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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
Eugene Division

ALVARO ESNEL GUZMAN GUZMAN,

Petitioner,

v.

JASON WEISS, Field Office Director, DREW
BOSTOCK, Seattle Field Office Director,
Immigration and Customs Enforcement and
Removal Operations ("ICE/ERO"); TODD
LYONS, Acting
Director of Immigration Customs
Enforcement ("ICE"); U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT; KRISTI
NOEM, Secretary of the Department of
Homeland Security ("DHS"); U.S.
DEPARTMENT OF HOMELAND
SECURITY; and PAMELA BONDI, Attorney
General of the United States,

Respondents.

Case No.

Agency No. 

**PETITION FOR WRIT OF HABEAS
CORPUS**

ORAL ARGUMENT REQUESTED

Expedited Hearing Requested

INTRODUCTION

1. Mr. Alvaro Esnel Guzman Guzman (“Mr. Guzman”), is a citizen of Venezuela who availed himself to the protection of the U.S. government in November 2023 after suffering from [REDACTED]

2. He was lawfully paroled into the US through the CBPOne program after dutifully making an appointment with the Customs and Border Patrol at the border. Upon his lawful parole and release, Mr. Guzman was served a Notice to Appear and scheduled for a Master Calendar Hearing before the EOIR in Dallas, TX on October 25, 2027. He subsequently filed an application for asylum and was granted employment authorization on August 13, 2025.

3. Even so, Respondents now seek to detain Mr. Guzman, transfer him away from the district, and deport him. Respondents do so based not on his personal circumstances or individualized facts, but on Respondents’ interpretation of President Trump’s whim and categorical determination that, notwithstanding the facts in his case, Mr. Guzman should be detained and deported. It is unlawful to detain and deport Mr. Guzman without providing him due process of law and an individualized determination as to his custody.

4. Accordingly, to vindicate Petitioner’s rights, this Court should grant the instant petition for a writ of habeas corpus. Mr. Guzman asks this Court to find that Respondents’ attempts to detain, transfer, and deport him are arbitrary and capricious and in violation of the law, and to issue an order preventing his transfer out of this district.

JURISDICTION

5. This action arises under the Constitution of the United States and the Immigration

and Nationality Act (INA), 8 U.S.C. § 1101 et. seq.

6. This court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

7. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., and the All Writs Act, 28 U.S.C. § 1651.

VENUE

8. Venue is proper because Petitioner resides within this judicial district, and he is believed to be in Respondents' custody in Eugene, Oregon. Venue is further proper because Petitioner was stopped by ICE agents in Eugene earlier this morning, and Petitioner's claims occurred in this District, where Petitioner is believed to be now in Respondent's custody. 28 U.S.C. § 1391(e).

9. For these same reasons, divisional venue is proper under Local Rule 3-2.

REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

10. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the Respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

11. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, affording as it does a swift and

imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963).

12. Petitioner is “in custody” for the purpose of § 2241 because he was physically taken into the custody of ICE agents at 7:15 am this morning. “[T]he Supreme Court has repeatedly held that the in-custody requirement [of 28 U.S.C. § 2241] , is met where the Government restricts a petitioner’s freedom of action or movement,” including through an immigration order of supervision. *See Doe v. Barr*, 479 F. Supp. 3d 20, 26 (S.D.N.Y. 2020), *citing Jones v. Cunningham*, 371 U.S. 236 (1963) and *Spencer v. Kemna*, 523 U.S. 1, 7 (1998); *see also, e.g., Devitri v. Cronen*, 290 F. Supp. 3d 86, 90 (D. Mass. 2017) (finding the same); *Alvarez v. Holder*, 454 F. App’x 769, 772-72 (11th Cir. 2011) (same).

PARTIES

13. Mr. Alvaro Guzman Guzman (“Petitioner”) is a 41-year-old citizen of Venezuela and resident of Oregon and was present within the state of Oregon as of the time of the filing of this petition.

14. Respondents Jason Weiss and Drew Bostock are the Field Office Directors for the Eugene Field Office and the Seattle Field Office, Immigration and Customs Enforcement and Removal Operations (“ICE”), respectively. The Seattle Field Office oversees local custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens. The Seattle Field Office’s area of responsibility includes Alaska, Oregon, and Washington. Respondent Bostock is a legal custodian of Petitioner and Jason Weiss is the local custodian of Petitioner.

15. Respondent Todd Lyons is the acting director of U.S. Immigration and Customs Enforcement, and he has authority over the actions of respondent Drew Bostock and ICE in

general. Respondent Lyons is a legal custodian of Petitioner.

16. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (DHS) and has authority over the actions of all other DHS Respondents in this case, as well as all operations of DHS. Respondent Noem is a legal custodian of Petitioner and is charged with faithfully administering the immigration laws of the United States.

17. Respondent Pamela Bondi is the Attorney General of the United States, and as such has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.

18. Respondent U.S. Immigration Customs Enforcement is the federal agency responsible for custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens.

19. Respondent U.S. Department of Homeland Security is the federal agency that has authority over the actions of ICE and all other DHS Respondents.

20. This action is commenced against all Respondents in their official capacities.

21. Petitioner's removability is currently the subject of an administrative proceeding before the Dallas Immigration Court.

LEGAL FRAMEWORK

22. Noncitizens in immigration proceedings are entitled to Due Process under the Fifth Amendment of the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993).

23. The Immigration and Nationality Act (INA) establishes various procedures through which individuals may be detained pending a decision on whether the noncitizen is to be removed. 8 U.S.C. § 1226(a).

24. Removal proceedings described in section 240 of the INA are used to determine

whether individuals, such as Petitioner, should be removed from the United States. *See* 8 U.S.C. § 1229a.

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

26. Custody determinations for individuals in 1229a removal proceedings are governed by 8 U.S.C. § 1226. Under § 1226(a), an individual may be released if he does not present a danger to persons or property and is not a flight risk. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006).

27. Custody determinations under § 1226(a) are individualized and based on the facts presented in those cases. Unlike § 1226(c), which can provide for categorical determinations for detention regardless of flight risk or safety risks, § 1226(a) requires a case-by-case review of the facts and circumstances.

28. Once a determination to release an individual from custody is made, the release order may be revisited when the facts or circumstances warrant revocation or reconsideration. 8 U.S.C. § 1226(b). For an individual who was once in custody, the Attorney General may take that individual back into custody by revoking the individual’s release when the facts and circumstances warrant it.

29. Revocation and return to custody is authorized only based on the individualized facts and circumstances. 8 C.F.R. § 1236.1(c)(9). By regulation, revocation decisions are limited in nature and may only be made by certain authorized officials. 8 C.F.R. § 1236.1(c)(9).

FACTUAL BACKGROUND

30. Petitioner, a resident of Oregon, is a citizen of Venezuela. He was born in

1983, in Maracay in the state of Aragua, Venezuela. He is married and lives with his wife, Debra Guzman, in Eugene, Oregon. Mr. Guzman and his wife married on April 5, 2025. They promptly contacted immigration counsel to discuss the procedure for applying for Mr. Guzman to become a Legal Permanent Resident. Petitioner is currently in the process of filing his paperwork and is expected to be granted LPR status within the next year.

31. Early this morning, Mr. Guzman was driving his car to the KIA shop to accompany his wife to have her car repaired. His wife was behind him when he was stopped by ICE agents. The ICE agents did not identify any reason for stopping Mr. Guzman except to check on his legal status. Mr. Guzman did not argue, he presented the ICE agents with paperwork regarding his identity. Upon checking his identity, ICE agents identified Mr. Guzman as a person who was paroled into the US and has a hearing with EOIR on October 25, 2027. Despite these facts, and despite there being no evidence that Mr. Guzman has committed any crime or other act that should change his current custody status, ICE agents made the decision to arrest him and transport him to an unknown location.

32. Local counsel, Eli Moon, who represents Mr. Guzman in his adjustment of status case, immediately went down to the ICE offices to inquire about Mr. Guzman. He was told that no one would speak with him, and that they could not confirm that Mr. Guzman was present at the Eugene location. Counsel further telephoned the ICE office, explained the situation and provided Mr. Guzman's A number, and left a message asking for Jason Weiss to return the call. Therefore, Petitioner is believed to be at the Eugene facility but there is no way to confirm this.

33. Petitioner's immigration court proceedings are pending before the Immigration Court. His first appearance in court is scheduled for October 25, 2027, at 8:30

AM.

34. Petitioner has applied to the Equity Corps of Oregon program for funding to help represent him in those proceedings and was awaiting legal counsel before he was detained today by ICE.

35. Petitioner has no criminal history.

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

37. On March 15, 2025, President Trump issued the Proclamation “Invocation of the Alien Enemies Act Regarding the Invasion of The United States by Tren De Aragua.” Through this Proclamation, President Trump invoked the 1798 Alien Enemies Act against Venezuelan citizens whom the administration accuses (regardless of the actual circumstances or facts) of being affiliated with the transnational criminal organization known as Tren de Aragua.

38. Petitioner is not and has never been affiliated with Tren de Aragua or any other criminal organization.

39. On information and belief, Respondents have adopted a “list” or blanket policy directing ICE officials to detain certain Venezuelan nationals categorically regardless of the individualized facts or circumstances of the case.

40. Counsel believes that Respondents have already determined under their categorical policy to detain Petitioner and then to remove him from the district by transferring him to a remote detention facility before removing him from United States soil, without considering the individualized facts and circumstances of his case.

CLAIMS FOR RELIEF

COUNT ONE

Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A) Abuse of Discretion Violation of 8 U.S.C. § 1226(b), 8 C.F.R. § 1236.1(c)(9)

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

42. Under the APA, a court shall “hold unlawful and set aside agency action” that is an abuse of discretion. 5 U.S.C. § 706(2)(A).

43. An action is an abuse of discretion if the agency “entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).

44. To survive an APA challenge, the agency must articulate “a satisfactory explanation” for its action, “including a rational connection between the facts found and the choice made.” *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted).

45. By categorically revoking his release and transferring him away from the district without consideration of his individualized facts and circumstances, Respondents have violated the APA.

46. By detaining and transferring the Petitioner categorically, Respondents have further abused their discretion because there have been no changes to his facts or circumstances

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since the agency made its initial custody determinations that support the custody determination. On the contrary, Petitioner's application for asylum is currently pending and furthermore, he is now married to a US citizen and is eligible to adjust status to Legal Permanent Resident.

47. The government already considered Petitioner's facts and circumstances and determined that he was not a flight risk or danger to the community. There have been no changes to the facts that justify this revocation of his release on his own recognizance. The fact that Petitioner was paroled into the US under less favorable facts and circumstances shows that Respondents do not consider him, on an individualized basis, to be a danger to the community or a flight risk.

COUNT TWO
Violation of Fifth Amendment Right to Due Process
Procedural Due Process and Fourth Amendment

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

49. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits the federal government from depriving any person of "life, liberty, or property, without due process of law." U.S. Const. Amend. V. Due process protects "all 'persons' within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693; *accord Flores*, 507 U.S. at 306.

50. Due process requires that government action be rational and non-arbitrary. *See U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

51. While the government has discretion to detain individuals under 8 U.S.C. § 1226(a) and to revoke custody decisions under 8 U.S.C. § 1226(b), this discretion is not "unlimited" and must comport with constitutional due process. *See Zadvydas*, 533 U.S. at 698.

52. Here, Respondents have chosen to arrest Petitioner in an arbitrary manner and not based on a rational and individualized determination of whether he is a safety or flight risk,
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in violation of due process. Because no individualized custody revocation has been made and no circumstances have changed to make Petitioner a flight risk or a danger to the community, Respondents' change in custody decision violates his right to procedural due process.

53. Furthermore, Respondents' arrest is in violation of the Fourth Amendment as he was stopped while driving his car for no reason other than his appearance. He was stopped by ICE officers who did not know who he was when they pulled him over. They apparently were simply looking for "Hispanic looking people". In the recent Supreme Court decision *Noem v Vazquez Perdomo* 606 U.S. ____ (2025), Justice Kavanaugh states, "To be clear, apparent ethnicity alone cannot furnish reasonable suspicion". *Noem v. Vasquez Perdomo*, No. 25-169, PDF at 5 (Kavanaugh, J., concurring). No other factors in his case would constitute reasonable suspicion for a stop.

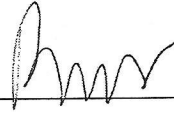
PRAYER FOR RELIEF

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

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this
Petition should not be granted within three days;
- (3) Declare that Petitioner's detention without an individualized determination
violates the Due Process Clause of the Fifth Amendment;
- (4) Declare that Petitioner's revocation of parole from custody was made in
violation of statute and regulation;
- (5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner
from custody;
- (6) Issue an Order prohibiting the Respondents from transferring Petitioner from
the district without the court's approval;

- (7) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (8) Grant any further relief this Court deems just and proper.

Dated: November 19, 2025.



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