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UNITED STATES DISTRICT COURT
EASTERN DIVISION OF THE
CENTRAL DISTRICT OF CALIFORNIA

FREDDY EDILBERTO CABANILLA ARIAS, Petitioner, v. **Warden, Adelanto Detention Facility;** **Ernesto Santacruz, *Field Office Director, U.S. Immigration and Customs Enforcement;*** **Todd M. Lyons, *Acting Director, U.S. Immigration and Customs Enforcement;*** **Kristi Noem, *Secretary of United States Department of Homeland Security*** **Pam Bondi, *Attorney General of the United States,* in their official capacities,** Respondents.	Case No. 25-3228 **PETITION FOR WRIT OF HABEAS CORPUS** Expedited Hearing Requested

INTRODUCTION

1. PETITIONER/PLAINTIFF, Freddy Edilberto Cabanilla Arias ("Petitioner" or "Mr. Cabanilla"), by and through his undersigned counsel, hereby petitions this Honorable Court to issue a writ of habeas corpus to order his immediate release, or alternatively, a bond hearing be held for his release from continued detention in the custody of the United States Department of Homeland Security, Immigration and Customs Enforcement ("DHS-ICE")

as his continued detention is a violation of due process, and constitutes an unlawful detention. In support of this petition, the Petitioner states by and through counsel as follows:

JURISDICTION

2. This action arises under the Constitution, the Immigration & Nationality Act of 1990, as amended ("INA"), 8 U.S.C. §1101 et seq., and the Administrative Procedure Act ("APA"), 5 U.S.C. §701 et seq. This Court has habeas jurisdiction pursuant to 28 U.S.C. §2241, Art. 1, §9, Cl. 2 of the United States Constitution (the "Suspension Clause"); and the common law. This Court may also exercise jurisdiction pursuant to 28 U.S.C. §1331 and may grant relief pursuant to the Declaratory Judgment Act, 28 U.S.C. §2201 et seq., and the All Writs Act, 28 U.S.C. §1651.

3. On May 11, 2005, Congress passed the REAL ID Act of 2005, Pub. L. No. 109-13, 119 Stat. 231. The REAL ID Act divested federal district courts of jurisdiction to review final orders of deportation, exclusion, and/or removal. However, federal district courts still retain jurisdiction through habeas corpus over the detention of aliens through habeas corpus.

VENUE

4. The venue lies in the United States District Court for the Central District of California, Eastern Division, the judicial district of confinement, as the petitioner is physically being held in custody at the Adelanto Detention Facility located in Adelanto, CA. This is in accordance with the decision of the United States Supreme Court in *Rumsfeld v. Padilla*, 124 S.Ct. 2711, 2725 (2004) ("Whenever a §2241 habeas petitioner seeks to challenge his

present physical custody within the United States, he should name his warden as respondent and file the petition in the district of confinement").

REQUIREMENTS OF 28 U.S.C. § 2243

5. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause 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.* (emphasis added).

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

PARTIES

7. Petitioner, Freddy Edilberto Cabanilla Arias, is a native and citizen of Ecuador who has been held in continuing detention by DHS-ICE since October 27, 2025. He is currently detained at the Adelanto Detention Center in Adelanto, CA.

8. Respondent, Warden of the Adelanto Detention Facility, is sued in their official capacity. The warden has chief executive authority over the administration of the Adelanto Detention Facility. In this capacity, they have direct responsibility for the confinement of Freddy Edilberto Cabanilla Arias.

9. Respondent, Ernesto Santacruz, is sued in his official capacity as the Director of the Los Angeles Field Office of U.S. Immigration and Customs Enforcement. Respondent Santacruz is a legal custodian of Petitioner and has the authority to release him.

10. Respondent, Todd M. Lyons, is sued in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement. Respondent Lyons is a legal custodian of Petitioner and has the authority to release him.

11. Respondent, Kristi Noem, is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's continued detention. Respondent Noem is a legal custodian of Petitioner.

12. Respondent, Pam Bondi, is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, he has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

LEGAL FRAMEWORK

A. The Constitution Protects Noncitizens Like Petitioner from Arbitrary Arrest and Detention.

13. The Constitution establishes due process rights for "all 'persons' within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017) (*quoting Zadvydas*, 533 U.S. at 693 (2001)). These due process rights are both substantive and procedural.

14. First, "[t]he touchstone of due process is protection of the individual against arbitrary action of government," *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), including "the exercise of power without any reasonable justification in the service of a legitimate government objective," *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998).

15. These protections extend to noncitizens facing detention, as "[i]n our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception." *United States v. Salerno*, 481 U.S. 739, 755 (1987). Accordingly, "[f]reedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas*, 533 U.S. at 690.

16. Substantive due process thus requires that all forms of civil detention—including immigration detention—bear a "reasonable relation" to a non-punitive purpose. *See Jackson v. Indiana*, 406 U.S. 715, 738 (1972). The Supreme Court has recognized only two permissible non-punitive purposes for immigration detention: ensuring a noncitizen's appearance at immigration proceedings and preventing danger to the community. *Zadvydas*, 533 U.S. at 690–92; *see also Demore v. Kim*, 538 U.S. 510 at 519–20, 527–28, 31 (2003).

17. Second, the procedural component of the Due Process Clause prohibits the government from imposing even permissible physical restraints without adequate procedural safeguards. Generally, "the Constitution requires some kind of a hearing before the State deprives a person of liberty or property." *Zinermon v. Burch*, 494 U.S. 113, 127 (1990).

18. This is so even in cases where that freedom is lawfully revocable. *See Hurd v. D.C., Gov't*, 864 F.3d at 683 (*citing Young v. Harper*, 520 U.S. 143, 152 (1997) (re-detention after pre-

parole conditional supervision requires pre-deprivation hearing)); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973) (same, in probation context); *Morrissey v. Brewer*, 408 U.S. 471 (1972) (same, in parole context).

19. After an initial release from custody on conditions, even a person paroled following a conviction for a criminal offense for which they may lawfully have remained incarcerated has a protected liberty interest in that conditional release. *Morrissey* at 408 U.S. at 482. As the Supreme Court recognized, "[t]he parolee has relied on at least an implicit promise that parole will be revoked only if he fails to live up to the parole conditions." Id. "By whatever name, the liberty is valuable and must be seen within the protection of the [Constitution]." *Id.*

20. This reasoning applies with equal if not greater force to people released from civil immigration detention at the border, like Petitioner. After all, noncitizens living in the United States, like Petitioner, have a protected liberty interest in their ongoing freedom from confinement. *See Zadvydas*, 533 U.S. at 690. And, "[g]iven the civil context [of immigration detention], [the] liberty interest [of noncitizens released from custody] is arguably greater than the interest of parolees." *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019).

B. Due Process and the Immigration and Nationality Act Protect Noncitizens like Petitioner from Summary Removal Without a Hearing.

21. Deportation, like detention, constitutes a deprivation of liberty protected by the Due Process Clause. As the Supreme Court has held, a noncitizen's interest in deportation proceedings "is, without question, a weighty one" because "[s]he stands to lose the right 'to stay and live and work in this land of freedom.'" *Landon v. Plasencia*, 459 U.S. 21, 34 (1982) (*quoting Bridges v. Wixon*, 326 U.S. 135, 154 (1945)).First, "[t]he touchstone of

due process is protection of the individual against arbitrary action of government," Wolff v. McDonnell, 418 U.S. 539, 558 (1974), including "the exercise of power without any reasonable justification in the service of a legitimate government objective," Cnty. of Sacramento v. Lewis, 523 U.S. 833, 846 (1998).

22. Indeed, modern-day removal proceedings developed in response to a series of Supreme Court decisions recognizing that the deportation of noncitizens already in the United States without a hearing before a neutral arbiter would violate due process. *See Yamataya v. Fisher*, 189 U.S. 86, 101 (1903) (construing immigration statutes to require hearing before deportation to "bring them into harmony with the constitution"); *Wong Yang Sung v. McGrath*, 339 U.S. 33, 49, modified, 339 U.S. 908 (1950) (same, reasoning that "the difficulty with any argument premised on the proposition that the deportation statute does not require a hearing is that, without such hearing, there would be no constitutional authority for deportation").

23. Removal proceedings under 8 C.F.R. §1240 or Section 240 of the Immigration and Nationality Act ("Section 240" proceedings) accordingly provide important substantive and procedural protections.

24. Noncitizens in Section 240 proceedings, like Petitioner, when arrested, are entitled to a full hearing in immigration court before immigration authorities can remove them. 8 U.S.C. § 1229a.

25. They are statutorily afforded rights and procedural protections, including the right to be represented by counsel of their choice, and the right to present and confront evidence. *See id.* § 1229a (4).

26. They are also entitled to administrative appellate review at the Board of Immigration

Appeals and further judicial review in the federal Courts of Appeals. *See* 8 C.F.R. § 1003.1(b) (Board of Immigration Appeals); 8 U.S.C. § 1252(a)(5) (Courts of Appeals).

27. Alternatively, expedited removal is a form of summary removal historically applicable only to **recently-arrived** noncitizens that sharply limits the rights and process available in Section 240 proceedings. In contrast to Section 240 proceedings, expedited removal takes place almost entirely outside of immigration court: A person subject to expedited removal can be removed by an immigration officer "without further hearing or review." 8 U.S.C. § 1225(b)(1)(A)(i).

28. At this stage, the person is typically detained pursuant to 8 U.S.C. §1225(b)(2) and unable to access counsel. In effect, immigration enforcement agents from ICE or Border Patrol serve as judge, jury, and jailer; they detain the noncitizen, unilaterally determine whether they are subject to the expedited removal statute, and unilaterally order them removed. When a person in expedited removal expresses a fear of persecution or intent to seek asylum, the immigration officer refers the person to an asylum officer for a credible fear interview. 8 U.S.C. § 1225(b)(1)(A)(ii).

29. If the asylum officer finds that the person has a credible fear, they are permitted to seek to apply for asylum through Section 240 proceedings. *Id.* § 1225(b)(1)(B)(ii). However, when an asylum officer determines that someone has not established a credible fear, the officer must order them removed "without further hearing or review," subject to highly limited review by an immigration judge that the person "does not have a credible fear of persecution." *Id.* § 1225(b)(1)(B)(iii). Prior to May 15, 2025, ICE-DHS detained individuals like Petitioner who have been inside the United States for over 2 years as being detained, subject to 8 U.S.C. § 1226(a).

C. Recent Changes Depriving Individuals of an Individualized Bond Hearing.

30. The Board of Immigration Appeals, on May 15, 2025, decided the case of *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025). *Matter of Q. Li* held:

    a. "An applicant for admission who is arrested and detained without a warrant while arriving in the United States, whether or not at a port of entry, and subsequently placed in removal proceedings is detained under section 235(b) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1225(b) (2018), and is ineligible for any subsequent release on bond under section 236(a) of the INA, 8 U.S.C. § 1226(a) (2018).

    b. An alien detained under section 235(b) of the INA, 8 U.S.C. § 1225(b), who is released from detention pursuant to a grant of parole under section 212(d)(5)(A) of the INA, 8 U.S.C. § 1182(d)(5)(A) (2018), and whose grant of parole is subsequently terminated, is returned to custody under section 235(b) pending the completion of removal proceedings." *Matter of Q. Li.*, 29 I&N Dec. 66 (BIA 2025).

31. Although Petitioner was present and residing in the United States for several years at the time of his immigration arrest, he was subjected to a new DHS policy issued on July 8, 2025 that instructs all ICE employees to consider anyone arrested within the United States and charged with being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) to be an "applicant for admission" under 8 U.S.C. § 1225(b)(2)(A) and therefore subject to mandatory detention. **See Exhibit A, "Interim Guidance Regarding Detention Authority for Applicants for Admission", ICE, July 8, 2025.**

32. Petitioner sought a bond redetermination hearing before an Immigration Judge ("IJ"), but on November 13, 2025, the IJ denied bond. **See Exhibit B, Immigration Judge Bond**

Decision. The IJ based this decision on the same legal analysis as DHS. Indeed, the DHS policy states it was issued "in coordination with the Department of Justice (DOJ)." The IJ concluded that, notwithstanding Petitioner's over 2 years of residing in the United States, he is nevertheless an "applicant for admission" who is "seeking admission" and subject to mandatory detention under § 1225(b)(2)(A), and therefore the Immigration Judge had no jurisdiction.

33. As a result of these changes, individuals who are not flight risks nor dangerous to society are being detained in civil detention without any notice of why they are being detained and an opportunity to present evidence. Similarly, IJs are bound by the BIA's decision, however incorrect finding, that individuals like Petitioner are being detained pursuant to § 1225(b)(2)(A).

STATEMENT OF FACTS

34. Mr. Cabanilla, a 40-year-old native and citizen of Ecuador, entered the United States on December 9, 2022, and was detained by ICE. He was then released on parole pursuant to 8 U.S.C.§ 212 (d)(5) and was charged under 8 U.S.C. § 212 (a)(7)(A)(i)(I).

35. Mr. Cabanilla was instructed to appear for a check-in at the ICE Non-Detained Unit. He was scheduled for an appointment with an ICE officer on October 27, 2025, the same day he was re-detained. Accordingly, from December 9, 2022, until October 27, 2025, for over 2 years, Petitioner lived and worked in the United States and built ties to the United States. At the time he was detained, Mr. Cabanilla was issued a warrant for arrest, Form I-200, indicating he is being detained pursuant to 8 U.S.C. § 1226(a). **See Exhibit E: Form I-200**. Without explanation, DHS and DOJ considered him detained pursuant to 8 U.S.C. § 1225(a).

36. Between the time of his parole and his re-detention, Mr. Cabanilla applied for Asylum, was granted a work permit, and was lawfully and gainfully employed. He has no criminal arrests or convictions that he is aware of. After being detained, he was issued a Notice to Appear, placing him in Section 240 Proceedings before the Adelanto Immigration Court. His Section 240 Proceedings began on October 27, 2025, more than 2 and a half years after his entry into the United States. **See Exhibit C: Notice to Appear.**

37. On November 25, 2025, Mr. Cabanilla had a hearing before the Immigration Judge who held that he did not have jurisdiction to grant a bond in Petitioner's case pursuant to *Matter of Q. Li.*, 29 I&N Dec. 66 (BIA 2025). **See Exhibit B: Immigration Judge Bond Decision.**

38. To this date, Mr. Cabanilla has been detained for over 40 days pending removal proceedings and will remain detained and separated from his family for months or even years. His next hearing before the Immigration Judge is a Master Calendar hearing (preliminary) scheduled for December 8, 2025.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process (Substantive Due Process—Detention)

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

40. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits the federal government from depriving any person of "life, liberty, or property, without due process of law." U.S. Const. Amend. V. Due process protects "all 'persons' within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas,* 533 U.S. at 693. Immigration detention is constitutionally permissible only when it furthers the government's legitimate goals of ensuring the noncitizen's appearance during removal proceedings and preventing danger to the community. *See id.*

41. Here, the Petitioner was released for almost 3 years, resided with his family in Los Angeles, CA, was gainfully employed, and had developed strong ties to the community in Los Angeles. They have a stable home and have not committed any crimes.

42. Additionally, he filed his Asylum applications alleging a fear of returning to his country and has been waiting for an Asylum hearing date since filing. Though he attempted to comply with U.S. law and ICE's requirements to check in, he was re-detained on October 27, 2025, without any explanation for why.

43. When he was detained, he was not provided any form of notice or an opportunity to rebut. Such a deprivation of liberty without any allegation of wrongdoing, proof provided to him of changed circumstances in his individual case, or an opportunity to provide evidence of innocence is irrational and arbitrary.

44. Moreover, Petitioner's detention is punitive as it bears no "reasonable relation" to any legitimate government purpose. *Id.* (finding immigration detention is civil and thus ostensibly "nonpunitive in purpose and effect"). Here, the purpose of Petitioner's detention appears to be "not to facilitate deportation, or to protect against risk of flight or dangerousness, but to incarcerate for other reasons"—namely, to meet newly-imposed DHS quotas and transfer immigration court venue to an expedited docket. *Demore*, 538 U.S. at 532–33 (Kennedy, J., concurring).

45. Because Petitioner's detention has no reasonable relation to his being a flight risk nor a danger to society, his continued confinement violates the Fifth Amendment.

COUNT TWO

Violation of Fifth Amendment Right to Due Process (Procedural Due Process – Detention)

46. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Petition as if fully set forth herein.

47. As part of the liberty protected by the Due Process Clause, Petitioner has a weighty liberty interest in avoiding reincarceration after her release. *See Young v. Harper*, 520 U.S. 143, 146–47 (1997); *Gagnon v. Scarpelli*, 411 U.S. 778, 781–82 (1973); *Morrissey v. Brewer*, 408 U.S. 471, 482–83 (1972); *see also Ortega*, 415 F. Supp. 3d at 969–70 (holding that a noncitizen has a protected liberty interest in remaining out of custody following an IJ's bond determination).

48. Accordingly, "[i]n the context of immigration detention, it is well-settled that due process requires adequate procedural protections to ensure that the government's asserted justification for physical confinement outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Hernandez*, 872 F.3d at 990; *Zinermon*, 494 U.S. at 127 (Generally, "the Constitution requires some kind of a hearing before the State deprives a person of liberty or property."). In the immigration context, for such hearings to comply with due process, the government must bear the burden to demonstrate, by clear and convincing evidence, that the noncitizen poses a flight risk or danger to the community. *See Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011); *see also Martinez v. Clark*, 124 F.4th 775, 785, 786 (9th Cir. 2024). In *Matthews v. Eldridge*, 424 U.S. 319 (1976), the Supreme Court set out a three-part balancing test for when due process was violated.

49. Under *Matthews*, the court weighs three factors: (1) "the private interest that will be affected by the official action"; (2) "the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards"; and (3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." *Id* at 335.

50. Private Interest

a. Petitioner's private interest has been affected by the government action. Petitioner's re-detention without a pre-deprivation hearing violated due process. Over two years after deciding to release Petitioner from custody on his own recognizance, Respondents re-detained Petitioner with no notice, no explanation of the justification for his re-detention, and no opportunity to contest his re-detention before a neutral adjudicator before being taken into custody. In fact, he sought a bond hearing before a neutral arbiter, and the Immigration Judge did not provide an individualized analysis of his case; instead, he denied the bond on jurisdictional grounds.

51. The Risk of Erroneous Deprivation

a. There is a likelihood of an erroneous outcome under the current procedures, which would negatively affect the Petitioner, as he has a profound personal interest in his liberty. Petitioner has family and community ties that he is now being deprived of. He also poses no danger or risk to his community and is not at flight risk. Petitioner has been detained without any individualized hearing for over 40 days. Because he received no procedural protections, the risk of erroneous deprivation is high.

52. Government's Interest

a. The government has no legitimate interest in detaining Petitioner without a hearing; bond hearings are conducted as a matter of course in immigration proceedings, and nothing in Petitioner's record suggested that he would abscond or endanger the community before a bond hearing could be carried out. *See, e.g.*, *Jorge M.F. v. Wilkinson*, 2021 WL 783561, at 3 (N.D. Cal. Mar. 1, 2021); *Vargas v. Jennings*,

2020 WL 5074312, at 3 (N.D. Cal. Aug. 23, 2020) ("the government's concern that delay in scheduling a hearing could exacerbate flight risk or danger is unsubstantiated in light of petitioner's strong family ties and his continued employment during the pandemic as an essential agricultural worker"). There is no indication that Petitioner is a flight risk or danger to his community. As a result, Respondent's failure to provide an opportunity to prove he is not a flight risk or a danger violated his due process rights afforded to him by the Constitution.

COUNT THREE

Violation of the Administrative Procedure Act, 5 U.S.C. §§ 702, 706 (Dismissal/Expedited Removal)

53. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Petition as if fully set forth herein.

54. Under the arbitrary and capricious standard, a reviewing court must consider whether an agency's decision was based on a consideration of the relevant factors and whether there has been a clear error of judgment. *See* Envtl. Def. Ctr., Inc. v. U.S. E.P.A., 344 F.3d 832, 858 n.36 (9th Cir. 2003). The APA provides a cause of action to anyone "suffering legal wrong because of agency action." 5 U.S.C. §702 ("A person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of relevant statute, is entitled to judicial review thereof.").

55. Agency action must be set aside if the action was "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law" or if the action failed to meet statutory, procedural, or constitutional requirements. *Citizens to Preserve Overton Park v. Volpe.* 401 U.S. 402(1971). "Unsubstantiated" or "bare assumptions" will not be credited. *NRDC* 2017, 857 F.3d at 1038, 1042; *see also Nat'l Parks Conservation Ass'n v. U.S. EPA*, 788

F.3d 1134, 1143 (9th Cir. 2015) ("[U]nexplained assertions . . . unsupported by any explained reasoning" were "arbitrary and capricious"); *Greater Yellowstone Coal., Inc. v. Servheen*, 665 F.3d 1015, 1020 (9th Cir. 2011) (requiring agency to "articulate a rational connection between the data in the record and its determination").

56. Here, Petitioner was initially determined to not be a danger nor a flight risk, granted parole, and allowed to create family and community ties to the U.S. in the Los Angeles area. He complied with his ICE check-in requirements and even applied for relief in the form of Asylum affirmatively with USCIS. His civil detention should have only occurred if he was a flight risk, or a danger to society. There are no claims that he is a flight risk, nor a danger by ICE, but instead he was taken into detention without any reason and presumptively to meet ICE detention quotas. **See Exhibit D: Form I-213.** Additionally, he was issued a warrant of arrest, Form I-200, indicating detention pursuant to 8 U.S.C. §1226(a), but DHS claims detention under 8 U.S.C. §1225(b)(2) without explanation.

57. As his detention has no relationship to his risk of flight nor his dangerousness, continued detention by ICE without an individualized bond hearing is arbitrary, capricious, and an abuse of discretion.

PRAYER FOR RELIEF

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

(1) Assume jurisdiction over this matter;

(2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;

(3) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment;

(4) Order a bond hearing to be held within 7 days of this order, where the Government bears the burden of proof to show, by "clear and convincing evidence," that Mr. Osorio is either a flight risk or a danger to the community;

(5) Alternatively, Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from custody;

(6) Issue an Order prohibiting the Respondents from transferring Petitioner from the district without the court's approval;

(7) Enjoin Respondents from re-detaining Petitioner unless his re-detention is ordered at a custody hearing before a neutral arbiter in which the government bears the burden of proving, by clear and convincing evidence, that Petitioner is a flight risk or danger to the community;

(8) Order that Respondents may not place Petitioner in expedited removal proceedings or remove Petitioner except based on a final, executable removal order issued through Section 240 removal proceedings; and

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

Respectfully submitted,
Freddy Edilberto Cabanilla Arias
By his attorney:

Dated: 12/02/2025 Signed: /s/ Mitchell H. Shen

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VERIFICATION OF COMPLAINT

I, Mitchell H. Shen, Esq., state under penalty of perjury that I am the attorney for the Petitioner, Freddy Edilberto Cabanilla Arias, in the foregoing petition, and declare the facts alleged here to be true, except those made on information and belief, which I believe to be true, and further state that the sources of my information and belief are documents and information provided to me by the Petitioner and his associates and family members.

Los Angeles, CA

Dated: 12/02/2025

Signed: /s/ Mitchell H. Shen

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via Certified Mail / Return Receipt to:

United States Attorney's Office
312 N. Spring St.,
Los Angeles, CA 90012;

Warden, Adelanto Service Processing Center
10400 Rancho Road,
Adelanto, CA 92301

Ernesto Santacruz, Field Office Director
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10250 Rancho Road
Suite 201A
Adelanto, CA 92301

Todd M. Lyons, Acting Director
U.S. Immigration and Customs Enforcement (ICE)
500 12th St SW
Washington, DC 20536

Kristi Noem, Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Pam Bondi, Attorney General of the United States
950 Pennsylvania Ave., N.W. Room 45-45
Washington, DC 20530-0001; upon the date given below.

Date: 12/02/2025

Signature: /s/ Mitchell H. Shen

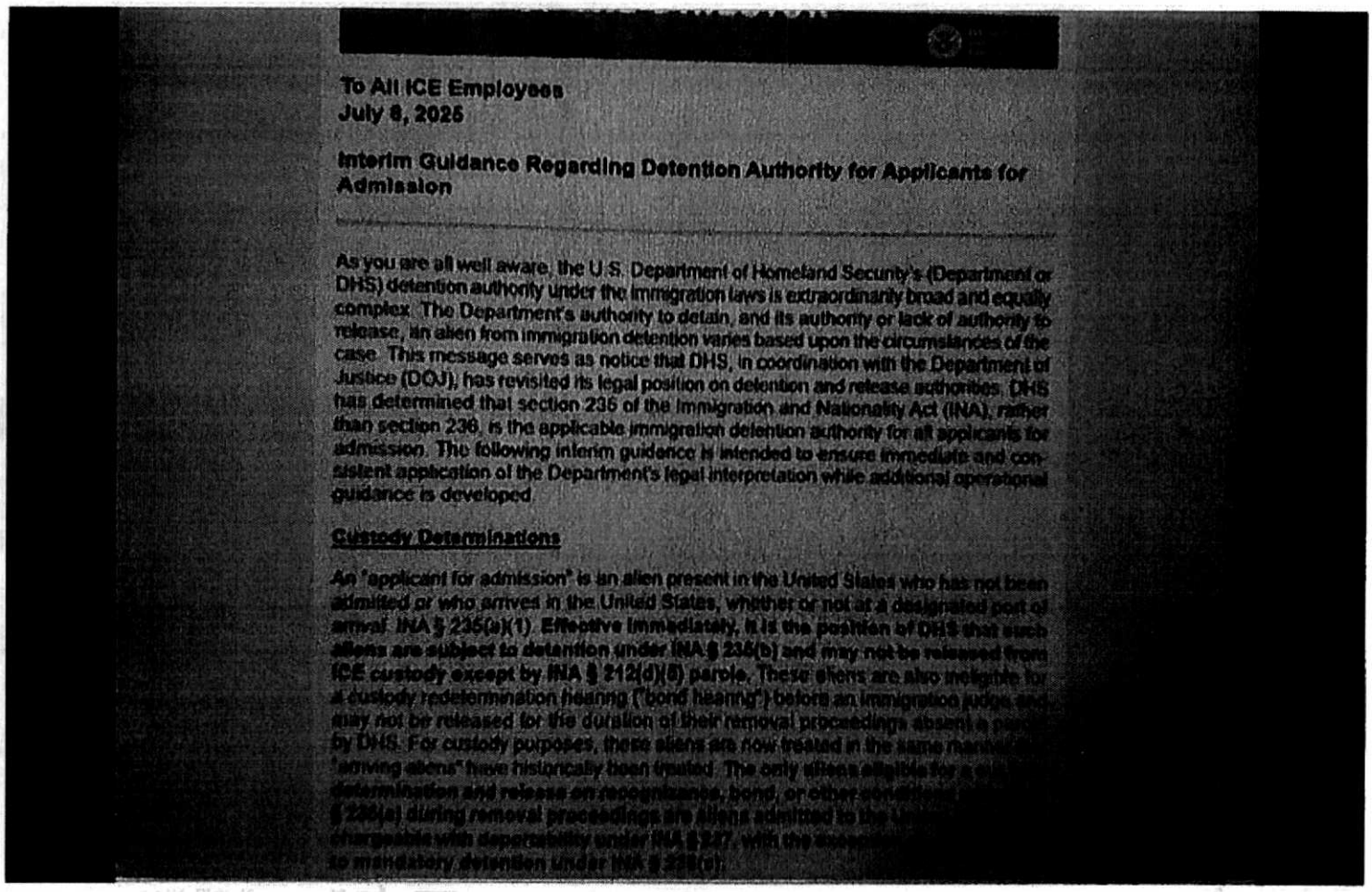
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PETITION FOR WRIT OF HABEAS CORPUS
FREDDY EDILBERTO CABANILLA ARIAS

Exhibit	Document
A.	Interim Guidance Regarding Detention Authority for Applicants for Admission", ICE, July 8, 2025.....1-2
B.	Immigration Judge Bond Decision.....3-4
C.	Petitioner's Notice to Appear.....5-8
D.	Petitioner's Form I-213.....9-11
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PETITION FOR WRIT OF HABEAS CORPUS
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EXHIBIT A



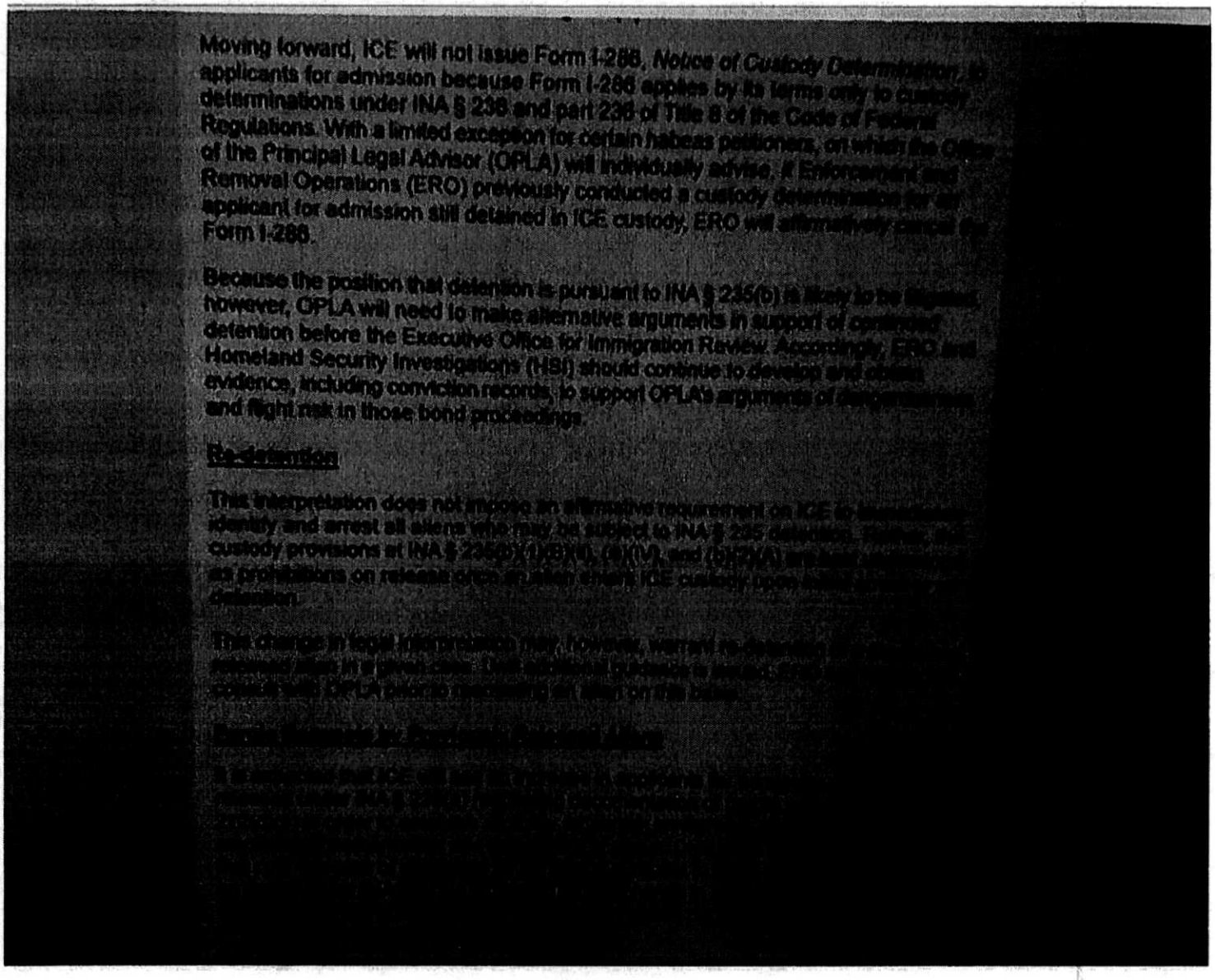
To All ICE Employees
July 8, 2025

Interim Guidance Regarding Detention Authority for Applicants for Admission

As you are all well aware, the U.S. Department of Homeland Security's (Department or DHS) detention authority under the immigration laws is extraordinarily broad and equally complex. The Department's authority to detain, and its authority or lack of authority to release, an alien from immigration detention varies based upon the circumstances of the case. This message serves as notice that DHS, in coordination with the Department of Justice (DOJ), has revisited its legal position on detention and release authorities. DHS has determined that section 235 of the Immigration and Nationality Act (INA), rather than section 236, is the applicable immigration detention authority for all applicants for admission. The following interim guidance is intended to ensure immediate and consistent application of the Department's legal interpretation while additional operational guidance is developed.

Custody Determinations

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



Moving forward, ICE will not issue Form I-286, *Notice of Custody Determination*, to applicants for admission because Form I-286 applies by its terms only to custody determinations under INA § 236 and part 236 of Title 8 of the Code of Federal Regulations. With a limited exception for certain habeas petitioners, on whom the Office of the Principal Legal Advisor (OPLA) will individually advise, if Enforcement and Removal Operations (ERO) previously conducted a custody determination for an applicant for admission still detained in ICE custody, ERO will affirmatively cancel the Form I-286.

Because the position that detention is pursuant to INA § 235(b) is likely to be litigated, however, OPLA will need to make alternative arguments in support of continued detention before the Executive Office for Immigration Review. Accordingly, ERO and Homeland Security Investigations (HSI) should continue to develop and obtain evidence, including conviction records, to support OPLA's arguments of dangerousness and flight risk in those bond proceedings.

Re-detention

This interpretation does not impose an affirmative requirement on ICE to locate, identify and arrest all aliens who may be subject to INA § 235 detention. [illegible] custody provisions at INA § 235(b)(1)(B)(iii), (b)(1)(C), and (b)(2)(A) are [illegible] as provisions on release once an alien enters ICE custody [illegible] detention.

This change in legal interpretation may, however, warrant re-detaining [illegible] released aliens in a given case. [illegible] discretion to make [illegible] consult with OPLA prior to [illegible] on this issue.

Parole Requests for Applicants for Admission Aliens

PETITION FOR WRIT OF HABEAS CORPUS
FREDDY EDILBERTO CABANILLA ARIAS

EXHIBIT B

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ADELANTO IMMIGRATION COURT

Respondent Name:
CABANILLA-ARIAS, FREDDY

To:
Shen, Mitchell H
617 S. Olive St., Ste. 810
Los Angeles, CA 90014

A-Number:
[redacted]

Riders:
In Custody Redetermination Proceedings

Date:
11/25/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

☑ Denied, because.
The respondent is properly considered an applicant for admission as set forth in Matter of Q. Li, and Matter of Yajure Hurtado. Those cases address the arguments made by the respondent on the record, and squarely rejected them.

☐ Granted. It is ordered that Respondent be:
- ☐ released from custody on his own recognizance.
- ☐ released from custody under bond of $
- ☐ other:

☐ Other:

Immigration Judge: Matthew C. Chan 11/25/2025

Appeal: Department of Homeland Security: ☑ waived ☐ reserved
Respondent: ☐ waived ☑ reserved

Appeal Due: 12/26/2025

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [ ] Alien | [ ] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : CABANILLA-ARIAS, FREDDY | A-Number : [redacted]

Riders:

Date: 11/28/2025 By: ESCOBAR, ESMERALDA, Court Staff

PETITION FOR WRIT OF HABEAS CORPUS
FREDDY EDILBERTO CABANILLA ARIAS

EXHIBIT C

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [redacted]
Event No: [redacted]

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [redacted] FINS: [redacted] File No: [redacted]

In the Matter of:

Respondent: FREDDY EDILBERTO CABANILLA-ARIAS currently residing at:

[redacted]
(Number, street, city, state and ZIP code) (Area code and phone number)

☐ You are an arriving alien.

☒ You are an alien present in the United States who has not been admitted or paroled.

☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;

2. You are a native of ECUADOR and a citizen of ECUADOR;

3. You entered the United States at or near Brownsville, TX, on or about December 9, 2022;

4. At that time you arrived at a time or place other than as designated by the Attorney General.

5. You are an immigrant not in possession of a valid unexpired immigrant visa, See Continuation Page Made a Part Hereof

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

10250 Rancho Road, Ste 201A, Adelanto, CA 92301 .
(Complete Address of Immigration Court, including Room Number, if any)

on November 18, 2025 (Date) at 1:00 pm (Time) to show why you should not be removed from the United States based on the charge(s) set forth above.

JOSE CASILLAS - SDDO
(Signature and Title of Issuing Officer)

Date: October 27, 2025

Los Angeles, CA
(City and State)

EOIR - 1 of 4

Uploaded on 10/29/2025 at 09:15:26 AM (Pacific Daylight Time) Page City: ADL
Case 5:25-cv-03228-AB-SK Document 1 Filed 12/02/25 Page 29 of 37 Page ID #:29

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589 . Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at http://www.ice.gov/contact/ero , as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before: _____

(Signature of Respondent)

_____ Date: _____

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on October 27, 2025, in the following manner and in compliance with section 239(a)(1) of the Act.

☒ in person ☐ by certified mail, returned receipt # _____ requested ☐ by regular mail

☐ Attached is a credible fear worksheet.

☒ Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the SPANISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

[redacted]

(Signature of Respondent if Personally Served)

ALBERT RIVERA III - Deportation Officer

(Signature and Title of officer)

EOIR - 2 of 4

Uploaded on 10/29/2025 at 09:15:26 AM (Pacific Daylight Time) Base City: ADJ

Privacy Act Statement

Authority:
The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:
You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:
For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at https://www.dhs.gov/system-records-notices-sorns. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at https://www.justice.gov/opcl/doj-systems-records. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:
Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

EOIR – 3 of 4

Uploaded on 10/29/2025 at 09:15:26 AM (Pacific Daylight Time) Base City: ADJ

U.S. Department of Homeland Security **Continuation Page for Form I-862**

Alien's Name	File Number	Date
CABANILLA-ARIAS, FREDDY EDILBERTO	[redacted] Event No: [redacted]	10/27/2025

THE SERVICE ALLEGES THAT YOU:

---

reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act; and/or

6. You are an immigrant not in possession of a valid unexpired passport, or other suitable travel document, or document of identity and nationality.

ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

Signature	Title
JOSE CASILLAS	SDDO

EOIR –

PETITION FOR WRIT OF HABEAS CORPUS
FREDDY EDILBERTO CABANILLA ARIAS

EXHIBIT D

U.S. Department of Homeland Security **Subject ID :** [redacted] **Record of Deportable/Inadmissible Alien**

Family Name (CAPS)	First	Middle
CABANILLA-ARIAS,	FREDDY	EDILBERTO

Country of Citizenship	Passport Number and Country of Issue	File Number
ECUADOR		[redacted]

U S Address: [redacted]

Date, Place, Time, and Manner of Last Entry	Passenger Boarded at
12/09/2022 Unknown Time, VIB, WI-Without Inspection	

Number, Street, City, Province (State) and Country of Permanent Residence:

Date of Birth		Date of Action	Location Code
[redacted]	Age: 40	10/27/2025	LOS/LOS

City, Province (State) and Country of Birth	AR	Form (Type and No.) Lifted ☐ Not Lifted ☐
ECUADOR	☒	

NIV Issuing Post and NIV Number	Social Security Account Name

Date Visa Issued	Social Security Number

Sex	Hair	Eyes	Cmplxn
M	BLK	BRO	MED

Height	Weight	Occupation
72	175	LABORER

Scars and Marks:

FBI Number: [redacted] ☐ Single ☐ Divorced ☐ Married ☐ Widower ☐ Separated

Method of Location/Apprehension: NCA

At/Near	Date/Hour
See I-831	10/27/2025 09:49

By: ALBERT RIVERA III

Status at Entry	Status When Found

Length of Time Illegally in U S:

Immigration Record	Criminal Record
NEGATIVE	

Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate):

Number and Nationality of Minor Children: None

Father's Name, Nationality, and Address, if Known	Mother's Present and Maiden Names, Nationality, and Address, if Known
TOMAS NATIONALITY: ECUADOR	ARIAS, PURGENCIA NATIONALITY: ECUADOR

Monies and Property in U.S. Not in Immediate Possession	Fingerprinted ☐ Yes ☐ No	Systems Checks	Charge Code Words(s)
None Claimed		See Narrative	See Narrative

Name and Address of (Last)(Current) U S Employer	Type of Employment	Salary	Employed from/to
	Unemployed or Retired	Hr	

Narrative (Outline particulars under which alien was located/apprehended Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation Indicate means and route of travel to interior)

FIN: [redacted] Left Index fingerprint Right Index fingerprint



Subject Health Status

The subject claims good health.

Current Criminal Charges

10/27/2025 - 8 USC 1182 - ALIEN INADMISSIBILITY UNDER SECTION 212
10/27/2025 - 8 USC 1325A1 - ENTRY WITHOUT INSPECTION, TIME OR PLACE NOT DESIGNATED

...(CONTINUED ON I-831)

ALBERT RIVERA III
Deportation Officer
(Signature and Title of Immigration Officer)

Alien has been advised of communication privileges _____ (Date/Initials)

Distribution:	Received (Subject and Documents) (Report of Interview)
A-file	Officer ALBERT RIVERA III
EARM	on October 27, 2025 (time)
	Disposition: Warrant of Arrest/Notice to Appear
	Examining Officer: CASILLAS, JOSE

EOIR – 1 of 3

Form I-213 (Rev. 08/01/07)

Uploaded on: 11/10/2025 at 08:13:15 AM (Pacific Standard Time) Base City: ADJ

U.S. Department of Homeland Security **Continuation Page for Form I-213**

Alien's Name	File Number	Date
CABANILLA-ARIAS, FREDDY EDILBERTO	[redacted] Event No: [redacted]	10/27/2025

Current Administrative Charges

10/27/2025 - 212a6Ai - ALIEN PRESENT WITHOUT ADMISSION OR PAROLE - (PWAs)
10/27/2025 - 212a7AiI - IMMIGRANT WITHOUT AN IMMIGRANT VISA

RECORDS CHECKED

TECS Neg
CIS Pos
EARM Pos
NCIC Neg

AT/NEAR

Los Angeles, CA

Record of Deportable/Excludable Alien:

***CBP paroled this noncitizen pursuant to INA 212(d)(5) ***

A#[redacted], CABANILLA-ARIAS, Freddy, DOB: [redacted]

ENCOUNTER:

On 12/09/2022, a CBP Border Patrol Agent encountered CABANILLA-ARIAS, Freddy, (hereafter referred to as CABANILLA) in the Brownsville, TX Border Patrol Sector. CABANILLA admitted to BP Agent to be a citizen and national of Ecuador who had unlawfully entered the United States from Mexico on 12/09/2022, at a time and place other than as designated by the Secretary of the Department of Homeland Security of the United States. CABANILLA also indicated he was going to reside at [redacted]. The encounter is documented under Event [redacted]. CBP paroled CABANILLA pursuant to INA 212(d)(5), without the issuance of charging documents. CABANILLA was advised to report to the nearest ICE office within 60 days of arriving at their destination address.

On 10/27/2025, CABANILLA, reported to the ICE office in Los Angeles, CA. CABANILLA again admitted to being a citizen and national of Ecuador. CABANILLA also acknowledged that he does not have authorization to enter or remain in the US.

FAMILY/DERIVATIVE CITIZENSHIP:

CABANILLA has made no claim to United States citizenship, and there is no indication that CABANILLA derived or acquired United States citizenship. CABANILLA claims his mother and father are both citizens and nationals of Ecuador by virtue of their birth there.

SECURITY THREAT GROUP DESIGNATION:

CABANILLA denies any gang affiliation and records checks do not indicate any derogatory information.

IMMIGRATION HISTORY:

Signature	Title
ALBERT RIVERA III	Deportation Officer

EOIR – 2 of 3

Form I-831 Continuation Page (Rev. 08/01/07)

Uploaded on: 11/10/2025 at 08:13:15 AM (Pacific Standard Time) Base City: ADL

U.S. Department of Homeland Security **Continuation Page for Form I-213**

Alien's Name	File Number	Date
CABANILLA-ARIAS, FREDDY EDILBERTO	[redacted] Event No: [redacted]	10/27/2025

Indices reviewed indicate that CABANILLA does not have a prior immigration history apart from the CBP encounter.

CRIMINAL HISTORY:

Records checks do not indicate any prior criminal history. FBI: [redacted]

REMOVABILITY:

CABANILLA is removable pursuant to Sections 212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, as an alien present in the United States without being admitted or paroled, or who entered in the United States at any time or place other than as designated by the Attorney General.
and
212(a)(7)(A)(i)(I) of the Immigration and Nationality Act as any alien who at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, or who is not in possession of a valid unexpired passport, or other suitable document, or identity and nationality document if such document is required by regulations issued by the Attorney General pursuant to Section 211(a) of the Act).

DISPOSITION:

ERO Los Angeles served CABANILLA with a Notice to Appear (NTA) form I-862, Charging him under Section 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I) of the INA. CABANILLA will remain in ICE custody pending his hearing before an Immigration Judge.

Other Identifying Numbers

[redacted]

Signature	Title
ALBERT RIVERA III	Deportation Officer

EOIR – 3 of 3

3 of 3 Pages

PETITION FOR WRIT OF HABEAS CORPUS
FREDDY EDILBERTO CABANILLA ARIAS

EXHIBIT E

Uploaded on: 11/07/2025 at 02:03:06 PM (Pacific Standard Time) Base City: ADL

U.S. DEPARTMENT OF HOMELAND SECURITY **Warrant for Arrest of Alien**

File No. [redacted]

Date: 10/27/2025

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that CABANILLA-ARIAS, FREDDY is removable from the United States. This determination is based upon:

☒ the execution of a charging document to initiate removal proceedings against the subject;

☐ the pendency of ongoing removal proceedings against the subject;

☐ the failure to establish admissibility subsequent to deferred inspection;

☐ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or

☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

(Signature of Authorized Immigration Officer)

J 8199 CASILLAS - Deportation Officer
(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at Los Angeles, CA (Location)

on CABANILLA-ARIAS, FREDDY (Name of Alien) on October 27, 2025 (Date of Service), and the contents of this notice were read to him or her in the SPANISH (Language) language.

ALBERT RIVERA III
Deportation Officer
Name and Signature of Officer

Name or Number of Interpreter (if applicable)

EOIR – 3 of 4

Form I-200 (Rev. 09/16)

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