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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

Juan Carlos Hernandez Hernandez;

Case No. 8:25-cv-01928

Plaintiff,

v.

**PETITION FOR WRIT OF
HABEAS CORPUS;
COMPLAINT FOR**

Department of Homeland Security; Kristi Noem, in her official capacity as Secretary, Department of Homeland Security; **U.S. Customs and Border Protection; Rodney S. Scott**, in his official capacity as Commissioner, U.S. Customs and Border Protection; **Michael W. Banks**, in his official capacity as Chief of U.S. Border Protection; **U.S. Immigration and Customs Enforcement; Todd M. Lyons**, in his official capacity as Acting Director, U.S. Immigration and Customs Enforcement; **Ernesto Santacurz JR.**, in his official capacity as Acting Field Office Director for Los Angeles, U.S. Immigration and Customs Enforcement; and **DOE ICE Agents 1 to 15**.

**DECLARATORY RELIEF,
INJUNCTIVE RELIEF, AND
DAMAGES UNDER BIVENS**

[DEMAND FOR JURY TRIAL]

Defendants.

1 Plaintiff JUAN CARLOS HERNANDEZ HERNANDEZ, through undersigned
2 counsel, respectfully submits Complaint for violation of Civil Rights seeking
3 declaratory relief, injunctive relief - *Habeas Corpus*- and *Biven's* Damages
4 against the Defendants, based on the following legal considerations.

5
6 **I. VENUE AND JURISDICTION**

7
8 **1.** Jurisdiction is based under 28 U.S.C. § 1331, 1343(a)(1) – (4) & 1367
9 (Federal Question), 5 U.S.C. §702 and 706 (Administrative Procedure Act - APA),
10 28 U.S.C. §2241 (Federal Habeas Statute), U.S. Const. Art. I, §9 (Suspension
11 Clause), 28 U.S.C. §1651 (All Writs Act), 28 U.S.C. §2201 & 2202 (Declaratory
12 Judgment Act), and Fed. R. Civ. P. 65 (Injunctive Relief). & *Bivens v. Six*
13 *Unknown Named Agents* (1971).

14 **2.** The Defendants do not have immunity. See, e.g., 5 U.S.C. § 702; *Larson*
15 *v. Domestic & Foreign Com. Corp.*, 337 U.S. 682, 689–90 (1949); *The*
16 *Presbyterian Church (U.S.A.) v. United States*, 870 F.2d 518, 526 (9th Cir. 1989).

17 **3.** Venue in this District Court is proper under 28 U.S.C. § 1391(b) & (e)1
18 because Defendants are officers or employees of the United States and the
19 incidents giving rise to this lawsuit occurred in the City of Huntington Beach,
20 County of Orange, a geographical area covered by this Federal District.

21 **4.** Plaintiff at all times relevant to this action was resident of Orange County.
22

23 **II. THE PARTIES**

24
25 **5.** At all times relevant to this action, **Juan Carlos Hernandez Hernandez**
26 (hereinafter referred to as “Plaintiff”) was a resident in the city of Huntington
27 Beach, California. Where he lived and worked peacefully until these *incidents*.

28 **6.** Defendant **Department of Homeland Security** (DHS) is a federal

1 executive department of the United States.

2 7. Defendant **Kristi Noem** is the Secretary of the Department of Homeland
3 Security (DHS), which is responsible for administering and enforcing the nation's
4 immigration laws pursuant to 8 U.S.C. §1103(a). In this role, she oversees
5 component agencies such as ICE and U.S. Customs and Border Protection (CBP).
6 Defendant Noem is sued in her official capacity.

7 8. Defendant **U.S. Customs and Border Protection** (CBP) is a federal law
8 enforcement organization of the United States.

9 9. Defendant **Rodney S. Scott** is the Commissioner of U.S. Customs and
10 Border Protection (CBP), the agency within DHS that is responsible for enforcing
11 immigration laws at or close to the U.S. border. In that capacity, Defendant Scott
12 has direct authority over all CBP policies, procedures, and practices related to
13 stops, arrests, and detention. Defendant Scott is sued in his official capacity.

14 10. Defendant **Michael W. Banks** is Chief of the U.S. Border Protection. In
15 that capacity, Defendant Banks has direct authority over all Border Protection
16 policies, procedures, and practices related to stops, arrests, and detention.
17 Defendant Banks is sued in his official capacity.

18 11. Defendant **U.S. Immigration and Customs Enforcement** (ICE) is a
19 federal agency of the United States.

20 12. Defendant **Todd M. Lyons** is the Acting Director of U.S. Immigration and
21 Customs Enforcement (ICE), an agency of the United States and a division of
22 DHS. ICE's mission includes the enforcement of criminal and civil laws related
23 to immigration. Among other things, ICE is responsible for the stops, arrests, and
24 custody of individuals believed to be in violation of civil immigration law.
25 Defendant Lyons is sued in his official capacity.

26 13. Defendant **Ernesto Santacruz Jr.** is the Acting Field Office Director for
27 the Los Angeles Field Office of ICE. In that capacity, Defendant Santacruz Jr. is
28 responsible for the supervision of personnel within ICE's Enforcement and

1 Removal Operations (ERO) in the geographic area covered by the Los Angeles
2 Field Office, which comprises the seven counties in the District.

3 **14.** Defendants **DOE ICE Agents 1 to 15** are individuals whose identities are
4 currently unknown to the Plaintiff but that participated in some manner in the
5 incident that gave rise to this claims and/or who until the day of this docket no.
6 filing, do not allow anyone to have contact with this injured plaintiff.

7
8 **III. GENERAL ALLEGATIONS**
9

10 **15.** The Plaintiff here incorporates by reference the previous paragraphs, with
11 the same legal effect as if they were fully alleged herein.

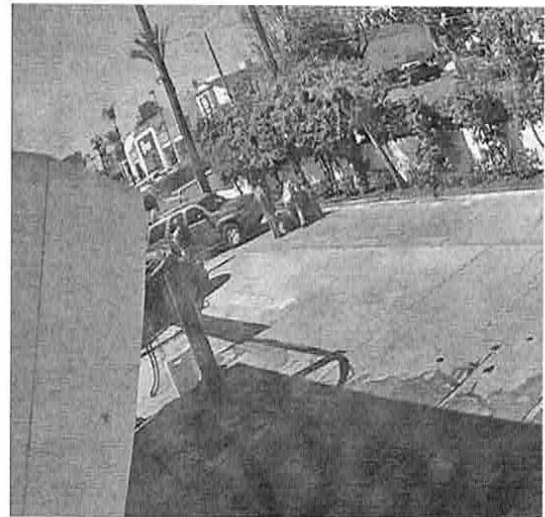
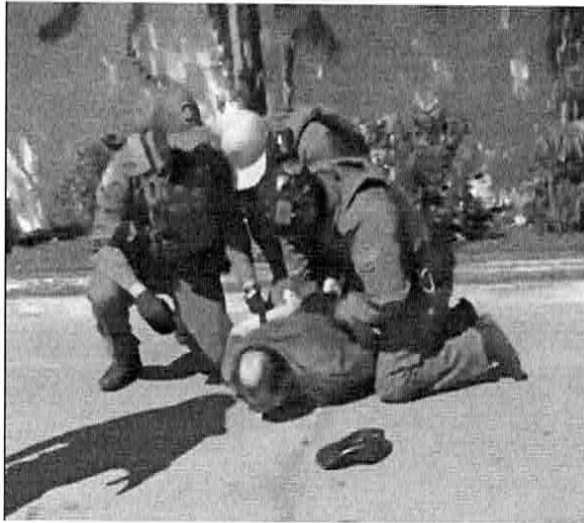
12 **16.** On the morning of August 20, 2025, Plaintiff was working at a business
13 (hereinafter referred to as the “*Car Wash*”), located at the intersection of Beach
14 Boulevard and Garfield Avenue, in Huntington Beach CA. Mr. Hernandez had
15 been working in this place as a car washer for years.

16 **17.** At or around 10:40 am, several masked and armed individuals purportedly
17 ICE agents and some sort of border protection agents arrived at the Car Wash and
18 started to stop & detain people who were simply working as car wash employees.
19 Everyone with dark skin tone or who was heard speaking in Spanish, or simply
20 anyone being there at the car wash working was racially a profile target. No arrest
21 warrant was shown, no questions were asked. This operation was a flagrant
22 violation of The Federal Central District Court Temporary Restraining Order
23 issued by this Court in the matter of *Vasquez Perdomo V. Noem*, Case No. 2:25-
24 cv-05605-MEMF-SP, Dkt. No. 87.

25 **18.** These immigration-related wrongful detentions were based on nothing but
26 broad day light racial profiling, including on the basis of apparent race and
27 ethnicity.
28

1 **19.** Plaintiff here; Mr. Juan Carlos Hernandez Hernandez is Hispanic, he
2 speaks Spanish, and he was simply working on the place and at the time of the
3 incidents as a car washer. Hence, Mr. Hernandez was violently arrested apparently
4 only based on; (1) his apparent race or ethnicity; (2) him speaking Spanish or
5 speaking English with an accent; (3) his presence at a particular location (the car
6 wash); and (4) the type of work that he did. (car washers have been particularly
7 target of unconstitutional arrests by federal government agencies i.e. ICE.)

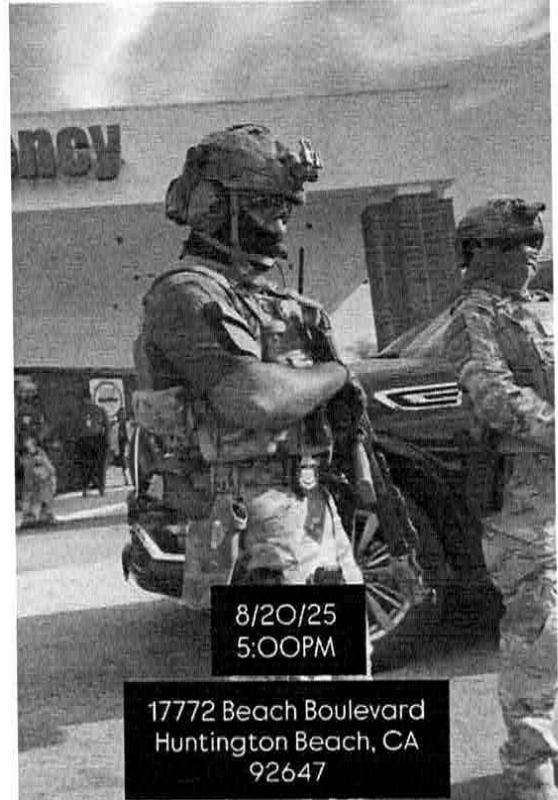
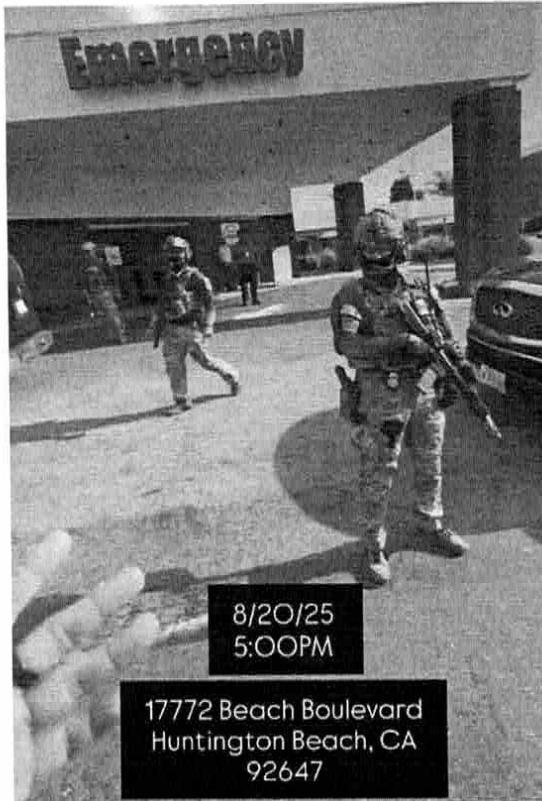
8 **20.** Defendants DOES 1-15 without any objectively reasonable need to use any
9 force, came to Mr. Hernandez when he was working and fractured his leg,
10 throwing him down forcefully, applying their body weights on him. Videos of the
11 incident were captured by surveillance camera (**Exhibit No. 1**). Pursuant to Local
12 Rule 5-4.2(b)(1), video **Exhibit No. 1** will be later lodged with the Clerk under
13 Local Rule 11-5.1 with court's permission.



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23 **21.** The Defendants Does 1-15 agents used force unnecessarily against the
24 Plaintiff, when he offered no resistance at all. The amount of force used here by
25 the agents against Plaintiff was so excessive that when the officers realized that
26 they had seriously injured Mr. Hernandez, instead of calling for medical
27 emergency personnel, they decided to forcefully throw him inside their own
28 vehicle (s) to take him to a nearby hospital.

1 **22.** The Plaintiff was admitted at Huntington Beach Hospital, where he had to
2 be treated and went into emergency procedures such as urgent surgeries. Plaintiff
3 remains hospitalized at such location as to the date of this filing.

4 **23.** The whole time that the Plaintiff has been hospitalized there, he has been
5 -according to hospital management - under the custody of ICE.



20 **24.** Defendants Does 1 & 2 are 2 specific individuals inside the room where
21 Mr. Hernandez is being held. Defendants Does 1 & 2 do not allow anyone to visit
22 the Patient. Plaintiff. Mr. Hernandez's family members have attempted to visit
23 him but they were denied any access. The Defendants refuse to allow Mr.
24 Hernandez to have any telephonic contact with any member of his family.

25 **25.** Upon the family request, per Vienna Convention on Consular Relations
26 (1963), Article 36, a Consular Officer duly credited in Orange County attempted
27 to visit Mr. Hernandez. The access and contact between Mr. Hernandez and this
28 consular officer from the Consulate of Mexico in Santa Ana was also denied.

1 **26.** On **August 27, 2025**, at 3:00 pm the undersigned Counsel for Plaintiff
2 Jesus Eduardo Arias, went to Huntington Beach hospital and asked security
3 personnel to allow access to Mr. Hernandez to speak to counsel. Security
4 Personnel from the hospital professionally and kindly went to the room where Mr.
5 Hernandez is being held under the custody of ICE Agents. The same Defendants
6 Does 1-2 were asked for permission to allow counsel to speak to Mr. Hernandez.

7 **27.** Again, Defendants refused to allow Mr. Hernandez to speak to counsel.
8 Furthermore, Defendants specifically instructed Security personnel to advise Mr.
9 Hernandez's counsel that they would have nothing to tell him either and refused
10 to even come to the lobby to speak to counsel themselves. Indicating that any
11 lawyer seeking to see or speak to plaintiff should go to Los Angeles or Orange
12 County Federal Government agencies and "*do whatever they want to do*".

13 **28.** No phone calls, no emails, no texts, no form of any communication is
14 allowed to Mr. Hernandez. Thus, at this time his person is essentially *seized*
15 unlawfully by the Defendants in violation of the 4th Amendment and other federal
16 statutory and judicial precedents under United States' Law.

17 **29.** The conditions in which the Defendants are keeping the Plaintiff here are
18 intolerable. They are not only a flagrant violation to constitutional rights i.e. due
19 process of law, right to Counsel, right to access to consular assistance among
20 others. Moreover, this is deliberate act of Defendants in violation of Federal
21 Orders of this court currently in full force and effect. *Vasquez Perdomo V. Noem*,
22 Case No. 2:25-cv-05605-MEMF-SP, Dkt. No. 87.

23 **30.** Given the uncertainty of Mr. Hernandez' future location -displacement by
24 the Federal Government authorities- in the interest of justice this matter requires
25 judicial prompt intervention.

26 **31.** And for all of the above reasons, Plaintiff seeks urgent relief by *Habeas*
27 *Corpus* petition and complaint against the Defendants as named above.
28

1
2 **IV. CAUSES OF ACTIONS**

3
4 **1. Unreasonable Seizure**
5 **Violation to the Fourth Amendment**
6 **(Against ALL DEFENDANTS)**

7 **32.** The Plaintiff repeats and re-alleges all the previous paragraphs as if fully
8 stated here.

9 **33.** Under the Fourth Amendment, a person has the right to be free from an
10 unreasonable seizure of his person.

11 **34.** At all relevant times, the Plaintiff alleges that the Defendants deprived him
12 of his rights under the Fourth Amendment when they intentionally retrained his
13 liberty through unreasonable physical force despite the fact that Defendants had
14 no individualized reasonable suspicion that the Plaintiff was committing any
15 crime, nor any reasonable suspicion that he was a non-citizen unlawfully in the
16 United States or was engaged in any offense against the United States.

17 **35.** “Except at the border and its functional equivalents,” immigration agents
18 may stop individuals in public only after identifying “specific articulable facts,
19 together with rational inferences from those facts, that reasonably warrant
20 suspicion” of a violation of immigration law. *United States v. Brignoni-Ponce*,
21 422 U.S. 873, 884 (1975); *Benitez-Mendez v. I.N.S.*, 752 F.2d 1309, 1311 (9th Cir.
22 1983), amended, 760 F.2d 907 (9th Cir. 1983); see also 8 C.F.R. § 287.8(b)(2).

23 **36.** The Plaintiff’s seizure was not supported on nothing but racial profiling,
24 and Courts have stated that reasonable suspicion cannot be based “on broad
25 profiles which cast suspicion on entire categories of people without any
26 individualized suspicion of the particular person to be stopped.” *United States v.*
27 *Rodriguez Sanchez*, 23 F.3d 1488, 1492 (9th Cir. 1994).

28 **37.** Furthermore and relevant to the current status of these type of incidents

1 occurring now daily in our streets, the 9th Circuit Court has confirmed recently
2 this District Court's determination that the Federal Agents such as these
3 defendants, shall not engage in this precise type of conduct targeting people by
4 use of the well known 4 factors that at this time have been properly identified as
5 unconstitutional *modus operandi* of the current federal administration. (*Perdomo*
6 *v. Noem* (9th Cir. Aug. 1, 2025, No. 25-4312)).

7 **38.** Therefore, the Plaintiff's seizure here was made in violation to the Fourth
8 Amendment of the United States Constitution.

9
10 **2. Excessive -unnecessary use of physical Force**
11 **Violation to the Fourth Amendment**
12 **(Against DOE ICE AGENTS 1-15)**

13 **39.** The Plaintiff repeats and re-alleges all the previous paragraphs as if fully
14 stated here.

15 **40.** Under the Fourth Amendment, no excessive force should be used during
16 the seizure of any person. In this case, the agents seized the Plaintiff by causing
17 serious injury to his person. To this day he remains at a hospital and his recovery
18 status is unknown due to continuous acts of illegality perpetrated by the
19 Defendants.

20 **41.** Under *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*,
21 individuals may sue federal agents, including ICE agents, for constitutional
22 violations, such as excessive force, in their individual capacities. *Schultz v. Braga*,
23 455 F.3d 470, *Zelaya v. Hammer*, 516 F. Supp. 3d 778. *Martin v. United States*,
24 145 S. Ct. 1689

25 **42.** At all relevant times, the Plaintiff here alleges that the Defendants used
26 excessive force during his seizure. Despite the fact that Plaintiff never resisted in
27 any way to his detention nor posed any immediate threat to the safety of the agents
28 or to others, the agents inexplicably used an amount of physical force so

1 unreasonable under the circumstances that they ended up taking him to hospital.

2 **43.** The Plaintiff never verbally threatened anyone during the incident. Nor did
3 he ever make any assaultive physical movement against any of the agents. He
4 never made a movement nor made a statement expressive of any intent to attack
5 anyone during the incident.

6 **44.** Thus, taking into consideration the *Graham* factors (See *Graham v.*
7 *Connor*, 490 U.S.), the use of physical force here against the Plaintiff given the
8 totality of the circumstances, shocks the conscience, it was purposefully to harm,
9 unreasonable and flatly excessive in violation of Fourth Amendment rights.

10
11 **3. Warrantless Arrests Without Probable Cause of Flight Risk**

12 **Violation of 8 U.S.C. § 1357(a)(2)**

13 **(Against ALL DEFENDANTS)**

14 **45.** The Plaintiff repeats and re-alleges all the previous paragraphs as if fully
15 stated here.

16 **46.** Under 8 U.S.C. §1357(a)(2), arrests without a warrant are required to be
17 accompanied by “reason to believe” that an individual is “likely to escape before
18 a warrant can be obtained for [their] arrest.”.

19 **47.** On the date of the incident, the Defendants arrested the Plaintiff without
20 warrant and without making an individualized determination of any flight risk.
21 The Defendants had no mechanism for ensuring compliance with the regulatory
22 limits of agents’ and officers’ warrantless arrest authority and did not provide
23 guidance to agents and officers on how to make an individualized determination
24 of likelihood of escape. Some of the Defendants including agencies and their
25 directors as sued here, permit their agents and officers to make warrantless arrests
26 *carte blanche* in violation of the most basic fundamental concepts of justice. Such
27 warrantless arrests made without the required individualized flight risk analysis is
28 a “final agency action” that is “in excess of statutory jurisdiction, authority, or

1 limitations” under 8 U.S.C. §1357(a)(2). 5 U.S.C. §704, §706(2)(C).

2 **48.** Separate from the Administrative Procedure Act, the Defendants’ actions
3 of making a warrantless arrest here without required individualized flight risk
4 analysis is *ultra vires*.

5 **49.** Therefore, and based on the above, the matter at hand requires prompt
6 judicial intervention and emergency relief.

7
8 **4. Standards for Stops and Warrantless Arrests**

9 **Violation of 8 C.F.R. § 287.8(c)(2)(ii)**

10 **(Against ALL DEFENDANTS)**

11 **50.** The Plaintiff repeats and re-alleges all the previous paragraphs as if fully
12 stated here.

13 **51.** Under 8 C.F.R. 287.8(c), the Defendants are bound by regulation to
14 conform warrantless arrests to certain standards, including the requirement at 8
15 C.F.R. § 287.8(c)(2)(ii) that officers have reason to believe that an individual is
16 “likely to escape before a warrant can be obtained.”

17 **52.** The arrest of the Plaintiff was made without any warrant and without
18 making an individualized determination of flight risk. The Defendants had no
19 mechanism for ensuring compliance with the regulatory limits of agents’ and
20 officers’ warrantless arrest authority and did not provide guidance to agents and
21 officers on how to make an individualized determination of likelihood of escape.
22 Defendants permit agents and officers to make warrantless arrests carte blanche
23 in violation of law. Such warrantless arrest made without the required
24 individualized flight risk analysis was a “final agency action” that is “in excess of
25 statutory jurisdiction, authority, or limitations” under 8 C.F.R. §287.8(c)(2)(ii). 5
26 U.S.C. §704, §706(2)(C).

1
2 **5. Failure to Identify Authority and Reason for Arrest**
3 **Violation of 8 C.F.R. § 287.8(c)(2)(iii)**
4 **(Against ALL DEFENDANTS)**

5 **53.** The Plaintiff repeats and re-alleges all the previous paragraphs as if fully
6 stated here.

7 **54.** Under 8 C.F.R. §287.8(c)(3), immigration agents and officers are required,
8 at the time of an arrest or as soon as it is practicable and safe to do so, to identify
9 themselves as “an immigration officer who is authorized to execute an arrest” and
10 “state that the person is under arrest and the reason for the arrest.”.

11 **55.** During the incident with the Plaintiff, the Defendants did not timely
12 identify themselves, their authority to execute an immigration arrest, or the
13 reasons for an arrest.

14 **56.** Thus, such actions are a “final agency action” that is “in excess of statutory
15 jurisdiction, authority, or limitations” under 8 C.F.R. §287.8(c)(2)(iii). 5 U.S.C.
16 §704, §706(2)(C).

17
18 **6. Interfering with the Right to Counsel**
19 **Violation of the Fifth Amendment**
20 **(Against ALL DEFENDANTS)**

21 **57.** The Plaintiff repeats and re-alleges all the previous paragraphs as if fully
22 stated here.

23 **58.** The Plaintiff, assuming that he is currently a pretrial detainee, thus *not a*
24 *kidnapped victim*, currently under the Defendants’ custody at the Huntington
25 Beach Hospital, has a constitutional recognized right to hire and consult with his
26 counsel.

27 **59.** Due process clause also requires that detainees must have adequate
28 opportunities to obtain counsel and to visit and communicate with counsel once

1 counsel is retained.

2 **60.** The Defendants here (Particularly DOES 1 & 2) are physical persons
3 inside the room of Mr. Hernandez and specifically have denied the access to
4 counsel. Depriving Plaintiff of access to confidential legal consultation. This
5 block to the right of counsel has severe consequences. The Plaintiff is forced to
6 interact with federal immigration officials without the benefit of any legal advice
7 even though it is readily available.

8 **61.** Hence Defendants' actions are in violation of the Fifth Amendment. The
9 consequences of these actions could be highly detrimental to the plaintiff. A risk
10 of imminent danger of further constitutional violations remains in the air. Given
11 it is anticipated that once Defendants learn about this lawsuit, they may
12 deliberately disappear Mr. Hernandez in order to avoid accountability for their
13 actions.

14
15 **7. Interfering with the Right to Counsel**
16 **Violation of 8 U.S.C. §1362**
17 **(Against ALL DEFENDANTS)**

18 **62.** The Plaintiff repeats and re-alleges all the previous paragraphs as if fully
19 stated here.

20 **63.** Under the Immigration and Nationality Act (INA), noncitizens have the
21 right to counsel in connection with inadmissibility and deportability proceedings.
22 8 U.S.C. §1362; see also 8 U.S.C. §1229a(b)(4)(A); *Colmenar v. INS*, 210 F.3d
23 967, 971 (9th Cir. 2000); *Orantes-Hernandez*, 919 F.2d at 564.

24 **64.** This protection necessarily entails the right to consult with an attorney in
25 advance of any hearing—especially a hearing at which a noncitizen faces
26 potentially permanent banishment from the United States. *Rios-Berrios*, 776 F.2d
27 at 862. The same substantive standards that protect the Plaintiffs' right to counsel
28 under the Due Process Clause apply to their statutory rights under the INA. See

1 *Agyeman v. INS*, 296 F.3d 871, 877 (9th Cir. 2002) (“If a[] [noncitizen] is
2 prejudiced by a denial of any of the applicable procedural protections, he is denied
3 his constitutional guarantee of due process.”).

4 **65.** So far, the Defendants have prohibited the access to the hospital to his
5 attorney, to his family and his consulate, depriving the Plaintiff of any and all
6 access to any confidential legal consultations or mere familial contact.

7 **66.** This lack of counsel has severe consequences. The Plaintiff is forced to
8 interact with federal immigration officials without the benefit of legal advice even
9 though it is readily available.

10 **67.** Hence, the Defendants’ actions are a “final agency action” that is in excess
11 of statutory authority. See 5 U.S.C. §704, §706(2)(C).

12
13 **8. Conditions of Confinement**

14 **Violation of the Fifth Amendment**

15 **(Against ALL DEFENDANTS)**

16 **68.** The Plaintiff repeats and re-alleges all the previous paragraphs as if fully
17 stated here.

18 **69.** The Court has consistently held that civil detainees’ conditions of
19 confinement are unconstitutional if they “amount to punishment.” *Bell v. Wolfish*,
20 441 U.S. 520, 535 (1979).

21 **70.** The Plaintiff is currently detained under the Defendants’ custody at
22 Huntington Beach Hospital. He is isolated, injured, completely uncommunicated,
23 and no information is provided about access to basic necessities like food, water,
24 adequate hygiene facilities, and proper medical care. There is no reasonable basis
25 for having the Plaintiff detained under such conditions. Therefore, such conditions
26 amount to punishment.

27 **71.** Depriving the Plaintiff of his fundamental right to an “appropriate place of
28 detention” and of his right to consult with counsel, are ongoing violations of the

1 Fifth Amendment by the Defendants.

2
3 **9. Due Process of Law**
4 **Violation of the Fifth Amendment**
5 **(Against ALL DEFENDANTS)**

6 **72.** The Plaintiff repeats and re-alleges all the previous paragraphs as if fully
7 stated here.

8 **73.** Under the Fifth Amendment of the U.S. Constitution, the government may
9 not deprive a person of life, liberty, or property without due process of law.
10 “Freedom from imprisonment—from government custody, detention, or other
11 forms of physical restraint—lies at the heart of the liberty that the Clause
12 protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

13 **74.** The government’s detention of the Plaintiff violates his rights to due
14 process because, as has been detailed above, he was detained without lawful
15 authority, infringing on his fundamental rights of liberty.

16 **75.** Consequently, the Defendants actions are in violation of the U.S.
17 Constitution.

18
19 **V. PRAYER FOR RELIEF**

20
21 WHEREFORE, the Plaintiff respectfully asks for judgment in his favor and
22 against the Defendants named above as follows:

23
24 **1.** The Issuance of a preliminary and permanent injunction enjoining further
25 violations of Plaintiff’s constitutional rights.

26 **2.** Order of immediate access to counsel. (Plaintiff be allowed to meet
27 counsel)

28 **3.** Order of immediate release of the body (*habeas corpus*) of Mr. Hernandez

1 from any custody by the Defendants. (Allowing him to go home upon hospital
2 discharge).

3 4. Order enjoining Defendants from transferring the Plaintiff outside of this
4 judicial district during the pendency of these proceedings. (Effective
5 immediately).

6 5. Enjoin Defendants from removing the Plaintiff from the United States
7 without any applicable formal procedures for removal identified in the INA.

8 6. Order the immediate release of the Plaintiff from any custodial hold.

9 7. Compensatory damages as proven at trial for all the injuries caused to the
10 Plaintiff.

11 8. Punitive Damages as to individual Defendants DOE ICE AGENTS 1 & 2
12 and Doe No. 3 ICE agent that caused fractures – harm to Mr. Hernandez.

13 9. Reasonable attorneys' fees, costs, and other disbursements permitted under
14 the Equal Access to Justice Act, 28 U.S.C. § 2412, and any other applicable
15 statute, and;

16 10. For any such other relief the Court may deem just and proper.
17
18

19 **VI. DEMAND FOR JURY TRIAL**
20

21 The Plaintiff hereby respectfully demands a trial by Jury in this matter.
22
23
24

25 Dated: 08/28/2025

Respectfully Submitted by:

26 S/ Jesus Eduardo Arias LL.M. Esq.
27 Attorney for Plaintiff Juan Carlos Hernandez Hernandez
28 LAW OFFICES OF JESUS EDUARDO ARIAS