Janice Deaton (CA SBN 135188)
Jdeaton@immdef.org
IMMIGRANT DEFENDERS LAW CENTER
634 S. Spring Street, 10th Floor
Los Angeles, CA 90014
Telephone: 619-768-7134
Facsimile: 213-282-3133

Pro Bono Attorneys for Petitioner

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Lucas Ernesto Garcia Juarez,

Petitioner,

vs.

CHRISTOPHER J. LAROSE, Senior Warden of Otay Mesa Detention Center, GREGORY J. ARCHAMBEAULT, Field Officer Director for the San Diego Immigration and Customs Enforcement Office; TODD LYONS, Acting Director of United States Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary of the United States Department of Homeland Security, TODD BLANCHE, Acting Attorney General of the United States, acting in their official capacities,

Respondents.

'26CV3991 LEK MMP

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Lucas Ernesto Garcia Juarez brings this petition for a writ of habeas corpus to seek enforcement of his rights as members of the bond eligible class certified in *Maldonado Bautista v. Santacruz*, no. 5:25-cv-01873-SSS-BFM(C.D. Cal.). Mr. Garcia additionally seeks enforcement of his Fourth and Fifth Amendment rights for the reasons set forth herein. Mr. Garcia is in the physical custody of Respondents at the Otay Mesa Detention Facility in San Diego California.

INTRODUCTION

1. Petitioner Lucas Ernesto Garcia Juarez ("Petitioner" or "Mr. Garcia") is a thirty-two-year-old Guatemalan citizen, who is being unlawfully detained by Immigration and Customs Enforcement (ICE) at Otay Mesa detention Facility despite residing in Southern California for over four years, since early 2022. Mr. Garcia was unlawfully arrested by multiple ICE, Drug Enforcement Agency (DEA), and Bureau of Alcohol, Firearm, and Tobacco (ATF) agents during a violent vehicle stop on the northbound I-15 freeway near the Gopher Canyon offramp.

2. Respondents have improperly concluded that Petitioner – despite being physically present within the interior of and residing in the United States and being arrested in Escondido, California – should be deemed to be seeking admission into the United States and therefore subject to mandatory detention pursuant to 8 U.S.C. § 1225(b)(2)(A).

3. Petitioner's mandatory detention is part of the Department of Homeland Security (DHS) policy issued on July 8, 2025,[1] instructing ICE employees to consider anyone who entered the United States without admission or inspection to

[1] Available at: https://immpolicytracking.org/policies/ice-issues-memo-eliminating-bond-hearings-for-undocumented-immigrants/.

be subject to mandatory detention during the entire removal hearing process under 8 U.S.C. § 1225(b)(2)(A).

4. Similarly, on September 5, 2025, the Board of Immigration Appeals (BIA) issued a precedent decision binding on all immigration judges (IJs), holding that IJs have no authority to consider bond requests for any person who entered the United States without admission, and determining that such individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A), and therefore ineligible for release on bond. *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

5. As set out more fully below, on December 18, 2025, the United States District Court for the Central District of California issued a published decision in *Bautista v. Santacruz* that directly abrogated *Matter of Yajure Hurtado. Bautista v. Santacruz,* 813 F.Supp.3d 1084 (2025). Additionally, the *Bautista* court certified a nationwide "Bond Eligible Class" and vacated the DHS policy underlying the *Yajure Hurtado* decision as arbitrary and capricious under the Administrative Procedure Act. *Herrera v. Secretary of U.S. Department of Homeland Security*, 2026 WL 554707 (2026).

6. In addition, even if Mr. Garcia were not entitled to relief based on *Maldonado Bautista* class membership, his detention under § 1225 clearly violates the plain language of the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.* Individuals in Petitioner's position – noncitizens who are charged as removable for having entered the United States without inspection or are present without admission – are subject to a different statute, § 1226(a), which allows for release on conditional parole or bond.

7. Mr. Garcia was apprehended in the early morning hours during a violent encounter with ICE agents who were accompanied by armed federal law

enforcement agents from two other agencies on or about April 8, 2026, while on his way to work with his brother-in-law, Gamael Diego. *See* Tab A, Declaration of Mr. Garcia. The multiple agents were in civilian clothes, unmarked vehicles, and never identified themselves to Mr. Garcia. The ICE agents ordered Mr. Garcia to roll down his window on the passenger side of the truck, which he obeyed. The ICE agents then reached into the truck and grabbed Mr. Garcia out of the truck, handcuffed him, and put their hands inside Mr. Garcia's pockets and took his identification and telephone without consent, reasonable suspicion, probable cause or a warrant. Tab A, Declaration of Mr. Garcia.

8. The ICE agents determined that Mr. Garcia to be undocumented and arrested him. Mr. Garcia has been detained at the Otay Mesa Detention Facility since April 8, 2026.

9. Mr. Garcia has lived in Southern California for over four years. He works in construction and lives with his brother-in-law and family in Escondido, California.

10. Upon information and belief, following Petitioner's arrest and transfer to Otay Mesa Detention Facility, ICE issued a custody determination to continue Petitioner's detention without an opportunity to post bond or be released on other conditions. Petitioner has not received a bond hearing since his April 8, 2026, detention.

11. Absent an order from this Court, Petitioner will remain indefinitely and unlawfully detained, without any avenue for review by a neutral arbiter because DHS and the Executive Office of Immigration Review (EOIR) – namely, immigration prosecutors and IJs – have concluded that Petitioner is subject to mandatory detention, contrary to decades of caselaw, DHS and ICE enforcement practices, legislative interpretation, and the plain statutory language of the INA.

12. In addition, Respondents' policy clearly runs afoul of Petitioner's constitutional due process rights, rights to which "all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent," are entitled. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

13. Therefore, each day that Respondents continue to detain Mr. Garcia, they are violating his constitutional and statutory rights. Indeed, Mr. Garcia's continued detention is causing him immense, ongoing harm.

14. Petitioner therefore respectfully requests this Court to end his indefinite detention and issue a writ of habeas corpus ordering his immediate release. Petitioner also requests that this Court order the government not to transfer him outside of this District or deport him throughout the duration of this proceeding.

JURISDICTION

15. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. § 2201 (Declaratory Judgment Act); and 28 U.S.C. § 1331 (federal question). This Court also has jurisdiction pursuant to Art. I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

16. Federal district courts have jurisdiction to hear habeas claims by noncitizens challenging the lawfulness of their detention. *See Zadvydas*, 533 U.S. at 687. Administrative exhaustion is a prudential rather than jurisdictional requirement for habeas review under 28 U.S.C. § 2241. *See Acevedo-Carranza v. Ashcroft*, 371 F.3d 539, 541 (9th Cir. 2004).

17. This action is also brought under the Administrative Procedure Act (APA). Jurisdiction is proper pursuant to the judicial review provision of the APA, 5 U.S.C. § 702.

18. 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 APA, 5 U.S.C. § 500 *et seq.*

VENUE

19. Venue is proper because, as of today, Petitioner is detained at Otay Mesa Detention Facility in San Diego, California, which is within the jurisdiction of this District. 28 U.S.C. § 2241(a).

20. Venue is also proper in this District because Respondents are officers, employees, or agencies of the United States, a substantial part of the events or omissions giving rise to Petitioner's claims occurred in this District, and no real property is involved in this action. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243

21. The Court should grant the petition for writ of habeas corpus "forthwith," as the legal issues have already been resolved for class members in *Maldonado Bautista.*

22. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . 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) (emphasis added). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

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PARTIES

I. Petitioner

23. Petitioner, Lucas Ernesto Garcia Juarez, is currently detained at Otay Mesa Detention Facility in San Diego, California, where he has been since his arrest on April 8, 2026. Petitioner is in custody, and under the direct control, of Respondents and their agents.

II. Respondents

24. Respondent Christopher J. LaRose is the Senior Warden of the Otay Mesa Detention Center. He is the physical custodian of Mr. Garcia. In this capacity, he is responsible for overseeing the operations of Otay Mesa Detention Center, including the detention of Mr. Garcia. Respondent LaRose is sued in his official capacity.

25. Respondent Gregory J. Archambeault is the Field Office Director of the San Diego ICE Field Office. In this capacity, he is responsible for the administration of immigration laws and the execution of immigration enforcement and detention policy within ICE's San Diego Area of Responsibility, including the detention of Mr. Garcia. Respondent Archambeault maintains an office and regularly conducts business in this district. Respondent Archambeault is sued in his official capacity.

26. Respondent Todd M. Lyons is the Acting Director of ICE. As the Senior Official Performing the Duties of the Director of ICE, he is responsible for the administration and enforcement of the immigration laws of the United States, routinely transacts business in this District, and is legally responsible for pursuing any effort to detain and remove Mr. Garcia. Respondent Lyons is sued in his official capacity.

27. Respondent Markwayne Mullen is the Secretary of Homeland Security and has ultimate authority over DHS. In that capacity and through his agents, Respondent Mullen has broad authority over and responsibility for the operation and enforcement of the immigration laws, routinely transacts business in this District, and is legally responsible for pursuing any effort to detain and remove Mr. Garcia. Respondent Mullen is sued in his official capacity.

28. Respondent Todd Blanche is the Acting Attorney General of the United States and the most senior official at the Department of Justice. In that capacity and through his agents, he is responsible for overseeing the implementation and enforcement of the federal immigration laws. The Attorney General delegates this responsibility to the Executive Office for Immigration Review, which administers the immigration courts and the BIA. Respondent Blanche is sued in his official capacity.

FACTUAL BACKGROUND

29. Petitioner Garcia is a thirty-two-year-old citizen of Guatemala who arrived in the United States in May 2022, and had no contact with immigration officials until April 8, 2026.

30. On April 8, 2026, Mr. Garcia's brother-in-law, Gamael Diego, was driving his truck with Petitioner Garcia as a passenger on their way to work near Fallbrook CA, on Interstate 15 at approximately 6:00 a.m..

31. As the two men were driving, they suddenly were surrounded by four cars—two unmarked black SUVs pulled in front of them, and two Highway Patrol vehicles pulled in behind them. Exhibit A, Declaration of Lucas Garcia, Exhibit B, Declaration of Gamael Diego. As the two unmarked vehicles hit their brakes right in front of Mr. Diego, Mr. Diego pulled over to the side of the highway.

32. At that point, one of the two unmarked vehicles backed up and *hit* the front of Mr. Diego's truck. Exh. C, Photo of dented license plate on Mr. Diego's truck.

33. Two ICE officers jumped out of their vehicle and ran up to the driver, Mr. Diego, without identifying themselves. Mr. Garcia heard and felt Mr. Diego's body hit the truck after he was grabbed out of the driver's seat.

34. Two more ICE agents from the other unmarked SUV walked to Mr. Garcia's window and ordered him to lower it in spite of the fact they did not have any information regarding his identity. Exh. D, Mr. Garcia's I213. Mr. Garcia obeyed the order, and one of the agents immediately reached *inside* the truck, opened the door from inside, grabbed Mr. Garcia and dragged him out of the truck. Both agents shoved him against the truck face first while grabbing his arms behind him and handcuffed him.

35. Mr. Diego told the agents there was no need for them to behave this violently. *See* Exh. B, Declaration of Mr. Diego.

36. All five federal officers, (one ATF, two DEA and two DHS/ERO Special Agents) were in plain clothes; none of them wore or showed Mr. Garcia identifying badges. The agents did not ask anything or say anything to Mr. Garcia. The agents certainly did not show him a warrant. *See* Exh. A.

37. Mr. Garcia was an "unidentified male" to the federal officers, as indicated by the I213 submitted by DHS. It says, "[a]t approximately 05:45 AM, agents observed a male exiting the target location with one *unidentified* male getting into the passenger side of the vehicle. .... At approximately 06:00, agents conducted a vehicle stop on northbound I-15 freeway near Gopher Canyon offramp. Agents

made contact with GARCIA Juarez and ordered him out of the vehicle which he complies[sic]." Exh. E, Mr. Garcia's I213.

38. Then, after dragging Mr. Garcia out of the truck from inside and immediately handcuffing him, the agents put their hands inside Mr. Garcia's pockets and took his identification and telephone-again, without consent, probable cause or a warrant. The ICE agents then told Mr. Garcia they knew he was Guatemalan.

39. ICE then illegally arrested and detained Mr. Garcia. He remains incarcerated at Otay Mesa Detention Center.

LEGAL FRAMEWORK

I. Law and Procedure Governing this Habeas Petition

Maldonado Bautista v. Santacruz

40. On November 20, 2025, the district court granted partial summary judgment on behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment).

41. As stated above, on December 18, 2025, the district court issued an order clarifying that the November 20 and November 25 orders are binding, final judgments on Defendants-Respondents. *Maldonado Bautista v. Santacruz*, 5:25-cv-

01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3713982, at *5–6 (C.D. Cal. Dec. 18, 2025); *see also Maldonado Bautista v. Santacruz*, 5:25-cv-01873-SSS-BFM (C.D. Cal. Dec. 18, 2025), Dkt. No. 93 (amended order consolidating prior orders on motion for partial summary judgment, class certification, and application for reconsideration or clarification).

42. That same day, the district court entered final judgment, declaring that the Bond Eligible Class members are detained under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under § 1225(b)(2)(A). *Maldonado Bautista v. Noem*, 5:25-cv-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3678485, at *1 (C.D. Cal. Dec. 18, 2025).

43. Nonetheless, the Executive Office for Immigration Review and its subagency the Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the opportunity to be released on bond.

44. Petitioner Garcia is a member of the Bond Eligible Class, as he:

a. does not have lawful status in the United States and is currently detained at the Otay Mesa Detention Facility; He was apprehended by immigration authorities on April 8, 2026;

b. entered the United States without inspection, and was not apprehended upon arrival, *cf. id.*; and

c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

45. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full "force and effect of a final judgment." 28 U.S.C. § 2201(a). Nevertheless, Respondents continue to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful detention despite his clear entitlement to consideration for release on bond as a Bond Eligible Class member.

46. Because Respondents are detaining Petitioner in violation of the declaratory judgment issued in *Maldonado Bautista,* the Court should accordingly order that, within one day, Respondent DHS must release Petitioner.

47. Alternatively, the Court should order Petitioner's release unless Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

48. Even if the Court does not order relief under *Maldonado Bautista*, the text and structure of § 1226 and § 1225 demonstrate that § 1226(a) governs Petitioner's detention.

49. Section 1226 generally governs the detention of those "already in the United States." *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018). Subsection (a) applies the default rule for such people, providing for discretionary detention "pending a decision on whether the [noncitizen] is to be removed from the United States." These removal hearings are held under § 1229a, to "decid[e] the inadmissibility or deportability of a[] [noncitizen]."

50. Subsection (c) confirms that subsection (a) governs Petitioner's detention. As the Supreme Court has explained, "subsection (c) is simply a limit on the authority conferred by subsection (a)." *Nielsen v. Preap*, 586 U.S. 392, 409 (2019). It "carves out a statutory category of [noncitizens] who may *not* be released under § 1226(a)" in *Jennings*. 583 U.S. at 289.

51. Critically, subsection (c)'s carves out reference people charged as being inadmissible, including those who entered without admission or parole. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)'s reference to such people makes clear that, by default, people like Petitioner people are afforded a bond hearing under subsection (a). This is because "the statutory exceptions would be unnecessary" unless the statute "appl[ies] generally" to inadmissible persons. *Shady Grove*

Orthopedic Assocs., P.A. v. Allstate Ins. Co., 559 U.S. 393, 400 (2010); *see also id.* ("The fact that Congress has created specific exceptions to [the Rule] hardly proves that the Rule does not apply generally. In fact, it proves the opposite.").

52. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute's entire framework is premised on "inspection[s]" at the border by "examining immigration officer[s]" of people who are "seeking admission" to the United States. 8 U.S.C. § 1225(b), (2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies "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*, 583 U.S. at 287.

53. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to people like Petitioner, who have already entered and were residing in the United States at the time they were apprehended.

54. The overwhelming majority of courts—including in this Circuit—have rejected the government's arguments and agree that noncitizens like Petitioner are subject to § 1226(a) and eligible for a bond hearing. *See Barco Mercado v. Francis*, No. 25-cv-6582, --- F. Supp. 3d ----, 2025 WL 3295903, at *13 (S.D.N.Y. Nov. 26, 2025) (listing 350 decisions rejecting government's position); *Jacobo Ramirez v. Noem*, No. 2:25-CV-02136-RFB-MDC, 2026 WL 310090, at *1 (D. Nev. Feb. 5, 2026) (noting "more than 300 federal judges in over 1,600 cases across the country have rejected the government's new detention policy, with over 100 new lawsuits filed daily, while 14 federal judges have found in favor of the government's position" (citation omitted)). In the Southern District of California, the district courts have also rejected the government's policy. *See, e.g.*, *Arias*

Torres v. Bondi, No. 25-cv-2457-BAS-MSB, 2025 WL 3214773 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, 2025 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal. 2025); *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D. Cal. Oct. 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB, ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9 (S.D. Cal. Nov. 19, 225); *Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025 WL 3228953 (S.D. Cal. Nov. 19, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-DDL, 2025 WL 3558931 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-AGS-DDL, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-DEB, 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025).

55. Mr. Garcia requests this Court order immediate release. While Immigration Judges are required to hold bond hearings following a favorable ruling on a habeas petition, these hearings are frequently simply a formality in which the Immigration Judges either deny bond or set bond at an unreasonably high amount that results in the de facto detention of the petitioners, thereby violating their due process rights. *See generally, Muzahir v. Chestnut*, 1:26-cv-02246-DJC-CSK, WL 1283414 (E.D. CA. July 6, 2026). The Court should therefore order Petitioner's immediate release.

Fourth Amendment discussion

56. Mr. Garcia's arrest and continued detention violate his Fourth Amendment rights. He was arrested without a warrant or probable cause, solely based on his racial identity, which is an egregious Fourth Amendment violation. "Except at the border and its functional equivalents," immigration agents may stop individuals in public only after identifying "specific articulable facts, together with rational inferences from those facts, that reasonably warrant suspicion that [the persons stopped are noncitizens] who may be illegally in the country." *United States v. Brignoni-Ponce*, 422 U.S. 873, 884 (1975).

57. Although none of the ICE, ATF or DEA agents were masked, they were anonymous to Petitioner as they were unidentifiable and unidentified. Not one of the *at least five agents* from three different Federal agencies were wearing uniforms or identified themselves to either Mr. Diego or Mr. Garcia. *See,* Exh. A, Declaration of Mr. Garcia, and Exh. B Declaration of Mr. Diego. Instead, they were all wearing civilian clothes, equipped with firearms and were driving unmarked cars. The ICE vehicle backed into the vehicle Mr. Garcia was in. They did not identify themselves, and they violently arrested the driver of the vehicle prior to illegally arresting Mr. Garcia without reasonable suspicion or probable cause.[2]

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[2] It has been a common practice since early 2025 for ICE agents who are engaged in arrests to cover their faces with masks. "United States federal immigration enforcement agents now commonly operate masked and without visible identification, compounding the abusive and unaccountable nature of the Trump administration's mass deportation campaign..." *US: Masked Federal Agents Undermine Rule of Law*, HUMAN RIGHTS WATCH (Dec 18, 2025), https://www.hrw.org/news/2025/12/18/us-masked-federal-agents-undermine-rule-of-law (Last visited July 9, 2026). This practice seems to be employed to avoid being filmed and later identified through social media or elsewhere. Trevor Hughes, *Safety measure? Or intimidation tactic? Masked ICE agents spark the debate*, USA TODAY (July 23, 2025), https://www.usatoday.com/story/news/nation/2025/07/23/masked-ice-agents-dox-safety/85315776007/ (Last visited July 9, 2026).

58. Reasonable suspicion comprises two elements: "the assessment must be based upon the totality of the circumstances," and it "must arouse a reasonable suspicion that *the particular person being stopped* has committed a crime or is about to commit a crime." *United States v. Montero-Camargo*, 208 F. 3d 1122, 1129, (9th Cir. 2000) (emphasis in the original).

59. "To establish reasonable suspicion, an officer cannot rely solely on generalizations that, if accepted, would cast suspicion on large segments of the law-abiding population." *United States v. Manzo-Jurado,* 457, F.3d 938, 928, 935 (9th Cir. 2006).

60. Anonymous, unknown or masked federal agents in unmarked vehicles making them unidentifiable to those being seized is a Fourth Amendment violation. *Urquilla-Ramos v. Trump*, 821 F. Supp. 3d 603, 616 (S.D. W. Va. 2026).

61. "A search or seizure of a person must be supported by probable cause particularized with *respect to that person*." *Ybarra v. Illinois*, 444 U.S. 85, 91 (1979) (emphasis added).

62. Specifically in an immigration investigation, agents must have a reasonable, articulable basis for the seizure and provide a "rational basis for separating out the illegal aliens from American citizens and legal aliens." *Orhorhaghe*, 38 F.3d at 497 (quoting *Nicacio v. INS*, 797 F.2d 700, 705 (9th Cir. 1985)).

63. As the *Orhorhaghe* court stated,

> We do not believe that cases such as *Brignoni-Ponce*, *Nicacio*, and *Gonzalez-Rivera* would have had different results if the INS agents had identified their suspects by searching through the telephone book for Hispanic-sounding surnames rather than watching passing motorists for Hispanic-looking drivers. Although a subject's foreign-

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Here, while the agents were not masked (due to the isolated location of the arrest), they *were* anonymous to Mr. Garcia as they were driving unmarked vehicles and wearing civilian clothes.

> sounding name, like his foreign-looking appearance, may in some cases be "a relevant factor" in determining whether immigration officers were justified in making an investigatory seizure, *Brignoni-Ponce*, 422 U.S. at 887, 95 S. Ct. at 2583, it is clearly insufficient "standing alone." *Id.* The agent's decision to make the seizure must always be rooted in some substantial basis in addition to the subject's appearance or name.
> *Ibid.*

64. By ICE's own admission in the I213, at the time they ordered Mr. Garcia out of the car in which he was a passenger, he was known to ICE only as an "unidentified male." It cannot be disputed that ordering "an unidentified male" out of his car-irrespective whether it was done with the violence, intimidation and abusive tactics Mr. Garcia and Mr. Diego describe in their declarations—violated Mr. Garcia's Fourth Amendment rights against unreasonable searches and seizures.

65. By profiling Mr. Garcia, ICE agents should have known their conduct would violate the Fourth Amendment prohibition on seizures without reasonable suspicion.

66. The agents violated Mr. Garcia's Fourth Amendment rights multiple times: by reaching inside the window of the vehicle, by grabbing Mr. Garcia and pulling him out of the truck, by handcuffing him, searching him, and by arresting and detaining him.[3]

67. Additionally, the government violated its own regulations by arresting Mr. Garcia without a warrant.

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[3] People have a "reasonable expectation of privacy in the contents of [their] pants pockets." *United States v. Craddock*, 841 F.3d 756, 760 (8th Cir. 2016). Any further search of one's pockets after determining the pocket does not contain a weapon is a Fourth Amendment violation. *Minnesota v. Dickerson*, 508 U.S. 366, 378-79 (1993). Recently, ICE agents killed Lorenzo Salgado Araujo who was not the intended target of an operation during a traffic stop. Gabrielle Canon, *Man killed by ICE agents not intended target of immigration arrest, DHS says,* THE GUARDIAN (July 9, 2026), https://www.theguardian.com/us-news/2026/jul/09/houston-man-killed-ice-agents?CMP=Share_iOSApp_Other (Last visited July 10, 2026).

68. Section 287.8(c)(2)(ii) of Title 8 of the Code of Federal Regulations provides: "A warrant of arrest shall be obtained except when the designated immigration officer has reason to believe that the person is likely to escape before a warrant can be obtained."

69. The government offers no evidence that the arresting officers had "reason to believe" that Mr. Garcia was "likely to escape" before a warrant could be obtained. However as already stated, the government did not even know who Mr. Garcia was at the time of his arrest because he was referred to as an "unidentified male" in the I-213. Exh. E, Form I213. *See also* 8 U.S.C. § 1226(a) ("*On a warrant issued by the Attorney General*, an alien may be arrested and detained pending the decision on whether the alien is to be removed from the United States.") (emphasis added). Mr. Garcia's arrest and continued detention are unconstitutional and he should be released.

CLAIMS FOR RELIEF

COUNT ONE

Violation of the INA:

Unlawful Detention under 8 U.S.C. § 1225(b)(2)(A)

55. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

56. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does apply to Petitioner. The text and structure of § 1226 and § 1225 reflect that Congress provided for discretionary detention under § 1226(a) to govern Petitioner's detention.

57. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates the INA.

58. Accordingly, Petitioner is entitled to immediate release.

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COUNT TWO

Violation of the Immigration and Nationality Act, 8 U.S.C. § 1226(a)

70. The allegations in the above paragraphs are realleged and incorporated herein.

71. Respondents assert that Mr. Garcia is subject to mandatory detention under 8 U.S.C. § 1225 as an "arriving alien," despite having arrested him inside the United States and charging him under § 1226.

72. Courts have consistently held that § 1226, rather than § 1225, governs detention of noncitizens already present inside the United States. *See generally Jennings v. Rodriguez*, 583 U.S. 281 (2018); *Rodriguez v. Robbins*, 715 F.3d 1127 (9th Cir. 2013).

73. In particular, § 1225(b)(2) does not apply to those who previously entered the country, were released on their own recognizance after DHS determined they were not a flight risk or a danger and have been present and residing in the United States prior to re-apprehension. Such individuals may only be detained pursuant to § 1226(a), unless subject to an exception that is inapplicable to Petitioner.

74. The application of § 1225(b)(2) to Mr. Gonzalez unlawfully mandates his continued re-detention without a bond hearing, in violation of § 1226(a).

75. Accordingly, Petitioner's continued detention violates 8 U.S.C. § 1226(a).

COUNT THREE

Violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)

76. The allegations in the above paragraphs are realleged and incorporated herein.

77. The APA mandates that a reviewing court "hold unlawful and set aside agency action" that is found to be "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law," that is "contrary to constitutional right

[or] power," or that is "in excess of statutory jurisdiction, authority, or limitations, or short of statutory right." 5 U.S.C. § 706(2)(A)-(C).

78. Further, under the *Accardi* doctrine, an administrative agency is required to adhere to its own internal operating procedures. *Accardi*, 347 U.S. at 268. *Accardi* challenges may be framed as arbitrary and capricious challenges. *Norton*, 340 F.3d at 841, 852.

79. Respondents' new policy of re-classifying individuals under § 1225(b)(2) who were originally released under § 1226(a) is arbitrary and capricious, in violation of 5 U.S.C. § 706(2)(A).

80. Respondents' detention of Petitioner pursuant to § 1225(b)(2), despite his arrest being his first contact with immigration officials, is arbitrary and capricious, an abuse of discretion, violative of the Constitution, and without statutory authority.

81. Accordingly, Petitioner's continued detention violates 5 U.S.C. § 706(2).

COUNT FOUR

Respondent's Arrest of Petitioner Violates His Fourth Amendment to Be Free from Unreasonable Seizures (Unlawful Arrest)

82. The allegations in the above paragraphs are realleged and incorporated herein.

83. The Fourth Amendment guarantees "[t]he right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures …." U.S. CONST. AMEND. IV.

84. A detainee's Fourth Amendment right to be free from unreasonable searches and seizures are violated where egregious and/or widespread violations of the Fourth Amendment occur in immigration proceedings. *See generally,*

Orhorhaghe v. INS, 38 F.3d 488, 493 (9th Cir. 1994), *see also, Muzahir v. Chestnut*, 1:26-cv-02246-DJC-CSK, WL 1283414 (E.D. CA. July 6, 2026)

85. The Fourth Amendment violation here is "egregious" because it was deliberate, and a reasonable officer should have known that the conduct would violate the Constitution. *INS v. Lopez-Mendoza,* 468 U.S. 1032, 1050-51 (1984).

86. Accordingly, Mr. Garcia's arrest was unlawful and his continued detention violates his Fourth Amendment rights.

COUNT FIVE
Petitioner's continued detention violates his Fifth Amendment (Substantive Due Process) rights

87. The allegations in the above paragraphs are realleged and incorporated herein.

88. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of their liberty "without due process of law." U.S. CONST. AMEND. V.

89. The government has only two legitimate interests that may be served by civil immigration detention: preventing flight from removal proceedings and protecting the community from danger.

90. Petitioner has aptly demonstrated that neither of those interests would be served in his case, as he has no criminal record, and has created a life with certain constitutional protections within Southern California.

91. Accordingly, Petitioner's continued detention violates his substantive due process rights.

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COUNT SIX

Petitioner's continued detention violates his Fifth Amendment (Procedural Due Process) rights

92. The allegations in the above paragraphs are realleged and incorporated herein.

93. Mr. Garcia has a protected interest in his liberty that the government cannot infringe without due process of law. His private interest in his liberty, and the risk of erroneous deprivation of that liberty, far outweighs the government's interest in detaining him especially since he has lived peacefully in the United States and has never been in contact with immigration enforcement before. *See Mathews v. Eldridge*, 424 U.S. 319, 330, 335 (1976).

94. Accordingly, Mr. Garcia's continued detention violates his procedural due process rights.

PRAYER FOR RELIEF

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

(1) Assume jurisdiction over this matter;

(2) Issue a writ of habeas corpus commanding Mr. Garcia's immediate release from Otay Mesa Detention Facility.

(3) Enjoin Respondents from causing Mr. Garcia any greater harm during the pendency of this litigation and his immigration court case, including, but not limited to, transferring him away from family and pro bono counsel;

(4) Declare Mr. Garcia's detention unlawful under the INA and the Due Process Clause of the Fifth Amendment of the United States Constitution;

(5) Award Petitioner attorney's fees and costs of $4,000.00 under the Equal Access to Justice Act, 28 U.S.C. § 2412, and on any other basis justified under law; and

(6) Grant any further relief this Court deems just and proper.

Dated: July 10, 2026

Respectfully Submitted,
/s/Janice Deaton
Janice Deaton

Attorney for Petitioner

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

I represent Petitioner, Lucas Ernesto Garcia Juarez, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Date: July 10 2026

Respectfully Submitted,

/s/ Janice Deaton
Janice Deaton, Pro Bono Attorney
Immigrant Defenders
Attorneys for Petitioner