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

JHONGER ANDREY CAICEDO
GARCIA;

Petitioner,

v.

KRISTI NOEM, SECRETARY,
DEPARTMENT OF HOMELAND
SECURITY; PAM BONDI, ATTORNEY
GENERAL; IMMIGRATION AND
CUSTOMS ENFORCEMENT; TODD
LYONS, ACTING DIRECTOR,
IMMIGRATION AND CUSTOMS
ENFORCEMENT; ERNESTO
SANTACRUZ JR., LOS ANGELES FIELD
OFFICE DIRECTOR, IMMIGRATION
AND CUSTOMS ENFORCEMENT.

Respondents.

No. 2:25-CV-09255-SRM-MAA

**REPLY IN SUPPORT OF PETITION
FOR WRIT OF HABEAS CORPUS
AND COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF; NOTICE OF
WITHDRAWAL OF HABEAS
PETITION**

Honorable Maria A. Audero
United States Magistrate Judge

REPLY IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

Defendants do not contest Petitioner's Allegations of Fact

1. Petitioner admits he is a native and citizen of Colombia as alleged in his notice to appear. ECF 6-2. He concedes proper service of that document when he was encountered by United States Border Patrol on or about May 25, 2024, when he entered the United States to seek asylum. *Id.* ¶ 4.

2. Petitioner admits he appeared *pro se* in immigration court on March 21, 2025, and requested additional time to find an attorney. ECF 6-1. He also admits the immigration court continued his hearing until June 25, 2025. *Id.* Petitioner admits he failed to appear for his hearing—which occurred during the height of the immigration raids in Los Angeles—and an immigration judge entered a final order of removal, ordering Petitioner removed to Colombia *in absentia*. *Id.*; see Compl., *Vasquez Perdomo v. Noem*, 2:25-cv-05605-MEMF-SP (C.D. Cal. July 2, 2025).

3. Petitioner admits he was encountered on September 26, 2025, by ICE Enforcement and Removal Operations (“ERO”) while ERO was executing a targeted removal operation against an individual who is not the Petitioner. Compl. ¶ 13. Petitioner denies he was first taken to the Adelanto ICE detention facility. Instead, he alleges he was first taken to B-18 and then to Adelanto. See Compl. ¶ 24.

4. Petitioner is no longer being held at Adams County Correctional Center in Mississippi.¹

Defendants misstate the law

5. Petitioner denies that this case is barred by § 1252(g). Petitioner was encountered by immigration officials while walking home from dropping his daughter off at elementary school. He was not the subject of the targeted removal order that led immigration agents to that area in the first instance. Instead, Petitioner was stopped and

¹ Defendants incorrectly wrote that Adams County Correctional Center is in *Louisiana*. It is in Mississippi. See <https://www.ice.gov/detain/detention-facilities/adams-county-detention-center>.

1 taken into immigration custody based on the color of his skin. Defendants plainly do not
2 allege otherwise. *See* [ECF 6](#).

3 6. Petitioner denies that his detention was authorized under [8 U.S.C.](#)
4 [§ 1231\(a\)\(2\)](#). As described *supra*, Petitioner was not the subject of a targeted arrest.
5 Defendants fail to articulate what reasonable suspicion—beyond the color of his skin and
6 general appearance—they had to detain Petitioner and effectuate a removal order. *Id.*

7 7. Moreover, Petitioner was issued an *in absentia* order without an attorney on
8 record. *Id.* As a native and citizen of Colombia, Petitioner does not speak English. *See*
9 [ECF 6-2 at 2](#). Respondents issued an *in absentia* order before the immigration court are
10 afforded 180 days to reopen their case if they can show exceptional circumstances. *See*
11 INA § 240(b)(5)(C), [8 C.F.R. § 1003.23\(b\)\(4\)\(ii\)](#). Petitioner was in the process of filing a
12 motion to reopen his case to pursue asylum prior to his removal. *See* [Declaration](#) of
13 Rebecca Brown (“Brown Decl.”) ¶ 8 [[ECF 9-1](#)].

14 ***Defendants have moved Petitioner out of the Central District, and then out of the***
15 ***country, thwarting Petitioner’s efforts to effectively plead his claim***

16 8. After being sent from B-18 to Adelanto, Petitioner was transferred out of this
17 district on or around October 5, 2025. *See* Answer at 3, [ECF 6](#). Defendants failed to
18 inform counsel of Petitioner’s transfer within 24 hours, as required by ICE Policy. ICE,
19 Policy 11022.1: Detainee Transfers § 5.3 (Jan. 4, 2012), [www.ice.gov/doclib/detention-](http://www.ice.gov/doclib/detention-reform/pdf/hd-detainee-transfers.pdf)
20 [reform/pdf/hd-detainee-transfers.pdf](http://www.ice.gov/doclib/detention-reform/pdf/hd-detainee-transfers.pdf) (directing that ICE inform the representative of the
21 transfer “as soon as practicable on the day of the transfer, but in no circumstances later
22 than twenty-four (24) hours after the transfer occurs”). Petitioner’s counsel was not
23 informed of his transfer until October 7, 2025—exceeding the 24 hours required. Answer
24 at 3; Brown [Declaration](#) ¶ 10.

25 9. Then, on October 16, Defendants removed Petitioner to Colombia. [ECF 7](#).
26 Counsel was not informed of this – only that Petitioner was no longer at Adams County.
27 [Declaration](#) ¶ 12. Defendants filed their Notice of Removal and Suggestion of Mootness
28 stating Petitioner was removed to Colombia on October 21, 2024. [ECF 7-1](#).

1 **Conclusion**

2 For the foregoing reasons, Petitioner withdraws his habeas petition before this court as Mr.
3 Caicedo is no longer in the United States.

4
5 Dated: October 22, 2025

Respectfully Submitted,

6 /s/ Rebecca Brown

7 Rebecca Brown (CA SBN #345805)

8 Public Counsel

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