

UNITED STATES DISTRICT COURT.
CENTRAL DISTRICT OF CALIFORNIA.

PETITIONER: XIONARA AZUCENA SUAREZ MARIN

A#:

ADELANTO ICE PROCESSING CENTER
10400 RANCHO RD
ADELANTO, CA 92301

FILED CLERK, U.S. DISTRICT COURT
12/12/2025
CENTRAL DISTRICT OF CALIFORNIA
BY: <u>gsa</u> DEPUTY

5:25-cv-03500-CV-AJR

RESPONDENTS:

WARDEN, ADELANTO ICE PROCESSING CENTER.
FIELD OFFICE DIRECTOR, ICE LOS ANGELES FIELD OFFICE.
SECRETARY, DEPARTMENT OF HOMELAND SECURITY (DHS)
CASE No:

PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 USC.
SECTION 2241

REQUEST FOR IMMEDIATE RELEASE.

I, XIONARA AZUCENA SUAREZ MARIN, A# , AM CURRENTLY
DETAINED AT THE ADELANTO ICE PROCESSING CENTER. I RESPECTFULLY FILE THIS
PETITION FOR A WRIT HABEAS CORPUS UNDER 28 U.S.C. SECTION 2241 AND
REQUEST IMMEDIATE RELEASE, BECAUSE MY DETENTION IS UNLAWFUL AND VIOLATES
MY STATUTORY AND CONSTITUTIONAL RIGHTS.

1. JURISDICTION AND VENUE.

THIS COURT HAS JURISDICTION UNDER 28 U.S.C. SECTION 2241 BECAUSE IN FEDERAL IMMIGRATION CUSTODY AND AM CHALLENGING THE LEGALITY OF MY DETENTION.

VENUE IS PROPER IN THE CENTRAL DISTRICT OF CALIFORNIA BECAUSE I AM DETAINED WITHIN THIS DISTRICT.

2. FACTS AND BACKGROUND.

- I AM NATIVE AND CITIZEN OF PERU.
- I WAS LAWFULLY PAROLED INTO THE UNITED STATES IN DECEMBER 2022 UNDER INA SECTION 212(D)(5)
- I AM MARRIED TO A U.S. CITIZEN, GRAZIELLI CHIOQUE DE SOUSA.
- MY SPOUSE FILED AN I-130, AND I FILED AN I-485 IN JUNE 2025.
- USCIS INTERVIEW PROBLEMS CAUSED BY ICE DETENTION:
 - USCIS SCHEDULED MY ADJUSTMENT-OF-STATUS INTERVIEW FOR NOVEMBER 4, 2025.
 - ON SEPTEMBER 26, 2025, ICE DETAINED ME, MAKING IT IMPOSSIBLE TO ATTEND THE INTERVIEW.
 - USCIS RESCHEDULED MY INTERVIEW FOR DECEMBER 3, 2025.
 - ON OCTOBER 31, 2025, MY SPOUSE CONTACTED USCIS AND ASKED THEM TO COORDINATE WITH ICE SO I COULD ATTEND THE INTERVIEW BY VIDEO CONFERENCE, WHICH USCIS HAS DONE FOR DETAINED APPLICANTS IN THE PAST.
 - USCIS HAS NOT RESPONDED, AND ICE HAS NOT MADE ANY ARRANGEMENTS ALLOWING ME TO APPEAR FOR THE INTERVIEW.

MY DETENTION IS PREVENTING USCIS FROM ADJUDICATING MY APPLICATION AND PREVENTING ME TO PARTICIPATING IN THE PROCESS.

- DETENTION STATUTES:

- ICE HAS NOT INFORMED ME WHAT STATUTE IT RELIES ON FOR MY DETENTION.
- IF ICE CLAIMS AUTHORITY UNDER 8 U.S.C. SECTION 1226, THEN MY DETENTION IS DISCRETIONARY AND HAS BECOME PROLONGED AND UNREASONABLE WITHOUT ANY INDIVIDUALIZED JUSTIFICATION.
- IF ICE CLAIMS AUTHORITY UNDER 8 U.S.C. SECTION 1225(b) BY TREATING ME AS AN "APPLICANT FOR ADMISSION", THAT IS LEGALLY INCORRECT, BECAUSE I WAS PAROLED UNDER INA. SECTION 212(d)(5). A PAROLED INDIVIDUAL IS DETAINED, IF AT ALL, UNDER SECTION 1226(a), NOT SECTION 1225(b)

BECAUSE ICE HAS NOT PROVIDED THE STATUTORY BASIS FOR MY DETENTION, IT CANNOT BE LAWFULLY JUSTIFIED.

3. LEGAL GROUNDS OF RELIEF:

A. ICE LACKS STATUTORY AUTHORITY FOR MY CONTINUED DETENTION:

- BECAUSE I WAS LAWFULLY PAROLED, ICE CANNOT RELY ON MANDATORY DETENTION STATUTES. MY DETENTION FALLS UNDER 8 USC SECTION 1226(a), WHICH ALLOWS RELEASE ON BOND OR PAROLE. ICE HAS OFFERED NO REASON WHY CONTINUED DETENTION IS NECESSARY.
- PROLONGED, UNJUSTIFIED DETENTION VIOLATES DUE PROCESS UNDER ZADYNDAS V. DAVIS, 533 US 678 (2001)

B. INCORRECT NTA CHARGE:

- MY NTA INCORRECTLY ALLEGES UNLAWFUL ENTRY. DETENTION MUST BE BASED ON VALID CHARGES.

SEE DEMORE V. KIM, 538 U.S. 510 (2003)

C. DUE PROCESS VIOLATION - INTERFERENCE WITH USCIS ADJUSTMENT OF STATUS:

- ICE DETENTION IS PREVENTING ME FROM ATTENDING MY USCIS INTERVIEW AND PARTICIPATING IN MY ADJUSTMENT OF STATUS.
- ICE AND USCIS HAVE REFUSED TO COORDINATE TO ALLOW ME TO APPEAR, EVEN BY VIDEO.
- THIS VIOLATES MY DUE PROCESS RIGHTS TO MEANINGFULLY PURSUE IMMIGRATION RELIEF.

D. PROLONGED AND UNNECESSARY DETENTION:

- MY DETENTION HAS BEEN PROLONGED WITHOUT ANY LEGITIMATE GOVERNMENT PURPOSE.
- ICE HAS NOT PROVIDED INDIVIDUALIZED REASONS TO JUSTIFY CONTINUED CUSTODY, MAKING DETENTION ARBITRARY AND UNCONSTITUTIONAL.

4. RELIEF REQUESTED.

I RESPECTFULLY REQUEST THAT THE COURT:

- GRANT THE WRIT OF HABEAS CORPUS;
- ORDER MY IMMEDIATE RELEASE FROM ICE CUSTODY;
- GRANT ALL OTHER RELIEF THE COURT FINDS JUST AND PROPER.

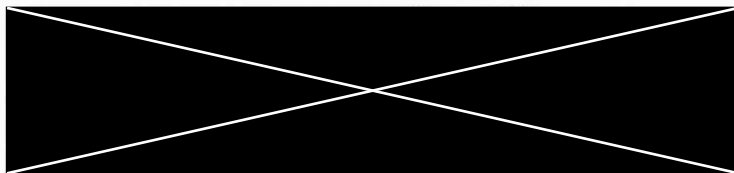
Verification:

I, XICHARA AZUCENA SUAREZ MARIN, DECLARE UNDER PENALTY OF PERJURY THAT THE STATEMENTS IN THIS PETITION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

DECEMBER 1ST, 2025


XICHARA AZUCENA SUAREZ MARIN
Att. 

Grazielli Chiosque de Sousa



Date: 10/27/25

To:

U.S. Citizenship and Immigration Services

300 N Los Angeles St, 8th Floor, Room 8024, Los Angeles, CA 90012

Re: Request to Reschedule I-130 Interview Due to ICE Detention

Applicant: Xiomara Azucena Suarez Marin

A-Number:



Receipt Number:



Scheduled Interview Date: November 4, 2025

Dear Officer,

I am writing to respectfully request that the I-485 interview for my spouse, Xiomara Azucena Suarez Marin, be rescheduled.

She is currently detained by ICE and has been held at the Adelanto ICE Processing Center since September 26, 2025 . Because of her detention, she will be unable to attend her adjustment of status interview scheduled for November 4, 2025. She is also scheduled to appear before the Immigration Judge on December 3, 2025, which confirms that her case is currently under immigration proceedings.

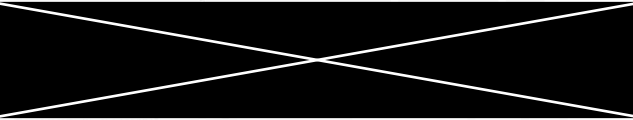
I contacted USCIS on October 1, 2025, to inform them of her detention and was advised to expect an email response within 2 to 4 weeks. Since I have not yet received a reply, I am submitting this written request to ensure that her application is not denied for failure to appear.

Enclosed please find documentation confirming her detention and USCIS contacting. I can also provide further records upon request. Thank you for your time, understanding, and assistance in this matter.

Sincerely,

Grazielli Chiosque de Sousa

Grazielli Chiosque de Sousa



10/20/2025

RE: Letter of Hardship for Xiomara Azucena Suarez Marin, 

I am writing to respectfully request the release of my wife, Xiomara Azucena Suarez Marin, who is currently detained at the Adelanto ICE Processing Center. Since her detention on 09/26/25 my life has become extremely difficult emotionally and financially and affecting our ability to pursue her lawful adjustment of status.

Xiomara is my life partner and the main source of emotional support. Her absence has left me struggling to manage daily responsibilities and maintain stability. It's been very hard to focus at work and to sleep because I'm constantly worried about her condition and her safety. Xiomara has a prior history of anxiety and post-traumatic stress disorder (PTSD), and her confinement has significantly worsened these conditions. Being in a detention environment is causing her increased anxiety, panic episodes, and emotional distress.

Being separated from my wife has placed tremendous emotional strain on me and has disrupted the normal functioning of my daily responsibilities. This detention is also actively interfering with her pending immigration process. For instance, we are unable to attend the Form I-130 appointment scheduled for November 4, 2025, which is directly delaying her adjustment of status case.

Xiomara has no criminal record and poses no danger to the community. She has strong ties to the United States through our marriage. She is fully committed to appearing at all her court hearings and any ICE check-ins required. I respectfully ask to consider these factors. Thank you very much for your time, understanding, and consideration of our difficult circumstances.

Respectfully,

Grazielli Chiosque de Sousa
U.S. Citizen Spouse of Xiomara Suarez Marin

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [REDACTED]

Even: [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: XIOMARA AZUCENA SUAREZ-MARIN

currently residing at:

See Continuation Page Made a Part Hereof

(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 PERU and a citizen of PERU;
3. You entered the United States at or near SAN LUIS, AZ, on or about November 29, 2022;
4. You were not then admitted or paroled after inspection by an Immigration Officer. ORAt that time you arrived at a time or place other than as designated by the Attorney General.

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.

- ☐ 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:

To be Determined.

(Complete Address of Immigration Court, including Room Number, if any)

on To be set. at To be set. to show why you should not be removed from the United States based on the
(Date) (Time)
charge(s) set forth above.

JOSE CASTILLAS - SDO
(Signature and Title of Issuing Officer)

Date: September 26, 2025

Los Angeles, CA

ATTACHMENTS.

1. MOTION FOR HABEAS.
2. COPY OF 212(d)(5) PAROLE DOCUMENTATION
3. I-130 CONFIRMATION RECEIPT.
4. I-485 CONFIRMATION RECEIPT.
5. I-130 FIRST INTERVIEW NOTICE.
6. REQUEST FOR USCIS TO RESCHEDULE I-130
7. COPY OF MARRIAGE CERTIFICATE.
8. COPY OF SPOUSE NATURALIZATION CERTIFICATE
9. LETTER OF SUPPORT / HARDSHIP LETTER FROM U.S. CITIZEN SPOUSE.
10. NOTICE TO APPEAR.

SUAREZ MARIN, XICHARA ARZENA
(Name of alien or aliens)



(“Alien number” of alien or aliens)

CERTIFICATE OF SERVICE

On DECEMBER 1ST, 2025, I, XICHARA ARZENA SUAREZ MARIN,
(date) (printed name of person signing below)

served a copy of this PETITION FOR WRIT HABEAS CORPUS,
(name of document)

and any attached pages to WARDEN, FIELD OFFICE, SECRETARY DHS.
(name of party served)

at the following address: SEE ATTACHED PAGE FOR FULL SERVICE LIST.
(address of party served)

by FIRST CLASS MAIL,
(method of service, for example overnight courier, hand-delivery, first class mail)

XBY
(signature)

12/01/2025
(date)

SUAREZ MARIN, Xiomara AZUCENA
(Name of alien or aliens)



(“Alien number” of alien or aliens)

CERTIFICATE OF SERVICE

On DECEMBER 1, 2025, I, Xiomara Azucena Suarez Marin,
(date) (printed name of person signing below)

served a copy of this PETITION FOR WRIT HABEAS CORPUS.
(name of document)

and any attached pages to WARDEN, FIELD OFFICE, SECRETARY DHS.
(name of party served)

at the following address: SEE ATTACHED PAGE FOR FULL SERVICE LIST.
(address of party served)

by FIRST CLASS MAIL
(method of service, for example overnight courier, hand-delivery, first class mail)

XSM

(signature)

12/01/2025

(date)

CERTIFICATE OF SERVICE
CONTINUED

AT THE FOLLOWING ADDRESS:

- WARDEN, ADELANTO ICE PROCESSING CENTER.
* 10250 RANCHO ROAD, ADELANTO, CA 92301.
- FIELD OFFICE DIRECTOR, ICE LOS ANGELES FIELD OFFICE.
* 300 N LOS ANGELES, LOS ANGELES CA 90012 (ROOM 7631)
- SECRETARY, DEPARTMENT OF HOMELAND SECURITY (DHS)
* 2707 MARTIN LUTHER KING JR AVE. SE WASHINGTON DC 20528