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Law360 Speaks With David Salant About Immigration Habeas Decision

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Law360 [PDF] spoke with partner David Salant about a recent victory for client Olvin Castillo Chaver, who was arrested on February 13, 2026, during a traffic stop after police found a yellow pill they asserted was cocaine. A team led by Salant won an immigration habeas decision where local police officers' misconduct towards Chaver was found to be so unlawful that his later custodian, U.S. Immigration and Customs Enforcement (ICE), had to immediately release him.

Salant said that U.S. District Judge Katherine Polk Failla had concerns about the yellow pill — likely medication left behind by an elderly woman to whom Chaver offered rides to buy groceries — which gave him an opening to persuade her to order Chaver's release. Even though ICE had a valid legal basis to detain his client again by way of a formal removal order, vindicating Chaver's constitutional rights took precedence over the possibility he could be immediately rearrested — and, it would also allow him a chance to establish credible fears for his safety and fight his removal.

"That was the game plan, was to try to knock out the legal basis for the arrest, leaving only an illegal basis, and therefore he needed to be released," David said.

The team prevailed by persuading Judge Failla that everything that came after Chaver's arrest was invalid under the Fourth Amendment, which requires officers to have reasonable suspicion to stop individuals and probable cause to arrest them.

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