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11
12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**
14

15 Alberto PERDOMO RIVERA;

16 Petitioner,

17 v.

18 Markwayne MULLIN, Secretary,
19 Department of Homeland Security; Todd
20 LYONS, in his official capacity as Acting
21 Director of U.S. Immigration and Customs
22 Enforcement; Todd BLANCHE, Acting
23 Attorney General of the United States;
24 Andre QUINONES, Director, Los Angeles
25 ICE Field Office; and Fereti SEMAIA,
26 Warden, Adelanto ICE Processing Center,

27 Respondents.
28

Civil Case No.:

**PETITION FOR WRIT OF HABEAS
CORPUS**

A File No: A 

INTRODUCTION

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2 1. Petitioner is detained at the Adelanto immigration detention facility in
3 Adelanto, California. He is in pending removal proceedings and is charged with having
4 entered the United States without inspection. 8 U.S.C. § 1182(a)(6)(A)(i). Brewer Dec.,
5 Exhs. 1, 3.

6 2. Petitioner was detained by immigration authorities on June 1, 2026. Brewer
7 Dec., Exh. 3.

8 3. On July 14, 2026, the immigration judge denied his release on bond, in
9 violation of the orders in *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL
10 3713987 (C.D. Cal. Dec. 18, 2025), *judgment entered sub nom. Maldonado Bautista v.*
11 *Noem*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3678485 (C.D. Cal. Dec. 18, 2025),
12 relying on *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Brewer Dec., Exh. 2.

13 4. Petitioner is being held without lawful authority for two reasons.

14 5. First, upon information and belief, he is the subject of an unlawful warrantless
15 arrest where no assessment was done as to whether was is likely to escape before a warrant
16 may be obtained. 8 U.S.C. § 1357(a)(2). As the statute was violated, there is no authority
17 to hold him in immigration custody at all, and immediate release is required.

18 6. Second, if Petitioner was properly detained by Respondents, then he is being
19 held in violation of the judgment in *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM,
20 2025 WL 3713987 (C.D. Cal. Dec. 18, 2025), *judgment entered sub nom. Maldonado*
21 *Bautista v. Noem*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3678485 (C.D. Cal. Dec. 18,
22 2025).¹ Petitioner is charged in the removal proceeding as seeking admission under 8
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24
25 ¹ The government's appeal in *Maldonado Bautista* is pending before the Ninth
26 Circuit Court of Appeals in case number 25-7958. On March 6, 2026 and March 31, 2026,
27 the Ninth Circuit stayed the district court's February 18 order and stayed the December 18
28 orders outside the Central District of California. *Lazaro Maldonado Baustista v. United*
States Department of Homeland Security, et al., No. 26-1044 (9th. Cir.), Dkt #5.1, 17.

1 U.S.C. § 1182(a)(6)(A)(i), and on July 14, 2026, the immigration judge found that the court
2 lacked jurisdiction to determine bond, based on *Matter of Yajure Hurtado*, 29 I&N Dec.
3 216 (BIA 2025). Brewer Dec. Exh. 2.

4 7. Petitioner is a member of the certified class in *Maldonado Bautista*, as
5 Petitioner has physically entered the United States and is charged as having entered the
6 United States without inspection. 8 U.S.C. § 1182(a)(6)(A)(i). The immigration judge
7 flagrantly defied the Court's declaratory judgment in *Bautista* and has refused to conduct
8 a bond hearing. As such, immediate release is also required for this reason.

9 10 JURISDICTION AND VENUE

11 8. This Court has jurisdiction under 28 U.S.C. § 2241 (federal habeas statute);
12 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 2201-2 (declaratory judgment); United
13 States Constitution Article I, Section 9 (Suspension Clause); 28 U.S.C. § 1361 (Mandamus
14 Act).

15 9. Venue properly lies within the Central District of California under 28 U.S.C.
16 § 1391, because this is a civil action in which Respondents are agencies of the United
17 States, Petitioner is detained in this District, and a substantial part of the events or
18 omissions giving rise to this action occurred in the District.

19 PARTIES

20 10. Petitioner Alberto Perdomo Rivera is in pending removal proceedings, and is
21 currently detained at the Adelanto immigration detention center in Adelanto, California.

22 11. Respondent Markwayne Mullin is the Secretary of the Department of
23 Homeland Security. He is responsible for the implementation and enforcement of the
24 Immigration and Nationality Act and oversees ICE, which is responsible for Petitioner's
25 detention. Respondent Mullin has ultimate custodial authority over Petitioner. He is sued
26 in his official capacity.
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12. Respondent Todd Lyons is the Acting Director of ICE and has authority over the operations of ICE. In that capacity and through his agents, Respondent Lyons has broad authority over the operation and enforcement of the immigration laws. Respondent Lyons is sued in his official capacity.

13. Respondent Todd Blanche is the Acting Attorney General of the United States. He is responsible for the Department of Justice and is sued in hi official capacity.

14. Respondent Andre Quinones is the Director of the Los Angeles Field Office of ICE's Enforcement and Removal Operations division. As such, he is the custodian of all persons held at the ICE facilities in the Los Angeles Field Office. He is Petitioner's immediate custodian and is responsible for his detention. He is sued in his official capacity.

15. Respondent Fereti Semaia is the Warden of the of the Adelanto ICE Processing Center, Adelanto, California, where Petitioner is detained. He has immediate physical custody of Petitioner and is sued in his official capacity.

FACTS

16. Petitioner Alberto Perdomo Rivera has been assigned A Number A

17. Petitioner was arrested by immigration authorities and placed in removal proceedings on June 1, 2026. Brewer Dec., Exh. 3.

18. Upon information and belief, immigration officers arrested Petitioner without a warrant or an independent assessment of whether Petitioner was a flight risk.

19. Petitioner is detained at the Adelanto detention center and has been issued a Notice to Appear which alleges that Petitioner entered the United States without inspection or admission. 8 U.S.C. § 1182(a)(6)(A)(i). Brewer Dec., Exh. 3.

20. Petitioner is in pending removal proceedings and has a master calendar hearing scheduled for July 22, 2026. Brewer Dec., Exh. 1.

21. On July 14, 2026 the Immigration Judge denied Petitioner's bond based on lack of jurisdiction pursuant to *Matter of Yajure Hurtado*. Brewer Dec., Exh. 2.

CAUSES OF ACTION

COUNT I

Violation of 8 U.S.C. § 1357(a)(2) and 8 C.F.R. § 287.8(c)(2)(ii):

Warrantless Arrest Without Probable Cause of Flight Risk

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

23. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001).

24. Upon information and belief, Respondents ICE arrested Petitioner without a warrant and without an individualized finding of flight risk. The failure to meet these requirements is a violation of 8 U.S.C. § 1357(a)(2).

25. The failure to conduct an individualized assessment of whether Petitioner was “likely to escape before a warrant can be obtained” is a violation of 8 C.F.R. § 287.8(c)(2)(ii). The reason to believe standard meets the probable cause standard of the Fourth Amendment. *Perez Cruz v. Barr*, 926 F.3d 1128, 1137 (9th Cir. 2019).

26. Arrest in violation of the regulation is unlawful. *See Sanchez v. Sessions*, 904 F.3d 643, 650 (9th Cir. 2018); *Perez Cruz v. Barr*, 926 F.3d 1128, 1137 (9th Cir. 2019).

27. Issuance of a warrant or an individualized determination of flight risk is a necessary condition to justify discretionary detention under 8 U.S.C. § 1226(a).

28. There is no statutory or regulatory authority to hold Petitioner in immigration detention in light of these violations.

29. Petitioner is being held unlawfully, in violation of his right to due process.

30. Immediate release from immigration detention is required by law. *Urias v. Semaia*, No. 5:26-CV-02753-DTB, 2026 WL 1710375, at *6 (C.D. Cal. June 10,

2026); *Galvez Pantoja v. DHS*, No. 5:26-CV-02084-JDE, 2026 WL 1601897, at *4 (C.D. Cal. June 1, 2026); *Navarro Gomez v. Wofford*, No. 1:26-CV-05299 (VC), 2026 WL 2065708, at *3 (E.D. Cal. July 16, 2026); *Gregorio v. Larose*, No. 3:26-CV-03918-RBM-SBC, 2026 WL 2059095, at *1 (S.D. Cal. July 16, 2026); *Ahmed M. v. Bondi*, No. 25-CV-4711 (ECT/SGE), 2026 WL 25627, at *3 (D. Minn. Jan. 5, 2026); *Lopez-Sanchez v. Blanche*, No. 8:26CV264, 2026 WL 1759557, at *3 (D. Neb. June 18, 2026); *Chiliquinga Yumbillo v. Stamper*, No. 2:25-cv-00479-SDN, 2025 WL 2783642, at *5 (D. Me. Sept. 30, 2025); *J.A.C.P. v. Wofford*, No. 1:25-cv-01354-KES-SKO (HC), 2025 WL 3013328, at *8 (E.D. Cal. Oct. 27, 2025).

COUNT II

Detention Without Statutory Basis (EWI Bond)

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

32. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001).

33. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to noncitizens residing in the United States who are subject to the grounds of inadmissibility because they previously entered the country without being admitted or paroled.

34. Petitioner is a member of the of the certified class in *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3713987 (C.D. Cal. Dec. 18, 2025), *judgment entered sub nom. Maldonado Bautista v. Noem*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3678485 (C.D. Cal. Dec. 18, 2025).

35. The order granting partial summary judgment in *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3713987 (C.D. Cal. Dec. 18, 2025), *judgment*

1 entered sub nom. *Maldonado Bautista v. Noem*, No. 5:25-CV-01873-SSS-BFM, 2025 WL
2 3678485 (C.D. Cal. Dec. 18, 2025), holds that Respondents violate the INA in applying
3 the mandatory detention statute at § 1225(b)(2) to class members.

4 36. The order granting class certification in *Maldonado Bautista* further orders
5 that “[w]hen considering class certification with the Court’s reasoning as to the proper
6 interpretation of the INA, the Court extends the same declaratory relief and vacatur granted
7 to Petitioners to the Bond Eligible Class as a whole.”

8 37. These orders are not stayed in this District. *Lazaro Maldonado Baustista v.*
9 *United States Department of Homeland Security, et al.*, No. 26-1044 (9th. Cir.), Dkt #5.1,
10 17.

11 38. Respondents are parties to *Maldonado Bautista* and bound by the Court’s
12 declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C.
13 § 2201(a).

14 39. The detention of Petitioner without lawful authority violates due process.

15 40. Where the immigration judge has already denied bond based on lack of
16 jurisdiction under *Matter of Yajure Hurtado*, “the undisputed facts here demonstrate that
17 ordering another bond hearing that complies with the December 18, 2025 declaratory
18 judgment in *Maldonado Bautista* would be futile,” and “immediate release from custody
19 is the only means to provide complete relief to Petitioner for the violation of her statutory
20 and constitutional rights.” *Arzola Contreras v. Mullin*, No. 5:26-CV-01502-AJR, 2026 WL
21 1679034, at *3 (C.D. Cal. Apr. 10, 2026). See also *Mendez Hipolito v. Marin*, No. 5:26-
22 CV-02583-FLA (DTB), 2026 WL 2059061, at *1 (C.D. Cal. July 16, 2026); *Barajas-*
23 *Bautista v. Warden*, No. 5:26-CV-03135-SK, 2026 WL 2058433, at *1 (C.D. Cal. July 13,
24 2026); *Romero Diaz v. Mullin*, No. 5:26-CV-03352-SK, 2026 WL 2058441, at *1 (C.D.
25 Cal. July 13, 2026); *Kun v. Janecka*, No. ED CV 26-1280-DMG (AYP), 2026 WL 931541,
26 at *5 (C.D. Cal. Apr. 3, 2026) (“To the extent immigration judges consistently invoke
27 *Hurtado* as governing authority to deny bond in analogous cases, the Court is inclined to
28 agree with Petitioner that ordering a *Bautista* section 1226(a) bond hearing as a remedial

1 measure would likely be futile.”); *Saravia-Segovia v. Sec., U.S. Dep't of Homeland Sec.*,
2 No. ED CV 26-01024-VBF-PD, 2026 WL 747590, at *1 (C.D. Cal. Mar. 17, 2026)
3 (ordering immediate release of *Bautista* class member).

4 41. Further, where, as here, Respondents incorrectly assert that Petitioner is
5 detained under 8 U.S.C. § 1225(b)(2), Petitioner must be immediately released. *See Maciel*
6 *v. Noem*, No. 1:26-CV-01318-DC-CKD (HC), 2026 WL 496948, at *5 (E.D. Cal. Feb. 23,
7 2026); *Andres Rodas-Dieiguez Petr., v. Kristi Noem, Sec., Dept. of Homeland Sec., et al.,*
8 *Respondents.*, No. 3:26-CV-00976-RBM-MMP, 2026 WL 549910, at *1 (S.D. Cal. Feb.
9 26, 2026) (“The Court also agrees that Petitioner is entitled to immediate release”); *Xianjin*
10 *Zheng, Petr., v. Jeremy Casey, in his official capacity as Warden of Imperial Regl. Adult*
11 *Detention Facility, et al., Respondents.*, No. 3:26-CV-01110-RBM-BLM, 2026 WL
12 559780, at *1 (S.D. Cal. Feb. 27, 2026) (granting immediate release, citing *Maciel v. Noem*,
13 No. 1:26-CV-01318-DC-CKD (HC), 2026 WL 496948, at *5 (E.D. Cal. Feb. 23, 2026)).
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16 PRAYER FOR RELIEF

17 WHEREFORE, Petitioner respectfully requests that this Court:

- 18 a. Assume jurisdiction over this matter;
- 19 b. Order that Respondents release Petitioner immediately without the imposition of
20 any restraints on his liberty, such as reporting requirements, GPS, or electronic
21 monitoring and that Respondents return any confiscated property and documents to
22 Petitioner upon his release;
- 23 c. Order Respondents not to re-detain Petitioner without first providing at least 7
24 days’ notice and a pre-deprivation bond hearing before an Immigration Judge at
25 which the Government bears the burden of proof to show by clear and convincing
26 evidence that Petitioner is a flight risk or a danger to the community and that no
27 condition or combination of conditions could reasonably assure Petitioner's future
28 appearance and/or the safety of the community, and the Immigration Judge must

1 conduct an individualized assessment of Petitioner's suitability for bond in light of
2 the forgoing standard;

3 d. Award reasonable attorneys' fees and costs pursuant to the Equal Access to Justice
4 Act, 28 U.S.C. § 2412(d), 5 U.S.C. § 504, or any other applicable law; and

5 e. Order further relief as this Court deems just and appropriate.
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7 Dated: July 27, 2026

Respectfully Submitted,

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