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11 Counsel for Petitioner
12 Laura Beatriz Punina Chimbolema

13 UNITED STATES DISTRICT COURT FOR THE
14 CENTRAL DISTRICT OF CALIFORNIA

15 Laura Beatriz Punina Chimbolema, 

16 Petitioner,
17 v.

18 PAMELA BONDI, in her official capacity as
19 Attorney General,

20 KRISTI NOEM, in her official capacity as
21 Secretary of the Department of Homeland
22 Security,

23 U.S. DEPARTMENT OF HOMELAND
24 SECURITY,

25 F. SEMAIA, in his official capacity as Warden of
26 Adelanto Detention Facility,

27 ERNESTO SANTACRUZ, JR., , in his official
28 capacity as Acting ICE Field Office Director,
Respondents.

Case No. 5:25-cv-02578

VERIFIED PETITION FOR
HABEAS CORPUS AND
COMPLAINT FOR
INJUNCTIVE AND
DECLARATORY RELIEF

IMMIGRATION HABEAS
CASE

**ORAL ARGUMENT
REQUESTED**

FACTUAL BACKGROUND

PETITIONER'S IMMIGRATION HISTORY

1. Laura Beatriz Punina Chimbolema (Petitioner), by and through her undersigned counsel, hereby files this petition for a writ of habeas corpus challenging the unlawful revocation of her release from Immigration and Customs Enforcement (ICE) custody.
2. Petitioner entered the United States on approximately October 30, 2023, and was released from ICE custody on an Order of Release on Recognizance (ORR) on the same day. On information and belief, ICE determined that Petitioner was not a flight risk or danger to the community before releasing her.
3. The Department of Homeland Security (DHS) subsequently filed a Notice to Appear in the West Los Angeles Immigration Court, commencing removal proceedings against Petitioner.
4. Petitioner at all times complied with the terms of her ORR. She has no criminal record anywhere in the world.
5. On information and belief, Petitioner's ORR states that she was released under section 236 of the Immigration and Nationality Act (8 U.S.C. § 1226).
6. While out of ICE custody, Petitioner became a member of the UNITE HERE Local 11 union and worked as a hotel housekeeper. She is described by the

1 Co-President, Kurt Petersen, as an active union member who participated in
2 meetings with hotel management, accompanied her coworkers to report
3 violations of their rights to the hotel, and participated in a strike to obtain fair
4 wages. *See* Exh. A (letters from Kurt Petersen and Patricia Escobar).
5

6 Petitioner also obtained a second job at a restaurant to help support her four
7 children in Ecuador.
8

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10 7. On June 17, 2025, Petitioner attended a master calendar hearing at the West
11 Los Angeles Immigration Court. At that time, the Department of Homeland
12 Security moved to dismiss her proceedings. On information and belief, they
13 did so in order to pursue an expedited removal order against Petitioner.
14

15 8. Petitioner was detained by ICE as she left the courthouse. She was taken to
16 the Adelanto Detention Center, where she remains detained to this date. On
17 information and belief, while detained, Petitioner requested a credible fear
18 hearing.
19

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21 9. Rather than issue an expedited removal order or provide Petitioner with a
22 credible fear interview, ICE instead issued a second Notice to Appear on
23 June 22, 2025. *See* Exh. B (Notice to Appear dated June 22, 2025). The
24 document was filed with the Adelanto Immigration Court on June 23, 2025.
25
26 *Id.* The Notice to Appear alleges that Petitioner is inadmissible as a non-
27 citizen present in the United States without being admitted or paroled. *Id.*
28

1 10. Petitioner has since had three master calendar hearings on July 3, 2025,
2 August 13, 2025, and September 24, 2025. She is next scheduled for a
3 master calendar hearing on October 22, 2025. At that time, she will plead to
4 an additional charge of inadmissibility filed by DHS on September 22, 2025.
5 See Exh. C (Form I-261). The amended charge alleges that Petitioner was
6 not in possession of a valid unexpired immigrant visa, reentry permit, border
7 crossing card, or other valid entry document at the time of her arrival into the
8 United States. *Id.*

11 11. On information and belief, prior to her detention, Petitioner was given no
12 notice of ICE's intention to re-detain her, and she was not provided with any
13 information about why her ORR was revoked.

14 12. On information and belief, ICE has no particularized evidence that Petitioner
15 is a danger to the community or a flight risk.

16 13. On information and belief, Petitioner has not received an individualized
17 hearing before a neutral decisionmaker to assess whether her recent re-
18 detention is warranted due to danger or flight risk.

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24 **RELEVANT CHANGES IN IMMIGRATION POLICY AND LEGAL**
25 **INTERPRETATION**
26

27 14. Since mid-May 2025, DHS has initiated an aggressive new enforcement
28 campaign targeting people who are in removal proceedings in immigration

1 court, many of whom have pending applications for asylum or other relief.
2 This “coordinated operation” is “aimed at dramatically accelerating
3 deportations” by arresting people at the courthouse and placing them into
4 expedited removal.¹
5

6
7 15. The first step of this enforcement operation typically takes place inside
8 the immigration court. When people arrive in court for their master calendar
9 hearings, DHS attorneys orally move to dismiss the proceedings—without
10 any notice to the affected individual. Although DHS regulations do not
11 permit such motions to dismiss absent a showing that the “[c]ircumstances
12 of the case have changed,” 8 C.F.R. § 239.2(a)(7), (c), DHS attorneys do
13 not conduct any case-specific analysis of changed circumstances before
14 filing these motions to dismiss.
15
16

17
18 16. Even though individuals are supposed to have ten days to respond to a
19 motion to dismiss, some Immigration Judges (IJs) have granted
20 the government’s oral motion on the spot and immediately dismissed the
21 case. This is consistent with recent instructions from the Department of
22
23

24
25 ¹ Arelis R. Hernández & Maria Sacchetti, *Immigrant Arrests at Courthouses Signal*
26 *New Tactic in Trump’s Deportation Push*, Wash. Post, May 23, 2025,
27 [https://www.washingtonpost.com/immigration/2025/05/23/immigration-court-](https://www.washingtonpost.com/immigration/2025/05/23/immigration-court-arrests-ice-trump/)
28 [arrests-ice-trump/](https://www.washingtonpost.com/immigration/2025/05/23/immigration-court-arrests-ice-trump/);
see also Hamed Aleaziz, Luis Ferré-Sadurní, & Miriam Jordan, *How ICE is Seeking*
to Ramp Up
Deportations Through Courthouse Arrests, N.Y. Times, May 30, 2025,
<https://www.nytimes.com/2025/05/30/us/politics/ice-courthouse-arrests.html>

1 Justice to immigration judges stating that they may allow the government to
2 move to dismiss cases orally in court, without a written motion, and to
3 decide that motion without allowing the noncitizen an opportunity to file a
4 response.
5

6
7 17. The next step of DHS's new campaign takes place outside the courtroom.

8 ICE officers, in consultation with DHS attorneys and officials, station
9 themselves in courthouse waiting rooms, hallways, and elevator banks.

10
11 When an individual exits their immigration hearings, ICE officers—
12 typically masked and in plainclothes—immediately arrest the person and
13 detain them. ICE officers execute these arrests regardless of how the IJ
14 rules on the government's motion to dismiss. On information and belief,
15 they typically do not have an arrest warrant.
16

17
18 18. DHS's aggressive tactics at immigration courts appear to be motivated by
19 the Administration's imposition of a new daily quota of 3,000 ICE arrests.²

20
21 In part as a result of this campaign, ICE's arrests of noncitizens with no
22 criminal record have increased more than 800% since before January.³
23

24 ² Ted Hesson & Kristina Cooke, *ICE's Tactics Draw Criticism as it Triples Daily*
25 *Arrest Targets*, Reuters, June 10, 2025,
26 [https://www.reuters.com/world/us/ices-tactics-draw-criticism-it-triples-daily-](https://www.reuters.com/world/us/ices-tactics-draw-criticism-it-triples-daily-arrest-targets-2025-06-10/)
27 [arrest-targets-2025-06-10/](https://www.reuters.com/world/us/ices-tactics-draw-criticism-it-triples-daily-arrest-targets-2025-06-10/); Alayna Alvarez & Brittany Gibson, *ICE Ramps Up*
28 *Immigration Arrests in Courthouses Across the U.S.*, Axios, June 12, 2025,
<https://www.axios.com/2025/06/12/ice-courthouse-arrests-trump>.

³ José Olivares & Will Craft, *ICE Arrests of Migrants with No Criminal*
History Surging under Trump, The Guardian, June 14, 2025,
<https://www.theguardian.com/us-news/2025/jun/14/ice-arrests-migrants->

1 19. The government's new campaign is also a significant shift from previous
2 DHS practice of re-detaining noncitizens only after a material change in
3 circumstances. *See Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1197 (N.D.
4 Cal. 2017), *aff'd sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th
5 Cir. 2018) (describing prior practice).
6

7
8 20. On September 5, 2025, the Board of Immigration Appeals published its
9 decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), in
10 which the Board determined that Immigration Judges lack jurisdiction to
11 grant bond to any non-citizen who entered the United States without
12 admission.
13

14
15 **PARTIES**
16

17 21. Petitioner Laura Beatriz Punina Chimbolema is a citizen of Ecuador, who is
18 currently in the custody of the DHS at the Adelanto Detention Center in
19 Adelanto, California.
20

21 22. Respondent Pamela Bondi, the Attorney General, is the highest-ranking
22 official within the Department of Justice (DOJ). Respondent Bondi has
23 responsibility for the administration and enforcement of the immigration
24 laws pursuant to 8 U.S.C. § 1103. As the Immigration and Nationality Act
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26
27
28 trump-figures.

1 (INA) has not been amended to reflect the designation of the Secretary of
2 the DHS as the administrator and enforcer of immigration laws, Respondent
3 Bondi is sued in her official capacity to the extent that 8 U.S.C. § 1102
4 gives her authority over immigration law.
5

6 23. Respondent Kristi Noem, the Secretary of the DHS, is the highest-ranking
7 official within the DHS. Respondent Noem, by and through her agency for
8 the DHS, is responsible for the implementation of the INA, and for ensuring
9 compliance with applicable federal law. She is also responsible for the
10 detention of non-citizens by DHS. Respondent Noem is sued in her official
11 capacity as an agent of the government of the United States.
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15 24. The DHS is the agency responsible for detaining Petitioner.

16 25. Respondent F. Semaia is the warden at Adelanto Detention Facility. He
17 oversees Petitioner's place of custody.
18

19 26. Respondent Ernesto Santacruz, Jr. is the Acting Field Office Director of the
20 Los Angeles office of ICE. He oversees the custody of all ICE detainees at
21 the Adelanto Detention Facility. Respondent Santacruz is sued in his
22 official capacity as an agent of the government of the United States.
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24

25 **JURISDICTION AND VENUE**

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27 27. This Court has jurisdiction over the present action pursuant to 28 U.S.C.
28 § 1331, general federal question jurisdiction; 5 U.S.C. §§ 701 et seq., the

1 Administrative Procedure Act (APA); habeas jurisdiction pursuant to 28
2 U.S.C. § 2241 et seq.; Art I., § 9, Cl. 2 of the United States Constitution (the
3 Suspension Clause); 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201-
4 02 (Declaratory Judgment Act); The Fourth and Fifth Amendments to the
5 U.S. Constitution; and the common law. This action arises under the Due
6 Process Clause of the Fifth Amendment of the U.S. Constitution and the
7 INA. This Court may grant relief under the habeas corpus statutes, 28
8 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2001 et
9 seq., and the All-Writs Act, 28 U.S.C. § 1651.

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14 28. Federal district courts have jurisdiction to hear habeas claims by
15 noncitizens challenging the lawfulness or constitutionality of DHS conduct.
16 Federal courts are not stripped of jurisdiction under 8 U.S.C. § 1252. *See*
17 *e.g., Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

18
19 29. Venue is proper pursuant to 28 U.S.C. § 1391(e) because Respondents are
20 agencies of the United States or officers or employees thereof acting in their
21 official capacity or under color of legal authority; Petitioner is in the
22 custody of the Los Angeles Field Office of Immigration and Customs
23 Enforcement and the warden of the Adelanto Detention Center, both of
24 which are in the jurisdiction of the Central District of California; and there
25 is no real property involved in this action.
26
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28

LEGAL BACKGROUND

30. The Constitution establishes due process rights for “all ‘persons’ within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017) (quoting *Zadvydas*, 533 U.S. at 693). These due process rights are both substantive and procedural.

31.*First*, “[t]he touchstone of due process is protection of the individual against arbitrary action of government,” *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), including “the exercise of power without any reasonable justification in the service of a legitimate government objective.” *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998).

32. These protections extend to noncitizens facing detention, as “[i]n our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.” *United States v. Salerno*, 481 U.S. 739, 755 (1987). Accordingly, “[f]reedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.

33. Substantive due process thus requires that all forms of civil detention—including immigration detention—bear a “reasonable relation” to a non-

1 punitive purpose. *See Jackson v. Indiana*, 406 U.S. 715, 738 (1972). The
2 Supreme Court has recognized only two permissible non-punitive purposes
3 for immigration detention: ensuring a noncitizen's appearance at
4 immigration proceedings and preventing danger to the community.
5

6 *Zadvydas*, 533 U.S. at 690–92; *see also Demore v. Kim*, 538 U.S. 510 at
7 519–20, 527–28, 31 (2003).
8

9 34. *Second*, the procedural component of the Due Process Clause prohibits
10 the government from imposing even permissible physical restraints
11 without adequate procedural safeguards.
12

13 35. Generally, “the Constitution requires some kind of a hearing *before* the
14 State deprives a person of liberty or property.” *Zinerman v. Burch*, 494 U.S.
15 113, 127 (1990). This is so even in cases where that freedom is lawfully
16 revocable. *See Hurd v. D.C., Gov’t*, 864 F.3d 671, 683 (DC Cir. 2017) (citing
17 *Young v. Harper*, 520 U.S. 143, 152 (1997) (re-detention after pre-parole
18 conditional supervision requires pre-deprivation hearing)); *Gagnon v.*
19 *Scarpelli*, 411 U.S. 778, 782 (1973) (same, in probation context); *Morrissey*
20 *v. Brewer*, 408 U.S. 471 (1972) (same, in parole context).
21

22 36. After an initial release from custody on conditions, even a person paroled
23 following a conviction for a criminal offense for which they may lawfully
24 have remained incarcerated has a protected liberty interest in that conditional
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1 release. *Morrissey* at 408 U.S. at 482. As the Supreme Court recognized,
2 “[t]he parolee has relied on at least an implicit promise that parole will be
3 revoked only if he fails to live up to the parole conditions.” *Id.* “By
4 whatever name, the liberty is valuable and must be seen within the protection
5 of the [Constitution].” *Id.*

6
7
8 37. This reasoning applies with equal if not greater force to people released from
9 civil immigration detention at the border, like Petitioner. After all,
10 noncitizens living in the United States like Petitioner have a protected
11 liberty interest in their ongoing freedom from confinement. *See Zadvydas*,
12 533 U.S. at 690. “Given the civil context [of immigration detention], [the]
13 liberty interest [of noncitizens released from custody] is arguably greater
14 than the interest of parolees in *Morrissey*.” *Ortega v. Bonnar*, 415 F. Supp.
15 3d 963, 970 (N.D. Cal. 2019) (citing *Morrissey*, 408 U.S. at 487).
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18

19 **FIRST CAUSE OF ACTION**

20
21 **VIOLATION OF THE FIFTH AMENDMENT TO THE UNITED STATES**
22 **CONSTITUTION (SUBSTANTIVE DUE PROCESS – DETENTION)**

23
24 38. Petitioner re-alleges and incorporates each allegation contained in
25 paragraphs 1-37.

26
27 39. The Due Process Clause of the Fifth Amendment protects all “person[s]”
28 from deprivation of liberty “without due process of law.” U.S. Const.

1 amend. V. “Freedom from imprisonment—from government custody,
2 detention, or other forms of physical restraint—lies at the heart of the liberty
3 that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.

4
5 40. Immigration detention is constitutionally permissible only when it
6 furthers the government’s legitimate goals of ensuring the noncitizen’s
7 appearance during removal proceedings and preventing danger to the
8 community. *See id.*

9
10
11 41. Petitioner is not a flight risk or danger to the community. Respondents’
12 detention of Petitioner is therefore unjustified and unlawful. Accordingly,
13 Petitioner is being detained in violation of the Due Process Clause of the
14 Fifth Amendment.

15
16 42. Moreover, Petitioner’s detention is punitive as it bears no “reasonable
17 relation” to any legitimate government purpose. *Id.* (finding immigration
18 detention is civil and thus ostensibly “nonpunitive in purpose and effect”).
19 Here, the purpose of Petitioner’s detention appears to be “not to facilitate
20 deportation, or to protect against risk of flight or dangerousness, but to
21 incarcerate for other reasons”—namely, to meet newly-imposed DHS
22 quotas.
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SECOND CAUSE OF ACTION

**VIOLATION OF THE FIFTH AMENDMENT TO THE UNITED STATES
CONSTITUTION (PROCEDURAL DUE PROCESS – DETENTION)**

43. Petitioner re-alleges and incorporates each allegation contained in paragraphs 1-37.

44. As part of the liberty protected by the Due Process Clause, Petitioner has a weighty liberty interest in avoiding re-incarceration after her release. *See Young*, 520 U.S. at 146–47; *Gagnon v. Scarpelli*, 411 U.S. 778, 781–82 (1973); *Morrissey*, 408 U.S. at 482–83; *see also Ortega*, 415 F. Supp. 3d at 969–70 (holding that a noncitizen has a protected liberty interest in remaining out of custody following an IJ’s bond determination).

45. Accordingly, “[i]n the context of immigration detention, it is well-settled that due process requires adequate procedural protections to ensure that the government’s asserted justification for physical confinement outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Hernandez*, 872 F.3d at 990 (cleaned up); *Zinermon*, 494 U.S. at 127 (Generally, “the Constitution requires some kind of a hearing *before* the State deprives a person of liberty or property.”). In the immigration context, for such hearings to comply with due process, the government must bear the burden to demonstrate, by clear and convincing evidence, that

1 the noncitizen poses a flight risk or danger to the community. *See e.g.*,
2 *Espinoza v. Kaiser*, 2025 WL 2675785, *14 (E.D. Ca. Sept. 18, 2025)
3 (unpub); *Hernandez v. Wofford*, 2025 WL 2624426, *2 (E.D. Ca. Sept. 10,
4 2025) (unpub); *Salazar v. Kaiser*, 2025 WL 2456232, *13 (E.D. Ca. Aug.
5 26, 2025) (unpub); *Garcia v. Andrews*, 2025 WL 2420068, *13 (E.D. Ca.
6 Aug. 21, 2025) (unpub); *Pinchi v. Noem*, 2025 WL 1853763, *1 (N.D. Ca.
7 July 4, 2025) (unpub); *Valencia Zapata v. Kaiser*, 2025 WL 2578207, *4
8 (N.D. Ca. Sept. 5, 2025) (unpub); *Rosado v. Figueroa*, 2025 WL 2337099,
9 *19 (D. Az. Aug. 11, 2025) (unpub); *see also Martinez v. Clark*, 124 F.4th
10 775, 785, 786 (9th Cir. 2024).

11 46. Petitioner's re-detention without a pre-deprivation hearing violated due
12 process. Approximately 20 months after deciding to release Petitioner from
13 custody on her own recognizance, Respondents re-detained Petitioner with
14 no notice, no explanation of the justification of her re- detention, and no
15 opportunity to contest her re-detention before a neutral adjudicator before
16 being taken into custody. The recent decision in *Matter of Yajure Hurtado*
17 strips an IJ of any authority to release her on bond, eliminating the only
18 possibility of review of her detention status within the immigration court
19 system.
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1 47. Petitioner has a profound personal interest in her liberty. Because she
2 received no procedural protections, the risk of erroneous deprivation is
3 high. And the government has no legitimate interest in detaining Petitioner
4 without a hearing; bond hearings are conducted as a matter of course in
5 immigration proceedings, and nothing in Petitioner's record suggested that
6 she would abscond or endanger the community before a bond hearing could
7 be carried out. *See, e.g., Jorge M.F. v. Wilkinson*, 2021 WL 783561, at *3
8 (N.D. Cal. Mar. 1, 2021) (unpub); *Vargas v. Jennings*, 2020 WL 5074312, at
9 *3 (N.D. Cal. Aug. 23, 2020) (unpub) ("the government's concern that
10 delay in scheduling a hearing could exacerbate flight risk or danger is
11 unsubstantiated in light of petitioner's strong family ties and his continued
12 employment during the pandemic as an essential agricultural worker.")
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18 **THIRD CAUSE OF ACTION**

19 20 **VIOLATION OF THE FOURTH AMENDMENT TO THE** 21 **CONSTITUTION (UNLAWFUL ARREST)** 22

23 48. Petitioner re-alleges and incorporates each allegation contained in
24 paragraphs 1-37.
25

26 49. The Fourth Amendment protects the right of persons present in the United
27 States to be free from unreasonable seizures by government officials.
28

1 50. As a corollary to that right, the Fourth Amendment prohibits government
2 officials from conducting repeated arrests on the same probable cause.
3

4 It is axiomatic that seizures have purposes. When those purposes are
5 spent, further seizure is unreasonable [T]he primary purpose of an
6 arrest is to ensure the arrestee appears to answer charges Once the
7 arrestee appears before the court, the purpose of the initial seizure has
8 been accomplished. Further seizure requires a court order or new
9 cause; the original probable cause determination is no justification.

10 *Williams v. Dart*, 967 F.3d 625, 634 (7th Cir. 2020) (cleaned up).

11 51. In the immigration context, this prohibition means that a person who
12 immigration authorities released from initial custody cannot be rearrested
13 “solely on the ground that he is subject to removal proceedings” and without
14 some new, intervening cause. *Saravia v. Sessions*, 280 F. Supp. 3d 1168,
15 1196 (N.D. Cal. 2017), *aff’d sub nom., Saravia for A.H. v. Sessions*, 905 F.3d
16 1137 (9th Cir. 2018). Courts have long recognized that permitting such
17 rearrests could result in “harassment by continual rearrests.” *United States*
18 *v. Holmes*, 452 F.2d 249, 261 (7th Cir. 1971).

19 52. On information and belief, DHS agents arrested Petitioner in 2023 after she
20 entered the United States, charged her with a violation of civil immigration
21 law, and released her on her own recognizance with a notice to appear in
22 immigration court. Petitioner appeared in immigration court as instructed
23 and complied with the minimal conditions of release that DHS imposed on
24 her.
25

26 53. DHS re-arrested Petitioner on June 18, 2025, based on nothing more than the
27
28

1 2023 civil charge of violating immigration law for which she had *just*
2 *appeared* in court. Petitioner had not engaged in any conduct in the
3
4 intervening time that made her a flight risk or danger to the community. No
5 material changes in circumstances justified Petitioner's re-arrest.
6

7 54. Petitioner's re-arrest and detention by Respondents after she had already
8 appeared in court on her civil immigration charge and absent any material
9 change in circumstances is thus an unreasonable seizure in violation of the
10 Fourth Amendment.
11

12
13 **FOURTH CAUSE OF ACTION**
14 **VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT**

15 55. Petitioner re-alleges and incorporates each allegation contained in
16 paragraphs 1-37.
17

18 56. The Administrative Procedure Act prohibits federal action that is "in
19 excess of statutory jurisdiction, authority or limitations, or short of statutory
20 right," 5 U.S.C. § 706(2)(C), and "arbitrary, capricious, an abuse of
21 discretion, or otherwise not in accordance with law." *Id.* at § 706(2)(A).
22

23 57. The government's policy targeting people attending their immigration
24 hearings at immigration court for arrest violates the longstanding common-
25 law privilege against civil arrests in and around courthouses. That privilege
26 extends to parties, witnesses, and all people attending the courts on business.
27
28

1 58. Congress did not displace this privilege when it enacted the Immigration
2 and Nationality Act, and the privilege was incorporated as a limit on
3 ICE's arrest authority. The government's courthouse arrest policy therefore
4 is in excess of statutory authority in violation of the Administrative
5 Procedure Act, 5 U.S.C. § 706(2)(C). *See e.g., Velazquez-Hernandez v. U.S.*
6 *Immigration and Customs Enforcement*, 500 F.Supp.3d 1132, 1145 (S.D. Ca.
7 2020) (noting that "the INA incorporates the common-law privilege against
8 civil courthouse arrest").
9

10
11
12 59. The policy is also arbitrary and capricious, in violation of 5 U.S.C.
13 § 706(2)(A).
14

15 60. The government has provided no reasoned or adequate explanation for the
16 policy, which is a dramatic shift from recent and longstanding agency policy
17 and practice.
18

19 61. Additionally, in adopting the policy, the government failed to adequately
20 consider all relevant factors and crucial aspects of the issue. The policy
21 will deter individuals from appearing as parties and witnesses at
22 immigration and other judicial proceedings, preventing the adjudication of
23 meritorious claims, impeding the administration of justice, and
24 hindering cooperation with law enforcement.
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62. Petitioner's arrest and detention pursuant to the government's policy is a final agency action that violates the Administrative Procedure Act. *See* 5 U.S.C. § 706(2).

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Issue a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody;
3. Declare that Petitioner's arrest and detention violate the Due Process Clause of the Fifth Amendment, the Fourth Amendment; and the Administrative Procedure Act;
4. Enjoin Respondents from re-detaining Petitioner unless her re-detention is ordered at a custody hearing before a neutral arbiter in which the government bears the burden of proving, by clear and convincing evidence, that Petitioner is a flight risk or danger to the community;
5. Award Petitioner her costs and reasonable attorneys' fees in this action as provided for by the Equal Access to Justice Act, 28 U.S.C. § 2412, and on any further basis justified under law;
6. Grant such further relief as the Court deems just and proper.

1 **RESPECTFULLY SUBMITTED this 29th day of September, 2025**

2 **/s/ Sabrina Damast**

3 Sabrina Damast, CA Bar # 305710, NY Bar # 5005251

4 Amy Lenhart, CA SBN #227717

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13 **TABLE OF EXHIBITS**

14 **Exhibit A:** Letters of Support from UNITE HERE Local 11 Union

15 **Exhibit B:** Notice to Appear (dated June 22, 2025)

16 **Exhibit C:** Form I-261, Additional Charges of Inadmissibility/Deportability

17 (dated September 22, 2025)