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DETAINED

Attorney for Petitioner: Victor Manuel De Jesus Alas

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES, CALIFORNIA**

IN THE MATTER OF:

Alas, Victor Manuel De Jesus,

Case No.:

Petitioner,)

) **Agency case NO. A** 

v.)

) **PETITION FOR WRIT OF
HABEAS CORPUS AND ORDER**

F. SEMAIA, in his official capacity as
Warden, Adelanto Detention Facility;
ERNESTO M. SANTACRUZ JR., in
his official capacity as Acting ICE
Field Office Director U.S.

) **TO SHOW CAUSE WITHIN**

) **WITHIN THREE DAYS;**

) **COMPLAINT FOR**

) **DECLARATORY**

) **AND INJUNCTION RELIEF**

Immigration and Customs
Enforcement;

) Challenge to Unlawful Incarceration

TODD M. LYONS, Acting Director,
U.S. Immigration and Customs
Enforcement;

) Under Color of Immigration

) Detention)Statutes;

) Request for Declaratory and

KRISTI NOEM, Secretary of United
States Department of Homeland
Security; and

) Injunctive Relief

PAM BONDI, Attorney General of

the

United States,

Respondents.)

Petitioner Victor Manuel De Jesus Alas (“Petitioner” or “Mr. Alas”), petitions this Honorable Court for a *writ of habeas corpus* under 28 U.S.C. § 2241 to remedy Respondents’ detaining him unlawfully, and states as follows:

I. INTRODUCTION

1. Petitioner, Victor Manuel De Jesus Alas (“Petitioner” or “Mr. Alas”), hereby files this petition for *writ of habeas corpus* and complaint for declaratory and injunctive relief to compel his immediate release from the immigration jail where he has been held by the U.S. Department of Homeland Security (DHS) since being unlawfully detained on October 28, 2025, without first being provided due process.

2. Petitioner must be released from custody unless and until DHS proves to a neutral adjudicator, by clear and convincing evidence, changed circumstances that would justify his unjust detention, and that Petitioner is a flight risk or a danger to the community. DHS will not be able to do so. Due process requires the government to provide noncitizens with notice and a hearing prior to re-detention, and that re-detention, without prior notice, a showing of changed circumstances, or a meaningful opportunity to respond, does not satisfy the procedural requirements of the Fifth Amendment.

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II. JURISDICTION

3. This Court has jurisdiction over the present action pursuant to 28 U.S.C. § 1331, general federal question jurisdiction; 5 U.S.C. § 701 et seq., All Writs Act; 28 U.S.C. § 2241 et seq., *habeas corpus*; 28 U.S.C. § 2201, the Declaratory Judgment Act; Art. 1, § 9, Cl. 2 of the United States Constitution (Suspension Clause); Art. 3 of the United States Constitution, and the common law.

III. STATEMENT OF FACTS

4. Petitioner is a citizen and national of El Salvador. He was born on   in San Salvador, El Salvador. He is fifty-nine (59) years old. Mr. Alas has lived in the United States for over thirty-six (36) years. Petitioner is married. Mr. Alas is the parent to a United States Citizen child, Victor Benjamin Alas (“Victor”), age twenty-four (24). Victor suffers from mental health issues. At the age of twelve (12), Victor was diagnosed with suffering learning disabilities. He was diagnosed with Attention Deficit Disorder (“ADD”).

5. Petitioner is unable or unwilling to return to, or avail himself of the protection of, his country of nationality, El Salvador. Petitioner left his home country because 



6. Petitioner has a Violence Against Women Act (“VAWA”) I-360

1 application pending with the U.S. Citizenship and Immigration Services
2 (“USCIS”) as of September 20, 2023. Petitioner received *prima facie* determination
3 on his pending VAWA on April 23, 2024, April 11, 2025, and again on September 29,
4 2025. Mr. Alas experienced physical, emotional, psychological abuse by his son,
5 Victor. The physical abuse commenced in Victor’s adolescence and increasingly
6 escalated into adulthood. Mr. Alas is devastated once Victor began exhibiting violent
7 and destructive behavior. Victor would become enraged due to any stressful stimulus
8 and grew to resent Mr. Alas. He routinely verbally insults Mr. Alas and threatens to
9 physically harm Mr. Alas. Victor routinely uses drugs to medicate himself.
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14 7. Petitioner is fifty-nine (59) years old and suffers with severe medical
15 conditions. Mr. Alas is currently under the care of medical doctors. He is currently
16 under observation for heart palpitations, snoring, back pain, and memory problems.
17 In addition, he is taking the medication Metoprolol. Metoprolol is used to treat high
18 blood pressure and to treat severe chest pain and lowers the risk of repeated heart
19 attacks. He also takes acetaminophen for back pain.
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22 8. Petitioner has been under an Order of Supervision with ICE since
23 September 26, 2014. Mr. Alas has never absconded and has reported as directed.
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25 **IV. CUSTODY**

26 9. Petitioner is currently detained by DHS at the Adelanto ICE Processing
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Center in Adelanto, California. On October 28, 2025, Petitioner was transferred to ICE's Adelanto detention center after he was detained upon presenting himself to his check-in appointment at U.S. Immigration and Customs Enforcement Facility at 300 North Los Angeles Street, Room 7631 Los Angeles, CA 90012. Petitioner is being illegally held in custody in contradiction to DHS' policy regarding victims of crime.

V. REQUIREMENTS OF 28 U.S.C. § 2243

10. The Court must grant the petition for *writ of habeas corpus* or issue an order to show cause (OSC) to Respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC 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.*

11. 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).

12. *Habeas corpus* must remain a swift remedy. Importantly, "the statute itself directs courts to give petitions for habeas corpus 'special, preferential consideration to insure expeditious hearing and determination.'" *Yong v. INS*, 208

1 E.3d 1116, 1120 (9th Cir. 2000) (internal citations omitted). The Ninth Circuit warned
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3 against any action creating the perception “that courts are more concerned with
4 efficient trial management than with the vindication of constitutional rights.” Id.
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7 **VI. VENUE**

8 13. Venue is properly before this Court pursuant to 28 U.S.C. § 1391(e)
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10 because the Respondents are employees or officers of the United States, acting in
11 their official capacity; because a substantial part of the events or omissions giving
12 rise to the claim occur in Los Angeles, California; because Petitioner was arrested in
13 Los Angeles, California which is in the jurisdiction of the Western Division of the
14 Central District of California ; and because there is no real property involved in this
15 action.
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19 **VII. INTRADISTRICT ASSIGNMENT**

20 14. The decision to rearrest and re-detain Petitioner was made by the Los
21 Angeles Field Office of ICE. Prior to being unlawfully re-detained by ICE, his case
22 was last before the Ninth Circuit Court of Appeals. Therefore, the assignment to the
23 Western Division of this Court is proper under E.D. Local Rule 120.
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EXHAUSTION OF ADMINISTRATIVE REMEDIES

15. For *habeas* claims, exhaustion of administrative remedies is prudential, not jurisdictional. Hernandez, 872 F.3d at 988. A court may waive the prudential exhaustion requirement if “administrative remedies are inadequate or not efficacious, pursuit of administrative remedies would be a futile gesture, irreparable injury will result, or the administrative proceedings would be void.” *Id.* (quoting Laing v. Ashcroft, 370 F.3d 994, 1000 (9th Cir. 2004) (citation and quotation marks omitted)). Petitioner asserts the exhaustion should be waived because administrative remedies are (1) futile and (2) his continued detention results in irreparable harm.

16. No statutory exhaustion requirements apply to Petitioner’s claim of unlawful custody in violation of his due process rights, and there are no administrative remedies that he needs to exhaust. See Am.-Arab Anti-Discrimination Comm. v. Reno, 70 F.3d 1045, 1058 (9th Cir. 1995) (finding exhaustion to be a “futile exercise because the agency does not have jurisdiction to review” constitutional claims); In re Indefinite Det. Cases, 82 F. Supp. 2d 1098, 1099 (C.D. Cal. 2000) (same).

17. More importantly, every day that Petitioner remains detained causes him harm that cannot be repaired. His continued detention puts his physical and mental health at greater risk, further warranting a finding of irreparable harm and the waiver of the prudential exhaustion requirement. Petitioner is fifty-nine (59) years old and

1 suffers with severe medical conditions. Petitioner is currently under observation for
2 heart palpitations, snoring, back pain and memory problems. In addition, he is taking
3 the medication Metoprolol.
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5 18. Due to being a victim of abuse by his U.S. citizen son, Victor, who is
6 twenty-four (24) years old. Petitioner has filed a self petition for VAWA (which will
7 provide him an additional relief against removal). The Court must consider this in its
8 irreparable harm analysis of the effects on Petitioner as his detention continues. See
9 *De Paz Sales v. Barr*; No. 19-CV-07221-KAW, [2020 WL 353465](#), at *4 (N.D. Cal.
10 Jan. 21, 2020).
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15 **PARTIES**

16 16. Petitioner is the father of a U.S. citizen, Victor Benjamin Alas, who is
17 twenty-four (24) years old. Petitioner was born in El Salvador and is fifty-nine (59)
18 years old. Petitioner fled El Salvador out of fear of persecution. Petitioner has a
19 VAWA application pending. On September 29, 2023, Mr. Alas filed a Violence
20 Against Women Act (“VAWA”) application with the U.S. Citizenship and
21 Immigration Services (“USCIS”). He is the father of an abusive U.S. citizen son who
22 is twenty-four (24) years old. On April 23, 2024, Mr. Alas was issued a *Prima Facie*
23 Determination letter by USCIS. His case is currently pending. It is respectfully
24 submitted that Mr. Alas has an approvable case and will receive Deferred Action as
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1 soon as his VAWA application is approved.
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4 17. Respondent Fereti SEMAIA is the Warden at Adelanto Detention
5 Facility where Petitioner is being unjustly held. Respondent Semaia oversees the
6 day-to-day operations of Adelanto Detention Facility and acts at the Direction of
7 Respondents LYONS, NOEM, and BONDI. He is a custodian of Petitioner and is
8 named in his official capacity.
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11 18. Respondent ERNESTO SANTACRUZ, JR. is the Acting Field Office
12 Director of ICE, in Los Angeles, California and is named in his official capacity. ICE
13 is the component of the DHS that is responsible for detaining and removing
14 noncitizens according to immigration law and oversees custody determinations. In his
15 official capacity, he is the legal custodian of Petitioner.
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18 19. Respondent TODD M. LYONS is the Acting Director of ICE and is
19 named in his official capacity. Among other things, ICE is responsible for the
20 administration and enforcement of the immigration laws, including the removal of
21 noncitizens. In his official capacity as head of ICE, he is the legal custodian of
22 Petitioner.
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25 20. Respondent KRISTI NOEM is the Secretary of the DHS and is named in
26 her official capacity. DHS is the federal agency encompassing ICE, which is
27 responsible for the administration and enforcement of the INA and all other laws
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1 relating to the immigration of noncitizens. In her capacity as Secretary, Respondent
2 Noem has responsibility for the administration and enforcement of the immigration
3 and naturalization laws pursuant to section 402 of the Homeland Security Act of
4 2002, 107 Pub. L. No. 296, 116 Stat. 2135 (Nov. 25, 2002); see also 8 U.S.C. §
5 1103(a). Respondent Noem is the ultimate legal custodian of Petitioner.
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8 21. Respondent PAM BONDI is the Attorney General of the United States
9 and the most senior official in the U.S. Department of Justice (DOJ) and is named in
10 her official capacity. She has the authority to interpret the immigration laws and
11 adjudicate removal cases. The Attorney General delegates this responsibility to the
12 Executive Office for Immigration Review (EOIR), which administers the
13 immigration courts and the BIA.
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18 **LEGAL BACKGROUND**

19 20 **Legal Requirements for Immigration Stops and Arrests**

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22 22. The Fourth Amendment protects “[t]he right of the people to be secure
23 in their persons . . . against unreasonable searches and seizures.” U.S. Const. amend.
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25 **IV**

26 23. Immigration detention is a form of civil confinement that “constitutes a
27 significant deprivation of liberty that requires due process protection.” *Addington v.*
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1 *Texas*, 441 U.S. 418, 4253 (1979).

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3 24. “Except at the border and its functional equivalents,” immigration agents
4 may stop individuals in public only after identifying “specific articulable facts,
5 together with rational inferences from those facts, that reasonably warrant suspicion”
6 of a violation of immigration law. United States v. Brignoni-Ponce, 422 U.S. 873, 884
7 (1975); Benitez-Mendez v. I.N.S., 752 F.2d 1309, 1311 (9th Cir. 1983), *amended*, 760
8 F.2d 907 (9th Cir. 1983); *see also* 8 C.F.R. § 287.8(b)(2) (allowing officer to “briefly
9 detain” a noncitizen for questioning if the officer “has a reasonable suspicion, based
10 on specific articulable facts” that the noncitizen is engaged in an offense or is
11 unlawfully in the United States).

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15 25. Reasonable suspicion for an immigration stop cannot be based “on broad
16 profiles which cast suspicion on entire categories of people without any
17 individualized suspicion of the particular person to be stopped.” **United States v.**
18 **Rodriguez Sanchez**, 23 F.3d 1488, 1492 (9th Cir. 1994). Rather, reasonable
19 suspicion must be “particularized and objective,” United States v. Arvizu, 534 U.S.
20 266, 273 (2002), meaning the officer has reasonable suspicion as to “the particular
21 person being stopped.” United States v. Montero-Camargo, 208 F.3d 1122, 1129 (9th
22 Cir. 2000) (en banc); *see also* Vasquez Perdomo v. Noem, No. 25-4312, 2025 WL
23 2181709, at *17 (9th Cir. Aug. 1, 2025), *stay of preliminary injunctive relief granted*
24 *by Noem v. Vasquez Perdomo*, 2025 WL 2585637 (S. Ct. Sept. 8, 2025) (concluding
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1 that apparent race or ethnicity, speaking Spanish or speaking English with an accent,
2 particular location, and type of work, even when considered together, did not create
3 reasonable suspicion for an immigration stop). Information obtained from an officer's
4 lawful questioning "may provide the basis for a subsequent arrest." 8 C.F.R. §
5 287.8(b)(3).
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8 26. Immigration officers may arrest an individual without a warrant in
9 limited circumstances. See Arizona v. United States, 567 U.S. 387, 407–08 (2012)
10 (noting strong Congressional preference, as expressed in INA, for immigration arrests
11 to be based on warrants). The INA permits warrantless arrest if an immigration
12 officer has reason to believe that a noncitizen (1) is in the United States in violation
13 of the immigration laws and (2) "is likely to escape before a warrant can be obtained
14 for his arrest". 8 U.S.C. § 1357(a)(2); *accord.* 8 C.F.R. § 287.8(c)(2)(i)-(ii). An
15 officer "has reason to believe" when they have the equivalent of "the constitutional
16 requirement of probable cause." Tejeda-Mata v. INS, 626 F.2d 721, 725 (9th Cir.
17 1980).
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20 27. The Fifth Amendment right to remain silent may be properly invoked
21 during a civil immigration arrest. See U.S. Const., amend. V. See Kastigar v. United
22 States, 406 U.S. 441, 444–45 (1972) (The privilege against self-incrimination "can be
23 asserted in any proceeding, civil or criminal, administrative or judicial, investigatory
24 or adjudicatory . . . This Court has been zealous to safeguard the values which
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1 underlie the privilege.”). An immigration officer may not establish probable cause on
2 the basis of a noncitizen’s silence pursuant to his Fifth Amendment rights. See Hurd
3 v. Terhune, 619 F.3d 1080, 1088 (9th Cir. 2010) (affirming “the fundamental principle
4 that a suspect’s silence in the face of questioning cannot be used as evidence against
5 him at trial”).
6

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8 28. If an immigration officer makes a warrantless arrest, at the time of an
9 arrest and “as soon as it is practical and safe to do so,” immigration officers must
10 identify themselves as immigration officers authorized to make arrests, inform the
11 person arrested that they are under arrest, and state the reason for the arrest. 8 C.F.R.
12 § 287.8(c)(2)(iii). The noncitizen must then “be taken without unnecessary delay for
13 examination before an officer of the Service having authority to examine
14 [noncitizens] as to their right to enter or remain in the United States.” 8 U.S.C. §
15 1357(a)(2).
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18 29. Within 48 hours of an immigration arrest (or within a reasonable time in
19 the case of emergency or extraordinary circumstances), an immigration official must
20 make an initial custody determination to decide whether the noncitizen should remain
21 in custody or be released. 8 U.S.C. § 1226(a); 8 C.F.R. § 287.3(d). These procedures
22 are essential to protect the arrested person’s Fourth and Fifth Amendment rights.
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25 30. In making a case-by-case custody determination, ICE agents must
26 consider a number of individual factors, including a noncitizen’s status as a victim of
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1 crime.

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3 31. ICE Directive 11005.3, established that “absent exceptional
4 circumstances, ICE will refrain from taking civil immigration enforcement action
5 against known beneficiaries of victim-based immigration benefits and those known to
6 have a pending application for such benefits.”
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8 32. ICE Directive 11005.4, which purported to replace ICE Directive
9 11005.3 on January 31, 2025, maintains that beneficiaries of victim-based
10 immigration benefits should not be subject to civil immigration enforcement unless,
11 in consultation with the Office of the Principal Legal Advisor (OPLA), “the totality
12 of circumstances warrant enforcement.”
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16 **The Violence Against Women Act of 1994 (“VAWA”)**
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18 33. Pursuant to the Violence Against Women Act (“VAWA”), an individual
19 may file self-petition, Form I-360, if the following requirements are met: (1) the
20 self-petitioner was the parent of an adult United States citizen or lawful permanent
21 resident son or daughter; (2) the self-petitioner was subjected to battery or extreme
22 cruelty by the United States citizen or lawful permanent resident abuser; (3) the
23 self-petitioner lived with the abuser at some time; (4) the self-petitioner is currently
24 living in the United States; (5) and the self-petitioner is a person of good moral
25 character. INA § 204(a)(1)(A) (vii).
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1 34. The term “extreme cruelty” provides an inquiry into an individual’s
2 experience of mental or psychological cruelty, an alternative measure of domestic
3 violence that can also be assessed on the basis of objective standards. Hernandez v.
4 Ashcroft, 345 F.3d 824,834 (9th Cir. 2003). The abuse does not have to be physical,
5 but can also be emotional or psychological. *Id.* All evidence may be considered, even
6 evidence documenting “non-qualifying abuses,” i.e. acts that may not initially appear
7 violent but are part of an overall pattern of violence, to show a pattern of abuse and
8 violence. 8 C.F.R. §§ 204.2(c)(2)(iv), 204.2(c)(1)(vi), 204.2(e)(2)(iv) and
9 204.2(e)(1)(vi).
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11 35. To establish a *prima facie* case, the self-petitioner must submit a
12 completed Petition for Amerasian, Widow(er), or Special Immigrant (Form I-360)
13 and evidence to support each of the eligibility requirements for the self-petition. The
14 self-petitioner must merely address each of the eligibility requirements but need not
15 prove eligibility in order to establish a *prima facie* case. See
16 <https://www.uscis.gov/policy-manual/volume-3-part-d-chapter-5>.
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22 **Removal Protections for VAWA Applicants**

23 35. The Immigration and Nationality Act (INA) establishes various
24 procedures through which individuals may be removed from the United States.

25 Among these are removal proceedings, described in section 240 of the INA. See 8
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1 U.S.C. § 1229a.

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3 36. Noncitizens in immigration proceedings are entitled to Due Process
4 under the Fifth Amendment of the U.S. Constitution. Reno v. Flores, 507 U.S. 292,
5 306 (1993).
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7 37. On December 2, 2021, ICE issued ICE Directive 11005.3, Using a
8 Victim-Centered Approach with Noncitizen Crime Victims. Consistent with the
9 statutory provisions establishing the U-Visa program, ICE Directive 11005.3 directed
10 that “applying a victim-centered approach minimizes any chilling effect that civil
11 immigration enforcement actions may have on the willingness and ability of
12 noncitizen crime victims to contact law enforcement, participate in investigations and
13 prosecutions, pursue justice, and seek benefits.”
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16 38. Under ICE Directive 11005.3, “[e]xcept where exceptional
17 circumstances exist, or if USCIS has administratively closed a case for failure of the
18 applicant to prosecute the application, a noncitizen with a pending victim-based
19 application or petition who is subject to an administratively final removal order
20 should generally be issued a stay of removal.”
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23 39. On January 31, 2025, ICE issued ICE Directive 11005.4: Interim
24 Guidance on Civil Immigration Enforcement Actions Involving Current or Potential
25 Beneficiaries of Victim-Based Immigration Benefits, purporting to rescind and
26 supersede ICE Directive 11005.3.
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FACTUAL ALLEGATIONS

Respondents' Detention and Deportation Policies

40. On January 20, 2025, President Donald Trump issued several executive actions relating to immigration, including “Protecting the American People Against Invasion,” an executive order (EO) setting out a series of interior immigration enforcement actions. The Trump administration, through this and other actions, has outlined sweeping, executive branch-led changes to immigration enforcement policy, establishing a formal framework for mass deportation. The “Protecting the American People Against Invasion” EO instructs the DHS Secretary “to take all appropriate action to enable” ICE, CBP, and USCIS to prioritize civil immigration enforcement procedures including through the use of mass detention.

FIRST CAUSE OF ACTION

Due Process

U.S. Const. amend V

41. Petitioner re-alleges and incorporates herein by reference, as is set forth fully herein, the allegations in all the preceding paragraphs.

42. The Due Process Clause of the Fifth Amendment forbids the government from

1 depriving any “person” of liberty “without due process of law.” U.S. Const. amend.

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3 V.

4 43. Petitioner had a vested liberty interest in his conditional release. Due
5 Process does not permit the government to strip him of that liberty without a hearing
6 before this Court. See Morrissey, 408 U.S. at 487-488.

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10 **PRAYER FOR RELIEF**

11 WHEREFORE, Petitioner prays that this Honorable Court grant the following
12 relief:

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- 14 1. Assume jurisdiction over the matter;
 - 15 2. Issue an Order to Show Cause ordering Respondents to show cause why
16 this Petition should not be granted within 3 days.
 - 17 3. Enjoin Respondents from transferring the Petitioner outside the
18 jurisdiction of the Central District of California pending the resolution of
19 this case;
 - 20 4. Declare that Defendants’ failure to recognize and give full weight to a
21 lawfully issued VAWA *Prima Facie* Determination grant by USCIS is in
22 violation of the APA and the INA;
 - 23 5. Declare that Petitioner’s detention violates the Due Process Clause of the
24 Fifth Amendment, 8 U.S.C. § 8 U.S.C. § 1101(a)(15)(U); see also 8
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1 C.F.R. § 214.14, et al.

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3 6. Issue a *Writ of Habeas Corpus* ordering Respondents to release
4 Petitioner immediately;

5 7. Award Petitioner attorney's fees and costs under the Equal Access to
6 Justice Act, and on any other basis justified under law; and

7
8 8. Grant any further relief this Court deems just and proper.
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11 Respectfully submitted,

12 Date: 11/01/2025

13 By: /s/

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