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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JUNIOR RODRIGUEZ
GONZALES,
Petitioner

v.

U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT;
KRISTI NOEM, Secretary, U.S.
Department of Homeland Security;
TODD LYONS, Acting Director,
U.S. Immigration and Customs
Enforcement; CHRISTOPHER
CHESTNUT, Warden, California
City Detention Facility,
Respondents,

Respondents

Case No.: 1:25-at-1350

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

**(Filed concurrently with Motion
for Emergency Temporary
Restraining Order)**

I. INTRODUCTION

1. Petitioner Junior Rodriguez Gonzales is a 40-year-old native and citizen of Guatemala, currently detained by U.S. Immigration and Customs Enforcement (ICE) at the California City Detention Facility, a former state prison in the Mojave Desert now repurposed as an ICE detention center.
2. Petitioner’s continued detention is unlawful. The sole ground for his removal—his January 9, 2023 conviction for attempted second-degree robbery under California Penal Code §§ 664/211—was vacated by the Los Angeles County Superior Court on November 6, 2025. Petitioner is no longer “convicted of an aggravated felony,” eliminating the only basis for his removability.
3. Petitioner moves this Court for a stay of removal pending his motion to reopen removal proceedings and for an order compelling his release from prolonged detention, or, in the alternative, for a bond hearing before a neutral Magistrate.

II. JURISDICTION AND VENUE

4. This action arises under the Constitution of the United States, 28 U.S.C. §2241(c)(1), and the Immigration and Nationality Act (“INA”), 8 U.S.C. §1101 et seq. This Court has subject matter jurisdiction under 28 U.S.C. §2241, Art. I §9, cl. 2 of the United States Constitution (“Suspension

1 Clause”); and 28 U.S.C. §1331, as Petitioner is presently in custody under
2
3 color of the authority of the United States., and such custody is in violation of
4
5 the Constitution, laws, or treaties of the United States. Petitioner’s current
6
7 detention as enforced by Respondents constitutes a “severe restraint[] on
8
9 [Petitioner’s] individual liberty,” such that Petitioner is “in custody in
10
11 violation of the . . . laws . . . of the United States.” *See Hensley v. Municipal*
12
13 *Court*, 411 U.S. 345, 351 (1973); 28 U.S.C. § 2241(c)(3). Federal district
14
15 courts have jurisdiction to hear habeas claims by noncitizens challenging the
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17 lawfulness or constitutionality of their detention by DHS. *See, e.g., Zadvydas*
18
19 *v. Davis*, 533 U.S. 678, 687 (2001).

- 20
21 5. Venue is proper in this District because Petitioner is detained at the California
22
23 City Detention Facility, which is within this District. *See Rumsfeld v. Padilla*,
24
25 542 U.S. 426, 443 (2004).

26 **III. CUSTODY**

- 27
28 6. Petitioner is in the physical custody of Respondents. Respondent ICE, through
its agents and officers, maintains legal and physical custody over Petitioner at
the California City Detention Facility.

IV. PARTIES

7. Petitioner Junior Rodriguez Gonzales is a noncitizen detained by ICE at the
California City Detention Facility.

1 8. Respondent ICE is the federal agency responsible for the detention and
2 removal of immigrants and is a legal custodian of Petitioner.

3
4 9. Respondent Todd Lyons is the Acting Director of ICE, responsible for ICE's
5 policies and practices, including those relating to detention. He is a legal
6 custodian of Petitioner and is sued in his official capacity.
7

8 10. Respondent Kristi Noem is the Secretary of the U.S. Department of
9 Homeland Security (DHS), responsible for the administration of immigration
10 laws and a legal custodian of Petitioner. She is sued in her official capacity.
11

12 11. Respondent Christopher Chestnut is the Warden of the California City
13 Detention Facility and Petitioner's immediate custodian. He is sued in his
14 official capacity.
15

16 **V. EXHAUSTION OF REMEDIES**
17

18 12. Petitioner has exhausted all available administrative remedies. The Ninth
19 Circuit has denied his petitions for panel rehearing, en banc rehearing,
20 remand, and, on December 15, 2025, his motion for a stay of the mandate.
21

22 There is no further administrative relief available prior to removal.

23 13. Further, no statutory exhaustion requirements apply to Petitioner's claim of
24 unlawful detention. Additionally, the Ninth Circuit has made clear that there
25 is no jurisdictional requirement that plaintiffs exhaust their administrative
26 remedies before pursuing their claims in federal court. *See Hernandez v.*
27
28

Sessions, 872 F.3d 976, 988–89 (9th Cir. 2017).

14. Moreover, even if there were administrative remedies which could provide relief, exhaustion would be futile. Petitioner claims his detention is unconstitutional, claims over which the immigration agency has no jurisdiction. *Matter of Fuentes-Campos*, 21 I&N Dec. 905, 912 (BIA 1997).

15. Last, the custody review procedures for detained aliens such as Petitioner are constitutionally insufficient both as written and as applied. A number of courts have identified a substantial bias within ICE toward the continued detention of aliens, raising the risk of an erroneous deprivation to constitutionally high levels. *See, e.g., Phan v. Reno*, 56 F. Supp. 2d 1149, 1157 (W.D. Wash. 1999) (“INS does not meaningfully and impartially review the Petitioners’ status.”); *St. John v. McElroy*, 917 F. Supp. 243, 251 (S.D.N.Y. 1996) (“Due to political and community pressure, INS, an executive agency, has ever incentive to continue to detain aliens with aggravated felony convictions, even though they have served their sentences, on the suspicion that they may continue to pose a danger to the community.”); see also *Rivera v. Demore*, No. C 99-3042 THE, 199 WL 521177, *7 (N.D. Cal. Jul. 13, 1999) (procedural due process requires that aliens release determination be made by impartial adjudicator due to agency bias). Because of the substantial bias within ICE toward the continued detention of aliens,

exhaustion in this case would likely be futile.

VI. STATEMENT OF FACTS

16. Petitioner entered the United States in 2005 after being threatened and extorted by the Mara 18 gang in Guatemala, in connection with his family's business. He made police reports regarding gang violence and suffered direct threats and physical harm. (See Exhibit 1, true and correct copies of filings and orders in *Rodriguez Gonzales v. Bondi*, Case No. 24-4794; *supra*, Dkt. No. 62 "TEXT CLERK ORDER. Petitioner's motion to stay the mandate (DE 61), is denied.")

17. Petitioner was ordered administratively removed based solely on his January 9, 2023 conviction for attempted second-degree robbery under California Penal Code §§ 664/211, treated as an aggravated felony "theft" attempt. He completed a 16-month sentence for that conviction. *Id.*

18. After passing a reasonable fear interview, Petitioner's case proceeded as a reinstatement/withholding-only case before the Immigration Court. The Immigration Judge found Petitioner credible and not convicted of a particularly serious crime, but denied withholding and CAT relief. *Id.*

19. On November 6, 2025, the Los Angeles County Superior Court vacated Petitioner's §§ 664/211 conviction under Penal Code section 1473.7. Petitioner is no longer "convicted of an aggravated felony," extinguishing the

only ground of removability. *Id.*

20. The Ninth Circuit has denied Petitioner's motion to stay the mandate, and the mandate is set to issue on December 22, 2025, creating grave exigency as Petitioner faces imminent removal despite the vacatur of his conviction. *Id.*

21. **Petitioner has retained counsel to file a motion to reopen his removal proceedings, but will be unable to do so if removed when the mandate issues, on Monday December 19, 2025. *Id.***

VII. LEGAL FRAMEWORK

22. A writ of habeas corpus is available to individuals detained within the United States. *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004); *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973); 28 U.S.C. § 2241(c)(3).

23. Challenges to immigration-related detention are within the purview of a district court's habeas jurisdiction. *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); *Demore v. Kim*, 538 U.S. 510, 517 (2003).

24. The habeas statute requires expeditious determination of petitions. *Fay v. Noia*, 372 U.S. 391, 400 (1963); *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000).

25. The Supreme Court has recognized that "the writ of habeas corpus has served as a means of reviewing the legality of Executive detention, and it is in that context that its protections have been strongest." *I.N.S. v. St. Cyr*, 533 U.S.

289, 301 (2001).

26. Under *Thuraissigiam v. United States Dep't of Homeland Sec.*, 287 F. Supp. 3d 1077 (S.D. Cal. 2018), aff'd in part, rev'd in part, 591 U.S. 103 (2020), habeas review is available for claims enumerated in 28 U.S.C. § 1252(e)(2), including whether the petitioner was ordered removed under expedited removal.

27. The Due Process Clause of the Fifth Amendment forbids the government from depriving any “person” of liberty “without due process of law.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

VIII. CLAIMS FOR RELIEF

GROUND ONE: UNLAWFUL DETENTION IN VIOLATION OF 28 U.S.C. § 2241 AND THE DUE PROCESS CLAUSE

28. Petitioner’s continued detention is unlawful because the sole ground for his removal—his conviction for an aggravated felony—has been vacated. There is no longer any valid basis for his removal *or* continued detention.

29. The government’s continued detention of Petitioner without a bond hearing or individualized determination of flight risk or danger violates due process. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Demore v. Kim*, 538 U.S. 510, 523 (2003).

30. Due process requires that the government provide bond hearings to

1 noncitizens facing prolonged detention. *See Zadvydas v. Davis*, 533 U.S. 678,
2 690 (2001).
3

4 **GROUND TWO: RIGHT TO JUDICIAL REVIEW UNDER**

5 **28 U.S.C. § 1252(e)(2)**
6

7 31. Petitioner's removal order was premised solely on a conviction that no longer
8 exists. Under 28 U.S.C. § 1252(e)(2), habeas corpus proceedings are available
9 to determine whether Petitioner was ordered removed under expedited
10 removal, and whether that order is valid in light of the vacatur of the predicate
11 conviction.
12

13 **GROUND THREE: REQUEST FOR STAY OF REMOVAL AND**

14 **OPPORTUNITY TO REOPEN**
15

16 32. Petitioner faces imminent removal despite the vacatur of his conviction and
17 the elimination of the sole ground of removability. Removal at this juncture
18 would irreparably deprive Petitioner of the opportunity to move to reopen and
19 terminate his proceedings.
20
21

22 **IX. PRAYER FOR RELIEF**

23 WHEREFORE, Petitioner respectfully requests that the Court:
24

- 25 A. Assume jurisdiction over this matter;
26 B. Issue a Writ of Habeas Corpus and order Petitioner's immediate release from
27 custody, or, in the alternative, order Respondents to provide Petitioner with a
28

bond hearing before a neutral Magistrate;

C. Stay Petitioner's removal pending resolution of his motion to reopen and termination of proceedings;

D. Declare that Petitioner's ongoing detention violates the Due Process Clause of the Fifth Amendment;

E. Award Petitioner his costs and reasonable attorneys' fees as provided by 28 U.S.C. § 2412;

F. Grant such further relief as the Court deems just and proper.

Dated: December 19, 2025

Respectfully submitted,

THE BROOKS LAW FIRM, APC

By: /s/ Carlo Brooks

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STATEMENT OF RELATED CASES

Pursuant to the Local Rules, there are no known interested parties other than those participating in this case.

DATED: December 19, 2025

Respectfully submitted,

/s/ Carlo Brooks
CARLO BROOKS

CERTIFICATE OF SERVICE

I certify that I served a copy of this document and its attachments on the Court and all parties by filing this document with the Clerk of the Court through the CM/ECF system, which will provide electronic notice and an electronic link to this document to all counsel of record.

DATED: December 19, 2025

Respectfully submitted,

/s/ Carlo Brooks
CARLO BROOKS