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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
8 FRESNO DIVISION

9 Cristian Amaya-Quinteros,

10 Petitioner,

11 v.

12 CORECIVIC, INC., a Maryland corporation,
13 operating the California City Detention
14 Facility; Kristi NOEM, Secretary of the
15 Department of Homeland Security; Pamela
16 BONDI, U.S. Attorney General; in their
17 official capacity; Moises BECERRA, in his
18 official capacity as Field Office of
19 Immigration and Customs Enforcement,
20 Enforcement and Removal Operations.

21 Respondents.

Case Number: 1:25-cv-01672-AC

**AMENDED VERIFIED PETITION FOR
WRIT OF HABEAS CORPUS AND
DECLARATORY AND INJUNCTIVE
RELIEF FOR AN ORDER TO SHOW
CAUSE**

INTRODUCTION

21 1. Petitioner is in regulatory limbo as he is currently being detained after his ultra vires
22 expedited removal proceedings that took four years to complete were vacated by an Immigration
23 Judge. 8 C.F.R. § 1208.30(g)(2)(iv)(B) [Outlining the process after an IJ vacates an expedited
24 removal order]

25
26 2. Petitioner has been incarcerated without legitimate charges from the outset of his
27 detention that occurred 16 days prior as any applicable ground of inadmissibility relating to his
28 entry to the United States has been deemed inapplicable by the United States Citizenship and

1 Immigration Service pursuant to a grant of Special Immigrant Juvenile Status ("SIJS"). 8 U.S.C.
2 § 1255(h) [Grounds of inadmissibility inapplicable due to parole after a grant of SIJS].

3
4 3. Petitioner has been detained for 7 days after the expedited removal proceedings were
5 vacated and DHS has not elected to: (1) serve him with a notice to appear for removal
6 proceedings before the Immigration Judge or (2) been given a notice from the United States
7 Citizenship and Immigration Service resuming his application for asylum pursuant to the
8 regulatory process. 8 C.F.R. § 1208.30(g)(2)(iv)(B).

9
10 4. The crux of this habeas corpus petition takes issue with the violation of the Attorney
11 General's detention procedures that are a result of Petitioner being detained without a warrant in
12 egregious violation of the Fourth Amendment to the United States Constitution as there are no
13 applicable charges of inadmissibility. *See INS v. Lopez-Mendoza*, 428 U.S. 1032, 1050-1051, fn.
14 5 (1983), 8 U.S.C. § 1226(a), 8 U.S.C. § 1255(h). Petitioner's November 24, 2025 detention was
15 unlawful from the outset. Petitioner was improperly classified as an "arriving alien" to complete
16 an abandoned expedited removal proceeding by USCIS summoning him to a credible fear
17 interview in San Francisco that should have been completed four years prior at the border.
18 Petitioner was detained without a warrant by DHS after a negative credible fear finding by the
19 Asylum Officer. DHS intended to hold Petitioner in detention to complete the review of the
20 credible fear process by the Immigration Judge and, presumably, effectuate his expedite removal
21 from the United States thereafter. The Immigration Judge vacated the AO's negative findings
22 and vacated the removal order. Now we are left with Petitioner being detained without an
23 applicable charge of inadmissibility.

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27 5. Petitioner was never supposed to be processed for expedited removal because he had
28 been present in the United States for four years and granted SIJS. Congress created SIJS to

1 protect vulnerable youth and that, by statute, places him on a clear path to lawful permanent
2 residency. After the Department of Homeland Security began the expedited removal process in
3 January 2022, the agency released him from custody under its discretionary authority under 236
4 of the Immigration and Nationality Act within days into the United States without completing his
5 credible fear interview and took no further action on the case for nearly four years. During that
6 time, Petitioner remained in the community, applied for asylum, obtained state-court findings of
7 abuse and abandonment, secured a guardian, and was granted SIJS classification and deferred
8 action by the United States Citizenship and Immigration Service. Despite all of this—and despite
9 the fact that SIJS status renders him paroled for adjustment and no longer inadmissible—DHS
10 suddenly re-detained him on November 24, 2025 without any lawful reason, explanation, or
11 statutory authority, based solely on a long-dormant expedited removal process that was
12 incomplete. DHS’s decision to notice him for a credible fear interview and, thereafter,
13 incarcerate a youth whom Congress has expressly placed on a path to permanent residency is
14 unauthorized, arbitrary, and directly contrary to the statutory protections afforded to SIJS
15 recipients.

19 6. Nothing in the Immigration and Nationality Act, its implementing regulations, or any
20 binding precedent authorizes DHS to continue expedited removal proceedings for years after
21 releasing a noncitizen from its discretionary custody, or to resurrect a long-abandoned credible
22 fear process nearly four years later. Credible fear screenings are required to occur promptly, and
23 expedited removal is—by design—supposed to be “expedited.” DHS’s decision to take no action
24 for almost four years, only to suddenly retake Petitioner into custody, undermines the purpose of
25 the expedited removal statute and infringes on Petitioner’s SIJS pathway to adjustment of status.
26 The INA provides no mechanism permitting DHS to place a noncitizen into years-long limbo
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1 and then detain him without a warrant pursuant to detention procedures for interior arrests. It is
2 especially egregious in this case where Petitioner has obtained an immigration benefit that will
3 lead to lawful permanent residence.
4

5 7. Compounding this unlawfulness, DHS's sudden detention of Petitioner directly
6 contradicts the protections Congress established for SIJS recipients under 8 U.S.C. § 1255(h). By
7 statute, SIJS beneficiaries are treated as paroled for purposes of adjustment, and several grounds
8 of inadmissibility—including the very provisions that originally triggered expedited removal—
9 no longer apply to them. DHS cannot lawfully argue that Petitioner is removable or that his
10 removal is reasonably foreseeable while the agency itself has granted him SIJS status and
11 deferred action that was later revoked after the filing of the initial habeas corpus petition.
12 Petitioner cannot obtain adjustment of status just yet because the Government has created a visa
13 backlog by capping availability. Detaining a youth whom Congress has expressly protected and
14 who is halfway through the adjustment process is not merely illogical—it is ultra vires.
15

16 8. DHS's abrupt decision to re-detain Petitioner without a warrant after nearly four years of
17 inaction where the charges of inadmissibility relating to his entry no longer applied violated his
18 right to due process. *See INS v. Lopez-Mendoza*, 428 U.S. 1032, 1050-1051, fn. 5 (1983) *Lopez-*
19 *Rodriguez v. Mukasey*, 536 F.3d 1012, 1018 (9th Cir. 2008); *Matter of Toro*, 17 I. & N. Dec.
20 340, 343 (1980); *Matter of Garcia*, 17I. & N. Dec. 319, 321 (1980); [Finding “egregious”
21 violations of the Fourth Amendment implicate the Due Process clause of the Fifth Amendment in
22 removal proceedings]. The DHS has authority to arrest and detain pending a decision on whether
23 the alien is to be removed, but only upon issuance of a a warrant issued by the Attorney General.
24 8 U.S.C. § 1226(a). Here, there was no warrant and his arrest was in egregious violation of the
25 Fourth Amendment as any charge of inadmissibility is inapplicable pursuant to 8 U.S.C. §
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1 1255(h). DHS's conduct effectively imposes indefinite detention on a youth whom Congress
2 intended to safeguard, not incarcerate. It is precisely the type of arbitrary and unauthorized
3 executive action that the Great Writ exists to prevent.
4

5 JURISDICTION

6 9. This action arises under the Constitution of the United States; Immigration and
7 Nationality Act of 1952 (INA) as amended at 8 U.S.C. §§ 1101, *et seq.*; and the William
8 Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA 2008), Public
9 Law 110-457, 112 Stat. 5044 (Dec. 23 2008), codified in relevant part at 8 U.S.C. §
10 1232(c)(2)(B).
11

12 This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28
13 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution
14 (Suspension Clause). Under 8 U.S.C. § 1252(e)(2), this Court has habeas authority to determine
15 whether Petitioner was ordered removed under 8 U.S.C. § 1225(b)(1).
16

17 10. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*,
18 the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C.
19 § 1651.
20

21 PARTIES

22 11. Petitioner is a native and citizen of El Salvador who was initially detained on November
23 21, 2021 and processed for expedited removal and referred for a credible fear interview two
24 months later on January 26, 2022. He was released from detention shortly thereafter for health
25 reasons on January 31, 2022. It is unknown whether there was a credible fear interview that had
26 occurred. While Petitioner was out of custody he affirmatively applied for asylum with USCIS
27 on June 6, 2022 and was granted special immigrant juvenile status on June 27, 2023. While
28

1 Petitioner was awaiting his eligibility date to file his adjustment of status, he was sent a letter
2 requesting his appearance at a credible fear interview set for November 24, 2025 at the San
3 Francisco Asylum Office. Petitioner was detained at his interview by Department of Homeland
4 Security officials and taken to California City Detention Facility. Petitioner's expedited removal
5 order was vacated by the Immigration Judge on December 3, 2025 and he has since been in
6 detention without any indication whether he will be processed for removal proceedings before an
7 IJ or permitted to attend an asylum interview with USCIS.
8

9
10 12. Respondent, CORECIVIC, INC. is a Maryland corporation that operates the California
11 City Detention Facility where Petitioner is currently located.

12 13. Respondent, Moises BECERRA, is the Field Office of Immigration and Customs
13 Enforcement Director of Enforcement and Removal Operations who exercises custody decisions
14 over Petitioner.
15

16 14. Defendant, Kristi NOEM is the Secretary of the Department of Homeland Security and
17 as such, is charged with the supervision, oversight, and direction of the DHS.

18 15. Defendant, Pamela BONDI, is the United States Attorney General and as
19 such is the official charged with the enforcement of the laws of the United States and the
20 official charged with the enforcement of the laws of the nation.
21

22 VENUE

23 16. Venue is proper because Petitioner is detained at California City Corrections Center,
24 located at 22844 Virginia Boulevard, in California City, California that is within the jurisdiction
25 of this District.
26

27 REQUIREMENTS OF 28 U.S.C. § 2243

28 17. The Court must grant the petition for writ of habeas corpus or issue an order to show

1 cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28
2 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a
3 return “within *three days* unless for good cause additional time, not exceeding twenty days, is
4 allowed.” *Id.* (emphasis added).
5

6 18. Courts have long recognized the significance of the habeas statute in protecting
7 individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most
8 important writ known to the constitutional law of England, affording as it does a *swift* and
9 imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391,
10 400 (1963) (emphasis added)
11

12 FACTS

13 19. On November 11, 2021, Petitioner was encountered by Department of Homeland
14 Security Officials in the locked cargo area of a U-Haul truck driven by a smuggler along
15 Highway 35 in Laredo, Texas. (See Exh. A.)
16

17 20. Petitioner was held for over two months until he was subsequently processed for
18 expedited removal on January 26, 2022. (See Exh. B.) He was ordered removed under Section
19 235(b)(1) of the Immigration and Nationality Act for a period of five years. (See Exh. C.)
20

21 21. The expedited removal order was not executed because, Petitioner expressed a fear of
22 being returned to El Salvador. Based on his redacted FOIA records, it appears he attended a
23 credible fear interview with the assistance of a Spanish interpreter before USCIS but the results
24 are unknown. (See Exh. D.)
25

26 22. The outcome of the credible fear interview is unknown due to redactions in Petitioner’s
27 records. A search of the EOIR automated system did not reveal any scheduled removal
28 proceedings before an Immigration Judge that would indicate a Notice to Appear had been issued

1 under Section 240 of the Act, suggesting a positive determination was recorded and that the prior
2 order was vacated. (See Exh. E.)

3
4 23. On January 31, 2022, five days after his expedited removal order was issued, Petitioner
5 was released into the United States by the DHS after being identified as having a chronic care
6 condition. (See Exh. F.)

7 24. On April 18, 2022, Petitioner applied for asylum with USCIS. (See Exh. G.)

8
9 25. On October 3, 2022, Petitioner submitted a petition for Special Immigrant Juvenile
10 (SIJS) findings and appointment of a guardian in the California Superior Court in Alameda
11 County. (See Exh. H.)

12 26. The California Superior Court subsequently granted the guardianship and SIJS petitions.
13 (See Exh. I.)

14
15 27. On October 22, 2022, Petitioner filed a Form I-360 petition for SIJS status with USCIS.
16 (See Exh. J.)

17 28. On June 27, 2023, Petitioner's SIJS application was granted, along with deferred action.¹
18 (See Exh. K.).

19
20 29. Currently, only SIJs with priority dates (approval dates) before July 1, 2020 may file for
21 adjustment of status to become lawful permanent residents.² (See Exh. L.).

22
23
24 ¹ USCIS, consistent with its discretionary authority to defer removal under Volume 6, Part J —
25 “Special Immigrant Juveniles,” Chapter 4, Part G.1 (“Prior Grants of SIJ Deferred Action”),
26 provides:

27 If USCIS previously granted deferred action to an alien with SIJ classification in the exercise of
28 discretion, the alien's deferred action remains valid for the authorized period, unless terminated
by USCIS on a case-by-case basis. USCIS will not consider requests for renewal of deferred
action for aliens with SIJ classification who remain ineligible to apply for adjustment of status
because an immigrant visa number is not immediately available.

² U.S. Department of State, Visa Bulletin, Number 8, Volume XI, Washington, D.C. found at
https://travel.state.gov/content/dam/visas/Bulletins/visabulletin_November2025.pdf

1 30. As of September 2025, there were over 242,689 individuals, including Petitioner, with
2 approved petitions waiting for visa availability.³

3 31. On November 12, 2025, Petitioner received a notice scheduling him for a credible fear
4 interview at the San Francisco Asylum Office. (See Exh. M.)

5 32. On November 24, 2025, Petitioner appeared for the scheduled credible fear interview.

6 33. Following the interview, Petitioner was detained by DHS officials and transferred to
7 California City Corrections Center, located at 22844 Virginia Boulevard, California City, CA
8 93505. (See Exh. N.)

9 34. The Immigration Judge vacated the Asylum Officer's negative credible fear finding and
10 vacated the expedited removal order. (See Exh. O.)

11 35. The USCIS decided to terminate Petitioner's deferred action granting him work
12 authorization despite finding his application still approved. (See Exh. P.)

13 36. On December 10, 2025, Petitioner moved the Immigration Court in Adelanto, California
14 for a bond redetermination hearing, but does not expect that it will be successful as undersigned
15 counsel has recently had an IJ deny a motion for bond redetermination based on their adherence
16 to the Board of Immigration Appeals decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216
17 (BIA 2025) and defiance to the U.S. District Court's decision in *Lazaro Maldonado Buatista, et*
18 *al v. Ernesto Santacruz, Jr., et al.*, 5:CV-01873-SSS-BFM (C.D. Cal.) (See Exh. Q "Motion for
19 Bond Redetermination" and Exh. R "Immigration Judge Decision Finding No Jurisdiction).
20 *Matter of Yajure Hurtado* deprives Immigration Judge's of jurisdiction to entertain bond
21 redetermination motions for any aliens present in the United States without admission – even
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28 ³ See USCIS Immigration and Citizenship Data, Form I-140, I-360, I-526, Approved Employment-Based Petitions Awaiting Visa Availability found at <https://www.uscis.gov/tools/reports-and-studies/immigration-and-citizenship-data>.

1 those who are detained pursuant to the discretionary procedures for interior arrests pursuant to 8
2 U.S.C. § 1226(a). *Matter of Yajure Huartado*, 29 I&N Dec. at 219-220.

3 37. Petitioner is being held in conditions that are inhumane and unjustified. (Exh. S
4 “Declaration”).

5
6 38. At bottom, Petitioner was unlawfully detained at the outset, has no current applicable
7 charge of inadmissibility, and is being held without bond for unknown reasons.

8 39. This amended writ petition followed.

9
10 **LEGAL FRAMEWORK**

11 Pursuant to 8 U.S.C. § 1226(a), on a warrant issued by the Attorney General, an alien
12 may be arrested and detained pending a decision on whether the alien is to be removed from the
13 United States. Section 1226(a) further provides:

14 Except as provided in subsection (c) and pending such decision,
15 the Attorney General--

16 (1) may continue to detain the arrested alien; and

17 (2) may release the alien on--

18 (A) bond of at least \$1,500 with security approved by, and
19 containing conditions prescribed by, the Attorney
20 General; or

21 (B) conditional parole; but

22 (3) may not provide the alien with work authorization
23 (including an “employment authorized” endorsement or
24 other appropriate work permit), unless the alien is
25 lawfully admitted for permanent residence or otherwise
26 would (without regard to removal proceedings) be
27 provided such authorization.

28 DHS and the IJs have elected to treat all who enter the United States without proper legal
documentation as arriving aliens for purposes of detention—effectively ignoring the distinction
between a person who enters the United States without inspection and a person who arrives at a
Port of Entry as an arriving alien. *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025);
“Interim Guidance Regarding Detention Authority for Applicants for Admission,” ICE
Memorandum (July 8, 2025). A U.S. District Court Judge has recently struck this practice down

1 and issued an Order for Summary Judgment, ruling specifically that this practice is unlawful.
2 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873- SSS-BFM, Documents 81, 82 (C.D.
3 Cal.).

4 Other U.S. District Court Judges have granted habeas corpus petitions where DHS has
5 detained noncitizens previously encountered at the border – some of whom were processed for
6 expedited removal and had those orders vacated by an immigration judge – when they were
7 arrested without a warrant in violation of the discretionary procedures laid out in 8 U.S.C. §
8 1226(a) for interior arrests. *Jimenez v. FCI Berlin Warden*, No. 25-cv-326-LM-AJ at *10-11
9 (SDNY Sept. 8, 2025); *Romero v. Hyde*, --- F.Supp. 3d ----, 2025 WL 2403827, at *8 (D. Mass.
10 Aug. 19, 2025); *Gomes v. Hyde*, No. 1:25-cv-11571-JEK, 2025 WL 1869299 at *5, *8 (D. Mass.
11 July 7, 2025).

12
13
14 Petitioner is also not inadmissible to the United States based on his SIJ status. The
15 William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No.
16 110-457, 122 Stat. 5044, 5074 (2008) was enacted “...to enhance the efforts of the United States
17 to prevent trafficking in persons, the Secretary of Homeland Security, in conjunction with the
18 Secretary of State, the Attorney General, and the Secretary of Health and Human Services, shall
19 develop policies and procedures to ensure that unaccompanied alien children in the United States
20 are safely repatriated to their country of nationality or of last habitual residence.” 8 U.S.C. §
21 1232(a)(1). The TVPRA amended section 245(h)(2)(A) of the Immigration and Nationality Act
22 (8 U.S.C. 1255(h)(2)(A) to allow youths granted special immigrant juvenile status who are
23 inadmissible due to certain immigration violations to apply for adjustment of status. Pub. L. No.
24 110-457, 122 Stat. 5044, 5080 (2008). Where an alien has been granted special immigrant
25 juvenile status by the USCIS, they are considered paroled for the purposes of adjustment of
26 status and paragraphs (6)(C), (6)(D), (7)(A), and (9)(B) of § 1182(a) do not apply as grounds of
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1 inadmissibility. 8 U.S.C. § 1255(h). To qualify for adjustment of status, the SIJ must have a visa
2 available to them. 8 U.S.C. § 1153(b)(4). Visas are limited to 7.1 percent of the worldwide level
3 to special immigrant juveniles. *Id.*

4
5 Adjustment of status is available only to noncitizens physically present in the United
6 States. *See* 8 U.S.C. § 1255(a); 8 U.S.C. § 245.2(a)(1); U.S. Citizenship & Immigr. Servs., Form
7 I-485 Instructions at 2 [You must be **physically present** in the United States to file this
8 application].

9
10 **CLAIMS FOR RELIEF**

11 **COUNT ONE**

12 **Violation of 8 U.S.C. § 1226(a)**

13 40. The allegations set forth in paragraphs 19 through 38 above are repeated and re-alleged
14 as though fully set forth herein.

15
16 41. Petitioner was detained without a warrant after four years of residence in the United
17 States and unlawfully placed in expedited removal proceedings to support the Government's
18 assertion that he was an "arriving alien" subject to detention under 8 U.S.C. § 1225. After the
19 Immigration Judge vacated expedited removal proceedings, Petitioner continues to be detained
20 and there has been no custody or bond determination. 8 C.F.R. § 1003.19(a); 8 C.F.R. part 1236.

21
22 **COUNT TWO**

23 **Violation of U.S. Const. amend. V**

24 42. The allegations set forth in paragraphs 19 through 38 above are repeated and re-alleged
25 as though fully set forth herein.

26
27 43. Petitioner was detained without a warrant after he was released pursuant to the Attorney
28 General's discretionary release procedures four years earlier. Petitioner was held without bond

1 pending reinitiated expedited removal proceedings despite no longer being an “applicant for
2 admission.” The DHS egregiously effected this detention in violation of the Fourth Amendment
3 knowing that Petitioner’s charges of inadmissibility were inapplicable based on a grant of SIJ
4 status. “Liberty under the Due Process Clause includes protection against unlawful or arbitrary
5 personal restraint or detention.” *Zadvydas v. Davis*, 533 U.S. 678, 718 (2001). The government
6 has also not demonstrated that removal is reasonably foreseeable because he has been granted
7 special immigrant juvenile status that makes inapplicable all grounds of inadmissibility relating
8 to expedited removal and paroles him for the purposes of adjustment of status.
9

10
11 44. Petitioner’s visa is caught up in the backlog of SIJ-based adjustment applications
12 currently at 242,689 as of the third quarter of 2025. Petitioner’s deferred action, SIJ status, and
13 visa backlog demonstrates that removal is not imminent if his adjustment of status application
14 were to be denied years from now. Continued detention in these circumstances is therefore
15 unreasonable.
16

17 45. For these reasons, continued detention under these circumstances is not justified.
18

19 COUNT THREE

20 Violation of 8 U.S.C. § 1255(h)(2)

21 46. The allegations set forth in paragraphs 19 through 38 above are repeated and re-alleged
22 as though fully set forth herein.

23 Petitioner has been granted special immigrant juvenile status and can be paroled for
24 adjustment of status because he is no longer inadmissible under (6)(C) or (7)(A), of section
25 1182(a). The Department of Homeland Security violated 8 U.S.C. § 1255(h)(2) by detaining him
26 even though his inadmissibility under (6)(C) or (7)(A), of section 1182(a) no longer apply. 8
27 U.S.C. § 1255(h)(2)(A).
28

1 47. Petitioner was also granted deferred action on June 27, 2023. Deferred action is a
2 discretionary, non-punitive form of relief that allows vulnerable minors to remain in the United
3 States while pursuing lawful status. USCIS policy explicitly recognizes that prior grants of
4 deferred action for SIJs remain valid for the authorized period, unless revoked on a case-by-case
5 basis, and that deferred action is intended to provide stability and protection for SIJs during
6 delays in the availability of immigrant visas (USCIS Policy Manual, Volume 6, Part J, Chapter 4,
7 Part G.1). The DHS violated Petitioner's grant of deferred action by revoking it solely because
8 he filed a habeas corpus petition and without a case-by-case analysis. This is retaliatory and
9 arbitrary.
10

11
12 48. The purpose of the William Wilberforce Trafficking Victims Protection Reauthorization
13 Act of 2008, Pub. L. No. 110-457, 122 Stat. 5044, 5074 (2008) was to enhance the efforts of the
14 United States to prevent trafficking in persons and provide minors granted special immigrant
15 juvenile status an opportunity to apply for adjustment of status while in the United States despite
16 previous immigration violations. Petitioner was encountered in the locked cargo area of a U-Haul
17 truck being driven by a smuggler. Petitioner was a trafficking victim and minor who the
18 California Superior Court found to be a special immigrant juvenile. The USCIS agreed with the
19 California Superior Court and granted him special immigrant juvenile status with deferred
20 action.
21

22
23 49. If Petitioner were removed to El Salvador, he would be unable to adjust his status from
24 abroad and it would be entirely within the discretion of the United States Government to parole
25 him into the country to apply for adjustment of status once his priority date comes up. This
26 practice by the Government would frustrate the purposes of the William Wilberforce Trafficking
27 Victims Protection Reauthorization Act of 2008 because the DHS could simply remove all
28

1 individuals granted special immigrant juvenile status who have previous immigration violations
2 and awaiting their priority date for adjustment of status. The Government could then exercise its
3 unreviewable discretion to deny them parole to complete the adjustment of status process in the
4 United States. 8 U.S.C. § 1252(a)(2)(B)(ii), INA § 212(d)(5)(A), 8 C.F.R. § 212.5(a).

5
6 50. For these reasons, continued detention under these circumstances is not justified.

7
8 **PRAYER FOR RELIEF**

9 **WHEREFORE**, Plaintiff's pray this Honorable Court and demands judgment against
10 defendants as follows:

11 Wherefore, Petitioner respectfully requests this Court to grant the following:

- 12 (1) Assume jurisdiction over this matter;
- 13 (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition
14 should not be granted within three days.
- 15 (3) Declare that Petitioner's detention violates the Due Process Clause of the Fifth
16 Amendment, 8 U.S.C. § 1226(a), and 8 U.S.C. § 1255(h).
- 17 (4) Issue a Writ of Habeas Corpus ordering Respondents release Petitioner immediately.
- 18 (5) Issue an order reinstating Petitioner's deferred action that was revoked without the
19 required case-by-case analysis.
- 20 (6) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on
21 any other basis justified under law; and
- 22 (7) Grant any further relief this Court deems just and proper.
- 23
24
25

26 Date: December 10, 2025

Respectfully Submitted,

27 /s/ Mario Salgado
28 Mario Salgado, Esq.

ATTORNEY VERIFICATION

I, Mario Salgado, Esq, authorized representative of Plaintiff, affirm under penalty of perjury that: The statement of facts contained in the Complaint are true to my knowledge based on the record before the USCIS and the Department of Homeland Security, except as to those matters that are stated in it on my information and belief, and as to those matters, I believe them to be true.

Date: December 10, 2025

Respectfully Submitted,

/s/ Mario Salgado
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