.

12 74. Petitioner has a profound personal interest in their liberty. Because Petitioner
13 received no procedural protections, the risk of erroneous deprivation is high. And the
14 government has no legitimate interest in detaining Petitioner without a hearing; bond hearings
15 are conducted as a matter of course in immigration proceedings, and Petitioner’s record
16 sufficiently shows they would not abscond or endanger the community before a bond hearing
17 could be held. *See, e.g., Jorge M.F. v. Wilkinson*, No. 21-cv-01434-JST, 2021 WL 783561, at
18 *3 (N.D. Cal. Mar. 1, 2021); *Vargas v. Jennings*, No. 20-cv-5785-PJH, 2020 WL 5074312, at
19 *3 (N.D. Cal. Aug. 23, 2020) (“[T]he government’s concern that delay in scheduling a hearing
20 could exacerbate flight risk or danger is unsubstantiated in light of petitioner’s strong family ties
21 and his continued employment during the pandemic as an essential agricultural worker.”).

22 **SECOND CLAIM FOR RELIEF**

23 **Violation of the Fifth Amendment to the United States Constitution**

24 **(Substantive Due Process—Detention)**

25 75. Petitioner repeats and re-alleges the allegations contained in the preceding
26 paragraphs of this Petition as if fully set forth herein.

27 76. The Due Process Clause of the Fifth Amendment protects all “person[s]” from
28 deprivation of liberty “without due process of law.” U.S. Const. amend. V. “Freedom from

1 imprisonment—from government custody, detention, or other forms of physical restraint—lies,
2 at the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.

3 77. Immigration detention is constitutionally permissible only when it furthers the
4 government’s legitimate goals of ensuring the noncitizen’s appearance during removal
5 proceedings and preventing danger to the community. *See id.*

6 78. Petitioner is neither a flight risk nor a danger to the community. Respondents’
7 detention of Petitioner is therefore unjustified and unlawful. Accordingly, Petitioner is being
8 detained in violation of the Due Process Clause of the Fifth Amendment.

9 79. Moreover, Petitioner’s detention is punitive as it bears no “reasonable relation”
10 to any legitimate government purpose. *Id.* (immigration detention is civil and thus ostensibly
11 “nonpunitive in purpose and effect”). Here, the purpose of Petitioner’s detention appears to be
12 “not to facilitate deportation, or to protect against risk of flight or dangerousness, but to
13 incarcerate for other reasons,” *Demore*, 538 U.S. at 532–33 (Kennedy, J., concurring)—namely,
14 to effectuate Respondents’ unlawful new policy of detaining individuals previously released
15 and/or encountered and permitted to live in the community, without any materially changed
16 circumstances to justify detention.

17 **THIRD CLAIM FOR RELIEF**

18 **Violation of the Fourth Amendment to the United States Constitution**
19 **(Petitioner’s Re-Arrest Constitutes an Unreasonable Seizure)**

20 80. **Only to the extent that Petitioner was re-arrested,** Petitioner re-alleges and
21 incorporates by reference the paragraphs above and brings this Claim:

22 81. The Fourth Amendment protects the right of all persons present in the United
23 States to be free from unreasonable seizures by government officials. Petitioner therefore has
24 the right to be free from unreasonable seizures.

25 82. As a corollary to that right, the Fourth Amendment prohibits re-arrest on the
26 same charge without a material change in circumstances.

27 83. Petitioner was re-arrested on the same charge without a material change in
28 circumstances. Petitioner’s re-arrest violated the Fourth Amendment.

FOURTH CLAIM FOR RELIEF

**Violation of the Administrative Procedure Act/ Unlawful Application of Stayed Policy:
(Request for Relief Pursuant to *Garro Pinchi v. Noem*)**

84. Only to the extent that Petitioner is a *Garro Pinchi v. Noem* class member,

Petitioner re-alleges and incorporates by reference the paragraphs above and brings this Claim.

85. In *Garro Pinchi v. Noem*, 813 F. Supp. 3d at 973, the court issued an order on December 19, 2025 granting preliminary relief pending final adjudication of the class's claims.

The court held that Respondents' new policy of re-detaining people without an individualized determination of materially changed circumstances is likely unlawful as arbitrary and

capricious. The order stayed the new policy, prohibiting Respondents from re-arresting and re-detaining previously released noncitizens without an individualized determination that

materially changed circumstances as to flight risk or dangerousness warrant re-detention.

86. Respondents re-arrested and re-detained Petitioner even though Petitioner had no materially changed circumstances as to flight risk or dangerousness to warrant re-detention.

87. As Petitioner is a member of the certified class in *Garro Pinchi*, Petitioner's ongoing detention is unlawful and Petitioner is entitled to immediate release.

88. Every moment that Respondents continue to detain Petitioner and deprive them of their liberty, Respondents violate the Administrative Procedure Act and the court's binding order in *Garro Pinchi*.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- 1) Assume jurisdiction over this matter;
- 2) Issue a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody on the same conditions that governed their liberty prior to Petitioner's current detention;
- 3) Declare that Petitioner's arrest and ongoing detention violate the Due Process Clause of the Fifth Amendment;
- 4) Only to the extent that Petitioner was re-arrested, declare that Petitioner's re-arrest violates the Fourth Amendment;

1 5) Only to the extent that Petitioner is a *Garro Pinchi* class member, declare

2 that Petitioner's arrest and ongoing detention violate the order granting

3 preliminary relief to the *Garro Pinchi* class;

4 6) Enjoin Respondents from re-detaining Petitioner absent further order of this

5 Court; *or, in the alternative*, unless Respondents provide at least 14 days' notice

6 to Petitioner that they will seek a pre-deprivation bond hearing before a neutral

7 arbiter at which the government bears the burden of proving, by clear and

8 convincing evidence, that Petitioner is a flight risk or danger to the community;

9 7) Order Respondents to return all of Petitioner's property confiscated during their

10 arrest and processing into detention, including but not limited to personal

11 identification, employment authorization document, medical insurance cards,

12 money, documents related to any legal proceedings, and personal effects;

13 8) Enjoin Respondents from transferring Petitioner outside this District or deporting

14 Petitioner pending these proceedings; and

15 9) Grant such further relief as the Court deems just and proper.

16
17 Respectfully submitted,

18
19 06/29/2026
Date [Fecha]

20 Raul Frometa Cruz
Printed Name [Nombre Impreso]

21 
Signature [Firma]

22 Pro se Petitioner
23
24
25
26
27
28

Declaration Under Penalty of Perjury.

1
2 1. I am in detention, and I placed this petition in the detention center's mail system on
3 [Estoy detenido/a y coloqué esta petición en el sistema de correo del centro de detención el]: [write
4 the date/escriba la fecha] June 29, 2026

5 2. I declare under penalty of perjury that I am the petitioner, I have read this petition or
6 had it read and/or interpreted to me, and the information in this petition is true and correct to the best
7 of my knowledge. I understand that a false statement of a material fact may serve as the basis for a
8 prosecution for perjury. [Declaro, bajo pena de perjurio, que soy el/la peticionario/a; que he leído
9 esta petición—o que me ha sido leída y/o interpretada—y que la información contenida en la misma
10 es verdadera y correcta, a mi leal saber y entender. Comprendo que una declaración falsa sobre un
11 hecho sustancial puede servir de base para un procesamiento por perjurio.]

12 3. I was able to complete this declaration because [Pude completar esta declaración
13 porque]:

14 ☐ I am able to read English and/or Spanish, and I could follow the directions in this
15 declaration to fill it out myself. [Soy capaz de leer inglés y/o español, y pude seguir
16 las instrucciones de esta declaración para completarla por mí mismo.]

17 ☒ I am not able to complete this declaration independently, due to language barriers
18 or other accessibility issues. Therefore, one or more persons assisted me. Their full
19 name(s) is/are [No puedo completar esta declaración de forma independiente
20 debido a barreras lingüísticas u otros problemas de accesibilidad. Por lo tanto,
21 una o más personas me han asistido. Su(s) nombre(s) completo(s) es/son]:

22 Marco Balarezo

23 //

24 //

25 //

I am executing this declaration at: *[check one / marque uno]*:

- ☐ Mesa Verde Detention Facility, 425 Golden State Ave, Bakersfield, CA 93301
- ☒ Golden State Annex, 611 Frontage Road, McFarland, CA 93250
- ☐ California City Detention Facility, 22844 Virginia Blvd., California City, CA 93505
- ☐ Central Valley Annex, 254 Taylor Avenue, McFarland, CA 93250

Respectfully submitted,

06/29/2026
Date *[Fecha]*

Raul Frometa Cruz
Printed Name *[Nombre Impreso]*


Signature *[Firma]*

Pro se Petitioner