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5 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
6 SAN DIEGO DIVISION

7 Carlos A Quinones Zuniga

8 Petitioner,

9 v.

10 Markwayne Mullin, in his official capacity as
Secretary of Homeland Security, Christopher J.
11 LAROSE, in his official capacity as Warden of
Otay Mesa Detention Center, Gregory J.
12 ARCHAMBEAULT, in his official capacity as
San Diego Field Office Director, ICE
13 Enforcement Removal Operations; Todd
LYONS, in his official capacity as Acting
14 Director of ICE; and Todd Blanche, U.S.
Attorney General; IMMIGRATION AND
15 CUSTOMS ENFORCEMENT;
DEPARTMENT OF HOMELAND
16 SECURITY,

17 Respondents.

Case No. **'26CV3856 DMS MSB**

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

Petitioner Carlos A Quinones Zuniga brings this petition for a writ of habeas corpus to seek enforcement of his rights as a member of the Deferred Action Class certified in *Immigration Center for Women and Children v. Noem* (“ICWC”), a class action brought on behalf of immigrant victims of domestic violence, trafficking, and other serious crimes. *Immigr. Ctr. for Women & Child. v. Noem*, No. 2:25-CV-09848-AB-AS, 2026 WL 1455004 (C.D. Cal. May 20, 2026) (“ICWC PI Order”). Despite being in a valid period of deferred action status in connection with a pending VAWA self petition, Petitioner remains unlawfully detained by Respondent U.S. Immigration and Customs Enforcement (“ICE”) at the Otay Mesa Detention Center. This contravenes the ICWC PI Order, in which the court certified a nationwide class and issued a ruling staying ICE’s policy of refusing to “honor grants of deferred action conferred by USCIS to individuals with pending petitions for U or T visas.” *Id.* at *47. As the court held, “a person with deferred action should neither be removed nor detained for immigration enforcement (removal) purposes.” ICWC PI Order at *40.

Separately, Respondents’ failure in honoring the protections of deferred action also violates the U.S. Constitution, the Administrative Procedure Act (“APA”), and the Accardi Doctrine.

Petitioner is a survivor of Domestic Violence and has submitted a self petition on that basis. In or around 2022, Petitioner applied for Adjustment of Status and a VAWA Self Petition, which Congress made available to noncitizens who have suffered substantial harm as a result of having been a victim of Domestic Violence.

On March 10, 2026, Respondent U.S. Citizenship and Immigration Services (“USCIS”) granted Petitioner deferred action and work authorization in relation to Petitioner’s pending Self

1 Petition and Adjustment of Status application. USCIS has not revoked Petitioner's deferred
2 action status, which is valid until September 6, 2026.
3 "Approval of deferred action status means that. . . no action will thereafter be taken to proceed
4 against an apparently deportable [non-citizen], even on grounds normally regarded as
5 aggravated." *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 484 (1999)
6 ("AAADC").

7 Despite being in valid deferred action status, immigration authorities arrested Petitioner
8 in June 2026.

9 As a result of Respondents' actions, Petitioner has suffered great anxiety, he has a
10 pending VAWA case that he will be ineligible for if he is removed from the United States, he has
11 been coerced into signing an unknown document that he fears is a voluntary departure that would
12 separate him from his daughter and make him ineligible for the VAWA petition he has been
13 waiting 4 years for.

14 Accordingly, Petitioner respectfully requests the court issue a writ of habeas corpus and
15 order his release.

16 JURISDICTION

17 A writ under 28 U.S.C. § 2241 may issue if, among other things, a person "is in custody
18 under or by color of the authority of the United States," or is "in custody in violation of the
19 Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c).
20 Petitioner is in the physical custody of Respondents under color of the authority of the United
21 States. Petitioner is detained by ICE at the [detention facility] in [City], [State].
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1 This Court has jurisdiction under 28 U.S.C. § 2241(c) (habeas corpus), 28 U.S.C. § 1331 (federal
2 question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension
3 Clause).

4 This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act,
5 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

6 **VENUE**

7 Venue is proper in this District, because it is the judicial district in which Petitioner
8 currently is detained. See *Braden v. 30th Jud. Cir. Ct. of Ky*, 410 U.S. 484, 493-500 (1973).

9 Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are
10 employees, officers, and/or agencies of the United States, and because a substantial part of the
11 events or omissions giving rise to the claims occurred in this District.

12 **PARTIES**

13 Carlos Alexander Quinonez Zuniga is a national and citizen of Guatemala who has resided in the
14 United States since 2013. Petitioner applied for adjustment of status based on a Self Petition
15 under the Violence Against Women Act. USCIS granted Petitioner deferred action on in or about
16 2022, valid until September 6, 2026. Despite this deferred action status, Respondents continue to
17 unlawfully detain Petitioner.

18 Respondent Christopher J. LaRose is employed by Core Civic as Warden of the Otay
19 Mesa Detention Center, where Petitioner is detained. He is the chief administrative official of the
20 facility and has immediate physical custody of Petitioner. Christopher LaRose is sued in his
21 official capacity.

22 Respondent Gregory Archambeault is the Director of the San Diego Field Office of ICE's
23 Enforcement and Removal Operations Division. As such, Gregory Archambeault is Petitioner's
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1 immediate custodian and is responsible for Petitioner's detention. Gregory Archambeault is sued
2 in his official capacity.

3 Respondent ICE is a component agency of the Department of Homeland Security
4 ("DHS") and is responsible for the enforcement of immigration laws, including the detention and
5 removal of noncitizens, as well as creating and implementing immigration policies for such
6 enforcement.

7 Respondent Markwayne Mullin is the DHS Secretary. He is responsible for the
8 implementation and enforcement of immigration laws, and he oversees ICE, which is responsible
9 for Petitioner's detention. Mr. Mullin has ultimate custody over Petitioner and is sued in his
10 official capacity.

11 Respondent Todd Blanche is the Acting Attorney General of the United States. He is
12 responsible for the Department of Justice, of which the Executive Office for Immigration Review
13 – which includes the immigration court system – is a component agency. Immigration courts
14 have the authority to review certain custody decisions by ICE and to order release in the cases
15 reviewed. Therefore, Respondent Blanche is a custodian of Petitioner. He is sued in his official
16 capacity.

17 FACTUAL ALLEGATIONS

18 Petitioner was born in Guatemala and resides in Maryland. He lives there with his young
19 daughter, [REDACTED] who is six years old and a US Citizen. Petitioner has lived
20 in the United States since 2013.

21 Throughout his marriage, Petitioner was the victim of domestic violence. He is now
22 separated from his US Citizen spouse and around 2022 filed a self petition pursuant to VAWA
23 and an adjustment of status application. He received a prima facie determination and has been
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1 renewed with the most recent notice expiring on September 6, 2026. His VAWA self petition
2 remains pending with USCIS.

3 Petitioner has no criminal history.

4 USCIS granted Petitioner deferred action status on March 10, 2026, based on the pending
5 petition for a VAWA being determined he was Prima Facie eligible.

6 USCIS also issued Petitioner an Employment Authorization Document ("EAD"). The
7 EAD is valid from until March 5, 2029.

8 Petitioner was arrested by the US Department of Homeland Security. After the arrest,
9 immigration agents transported Petitioner to the Otay Mesa Detention Center in San Diego, CA.

10 Petitioner was denied his application for Asylum, Withholding of removal and CAT
11 protection on July 29 2014. He appealed to the Board of Immigration Appeals. The case was
12 then appealed to the Federal Circuit Court where the case was remanded to the Board of
13 Immigration Appeals and administratively closed on January 13, 2017. On June 26, 2026 there
14 was a motion filed with the Board of Immigration Appeals to reinstate jurisdiction. Respondent
15 does not have any knowledge to explain this development and fears that it is an attempt to
16 remove him from the United States.

17 Because ICE has detained Petitioner and is actively proceeding to seek Petitioner's
18 removal, which are clearly actions to proceed against Petitioner, it is ignoring USCIS's grant of
19 deferred action. Accordingly, ICE's efforts to detain and deport Petitioner amounts to a de facto
20 revocation of such status.

21 To date, USCIS has not issued Petitioner any Notice of Intent to Deny or Revoke its grant
22 of deferred action.

1 As described below, deferred action issued by USCIS based on a pending VAWA self
2 petition can only be revoked by USCIS. To date, neither Respondents nor USCIS have provided
3 Petitioner any hearing at which they allege that USCIS's grant of deferred action should be
4 revoked, nor have they provided Petitioner any opportunity to be heard on the issue of a potential
5 revocation of deferred action.

6 LEGAL FRAMEWORK

7 VAWA

8 In 1994, Congress passed the Violence against Women Act ("VAWA") to address the
9 widespread problem of noncitizens remaining in relationships with abusers who held the key to
10 their eligibility for lawful immigration status in the United States. See Violent Crime Control and
11 Law Enforcement Act of 1994, Title IV, Pub. L. 103-322, 108 Stat. 1796 (September 13, 1994).
12 "[T]he goal of the bill is to 'permit[] battered immigrant women to leave their batterers without
13 fearing deportation.'" *Hernandez v. Ashcroft*, 345 F.3d 824, 841 (9th Cir. 2003) (quoting H.R.
14 Rep. No. 103-395, at 25). VAWA has been law for over 30 years.

15 Petitioner was granted a Prima Facie Determination which functions as deferred action.
16 He has been found to be prima facie eligible for a benefit that cannot be processed if he is
17 removed from the United States.

18 UNTIL 2025, DECADES OF AGENCY POLICY GUIDANCE PRESUMPTIVELY 19 PROTECTED VAWA SELF PETITIONERS FROM IMMIGRATION ENFORCEMENT

20 Consistent with Congress's intent to encourage noncitizen victims to report crime, for
21 nearly two decades, DHS policies have generally required ICE to refrain from pursuing removal
22 efforts against people with pending VAWA self petitions, like petitioner, absent serious public
23 safety concerns. These include written policies issued in 2011 and 2021. See John Morton, ICE
24

1 Policy Statement 10076.1, Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs
2 (Jun. 17, 2011) (“2011 Policy”), available at [https://www.ice.gov/doclib/foia/prosecutorial-](https://www.ice.gov/doclib/foia/prosecutorial-discretion/certain-victims-witnesses-plaintiffs.pdf)
3 [discretion/certain-victims-witnesses-plaintiffs.pdf](https://www.ice.gov/doclib/foia/prosecutorial-discretion/certain-victims-witnesses-plaintiffs.pdf) (last checked [Date]), and ICE Directive
4 11005.3, Using a Victim-Centered Approach with Noncitizen Crime Victims (Dec. 2, 2021)
5 (“2021 Directive”), available at
6 [https://www.ice.gov/doclib/foia/policy/11005.3_UsingVictimCenteredApproachNoncitizenVicti](https://www.ice.gov/doclib/foia/policy/11005.3_UsingVictimCenteredApproachNoncitizenVictims.pdf)
7 [ms.pdf](https://www.ice.gov/doclib/foia/policy/11005.3_UsingVictimCenteredApproachNoncitizenVictims.pdf)

8 As with prior DHS policy, the 2011 Policy reiterated that “[a]bsent special circumstances
9 or aggravating factors,” it is generally “against ICE policy to initiate removal proceedings
10 against” known victims of crime. 2011 Policy at 1. Notably, the 2011 Policy explains “that a flag
11 now exists in” DHS systems “to identify those victims of domestic violence, trafficking, or other
12 crimes who already have filed for . . . victim-based immigration relief.” 2011 Policy at 3.

13 The 2021 Directive continued ICE’s longstanding policy to “refrain from taking civil
14 enforcement action against” individuals “known to have a pending application” for “victim-
15 based immigration benefits,” “absent exceptional circumstances” such as national security or
16 public safety concerns. 2021 Directive at 1-2, 9. If such an application was pending, ICE was to
17 “defer” enforcement until USCIS adjudicates the petition or issues a negative interim
18 adjudication. *Id.* at 2. Agents were to request expedited prima facie adjudications from USCIS
19 for people in ICE custody, and eligibility “for victim-based immigration benefits . . . must be
20 considered” a “positive discretionary factor.” *Id.* at 2, 9.

21 On January 30, 2025, ICE issued a policy directive that, for the first time in the agency’s
22 history, authorized the routine detention and removal of noncitizen victims of crime who had
23 petitioned for victim-based immigration benefits, such as the VAWA. See ICE Policy Number
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1 11005.4, Interim Guidance on Civil Immigration Enforcement Actions Involving Current or
2 Potential Beneficiaries of Victim-Based Immigration Benefits (Jan. 30, 2025) (“2025
3 Guidance”), available at <https://www.ice.gov/doclib/foia/policy/11005.4.pdf>.

4 The 2025 Guidance became “effective immediately and remains in effect until
5 superseded.” 2025 Guidance at 1. It explicitly “rescinded and superseded” the 2021 Directive
6 and 2011 Policy, thereby reneging the government’s promise to protect noncitizen crime victims
7 and greenlighting a deportation campaign that ignores their potential eligibility for relief.

8 Specifically, the 2025 Guidance requires, when ICE officers seek to detain or
9 remove individuals with pending U visa petitions or VAWA self petitions, that they (1) merely
10 “coordinate and deconflict internally” and with law enforcement agencies “to ensure criminal
11 investigative and other enforcement actions will not be compromised,” (2) “consult with” local
12 ICE attorneys only “to ensure any such action is consistent with applicable legal limitations,” (3)
13 need not consider a noncitizen being “a victim of a crime” as “a positive discretionary factor,”
14 and (4) will not “routinely request expedited adjudications from USCIS,” but may do so only
15 when “it is in ICE’s best interests.” 2025 Guidance at 2-3.

16 The 2025 Guidance marked an abrupt about-face from longstanding DHS practices,
17 under which immigration agencies generally refrained from enforcement against crime victims
18 absent serious adverse factors.

19 As a result of the 2025 Guidance, ICE now engages in an unlawful policy and practice
20 under which it routinely detains and deports people who have valid grants of deferred action
21 from USCIS in connection with pending VAWA, or U or T visa petitions. Neither Respondent
22 ICE nor USCIS provides any notice or opportunity to be heard regarding whether such deferred
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1 action should be revoked prior to doing so. This policy, referred to herein and in ICWC as the De
2 Facto Revocation Policy, unlawfully renders deferred action status meaningless.

3
4 **PETITIONER IS A DEFERRED ACTION CLASS MEMBER IN ICWC.**

5 On October 14, 2025, several individual plaintiffs and non-profit legal organizations
6 serving immigrant survivors filed a class action complaint in ICWC, challenging the lawfulness
7 of the 2025 Guidance and, as relevant here, the De Facto Revocation Policy. See Compl. ¶¶ 200-
8 233 Immigr. Ctr. for Women & Child. v. Noem, et al., No. 2:25-cv-09848-AB-AS (C.D. Cal.
9 Oct. 14, 2025) [Dkt. 1].

10 On May 20, 2026, the U.S. District Court for the Central District of California granted
11 plaintiffs' Motion for Class Certification and granted in part plaintiffs' Motion for APA § 705
12 Relief and Individual and Classwide Preliminary Injunction. ICWC PI Order.

13 As part of its ruling, the court provisionally certified three classes, including, as relevant
14 here, the Deferred Action Class, and stayed the De Facto Revocation Policy pursuant to 5 U.S.C.
15 § 705 as to Deferred Action Class members. Id. at *47 ("Pursuant to 5 U.S.C. § 705, the Court
16 hereby STAYS the De Facto Revocation Policy, under which ICE does not honor grants of
17 deferred action conferred by USCIS to individuals with pending petitions for U or T visas.").

18 Specifically, the court concluded that plaintiffs were likely to prevail on the merits of
19 their claims that the De Facto Revocation Policy is arbitrary and capricious under the APA,
20 violates the Accardi doctrine requiring agencies to follow their own procedures, and violates
21 class members' due process rights under the Fifth Amendment. Id. at *37-40 ("Because ICE
22 lacks authority to revoke USCIS grants of deferred action status, ICE cannot de facto revoke that
23 status."); id. at *40 (holding ICE violated class members' "right to due process because pursuant
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1 to the Policy, Defendants have pursued immigration enforcement actions against them despite
2 their deferred action status.”). As a result, ICE may not detain Deferred Action Class members.

3 Here, Petitioner is a member of the Deferred Action Class in ICWC because he has a
4 VAWA self petition pending and he received a Prima Facie Determination from USCIS. This is
5 valid until September 2026 and he was detained while such period was valid.

6 Accordingly, the De Facto Revocation Policy, “under which ICE does not honor grants of
7 deferred action conferred by USCIS to individuals with pending petitions for U or T visas,” may
8 not be applied to Petitioner. Id. at *47. Therefore, immediate release is warranted.

9 Absent release, Petitioner will continue to experience loss of liberty, separation from his young
10 daughter, loss of income and the stress involved with incarceration and the very real threat of
11 removal.

12 CLAIMS FOR RELIEF

13 The “historic purpose of the writ” of habeas corpus is “to relieve detention by executive
14 authorities without judicial trial.” *Zadvydas v. Davis*, 533 U.S. 678, 699 (2001) (cleaned up). A
15 habeas court’s role is at its “most extensive in cases of pretrial and noncriminal detention,”
16 especially “where there ha[s] been little or no previous judicial review of the cause for
17 detention,” as is the case here. *Boumediene v. Bush*, 553 U.S. 723, 780 (2008). Here, Petitioner
18 sets for the following claims for issuance of the writ.

19 CLAIM ONE

20 Violation of APA 5 U.S.C. § 706(2)(A)

21 Petitioner’s Detention Is Not in Accordance with Law because It Violates the ICWC PI
22 ORDER

1 Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in
2 the preceding paragraphs as if fully set forth herein.

3 Under the APA, courts “shall . . . hold unlawful and set aside agency action . . . found to
4 be . . . not in accordance with law.” 5 U.S.C. § 706(2)(A).

5 Respondent’s detention of Petitioner constitutes final agency action under the APA. 5 U.S.C. §
6 551(13), 704; Bennett v. Spear, 520 U.S. 154, 177-78 (1997).

7 In ICWC, the court concluded that plaintiffs were likely to succeed on their claim that the
8 De Facto Revocation Policy is arbitrary and capricious and not in accordance with law under the
9 APA. ICWC PI Order at *37.

10 As a result, the court stayed the De Facto Revocation Policy, “under which ICE does not
11 honor grants of deferred action conferred by USCIS to individuals with pending petitions for U
12 or T visas.” Id. at *47.

13 The stay applies in favor to members of the Deferred Action Class, which includes
14 Petitioner. Id.

15 Respondents detained Petitioner pursuant to the stayed De Facto Revocation policy.
16 Accordingly, Respondents’ detention of Petitioner is not in accordance with law in violation of
17 the APA, as it directly contravenes the § 705 relief issued in the ICWC PI Order.

18 CLAIM TWO

19 Violation of the Fifth Amendment to the United States Constitution

20 Procedural Due Process Requires Notice and Opportunity to Be Heard before Deferred
21 Action May Be Revoked

22 Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in
23 the preceding paragraphs as if fully set forth herein.

1 “Procedural due process imposes constraints on governmental decisions which deprive
2 individuals of ‘liberty’ or ‘property’ interests within the meaning of the Due Process Clause of
3 the Fifth or Fourteenth Amendment.” Mathews v. Eldridge, 424 U.S. 319, 332 (1976). “The
4 essence of due process is the requirement that a person in jeopardy of serious loss” receive
5 “notice” and “opportunity to be heard ‘at a meaningful time and in a meaningful manner.’” Id. at
6 333, 348-49 (citations omitted).

7 Here, Petitioner has a protected liberty interest in their deferred action. See ICWC PI
8 Order at *40.

9 In determining what process is due when ICE revokes deferred action status through its
10 enforcement actions, courts must apply the Mathews three-part balancing test, considering (1)
11 “the private interest that will be affected by the official action,” (2) “the risk of an erroneous
12 deprivation of such interest through the procedures used, and the probable value, if any, of
13 additional or substitute procedural safeguards,” and (3) “the Government’s interest . . . that the
14 additional or substitute procedural requirement would entail.” Mathews, 424 U.S. at 335. Here,
15 the Mathews balancing test comes out strongly in favor of Petitioner.

16 First, the private interests that will be affected are profound. First, Petitioner’s liberty is at
17 stake. There is no question that freedom from government imprisonment is a significant private
18 interest that “lies at the heart of the liberty that” Due Process protects. Zadvydas, 533 U.S. at
19 690. Moreover, Petitioner’s employment authorization, together with other benefits, is vital to
20 Petitioner’s livelihood, but is now at risk due to ICE’s de facto revocation of deferred action. See
21 8 C.F.R. § 274a.12(c)(14). Where “continued possession” of benefits has “become essential in
22 the pursuit of a livelihood,” and revocation of those benefits “involves state action that
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1 adjudicates important interests,” they “are not to be taken away without [] procedural due
2 process.” *Bell v. Burson*, 402 U.S. 535, 539 (1971).

3 In addition, Petitioner’s “private interest in avoiding removal or detention pending
4 removal is great.” ICWC PI Order at *41. Petitioner has been able to work with authorization to
5 provide for his six year old US Citizen daughter and he has been able to alleviate the fear and
6 anxiety that had been a constant battle as he survived years of abuse.

7 Second, “the risk of an erroneous deprivation of” these interests “through the procedures
8 used” is extremely high, compared to “the probable value” of a pre-deprivation process where
9 Respondents have provided no process at all before engaging in immigration enforcement that
10 effectively revoked Petitioner’s deferred action. *Mathews*, 424 U.S. at 335. “[T]he practice of
11 automatic termination” of deferred action “creates an unacceptably high risk of erroneous
12 deprivation.” *Inland Empire-Immigrant Youth Collective v. Nielsen*, No. EDCV 17-2048 PSG
13 (SHKx), 2018 WL 4998230, at *19 (C.D. Cal. Apr. 19, 2018) (emphasis added); see also *Inland*
14 *Empire-Immigrant Youth Collective v. Nielsen*, No. EDCV 17-2048 PSG (SHKx), 2018 WL
15 1061408, at *1 (C.D. Cal. Feb. 26, 2018) (granting classwide injunction for nationwide class in
16 same case).

17 Third, “the Government’s interest, including the function involved and the fiscal and
18 administrative burdens that the additional or substitute procedural requirement would entail,” are
19 minimal. *Mathews*, 424 U.S. at 335. Respondents can claim no legitimate interest in
20 circumventing that process by revoking prima facie determination through enforcement and
21 arbitrarily detaining Petitioner.

22 Accordingly, without any procedural protections, Petitioner has been deprived of due
23 process under the Fifth Amendment.

CLAIM THREE

Violation of Fifth Amendment of United States Constitution

Detaining Individuals with Valid Prima Facie Determinations Violates Substantive Due Process

Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

Because “[a]rbitrary civil detention is not a feature of our American government,” *Rodriguez v. Marin*, 909 F.3d 252, 256 (9th Cir. 2018), civil confinement is only permissible “in certain special and narrow non-punitive circumstances,” where a “special justification” asserted by the government “outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at 690 (cleaned up).

Immigration detention only comports with due process when it furthers the government’s goals of “ensuring the appearance of [noncitizens] at future immigration proceedings and preventing danger to the community.” *Id.* (cleaned up). The only two accepted justifications for keeping someone in civil immigration detention are insufficient as applied to Petitioner. “The first justification—preventing flight—is weak or nonexistent where removal seems a remote possibility.” *Id.* at 679.

Here, deportation is a “remote possibility” as Petitioner’s deferred action status protects them from removal and the status has not been properly revoked. *Id.* “Where an individual is protected from removal through deferred action, their detention serves no valid purpose.” *Santiago v. Noem*, Case No. EP-25-CV-361-KC, 2025 WL 2792588 at *12-13 (W.D. Tex. Oct. 2, 2025). See *Ayala v. Bondi*, No. 2:25-CV-01063-JNW-TLF, 2025 WL 2209708, at *3 (W.D. Wash. Aug. 4, 2025) (“deferred action prevents recipients’ removal from the United States”).

Moreover, to have received a prima facie determination in the first place, Petitioner necessarily passed background checks and was vetted for national security and public safety risks. Thus, any dangerousness justification here would be specious, because Petitioner has not engaged in any acts that would change that determination. “[T]he government has no legitimate interest in detaining individuals who have been determined not to be a danger to the community and whose appearance at future immigration proceedings can be reasonably ensured by . . . alternative conditions.” *Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir. 2017).

Accordingly, because Petitioner’s detention is not justified by flight risk or danger concerns, it bears no reasonable relation to a legitimate government purpose, and thus violates Petitioner’s substantive due process rights.

CLAIM FOUR

Accardi Doctrine

Petitioner’s Detention Violates the PM, Regulations, and Longstanding Policy and Practice

Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

The Supreme Court has long recognized that government agencies are required to follow their own procedures. See *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954). Courts have regularly applied this principle to the immigration context. See, e.g., *Alcaraz v. I.N.S.*, 384 F.3d 1150, 1162 (9th Cir. 2004). The Accardi doctrine extends beyond just “regulations” to include, e.g., “internal operating procedures,” “handbook[s],” “policy statements,” and other evidence of an agency’s “usual practice.” *Id.* at 1162.

1 Respondents' longstanding policy is that only USCIS—not ICE—has the exclusive
2 authority to revoke prima facie determination conferred by USCIS in connection with a VAWA
3 Self petition, and that such revocation must be based on specific criteria. 8 C.F.R. § 214.14(d)(3)

4 Here, Petitioner received a Prima Facie determination regarding his VAWA application.
5 Thus, any revocation of this Determination must take place in accordance with [the USCIS
6 Policy Manual or 8 C.F.R. § 214.14]. Rather than following these procedures, Respondent ICE
7 took matters into its own hands by stripping any benefit conferred by this determination through
8 detaining Petitioner.

9 As the court in ICWC held, “by permitting ICE to de facto revoke deferred action instead
10 of following USCIS procedure, and without applying any of the applicable criteria from the
11 USCIS Policy Manual,” Respondents “are not complying with their own policies for revoking
12 deferred action” and are violating the Accardi Doctrine. ICWC PI Order at *40. A prima Facie
13 determination functions as deferred action and therefore the current detention of Petitioner is
14 unlawful.

15 **PRAYER FOR RELIEF**

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

17 Assume jurisdiction over this matter;

18 Order Respondents to show cause why the writ should not be granted, and set a hearing
19 on this Petition within five days of the return, as required by 28 U.S.C. § 2243;

20 Issue a writ of habeas corpus and order Respondents to immediately release Petitioner
21 and forbid them from re-detaining Petitioner while in valid deferred action status;

22 Declare that Petitioner's detention is unlawful;

23 Award reasonable costs and attorneys' fees; and
24

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

DATED this 3 of July, 2026.

Respectfully submitted,

/s/ Stephanie M Alcala

Attorney for Petitioner