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ARACELI GONZALEZ RIOS

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

ARACELI GONZALEZ RIOS
Petitioner,

v.

KRISTI NOEM, Acting Secretary, United States Department of Homeland Security; RODNEY S. SCOTT, Commissioner, United States Customs and Border Protection; GREGORY J. ARCHAMBEAULT, in his official capacity as Acting Field Office Director for San Diego, U.S. Immigration and Customs Enforcement; DOUG GLEN, Special Agent in Charge for San Diego, Homeland Security Investigations, U.S. Immigration and Customs Enforcement; JEREMY CASEY, in his official capacity as Warden of Imperial Regional Detention Facility

Respondents.

Case No. '26CV1039 AGS MSB

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

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INTRODUCTION

1. ARACELI GONZALEZ RIOS is a 57-year-old female imprisoned by the federal government under color of the immigration laws under Alien Registration number [redacted] She is a resident of San Diego, California who was arrested after receiving a notification from ICE ordering her to appear for an interview in San Diego. She complied and was arrested at the interview. She is married to a Lawful Permanent Resident, and is the mother of four United States citizen children, the youngest of which is 22 years of age. She filed an I-360 under the Violence Against Woman Act. This petition was Prima Facie approved by USCIS pursuant to 8 CFR 204.1. An approved I-360 leads to adjustment of status to that of a lawful permanent resident.

Through this petition she seeks immediate release from her incarceration. Her continued imprisonment is unlawful because of the confluence of three separate unlawful government practices: First, Respondents have held Ms. Gonzalez Rios virtually incommunicado. She was denied contact with the outside world for the first five days of her incarceration—including from family and counsel—and since then has been permitted her only one four-minute phone call with her attorney.

Second, although Respondents have ostensibly held Ms. Gonzalez Rios under color of the immigration laws, they have incarcerated her since on or about October 17, 2025. Third, Ms. Gonzalez Rios has been denied a bond due to a claimed lack of jurisdiction by the Immigration Court.

2. Petitioner Ms. Gonzalez Rios has lived in the United States since 1991 and was arrested by ICE on October 17, 2025 and placed in custody at the Imperial ICE Processing Center. The Immigration Judges have denied bond jurisdiction, holding that DHS classified individuals like Ms. Gonzalez Rios under 8 U.S.C. § 1225(b)(2)(A) as an "arriving alien[s]" subject to mandatory detention. This application of § 1225(b)(2)(A) to individuals like Petitioner—who were long-term residents already present in the United States—is a new policy resulting from recent DHS guidance and the BIA's precedential decision in *Matter of Jonathan Javier Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). Prior to *Yajure Hurtado,* individuals in Petitioner's position were eligible for bond hearings under § 1226(a). This misclassification deprives him of a bond hearing in violation of three decades of settled law, the Immigration and Nationality Act's text and structure, and the Fifth Amendment's Due Process Clause. Multiple federal courts have already rejected the government's new policy as unlawful and ultra vires. *See Guerrero Orellana v. Moniz*, No. 25-12664-PBS (D. Mass. Sept. 22, 2025) and *Mendoza Gutierrez v. Baltasar*, No. 25-2720-RMR (D. Colo. Oct. 17, 2025). This Court should do the same and restore Respondent's right to a bond hearing under § 236(a).

Federal courts and the Supreme Court have long recognized that § 235(b) governs "applicants for admission at the border or port of entry," while § 236 applies to those "already present in the United States." *Jennings v. Rodriguez*, 583 U.S. 281, 288 (2018).

The Massachusetts class petition in *Guerrero-Orellana* held that DHS's new practice of applying § 235(b) to interior arrests is "contrary to almost 30 years of settled law and practice." Similarly, *Mendoza Gutierrez* found that DHS lacks

statutory authority to classify such individuals as "arriving aliens" and ordered release pending a bond hearing.

Ms. Gonzalez Rios was arrested in the San Diego area of California—several miles from any port of entry—and is plainly detained under § 236(a).

The BIA's decision in *Matter of Yajure Hurtado* (2025) abruptly overturned decades of interpretation without reasoned analysis, violating the Administrative Procedure Act and *Encino Motorcars v. Navarro*, 579 U.S. 211 (2016). Under *Loper Bright Enterprises v. Raimondo,* 603 U.S. 369 (2024), courts owe no Chevron deference to such agency redefinitions.

The 1997 interim rule explicitly stated that EWIs "will be eligible for bond and bond redetermination." 62 Fed. Reg. 10,323 (Mar. 6, 1997). The BIA's attempt to read this history out of existence is entitled to no weight.

2. Under these unique circumstances, the Constitution requires her immediate release from further imprisonment.

3. Petitioner challenges her detention as unlawful because:

(a) The application of § 1225(b)(2)(A) to her is ultra vires, inconsistent with statutory text and longstanding regulatory practice;

(b) Her continued detention without bond violates the Immigration and Nationality Act (INA) and the Fifth Amendment's Due Process Clause; and

(c) The new policy violates the Administrative Procedure Act because it was adopted without notice-and-comment and in excess of statutory authority.

Petitioner respectfully requests an order:

(1) Declaring that § 1226(a), not § 1225(b)(2)(A), governs her detention; and

(2) Requiring that she receive a prompt individualized bond hearing before an Immigration Judge where the Government bears the burden of proving flight risk or danger by clear and convincing evidence.

JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. § 2241, § 1331, and § 1651, because Petitioner is "in custody in violation of the Constitution or laws or treaties of the United States." Venue lies in the Southern District of California under 28 U.S.C. § 1391(e) because Petitioner is detained at Imperial and the responsible ICE officials reside in this district. This petition challenges only the legality of custody, not any final order of removal, and is therefore not barred by 8 U.S.C. § 1252(a)(5) or § 1252(b)(9). *See Jennings v. Rodriguez*, 583 U.S. 281 (2018); *Nielsen v. Preap*, 586 U.S. 392 (2019); *Crespin De Paz v. Noem*, No. 2:25-cv-06649, slip op. at 5 (C.D. Cal. Oct. 10, 2025).

PARTIES

Petitioner Ms. Gonzalez Rios is a noncitizen currently detained by the U.S. Department of Homeland Security ("DHS") through U.S. Immigration and Customs Enforcement ("ICE") at the Imperial ICE Processing Center in Imperial, California. Petitioner has resided in the United States for many years and is seeking release from custody pending resolution of her immigration proceedings.

Respondent KRISTI NOEM is the Secretary of the United States Department of Homeland Security ("DHS"). As Secretary, Respondent NOEM exercises ultimate authority over DHS and its component agencies, including U.S. Customs and Border Protection ("CBP") and U.S. Immigration and Customs Enforcement ("ICE"), and is responsible for the administration and enforcement of the Immigration and Nationality Act ("INA"). He is sued in his official capacity.

Respondent RODNEY S. SCOTT is the Commissioner of U.S. Customs and Border Protection ("CBP"), a component agency of DHS. In this capacity, Respondent SCOTT is responsible for the policies, practices, and operations of CBP, including the apprehension and initial processing of individuals alleged to be inadmissible under the INA. He is sued in his official capacity.

Respondent GREGORY J. ARCHAMBEAULT, is the Field Office Director for the San Diego Field Office of U.S. Immigration and Customs Enforcement ("ICE"), a component agency of DHS. In this role, Respondent Archambault exercises direct supervisory authority over ICE Enforcement and Removal Operations ("ERO") officers responsible for the detention, transfer, and release of individuals within this District, including those held at the Imperial ICE Processing Center. He is the immediate custodian of Petitioner and is sued in his official capacity.

Respondent Doug Glen is the Special Agent in Charge for the San Diego office of Homeland Security Investigations ("HSI"), a component division of ICE within DHS. In this capacity, Respondent Wang oversees investigations and enforcement operations in the San Diego area that lead to the apprehension and referral of individuals to ERO for detention. He is sued in his official capacity.

Respondent, JEREMY CASEY, in his official capacity as Warden of Imperial Regional Detention Facility. In this capacity Respondent Casey oversees the Imperial Regional Detention Facility where Petitioner is currently housed. He is sued in his official capacity.

Each Respondent is an officer or employee or agent or subcontractor of the United States acting under color of federal law and within the scope of their respective official duties. Collectively, Respondents have legal custody over Petitioner and are responsible for the policies, practices, acts, and omissions giving rise to this Petition.

FACTUAL BACKGROUND

Petitioner is a 57-year-old female imprisoned by the federal government under color of the immigration laws under Alien Registration number [redacted] She is a resident of San Diego, California who was arrested after receiving a notification from ICE ordering her to appear for an interview in San Diego. She complied and was arrested at the interview. She is married to a Lawful Permanent

Resident, and is the mother of four United States citizen children, the youngest of which is 22 years of age. She filed an I-360 under the Violence Against Woman Act. This petition was Prima Facie approved by USCIS pursuant to 8 CFR 204.1..

On or about October 17, 2025 , Ms. Gonzalez Rios was arrested she complied with an order from ICE to appear for an interview, and issued a Notice to Appear charging inadmissibility under § 212(a)(6)(A)(i) ("present without admission").

The Imperial Immigration Court has ruled that the Court lacks bond jurisdiction, citing *Matter of Yajure Hurtado* and the DHS memorandum extending § 1225(b)(2)(A) to "arriving aliens" already present in the U.S. The Immigration Court has further ruled that is lacks jurisdiction in light of Matter of *Maldonado Bautista v. Santacruz*, Case No. 5:25-cv-01873-SSS-BFM. As a result, Petitioner has remained in custody without any opportunity for a bond determination, despite strong family and community ties and no danger to the community.

LEGAL CLAIMS

A. This Court Has Jurisdiction

As held in *Crespin De Paz and Doe v. Garland*, 109 F.4th 1188 (9th Cir. 2024), a habeas petition seeking a bond hearing lies "within the core of habeas" jurisdiction under § 2241. The claim is collateral to removal and not barred by § 1252(g) or § 1252(b)(9).

B. Petitioner's Detention Is Governed by § 1226(a), Not § 1225(b)(2)(A)

The statutory structure and decades of agency practice distinguish § 1225(b) (for "arriving" or "recently encountered" aliens at the border) from § 1226(a) (for arrests inside the country).

Until 2025, DHS consistently treated long-term residents arrested inside the U.S. as § 1226(a) detainees eligible for bond hearings. See 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) ("aliens present without admission … will be eligible for bond"). The new DHS policy, endorsed in *Yajure Hurtado*, reverses nearly 30 years of practice without statutory amendment or rulemaking.

Courts addressing this precise issue in 2025 have overwhelmingly rejected DHS's position. *See Rodriguez v. Bostock,* 779 F. Supp. 3d 1239 (W.D. Wash. 2025); *Barrera v. Tindall,* 2025 WL 2690565 (W.D. Ky.); *Vazquez v. Feeley*, 2025 WL 2676082 (D. Nev.); *Crespin De Paz*, slip op. at 7–8. Each held that § 1226(a), not § 1225(b), governs detention of long-term residents.

Because Petitioner's arrest occurred well inside U.S. territory after many years of residence, § 1225(b)(2)(A) cannot lawfully apply. Her detention under that provision is therefore *ultra vires*.

C. Mandatory Detention Under § 1225(b)(2)(A) Violates Due Process

Even if § 1225(b)(2)(A) were construed to apply, its application without individualized review violates the Fifth Amendment's Due Process Clause.

"Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty the Due Process Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

The government's categorical denial of bond hearings to long-term residents, based solely on its re-characterization of them as "arriving aliens," is arbitrary and disproportionate to any legitimate immigration purpose.

D. The 2025 DHS Policy and Yajure Hurtado Decision Violate the APA

The DHS policy expanding § 1225(b)(2)(A) detention to individuals long present in the U.S. constitutes a substantive rule adopted without notice-and-comment. It exceeds the statutory authority granted by Congress and is arbitrary and capricious under 5 U.S.C. § 706(2). The BIA's decision in Matter of Yajure Hurtado (2025) abruptly overturned decades of interpretation without reasoned analysis, violating the Administrative Procedure Act and *Encino Motorcars v. Navarro*, 579 U.S. 211 (2016). Under *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024), courts owe no Chevron deference to such agency redefinitions.

The 1997 interim rule explicitly stated that EWIs "will be eligible for bond and bond redetermination." 62 Fed. Reg. 10,323 (Mar. 6, 1997). The BIA's attempt to read this history out of existence is entitled to no weight.

No other court or administrative tribunal can provide Petitioner any relief. Under ordinary circumstances, an individual detained under color of the

immigration laws could seek redress for unreasonable delay in the government's pursuit of removal proceedings by filing a motion to terminate before an Immigration Judge. *See, e.g., In re Qayyum*, 2004 WL 848576 (B.I.A. Feb. 25, 2004) (considering motion to terminate based on government delay and finding, on the facts of that case, no unreasonable delay).

Respondents have further demonstrated their fundamental inability to provide even rudimentarily safe or humane conditions of confinement at the Imperial ICE Processing Center. Conditions within the facility—overcrowding, inadequate medical care, and the heightened risk of harm to detainees—have rendered continued detention not merely unlawful but dangerous.

Under these circumstances, any remedy short of immediate judicial intervention would be insufficient. Petitioner's continued detention violates statutory, constitutional, and humanitarian standards. Simply put, Ms. Gonzalez Rios cannot wait.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Issue a Writ of Habeas Corpus declaring Petitioner's detention under 8 U.S.C. § 1225(b)(2)(A) unlawful;
2. Order Respondents to release Petitioner immediately in light of the approved I-360; or

3. Order that Petitioner be provided a prompt individualized bond hearing before a neutral Immigration Judge within 7 days, at which:

   (a) The government bears the burden of proving flight risk or danger by clear and convincing evidence; and

   (b) The IJ must consider less restrictive alternatives to detention;

4. Award any further relief this Court deems just and proper.

Date: 2/18/2026

Carlos Barrios

Carlos Barrios

VERIFICATION BY PETITIONER PURSUANT TO 28 U.S.C. § 2242

I, CARLOS BARRIOS am submitting this verification on behalf of ARACELI GONZALEZ RIOS, who is currently detained by the U.S. Department of Homeland Security at the Imperial ICE Processing Center in Imperial, California. Petitioner is being held under conditions that severely restrict or prevent meaningful communication with the outside world. As a result, she is unable to review or sign this petition personally or to prepare and file it on her own behalf.

I have communicated with Petitioner to the extent possible and have obtained the factual information contained in this Petition from my direct knowledge, records, and reliable sources. I hereby verify that, to the best of my knowledge and belief, the factual statements contained in the attached Petition for Writ of Habeas Corpus are true and correct, and that I could testify to those facts if called upon to do so.

Executed this 18nd day of February, 2026, at Los Angeles, California.

Carlos Barrios

Carlos Barrios