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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Ruben BENITEZ;
Eliezer BERNAL MENDIOLA;
Veliz Armando BRAVO CHILEL;
Marco Eliseo CHAMORRO ARANGO;
Alpiria MARTINEZ CHAVEZ;
Angela FAVIAN ANGEL;
Hans HERNANDEZ PEREZ;
Mario ROMERO DE LA CRUZ; and
Jose VALERO LAGUNAS,

Petitioners,

v.

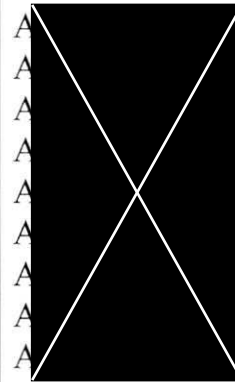
Kristi NOEM, Secretary, U.S.
Department of Homeland Security;
Pamela BONDI, U.S. Attorney General;
Todd LYONS, Acting Director,
Immigration and Customs Enforcement;
Ernesto SANTACRUZ JR., Acting
Director, Los Angeles Field Office,
Immigration and Customs Enforcement,
Enforcement and Removal Operations;
Fereti SEMAIA, Warden, Adelanto ICE
Processing Center; IMMIGRATION
AND CUSTOMS ENFORCEMENT;
DEPARTMENT OF HOMELAND
SECURITY,

Respondents.

Case No. 5:25-cv-2190

**PETITION FOR WRIT OF
HABEAS CORPUS PURSUANT
TO 28 U.S.C. § 2241**

PETITIONERS' DHS NOS:



INTRODUCTION

1. Petitioners Ruben BENITEZ (A [REDACTED]); Eliezer BERNAL MENDIOLA (A [REDACTED]); Veliz Armando BRAVO CHILEL (A [REDACTED]); Marco Eliseo CHAMORRO ARANGO (A [REDACTED]); Alpiria MARTINEZ CHAVEZ (A [REDACTED]); Angela FAVIAN ANGEL (A [REDACTED]); Hans HERNANDEZ PEREZ (A [REDACTED]); Mario ROMERO DE LA CRUZ (A [REDACTED]); and Jose VALERO LAGUNAS (A [REDACTED]) are in the physical custody of Respondents at the Adelanto ICE Processing Center and Desert View Annex in Adelanto, California.

2. Petitioners are unlawfully detained. The Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have improperly concluded that Petitioners, despite being physically present within the interior of and residing in the United States and being arrested in Los Angeles County, San Bernardino County, Santa Barbara County, Riverside County, and Orange County, California, should be deemed to be seeking admission to the United States and therefore subject to mandatory detention pursuant to 8 U.S.C. § 1225(b)(2)(A).

3. DHS has placed Petitioners in removal proceedings pursuant to 8 U.S.C. § 1229a and has charged each Petitioner with being present in the United

1 States without admission and therefore removable pursuant to 8 U.S.C. §
2 1182(a)(6)(A)(i).
3

4 4. Based on the charge of removability, DHS has denied Petitioners
5 release from immigration custody, pursuant to a new DHS policy issued on July 8,
6 2025,¹ instructing all Immigration and Customs Enforcement (ICE) employees to
7 consider anyone inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) - i.e., present
8 without admission - to be an “applicant for admission” under 8 U.S.C. §
9 1225(b)(2)(A) and therefore subject to mandatory detention during the removal
10 hearing process.
11

12 5. Petitioners each sought bond hearings before an immigration judge
13 (IJ), and the IJ denied bond. The IJ based their decisions on the same legal analysis
14 as set forth in the new DHS policy. Indeed, the DHS policy states it was issued “in
15 coordination with the Department of Justice (DOJ).” IJs function within EOIR
16 which is a component of the Department of Justice. The IJs concluded that
17 notwithstanding Petitioners’ presence and residence within the United States,
18 Petitioners should be deemed “applicants for admission” who are “seeking
19 admission” and subject to mandatory detention under § 1225(b)(2)(A).
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26 ¹ “Interim Guidance Regarding Detention Authority for Applicants for Admission”,
27 ICE, July 8, 2025. Available at: [https://immpolicytracking.org/policies/ice-issues-](https://immpolicytracking.org/policies/ice-issues-memo-eliminating-bond-hearings-for-undocumented-immigrants/#/tab-policy-documents)
28 [memo-eliminating-bond-hearings-for-undocumented-immigrants/#/tab-policy-](https://immpolicytracking.org/policies/ice-issues-memo-eliminating-bond-hearings-for-undocumented-immigrants/#/tab-policy-documents)
[documents](https://immpolicytracking.org/policies/ice-issues-memo-eliminating-bond-hearings-for-undocumented-immigrants/#/tab-policy-documents).

1 6. Petitioners' detention on this basis violates the plain language of the
2 Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.* Section
3 1225(b)(2)(A) does not apply to individuals like Petitioners who previously entered
4 and are now present and residing in the United States. Instead, such individuals are
5 subject to a different statute, § 1226(a), that allows for release on conditional parole
6 or bond. That statute expressly applies to people who, like Petitioners, are charged
7 as removable for having entered the United States without inspection and being
8 present without admission.
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12 7. Respondents' new legal interpretation of the INA is plainly contrary to
13 the statutory framework and contrary to decades of agency practice applying §
14 1226(a) to people like Petitioners who are present within the United States.
15

16 8. In addition to Petitioners' statutory rights to a bond hearing under §
17 1226(a), individuals within the United States have constitutional rights. "[T]he Due
18 Process Clause applies to all 'persons' within the United States, including aliens,
19 whether their presence here is lawful, unlawful, temporary, or permanent."
20 *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).
21

22 9. Accordingly, Petitioners seek a writ of habeas corpus requiring that
23 they be released unless Respondents provide a bond hearing under § 1226(a).
24

25 **JURISDICTION**

26 10. Jurisdiction is proper and relief is available pursuant to 28 U.S.C. §
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1 1331 (federal question), 28 U.S.C. § 1346 (original jurisdiction), 5 U.S.C. § 702
2 (waiver of sovereign immunity), 28 U.S.C. § 2241 (habeas corpus jurisdiction), and
3 Article I, Section 9, clause 2 of the United States Constitution (the Suspension
4 Clause).
5

6 11. This Court may grant relief pursuant to 28 U.S.C. § 2241, the
7 Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28
8 U.S.C. § 1651.
9

10 VENUE

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12 12. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S.
13 484, 493- 500 (1973), venue lies in the United States District Court for the Central
14 District of California, the judicial district in which Petitioners are currently
15 detained.
16

17 13. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e)
18 because Respondents are employees, officers, and agencies of the United States,
19 and because a substantial part of the events or omissions giving rise to the claims
20 occurred in the Central District of California.
21

22 PARTIES

23 *Petitioners*

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25 14. Petitioner Ruben BENITEZ (DHS No. A ) was arrested by
26 Border Patrol agents on June 17, 2025 in Los Angeles, California. He has been in
27 immigration detention since that date. After arresting Petitioner, ICE did not set
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1 bond and Petitioner requested review of his custody by an IJ. On July 28, 2025,
2 Petitioner was denied bond by an IJ at the Adelanto Immigration Court because he
3 was deemed an “applicant for admission.”
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5 15. Petitioner Eliezer BERNAL MENDIOLA (DHS No. A ) was
6 arrested by immigration officials on July 8, 2025 in Carpinteria, California. He has
7 been in immigration detention since that date. After arresting Petitioner, ICE did
8 not set bond and Petitioner requested review of his custody by an IJ. On August 11,
9 2025, Petitioner was denied bond by an IJ at the Adelanto Immigration Court
10 because the IJ concluded there was “no jurisdiction.”
11

12 16. Petitioner Veliz Armando BRAVO CHILEL (DHS No. A )
13 was arrested by ICE agents on June 3, 2025 in Pasadena, California. He has been in
14 immigration detention since that date. After arresting Petitioner, ICE did not set
15 bond and Petitioner requested review of his custody by an IJ. On July 16, 2025,
16 Petitioner was denied bond by an IJ at the Adelanto Immigration Court because the
17 IJ concluded there was “no jurisdiction under INA section 235(b)(2)(A).”
18

19 17. Petitioner Marco Eliseo CHAMORRO ARANGO (DHS No. A )
20  was arrested by Border Patrol agents on June 15, 2025 in Orange, California.
21 He has been in immigration detention since that date. After arresting Petitioner, ICE
22 did not set bond and Petitioner requested review of his custody by an IJ. On July
23 17, 2025, Petitioner was denied bond by an IJ at the Adelanto Immigration Court
24 because he was deemed an “applicant for admission.”
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1 18. Petitioner Alpiria MARTINEZ CHAVEZ (DHS No. A [REDACTED]) was
2 arrested by ICE agents on June 10, 2025 in Santa Maria, California. She has been
3 in immigration detention since that date. After arresting Petitioner, ICE did not set
4 bond and Petitioner requested review of her custody by an IJ. On August 13, 2025,
5 Petitioner was denied bond by an IJ at the Adelanto Immigration Court because the
6 IJ concluded there was “no jurisdiction.”
7

9 19. Petitioner Angela FAVIAN ANGEL (DHS No. A [REDACTED]) was
10 arrested by Border Patrol agents on July 6, 2025 in Bloomington, California. She
11 has been in immigration detention since that date. After arresting Petitioner, ICE
12 did not set bond and Petitioner requested review of her custody by an IJ. On August
13 5, 2025, Petitioner was denied bond by an IJ at the Adelanto Immigration Court
14 because the IJ concluded there was “no jurisdiction.”
15

17 20. Petitioner Hans HERNANDEZ PEREZ (DHS No. A [REDACTED]) was
18 arrested by unknown agents on or about June 29, 2025 in Torrance, California. He
19 has been in immigration detention since that date. After arresting Petitioner, ICE
20 did not set bond and Petitioner requested review of his custody by an IJ. On August
21 5, 2025, Petitioner was denied bond by an IJ at the Adelanto Immigration Court
22 because the IJ concluded there was “no jurisdiction.”
23

25 21. Petitioner Mario ROMERO DE LA CRUZ (DHS No. A [REDACTED])
26 was arrested by ICE agents on June 6, 2025 in Los Angeles, California. He has
27 been in immigration detention since that date. After arresting Petitioner, ICE did
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1 not set bond and Petitioner requested review of his custody by an IJ. On August 11,
2 2025, Petitioner was denied bond by an IJ at the Adelanto Immigration Court
3 because the IJ concluded there was “no jurisdiction.”
4

5 22. Petitioner Jose VALERO LAGUNAS (DHS No. A ) was
6 arrested by ICE agents on July 7, 2025 in Corona, California. He has been in
7 immigration detention since that date. After arresting Petitioner, ICE did not set
8 bond and Petitioner requested review of his custody by an IJ. On July 21, 2025,
9 Petitioner was denied bond by an IJ at the Adelanto Immigration Court because he
10 was deemed an “applicant for admission.”
11
12

13 ***Respondents***

14 23. Respondent Kristi NOEM is the Secretary of the Department of
15 Homeland Security. She is responsible for the implementation and enforcement of
16 the Immigration and Nationality Act and oversees ICE, which is responsible for
17 Petitioners’ detention. Ms. Noem has ultimate custodial authority over Petitioners.
18
19 She is sued in her official capacity.
20

21 24. Respondent Pamela BONDI is the Attorney General of the United
22 States. She is responsible for the Department of Justice, of which the Executive
23 Office for Immigration Review and the immigration court system it operates is a
24 component agency. She is sued in her official capacity.
25

26 25. Todd LYONS is the Acting Director of Immigration and Customs
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1 Enforcement, a federal law enforcement agency within the Department of
2 Homeland Security. ICE's responsibilities include operating the immigration
3 detention system. In his capacity as ICE Acting Director, Respondent Lyons
4 exercises control over and is a custodian of persons held at ICE facilities nationally.
5 He is Petitioners' immediate custodian and is responsible for Petitioners' detention.
6
7 At all times relevant to this Complaint, Respondent Lyons was acting within the
8 scope and course of his employment with ICE. He is sued in his official capacity.
9

10 26. Respondent Ernesto SANTACRUZ JR. is the Acting Director of the
11 Los Angeles Field Office of ICE's Enforcement and Removal Operations division.
12 As such, he is the custodian of all persons held at the ICE facilities in the Los
13 Angeles Field Office. He is Petitioners' immediate custodian and is responsible for
14 Petitioners' detention. He is sued in his official capacity.
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17 27. Respondent Fereti SEMAIA, is the Warden of the Adelanto ICE
18 Processing Center, Adelanto, California, where Petitioners are detained. He has
19 immediate physical custody of Petitioners. He is sued in his official capacity.
20

21 28. Respondent DEPARTMENT OF HOMELAND SECURITY (DHS) is
22 the federal agency responsible for implementing and enforcing the INA, including
23 the detention and removal of noncitizens.
24

25 29. Respondent IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)
26 is the agency within DHS responsible for implementing and enforcing the INA,
27 including the detention and removal of noncitizens.
28

LEGAL FRAMEWORK

30. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings conducted pursuant to 8 U.S.C. § 1229a.

31. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in § 1229a removal proceedings before an IJ. Individuals covered by § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while certain noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention. *See* 8 U.S.C. § 1226(c).

32. Second, the INA provides for mandatory detention of noncitizens subject to an Expedited Removal order imposed pursuant to 8 U.S.C. § 1225(b)(1) and for other noncitizen applicants for admission to the U.S. who are deemed not clearly entitled to be admitted. *See* 8 U.S.C. § 1225(b)(2).

33. Last, the INA provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings. *See* 8 U.S.C. § 1231(a)–(b).

34. This case concerns the detention provisions at 8 U.S.C. §§ 1226(a) and 1225(b)(2).

35. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582

1 to 3009–583, 3009–585. Section 1226(a) was most recently amended in early 2025
2 by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025).
3

4 36. Following the enactment of the IIRIRA, EOIR drafted new regulations
5 applicable to proceedings before immigration judges explaining that, in general,
6 people who entered the country without inspection – also referred to as being
7 “present without admission” - were not considered detained under § 1225 and that
8 they were instead detained under § 1226(a). *See* Inspection and Expedited Removal
9 of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings;
10 Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).
11

13 37. Thus, in the decades that followed, most people who entered without
14 inspection and were placed in standard § 1229a removal proceedings received bond
15 hearings before IJs, unless their criminal history rendered them ineligible. That
16 practice was consistent with many more decades of prior practice, in which
17 noncitizens who were not deemed “arriving” were entitled to a custody hearing
18 before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R.
19 Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the
20 detention authority previously found at § 1252(a)).
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24 38. This practice both pre- and post-enactment of IIRIRA is consistent
25 with the fact that noncitizens present within the United States – as opposed to
26 noncitizens present at a border and seeking admission - have constitutional rights.
27
28 “[T]he Due Process Clause applies to all ‘persons’ within the United States,

1 including aliens, whether their presence here is lawful, unlawful, temporary, or
2 permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

3
4 39. On July 8, 2025, ICE, “in coordination with” the Department of Justice,
5 announced a new policy that rejected the well-established understanding of the
6 statutory framework and reversed decades of practice.

7
8 40. The new policy, entitled “Interim Guidance Regarding Detention
9 Authority for Applicants for Admission,”² claims that all noncitizens present within
10 the United States who entered without inspection shall now be deemed “applicants
11 for admission” under 8 U.S.C. § 1225, and therefore are subject to mandatory
12 detention under § 1225(b)(2)(A). The policy applies regardless of when a person is
13 apprehended, and affects those who have resided in the United States for months,
14 years, and even decades.

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16
17 41. In a May 22, 2025 unpublished decision by the Board of Immigration
18 Appeals (BIA), EOIR adopted this same position.³ That decision holds that all
19 noncitizens who entered the United States without admission or parole and who are
20 present within the United States are considered applicants for admission and
21 ineligible for IJ bond hearings.

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24 42. ICE and EOIR have adopted this position even though federal courts

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26 ² Available at: <https://immpolicytracking.org/policies/ice-issues-memo-eliminating-bond-hearings-for-undocumented-immigrants/#/tab-policy-documents>.

27 ³ Available at <https://nwirp.org/our-work/impact-litigation/assets/vazquez/59-1%20ex%20A%20decision.pdf>.

1 have rejected this exact conclusion. For example, after IJs in the Tacoma,
2 Washington, immigration court stopped providing bond hearings for persons who
3 entered the United States without inspection and who have since resided here, the
4 U.S. District Court for the Western District of Washington found that such a
5 reading of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies to
6 noncitizens who are not apprehended upon arrival to the United States. *Rodriguez*
7 *Vazquez v. Bostock*, --- F. Supp. 3d ---, [2025 WL 1193850](#) (W.D. Wash. Apr. 24,
8 [2025](#)); *see also* *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, [2025 WL 1869299](#), at *8
9 (D. Mass. July 7, 2025) (granting habeas petition based on same conclusion). This
10 Court has reached the same conclusion. *See Maldonado Bautista et al. v.*
11 *Santacruz, et al.*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. July 28, 2025), Order
12 Granting Temporary Restraining Order, [Dkt. 14 at 9](#) (TRO issued after DHS
13 adopted “Interim Guidance Regarding Detention Authority for Applicants for
14 Admission.”); *Ceja Gonzalez, et al. v. Noem, et al.*, No. 5:25-cv-02054-ODW-BFM
15 (C.D. Cal. August 13, 2025), Order Granting Ex Parte Application for TRO and
16 OSC, [Dkt. 12](#) (Same).

22 43. DHS’s and EOIR’s interpretation defy the INA. As the *Rodriguez*
23 *Vazquez* court explained, the plain text of the statutory provisions demonstrates that
24 § 1226(a), not § 1225(b), applies to people like Petitioners. Section 1226(a) applies
25 by default to all persons “pending a decision on whether the [noncitizen] is to be
26 removed from the United States.” *Rodriguez Vazquez*, [2025 WL 1193850](#) at *12.

1 *See also Maldonado Bautista*, No. 5:25-cv-01873-SSS-BFM (C.D. Calif July 28,
2 2025) Order Granting Temporary Restraining Order, Dkt. 14 at 9 (“[T]he Court
3 finds that the potential for Petitioners’ continued detention without an initial bond
4 hearing would cause immediate and irreparable injury, as this violates statutory
5 rights afforded under § 1226(a).”); *Ceja Gonzalez*, No. 5:25-cv-02054-ODW-BFM
6 (C.D. Cal. August 13, 2025), Order Granting Ex Parte Application for TRO and
7 OSC, Dkt. 12 at 7 (§ 1226 applies to aliens present in the United States.)

10 44. Other portions of the text of § 1226 also explicitly apply to people
11 charged as being inadmissible, including those who entered without inspection. *See*
12 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)’s reference to inadmissible individuals
13 makes clear that, by default, inadmissible individuals not subject to subparagraph
14 (E)(ii) are afforded a bond hearing under subsection (a). As the *Rodriguez Vazquez*
15 court explained, “[w]hen Congress creates “specific exceptions” to a statute’s
16 applicability, it “proves” that absent those exceptions, the statute generally applies.
17 *Rodriguez Vazquez*, 2025 WL 1193850, at *12 (citing *Shady Grove Orthopedic*
18 *Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).

21 45. Section 1226 therefore leaves no doubt that it applies to noncitizens who
22 are present without admission and who face charges in removal proceedings of
23 being inadmissible to the United States.

24 46. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or
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1 who recently entered the United States and are encountered at or near the border.
2 The statute's entire framework is premised on inspections at the border of people
3 who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A).
4 Indeed, the Supreme Court has explained that this mandatory detention scheme
5 applies "at the Nation's borders and ports of entry, where the Government must
6 determine whether a[] [noncitizen] seeking to enter the country is admissible."
7
8 *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).
9

10 47. Accordingly, the mandatory detention provision of § 1225(b)(2) does not
11 apply to people like Petitioners who have already entered and were residing in the
12 United States at the time they were apprehended.
13

14 **FACTS**

15 **Petitioner Ruben BENITEZ**

16 48. Petitioner Ruben BENITEZ resides in California. He has no criminal
17 record and no previous contact with immigration authorities.
18

19 49. On June 17, 2025, Petitioner was arrested in La Puente, California.
20 Petitioner is now detained at the Adelanto ICE Processing Center in Adelanto,
21 California.
22

23 50. ICE placed Petitioner in removal proceedings before the Adelanto
24 Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with
25 being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who is present
26 without admission in the United States.
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1 51. Upon information and belief, following Petitioner's arrest and transfer to
2 the Adelanto ICE Processing Center, ICE issued a custody determination to
3 continue Petitioner's detention without an opportunity to post bond or be released
4 on other conditions.
5

6 52. Petitioner subsequently requested a bond redetermination hearing before
7 an IJ. On July 28, 2025, an IJ denied the request and issued a decision that the court
8 lacked jurisdiction to conduct a bond redetermination hearing because Petitioner
9 was an applicant for admission.
10

11
12 **Petitioner Eliezer BERNAL MENDIOLA**

13 53. Petitioner Eliezer BERNAL MENDIOLA has resided in Carpinteria,
14 California for almost 20 years. He has no criminal record and no previous contact
15 with immigration authorities.
16

17 54. On July 8, 2025, Petitioner was arrested at the intersection of El Carro
18 Lane and Eucalyptus Street in Carpinteria, California. Petitioner is now detained at
19 the ICE Desert View Annex facility in Adelanto, California.
20

21 55. ICE placed Petitioner in removal proceedings before the Adelanto
22 Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with
23 being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who is present
24 without admission in the United States.
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26 56. Upon information and belief, following Petitioner's arrest and transfer to
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1 the Desert View Annex, ICE issued a custody determination to continue
2 Petitioner's detention without an opportunity to post bond or be released on other
3 conditions.
4

5 57. Petitioner subsequently requested a bond redetermination hearing before
6 an IJ. On August 11, 2025, an IJ denied the request and issued a decision that the
7 court lacked jurisdiction to conduct a bond redetermination hearing.
8

9 **Petitioner Veliz Armando BRAVO CHILEL**

10 58. Petitioner Veliz Armando BRAVO CHILEL resides in Pasadena,
11 California. He has no previous contact with immigration authorities. Petitioner has
12 a criminal record which does not trigger detention pursuant to 8 U.S.C. § 1226(c).
13

14 59. On June 3, 2025, Petitioner was arrested in Pasadena, California.
15
16 Petitioner is now detained at the Adelanto ICE Processing Center in Adelanto,
17 California.
18

19 60. ICE placed Petitioner in removal proceedings before the Adelanto
20 Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with
21 being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who is present
22 without admission in the United States.
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24 61. Upon information and belief, following Petitioner's arrest and transfer to
25 the Adelanto ICE Processing Center, ICE issued a custody determination to
26 continue Petitioner's detention without an opportunity to post bond or be released
27 on other conditions.
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1 62. Petitioner subsequently requested a bond redetermination hearing before
2 an IJ. On July 16, 2025, an IJ denied the request and issued a decision that the court
3 lacked jurisdiction to conduct a bond redetermination hearing.
4

5 **Petitioner Marco Eliseo CHAMORRO ARANGO**

6 63. Petitioner Marco Eliseo CHAMORRO ARANGO resides in Los
7 Angeles, California. He has no criminal record and no previous contact with
8 immigration authorities.
9

10 64. On June 15, 2025, Petitioner was arrested in Orange, California.
11 Petitioner is now detained at the Adelanto ICE Processing Center in Adelanto,
12 California.
13

14 65. ICE placed Petitioner in removal proceedings before the Adelanto
15 Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with
16 being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who is present
17 without admission in the United States.
18

19 66. Upon information and belief, following Petitioner's arrest and transfer to
20 the Adelanto ICE Processing Center, ICE issued a custody determination to
21 continue Petitioner's detention without an opportunity to post bond or be released
22 on other conditions.
23

24 67. Petitioner subsequently requested a bond redetermination hearing before
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1 an IJ. On July 17, 2025, an IJ denied the request and issued a decision that the court
2 lacked jurisdiction to conduct a bond redetermination hearing because Petitioner
3 was an applicant for admission.
4

5 **Petitioner Alpiria MARTINEZ CHAVEZ**

6 68. Petitioner Alpiria MARTINEZ CHAVEZ resides in Santa Maria,
7 California. She has no criminal record and no previous contact with immigration
8 authorities.
9

10 69. On June 10, 2025, Petitioner was arrested in Santa Maria, California.
11 Petitioner is now detained at the Adelanto ICE Processing Center in Adelanto,
12 California.
13

14 70. ICE placed Petitioner in removal proceedings before the Adelanto
15 Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with
16 being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who is present
17 without admission in the United States.
18

19 71. Upon information and belief, following Petitioner's arrest and transfer to
20 the Adelanto ICE Processing Center, ICE issued a custody determination to
21 continue Petitioner's detention without an opportunity to post bond or be released
22 on other conditions.
23

24 72. Petitioner subsequently requested a bond redetermination hearing before
25 an IJ. On August 13, 2025, an IJ denied the request and issued a decision that the
26 court lacked jurisdiction to conduct a bond redetermination hearing.
27
28

Petitioner Angela FAVIAN ANGEL

73. Petitioner Angela FAVIAN ANGEL resides in Riverside, California. She has no criminal record and no previous arrest by immigration authorities.

74. On July 6, 2025, Petitioner was arrested in Bloomington, California. Petitioner is now detained at the Adelanto ICE Processing Center in Adelanto, California.

75. ICE placed Petitioner in removal proceedings before the Adelanto Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who is present without admission in the United States.

76. Upon information and belief, following Petitioner's arrest and transfer to the Adelanto ICE Processing Center, ICE issued a custody determination to continue Petitioner's detention without an opportunity to post bond or be released on other conditions.

77. Petitioner subsequently requested a bond redetermination hearing before an IJ. On August 5, 2025, an IJ denied the request and issued a decision that the court lacked jurisdiction to conduct a bond redetermination hearing.

Petitioner Hans HERNANDEZ PEREZ

78. Petitioner Hans HERNANDEZ PEREZ resides in Los Angeles County. He has no criminal record and no previous contact with immigration authorities.

79. On or about June 29, 2025, Petitioner was arrested in Torrance,

1 California. Petitioner is now detained at the ICE Desert View Annex facility in
2 Adelanto, California.

3
4 80. ICE placed Petitioner in removal proceedings before the Adelanto
5 Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with
6 being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who is present
7 without admission in the United States.
8

9 81. Upon information and belief, following Petitioner's arrest and transfer to
10 the Desert View Annex, ICE issued a custody determination to continue
11 Petitioner's detention without an opportunity to post bond or be released on other
12 conditions.
13

14 82. Petitioner subsequently requested a bond redetermination hearing before
15 an IJ. On August 5, 2025, an IJ denied the request and issued a decision that the
16 court lacked jurisdiction to conduct a bond redetermination hearing.
17

18 **Petitioner Mario ROMERO DE LA CRUZ**
19

20 83. Petitioner Mario ROMERO DE LA CRUZ resides in Los Angeles,
21 California. He has no criminal record and no previous contact with immigration
22 authorities.
23

24 84. On June 6, 2025, Petitioner was arrested at the Ambiance Apparel factory
25 located at 2415 E. 15th Street, Los Angeles, California 90021. Petitioner is now
26 detained at the ICE Desert View Annex facility in Adelanto, California.
27

28 85. ICE placed Petitioner in removal proceedings before the Adelanto

1 Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with
2 being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who is present
3 without admission in the United States.
4

5 86. Upon information and belief, following Petitioner's arrest and transfer to
6 the Desert View Annex, ICE issued a custody determination to continue
7 Petitioner's detention without an opportunity to post bond or be released on other
8 conditions.
9

10 87. Petitioner subsequently requested a bond redetermination hearing before
11 an IJ. On August 11, 2025, an IJ denied the request and issued a decision that the
12 court lacked jurisdiction to conduct a bond redetermination hearing.
13

14 **Petitioner Jose VALERO LAGUNAS**
15

16 88. Petitioner Jose VALERO LAGUNAS resides in Corona, California. He
17 has no criminal record and no previous contact with immigration authorities.
18

19 89. On July 7, 2025, Petitioner was arrested in Corona, California. Petitioner
20 is now detained at the Adelanto ICE Processing Center in Adelanto, California.

21 90. ICE placed Petitioner in removal proceedings before the Adelanto
22 Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with
23 being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who is present
24 without admission in the United States.
25

26 91. Upon information and belief, following Petitioner's arrest and transfer to
27
28

1 the Adelanto ICE Processing Center, ICE issued a custody determination to
2 continue Petitioner's detention without an opportunity to post bond or be released
3 on other conditions.
4

5 92. Petitioner subsequently requested a bond redetermination hearing before
6 an IJ. On July 21, 2025, an IJ denied the request and issued a decision that the court
7 lacked jurisdiction to conduct a bond redetermination hearing because Petitioner
8 was an applicant for admission.
9

10 93. Any appeal to the BIA by the Petitioners is futile. ICE's new policy was
11 issued "in coordination with DOJ," which oversees the immigration courts. Further,
12 as noted, the most recent unpublished BIA decision on this issue held that persons
13 like Petitioners are subject to mandatory detention as applicants for admission. In
14 the *Rodriguez Vazquez* litigation, where EOIR and the Attorney General are
15 defendants, DOJ has affirmed its position that individuals like Petitioners are
16 applicants for admission and subject to detention under § 1225(b)(2)(A). *See* Mot.
17 to Dismiss, *Rodriguez Vazquez v. Bostock*, No. 3:25-CV-05240-TMC (W.D. Wash.
18 June 6, 2025), Dkt. 49 at 27–31. DOJ has taken the same position in the
19 *Maldonado Bautista* litigation, *see* Opp. to Ex Parte TRO Application, *Maldonado*
20 *Bautista*, No. 5:25-cv-01873-SSS-BFM, (C.D. Cal. July 24, 2025), Dkt. 8, and in
21 the *Ceja Gonzalez* litigation. *See* Opp. to Ex Parte TRO Application and OSC,
22 *Ceja Gonzalez*, No. 5:25-cv-02054-ODW-BFM (C.D. Cal. August 8, 2025), Dkt. 7
23 at 17-21.
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FIRST CLAIM FOR RELIEF

Petitioners' Detention is in Violation of 8 U.S.C. § 1226(a)

94. Petitioners incorporate by reference the allegations of fact set forth in the preceding paragraphs.

95. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to Petitioners who are present and residing in the United States and have been placed under § 1229a removal proceedings and charged with inadmissibility pursuant 8 U.S.C. § 1182(a)(6)(A)(i). As relevant here, § 1225(b)(2) does not apply to those who previously entered the country and have been present and residing in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such noncitizens may only be detained pursuant to § 1226(a), unless subject to § 1226(c), or § 1231.

96. The application of § 1225(b)(2) to Petitioners unlawfully mandates their continued detention without a bond hearing and violates 8 U.S.C. § 1226(a).

SECOND CLAIM FOR RELIEF

**Petitioners' Detention Violates the Administrative Procedure Act,
5 U.S.C. § 706(2)**

97. Petitioners incorporate by reference the allegations of fact set forth in the preceding paragraphs.

98. Under the Administrative Procedure Act, a court must "hold unlawful

1 and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or
2 otherwise not in accordance with the law,” that is “contrary to constitutional right
3 [or] power,” or that is “in excess of statutory jurisdiction, authority, or limitations,
4 or short of statutory right.” 5 U.S.C. § 706(2)(A)-(C).

6 99. Respondents’ detention of Petitioners pursuant to § 1225(b)(2) is
7 arbitrary and capricious. Respondents’ detention of Petitioners violates the INA
8 and the Fifth Amendments. Respondents do not have statutory authority under §
9 1225(b)(2) to detain Petitioners.

10 100. Petitioners’ detention is arbitrary, capricious, an abuse of discretion,
11 violative of the Constitution, and without statutory authority in violation of 5
12 U.S.C. § 706(2).

13 **THIRD CLAIM FOR RELIEF**

14 **Petitioners’ Detention Violates Their Fifth Amendment Right to Due Process**

15 101. Petitioners incorporate by reference the allegations of fact set forth in
16 the preceding paragraphs.

17 102. The Government may not deprive a person of life, liberty, or property
18 without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—
19 from government custody, detention, or other forms of physical restraint—lies at
20 the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678,
21 690 (2001).

22 103. Petitioners have a fundamental interest in liberty and being free from
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1 official restraint.

2 104. The Respondents' detention of Petitioners without providing
3
4 Petitioners a bond redetermination hearing to determine whether they are a flight
5 risk or a danger to others violates their right to Due Process.

6 **PRAYER FOR RELIEF**

7
8 WHEREFORE, Petitioners respectfully ask that this Court take jurisdiction over
9 this matter and grant the following relief:

- 10 a. Issue a Writ of Habeas Corpus requiring Respondents to release
11 Petitioners or provide Petitioners with a bond hearing pursuant to 8
12 U.S.C. § 1226(a) within seven days;
13
14 b. Award Petitioners' attorney's fees and costs under the Equal Access to
15 Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other
16 basis justified under law; and
17
18 c. Grant any other and further relief that this Court deems just and
19 proper.
20

21 DATED: August 21, 2025.

s/ Niels W. Frenzen
22 NIELS W. FRENZEN
23 JEAN REISZ
24 USC GOULD SCHOOL OF LAW
IMMIGRATION CLINIC

25 *Attorneys for Petitioners*
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27
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