Emily L. Robinson Esq. (SBN: 285343)
Law Office of Emily L. Robinson
5012 Eagle Rock Blvd.
Los Angeles, CA 90041
emily@lawofficeemilyrobinson.com
(323) 524-7611
(323) 524-4001

Counsel for Petitioner

UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA

Carlos AGUILAR MEDINA
A UNKNOWN

Petitioner,

vs.

Markwayne MULLIN, Secretary, U.S. Department of Homeland Security; Todd BLANCHE, Acting Attorney General; David VENTURELLA Acting Director, Immigration and Customs Enforcement; Andre QUINONES, Acting Director, Los Angeles Field Office, Immigration and Customs Enforcement, Enforcement and Removal Operations; F. SEMAIA, Warden, Adelanto ICE Processing Center; IMMIGRATION AND CUSTOMS ENFORCEMENT; and U.S. DEPARTMENT OF HOMELAND SECURITY,

Respondents

Case No.

PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241 AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

IMMIGRATION HABEAS CASE

I. INTRODUCTION

1. Petitioner Carlos Aguilar Medina ("Petitioner"), born [redacted], is a native and citizen of El Salvador who has remained in the custody and control of federal immigration authorities since his violent apprehension on June 30, 2026.

2. Petitioner sustained severe physical injuries during that apprehension. His injuries were sufficiently grave that he was transported to Olive View–UCLA Medical Center in Los Angeles County, where he required intensive medical treatment.

3. During his hospitalization, Petitioner attempted to hang himself. He was thereafter maintained under an extended involuntary mental-health hold because of the resulting concern for his psychiatric condition and personal safety.

4. Upon information and belief, Olive View–UCLA discharged Petitioner sometime on July 16, 2026. His discharge from the hospital has been confirmed, and undersigned counsel has located Petitioner through ICE's Online Detainee Locator System, confirming that he is presently in the custody of U.S. Immigration and Customs Enforcement ("ICE").

5. Upon information and belief, federal immigration officers maintained custody, guard, or supervision over Petitioner during his hospitalization and received or retained custody of him upon discharge. Petitioner therefore appears to have remained continuously in federal immigration custody from his apprehension on June 30, 2026, through his hospitalization, mental-health hold, and subsequent placement in an ICE detention or removal-processing facility.

6. Petitioner was reportedly discharged with multiple prescribed medications. Counsel does not presently know the names, dosages, schedules, purposes, or duration of those medications. Counsel likewise does not know whether ICE received Petitioner's discharge summary, medication orders, psychiatric recommendations, suicide-risk assessment, follow-up instructions, or continuity-of-care plan.

7. Nor does counsel know whether ICE has obtained and is administering each medication in the dose and at the frequency directed by Petitioner's treating physicians; whether he is receiving appropriate psychiatric monitoring and suicide precautions; or whether the facility receiving him has the clinical capacity to provide the level of care required following his severe injuries, suicide attempt, and extended mental-health hold.

8. Should Petitioner have declined access to an attorney upon discharge from severe mental and physical injuries, counsel does not know whether his refusal reflected a knowing, stable, and informed decision or instead resulted from his recent suicide attempt, physical injuries, psychiatric condition, medications, confusion, fear, impaired cognition, or inability to communicate effectively.

9. Since Petitioner's discharge into ICE custody, undersigned counsel and Petitioner's lawful spouse have not obtained sufficient access or information to determine his present physical condition, psychiatric stability, medication regimen, communication ability, cognitive capacity, or immigration-processing posture, although ICE's detainee locator now reflects that he is held at the Adelanto ICE Processing Center.

10. Neither undersigned counsel nor the various community organizations involved in Petitioner's case were notified before his discharge from Olive View–UCLA into ICE custody. Petitioner requires prompt confidential access to attorneys through telephone or video communication, without conditioning access upon counsel's immediate physical presence, so that access does not depend on locating a detention facility that Respondents have not disclosed.

11. Petitioner also requires appropriate access to, and communication with, qualified medical and mental-health professionals capable of assessing his current condition, confirming his medications and dosages, evaluating his suicide risk and ability to communicate, and identifying accommodations necessary for his meaningful participation in any legally consequential immigration process.

12. Because no one was notified before Petitioner was discharged into ICE custody, counsel was initially unable to determine his location, and has not been able to obtain his Alien Registration Number or confirm his full date of birth. As of the date of this Petition, ICE's Online Detainee Locator System confirms that Petitioner is held at the Adelanto ICE Processing Center; however, Respondents have not provided his A-Number, immediate custodian, arrest records, custody documents, medical-transfer records, prior removal order, or any Form I-871, Notice of Intent/Decision to Reinstate Prior Order.

13. Respondents likewise have not disclosed whether Petitioner has been questioned about his fear of return, whether any such questioning occurred while he was hospitalized or psychiatrically unstable, whether he understood the questions or documents presented to him, whether he signed any purported waiver, or whether ICE is presently staging him for imminent transfer or removal.

14. Petitioner was last confirmed physically present at Olive View–UCLA Medical Center in Los Angeles County. Upon information and belief, he was discharged directly into ICE custody from that location sometime on July 16, 2026. His apprehension, hospitalization, continuing federal custody, and transfer into ICE detention therefore occurred, at least in substantial part, within Los Angeles County and the Central District of California.

15. Based upon the limited information presently available, counsel believes Petitioner may be subject to reinstatement of a prior removal order under 8 U.S.C. § 1231(a)(5).

16. Reinstatement permits DHS to rely upon a prior removal order through a summary administrative procedure without commencing ordinary removal proceedings under 8 U.S.C. § 1229a. See 8 U.S.C. § 1231(a)(5); 8 C.F.R. § 241.8.

17. The summary nature of that process creates an acute risk in this case. Unless the Court preserves its jurisdiction and Respondents promptly disclose Petitioner's posture, ICE may transfer or remove him before counsel can determine the extent of his injuries, assess his ability

to communicate, review the asserted basis for custody, confirm whether his medical needs are being met, or identify whether his constitutional, statutory, or regulatory rights have been or are being violated.

18. Petitioner fears return to El Salvador. Through this Petition, Respondents receive express notice that Petitioner fears return and seeks the procedures available to protect him from removal to persecution or torture.

19. Based on documented patterns and practices in the current enforcement environment, there is reason for concern that Petitioner will not be afforded adequate time or a meaningful opportunity to assert his rights before any removal is effectuated. That concern is acute here because Petitioner was only just discharged from acute hospitalization following severe injuries, a suicide attempt, and an extended psychiatric hold, and is in no condition to spontaneously assert a fear claim or navigate summary immigration procedures without assessment and accommodation.

20. If Respondents are proceeding under the reinstatement regulations, 8 C.F.R. § 241.8(e) requires referral for reasonable-fear screening when an individual expresses fear of returning to the country designated for removal. The reasonable-fear process is governed by 8 C.F.R. § 208.31 and cannot be bypassed merely because an injured, psychiatrically vulnerable, or medicated person is unable to spontaneously articulate his fear without assistance or accommodation.

21. Petitioner seeks a reasonable-fear interview if reinstatement proceedings are being employed. He further seeks reasonable accommodations necessary to allow meaningful participation once qualified persons have assessed his present condition and identified those accommodations.

22. Petitioner does not presently ask this Court to adjudicate the merits of a claim for withholding of removal or protection under the Convention Against Torture. Nor does he ask the

Court to stay a concededly valid and presently executable removal order while he pursues collateral reopening.

23. Counsel does not yet possess enough information even to determine whether a prior order has been reinstated, whether any such order is presently executable, whether Petitioner has been afforded mandatory fear procedures, whether he had the capacity to understand any reinstatement paperwork, or whether Respondents are providing constitutionally adequate medical and psychiatric care.

24. Petitioner instead invokes this Court's habeas jurisdiction to obtain the access and information necessary to evaluate the legality of his present custody; to determine the extent of his injuries and continuing medical needs; to identify whether any constitutional, statutory, or regulatory rights are being violated; and to ensure that Respondents do not defeat the Court's jurisdiction by transferring or removing him before those antecedent questions can be examined.

25. This limited relief would not obstruct lawful removal. It would require Respondents to identify the authority under which they are acting, permit meaningful access to Petitioner, comply with any mandatory procedures that are conditions precedent to removal, and demonstrate that the government can safely maintain custody of a person only recently discharged following severe physical injuries, a suicide attempt, and prolonged psychiatric detention.

26. Petitioner accordingly seeks an order requiring Respondents to disclose his location, A-Number, custodian, custody authority, and immigration-processing posture; provide prompt confidential access to counsel; permit appropriate medical assessment and communication; confirm and maintain his medications and continuity of care; comply with mandatory reasonable-fear procedures if reinstatement is being pursued; and provide the notice required by General Order No. 26-05 before transferring him outside the Central District.

II. PARTIES

27. Petitioner Carlos Aguilar Medina was born on [redacted]. He is a native and citizen of El Salvador and is presently in federal immigration custody. His A-Number is presently unknown to counsel, but it has been verified that he is detained at the Adelanto Detention Facility.

28. Respondent Andre Quinones is the Acting Field Office Director for ICE Enforcement and Removal Operations in Los Angeles. He exercises authority over detention, transfer, removal processing, attorney access, and facilities or temporary staging locations operating under the authority of the Los Angeles Field Office.

29. Respondent David J. Venturella is the Acting Director of ICE. In that capacity, he exercises nationwide authority over ICE detention, enforcement, transfer, medical-care, and removal operations.

30. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security. He has ultimate authority over DHS and ICE policies and practices governing detention, reinstatement, fear screening, transfer, and removal.

31. Respondent Todd Blanche is the Acting Attorney General of the United States. He has responsibility for the Department of Justice and supervisory authority relating to the regulations and immigration-adjudication procedures governing reasonable-fear review before the Executive Office for Immigration Review.

32. Respondent F. Semaia is the Warden of the Adelanto ICE Processing Center, sued in his official capacity. As of the date of this Petition, ICE's Online Detainee Locator System confirms that Petitioner is held at the Adelanto ICE Processing Center. Warden Semaia is Petitioner's immediate physical custodian. To the extent the individual exercising immediate

physical custody over Petitioner is a different official, Petitioner will substitute that official's identity upon disclosure.[1]

33. Each Respondent has legal or practical authority to locate Petitioner, identify the basis for his custody, prevent his transfer or removal, provide access to counsel, ensure continuity of medical and psychiatric care, preserve relevant records, and require compliance with federal law.

III. JURISDICTION

34. This Court has jurisdiction under 28 U.S.C. § 2241(c)(3) because Petitioner is "in custody in violation of the Constitution or laws or treaties of the United States."

35. Habeas corpus remains available to challenge unlawful executive detention and to require the government to identify the legal basis upon which it restrains a person's liberty. See *Boumediene v. Bush*, 553 U.S. 723, 739, 745 (2008); *INS v. St. Cyr*, 533 U.S. 289, 301–05 (2001).

36. This Court also possesses federal-question jurisdiction under 28 U.S.C. § 1331 over Petitioner's constitutional and federal-law claims.

37. Petitioner challenges his present custody, his inability to obtain sufficient access and information to evaluate that custody, the threatened use of summary removal procedures without compliance with mandatory fear-screening requirements, and Respondents' obligation to provide constitutionally adequate medical and psychiatric care.

38. Petitioner does not seek district-court review of the merits of a removal order. He does not seek review of a reasonable-fear determination, because no such determination is

[1] The Adelanto ICE Processing Center is the subject of active federal litigation concerning inadequate medical care and conditions of confinement. See *L.T. v. U.S. Immigration & Customs Enforcement*, No. 5:26-cv-00322-SSS-SP (C.D. Cal.), in which the court, on July 16, 2026, granted preliminary injunctive relief in part after finding a likelihood of success on Fifth Amendment and Rehabilitation Act claims arising from failures of medical intake screening, medication continuity, and conditions at the facility. ECF No. 104.

presently known to have occurred. He does not seek an order directing the agency to grant withholding of removal or CAT protection.

39. The REAL ID Act does not eliminate habeas jurisdiction over claims that are independent of review of the merits of a removal order. See *Singh v. Gonzales*, 499 F.3d 969, 978–80 (9th Cir. 2007) (distinguishing claims independent of an order of removal from claims requiring review of the order itself); *Nadarajah v. Gonzales*, 443 F.3d 1069, 1075–76 (9th Cir. 2006).

40. Petitioner's access, custody, medical-care, capacity, and mandatory-procedure claims exist independently of whether he ultimately possesses a valid defense to removal.

IV. VENUE

41. Venue is proper under 28 U.S.C. § 1391(e) and traditional habeas principles because Petitioner is now confirmed to be detained at the Adelanto ICE Processing Center in San Bernardino County, California, within this District; his immediate custodian, Warden F. Semaia, is located within this District; his last confirmed physical location before detention was Olive View–UCLA Medical Center in Los Angeles County; he was discharged into ICE custody in Los Angeles County; and Respondent Quinones and ICE ERO Los Angeles exercise authority over his detention, transfer, and removal processing. See *Rumsfeld v. Padilla*, 542 U.S. 426 (2004).

42. Although ICE's detainee locator now confirms that Petitioner is held at Adelanto, Respondents have not disclosed his Alien Registration Number, the identity of the specific official exercising immediate custody over him, his medical-transfer records, or his immigration-processing posture and Petitioner likely does not have capacity to communicate that information. Respondents cannot defeat effective habeas review by withholding the custody, medical, and processing information necessary for counsel to evaluate the legality of his detention.

43. General Order No. 26-05 applies to immigration habeas petitions filed under 28 U.S.C. § 2241 in this District. Section 6 of that Order provides that, during the pendency of a §

2241 immigration petition, the government shall provide at least two court days' notice to the petitioner, his or her counsel, and the Court of its intent to remove the petitioner from the Central District of California.

V. THE ALL WRITS ACT

44. The Court has authority under the All Writs Act, 28 U.S.C. § 1651(a), to issue writs and interim orders necessary or appropriate in aid of its independently established jurisdiction.

45. The All Writs Act does not create subject-matter jurisdiction and Petitioner does not invoke it as an alternative means of circumventing 8 U.S.C. § 1252. See *Clinton v. Goldsmith*, 526 U.S. 529, 534–35 (1999); *Pennsylvania Bureau of Correction v. United States Marshals Service*, 474 U.S. 34, 41 (1985).

46. Rather, because jurisdiction independently exists under 28 U.S.C. §§ 2241 and 1331 over Petitioner's present custody and constitutional claims, § 1651(a) authorizes orders necessary to prevent Respondents from frustrating that jurisdiction through transfer, removal, concealment of Petitioner's location, or destruction or loss of relevant custody and medical-transfer records. See *United States v. New York Telephone Co.*, 434 U.S. 159, 172–74 (1977).

47. Where a district court possesses independent subject-matter jurisdiction over claims that a transfer or removal would defeat, the All Writs Act authorizes the Court to preserve the status quo so that it may rule before its jurisdiction is lost. See *FTC v. Dean Foods Co.*, 384 U.S. 597, 603–04 (1966). If Respondents transfer or remove Petitioner before the Court can act on the access, custody, capacity, and medical-continuity questions presented here, those claims will be effectively mooted, because the harms they seek to prevent will already have occurred and will not be remediable once Petitioner is beyond the Court's practical reach.

VI. SECTION 1252(g) AND *RAUDA* DO NOT BAR THE PRESENT CLAIMS

48. Petitioner recognizes that 8 U.S.C. § 1252(g) limits jurisdiction over claims arising from the government's decision or action to commence proceedings, adjudicate cases, or execute removal orders.

49. In *Rauda v. Jennings*, the petitioner had a final and executable removal order and sought to prevent DHS from executing that order while the Board of Immigration Appeals adjudicated a collateral motion to reopen. 55 F.4th 773, 776–78 (9th Cir. 2022).

50. The Ninth Circuit held that, regardless of how the claim was framed, the requested relief directly sought to restrain the government's discretionary decision to execute an existing removal order and therefore fell within § 1252(g). *Id.* at 777–80.

51. This action is materially different.

52. Petitioner does not ask the Court to stay removal while the agency considers a motion to reopen. There is no identified pending motion to reopen, no known denial of a stay, and no concession that Respondents possess a presently executable removal order.

53. Counsel does not yet know whether Respondents have initiated reinstatement, whether they have served a Form I-871, whether Petitioner understood or had the capacity to contest any reinstatement determination, whether he was asked about fear, or whether required reasonable-fear proceedings have occurred.

54. The immediate claims concern antecedent and independently cognizable matters: the basis for Petitioner's present detention; his ability to access the writ and counsel; his medical and psychiatric treatment following severe injury and a suicide attempt; his capacity to understand immigration processing; and Respondents' compliance with mandatory regulations that govern whether removal authority is presently executable.

55. Section 1252(g) is directed to the three discrete actions identified in the statute and does not sweep every claim connected in some manner to immigration enforcement into its

jurisdictional bar. *Reno v. American-Arab Anti-Discrimination Committee*, 525 U.S. 471, 482 (1999).

56. The Supreme Court has cautioned against reading § 1252(g) as covering "all claims arising from deportation proceedings." *Id.* Rather, it applies to claims arising from the government's decision or action to commence proceedings, adjudicate cases, or execute removal orders. *Id.* at 482–85.

57. Petitioner's claims regarding access, the basis for present custody, medical continuity, psychiatric safety, capacity, and compliance with mandatory pre-removal procedures do not ask the Court to review the merits of a removal order or select the discretionary date on which a lawful and executable order should be enforced.

58. Nor does the requested relief seek to obstruct lawful removal. It seeks to determine whether Respondents presently possess lawful removal authority and whether mandatory predicates to any removal have been satisfied.

59. If Respondents are pursuing reinstatement and Petitioner expresses fear, the regulations provide that "the alien shall be immediately referred to an asylum officer for an interview to determine whether the alien has a reasonable fear of persecution or torture." 8 C.F.R. § 241.8(e).

60. The reasonable-fear process is not optional. See 8 C.F.R. §§ 208.31, 241.8(e).

61. The Ninth Circuit has recognized that reinstatement and reasonable-fear proceedings form an integrated process and that a reinstated order does not become reviewable as final until the reasonable-fear process has concluded. *Ortiz-Alfaro v. Holder*, 694 F.3d 955, 958–59 (9th Cir. 2012); *Alonso-Juarez v. Garland*, 80 F.4th 1039, 1048–53 (9th Cir. 2023).

62. Thus, requiring Respondents to provide the mandatory process applicable to Petitioner's actual posture is not equivalent to staying an otherwise executable order pending collateral relief. It requires the agency to act within the authority provided by its own regulations.

63. Petitioner therefore addresses *Rauda* directly but does not seek the relief that *Rauda* prohibited.

VII. FACTUAL ALLEGATIONS

64. Petitioner was born on [redacted].

65. Petitioner is a native and citizen of El Salvador.

66. Federal immigration officers apprehended Petitioner on June 30, 2026.

67. Petitioner sustained severe physical injuries during his apprehension.

68. Petitioner was transported to Olive View–UCLA Medical Center in Los Angeles County.

69. Petitioner required intensive medical treatment.

70. During his hospitalization, Petitioner attempted suicide by hanging.

71. He was thereafter maintained under an extended involuntary mental-health hold.

72. Upon information and belief, ICE personnel guarded, supervised, or otherwise maintained custody over Petitioner while he was hospitalized.

73. Counsel does not know whether Petitioner was asked before discharge whether he wished to communicate with an attorney or advocates, or, if he was asked and declined, his mental status, medication status, cognition, or capacity at that time.

74. Upon information and belief, Petitioner was discharged from Olive View–UCLA sometime on July 16, 2026.

75. Counsel has located Petitioner through ICE's Online Detainee Locator System, confirming that he is presently in ICE custody.

76. Petitioner's A-Number remains unknown to counsel.

77. As of the date of this Petition, ICE's detainee locator reflects that Petitioner is held at the Adelanto ICE Processing Center; the identity of the specific official exercising immediate physical custody over him has not otherwise been disclosed to counsel.

78. Upon information and belief, Petitioner was discharged with multiple prescribed medications.

79. Counsel does not know whether ICE received his discharge summary or medication orders.

80. Counsel does not know whether his medications have been obtained or administered at the proper dosages and intervals.

81. Counsel does not know whether ICE implemented any suicide-prevention, psychiatric-monitoring, follow-up-treatment, or continuity-of-care plan.

82. Counsel does not know whether a qualified medical provider at the receiving facility reviewed Petitioner's records and determined that the facility could safely meet his needs.

83. Counsel likewise does not know whether, before or at the time of Petitioner's discharge from Olive View–UCLA into ICE custody, any peer-to-peer or care-acceptance communication occurred between ICE or its medical contractor and the hospital, confirming that the receiving facility could assume responsibility for Petitioner's medical and psychiatric care. Given Petitioner's recent suicide attempt and extended psychiatric hold, the existence and content of any such communication is material to whether his transfer into detention was medically appropriate.

84. Counsel has not received documents identifying the asserted basis for Petitioner's arrest, detention, transfer, or removal processing.

85. Counsel has not received any Form I-871, prior removal order, custody determination, fear-screening record, advisal, waiver, or notice of a scheduled transfer or removal.

86. Petitioner fears return to El Salvador.

87. This Petition provides Respondents express notice of Petitioner's fear and request for protection.

88. If Respondents are pursuing reinstatement, Petitioner seeks referral for a reasonable-fear interview under 8 C.F.R. §§ 241.8(e) and 208.31.

89. Petitioner further seeks reasonable accommodations necessary for meaningful participation once his medical, psychiatric, cognitive, communication, and medication-related needs can be assessed.

VIII. FIRST CLAIM FOR RELIEF

(Present Custody Without Meaningful Access to the Writ, Counsel, or the Asserted Basis for Detention Violates 28 U.S.C. § 2241 and the Fifth Amendment)

90. Petitioner incorporates the preceding allegations.

91. The Suspension Clause protects a meaningful opportunity to challenge executive detention. U.S. Const. art. I, § 9, cl. 2; *Boumediene*, 553 U.S. at 779.

92. The privilege of habeas corpus would be ineffective if the Executive could prevent a detained person from learning the basis for custody, communicating with counsel, or obtaining the information necessary to present his challenge.

93. Respondents have exclusive control over Petitioner's physical location, records, ability to communicate, medical access, and movement.

94. Petitioner's injuries, psychiatric crisis, unknown medication status, and recent transfer make access especially necessary to determine whether he can personally understand and challenge his custody.

95. Respondents must therefore identify Petitioner's immediate custodian and detention authority and provide confidential telephone or video access sufficient to allow counsel to evaluate the legality of custody and determine what further relief may be appropriate.

IX. SECOND CLAIM FOR RELIEF

(Respondents May Not Circumvent the Mandatory Reinstatement and Reasonable-Fear Procedures)

96. Petitioner incorporates the preceding allegations.

97. Section 241.8 permits reinstatement only after an immigration officer determines that the individual is subject to a prior order, is the same person previously removed, and unlawfully reentered the United States. 8 C.F.R. § 241.8(a).

98. The officer must consider all relevant evidence and permit the individual to make a written or oral statement contesting the determination. *Id.* § 241.8(a)–(b).

99. Where the individual expresses fear of return, the regulation mandates immediate referral to an asylum officer. *Id.* § 241.8(e).

100. Petitioner fears return to El Salvador and, through this Petition, has given Respondents actual notice of that fear.

101. Respondents cannot evade the referral obligation by relying on Petitioner's inability to communicate clearly while injured, psychiatrically unstable, medicated, confused, isolated, or lacking necessary accommodations.

102. Nor may Respondents treat silence, disorganized communication, an uninformed signature, or a refusal made during acute hospitalization as a knowing abandonment of protection from persecution or torture.

103. If Respondents are pursuing reinstatement, they must refer Petitioner for the reasonable-fear process and may not execute removal before that process is complete.

X. THIRD CLAIM FOR RELIEF

(Conducting a Fear Interview Without Assessing Capacity and Providing Necessary Accommodations Would Violate Due Process)

104. Petitioner incorporates the preceding allegations.

105. The Fifth Amendment guarantees a fundamentally fair immigration process. *Reno v. Flores*, 507 U.S. 292, 306 (1993); *Jacinto v. INS*, 208 F.3d 725, 727–28 (9th Cir. 2000).

106. A procedure is not meaningful where a person is unable to understand the proceeding, organize and communicate relevant facts, or respond reliably because of acute physical injury, psychiatric illness, cognitive limitation, medication effects, or communication impairment.

107. Petitioner was only recently discharged following intensive medical care, an attempted hanging, and an extended mental-health hold.

108. Counsel lacks sufficient access and medical information to assess his current ability to participate.

109. Before conducting a reasonable-fear interview, Respondents must permit appropriate assessment of Petitioner's functional limitations and identify the accommodations necessary for meaningful participation.

110. The threshold determination whether Petitioner presently has the capacity to participate meaningfully in a reasonable-fear interview or other legally consequential immigration process should be made by a qualified, independent medical or mental-health professional, and not by Respondents, whose interest in effectuating removal is in tension with a neutral capacity assessment, nor by counsel, who is not a clinician. The Court may determine the means of selecting such a professional.

111. The obligation to identify and provide such accommodations arises under the Due Process Clause of the Fifth Amendment; Section 504 of the Rehabilitation Act, 29 U.S.C. § 794, and its implementing regulations; and ICE's own policies governing the identification of, and provision of reasonable accommodations to, detainees with disabilities, including ICE Directive 11071.1.

112. Depending on that assessment, accommodations may include additional consultation time, confidential attorney access, appropriate interpretation, simplified or repeated questions, breaks, trauma-informed interviewing, scheduling around medication effects, medical or mental-health support, or postponement until Petitioner is capable of meaningful participation.

113. Petitioner does not ask this Court to select medical accommodations in the abstract. He seeks an order requiring Respondents to allow qualified professionals to identify the accommodations and to implement them before relying upon any fear interview.

XI. FOURTH CLAIM FOR RELIEF

(Detention Without Adequate Medical and Psychiatric Continuity of Care Violates the Fifth Amendment)

114. Petitioner incorporates the preceding allegations.

115. Immigration detention is civil and nonpunitive. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). A civil detainee may not be subjected to conditions that amount to punishment. *Bell v. Wolfish*, 441 U.S. 520, 535 (1979). Civil detainees are entitled to more considerate treatment than criminally convicted persons whose conditions of confinement are designed to punish. *Youngberg v. Romeo*, 457 U.S. 307, 322 (1982).

116. Civil detainees possess a due-process right to objectively reasonable medical and mental-health care. *Gordon v. County of Orange*, 888 F.3d 1118, 1124–25 (9th Cir. 2018); *Sandoval v. County of San Diego*, 985 F.3d 657, 669–70 (9th Cir. 2021).

117. Under *Gordon*, a civil detainee may establish a due-process violation where an official's objectively unreasonable act or failure to act creates a substantial risk of serious harm. *Gordon*, 888 F.3d at 1124–25.

118. Petitioner entered ICE detention immediately following severe injuries, intensive treatment, a suicide attempt, and an extended psychiatric hold.

119. Taking a person into civil custody in this acute post-hospitalization condition, and holding him without the medical and psychiatric continuity his condition requires, is not reasonably related to any legitimate governmental objective and therefore raises a serious question whether the conditions of his confinement are punitive, independent of the deliberate-indifference inquiry. *Bell v. Wolfish*, 441 U.S. at 535; *Youngberg*, 457 U.S. at 322.

120. Respondents possess exclusive control over his medications, monitoring, follow-up treatment, suicide precautions, and access to emergency care.

121. A recent suicide attempt constitutes an objectively grave medical and psychiatric risk. See *Clouthier v. County of Contra Costa*, 591 F.3d 1232, 1244–45 (9th Cir. 2010), overruled on other grounds by *Castro v. County of Los Angeles*, 833 F.3d 1060 (9th Cir. 2016) (en banc).

122. Failure to obtain discharge instructions, administer prescribed medication, maintain clinically appropriate suicide precautions, or place Petitioner in a facility capable of meeting his needs would create a substantial and objectively unreasonable risk of serious injury or death.

123. Respondents must therefore confirm the medical handoff, medication regimen, receiving provider, treatment capacity, psychiatric monitoring, and continuity-of-care measures currently in place.

XII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that the Court:

A. Assume jurisdiction over this action and issue an order to show cause requiring Respondents to justify Petitioner's present custody;

B. Require Respondents promptly to disclose Petitioner's Alien Registration Number, current detention location, immediate custodian, detention authority, immigration-processing posture, and any scheduled interview, transfer, or removal;

C. Require Respondents to produce the operative custody and immigration-processing documents, including any prior removal order, Form I-871, advisal, waiver, fear-screening record, or removal instruction;

D. Require prompt confidential access between Petitioner and his attorneys by telephone or video, without conditioning access on counsel's immediate physical presence, together with reasonable in-person access when counsel is available;

E. Permit appropriate access to and communication with qualified medical and mental-health professionals for the limited purpose of assessing Petitioner's current condition, medications, suicide risk, communication ability, capacity, and necessary accommodations, subject to legally applicable consent and confidentiality requirements;

F. Require Respondents to identify whether they received Petitioner's hospital discharge instructions, medication list, psychiatric recommendations, follow-up orders, and suicide-prevention plan;

G. Require Respondents to identify the medical provider who accepted Petitioner into ICE custody and the basis for concluding that the receiving facility can safely meet his physical and psychiatric needs, and to identify and produce any peer-to-peer, care-acceptance, or continuity-of-care communication between ICE or its medical contractor and Olive View–UCLA Medical Center concerning Petitioner's discharge and the receiving facility's ability to assume his care;

H. Require Respondents to confirm that Petitioner is receiving each prescribed medication at the dosage, frequency, and duration directed by his treating providers and to maintain medically appropriate continuity of care;

I. Require appropriate psychiatric monitoring, suicide-prevention precautions, follow-up treatment, and emergency access consistent with Petitioner's condition and discharge plan;

J. Require Respondents to comply with General Order No. 26-05 and provide at least two court days' notice to Petitioner, his counsel, and the Court of any intent to remove Petitioner from the Central District of California;

K. Require Respondents to preserve records concerning Petitioner's apprehension, injuries, hospitalization, mental-health hold, medical discharge, medications, transfer into ICE custody, detention location, reinstatement processing, fear screening, and removal planning;

L. If Respondents are pursuing reinstatement, require compliance with 8 C.F.R. §§ 241.8(e) and 208.31, including referral for reasonable-fear screening;

M. Require that the threshold determination of Petitioner's capacity to participate in any reasonable-fear interview or other legally consequential immigration process be made by a qualified, independent medical or mental-health professional, and not by Respondents or counsel; and require that, following any determination that Petitioner has such capacity, any reasonable-fear interview occur only after at least seventy-two (72) hours' written notice to Petitioner's counsel, so that the parties may adequately prepare, and only after the accommodations identified under 29 U.S.C. § 794 and applicable due-process standards have been implemented;

N. Prohibit Respondents from relying upon any purported waiver, signature, silence, failure to express fear, or abandonment obtained while Petitioner lacked a meaningful ability to understand or communicate because of injury, psychiatric condition, medication, or the absence of necessary accommodations;

O. Require Respondents to comply with all mandatory procedures applicable to the immigration authority under which they are proceeding, and to establish such compliance;

P. Order release, transfer to an appropriate medical setting, or other effective habeas relief if Respondents cannot establish that Petitioner's present place of custody can safely provide

the medications, monitoring, suicide-prevention measures, and treatment required by his condition;

Q. Award Petitioner his costs and reasonable attorneys' fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, and on any further basis justified under law; and

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

Respectfully submitted,

DATED: July 17, 2026 /s/ Emily L. Robinson

Emily L. Robinson, Esq. (SBN 285343)
Law Office of Emily L. Robinson
Counsel for Petitioner

VERIFICATION

I, Emily L. Robinson, declare as follows:

I am an attorney duly admitted to practice law in the State of California and counsel of record for Petitioner Carlos Aguilar Medina in this matter. Because many of the allegations of this Petition require legal knowledge not possessed by Petitioner, and because Petitioner is presently detained and inaccessible to counsel, I make this verification on his behalf.

I have read the foregoing Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief, and the contents thereof are true to my knowledge, information, or belief. As to those matters stated on information and belief, I believe them to be true.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this declaration was executed on July 17, 2026, in Los Angeles, California.

/s/ Emily L. Robinson

Emily L. Robinson, Esq.