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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Arturo Andres Delgadillo Ramirez,

Petitioner,

vs.

Warden, Florence Service Processing Center;

Christopher McGregor, Acting Phoenix Field Office Director, U.S. Immigration and Customs Enforcement;

Markwayne Mullin, Secretary of Homeland Security; and

Todd Blanche, Acting Attorney General of the United States,

Respondents.

No.

Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

Technical Data

1. Petitioner Arturo Andres Delgadillo Ramirez (Mr. Delgadillo) is challenging his detention in immigration custody. His A-Number is [redacted] Although the ICE Detainee Locator (locator.ice.gov) identifies Mr. Delgadillo as "Luis Ramirez-Delagadillo," his correct name is Arturo Andres Deldagillo Ramirez. (Ex. A (Birth Certificate).)

2. Mr. Delgadillo was arrested on January 5, 2026, and has been in immigration detention since that date. He is currently detained at the Florence Service Processing Center in Florence, Arizona.

Parties, Jurisdiction, and Venue

3. Mr. Delgadillo is a citizen of Mexico. (Ex. B (DHS Evidence Submission) at 4.) He is currently in immigration custody at Florence Service Processing Center in Florence, Arizona. (locator.ice.gov (last visited Apr. 2, 2026).)

4. Respondent Warden, Florence Service Processing Center, is the warden of that facility. *See* Fed. R. Civ. P. 17(d) (public officer may be designated by official title). The warden is Mr. Delgadillo's immediate custodian, and thus a proper respondent in this matter. *See Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004).

5. Respondent Christopher McGregor is the Acting Phoenix Field Office Director for U.S. Immigration and Customs Enforcement (ICE). He is responsible for Mr. Delgadillo's detention, and thus a legal custodian of Mr. Delgadillo.

6. Respondents Markwayne Mullin and Todd Blanche are, respectively, the Secretary of Homeland Security and the Acting Attorney General of the United States. As such, they are responsible for maintaining the immigration detention system. They are thus legal custodians of Mr. Delgadillo.

7. This Court has jurisdiction under 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 Fifth Amendment to the United States Constitution. Mr. Delgadillo is detained in Florence, Arizona, within the territorial jurisdiction of this Court.

8. Upon information and belief, any attempt by Mr. Delgadillo to exhaust administrative remedies would be futile as an immigration judge would deem him to be subject to mandatory detention.

9. Venue is proper in this district under 28 U.S.C. § 1391(b)(2) and (e)(1)(B) because a substantial part of the events or omissions giving rise to the claims set forth herein occurred in this district.

Background

10. Mr. Delgadillo is a native and citizen of Mexico. (Ex. B at 4.) Mr. Delgadillo has lived for many years in the United States, married a woman who is now a United States citizen, and had two United States citizen children with her. (*Id.* at 5–6.) Mr. Delgadillo has no criminal record in the United States. (*Id.* at 6.)

11. Mr. Delgadillo was accepted into the Deferred Action for Childhood Arrivals (DACA) program. *See Dep't of Homeland Sec. v. Regents of the Univ. of California*, 591 U.S. 1, 18 (2020) (describing DACA program). His DACA status was scheduled to remain in effect at least through October 21, 2026. (Ex. C (Notices of Action) at 3–6.) Mr. Delgadillo was also granted employment authorization through November 7, 2029. (*Id.* at 1.)

12. Recently, Mr. Delgadillo applied to U.S. Citizenship and Immigration Services for an adjustment of his status. (Ex. B at 5.) An interview on his application was scheduled for January 5, 2026. (*Id.*) During the investigation of his application, it was determined that he had been ordered removed to Mexico in 2005, and no record of a subsequent lawful entry was found. (*Id.*) On this ground, ICE agents arrested Mr. Delgadillo on January 5, 2026, at his scheduled interview. (*Id.* at 5–6.) He has been held in immigration detention since that time.

13. Mr. Delgadillo has sought to reopen his removal proceedings, and to be released on bond, but immigration judges have denied these requests.

Grounds for Relief

I. Respondents' summary revocation of Mr. Delgadillo's DACA status violated the Administrative Procedure Act and the governing regulation.

14. Mr. Delgadillo incorporates by this reference the allegations of the preceding paragraphs.

15. As noted above, at the time of his arrest, Mr. Delgadillo enjoyed DACA status that was scheduled to continue at least through October 21, 2026. (Ex. C at 3–6.) Respondents' arrest and detention of Mr. Delgadillo effectively amounted to an unannounced, summary revocation of that status. But unannounced, summary revocations of an individual's DACA status are not lawful.

16. A revocation of DACA status must comply with the Administrative Procedure Act and governing regulations that require notice and an opportunity to respond before a noncitizen's DACA grant is terminated. *Castro v. Raycraft*, No. 1:26-CV-161, 2026 WL 380580, at *3 (W.D. Mich. Feb. 11, 2026). The APA requires the Court to "hold unlawful and set aside agency action" that is (*inter alia*): "(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (B) contrary to constitutional right, power, privilege, or immunity; (C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; [or] (D) without observance of procedure required by law[.]" 5 U.S.C. § 706(2). The regulation governing the termination of DACA status requires "a Notice of Intent to Terminate and an opportunity to respond prior to terminating a grant of Deferred Action for Childhood Arrivals," unless the noncitizen is convicted of a specified "national security-related offense" or an "egregious public safety offense." 8 C.F.R. § 236.23(d)(1). Mr. Delgadillo, however, has no criminal record in the United States at all. (Ex. B at 6.)

17. Where the government purports to terminate DACA status without providing these mandatory protections, the DACA recipient's arrest and detention are

unlawful and unauthorized, *Castro*, *supra*, at *3; *Nader v. Blair*, 549 F.3d 953, 962 (4th Cir. 2008) ("*Accardi* doctrine" provides that "when an agency fails to follow its own procedures or regulations, that agency's actions are generally invalid") (*citing United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954)), and he must be released. *Castro*, *supra*, at 5.

II. Respondents' summary revocation of Mr. Delgadillo's DACA status violated the Fifth Amendment's Due Process Clause.

18. Mr. Delgadillo incorporates by this reference the allegations of the preceding paragraphs.

19. The revocation of a noncitizen's DACA status without notice and an opportunity to respond, in violation of the APA and governing regulations, may also violate the Fifth Amendment's Due Process Clause. *Id.* at *3–*5; *see also Juarez v. Noem*, No. 2:26-CV-00801-DC-CKD (HC), 2026 WL 799976, at *6 (E.D. Cal. Mar. 23, 2026) ("Numerous courts within the Ninth Circuit have found that noncitizens maintain a due process property interest in their active DACA status.").

20. In assessing a procedural due process claim, courts apply the test set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976); *see Castro*, *supra*, at *3–*5. The *Mathews* opinion sets forth three factors to be considered: (1) the private interest that will be affected by official action; (2) the risk of erroneous deprivation of that interest; and (3) the government's interest, including the fiscal and administrative burdens that additional or substitute procedures would entail. *Mathews*, 424 U.S. at 335. These factors illustrate the unconstitutionality of Respondents' actions.

21. (1) Mr. Delgadillo has a significant private interest in avoiding detention, as one of the "most elemental of liberty interests" is to be free from detention. *Castro*, *supra*, at *4 (internal quotation marks omitted). Indeed, Mr. Delgadillo's interest in remaining free of detention while protected by DACA is "bolstered by decisions holding that a DACA recipient is entitled to due process before their DACA status

is terminated, and by regulations requiring 'a Notice of Intent to Terminate and an opportunity to respond prior to terminating a grant of [DACA].'" *Id.* (*quoting* 8 C.F.R. § 236.23(d)(1)).

22. (2) The risk of an erroneous deprivation of Mr. Delgadillo's DACA status deriving from Respondents' failure to provide him with notice and an opportunity to respond is great, as this failure deprived him of *any* opportunity to challenge Respondents' purported justification for redetaining him prior to his arrest. *Id.*

23. (3) The government's interest in summarily detaining Mr. Delgadillo without notice or an opportunity to respond was weak, because (a) he had passed DACA's "strict vetting process" (*id.*), (b) he had repeatedly shown—via renewals of his DACA status—that he is "not a danger to the community" (*id.*), and (c) he has no criminal record in this country, (Ex. B at 6).

24. In sum, a balancing of the *Mathews* factors demonstrates that Respondents' arrest and detention of Mr. Delgadillo, effectively summarily revoking his DACA status, violated his Fifth Amendment right to due process of law. This Court should accordingly "join[] '[c]ourts across the country' in concluding that DACA recipients such as [Mr. Delgadillo] are entitled to relief from detention pursuant to § 2241." *Castro*, *supra*, at *5 (*quoting Intriago-Sedgwick v. Noem*, No. 1:25-CV-01065-MIS-LF, 2025 WL 3688155, at *5 (D.N.M. Dec. 19, 2025)).

Prayer for Relief

25. For the foregoing reasons, Mr. Delgadillo respectfully asks the Court to:

a. order the government to answer this petition;

b. permit him to file a reply in support;

c. if needed to resolve disputed material facts, conduct an evidentiary hearing;

d. order Respondents to immediately release him from custody; and

e. grant any other relief that is just and practicable.

Respectfully submitted:

April 3, 2026.

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s/Daniel L. Kaplan
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