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7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**

9 Sonia Afang MESEE ENGONGA,

Case No. 25-cv-03479

10 Petitioner,

11 v.

12 Kristi NOEM, Secretary, U.S.
13 Department of Homeland Security;
14 Pamela BONDI, U.S. Attorney General;
15 Todd LYONS, Acting Director,
16 Immigration and Customs Enforcement;
17 Jaime RIOS, Director, Los Angeles Field
18 Office, Immigration and Customs
19 Enforcement, Enforcement and Removal
20 Operations; Fereti SEMAIA, Warden,
21 Adelanto ICE Processing Center;
22 EXECUTIVE OFFICE FOR
23 IMMIGRATION REVIEW;
24 IMMIGRATION AND CUSTOMS
25 ENFORCEMENT; and U.S.
26 DEPARTMENT OF HOMELAND
27 SECURITY,

28 Respondents.

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

PETITIONER'S DHS NO:

A. 

INTRODUCTION

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2 1. Petitioner Sonia Afang MESEE ENGONGA (“Petitioner”), by and through
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4 undersigned counsel, files this petition for a writ of habeas corpus challenging the
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6 unlawful revocation of her release from Department of Homeland Security (“DHS”) custody.
7

8 2. When a noncitizen presents himself at a port of entry, Customs and Border
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10 Patrol (“CBP”), a component of DHS, has the authority to parole him into the United
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12 States. *See* 8 U.S.C. § 1182(d)(5). Such parole is authorized on “a case-by-case basis
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14 for urgent humanitarian reasons or significant public benefit.” *Id.* at § 1182(d)(5)(A).
15 “[W]hen the purposes of such parole shall . . . have been served,” the noncitizen shall
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17 “be returned to the custody from which [s]he was paroled.” *Id.*

18 3. Petitioner is a citizen of Equatorial Guinea who was paroled into the United
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20 States in approximately or about July of 2022, detained, and subsequently released
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22 from DHS custody on her own recognizance (“OREC”) on or about October 3, 2022.
23
24 On information and belief, CBP determined before paroling her that Petitioner was
25
26 not a flight risk or danger to the community. On information and belief, Petitioner
27
28 was granted parole for the purpose of applying for asylum in the United States.

4. On information and belief, concurrent with her OREC release, DHS filed a
Notice to Appear, commencing removal proceedings against Petitioner, charging her
with removability pursuant to either/and 8 U.S.C. §§ 1182(a)(6)(A)(i) and
(7)(A)(i)(I).

1 5. Petitioner attended the only scheduled immigration court hearing that required
2 her presence on the non-detained docket in Santa Ana, California, on January 28,
3 2025. She also filed an asylum application with the court. Petitioner complied with
4 other requirements of her OREC, including attending regular ICE check-ins. While
5 Petitioner was arrested on or about August 8, 2025 in Riverside, California, no
6 charges were filed by prosecutors as a result of the arrest.
7

9 6. While out of custody, Petitioner married and had a U.S. citizen son, who is
10 only two years old and has now been separated from his mother for four and a half
11 months.
12

13 7. Petitioner was arrested by Immigration and Customs Enforcement (“ICE”) in
14 Riverside, California, on August 14, 2025, after she was released from local police
15 custody. She remains in the physical custody of Respondents at the Adelanto ICE
16 Processing Center in Adelanto, California.
17

18 8. On information and belief, prior to her detention, Petitioner was given no
19 notice of ICE’s intention to re-detain her, and she was not provided with any
20 information about why her OREC was revoked.
21

22 9. On information and belief, ICE has no particularized evidence that Petitioner
23 is a danger to the community or a flight risk.
24

25 10. Petitioner is unlawfully detained. The Department of Homeland Security
26 (“DHS”) and the Executive Office for Immigration Review (“EOIR”) have
27 improperly concluded that Petitioner is subject to mandatory detention, despite DHS
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1 determining over three years prior that she was not a flight risk, nor did she present
2 a safety risk when she was released from their custody.

3
4 11. Because DHS continues to treat Petitioner as seeking admission at the border,
5 even though they paroled her into the United States when she sought admission, they
6 have detained her pursuant to 8 U.S.C. § 1225(b)(2)(A) and therefore determined she
7 is ineligible to be released on bond during the pendency of her remaining removal
8 hearing process.

9
10 12. On May 15, 2025, the Board of Immigration Appeals (“BIA” or “Board”), a
11 component of EOIR, issued a precedent decision, binding on all immigration judges
12 (“IJ”), holding that an IJ has no authority to consider bond requests for any person
13 who is released from detention on parole and whose parole is subsequently
14 terminated. *See Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025). The Board determined
15 that such individuals are subject to mandatory detention under 8 U.S.C. §
16 1225(b)(2)(A) and therefore ineligible to be released on bond.

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20 13. Petitioner’s detention on this basis violates her rights under the U.S.
21 Constitution. All individuals within the United States have constitutional rights.
22 “[T]he Due Process Clause applies to all ‘persons’ within the United States, including
23 aliens, whether their presence here is lawful, unlawful, temporary, or permanent.”
24 *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Petitioner’s ongoing detention violates
25 her Fifth Amendment substantive due process right under the U.S. Constitution
26 because she is neither a flight risk nor a danger to the community. In addition, her re-
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1 detention violates her procedural due process rights because her OREC was revoked
2 without any notice or any opportunity to contest her detention before a neutral arbiter.
3
4 Finally, Petitioner's re-detention violates her Fourth Amendment right to be free of
5 unlawful arrest.

6 14. Accordingly, Petitioner seeks a writ of habeas corpus requiring that she be
7 immediately released from custody and to enjoin Respondents from re-detaining her:
8 (1) absent further order of this Court; or (2) absent the provision of a pre-deprivation
9 hearing before a neutral arbiter, at which Respondents will bear the burden of proving
10 by clear and convincing evidence that she is a flight risk or a danger to the
11 community.
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14 JURISDICTION

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16 15. Jurisdiction is proper and relief is available pursuant to 28 U.S.C. § 1331
17 (federal question), 28 U.S.C. § 1346 (original jurisdiction), 5 U.S.C. § 702 (waiver
18 of sovereign immunity), 28 U.S.C. § 2241 (habeas corpus jurisdiction), and Article
19 I, Section 9, clause 2 of the United States Constitution (the Suspension Clause).
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21 16. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory
22 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.
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VENUE

17. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500 (1973), venue lies in the United States District Court for the Central District of California, the judicial district in which Petitioner is currently detained.

18. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims brought herein occurred in the Central District of California.

REQUIREMENTS OF 28 U.S.C. § 2243

19. The Court must grant a petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless a petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

20. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

Petitioner

21. Petitioner (DHS No. [REDACTED]) was arrested by ICE agents on August 14, 2025, in Riverside, California. She has been in immigration detention since that date. After arresting Petitioner, ICE did not set bond. The IJ has not held a bond hearing as the immigration court is bound by the Board's decision in *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), which held that noncitizens paroled at the border for whom DHS later terminates parole are returned to mandatory custody pending their removal proceedings pursuant to 8 U.S.C. § 1225(b)(2).

Respondents

22. Respondent Kristi Noem is the Secretary of DHS. She is responsible for the implementation and enforcement of the Immigration and Nationality Act and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner. She is sued in her official capacity.

23. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the BIA and immigration court system it operates, is a component agency. She is sued in her official capacity.

24. Todd Lyons is the Acting Director of ICE, a federal law enforcement agency within DHS. ICE's responsibilities include operating the immigration detention system. In his capacity as ICE Acting Director, Respondent Lyons exercises control

1 over and is a custodian of persons held at ICE facilities nationally. He is Petitioner's
2 immediate custodian and is responsible for Petitioner's detention. He is sued in his
3 official capacity.
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5 25. Respondent Jaime Rios is the Acting Director of the Los Angeles Field Office
6 of ICE's Enforcement and Removal Operations division. As such, he is the custodian
7 of all persons held at the ICE facilities within the Los Angeles Field Office. He is
8 Petitioner's immediate custodian and is responsible for Petitioner's detention. He is
9 sued in his official capacity.
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11 26. Respondent Fereti Semaia is the Warden of the Adelanto ICE Processing
12 Center, Adelanto, California, where Petitioner is detained. He has immediate
13 physical custody of Petitioner. He is sued in his official capacity.
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15 27. Respondent Executive Office for Immigration Review ("EOIR") is the federal
16 agency within the Department of Justice responsible for implementing the INA in
17 removal proceedings, including for custody redeterminations or bond hearings.
18

19 28. Respondent Department of Homeland Security ("DHS") is the federal agency
20 responsible for implementing and enforcing the INA, including the detention and
21 removal of noncitizens.
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23 29. Respondent Immigration and Customs Enforcement ("ICE") is the agency
24 within DHS responsible for implementing and enforcing the INA, including the
25 detention and removal of noncitizens.
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LEGAL FRAMEWORK

30. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings conducted pursuant to 8 U.S.C. § 1229a.

31. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in § 1229a removal proceedings before an IJ. Individuals covered by § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while certain noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention. *See* 8 U.S.C. § 1226(c).

32. Second, the INA provides for mandatory detention of noncitizens subjected to an Expedited Removal order imposed pursuant to 8 U.S.C. § 1225(b)(1) and for certain other noncitizen applicants for admission to the U.S. who are deemed not clearly entitled to be admitted. *See* 8 U.S.C. § 1225(b)(2).

33. Last, the INA provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings. *See* 8 U.S.C. § 1231(a)-(b).

34. This case concerns the detention provision at 8 U.S.C. § 1225(b)(2).

35. 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

1 Cir. 2017) (quoting *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001)). These due process
2 rights are both substantive and procedural.

3
4 36. First, “[t]he touchstone of due process is protection of the individual against
5 arbitrary action of government,” *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974),
6 including “the exercise of power without any reasonable justification in the service
7 of a legitimate government objective.” *Cnty. of Sacramento v. Lewis*, 523 U.S. 833,
8 846 (1998).

9
10 37. These protections extend to noncitizens facing detention, as “[i]n our society
11 liberty is the norm, and detention prior to trial or without trial is the carefully limited
12 exception.” *United States v. Salerno*, 481 U.S. 739, 755 (1987). Accordingly,
13 “[f]reedom from imprisonment—from government custody, detention, or other
14 forms of physical restraint—lies at the heart of the liberty that [the Due Process]
15 Clause protects.” *Zadvydas*, 533 U.S. at 690.

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17 38. Substantive due process thus requires that all forms of civil detention—
18 including immigration detention—bear a “reasonable relation” to a non-punitive
19 purpose. *See Jackson v. Indiana*, 406 U.S. 715, 738 (1972). The Supreme Court has
20 recognized only two permissible non-punitive purposes for immigration detention:
21 ensuring a noncitizen’s appearance at immigration proceedings and preventing
22 danger to the community. *Zadvydas*, 533 U.S. at 690–92; *see also Demore v. Kim*,
23 538 U.S. 510 at 519–20, 527–28, 31 (2003).

1 39. Second, the procedural component of the Due Process Clause prohibits the
2 government from imposing even permissible physical restraints without adequate
3 procedural safeguards.
4

5 40. Generally, “the Constitution requires some kind of a hearing *before* the State
6 deprives a person of liberty or property.” *Zinerman v. Burch*, 494 U.S. 113, 127
7 (1990). This is so even in cases where that freedom is lawfully revocable. *See Hurd*
8 *v. D.C., Gov’t*, 864 F.3d at 683 (citing *Young v. Harper*, 520 U.S. 143, 152 (1997)
9 (re-detention after pre-parole conditional supervision requires pre-deprivation
10 hearing)); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973) (same, in probation
11 context); *Morrissey v. Brewer*, 408 U.S. 471 (1972) (same, in parole context).
12
13

14 41. After an initial release from custody on conditions, even a person paroled
15 following a conviction for a criminal offense for which they may lawfully have
16 remained incarcerated has a protected liberty interest in that conditional release.
17
18 *Morrissey* at 408 U.S. at 482. As the Supreme Court recognized, “[t]he parolee has
19 relied on at least an implicit promise that parole will be revoked only if he fails to
20 live up to the parole conditions.” *Id.* “By whatever name, the liberty is valuable and
21 must be seen within the protection of the [Constitution].” *Id.*
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24 42. This reasoning applies with equal if not greater force to people paroled from
25 civil immigration detention at the border, like Petitioner. After all, noncitizens living
26 in the United States like Petitioner, have a protected liberty interest in their ongoing
27 freedom from confinement. *See Zadvydas*, 533 U.S. at 690. “Given the civil context
28

1 [of immigration detention], [the] liberty interest [of noncitizens released from
2 custody] is arguably greater than the interest of parolees in *Morrissey*.” *Ortega v.*
3 *Bonnar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019) (citing *Morrissey*, 408 U.S. at
4 487), *see also*, *Guillermo M. R. v. Kaiser*, No. 25-CV-05436-RFL, 2025 WL
5 1983677, at *5 (N.D. Cal. July 17, 2025) (“[A] released individual’s interest in
6 avoiding re-detention is different from a detainee’s interest in having ongoing
7 periodic reviews of prolonged detention.”).

10 FACTS

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12 43. Petitioner has resided in the United States since he entered the United States
13 in July of 2022 and sought asylum relief at the U.S.-Mexico border. She was detained
14 by ICE for a few months before she was released on parole on OREC on or about
15 October 3, 2022. Petitioner was arrested by local law enforcement in Riverside,
16 California, on or about August 8, 2025, but the District Attorney rejected the case,
17 and no charges were filed against her. She has no other arrests or convictions. Her
18 criminal history therefore does not trigger mandatory detention pursuant to 8 U.S.C.
19 § 1226(c) or on any other basis.

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22 44. Concurrent with her OREC release, Petitioner was placed in removal
23 proceedings before the Santa Ana Immigration Court pursuant to 8 U.S.C. § 1229a
24 on the nondetained docket. On information and belief, DHS charged Petitioner with
25 being inadmissible under 8 U.S.C. §§ 1182(a)(6)(A)(i) and/or (a)(7)(A)(i)(I) as
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1 someone who is present without admission in the United States and who lacked
2 proper entry documents at the time she was seeking admission.

3
4 45. Petitioner appeared at one removal hearing at the Santa Ana Immigration
5 Court, which is the only hearing that required her presence when she was out of ICE
6 custody. She has also complied with all required ICE check-ins.

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8 46. Petitioner's husband is also in removal proceedings and has an application for
9 asylum pending with the court. Together, they have a two-year-old U.S. citizen son,
10 who has now been apart from his mother for over four months.

11
12 47. On August 14, 2025, Petitioner was arrested by ICE officers in Riverside,
13 California, after she was released from local police custody as a result of an arrest
14 that did not lead to criminal charges. Petitioner is now detained at the ICE Adelanto
15 Processing Center in Adelanto, California.

16
17 48. Upon information and belief, following Petitioner's arrest and transfer to the
18 ICE Adelanto Processing Center, ICE issued a custody determination to continue
19 Petitioner's detention without an opportunity to post bond or be released on other
20 conditions. Petitioner has not had a bond redetermination hearing before an IJ.

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23 **FIRST CLAIM FOR RELIEF**
24 **Violation of the Fifth Amendment to the United States Constitution**
(Substantive Due Process – Detention)

25 49. Petitioner incorporates by reference the allegations of fact set forth in the
26 preceding paragraphs.
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1 50. The Due Process Clause of the Fifth Amendment protects all “person[s]” from
2 deprivation of liberty “without due process of law.” U.S. Const. amend. V. “Freedom
3 from imprisonment—from government custody, detention, or other forms of physical
4 restraint—lies at the heart of the liberty that [the Due Process] Clause
5 protects.” *Zadvydas*, 533 U.S. at 690.

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8 51. Immigration detention is constitutionally permissible only when it furthers the
9 government’s legitimate goals of ensuring the noncitizen’s appearance during
10 removal proceedings and preventing danger to the community. *See id.*

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12 52. Petitioner is not a flight risk or danger to the community. Respondents’
13 detention of Petitioner is therefore unjustified and unlawful. Accordingly, Petitioner
14 is being detained in violation of the Due Process Clause of the Fifth Amendment.

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16 53. Moreover, Petitioner’s detention is punitive as it bears no “reasonable relation”
17 to any legitimate government purpose. *Id.* (finding immigration detention is civil and
18 thus ostensibly “nonpunitive in purpose and effect”). Here, the purpose of
19 Petitioner’s detention is not to protect against risk of flight or dangerousness, as there
20 is no evidence that she has absconded from her immigration court hearings or has
21 been arrested or convicted of any violent crime.
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SECOND CLAIM FOR RELIEF
Violation of the Fifth Amendment to the United States Constitution
(Procedural Due Process – Detention)

54. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

55. As part of the liberty protected by the Due Process Clause, Petitioner has a weighty liberty interest in avoiding re-detention 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*, 408 U.S. at 482–83; *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).

56. 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 (cleaned up); *Zinerman*, 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).

1 57. Petitioner's re-detention without a pre-deprivation hearing violated due
2 process. Almost three years after deciding to release Petitioner from custody on her
3 own recognizance, Respondents re-detained Petitioner with no notice, no explanation
4 of the justification for her re-detention, and no opportunity to contest her re-detention
5 in front of a neutral adjudicator before being taken into custody. The BIA strips an IJ
6 of any authority to release her on bond, eliminating the only possibility of review of
7 her detention status within the immigration court system. *See Matter of Q. Li*, 29 I&N
8 Dec. 66 (BIA 2025).

11 58. Petitioner has a profound personal interest in her liberty. *See Fernandez Lopez*
12 *v. Wofford*, 2025 WL 2959319, *4 (E.D. Ca. Oct. 17, 2025) (unpub) (finding a
13 noncitizen granted parole at the border has a liberty interest in her conditional release
14 and that such a parolee has an implicit right to remain at liberty if she complies with
15 the conditions of her parole); *Abduraimov v. Andrews*, 2025 WL 2912307, *6 (E.D.
16 Ca. Oct. 14, 2025) (unpub) (finding that immigration parole has a "legitimate and
17 reasonably strong private liberty interest"); *Noori v. Larose*, 2025 WL 2800149, *10
18 (S.D. Ca. Oct. 1, 2025) (unpub) (parolee developed a private interest in remaining
19 free in the one year he has resided in the United States since entry); *Munoz Materano*
20 *v. Arteta*, 2025 WL 2630826, *13 (S.D.N.Y. Sept. 12, 2025) (unpub); *Ramirez*
21 *Tesara v. Wamsley*, --- F.Supp.3d ---, 2025 WL 2637663, *3 (W.D. Wash. Sept. 12,
22 2025) (finding that parolee's liberty interest did not expire with his parole
23 agreement); *see also Y-Z-L-H- v. Bostock*, --- F.Supp.3d ---, 2025 WL 1898025, *14

1 (D. Ore. July 9, 2025) (finding detention of a parolee who had not completed his
2 asylum process to be arbitrary and capricious and ordering immediate release).

3
4 59. Because she received no procedural protections, the risk of erroneous
5 deprivation is high. When Respondents released Petitioner after her entry into the
6 country in or about July of 2022, they did so because they determined she was not a
7 flight risk or a danger to the community. *See e.g., Fernandez Lopez, 2025 WL*
8 *2959319* at *4 (quoting 8 U.S.C. § 1182(d)(5)(A)). Prior to her detention in August
9 2025, Petitioner had no notice of Respondents' intention to re-detain her and no
10 opportunity to contest that action. In the more than four months that she has been in
11 ICE custody, she has not secured her release on bond, as the BIA stripped an IJ of
12 any authority to release her on bond, cutting off any avenue for review of her custody
13 status in the existing immigration court framework. Because the private interest in
14 freedom from immigration detention is substantial, due process requires the
15 government to bear the burden of proving by clear and convincing evidence that
16 Petitioner is a flight risk or danger to the community before re-detaining her. *See e.g.,*
17 *Fernandez Lopez, 2025 WL 2959319* at *8; *J.S.H.M. v. Wofford, 2025 WL 2938808,*
18 **16* (E.D. Ca. Oct. 16, 2025) (unpub); *Abduraimov, 2025 WL 2912307* at *9; *Mata*
19 *Velasquez v. Kurzdorfer, --- F.Supp.3d ----, 2025 WL 1953796, *17* (W.D.N.Y. July
20 16, 2025) (detention of parolee without a reasoned explanation or changed
21 circumstances and without a meaningful opportunity to be heard violates due
22 process).

60. The government has no legitimate interest in detaining Petitioner without a hearing. *See e.g., Fernandez Lopez*, 2025 WL 2959319 at *6; *J.S.H.M.*, 2025 WL 2938808 at *18; *Noori*, 2025 WL 2800149 at *11 (“Respondents did not provide Petitioner individualized notice and reasoning prior to his arrest and detention on June 12, 2025 and have presented no legitimate reason for why those decisions were made. Any governmental interest of efficient administration of immigration laws... does not outweigh these first two factors.”). Bond hearings are a routine part of immigration court proceedings, imposing a minimal cost to the government. *See Doe v. Becerra*, --- F.Supp.3d ----, 2025 WL 691664, *6 (E.D. Ca. March 3, 2025). Nothing in Petitioner’s record suggests that she 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 *3 (N.D. Cal. Mar. 1, 2021); *Vargas v. Jennings*, 2020 WL 5074312, *3 (N.D. Cal. Aug. 23, 2020) (finding that “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”). In fact, Petitioner is represented by counsel and has a demonstrated record of attendance at her immigration proceedings and she does not have any violent criminal history. There is no reason to think that her compliance will change if she is released pending a pre-deprivation custody hearing.

THIRD CLAIM FOR RELIEF
Violation of the Fourth Amendment to the United States Constitution
(Unlawful Arrest)

61. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

62. The Fourth Amendment protects the right of persons present in the United States to be free from unreasonable seizures by government officials.

63. As a corollary to that right, the Fourth Amendment prohibits government officials from conducting repeated arrests on the same probable cause.

It is axiomatic that seizures have purposes. When those purposes are spent, further seizure is unreasonable . . . [T]he primary purpose of an arrest is to ensure the arrestee appears to answer charges . . . Once the arrestee appears before the court, the purpose of the initial seizure has been accomplished. Further seizure requires a court order or new cause; the original probable cause determination is no justification.

Williams v. Dart, 967 F.3d 625, 634 (7th Cir. 2020) (cleaned up).

64. In the immigration context, this prohibition means that a person whom immigration authorities released from initial custody cannot be rearrested “solely on the ground that he is subject to removal proceedings” and without some new, intervening cause. *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1196 (N.D. Cal. 2017), *aff’d sub nom., Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018). Courts have long recognized that permitting such rearrests could result in “harassment by continual rearrests.” *United States v. Holmes*, 452 F.2d 249, 261 (7th Cir. 1971).

65. On information and belief, ICE agents arrested Petitioner in or about July of 2022 after she presented herself at the border, charged her with violations of civil immigration law, paroled her into United States, and released her on her own recognizance with a Notice to Appear in immigration court. Petitioner appeared in immigration court as instructed and substantially complied with the conditions of release that DHS imposed on her.

66. DHS re-arrested Petitioner on August 14, 2025, based on nothing more than the 2022 civil charges of violating immigration law for which she *was already appearing* in court. Petitioner had not engaged in any conduct in the intervening time that made her a flight risk or danger to the community. While she was arrested in August 2025, no criminal charges stemmed from that arrest. No material changes in circumstances justified Petitioner's re-arrest.

67. Petitioner's re-arrest and detention by Respondents after she had already appeared in court on her civil immigration charge and absent any material change in circumstances is thus an unreasonable seizure in violation of the Fourth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully ask that this Court take jurisdiction over this matter and grant the following relief:

- a. Order that Petitioner shall not be transferred outside of the Central District of California while this petition is pending;

- 1 b. Issue an Order to Show Cause ordering Respondents to show cause
2 within three days why this Petition should not be granted;
3
4 c. Issue a Writ of Habeas Corpus order Respondents to immediately
5 release Petitioner from custody;
6
7 d. Declare that Petitioner's detention is unlawful;
8
9 e. Enjoin Respondents from re-detaining Petitioner unless her re-detention
10 is ordered at a custody hearing before a neutral arbiter in which the
11 government bears the burden of proving, by clear and convincing
12 evidence, that Petition is a flight risk or danger to the community;
13 f. Award Petitioner attorney's fees and costs under the Equal Access to
14 Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other
15 basis justified under law; and
16
17 g. Grant any other and further relief that this Court deems just and proper.
18

19 DATED: December 21, 2025

s/ Keli M. Reynolds
 KELI M. REYNOLDS
 Olmos & Reynolds Law Group, LLP
 Attorney for Petitioner

VERIFICATION

I, Keli M. Reynolds, declare as follows:

I am an attorney admitted to practice law in the State of California.

Because many of the allegations of this Petition require a legal knowledge not possessed by the Petitioner, I am making this verification on her behalf.

I have read the foregoing Petition for Writ of Habeas Corpus and know the contents thereof to be true to my knowledge, information, or belief.

I certify under penalty of perjury that the foregoing is true and correct and that this declaration was executed on December 21, 2025.

s/ Keli M. Reynolds
KELI M. REYNOLDS
Olmos & Reynolds Law Group, LLP
Attorney for Petitioner