

1 Niels W. Frenzen (CA 139064)
2 nfrenzen@law.usc.edu
3 Jean E. Reisz (CA 242957)
4 jreis@law.usc.edu
5 USC Gould School of Law
6 Immigration Clinic
7 699 Exposition Blvd.
8 Los Angeles, CA 90089-0071
9 213-740-8933; 213-821-3108
10 213-740-5502 (Fax)

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

13 Alma Martinez Cruz,) CASE NO.: _____
14)
15 Petitioner,)
16)
17 v.) PETITION FOR WRIT OF HABEAS
18) CORPUS PURSUANT TO
19) 28 U.S.C. § 2241
20 Todd Lyons, Acting Director,) VERIFIED PETITION
21 Immigration and Customs)
22 Enforcement; Ernesto)
23 Santacruz Jr., Los Angeles) Petitioner DHS No. A 
24 Field Office Acting Director)
25 Immigration and Customs)
26 Enforcement, Enforcement)
27 and Removal Operations;)
28 Fereti Semaia, Warden,)
Adelanto ICE Processing)
Center)
Respondents.)
_____)

INTRODUCTION

1. Petitioner Alma Martinez Cruz (DHS No. A [REDACTED]) is in the physical custody of Immigration and Customs Enforcement (“ICE”) and is detained at the Adelanto ICE Processing Center in Adelanto, California.
2. Petitioner is unlawfully detained. Petitioner was released from U.S. Customs and Border Protection (“CBP”) custody over thirteen years ago after being granted parole in July 2012.
3. Since that time Petitioner has maintained a clean criminal record, pursued asylum relief in her removal proceedings, complied with conditions of parole, and attended her immigration court appearances.
4. On or about February 13, 2015, an immigration judge administratively closed Petitioner’s removal proceedings based on the Government’s agreement as an exercise of prosecutorial discretion.
5. Ten years later, on or about September 12, 2025, Petitioner received a letter from U.S. Citizenship and Immigration Services (“USCIS”) that she was required to appear for a credible fear interview on September 17, 2025.
6. On September 17, 2025, Petitioner appeared as requested in Los Angeles, CA, where she did not have a credible fear interview, but was instead arrested and detained by ICE.
7. There has been no change in Petitioner’s circumstances that would subject Petitioner to re-detention. Petitioner does not have a final removal order. Petitioner has no criminal convictions or arrests that would warrant re-detention. Petitioner has remained with her family at the same address for over thirteen years. Petitioner remained in compliance with her immigration obligations and attended immigration court appearances. Petitioner has developed significant liberty interests in the thirteen years she has been free from immigration custody.

1 8. ICE's arrest and detention of Petitioner violates Petitioner's rights under the
2 Fourth Amendment protection against unreasonable seizure, the Fifth
3 Amendment's Due Process Clause, and are in violation of Administrative
4 Procedure Act ("APA"), 5 U.S.C. § 706(2)(A), (B), and (C) .

5 **JURISDICTION AND VENUE**

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

11 10. Venue is proper in the Central District of California under 28 U.S.C. § 1391,
12 because at least one federal Defendant resides in this District and because the
13 Petitioner was arrested and is detained in this District.

14 **PARTIES**

15 ***Petitioner***

16 11. Alma Martinez Cruz is a forty-three year old citizen of Mexico, who was
17 released on parole thirteen years ago. Her removal proceedings and pending
18 asylum application were administratively closed. She does not have a final
19 removal order.

20 ***Respondents***

21 12. Todd Lyons is the Acting Director of Immigration and Customs
22 Enforcement, a federal law enforcement agency within the Department of
23 Homeland Security. ICE's responsibilities include operating the immigration
24 detention system. In his capacity as ICE Acting Director, Respondent Lyons
25 exercises control over and is a custodian of persons held at the ICE facilities
26 nationally. At all times relevant to this Complaint, Respondent Lyons was
27
28

1 acting within the scope and course of his employment with ICE. He is sued
2 in his official capacity.

3 13. Respondent Ernesto Santacruz, Jr. is the Acting Director of the Los Angeles
4 Field Office of ICE Enforcement and Removal Operations ("ICE ERO"), a
5 federal law enforcement agency within the Department of Homeland
6 Security. ERO is a directorate within ICE whose responsibilities include
7 operating the immigration detention system. In his capacity as ICE ERO Los
8 Angeles Acting Field Office Director, Respondent Santacruz, Jr. exercises
9 control over and is a custodian of persons held at the ICE facilities in the Los
10 Angeles Field Office which includes Adelanto, California. At all times
11 relevant to this Complaint, Respondent Santacruz, Jr. was acting within the
12 scope and course of his employment with ICE. He is sued in his official
13 capacity.

14 14. Respondent Fereti Semaia, is the Warden of the Adelanto ICE Processing
15 Center in Adelanto, California, where Petitioner is detained. He has
16 immediate physical custody of Petitioner. He is sued in his official capacity.
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18 **STATEMENT OF FACTS**

19 15. On or about June 7, 2012, Petitioner was paroled under 18 U.S.C. § 3144 as
20 a material witness in a criminal proceeding.

21 16. On or about July 9, 2012, DHS placed Petitioner in removal proceedings
22 under the Immigration and Nationality Act ("INA") § 240 (pursuant to INA §
23 212(a)(7)(A)(i)(I)). *See* 8 U.S.C. § 1229a.

24 17. On or about July 10, 2012, Petitioner was granted parole under 8 C.F.R. §
25 212.5(b).

26 18. Since that time Petitioner has lived with and cared for her children and
27 husband, at the same address for thirteen years. Petitioner has maintained a
28 clean criminal record, complied with conditions of parole, and attended her

1 immigration court appearances.

2 19. On or about February 13, 2015, an immigration judge administratively
3 closed Petitioner's removal proceedings and pending asylum application
4 based on the Government's exercise of prosecutorial discretion.

5 20. Ten years after her removal proceedings were administratively closed,
6 Petitioner received a letter from USCIS stating that she was required to
7 appear for a credible fear interview on September 17, 2025.

8 21. On September 17, 2025, Petitioner reported to her credible fear interview
9 located at the 300 North Los Angeles Federal Building ("Federal Building")
10 in Los Angeles, CA

11 22. When Petitioner arrived at her credible fear interview, ICE officers
12 approached her with handcuffs.

13 23. Petitioner told the ICE officers that she was attending a credible fear
14 interview and was represented by an attorney. Petitioner tried showing the
15 ICE officers several documents including the notice of credible fear
16 interview she received from USCIS, a letter stating that she was represented
17 by an attorney, and documents stating why she feared returning to Mexico.

18 24. ICE officers ignored Petitioner and said that they were taking her to speak
19 with someone about her immigration case. Instead, Petitioner was arrested
20 and taken to the basement of the Federal Building, B-18.

21 25. Petitioner was transported to Adelanto, CA to the Adelanto Ice Processing
22 Center.

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24 **FIRST CLAIM FOR RELIEF**

25 **Petitioner's Detention Violates Her Fourth Amendment Right Against**
26 **Unreasonable Seizure**

27 26. Petitioner repeats and incorporates by reference all allegations above as
28 though set forth fully here.

1 27. Subjecting an individual to an unreasonable arrest without probable cause is
2 a violation of the Fourth Amendment. *See, e.g., Sanchez v. Sessions*, 904
3 F.3d 643 (9th Cir. 2018).

4 28. Petitioner's proceedings were administratively closed based on ICE agreeing
5 to exercise prosecutorial discretion, and Petitioner was complying with DHS
6 instructions to appear for a purported credible fear interview. Petitioner does
7 not present as a flight risk or a danger, and her arrest by Respondents was
8 unreasonable and constitutes a violation of the Fourth Amendment.

9 **SECOND CLAIM FOR RELIEF**

10 **Petitioner's Detention Violates Her Fifth Amendment Right to Due Process**

11 29. Petitioner repeats and incorporates by reference all allegations above as
12 though set forth fully here.

13 30. "The Fifth Amendment's Due Process Clause forbids the Government to
14 'deprive' any 'person . . . of . . . liberty . . . without due process of law.'" *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

15 31. Freedom from imprisonment—from government custody, detention, or
16 other forms of physical constraint—lies at the heart of the liberty that the
17 Clause protects." *Id.* The guarantee applies in full force to "all 'persons' in
18 the United States, including aliens, whether their presence here is lawful,
19 unlawful, temporary, or permanent." *Id.*, at 693.

20 32. Under due process required by the Fifth Amendment, Petitioner developed
21 significant liberty interests after being released from immigration custody
22 thirteen years ago and was owed a pre-detention hearing. *See Zinerman v.*
23 *Burch*, 494 U.S. 113, 127 (1990) ("the Constitution requires some kind of
24 hearing before the State deprives a person of liberty or property") (emphasis
25 in original); *see also Morrissey v. Brewer*, 408 U.S. 471 (1972) (comparing
26 release from immigration custody to liberty interest in parole).
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1 33. Petitioner has raised and cared for her family and remained at the same
2 address for thirteen years. There was no change in circumstances to authorize
3 re-detention. Petitioner attended her immigration court hearings and does not
4 have criminal arrests or convictions that would warrant re-detention. *See*
5 *Valencia Zapata v. Kaiser*, No. 25-CV-07492-RFL, 2025 WL 2741654, at *2
6 (N.D. Cal. Sept. 26, 2025) (“if an [immigration judge] has determined the
7 noncitizen ‘should be released, the DHS may not re-arrest that noncitizen
8 absent a change in circumstance.’”). Respondents’ act of re-detaining
9 Petitioner without notice and without a hearing violates her right to due
10 process.

11 34. Respondents’ act of re-detaining Petitioner without notice and without a pre-
12 detention hearing after she was free from custody for thirteen years, after an
13 immigration judge administratively closed her removal proceedings, and
14 after she has demonstrated for thirteen years that she is not a flight risk or
15 danger to the community, violates her right to due process.

16 **THIRD CLAIM FOR RELIEF**

17 **Petitioner’s Detention Violates the Administrative Procedure Act**

18 **5 U.S.C. § 706(2)**

19 35. Petitioner repeats and incorporates by reference all allegations above as
20 though set forth fully here.

21 36. Under the Administrative Procedure Act, a court must “hold unlawful and
22 set aside agency action” that is “arbitrary, capricious, an abuse of discretion,
23 or otherwise not in accordance with the law,” that is “contrary to
24 constitutional right [or] power,” or that is “in excess of statutory jurisdiction,
25 authority, or limitations, or short of statutory right.” 5 U.S.C. § 706(2)(A)-
26 (C).

27 37. Respondents’ arrest and detention of Petitioner- who has remained out of
28 custody for over thirteen years during her removal proceedings- was

1 arbitrary and capricious. ICE released Petitioner thirteen years ago because
2 she was not a flight risk or danger to the community. In an exercise of
3 prosecutorial discretion ICE agreed to the immigration judge administratively
4 closing Petitioner's removal proceedings, demonstrating ICE's intent not to
5 proceed with removal. ICE's complete change of position in arresting and
6 detaining Petitioner is arbitrary and capricious and an abuse of discretion.
7 Respondents' arrest and detention is also contrary to law because it violates
8 the Fourth and Fifth Amendments of the Constitution.

9 38. Petitioner's arrest and detention is arbitrary, capricious, an abuse of
10 discretion, violative of the Constitution, and without statutory authority in the
11 violation of 5 U.S.C. § 706(2).

12 **PRAYER FOR RELIEF**

13 WHEREFORE, Petitioner respectfully ask this Court to take jurisdiction over
14 this actual controversy and:

- 15 a. Issue a Writ of Habeas Corpus and order the release of Petitioner because
16 her arrest and detention violates the Fourth and Fifth Amendments and 5
17 U.S.C. § 706(2);
- 18 b. In the alternative, issue injunctive relief ordering Respondents to release
19 Petitioner on the ground that her arrest and continued detention violates
20 the Fourth and Fifth Amendments and 5 U.S.C. § 706(2);
- 21 c. Order that Petitioner not be re-detained without a pre-detention hearing
22 before a neutral immigration judge.
- 23 d. Award Petitioner her costs and reasonable attorneys' fees in this action
24 under the Equal Access to Justice Act, as amended, 5 U.S.C. § 504 and 28
25 U.S.C. § 2412, and on any other basis justified under law; and,

26 ///

1 e. Grant any other and further relief that this Court deems just and
2 appropriate.

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4 Dated: October 29, 2025

s/ Jean Reisz

5 USC GOULD SCHOOL OF LAW,
6 IMMIGRATION CLINIC
7 Attorney for Petitioner
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VERIFICATION

I, Jean Reisz, declare as follows:

I am an attorney admitted to practice law in the State of California.

Because many of the allegations of this Petition require a legal knowledge not possessed by Petitioner, I am making this verification on her behalf.

I have read the foregoing Petition for Writ of Habeas Corpus and know the contents thereof to be true to my knowledge, information, or belief.

I certify under penalty of perjury that the foregoing is true and correct and that this declaration was executed on October 29, 2025.

s/ Jean Reisz

JEAN REISZ

USC GOULD SCHOOL OF LAW, IMMIGRATION CLINIC

Attorney for Petitioner