

LAWYERS' COMMITTEE FOR CIVIL RIGHTS
OF THE SAN FRANCISCO BAY AREA

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

Maria Elena Ruiz Otero, as next friend on behalf
of Ismael David Caicedo Ruiz,

Petitioner-Plaintiff,

v.

Sergio Albarran,¹ Field Office Director of the
San Francisco Immigration and Customs
Enforcement Office, et al.,

Respondents-Defendants.

Case No. 5:25-cv-6536-NC

**PETITIONER'S SUPPLEMENTAL
BRIEF**

¹ As the new San Francisco Field Office Director, Mr. Albarran is automatically substituted for Ms. Kaiser. *See* Fed. R. Civ P. 25(d).

INTRODUCTION

Pursuant to the so-ordered briefing schedule, Dkt. 20, Petitioner submits this succinct supplemental brief to bring to the Court’s attention additional intervening authorities and to supplement the factual background in this case, while avoiding repetition of arguments in Petitioner’s earlier briefing on the points presented below.

ARGUMENT

The consensus of decisions across the Northern District of California vindicating Petitioner’s habeas claims in this case has only deepened since the Court heard Petitioner’s request for a preliminary injunction. *See, e.g., Pablo Sequen v. Kaiser*, No. 25-cv-6487-PCP, 2025 WL 2650637 (N.D. Cal. Sept. 16, 2025); *Salcedo Aceros v. Kaiser*, No. 25-cv-6924-EMC, 2025 WL 2637503 (N.D. Cal. Sept. 12, 2025); *Hinestroza v. Kaiser*, No. 25-cv-07559-JD, 2025 WL 2606983, at *2 (N.D. Cal. Sept. 9, 2025) (describing “a tsunami of similar cases in this District” that have “uniformly rejected” the government’s position in this case); *Calderon v. Kaiser*, No. 25-cv-6695-AMO, 2025 WL 2430609 (N.D. Cal. Aug. 22, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-cv-6248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *see also Leon Espinoza, et al. v. Kaiser*, No. 1:25-cv-1101-JLT, 2025 WL 2675785 (E.D. Cal. Sept. 18, 2025).

These decisions reject Respondents’ attempt to extend *DHS v. Thuraissigiam*, 591 U.S. 103 (2020)—a challenge to admission procedures for those seeking initial entry that did not involve a request for release from custody—to challenges to physical detention. *See, e.g., Leon Espinoza*, 2025 WL 2675785, at *8 n.9; *Pablo Sequen*, WL 2650637, at *5; *Ramirez Clavijo*, 2025 WL 2419263, at *4; *Salcedo Aceros*, 2025 WL 2637503, at *6 (“*Thuraissigiam*’s holding concerns the right to additional due process sought over admission determinations. It does not address the due process rights of a noncitizen to remain free once released.”). These decisions recognize a trans-statutory constitutional interest in freedom from arbitrary detention, and many also address and reject the governments newfound statutory interpretation. In particular, Judge Chen’s thorough discussion in *Salcedo Aceros* of the relevant detention statutes dismantles DHS’s radical new position (and its adoption by a Board of Immigration Appeals whose

1 membership the Executive has manipulated along ideological lines to the point where it may no
 2 longer be regarded with a presumption of regularity or relied upon for independent reasoning²).
 3 2025 WL 2637503, at *8-12.

4 Despite all of this, the San Francisco Field Office continues detaining people such as
 5 twenty-year-old Ismael Caicedo Ruiz every week without any lawful basis or process to revisit
 6 DHS's previous determination to release those individuals upon finding that they presented
 7 neither a flight risk nor a danger to the community. Petitioner respectfully requests that this
 8 Court adopt the well-reasoned consensus of courts that have rejected the government's position
 9 in this case.

10 SUPPLEMENTAL BACKGROUND

11 On September 16, 2025, Mr. Caicedo Ruiz appealed the dismissal of his removal
 12 proceedings to the Board of Immigration Appeals. *See* Suppl. Wells Decl., Ex. A. Including for
 13 the reasons described in his opposition to DHS's oral motion to dismiss his proceedings, Dkt. 1-
 14 1, there is no tenable justification for dismissing his removal proceedings. That appeal remains
 15 pending, and Mr. Caicedo Ruiz continues to undergo regular removal proceedings.

16 On August 29, 2025, the San Mateo County Superior Court took jurisdiction of Mr.
 17 Caicedo Ruiz and found that placing him in the custody of an individual was necessary to protect
 18 him from abuse, neglect, or abandonment, that reunification of Ismael with one of his parents
 19 was not viable due to abuse, neglect, and/or abandonment, and that returning to Colombia was
 20 not in Ismael's best interests. (Petitioner is willing to provide a copy of the Superior Court's
 21 order to this Court, if necessary, with appropriate redactions.) Following that decision, on
 22 September 2, 2025, Mr. Caicedo Ruiz filed an application for Special Immigrant Juvenile Status,
 23 along with the required fees. *See* Suppl. Wells Decl., Ex. B.

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 25
 26 ² Cf. Isabela Dias, "*The Entire System Will Collapse*": *Inside the Purge of US Immigration*
 27 *Courts*, Mother Jones (Mar. 6, 2025) (describing ideological purge,
 28 <https://www.motherjones.com/politics/2025/03/trump-immigration-courts-firing-doge-nonsensical-system-collapse-eoir>).

CONCLUSION

For the foregoing reasons and based on the arguments and evidence Petitioner previously has presented, Petitioner respectfully requests that the Court grant an injunction prohibiting Respondents from detaining Ismael Caicedo Ruiz or imposing restrictions on his liberty (such as an electronic ankle monitor) unless and until the Department of Homeland Security proves by clear and convincing evidence, at an individual custody hearing on at least ten days' notice, that his detention is legally justified because he poses a present danger to the community or a flight risk, considering alternatives to detention and his ability to pay.

Date: September 19, 2025

Respectfully Submitted,

/s/ Jordan Wells

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