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

MATEO JUAN ANDRES
SALVADOR,

Petitioner,

v.

PAMELA JO BONDI, ATTORNEY
GENERAL; KRISTI NOEM
SECRETARY, UNITED STATES
DEPARTMENT OF HOMELAND
SECURITY; TODD M. LYONS,
ACTING DIRECTOR, UNITED
STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT;
ERNESTO SANTACRUZ, JR.,
ACTING FIELD OFFICE
DIRECTOR, ICE LOS ANGELES
FIELD OFFICE, UNITED STATES
IMMIGRATION AND CUSTOMS
ENFORCEMENT; AND FERETI
SEMAIA, IMMEDIATE
CUSTODIAN, WARDEN FOR
IMMIGRATION AND CUSTOMS
ENFORCEMENT AT ADELANTO
DETENTION FACILITY,

Respondents.

) Case No. 2:25-cv-07946

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) **PETITION FOR WRIT OF
HABEAS CORPUS,**

) **PURSUANT TO 28 U.S.C. §
2241; COMPLAINT FOR**

) **DECLARATORY AND
INJUNCTIVE RELIEF UNDER**

) **THE ADMINISTRATIVE
PROCEDURE ACT,**

) **5 U.S.C. §§ 702-706**

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PETITION FOR WRIT OF HABEAS CORPUS

Mateo petitions this Court for a Writ of Habeas Corpus, pursuant to USC §2241 and the Administrative Procedure Act, 5 U.S.C. § 701, et seq., to remedy his/her continued unlawful detention by Respondents. Petitioner hereby requests that an immediate hearing be set on this matter. Petitioner also requests that he/she be released during the pendency of this Petition. In support of this Petition, Petitioner alleges as follows:

I.

INTRODUCTION

1. Petitioner Mateo Juan Andres (hereinafter “Mateo”) is a 21-year-old indigenous native and citizen of Guatemala. Mateo is bringing a petition for writ of habeas corpus to remedy the Petitioner’s unlawful, indefinite detention in the Department of Homeland Security’s (hereinafter “DHS”) custody. The wrong Petitioner is trying to address is his unlawful detention without probable cause or a reasonable suspicion that he is an undocumented person, and without pending removal proceedings justifying his detention.

2. On June 26, 2025, Mateo was arrested by armed officers of United States Immigration and Customs Enforcement (hereinafter “ICE”), who arrived in approximately ten unmarked vehicles outside of a Home Depot in Glendale, California. Ex. F. The officers did not identify themselves, speak to Mateo, or

1 inspect any of his documents. Instead, the ICE officers detained Mateo in the
2 basement of the federal building, a basement detention facility for ICE at 300
3 North Los Angeles Street, Room B-18, in Los Angeles, California, and issued a
4 Notice to Appear for removal proceedings to him under section 240 of the
5 Immigration and Nationality Act (hereinafter “INA”), 8 U.S.C. § 1229a. Ex. H.
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8 3. Mateo is now detained at the Adelanto Detention Facility, where he
9 has remained for over a month. On July 22, 2025, Mateo, through counsel,
10 requested a bond hearing with a federal Immigration Judge in Adelanto,
11 California. On August 4, 2025, the Immigration Judge found that she lacked
12 jurisdiction to adjudicate a motion for Mateo’s release on bond because federal
13 immigration officials classified him as an arriving alien, under section 235(b) of
14 the Immigration & Nationality Act, 8 U.S.C. § 1225(b)(1). Ex. G.
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18 4. Petitioner is attacking the decision to deny bond for lack of
19 jurisdiction and the violations of the Fourth Amendment, the Fifth Amendment,
20 and the arbitrary and capricious agency actions. Petitioner is requesting release
21 from Immigration and Customs Enforcement (hereinafter “ICE”) custody as his
22 remedy.
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25 II.

26 PARTIES

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28 5. Petitioner Mateo Juan Andres is a national and citizen of Guatemala,
who has been classified as an Unaccompanied Alien Child (hereinafter “UAC”)

1 by the United States Department of Homeland Security pursuant to 6 USC §
2 279(g). He is an applicant for asylum under section 235(d)(7)(B) of the William
3 Wilberforce Trafficking Victims Protection Reauthorization Act (hereinafter
4 “TVPRA”), Pub. L. No. 110-457, 122 Stat. 5044, 5081 (Dec. 23, 2008) (codified
5 at 8 U.S.C. § 1158(b)(3)(C)), and has a petition for Special Immigrant Juvenile
6 Status under section 101(a)(27)(J) of the INA, 8 U.S.C. § 1101(a)(27)(J). On
7 June 28, 2025, officers of United States Immigration Enforcement detained
8 Mateo in Glendale, California. He remains in custody at the Adelanto Detention
9 Facility, in Adelanto, California, as of the date of this Petition.
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14 6. Respondent Pamela Jo Bondi is the Attorney General of the United
15 States. She has a mandate, pursuant to 8 U.S.C. §§ 1101(b)(4) and 1103(g)(1)-
16 (2), to supervise the implementation and enforcement of the INA, including the
17 apprehension, detention, and deportation of removable noncitizens under sections
18 236(a) and 241(a) of the INA, 8 U.S.C. §§ 1226(a) and 1231(a). She is sued in
19 her official capacity.
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22 7. Respondent Kristi Noem is the Secretary of Homeland Security.
23 She is responsible for “[c]arrying out the immigration enforcement functions
24 vested by statute in, or performed by, the Commissioner of [the former]
25 Immigration and Naturalization (or any officer, employee, or component of the
26 Immigration and Naturalization Service),” 6 U.S.C. § 202(3), and for
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1 “[e]stablishing national immigration enforcement policies and priorities.” 6
2 U.S.C. § 202(5). She is sued in her official capacity.
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4 8. Respondent Todd M. Lyons is the Acting director of United States
5 Immigration and Customs Enforcement. He has a mandate, pursuant to 6 U.S.C.
6 §§ 251(2) and 252(a)(3)(A)(ii) and 8 U.S.C. §§ 1103(a)(1) and 1103(g)(2), to
7 exercise any functions delegated to him by the Secretary of the United States
8 Department of Homeland Security, including the enforcement of the INA and all
9 other laws, regulations, and policies pertaining to the immigration and
10 naturalization of immigrants, and the apprehension and detention of noncitizens
11 for removal from the United States. He is sued in his official capacity.
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15 9. Respondent Ernesto Santacruz, Jr. is the Field Office Director for the
16 ICE Los Angeles Field Office, an office of United States Immigration and
17 Customs Enforcement in Los Angeles, California. He has a duty, delegated to
18 him by the Secretary of the United States Department of Homeland Security and
19 the Director of United States Immigration and Customs Enforcement, to
20 supervise the apprehension, detention, and removal of noncitizens within the Los
21 Angeles, California metropolitan area. He is sued in his official capacity.
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25 10. Respondent Fereti Semaia, Adelanto Detention Facility warden, the
26 immediate custodian of Petitioner, who bears responsibility for detaining him
27 pending removal proceedings. He is sued in his official capacity.
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III.

JURISDICTION AND VENUE

11. This Court has jurisdiction under 28 U.S.C. §2241 (habeas corpus) and Article I, Section 9, Clause 2, of the United States Constitution (Suspension Clause).

12. Venue is proper in the United States District Court for the Central District of California, pursuant to 28 U.S.C. §§ 1391(e)(1)(B) and 1391(e)(1)(C), because Mateo resides in Los Angeles, California when he is not detained by federal immigration officials, and because officers of the ICE Los Angeles Field Office in Los Angeles, California have maintained custodial control over him at the Adelanto Detention Facility in Adelanto, California. Mateo's residence, the ICE Los Angeles Field Office, and the Adelanto Detention Facility lie within this Court's territorial jurisdiction. See Immigrant Assistance Project of the Los Angeles County Federation of Labor v. INS, 306 F.3d 842, 868 (9th Cir. 2002) (holding that a civil action "in which a Respondent is an agency of the United States and in which no real property is involved, may be brought, inter alia, in any judicial district in which a plaintiff resides") (citing 28 U.S.C. § 1391(e)).

IV.

STATEMENT OF FACTS

13. Mateo is a twenty-one-year-old, indigenous national and citizen of Guatemala. He entered the United States as an UAC, on or about October 27, 2021, near San Luis, Arizona, when he was seventeen years old where he was

1 apprehended by United States Customs and Border Protection. Ex. A; B. He was
2 then referred to the Office of Refugee Resettlement (hereinafter “ORR”),
3
4 Division of Unaccompanied Children Operations (hereinafter “DUCO”), and
5 released to his sponsor, Juan Andres Salvador, his brother. Ex. B.
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7 14. On March 7, 2022, Mateo was served with a Notice to Appear under
8 section 240 of the INA, 8 U.S.C. § 1229 (a). Those proceedings were
9 subsequently dismissed so that USCIS officers could adjudicate Mateo’s asylum
10 application that he filed pursuant to the TVPRA. Ex. E. Mateo also filed for SIJS.
11 Both applications remain pending before USCIS.
12

13 15. Mateo filed his TVPRA application on December 7, 2023, in the
14 jurisdiction of USCIS under Section 235 (d)(7)(B) of the TVPRA which places
15 initial jurisdiction over TVPRA I-589s with USCIS when filed by UCs. Ex. C.
16 Mateo filed his guardianship petition on March 4, 2025, which was approved on
17 March 6, 2025, and he then filed his SIJS petition on May 7, 2025, in the
18 jurisdiction of USCIS under 8 CFR 204.11 (h) which places sole jurisdiction over
19 petitions for special immigrant juvenile classification with USCIS. Ex. D.
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22 16. On June 26, 2025, masked, armed, and unidentified Immigration and
23 Customs Enforcement (“ICE”) officers abruptly arrived at a Home Depot in
24 Glendale, California in about ten unmarked vehicles, and encountered Mateo.
25 Mateo, fearing for his safety, attempted to exit the parking lot. Ex. F. ICE officers
26 did not identify themselves, did not speak to him, and did not inspect any of
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1 Mateo's documents before one officer grabbed Mateo by the arm, and shoved his
2 closed fist into the side of Mateo's face. At that time, Mateo attempted to explain
3 to the officers in Spanish that he had work authorization through his pending I-
4 589 TVPRA asylum application and was lawfully present in the United States.
5 Mateo attempted to show his work permit to the officer, but the officer refused to
6 inspect Mateo's documents. Instead, the unidentified officer demanded that
7 Mateo give him his "wallet" and claimed that Mateo's documents did not "mean
8 anything" to him. ICE officers then took Mateo into custody and issued a Notice
9 to Appear for removal proceedings under section 240 of the INA, 8 U.S.C. §
10 1229 (a) on June 29, 2025. Ex. H.

15 17. On July 2, 2025, Mateo filed a motion for bond pursuant to 8 C.F.R.
16 § 1236, arguing that he could not be subject to mandatory detention under section
17 235(b) of the INA, 8 U.S.C. § 1225(b), because he entered the United States as a
18 UAC, who cannot be subjected to the mandatory detention provisions of 8 U.S.C.
19 § 1225(b). On August 4, 2025, the Immigration Judge denied Mateo's motion for
20 bond, finding the Court lacked jurisdiction to consider his request for custody
21 redetermination. Ex. G.

25 18. As of the date of this Petition, Mateo remains detained by
26 Respondents at the Adelanto Detention Facility.

V.

STATUTORY AND REGULATORY REFERENCE

19. Three key laws and agreements govern the federal government's treatment and custody of unaccompanied immigrant children: the 1997 Flores Settlement Agreement; the Homeland Security Act of 2002; and the Trafficking Victims Protection Reauthorization Act.

20. At the time of the Flores Settlement Agreement, a single agency, the Immigration and Naturalization Service (hereinafter "INS"), administered the custody, detention, and deportation of immigrant children. In 2002, Congress passed the Homeland Security Act, which abolished the INS, created a new agency, the United States Department of Homeland Security, and transferred all functions related to the care and custody of unaccompanied immigrant children to the Office of Refugee Resettlement (hereinafter "ORR"), a sub-department of the Department of Health and Human Services. See Homeland Security Act of 2002, Pub. L. 107-296, 116 Stat. 2153 (Nov. 25, 2002). Section 462 of the HSA extended the key terms of the Flores Settlement Agreement to all unaccompanied immigrant children, including the requirement that ORR place such children in the least restrictive setting. That placement is "subject to considerations of danger to self, danger to the community, or risk of flight, and limits placement in a secure facility to children who have been determined to pose a danger to self or others, or who have been charged with crimes." *Id.*

1 21. In 2008, Congress further strengthened protections for
2 unaccompanied alien children through the Trafficking Victims Protection
3 Reauthorization Act (“TVPRA”). See Pub. L. 110-457, 122 Stat. 5044 (Dec. 23,
4 2008). The TVPRA requires federal officials to screen these unaccompanied
5 children for certain vulnerabilities, including whether they are victims of
6 trafficking and whether they fear persecution in their home countries. See 8
7 U.S.C. § 1232(a)(4). The TVPRA also enacted procedures for ensuring “safe and
8 secure placements” for these children. See 8 U.S.C. § 1232(c)(1). Like the
9 Flores Settlement Agreement, the TVPRA mandates that an unaccompanied child
10 “shall be promptly placed in the least restrictive setting that is in the best interest
11 of the child.” 8 U.S.C. § 1232(c)(2)(A).

12 22. In 2013, Congress enacted a statutory provision to address the
13 detention and placement of unaccompanied alien children, who have turned
14 eighteen years of age and have been transferred from ORR into ICE custody. See
15 Violence Against Women Act in 2013, Pub. L. 113-4, 127 Stat. 156, (codified at
16 8 U.S.C. § 1232(c)(2)(B) (March 7, 2013). That statute provides, in part, that ICE
17 “shall consider placement” of such eighteen-year-old undocumented children “in
18 the *least restrictive setting* available after taking into account the alien's danger to
19 self, danger to the community, and risk of flight.” *Id.* (emphasis added).

20 23. Section 1232(c)(2)(B) further requires that such children “shall be
21 eligible to participate in alternative to detention programs, utilizing a continuum
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1 of alternatives based on the alien's need for supervision, which may include
2 placement . . . with an individual or an organizational sponsor, or in a supervised
3 group home.” Id.
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5 24. The United States District Court for the District of Maryland
6 approved the class action settlement in *J.O.P. v. DHS* (hereafter “J.O.P.
7 Settlement”). See *J.O.P. v. DHS*, No. 8:19-cv-01944-PX (D. Md.), Settlement
8 Agreement, ECF No. 1992 (Feb. 24, 2025). The J.O.P Settlement states that, “all
9 individuals nationwide who prior to [February 24, 2025]: (1) were determined to
10 be a[n] [Unaccompanied Alien Child, as defined in 6 U.S.C. § 279(g)(2)]; (2)
11 who filed their asylum applications with USCIS by February 24, 2025; (3) on the
12 date they filed their asylum application with USCIS, were 18 years of age or
13 older, or had a parent or legal guardian in the United States who is available to
14 provide care and physical custody; and (4) for whom USCIS has not adjudicated
15 the individual’s asylum application on the merits” is a member of the certified
16 class member and USCIS must exercise initial jurisdiction over the class
17 member’s asylum application. *J.O.P. Settlement*, No. 8:19-cv-01944-PX (D.
18 Md.), ECF No. 1992 at 2 ¶ E. Mateo is a protected J.O.P. class member because
19 the United States Customs and Border Protection determined he was a UAC at
20 entry; he filed a TVPRA asylum application with USCIS on December 27, 2023,
21 before the February 24, 2025 settlement deadline, when he was nineteen years
22 old; and his application remains pending before USCIS.
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25. USCIS therefore retains jurisdiction over his application. See *J.O.P. v. DHS*, 8:19-cv-01944 (D. Md.).

26. On July 22, 2025, Mateo requested a bond hearing with a federal Immigration Judge in Adelanto, California. The Adelanto Immigration Court scheduled a hearing on Mateo's motion for release on bond before a federal Immigration Judge in Adelanto, California on August 4, 2025. At his bond hearing, Mateo argued that, pursuant to INA § 208(b)(3)(C) and 8 USC § 1232(b), he could not face mandatory detention under section 235(b) of the INA, 8 U.S.C. § 1225(b), because he was an unaccompanied alien child when he entered the United States, who cannot be subjected to the mandatory detention provisions set forth in 8 U.S.C. § 1225(b). The Immigration Judge determined that she lacked jurisdiction to conduct bond proceedings because she believed Mateo was an applicant for admission. The IJ cited *Matter of Q Li*, reasoning that because Mateo was apprehended at entry, he is considered an applicant for admission under section 235(b) of the INA, 8 U.S.C. § 1225(b).

27. Mateo has now been detained at the Adelanto Detention Facility continuously since June 28, 2025. He was held in B-18 for six days before ICE transferred him to Adelanto. Mateo has no criminal history.

VI.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

HABEAS CORPUS

28. As set forth above, Respondents are holding Petitioner in federal custody, in violation of the Flores Settlement Agreement, federal statutes, and the U.S. Constitution. The Flores Settlement Agreement, as extended the Homeland Security Act of 2002, requires that unaccompanied immigrant children be placed in the least restrictive setting appropriate to their needs, subject only to considerations of danger to self, danger to the community, or risk of flight. See *Flores v. Reno*, No. CV 85-4544-RJK (C.D. Cal. 1997), Settlement Agreement ¶ 11. Similarly, 8 U.S.C. § 1232(c)(2)(A) requires the Office of Refugee Resettlement to place UACs in the least restrictive setting that is in the best interest of the child. Federal immigration officials classified Petitioner as a UAC subject to these mandates, and he did not lose his UAC designation merely by turning eighteen years old. Respondents have disregarded these obligations and have failed to detain Petitioner in the least restrictive setting.

29. Accordingly, Petitioner seeks a writ of habeas corpus compelling Respondents to release him from continued detention.

SECOND CLAIM FOR RELIEF

AS TO PETITIONER'S DETENTION—VIOLATION OF THE DUE

PROCESS CLAUSE

1 30. The Petitioner repeats, re-alleges, and incorporates by reference each
2 and every allegation in the preceding paragraphs as if fully set forth herein.
3

4 31. The government may not deprive a person of life, liberty, or
5 property without due process of law. U.S. Const. amend. V. “Freedom from
6 imprisonment, from government custody, detention, or other forms of physical
7 restraint, lies at the heart of the liberty that the Clause protects.” *Zadvydas v.*
8 *Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001).
9
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11 32. Petitioner has a fundamental interest in liberty and being free from
12 official restraint.
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14 33. The government’s detention of Petitioner without a bond
15 redetermination hearing to determine whether he is a flight risk or danger to
16 others violates his right to due process.
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18 **THIRD CLAIM FOR RELIEF**

19 **VIOLATION OF THE FLORES SETTLEMENT AGREEMENT**

20 34. Petitioner incorporates the allegations set forth in Paragraphs 1
21 through 24, as if fully set forth herein.
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23 35. The Flores Settlement Agreement was amended as to minors who
24 reach the age of eighteen after entry into the U.S., evidencing congressional
25 intent to repeal in part, 8 C.F.R. section 1003.19 (mandatory detention of arriving
26 aliens). As an unaccompanied minor who has reached the age of majority,
27 Petitioner is a member of the Flores Class and is therefore authorized to
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1 challenge the Respondent's custodial decision in this Court. The Flores
2 Settlement Agreement, the TVPRA, and the 2012 VAWA act, collectively,
3 authorize Petitioner's placement in the least restrictive setting. The JOP lawsuit
4 extends the Flores' protection to people who have turned eighteen years of age.
5 The Respondents have violated these authorities, cumulatively, by detaining
6 Petitioner for no reason, despite his pending applications for protection outside
7 EOIR.
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11 36. Respondents' continued incarceration of the Petitioner is a violation
12 of the Flores Settlement Agreement.
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14 37. Petitioner incorporates the allegations set forth in Paragraphs 1
15 through 24, as if fully set forth herein.
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17 38. Respondents have a non-discretionary duty to promptly place
18 Petitioner in the least restrictive setting that is in his/her best interests under the
19 TVPRA. 8 U.S.C. § 1232(c)(2)(A).
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21 39. Respondents have failed to act promptly.

22 40. Respondents have arbitrarily and unlawfully failed to place the
23 Petitioner in the least restrictive setting that is in his best interests.
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25 **FOURTH CLAIM FOR RELIEF**

26 **VIOLATION OF THE ADMINISTRATIVE PROCEDURES ACT**
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1 41. Petitioner incorporates the allegations set forth in Paragraphs 1
2 through 24, as if fully set forth herein.
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4 42. Petitioner is aggrieved by Respondents' actions in detaining him and
5 refusing to consider his release in the least restrictive setting. Respondents'
6 continued detainment and failure to release the petitioner constitutes final agency
7 action, within the meaning of 5 U.S.C. § 704.
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9 43. Respondents' detention of the Petitioner and their failure to release the
10 Petitioner is arbitrary, capricious, and not in accordance with the law, in violation
11 of 5 U.S.C. § 706(2)(A), because it ignores the mandates of the Flores Settlement
12 Agreement, 8 U.S.C. § 1232(c)(2)(A), and the J.O.P. Settlement Agreement.
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15 44. Respondents' detention further violates Petitioner's rights under the
16 Fourth Amendment and the Fifth Amendment as Petitioner remains confined
17 without lawful authority and without individualized consideration of the least
18 restrictive placement
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21 45. Petitioner has no recourse to judicial review other than by this action.
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Prayer for Relief

WHEREFORE, Petitioner respectfully requests that the Court:

(1) Assume jurisdiction over this matter;

(2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.

(3) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment, U.S. Const. amend. V.;

(4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately or schedule a bond hearing before an immigration judge pursuant to 8 U.S.C. § 1226(a) within 14 days;

(5) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, as amended, 28 U.S.C § 2412, and on any other basis justified under law; and

(6) Grant any further relief this Court deems just and proper.

Dated: August 22, 2025

Respectfully Submitted,
S/Roxana V. Muro

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CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2025, I electronically filed the foregoing Petition for Writ Of Habeas Corpus, which will send notification of such filing to those attorneys of record registered on the CM/ECF system. All other parties shall be served in accordance with the Federal Rules of Civil Procedure.

Dated: August 22, 2025

Respectfully Submitted,
/s/Roxana V. Muro

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