

1 Richard S. Sterger, Esq. (SBN 335832)
2 Sterger Law Group, P.C.
3 300 W. Grand Ave., Suite 200
4 Escondido, CA 92025
5 (760) 546-2111
6 rick@stergerlawgroup.com

7 Attorney for Petitioner
8 JAIME PALACIOS RIVERA

9 UNITED STATE DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 JAIME PALACIOS RIVERA,

12 Plaintiff,

13 v.

14 JEREMY CASEY, Facility
15 Administrator, Imperial Regional
16 Detention Center; DANIEL A.
17 BRIGHTMAN, San Diego Field Office
18 Director, Immigration and Customs
19 Enforcement and Removal Operations
20 ("ICE/ERO"); TODD M. LYONS, Acting
21 Director of Immigration Customs
22 Enforcement ("ICE"); U.S. Immigration
23 and Customs Enforcement; KRISTI
24 NOEM, Secretary of the Department of
25 Homeland Security ("DHS"); U.S.
26 Department of Homeland Security; and
27 PAMELA BONDI, Attorney General of
28 the United States,

Respondents.

CASE NO.: '26CV1316 JES MSB

PETITION FOR WRIT OF HABEAS
CORPUS AND ORDER TO SHOW
CAUSE WITHIN THREE DAYS;
COMPLAINT FOR DECLARATORY
RELIEF

Challenge to Unlawful Incarceration;
Request for Declaratory and Injunctive
Relief

Petitioner Jaime Palacios Rivera petitions this Court for a writ of habeas corpus under 28 U.S.C. section 2241 to remedy Respondents' detaining him unlawfully, and states as follows:

INTRODUCTION

1. Petitioner Jaime Palacios Rivera ("Petitioner" or "Mr. Palacios Rivera") is a forty-seven-year-old, native of Mexico, cancellation of removal applicant detained at Imperial Regional Detention Center in El Centro, California. He has been continuously physically present in the United States since the middle of 2000 and has two United States Citizen children.
2. In the middle of the year 2000, Petitioner entered at an unknown location. Respondents arrested and detained Petitioner on or about August 9, 2012. On information and belief, based on the individualized facts of Petitioner's case, Respondent DHS released Petitioner from its custody on pursuant to 8 U.S.C. § 1226(a) on or about September 12, 2012.
3. On or about October 27, 2011, Respondents initiated removal proceedings against Petitioner under 8 U.S.C. §1229a.
4. Respondents alleged that Petitioner is an alien present in the United States without being admitted or paroled, or who arrived in the United States at a time or place other than as designated by the Attorney General pursuant to 212(a)(6)(A)(i) of the Immigration and Nationality Act.

1 5. On September 12, 2012, on information and belief, based on the individualized
2 facts of Petitioner's case, Respondent EOIR, ordered the release of the Petitioner
3 from its custody on a bond of \$5000 pursuant to 8 CFR 236.1(c).

4 6. DHS released Petitioner from its custody on or about September 12, 2012, upon
5 receipt of the \$5000 bond.
6

7 7. On or about November 5, 2013, Petitioner filed an EOIR-42B Application for
8 Cancellation of Removal and Adjustment of Status for Certain Nonpermanent
9 Residents.
10

11 8. On or about February 28, 2023, Petitioner's removal proceedings before EOIR
12 were placed on the courts inactive docket and administratively closed.

13 9. On or about November 25, 2025, Mr. Palacios Rivera was arrested and detained
14 by Immigration and Customs Enforcement (ICE) officers despite there being no
15 material change in his individual circumstances or current bond.
16

17 10. Immigration detention is civil in nature and it's permissible only to ensure a
18 noncitizen's appearance at immigration proceedings or to protect the community
19 from danger. DHS did not arrest or detain Mr. Palacios Rivera for either of these
20 legitimate purposes as he plainly poses neither a flight risk nor a danger to the
21 community.
22
23

24 JURISDICTION

25 11. This action arises under the Constitution of the United States and the
26 Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et. seq.
27
28

12. This court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus),
28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States
Constitution (Suspension Clause).

13. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et.
seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., the All Writs Act, 28
U.S.C. § 1651, and the Immigration and Nationality Act, 8 U.S.C. § 1252(e)(2).

VENUE

14. Venue is proper because Petitioner is in Respondents' custody in Imperial County,
California. Venue is further proper because a substantial part of the events or
omissions giving rise to Petitioner's claims occurred in this District, where
Petitioner is now in Respondent's custody. 28 U.S.C. § 1391(e).

15. Courts have long recognized the significance of the habeas statute in protecting
individuals from unlawful detention. The Great Writ has been referred to as
"perhaps the most important writ known to the constitutional law of England,
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).

16. Petitioner is "in custody" for the purpose of § 2241 because Petitioner was arrested
and is detained by Respondents.

PARTIES

17. Petitioner is a 47-year-old citizen of Mexico. Petitioner is present within the state
of California at the time of the filing of this petition.

18. Respondent Jeremy Casey ("Casey") is the Facility Administrator at Imperial

1 Reginal Detention Center, where Mr. Palacios Rivera is detained. Casey is
2 responsible for the day-to-day operations and confinement of noncitizens detained
3 at that facility. He acts at the direction of Respondents Brightman, Lyons, and
4 Noem. Casey is a custodian of Mr. Palacios Rivera, and is named in his official
5 capacity.
6

7 19. Respondent, Daniel A. Brightman, is the Field Office Director for the San Diego
8 Field Office, Immigration and Customs Enforcement and Removal Operations
9 (“ICE”). The San Diego Field Office is responsible for local custody decisions
10 relating to non-citizens charged with being removable from the United States,
11 including the arrest, detention, and custody status of noncitizens. The San Diego
12 Field Office’s area of responsibility includes San Diego and Imperial Counties in
13 California. Respondent Daniel Brightman is a legal custodian of Petitioner.
14
15

16 20. Respondent Todd Lyons is the acting director of U.S. Immigration and Customs
17 Enforcement, and he has authority over the actions of respondent Daniel
18 Brightman and ICE in general. Respondent Daniel Brightman is a legal custodian
19 of Petitioner.
20

21 21. Respondent Kristi Noem is the Secretary of the Department of Homeland Security
22 (DHS) and has authority over the actions of all other DHS Respondents in this
23 case, as well as all operations of DHS. Respondent Noem is a legal custodian of
24 Petitioner and is charged with faithfully administering the immigration laws of
25 the United States.
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1 22. Respondent Pamela Bondi is the Attorney General of the United States, and as
2 such has authority over the Department of Justice and is charged with faithfully
3 administering the immigration laws of the United States.

4 23. Respondent U.S. Immigration Customs Enforcement is the federal agency
5 responsible for custody decisions relating to non-citizens charged with being
6 removable from the United States, including the arrest, detention, and custody
7 status of non-citizens.
8

9 24. Respondent U.S. Department of Homeland Security is the federal agency that has
10 authority over the actions of ICE and all other DHS Respondents.
11

12 25. This action is commenced against all Respondents in their official capacities.
13

14 LEGAL FRAMEWORK

15 26. Immigration detention should not be used as a punishment and should only be
16 used when, under an individualized determination, a noncitizen is a flight risk
17 because they are unlikely to appear for immigration court or a danger to the
18 community. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
19

20 27. Noncitizens in immigration proceedings are entitled to Due Process under the
21 Fifth Amendment of the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306
22 (1993).
23

24 28. The Immigration and Nationality Act (INA) sets the rules for detaining
25 noncitizens while the government decides whether they are removable. See 8
26 U.S.C. § 1226(a).
27
28

1 29. Custody determinations for individuals in 1229a removal proceedings are
2 governed by 8 U.S.C. § 1226. Under § 1226(a), an individual may be released if he
3 does not present a danger to persons or property and is not a flight risk. *Zadvydas*
4 *v. Davis*, 533 U.S. 678, 690 (2001); *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006).

5
6 30. Custody determinations under § 1226(a) are individualized and based on the facts
7 presented in those cases. Unlike § 1226(c), which can provide for categorical
8 determinations for detention regardless of flight risk or safety risks, § 1226(a)
9 requires a case-by-case review of the facts and circumstances.

10
11 31. Once a determination to release an individual from custody is made, the release
12 order may be revisited when the facts or circumstances warrant revocation or
13 reconsideration. 8 U.S.C. § 1226(b). For an individual who was once in custody,
14 the Attorney General may take that individual back into custody by revoking the
15 individual's release when the facts and circumstances warrant it.

16
17 32. Revocation and return to custody is authorized only based on individualized facts
18 and circumstances. 8 C.F.R. § 1236.1(c)(9). By regulation, revocation decisions are
19 limited in nature and may only be made by certain authorized officials. 8 C.F.R. §
20 1236.1(c)(9).
21

22 FACTUAL BACKGROUND

23 33. Petitioner, Jaime Palacios Rivera, fled his native Mexico.
24

25 34. On or about September 12, 2012, On information and belief, based on the
26 individualized facts of Petitioner's case, the Executive Office for Immigration
27 Review (EOIR), a sub-office of the Department of Justice (DOJ), ordered the
28

1 release of the Petitioner from its custody on the minimum bond of \$5000 pursuant
2 to 8 CFR 236.1(c).

3 35. Respondents commenced removal proceedings against Petitioner in immigration
4 court, entitling Petitioner to present an asylum claim with the due process rights
5 under 8 U.S.C. § 1229a.
6

7 36. While released from ICE custody on a minimum bond on September 12, 2012, he
8 remained free for over thirteen and a half years. During that time, Petitioner
9 Palacios Rivera complied with all the court and legal timelines in pursuing
10 immigration relief. His case was placed on the inactive docket sua sponte by the
11 EOIR Immigration Court.
12

13 37. ICE detained Mr. Palacios Rivera giving no reason or basis while he was on his
14 way to work. Mr. Palacios Rivera has a valid work authorization.
15

16 38. Mr. Palacios Rivera is being detained without explanation.

17 39. Accordingly, to vindicate Petitioner's rights, this Court should grant the instant
18 petition for a writ of habeas corpus. Petitioner asks this Court to find that
19 Respondents' attempts to detain the Petitioner are arbitrary and capricious and in
20 violation of the law, and to immediately issue an order releasing Petitioner from
21 ICE custody.
22

23
24 **CLAIMS FOR RELIEF**

25 **COUNT ONE**

26 **Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A)**
27 **Abuse of Discretion**
28 **Violation of 8 U.S.C. § 1226(b), 8 C.F.R. § 1236.1(c)(9)**

1 40. Petitioner restates and realleges all paragraphs as if fully set forth here.

2 41. Under the APA, a court shall “hold unlawful and set aside agency action” that is
3 an abuse of discretion. 5 U.S.C. § 706(2)(A).
4

5 42. An action is an abuse of discretion if the agency “entirely failed to consider an
6 important aspect of the problem, offered an explanation for its decision that runs
7 counter to the evidence before the agency, or is so implausible that it could not be
8 ascribed to a difference in view or the product of agency expertise.” *Nat’l Ass’n of*
9 *Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle*
10 *Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).
11

12 43. To survive an APA challenge, the agency must articulate “a satisfactory
13 explanation” for its action, “including a rational connection between the facts
14 found and the choice made.” *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569
15 (2019) (citation omitted).
16

17 44. By categorically revoking Petitioner’s release on bond without consideration of his
18 individualized facts and circumstances, Respondents have violated the APA.
19

20 45. By detaining the Petitioner categorically, Respondents have further abused their
21 discretion because there have been no material changes to his facts or
22 circumstances since the agency made its initial custody determinations that
23 support the revocation of his release from custody.
24

25 46. Respondents have already considered Petitioner’s facts and circumstances and
26 determined that he was not a flight risk or danger to the community. There have
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28

1 been no material changes to the facts that justify this revocation of his release on
2 \$5000 bond.

3 47. The fact that Petitioner has already been granted release on bond by Respondents,
4 under the same basic facts and circumstances shows that Respondents do not
5 consider him, on an individualized basis, to be a danger to the community or a
6 flight risk.
7

8 **COUNT TWO**

9
10 **Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A)**
11 **Not in Accordance with Law and in Excess of Statutory Authority**
12 **Violation of 8 U.S.C. § 1226(b), 8 C.F.R. § 1003.19(e)**

13 48. Petitioner restates and realleges all paragraphs as if fully set forth here.

14 49. Under the APA, a court “shall . . . hold unlawful . . . agency action” that is “not in
15 accordance with law;” “contrary to constitutional right;” “in excess of statutory
16 jurisdiction, authority, or limitations;” or “without observance of procedure
17 required by law.” 5 U.S.C. §706(2)(A)-(D).

18 50. Under INA § 236(a), 8 U.S.C. § 1226(a), the Attorney General is authorized to
19 release a noncitizen from custody on bond or conditional parole pending removal
20 proceedings. Once a bond determination has been made by an Immigration Judge
21 pursuant to 8 C.F.R. § 1003.19(a), that determination constitutes an exercise of
22 the Attorney General’s delegated adjudicatory authority through EOIR. Nothing
23 in the statute or regulations authorizes DHS to unilaterally override, nullify, or
24 disregard a bond determination issued by an Immigration Judge following a bond
25 redetermination hearing. Accordingly, once EOIR has exercised its exclusive
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jurisdiction to set bond, DHS may only seek modification of that custody determination through the procedures set forth in 8 C.F.R. § 1003.19(e), rather than through administrative revocation by enforcement officers. It is a well-established administrative principle that “agency action taken without lawful authority is at least voidable, if not void ab initio.” *L.M.-M. v. Cuccinelli*, 442 F. Supp. 3d 1, 35 (D.D.C. 2020), citing *SW General, Inc. v. NLRB*, 796 F.3d 67, 79 (D.C. Cir. 2015); see also *Hooks v. Kitsap Tenant Support Servs., Inc.*, 816 F.3d 550, 555 (9th Cir. 2016) (invalidating agency action because it was taken by unauthorized official).

51. On information and belief, Respondents have revoked or are revoking Petitioner’s prior custody determination as a result of a categorical policy prepared by and implemented by unidentified government officials in Washington, not through the individual exercise of discretion required by law or by the individuals enumerated by regulation to do so.

52. Because Petitioner’s revocation of release from custody has been made or will be categorically directed by government officials not authorized by law to make this determination, Respondents’ detention of Petitioner is not in accordance with law and in excess of statutory authority.

COUNT THREE

Violation of Fifth Amendment Right to Due Process Procedural Due Process

53. Petitioner restates and realleges all paragraphs as if fully set forth here.

54. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits the federal government from depriving any person of “life, liberty, or property, without due process of law.” U.S. Const. Amend. V. Due process protects “all ‘persons’ within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693; accord *Flores*, 507 U.S. at 306. 62. Due process requires that government action be rational and non-arbitrary. See *U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

55. While the government has discretion to detain individuals under 8 U.S.C. §1226(a) and to revoke custody decisions under 8 U.S.C. § 1226(b), this discretion is not “unlimited” and must comport with constitutional due process. See *Zadvydas*, 533 U.S. at 698.

56. Here, Respondents have chosen to revoke Petitioner’s release on bond in an arbitrary manner and not based on a rational and individualized determination of whether he is a safety or flight risk, in violation of due process. Because no individualized custody revocation has been made and no circumstances have changed to make Petitioner a flight risk or a danger to the community, Respondents’ revocation of Petitioner’s release violates his right to procedural due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests this Court to grant the following:

1. Assume jurisdiction over this matter;

2. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
3. Declare that Petitioner's detention while released on bond without an individualized determination violates the Due Process Clause of the Fifth Amendment;
4. Declare that Petitioner's revocation of parole from custody was made in violation of statute and regulation;
5. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from custody;
6. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
7. Grant any further relief this Court deems just and proper.

Date: 03/02/2026

STERGER LAW GROUP, P.C.

By: 
Richard S. Sterger, Esq.
Attorney for Petitioner
Palacios Rivera