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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

L.I., Petitioner, vs. MARKWAYNE MULLIN, Secretary of U.S. Department of Homeland Security; TODD BLANCHE, Acting Attorney General of the United States; DAVID VENTURELLA, Acting Director, U.S. Immigration and Customs Enforcement; JAIME RIOS, Field Office Director, Los Angeles Immigration and Customs Enforcement; WARDEN, Adelanto ICE Processing Center. Respondents.	Case No.: VERIFIED PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

INTRODUCTION

1. Petitioner, L.I.,[1] by and through undersigned counsel, hereby files this petition for writ of habeas corpus to compel Respondents to release him immediately. Petitioner has lived in the United States for ten years, has no criminal record, [redacted]. He has attended schools in the United States since high school, and is currently in [redacted] University. He is currently working as [redacted]

2. Petitioner has been in an immigration process with Respondents since he entered the United States as a student in 2016. Most recently, on [redacted]

3. [redacted] Petitioner was at the Los Angeles airport deboarding a domestic flight when he was approached by authorities, arrested, and detained.

CUSTODY

4. Petitioner is currently detained at the Adelanto ICE Processing Center in Adelanto, CA.

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[1] A motion to proceed with pseudonym is being filed concurrently with this petition.

JURISDICTION

5. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.
6. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), the Administrative Procedures Act, and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).
7. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., the All Writs Act, 28 U.S.C. § 1651, and the Immigration and Nationality Act, 8 U.S.C. § 1252(e)(2).

VENUE

8. Venue is properly before this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees or officers of the United States, acting in their official capacity; because a substantial part of the events or omissions giving rise to the claim occurred in the Central District of California; because Petitioner is under the jurisdiction of the Adelanto ICE processing center which is in the Central District of California; and because there is no real property involved in this action.

REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

9. The court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the Respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the court must require Respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*
10. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as

"perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963).

11. Petitioner is "in custody" for the purpose of § 2241 he is in custody at the Adelanto processing center in Adelanto, CA.

PARTIES

12. Petitioner is a citizen of [redacted] who has resided in the United States for ten years [redacted]

13. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security ("DHS") and is sued in his official capacity. The Secretary of Homeland Security is charged with the administration and enforcement of immigration laws. 8 U.S.C. § 1103(a).

14. Respondent Todd Blanche is the Acting Attorney General of the United States and is sued in his official capacity as the head of the Department of Justice. The Attorney General is responsible for the fair administration of the laws of the United States.

15. Respondent David Venturella is the Acting Director of U.S. Immigration and Customs Enforcement (ICE) and he is sued in his official capacity. ICE is responsible for the detention of Petitioner.

16. Respondent Jaime Rios is the Field Office Director for U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations in Los Angeles, California, which covers the Adelanto ICE Processing Center where Petitioner is being detained.

17. The Warden of Adelanto ICE Processing Center, which includes the Desert View Annex, and is sued in his official capacity. The Warden oversees the day-to-day operations of the facility and acts at the direction of Respondents. Warden is the custodian of Petitioner.

STATEMENT OF FACTS

18. Petitioner has lived in the United States for ten years, has no criminal record, [redacted] Petitioner is a native and citizen of [redacted]

19 [redacted]

20. Petitioner is highly involved in his community. Among other roles, he serves as [redacted]

21 [redacted]

22. Petitioner is legally represented [redacted] and was ready to appear at any time to an interview with USCIS.

23. [redacted] Petitioner was at the Los Angeles airport [redacted] He has flown domestic flights many times while in the United States. After deboarding the plane, he was approached by authorities, arrested, and detained.

24 [redacted]

25. As of this filing, Petitioner has not been placed in removal proceedings. He does not know under what authority Respondents are detaining him. At the time of filing his case does not appear in the Executive Office for Immigration Review online status portal.

26. Officials in the Trump administration have directed senior ICE officials to increase arrests to meet daily quotas. Specifically, each field office was instructed to make seventy-five arrests per day.[2] Individuals have been abruptly detained without notice or change in circumstances.

[2] *See "Trump officials issue quotas to ICE officers to ramp up arrests."* Washington Post, Jan 26, 2025).

LEGAL FRAMEWORK

PETITIONER WAS KNOWN TO AUTHORITIES WHO PERMITTED HIS PRESENCE IN THE UNITED STATES WHILE HIS ASYLUM APPLICATION WAS IN PROCESS. PETITIONER HAD A LIBERTY INTEREST. HIS DETENTION WITHOUT CHANGE IN CIRCUMSTANCES VIOLATES DUE PROCESS

27. Immigration detention is a form of civil confinement that "constitutes a significant deprivation of liberty that requires due process protection." *Addington v. Texas*, 441 U.S. 418, 4253 (1979)."Procedural due process imposes constraints on governmental decisions which deprive individuals of 'liberty' or 'property' interests within the meaning of the Due Process Claus of the Fifth or Fourteenth Amendment." *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976). "The fundamental requirement of due process is the opportunity to be heard 'at a meaningful time and in a meaningful manner.'" *Id.* at 333. Petitioner has a weighty liberty interest under the Due Process Clause of the Fifth Amendment in avoiding incarceration. *See Young v. Harper*, 520 U.S. 143, 146-152 (1997) (holding that individuals placed in a pre-parole

28. Courts have recognized that an individual gains a liberty interest when the government is aware of the individual's presence in the U.S. via a pending application and does not detain an individual. Petitioner was known to the authorities for ten years, as he entered the United States on an F-1 visa, attended schools in F-1 status for years, applied for and received OPT work authorization, and filed for asylum over 5 years ago. Respondents considered multiple applications filed by him, accepted filing fees paid by him, issued work authorizations, billed him for his pending asylum application, summoned him for biometrics and background checks, and did not detain him.

29. Their decision to not detain Petitioner created a liberty interest. See, e.g. *Kharitonova v. Albarran*, 3:26-cv-01362, 2026 WL 531441 (N.D. Cal. Feb. 25,

2026). In *Kharitonova*, the petitioner had been detained by respondents even though she had a pending asylum claim on file with the respondents and had been in the U.S. for a number of years. The court agreed that the petitioner gained a liberty interest when the government processed her asylum application, took her biometrics, and required her to appear for appointments. The court rejected the argument that there was no liberty interest because the government had not previously physically detained her. "Although the government did not detain and then release her, it made a decision *not* to detain her in the first place; Petitioner thus has the same liberty interest in her continued freedom as an individual initially detained." *Id.* at *2 (emphasis in original.)

30. Many district courts in the Ninth Circuit have come to the same result. See e.g., *E.E.O.H. v. Noem*, No. 1:26-CV-01266-JLT-SAB-HC, 2026 WL 850363, at *4 (E.D. Cal. Mar. 26, 2026), report and recommendation adopted, No. 1:26-CV-01266 JLT SAB (HC), 2026 WL 967670 (E.D. Cal. Apr. 9, 2026)(Pending asylum application provided petitioner a liberty interest.); *Njafuh v. Andrews*, 2026 WL 1346860 (E.D. May 14, 2026)("[P]etitioner's application for asylum has been pending for nearly a year and his TPS status was terminated on June 7, 2025. Respondent did not detain petitioner at that time, thus providing him with a liberty interest such that due process entities him to a pre-deprivation hearing[.]") *Kalkan v Chestnut*, 1:26-cv-02028-DAD-EFB, 2026 WL 788112 (E.D. Cal. March 20, 2026); *Villanueva-Montanez v. Lyons*, 2:26-cv-00954-DAD-CKD, 2026 WL 797930 (E.D.Cal. March 23, 2026); *Gagik T. v. Christopher Chestnut*, 1:26-cv-04337-MWJS, 2026 WL 1837413 (E.D. Cal. June 25, 2026); *Abdeltawab v. Armant*, ED CV 26-01520-MWF-DTB 2026 WL 1045564 (C.D. Cal., April 13, 2026).

31. Respondents have violated Petitioner's protected liberty interest by indiscriminately detaining him while he is in the asylum application process without any showing of necessity. There was no change in circumstances since Respondents chose not to detain him and allowed him to proceed with the asylum process. Petitioner has no criminal history and is not a danger to the community. He is not a flight risk, as he has appeared to the USCIS as requested for biometrics, paid the asylum processing fee as requested, and as recently as [redacted], 2026, supplemented his I-589 and requested an interview on short notice. Ex. 1, 2, 3.

32. "[T]he root requirement of the Due Process Clause is that an individual be given an opportunity for a hearing *before* he is deprived of any significant protected interest." *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542 (1985) (emphasis added). For that reason, the Supreme Court "usually has held that the Constitution requires some kind of a hearing *before* the State deprives a person of liberty or property." *Zinermon v. Burch*, 494 U.S. 113, 127 (1990) (emphasis in original). Only in a "*special case*" where post-deprivation remedies are "the *only* remedies the State could be expected to provide" can post-deprivation process satisfy the requirements of due process. *Zinermon*, 494 U.S. at 128 (emphasis added).

33. There was no need to hastily detain Petitioner without a *pre*-deprivation hearing. Petitioner should be released immediately, and Respondents must provide a pre-deprivation hearing if they believe it necessary to detain him.

DETENTION OF PETITIONER VIOLATES THE APA AS ARBITRARY AND CAPRICIOUS

34. Respondents' detention of Petitioner despite the government's previous acquiescence to his presence in the U.S. is a final agency action that falls under

the APA. They have made no showing that his detention was necessary, and their decision to detain him is arbitrary and capricious.

35. In addition, the Respondents did not follow any process in detaining Petitioner. Arrest pursuant to 8 USC §1226(a) provides that "upon 'warrant issued" an individual may be arrested and detained during removal proceedings. For ICE to detain an individual, the proscribed procedure is that ICE issues an arrest warrant pursuant to 8 C.F.R. § 236.1(b), on a form I-200. In addition, a form I-286, Notice of Custody Determination, is to be issued to the individual by certain enumerated immigration officials. 8 C.F.R. § 236.1(g). It is unclear if any of these procedures were properly followed. An agency acts arbitrarily and capriciously when it fails to follow its own regulations.

PETITIONER'S DETENTION VIOLATES SUBSTANTIVE DUE PROCESS

36. Immigration detention is civil, not criminal, and the Supreme Court has held that civil detention is only lawful in "certain special and narrow non-punitive circumstances, … where a special justification … outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Zadvydas*, 533 U.S. at 690, citing *Foucha v. Louisiana*, 504 U. S. 71, 80 (1992) and *Kansas v. Hendricks*, 521 U.S. 346, 356 (1997) (internal quotes removed).

37. Rather than punishment, the use of detention in immigration enforcement is generally for the regulatory goals of "ensuring the appearance of [noncitizens] at future immigration proceedings" and "preventing danger to the community." See *Zadvydas*, 533 U.S. at 690.

38. In addition, "[s]ubstantive due process prevents the government from engaging in conduct that shocks the conscience or interferes with rights implicit in the

concept of ordered liberty." *United States v. Salerno*, 481 U.S. 739, 746 (1987).

39. Respondents' detention of Petitioner "shocks the conscience." Petitioner is a law-abiding community member that has been in the United States since he was a teenager. He legally attended school, is going through proper channels to obtain a permanent legal status, and has worked with authorization. He has paid the government filing fees to process his applications. He was merely traveling in an airport when he was detained. Without explanation, Respondents completely reneged on their promise to permit Petitioner to remain free from fear of detention and arrest while he pursues his application. Respondents' actions violate substantive due process.

IMMEDIATE RELEASE IS THE PROPER REMEDY

40. In this instance the risk of erroneous deprivation of a liberty interest is quite high, and the proper remedy is release. Petitioner's ongoing detention is in violation of due process. Moreover, it is also in violation of the APA due to the arbitrary and capricious manner in which Respondents made the decision to detain him without any regard to his individual circumstances.

41. Courts have the power and discretion under federal habeas to fashion a wide range of appropriate relief. *Garcia v. Hyde*, 2025 WL 3466312, (D.R.I, December 3, 2025)[quoting *Peyton v. Rowe*, 391 U.S. 54, 66-67(1968)] . "Habeas is at its core a remedy for unlawful executive detention." *Munaf v. Geren*, 553 U.S. 674, 693 (2008). The remedy for unlawful detention "is, of course, release." Id.; see *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973) (based on statutory language of 28 U.S.C. § 2241(c)(3) and the common-law history of the writ, "the essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and that the traditional function of

the writ is to secure release from illegal custody"). Petitioner requests that he be released immediately.

42. In addition, the Executive Office for Immigration Review is not able to provide a constitutionally adequate bond hearing due to its politicization. *Vega-Huerta v. Acting Director, ICE*, 2026 WL 1529239, *3-*4 (C.D. Ca. May 28, 2026) (unpub) (noting that a bond hearing would be futile, in part, because "many immigration judges in this District have improperly denied bond to noncitizen detainees under 8 U.S.C. § 1226(a) solely based on the alleged lack of jurisdiction" and ordering immediate release of the petitioner); *Calixtro v. Mullin*, 2026 WL 1288654, *3-*4 (May 7, 2026) (unpub) (noting the immigration judge improperly determined that she lacked jurisdiction to grant bond to a class member and ordering the petitioner's immediate release); *Garcia Aguilar v. Mullin*, 2026 WL 1196090, *4-*5 (C.D. Ca. Apr. 28, 2026) (unpub) (same); *Herrera Castro v. Johnson*, 2026 WL 1104766, *3-*4 (C.D. Ca. Apr. 17, 2016) (unpub) (same).

43. If, however, this Court deems it appropriate to order a bond hearing, the burden of proof should be placed on Respondents to prove that Petitioner is a flight risk or a danger to the community by clear and convincing evidence. *See e.g.*, *Torres Barahona v. Semaia*, 2026 WL 1465141, *2 (C.D. Ca. May 22, 2026) (unpub) ("...the government should bear the burden at a discretionary detention hearing before an immigration judge to prove by clear and convincing evidence whether Petitioner poses a flight risk or danger to the public."); *Lopez Escobar v. Janecka*, 2026 WL 1459666, *4 (C.D. Ca. May 21, 2026) (unpub) (same); *Rivera Ortega v. Mullin*, 2026 WL 1455341, *1 (C.D. Ca. May 20, 2026) (unpub) (same); *Ruiz-Perez v. Dicus*, 2026 WL 1455405, *1 (C.D. Ca. May 19, 2026) (unpub) (same); *Mendiola v. Mullin*, 2026 WL 1455413, *2 (C.D. Ca. May 18, 2026) (unpub) (same); *Rodriguez v. Warden*,

2026 WL 1453933, *1 (C.D. Ca. May 15, 2026) (unpub) (same); *Molina Chavarria v. Mullin*, 2026 WL 1390427, *1 (C.D. Ca. May 13, 2026) (unpub) (same); *Cuazitl v. Semaia*, 2026 WL 1365836, *4 (C.D. Ca. May 12, 2026) (unpub) (same).

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Procedural Due Process

44. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

45. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits the federal government from depriving any person of "life, liberty, or property, without due process of law." Due process protects "all 'persons' within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693; accord Flores, 507 U.S. at 306.

46. Due process requires that government action be rational and non-arbitrary. See *U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

47. Just like people on pre-parole, parole, probation status, bail or bond have a liberty interest, so too does Petitioner have a liberty interest in remaining out of custody after Respondents have permitted Petitioner to proceed in the asylum application process for several years and made the decision to not detain him. *Young*, 520 U.S. at 150; *Ortega-Rangel v. Sessions*, 313 F.Supp. 3d 993, 1001 (N.D. Cal 2018). Here, Respondents' arrest of Petitioner without any rational and individualized determination would violate his right to procedural due process.

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COUNT TWO

Violation of Fifth Amendment Right to Substantive Due Process

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

49. Respondents have granted Petitioner benefits and, without explanation, completely reneged on their promise to permit Petitioner to remain free from fear of detention and arrest. Respondents' re-detention of Petitioner violates substantive due process.

COUNT THREE

Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A)

50. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

51. Under the APA, a court shall "hold unlawful and set aside agency action" that is an abuse of discretion. 5 U.S.C. § 706(2)(A).

52. The "touchstone of 'arbitrary and capricious' review" is "reasoned decision making." *Altera Corp. & Subsidiaries v. Comm'r of Internal Revenue*, 926 F.3d 1061, 1080 (9th Cir. 2019)(quoting *Motor Vehicles Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co*, 463 U.S. 29, 52 (1983)).

53. To survive an APA challenge, the agency must articulate "a satisfactory explanation" for its action, "including a rational connection between the facts found and the choice made." *Dep't of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted).

54. Respondents' detention of Petitioner is arbitrary, capricious, an abuse of discretion, and contrary to law. There is no indication that Respondents made any individualized determination in their decision to detain Petitioner.

55. In addition, they failed to follow even the basic procedures of notice and process required by their regulations when they detain Petitioner.

PRAYER FOR RELIEF

Petitioner requests that this Court:

(1) Accept jurisdiction over this action;

(2) Issue the writ of habeas corpus and order Respondents to show cause, within three days of Petitioner filing this petition, why the relief he seeks should not be granted; and set a hearing on this matter within five days of Respondents' return on the order to show cause (see 28 U.S.C. § 2243);

(3) Order that Respondents release Petitioner to the same status and under the same conditions that he was previously, which includes with all of his possessions, identification, and money that was on his person at the time of his detention, and without an electronic monitoring device;

(4) Order that Respondents shall not re-detain him without at least 7 days' notice and a pre-deprivation hearing before a neutral arbiter and with Constitutional safeguards where the Government shall bear the burden of establishing, by clear and convincing evidence, that Petitioner poses a danger to the community or a risk of flight, and Petitioner shall have counsel present;

(5) Maintain jurisdiction over this matter to enforce the order if necessary;

(6) Award reasonable attorney's fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), 5 U.S.C. § 504, or any other applicable law;

(7) Grant any other relief that the court may deem just and proper.

Date: July 15, 2026

Respectfully submitted,

/s/ Joye Wiley

Joye Wiley
Wiley & Jobson
Attorney for Plaintiff

/s/ Cara Jobson

Cara Jobson
Wiley & Jobson
Attorney for Plaintiff

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of the Petitioner because I am Petitioner's attorney. As the Petitioner's attorney, I hereby verify that the factual statements made in the Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Date: July 15, 2026

/s/ Joye Wiley

Joye Wiley
Attorney for Petitioner