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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

J.A.A.M.,
Petitioner-Plaintiff,

v.

Ernesto SANTACRUZ JR., Director of
Field Operations, Los Angeles Field Office;

Todd M. LYONS, Acting Director,
Immigration and Customs Enforcement,
U.S. Department of Homeland Security;

Kristi NOEM, in her Official Capacity,
Secretary, U.S. Department of Homeland
Security; and

Pamela BONDI, in her Official Capacity,
Attorney General of the United States;

Respondents-Defendants.

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

PETITION FOR WRIT OF HABEAS CORPUS

Case No.

1 **INTRODUCTION**

2 1. The Petitioner, J.A.A.M. ("Mr. "A.M."),¹ is a noncitizen asylum seeker who
3 was re-detained without a warrant at a day laborer site even though he has an affirmative
4 asylum application pending and he is lawfully authorized to work. Based on information
5 and belief, Mr. A.M. is now in the physical custody of the Department of Homeland
6 Security ("DHS") at the Downtown Los Angeles ICE Processing Center in violation of his
7 right to due process under the Fifth Amendment of the United States Constitution and the
8 Administrative Procedures Act ("APA").

9 2. Mr. A.M. is being held at this processing center, being arbitrarily detained
10 without any process, including any notice or pre-deprivation hearing, in violation of his
11 right to due process and the APA. Mr. A.M. remains detained in DHS custody without
12 bond and separated from his family.

13 3. The Petitioner therefore respectfully requests that this Court issue a writ of
14 habeas corpus, determine that Petitioner's re-detention violates his constitutional rights to
15 due process, and order Petitioner's release.

16 **JURISDICTION**

17 4. The Petitioner is in the physical custody of Respondents. Based on
18 information and belief, the Petitioner is detained at Downtown Los Angeles ICE Processing
19 Center.

20 5. This action arises under the Due Process Clause of the Fifth Amendment of
21 the U.S. Constitution. Jurisdiction is proper under 28 U.S.C. §§ 1331 (federal question),
22 2241 (habeas corpus); U.S. Const. Art. I, § 2; (Suspension Clause); and 5 U.S.C. § 702
23 (Administrative Procedure Act). This Court may grant relief under the habeas corpus
24 statutes, 28 U.S.C. § 2241 et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et
25 seq., and the All Writs Act, 28 U.S.C. § 1651.

26
27
28 ¹ The Petitioner is proceeding under a pseudonym and will file a motion to proceed under a pseudonym with the Court. The
Petitioner will also prove his identity, including his full name and alien number, to the Respondents' counsel.

6. Congress has preserved judicial review of challenges to unlawful immigration detention. See *Jennings v. Rodriguez*, 138 S. Ct. 830, 839-841 (2018) (holding that 8 U.S.C. §§ 1226(e), 1252(b)(9) do not bar review of challenges to prolonged immigration detention); see also *id.* at 876 (Breyer, J., dissenting). (“8 U.S.C. § 1252(b)(9) . . . by its terms applies only with respect to review of an order of removal”) (internal quotation marks and brackets omitted).

VENUE

7. Venue is proper in this District because this is the district in which Petitioner is confined. See *Doe v. Garland*, 109 F.4th 1188, 1197-99 (9th Cir. 2024).

8. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Central District of California.

REQUIREMENTS OF 28 U.S.C. § 2243

9. The Court shall grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

10. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . 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). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

11. The Petitioner, J.A.A.M., is a noncitizen currently detained by Respondents pending ongoing removal proceedings.

12. Respondent Ernesto Santacruz Jr. is the Director of Field Operations for the Los Angeles Field Office of ICE's Enforcement and Removal Operations Division. As such, Mr. Douglas is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

13. Respondent Todd M. Lyons is the Acting Director of ICE and is responsible for ICE's policies, practices, and procedures, including those relating to the detention of immigrants. ICE is a legal custodian of the Petitioner, and Mr. Lyons is named in his official capacity.

14. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act ("INA"), and oversees ICE, which is responsible for the Petitioner's detention. Ms. Noem has ultimate custodial authority over the Petitioner and is named in her official capacity.

15. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. She is named in her official capacity.

FACTS

16. The Petitioner, Mr. A.M., is a 45-year old citizen of Guatemala who entered the US without inspection on May 29, 2019 near El Paso, Texas, seeking asylum from Guatemala with his now wife and three children.

17. Upon entry, Mr. A.M. was briefly detained by the Department of Homeland Security ("DHS") along with his wife and children.

18. On June 19, 2019, Mr. A.M. was released on his own recognizance in accordance with Section 236 of the Immigration and Nationality Act and part 236 of title

1 8, Code of Federal Regulations. Thereafter, Mr. A.M. travelled to California with his wife
2 and children.

3 19. Mr. A.M. was instructed to report to a U.S. Immigration and Customs
4 Enforcement (“ICE”) office on July 17, 2019. He timely reported to the ICE office in Los
5 Angeles, California and was ordered to report in person on January 30, 2020.

6 20. Mr. A.M. and his wife and children were scheduled to appear for a Master
7 Calendar Hearing in 2019 but they did not receive notice of the hearing so they were
8 ordered removed in absentia. Mr. A.M. and his wife and children learned that they were
9 removed in absentia at their ICE check in on January 30, 2020. They filed for a Motion to
10 Reopen which was granted on February 18, 2020.

11 21. Mr. A.M. and his family contracted and paid an attorney by the name of Mr.
12 Salvador Ortiz to represent them in their Immigration proceedings. An attorney by the
13 name of Mr. Hector Becerra appeared for Mr. A.M. in their first Immigration Court
14 proceedings which surprised Mr. A.M. and his family. Mr. Ortiz had apparently asked his
15 colleague, Mr. Becerra, to appear on his behalf. Mr. Becerra filed a defensive asylum
16 application for the family on May 29, 2020. Mr. A.M. and his family learned that Mr. Ortiz
17 had been disbarred and was not allowed to practice law any longer.

18 22. In 2023, Seyfarth Shaw LLP began their representation of Mr. A.M. and his
19 family. On January 6, 2025, DHS moved to dismiss Mr. A.M and his family’s proceedings,
20 and the immigration judge granted the motion.

21 23. On January 17, 2025, Seyfarth Shaw LLP filed the affirmative asylum
22 application for Mr. A.M., which remains pending before United States Citizenship and
23 Immigration Services (“USCIS”).

24 24. On November 5, 2025, Mr. A.M. was detained by Immigration and Customs
25 Enforcement officers without a warrant at a day laborer site even though he has an
26 affirmative asylum application pending with USCIS, holds an Employment Authorization
27 Document, and Social Security number. This follows the trend of ICE officers confronting
28

1 day laborers and detaining them without a warrant.² He showed these documents to the
2 ICE officer who told him these documents “were not enough.” He was taken to the
3 Downtown Los Angeles Processing Center.

4 25. Mr. A.M. was held at this processing center, which is not suitable to be a long
5 term facility, for over three nights. He has been isolated from his community and family,
6 including his wife, three children, and extended family who live in Los Angeles.

7 26. On November 8, 2025, his daughter received a call from him while he was at
8 the Processing Center around 6:00 am and Mr. A.M. notified her that he was being moved
9 to Florence, AZ. Since that time, he has not appeared in the detainee locator.

10 27. Mr. A.M.’s attorneys have not received any “Warrant for Arrest of Alien,”
11 “Notice and Order of Expedited Removal,” or “Notice to Appear.”

12 28. Although he has been detained, Mr. A.M has not applied for bond before the
13 Immigration Court, as doing so would be futile based on the BIA’s decision in *Matter of*
14 *Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), which holds that noncitizens who, like Mr.
15 A.M, entered the United States without inspection, are subject to mandatory detention and
16 not eligible for bond.

17 29. Mr. A.M. is neither a flight risk nor a danger to the community. He has a
18 demonstrated history of complying with ICE check-ins and has appeared for Immigration
19 Court on all the occasions he was aware of, even reopening his own hearing to ensure due
20 process. He also has a pending application for asylum and he has employment
21 authorization. Mr. A.M. has no criminal record in the U.S. or in his country of origin.

22 **LEGAL FRAMEWORK**

23 30. “‘It is well established that the Fifth Amendment entitles [noncitizens] to due
24 process of law in deportation proceedings.’” *Demore v. Kim*, 538 U.S. 510, 523 (2003)
25 (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). “Freedom from imprisonment—from
26 government custody, detention, or other forms of physical restraint—lies at the heart of the
27

28 ² See *US: ICE Abuses in Los Angeles Set Stage for Other Cities*, Human Rights Watch (Nov. 4, 2025), available at
<https://www.hrw.org/news/2025/11/04/us-ice-abuses-in-los-angeles-set-stage-for-other-cities>.

liberty” that the Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); see also *id.* at 718 (Kennedy, J., dissenting) (“Liberty under the Due Process Clause includes protection against unlawful or arbitrary personal restraint or detention.”). This fundamental due process protection applies to all noncitizens, including both removable and inadmissible noncitizens. See *id.* at 721 (Kennedy, J., dissenting) (“[B]oth removable and inadmissible [noncitizens] are entitled to be free from detention that is arbitrary or capricious”). “[T]he government’s discretion to incarcerate non-citizens is always constrained by the requirements of due process[.]” *Hernandez v. Sessions*, 872 F.3d 976, 981 (9th Cir. 2017).

31. 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.” *Zadvydas*, 533 U.S. at 690 (internal quotation marks omitted). In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention—to mitigate the risks of danger to the community and to prevent flight. *Id.*; *Demore*, 538 U.S. at 528.

32. Even when the government has discretion to detain an individual, its subsequent decision to release the individual creates “an implicit promise” that he will be re-detained only if he violates the conditions of his release. *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972). Conditional release “is valuable and must be seen as within the protection of the [Due Process Clause].” *Id.* at 482. The Due Process Clause generally “requires some kind of a hearing before the State deprives a person of liberty or property.” *Zinerman v. Burch*, 494 U.S. 113, 127 (1990).

33. Courts across this district and others within the jurisdiction of the Ninth Circuit have consistently held that if DHS has released a noncitizen pending civil removal proceedings, the noncitizen has a protected liberty interest in remaining out of immigration custody. See, e.g., *Rodriguez Flores v. Semaia*, No. CV 25-6900 JGB (JCx), 2025 WL 2684181, at *3 (C.D. Cal Aug. 14, 2025); *Roa v. Albarran*, No. 25-cv-07802-RS, 2025 WL 2732923, at *5 (N.D. Cal. Sept. 25, 2025); *Ramirez Clavijo v. Kaiser*, No.

25-cv-06248-BLF, 2025 WL 2419263, at *6 (N.D. Cal. Aug. 21, 2025); *Guillermo M. R. v. Kaiser*, No. 25-cv-05436-RFL, 2025 WL 1983677, at *4 (N.D. Cal. July 17, 2025); *Rodriguez v. Kaiser*, No. 1:25-cv-01111-KES-SAB (HC), 2025 WL 2855193, *5 (E.D. Cal. Oct. 8, 2025); *Garcia v. Andrews*, No. 2:25-cv-01884-TLN-SCR, 2025 WL 1927596, at *5 (E.D. Cal. July 14, 2025).

34. In determining what procedures are appropriate to protect the petitioner's liberty interest, courts across this district and others have applied the three-factor test from *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). See, e.g., *Sun v. Santacruz*, No. 5:25-cv-02198-JLS-JC, 2025 WL 2730235, at * 5 (C.D. Cal. Aug. 26, 2025); *Rodriguez Flores*, 2025 WL 2684181, at *3; *Rodriguez*, 2025 WL 2855193, *7; *Pinchi v. Noem*, No. 5:25-CV-05632-PCP, 2025 WL 2084921, at *3 (N.D. Cal. July 24, 2025). Under the *Mathews v. Eldridge* framework, courts analyzing a procedural due process claim consider (1) "the private interest that will be affected by the official action;" (2) "the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards;" and (3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." 424 U.S. at 335.

35. As multiple district courts across this district and the Ninth Circuit have held, where the government has released a noncitizen from immigration custody, "the demands of due process require a pre-deprivation hearing before a noncitizen previously released from ICE custody is re-detained." *Villata Salazar v. Robbins*, No. 2:25-cv-05473-VBF-MAR, 2025 WL 2633128, at *3 (C.D. Cal. June 18, 2025) (citing *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 968-70 (N.D. Cal. 2019) (granting habeas relief on due process claim, permanently enjoining the government from "re-arresting [the petitioner] unless and until a hearing, with adequate notice, is held in Immigration Court to determine whether his bond should be revoked or altered"); *Vargas v. Jennings*, No. 20-CV-5785-PJH, 2020 WL 5074312, at *3; (N.D. Cal. Aug. 23, 2020) ("In light of the persuasive reasoning of *Ortega*, and the ongoing litigation over the procedural due process claim granted by the court there,

the court finds that petitioner has raised serious questions on the merits of his claim that he is entitled to a pre-deprivation hearing before an immigration judge if he is re-arrested.”); *Jorge M. F. v. Wilkinson*, No. 21-CV-01434-JST, 2021 WL 783561, at *3 (N.D. Cal. Mar. 1, 2021) (granting ex parte application for TRO, finding petitioner “has raised serious questions on the merits of his claim that he is entitled to a pre-deprivation hearing before an immigration judge if he is re-arrested”); *Enamorado v. Kaiser*, No. 25-CV-04072-NW, 2025 WL 1382859, at *3 (N.D. Cal. May 12, 2025) (issuing temporary injunction preventing the re-arrest of noncitizen at his ICE interview when he had been on bond for more than five years); *see also Rodriguez Flores*, 2025 WL 2684181, at *3 (determining that the petitioner’s re-detention following release on bond violated his right to due process and holding that “the petitioner is entitled to a pre-detention hearing where the government bears the burden of proving, by clear and convincing evidence, that he is a danger to the community or a flight risk, and that no conditions other than his detention would be sufficient to prevent those harms”); *Rodriguez*, 2025 WL 2855193, *7 (“On balance, the *Mathews* factors show that petitioner is entitled to a bond hearing, which should have been provided before petitioner was detained.”); *Garcia*, 2025 WL 1927596, at *5 (“Having found Petitioner has a liberty interest and determined that due process requires Petitioner receive a hearing to determine whether detention is warranted, the Court finds that Petitioner has established a likelihood of success on the merits.); *cf. Hernandez v. Lyons*, No.: 2:25-cv-05376-FWS-AGR (C.D. Cal June 18, 2025)(slip op. at 9-12) (finding that the petitioner, who was re-arrested following release on bond, was likely to succeed on his claim that he was re-detained without sufficient process under the *Mathews v. Eldridge* factors).

36. Where courts in this district and others have found that a petitioner was re-detained without adequate process in violation of the petitioner’s right to due process, such courts have ordered the petitioner to be released from custody. *See Rodriguez Flores*, 2025 WL 2684181, at *5; *Villata Salazar*, 2025 WL 2633128, at *6; *Garcia*, 2025 WL 1927596, at *5; *cf. N.A. v. Larose*, No.: 25-cv-2384-RSH-BLM, 2025 WL 2841989, at *6 (S.D. Cal

1 Oct. 7, 2025) (finding that petitioner who was released at the border and subsequently
2 detained at an Immigration Court hearing was not lawfully detained under 8 U.S.C. §
3 1225(b)(1)(B)(ii) and ordering for the petitioner’s release). Furthermore, under such
4 circumstances, courts in this district and others have enjoined the government from re-
5 detaining the petitioner without notice and a pre-detention hearing where the government
6 bears the burden of proving, by clear and convincing evidence, that the circumstances have
7 changed as to his danger to the community or a flight risk, and that no conditions other
8 than his detention would be sufficient to prevent those harms.” *Rodriguez Flores*, 2025 WL
9 2684181, at *5; *Pinchi*, 2025 WL 2084921, at *7; *Rodriguez*, 2025 WL 2855193, *7;
10 *Garcia*, 2025 WL 1927596, at *6.

11 37. In addition to due process concerns, arbitrary detention also raises concerns
12 under the Administrative Procedures Act (APA). Under the APA, a court shall “hold
13 unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion,
14 or otherwise not in accordance with the law.” 5 U.S.C. § 706(2)(A). An action is an abuse
15 of discretion if the agency “entirely failed to consider an important aspect of the problem,
16 offered an explanation for its decision that runs counter to the evidence before the agency,
17 or is so implausible that it could not be ascribed to a difference in view or the product of
18 agency expertise.” *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658
19 (2007) (quoting *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut Auto. Ins. Co.*,
20 463 U.S. 29, 43 (1983)). To survive an APA challenge, the agency must articulate “a
21 satisfactory explanation for its action, “including a rational connection between the facts
22 found and the choice made.” *Dep’t of Com. V. New York*, 139 S. Ct. 2551, 2569 (2019)
23 (citations omitted).

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Procedural Due Process

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

46. 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. Due process protects “all ‘persons’ within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

47. Due process requires that government action be rational and non-arbitrary. *See U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007). While the government has discretion to detain individuals under 8 U.S.C. § 1226(a) and to revoke custody decisions under 8 U.S.C. § 1226(b), this discretion is not “unlimited” and must comport with constitutional due process. *See Zadvydas*, 533 U.S. at 698.

48. In this case, the Petitioner has a vested liberty interest in his conditional release. Due Process does not permit the government to strip him of that liberty without a hearing. *See Morrissey v. Brewer*, 408 U.S. 471, 487-88 (1972). Indeed, “the demands of due process require a pre-deprivation hearing before a noncitizen previously released from ICE custody is re-detained.” *Villata Salazar v. Robbins*, No. 2:25-cv-05473-VBF-MAR, 2025 WL 2633128, at *3 (C.D. Cal June 18, 2025).

49. Here, the Petitioner was initially apprehended by DHS when he entered the U.S. in May 2019 and, thereafter, was released on his own recognizance. His release from custody, therefore, created a protected liberty interest in remaining out of immigration custody.

50. On November 5, 2025, the Respondents re-detained the Petitioner release in an arbitrary manner and not based on a rational and individualized determination of whether he is a safety or flight risk, in violation of due process. Nor was the Petitioner

1 provided with notice or an opportunity to contest the revocation of his release from
2 custody, such as a pre-deprivation hearing before a neutral adjudicator.

3 51. Because no individualized custody revocation determination has been made,
4 no pre-deprivation hearing was provided, and no circumstances have changed to make
5 Petitioner a flight risk or a danger to the community, Respondents' re-detention of the
6 Petitioner violates his right to procedural due process under the Fifth Amendment. Indeed,
7 such process is required under *Matthews* because the Petitioner's "private liberty interest
8 is substantial, as is the risk of erroneous deprivation, and the government's interest—
9 including any burden additional procedures might impose—is minimal." *Sun*, 2025 WL
10 2730235, at *6.

11 52. The Court must therefore order the Petitioner to be released and order that,
12 prior to any re-arrest, the government must provide him with a hearing before a neutral
13 adjudicator. At the hearing, the neutral adjudicator must evaluate whether clear and
14 convincing evidence demonstrates, taking into consideration alternatives to detention and
15 the Petitioner's ability to pay a bond, that the Petitioner is a danger to the community or a
16 flight risk, such that his re-incarceration is warranted.

17 **COUNT TWO**

18 **Violation of Fifth Amendment Right to Substantive Due Process**

19 53. The Petitioner re-alleges and incorporates herein by reference, as is set forth
20 fully
21 herein, the allegations in all the preceding paragraphs.

22 54. The Due Process Clause of the Fifth Amendment forbids the government
23 from depriving individuals of their right to be free from unjustified deprivations of
24 liberty. U.S. Const. amend. V.

25 55. The Petitioner has a vested liberty interest in his conditional release. Due
26 Process does not permit the government to strip him of that liberty without it being
27 tethered to one of the two constitutional bases for civil detention: to mitigate against the
28

1 risk of flight or to protect the community from danger. *See Zadvydas*, 533 U.S. at 690;
2 *Demore*, 538 U.S. at 528.

3 56. Since his release in June 2019, the Petitioner has fully complied with the
4 conditions of release imposed on him by DHS, and after an Immigration Judge dismissed
5 his removal case, he affirmatively applied for asylum. He also has no criminal history.
6 Under these circumstances, his re-detention is punitive and violates his constitutional right
7 to be free from the unjustified deprivation of his liberty.

8 57. For these reasons, the Petitioner's re-detention without first being provided a
9 hearing violates the Constitution.

10 58. The Court must therefore order the Petitioner to be released and order that,
11 prior to any re-arrest, the government must provide him with a hearing before a neutral
12 adjudicator. At the hearing, the neutral adjudicator must evaluate whether clear and
13 convincing evidence demonstrates, taking into consideration alternatives to detention and
14 the Petitioner's ability to pay a bond, that the Petitioner is a danger to the community or
15 a flight risk, such that his re-incarceration is warranted.

16 **COUNT THREE**

17 **Violation of the Administrative Procedures Act**

18 59. Petitioner restates and realleges all paragraphs as if fully set forth here.

19 60. Under the APA, a court shall "hold unlawful and set aside agency action" that
20 is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the
21 law." 5 U.S.C. § 706(2)(A). An action is an abuse of discretion if the agency "entirely failed
22 to consider an important aspect of the problem, offered an explanation for its decision that
23 runs counter to the evidence before the agency, or is so implausible that it could not be
24 ascribed to a difference in view or the product of agency expertise." *Nat'l Ass'n of Home*
25 *Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass'n*
26 *of U.S., Inc. v. State Farm Mut Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).

27 61. By arbitrarily and capriciously re-detaining the Petitioner without consideration
28 of his individualized facts and circumstances, Respondents have violated the APA.

1 Furthermore, by re-detaining the Petitioner, Respondents have abused their discretion
2 because there have been no changes to his facts or circumstances since the agency made its
3 initial custody determination that support the revocation of his release from custody. To the
4 contrary, since his release, the Petitioner has demonstrated that he is not a flight risk, as he
5 has consistently complied with all conditions of his release, and has appeared at check-ins
6 with DHS. He has no criminal record, and there is no indication that he poses a danger of
7 any kind to the community.

8 62. The Respondents have already considered the Petitioner's facts and
9 circumstances and determined that he was not a flight risk or danger to the community when
10 they initially released him from custody. There have been no changes to the facts that justify
11 his re-detention. The fact that Petitioner has already been granted release by DHS under less
12 favorable facts and circumstances shows that Respondents do not consider him, on an
13 individualized basis, to be a danger to the community or a flight risk. His re-detention,
14 therefore, is arbitrary, capricious, and an abuse of discretion within the meaning of the
15 APA.

16 63. Thus, the Respondents' re-detention of the Petitioner violates the APA.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, the Petitioner prays that this Court grant the following relief:

- 19 a. Assume jurisdiction over this matter;
- 20 b. Issue a Writ of Habeas Corpus; determine that Petitioner's detention is in
21 violation of his right to procedural due process, his right to substantive due
22 process, and the Administrative Procedures Act; and order for the Petitioner to
23 be immediately released;
- 24 c. Issue an order enjoining the Respondents from re-detaining the Petitioner unless,
25 prior to any re-arrest, the government provides him with a hearing before a
26 neutral adjudicator. At any such hearing, the neutral adjudicator must evaluate
27 whether clear and convincing evidence demonstrates, taking into consideration
28 alternatives to detention and the Petitioner's ability to pay a bond, that the

Petitioner is a danger to the community or a flight risk, such that his re-incarceration is warranted.

- d. Issue a declaration that Petitioner's detention violates the Due Process Clause of the Fifth Amendment and the Administrative Procedures Act;
- e. Issue a temporary order enjoining the Respondent's from removing the Petitioner from the United States or transferring him from the Central District of California while this matter is pending;
- f. Award Petitioner his costs and reasonable attorneys' fees in this action as provided for by the Equal Access to Justice Act, 28 U.S.C. § 2412; and
- g. Grant such further relief as the Court deems just and proper.

DATED this 8th of November 2025.

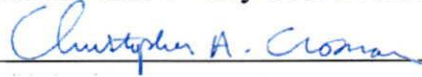
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Attorneys for Petitioner-Plaintiff

VERIFICATION FOR SOMEONE ACTING ON PETITIONER'S BEHALF
PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of the Petitioner because I am
Petitioner's counsel in his removal proceedings. I have been representing
Petitioner since February 5, 2025 and have also discussed with him the events
described in this Petition. On those bases, I hereby verify that the statements made
in the attached Petition for Writ of Habeas Corpus are true and correct to the best
of my knowledge.

DATED this 8th day of November, 2025



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