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12 **UNITED STATES DISTRICT COURT**
13 **EASTERN DISTRICT OF CALIFORNIA**
14 **FRESNO DIVISION**
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THANIA VALENTIN AMARILLO

Petitioner,

v.

Timothy S. ROBBINS, Field Office Director of the
Los Angeles Field Office of U.S. Immigration and
Customs enforcement; Todd M. LYONS, Acting
Director of U.S. Immigration and Customs
Enforcement; U.S. DEPARTMENT OF
HOMELAND SECURITY, Kristi NOEM,
Secretary of the U.S. Department of Homeland
Security, Christopher CHESTNUT, Warden,
California City Corrections Center, and Pamela
BONDI, Attorney General of the United States

Respondents,

Case No. 25-1146

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

IMMIGRATION HABEAS CASE

INTRODUCTION

1. Petitioner Thania Valentin Amarillo ("Petitioner") is an asylum seeker who fled Peru due to her active opposition to criminal groups with ties to the Peruvian government. After Petitioner arrived in the United States on April 28, 2024, federal agents detained her and took her to the Otay Mesa Immigration Process Center, in San Diego, California, where they determined that she was not a flight risk or danger to the community, and released her on April 29, 2024 on her own recognizance with a Notice to Appear for removal proceedings with the Immigration Court. Since then, Petitioner has done everything the government asked her to do, including complying with all terms of her monitoring program, which includes sending pictures of herself to ICE on a weekly basis, appear in person at ISAP on a monthly basis, present herself via video to ISAP officers whenever directed to, and maintain ICE informed of her whereabouts. In addition, Petitioner has no criminal history anywhere in the world. Until the time of her detention by Respondents, Petitioner already had prepared and filed her asylum application with supporting documents. She also appeared at two Master Calendar Hearings with the Van Nuys Immigration Court, which then scheduled an Individual Hearing for May 26, 2028.

2. Between the time of her release from ICE on April 29, 2024 and October 21, 2025, Respondent had sent numerous selfie-pictures and videos to ISAP, had presented herself in person at the ISAP office as scheduled, and she was aware about the need to update her address with ICE if she was to move to a new address. She was also fully aware of her scheduled visit on October 21, 2025 and also about her upcoming Individual Hearing with the Van Nuys Immigration Court on May 26, 2028. In regards to any violations of her monitoring program, Petitioner was only aware of one possible incident on August 29, 2025, where she was ten minutes late in regards to her video check-in with ISAP. Until the time of her arrest by ICE, Petitioner was unaware of any other acts or omissions by her which might constitute a violation of her monitoring program.

3. In addition, since her entry into the United States Petitioner has formed a relationship with Mr. Jose Ceja, a United States citizen. They started dating in July 2024 and in August 2025, Mr. Ceja asked for her hand in marriage. They had plans to move together to Mr. Ceja's home in December 2025 and get married in April 2026. As for her social life, Petitioner was attending classes at Bakersfield Adult

1 school, where she studied English. She also attended church at Our Lady of Guadalupe Catholic Church
2 with Mr. Ceja and his mother. Petitioner did not work due to the fact that immigration officials had
3 informed her she could only start working once she received an employment authorization document.
4 As a result, Mr. Ceja covered all of her expenses, including the rent for her room at 

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6 4. In the morning of October 21, 2025, Petitioner appeared as previously instructed at the ISAP
7 Field Office located at 2001 N. Chester Avenue, in Bakersfield, California, but she was promptly
8 arrested by ICE officers, who alleged she had missed an unspecified meeting. Petitioner asked for more
9 specific information, but the officers refused to provide any details about what they claimed to be the
10 violation. On the same day, Petitioner was transferred to the California City Detention Center, in
11 California City, California.

12 5. Before re-detaining her, Respondent did not provide Petitioner with any written notice
13 explaining the basis for the revocation of her release. Nor did they provide a hearing before a neutral
14 decisionmaker where ICE was required to justify the basis for re-detention or explain why Petitioner is a
15 flight risk or danger to the community.

16 6. A number of courts have held that due process demands such a hearing before the government 's
17 Decision to terminate a person's liberty. (See *E.A. T.-B. v. Wamsley*, --- F.Supp. 3d --- No. C25-1192-
18 KKE, 2025 WL 2402130 (W.D. Wash. Aug. 19, 2025.)

19 7. By failing to provide such a hearing, Respondents have violated Petitioner's constitutional right
20 to due process. Accordingly, this Court should grant the instant petition for a writ of habeas corpus and
21 order her immediate release. (See *Id.* at 6 *) (ordering immediate release because "a post-deprivation
22 hearing cannot serve as an adequate procedural safeguard because it is after the fact and cannot prevent
23 an erroneous deprivation of liberty.")

24 JURISDICTION AND VENUE

25 8. The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal question),
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28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201-02 (Declaratory Judgment Act), 28 U.S.C. § 2241 (habeas corpus), Article I, § 9, cl. 2 of the U.S. Constitution (the Suspension Clause), the Fourth and Fifth Amendments to the U.S. Constitution, and 5 U.S.C. §§ 701-706 (Administrative Procedure Act).

8. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(a) and 28 U.S.C. § 1391(b)(2) and (e)(1) because Petitioner is physically detained within this district.

REQUIREMENTS OF 28 U.S.C. § 2243

9. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the Respondents “forthwith,” unless 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.)

10. Habeas corpus is perhaps the most important writ known to the constitutional law... affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” (*Fay v. Noia*, 372 U.S. 391, 400 (1963).) “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” (*Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted); *see also Van Buskirk v. Wilkinson*, 216 F.2d 735, 737–38 (9th Cir. 1954) (Habeas corpus is “a speedy remedy, entitled by statute to special, preferential consideration to insure expeditious hearing and determination.”).

11. Petitioner is “in custody” for the purpose of 28 U.S.C. § 2241 because she is in Respondents’ custody at California City Corrections Center.

PARTIES

12. Petitioner is a 27-year-old asylum seeker from Peru. She has a pending case with the Adelanto Immigration Court¹, and has no criminal history. She is presently in civil immigration detention at the California City Correctional Center, in California City, California.

¹ Following her detention and transfer to the California City Detention Center, her case was transferred to the Adelanto Immigration Court. She has an individual hearing scheduled for December 9, 2025. Prior to that, she had a case with the Van Nuys Immigration Court.

1 13. Respondent Timothy S. Robbins is the Acting Field Office Director of the Los Angeles
2 ICE Field Office. In this capacity, he is responsible for the administration of immigration laws
3 and the execution of immigration enforcement and detention policy within ICE's Los Angeles
4 Area of Responsibility, including the detention of Petitioner. Respondent Robbins maintains an
5 office and regularly conducts business in this district. Respondent Robbins is sued in his official
6 capacity.

7 14. Respondent Todd M. Lyons is the Acting Director of ICE. As the Senior Official
8 Performing the Duties of the Director of ICE, he is responsible for the administration and
9 enforcement of the immigration laws of the United States; routinely transacts business in this
10 District; and is legally responsible for pursuing any effort to detain and remove the Petitioner.
11 Respondent Lyons is sued in his official capacity.

12 15. Respondent Kristi Noem is the Secretary of Homeland Security and has ultimate
13 authority over DHS. In that capacity and through her agents, Respondent Noem has broad authority
14 over and responsibility for the operation and enforcement of the immigration laws; routinely
15 transacts business in this District; and is legally responsible for pursuing any effort to detain and
16 remove the Petitioner. Respondent Noem is sued in her official capacity.

17 16. Respondent Christopher Chestnut is employed by the private corporation, CoreCivic, Inc., as the
18 Warden of the California City Corrections Center, where Petitioner is detained. He has immediate
19 physical custody of Petitioner. He is sued in his official capacity.

20 17. Respondent Department of Homeland Security (DHS) is the federal agency responsible for
21 implementing and enforcing the INA, including the detention and removal of noncitizens.

22 18. Respondent Pamela Bondi is the Attorney General of the United States and the most
23 senior official at the Department of Justice. In that capacity and through her agents, she is
24 responsible for overseeing the implementation and enforcement of the federal immigration laws.
25 The Attorney General delegates this responsibility to the Executive Office for Immigration
26 Review, which administers the immigration courts and the BIA. Respondent Bondi is sued in her official
27 capacity.

EXHAUSTION

18. There is no requirement to exhaust because no other forum exists in which Petitioner can raise the claims herein. There is no statutory exhaustion requirement prior to challenging the constitutionality of an arrest or detention, or challenging a policy under the Administrative Procedure Act. Prudential exhaustion is not required here because it would be futile, and Petitioner will “suffer irreparable harm if unable to secure immediate judicial consideration of [their] claim.” (*McCarthy v. Madigan*, 503 U.S. 140, 147 (1992).) Any further exhaustion requirements would be unreasonable.

FACTUAL BACKGROUND

19. Petitioner is a 27-year-old citizen and national of Peru.

20. Petitioner fled Peru to seek asylum and related protections from persecution and torture in the United States.

21. On or about April 28, 2024, Petitioner arrived in the United States to seek asylum. That same day, Respondents arrested and detained Petitioner. Petitioner was not provided with a Notice and Order of Expedited Removal, stating that pursuant to Section 235(b)(1) of the Immigration and Naturalization Act, Petitioner was inadmissible and therefore subject to removal. Instead, she was provided with a document known as an “A-File Jacket Starter.” The document indicated her processing priority was low, and that she had no criminal or prosecution history. In addition, the same document indicated that in regards to the Consequence Delivery System classification, Petitioner was receiving a classification of “further immigration review awaiting.” The same also did not indicate a prosecution charge under Sections 1325 or 1326.

22. In or around April 29, 2024, Respondent DHS paroled Petitioner from its custody into the United States under 8 U.S.C. § 1182(d)(5). As a condition of Petitioner’s release, she was required to enroll in the Intensive Supervision Appearance Program (ISAP), a program operated by a private contractor that ICE uses to monitor released noncitizens. DHS officials provided Petitioner with an Order of Release on Recognizance (Form I-220A), which stated that she was being released pursuant to

1 sections 236 of the Immigration and Naturalization Act. In addition, she was served with a Notice to
2 Appear.

3 23. On April 30, 2024, Respondents commenced removal proceedings under 8 U.S.C. § 1229a, at
4 the Van Nuys Immigration Court, in California.

5 24. Following commencement of removal proceedings, Petitioner actively worked on her case,
6 Petitioner appeared at Master Calendar hearings on December 9, 2024 and on April 29, 2025. She also
7 filed an asylum application on January 18, 2025, and the Van Nuys Immigration Court scheduled an
8 individual Hearing for May 26, 2028.

9 25. To the best of her knowledge, Petitioner complied with all ISAP requirements during the 16
10 months following her release. These requirements included weekly phone and video check-ins through
11 the ISAP mobile phone application (ISAP app). Petitioner submitted a photo via the app every time she
12 was instructed via text to do so. In regards to her in-person visits to ISAP, Petitioner was informed she
13 would need to appear in person at the ISAP office on a monthly basis. She was normally provided a 30-
14 day notice of her in-person visit date. Petitioner checked the ISAP app every day to ensure that she
15 complied with all requirements. Petitioner also knew she had to notify ISAP in case she changed
16 addresses. Since her release on April 29, 2024, Petitioner had always lived in Bakersfield, California.
17 She always kept ISAP informed about her address.

18 26. In the morning of October 21, 2025, Petitioner appeared for her monthly in-person check in at
19 the Bakersfield ISAP Field Office and presented herself to her monitoring officer. At the time of her
20 visit, Petitioner was not aware about any acts or omissions by her which might have been considered to
21 be a violation of her monitoring program. Nevertheless, she was promptly detained by ICE officers,
22 who alleged she had missed an unspecified visit. Petitioner asked for more specific information about
23 the alleged violation, but the officers refused to provide any details about what they claimed to be the
24 violation and proceeded with detaining her.

25 29. Prior to Petitioner's re-detention, she did not receive written notice of the reason for her re-
26 detention. The only information she was provided with was that she had missed her master calendar
27 hearing, which Petitioner vehemently denied.

1 30. Prior to Petitioner's re-detention, ICE did not provide notice of the revocation of her parole, as
2 required by 8 C.F.R. § 212.5(e)(2).

3 31. Prior to Petitioner's re-detention, she never received a hearing before a neutral decisionmaker to
4 determine if her re-detention is justified.

5 **LEGAL BACKGROUND**

6 32. Under current caselaw that governs the immigration court system, the mandatory detention
7 scheme under 8 U.S.C. § 1225(b)(1) applies to individuals who are placed in expedited removal
8 proceedings, pass a CFI, and are subsequently placed in removal proceedings. (See *Matter of M-S-*, 27 I.
9 & N. Dec. 509 (A.G. 2019).) Such individuals are subject to detention without any bond hearing until
10 the conclusion of their proceedings unless DHS releases them on parole. (See *Id.* at 510, 518–19.)

11 33. However, once released, due process requires that a person like Petitioner receives a hearing
12 before a neutral decisionmaker to determine whether any re-detention is justified, and whether the
13 person is a flight risk or danger to the community.

14 34. "Freedom from imprisonment—from government custody, detention, or other forms of physical
15 restraint—lies at the heart of the liberty protected by the Due Process Clause." (*Zadvydas v. Davis*, 533
16 U.S. 678, 690 (2001).) As a number of District Courts recently recognized, this is the "the most
17 elemental of liberty interests." *E.A. T.-B. v. Wamsley*, ___ F.Supp.3d ___, No. C25-1192-KKE, 2025 WL
18 2402130, at *3 (W.D. Was. Aug. 19, 2025).)

19 35. Consistent with this principle, individuals released on parole or other forms of conditional
20 release have a liberty interest in their "continued liberty." (*Morrissey v. Brewer*, 408 U.S. 471, 482
21 (1972).)

22 36. Such liberty is protected by the Fifth Amendment because, "although indeterminate, [it]
23 includes many of the core values of unqualified liberty," such as the ability to be gainfully employed and
24 live with family, "and its termination inflicts a 'grievous loss' on the [released individual] and often on
25 others." (*Id.*)

26 37. To guarantee against arbitrary re-detention and to guarantee the right to liberty, due process
27 requires "adequate procedural protections" that ensure the government's asserted justification for a
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1 noncitizen's physical confinement "outweighs the individual's constitutionally protected interest in
2 avoiding physical restraint." (*Zadvydas*, 533 U.S. at 690 (citation modified)).

3 38. Due process thus guarantees notice and an individualized hearing before a neutral
4 decisionmaker to assess danger or flight risk before the revocation of an individual's release. (*Goldberg*
5 *v. Kelly*, 397 U.S. 254, 267 (1970) ("The fundamental requisite of due process of law is the opportunity
6 to be heard . . . at a meaningful time in a meaningful manner." (citation modified)); *see also, e.g.,*
7 *Morrissey*, 408 U.S. at 485 (requiring "preliminary hearing to determine whether there is probable cause
8 or reasonable ground to believe that the arrested parolee has committed . . . a violation of parole
9 conditions" and that such determination be made "by someone not directly involved in the case"
10 (citation modified)).

11 39. Several courts, have recognized that these principles apply with respect to the re-detention of the
12 many noncitizens that DHS has recently begun taking back into custody, often after such persons have
13 been released for months and years.

14 40. For example, in *E.A. T.-B.*, the Federal Court for the Western District of Washington applied the
15 *Mathews v. Eldridge*, 424 U.S. 319 (1976), framework to hold that even in a case where the government
16 argued mandatory detention applied, a person's re-detention required a hearing.

17 41. In applying the three *Mathews* factors, the Court held that the petitioner had "undoubtedly
18 [been] deprive[d] . . . of an established interest in his liberty," (*E.A. T.-B.*, 2025 WL 2402130, at *3),
19 which, as noted, "is the most elemental of liberty interests," *id.* (citation modified). The Court further
20 explained that even if detention was mandatory, the risk of erroneous deprivation of liberty without a
21 hearing was high because a hearing serves to ensure that the purposes of detention—the prevention of
22 danger and flight risk—are properly served. (*Id.* at *4–5.) Finally, the Court explained that "the
23 Government's interest in re-detaining non-citizens previously released without a hearing is low:
24 although it would have required the expenditure of finite resources (money and time) to provide
25 Petitioner notice and hearing on [ISAP] violations before arresting and re-detaining him, those costs are
26 far outweighed by the risk of erroneous deprivation of the liberty interest at issue." (*Id.* at *5.) As a
27 result, this Court ordered the petitioner's immediate release. (*Id.* at *6.)

42. The decision in *E.A. T.-B.* is consistent with many other district court decisions addressing similar situations. (See, e.g. *Valdez v. Joyce*, No. 25 CIV. 4627 (GBD), 2025 WL 1707737 (S.D.N.Y. June 18, 2025) (ordering immediate release due to lack of pre-deprivation hearing); *Pinchi v. Noem*, --- F. Supp. 3d ---, No. 5:25-CV-05632-PCP, 2025 WL 2084921 (N.D. Cal. July 24, 2025) (similar); *Maklad v. Murray*, No. 1:25-CV-00946 JLT SAB, 2025 WL 2299376 (E.D. Cal. Aug. 8, 2025) (similar); *Garcia v. Andrews*, No. 1:25-CV-01006 JLT SAB, 2025 WL 2420068 (E.D. Cal. Aug. 21, 2025) (similar).

43. The same framework and principles apply here and compel Petitioner's immediate release.

CLAIM FOR RELIEF

Violation of Fifth Amendment Right to Due Process

Procedural Due Process

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

45. Due process does not permit the government to strip Petitioner of her liberty without written notice and a hearing before a neutral decisionmaker to determine whether re-detention is warranted based on danger or flight risk. (See *Morrissey*, 408 U.S. at 487–88.) Such written notice and a hearing must occur *prior* to any re-detention.

46. Respondents revoked Petitioner's release and deprived her of liberty without affording her any written notice or meaningful opportunity to be heard by a neutral decisionmaker prior to her re-detention.

47. Accordingly, Petitioner's re-detention violates the Due Process Clause of the Fifth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause within three days as to why this Petition should not be granted as required by 28 U.S.C. § 2243;
- (3) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from custody immediately and permanently enjoining her re-detention absent written notice and a hearing

1 prior to re-detention where Respondents must prove by clear and convincing evidence that he is
2 a flight risk or danger to the community and that no alternatives to detention would mitigate
3 those risks;

4 (4) Declare that Petitioner's detention without an individualized determination before a neutral
5 decisionmaker violates the Due Process Clause of the Fifth Amendment;

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

8 (6) Grant any further relief this Court deems just and proper.

9 Respectfully submitted,

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11 DATE: 11/24/2025

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