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15 UNITED STATES DISTRICT COURT
16 FOR THE CENTRAL DISTRICT OF CALIFORNIA
17

18 SANDRA PIEDAD OLIVERA MATOMA
19 Plaintiff and Petitioner,
20

21
22 vs.
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24 JAMES JANECKA, Warden of the Adelanto
25 Detention Center; ERNESTO SANTACRUZ,
26 Jr., Acting Director of the Los Angeles Field
27 Office, United States Immigration and
28 Customs Enforcement; PAM BONDI,
Attorney General, United States Department
of Justice; KRISTI NOEM, Secretary, United
States Department of Homeland Security;
TODD LYONS, Acting Director of United
States Immigration and Customs
Enforcement; and DOES 1-5

Defendants-Respondents

Case No.:

Hon:

**PETITION FOR HABEAS
CORPUS AND COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF**

PETITION FOR HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF - 1

JURISDICTION AND VENUE

1. This action arises under the Constitution of the United States; the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), Pub. L. No. 104-208, 110 Stat. 1570 [hereinafter ‘INA’]; and Administrative Procedure Act, 5 U.S.C. §§ 701 et seq [hereinafter “APA”].

2. This Court has further jurisdiction under 28 U.S.C. § 2241, 2243, art. I § 9, cl. 2 of the United States Constitution (“Suspension Clause”), and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of the authority of the United States based on the service of a Notice to Appear and is physically detained in the custody of Respondents and such custody is in violation of the Constitution, laws, or treaties of the United States. See Exhibit B.

3. This Court also may grant relief pursuant to 28 U.S.C. § 2241, 5 U.S.C. § 702, and the All Writs Act, 28 U.S.C. § 1651.

4. This court has further remedial authority pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq..

5. The use of the Writ of Habeas Corpus to challenge detention by ICE is not foreclosed by the REAL ID Act. The REAL ID Act of 2005, Pub. L. 109-13, 119 Stat. 231 (May 11, 2005), Title I, Section 106(c), amending INA §§ 242(a)(2)(A), (B), (C) and § 242(g), only deprives the district court of habeas jurisdiction to review orders of removal, not challenges to detention or the denial of constitutional rights. *See INS v. St. Cyr*, 533 U.S. 289, 364-65 (2001) (“The writ of habeas corpus has always been available to review the legality of executive detention.”).

1 6. This Court could enjoin federal officials pursuant to *Ex Parte Young*, 209
2 U.S. 123 (1908). *See Philadelphia Co. v. Stimson*, 223 U.S. 605, 619–21 (1912)
3
4 (applying *Ex Parte Young* to federal official); *Goltra v. Weeks*, 271 U.S. 536, 545
5
6 (1926) (same).
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8

9 7. Plaintiff-Petitioner has exhausted all administrative remedies to the extent
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11 available and required by law.
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13 8. Venue properly lies within the Central District of California, because each
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15 named Defendant-Respondent is present in this district and a substantial part of the
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17 events or omissions giving rise to this action occurred and continue to occur in this
18
19 District. *See 28 U.S.C. §1391(b)*. Petitioner is currently detained within this district
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21 to wit, at the Adelanto Detention Facility located at 10400 Rancho Road, Adelanto,
22
23 CA 92301. Accordingly, the “restraint complained of” is occurring within the
24
25 Court’s territorial jurisdiction. *See 28 U.S.C. § 2241(a)*
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27 9. No petition for habeas corpus was ever filed to review the legality of
28
Petitioner’s detention.

10. Petitioner does not challenge the initiation of removal proceedings nor any
application for relief from removal: her section 240 removal proceedings are
pending before the EOIR and an Individual Hearing to decide the merits of her
asylum application is scheduled for February 2026.

11. Petitioner does not challenge the entry of execution of any order of removal
as no order of removal has been entered against Petitioner.

PARTIES

1 12. Plaintiff-Petitioner Sandra Piedad Olivera Matoma is a 46-year-old national
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3 and citizen of Colombia who had resided in the United States for 3 years prior to
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5 her detention by Respondents. See Exhibit A. She was arrested at her 11 August
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7 2025 ICE check-in without a probable cause or a warrant, and is now detained
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9 without Respondents providing her an opportunity to be heard, to be released on
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11 bond, and/or to be represented by counsel prior to be deprivation of liberty.

12
13 13. The U.S. Department of Homeland Security (“DHS”) is a cabinet
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15 department of the United States federal government with the primary mission of
16
17 securing the United States.

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19 14. ICE is an agency within DHS with the primary mission of arresting,
20
21 detaining, and removing non-citizens physically present within the territory of the
22
23 United States. ICE is also responsible for the custody and care of all detained non-
24
25 citizens awaiting resolution of their immigration cases or removal after a final
26
27 order of removal had been entered.

28
15. Defendant Kristi Noem is the Secretary for DHS. In this capacity, Ms. Noem
has responsibility for the administration of immigration laws pursuant to 8 U.S.C.
§1103(a), has authority over ICE and its field offices, and has authority to order the
release of Plaintiff-Petitioner. At all times relevant to this Complaint,
Defendant Noem was acting within the scope and course of her position as the
Secretary for DHS. Defendant Noem is sued in her official capacity.

16. Defendant-Respondent Todd Lyons is the Acting Director and Senior
Official Performing the Duties of the Director of ICE. Defendant Lyons is

1 responsible for the implementation of all ICE's policies, practices, and procedures,
2 including those relating to detention of non-citizens. Defendant Lyons is a legal
3 and immediate custodian of Petitioner. At all times relevant to this Complaint,
4 Defendant Lyons was acting within the scope and course of his position as an ICE
5 official. He is sued in his official capacity.
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11 17. Defendant-Respondent Ernesto Santacruz, Jr. is the Acting Director of the
12 Los Angeles Field Office of ICE, which has immediate custody of Plaintiff-
13 Petitioner. He is sued in his official capacity.
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16
17 18. Defendant James Janecka is the warden of the Adelanto Detention Facility in
18 San Bernardino County, where Plaintiff-Petitioner are currently detained.
19 Defendant Janecka is the immediate, physical custodian of Petitioner. He is named
20 in his official capacity.
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23
24 19. The true names or capacities, whether individual, corporate, associate or
25 otherwise, of the Defendants-Respondents named herein as Does 1 through 5 are
26 unknown to Plaintiff-Petitioner, who therefore sues said Respondents by such
27 fictitious names, and Petitioner will amend this Complaint to show their true names
28 and capacities when ascertained. Does 1 through 5 are the immediate, physical
custodians of Plaintiff-Petitioner

FACTS RELEVANT TO ALL CAUSES OF ACTIONS

20. Petitioner Sandra Piedad Olivera Matoma is a forty-six-year-old woman who
was born in, and is a citizen of, Colombia. She entered without inspection about 3
years ago. See Exhibit A at ¶4.

21. Petitioner has no prior immigration or criminal record.

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1 22. Petitioner entered the United States on or about December 2022 without
2 inspection and was apprehended by Respondents and taken into custody. See
3 Exhibit A.
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7 23. On or about 11 February 2023 Respondents determined that Petitioner is
8 neither danger to anyone for a flight risk and released her from custody on a grant
9 of conditional parole. See Exhibit D.
10

11
12 24. On or 14 February 2023 Petitioner was served with an interim notice of
13 conditional parole and was required to enroll in an ATD monitoring program as a
14 condition of his parole. *Id.*; see also INA § 236(a)(2)(B); *Rivera v. Holder*, 307
15 F.R.D. 539 (W.D. Wash. 2015).
16
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21 25. Upon release Petitioner was required to check periodically with ICE, Los
22 Angeles, and to comply with other conditions of release. Exhibit A at ¶7.
23

24
25 26. Petitioner reported as ordered without any issues or notices or warnings of
26 violations. *Id.*
27

28
27. On or about 11 September 2023 Petitioner submitted a timely affirmative
asylum application with USCIS. See Exhibit E. USCIS accepted the application for
processing. *Id.* USCIS later exercised favorable discretion and issued Petitioner a
category C8 employment authorization document (work permit). See Exhibit F.

28. On 11 August 2025 Petitioner appeared at her regularly scheduled ICE-check
with Respondents without explanation or notice of violation.

29. Petitioner asserts that she had not violated any condition of his parole and
later his release of recognizance. See Exhibit A ¶7.

1 30. ICE subsequently placed Petitioner in section 240 removal proceeding by
2
3 filing a Notice to Appear with the Executive Office of Immigration Review,
4
5 Adelanto CA.

6
7 31. Upon her arrest Respondents transferred Petitioner the Adelanto Detention
8
9 Facility where she remains detained

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11 32. Plaintiff-Petitioner no prior immigration or any criminal record.

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13 33. Petitioner was not allowed to post a bond and remains in custody.

14
15 34. The Respondents have refused to release Petitioner from custody
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17 asserting that he is subject to mandatory detention under section 1225(b)(2).

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19 35. No expedited order of removal was ever entered and served on Petitioner.

20
21 36. Petitioner's section 240 removal proceedings are ongoing before the
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23 EOIR, Adelanto, CA. Exhibit C.

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25
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27 **RELEVANT IMMIGRATION STATUTORY SCHEME**

28 **Section 1225(b)(1) Expedited Removal Proceedings**

37. The expedited removal process, created by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, is codified in INA § 235(b)(1), 8 U.S.C. §1225(b)(1). The INA permits the DHS to summarily remove non-citizens arriving at a designated U.S. port of entry ('arriving aliens') "without further hearing or review" if they are inadmissible either because they (1) lack valid entry documents, or (2) tried to procure their admission into the United States through fraud or misrepresentation. INA § 235(b)(1) also authorizes—but does not require—DHS to extend application of expedited removal to "certain other aliens"

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1 inadmissible on the same grounds if they (1) were not admitted or paroled into the
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3 United States by immigration authorities and (2) cannot establish at least two years'
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5 continuous physical presence in the United States at the time of apprehension.
6

7 38. Respondents have implemented expedited removal mainly for three
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9 overarching categories of aliens who lack valid entry documents or attempted to
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11 falsely procure admission: (1) arriving aliens (defined by regulation as aliens
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13 arriving at U.S. ports of entry); (2) aliens who entered the United States by sea
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15 without being admitted or paroled into the United States, and who have been in the
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17 country less than two years; and (3) aliens apprehended within 100 miles of the
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19 U.S. border within two years of entering the country, and who have not been
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21 admitted or paroled.
22

23 39. Respondents could did not invoke the expedited removal process when they
24
25 first apprehended Petitioner. See Exhibit A &, B, D.
26

27 **Regular or 'Section 240' Removal Proceedings**
28

40. The second option for Respondents under the INA is to initiate what is
commonly referred to as "section 240" proceedings, the standard mechanism for
removing inadmissible and removable noncitizens. Section 240 removal
proceedings take place before an immigration judge (IJ), an employee of the
Department of Justice who must be a licensed attorney and has a duty to develop
the record in cases before them. 8 U.S.C. § 1229a(a)(1), (b)(1); 8 C.F.R. §
1003.10(a). These are adversarial proceedings in which the noncitizen has the right
to hire counsel, file for all relief from removal within the jurisdiction of the
immigration judge, examine and present evidence, and cross-examine witnesses. 8
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1 U.S.C. § 1229a(b)(4). Section 240 proceedings typically take place over the course
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3 of multiple hearings., thus allowing time for individuals to gather and present
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5 evidence in support of petitions for relief available in immigration court (like
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7 asylum, adjustment of status, cancellation of removal, etc.) and to seek collateral
8
9 relief from other components of the Department of Homeland Security (like
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11 U and T visa). See 8 U.S.C. §§ 1229a(b)(4)(B), (c)(4), 1229b.

12
13 **41.** After an IJ renders a decision, either party may appeal to the Board of
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15 Immigration Appeals. 8 C.F.R. §§ 1240.15, 1003.1. If the Board upholds a removal
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17 order, the noncitizen can appeal that decision to a federal court of appeals via a
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19 petition for review. 8 U.S.C. § 1252. Respondents placed Petitioner in section 240
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21 removal proceedings on 14 August 2025.

22 **Immigration Detention**

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25 **42.** The INA governs the use of immigration detention both pre- and post-final
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27 order. Post-final-order immigration detention is governed by 8 U.S.C. § 1231(a);
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pre-final-order detention by 8 U.S.C. § 1226.

43. In 8 U.S.C. §§ 1226 and 1231 Congress created different, but interrelated,
comprehensive frameworks for detaining criminal and non-criminal non-citizens.

44. Section 1226 authorizes the detention of non-citizens during removal
proceedings: section 1226(a) controls non-criminal aliens' detentions, while
section 1226(c) controls criminal aliens' detentions. See 8 U.S.C. § 1226(a)&(c).
Once a non-citizen's removal proceedings are completed ICE's detention authority
is controlled by section 1231, which also distinguishes between non-criminal and
criminal non-citizens. See 8 U.S.C. § 1231.

*Section 1226(a) and Non-Criminal Non-citizens
During Removal Proceedings*

45. The Attorney General has discretion to detain a non-criminal non-citizen
“pending a decision on whether the alien is to be removed from the United States.”

See 8 U.S.C. § 1226(a). The Attorney General may detain the non-citizen for the
duration of the removal proceedings or release him on bond or conditional parole.

See 8 U.S.C. § 1226(a)(1)-(2).

46. In connection with § 1226(a), the DHS promulgated regulations setting out
the process by which a non-criminal non-citizen may obtain release. The
regulations provide that, in order to obtain bond or conditional parole, the “alien
must demonstrate to the satisfaction of the officer that such release would not pose
a danger to property or persons, and that the alien is likely to appear for any future
proceeding.” *See 8 C.F.R. § 1236.1(c)(8).*

*Section 1226(c) and Criminal Non-citizens
During Removal Proceedings*

47. Although the Attorney General has broad discretion to release non-criminal
non-citizens during the pendency of their removal proceedings, the INA limits the
Attorney General’s discretion in the case of criminal non-citizens. Specifically,
section 1226(c) mandates that “[t]he Attorney General shall take into custody any
alien who . . . is deportable by reason of having committed [certain specified
offenses].” *See 8 U.S.C. § 1226(c)(1)(B).*

48. Section 1226(c) provides that the Attorney General may release a criminal
non-citizen “only if” necessary for narrow witness protection purposes. *See 8*

1 U.S.C. § 1226(c)(2). Under § 1226(c), custody is mandatory for criminal non-
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3 citizens throughout the entirety of their removal proceedings, and there is no
4
5 statutory possibility for release on bond.
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7 49. Petitioner was never detained under the authority of section 1226(c).
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9 50. When a non-citizen is released on bond or under supervision, the non-citizen
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11 must periodically appear before an immigration officer, obey written restrictions,
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13 and comply with other requirements provided for by regulation. *See* 8 U.S.C. §
14
15 1231(a)(3).
16

17 51. When a non-citizen is released on supervision ICE must issue and serve on
18
19 the individual a standardized form I-220 which imposes the conditions on release.
20
21 Petitioner has no criminal record, prior immigration record and has complied with
22
23 all conditions on release.
24

25 *Detention Pursuant to 8 U.S.C. § 1225(b)(2)*
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27 52. Under § 1225(b)(2), “in the case of an alien who is an applicant for
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admission, if the examining immigration officer determines that an alien seeking
admission is not clearly and beyond a doubt entitled to be admitted, the alien shall
be detained.” 8 U.S.C. § 1225(b)(2). By contrast, an alien arrested on a warrant
issued by the Attorney General “may” be detained but is also eligible for release on
bond. 8 U.S.C. § 1226(a). Courts have repeatedly held that § 1225 applies to
arriving aliens, while § 1226 governs detention of “aliens already in the country.”
Jennings v. Rodriguez, 583 U.S. 281, 281 (2018). Petitioner is an arriving alien
under § 1225 and in fact Respondents charged both Petitioner as an “alien present

1 in the United States who has not been admitted or paroled” rather than an “arriving
2 alien.”
3

4
5 53. The Courts to have addressed the issue have found the Government
6 invocation of the mandatory detention provision under section 1225 unlawful and
7 have ordered release of non-citizens held in detention based of such erroneous
8 reading of the Immigration and Nationality Act and application of § 1225(b) to
9 noncitizens who, like Petitioner, are not apprehended upon arrival in the United
10 States. *See Maldonado Bautista v. Santacruz Jr.*, No. 5:25-cv-01873-SSS-BFM,
11 Dkt 81 (C.D. Cal. Nov 20, 2025); *Rodriguez Vasquez v. Bostock*, No. 3:25-CV-
12 05240-TMC,---F.Supp.3d---, 2025 WL 1193850 (W.D.Wash. Apr. 24, 2025); *see*
13 *also Gomes v. Hyde*, No. 1:25-CV- 11571-JEK, 2025 WL 1869299, at *8 (D.
14 Mass. July 7, 2025) granting habeas based on same ground); *Diaz Alartinez v.*
15 *Hyde*, No. CV 25-11613-BEM,---F.Supp. 3d---2025 WL 2084238, at *9 (D. Mass.
16 July 24, 2025) (ordering release where noncitizen was redetained based on ICE's
17 assertion of detention authority under§ 1225(b)); *Helal v. Janecka*, No. 5:25-CV-
18 02650-HDV-JC, 2025 WL 3190132, at *3 (C.D. Cal. Oct. 24, 2025) (same).
19

20
21 54. Under *Loper Bright v. Raimondo*, this Court should independently interpret
22 the statute and give the BIA’s expansive interpretation of § 1225(b)(2) no weight,
23 as it conflicts with the statute, regulations, and precedent. 603 U.S. 369 (2024).
24

25 55. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of
26 the Illegal Immigration Reform and Immigrant Responsibility Act (“IIRIRA”) of
27 1996, Pub. L. No. 104-208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to
28 3009–583, 3009–585. Following IIRIRA, the Executive Office for Immigration
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1 Review (“EOIR”) issued regulations clarifying that individuals who entered the
2
3 country without inspection were not considered detained under § 1225, but rather
4
5 under § 1226(a). *See Inspection and Expedited Removal of Aliens; Detention and*
6
7 *Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures*, 62 Fed.
8
9 Reg. 10312, 10323 (Mar. 6, 1997) (“Despite being applicants for admission, aliens
10
11 who are present without having been admitted or paroled (formerly referred to as
12
13 aliens who entered without inspection) will be eligible for bond and bond
14
15 redetermination”).

16
17 56. The statutory context and structure also make clear that § 1226 applies to
18
19 individuals who have not been admitted and entered without inspection. In 2025,
20
21 Congress added new mandatory detention grounds to § 1226(c) that apply only to
22
23 noncitizens who have not been admitted. *See The Laken Riley Act*, Pub. L. No. 119-1,
24
25 § 2, 139 Stat. 3, 3 (2025) (8 U.S.C. § 1226(c)(1)(E)).

26
27 57. By specifically referencing inadmissibility for entry without inspection under 8
28 U.S.C. § 1182(6)(A), Congress made clear that such individuals are otherwise covered
by § 1226(a). Thus, § 1226 plainly applies to noncitizens charged as inadmissible,
including those present without admission or parole.

58. The Supreme Court has explained that § 1225(b) is concerned “primarily [with
those] seeking entry,” and is generally imposed “at the Nation’s borders and ports of
entry, where the Government must determine whether [a noncitizen] seeking to enter
the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281, 297, 2987 (2018). In
contrast, Section 1226 “authorizes the Government to detain certain aliens *already in*

1 *the country* pending the outcome of removal proceedings.” *Id.* at 289 (emphases
2
3 added).

4
5 59. Furthermore, § 1225(b)(2) specifically applies only to those “seeking
6
7 admission,” and the implementing regulations at 8 C.F.R. § 1.2 address noncitizens
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9 who are “coming or attempting to come into the United States.” The use of the present
10
11 progressive tense would exclude noncitizens like Petitioner who are apprehended in
12
13 the interior years after they entered, as they are no longer “seeking admission” or
14
15 “coming [...] into the United States.” *See Martinez v. Hyde*, 2025 WL 2084238 at *6
16
17 (D. Mass. July 24, 2025) (citing the use of present and present progressive tense to
18
19 support conclusion that INA § 1225(b)(2) does not apply to individuals apprehended
20
21 in the interior); *see also Al Otro Lado v. McAleenan*, 394 F. Supp. 3d 1168, 1200
22
23 (S.D. Cal. 2019) (construing “is arriving” in INA § 235(b)(1)(A)(i) and observing that
24
25 “[t]he use of the present progressive, like use of the present participle, denotes an
26
27 ongoing process”).
28

60. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply
to Petitioner, who had entered the U.S. years ago.

Parole and Release on Recognizance

61. Respondents’ statutory authority to release noncitizens from custody depends
on which detention statute applies.

62. Section 1226(c) is the most restrictive provision and authorizes release only
when necessary under federal witness protection statutes. *See* 8 U.S.C. § 1226(c)(4).

63. Noncitizens subject to either subsection of § 1225 are not statutorily eligible for
bond—whether by DHS or an immigration judge—or release on their own
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1 recognizance. However, DHS can release them on humanitarian parole under 8 U.S.C.
2
3 § 1182(d)(5)(A).
4

5 64. Under § 1226(a), DHS can release noncitizens on bond, on their own
6
7 recognizance (also known as “conditional parole”), or on humanitarian parole. *See* 8
8 U.S.C. § 1226(a)(2); 8 C.F.R. § 236.1(8). Noncitizens who are subject to § 1226(a)
9
10 are also entitled to a bond hearing before an immigration judge.
11

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13 65. Regardless of the statutory vehicle for release, a DHS officer may not release a
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15 noncitizen unless the individual does not pose a risk of flight or danger to the
16
17 community. *See* 8 C.F.R. §§ 236.1(c)(8), 1236.1(c)(8) (noncitizen must “demonstrate
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19 to the satisfaction of the officer that such release would not pose a danger to property
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21 or persons, and that the [noncitizen] is likely to appear for any future proceeding”);
22
23 *see also* 8 C.F.R. § 212.5 (humanitarian parole available only when “the [noncitizens]
24
25 present neither a security risk nor a risk of absconding”).
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27 66. Any “[r]elease” of a noncitizen, thus, “reflects a determination by Respondents
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that the noncitizen is not a danger to the community or a flight risk.” *Saravia v.*
Sessions, 280 F. Supp. 3d 1168, 1176 (N.D. Cal. 2017), *aff’d sub nom. Saravia for*
A.H. v. Sessions, 905 F.3d 1137 (9th Cir. 2018)

Revocation of conditions of Release

67. When a non-citizen is placed on parole status after having been detained, a
protected liberty interest may arise. *Young v. Harper*, 520 U.S. 143, 147-149 (1997).

68. The Due Process Clause may protect this liberty interest even where a statute
allows the immigrant’s arrest and detention and does not provide for procedural
protections. *Id.* (Due Process requires pre deprivation hearing before revocation of
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1 parole); *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972). *Morrissey* observed that
2 parole allows the parolee to enjoy the same activities as those who have not been
3 arrested and held in custody including, living at home, having a job, and “be[ing] with
4 family and friends and to form the other enduring attachments of normal life.”
5 *Morrissey*, 408 U.S. at 482. “Though the [government] properly subjects [the parolee]
6 to many restrictions not applicable to other citizens,” such as monitoring and seeking
7 authorization to work and travel, “his condition is very different from that of
8 confinement in a prison.” *Id.* “The parolee has relied on at least an implicit promise
9 that parole will be revoked only if he fails to live up to the parole conditions.” *Id.* The
10 revocation of parole undoubtedly “inflicts a grievous loss on the parolee.” *Id.*
11 (quotations omitted). Therefore, a parolee possesses a protected liberty interest in his
12 “continued liberty.” *Id.* at 481–84.

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25 69. The protected liberty is even greater when a person is placed on release on
26 order of recognizance.

27
28 70. In *Pinchi*, the Court explained:

. . . even when ICE has the initial discretion to detain or release a noncitizen pending removal proceedings, after that individual is released from custody she has a protected liberty interest in remaining out of custody. See *Romero v. Kaiser*, No. 22-cv-02508, 2022 WL 1443250, at *2 (N.D. Cal. May 6, 2022) (“[T]his Court joins other courts of this district facing facts similar to the present case and finds Petitioner raised serious questions going to the merits of his claim that due process requires a hearing before an IJ prior to re-detention.”); *Jorge M. F. v. Wilkinson*, No. 21-cv-01434, 2021 WL 783561, at *2 (N.D. Cal. Mar. 1, 2021); *Ortiz Vargas v. Jennings*, No. 20-cv-5785, 2020 WL 5074312, at *3 (N.D. Cal. Aug. 23, 2020); *Ortega*, 415 F. Supp. 3d at 969 (“Just as people on preparole, parole, and probation status have a liberty interest, so too does [a noncitizen released from immigration detention] have a liberty interest in remaining out of custody on bond.”).

1 *Pinchi v. Noem*, No. 5:25-CV-05632-PCP, 2025 WL 2084921, at *3 (N.D. Cal. July
2 24, 2025).

3
4 71. Under substantive due process doctrine, a restraint on liberty like revocation
5 of a non-citizen's order of supervision is only permissible if it serves a "legitimate
6 nonpunitive objective." *Kansas v. Hendricks*, 521 U.S. 346, 363 (1997). The
7 Supreme Court has only recognized two legitimate objectives of immigration
8 detention: *preventing danger to the community or preventing flight prior to*
9 *removal*. See *Zadvydas v. Davis*, 533 U.S. 678, 690-92 (discussing constitutional
10 limitations on civil detention).

11
12 72. "Procedural due process imposes constraints on governmental decisions
13 which deprive individuals of liberty," like the decision to revoke a non-citizen's
14 order of supervision. *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976) (citation
15 modified). "The fundamental requirement of [procedural] due process is the
16 opportunity to be heard at a meaningful time and in a meaningful manner." *Id.* at
17 333 (citation modified).

18
19 73. Under the INA and implementing regulations, certain DHS officials "at any
20 time may revoke a bond or [conditional] parole authorized under [§ 1226(a)], rearrest
21 the [noncitizen] under the original warrant, and detain the [noncitizen]." 8 U.S.C. §
22 1226(b); see 8 C.F.R. § 236.1(c)(9). Certain DHS officials may terminate
23 humanitarian parole upon written notice when they determine that the purpose for
24 parole has been "accomplish[ed]" or when "neither humanitarian reasons nor public
25 benefit warrants the [noncitizen's] continued presence . . . in the United States[.]" 8
26 C.F.R. § 212.5(e)(2)(i). For decades, however, DHS has had a consistent policy and

1 practice of re-detaining noncitizens in removal proceedings only when the individual
2
3 circumstances related to their flight risk or danger to the community had materially
4
5 changed.
6

7 74. By regulation, revocations of release may only be carried out in the “discretion
8
9 of the district director, acting district director, deputy director, assistant district
10
11 director for investigations, assistant district director for detention and deportation, or
12
13 officer in charge (except foreign).” 8 C.F.R. § 236.1(c)(9).
14

15 75. Despite “the breadth of [the] statutory language” in 8 U.S.C. § 1226(b), the
16
17 Respondents’ authority to re-detain is subject to “an important implicit limitation”: It
18
19 cannot lawfully re-arrest or re-detain someone without “a material change in
20
21 circumstances.” *Saravia*, 280 F. Supp. 3d at 1197; *see also Matter of Sugay*, 17 I. &
22
23 N. Dec. 637, 640 (B.I.A. 1981). Thus, a person released from initial custody, like
24
25 Petitioner here, cannot be re-detained “solely on the ground that he is subject to
26
27 removal proceedings[,]” without some new, intervening cause. *Saravia*, 280 F. Supp.
28 at 1196. Indeed, the Fourth Amendment, which applies to seizures by immigration
authorities, prohibits such re-arrests, which courts have long held could result in
“harassment by continual rearrests.” *United States v. Holmes*, 452 F.2d 249, 261 (7th
Cir. 1971) (Stevens, J.) (prohibiting rearrest without change in circumstances in
criminal context); *U.S. v. Brignoni-Ponce*, 422 U.S. 873, 884 (1975) (applying Fourth
Amendment principles from criminal context to “limit” scope of immigration agents’
seizure authority); *Gonzalez v. United States Immigr. & Customs Enf’t*, 975 F.3d 788,
817 (9th Cir. 2020) (Fourth Amendment limits apply equally to seizures in criminal
and civil immigration context).

76. The Supreme Court has repeatedly recognized that re-detention after some form of conditional release requires a pre-deprivation hearing. *Young v. Harper*, 520 U.S. 143, 152 (1997) (re-detention after pre-parole conditional supervision); *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). The same protection apply to people like Petitioner who were released from civil immigration detention. See *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019) (observing that “[g]iven the civil context [of immigration detention], [the] liberty interest [of noncitizens released from custody] is arguably greater than the interest of parolees.”)

COUNT ONE

Detention in Violation of the Fifth Amendment (substantive due process) Against all Defendants

77. Petitioner repeats and incorporates by reference all allegations in paragraphs 20 to 76 above.

78. The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law. U.S. Const. Amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

79. “Government detention violates the Due Process Clause unless it is ordered in a criminal proceeding with adequate procedural safeguards, or in certain special and non-punitive circumstances ‘where a special justification, . . . outweighs the individual’s constitutionally protected interest in avoiding physical restraint.’”

1 *Zavala v. Ridge*, 310 F. Supp. 2d 1071, 1076 (N.D. Cal. 2004) (quoting *Kansas v.*
2
3 *Hendricks*, 521 U.S. 346, 356 (1997)).

4
5 80. Respondents cannot show any “special justification” or compelling
6
7 governmental interest which would outweigh Petitioner’s constitutional liberty.

8
9 81. Petitioner is not a danger to anyone or flight risk.

10
11 82. The governmental interest in the continued detention of these least-
12
13 dangerous individuals does not and cannot outweigh the liberty interest at stake.

14
15 **COUNT TWO**
16 **Violation of Fifth Amendment Right**
17 **Procedural Due Process**
18 **Against All Defendants**
19

20
21 83. Petitioner repeats and incorporates by reference all allegations in paragraphs
22
23 20 to 76 above.

24
25 84. The Fifth Amendment’s Due Process Clause prohibits the federal government
26
27 from depriving any person of “life, liberty, or property, without due process of law.”

28 U.S. Const. Amend. V.

85. The Supreme Court has repeatedly emphasized that the Constitution generally
requires a hearing before the government deprives a person of liberty or property.

Zinerman v. Burch, 494 U.S. 113, 127 (1990).

86. Under the *Mathews v. Eldridge* framework, the balance of interests strongly
favors Petitioner’s release.

87. Petitioner’s private interest in freedom from detention is profound. The interest in
being free from physical detention is “the most elemental of liberty interests.” *Hamdi v.*

Rumsfeld, 542 U.S. 507, 529 (2004); *see also Zadvydas v. Davis*, 533 U.S. 678, 690

1 (2001) (“Freedom from imprisonment—from government custody, detention, or other
2 forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause
3 protects.”).

4
5
6
7 88. The risk of erroneous deprivation is exceptionally high. Petitioner was arrested
8 for violation of section 1029(a) but was found eligible for bond of \$10,000 by a
9 magistrate of this Court and is subject to restrictions that assure her appearance for all
10 future proceedings.
11

12
13
14
15 89. The government’s interest in detaining Petitioner without due process is
16 minimal. Immigration detention is civil, not punitive, and may only be used to prevent
17 danger to the community or ensure appearance at immigration proceedings. *See*
18 *Zadvydas*, 533 U.S. at 690.
19
20

21
22
23 90. Furthermore, the “fiscal and administrative burdens” of providing Petitioner
24 with a bond hearing are minimal, particularly when weighed against the significant
25 liberty interests at stake. *See Mathews*, 424 U.S. at 334–35.
26
27

28
91. Considering these factors, Petitioner respectfully requests that this Court order
her immediate release from custody or in the alternative order that he be provided with
a bond hearing before an immigration judge where Respondents bear the burden of
proof.

COUNT THREE
Violation of 8 U.S.C. § 1226(a)
Unlawful Denial of Release on Bond
Against All Respondents

92. Petitioner repeats and incorporates by reference all allegations in paragraphs
19 to 52 above.

PETITION FOR HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF - 21

93. Petitioner may be detained, if at all, pursuant to 8 U.S.C. § 1226(a). Under § 1226(a) and its associated regulations, Petitioner are entitled to a bond hearing. *See* 8 C.F.R. 236.1(d) & 1003.19(a)-(f).

94. Petitioner has not been, and will not be, provided with a bond hearing by Respondents as required by law unless the Court so order.

95. Petitioner's continuing detention is therefore unlawful.

COUNT FOUR

Violation of the Bond Regulations, 8 C.F.R. §§ 236.1, 1236.1 and 1003.19 Against All Respondents

96. Petitioner repeats and incorporates by reference all allegations in paragraphs 20 to 76 above.

97. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-Immigration and Naturalization Service ("INS") issued an interim rule to interpret and apply IIRIRA. Specifically, under the heading of "Apprehension, Custody, and Detention of [Noncitizens]," the agencies explained that "[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) will be eligible for bond and bond redetermination." 62 Fed. Reg. at 10323. The agencies thus made clear that individuals who had entered without inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. § 1226 and its implementing regulations.

98. The application of § 1225(b)(2) to Petitioner unlawfully mandates their continued detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

COUNT FIVE

**Non-Statutory Ultra Vires Action/Accardi Doctrine Violation
Against all Defendants**

99. Petitioner repeats and incorporates by reference all allegations in paragraphs 20 to 76 above.

100. There is no statute, constitutional provision, or other source of law that authorizes Respondents to detain Petitioner under the circumstances of this case.

101. Petitioner has a non-statutory right of action to declare unlawful, set aside, and enjoin Respondents' ultra vires actions in holding them in punitive immigration detention without an opportunity to be heard and apply for a bond.

102. Under the *Accardi* doctrine, Petitioner also has a right to set aside agency action that violated agency procedures, rules, or instructions. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 ("If petitioner can prove the allegation [that agency failed to follow its rules in a hearing] he should receive a new hearing").

103. Respondents violated agency regulations governing who and upon what findings it may holding individual without an opportunity for release.

SUBSTANTIAL LIKELIHOOD OF SUCCESS

104. Petitioner repeats and incorporates by reference all allegations in paragraphs 1 to 103 above.

105. As shown above Petitioner has shown substantial likelihood of success on her statutory and constitutional claims.

IRREPARABLE HARM

106. Petitioner have resided in the United States for extended periods of time and has established deep roots in the communities. Because of her unlawful detention Petitioner has been separated from family members and experiencing severe emotional distress. See Exhibit A.

107. “It is well established that the deprivation of constitutional rights unquestionably constitutes irreparable injury.” *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012). “When an alleged deprivation of a constitutional right is involved, most courts hold that no further showing of irreparable injury is necessary.” *Warsoldier v. Woodford*, 418 F.3d 989, 1001–02 (9th Cir. 2005) (cleaned up). Permitting continued violations of federal law would serve “neither equity nor the public interest.” *Galvez v. Jaddou*, 52 F.4th 821, 832 (9th Cir. 2022). Thus, the public interest weighs in favor of the Petitioner because continued detention without the legal protections afforded by the INA, Due Process, and the prohibition against non-refoulement potentially violates his due process and statutory rights. See *Xuyue Zhang v. Barr*, 612 F.Supp.3d 1005, 1017 (C.D. Cal. 2019) (“Generally, public interest concerns are implicated when a constitutional right has been violated, because all citizens have a stake in upholding the Constitution.”).

PRAYER FOR RELIEF

WHEREFORE, Petitioner pray that this Court grant the following relief:

- (1) Issue a Order to Show Cause ordering Respondents to respond to this
Petition within 3 days and to show the legal basis for Petitioner's detention;
- (2) Issue a Writ of Habeas Corpus on the ground that Petitioner' continued
detention violates the Due Process Clause and order Petitioner' immediate
release on reasonable conditions of supervision;
- (3) In the alternative, issue injunctive relief ordering Respondents to
immediately release Petitioner, on the ground that their respective continued
detention violates Plaintiff's constitutional due process rights;
- (4) Issue an injunction ordering Respondents not to arrest and detain Petitioner
without a proper finding that each has committed a violation of the
conditions of release or bond;
- (5) Issue an injunction ordering Respondents not revoke Petitioner' grant of
release without providing prior written notice, an opportunity to respond, and
be represented by counsel prior to deprivation of liberty when the individual
is not yet subject to a final order of removal;
- (6) Issue an injunction prohibiting the transfer of Petitioner outside of the
jurisdictional limits of this Court;
- (7) Enter a judgment declaring that Respondents' detention of Petitioner
is and will be unauthorized by statute and contrary to law;
- (8) Award Petitioner reasonable costs and attorney fees.

Date: 12/30/2025

PETITION FOR HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF - 25

1 Verified and Submitted by
2
3

4 s/ Nicolette Glazer Esq.
5

6 Nicolette Glazer Esq.
7

8 LAW OFFICES OF LARRY R GLAZER
9

10 2121 Avenue of the Stars #800
11

12 Century City, CA 90067
13

14 T: 310-407-5353
15

16 F: 310-407-5354
17

18 nicolette@glazerandglazer.com
19

20 ATTORNEY FOR PETITIONER
21
22
23
24
25
26
27
28

I Sandra Piedad Olivera Matoma and I am over 18 years old and I declare under penalty of perjury that the following is true and correct to the best of my knowledge

1. My name is Sandra Piedad Olivera Matoma
2. I am from Colombia.
3. I am 46 years old.
4. I have entered in the United States over 3 years ago.
5. I speak Spanish.
6. I escaped from my country because I have fear to return to my country.
7. When I entered the United States, I was released almost immediately. I have to report to ICE constantly and I complied with all these.
8. I applied for asylum application. I was granted a work authorization card.
9. I was required to report to the ICE in Los Angeles. I went to report on 8/11/2025. When I went to report on 8/11/2025, they sent me to a room and went ahead to detain and arrested me for no reason. They handcuffed me immediately. I was in shock since I complied with all the appointments and reported them on time. I was very helpless.
10. They detained me in a big room with a lot of other people. We all ate there and peed there and it was very dirty place.
11. I stayed in Los Angeles for two days then I was transferred to Adelanto.
12. I am very sick now at detention center. I have severe allergy and I have severe headache due to my stress and I couldn't sleep at night. My feet are swelling. I have cramps very often. I didn't receive any proper treatment here. It is very cold there and I didn't have enough clothes and blankets. I have so much fear inside and I worry so much about my life.
13. There are a lot of people together stayed in the same room.
14. They gave us food that is not eatable at all.
15. I am very depressed and I am under a lot of stress inside.
16. I could not sleep because of my medical condition. It is a nightmare to me about what happened on 8/11/2025. I came to this country to seek refugee because of the country condition in my country. I never expected to have those inhuman treatments like this. When I slept at night, I would have nightmare about what happened on 8/11/2025
17. I miss my family.
18. I feel very helpless and vulnerable under this circumstance and I am so afraid of my life if I continue to stay inside.
19. I need to get out of there since my family needs me.
20. I miss my family and I need your help

Sandra Piedad Olivera Matoma



Main Menu

Search Results: 1

SANDRA PIEDAD OLIVERA MATOMA

Country of Birth : Colombia

A-Number: 

Status : In ICE Custody

State: CA

Current Detention Facility: ADELANTO DETENTION FACILITY

** Click on the Detention Facility name to obtain facility contact information*

[BACK TO SEARCH >](#)

Related Information

Helpful Info

[Status of a Case](#)

[About the Detainee Locator](#)

[Brochure](#)



 An official website of the United States government
Here's how you know



EOIR Automated Case Information

Court Closures Today December 5, 2025

Please check <https://www.justice.gov/eoir-operational-status> for up to date closures.

Home > **OLIVERA MATOMA, SANDRA PIEDAD (246-687-313)**



Automated Case Information

Name: OLIVERA MATOMA, SANDRA PIEDAD | A-Number:
 | Docket Date: 8/14/2025

Next Hearing Information

Your upcoming **INDIVIDUAL** hearing is on **February 18, 2026** at **8:00 AM**.

JUDGE

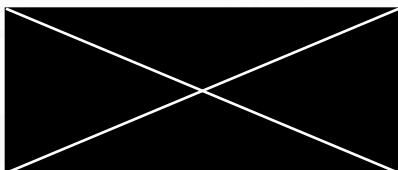
Maury, Carlos E.

COURT ADDRESS

10400 RANCHO ROAD
ADELANTO, CA 92301

Notice Authorizing Parole

To: Olivera Matoma, Sandra Piedad



02/11/2023
File: A [Redacted]
[Redacted]

You have been released from service custody pending a final decision in your exclusion/deportation hearing. It is understood that you will be residing at the above address. As stated on the previous page, you are required to notify the Immigration Judge (at the address shown below) of any address correction or address change. When doing so, be sure to include your name and the File Number shown above in your written communication. The attached form, EOIR-33 can be used for this purpose.

U.S. Department of Justice, Immigration Court

300 N. Los Angeles Street, RM 4330

Los Angeles, CA 90012

You must report in person to: ICE/ERO Local Officer

At: 300 N. Los Angeles Street, RM B17

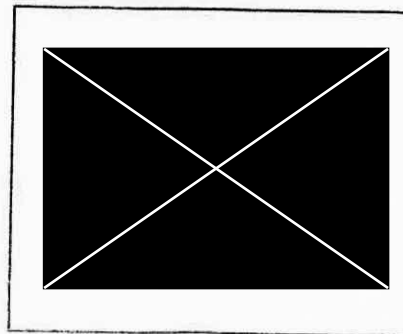
On:

Los Angeles, CA 90012 P.213-830-7999

03/15/2023 at 0900 HRS



PHOTO



RIGHT INDEX

ICE Case # _____

INTERNAL SECURITY AUTHORITY

This letter is to inform you that U.S. Immigration and Customs Enforcement (ICE) is releasing you from its custody pursuant to the Immigration and Nationality Act. This notice is being issued to you in lieu of Form I-94, *Arrival-Departure Record*, see 8 C.F.R. § 235.1(h)(2), and you should maintain a copy of this letter in your possession at all times.

Your parole authorization is valid for one year beginning from the date on this notice and will automatically terminate upon your departure or removal from the United States or at the end of the one-year period unless ICE provides you with an extension at its discretion. ICE may also terminate parole on notice prior to the automatic termination date. Parole is entirely within the discretion of ICE and can be terminated at any time and for any reason. Your parole is not valid for work authorization and is not an admission in lawful status.

Parole is conditioned on you complying with the terms and conditions of your release. You must notify ICE and the immigration judge of any address correction or address change. You must report for every scheduled hearing before the immigration court and every appointment as directed by ICE (including for removal from the United States should you become subject to a final removal order). You must not violate any local, State or Federal laws or ordinances. You must comply with any other specified conditions if identified separately.

I certify that I received a copy of this notice.

Olivera Matoma, Sandra Piedad
Alien Name

Sandra Olivera Matoma
Alien Signature

02/14/2023
Date

CERTIFICATE OF SERVICE

I certify that on today's date, I served the respondent a copy of this parole notice by the following method (as checked):

☒ In person ☐ Other: _____

M. AGUILERA
ICE Official Name


ICE Official Signature

02/14/2023
Date

You have been released from custody pending a bond hearing. It is understood that you will be in custody at the above address. You are required to notify the Immigration Judge at the address above of any change of address. When doing so, be sure to include your name and the File Number. This can be done in your written communication. The attached form, ICR-3, can be used for this purpose.

U.S. Department of Justice, Immigration Court

400 N. Los Angeles Street, RM 1119

Los Angeles, CA 90017

You must report in person to: ICE Field Office

At: 400 N. Los Angeles Street, RM 1119

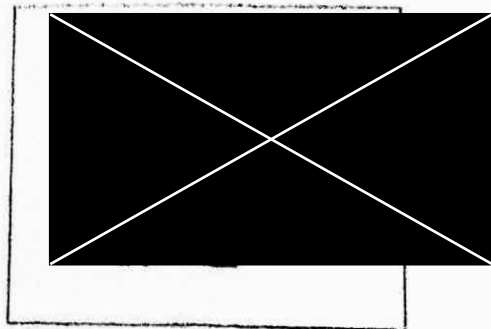
On:

Los Angeles, CA 90017 P. 213-830-7999

03/15/2013 at 0900 HRS



PHOTO



RIGHT INDEX

INTERIM ICE AUTHORIZATION

Parole is to inform you that U.S. Immigration and Customs Enforcement, Department of Homeland Security, is releasing you from its custody pursuant to 8 U.S.C. § 1225(a)(2)(A)(i) and section 235.1(h)(2) of the Code of Federal Regulations, and you should maintain a copy of this letter in your possession at all times. This notice is being issued to you in lieu of Form I-94, *Arrival-Departure Record*, see 8 C.F.R. § 235.1(h)(2), and you should maintain a copy of this letter in your possession at all times.

Your parole authorization is valid for one year beginning from the date on this notice and will automatically terminate upon your departure or removal from the United States or at the end of the one-year period unless ICE provides you with an extension at its discretion. ICE may also terminate parole on notice prior to the automatic termination date. Parole is entirely within the discretion of ICE and can be terminated at any time and for any reason. Your parole is not valid for work authorization and is not an admission in lawful status.

Parole is conditioned on you complying with the terms and conditions of your release. You must notify ICE and the immigration judge of any address correction or address change. You must report for every scheduled hearing before the immigration court and every appointment as directed by ICE (including for removal from the United States should you become subject to a final removal order). You must not violate any local, State or Federal laws or ordinances. You must comply with any other specified conditions if identified separately.

I certify that I received a copy of this notice.

Olivera Matoma, Sandra Piedad
Alien Name

Sandra Olivera Matoma
Alien Signature

02/14/2023
Date

CERTIFICATE OF SERVICE

I certify that on today's date, I served the respondent a copy of this parole notice by the following method (as checked):

☒ In person ☐ Other: _____

M. AGUILERA
ICE Official Name


ICE Official Signature

02/14/2023
Date

September 11, 2023.

Address:

USPS

USCIS
Attn: I-589
P.O. Box 6893
Chicago, IL 60680

FedEx, UPS y DHL:

USCIS
Attn: I-589 (Box 6893)
131 S. Dearborn St., 3rd Floor
Chicago, IL 60603-5517

RE: Form I-589 Affirmative Application for Asylum and for Withholding of Removal

To whom it may concern.

Hello, and thank you for your consideration.

My name is **OLIVERA MATOMA SANDRA PIEDAD**, Colombian by birth. I have fled my country fearing for my life, and now I'm ask your office to recognize my status as political refugee. I have been persecuted by unscrupulous individuals belonging to an illegal union organization known for its hostile acts against those who disagree with its actions.

I request the respectable officials of the Immigration Court to grant me the status of Political Asylum; and, I swear that I will work tirelessly to contribute as much as possible to the growth of this great country in an honest and honorable manner.

Sandra Piedad Olivera Matoma.

A number: A-

