UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

CARLOS GUERRA LEON,

Petitioner,

v.

KRISTI NOEM, in her official capacity as Secretary of the Department of Homeland Security,

PAMELA BONDI, in her official capacity as Attorney General of the United States;

TODD LYONS, in his official capacity as Acting Director and Senior Official Performing the Duties of the Director of U.S. Immigration and Customs Enforcement;

SCOTT LADWIG, in his official capacity as Acting Field Office Director of the New Orleans Field Office of U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations;

PHIL BICKHAM, in his official capacity as Warden, Jackson Parish Correctional Center;

Respondents.

VERIFIED PETITION FOR A WRIT OF HABEAS CORPUS

Case No. 3:25-cv-1495

INTRODUCTION

1. This case is about an 18-year-old with Special Immigrant Juvenile Status who cannot be removed from the United States because he has a valid grant of Deferred Action. Nevertheless, Respondents seek to detain him in contravention of federal law and the Constitution.

2. Carlos Eduardo Guerra Leon ("Carlos") is an 18-year-old from Spring Valley, New York, who graduated from high school three months ago. On August 9, 2025, Immigration and Customs Enforcement ("ICE") arrested him without a warrant while he was on his way to work and transferred him more than 1,000 miles away from his home in New York to Jackson Parish Correctional Center in Jonesboro, Louisiana, where he has remained detained ever since.

3. Carlos came to the United States from Guatemala when he was 10 years old, after suffering abandonment and neglect at the hands of his father. After a New York juvenile court determined that it was not in Carlos' best interests to return to Guatemala, U.S. Citizenship and Immigration Services ("USCIS") approved Carlos for Special Immigrant Juvenile Status ("SIJS"). SIJS is a humanitarian immigration protection enshrined in federal statute that is designed to afford certain immigrant children who have suffered parental abuse, neglect, abandonment, or similar mistreatment the opportunity to remain safely and permanently in the United States. However, because of a visa backlog, young people with SIJS must wait—often years—before they are able to apply for a green card and gain lawful permanent resident ("LPR") status.

4. Under a USCIS policy designed to protect these vulnerable youth during this wait, on December 9, 2022, Carlos also received a four-year, renewable grant of deferred action and accompanying employment authorization. This allowed him to attend school, work legally, and build a stable life here in the United States without the threat of deportation while he waits to apply for a green card. Despite Carlos' grant of deferred action and work authorization, and despite the fact he has no criminal history, ICE arrested him without a warrant on August 9, 2025.

5. While Carlos has an order of removal from 2019, issued against him *in absentia* without his knowledge when he was 12 years old, his grant of deferred action prevents ICE from deporting him.

6. Moreover, deporting Carlos would completely undermine the purpose of the SIJS statute. Through his grant of SIJS, Carlos is on a path to permanent legal status, which he must remain in the United States to access. Respondents' efforts to block Carlos from accessing the protections Congress specifically enacted for the benefit of children like him improperly subverts Congress' intent that he be permitted to adjust status and establish a stable life in the United States.

7. Carlos' warrantless arrest violated his statutory and Fourth Amendment rights. Because Carlos cannot be removed, his ongoing detention—particularly without any individualized review—serves no lawful purpose and runs afoul of the substantive and procedural due process protections of the Fifth Amendment. Carlos brings this habeas petition challenging his unlawful arrest and detention. To be clear, this petition does not challenge Respondents' ability to issue a removal order against Carlos and does not challenge the removal order; it strictly seeks to liberate Carlos from detention on the basis that his arrest was unlawful, his detention serves no lawful purpose, and his removal is not reasonably foreseeable. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 679 (2001).

PARTIES

8. Petitioner **Carlos Eduardo Guerra Leon** is an 18-year-old and recent high school graduate, who came to the United States from Guatemala at the age of 10 and settled in Spring Valley, New York. He has an approved SIJS petition; he has been granted deferred action; and he has no criminal history. Nonetheless, on August 9, 2025, ICE arrested Carlos while he was on his way to work. ICE apparently believed that a passenger in the car Carlos was traveling in met the description of an individual they were seeking; upon information and belief, this was mistaken,

but ICE arrested both Carlos and the passenger anyway. Carlos is now detained at Jackson Parish Correctional Center in Jonesboro, Louisiana. He is currently in the custody of Respondents.

9. Respondent **Kristi Noem** is named in her official capacity as the Secretary of the U.S. Department of Homeland Security. In this capacity, she is responsible for overseeing ICE's day-to-day operations, leading approximately 20,000 ICE employees, including Respondent Lyons. Secretary Noem is the ultimate legal custodian of Carlos.

10. Respondent **Pamela Bondi** is the Attorney General of the United States. As Attorney General, Respondent Bondi oversees the immigration court system, including the immigration judges who conduct bond hearings as her designees, and is responsible for the administration of immigration laws pursuant to 8 U.S.C. § 1103(g). She is legally responsible for administering Carlos' removal and bond proceedings, including the standards used in those proceedings, and as such, she is Carlos' legal custodian. She is sued in her official capacity.

11. Respondent **Todd Lyons** is sued in his official capacity as Acting Director of ICE, and as such is the legal custodian of Carlos.

12. Respondent **Scott Ladwig** is ICE's Acting Field Office Director for the New Orleans Field Office of ICE Enforcement and Removal Operations ("NOLA ICE"). As Field Office Director, Respondent Ladwig oversees ICE's enforcement and removal operations in the New Orleans Area of Responsibility ("AOR"), which includes Louisiana. Carlos is currently detained within this AOR and, as such, Respondent Ladwig is a legal custodian of Carlos. He is sued in his official capacity.

13. On information and belief, Respondent **Phil Bickham** is the Warden of the Jackson Parish Correctional Center in Jonesboro, Louisiana, where Carlos is currently detained.

Respondent Bickham is responsible for the operation of Jackson Parish Correctional Center and is the immediate physical custodian of Carlos. He is sued in his official capacity.

JURISDICTION AND VENUE

14. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), Art. I § 9, cl. 2 of the U.S. Constitution (Suspension Clause), 28 U.S.C. § 1331 (federal question jurisdiction), 28 U.S.C. § 1651 (All Writs Act), and 28 U.S.C. § 2201 (Declaratory Judgment Act).

15. Federal district courts have jurisdiction to hear habeas claims brought by noncitizens challenging the lawfulness of their detention. *See Demore v. Kim*, 538 U.S. 510, 516–17 (2003) (recognizing habeas jurisdiction over immigration detention challenges); *Zadvyda*, 533 U.S. at 687 (same); *Tran v. Mukasey*, 515 F.3d 478, 482 (5th Cir. 2008) (same).

16. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (e)(1) because Carlos is detained within the Western District of Louisiana, his immediate physical custodian is located within this District, and a substantial part of the events giving rise to this petition occurred and continue to occur within this District.

FACTUAL ALLEGATIONS

17. Carlos was born in Guatemala in 2007. As a child in Guatemala, Carlos suffered neglect and abuse at the hands of his father, [redacted]

18. Carlos came to the United States in 2018, when he was 10 years old, settling in Spring Valley, New York with his mother. His mother immediately enrolled him in school, where he began to learn English.

19. On March 29, 2022, the New York State Family Court in Rockland County found that Carlos had been abandoned and neglected by his father in Guatemala, and that it was in his best interests to remain in the United States. The court granted sole physical and legal custody to Carlos' mother. Based on these state court findings, Carlos applied for SIJS with USCIS.

20. On December 9, 2022, USCIS[1] granted Carlos' application for SIJS and concurrently granted him deferred action. Carlos received an I-797A Notice of Action, which stated: "USCIS has determined that you warrant a favorable exercise of discretion to receive deferred action. As a result, you have been placed in deferred action and you may be issued an employment authorization document." *See* Ex. 1, I-797A Notice of Action. The notice also stated: "Your grant of deferred action will remain in effect for a period of four years from the date of this notice unless terminated earlier by USCIS." *Id.* Therefore, Carlos' deferred action does not expire until December 9, 2026.

21. Because of the visa backlog impacting SIJS beneficiaries, *see infra* ¶¶ 34–42, Carlos could not immediately apply to adjust his status to become an LPR after being approved for SIJS, and instead was required to wait until a visa became available to him. Still, he made plans for his future based on his grant of SIJS, his deferred action, and his ability to work lawfully.

22. After applying for and being granted employment authorization based on his deferred action, Carlos began to work at the 4 Season Car Wash in Rockland, New York. At roughly age 15, Carlos started working from 3 p.m. to 7 p.m. after school and all day on Saturdays and Sundays. He gave some of the money to his mother to help pay for rent and groceries, and

[1] USCIS is the sub-agency of the Department of Homeland Security with exclusive jurisdiction over SIJS petitions, including both granting and revoking SIJ status. *See* 8 C.F.R. §§ 204.11(d); 205.2. Other DHS sub-agencies, such as ICE and Customs and Border Patrol, can neither grant nor revoke SIJS. *Id.*

saved the rest for higher education. He earned a reputation for always being early to his shifts, which often began at 7 a.m. on the weekends. His boss describes him as responsible, dependable, and one of the hardest working members of the team.

23. Carlos planned to use his savings to pay for a program that provides vocational and technical training for high school students and graduates. Through that program, Carlos hoped to learn a trade and, eventually, to establish a stable career to support himself in the United States.

24. In May 2025, Carlos turned eighteen. In June, he graduated high school and began working full-time at the car wash.

25. On August 9, 2025, Carlos was driving a neighbor to work when federal officers stopped his vehicle. The agents did not ask Carlos any questions. They approached and removed Carlos and his neighbor from the car without asking for his name, identification, or immigration status. They did not ask if he had a stable address or stable job. They then took Carlos' wallet, which had his New York driver's license in it. The agents told Carlos that he had an old removal order and would be taken into custody. Carlos did not believe this was the case and expressed his confusion, stating he had a valid driver's license, a valid a work permit, a social security number, and an approved immigration petition, and had never gotten so much as a speeding ticket.

26. It was not until after this arrest that Carlos learned he had been ordered removed by an immigration court *in absentia* on July 23, 2019, when he was only 12 years old. As a child, he had no control over his immigration court process or knowledge of this removal order.

27. After taking Carlos into custody, ICE transferred him to Jackson Parish Correctional Center in Jonesboro, Louisiana, where he remains today.

LEGAL FRAMEWORK

A. SIJS Provides a Pathway to Permanent Status for Certain Vulnerable Young People

28. In 1990, Congress created SIJS to protect vulnerable immigrant children and provide them a pathway to citizenship. Immigration Act of 1990, Pub. L. No. 101-649, § 153, 104 Stat. 4978 (1990) (amending various sections of the Immigration and Nationality Act ("INA")); Special Immigrant Status, 58 Fed. Reg. 42843, 43844 (Aug. 12, 1993) ("This rule alleviates hardships experienced by some dependents of United States juvenile courts by providing qualified [noncitizens] with the opportunity to apply for special immigrant classification and lawful permanent resident status, with [the] possibility of becoming citizens of the United States in the future."). Since 1990, Congress has amended the INA multiple times to expand the protections of SIJS, most recently in 2008, through the Trafficking Victims Protection Reauthorization Act, Pub. L. 110-457, § 235(d), 122 Stat. 5044 (2008).

29. To be granted SIJS, youths like Carlos must first "satisfy[] a set of rigorous, congressionally defined eligibility criteria." *Osorio-Martinez v. U.S. Att'y Gen.*, 893 F.3d 153, 163 (3d Cir. 2018). Specifically, the INA provides that those eligible for SIJS designation, as relevant here, are noncitizen youth who are present in the United States; who have been declared dependent on a state juvenile court; who cannot be reunified with one or more parents because of abuse, neglect, or abandonment; and for whom it has been determined that it is not in their best interest to return to their country of origin. 8 U.S.C. § 1101(a)(27)(J); 8 C.F.R. § 204.11(c).

30. Crucially, a noncitizen youth is eligible for SIJS only if he or she is "*present* in the United States." 8 U.S.C. § 1101(a)(27)(J) (emphasis added). This requirement makes perfect sense in light of the purpose of the SIJS statute. SIJS is predicated on a state court finding that the youth cannot be safely reunited with parent(s), nor safely sent back to their country of origin. The design

of this program, then, "show[s] a congressional intent to assist a limited group of abused children to remain safely in the country with a means to apply for LPR status." *Garcia v. Holder*, 659 F.3d 1261, 1271 (9th Cir. 2011) (abrogated on other grounds).

31. Youth can apply for SIJS upon receipt of a state court order finding they cannot be safely reunited with parent(s) nor safely sent back to their country of origin. The application process includes submitting a Form I-360 SIJS Petition to USCIS, along with the predicate state court order and other supporting evidence. *See* 8 C.F.R. § 204.11(b). USCIS then considers the application and supporting documentation to determine whether to exercise its statutory "consent function" to approve the petition. *See* 8 U.S.C. § 1101(a)(27)(J)(iii). By exercising its statutory consent function to grant SIJS, the agency recognizes the state court's determinations, including that the child's return to their country of origin would be contrary to their best interests. 8 U.S.C. § 1101(a)(27)(J)(iii).

32. SIJS may be revoked only for what the Secretary of Homeland Security deems "good and sufficient cause." 8 U.S.C. § 1155; 8 C.F.R. § 205.2. According to USCIS regulations, such revocation must be made upon notice to the youth in question, who must be permitted the opportunity to submit evidence in opposition to the revocation and to appeal an adverse decision. *See* 8 C.F.R. § 205.2. If status is ultimately revoked, the youth is entitled to notice and the opportunity to appeal the decision. *See* 8 C.F.R. § 205.2(c) & (d). Revocation of a SIJS petition may only be performed by a USCIS officer authorized to approve such petition in the first instance. *See* 8 C.F.R. § 205.2(a).

33. The main benefit of SIJS—and indeed, its core purpose—is that it confers on vulnerable young people like Carlos the right to seek LPR status while remaining in the United States, through a process called adjustment of status. *See* 8 U.S.C. 1255(h).

34. To facilitate this process, Congress removed numerous barriers to adjustment of status for SIJS beneficiaries through amendments to the SIJS provisions in 1991 and again in 2008. For example, SIJS youth are "deemed . . . to have been paroled into the United States" for the purposes of adjustment of status. 8 U.S.C. § 1255(h)(1). Further, Congress exempted SIJS youth from many common inadmissibility grounds and created a generous waiver of many of the non-exempted inadmissibility grounds. 8 U.S.C. § 1255(h)(2). And, Congress explicitly provided that certain grounds for removal "shall not apply to a special immigrant described in section 1101(a)(27)(J) of this title [the SIJS statute] based upon circumstances that existed before the date the [noncitizen] was provided such special immigrant status." 8 U.S.C. § 1227(c).

35. Although SIJS renders youth eligible to apply for adjustment, they can only do so when a visa is immediately available to them. 8 U.S.C. § 1255(h). However, there is an annual limit on visas available to SIJS beneficiaries. 8 U.S.C. § 1153(b)(4). And since 2016, the number of SIJS beneficiaries has surpassed the supply of available visas for most countries, leaving what has been estimated to be more than 100,000 young people in a backlog, waiting to apply for a green card.

36. Despite the immediate unavailability of visas, waitlisted SIJS beneficiaries are the same vulnerable young people that the SIJS statute was designed to protect. The fact that no visa is currently available because a numerical limit has been reached changes nothing about their eligibility determination by USCIS, or Congress's intent that they be afforded a pathway to LPR status and, eventually, citizenship. These are the same individuals whom state courts have determined cannot safely be reunited with their parent(s) or returned to their home country.

37. Taken together, the structure of the SIJS program—including the requirement that recipients remain in the United States to move forward in the process, the grant of parole for the

purpose of adjustment, and the waiver of grounds of inadmissibility and removability—evinces Congress' intent that SIJS recipients remain safely in the United States until they can adjust to become LPRs.

B. Deferred Action Gives Meaning to Congress' Intent That SIJS Beneficiaries Be Protected

38. In March 2022, to address the SIJS visa backlog, USCIS announced that all young people granted SIJS would also be considered for a discretionary grant of deferred action, meaning that they would be protected from deportation while waiting for a visa to become available. In enacting this policy, USCIS itself acknowledged that "Congress likely did not envision that SIJ petitioners would have to wait years before a visa became available. . .."[2] Persons granted deferred action are shielded from deportation and are eligible to apply for employment authorization under 8 C.F.R. § 274a.12(c)(14).

39. Importantly, "USCIS has the sole authority to grant and terminate deferred action for noncitizens with SIJS classification."[3] And, generally, USCIS may only terminate deferred action "if the SIJ-classified individual was not eligible at the time of the initial grant of deferred action, the SIJ Form I-360 is revoked, or if they are no longer eligible based on new information." *Id.*

40. In June 2025, USCIS rescinded the SIJS deferred action policy, deciding to no longer consider granting deferred action to SIJS youth waiting to apply for a green card. However, this policy change has no impact on SIJS beneficiaries who already received deferred action. *See*

[2] USCIS, Policy Alert PA-2022-10 at 1 (Mar. 7, 2022), available at: https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20220307-SIJAndDeferredAction.pdf ("2022 Policy Alert"); *see also* USCIS, Training regarding SIJ Deferred Action Background, available at: https://www.ilrc.org/sites/default/files/2025-09/FOIA%20Results%20on%20SIJS%20Deferred%20Action%20Policy.pdf at 11–12.

[3] *See* USCIS Memo re: Special Immigrant Juvenile (SIJ) Deferred Action, June 26, 2023, available at: https://www.ilrc.org/sites/default/files/2025-09/FOIA%20Results%20on%20SIJS%20Deferred%20Action%20Policy.pdf at 131–132.

USCIS Policy Alert, PA-2025-07, "Special Immigrant Juvenile Classification and Deferred Action" (June 6, 2025), available at: 20250606-SIJDeferredAction.pdf (stating that noncitizen "with current deferred action based on their SIJ classification will generally retain this deferred action . . . until the current validity periods expire.").

41. Deferred action is an act of prosecutorial discretion that defers efforts to deport a noncitizen from the United States for a certain period of time. In the case of SIJS recipients awaiting visas, USCIS granted deferred action for a period of four years. *See id.*

42. Deferred action does not confer lawful status and does not prevent an immigration judge from issuing a removal order. However, unless and until terminated, a grant of deferred action prevents immigration authorities from physically removing a noncitizen from the United States. *See* USCIS Policy Manual, Vol. 6: Immigrants, Part J: Special Immigration Juveniles, Ch. 4: Adjudication; *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 484 (1999) ("*AADC*").

43. Once deferred action is granted, fundamental procedural due process protections attach to the recipient, such as the right to notice and an opportunity to contest the revocation of deferred action. *See Maldonado v. Noem*, No. 4:25-CV-2541, 2025 WL 1593133, at *2 (S.D. Tex. June 5, 2025) (finding that Petitioner was "likely to succeed on his Due Process claim" because he was denied "notice, a hearing, or any opportunity to contest the revocation of his deferred action.").

CLAIMS FOR RELIEF

CLAIM I

CARLOS' DETENTION DESPITE THE FACT THAT HE CANNOT BE REMOVED VIOLATES THE SUBSTANTIVE DUE PROCESS PROTECTIONS OF THE FIFTH AMENDMENT OF THE CONSTITUTION AND 8 U.S.C. § 1231(a)(6)

44. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

45. Because Carlos' removal is not reasonably foreseeable and there is no other justification for his detention, his detention is neither authorized by 8 U.S.C. § 1231(a)(6) nor related to any legitimate government interests, in violation of the substantive due process protections of the Fifth Amendment.

46. Because Carlos was issued an *in absentia* removal order, he is detained under 8 U.S.C. § 1231(a)(6), which governs the detention of noncitizens with final removal orders.

47. In *Zadvydas v. Davis*, the Supreme Court held that to avoid offending the Due Process Clause, detention under that statute is limited to "a period reasonably necessary to bring about" the individual's removal from the United States. 533 U.S. 678, 689 (2001). While detention is presumptively reasonable for up to six months, *id.* at 701, reasonableness is measured "primarily in terms of the statute's basic purpose, namely, assuring the [noncitizen's] presence at the moment of removal." *Id.* at 699. Accordingly, a noncitizen may challenge his detention prior to the six-month mark if he "can prove" that there is no significant likelihood of his removal in the reasonably foreseeable future. *Munoz-Saucedo v. Pittman*, No. CV 25-2258 (CPO), 2025 WL 1750346, at *5 (D.N.J. June 24, 2025); *accord Ali v. Dep't of Homeland Sec.*, 451 F. Supp. 3d. 703, 706-07 (S.D. Tex. 2020). If "removal is not reasonably foreseeable, continued detention is unreasonable and no longer authorized by statute." *Primero v. Mattivelo*, No. 1:25-CV-11442-IT, 2025 WL 1899115, at *4 (D. Mass. July 9, 2025); *see also Sepulveda Ayala v. Bondi*, No. 2:25-CV-01063-JNW-TLF, 2025 WL 2084400, at *4 (W.D. Wash. July 24, 2025).

48. Here, the government cannot remove Carlos from the United States for at least three reasons. First, Carlos has a valid grant of deferred action, which precludes his removal. *See Primero*, 2025 WL 1899115, at *4 ("Respondents do not suggest that ICE routinely removes individuals with active grants of deferred action from the United States, or that Petitioner will be

removed before his deferred action is terminated."). His grant of deferred action remains valid until December 9, 2026.

49. Second, Carlos has a procedural due process right under the INA and DHS regulations not to have his SIJS revoked without notice and an opportunity to submit evidence in opposition to the revocation and to appeal an adverse decision. 8 U.S.C. § 1155; 8 C.F.R. § 205.2. Because the INA requires that a youth be present in the United States to have SIJS, 8 U.S.C. § 1101(a)(27)(J), forced removal from the United States would constitute a *de facto* revocation of SIJS. *See* 8 U.S.C. § 1101(a)(27)(J). Therefore, removing Carlos from the United States (regardless of his deferred action grant) would be unlawful.

50. Third, removing Carlos (regardless of his deferred action grant) would contravene the very purpose of the SIJS statute. As discussed *supra*, the core purpose of SIJS protection is to provide beneficiaries like Carlos with a means to adjust their status to become a lawful permanent resident from within the United States. Because physical presence in the United States is required to adjust status pursuant to SIJS, Carlos must remain present in the United States to avail himself of that process. *See* 8 U.S.C. § 1101(a)(27)(J). Allowing Carlos to be removed from the United States after he has already been granted SIJS would thus eviscerate Congress' goal in creating the status in the first place.

51. For all of the foregoing reasons, the government cannot lawfully remove Carlos from the United States. Therefore, there is no significant likelihood of his removal in the reasonably foreseeable future and his detention violates 8 U.S.C. 1231(a)(6). *See Primero*, 2025 WL 1899115, at *4 (granting habeas petition for young person with SIJS deferred action); *Ayala v. Bondi*, No. 2:25-CV-01063-JNW-TLF, 2025 WL 2209708, at *4 (W.D. Wash. Aug. 4, 2025) (granting habeas petition for a noncitizen with another category of deferred action).

52. For the same reasons, Carlos' detention violates his substantive due process rights under the Fifth Amendment. The Supreme Court has long recognized that noncitizens physically present in the United States are entitled to due process protections, regardless of their immigration status. *Zadvydas*, 533 U.S. at 693; *Mathews v. Diaz*, 426 U.S. 67, 77 (1976.) Substantive due process requires that there be a reasonable relation between an individual's detention and the government's purported interests in that detention. *See Jackson v. Indiana*, 406 U.S. 715, 738 (1972); *Brown v. Taylor*, 911 F.3d 235, 243 (5th Cir. 2018). As the Supreme Court recognized in *Zadvydas*, the government's only interests in post-order immigration detention are to (1) prevent flight risk, so a person can actually be removed, or (2) otherwise ensure the safety of the community. *Zadvyda*s, 533 U.S. at 690-91. But if a person cannot actually be removed, "preventing flight" is a "weak or nonexistent" justification. *Id*. at 690; *cf. Phan v. Reno*, 56 F. Supp. 2d 1149, 1156 (W.D. Wash. 1999) ("Detention by the INS can be lawful only in aid of deportation."). Detention for community safety, in turn, is only permissible "when limited to specially dangerous individuals and subject to strong procedural protections." *Id*. at 691.

53. Here, the government's inability to lawfully remove Carlos eliminates any justification of flight risk, which the government could not show in any event, given Carlos' lengthy residence in the United States, his deep ties to his family and community in New York, and his ability as an SIJS beneficiary to eventually adjust to lawful permanent resident status and then gain citizenship. And Carlos' lack of any criminal record obviously eliminates any possible justification of danger.

54. Accordingly, because Carlos' removal is not reasonably foreseeable and there is no other justification for his detention, his detention is neither authorized by 8 U.S.C. § 1231(a)(6 nor

related to any legitimate government interests. Therefore, his detention violates the substantive due process protections of the Fifth Amendment.

CLAIM II

CARLOS' DETENTION WITHOUT NOTICE AND AN OPPORTUNITY TO RESPOND VIOLATES THE PROCEDURAL DUE PROCESS PROTECTIONS OF THE FIFTH AMENDMENT OF THE CONSTITUTION

55. Petitioner repeats and incorporates by reference each allegation contained in the preceding paragraphs as if fully set forth herein.

56. The procedural due process guarantee of the Fifth Amendment requires that individuals be provided notice and an opportunity to be heard before being deprived of liberty or property interests. *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976). "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.

57. In contrast to other habeas petitioners challenging their detention under 8 U.S.C. § 1231(a)(6), Carlos "has been afforded no review of his detention." *Primero*, 2025 WL 1899115, at *5. "To the contrary, Respondents have made no suggestion that there has been any review of Petitioner's record to determine that his detention was warranted to ensure his removal; instead, Petitioner's detention was the result of an enforcement action targeting a third party." *Id.* (internal quotations omitted).

58. Under the familiar *Eldridge* Due Process test, then, the government's decision to arrest Carlos without any notice or an opportunity to respond, and continue to detain him without any opportunity to meaningfully challenge that detention, clearly violates his procedural due process rights.

59. First, Carlos has a substantial, legally protectable liberty interest, created by his reliance on his SIJS and deferred action, at stake.

60. Second, the risk of erroneously depriving Carlos of that interest is severe. At only eighteen years old, he is separated from his family, missing work, and falling behind on saving for his enrollment in his desired vocational program. Despite his best efforts to set himself on a good track, he has been thrown into sudden instability. He has been afforded absolutely no process, let alone constitutionally sufficient process, prior to or since this deprivation, making the value of additional process high. *See Eldridge*, 424 U.S. at 343.

61. Third, the government's interest in detaining Carlos is minimal. Carlos cannot be deported and does not present any flight risk or danger: he is firmly settled in New York, he has a stable job that he attends regularly, and he has absolutely no criminal history. Meanwhile, additional process would entail little to no burden on the government. *See Eldridge*, 424 U.S. at 347.

62. Carlos' continued detention without an opportunity to be heard violates his procedural due process rights under the Fifth Amendment of the Constitution.

CLAIM III

CARLOS' ARREST AND DETENTION VIOLATE OF THE FOURTH AMENDMENT OF THE CONSTITUTION AND 8 U.S.C. § 1357(a)(2)

63. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

64. The Fourth Amendment protects "[t]he right of the people to be secure in their persons . . . against unreasonable searches and seizures." U.S. Const. amend. IV. The Supreme Court has consistently recognized that immigration arrests and detentions are "seizures" within the

meaning of the Fourth Amendment. *INS v. Lopez-Mendoza*, 468 U.S. 1032, 1044 (1984) (acknowledging that deportation proceedings are civil, but the Fourth Amendment still applies to the "seizure" of the person).

65. As a general matter, the Fourth Amendment requires that all arrests entail a neutral, judicial determination of probable cause. *See Gerstein v. Pugh*, 420 U.S. 103, 114 (1975). That neutral, judicial determination can occur either before the arrest, in the form of a warrant, or promptly afterward, in the form of a prompt judicial probable cause determination. *See id*. Arrest and detention of a person, including of a noncitizen, absent a neutral, judicial determination of probable cause violates the Fourth Amendment of the Constitution. *Id.*; *see also Cnty. of Riverside v. McLaughlin*, 500 U.S. 44, 57 (1991). This determination must occur within 48 hours of detention, which includes weekends, unless there is a bona fide emergency or other extraordinary circumstance. *See Cnty. of Riverside v. McLaughlin*, 500 U.S. 44, 57 (1991).

66. Congress enacted a strong preference that immigration arrests be based on warrants. *See Arizona v. U.S.*, 567 U.S. 387, 407–08 (2012). The INA thus provides immigration agents with only limited authority to conduct warrantless arrests. 8 U.S.C.§ 1357(a)(2). Specifically, an officer must have "reason to believe" the person is violating the immigration laws and that the person "is likely to escape before a warrant can be obtained." *Id*. Federal regulations track the strict limitations on warrantless arrests. *See* 8 C.F.R. § 287.8(c)(2)(ii).

67. Here, at the moment of seizure, Carlos (a) had been granted SIJS and deferred action, both of which were in valid status, and (b) was traveling from his stable home address to his stable work address, where agents would certainly have been able to find him at a later time.

68. Therefore, no officer could hold a reasonable belief that Carlos was both present in violation of the immigration laws and that he was likely to escape before a warrant could be obtained. *See* 8 U.S.C. § 1357(a)(2).

69. Without a statutory basis to arrest, the Government is required under the Fourth Amendment to secure a prompt judicial probable cause determination to continue holding Carlos. *Gerstein*, 420 U.S. at 114; *McLaughlin*, 500 U.S. at 56–57. Carlos received no such judicial determination, yet his detention continued well beyond 48 hours, rendering it presumptively unconstitutional.

70. The Government cannot salvage this seizure by invoking generalized immigration enforcement interests. The Fourth Amendment's reasonableness inquiry is fact-specific and demands individualized justification for both the arrest and the extended detention. *See United States v. Brignoni-Ponce*, 422 U.S. 873, 882–84 (1975); *Gerstein*, 420 U.S. at 114. Here, Carlos is an eighteen-year-old with valid SIJS and deferred action, who was on his way to his stable job at a car wash.

71. Carlos' warrantless arrest occurred in violation of the clear, narrow circumstances permitted by statute. There has been no finding of probable cause or other determination by a neutral magistrate that would cure this infirmity; his arrest lacked any legal basis and there continues to be no legal basis for his detention. Therefore, his arrest and ensuing detention constitutes an unreasonable and unlawful seizure in violation of the Fourth Amendment and 8 U.S.C.§ 1357(a)(2).

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

A. Assume jurisdiction over this matter;

B. Pursuant to 28 U.S.C. § 2243, issue an order to show cause directing Respondents to file a return within three (3) days absent good cause for a short extension, and set the matter for prompt hearing;

C. Temporarily prohibit Petitioner's transfer outside the Western District of Louisiana during the pendency of this action;

D. Declare that Petitioner's arrest and continued detention violate 8 U.S.C. § 1231(a)(6) and the Fourth and Fifth Amendment of the U.S. Constitution;

E. Grant the writ of habeas corpus and order Petitioner's immediate release from ICE custody;

F. In the alternative, order an immediate, constitutionally adequate individualized custody determination at which the government bears the burden to justify continued detention and the Court considers less restrictive alternatives to detention;

G. In the alternative, grant bail pending the conclusion of the habeas review; *see, e.g.*, *Sanchez v. Winfrey*, No. CIV.A.SA04CA0293RFNN, WL 1118718 (W.D. Tex. Apr. 28, 2004) (granting bail where the applicant does not pose a risk of flight or danger, and finding that such relief is necessary to "give effect to the requested habeas relief"); *Mapp v. Reno*, 241 F.3d 221 (2d Cir. 2001); and

H. Grant such other and further relief as law and justice require.

Dated: October 6, 2025

Respectfully submitted,

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

I am submitting this verification on behalf of the Petitioner because I am one of the Petitioner's attorneys. I have discussed with the Petitioner's legal team the events described in this Petition. On the basis of those discussions, on information and belief, I hereby verify that the factual statements made in the attached Verified Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief are true and correct to the best of my knowledge.

Dated: October 6, 2025

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