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Pro Bono Attorney for Petitioners

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Mauro Ivan GARCIA NAMBO,

Petitioner,

v.

SERGIO ALBARRAN, Field Office Director, San Francisco Field Office, U.S. Immigration and Customs Enforcement; DAVID J. VENTURELLA, Acting Director, U.S. Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary of Homeland Security; TODD BLANCHE, Attorney General of the United States, all in their official capacities,

Respondents.

Case No.

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

Immigration Habeas Case

IMMEDIATE RELEASE REQUESTED

INTRODUCTION

1. Petitioner Mauro Ivan GARCIA NAMBO (A#[redacted]) was arrested and detained without a warrant by U.S. Immigration and Customs Enforcement ("ICE") on October 13, 2026. He is currently being detained at the ICE office located at 630 Sansome, San Francisco, California. His detention infringes on his constitutionally protected liberty interest in his physical freedom and is unlawful pursuant to the agency's own regulations. Because of the unlawful, warrantless arrest, Petitioner seeks immediate release from immigration detention and an order barring his re-detention without a hearing before a neutral decisionmaker.

2. Respondents were looking for Petitioner on the morning on October 13, 2026 when they surrounded and stopped a car being driven by his partner, U.S. Citizen Consepcion Villalva Santos. Consepcion was stopped by masked ICE officers in her car in Forestville on her way to work early in the morning. The ICE officers almost crashed into her car when trying to block her and force her to come to a stop. She was driving a car registered to Petitioner's name when they stopped her. The officers drew their guns and pointed them at her. She did not know whether they were ICE and was terrified.

3. The agents were dressed in brown uniforms and after stopping her car, they pointed a big gun "like a rifle" at her and told her to roll down her window. She complied, and gave them her ID and registration when they asked. Then they asked whose car it was, and she told them it was her boyfriend's car. They said, "sorry, you can go, drive carefully." She then called Petitioner and told him not to leave the house, but he still had to go to work. (Petitioner Dec., ¶ 1.)

4. She later learned that Mauro had been arrested by ICE and was in San Francisco. (Villalva Santos Dec., ¶ __.)

5. Thereafter, around 9:20 or 9:30 AM on the morning of October 13, 2026, Petitioner was arrested and detained without an arrest warrant and without a warrant of removal in violation of immigration regulations and due process. Petitioner was sitting in his car in a parking lot in Santa Rosa, waiting for work to come in. He works in a towing company and usually waits for phone calls that someone needs towing. Out of nowhere, three cars came up and surrounded his vehicle. There were around six masked officers wearing vests that said "POLICE ICE." When they got out of the car, they pulled out their guns and told him to get out of his car. They told him to show his hands. In that moment, Petitioner had a panic attack. He was nervous, not breathing right, and did not think the officers noticed how he was feeling internally. Petitioner takes medication for anxiety and he was shocked and scared. The officers did not say he was arrested, they did not say anything, they just opened the driver's side door as he sat there. An officer then took Petitioner out of the car to handcuff him. Officers then handcuffed me, while he was standing, with his hands behind his back. Once they handcuffed Petitioner, they lowered their guns. Petitioner asked them to loosen the handcuffs because it hurt his wrist, but they said they could only change the handcuffs later. They opened Petitioner's car and they looked through his belongings; they never asked him anything. (Petitioner Dec., ¶ 2.)

6. Respondents did not read Petitioner his rights, they did not tell him why they were arresting him, they just arrested him. Petitioner's heart rate escalated, his breathing got worse; once they put him in the car, handcuffed, he started feeling claustrophobic and felt like there was no air inside. Petitioner didn't tell them about his breathing, because he knew they wouldn't care after they did not want to even loosen the handcuffs. (Petitioner Dec., ¶ 3.)

7. Later that morning, at the ICE detention center at 630 Sansome Street, the guards provided documentation to a pro bono attorney, Meredith Sullivan, who was assisting Petitioner

in understanding his case. The document titled – "Notice of Intent/Decision to Reinstate Prior Order" – was signed on October 13, 2026 Officer Michael Taylor, SDDO. This means that the Notice justifying his arrest was signed **after the arrest**, thus creating a warrantless (and unlawful) arrest.

8. Ms. Sullivan asked ICE agents multiple times whether there was a warrant in the case and and asked to see the warrant but was not shown or given one. As she testifies: "When Officer Yi and Mr. Garcia Nambo returned to the window where I was waiting, Mr. Garcia Nambo told me that the ICE case officers had left for the day already and whomever was still there did not know anything about a warrant." (Sullivan Declaration at ¶ 5)

9. Petitioner has an eighteen-year-old daughter, Carmen Priscilla Garcia Silva, who is a United States citizen. Petitioner and her mother separated when she was around six years old. Petitioner has financially supported Carmen throughout her childhood and still gives her money when he can.

10. Petitioner came to the United States as a teenager, graduating from high school in Santa Rosa, California. Petitioner was removed from the United States in 2006. Petitioner has spent much of his life in the United States. His partner Consepcion is a United States citizen, as is his daughter. Petitioner is afraid to go back to Mexico because of [redacted] (Petitioner Dec., ¶ 5.)

11. As of the time of this filing, Petitioner has not been shown any other documentation relevant to his case. Petitioner and his rapid response attorney Ms. Sullivan requested to see other documentation, including the warrant if one existed.

12. Petitioner faces transfer outside this judicial district and away from his family and legal representation. He also faces unlawful removal from the United States without due process. Petitioner is a family man with an 18-year-old U.S. citizen child whom he supports. He is in a committed 7-year relationship with his partner Consepcion, a U.S. Citizen.

13. Petitioner seeks an order from this Court that he be released from Respondents' custody, and, in the interim, an order from the Court that he is not to be removed from this judicial district or removed from the United States, pending final resolution of their petition for writ of habeas corpus.

14. Alternatively, Petitioner seeks an order from this Court that Respondents must provide Petitioner with an individualized bond hearing before an Immigration Judge that complies with the requirements set forth in *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011). *See Revuelta Torres v. Albarran*, No. 3:26-cv-05242 (N.D. Cal. filed June 2, 2026).

15. This habeas petition is supported by Petitioner's declaration, as well as by the documents that he was provided in detention. These are true and correct copies of the documents and are incorporated here by reference (and attached to this Petition).

16. **Petitioner suffers from asthma, anxiety and claustraphobia, and is without his required medication.**

JURISDICTION

17. This Court has jurisdiction under 28 U.S.C. § 2241 (federal habeas statute); 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 2201-2 (declaratory judgment); United States Constitution

Article I, Section 9 (Suspension Clause) and under the Fourth and Fifth Amendments to the United States Constitution. *See generally INS v. St. Cyr*, 533 U.S. 289 (2001); *Zadvydas*, 533 U.S. 678.

VENUE

18. Venue is proper in the Northern District of California under 28 U.S.C. § 1391(e) because Respondents are federal officers or employees sued in their official capacities; one or more Respondents reside in this District; Petitioners reside in this District; Petitioners are detained in this District; and a substantial part of the events or omissions giving rise to Petitioners' claims occurred in this District.

INTRADISTRICT ASSIGNMENT

19. The decision to arrest and detain Petitioner was made by the San Francisco Field Office of ICE. Therefore, the assignment to the San Francisco Division of this Court is proper under N.D. Local Rule 3-2(d).

REQUIREMENTS OF 28 U.S.C. § 2243

20. The Court must grant the petition for writ of habeas corpus or issue an order to show cause ("OSC") to Respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require respondents to file a return "within *three days* unless for good cause additional time, *not exceeding twenty days*, is allowed." *Id.* (emphasis added).

21. 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) (emphasis added).

22. Habeas corpus must remain a swift remedy. Importantly, "the statute itself directs courts to give petitions for habeas corpus 'special, preferential consideration to insure expeditious hearing and determination.'" *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000) (internal citations omitted). The Ninth Circuit warned against any action creating the perception "that courts are more concerned with efficient trial management than with the vindication of constitutional rights." *Id.*

PARTIES

23. Petitioner is a citizen of Mexico and has resided in the United States for over ten years. He lives in Forestville, California. He has an LPR partner and a U.S. citizen child age 18. Petitioner is currently detained by immigration at the ICE San Francisco Field Office.

15. Respondent Sergio Albarran is the Field Office Director responsible for the San Francisco Field Office of ICE Enforcement and Removal Operations, which has immediate physical custody of Petitioner. He is sued in his official capacity.

16. Respondent David J. Venturella is the Acting Director of ICE. As the head of ICE, an agency within the U.S. Department of Homeland Security that detains and removes certain noncitizens, Respondent Lyons is a legal custodian of Petitioner. He is sued in his official capacity.

17. Respondent Markwayne Mullin is the Secretary of the U.S. Department of Homeland Security. He is responsible for the administration of the federal immigration laws. 8 U.S.C. § 1103(a). Secretary Mullin is a legal custodian of Petitioner. He is sued in his official capacity.

18. Respondent Todd Blanche is the Attorney General of the United States. He is responsible for overseeing the implementation and enforcement of the federal immigration laws. He has the

authority to interpret immigration law and adjudicate removal cases. The Attorney General delegates this responsibility to the Executive Office for Immigration Review ("EOIR"), which administers the immigration courts and the Board of Immigration Appeals ("BIA"). In his official capacity, Attorney General Blanche is the ultimate legal custodian of Petitioner.

FACTUAL ALLEGATIONS

19. Petitioner was born in Mexico on [redacted] He is the father of a U.S. citizen child, age 18, and in a long-term committed relationship with his U.S. Citizen partner, Consepcion, and an upstanding individual in his community.

24. Respondents were looking for Petitioner on the morning on October 13, 2026, and stopped a car being driven by his partner, U.S. Citizen Consepcion Villalva Santos. Consepcion was stopped by ICE in her car one mile from her house in Forestville. The agents were dressed in brown uniforms and after stopping her car, they pointed a gun at her and told her to roll down her window. She complied, and gave them her ID and registration when they asked. Then they asked whose car it was, and she told them it was her boyfriend's car. They said, "sorry, you can go, drive carefully." Consepcion said she was going to go. She later learned that Mauro had been picked up by ICE and was in San Francisco.

25. Thereafter, on the morning of October 13, 2026, Petitioner was arrested and detained without a properly executed arrest warrant in violation of immigration regulations and due process. Petitioner was parked at a carwash in Santa Rosa, California, waiting to go to work at his towing job. This was around 9:20 AM, and he was waiting for someone to call for a tow operator, waiting on his phone. The ICE agents arrived "out of nowhere." They didn't say they were police or identify themselves. They pointed their guns at Petitioner and got him out of his car. There were about six agents in three cars. They didn't give Petitioner a chance to do

anything or say anything. They didn't ask him for ID or any documents. They just grabbed him, pulled him out of his car, handcuffed him, and took him away to San Francisco.

26. Later that morning, at the ICE detention center at 630 Sansome Street in San Francisco, the guards provided documentation to a pro bono rapid responder who was assisting Petitioner in understanding his case. The document titled – "Notice of Intent/Decision to Reinstate Prior Order" – was signed on October 13, 2026 Officer Michael Taylor, SDDO. This means that the Notice justifying his arrested was signed **after the arrest**, thus creating a warrantless (and unlawful) arrest.

27. Attorney Sullivan asked ICE agents on multiple occasions to view an arrest warrant for this case and none was provided.

28. As of the time of this filing, Petitioner has not been shown any other documentation relevant to his case. Petitioner and his rapid response attorney requested to see other documentation, including the warrant.

29. Petitioner faces transfer outside this judicial district and away from his family and legal representation. He also faces unlawful removal from the United States without due process. Petitioner is a family man with an 18-year-old U.S. citizen child whom he supports. He is in a committed 7-year relationship with his partner Consepcion, a U.S. Citizen.

22. Respondents did not present any warrant for Petitioner's arrest or removal before their arrest and detention of Petitioner on October 13, 2026. Respondents did not inform Petitioner of the basis for his arrest. Additionally, Respondents did not present any evidence to Petitioner that a reinstatement order had been entered in his name. In fact, the reinstatement order was only issued after Petitioner was arrested. The specific facts and circumstances of his case and immigration history were not considered before arresting him.

23. In the detention center, both Petitioner and the pro bono rapid response attorney asked for paperwork that would show the basis for the warrant of removal that was signed *after* Petitioner's arrest. However, the ICE agents refused to provide any additional paperwork. Petitioner has yet to be served with that paperwork.

CAUSES OF ACTION

COUNT ONE

Violation of 8 U.S.C. § 1357(a)(2): Warrantless Arrest Without Probable Cause of Flight Risk

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

25. Respondents ICE arrested Petitioner without probable cause and without a proper warrant. Before the arrest, Respondents failed to make an individualized finding of flight risk. The failure to meet these requirements is a violation of 8 U.S.C. § 1357(a)(2).

26. Petitioner's arrest and current detention is unlawful because it was made without a warrant and no exceptions under § 1357(a)(2) applied. See *Landa Zaragoza v. Chestnut*, 2026 WL 2049841, (E.D.Cal., 2026) (Petitioners ordered released and habeas granted after warrantless arrests when the Respondents did not dispute nor provide any argument that Petitioners' arrests fell into one of the enumerated statutory exceptions.) See also *Djiwaje v. Bondi*, No. 2:26-CV-00344-RFB-MDC, 2026 WL 926753, (D. Nev. Apr. 6, 2026) (warrantless arrest of noncitizen was unlawful) and *Romero-Perez v. Blanche*, No. 2:26-CV-01708-RFB-BNW, 2026 WL 1724752, at *3 (D. Nev. June 15, 2026) ("Respondents failed to follow the procedures authorizing detention under § 1226(a), Petitioners' current detentions are "divorced from a finding of probable cause," and release is warranted.)

27. As of the filing of this petition, Petitioner has yet to be served with a properly executed warrant for his arrest.

COUNT TWO

Warrantless Arrest in Violation of the Fourth Amendment

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

29. Under the Fourth Amendment, "[a]n arrest, of course, qualifies as a 'seizure' of a'person' . . . and so must be reasonable under the circumstances." *Ashcroft v. al-Kidd*, 563 U.S.731, 735–36 (2011). Furthermore, the warrantless arrest of Petitioner violated 8 U.S.C. §1357(a)(2) and 8 C.F.R. § 287.3(a). Section 1357(a)(2) provides that a warrantless arrest may take place only if an officer "has reason to believe that the alien so arrested is in the United States in violation of any law or regulation and is likely to escape before a warrant can be obtained for his arrest." 8 U.S.C. § 1357(a)(2) (emphasis added).

30. Respondents ICE arrested Petitioner without a warrant and without "reason to believe" that they were "likely to escape before a warrant can be obtained" in violation of 8 C.F.R. § 287.8(c)(2)(ii). The reason to believe standard meets the probable cause standard of the Fourth Amendment. *Perez Cruz v. Barr*, 926 F.3d 1128, 1137 (9th Cir. 2019).

31. Petitioner was not presented with a signed warrant before or upon his arrest.

32. As of the filing of this petition, Petitioner has yet to be served with the proper paperwork that could substantiate ICE's claims to be able to detain him.

33. Arrests in violation of the regulation are unlawful. See *Sanchez v. Sessions*, 904 F.3d 643, 650 (9th Cir. 2018); *Perez Cruz v. Barr*, 926 F.3d 1128, 1137 (9th Cir. 2019).

COUNT THREE

Fourth Amendment: Arrests Without Probable Cause

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

35. The Fourth Amendment prohibits Respondents from arresting individuals for an immigration violation without probable cause. Petitioner was sitting in a vehicle that was detained by ICE agents. No reason was given for the detention. Agents did not ask Petitioner to produce ID, nor did they articulate any basis for the detention, and without reasonable suspicion that Petitioner had committed or was about to commit any offense. Petitioner was immediately arrested.

36. Reasonable suspicion must be based on the totality of circumstances and must be particularized to the individual being stopped- not based on generalizations that would cast suspicion on large segments of the law-abiding population. *United States v. Montero-Camargo*, 208 F.3d 1122, 1129 (9th Cir. 2000); *United States v. Manzo-Jurado*, 457 F.3d 928, 935 (9th Cir. 2006).

37. Here, no articulable facts have been identified giving rise to individualized suspicion specific to Petitioner. A stop initiated without any stated basis and without particularized suspicion cannot satisfy the Fourth Amendment's minimum requirements. *Vasquez Perdomo v. Noem*, 790 F. Supp. 3d 850, 890-91 (C.D. Cal. 2025).

COUNT FOUR

Violation of Due Process

38. Petitioner incorporates the allegations in the paragraphs above as though fully set forth here.

39. The government may not deprive a person of life, liberty, or property 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 Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001).

40. The government's detention of Petitioner violates his right to due process because he has been detained without lawful authority, infringing on Petitioners' fundamental right to liberty. He has been living in the United States at liberty for over ten years since his last entry into the U.S. Petitioner has a right to due process before being deprived of his liberty under the Fifth Amendment of the United States Constitution.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that the Court:

1. Assume jurisdiction over this matter and issue an order to show cause forthwith under 28 U.S.C. § 2243;

2. Order that Respondents shall not transfer Petitioners outside the Northern District of California while this Petition is pending, in order to preserve the Court's jurisdiction and its ability to grant effective relief;

3. Issue a writ of habeas corpus ordering Respondents to release Petitioners immediately;

5. In the alternative, order that Respondents may not re-detain Petitioner unless, at a hearing before a neutral decisionmaker, they demonstrate by clear and convincing evidence that he poses a danger to the community or a flight risk that no condition or combination of conditions of release would reasonably mitigate;

7. Award Petitioner her costs and reasonable attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412; and

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

Dated: October 13, 2026

Respectfully submitted,

/s/ Lucy Bedolla Mejia
Lucy Bedolla Mejia (CA SBN 149205)
Immigration Institute of the Bay Area
Pro Bono Attorney for Petitioner

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

I, Lucy Bedolla Mejia, am Petitioner's attorney and submit this verification on his behalf because he is in Respondents' custody and unable to verify the Petition himself. I have personal knowledge of the proceedings described above and have reviewed the records cited. I verify that the factual statements in the foregoing Petition are true and correct to the best of my knowledge, information, and belief.

Executed on October 13, 2026, at Napa, California.

/s/ Lucy Bedolla Mejia
Lucy Bedolla Mejia