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

LUCIO GUTIERREZ GARCIA

Petitioner,

v.

*Warden of ADELANTO DETENTION
FACILITY; Ernesto Santacruz Jr in his official
Capacity as Field Office Director of the
Immigration and Customs Enforcement,
Enforcement and Removal Operations
ADELANTO DETENTION FACILITY; KRISTI
NOEM, in her official capacity as Secretary of the
U.S. Department of Homeland Security; and PAM
BONDI, in her official capacity as Attorney
General of the United States,*

Respondents.

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. This petition for Writ of Habeas Corpus filed on behalf of Petitioner Lucio Gutierrez Garcia ("Petitioner") to remedy his unlawful detention.
2. Petitioner is a 43-year-old citizen of Mexico and the father of four U.S. citizen children: [REDACTED], age 8; G [REDACTED], age 12; L [REDACTED], age 15; and John Diego Gutierrez-Cruz, age 23. [See Exhibit A: "Birth

Certificate for Petitioner Lucio Gutierrez Garcia and Exhibit C: Birth Certificates for Petitioners Children]

3. On July 4, 2025, Petitioner was taken into custody and is currently detained at the Adelanto Detention Facility. Petitioner was arrested by Immigration and Customs Enforcement (ICE) agents without individualized reasonable suspicion, in violation of the Fourth Amendment's safeguard against unreasonable seizures. [See Exhibit B: "Declaration for Petitioner Lucio Gutierrez Garcia"].
4. Petitioner is currently in removal proceedings and has a pending asylum application filed on September 24, 2025, with the Adelanto Immigration Court, Executive Office for Immigration Review (EOIR). He seeks asylum relief before that court, on the basis of a well-founded fear of harm and persecution if returned to Mexico. [See Exhibit D: "Receipt for Petitioners Asylum Application"].
5. In addition, Petitioner is eligible for relief known as Cancellation of Removal for Certain Non-Permanent Residents (Non-LPRs) under EOIR 42B, Application for Non-LPR Cancellation of Removal, because he is the father of USC under the age of 21 and has been continuously present in the United States for over 10 years.
6. On September 26, 2025, he was denied release on bond, leaving him in continued custody without a constitutionally adequate opportunity to seek release. [See Exhibit E: "Order of the Immigration Judge Denying Redetermination of Custody"].
7. Accordingly, Petitioner respectfully requests that this Court order Respondents to provide him with a prompt and constitutionally adequate bond hearing before an Immigration Judge, or, in the alternative, to release him from custody if such a hearing is not provided within a reasonable period.

JURISDICTION

8. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*
9. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).
10. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

11. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(c)(3) and 28 U.S.C. § 1391(b)(2) and (e)(1) because Petitioner is detained within this district Adelanto Detention Facility in Adelanto, California, which is within the jurisdiction of this District.
12. Venue is proper in this District because a substantial part of the events or omissions giving rise to this action occurred and continue to occur Adelanto Detention Facility in Adelanto, California. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243

13. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).
14. Courts have long recognized the significance of the habeas statute in protecting

individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

15. Petitioner was arrested by ICE officers on June 28, 2025, and was transferred to Adelanto Detention Center where he is currently detained. He is in custody, and under the direct control, of Respondents and their agents.
16. The acting Warden of Adelanto Detention Facility has immediate physical custody of Petitioner pursuant to the facility’s contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent is a legal custodian of Petitioner.
17. Respondent Ernesto Santacruz Jr is sued in his official capacity as the Acting Director of the Los Angeles Field Office of U.S. Immigration and Customs Enforcement. Respondent Santacruz is a legal custodian of Petitioner and has authority to release him.
18. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner’s detention and custody. Respondent Noem is a legal custodian of Petitioner.
19. Respondent Pam Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that

capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

EXHAUSTION OF REMEDIES

20. Petitioner has exhausted all administrative remedies available to him. He is currently detained at the Adelanto Detention Facility under the custody of U.S. Immigration and Customs Enforcement (“ICE”). After his arrest, Petitioner sought release from custody through a bond request, which was denied by an Immigration Judge on September 26, 2025.
21. No further administrative process exists to challenge his ongoing detention or to obtain the relief sought. Petitioner does not challenge the discretionary denial of bond itself but rather the legality of his continued detention without a meaningful opportunity for release. Accordingly, the filing of this habeas corpus petition under 28 U.S.C. § 2241 is proper. See *Singh v. Holder*, 638 F.3d 1196, 1203–04 (9th Cir. 2011); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

STATEMENT OF FACTS

22. Petitioner is a 43-year-old citizen of Mexico. [*See* Exhibit A: “Birth Certificate for Petitioner Lucio Gutierrez Garcia].
23. Petitioner has resided continuously and permanently in the United States since approximately the year 2000, having entered the country at or around the age of eighteen.
24. He is a father to four U.S. citizen children who depend on him financially and emotionally.

25. On June 27, 2025, there was a domestic situation in the home, in which Petitioner was arrested. [See Exhibit B: "Copy of Declaration for Petitioner Lucio Gutierrez Garcia"]. The next day, June 28, 2025, Petitioner was released. *Id.* Immediately after his release Petitioner walked outside to the parking lot to wait for his brother-in-law to pick him up. *Id.*
26. Once in the parking lot, Petitioner was approached by an unmarked vehicle, as he did not know the people in the vehicle he kept walking, attempting to avoid it. *Id.* However, a second unmarked vehicle approached him. *Id.* He noticed that the individuals were wearing normal clothing but were wearing vests that said ICE on them. *Id.*
27. The agents told Petitioner to stop walking a couple of times. *Id.* The second time he was asked, Petitioner stopped walking. *Id.* The officers did not identify themselves to Petitioner at any time during their encounter. *Id.* The officers did not tell Petitioner why he was being approached. *Id.* The officers questioned Petitioner, but Petitioner chose not to answer their questions. *Id.*
28. Suddenly, a female officer pushed Petitioner down to floor, causing him to fall on his face and hurt himself. *Id.* His hands were then tied behind his back with handcuffs, still without being given a reason for his arrest. *Id.*
29. Petitioner asked the officers why he was being arrested or if they had a warrant to arrest him. *Id.* One of the officers laughed at the Petitioner and told him they did not need a warrant. *Id.*
30. The officers told him they needed to investigate whether he was a person they were looking for, and they gave him a name that Petitioner does not remember. *Id.* Petitioner told them several times he was not that person, but they continuously ignored him. *Id.*

31. Although Petitioner never consented to fingerprinting, they forcibly took his hands and placed his fingerprints on their portable scanner. *Id.* They also seized his identification card and other personal belongings and ran his information through their databases. *Id.* They confirmed that he was not the person who they were looking for, but they still did not release him. *Id.*
32. Once again Petitioner asked why he was being detained but they did not give him an answer other than “we need to investigate further.” *Id.*
33. The officers placed Petitioner in their vehicle and took him to a Processing Center in San Bernardino where he was fingerprinted again and remained there for four days. *Id.* He was then taken to Adelanto Detention Facility where he remains to this day. *Id.*
34. At Adelanto Detention Center, he has experienced multiple experiences where he was denied medical treatment. *Id.*
35. On one occasion, officers sprayed pepper spray into the facility to stop a fight; the officers spread so much gas that it entered several rooms including the Petitioners unit. *Id.* Petitioner informed the officers that he was not feeling well because of the spray and asked to be seen by a doctor. *Id.* The officers told Petitioner he would be seen by a doctor, but after repeatedly asking for medical attention, he was not seen. *Id.* Petitioner was refused medical attention. *Id.*
36. On another occasion, the Petitioner became sick after eating the facility food. *Id.* He was vomiting throughout the night and the following morning. *Id.* He repeatedly told the officers he needed medical attention, but despite being told he would be taken to see a medical professional, they never took him to receive any type of medical attention. *Id.*

37. Petitioner has been detained by U.S. Immigration and Customs Enforcement (ICE) Adelanto Detention Facility for over four months, with no end in sight. *Id.*
38. He is currently in removal proceedings and has a pending asylum application filed on September 24, 2025, with the Adelanto Immigration Court, EOIR. He seeks asylum relief before that court, on the basis of a well-founded fear of harm and persecution if returned to Mexico. [See Exhibit D: “Receipt for Petitioners Asylum Application”].
39. Petitioner is also eligible for relief known as Cancellation of Removal for Certain Non-Permanent Residents (Non-LPRs) under EOIR 42B, Application for Non-LPR Cancellation of Removal.
40. On September 26, 2025, he was denied release from custody under bond by the Immigration Judge. [See Exhibit E: “Order of the Immigration Judge Denying Redetermination of Custody”].
41. ICE has not identified any exceptional circumstances warranting Petitioner’s continued detention under ICE policy.

LEGAL FRAMEWORK

42. The Fourth Amendment protects “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” U.S. Const. amend. IV. It is a fundamental tenet of Fourth Amendment law that “a search or seizure of a person must be supported by probable cause particularized with respect to that person.” *Ybarra v. Illinois*, 444 U.S. 85, 91 (1979).
43. Furthermore, 8 C.F.R. § 287.8(b)(2) provides that for an immigration officer to lawfully detain a person they suspect to be in the country illegally they must have “a reasonable suspicion, based on specific articulable facts, that the person being questioned is, or is

attempting to be, engaged in an offense against the United States or is an alien illegally in the United States.” The Court of Appeals for the Ninth Circuit has held that ICE agents that “carr[ie]d out preplanned mass detentions, interrogations, and arrests [. . .], without individualized reasonable suspicion” violates 8 C.F.R. § 287.8(b)(2). *Perez Cruz v. Barr*, 926 F.3d 1128, 1133 (9th Cir. 2019). Most recently, on August 1, 2025, the Ninth Circuit upheld a temporary restraining order barring the federal government from conducting detentive stops for the purposes of immigration enforcement without first establishing individualized, reasonable suspicion that the person to be stopped is unlawfully in the United States. *Vasquez Perdomo v. Noem*, No. 25-4312, 2025 WL 2181709 (9th Cir. Aug. 1, 2025). Although, the Supreme Court has issued a temporary stay of the Ninth Circuit injunction, the court’s order in *Noem v. Vasquez Perdomo*, No. 25A169, 606 U.S. ____ (2025), reaffirms the constitutional requirement that immigration related stops must be based on individualized, reasonable suspicion of unlawful presence, and that reliance solely on race, language, or other proxies for national origin is insufficient under the Fourth Amendment. Longstanding precedent, including *United States v. Brigoni-Ponce*, 422 U.S. 873 (1975), remains controlling emphasizing that while ethnicity may be one factor among many, it cannot be the sole or primary justification for a stop.

44. The Due Process Clause requires that the deprivation of Petitioners’ liberty be narrowly tailored to serve a compelling government interest. See *Reno v. Flores*, 507 U.S. 292, 301–02 (1993) (holding that due process “forbids the government to infringe certain ‘fundamental’ liberty interests at all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest”). As the Supreme Court held in *Zadvydas*, indefinite detention, and detention without adequate procedural

protections, would raise a “serious constitutional problem” and run afoul of the Due Process Clause. 533 U.S. at 690.

45. Section 1226(a) authorizes the Attorney General to arrest and detain a noncitizen “pending a decision on whether the alien is to be removed.” Detention under § 1226(a) is discretionary and permits release on bond or conditional parole unless the person falls within the limited mandatory detention provisions of § 1226(c). The Ninth Circuit has held that individuals detained under § 1226(a) are entitled to individualized bond hearings where the government bears the burden to show, by clear and convincing evidence, that continued detention is justified by flight risk or danger. *Rodriguez v. Robbins*, 804 F.3d 1060, 1078 (9th Cir. 2015), vacated on other grounds, *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018). When detention under § 1226(a) becomes prolonged, it must remain reasonably related to its purposes of ensuring appearance and protecting the community. See *Demore v. Kim*, 538 U.S. 510, 531 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Continued detention without a final order of removal, absent these justifications, is arbitrary, excessive, and violates the Due Process Clause.
46. On September 5, 2025, the Board of Immigration Appeals issued *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (B.I.A. 2025). The Board held that any noncitizen present in the United States without inspection or admission is subject to detention under INA § 235(b)(2) (8 U.S.C. § 1225(b)(2)), rather than § 236(a) (8 U.S.C. § 1226(a)). This interpretation treats all such noncitizens as “applicants for admission” and places them in mandatory detention without bond eligibility before immigration judges.
47. The decision overruled longstanding agency practice that classified interior arrests of noncitizens who entered without inspection under INA § 236(a) (8 U.S.C. § 1226(a)),

which permits discretionary release on bond or parole. Under Yajure Hurtado, only those noncitizens who have been formally “admitted,” as defined in INA § 101(a)(13)(A), retain bond eligibility.

CLAIMS FOR RELIEF

COUNT ONE

Violation Of Immigration and Nationality Act, 8 U.S.C. § 1226(a)

48. Petitioner realleges and incorporates by reference the paragraphs above.
49. 8 U.S.C. § 1226(a) authorizes the Attorney General to arrest and detain a noncitizen “pending a decision on whether the alien is to be removed,” but expressly permits release on bond or conditional parole. This provision governs the detention of individuals, like Petitioner, who have not been ordered removed and whose proceedings remain pending.
50. Detention under § 1226(a) must remain reasonably related to its purposes of ensuring appearance at removal proceedings and protecting the community. When those justifications no longer apply, continued custody exceeds the scope of the statute. See *Demore v. Kim*, 538 U.S. 510, 529–31 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
51. The Supreme Court in *Jennings v. Rodriguez*, 583 U.S. 830 (2018), distinguished between the discretionary detention authority in § 1226(a) and the mandatory detention provisions of § 1226(c). *Jennings* held that § 1226(a) allows for release on bond or conditional parole and does not itself impose mandatory custody. While the Court rejected the imposition of automatic, periodic bond hearings as a matter of statutory interpretation, it left open the constitutional question of whether prolonged detention without an individualized hearing violates due process. *See id.* at 851 (remanding to consider constitutional claims).

52. Subsequent courts have recognized that such prolonged detention without a hearing raises serious due process concerns. See *Hernandez-Lara v. Lyons*, 10 F.4th 19, 41 (1st Cir. 2021) (holding that due process requires the government to justify continued § 1226(a) detention by clear and convincing evidence of danger or by a preponderance of evidence of flight risk).
53. Petitioner is detained under 8 U.S.C. § 1226(a), which governs pre-final-order detention for individuals in ongoing removal proceedings. Respondents' continued detention of Petitioner without affording a bond hearing violates § 1226(a)'s plain language and structure. Detention under § 1226(a) must be justified by legitimate governmental interests, however Respondents have not demonstrated that Petitioner presents a flight risk or danger to the community, making his continued detention is arbitrary, excessive, and contrary to law.
54. Petitioner has strong family and community ties in the United States, including four U.S.-citizen children. [See Exhibit F: "Letters of Support for Petitioner Lucio Gutierrez Garcia"]. His numerous letters of support describe him as "a nice and great person," "a devoted father who loves and cares for his children" and someone who "has always conducted himself with integrity and compassion." *Id.* He has one minor domestic-related conviction that does not render him a danger to the community and does not fall within the mandatory-detention provisions of § 1226(c). Because Petitioner is detained under § 1226(a), the statute affords him the right to seek release on bond upon an individualized determination. Respondents' refusal to provide such a hearing contravenes § 1226(a)'s discretionary framework and exceeds the limited detention authority Congress provided.
55. Following *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (B.I.A. 2025), Respondents

have adopted a blanket interpretation that classifies all noncitizens who entered without inspection as subject to mandatory detention under § 1225(b), thereby denying bond eligibility to those properly detained under § 1226(a). This interpretation is inconsistent with the statute and longstanding practice, resulting in the unlawful denial of individualized bond determinations.

56. Accordingly, the Court should declare that Respondents lack statutory authority to detain Petitioner under § 1226(a) without providing a constitutionally adequate bond hearing and should order either (1) a prompt bond hearing before an Immigration Judge at which the government bears the burden of proof, or (2) Petitioner's release from custody pursuant to 28 U.S.C. § 2241.

COUNT TWO

Violation of Fourth Amendment Unreasonable Search and Seizure

57. The allegations in the above paragraphs are realleged and incorporated herein.

58. The Fourth Amendment protects "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." U.S. Const. amend. IV. Within the meaning of the Fourth Amendment a person has been "seized" only if, in view of all of the circumstances surrounding the incident, a reasonable person would have believed that he was not free to leave. *United States v. Mendenhall*, 446 U.S. 544 (1980). If the person to whom questions are put remains free to disregard the questions and walk away, there has been no intrusion upon that person's liberty or privacy as would require some particularized and objective justification. *Id.* It is a fundamental tenet of Fourth Amendment law that "a search or seizure of a person must be supported by probable cause particularized with respect to that person." *Ybarra v. Illinois*, 444 U.S. 85, 91 (1979). In addition, 8 C.F.R. § 287.8(b)(2) provides that for an immigration officer

to lawfully detain a person they suspect to be in the country illegally they must have “a reasonable suspicion, based on specific articulable facts, that the person being questioned is, or is attempting to be, engaged in an offense against the United States or is an alien illegally in the United States.”

59. The Supreme Court in *INS v. Lopez-Mendoza*, 468 U.S. 1032, 1050–51 (1984), recognized that the exclusionary rule may apply in immigration proceedings when evidence is obtained through an “egregious violation of the Fourth Amendment” that “transgress[es] notions of fundamental fairness and undermine[s] the probative value of the evidence obtained.”
60. Here, ICE agents lacked any lawful basis to detain or arrest Petitioner. Upon his release from local custody, Petitioner was approached by plainclothes ICE officers in the jail parking lot. [See Exhibit B: “Copy of Declaration for Petitioner Lucio Gutierrez Garcia”]. The agents neither possessed a warrant nor articulated any reasonable suspicion or probable cause that Petitioner had committed an immigration or criminal offense. *Id.* Petitioner repeatedly asked why he was being arrested and whether they had a warrant, but the officers mocked him and responded that they “did not need one.” *Id.* Without consent, the agents forcibly took his fingerprints using a portable scanner, seized his identification, and searched his belongings. *Id.* Even after confirming he was not the individual they were allegedly seeking, they refused to release him and instead transported him to a processing center. *Id.*
61. The agents’ use of physical force and continued detention, after verifying he was not the target of their inquiry, exceeded the scope of any permissible investigative encounter and constituted an egregious and unlawful seizure under the Fourth Amendment.

62. For these reasons, Petitioner's detention violates the Fourth Amendment, and he must be immediately released.

COUNT THREE
Violation of Fifth Amendment Due Process Clause

63. The allegations in the above paragraphs are realleged and incorporated herein.

64. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. amend. V. "Freedom 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 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)). Civil immigration detention violates due process if it is not reasonably related to its statutory purpose. See *id.* at 690 (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention: to mitigate the risk of flight and prevent danger to the community. *Id.*; *Demore v. Kim*, 538 U.S. 510, 514–15, 528 (2003).

65. Courts have further held that prolonged detention under 8 U.S.C. § 1226(a) implicates due process and requires the government to justify continued confinement at a meaningful bond hearing. See *Hernandez-Lara v. Lyons*, 10 F.4th 19, 41 (1st Cir. 2021) (requiring the government to prove danger by clear and convincing evidence or flight risk by a preponderance of the evidence).

66. First, Petitioner does not pose a danger to the community. The government has offered no evidence that Petitioner poses a danger to the community or is likely to flee. To the contrary, Petitioner has deep family and community ties in the United States, including four U.S.-citizen children and numerous letters of support attesting to his character,

integrity, and devotion as a father. [See Exhibit F: “Letters of Support for Petitioner Lucio Gutierrez Garcia”]. He has one minor domestic-related conviction that does not render him a danger to the community and falls outside the mandatory-detention provisions of § 1226(c).

67. Second, Petitioner does not pose a risk of flight. He has maintained a consistent residence and strong familial and community support network. *Id.* His U.S.-citizen children, extended family, and community advocates depend on his presence, giving him every incentive to appear for his immigration proceedings. *Id.* Petitioner has no history of failing to appear in court, evading law enforcement, or absconding from supervision. He currently has a pending asylum application, further demonstrating his compliance with immigration procedures and his commitment to resolving his case lawfully through the judicial process. Prior to his detention, he worked regularly and was the primary caretaker of his children. *Id.* His family’s reliance on him for financial and emotional support demonstrates stability, accountability, and deep roots in the community. *Id.* These factors establish that Petitioner can and will comply with any conditions of release set by the Court or an Immigration Judge.

68. For these reasons, Petitioner’s continued detention violates the Due Process Clause of the Fifth Amendment, and he must be immediately released. The Court should order Respondents to provide Petitioner with a prompt and constitutionally adequate bond hearing before an Immigration Judge, at which the Government bears the burden of demonstrating flight risk or danger.

COUNT FOUR

69. If he prevails, Petitioner requests attorney’s fees and costs in the amount of \$5,000 under

the Equal Access to Justice Act (“EAJA”), as amended, 28 U.S.C. § 2412

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (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 Petitioners’ detention violates the Immigration and Nationality Act, Due Process Clause of the Fourth Amendment, Due Process Clause of the Fifth Amendment.
- (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately.
- (5) Enjoin Respondents from further unlawfully detaining Petitioners.
- (6) Grant a writ of habeas corpus ordering Respondents to immediately release Petitioners from custody.
- (7) In the alternative, grant a writ of habeas corpus ordering Respondents to immediately release Petitioners from custody under reasonable conditions of supervision.
- (8) In the alternative, grant a writ of habeas corpus ordering Respondents to provide Petitioner with a prompt and individualized bond determination hearing pursuant to 8 U.S.C. § 1226(a), before a neutral Immigration Judge, at which the Government bears the burden of proving that Petitioner is a danger to the community by clear and convincing evidence or a flight risk by a preponderance of the evidence.
- (9) Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act, and on any other basis justified under law and
- (10) Grant any further relief this Court deems just and proper.

Respectfully submitted,

/s/Alfonso Morales
Alfonso Morales, Esq.
Attorney for Lucio Gutierrez Garcia

Dated: October 31, 2025

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Lucio Gutierrez Garcia, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 31 day of October, 2025.

/s/Alfonso Morales
Alfonso Morales, Esq.
Attorney for Lucio Gutierrez Garcia

**INDEX IN SUPPORT OF
PETITION FOR WRIT OF HABEAS CORPUS
LUCIO GUTIERREZ GARCIA**

EXHIBIT	DESCRIPTION
<u>A</u>	COPY OF BIRTH CERTIFICATE WITH ENGLISH TRANSLATION FOR PETITIONER LUCIO GUTIERREZ GARCIA
<u>B</u>	COPY OF DECLARATION OF PETITIONER LUCIO GUTIERREZ GARCIA
<u>C</u>	COPY OF BIRTH CERTIFICATES FOR PETITIONER LUCIO GUTIERREZ GARCIA'S CHILDREN
<u>D</u>	COPY OF EOIR RECEIPT FOR PETITIONER LUCIO GUTIERREZ GARCIA'S ASYLUM APPLICATION
<u>E</u>	COPY OF ORDER OF THE IMMIGRATION JUDGE DENYING REDETERMINATION OF CUSTODY
<u>F</u>	COPY OF LETTERS OF SUPPORT FOR PETITIONER LUCIO GUTIERREZ GARCIA

EXHIBIT B

**DECLARATION OF LUCIO GUTIERREZ GARCIA (PREPARED BASED ON
TELEPHONIC CONVERSATION)**

1. My name is Lucio Gutierrez Garcia.
2. On June 28, 2025, I was released from a local police station after a minor domestic incident. As I was walking through the parking lot, I noticed an unmarked SUV driving slowly nearby. I continued walking and tried not to pay attention to it. Then I saw an additional car approach me. The individuals inside were wearing ICE vests.
3. After the second time they told me to stop walking, I stopped. The officers did not identify themselves to me or tell me why I was being approached. They began asking me questions, but I chose not to respond.
4. A female officer suddenly pushed me, causing me to fall face-down on the ground. My hands were then tied behind my back with handcuffs.
5. I asked the officers why I was being arrested or if they had a warrant to arrest me. One of them laughed and said they did not need a warrant.
6. They told me that they “just needed to investigate” and “check” if I was someone they were looking for. I told them I was not that person, but they ignored me.
7. I never consented to being fingerprinted, but the officers forcibly took my hands and took my prints on their phone anyway. They seized my identification and personal belongings and ran them through databases. Despite confirming that I was not the person they were seeking, they still detained me without cause.
8. I asked them again why I was being arrested but even after acknowledging that I was not the individual they were looking for, they said they would still need to “take me in to investigate further.”

9. I was first taken to the San Bernardino Processing Center, where I was fingerprinted again, and then transferred to Adelanto Detention Facility, where I have remained ever since.
10. Since being detained, I have not been well physically or mentally. I struggle to sleep and often feel anxious and depressed.
11. On one occasion, pepper spray was released inside the facility to stop a fight, and the gas spread throughout our unit. I told the officers that I was not feeling well because of the spray and asked them to see a doctor. They told me they would allow me to see a doctor but after I repeatedly asked to be taken, they never took me.
12. On another occasion, I became ill after eating the facility food. I vomited throughout the night and the following morning. I told the officers that I needed medical attention, and they said they would take me to the doctor, but no one ever did.
13. I continue to suffer in detention for no apparent reason. I am not a danger to anyone, and I have four U.S. citizen children who need me home. My detention has caused great hardship for me and my family, and I respectfully ask this Court to review my case and order my release.

Executed on October 29, 2025

This declaration was prepared by declarant for Petitioner based on a telephonic conversation with Petitioner, who is currently detained and unable to sign in person. Petitioner has reviewed the contents orally and affirmed their truth to the best of his knowledge.

Respectfully submitted,

/s/ Tanya Reyes

Tanya Reyes, Declarant on behalf of Lucio Gutierrez Garcia, Petitioner

EXHIBIT D

1 Carlos Jurado Bar P81098
2 The Jurado Firm, LLP
3 100 Oceangate, Suite 300
4 Long Beach, CA 90802
5 TELEPHONE: (562)275-3233
6 Attorney for Respondent

DETAINED

7 UNITED STATES DEPARTMENT OF JUSTICE
8 EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
9 IMMIGRATION COURT
10 ADELANTO, CALIFORNIA

11 In the Matter of

12 GUTIERREZ GARCIA, Lucio

13
14 Respondent

15 Alien Number



16
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19 Next Hearing: September 24, 2025

Judge: Hon. Bryan E. Depowell

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25 RESPONDENT'S I-589 APPLICATION FOR ASYLUM AND FOR WITHHOLDING OF
26 REMOVAL

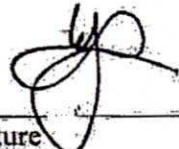
1 NAME: GUTIERREZ GARCIA, Lucio

2 A#:

3 PROOF OF SERVICE

4
5 On September 24, 2025 I, Carlos Jurado, mailed a copy of this RESPONDENT'S I-589
6 APPLICATION FOR ASYLUM AND FOR WITHHOLDING OF REMOVAL any attached
7 pages to Assistant Chief Counsel of the Department of Homeland Security at the following
8 address:

9 By: ECAS

10
11 
Signature

12
13 09/24/2025
Date

EXHIBIT C

EXHIBIT E



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ADELANTO IMMIGRATION COURT

Respondent Name:

GUTIERREZ GARCIA, LUCIO

To:

Jurado, Carlos
444 W. Ocean Blvd.
Suite 1010
Long Beach, CA 90802

A-Number:



Riders:

In Custody Redetermination Proceedings

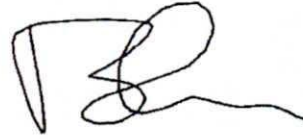
Date:

09/26/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

- ☒ Denied, because
Court is without jurisdiction to entertain a bond. See Matter of Hurtado, 29 I&N Dec. 216 (BIA 2025).
- ☐ Granted. It is ordered that Respondent be:
- ☐ released from custody on his own recognizance.
 - ☐ released from custody under bond of \$
 - ☐ other:
- ☐ Other:



Immigration Judge: DePowell, Bryan 09/26/2025

Appeal: Department of Homeland Security: ☒ waived ☐ reserved
Respondent: ☐ waived ☒ reserved

Appeal Due: 10/27/2025

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

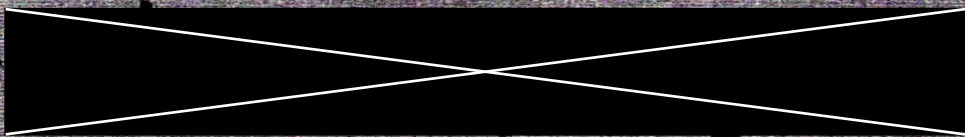
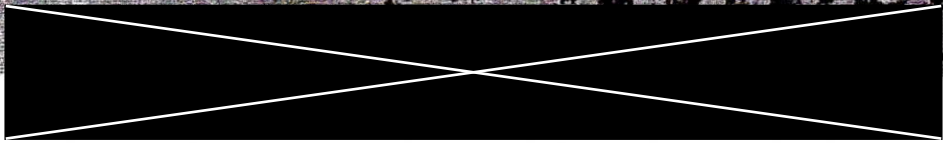
To: [] Alien | [] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : GUTIERREZ GARCIA, LUCIO | A-Number : 

Riders:

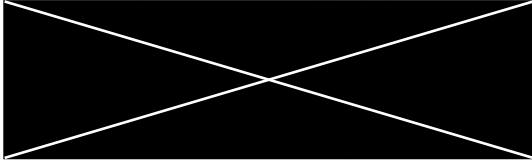
Date: 09/26/2025 By: CHAMBERS, KARINA, Court Staff

EXHIBIT F

Dear Your honor,
I 
Respectfully ask you to
please let my daddy
Lucio come back home.
I miss him I miss
watching a movie with
him or having dinner
with him our family
does not feel the same
without him here.
Thank you. Sincerely/


From:

Ana Rosa Santiago Mateos



July 15, 2025

To Whom It May Concern

Well, I am writing this letter on behalf of a good friend. Lucio Gutierrez.

My name is Ana Rosa Santiago Mateos and it is a privilege for me that I have known Lucio Gutierrez for the last 10+ years. I really consider him a nice and great person, especially a devoted father of four wonderful children and husband. I met him about 10+ years ago through a very close friend of mine. He is very generous and kind. Along with that, he treats each and every person with respect and kindness. Our relation between each other is just as a family member since my children have grown up with his children too.

After spending delightful time with him and his family during birthdays, special events, summer vacation gatherings and holidays together with each other's families these past years I cannot stop emphasizing that Lucio Gutierrez is a devoted father who loves and cares for his children. Not only that but he also

loves animals. Not only my children love to be around Lucio, but also my fur babies. Lucio has such a wonderful personality. He is such a goofy person but most importantly Lucio is a very hardworking person who is very responsible.

At home, I see four wonderful children waiting for him to come home. Especially C [REDACTED], Lucio's last child. Which he calls his baby. Lucio's children D [REDACTED] are suffering a lot more from his absence. I hope this letter helps to consider Lucio returning home to his children and wife that await his soon return.

Therefore, I consider Lucio Gutierrez to be a great friend not only of mine but of my children and family; yet a very hardworking and responsible person that we can all rely on. You can contact me for any further information.

Sincerely,



Ana Rosa Santiago Mateos

Cuauhtemoc Gutierrez

July 14, 2025

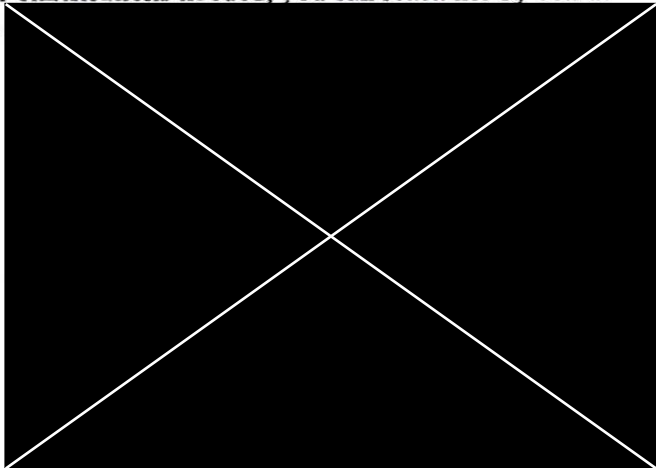
Subject: Letter of Support for Lucio Gutierrez

To Whom This May Concern,

I, Cuauhtemoc Gutierrez, am a United States citizen and declare under oath that the following is true. I'm Lucio Gutierrez's nephew, and I've known him and his family my whole life. He has always treated me like a son, always found the time to check up on me as well as my little brother, and I've always appreciated him for it, knowing how busy his life is working to take care of his family.

Lucio has always been a kind and hardworking person for as long as I've known him. He never missed a chance to spoil his kids and would always go out of his way to provide anything and everything they could possibly need. Every time he and his family were around, you could tell how much his kids loved and respected him. He is either always working or out with his family, and every decision he has ever made has always been with his family in mind.

Please consider allowing him to remain here in the states. I know he will continue to contribute to our society in a positive way and will continue to be a model citizen as well as an amazing husband and father.

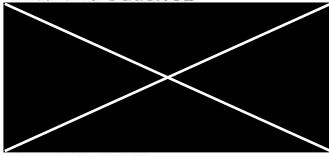
If there are any questions or clarifications needed, you can reach me by cell at  or email at 

Sincerely,

Cuauhtemoc Gutierrez

Cuauhtemoc Gutierrez

Brandon Gutierrez



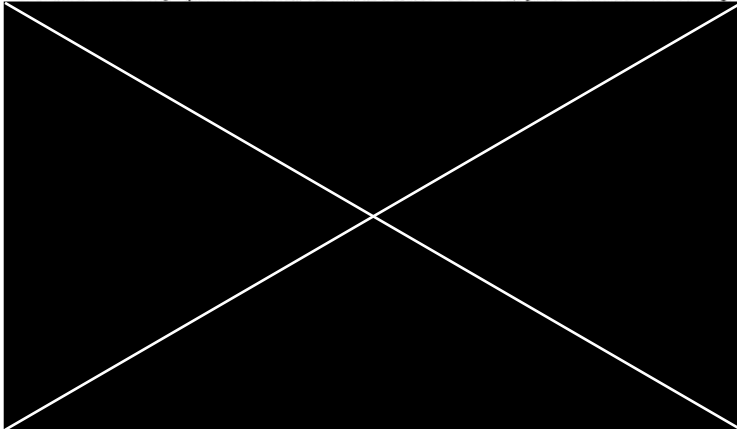
July 15, 2025

Subject: Letter of Support for Lucio Gutierrez

To Whom This May Concern,

I, Brandon Gutierrez, am a United States citizen and declare under oath that the following is true. I'm Lucio Gutierrez's nephew, And to me Lucio is a great Father/Uncle Has always been there to provide for his children and has always went out of his way to make his family his only priority. Working days and night I seem him keep his smile so he would make his kids and even us nephew and nieces happy. Even in my hard times he has offered me so much support with not only me but my baby. Would always let me know that if I needed anything he'd be there for me and my family. He was always the problem solver and peace maker. It would be an honor to have you consider my uncle Lucio Gutierrez to come and stay in the United States because I have no doubt he would be an outstanding citizen in this society.

If there are any questions or clarifications needed, you can reach me by cell at



Sincerely Brandon Gutierrez,

A handwritten signature in black ink, appearing to be 'B. Gutierrez'.

July 15, 2025

To Whom It May Concern,

This letter is to confirm that I know Lucio Gutierrez Garcia through his wife, Marcela Cruz. I have known Marcela for 25 years. We went to school together starting in elementary school, and we have maintained our friendship throughout the years.

Marcela married Mr. Gutierrez Garcia, and together they have built a beautiful family with four wonderful children. I have come to know Lucio as a kind, respectful, and responsible man. He is a devoted husband and a caring father who works hard to support and guide his family.

In all the years I have known him, Mr. Gutierrez Garcia has always conducted himself with integrity and compassion. He is respectful to others, actively involved in his family's life, and has shown a strong commitment to doing the right thing.

I truly believe that Mr. Gutierrez Garcia is a good person and a positive member of the community. I do not consider him a danger to the country in any way. On the contrary, he is someone who contributes positively to those around him.

If you need any further information, please feel free to contact me.

Sincerely,



Jessyca Uribe

Email:

Phone:



July 15, 2025

To whom it may concern,

Lucio Gutierrez is an exceptional person, but most importantly, a great husband and father.

I met Lucio about 10 years ago. Ever since day one, he has consistently shown his true self and maintained that persona. Lucio is respectful and attentive. He is very attentive to the well-being of his family. He takes the father role very seriously. I have firsthand witnessed how responsible Lucio is to his family. He makes sure his four boys are well taken care of. He is a hard worker and is constantly active and involved with his family. This family consistently radiates positive energy wherever they go, and I am positive this is because Lucio transfers that energy to his family. Ensuring his children are healthy and happy, Lucio makes sure to spend quality time with the boys. Lucio and his wife cook homemade traditional meals and always share delightful times with family and friends. I feel very fortunate to have them in my circle of friends, because I know I can count on them whenever I need support. Two years ago, my sister lost her husband, and Lucio and his family were there to give emotional support to my family. Therefore, I know that they are friends, and I can count on them in case of any challenging situations.

If anything is needed on my behalf, please don't hesitate to contact me.

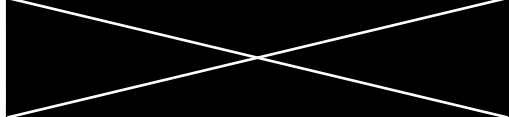
Sincerely,



Rocio Santiago



Maria Uribe Fregoso



July 15, 2025

Subject: Letter of Support for Lucio Gutierrez

To Whom This May Concern,

I, Maria Uribe Fregoso, am a United States citizen and declare under oath that the following is true. I'm Lucio Gutierrez's friend, and I've known him and his family my over 15 years. He is a hard working man who takes care of his family. He is a loving father and husband, he is the main provider for his family which his children are all American citizens and he does have great ethical standards. Over the years that I've known him, he has been an honest individual, responsible, respectful and very compassionate.

There have been many instances where Mr. Gutierrez has demonstrated good moral character. He has always obeyed the law and is not involved in criminal activities.

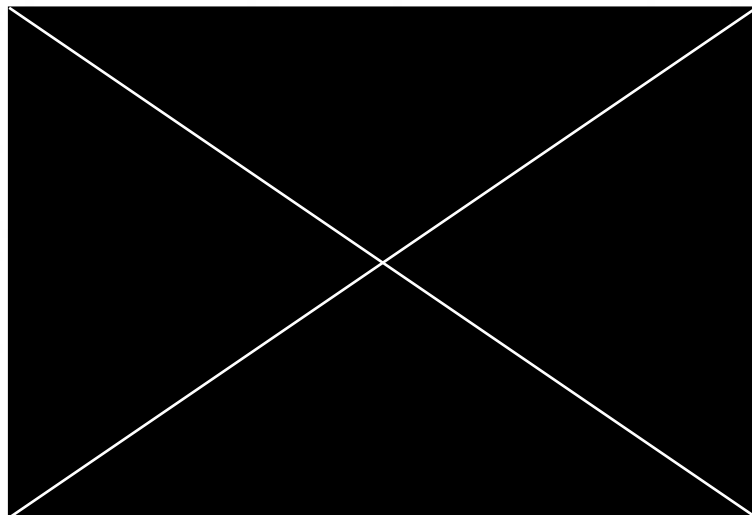
Please consider allowing him to remain here in the states. I know he will continue to contribute to our society in a positive way and will continue to be a model citizen as well as an amazing husband and father.

If there are any questions or clarifications needed, you can reach me by cell at

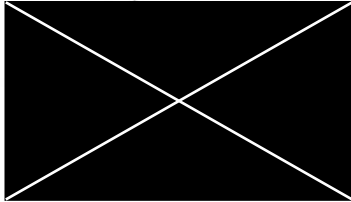


Sincerely,

Maria Uribe Fregoso



Liliana Espinoza



Subject: Letter of support for Lucio Gutierrez Garcia

To Whom It May Concern,

My name is Liliana Espinoza, and I am writing this letter in support of my friend, Lucio Gutierrez Garcia, who is currently facing deportation. I have had the privilege of knowing Lucio for many years, during which time I've witnessed firsthand the integrity, kindness, and positive impact they've made in our community. I've also witnessed how hard he works to support his family's well-being.

Outside of work, Lucio is a devoted father of 4 underage boys, all of whom depend on him emotionally and financially. He is deeply involved in their daily lives, offering stability, love, and guidance that are vital to their development and well-being. His potential deportation would have an incredibly disruptive and distressing impact on these young children.

Lucio is not only a person of great character but also someone who contributes meaningfully to those around him. Whether through volunteering, working diligently, supporting his family, or simply being a compassionate presence, he exemplifies the values that strengthen our society.

Deportation would not only uproot Lucio's life but also cause deep emotional and financial distress to his family who rely on and care for him. I truly believe he deserves the opportunity to remain in the United States where he can continue to grow, thrive, and contribute.

I respectfully urge the court or relevant authorities to take this letter into consideration and grant Lucio the compassion and understanding they deserve. If you need any further information, I would be more than willing to speak on his behalf.

With sincere gratitude,


Liliana Espinoza

