

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
EASTERN DIVISION- RIVERSIDE

ISABO LABRADOR-PRATO,

Petitioner,

v.

KRISTI NOEM, in her official capacity as
Secretary of the Department of Homeland
Security; **PAMELA BONDI**, in her official
capacity as Attorney General of the United
States; **TODD LYONS**, in his official
capacity as Acting Director and Senior
Official Performing the Duties of the
Director of U.S. Immigration and Customs
Enforcement; **SERGIO ALBARRAN**, in his
official capacity as Field Office Director
for U.S. Immigration and Customs
Enforcement, Enforcement and Removal
Operations; **CHRISTOPHER CHESTNUT**,
in his official capacity as Warden of
California City Correctional Facility,

Respondents.

Case No. _____

**PETITION FOR WRIT OF
HABEAS CORPUS**

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

1. Petitioner, Isabo Grimanese Labrador-Prato, by and through undersigned counsel, Luis Angeles of Angeles Law LLC, respectfully petitions this Honorable Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 to challenge her ongoing and unlawful civil immigration detention by the United States Department of Homeland Security and its agents. Petitioner is currently confined at the California City Corrections Center in California City, California, in the custody of the facility's Warden.
2. On July 18, 2025, San Francisco Immigration and Customs Enforcement ("ICE") officers targeted and arrested Petitioner and took her into custody.
3. Petitioner is subject to pre-final order of removal detention under 8 U.S.C. § 1226(a). Noncitizens detained under section 1226(a) are subject to discretionary detention and can request a change in custody redetermination (i.e., bond hearing) with an Immigration Judge ("IJ"). However, on July 8, 2025, DHS issued an internal Interim Guidance ("Policy") that took the baseless position that—contrary to statutory principles and governing case law—noncitizens like Petitioner who entered the United States without permission or parole are subject to mandatory detention under 8 U.S.C. § 1225(b) instead of discretionary detention under section 1226(a). On September 5, 2025, the Board of Immigration Appeals ("BIA") issued a decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) that sided with DHS' position.
4. Since Petitioner entered the United States without permission or parole, she is subject to detention under 8 U.S.C. § 1226(a). Noncitizens detained under section 1226(a) are subject to discretionary detention and can file a request for a bond hearing with an Immigration Judge ("IJ"). However, DHS has adopted a new, baseless position claiming

1 that—contrary to statutory principles and governing case law—noncitizens like Petitioner
2 who entered the United States without permission or parole are actually subject to
3 mandatory detention under 8 U.S.C. § 1225(b) rather than § 1226(a).

4
5 5. Petitioner seeks immediate release, or in the alternative, an order directing Respondents to
6 provide her with a constitutionally adequate bond hearing before a neutral decisionmaker
7 with authority to grant release. On September 5, 2025, the Immigration Judge denied
8 jurisdiction to consider bond, concluding that Petitioner was subject to mandatory
9 detention under INA § 235(b) based on a finding that she was arrested shortly after
10 entering the United States without a warrant. The Immigration Judge relied on *Matter of*
11 *Q. Li*, 29 I. & N. Dec. 66 (BIA 2025), to hold that she was ineligible for bond, despite
12 Petitioner’s evidence and testimony disputing the underlying factual assumptions
13 regarding her apprehension and processing.
14

15 6. As a result of this jurisdictional denial, Petitioner now faces prolonged and potentially
16 indefinite detention without any meaningful opportunity for an individualized custody
17 review. Petitioner is actively pursuing asylum, withholding of removal, and protection
18 under the Convention Against Torture, and her next hearing in Immigration Court is
19 scheduled for January 16, 2026. Despite her ongoing litigation and eligibility for relief,
20 DHS continues to detain her without providing a mechanism for release or a hearing
21 before an Immigration Judge empowered to evaluate danger, flight risk, or alternatives to
22 detention.
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24 7. Petitioner’s continued detention without a bond hearing violates Petitioner’s Fifth
25 Amendment Due Process rights and the Immigration and Nationality Act (“INA”). DHS’
26 Policy has upended decades of DHS’ own interpretation of bond eligibility under sections
27 1226(a) and 1225(b). Nearly every district court that has addressed this issue (including at
28

1 least one in this district) has rejected DHS' unfounded position and granted habeas relief.
2 For the foregoing reasons, the Court should grant habeas relief and direct Respondents to
3 release Petitioner, or in the alternative promptly provide him with a constitutionally
4 adequate bond hearing § 1226(a) within seven days.
5

6 **FACTUAL BACKGROUND**

- 7 8. Petitioner Isabo Grimanesa Labrador-Prato is a 23-year-old woman and a citizen and
8 national of Venezuela. She fled the deteriorating political, social, and humanitarian
9 conditions in Venezuela and made the dangerous journey to the United States to seek
10 safety and protection. Petitioner does not have a criminal record, has no history of
11 violence or dangerous behavior, and has consistently demonstrated compliance with
12 immigration authorities throughout her detention.
13
14 9. Petitioner last entered the United States by crossing the Rio Grande near the southwest
15 border. According to the Form I-213 narrative prepared by Department of Homeland
16 Security officers, she was encountered by U.S. Border Patrol several hours after crossing
17 and subsequently transported for processing. Petitioner contested portions of the I-213 at
18 her bond hearing, explaining that she was not served with any warrant at the time of her
19 initial apprehension and was later issued immigration paperwork only after she had
20 already been transferred into ICE custody.
21
22 10. After being processed, Petitioner was placed in immigration proceedings under section
23 240 of the Immigration and Nationality Act. She was later transferred into the custody of
24 U.S. Immigration and Customs Enforcement and is currently detained at the California
25 City Correctional Center in California City, California.
26
27 11. On September 5, 2025, Petitioner appeared before the Adelanto Immigration Court for a
28 bond redetermination hearing. Through counsel, she argued that she had been arrested

1 pursuant to a Form I-200 warrant and placed in section 240 removal proceedings,
2 rendering her eligible for a custody redetermination under section 236(a) of the
3 Immigration and Nationality Act. She further presented testimony disputing the
4 government's claim that she was arrested "shortly after entry" without a warrant.
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6 12. Despite this, the Immigration Judge denied bond on purely jurisdictional grounds. Relying
7 on *Matter of Q. Li*, 29 I. & N. Dec. 66 (BIA 2025), the Immigration Judge concluded that
8 Petitioner remained subject to mandatory detention under section 235(b) based on the
9 government's assertion that her initial apprehension occurred "shortly after unlawful
10 entry," and that any subsequent service of a warrant did not alter her custody
11 classification. As a result, the Immigration Judge held that he had no authority to consider
12 bond or evaluate individualized factors such as danger, flight risk, or the viability of
13 alternatives to detention.
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15 13. Petitioner has no criminal history, no disciplinary infractions during her detention, and no
16 evidence suggesting she poses a danger to the community. She has demonstrated
17 consistent cooperation with immigration authorities and is pursuing her asylum,
18 withholding of removal, and Convention Against Torture claims in good faith. Her next
19 immigration court hearing is scheduled for January 16, 2026.
20

21 14. Because the Immigration Judge determined that she lacked jurisdiction to provide a bond
22 hearing, Petitioner now faces prolonged and potentially indefinite detention without any
23 mechanism for individualized custody review. She remains confined under restrictive,
24 penal-like conditions, despite having no criminal background, no history of absconding,
25 and a viable application for humanitarian protection.
26

27 15. Petitioner's ongoing detention—based solely on a contested jurisdictional classification
28 and without any opportunity for an individualized determination of her eligibility for

1 release—violates the Immigration and Nationality Act, the Due Process Clause of the
2 Fifth Amendment, and fundamental constitutional protections against arbitrary and
3 indefinite detention. Petitioner therefore seeks immediate judicial intervention to secure
4 her release or, in the alternative, a constitutionally adequate bond hearing before an
5 Immigration Judge with authority to consider all relevant factors and grant her release.
6

7 **JURISDICTION AND VENUE**

8 16. This action arises under the Constitution of the United States and the Immigration and
9 Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

10 17. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28
11 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States
12 Constitution (Suspension Clause).
13

14 18. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq.*,
15 the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28
16 U.S.C. § 1651.
17

18 19. Federal district courts have jurisdiction to hear habeas claims brought by noncitizens
19 challenging the lawfulness of their detention. *See Demore v. Kim*, 538 U.S. 510, 516–
20 17 (2003) (recognizing habeas jurisdiction over immigration detention challenges);
21 *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001) (same); *Soberanes v. Comfort*, 388 F.3d
22 1305, 1310 (10th Cir. 2004) (“Challenges to immigration detention are properly
23 brought directly through habeas.”).
24

25 20. No petition for a writ of habeas corpus has previously been filed in any court regarding
26 Petitioner

27 21. Venue is proper because Petitioner is detained at California City Corrections Center in
28 California City, California, California City, California, which is within the jurisdiction

1 of this District. Venue is also proper in this District because Respondents are officers,
2 employees, or agencies of the United States. *See* 28 U.S.C. §§ 1391(b) and (c)(1) see
3 also *United States v. Scott*, 803 F.2d 1095, 1096 (10th Cir. 1986) (“A § 2241 petition
4 for a writ of habeas corpus must be addressed to the federal district court in the district
5 where the prisoner is confined.”).

7
8 **PARTIES**

9 22. Petitioner Isabo Grimanese Labrador-Prato is a citizen and national of Venezuela who is
10 currently detained at the California City Correctional Center in California City, California.
11 She is held in the custody of the United States Department of Homeland Security and
12 brings this habeas petition to challenge the legality of her ongoing civil immigration
13 detention.

14 23. Respondent **Kristi Noem** is sued in her official capacity as the Secretary of the U.S.
15 Department of Homeland Security (“DHS”). In this capacity, Respondent is responsible
16 for the implementation and enforcement of the Immigration and Nationality Act, and
17 oversees U.S. Immigration and Customs Enforcement, the component agency responsible
18 for Petitioner’s detention and custody. Respondent is a legal custodian of Petitioner.

19 24. Respondent **Pamela Bondi** is sued in her official capacity as the Attorney General of the
20 United States and the senior official of the U.S. Department of Justice (DOJ). In that
21 capacity, she has the authority to adjudicate removal cases and to oversee the Executive
22 Office for Immigration Review (EOIR), which administers the immigration courts and the
23 BIA. Respondent is a legal custodian of Petitioner.
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1 25. Respondent **Todd Lyons** is sued in his official capacity as the Acting Director of the U.S.
2 Immigration and Customs Enforcement. Respondent is a legal custodian of Petitioner and
3 has authority to release him.

4 26. Respondent **SERGIO ALBARRAN**, Field Office Director of the USCIS Bakersfield, is
5 sued in his official capacity. This official exercises supervisory responsibility over
6 immigration functions relevant to Petitioner's detention and the processing of matters that
7 affect her custody and immigration status.

8 27. Respondent **CHRISTOPHER CHESTNUT**, Warden of the California City Correctional
9 Center, is Petitioner's immediate custodian. The Warden maintains direct physical
10 custody of Petitioner pursuant to the facility's contract with U.S. Immigration and
11 Customs Enforcement ("ICE") to detain noncitizens and is a legal custodian of Petitioner.
12 Respondent is a legal custodian of Petitioner.

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15 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**
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17 28. Petitioner has no administrative remedies to exhaust.

18 29. Petitioner's request for custody redetermination was denied due to a lack of jurisdiction.

19 30. As such, Petitioner's continued detention in ICE custody cannot be challenged by way of
20 bond proceedings before the Immigration Judge.

21 31. Therefore, a writ of habeas corpus is the sole avenue to vindicate his constitutional,
22 statutory, and regulatory rights and restore his liberty

23
24 **LEGAL FRAMEWORK**

25 32. The INA prescribes three basic forms of detention for noncitizens in removal
26 proceedings. First, 8 U.S.C. § 1226(a) authorizes the detention of noncitizens in
27 standard non-expedited removal proceedings before an IJ. *See* 8 § 1226(a); 8 U.S.C. §
28

1 1229a. Individuals in section 1226(a) detention are entitled to a bond hearing at the
2 outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who
3 have been arrested, charged with, or convicted of certain crimes are subject to
4 mandatory detention, *see* 8 U.S.C. § 1226(c).

5
6 33. Second, the INA provides for mandatory detention of noncitizens subject to expedited
7 removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission
8 referred to under 8 U.S.C. § 1225(b)(2).

9 34. Finally, the Act also provides for detention of noncitizens who have been previously
10 ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C.
11 § 1231(a)–(b).

12
13 35. The detention provisions at section 1226(a) and 1225(b)(2) were enacted as part of the
14 Illegal Immigration Reform and Immigrant Responsibility Act (“IIRIRA”) of 1996,
15 Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583,
16 3009–585. Section 1226(c) was most recently amended earlier this year by the LRA,
17 Pub. L. No. 119–1, 139 Stat. 3 (2025).

18 36. Following enactment of the IIRIRA, the Executive Office of Immigration Review
19 drafted new regulations explaining that, in general, people who entered the country
20 without inspection were not considered detained under section 1225 and that they were
21 instead detained under section 1226(a). *See* Inspection and Expedited Removal of
22 Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum
23 Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997). In the decades that followed,
24 most noncitizens who entered without inspection—unless they were subject to some
25 other detention authority—received bond hearings. This practice was also consistent
26 with the practice prior the enactment of the IIRIRA, in which noncitizens who were not
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1 deemed “arriving” were entitled to a custody hearing before an IJ or other hearing
2 officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229
3 (1996) (noting that section 1226(a) simply “restates” the detention authority previously
4 found at section 1252(a)).

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6 37. On July 8, 2025, DHS issued a memo to all employees of Immigration and Customs
7 Enforcement (“ICE”) stating that “[t]his message serves as notice that DHS, in
8 coordination with the Department of Justice (DOJ), has revisited its legal position on
9 detention and release authorities. DHS has determined that section 235 of the
10 Immigration and Nationality Act (INA) [8 U.S.C. § 1225], rather than section 236 [8
11 U.S.C. § 1226], is the applicable immigration detention authority for all applicants for
12 admission. The following interim guidance is intended to ensure immediate and
13 consistent application of the Department’s legal interpretation while additional
14 operational guidance is developed.” The memo further stated DHS’ new position with
15 regard to custody determinations as follows:
16

17 An “applicant for admission” is an alien present in the United States who has not
18 been admitted or who arrives in the United States, whether or not at a designated
19 port of arrival. INA § 235(a)(1). **Effective immediately, it is the position of DHS**
20 **that such aliens are subject to detention under INA § 235(b) and may not be**
21 **released from ICE custody except by INA § 212(d)(5) parole.** These aliens are
22 also ineligible for a custody redetermination hearing (“bond hearing”) before an
23 immigration judge and may not be released for the duration of their removal
24 proceedings absent a parole by DHS. For custody purposes, these aliens are now
25 treated in the same manner that “arriving aliens” have historically been treated.
26 **The only aliens eligible for a custody determination and release on**
recognizance, bond, or other conditions under INA § 236(a) during removal
proceedings are aliens admitted to the United States and chargeable with
deportability under INA § 237, with the exception of those subject to
mandatory detention under INA § 236(c).

27 Moving forward, ICE will not issue Form I-286, Notice of Custody
28 Determination, to applicants for admission because Form I-286 applies by its

1 terms only to custody determinations under INA § 236 and part 236 of Title 8
2 of the Code of Federal Regulations. With a limited exception for certain habeas
3 petitioners, on which the Office of the Principal Legal Advisor (OPLA) will
4 individually advise, if Enforcement and Removal Operations (ERO) previously
5 conducted a custody determination for an applicant for admission still detained
6 in ICE custody, ERO will affirmatively cancel the Form I-286. See
7 [https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-](https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission)
8 [for-applications-for-admission](https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission) (last accessed August 4, 2025) (emphasis
9 original).

10 38. As a result, DHS now considers *all* noncitizens who have entered the United States
11 without inspection and are subject to the grounds of inadmissibility, including long-
12 time U.S. residents, are now considered to be subject to mandatory detention under
13 section § 1225(b) and ineligible for release on bond. Conversely, according to DHS
14 “[t]he only aliens eligible for a custody determination and release on recognizance,
15 bond, or other conditions under INA § 236(a) [8 U.S.C. § 1226(a)] during removal
16 proceedings are aliens admitted to the United States and chargeable with deportability
17 under INA § 237, with the exception of those subject to mandatory detention under
18 INA § 236(c) [8 U.S.C. § 1226(c)].” *Id.*

19 39. On September 5, 2025, the BIA issued a precedential decision in *Matter of Yajure*
20 *Hurtado*, 29 I&N Dec. 216 (BIA 2025) holding that, based on the plain language of 8
21 U.S.C. § 1225(b)(2)(A), IJs lack authority to hear bond requests or to grant bond to
22 noncitizens who are present in the United States without admission.
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**COUNT I: UNLAWFUL DETENTION IN VIOLATION OF THE IMMIGRATION AND
NATIONALITY ACT (INA) AND IMPLEMENTING REGULATIONS**

40. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

41. The Immigration and Nationality Act authorizes immigration detention only when it serves a legitimate statutory purpose—namely, to ensure an individual’s appearance at future proceedings or to protect public safety. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Clark v. Martinez*, 543 U.S. 371, 381 (2005). Detention that does not advance those purposes, or that becomes arbitrary and indefinite, exceeds the government’s statutory authority.

42. Petitioner is a citizen and national of Venezuela who entered the United States seeking protection and was subsequently placed in removal proceedings under section 240 of the Immigration and Nationality Act.

43. Petitioner has no criminal history, no record of violence, and has never exhibited conduct suggesting danger to the community or risk of flight. Nothing in her immigration file indicates that she poses a threat to public safety or that she would fail to appear for her hearings if released.

44. Petitioner has been detained continuously since her transfer to ICE custody and is currently confined at the California City Correctional Center in California City, California.

45. On September 5, 2025, the Adelanto Immigration Court denied Petitioner’s request for bond solely on jurisdictional grounds, relying on *Matter of Q. Li*, 29 I. & N. Dec. 66 (BIA 2025), which held that individuals allegedly apprehended “shortly after entry” are subject to mandatory detention under section 235(b) of the INA.

1 46. The Immigration Judge did not consider any individualized custody factors and did not
2 evaluate Petitioner's lack of criminal history, her non-dangerousness, her cooperation with
3 immigration authorities, or the feasibility of alternatives to detention.

4 47. The jurisdictional denial leaves Petitioner with no administrative mechanism for custody
5 review, effectively subjecting her to prolonged and potentially indefinite detention without
6 any statutory pathway to request release.

7 48. The INA does not authorize indefinite detention of a noncitizen who has no final order of
8 removal, who poses no danger or flight risk, and who has not been afforded an
9 opportunity to present evidence regarding custody.

10 49. Petitioner's continued detention—without individualized assessment, without statutory
11 justification, and without any realistic prospect of removal in the reasonably foreseeable
12 future—exceeds the narrow detention authority granted by the INA and violates
13 controlling Supreme Court precedent limiting civil immigration detention to purposes
14 expressly authorized by Congress.

15 50. Accordingly, Petitioner's ongoing detention is unlawful under the Immigration and
16 Nationality Act, its implementing regulations, and established constitutional principles.
17 Petitioner respectfully requests that this Court order her immediate release or, in the
18 alternative, require the government to provide a constitutionally adequate custody hearing
19 before an Immigration Judge with authority to order her release on bond.

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24 **COUNT II: VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH**
25 **AMENDMENT TO THE U.S. CONSTITUTION**
26

27 51. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though
28 fully set forth herein.

1 52. The Fifth Amendment to the United States Constitution guarantees that no person shall be
2 deprived of liberty without due process of law. Noncitizens physically present in the
3 United States, even those who entered without inspection, are entitled to the protections of
4 procedural due process. See *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *Landon v.*
5 *Plasencia*, 459 U.S. 21, 32 (1982).
6

7 53. Petitioner is a citizen and national of Venezuela who entered the United States seeking
8 protection and was placed in removal proceedings under section 240 of the Immigration
9 and Nationality Act.

10 54. Petitioner has no criminal history, has not engaged in violence or dangerous behavior, and
11 has consistently cooperated with immigration authorities since her apprehension.
12

13 55. Petitioner has been detained continuously since being transferred into ICE custody and is
14 currently confined at the California City Correctional Center in California City,
15 California.

16 56. On September 5, 2025, Petitioner sought a bond redetermination before the Adelanto
17 Immigration Court. She provided evidence demonstrating her lack of danger, her
18 willingness to comply with immigration proceedings, and her eligibility for release.
19

20 57. The Immigration Judge denied bond solely on jurisdictional grounds, relying on *Matter of*
21 *Q. Li*, 29 I. & N. Dec. 66 (BIA 2025), and concluding that he lacked authority to conduct
22 any individualized custody assessment.

23 58. As a result, Petitioner has been categorically barred from receiving a hearing before a
24 neutral adjudicator to determine whether her detention is justified. She has been denied
25 the opportunity to present evidence, contest the government's assertions, or obtain a
26 meaningful review of her custody.
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1 59. Petitioner's detention has now become prolonged, with no statutory or administrative
2 mechanism available for individualized custody review. She faces ongoing incarceration
3 under penal-like conditions despite having no criminal background and pursuing her
4 asylum and protection claims in good faith.

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6 60. Immigration detention implicates a fundamental liberty interest. Prolonged detention
7 without a meaningful opportunity to challenge confinement violates the core due process
8 guarantees of notice, the right to be heard, and adjudication by a neutral decisionmaker.

9 61. The government's reliance on a categorical jurisdictional bar to deny Petitioner any
10 opportunity for individualized review contravenes these constitutional protections and
11 results in arbitrary, unjustified, and indefinite detention.

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13 62. Accordingly, Petitioner's continued incarceration without an individualized custody
14 determination violates the Due Process Clause of the Fifth Amendment. Habeas relief is
15 warranted to remedy these constitutional violations by ordering her immediate release or,
16 in the alternative, requiring a prompt and constitutionally adequate bond hearing before a
17 neutral adjudicator with authority to grant release.

18
19 **COUNT III: VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT –**
20 **ARBITRARY AND CAPRICIOUS AGENCY ACTION**
21

22 63. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though
23 fully set forth herein.

24 64. The Administrative Procedure Act (APA), 5 U.S.C. § 706(2), requires courts to hold
25 unlawful and set aside agency actions that are arbitrary, capricious, an abuse of discretion,
26 or otherwise not in accordance with law. Under this standard, an agency must articulate a
27 rational connection between the facts found and the choices made, and it must provide an
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adequate explanation for its actions consistent with statutory authority. See *Judulang v. Holder*, 565 U.S. 42, 55 (2011).

65. The Department of Homeland Security has acted arbitrarily and capriciously in continuing to detain Petitioner without any individualized justification. Petitioner has no criminal history, no record of violence or misconduct, and has consistently cooperated with immigration authorities. Nothing in her record establishes that she presents a danger to the community or a flight risk.

66. Despite these facts, DHS has maintained Petitioner's detention for an extended and potentially indefinite period without providing any reasoned explanation or evidence that continued confinement serves a legitimate statutory purpose. DHS has failed to articulate why release under supervision, bond, or other alternatives would be insufficient.

67. DHS's reliance on *Matter of Q. Li*, 29 I. & N. Dec. 66 (BIA 2025), to justify continued detention is arbitrary and contrary to law. *Q. Li* addresses the jurisdiction of Immigration Judges to conduct bond hearings for individuals allegedly apprehended shortly after entry. It does not compel DHS to detain such individuals indefinitely, nor does it eliminate DHS's longstanding discretionary authority to release noncitizens on parole, recognizance, supervision, or bond.

68. By treating *Q. Li* as an absolute bar to any form of custody review or discretionary release, DHS has effectively adopted a blanket detention policy that substitutes categorical rules for the individualized determinations required under the Immigration and Nationality Act.

69. DHS has not conducted any meaningful custody assessment of Petitioner, nor has it provided a rational explanation for refusing to exercise discretion in her case. Its failure to consider Petitioner's lack of criminal history, her cooperation with authorities, her pursuit

1 of asylum and protection, or her eligibility for alternatives to detention constitutes
2 arbitrary and capricious decision-making.

3 70. DHS's actions are inconsistent with the statutory purpose of civil immigration detention,
4 which is limited to ensuring appearance at future proceedings and protecting public safety.
5 Petitioner's continued confinement does not advance either purpose.
6

7 71. DHS has therefore acted in a manner that is arbitrary, capricious, an abuse of discretion,
8 and not in accordance with law. Its continued detention of Petitioner must be set aside
9 under 5 U.S.C. § 706(2)(A).
10

11 72. Habeas relief is warranted to remedy this unlawful agency conduct. Petitioner respectfully
12 requests that this Court order her immediate release or, in the alternative, direct DHS to
13 provide a constitutionally adequate and reasoned custody determination consistent with
14 the requirements of the Administrative Procedure Act and the Immigration and
15 Nationality Act.
16

17 **COUNT IV: VIOLATION OF THE EQUAL PROTECTION GUARANTEE OF THE**
18 **FIFTH AMENDMENT**
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20 73. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though
21 fully set forth herein.

22 74. The Due Process Clause of the Fifth Amendment contains an implicit guarantee of equal
23 protection that applies to all persons within the United States, including noncitizens
24 physically present, regardless of their immigration status. See *Reno v. Flores*, 507 U.S.
25 292, 302 (1993); *Plyler v. Doe*, 457 U.S. 202, 210 (1982). The government may not
26 selectively apply immigration laws or policies in a manner that discriminates against a
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1 particular nationality or class of individuals without a rational and legitimate
2 governmental purpose.

3 75. Petitioner is placed in removal proceedings under section 240 of the Immigration and
4 Nationality Act, a statutory framework under which noncitizens ordinarily receive an
5 individualized custody determination before an Immigration Judge pursuant to section
6 236(a).

7
8 76. Petitioner is a citizen and national of Venezuela who fled her country seeking protection.
9 She has no criminal history, no record of violence or dangerous behavior, and has
10 cooperated fully with immigration authorities since entering ICE custody.

11 77. Despite being similarly situated to other § 240 respondents, Petitioner has been
12 categorically denied access to any bond hearing based solely on DHS's assertion—drawn
13 from disputed factual allegations in the Form I-213—that she was apprehended “shortly
14 after entry,” resulting in her classification under section 235(b).

15
16 78. On September 5, 2025, the Immigration Judge denied jurisdiction to consider bond,
17 relying exclusively on *Matter of Q. Li*, 29 I. & N. Dec. 66 (BIA 2025). As applied, this
18 decision deprived Petitioner of a procedural safeguard routinely afforded to other
19 noncitizens in identical § 240 proceedings.

20
21 79. The government's treatment of Petitioner creates an unjustifiable disparity between her
22 and similarly situated detainees who receive individualized bond hearings. The Fifth
23 Amendment prohibits the government from treating similarly situated persons differently
24 without a rational basis. *Village of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000);
25 *Bolling v. Sharpe*, 347 U.S. 497, 499 (1954).

26 80. DHS's categorical reliance on section 235(b) to foreclose Petitioner's access to custody
27 review—despite her placement in § 240 proceedings and the service of a Form I-200
28

warrant—lacks a rational connection to any legitimate governmental purpose. Disparate treatment based solely on disputed and unreviewed facts regarding manner of entry is arbitrary and not rationally related to the goals of ensuring appearance or protecting public safety. See *Zadvydas*, 533 U.S. at 690 (civil detention must relate to its permissible purposes).

81. Moreover, the Ninth Circuit has recognized that immigration detention classifications must comport with basic fairness and may not be applied in an arbitrary or discriminatory manner. *Singh v. Holder*, 638 F.3d 1196, 1203–05 (9th Cir. 2011) (government must justify detention with individualized evidence); *Rodriguez v. Robbins*, 804 F.3d 1060, 1074–76 (9th Cir. 2015) (due process prohibits prolonged detention without meaningful review).

82. DHS has provided no individualized or rational explanation for why Petitioner, unlike others in the same statutory posture, is denied access to an individualized custody determination. This unequal treatment violates the equal protection component of the Fifth Amendment.

83. Petitioner’s continued incarceration under a discriminatory and arbitrary detention classification violates constitutional guarantees of equal protection and further underscores the unreasonableness and unlawfulness of her confinement.

84. Habeas relief is therefore warranted to remedy this unconstitutional disparate treatment by ordering Petitioner’s immediate release or, in the alternative, directing DHS to provide her with the same procedural protections and individualized custody review available to similarly situated noncitizens.

COUNT V: VIOLATION OF THE SUSPENSION CLAUSE OF THE UNITED STATES

CONSTITUTION

1 85. Petitioner re-alleges and incorporates by reference all preceding paragraphs as though
2 fully set forth herein.

3 86. The Suspension Clause of the United States Constitution provides that “[t]he Privilege of
4 the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or
5 Invasion the public Safety may require it.” U.S. Const. art. I, § 9, cl. 2. The Clause
6 guarantees the availability of judicial review to challenge the lawfulness of executive
7 detention. *Boumediene v. Bush*, 553 U.S. 723, 745–46 (2008); *INS v. St. Cyr*, 533 U.S.
8 289, 300–05 (2001).

9
10 87. Habeas corpus remains available to all persons in the United States who are detained by
11 executive authority, including noncitizens in civil immigration custody. The Supreme
12 Court has made clear that Congress may not eliminate all avenues of meaningful judicial
13 review of the legality of detention. *St. Cyr*, 533 U.S. at 305–06.

14
15 88. Petitioner is detained solely pursuant to civil immigration authority. She has no criminal
16 history, no record of violence, and is pursuing her asylum, withholding, and Convention
17 Against Torture claims in good faith.

18 89. The Immigration Judge has categorically denied jurisdiction to consider bond or any
19 individualized custody determination, relying on *Matter of Q. Li*, 29 I. & N. Dec. 66 (BIA
20 2025). This classification—based on disputed factual assertions regarding the
21 circumstances of Petitioner’s apprehension—forecloses access to the custody review
22 mechanism traditionally available to noncitizens in § 240 proceedings.

23
24 90. Because the Immigration Judge concluded that he lacked jurisdiction, Petitioner has no
25 administrative pathway to challenge the legality, length, or necessity of her detention. ICE
26 has likewise provided no discretionary parole review or case-specific custody assessment.
27
28

1 91. As a result, no alternative remedy exists outside of habeas corpus through which
2 Petitioner may obtain judicial review of the legality of her ongoing confinement. Neither
3 the Immigration Courts nor the Board of Immigration Appeals possess jurisdiction to
4 review custody challenges arising from DHS's mandatory-detention classification.
5

6 92. The Suspension Clause forbids the government from creating a detention scheme that
7 eliminates all meaningful opportunity for detainees to test the legality of their
8 confinement. *Boumediene*, 553 U.S. at 779 ("The writ must be effective."). Where no
9 adequate substitute exists, habeas review is constitutionally required. *St. Cyr*, 533 U.S. at
10 305.

11 93. Petitioner's detention, which is prolonged, indefinite, and wholly insulated from
12 individualized review, triggers the core protections of the Suspension Clause. Without
13 access to habeas relief, Petitioner would have no mechanism—judicial or administrative—
14 to contest the legality of her civil confinement.
15

16 94. The government's application of *Matter of Q. Li* to categorically bar all custody review,
17 therefore, violates the Suspension Clause by depriving Petitioner of an effective and
18 constitutionally required means to challenge unlawful detention.
19

20 95. Accordingly, habeas corpus relief is required. Petitioner respectfully requests that this
21 Court order her immediate release or, in the alternative, direct Respondents to provide her
22 with a prompt, meaningful, and individualized custody hearing before a neutral
23 adjudicator with authority to grant release.
24

25 **COUNT VI: Violation of The Accardi Doctrine with Respect To 8 C.F.R. § 287.8(C)(2)(i)**

26 **and (ii)**
27
28

1 96. Petitioner repeats and incorporates by reference each allegation contained in the preceding
2 paragraphs as if fully set forth herein.

3 97. The United States has also failed to follow immigration-specific arrest and processing
4 regulations. Regulations governing immigration enforcement require that warrantless
5 arrests conform to the standards in 8 C.F.R. § 287.8(c). Specifically, for any arrest,
6 immigration officers must have reason to believe that an individual committed an offense
7 against the United States or was present illegally. 8 C.F.R. § 287.8(c)(2)(i). And, for a
8 warrantless arrest, officers must also have reason to believe that an individual is “likely to
9 escape before a warrant can be obtained.” 8 C.F.R. § 287.8(c)(2)(ii).

10 98. At the time of the arrest and at all times since, Petitioner had a valid pending I-589 with
11 USCIS; she fled no authority; and she posed no danger to any person or to the community
12 at large. Therefore, Petitioner’s arrest and continued detention contravene regulations
13 governing immigration arrests in violation of the *Accardi* doctrine.
14

15
16 **PRAYER FOR RELIEF**

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

- 18 (1) Assume jurisdiction over this matter;
19
20 (2) Pursuant to 28 U.S.C. § 2243, issue an order to show cause directing Respondents to file a
21 return within three (3) days, absent good cause for a short extension not exceeding ten
22 days, and set the matter for a prompt hearing;
23
24 (3) Enjoin Respondents from transferring Petitioner during the pendency of the instant action;
25
26 (4) Declare that Petitioner’s continued detention violates the Immigration and Nationality
27 Act, 8 U.S.C. § 1226(a); the Administrative Procedure Act, 5 U.S.C. § 706(2)(A);
28 and/or the Due Process Clause of the Fifth Amendment to the U.S. Constitution;

- 1 (5) Grant the writ of habeas corpus and order Petitioner's immediate release from ICE
2 custody;
3 (6) In the alternative order, a constitutionally adequate bond hearing at which DHS bears the
4 burden of proving that Petitioner is a danger to the community or risk of flight, or other
5 reasonable conditions of supervision;
6 (7) Award Petitioner his costs and reasonable attorneys' fees pursuant to the Equal Access to
7 Justice Act, 28 U.S.C. § 2412, and any other applicable authority; and
8 (8) Grant any other further relief this Court deems just and proper.
9
10

11 Dated: November 19, 2025

Respectfully Submitted,

12 /S/ Cynthia Bautista

13 **Cynthia Bautista, Esq.** Bar N.
14 336327
15 Bautista Immigration Law, P.C.
16 505 Montgomery St, Fl 11
17 San Francisco, CA 94111
18 T: (415) 652-3827
19 cbautista@bautista-law.com
20 Attorney for Petitioner

21 /S/ Luis Angeles

22 **Luis Angeles, Esq.** Bar N. 0504207
23 Angeles Law LLC
24 2112 Broadway St NE STE 225 #53
25 Minneapolis, MN 55413
26 T: (321) 334-0568
27 Luis@abogadoangeles.com
28 Attorney for Petitioner
Pending Pro Hac Vice Admission

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EXHIBIT

EXHIBIT A	NTA RELEASE DOCS.	02 - 06
EXHIBIT B	2025 BOND ORDER	08 - 09
EXHIBIT C	USCIS ASYLUM RECEIPT	11
EXHIBIT D	USCIS BIOMETRICS	13
EXHIBIT E	I-213	15 - 17

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

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

Dated: November 19, 2025

/S/ Cynthia Bautista
Cynthia Bautista

/s/Luis Angeles
Luis Angeles

CERTIFICATE OF SERVICE

I hereby certify that on November 19, 2025, I filed the foregoing petition for Writ of Habeas Corpus electronically through the CM/ECF system, which caused all parties or counsel to be served by electronic means as more fully reflected on the Notice of Electronic Filing.

/S/ Cynthia Bautista
Cynthia Bautista

/s/Luis Angeles
Luis Angeles

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I (a) PLAINTIFFS

LABRADOR-PRATO

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address and Telephone Number)

SEE ATTACHED

DEFENDANTS

Noem et al. (SEE ATTACHED)

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN Eminent Domain Cases, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED

Attorneys (If known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "A" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business in This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business in Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 Title X (1995ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS - Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat. TV ☐ 850 Securities/Commodities' Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☒ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. § 2241

Brief description of cause:
NON-CITIZEN PENDING 1-589 CHALLENGING UNLAWFUL DETENTION

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions)

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

11/19/2025
FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG JUDGE

ATTACHMENT TO CIVIL COVER SHEET

LABRADOR-PRATO v. Noem et al.

I(c) – Attorneys for Plaintiffs:

Cynthia Bautista, Esq. Bar N. 336327

Bautista Immigration Law, P.C.

505 Montgomery St, Fl 11

San Francisco, CA 94111

T: (415) 652-3827

cbautista@bautista-law.com

Attorney for Petitioner

Luis Angeles, Esq. Bar N. 25-384

Angeles Law LLC

2112 Broadway St NE STE 225 #53

Minneapolis, MN 55413

T: (321) 334-0568

Luis@abogadoangeles.com

Attorney for Petitioner

Pending Pro Hac Vice Admission

I – Defendants: Kristi Noem, Secretary of the Department of Homeland Security; Pamela Bondi,

Attorney General of the United States; Todd Lyons, Acting Director and Senior Official

Performing the Duties of the Director of U.S. Immigration and Customs Enforcement; SERGIO

ALBARRAN, in his official capacity as Field Office Director for U.S. Immigration and Customs

Enforcement, Enforcement and Removal Operations; CHRISTOPHER CHESTNUT, in his

official capacity as Warden of California City Correctional Facility.