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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JAROLD MAVERICH) Case No.
RUEDA PADILLA, [A ],)

Petitioner,)

v.)

MARK BOWEN, ACTING WARDEN,) **PETITION FOR WRIT OF**
ADELANTO ICE PROCESSING) **HABEAS CORPUS,**
CENTER; ERNESTO SANTACRUZ,) **PURSUANT TO 28 U.S.C. §**
JR., ACTING FIELD OFFICE) **2241; COMPLAINT FOR**
DIRECTOR, UNITED STATES) **DECLARATORY AND**
IMMIGRATION AND CUSTOMS) **INJUNCTIVE RELIEF**
ENFORCEMENT, ICE LOS) **UNDER THE**
ANGELES FIELD OFFICE; TODD M.) **ADMINISTRATIVE**
LYONS, ACTING DIRECTOR,) **PROCEDURE ACT,**
UNITED STATES IMMIGRATION) **5 U.S.C. §§ 702-706**
AND CUSTOMS ENFORCEMENT;)
KRISTI NOEM, SECRETARY,)
UNITED STATES DEPARTMENT OF)
HOMELAND SECURITY; AND)
PAMELA JO BONDI, ATTORNEY)
GENERAL,)

Respondents.)

I.

INTRODUCTION

1. Petitioner Jarold Maverich Rueda Padilla, through counsel, brings the instant petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2241, to challenge the unjustified revocation of his release on parole by the Respondents, and to contest his unlawful, unjustified detention in the custody of the United States Department of Homeland Security.

2. Mr. Rueda Padilla, through counsel, brings the instant Complaint for Declaratory and Injunctive Relief, pursuant to 28 U.S.C. § 1331 and 5 U.S.C. §§ 702-06, to contest the unlawful, unjustified revocation of his release on parole by the Respondents.

3. Mr. Rueda Padilla is a national and citizen of Nicaragua, who arrived in the United States on October 8, 2022. [Exh. A, pp. 1-2; E, pp. 16-17].¹ On October 9, 2022, an officer of United States Customs and Border Protection (hereinafter “CBP”), an agency within the United States Department of Homeland Security, paroled Mr. Rueda Padilla into the United States under section 212(d)(5)(A) of the Immigration and Nationality Act (hereinafter “INA”), 8 U.S.C. § 1182(d)(5)(A). [Exh. A, pp. 1-3].

4. After federal immigration officials paroled him into the United States, Mr. Rueda Padilla relocated to the Los Angeles, California metropolitan

¹ “Exh.” refers to the Exhibits that Mr. Rueda Padilla, through counsel, files with the instant Petition and Complaint.

1 area, where his grandfather, Rafael Antonio Rueda, his father, Luis Rueda
2 Gonzalez, his brother, Yarosman Alberto Rueda Padilla, and his sister, Arislady
3 Abigail Rueda Padilla, reside. [Exh. A, pp. 1, 7; Exh. E, pp. 18, 20-21]. On
4 October 19, 2023, Mr. Rueda Padilla, through former counsel, filed a Form I-589,
5 Application for Asylum and Withholding of Removal with the United States
6 Department of Homeland Security. [Exh. E]. He acquired an Employment
7 Authorization Document through his asylum application, obtained a Social
8 Security Number, and worked as a painter, as a handyman, and as a construction
9 worker in Los Angeles, California. Mr. Rueda Padilla complied with directives
10 of the United States Department of Homeland Security to appear for required
11 appointments with the agency. He has no criminal history.

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17 5. On June 26, 2025, Mr. Rueda Padilla appeared for a routine
18 supervision appointment at the Los Angeles Field Office of United States
19 Immigration and Customs Enforcement (hereinafter "ICE") in Los Angeles,
20 California. [Exh. C]. At that appointment, an ICE officer issued a Notice to
21 Appear for removal proceedings under section 240 of the INA, 8 U.S.C. § 1229a,
22 to Mr. Rueda Padilla. [Exh. D, pp. 11-14], ICE officers detained Mr. Rueda
23 Padilla after the appointment concluded, and transported him to the Adelanto ICE
24 Processing Center in Adelanto, California. [Exh. D. p. 14].

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28 6. Mr. Rueda Padilla, through counsel, requested a bond hearing from a
federal Immigration Judge in Adelanto, California, pursuant to section 236(a) of

1 the INA, 8 U.S.C. § 1226(a). On August 4, 2025, Mr. Rueda Padilla, through
2 counsel, withdrew his motion for a bond determination after Government counsel
3 argued, under Matter of Q. Li, 29 I. & N. Dec. 66 (BIA 2025), that the
4 Immigration Judge lacked jurisdiction to grant him release on bond. Matter of Q.
5 Li held that a noncitizen “who is arrested and detained without a warrant while
6 arriving in the United States, whether or not at a port of entry, and subsequently
7 placed in removal proceedings, is detained under section 235(b) of the INA, 8
8 U.S.C. § 1225(b), and is ineligible for any subsequent release on bond under
9 section 236(a) of the INA, 8 U.S.C. § 1226(a).” Q. Li, 29 I. & N. Dec. at 69.
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14 7. Mr. Rueda Padilla remains in ICE custody at the Adelanto ICE
15 Processing Center in Adelanto, California. [Exh. F, p. 28]. He is undergoing
16 removal proceedings at the United States Immigration Court in Adelanto,
17 California. [Exh. D, p. 14; Exh. F, pp. 26-27].
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19 8. The Respondents’ detention of Mr. Rueda Padilla for removal
20 proceedings under section 240 of the INA, 8 U.S.C. § 1229a, without notice and
21 a meaningful opportunity to challenge the legality of his confinement deprives
22 him of his rights under the Fifth Amendment’s Due Process Clause, U.S. Const.
23 amend. V.
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26 9. Section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), does not
27 authorize Mr. Rueda Padilla’s detention for removal proceedings under section
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1 240 of the INA, 8 U.S.C. § 1229a, as he is not an “applicant for admission” who
2 is “seeking admission” to the United States under the statutory scheme.
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4 10. The Respondents’ unjustified revocation of Mr. Rueda Padilla’s
5 release on parole and the Respondents’ decision to detain him amounts to
6 arbitrary and capricious conduct under the Administrative Procedure Act.
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8 11. Accordingly, Mr. Rueda Padilla, through counsel, asks this Court to
9 grant the instant petition for writ of habeas corpus. He asks the Court to issue
10 Orders, declaring that the revocation of his release on parole and his detention by
11 the Respondents violated the Due Process Clause of the Fifth Amendment, was
12 unauthorized by 8 U.S.C. § 1225(b)(2)(A), and amounted to arbitrary and
13 capricious agency conduct under the Administrative Procedure Act.
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16 12. Mr. Rueda Padilla, through counsel, respectfully requests that the
17 Court issue an Order, directing the Respondents to immediately release him from
18 the Respondents’ custody.
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21 13. If this Court orders his release from the Respondents’ custody, Mr.
22 Rueda Padilla, through counsel, asks the Court to prohibit the Respondents from
23 imposing any additional conditions on his release from detention, such as
24 electronic monitoring, unless a neutral decisionmaker determines that such
25 conditions of release are necessary at a pre-deprivation hearing. He further
26 requests that the Court enjoin his re-arrest and re-detention by the Respondents
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1 without constitutional safeguards, including pre-deprivation notice and a hearing
2 before a neutral adjudicator.

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4 14. To preserve the Court's jurisdiction, Mr. Rueda Padilla, through
5 counsel, asks the Court for an order, enjoining the Government from transferring
6 him to another detention facility outside this District and from removing him
7 from the United States for the duration of his habeas corpus proceedings.

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9 15. Finally, Mr. Rueda Padilla, through counsel, asks the Court to issue
10 an Order awarding him attorneys' costs, fees, and expenses, pursuant to the Equal
11 Access to Justice Act, 28 U.S.C. §§ 2412(a)(1) and 2412(b).

12 13 14 II.

15 JURISDICTION AND VENUE

16 16. This Court has jurisdiction under 21 U.S.C. §§ 2241(a) and
17 2241(c)(3) to grant a writ of habeas corpus to a noncitizen in federal immigration
18 detention who is "in custody in violation of the Constitution or laws or treaties of
19 the United States[.]" 8 U.S.C. § 2241(c)(3). The Constitution states that "[t]he
20 Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in
21 Cases of Rebellion or Invasion the public Safety may require it." U.S. Const.
22 Art. I, § 9, cl. 2. The Suspension Clause makes clear that some "judicial
23 intervention in deportation cases' is unquestionably 'required by the
24 Constitution.'" INS v. St. Cyr, 533 U.S. 289, 300 (2001) (quoting Heikkila v.
25 Barber, 345 U.S. 229, 235 (1953)).

1 17. A petition for writ of habeas corpus “historically provides a remedy
2 to noncitizens challenging executive detention.” Trinidad y Garcia v. Thomas,
3 683 F.3d 952, 956 (9th Cir. 2012) (citing St. Cyr, 533 U.S. at 301-03).

5 18. After the REAL ID Act of 2005, Pub. L. No. 109-13, Div. B, 119
6 Stat. 231, 231 (2005), this Court retains jurisdiction under 28 U.S.C. § 2241 to
7 review constitutional and legal challenges to a noncitizen’s detention in federal
8 immigration custody that are “independent of challenges of removal orders.”
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10 Singh v. Holder, 638 F.3d 1196, 1211-12 (9th Cir. 2011) (quoting H.R. Rep. No.
11 109-72, at 175, reprinted in 2005 U.S.C.C.A.N. 240, 299).

13 19. This Court has original jurisdiction over Mr. Rueda Padilla’s
14 petition for writ of habeas corpus under 28 U.S.C. § 1331 because he raises
15 federal questions arising under the United States Constitution and the laws of the
16 United States. This case involves the Respondents’ construction and application
17 of the Fifth Amendment’s Due Process Clause, U.S. Const. amend. V, and
18 section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A).

22 20. In the immigration context, “[t]he default rule is that agency actions
23 are reviewable under federal question jurisdiction, pursuant to 28 U.S.C. §
24 1331...even if no statute specifically authorizes judicial review.” Perez v. Wolf,
25 943 F.3d 853, 860 (9th Cir. 2019) (quoting ANA Int’l, Inc. v. Way, 393 F.3d 886,
26 890 (9th Cir. 2004), overruled on other grounds, Bouafra v. Mayorkas, 604 U.S.
27 6, 13, 19 (2024)). The Administrative Procedure Act (hereinafter “APA”)
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1 “reinforces this presumption of judicial reviewability by ‘confer[ring] a general
2 cause of action upon persons adversely affected or aggrieved by agency action
3 within the meaning of a relevant statute[.]’” Id. (quoting Block v. Cmty.
4 Nutrition Inst., 467 U.S. 340, 345 (1984) (other internal citations and quotation
5 marks omitted).

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8 21. The APA authorizes reviewing courts to review “[a]gency action
9 made reviewable by statute and final agency action for which there is no other
10 adequate remedy,” 5 U.S.C. § 704, to entertain “any applicable form of legal
11 action,” including an “action[] for [a] declaratory judgment[] or writ[] of
12 prohibitory or mandatory junction” that challenges an agency determination, 5
13 U.S.C. § 703, to “decide all relevant questions of law, interpret constitutional and
14 statutory provisions, and determine the meaning or applicability of the terms of
15 an agency action,” and to issue all necessary and appropriate orders to redress
16 grievances resulting from final agency action. See 5 U.S.C. § 706.

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21 22. This Court has jurisdiction under 28 U.S.C. § 1331 and the APA to
22 adjudicate constitutional and legal challenges to agency determinations in
23 immigration matters that do not directly or indirectly attack a final removal order.
24 See Martinez v. Napolitano, 704 F.3d 620, 622-23 (9th Cir. 2012).

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26 23. The All Writs Act, 28 U.S.C. § 1651(a), empowers federal district
27 courts to allows federal courts to “issue all writs necessary or appropriate in aid
28 of their respective jurisdictions and agreeable to the usages and principles of

1 law.” 28 U.S.C. § 1651(a). While the All Writs Act does not “enlarge” federal
 2 courts’ jurisdiction, Clinton v. Goldsmith, 526 U.S. 529, 534-35 (1999), it
 3 nonetheless confers “express authority...to issue such temporary injunctions as
 4 may be necessary to protect its own jurisdiction[.]” F.T.C. v. Dean Foods Co.,
 5 384 U.S. 597, 608 (1966).
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 8 24. Venue lies in the United States District Court for the Central District
 9 of California, pursuant to 28 U.S.C. §§ 1391(e)(1)(B) and 2241(a), because the
 10 Respondents have detained Mr. Rueda Padilla at the Adelanto ICE Processing
 11 Center in Adelanto, California. See Rumsfeld v. Padilla, 542 U.S. 426, 443
 12 (2004) (declaring that “for core habeas petitions challenging present physical
 13 confinement, jurisdiction lies in only one district: the district of confinement[.]”);
 14 Doe v. Garland, 109 F.4th 1188, 1192, 1199 (9th Cir. 2024) (applying the
 15 “district of confinement rules to core habeas petitions filed pursuant to 28 U.S.C.
 16 § 2241, including those filed by immigrant detainees”) (citing Lopez-Marroquin
 17 v. Barr, 955 F.3d 759, 760 (9th Cir. 2020)). The Adelanto ICE Processing Center
 18 lies within this Court’s territorial jurisdiction. See 28 U.S.C. § 84(b).
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23 **III.**

24 **PARTIES**

25 **A. Petitioner.**

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 27 25. Petitioner Jarold Maverich Rueda Padilla is a national and citizen of
 28 Nicaragua, who arrived in the United States on October 8, 2022. [Exh. A, pp. 1-

1 2; E, pp. 16-17]. Federal immigration officials paroled him into the United States
2 on October 9, 2022. [Exh. A, pp. 1-3]. He resided in Los Angeles, California
3 between October 9, 2022 and June 26, 2025. [Exh. A, pp. 1, 7; Exh. E, pp. 18,
4 20-21]. On June 26, 2025, ICE officers detained him at the ICE Los Angeles
5 Field Office in Los Angeles, California, and transported him to the Adelanto ICE
6 Processing Center in Adelanto, California. [Exh. D, p. 14]. Mr. Rueda Padilla
7 remains in the Respondents' custody at the Adelanto ICE Processing Center.
8 [Exh. F, p. 28].

12 **B. Respondents.**

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14 26. Respondent Mark Bowen is the Acting Warden of the Adelanto ICE
15 Processing Center, a private, for-profit immigration detention facility in
16 Adelanto, California owned and operated by The GEO Group, Inc. The GEO
17 Group, Inc. contracts with ICE to detain noncitizens for suspected civil
18 immigration violations. The warden of a facility in which federal immigration
19 officials have detained a noncitizen is a proper respondent in a challenge to the
20 noncitizen's physical confinement in federal immigration custody in habeas
21 corpus proceedings. See Padilla, 542 U.S. at 435, 447 (declaring that when a
22 habeas petitioner challenges his "present physical confinement" within the
23 United States, "the default rule is that the proper respondent is the warden of the
24 facility where the prisoner is being held[]"); Doe, 109 F.4th at 1192, 1196-97,
25 1199 (applying the "immediate custodian" rule to a habeas petition under 28

1 U.S.C. § 2241 that challenges a noncitizen’s detention in federal immigration
2 custody, and affirming that “the immediate custodian, not a supervisory official
3 who exercises legal control, is the proper respondent[]” for the habeas petition)
4 (quoting Padilla, 542 U.S. at 440) (other internal citations omitted).

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7 27. Respondent Ernesto Santacruz, Jr. is the Acting Field Office
8 Director for the United States Immigration and Customs Enforcement, ICE Los
9 Angeles Field Office in Los Angeles, California. He has a duty, delegated to him
10 by the Secretary of Homeland Security and the Director of ICE, to supervise the
11 apprehension, detention, and removal of noncitizens within the territorial
12 jurisdiction of the United States District Court for the Central District of
13 California, including the County of Los Angeles, California.

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17 28. Respondent Todd M. Lyons is the Acting Director of ICE. He has a
18 mandate, pursuant to 6 U.S.C. §§ 251(2) and 252(a)(3)(A)(ii) and 8 U.S.C. §§
19 1103(a)(1) and 1103(g)(2), to exercise any functions delegated to him by the
20 Secretary of the United States Department of Homeland Security, including the
21 enforcement of the INA and all other laws, regulations, and policies pertaining to
22 the immigration and naturalization of immigrants, and the apprehension and
23 detention of noncitizens for removal from the United States.

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27 29. Respondent Kristi Noem is the Secretary of the United States
28 Department of Homeland Security. She has a mandate, pursuant to 8 U.S.C. §
1103(a), to administer and enforce the INA and other laws related to the

1 immigration and naturalization of aliens. She is responsible for “[c]arrying out
2 the immigration enforcement functions vested by statute in, or performed by, the
3 Commissioner of [the former] Immigration and Naturalization (or any officer,
4 employee, or component of the Immigration and Naturalization Service),” 6
5 U.S.C. § 202(3), and for “[e]stablishing national immigration enforcement
6 policies and priorities.” 6 U.S.C. § 202(5).

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10 30. Respondent Pamela Jo Bondi is the Attorney General of the United
11 States. She has a mandate, pursuant to 8 U.S.C. §§ 1101(b)(4) and 1103(g), to
12 supervise the implementation and enforcement of the INA, including the
13 apprehension, detention, and removal of noncitizens from the United States.

14 15 IV.

16 STATUTORY AND REGULATORY REFERENCES

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18 31. Section 236 of the INA “authorizes the Government to detain certain
19 aliens already in the country pending the outcome of removal proceedings” under
20 section 240 of the INA, 8 U.S.C. § 1229a. Jennings v. Rodriguez, 583 U.S. 281,
21 289 (2018); Rodriguez Diaz v. Garland, 53 F.4th 1189, 1196 (9th Cir. 2022)
22 (same). The statute “distinguishes between two different categories of aliens.”
23 Jennings, 583 U.S. at 288; Rodriguez Diaz, 53 F.4th at 1196 (same).

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26 32. Section 236(a) of the INA, 8 U.S.C. § 1226(a), establishes the
27 “‘default rule[.]’” for arresting and detaining removable noncitizens, and gives
28 “the Attorney General ‘broad discretion’ over detention matters[.]” Rodriguez

1 Diaz, 53 F.4th at 1196 (quoting Nielsen v. Preap, 586 U.S. 392, 409 (2019), and
2 Jennings, 583 U.S. at 288). Section 236(a)(1) of the INA provides, in relevant
3 part, that “[o]n a warrant issued by the Attorney General, an alien may be
4 arrested and detained pending a decision on whether the alien is to be removed
5 from the United States.” 8 U.S.C. § 1226(a)(1); see also 8 C.F.R. §
6 236.1(b)(1)(A) (2025) (declaring that “[a]t the time of issuance of the notice to
7 appear, or at any time thereafter and up to the time removal proceedings are
8 completed, the respondent may be arrested and taken into custody under the
9 authority of Form I-200, Warrant of Arrest[.]”). An ICE district director makes
10 the initial custody determination, “including the setting of a bond.” 8 C.F.R. §
11 236.1(d) (2025). An immigration officer “authorized to issue a warrant of arrest
12 may, in the officer’s discretion, release an alien” who does not fall within section
13 236(c)(1) of the INA, 8 U.S.C. § 1226(c)(1), if the noncitizen “demonstrate[s] to
14 the satisfaction of the officer that such release would not pose a danger to
15 property or persons, and that the alien is likely to appear for any future
16 proceeding.” 8 C.F.R. § 236.1(c)(8) (2025).

23 33. Noncitizens who are detained under section 236(a) of the INA, 8
24 U.S.C. § 1226(a), are entitled to “receive bond hearings at the outset of
25 detention.” Jennings, 583 U.S. at 360 (citing 8 C.F.R. §§ 236.1(d)(1) and
26 1236.1(d)(1)). A noncitizen who disagrees with the initial custody determination
27 by an ICE officer may request a bond redetermination hearing before an
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1 Immigration Judge at any time before the issuance of an administratively final
2 order of removal. See 8 C.F.R. § 236.1(d) (2025); Rodriguez Diaz, 53 F.4th at
3 1197 (citing 8 C.F.R. §§ 236.1(d)(1) and 1003.19). During a bond
4 redetermination hearing, an Immigration Judge “(1) may continue to detain the
5 arrested alien; and (2) may release the alien on - (A) bond of at least \$1,500 with
6 security approved by, and containing conditions prescribed by, the Attorney
7 General; or (B) conditional parole[,]” if the noncitizen does not fall within the
8 categories of “criminal aliens[,]” who face mandatory detention under section
9 236(c)(1) of the INA, 8 U.S.C. § 1226(c)(1). 8 U.S.C. § 1226(a)(1); 8 C.F.R. §
10 236.1(d) (2025).

15 34. During a bond redetermination hearing, if a noncitizen
16 “demonstrates by the preponderance of the evidence that he is not ‘a threat to
17 national security, a danger to the community at large, likely to abscond, or
18 otherwise a poor bail risk,’” an Immigration Judge “will order his release.”
19 Rodriguez Diaz, 53 F.4th at 1197 (quoting Matter of Guerra, 24 I. & N. Dec. 37,
20 40 (BIA 2006), and citing Matter of Barreiros, 10 I. & N. Dec. 536, 537-38 (BIA
21 1964)). An Immigration Judge “considers various factors” when deciding
22 whether to release a noncitizen from detention, “including the individual’s ties to
23 the United States as well as his employment history, criminal record, history of
24 immigration violations, and manner of entry into this country[,]” and assesses
25 “whether bond or other conditions on the alien’s release are appropriate.” Id.

(citing Guerra, 24 I. & N. Dec. at 40, and 8 U.S.C. § 1226(a)(2)). During bond proceedings, “[t]he detainee may be represented by counsel and can submit evidence in support of his claims.” Id. (citing 8 C.F.R. § 1003.19(b), and Matter of Fatahi, 26 I. & N. Dec. 791, 792 (BIA 2016)). A noncitizen can challenge an Immigration Judge’s adverse decision on a motion for bond redetermination in the Board of Immigration Appeals, see 8 C.F.R. § 236.1(d)(3) (2025), or “request an additional bond hearing whenever he experiences a material change in circumstances.” Rodriguez Diaz, 53 F.4th at 1197 (citing 8 C.F.R. § 1003.19(e)).

35. Section 236(c) of the INA, 8 U.S.C. § 1226(c), “carves out a statutory category of [noncitizens] who may not be released under [8 U.S.C.] § 1226(a).” Jennings, 583 U.S. at 289. The statutory subsection mandates detention of certain noncitizens “who fall[] into one of several enumerated categories involving criminal offenses and terrorist activities[,]” id., and extends to both “inadmissible” and “deportable” noncitizens with criminal history. 8 U.S.C. § 1226(c)(1). Federal immigration officials may only release a detainee under 8 U.S.C. § 1226(c) “if necessary for witness protection purposes.” Rodriguez Diaz, 53 F.4th at 1197 (citing 8 U.S.C. § 1226(c)(2), and Jennings, 583 U.S. at 289). The plain language of section 236(c) of the INA “implies that the default discretionary bond procedures in Section 1226(a) apply to a noncitizen who...is present without being admitted or paroled but has not been implicated in any crimes as set forth in Section 1226(c).” Rodriguez v. Bostock,

1 779 F. Supp. 3d 1239, 1256-57 (W.D. Wash. 2025) (citing 8 U.S.C. § 1226(a),
2 and Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co., 559 U.S. 393,
3 400 (2010)).

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5 36. Section 235 of the INA, 8 U.S.C. § 1225, “applies primarily to
6 [noncitizens] seeking entry into the United States[.]” Jennings, 583 U.S. at 297.
7 Section 235(a)(1) of the INA states, in part, that a noncitizen who is “present in
8 the United States who has not been admitted or who arrives in the United States
9 (whether or not at a designated port of arrival and including an alien who is
10 brought to the United States after having been interdicted in international or
11 United States waters) shall be deemed... an applicant for admission.” 8 U.S.C. §
12 1225(a)(1). All noncitizens “who are applicants for admission or otherwise
13 seeking admission or readmission to or transit through the United States shall be
14 inspected by immigration officers[.]” 8 U.S.C. § 1225(a)(3), to confirm “that
15 they may be admitted into the country consistent with U.S. immigration law.”
16 Jennings, 583 U.S. at 287 (quoting 8 U.S.C. § 1225(a)(3)). The inspection
17 process “generally begins at the Nation’s borders and ports of entry, where the
18 Government must determine whether an alien seeking to enter the country is
19 admissible.” Id.

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21 37. Section 235(b) of the INA, 8 U.S.C. § 1255(b), divides applicants
22 for admission into the United States into “one of two categories, those covered by
23 [8 U.S.C.] § 1225(b)(1) and those covered by [8 U.S.C.] § 1225(b)(2).” Id.
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1 38. Section 1225(b)(1) “applies to [noncitizens] initially determined to
2 be inadmissible due to fraud, misrepresentation, or lack of valid documentation,”
3 who are “normally ordered removed ‘without further hearing or review’ pursuant
4 to an expedited removal process.” Id. (quoting 8 U.S.C. §§ 1225(b)(1)(A)(i) and
5 1225(b)(1)(A)(ii)) (other internal citations omitted). Two classes of inadmissible
6 noncitizens qualify for expedited removal under 8 U.S.C. § 1225(b)(1) –
7 noncitizens who are “arriving in the United States[,]” and certain noncitizens
8 designated by the Attorney General, who “ha[ve] not been admitted or paroled
9 into the United States” and cannot “affirmatively show[]” that they have been
10 “physically present in the United States continuously for the 2-year period
11 immediately prior to the date of the determination of inadmissibility.” 8 U.S.C.
12 §§ 1225(b)(1)(A)(i), 1225(b)(1)(A)(iii).

13 39. A noncitizen in expedited removal proceedings under 8 U.S.C. §
14 1225(b)(1) who indicates “either an intention to apply for asylum...or a fear of
15 persecution[]” must be referred for an asylum interview, 8 U.S.C. §
16 1225(b)(1)(A)(ii), and “shall be detained” by federal immigration officials
17 “[p]ending the credible fear determination by an asylum officer and any review
18 of that determination by an immigration judge[.]” 8 C.F.R. § 235.3(b)(4)(ii)
19 (2025). If an immigration officer determines that a noncitizen in section
20 1225(b)(1) proceedings has a credible fear of persecution in his country of origin,
21 the noncitizen “shall be detained for further consideration of the application for

1 asylum.” 8 U.S.C. § 1225(b)(1)(B)(ii). If an immigration officers finds that the
2 noncitizen does not have a credible fear of persecution, the immigration officer
3 “shall order the [noncitizen] removed from the United States without further
4 hearing or review[,]” unless the noncitizen requests a review of that finding by an
5 Immigration Judge. 8 U.S.C. §§ 1225(b)(1)(B)(iii)(I), 1225(b)(1)(B)(iii)(III). A
6 noncitizen with a negative credible fear determination “shall be detained pending
7 a final determination of credible fear of persecution and, if found not to have
8 such a fear, until removed.” 8 U.S.C. § 1225(b)(1)(B)(iii)(IV).

12 40. Section 235(b)(2) of the INA, 8 U.S.C. § 1225(b)(2), “serves as a
13 catchall provision that applies to all applicants for admission not covered by [8
14 U.S.C.] § 1225(b)(1)[.]” subject to certain exceptions. Jennings, 583 U.S. at 287
15 (citing 8 U.S.C. §§ 1225(b)(2)(A), 1225(b)(2)(B)). The statute provides that, “in
16 the case of an alien who is an applicant for admission, if the examining
17 immigration officer determines that an alien seeking admission is not clearly and
18 beyond a doubt entitled to be admitted, the alien shall be detained for a
19 proceeding under section 240 [of the INA, 8 U.S.C. § 1229a].” 8 U.S.C. §
20 1225(b)(2)(A). Federal immigration officials’ power to detain a noncitizen under
21 8 U.S.C. § 1225(b)(2)(A) ends when removal proceedings conclude. See
22 Jennings, 583 U.S. at 297.

23 41. Applicants for admission under 8 U.S.C. §§ 1225(b)(1) and
24 1225(b)(2) may be paroled into the United States under section 212(d)(5)(A) of

1 the INA, 8 U.S.C. § 1182(d)(5)(A). See Jennings, 583 U.S. at 288 (citing 8 §
2 1182(d)(5)(A) and 8 CFR §§ 212.5(b) and 235.3). Section 212(d)(5)(A) of the
3 INA authorizes the Secretary of Homeland Security to “parole into the United
4 States temporarily under such conditions as [s]he may prescribe only on a case-
5 by-case basis for urgent humanitarian reasons or significant public benefit any
6 alien applying for admission to the United States[.]” 8 U.S.C. § 1182(d)(5)(A).
7
8 A parole “shall not be regarded as an admission of the alien and when the
9 purposes of such parole shall, in the opinion of the Secretary of Homeland
10 Security, have been served the alien shall forthwith return or be returned to the
11 custody from which he was paroled and thereafter his case shall continue to be
12 dealt with in the same manner as that of any other applicant for admission to the
13 United States.” Id.; see also 8 C.F.R. § 212.5(e)(2) (2025) (authorizing the
14 termination of parole “upon written notice to the alien” when the “purpose for
15 which parole was authorized” is achieved or when an authorized immigration
16 officer determines that “neither humanitarian reasons nor public benefit warrants
17 the continued presence of the alien in the United States[.]”).
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23 V.

24 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

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26 42. Exhaustion of administrative remedies “can be either statutorily
27 required or judicially imposed as a matter of prudence.” Puga v. Chertoff, 488
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1 F.3d 812, 815 (9th Cir. 2007) (citing Noriega-Lopez v. Ashcroft, 335 F.3d 874,
2 881 (9th Cir. 2003)).

3
4 43. Exhaustion is a prudential requirement for a petition for writ of
5 habeas corpus under 28 U.S.C. § 2241. See Hernandez v. Sessions, 872 F.3d
6 976, 988 (9th Cir. 2017) (citing Singh, 638 F.3d at 1203 n.3) (other internal
7 citations omitted). A court may require prudential exhaustion when “(1) agency
8 expertise makes agency consideration necessary to generate a proper record and
9 reach a proper decision; (2) relaxation of the requirement would encourage the
10 deliberate bypass of the administrative scheme; and (3) administrative review is
11 likely to allow the agency to correct its own mistakes and to preclude the need for
12 judicial review.” Id. (citing Puga, 488 F.3d at 815). Even if those factors apply,
13 a court may nonetheless waive a prudential exhaustion mandate if
14 ““administrative remedies are inadequate or not efficacious, pursuit of
15 administrative remedies would be a futile gesture, irreparable injury will result,
16 or the administrative proceedings would be void.”” Id. (quoting Laing v.
17 Ashcroft, 370 F.3d 994, 1000 (9th Cir. 2004)).

18
19 44. “An exception to the exhaustion requirement has been carved for
20 constitutional challenges to...[DHS] procedures.” Iraheta-Martinez v. Garland,
21 12 F.4th 942, 949 (9th Cir. 2021) (quoting Sola v. Holder, 720 F.3d 1134, 1135
22 (9th Cir. 2013) (per curiam) (other internal citations omitted)). Mr. Rueda
23 Padilla, through counsel, contests the Respondents’ revocation of his release on
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1 parole and his detention in the Respondents' custody under the Fifth
2 Amendment's Due Process Clause. Neither an Immigration Judge nor the Board
3 of Immigration Appeals has the authority to decide the constitutionality of
4 immigration statutes. See Padilla-Padilla v. Gonzales, 463 F.3d 972, 977 (9th
5 Cir. 2006) (citing Liu v. Waters, 55 F.3d 421, 425 (9th Cir. 1995)); Matter of
6 G.K., 26 I. & N. Dec. 88, 96-97 (BIA 2013) (explaining that "[n]either the [BIA]
7 nor the Immigration Judges have the authority to rule on the constitutionality of
8 the statutes we administer[]"). Since those tribunals could not address Mr. Rueda
9 Padilla's constitutional challenge to the legality of his detention under the INA,
10 the Court cannot require him to exhaust those claims before seeking habeas
11 relief. See Padilla-Padilla, 463 F.3d at 977 (excusing the petitioners from
12 exhausting a "constitutional due process claim" in the Board of Immigration
13 Appeals because the Board could not resolve the claim) (citing Liu, 55 F.3d at
14 426, and Garcia-Ramirez v. Gonzales, 423 F.3d 935, 938 (9th Cir. 2005)).

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21 45. Mr. Rueda Padilla, through counsel, challenges the Respondents'
22 judgment that section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A),
23 mandates his detention in federal immigration custody for the duration of his
24 removal proceedings. An administrative record is not necessary to resolve the
25 "purely legal question" of statutory interpretation presented in this case – whether
26 8 U.S.C. § 1225(b)(2)(A) authorizes his detention by the Respondents. See
27 Hernandez, 872 F.3d at 989 (finding that "an administrative appellate record is
28

1 not necessary to resolve the purely legal questions presented by Plaintiffs’
2 challenge to the government’s policy of refusing to require ICE and IJs to
3 consider financial circumstances and alternative conditions of release in bond
4 determinations[.]”); (citing Singh, 638 F.3d at 1203 n. 3).

6
7 46. The Court’s decision to waive the prudential exhaustion requirement
8 will not “encourage the deliberate bypass of the administrative scheme” in
9 future cases. Hernandez, 872 F.3d at 989 (quoting Puga, 488 F.3d at 815). The
10 instant case concerns the legality of Mr. Rueda Padilla’s detention by the
11 Respondents under section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A).
12 When this Court determines the legality of Mr. Rueda Padilla’s confinement, the
13 disputed issue “should cease to arise.” Id. (quoting Singh, 638 F.3d at 1203
14 n.3.). While “similarly situated individuals” may “desire to raise similar appeals
15 in the district courts[.]” a “resolution of this question of law at the district court
16 level might provide expedient clarity and guidance to the IJs and BIA, obviating
17 the need for similar, subsequent bypassing of administrative remedies.” Bautista
18 v. Santacruz, U.S.D.C. No. 5:25-cv-01873-SSS-BFM, __ F. Supp. 3d __, 2025
19 U.S. Dist. LEXIS 171364, at *21 (C.D. Cal. July 28, 2025).

20
21 47. While the Court must “consider whether ‘administrative review is
22 likely to allow the agency to correct its own mistakes and to preclude the need for
23 judicial review[.]’” in circumstances “where the agency’s position on the
24 question at issue appears already set, and it is very likely what the result of
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1 recourse to administrative remedies would be, such recourse would be futile and
2 is not required.” Hernandez, 872 F.3d at 989 (quoting Noriega-Lopez v.
3 Ashcroft, 335 F.3d 874, 881 (9th Cir. 2003), and El Rescate Legal Servs., Inc. v.
4 Exec. Office of Immigration Review, 959 F.2d 742, 747 (9th Cir. 1991)) (other
5 internal citations and quotation marks omitted).

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8 48. In Matter of Q. Li, the Board of Immigration Appeals held that a
9 noncitizen “who is arrested and detained without a warrant while arriving in the
10 United States, whether or not at a port of entry, and subsequently placed in
11 removal proceedings, is detained under section 235(b) of the INA, 8 U.S.C. §
12 1225(b), and is ineligible for any subsequent release on bond under section
13 236(a) of the INA, 8 U.S.C. § 1226(a)[,]” even when federal immigration
14 officials paroled the noncitizen into the United States. Q. Li, 29 I. & N. Dec. at
15 69. On July 8, 2025, ICE officers issued a policy memorandum, “Interim
16 Guidance Regarding Detention Authority for Applications for Admission[,]”
17 Francisco T. v. Bondi, U.S.D.C. No. 25-CV-03219 (JMB/DTS), __ F. Supp. 3d
18 __, 2025 U.S. Dist. LEXIS 179562, at *2 n.2 (D. Minn. Aug. 29, 2025), in which
19 it announced that “all noncitizens who entered the United States without
20 inspection shall now be deemed applicants for admission and subject to
21 mandatory detention under 8 U.S.C. § 1225(b)(2)(A).” Garcia v. Noem,
22 U.S.D.C. No. 5:25-cv-02771-ODW (PDx), __ F. Supp. 3d __, 2025 U.S. Dist.
23 LEXIS 209286, at *2-3 (C.D. Cal. Oct. 22, 2025) (other internal quotation marks
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omitted). Subsequently, the Board of Immigration Appeals held that noncitizens “who are present in the United States without admission are applicants for admission as defined under section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), and must be detained for the duration of their removal proceedings[]” without bond, even if the noncitizens resided in the United States for a number of years. In re Yajure Hurtado, 29 I. & N. Dec. 216, 220-21 (BIA 2025) (citing Jennings, 583 U.S. at 300).

49. Published decisions of the Board of Immigration Appeals “are binding on all officers and employees of DHS or immigration judges in the administration of the immigration laws of the United States[,]” 8 C.F.R. § 1003.1(g)(1) (2025), and “serve as precedents in all proceedings involving the same issue or issues.” 8 C.F.R. § 1003.1(g)(2) (2025). The Board’s decisions in Matter of Q. Li and in In re Yajure Hurtado preclude an Immigration Judge from correcting the Board’s mistaken construction and application of 8 U.S.C. § 1225(b)(2)(A). As the agency’s position on Mr. Rueda Padilla’s detention status is unlikely to change with agency action, the Court must conclude that any attempted exhaustion of administrative remedies in the Immigration Court would be futile. See Vasquez-Rodriguez v. Garland, 7 F.4th 888, 896 (9th Cir. 2021) (declaring that the Court “will excuse a failure to exhaust if ‘it is very likely what [the Board’s] result would have been[,]’” and “‘recourse to administrative

1 remedies is very likely futile[.]”)) (quoting Szonyi v. Barr, 942 F.3d 874, 891 (9th
2 Cir. 2019), and Sun v. Ashcroft, 370 F.3d 932, 943 (9th Cir. 2004)).

3
4 **VI.**

5 **STATEMENT OF FACTS**

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7 50. Petitioner Jarold Marevich Rueda Padilla is a national and citizen of
8 Nicaragua. [Exh. A, pp. 1-2; E, pp. 16-17].

9
10 51. On October 8, 2022, Mr. Rueda Padilla entered the United States
11 without inspection near Hidalgo, Texas. [Exh. A, p. 1; Exh. E, p. 17]. CBP
12 officers apprehended Mr. Rueda Padilla shortly after his arrival in the United
13 States. [Exh. A, pp. 1-2].

14
15 52. On October 9, 2022, CBP officer Cesar A. Juarez paroled Mr. Rueda
16 Padilla into the United States under section 212(d)(5)(A) of the INA, 8 U.S.C. §
17 1182(d)(5)(A). [Exh. A, pp. 1-3]. An attachment to a Form I-385, Alien
18 Booking Record confirmed Mr. Rueda Padilla’s parole status, and required him
19 to report to an ICE office “near your final destination within 60 days or face
20 removal from the United States[.]” as a “condition” of parole. [Exh. A, pp. 3-4].

21
22 53. A “Notice of ATD Enrollment” that an ICE officer issued to Mr.
23 Rueda Padilla on October 9, 2022 specified that his release from detention was
24 “contingent upon [his] enrollment and successful participation in an Alternatives
25 to Detention (ATD) program as designated by the U.S. Department of Homeland
26 Security[.]” which would include electronic monitoring and a possible curfew.
27
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1 [Exh. A, p. 6]. The Notice warned Mr. Rueda Padilla that his failure to comply
2 with the terms of the ATD program “will result in a redetermination of your
3 release conditions or your arrest and detention.” [Exh. A, p. 6].

5 54. ICE Deportation Officer Robert McGee scheduled an appointment
6 for Mr. Rueda Padilla to enroll in the ATD program at the ICE Los Angeles Field
7 Office in Los Angeles, California on November 21, 2022. [Exh. A, p. 7]. On
8 information and belief, Mr. Rueda Padilla appeared for his scheduled
9 appointment at the ICE Los Angeles Field Office on November 21, 2022, and
10 enrolled in the ATD program.

13 55. On information and belief, Mr. Rueda Padilla complied with the
14 terms and conditions of his parole between the date that a CBP officer paroled
15 him into the United States on October 9, 2022, and the date that his parole
16 expired on December 8, 2022. [Exh. A, p. 1]. After Mr. Rueda Padilla’s parole
17 expired, he continued to report to ICE officers at the ICE Los Angeles Field
18 Office in Los Angeles, California without incident. Mr. Rueda Padilla has had no
19 contacts with law enforcement officials in the United States, apart from his
20 encounters with the ICE officers.

25 56. After federal immigration officials paroled him into the United
26 States, Mr. Rueda Padilla relocated to the Los Angeles, California metropolitan
27 area, where his grandfather, Rafael Antonio Rueda, his father, Luis Rueda
28

1 Gonzalez, his brother, Yarosman Alberto Rueda Padilla, and his sister, Arislady
2 Abigail Rueda Padilla, reside. [Exh. A, pp. 1, 7; Exh. E, pp. 18, 20-21].
3

4 57. On October 19, 2023, Mr. Rueda Padilla, through former counsel,
5 filed a Form I-589, Application for Asylum and Withholding of Removal with
6 the United States Department of Homeland Security. [Exh. B; Exh. E]. He
7 acquired an Employment Authorization Document through his asylum
8 application, obtained a Social Security Number, and worked as a painter, as a
9 handyman, and as a construction worker in Los Angeles, California.
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11

12 58. On June 26, 2025, Mr. Rueda Padilla appeared for a routine
13 supervision appointment at the ICE Los Angeles Field Office. [Exh. C]. At that
14 appointment, an ICE officer issued a Notice to Appear for removal proceedings
15 under section 240 of the INA, 8 U.S.C. § 1229a, to Mr. Rueda Padilla. [Exh. D,
16 pp. 11-14]. Mr. Rueda Padilla's Notice to Appear stated, "You are an alien
17 present in the United States who has not been admitted or paroled." [Exh. D, p.
18 11]. The Notice to Appear alleged that Mr. Rueda Padilla was subject to removal
19 from the United States under section 212(a)(6)(A)(i) of the INA, 8 U.S.C. §
20 1182(a)(6)(A)(i), for being a noncitizen who was present in the United States
21 without admission or parole, or for arriving in the United States at any time or
22 place other than as designated by the Attorney General. [Exh. D, p. 13]. Also,
23 Mr. Rueda Padilla's Notice to Appear alleged that he was subject to removal
24 from the United States under section 212(a)(7)(A)(i)(I) of the INA, 8 U.S.C. §
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1 1182(a)(7)(A)(i)(I), for being an immigrant who lacked a valid unexpired
2 immigrant visa, reentry permit, border crossing card, or another valid entry
3 document required by the INA at the time of his “application for admission[.]”
4 [Exh. D, p. 13].
5

6
7 59. On June 26, 2025, ICE officers detained Mr. Rueda Padilla at the
8 ICE Los Angeles Field Office, and transported him to the Adelanto ICE
9 Processing Center in Adelanto, California. [Exh. D. p. 14].
10

11 60. On June 30, 2025, ICE officers filed Mr. Rueda Padilla’s Notice to
12 Appear with the United States Immigration Court in Adelanto, California. [Exh.
13 D, p. 14].
14

15 61. On July 28, 2025, Mr. Rueda Padilla, through former counsel, filed a
16 Motion for Bond Determination and supporting documents with a federal
17 Immigration Judge in Adelanto, California, pursuant to section 236 of the INA, 8
18 U.S.C. § 1226.
19

20
21 62. On July 31, 2025, Mr. Rueda Padilla, through former counsel,
22 admitted the factual allegations listed in his Notice to Appear and conceded the
23 charges of removability against him under 8 U.S.C. §§ 1182(a)(6)(A)(i) and
24 1182(a)(7)(A)(i)(I), before a federal Immigration Judge in Adelanto, California.
25 The Immigration Judge sustained the charges of removability against Mr. Rueda
26 Padilla under 8 U.S.C. §§ 1182(a)(6)(A)(i) and 1182(a)(7)(A)(i)(I). Mr. Rueda
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1 Padilla, through former counsel, renewed his Form I-589, Application for
2 Asylum and Withholding of Removal before the Immigration Judge.
3

4 63. On August 4, 2025, Mr. Rueda Padilla, through former counsel,
5 withdrew his Motion for Bond Determination with the Immigration Judge after
6 Government counsel argued, under Matter of Q. Li, that 8 U.S.C. §
7 1225(b)(2)(A) mandated his detention in federal immigration custody without
8 bond for the duration of his removal proceedings.
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11 64. On October 7, 2025, the USCIS Asylum Vetting Center in Atlanta,
12 Georgia forwarded Mr. Rueda Padilla's Form I-589, Application for Asylum and
13 Withholding of Removal to the Executive Office for Immigration Review for
14 further consideration as a "defensive" asylum application. [Exh. E, p. 15].
15

16 65. On October 23, 2025, Government counsel moved to summarily
17 dismiss Mr. Rueda Padilla's applications for asylum, withholding of removal,
18 and protection under Article III of the United Nations Convention Against
19 Torture before the Immigration Judge. Government counsel's motion argued that
20 Mr. Rueda Padilla was "barred from applying for such forms of protection under
21 INA § 208(a)(2)(A) and 8 C.F.R. § 1240.11(h)(2), because he is subject to the
22 Asylum Cooperative Agreement (ACA) with Guatemala. *See Agreement Between*
23 *the Government of the United States of America and the Government of the*
24 *Republic of Guatemala Relating to the Transfer of Nationals of Central American*
25 *Countries to Guatemala*, 90 Fed. Reg. 31,670 (July 15, 2025)."
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1 66. On October 24, 2025, the Immigration Judge adjourned Mr. Rueda
2 Padilla's case until December 3, 2025 for a decision on Government counsel's
3 Motion. [Exh. F, p. 26].
4

5 67. Mr. Rueda Padilla remains in the Respondents' custody at the
6 Adelanto ICE Processing Center. [Exh. F, p. 28]. He has been separated from
7 his extensive network of family and friends in the United States continuously
8 since June 26, 2025.
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11 68. After ICE officers detained Mr. Rueda Padilla at the Adelanto ICE
12 Processing Center on June 26 2025, he developed a painful and visibly worsening
13 hemorrhage in his eyes, with dark pools of blood spreading across the white of
14 each eye, giving the appearance that his eyes are filled or stained with blood. The
15 affected areas have deepened in color from bright red to a dark maroon hue. Mr.
16 Rueda Padilla reports a burning sensation, throbbing pain, and pressure behind
17 the eyes, blurred vision, and an unusual sensitivity to light, due to his condition.
18 Despite his alarming and painful symptoms, ICE officers have not provided a
19 medical assessment or diagnostic imaging to Mr. Rueda Padilla, and have not
20 administered any medication to him for his condition besides generic lubricating
21 eye drops. ICE officers have not referred him to an ophthalmologist for a
22 specialized medical assessment. Also, Mr. Rueda Padilla has lost significant
23 amounts of weight in detention, due to malnutrition. He fears a permanent loss of
24 his vision, without medical intervention. The deterioration in Mr. Rueda
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1 Padilla's physical condition in ICE custody has caused him physical suffering
2 and emotional distress, and has exacerbated the harm that he has sustained in
3 immigration detention.
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5 **VII.**

6 **CLAIMS FOR RELIEF**

7 **FIRST CLAIM FOR RELIEF**

8 **Violation of Fifth Amendment to the United States Constitution**

9 **(Substantive Due Process – Detention)**

10
11
12 69. The Petitioner, through counsel, incorporates by reference all
13 preceding paragraphs of the instant Petition and Complaint, as stated therein.
14

15 70. This Court may grant a writ of habeas corpus to a noncitizen in
16 federal immigration detention who is "in custody in violation of the Constitution
17 or laws or treaties of the United States[.]" 8 U.S.C. § 2241(c)(3).
18

19 71. The Due Process Clause of the Fifth Amendment states that no
20 person shall "be deprived of life, liberty, or property, without due process of
21 law." U.S. Const. amend. V. The Constitution does not limit the "procedural
22 protections provided by the Fifth Amendment's Due Process Clause" to citizens.
23
24 Washington v. Trump, 847 F.3d 1151, 1165 (9th Cir. 2017). Rather, the Due
25 Process Clause applies "'to all persons within the United States, including
26 aliens,' regardless of 'whether their presence here is lawful, unlawful, temporary,
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1 or permanent.” *Id.* (quoting *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001))
2 (other internal quotation marks omitted).
3

4 72. Noncitizens “who have established connections in this country have
5 due process rights in deportation proceedings[,]” regardless of their immigration
6 status. *Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103, 107
7 (2020); *Hernandez*, 872 F.3d at 983-84, 990 (holding that undocumented
8 noncitizens who resided in Los Angeles, California for years without lawful
9 admission or parole are entitled to due process in bond proceedings in the
10 Immigration Court).
11
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13 73. A person’s “[f]reedom from imprisonment - from government
14 custody, detention, or other forms of physical restraint—lies at the heart of the
15 liberty that Clause protects.” *Hernandez*, 872 F.3d at 990 (quoting *Zadvydas*,
16 533 U.S. at 690).
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19 74. Detention by the Government violates the Due Process Clause
20 “unless the detention is ordered in a criminal proceeding with adequate
21 procedural protections,...or, in certain special and ‘narrow’ non-punitive
22 ‘circumstances,’” when a “special justification, such as harm-threatening mental
23 illness, outweighs the ‘individual’s constitutionally protected interest in avoiding
24 physical restraint.” *Zadvydas*, 533 U.S. at 690 (quoting *Kansas v. Hendricks*,
25 521 U.S. 346, 356 (1997), and *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992), and
26 citing *United States v. Salerno*, 481 U.S. 739, 746 (1987)).
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1 75. In matters concerning immigration detention, ““due process requires
2 adequate procedural protections to ensure that the government’s asserted
3 justification for physical confinement outweighs the individual’s constitutionally
4 protected interest in avoiding physical restraint.”” Hernandez, 872 F.3d at 990
5 (citing Singh, 638 F.3d at 1203) (other internal citations omitted). The
6 Government has “has legitimate interests in protecting the public and in ensuring
7 that non-citizens in removal proceedings appear for hearings, but any detention
8 incidental to removal must ‘bear[] [a] reasonable relation to [its] purpose.’” Id.
9 (quoting Zadvydas, 533 U.S. at 690, and citing Tijani v. Willis, 430 F.3d 1241,
10 1249 (9th Cir. 2005) (Tashima, J., concurring)). When the conditions of a
11 noncitizen’s detention no longer relate to those purposes, it will run afoul of due
12 process. See Zadvydas, 533 U.S. at 690 (finding that a statute permitting the
13 indefinite detention of noncitizens with final removal orders raised “a serious
14 constitutional problem” when the statutory objective, “preventing flight[,]” was
15 “no longer practically attainable[,]” due to the low likelihood of the noncitizens’
16 repatriation to their countries of origin, and when their detention no longer
17 related ““to the purpose for which the individual [was] committed[]””) (quoting
18 Jackson v. Indiana, 406 U.S. 715, 738 (1972)).

19 76. No evidence suggests that Mr. Rueda Padilla is a flight risk or
20 danger to the community. Mr. Rueda Padilla has no criminal history. ICE
21 officers paroled Mr. Rueda Padilla into the United States on October 9, 2022.

1 [Exh. A, pp. 1, 3]. By authorizing Mr. Rueda Padilla's release from detention,
2 federal immigration officials implicitly found that he posed no risk of flight or a
3 danger to the community if they released him from federal immigration custody.
4
5 See 8 C.F.R. § 236.1(c)(8) (2025) (permitting "[a]ny officer authorized to issue a
6 warrant of arrest" to release a noncitizen from detention, at the officer's
7 discretion, if the noncitizen is not described in 236(c)(1) of the INA, 8 U.S.C. §
8 1226(c)(1) (pertaining to criminal noncitizens), and "demonstrate[s] to the
9 satisfaction of the officer that such release would not pose a danger to property or
10 persons, and that the alien is likely to appear for any future proceeding[)").

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14 77. Mr. Rueda Padilla's detention is punitive because it bears no
15 "reasonable relation" to any legitimate government purpose. Zadvydas, 533
16 U.S. at 690 (finding that immigration detention is civil and thus "nonpunitive in
17 purpose and effect") (quoting Jackson, 406 U.S. at 738). As the "Due Process
18 Clause prohibits arbitrary deprivations of liberty," this Court must question
19 whether Mr. Rueda Padilla's unjustified detention "is not to facilitate deportation,
20 or to protect against risk of flight or dangerousness, but to incarcerate for other
21 reasons[.]" Demore v. Hyung Joon Kim, 538 U.S. 510, 532-33 (2003) (Kennedy,
22 J., concurring) (citing Zadvydas, 533 U.S. at 684-86 (Kennedy, J., dissenting)),
23 such as the Government's stated goal of making 3,000 arrests per day as part of
24 an "immigration crackdown." Make the Road N.Y. v. Noem, U.S.D.C. No. 25-
25 cv-190 (JMC), __ F. Supp. 3d __, 2025 U.S. Dist. LEXIS 169432, at *17-*18

1 (D.D.C. Aug. 29, 2025) (describing the present administration’s mass
2 immigration arrests) (other internal quotation marks omitted).

3
4 78. The Respondents’ unjustified detention of Mr. Rueda Padilla
5 violates his rights under the Due Process Clause of the Fifth Amendment.
6 Accordingly, Mr. Rueda Padilla asks this Court to issue an Order, declaring that
7 his detention in the Respondents’ custody violates her rights under the Fifth
8 Amendment to the United States Constitution.
9
10

11 79. Mr. Rueda Padilla respectfully requests that this Court issue an
12 Order, mandating his immediate release from the Respondents’ custody.
13

14 **SECOND CLAIM FOR RELIEF**

15 **Violation of Fifth Amendment to the United States Constitution**

16 **(Procedural Due Process)**

17
18 80. The Petitioner, through counsel, incorporates by reference all
19 preceding paragraphs of the instant Petition and Complaint, as stated therein.
20

21 81. The Fifth Amendment to the United States Constitution “entitles
22 aliens to due process of law in the context of removal proceedings.” A.A.R.P. v.
23 Trump, 605 U.S. 91, 94 (2025) (quoting Trump v. J.G.G., 604 U. S. 670, 673
24 (2025) (per curiam)) (other internal quotation marks omitted). Under the Fifth
25 Amendment, “[p]rocedural due process rules are meant to protect” against “the
26 mistaken or unjustified deprivation of life, liberty, or property.” Id. (quoting
27 Carey v. Piphus, 435 U. S. 247, 259 (1978)).
28

1 82. The Supreme Court has “long held that ‘no person shall be’ removed
2 from the United States ‘without opportunity, at some time, to be heard.’” *Id.*
3 (quoting *The Japanese Immigrant Case*, 189 U. S. 86, 101 (1903)). The Due
4 Process Clause “requires notice that is ‘reasonably calculated, under all the
5 circumstances, to apprise interested parties’ and that ‘afford[s] a reasonable time
6 ...to make [an] appearance.’” *Id.* at 95 (quoting *Mullane v. Central Hanover*
7 *Bank & Trust Co.*, 339 U. S. 306, 314 (1950)).

8 83. To ascertain whether a noncitizen’s procedural due process rights
9 have been violated, a court “first ask[s] whether there exists a liberty or property
10 interest of which a person has been deprived, and if so we ask whether the
11 procedures followed by the [government] were constitutionally sufficient.”
12 *Zerezghi v. United States Citizenship & Immigration Servs.*, 955 F.3d 802, 808
13 (9th Cir. 2020) (quoting *Swarthout v. Cooke*, 562 U.S. 216, 219 (2011)).

14 84. While “certain constitutional protections” do not extend to
15 noncitizens “outside of our geographic borders,” after a noncitizen “enters the
16 country, the legal circumstance changes, for the Due Process Clause applies to all
17 persons within the United States, including aliens, whether their presence here is
18 lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693. A
19 noncitizen who has entered the United States retains a “weighty” liberty interest
20 in remaining, as they “stand[] to lose the right to stay and live and work in this
21 land of freedom,” and “may lose the right to rejoin [their] immediate family, a
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1 right that ranks high among the interests of the individual.” Landon v. Plasencia,
2 459 U.S. 21, 34 (1982). Accordingly, the Due Process Clause “requires some
3 kind of a hearing before the State deprives a person of liberty or property.”
4 Zinermon v. Burch, 494 U.S. 113, 127 (1990).

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6 85. If a noncitizen “is placed into parole status after having been
7 detained, a protected liberty interest may arise.” Espinoza v. Kaiser, U.S.D.C.
8 No. 1:25-CV-01101 JLT SKO, __ F. Supp. 3d __, 2025 U.S. Dist. LEXIS
9 173694, at *25 (E.D. Cal. Sep. 5, 2025) (citing Young v. Harper, 520 U.S. 143,
10 147-149 (1997)). The Due Process Clause “protect[s] this liberty interest” for the
11 noncitizen “even where a statute allows the immigrant’s arrest and detention and
12 does not provide for procedural protections.” Id. (citing Young, 520 U.S. at 147-
13 149, and Morrissey v. Brewer, 408 U.S. 471, 482 (1972)).

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15 86. Morrissey observed that “parole allows the parolee to enjoy the
16 same activities as those who have not been arrested and held in custody
17 including, living at home, having a job, and ‘be[ing] with family and friends and
18 to form the other enduring attachments of normal life.’” Id. (quoting Morrissey,
19 408 U.S. at 482). While a parolee must abide by ““many restrictions not
20 applicable to other citizens,...his condition is very different from that of
21 confinement in a prison[,]”” and the parolee ““relie[s] on at least an implicit
22 promise that parole will be revoked only if he fails to live up to the parole
23 conditions.”” Id. (quoting Morrissey, 408 U.S. at 482). As “the revocation of
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1 parole undoubtedly ‘inflicts a grievous loss on the parolee[,]’” the Supreme Court
2 discerned, “a parolee possesses a protected liberty interest in his or her
3 ‘continued liberty.’” *Id.* at *25-*26 (quoting *Morrissey*, 408 U.S. at 481-84).
4 Thus, even if ICE releases a noncitizen from the agency’s custody as a
5 discretionary matter, “after that individual is released from custody she has a
6 protected liberty interest in remaining out of custody.” *Pinchi v. Noem*, __ F.
7 Supp. 3d __, U.S.D.C. No. 5:25-cv-05632-PCP, 2025 U.S. Dist. LEXIS 142213,
8 at *8 (N.D. Cal. July 24, 2025) (citing *Romero v. Kaiser*, U.S.D.C. No. 22-cv-
9 02508, 2022 U.S. Dist. LEXIS 82538, at *2 (N.D. Cal. May 6, 2022)) (other
10 internal citations omitted).

15 87. A noncitizen’s protected liberty interest in remaining out of custody
16 under the Due Process Clause extends to other forms of conditional release from
17 immigration detention. *See, e.g., Sequen v. Albarran*, U.S.D.C. No. 25-cv-
18 06487-PCP, __ F. Supp. 3d __, 2025 U.S. Dist. LEXIS 203758, at *19-*20 (N.D.
19 Cal. Oct. 15, 2025) (finding that noncitizens released from immigration detention
20 “on their own recognizance subject to certain conditions[]” were “entitled to due
21 process under the Fifth Amendment with respect to their protected liberty interest
22 in remaining out of immigration custody”); *Ramirez Clavijo v. Kaiser*, U.S.D.C.
23 No. 25-cv-06248-BLF, __ F. Supp. 3d __, 2025 U.S. Dist. LEXIS 163056, at *13
24 (N.D. Cal. Aug. 21, 2025) (noting that “[c]ourts have previously found that
25 individuals released from immigration custody on bond have a protectable liberty
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1 interest in remaining out of custody on bond[.]” (citing Ortiz Vargas v. Jennings,
2 U.S.D.C. No. 20-cv5785, ___ F. Supp. 3d ___, 2020 U.S. Dist. LEXIS 153579, at
3 *8 (N.D. Cal. Aug. 23, 2020), and Ortega v. Bonnar, 415 F. Supp. 3d 963, 969
4 (N.D. Cal. 2019)) (other internal citations omitted); cf. Ortega-Cervantes v.
5 Gonzales, 501 F.3d 1111, 1115 (9th Cir. 2007) (equating a noncitizen’s “release
6 on recognizance” for removal proceedings to “conditional parole”).
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9 88. To assess the constitutional sufficiency of procedures to protect a
10 noncitizen’s liberty interest in remaining free from detention, this Court must
11 apply the following three-factor test delineated in Mathews v. Eldridge, 424 U.S.
12 319 (1976): “[f]irst, the private interest that will be affected by the official
13 action; second, the risk of an erroneous deprivation of such interest through the
14 procedures used, and the probable value, if any, of additional or substitute
15 procedural safeguards; and finally, the Government’s interest, including the
16 function involved and the fiscal and administrative burdens that the additional or
17 substitute procedural requirement would entail.” Hernandez, 872 F.3d at 993
18 (quoting Mathews, 424 U.S. at 335).
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22 89. The private interest at issue here “is ‘fundamental[.]’” as “freedom
23 from imprisonment is at the ‘core of the liberty protected by the Due Process
24 Clause.’” Hernandez, 872 F.3d at 993 (quoting Foucha, 504 U.S. at 80). Mr.
25 Rueda Padilla has built a life outside detention after federal immigration officials
26 paroled him into the United States, and therefore maintains a “substantial private
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1 interest[] in being out of custody, which would allow [him] [to] continue in these
2 life activities.” Espinoza, 2025 U.S. Dist. LEXIS 183811, at *29. A noncitizen
3 who is released from immigration detention “can be gainfully employed and is
4 free to be with family and friends and to form the other enduring attachments of
5 normal life[,]” subject to the conditions of his release from confinement.
6 Morrissey, 408 U.S. at 482. The Respondents’ termination of Mr. Rueda
7 Padilla’s release conditions and his re-detention in federal immigration custody
8 deprives him of that liberty interest, and risks separating him from his family and
9 causing his deportation to a country in which he could face persecution.
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11 90. The risk of an erroneous deprivation of Mr. Rueda Padilla’s
12 protected liberty interest in remaining free from detention is high. Mr. Rueda
13 Padilla’s “[c]ivil immigration detention is permissible only to prevent flight or
14 protect against danger to the community,...but the government has offered no
15 evidence...that [his] detention would serve either purpose.” Pinchi, 2025 U.S.
16 Dist. LEXIS 142213, at *13 (citing Zadvydas, 533 U.S. at 690). Yet, the
17 Respondents have not articulated a valid basis for revoking his release from
18 federal immigration custody and detaining him. Indeed, the Respondents will
19 struggle to proffer a valid justification for its decisions in Mr. Rueda Padilla’s
20 case, as federal immigration officials detained him after they paroled him into the
21 United States [Exh. A, pp. 1, 3], and after he attended required immigration
22 proceedings with no contacts with law enforcement for almost three years. See
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1 id.; see also Mohit Kumar v. Wamsley, __ F. Supp. 3d __, U.S.D.C. No. 2:25-cv-
2 01772-JHC-BAT, 2025 U.S. Dist. LEXIS 182775, at *9-*10 (W.D. Wash. Sept.
3 17, 2025) (finding that the “risk of erroneous deprivation” resulting from the
4 petitioner’s unjustified detention at an ICE appointment was high, in part,
5 because “it is undisputed that Petitioner’s arrest was not preceded by a finding
6 that Petitioner was a flight risk nor a danger to the community[,]” and ICE
7 offered no “valid legal justification for his arrest”).
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11 91. As was noted above, see supra ¶¶ 38-40, section 235(b) of the INA,
12 8 U.S.C. § 1225(b), mandates the detention of certain noncitizens for removal
13 proceedings, unless federal immigration officials elect to parole them into the
14 United States. See 8 U.S.C. §§ 1225(b)(1)(B)(ii), 1225(b)(1)(B)(iii)(IV),
15 1225(b)(2)(A). In this case, Government counsel contends that Mr. Rueda
16 Padilla’s status as a noncitizen described in 8 U.S.C. § 1225(b)(2)(A) requires his
17 detention in the Respondents’ custody for the duration of his removal
18 proceedings in the Adelanto Immigration Court. When a habeas petitioner “‘has
19 not received any bond or custody... hearing, the risk of an erroneous deprivation
20 [of liberty] is high’ because neither the government nor [the petitioner] has had
21 an opportunity to determine whether there is any valid basis for [his] detention.”
22 Pinchi, 2025 U.S. Dist. LEXIS 142213, at *12-*13 (quoting Singh v. Andrews,
23 U.S.D.C. No. 1:25-cv-00801-KES-SKO (HC), __ F. Supp. 3d __, 2025 U.S. Dist.
24 LEXIS 132500, at *18 (E.D. Cal. July 11, 2025)).
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1 92. When a habeas petitioner’s “substantial liberty interest” is at stake,
2 “the government must prove by clear and convincing evidence that an alien is a
3 flight risk or a danger to the community” to justify depriving him of his liberty.
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5 Singh, 638 F.3d at 1203. The Respondents’ failure to proffer any evidence that
6 Mr. Rueda Padilla poses a risk of flight or a danger to the community suggests
7 that his continued detention in the Respondents’ custody without a hearing is
8 likely to be in error. See Ramirez Clavijo, 2025 U.S. Dist. LEXIS 163056, at
9 *17-*18 (N.D. Cal. Aug. 21, 2025).
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12 93. The “probable value, if any, of additional or substitute procedural
13 safeguards” is high. Hernandez, 872 F.3d at 993. The risk of “an erroneous
14 deprivation” of Mr. Rueda Padilla’s protected liberty interest would likely
15 decrease if he “had received notice of the basis for his re-detention and an
16 opportunity to be heard before a neutral decisionmaker prior to his arrest.” Mohit
17 Kumar, 2025 U.S. Dist. LEXIS 182775, at *10. The “procedural safeguard of a
18 pre-detention hearing will have significant value in helping ensure that any future
19 detention has a lawful basis.” Sequen, 2025 U.S. Dist. LEXIS 203758, at *36.
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23 94. The Government’s interest in Mr. Rueda Padilla’s continued
24 detention in federal immigration custody is minimal. The Government “has no
25 legitimate interest in detaining individuals who have been determined not to be a
26 danger to the community and whose appearance at future immigration
27 proceedings can be reasonably ensured by a lesser bond or alternative
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1 conditions[]” of supervision. See Hernandez, 872 F.3d at 994 (citing Pugh v.
2 Rainwater, 572 F.2d 1053, 1057 (5th Cir. 1978)). Mr. Rueda Padilla has no
3 criminal record, has complied with any required appearances before federal
4 immigration officials, and has received parole. After his initial release from the
5 Respondents’ custody on October 9, 2022, he developed strong ties to the
6 community, filed for asylum, and worked in this country with the permission of
7 the United States government. The Respondents have offered no evidence that
8 “any material circumstances have changed that would warrant reassessment of
9 [his] risk of flight or dangerousness.” Pinchi, 2025 U.S. Dist. LEXIS 142213, at
10 *17. At bottom, ““due process prohibits detaining an individual without
11 justification.”” Noori v. Larose, U.S.D.C. No. 25-cv-1824-GPC-MSB, __ F.
12 Supp. 3d __, 2025 U.S. Dist. LEXIS 194953, at *30-*31 (S.D. Cal. Oct. 1, 2025)
13 (quoting Mohammed H. v. Trump, No. CV 25-1576 (JWB/DTS), __ F. Supp. 3d
14 __, 2025 U.S. Dist. LEXIS 117197, at *16 (D. Minn. June 17, 2025)).

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21 95. The Respondents have not shown that providing additional
22 procedures before revoking Mr. Rueda Padilla’s release and detaining him for
23 removal proceedings will impose any heightened administrative or financial
24 burdens on the Government. Hernandez, 872 F.3d at 994. To comport with due
25 process, the Government needs to provide Mr. Rueda Padilla with notice of the
26 revocation of his release status and his detention for removal proceedings, and an
27 opportunity to contest those decisions before a “neutral decisionmaker.” Pinchi,
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1 2025 U.S. Dist. LEXIS 142213, at *17. Hearings in the Immigration Court are
2 ““routine and impose a minimal cost.”” Id. (quoting Singh, 2025 U.S. Dist.
3 LEXIS 132500, at *20 (other internal citations and quotation marks omitted).

5 96. Accordingly, Mr. Rueda Padilla, through counsel, asks the Court for
6 an Order declaring that the Respondents’ revocation of his release conditions and
7 his detention in the Respondents’ custody violated his rights under the Due
8 Process Clause under the Fifth Amendment, U.S. Const. amend. V.

10 97. Mr. Rueda Padilla, through counsel, asks the Court for an Order
11 directing his immediate release from the Respondents’ custody. He further
12 requests that the Court issue an Order enjoining his rearrest or re-detention by the
13 Respondents without an Order from this Court or a pre-deprivation hearing, at
14 which the Government bears the burden “of establishing, by clear and convincing
15 evidence, that [he] poses a danger to the community or a risk of flight[.]”
16 Espinoza, 2025 U.S. Dist. LEXIS 183811, at *39.

21 **THIRD CLAIM FOR RELIEF**

22 **(Detention of the Petitioner by the Respondents Without Lawful Authority)**

23 98. The Petitioner, through counsel, incorporates by reference all
24 preceding paragraphs of the instant Petition and Complaint, as stated therein.

26 99. As was noted above, see supra ¶¶ 49, 63, the Government argues
27 that Matter of Q. Li, 29 I. & N. Dec. 66, 69 (2025), precludes the Immigration
28 Judge from considering Mr. Rueda Padilla’s release on bond. Matter of Q. Li

1 holds that “an applicant for admission who was arrested without a warrant while
2 arriving in the United States and thereafter placed in removal proceedings, is
3 detained under section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A),” and
4 is “therefore ineligible for bond.” Matter of Q. Li, 29 I. & N. Dec. at 71.
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7 100. Section 235(b)(2)(A) of the INA provides that “in the case of an
8 alien who is an applicant for admission, if the examining immigration officer
9 determines that an alien seeking admission is not clearly and beyond a doubt
10 entitled to be admitted, the alien shall be detained for a proceeding under section
11 240[]” of the INA, 8 U.S.C. § 1229a. 8 U.S.C. § 1225(b)(2)(A). Section
12 235(a)(1) of the INA states, in part, that a noncitizen “present in the United States
13 who has not been admitted or who arrives in the United States...shall be deemed
14 for purposes of this Act an applicant for admission.” 8 U.S.C. § 1225(a)(1).
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18 101. In Matter of Q. Li, the Board of Immigration Appeals discerned that
19 the United States Supreme Court treated a noncitizen “‘who tries to enter the
20 country illegally...as an applicant for admission[]’” under 8 U.S.C. § 1225(a)(1),
21 and “clarified that ‘an alien who is detained shortly after unlawful entry cannot
22 be said to have effected an entry,’ and is in the same position as an alien seeking
23 admission at a port of entry.” Id. at 68 (quoting DHS v. Thuraissigiam, 591 U.S.
24 103, 140 (2020)) (other internal citations and quotation marks omitted). The
25 Board noted that it treated noncitizens “‘who [are] apprehended’ just inside ‘the
26 southern border, and not at a point of entry, on the same day [they] crossed into
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1 the United States[.]” as noncitizens who “arrive in the United States” under 8
2 U.S.C. § 1225(a)(1), and mandated the detention of certain applicants for
3 admission in expedited removal proceedings under section 235(b)(1) of the INA,
4 8 U.S.C. § 1225(b)(1), “until the final adjudication of the[ir] asylum
5 application[.]” *Id.* (quoting *Matter of M-D-C-V-*, 28 I&N Dec. 18, 23 (BIA
6 2020), and citing *Matter of M-S-*, 27 I&N Dec. 509, 516 (A.G. 2019)). As
7 noncitizens “arriving in the United States who are detained under section
8 235(b)(1) or (b)(2) are ineligible for release on bond because both provisions
9 ‘mandate detention of applicants for admission until certain proceedings have
10 concluded[.]’” the Board determined, it held that “an applicant for admission who
11 is arrested and detained without a warrant while arriving in the United States,
12 whether or not at a port of entry, and subsequently placed in removal proceedings
13 is detained under section 235(b) of the INA, 8 U.S.C. § 1225(b), and is ineligible
14 for any subsequent release on bond under section 236(a) of the INA, 8 U.S.C. §
15 1226(a)[.]” even if federal immigration officials paroled the noncitizen into the
16 United States and declined to place the noncitizen in expedited removal
17 proceedings. *Id.* at 69-70 (quoting *Jennings*, 583 U.S. at 298),

18 102. Under *Loper Bright Enters. v. Raimondo*, 603 U.S. 369 (2024),
19 courts have no obligation to defer to the Board of Immigration Appeals’
20 construction of the immigration laws. *Murillo-Chavez v. Bondi*, 128 F.4th 1076,
21 1086 (9th Cir. 2025) (citing *Loper Bright*, 603 U.S. at 412-13). Rather, “courts

1 must exercise independent judgment in determining the meaning of statutory
2 provisions.” Loper Bright, 603 U.S. at 394. The Board’s decisions have only the
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4 “power to persuade[,]” and courts “may not defer to an agency interpretation
5 of the law simply because a statute is ambiguous.” Murillo-Chavez, 128 F.4th at
6 1086-87 (quoting Loper Bright, 603 U.S. at 402, 413) (other internal citations and
7 quotation marks omitted). Since the Board’s construction and application of
8 section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), conflicts with the
9 text, structure, and history of sections 235 and 236 of the INA, 8 U.S.C. §§ 1225
10 and 1226(a), and with federal immigration officials’ longstanding practices, for
11 the reasons set forth below, the Court should declare Mr. Rueda Padilla detained
12 under section 236(a) of the INA, 8 U.S.C. § 1226(a), and should direct his
13 immediate release from the Respondents’ custody.

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15 103. The Court’s analysis of 8 U.S.C. §§ 1225 and 1226 begins with the
16 “language of the statute.” Esquivel-Quintana v. Sessions, 581 U.S. 385, 391
17 (2017) (quoting Leocal v. Ashcroft, 543 U.S. 1, 8 (2004)) (other internal citations
18 omitted). The Court does not “construe words ‘in a vacuum[,]’” but instead reads
19 the statutory language “in their context and with a view to their place in the
20 overall statutory scheme.” Gundy v. United States, 588 U.S. 128, 141 (2019)
21 (quoting National Ass’n of Home Builders v. Defenders of Wildlife, 551 U. S.
22 644, 666 (2007)) (other internal citations omitted). In addition to the statutory
23 language, context, and structure, the Court examines the statute’s “history [and]

1 purpose’ to divine the meaning of language.” Id. (quoting Maracich v. Spears,
2 570 U.S. 48, 76 (2013)).

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4 104. Section 236(a) of the INA, 8 U.S.C. § 1226(a), establishes the
5 “default rule” for arresting and detaining noncitizens “already present in the
6 United States[]” by “permitting - but not requiring - the Attorney General to issue
7 warrants for their arrest and detention pending removal proceedings[,]” and by
8 authorizing the Attorney General or her delegates to release those noncitizens on
9 bond or conditional parole, unless the noncitizens “fall[] into one of the
10 enumerated categories involving criminal offenses and terrorist activities.”
11 Jennings, 583 U.S. at 288, 303 (citing 8 U.S.C. §§ 1226(a) and 1226(c)). While
12 the statute “expressly carves out certain criminal noncitizens from its
13 discretionary framework, it does not similarly carve out noncitizens who would
14 be subject to mandatory detention under Section 1225(b)(2).” Gomes v. Hyde,
15 U.S.D.C. No. 1:25-cv-11571-JEK, __ F. Supp. 3d __, 2025 U.S. Dist. LEXIS
16 128085, at *16-17 (D. Mass. July 7, 2025) (citing 8 U.S.C. § 1226(a)). The
17 ‘express exception’ to Section 1226(a)’s discretionary framework ‘implies that
18 there are no other circumstances under which’ detention is mandated for
19 noncitizens...who are subject to Section 1226(a).” Id. at *17 (quoting Jennings,
20 583 U.S. at 300) (other internal citations omitted) (emphasis omitted).

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22 105. Even if the Court considers Mr. Rueda Padilla an “applicant for
23 admission” under 8 U.S.C. § 1225(a)(1), the Court need not conclude that section
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1 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), governs his detention in the
2 Respondents' custody. Section 235(b)(2)(A) of the INA provides that "in the
3 case of an alien who is an applicant for admission, if the examining immigration
4 officer determines that an alien seeking admission is not clearly and beyond a
5 doubt entitled to be admitted, the alien shall be detained for a proceeding under
6 section 1229a of this title." 8 U.S.C. § 1225(b)(2)(A). For section 235(b)(2)(A)
7 to apply to Mr. Rueda Padilla, "several conditions must be met - in particular, an
8 'examining immigration officer' must determine that the individual is: (1) an
9 'applicant for admission'; (2) 'seeking admission'; and (3) 'not clearly and
10 beyond a doubt entitled to be admitted.'" Lepe v. Andrews, U.S.D.C. No. 1:25-
11 cv-01163-KES-SKO (HC), __ F. Supp. 3d __, 2025 U.S. Dist. LEXIS 187233, at
12 *10 (E.D. Cal. Sep. 23, 2025) (quoting Martinez v. Hyde, U.S.D.C. No. CV 25-
13 11613-BEM, __ F. Supp. 3d __, 2025 U.S. Dist. LEXIS 141724, at *6-7 (D.
14 Mass. July 24, 2025), and citing Lopez Benitez v. Francis, U.S.D.C. No. 25 Civ.
15 5937 (DEH), __ F. Supp. 3d __, 2025 U.S. Dist. LEXIS 157214, at *16
16 (S.D.N.Y. Aug. 13, 2025)).

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18 106. While CBP officers apprehended Mr. Rueda Padilla near Hidalgo,
19 Texas on October 8, 2022, [Exh. A, pp. 1-2], no evidence indicates that a
20 qualified "examining immigration officer" determined that Mr. Rueda Padilla
21 was an "applicant for admission," was "seeking admission" to the United States,
22 and was "not clearly and beyond a doubt entitled to be admitted[]" to this
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1 country, 8 U.S.C. § 1225(b)(2)(A), either on October 8, 2022 or on the date that
2 ICE detained him on June 26, 2025. The absence of evidence that an “examining
3 immigration officer” made the requisite findings under the statute precludes Mr.
4 Rueda Padilla’s mandatory detention under 8 U.S.C. § 1225(b)(2)(A). See
5 Echeverria v. Bondi, U.S.D.C. No. CV-25-03252, __ F. Supp. 3d __, 2025 U.S.
6 Dist. LEXIS 196174, at *13-*14 (D. Ariz. Oct. 3, 2025); Lepe, 2025 U.S. Dist.
7 LEXIS 187233, at *10 (same).

11 107. The Board’s determination in Matter of Q. Li and in Yajure Hurtado,
12 29 I. & N. Dec. at 220-21, that noncitizens who are present in the United States
13 without admission are “applicants for admission” who face mandatory detention
14 under section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), regardless of
15 the length of their presence in this country or “whether they ever took any
16 affirmative step to seek admission...ignores the plain meaning of the phrase
17 ‘seeking admission[]’” within the statute. Lepe, 2025 U.S. Dist. LEXIS 187233,
18 at *10 (citing Martinez, 2025 U.S. Dist. LEXIS 141724, at *6).

22 108. The plain meaning of the term “seeking” refers to “‘asking for’ or
23 ‘trying to acquire or gain[]’” something. Id. (quoting Merriam-Webster
24 Dictionary, <https://www.merriam-webster.com/dictionary/seeking>). The statute’s
25 “use of a present participle, ‘seeking,’ ‘necessarily implies some sort of present-
26 tense action.’” Id. at *10-*11 (quoting Martinez, 2025 U.S. Dist. LEXIS 141724,
27 at *13). The INA defines the term “admission” as “‘the lawful entry of the alien
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1 into the United States after inspection and authorization by an immigration
2 officer[,]” and an “entry” into the United States “has long been understood to
3 mean ‘a crossing into the territorial limits of the United States.’” Lepe, 2025
4 U.S. Dist. LEXIS 187233, at *11 (quoting 8 U.S.C. § 1101(a)(13)(A)), and Hing
5 Sum v. Holder, 602 F.3d 1092, 1100-01 (9th Cir. 2010)) (other internal citations
6 omitted). Taken together, “the phrase ‘seeking admission’ means that one must
7 be actively ‘seeking’ ‘lawful entry[.]’” into this country. Id. (quoting Lopez
8 Benitez, 2025 U.S. Dist. LEXIS 157214, at *19).

12 109. As someone who has already entered the United States, Mr. Rueda
13 Padilla is seeking to remain in the United States, rather than seeking lawful entry
14 into this country. See id. (emphasis omitted); see also Lopez-Campos v.
15 Raycraft, U.S.D.C. No. 2:25-CV-12486, __ F. Supp. 3d __, 2025 U.S. Dist.
16 LEXIS 169423, at *16 (E.D. Mich. Aug. 29, 2025), cited in Lepe, 2025 U.S. Dist.
17 LEXIS 187233, at *12 (noting that the term “seeking admission” in 8 U.S.C. §
18 1225(b)(2)(A) “implies action - something that is currently occurring, and in this
19 instance, would most logically occur at the border upon inspection[.]”). As the
20 Lopez Benitez court explained,

25 [S]omeone who enters a movie theater without purchasing a ticket and
26 then proceeds to sit through the first few minutes of a film would not
27 ordinarily then be described as ‘seeking admission’ to the theater.
28 Rather, that person would be described as already present there. Even

1 if that person, after being detected, offered to pay for a ticket, one
2 would not ordinarily describe them as ‘seeking admission’ (or
3 ‘seeking’ ‘lawful entry’) at that point - one would say that they had
4 entered unlawfully but now seek a lawful means of remaining there.
5 As § 1225(b)(2)(A) applies only to those noncitizens who are actively
6 ‘seeking admission’ to the United States, it cannot, according to its
7 ordinary meaning, apply to [petitioner], because he has already been
8 residing in the United States for more than two years.

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10 Lopez Benitez, 2025 U.S. Dist. LEXIS 157214, at *21, quoted in Lepe, 2025
11 U.S. Dist. LEXIS 187233, at *11-*12; see also Echeverria, 2025 U.S. Dist.
12 LEXIS 196174, at *17 (rejecting the Government’s position that “Petitioner
13 somehow existed in a perpetual state of ‘seeking’ admission during the 24-year
14 period between when he first became an ‘applicant for admission’ in 2001, by
15 virtue of his entry into the country, and when he was encountered and inspected
16 by an immigration officer in 2025”). The Government’s classification of Mr.
17 Rueda Padilla as an “applicant for admission” under 8 U.S.C. § 1225(b)(2)(A)
18 because he is allegedly an “alien present in the United States who has not been
19 admitted,” 8 U.S.C. § 1225(a)(1), even though he is already present in this
20 country, would read the term “seeking admission” out of the statute, and would
21 require courts to ignore their obligation to give effect to each word of a statute
22 that Congress passes. See Lepe, 2025 U.S. Dist. LEXIS 187233, at *11-*12-*13

1 (citing Martinez, 2025 U.S. Dist. LEXIS 141724, at *13, and Lopez Benitez,
2 2025 U.S. Dist. LEXIS 157214, at *18); see also Shulman v. Kaplan, 58 F.4th
3 404, 410-11 (9th Cir. 2023) (requiring a court to “interpret the statute as a
4 whole, giving effect to each word and making every effort not to interpret a
5 provision in a manner that renders other provisions of the same statute
6 inconsistent, meaningless or superfluous[.]”) (quoting Rodriguez v. Sony
7 Computer Ent. Am., LLC, 801 F.3d 1045, 1051 (9th Cir. 2015)).

11 110. Courts’ construction of statutory terms within section 235 of the
12 INA, 8 U.S.C. § 1225, supports a narrowing of mandatory detention under 8
13 U.S.C. § 1225(b)(2)(A) to noncitizens who are detained while seeking to enter
14 the country, instead of noncitizens who already reside in the United States. See
15 Rodriguez v. Bostock, 779 F. Supp. 3d 1239, 1257-58 (W.D. Wash. 2025). In
16 Jennings v. Rodriguez, the Supreme Court described inspections under section
17 235 of the INA, 8 U.S.C. § 1225, as “part of a process that ‘generally begins at
18 the Nation’s borders and ports of entry, where the Government must determine
19 whether an alien seeking to enter the country is admissible.’” Id. at 1258
20 (quoting Jennings, 583 U.S. at 287). The Supreme Court noted that the
21 immigration laws “authorize[] the Government to detain certain [noncitizens]
22 seeking admission into the country under [8 U.S.C.] §§1225(b)(1) and (b)(2)[,],”
23 and “also authorize[] the Government to detain certain [noncitizens] already in
24 the country pending the outcome of removal proceedings under [8 U.S.C.]

1 §§1226(a) and (c).” *Id.* at 289. In *Torres v. Barr*, a panel of the Ninth Circuit,
2
3 construing a ground of inadmissibility for a noncitizen who lacked valid entry
4 documents “at the time of application for admission” at 8 U.S.C. §
5 1182(a)(7)(A)(i)(I), discerned that the statutory term “refers to the particular
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7 point in time when a noncitizen submits an application to physically enter into
8 the United States.” *Torres v. Barr*, 976 F.3d 918, 924 (9th Cir. 2020). The Court
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10 rejected the Government’s argument that the “time of application for admission”
11 within 8 U.S.C. § 1182(a)(7)(A)(i)(I) “continues, potentially for years or
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13 decades[,]” after an immigrant enters the country. *Id.* at 926. The Court
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15 explained that, “[g]iven that an immigrant submits an ‘application for admission’
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17 at a distinct point in time, stretching the phrase ‘at the time of application for
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19 admission’ to refer to a period of years would push the statutory text beyond its
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21 breaking point.” *Id.* (quoting 8 U.S.C. § 1182(a)(7)(A)(i)(I), and citing *Kyong*
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23 *Ho Shin v. Holder*, 607 F.3d 1213, 1220 (9th Cir. 2010)). Likewise, interpreting
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25 the phrase “applicant for admission” in 8 U.S.C. § 1235(b)(2)(A) to conclude that
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27 noncitizens, like Mr. Rueda Padilla, are still “seeking admission” into the United
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States years after their entry into this country would “push the statutory text
beyond the breaking point.” *Echeverria*, 2025 U.S. Dist. LEXIS 196174, at *19
(citing *Vazquez v. Feeley*, U.S.D.C. No. 2:25-cv-01542-RFB-EJY, __ F. Supp.
3d __, 2025 U.S. Dist. LEXIS 182412, at *12-*13 (D. Nev. Sept. 17, 2025).

111. The statutory context supports limiting the scope of section

1 235(b)(2)(A)’s mandatory detention provision to noncitizens detained while
2 attempting to enter the country, rather than noncitizens who are already present in
3 the United States. First, “the title of a statute and the heading of a section are
4 tools available for the resolution of a doubt about the meaning of a statute.”
5 Yates v. United States, 574 U.S. 528, 54 (2015) (quoting Almendarez-Torres v.
6 United States, 523 U.S. 224, 234 (1998)).

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10 112. The title of section 235 of the INA, “Inspection by immigration
11 officers; expedited removal of inadmissible arriving aliens; referral for
12 hearing[,]” refers to an “inspection,” a procedure “that occurs at the border or
13 other ports of entry.” Lepe, 2025 U.S. Dist. LEXIS 187233, at *14 (citing Posos-
14 Sanchez v. Garland, 3 F.4th 1176, 1183 (9th Cir. 2021), and 8 C.F.R § 235.1(a));
15 see also Zumba v. Bondi, U.S.D.C. No. 25-CV-14626 (KSH), __ F. Supp. 3d __,
16 2025 U.S. Dist. LEXIS 190052, at *23 (D.N.J. Sept. 26, 2025) (stating, in part,
17 that “the titles and headings of [8 U.S.C.] § 1225 repeatedly cabin its application
18 to Inspections, which...occur at ports of entry, their functional equivalent, or near
19 the border[.]”) (other internal quotation marks omitted). The title “refers to
20 ‘expedited removal,’ which applies to a noncitizen ‘who is arriving in the United
21 States’ and ‘is inadmissible.’” Lepe, 2025 U.S. Dist. LEXIS 187233, at *14
22 (quoting 8 U.S.C. § 1225(b)(1)(A)). The references to “arriving” individuals in
23 the statutory title and text “‘indicat[es] that the statute governs ‘arriving’
24 noncitizens, not those present already.” Hernandez v. Baltazar, U.S.D.C. No.

1 1:25-cv-03094-CNS, 2025 U.S. Dist. LEXIS 210449, at *15 (D. Colo. Oct. 24,
2 2025) (quoting Barrera v. Tindall, U.S.D.C. No. 3:25-cv-541-RGJ, 2025 U.S.
3 Dist. LEXIS 184356, at *8 (W.D. Ky. Sep. 19, 2025)); see also Coalition for
4 Humane Immigrant Rights v. Noem, __ F. Supp. 3d __, U.S.D.C. No. 25-cv-872
5 (JMC), 2025 U.S. Dist. LEXIS 148615, at *87 (D.D.C. Aug. 1, 2025)
6 (determining that a “noncitizen ‘arriving’ in the United States” under 8 U.S.C. §
7 1225(b)(1)(A) “would be one who is in the process of reaching his or her
8 destination (the United States) and making an appearance here[.]”). Apart from
9 the title, “multiple other provisions” of 8 U.S.C. § 1225 “use ‘arrive,’ or some
10 conjugation thereof, to refer to physical arrival at a port of entry[.]” rather than a
11 person’s physical presence in the United States. Coalition for Humane
12 Immigrant Rights, 2025 U.S. Dist. LEXIS 148615, at *84-*85, *87 (citing 8
13 U.S.C. §§ 1225(b)(1)(F), 1225(b)(2)(C), and 1225(d)(2)).

14
15 113. Congress’ recent amendments to the mandatory detention provisions
16 at 8 U.S.C. §§ 1225 and 1226 undermine the Board’s holding that all noncitizens
17 who are present in the United States without inspection or admission are
18 “applicants for admission,” who qualify for mandatory detention under 8 U.S.C.
19 § 1225(b)(2)(A). In January of 2025, Congress passed the Laken Riley Act,
20 which amended 8 U.S.C. §§ 1225 and 1226, in part, to subject certain
21 inadmissible noncitizens who were “‘present in the United States without being
22 admitted or paroled,’ and who have been arrested, charged with, or convicted of
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1 certain crimes[,]” to mandatory detention for their removal proceedings.
2 Rodriguez, 779 F. Supp. 3d at 1259 (quoting Laken Riley Act, Pub. L. No. 119-1,
3 139 Stat. 3 (2025) (codified at 8 U.S.C. § 1226(c)(1)(E), and 8 U.S.C. §
4 1182(a)(6)(A)(i)). If members of Congress thought that every “applicant for
5 admission” who was present in the United States without admission under 8
6 U.S.C. § 1225(a)(1) already faced mandatory detention under 8 U.S.C. §
7 1225(b)(2)(A), they did not need to amend the immigration laws to require the
8 detention of certain inadmissible noncitizens under 8 U.S.C. § 1182(a)(6)(A)(i)
9 who were “charged with, arrested for, or admit[] to” committing certain
10 offenses for their removal proceedings. See Lepe, 2025 U.S. Dist. LEXIS
11 187233, at *15 (quoting 8 U.S.C. § 1226(c)(1)(E)). The construction of section
12 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A) advanced by the Board and
13 other agency pronouncements, see supra ¶ 48, would render 8 U.S.C. §
14 1226(c)(1)(E) superfluous, Lepe, 2025 U.S. Dist. LEXIS 187233, at *15 (citing
15 Gomes, 2025 U.S. Dist. LEXIS 128085, at *18) (other internal citations omitted),
16 and would disregard the Supreme Court’s admonition against construing laws to
17 render statutory terms meaningless. See Corley v. United States, 556 U.S. 303,
18 314 (2009) (stating that “[a] statute should be construed so that effect is given to
19 all its provisions, so that no part will be inoperative or superfluous, void or
20 insignificant”) (quoting Hibbs v. Winn, 542 U.S. 88, 101 (2004)).
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114. Congress enacted the Laken Riley Act “against the backdrop of

1 longstanding agency practice applying Section 1226(a) to inadmissible
2 noncitizens already residing in the country[.]” including noncitizens “who
3 entered the country without inspection.” Rodriguez, 779 F. Supp. 3d at 1259-60.
4
5 In circumstances “[w]hen Congress adopts a new law against the backdrop of a
6 ‘longstanding administrative construction,’ this Court generally presumes the
7 new provision should be understood to work in harmony with what has come
8 before.” Velázquez v. Bondi, 604 U.S. 712, 725 (2025) (quoting Haig v. Agee,
9 453 U. S. 280, 297-298 (1981)). Indeed, the Board admits that it previously
10 considered noncitizens who were present in the United States without admission
11 or parole to be eligible for bond. See Yajure Hurtado, 29 I. & N. Dec. at 216
12 n.16, cited in Lepe, 2025 U.S. Dist. LEXIS 187233, at *19 (stating that “[w]e
13 acknowledge that for years Immigration Judges have conducted bond hearings
14 for aliens who entered the United States without inspection”); see also Lopez
15 Benitez, 2025 U.S. Dist. LEXIS 157214, at *23 (noting “‘DHS’s longstanding
16 interpretation’ of [8 U.S.C.] § 1226(a) as ‘appl[ying] to those who have crossed
17 the border between ports of entry and are shortly thereafter apprehended[.]’”) (quoting Martinez, 2025 U.S. Dist. LEXIS 141724, at *12 n.9). The
18 “‘longstanding practice of the government - like any other interpretive aid - ‘can
19 inform [a court’s] determination of what the law is.’” Lopez Bright, 603 U.S. at
20 385-86 (quoting NLRB v. Noel Canning, 573 U.S. 513, 525 (2014)). Federal
21 immigration officials’ longstanding application of section 236(a) of the INA, 8

1 U.S.C. § 1226(a), to people in Mr. Rueda Padilla’s circumstances refutes the
2 Board’s construction of 8 U.S.C. § 1225(b)(2)(A), and supports Mr. Rueda
3 Padilla’s assertion that 8 U.S.C. § 1225(b)(2)(A) does not mandate his detention
4 in federal immigration custody. See Lepe, 2025 U.S. Dist. LEXIS 187233, at
5 *19 (citing Lopez Benitez, 2025 U.S. Dist. LEXIS 157214, at *23-*24).
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8 115. As a noncitizen who has remained in the United States continuously
9 since October 9, 2022, [Exh. A, pp. 1-2; Exh. D, p. 10], Mr. Rueda Padilla is no
10 longer an applicant for admission who is “seeking admission” into the United
11 States at a border crossing or a Port of Entry, within the meaning of 8 U.S.C. §
12 1225(b)(2)(A). Moreover, federal immigration officials have not treated Mr.
13 Rueda Padilla as a noncitizen, who faces expedited removal and mandatory
14 detention under section 235(b)(1) of the INA, 8 U.S.C. § 1225(b)(1). Instead,
15 federal immigration officials issued a Notice to Appear for removal proceedings
16 under section 240 of the INA, 8 U.S.C. § 1229a, to Mr. Rueda Padilla, which
17 alleged that he was “an alien present in the United States who has not been
18 admitted or paroled[,]” rather than an “arriving alien.” [Exh. D, p. 10]. He has
19 attended multiple hearings in full removal proceedings with a federal
20 Immigration Judge in Adelanto, California since federal immigration officials
21 filed his case with the Adelanto Immigration Court on or about June 30, 2025.
22 [Exh. D, p. 14; Exh. E; Exh. F, pp. 26, 27].
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116. Section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), does not

1 mandate Mr. Rueda Padilla's continued detention in the Respondents' custody.
2 Accordingly, he respectfully requests that this Court issue an Order, declaring that
3 the "default rule" set forth at section 236(a) of the INA, 8 U.S.C. § 1226(a),
4 governs his detention. Jennings, 583 U.S. at 288.
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7 117. As section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), does
8 not require his detention, Mr. Rueda Padilla, through counsel, asks this Court to
9 issue an Order, directing his immediate release from the Respondents' custody.
10

11 **FOURTH CLAIM FOR RELIEF**

12 **Claim under the Administrative Procedure Act**

13 **(Arbitrary and Capricious Agency Conduct)**

14
15 118. The Petitioner, through counsel, incorporates by reference all
16 preceding paragraphs of the instant Petition and Complaint, as stated therein.
17

18 119. The APA authorizes reviewing courts to "hold unlawful and set
19 aside agency actions, findings, and conclusions found to be...arbitrary,
20 capricious, an abuse of discretion, or otherwise not in accordance with law[.]" 5
21 U.S.C. § 706(2)(A).
22

23
24 120. An agency action is arbitrary and capricious under the APA if it
25 "has relied on factors which Congress has not intended it to consider, entirely
26 failed to consider an important aspect of the problem, offered an explanation for
27 its decision that runs counter to the evidence before the agency, or is so
28 implausible that it could not be ascribed to a difference in view or the product of

1 agency expertise.” National Ass’n of Home Builders v. Defenders of Wildlife,
2 551 U.S. 644, 658 (2007) (quoting Motor Vehicle Mfrs. Ass’n of U.S., Inc. v.
3 State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43 (1983)). In other words, an
4 administrative agency “must give adequate reasons for its decisions[,]” and
5 ““must examine the relevant data and articulate a satisfactory explanation for its
6 action including a rational connection between the facts found and the choice
7 made.”” Encino Motorcars, LLC v. Navarro, 579 U.S. 211, 221 (2016) (quoting
8 Motor Vehicle Mfrs. Assn. of United States, Inc., 463 U.S. at 43).

12 121. Administrative agencies “are free to change their existing policies as
13 long as they provide a reasoned explanation for the change.” Encino Motorcars,
14 579 U.S. at 221 (citing National Cable & Telecommunications Assn. v. Brand X
15 Internet Services, 545 U.S. 967, 981-982 (2005)) (other citations omitted). When
16 an agency changes its position, it must recognize that “longstanding policies may
17 have ‘engendered serious reliance interests that must be taken into account.’” Id.
18 at 221-222 (quoting FCC v. Fox Television Stations, Inc., 556 U.S. 502, 515
19 (2009)) (other citations omitted). In those circumstances, ““a reasoned
20 explanation is needed for disregarding facts and circumstances that underlay or
21 were engendered by the prior policy.”” Id. at 222 (quoting Fox Television
22 Stations, 556 U.S. at 515-516). An unreasoned departure or an “[u]nexplained
23 inconsistency’ in agency policy is ‘a reason for holding an interpretation to be an
24 arbitrary and capricious change from agency practice.’” Id. (quoting Brand X,

1 545 U.S. at 981).

2 122. In immigration matters, “agency action must be based on non-
3 arbitrary, ‘relevant factors[.]’” Judulang v. Holder, 565 U.S. 42, 55 (2011)
4 (quoting Motor Vehicle Mfrs. Ass’n of United States, Inc., 463 U. S. at 43).
5 Agency decision making must relate to “the purposes of the immigration laws or
6 the appropriate operation of the immigration system.” Id. A decision by federal
7 immigration officials that “neither focuses on nor relates to an alien’s fitness to
8 remain in the country...is arbitrary and capricious[.]” under the Administrative
9 Procedure Act (hereinafter “APA”). Id.

10 123. Federal immigration officials act arbitrarily and capriciously when
11 they depart from a settled course of adjudication “‘to reach a different,
12 unexplained result in a single case,’” when they “treat[] factually identical cases
13 differently without providing a reasoned explanation[,]” or when they depart
14 from binding precedent without any justification. Alphonsus v. Holder, 705 F.3d
15 1031, 1043, 1046 (9th Cir. 2013), overruled on other grounds by Guerrero v.
16 Whitaker, 908 F.3d 541, 544 (9th Cir. 2018) (quoting California Trout, 572 F.3d
17 at 1022-23, and citing Israel v. INS, 785 F.2d 738, 741 (9th Cir. 1986)); see also
18 Gomez-Sanchez v. Sessions, 887 F.3d 893, 903-04 (9th Cir. 2018) (finding fault
19 in the Board of Immigration Appeals’ explained departure from its previous
20 mandate that a trier of fact consider “‘all reliable information’” in determining
21 whether a noncitizen has a conviction for a particularly serious crime that
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1 precludes asylum or withholding of removal under 8 U.S.C. §§ 1158(a) and
2 1231(b)(3)) (quoting In re N-A-M-, 24 I. & N. Dec. 336, 342 (BIA 2007), and
3 citing Encino Motorcars, 579 U.S. at 212) (other internal citations omitted).

5 124. Federal immigration officials paroled Mr. Rueda Padilla into the
6 United States October 9, 2022. [Exh. A, pp. 1-3]. By releasing Mr. Rueda
7 Padilla from detention, they necessarily determined that he posed no risk of flight
8 or a danger to the community if they released him from detention. See 8 C.F.R. §
9 236.1(c)(8) (2025)); see also Noori, 2025 U.S. Dist. LEXIS 194953, at *33-*34
10 (quoting Saravia, 280 F. Supp. 3d at 1176 (same). No evidence indicates that Mr.
11 Rueda Padilla violated the conditions of his parole, or any subsequent conditions
12 of his continued release imposed upon him by ICE officers.

13 125. The Respondents revoked Mr. Rueda Padilla's release from
14 detention and held him for removal proceedings without a "reasoned
15 explanation" for the change in federal immigration officials' position regarding
16 his custodial status. Department of Homeland Security v. Regents of the
17 University of California, 591 U.S. 1, 35 (2020). The Respondents have not
18 provided evidence of "any changed circumstances that would justify their current
19 departure from their prior decision[]" to grant parole and to continue Mr. Rueda
20 Padilla's release from detention, and would likely struggle to identify such
21 changed circumstances, in light of Mr. Rueda Padilla's prior compliance with the
22 terms and conditions of his release. Y-Z-L-H v. Bostock, U.S.D.C. No. 3:25-cv-

1 965-SI, 2025 U.S. Dist. LEXIS 130216, at *39-*40 (D. Or. July 9, 2025) (citing
2 International Union, UAW v. NLRB, 802 F.2d 969, 973-74 (9th Cir. 1986)). No
3 evidence suggests that the Respondents accounted for alternatives to its decisions
4 that fell ““within the ambit of the existing [policy][,]” or for Mr. Rueda Padilla’s
5 “legitimate reliance” upon the implicit promise, conveyed in his parole
6 documents [Exh. A, pp. 3, 6], that ICE officers would only detain him if he failed
7 to abide by the conditions of his release. Regents, 591 U.S. at 30 (quoting Motor
8 Vehicle Mfrs. Ass’n of United States, Inc., 463 U. S. at 51, and citing Smiley v.
9 Citibank (South Dakota), N.A., 517 U. S. 735, 742 (1996)).
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14 126. As was noted above, see supra ¶ 112, the Government’s position that
15 8 U.S.C. § 1225(b)(2)(A) mandates Mr. Rueda Padilla’s detention in federal
16 immigration custody, in conformity with Matter of Q. Li, departs from the
17 agency’s longstanding practice of conducting bond hearings for people in Mr.
18 Rueda Padilla’s circumstances, without a reasoned explanation grounded in the
19 language, structure, and history of the statutory scheme.
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22 127. Accordingly, Mr. Rueda Padilla, through counsel, asks this Court to
23 issue an Order, vacating the Respondents’ decision to revoke the terms and
24 conditions of his release from detention under the APA.
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26 128. Mr. Rueda Padilla, through counsel, respectfully requests that this
27 Court issue an Order, directing the Respondents to immediately release him from
28 federal immigration custody.

VIII.

PRAYER FOR RELIEF

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

1. That this Court grant a writ of habeas corpus, which directs the Respondents to show cause why the Petitioner should not be immediately released from their custody;

2. That this Court issue an Order, enjoining the Respondents from transferring Mr. Rueda Padilla to a detention facility outside the United States District Court for the Central District of California, pursuant to the All Writs Act, 28 U.S.C. § 1651(a);

3. That this Court declare that the Petitioner's continued detention in the Respondents' custody violates the Due Process Clause of the Fifth Amendment, and is not required by section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A);

4. That this Court issue an Order, directing Mr. Rueda Padilla's immediate release from the Respondents' custody;

5. That this Court enjoin the Respondents from imposing additional conditions on Mr. Rueda Padilla's release from detention, such as a bond or electronic monitoring, unless a neutral decisionmaker determines that such conditions of release are necessary at a pre-deprivation hearing;

1 6. That this Court issue an Order, enjoining Mr. Rueda Padilla's re-
2 arrest and re-detention by the Respondents without constitutional safeguards,
3 including pre-deprivation notice and a hearing before a neutral adjudicator;
4

5 7. That this Court award to the Petitioner and counsel reasonable
6 attorneys' fees, costs, and expenses incurred from bringing this action, in
7 conformity with the Equal Access to Justice Act, 28 U.S.C. § 2412; and
8

9 8. That this Court order any other relief that it deems appropriate.
10

11 Respectfully Submitted,

12 Dated: November 10, 2025

s/ Lori B. Schoenberg

LORI B. SCHOENBERG

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611 Wilshire Boulevard, Suite 1006

Los Angeles, CA 90017

16 Attorney for Petitioner

17 Jarold Maverich Rueda Padilla

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

19
20 I represent Petitioner Jarold Maverich Rueda Padilla, and submit this
21 verification on his behalf. I hereby verify that the factual statements made in the
22 foregoing Petition for Writ of Habeas Corpus, Pursuant to 28 U.S.C. § 2241, and
23 Complaint for Declaratory and Injunctive Relief under the Administrative
24 Procedure Act, 5 U.S.C. §§ 702-706, are true and correct to the best of my
25 knowledge. Dated this 10th day of November, 2025.
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27
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s/ Lori B. Schoenberg

LORI B. SCHOENBERG