LAWYERS' COMMITTEE FOR CIVIL RIGHTS
OF THE SAN FRANCISCO BAY AREA
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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

ERNESTO GIOVANNI CALDERON RAMIREZ,

Petitioner,

v.

SERGIO ALBARRAN, Field Office Director for the San Francisco Field Office of ICE Enforcement and Removal Operations;

MARKWAYNE MULLIN, Secretary of the Department of Homeland Security;

DAVID VENTURELLA, Acting Director for U.S. Immigration and Customs Enforcement;

TODD BLANCHE, Attorney General of the United States and head of the Department of Justice,

Respondents.

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

IMMIGRATION HABEAS CASE

INTRODUCTION

1. This morning, Petitioner Ernesto Giovanni Calderon Ramirez ("Petitioner") walked into the U.S. Immigration and Customs Enforcement ("ICE") San Francisco Field Office because a federal agent texted him that if he did not come in for a face-to-face interview, there was "a good possibility that the children will not be released" to his home. The children to which the agent referred are Petitioner's stepson and his wife's niece. Petitioner's wife applied to be their sponsor through the Office of Refugee Resettlement ("ORR"), which currently has custody of them. ORR has conducted background checks of Petitioner and his wife, a social worker interviewed the couple and did a home visit, and Petitioner's wife received word from the social worker that she was preliminarily approved to be her son and niece's sponsor. Petitioner arrived on time, with an interpreter and his documents. ICE Officers turned the interpreter away, asked Petitioner no questions, and detained him. Petitioner's detention is unlawful for three reasons.

2. ***First***, as a matter of procedural due process under the Fifth Amendment, Respondents cannot take away the liberty of noncitizens in Petitioner's posture without a pre-deprivation hearing absent urgent concerns. *See, e.g.*, *Mucu Maaz v. Albarran*, No. 5:26-cv- 08452-BLF, 2026 WL 2447545, at *4 (N.D. Cal. Aug. 20, 2026); *Claros v. Albarran*, 811 F. Supp. 3d 1062, 1069 (N.D. Cal. 2025); *Hernandez Serrano v. Albarran*, No. 26-cv-03452-EKL, 2026 WL 1611876, at *3 (N.D. Cal. June 4, 2026).

3. ***Second***, immigration detention is civil and thus is permissible for only two reasons: to ensure a noncitizen's appearance at immigration hearings and to prevent danger to the community. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Here, Petitioner was arrested while attending a mandatory interview supposedly for his wife's ORR sponsorship process, is not a flight risk. Nor is he a danger, as Respondents already determined in 2019 when they released

him after apprehending him near the border. Thus, Petitioner's civil confinement is unsupported by any constitutional justification and must be enjoined.

4. ***Third***, Petitioner is a member of the certified class in *Garro Pinchi v. Noem*, 813 F. Supp. 3d 973, 1010 (N.D. Cal. 2025), which challenges the Department of Homeland Security's ("DHS") new policy of re-arresting and re-detaining class members despite no change in their individual circumstances as to their dangerousness or flight (the "Re-Detention Policy"). On December 19, 2025, the district court made a factual finding that DHS adopted the Re-Detention Policy in May 2025 and held that the policy is likely unlawful under the Administrative Procedure Act (APA). *Garro Pinchi*, 813 F. Supp. 3d at 1026. Accordingly, the *Garro Pinchi* court granted "Plaintiffs' motion to stay DHS's re-detention policy pending final resolution of their APA claims," and "postpone[d] the effective date of the re-detention policy within ICE's San Francisco Area of Responsibility until the entry of a final judgment in this action." *Garro Pinchi*, 813 F. Supp. 3d at 1038. Given that there are no changes in Petitioner's material circumstances bearing on flight risk or danger, Respondents re-detained Petitioner on October 8, 2026, under the Re-Detention Policy, which now has no legal effect. Pursuant to the *Garro Pinchi* order, Petitioner's ongoing detention is unlawful. Petitioner is triply entitled to immediate release.

5. Petitioner respectfully seeks a writ of habeas corpus ordering the government to immediately release him from his ongoing, unlawful detention, and prohibiting his re-arrest without a constitutionally adequate hearing before a neutral arbiter to contest that re-arrest before a neutral decisionmaker. In addition, to preserve this Court's jurisdiction, Petitioner requests that this Court order the government not to transfer him outside of this District or remove him from the United States for the duration of this proceeding.

JURISDICTION

6. Petitioner is currently detained in the custody of Respondents at the ICE San Francisco Field Office, located at 630 Sansome Street San Francisco, CA 94111. Jurisdiction is proper pursuant to Article I, § 9, cl. 2 of the United States Constitution (the Suspension Clause); the Due Process Clause of the Fifth Amendment to the Constitution; 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1331 (federal question); and Article III of the Constitution.

7. The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201–02 (Declaratory Judgment Act), 28 U.S.C. § 2241 (habeas corpus), Article I, § 9, cl. 2 of the U.S. Constitution (the Suspension Clause), the Fourth and Fifth Amendments to the U.S. Constitution, and 5 U.S.C. §§ 701-706 (Administrative Procedure Act).

8. 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., and the All Writs Act, 28 U.S.C. § 1651. The federal habeas statute empowers this Court to decide the legality of Petitioner's detention and directs courts to "hear and determine the facts" of a habeas petition and to "dispose of the matter as law and justice require." 28 U.S.C. § 2243; *see also I.N.S. v. St. Cyr*, 533 U.S. 289, 301 (2001) ("At its historical core, the writ of habeas corpus has served as a means of reviewing the legality of Executive detention, and it is in that context that its protections have been strongest.").

VENUE

9. Venue for the instant habeas corpus petition lies in the Northern District of California because (1) Petitioner is detained within the district and (2) his immediate physical custodian, Respondent Sergio Albarran, the San Francisco ICE Field Office Director, is located within the district. *See Rasul v. Bush*, 542 U.S. 466, 478 (2004) (holding that "because the writ

of habeas corpus does not act upon the prisoner who seeks relief, but upon the person who holds him in what is alleged to be unlawful custody," the proper federal district is dependent on the location of the custodian) (cleaned up); *accord Rumsfeld v. Padilla*, 542 U.S. 426, 444-45 (2004) (holding that jurisdiction must be obtained by service within the territorial jurisdiction of the district court); *id.* at 451 (explaining petition "must be filed in the district court whose territorial jurisdiction includes the place where the custodian is located") (Kennedy, J., concurring) (emphasis added).

PARTIES

10. Petitioner Ernesto Giovanni Calderon Ramirez ("Mr. Ramirez" or "Petitioner") is a 30-year-old man from Guatemala who lives with his wife in Contra Costa County, California. Petitioner was arrested this morning by ICE after he appeared, as a government agent had instructed, at the ICE San Francisco Field Office. Petitioner is presently in civil immigration detention at the ICE San Francisco Field Office. Petitioner does not have any removal order pending against him.

11. Respondent Sergio Albarran is the Field Office Director for the San Francisco Field Office of ICE Enforcement and Removal Operations ("ERO"). He is responsible for the administration of immigration laws and the execution of immigration enforcement and detention policy within ICE's San Francisco Area of Responsibility, including the detention of Petitioner. He maintains an office and regularly conducts business in this district. He is sued in his official capacity.

12. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security ("DHS") and is responsible for overseeing the Department and its sub-agency, ICE. He has ultimate responsibility for the detention of noncitizens in civil immigration custody. He is named in his official capacity.

13. Respondent David Venturella is the Acting Director for ICE. Respondent Venturella is responsible for ICE's policies, practices, and procedures, including those relating to the detention of immigrants. He is named in his official capacity.

14. Respondent Todd Blanche is the Attorney General of the United States and the head of the Department of Justice ("DOJ"), whose sub-agency, the Executive Office for Immigration Review ("EOIR"), encompasses the Board of Immigration Appeals ("BIA") and immigration judges. He is authorized to oversee the adjudication of removal and bond hearings and by regulation has delegated that power to the nation's immigration judges and the BIA. He is named in his official capacity.

FACTUAL ALLEGATIONS

15. Petitioner is Ernesto Giovanni Calderon Ramirez, a 30-year man from Guatemala, [redacted] Mr. Ramirez's wife, Zulma Bercian Garcia ("Ms. Garcia"), left Guatemala first, taking with her the couple's young son – the two arrived together in the United States in January 2019. Then, Mr. Ramirez followed with one of the couple's other sons in March 2019. The family left Ms. Garcia's son from a previous marriage and Ms. Garcia's niece in Guatemala in the care of Ms. Garcia's mother, [redacted]

16. Immigration authorities apprehended Mr. Ramirez and his son within approximately thirty minutes of their entry. Petitioner recalls being briefly screened with his son by authorities at a detention facility and then placed in a detention cell with his son and others.

17. After holding Mr. Ramirez and his son for approximately three to five days, immigration authorities released Petitioner and his son into the community. Officials fitted Mr. Ramirez with

an ankle monitor prior to his release. Then, Petitioner went to live in Nebraska with both of his sons and his wife.

18. In Nebraska, Petitioner recalls having reported to immigration authorities for check-ins on at least three occasions. During one of these check-ins in 2019, Petitioner reported to ICE's office, and officers removed the ankle monitor device and did not replace it, leaving Petitioner free without electronic monitoring.

19. Mr. Ramirez was placed in immigration court proceedings before the Omaha, Nebraska Immigration Court, where he sought asylum. According to EOIR records, on June 22, 2022, an Immigration Judge ordered those proceedings dismissed. But the Immigration Judge did not order Petitioner removed.

20. Sometime in 2026, Ms. Garcia's son and her niece arrived in the United States as unaccompanied children and were placed into custody with the Office of Refugee Resettlement ("ORR"). Ms. Garcia applied to the Office of Refugee Resettlement ("ORR") to sponsor her minor son and her minor niece, who are in ORR custody at a children's shelter. ORR told Ms. Garcia that Petitioner would be included in the application because he is her legal spouse and a member of the household.

21. Under the Trafficking Victims Protection Act of 2000 ("TVPRA"), the Department of Health and Human Services ("HHS")—specifically the Office of Refugee Resettlement ("ORR") within HHS—has responsibility for "the care and custody of all unaccompanied alien children, including responsibility for their detention, where appropriate." 8 U.S.C. § 1232(b)(1); see 6 U.S.C. § 279. To facilitate ORR's care and custody of an unaccompanied alien child ("UAC"), the TVPRA requires that, absent exceptional circumstances, "any department or agency of the Federal Government that has an unaccompanied alien child in custody shall transfer the custody

of such child to the Secretary of Health and Human Services not later than 72 hours after determining that such child is an unaccompanied alien child." 8 U.S.C. § 1232(b)(3).

22. Once ORR has custody of a UAC, ORR must "promptly place [the UAC] in the least restrictive setting that is in the best interest of the child." *Id.* § 1232(c)(2)(A). "In making such placements, the Secretary may consider danger to self, danger to the community, and risk of flight." *Id.* Placement options include placement with care provider facilities and release to "sponsors," who are either the UAC's parents, guardians, relatives, or individuals designated by the child's parents. 45 C.F.R. § 410.1201; *see also Mendez Ramirez v. Decker*, 612 F. Supp. 3d 200, 206 (S.D.N.Y. 2020) (noting placement options).

23. ORR must release a UAC to a sponsor if one is available. *See* 45 C.F.R. § 410.1201. Following release to an ORR-vetted and approved sponsor, legal custody of the minor passes from ORR to the sponsor. *Id.* § 410.1001. But before a UAC can be released from ORR custody, ORR must first make "a determination that the proposed [sponsor] is capable of providing for the child's physical and mental well-being." 8 U.S.C. § 1232(c)(3)(A). This determination involves several steps, including the identification of sponsors; sponsor application; interviews; evaluation of sponsor suitability, including verification of the sponsor's identity and relationship to the child, background checks, home studies, and post-release planning. 45 C.F.R. § 410.1202.

24. Petitioner and Ms. Garcia completed the steps ORR required, including DNA testing and a home study. Approximately one month ago, a federal social worker visited the family's home, interviewed the family, inspected the home, and informed them that the home had been approved for the children's placement.

25. On or about Monday, September 28, 2026, Ms. Garcia went to 630 Sansome Street in San Francisco, where she understood she would complete a DNA test for the reunification with her son and niece. A federal worker escorted her to the eighth floor, where she met an agent who

identified himself as "Chris" and a second agent. After the DNA test, the federal worker left, and Officer Chris told Ms. Garcia she had to stay. Officer Chris questioned her, among other things, about her marriage, the members of her household, her entry into the United States, her immigration court case. Officer Chris took down the names of her household members, including Petitioner. He did not tell her that Petitioner would be required to appear.

26. The next day, Agent Chris called Ms. Garcia to confirm Petitioner's phone number, and asked whether Petitioner could come into ICE's offices for an interview. Ms. Garcia was confused, and she asked why Officer Chris needed to interview her husband, given that he is not the sponsor for the children.

27. Agent Chris then sent a text message to Petitioner. He wrote: "Hello sir, my name is Agent Chris, I am with immigration, I interviewed your wife yesterday, I am calling you to schedule an interview with you for next week. Can you come to the office next Wednesday for an interview?"

28. Petitioner responded that he did not understand the reason for an interview, because his wife was the one sponsoring the child, the child is not Petitioner's son, and he had always been told that the reunification case was his wife's, not his. *Id.* The agent replied that because the children would live in Petitioner's home, "we need to interview you." *Id.*

29. Petitioner offered to answer the agent's questions by text, explaining that he was usually busy and found it difficult to come in. The agent refused: "Sir, we need to do the interview face to face, and if we do not do your interview, there is a good possibility that the children will not be released to your home." *Id.*

30. Petitioner agreed. He wrote that October 8 worked for him, that he would be there, and that he would bring someone to interpret because he does not speak English, so that he could answer the agent's questions clearly. The agent responded, "Great, thank you, sir," confirmed the

appointment for October 8 at 7:00 a.m., and said he would send an appointment notice that Petitioner could show to staff at the building's front door. *Id.*

31. The agent then sent Petitioner an image of a Department of Homeland Security, Homeland Security Investigations ("HSI") appointment notice (Form G-56) dated October 1, 2026. The notice was addressed to Petitioner by name, A-number, and home address in San Pablo, California. *Id.* It directed him to report to the "8th Floor Duty Agent Desk" at 630 Sansome Street at 7:00 a.m. on Thursday, October 8, 2026, and to ask for "Special Agent Chris." *Id.* It stated that the reason for the appointment was to "[d]iscuss sponsorship of minor child" and "pending applications," and it told Petitioner that it was "IMPORTANT THAT YOU KEEP THIS APPOINTMENT." *Id.*

32. Petitioner complied. On the morning of October 8, 2026, he arrived at 630 Sansome Street for his 7:00 a.m. appointment. He brought the interpreter he had told the agent he would bring, along with his documents.

33. Officers did not allow the interpreter to accompany Petitioner. Petitioner was taken to the eighth floor, the location listed on the appointment notice. No one conducted any interview about the children or their sponsorship. Instead, officers arrested him. Petitioner remains in civil immigration detention at the ICE San Francisco Field Office.

34. Officers told Petitioner that he was being detained because he had entered the country without inspection, a fact Respondents have known since they apprehended and released him in 2019.

35. ICE gave Petitioner a Notice to Appear in immigration court on October 28, 2026, at an address in McFarland, California. Officers also provided Petitioner with a notice that he was being fined $5,000 for immigration violations and that the fine will increase if he declines to depart the country.

36. After the arrest, Ms. Garcia called her ORR sponsorship case manager, who told her he knew nothing about Petitioner's appointment, that he does not handle that kind of matter, and that the sponsorship process does not call for family members to be exposed to immigration enforcement.

37. Petitioner has no criminal convictions in the United States or in Guatemala. In 2023, Petitioner was arrested by the San Pablo Police Department following an argument with his wife. When the incident occurred, Ms. Garcia explained that the that she has never felt in danger, did not wish to press charges, and that the argument was a normal dispute between spouses. The Contra Costa County District Attorney's Office never filed charges. In a letter dated August 25, 2026, a Senior Deputy District Attorney confirmed that "no criminal complaint was issued" against Petitioner based on the incident described in San Pablo Police Department Report Number 23-1982, occurring on or about May 13, 2023.

38. Petitioner is not a flight risk. After his 2019 release he reported to immigration authorities, and when officers removed his ankle monitor, they chose to leave him in the community. He walked into an ICE office at the government's request to help his family reunify with two children. He has lived openly in the Bay Area for years with his wife and children, supports his household through steady work, and has deep family ties here. Petitioner is being deprived of his liberty without any permissible justification.

LEGAL FRAMEWORK

39. The Constitution protects noncitizens like Petitioner from arbitrary arrest and detention. The Constitution establishes due process rights for "all 'persons' within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or

permanent." *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017) (quoting *Zadvydas*, 533 U.S. at 693). These due process rights are both substantive and procedural.

40. First, "[t]he touchstone of due process is protection of the individual against arbitrary action of government," *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), including "the exercise of power without any reasonable justification in the service of a legitimate government objective," *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998).

41. These protections extend to noncitizens facing detention, as "[i]n our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception." *United States v. Salerno*, 481 U.S. 739, 755 (1987). Accordingly, "[f]reedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas*, 533 U.S. at 690.

42. Substantive due process thus requires that all forms of civil detention—including immigration detention—bear a "reasonable relation" to a non-punitive purpose. *See Jackson v. Indiana*, 406 U.S. 715, 738 (1972). The Supreme Court has recognized only two permissible non-punitive purposes for immigration detention: ensuring a noncitizen's appearance at immigration proceedings and preventing danger to the community. *Zadvydas*, 533 U.S. at 690–92; *see also Demore v. Kim*, 538 U.S. 510 at 519–20, 527–28, 31 (2003).

43. Second, the procedural component of the Due Process Clause prohibits the government from imposing even permissible physical restraints without adequate procedural safeguards.

44. Generally, "the Constitution requires some kind of a hearing before the State deprives a person of liberty or property." *Zinermon v. Burch*, 494 U.S. 113, 127 (1990). This is so even in cases where that freedom is lawfully revocable. *See Hurd v. District of Columbia*, 864 F.3d 671, 683 (D.C. Cir. 2017) (citing *Young v. Harper*, 520 U.S. 143, 152 (1997) (re-detention after pre-parole conditional supervision requires pre-deprivation hearing)); *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).

45. After an initial release from custody on conditions, even a person paroled following a conviction for a criminal offense for which they may lawfully have remained incarcerated has a protected liberty interest in that conditional release. *Morrissey*, 408 U.S. at 482. As the Supreme Court recognized, "[t]he parolee has relied on at least an implicit promise that parole will be revoked only if he fails to live up to the parole conditions." *Id.* "By whatever name, the liberty is valuable and must be seen within the protection of the [Constitution]." *Id.*

46. This reasoning applies with equal, if not greater, force to people previously released from civil immigration detention, like Petitioner. Noncitizens living in the United States like Petitioner have a protected liberty interest in their ongoing freedom from confinement. *See Zadvydas*, 533 U.S. at 690. And, "[g]iven the civil context [of immigration detention], [the] liberty interest [of noncitizens released from custody] is arguably greater than the interest of parolees." *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019).

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF
Violation of the Fifth Amendment to the United States Constitution (Substantive Due Process)

47. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Petition as if fully set forth herein.

48. The Due Process Clause of the Fifth Amendment protects all "person[s]" from deprivation 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 [the Due Process] Clause protects." *Zadvydas*, 533 U.S. at 690.

49. Immigration detention is constitutionally permissible only when it furthers the

government's legitimate goals of ensuring the noncitizen's appearance during removal proceedings and preventing danger to the community. *See id.*

50. Petitioner was determined to be neither a danger nor a flight risk upon his release from custody in 2019, and he has not been convicted of any criminal offense. He voluntarily appeared for an interview, purportedly for the purpose of supporting his wife's ORR sponsorship application, and he has supported his wife and children. Nothing about his conduct or circumstances suggests he is a danger to the community or a flight risk.

51. Petitioner's continued detention thus does not serve any legitimate governmental purpose. Accordingly, his detention violates the Due Process Clause.

SECOND CLAIM FOR RELIEF
Violation of the Fifth Amendment to the United States Constitution
(Procedural Due Process)

52. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Petition as if fully set forth herein.

53. As part of the liberty protected by the Due Process Clause, Petitioner has a weighty liberty interest in avoiding re-incarceration after their release. *See Young v. Harper*, 520 U.S. 143, 146–47 (1997); *Gagnon v. Scarpelli*, 411 U.S. 778, 781–82 (1973); *Morrissey v. Brewer*, 408 U.S. 471, 482–83 (1972); *see also Ortega*, 415 F. Supp. 3d at 969–70 (holding that a noncitizen has a protected liberty interest in remaining out of custody following an IJ's bond determination).

54. Accordingly, "[i]n the context of immigration detention, it is well-settled that due process requires adequate procedural protections to ensure that the government's asserted justification for physical confinement outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017) (cleaned up). *Zinermon v. Burch*, 494 U.S. 113, 127 (1990) (explaining that generally,

"the Constitution requires some kind of a hearing *before* the State deprives a person of liberty or property."). In the immigration context, for such hearings to comply with due process, the government bears the burden to demonstrate, by clear and convincing evidence, that the noncitizen poses a flight risk or danger to the community. *See Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011); *see also Martinez v. Clark*, 124 F.4th 775, 785, 786 (9th Cir. 2024).

55. Petitioner's presence in the United States after his release from immigration custody in 2019 gave rise to a protected liberty interest in his continued freedom from detention. He was arrested without any advance notice, and without any hearing before a neutral decisionmaker at which the government was required to justify depriving him of that liberty.

56. The manner of Petitioner's arrest — drawing him into custody under the guise interview for his wife's reunification with her son and niece — compounds the due process violation: Petitioner was afforded no opportunity to be heard precisely because he was misled into believing that his appearance would result in an interview, not an arrest.

57. The government has no legitimate interest in detaining a noncitizen who is neither a danger nor a flight risk without first affording him notice and a hearing, and providing such process is, at most, a *de minimis* administrative burden.

58. Accordingly, Respondents violated procedural due process by detaining Petitioner without first providing him notice and a hearing before a neutral decisionmaker at which Respondents must prove, by clear and convincing evidence, that Petitioner poses a danger or a flight risk, considering alternatives to detention and Petitioner's ability to pay a bond.

THIRD CLAIM FOR RELIEF

Violation of the Administrative Procedure Act / Unlawful Application of Stayed Policy: (Request for Relief Pursuant to *Garro Pinchi v. Noem*)

59. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Petition as if fully set forth herein.

60. The order granting preliminary relief pending final adjudication of the claims in *Garro Pinchi v. Noem* held that Respondents' new Re-Detention Policy is likely unlawful as arbitrary and capricious. The order thereby stays the Re-Detention Policy, under which Respondents re-arrested and re-detained previously released noncitizens without an individualized determination that materially changed circumstances as to flight risk or dangerousness warrant re-detention.

61. Despite the *Garro Pinchi* order, Respondents re-arrested and re-detained Petitioner even though Petitioner had no materially changed circumstances as to flight risk or dangerousness to warrant re-detention.

62. As a member of the certified class in *Garro Pinchi*, Petitioner's ongoing detention is unlawful and Petitioner is entitled to immediate release.

63. Every moment Respondents continue to detain Petitioner and deprive him of liberty, Respondents violate the Administrative Procedure Act and the court's order in *Garro Pinchi.*

PRAYER FOR RELIEF

Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter;
2. Issue a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody on the same conditions as his previous release; and prohibiting Respondents from re-detaining Petitioner without first providing at least seven days' notice and a constitutionally adequate pre-arrest hearing before a

neutral arbiter at which Respondents must prove by clear and convincing evidence that Petitioner's detention is justified by dangerousness or flight risk, considering alternatives to detention and Petitioner's ability to pay a bond.

3. Order Respondents to return all of Petitioner's personal property confiscated during his detention;

4. Declare that Petitioner's arrest and ongoing detention violate the Due Process Clause of the Fifth Amendment;

5. Declare that Petitioner's arrest and ongoing detention violate the order granting preliminary relief to the *Garro Pinchi* class; and

6. Grant such further relief as the Court deems just and proper.

Dated: October 8, 2026

Lawyers' Committee for Civil Rights of the San Francisco Bay Area

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VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of the Petitioner because I am Petitioner's attorney. As the Petitioner's attorney, I hereby verify that the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge as of the date of this filing.

Dated: October 8, 2026

/s/ Victoria Petty
Victoria Petty
Attorney for Petitioner