

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Miriam Francisca Ruiz Diaz v. Christopher J. Larose, et al.

Ruiz Diaz v. Larose · No. 3:25-cv-3517-CAB-SBC · Decided December 22, 2025

OPINION

Larose

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 MIRIAM FRANCISCA RUIZ DIAZ, Case No.: 3:25-cv-3517-CAB-SBC 12 Petitioner,
ORDER GRANTING WRIT OF

13 v. HABEAS CORPUS

14 CHRISTOPHER J. LAROSE, et al., 15 Respondents. 16 17 On December 10, 2025, Petitioner
Miriam Francisca Ruiz Diaz filed a petition for a 18 writ of habeas corpus. [Doc. No. 1.] The
parties filed briefings addressing the issues in 19 this case. [Doc. Nos. 4–5.] The Court finds it
appropriate for determination on the papers. 20 See CivLR 7.1.(d)(1). For the reasons below, the
Court GRANTS the writ of habeas 21 corpus and orders Respondents to immediately RELEASE
Petitioner from custody under 22 the same conditions as her previous order of release on
recognizance.

23 I. BACKGROUND

24 Petitioner, a Mexican national, entered the United States in 1990 when she was ten 25 years old
with her mother. [Doc. No. 1 at 4, 6; Doc. No. 1-5 at 1.] In 2014, Petitioner was 26 detained by
ICE and placed into removal proceedings pursuant to 8 U.S.C. § 1229(a). 27 [Doc. No. 1 at 7.]
ICE subsequently released Petitioner on her own recognizance with 28 conditions including
appearing at immigration hearings, notifying ICE of any address 1 changes, and not violating any
laws. [Id.] In 2015, Petitioner and the government filed a 2 joint motion to administratively close
Petitioner’s removal proceedings, which was 3 granted. [Doc. No. 1-7 at 5; Doc. No. 1-8.] On
September 26, 2025, Petitioner received a 4 letter from ICE telling her to appear for a check in
and information update on October 9, 5 2025. [Doc. No. 1-9.] When Petitioner appeared that day,
two masked ICE officers 6 detained her without notice. [Doc. No. 1 at 8.] Petitioner has remained
in ICE custody 7 since without an explanation for the revocation of her release. [Id.]

8 II. DISCUSSION

9 A writ of habeas corpus challenges the legality of petitioner’s custody and seeks to 10 secure
release from that illegal custody. Under 28 U.S.C. § 2241, a district court may grant 11 a writ of

habeas corpus when the petitioner “is in custody in violation of the Constitution 12 or laws or treaties of the United States.” The petitioner bears the burden of demonstrating 13 that she is in illegal custody. See *Martinez v. Noem*, No. 25-CV-2740-BJC-BJW, 2025 14 WL 3171738, at *2 (S.D. Cal. Nov. 13, 2025). 15 Petitioner argues that, inter alia, her detention violates the Due Process Clause of 16 the Fifth Amendment. [Doc. No. 1 at 13–15.] The Due Process Clause of the Fifth 17 Amendment provides that no person shall be “deprived of life, liberty, or property, without 18 due process of law.” U.S. Const. amend. V. “Freedom from imprisonment—from 19 government custody, detention, or other forms of physical restraint—lies at the heart of the 20 liberty that Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). This protection 21 applies to aliens as it does U.S. citizens. See *Wong Wing v. United States*, 163 U.S. 228, 22 238 (1896) (“[E]ven aliens shall not . . . be deprived of life, liberty, or property without 23 due process of law.”). 24 “Courts have previously found that individuals released from immigration custody 25 on bond have a protectable liberty interest in remaining out of custody[.]” *Valencia Zapata* 26 v. *Kaiser*, No. 25-CV-07492-RFL, 2025 WL 2578207, at *3 (N.D. Cal. Sept. 5, 2025) 27 (listing cases). Indeed, “the government’s decision to release an individual from custody 28 creates an implicit promise, upon which that individual may rely, that their liberty will be | }revoked only if they fail to live up to the conditions of release.” *Pinchi v. Noem*, 792 F. 2 ||Supp. 3d 1025, 1032 (N.D. Cal. 2025) (cleaned up) (internal quotation marks omitted) 3 (citing *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972)). 4 In *Valencia Zapata*, the Northern District of California granted a TRO for a group 5 aliens who were detained by U.S. immigration officials, released on their own 6 || recognizance, and then re-detained by ICE without explanation. 2025 WL 2578207, at *2. 7 || The court held that the petitioners had a protectable liberty in remaining out of custody and 8 had to be given notice and a hearing prior to being taken back into custody. /d. at *3. 9 || The operative facts here are identical. Petitioner was detained by immigration officials, 10 ||released on her own recognizance, and then re-detained without notice or a hearing, which 11 || violates the due process to which she is entitled. See *Pinchi*, 792 F. Supp. 3d at 1036 12 || (finding likelihood of success where petitioner was released on her own recognizance then 13 ||re-detained by ICE agents without notice nor pre-detention hearing). Accordingly, as 14 || Petitioner has demonstrated that her detention is unlawful pursuant to the Due Process 15 || Clause of the Fifth Amendment, the Court finds she is entitled to relief.

16 Ht. CONCLUSION

17 The Court GRANTS the writ of habeas corpus and orders Respondents to 18 ||immediately RELEASE Petitioner from custody under the same conditions as her previous 19 || order of release on recognizance. Respondents are further ENJOINED from re-detaining 20 || her without notice and a pre-detention hearing before a neutral decisionmaker. 21 It is SO ORDERED. 22 Dated: December 22, 2025 € 23 Hon. Cathy Ann Bencivengo 24 United States District Judge 25 26 27 28

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