

IN THE UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA

Jose Angel Morales Sanchez,


Petitioner,

v.

PAM BONDI, in her official capacity
as Attorney General

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

JAMES JENECKA, in his official
capacity as Warden of Mesa Verde
Detention Center,

TODD M. LYONS, in her official
capacity as ICE Field Office Director,

Respondents

Case No.

**ADELANTO DETENTION
CENTER**

**VERIFIED PETITION FOR
HABEAS CORPUS AND
COMPLAINT FOR INJUNCTIVE
AND DECLARATORY RELIEF**

IMMIGRATION HABEAS CASE

ORAL ARGUMENT REQUESTED

**PETITION FOR A WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241**

Petitioner respectfully petitions this Honorable Court for a writ of habeas corpus to remedy Petitioner's unlawful detention by Respondents, as follows:

I. INTRODUCTION

1. This is a Petition for the Writ of Habeas Corpus filed on behalf of Petitioner Jose Angeles Morales Sanchez to remedy his unlawful detention. Petitioner is currently detained by Immigration and Customs Enforcement (ICE) at the Adelanto Detention Center pending removal proceedings. The Petitioner entered the United States for the first time in 2013 at the age of eighteen and has been continuously present in the United States since then. Petitioner was a gay man fleeing from the prejudice of his own family and persecution from people in the community in which he grew up. He was forced to leave and enter the U.S. He has since made his home in Anaheim, California, and was granted Withholding of Removal from an Immigration Judge on June 6, 2018.

2. Petitioner was apprehended by ICE on September 10, 2025, at a scheduled ICE Check In. He was not provided any sort of confirmation of his revocation of his release, or a document entitled Notice of Revocation of Release. It appears that he was taken into custody because of the existence of a removal order, notwithstanding the immigration judge's order, withholding the enforcement of said removal order. There does not appear to be any incompliance with the two regulatory reasons a non-citizen can have his supervision revoked. See 8 C.F.R. §241.13(I)(1), (2). Furthermore, it is not clear whether the Petitioner was actually afforded a prompt informal interview where the Petitioner was allowed to rebut the

reasons for his detention. Lastly, it is doubtful that the as-of-now unidentified SDDO officer was authorized to revoke his supervision.

3. Council for the Petitioner has made several inquiries regarding the basis to revoke his supervision, and as of now, no response has been received. Council has no justification or reasoning as to the basis for ongoing detention or why supervision was revoked. There does not appear to be any travel document that has been processed for the Petitioner's removal from the United States. It does not appear that the agency is intent on complying with its own statutory, regulatory, and constitutional obligations to the non-citizens that it supervises. Thus, judicial intervention is needed.

4. Petitioner's prolonged detention without a hearing on danger and flight risk violates the Due Process Clause of the Fifth Amendment and the Eighth Amendment's Excessive Bail Clause.

5. Petitioner therefore respectfully requests that this Court issue a writ of habeas corpus, determine that Petitioner's detention is not justified because the government has not established by clear and convincing evidence that Petitioner presents a risk of flight or danger in light of available alternatives to detention, and order Petitioner's release, with appropriate conditions of supervision if necessary, taking into account Petitioner's ability to pay a bond.

6. In the alternative, Petitioner requests that this Court issue a writ of habeas

Security (DHS), is the highest-ranking official within the DHS. Respondent Noem, by and through her agency for the DHS, is responsible for the implementation of the INA and for ensuring compliance with applicable federal law. Respondent Noem is sued in her official capacity as an agent of the government of the United States.

10. Respondent James Jenecka is the warden at Adelanto Detention Center. He is in charge of the Petitioner's place of custody. He is a legal custodian of the Petitioner and is sued in his official capacity.

11. Respondent Todd M. Lyons is the Field Office Director of Immigration and Customs Enforcement for Los Angeles. He oversees the custody of all Immigration and Customs Enforcement detainees at Adelanto Detention Center. Respondent is a legal custodian of Petitioner and is sued in his official capacity as an agent of the government of the United States.

III. JURISDICTION AND VENUE

12. Petitioner is detained in the custody of Respondents at Adelanto Detention Center.

13. This Court has jurisdiction over the present action pursuant to 28 U.S.C. §1331 (general federal question jurisdiction); § 1361 (mandamus), § 2241 (habeas corpus); § 2243; and Art I., § 9, Cl. 2 of the United States Constitution (the Suspension Clause); and the common law. This Court may grant relief under the

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Declaratory Judgment Act, 28 U.S.C. § 2001 et seq.

14. Federal district courts have jurisdiction to hear habeas claims by noncitizens challenging the lawfulness or constitutionality of DHS conduct. Federal courts are not stripped of jurisdiction under 8 U.S.C. § 1252. *See e.g., Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). Congress has also preserved judicial review of challenges to prolonged immigration detention. *See Jennings*, 138 S. Ct. at 839-41 (holding that 8 U.S.C. §§ 1226(3), 1252(b)(9) do not bar review of challenges to prolonged immigration detention).

15. Venue is proper pursuant to 28 U.S.C. § 1391(e) because Respondents are agencies of the United States or officers or employees thereof acting in their official capacity or under color of legal authority; Petitioner is in the custody of Immigration and Customs Enforcement in Bakersfield, California, which is in the jurisdiction of the Eastern District of California; and there is no real property involved in this action.

IV. EXHAUSTION

16. Exhaustion is inappropriate where, as here, Petitioner is asserting a violation of his Fifth Amendment substantive due process rights. Because Petitioner asserts constitutional substantive due process claims that are beyond the jurisdiction of the immigration court and Board of Immigration Appeals (BIA), exhaustion is not required. *Garcia-Ramirez v. Gonzales*, 423 F.3d 935, 938 (9th

Cir. 2005) (“Because the BIA does not have jurisdiction to resolve constitutional challenges, ... due process claims – other than those only alleging ‘procedural errors’ within the BIA’s power to redress – are exempt” from exhaustion.).

17. Even if exhaustion were an option here, on habeas review pursuant to § 2241, exhaustion is merely prudential, rather than jurisdictional. *Arango-Marquez v. INS*, 346 F.3d 892, 897 (9th Cir. 2003). Courts retain discretion over whether to require prudential exhaustion and may exercise discretion to waive a prudential exhaustion requirement where “irreparable injury will result.” *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017) (quoting *Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004)). Requiring Petitioner to exhaust administrative remedies will result in irreparable injury by subjecting him to continued violation of his constitutional rights.

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V. STATEMENT OF FACTS

18. Petitioner, Jose Morales Sanchez, is a noncitizen currently detained by Respondents with no pending hearing. During his prior proceedings, Petitioner pursued withholding of removal under section 241 of the Immigration and Nationality Act (INA) as well as deferral of removal under the Convention Against Torture (CAT). On June 6, 2018, he was granted withholding of removal under

section 241 of the INA, which remains in effect to this day.

19. Petitioner has been detained in DHS custody since September 10, 2025, during a regular scheduled ICE Check In.

20. Petitioner has been detained by ICE for more than 2 weeks, and was never given a prompt informal interview where the petitioner was allowed to rebut the reasons for his detention.

21. Petitioner is a 30-year-old native and citizen of Mexico who entered the United States for the first time on March 10, 2013, when he was only 18 years old. He arrived in the United States by himself and was fleeing from persecution that he was suffering in his native country. As a gay man, he was prejudiced by his own family and community for being gay. Petitioner was directed to leave his house and decided to leave before his 18th birthday. Petitioner presented himself at the border in anticipation of seeking Asylum in the United States. He has been continuously physically present in the United States since this date and has never left.

22. Petitioner has only an immigration violation from his initial entry and has no criminal convictions. On July 6, 2016, the client was accused of California Penal Code 273.5, but never received any conviction, and the case was dismissed due to lack of evidence for the alleged crime.

23. On May 5, 2013, Petitioner received a final administrative order of removal

at the San Diego CBP station when he was presenting himself to seek Asylum. He was charged under INA sections 212 and 237 and was found removable. Shortly after, Petitioner was placed into withholding-only proceedings, during which he applied for withholding of removal under INA § 241 and deferral of removal under the United Nations Convention Against Torture. In a decision dated June 6, 2018, the Immigration Judge approved his application for withholding of removal. He has since remained in the United States and has complied with all his supervision requirements.

24. Petitioner is of outstanding character and has not had any criminal convictions or immigration violations. He has followed all requirements under his supervision and has not violated any of his responsibilities. He has friends and family who can speak to his character and the type of person that he is.

VI. LEGAL BACKGROUND

25. “‘It is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings.’” *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). “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; *see also id.* at 718 (Kennedy, J., dissenting) (“Liberty under the Due Process Clause includes protection against unlawful or arbitrary

personal restraint or detention.”). This fundamental due process protection applies to all noncitizens, including both removable and inadmissible noncitizens. *See id.* at 721 (Kennedy, J., dissenting) (“both removable and inadmissible aliens are entitled to be free from detention that is arbitrary or capricious”).

26. Due process therefore, 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.” *Id.* at 690 (internal quotation marks omitted). In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention—to mitigate the risks of danger to the community and to prevent flight. *Id.*; *Demore*, 538 U.S. at 528.

27. Following *Zadvydas* and *Demore*, every circuit court of appeals to confront the issue has found either the immigration statutes or due process require a hearing for noncitizens subject to unreasonably prolonged detention pending removal proceedings. *See Sopo v. U.S. Attorney Gen.*, 825 F.3d 1199 (11th Cir. 2016) (detention under 8 U.S.C. § 1226(c)); *Reid v. Donelan*, 819 F.3d 486 (1st Cir. 2016) (8 U.S.C. § 1226(c)); *Lora v. Shanahan*, 804 F.3d 601 (2d Cir. 2015) (8 U.S.C. § 1226(c)); *Rodriguez v. Robbins (Rodriguez III)*, 804 F.3d 1060 (9th Cir. 2015) (8 U.S.C. § 1226(c) and 8 U.S.C. § 1225(b)); *Diop v. ICE/Homeland Sec.*, 656 F.3d 221 (3d Cir. 2011) (8 U.S.C. § 1226(c)); *Diouf v. Holder (Diouf II)*, 634

F.3d 1081 (8 U.S.C. § 1231(a)); *Ly v. Hansen*, 351 F.3d 263 (6th Cir. 2003) (8 U.S.C. § 1226(c)) (requiring release when mandatory detention exceeds a reasonable period of time).

28. Recently, the Supreme Court held that the Ninth Circuit erred by interpreting Sections 1226(c) and 1225(b) to require bond hearings as a matter of statutory construction. *Jennings*, 138 S.Ct. at 830. Because the Ninth Circuit had not decided whether the Constitution itself requires bond hearings in cases of prolonged detention, the Court remanded for the Ninth Circuit to address the issue. *Id.* The majority opinion did not express any views on the constitutional question and left it to the lower courts to address the issue in the first instance.

29. Due process requires that the government provide bond hearings to noncitizens facing prolonged detention. “The Due Process Clause foresees eligibility for bail as part of due process” because “[b]ail is basic to our system of law.” *Id.* at 862 (Breyer, J., dissenting) (internal quotations and citations omitted). While the Supreme Court upheld the mandatory detention of a noncitizen under Section 1226(c) in *Demore*, it did so based on the petitioner’s concession of deportability and the Court’s understanding that detentions under Section 1226(c) are typically “brief.” *Demore*, 538 U.S. at 522 n.6, 528. Where a noncitizen has been detained for a prolonged period or is pursuing a substantial defense to removal or claim to relief, due process requires an individualized determination

that such a significant deprivation of liberty is warranted. *Id.* at 532 (Kennedy, J., concurring) (“individualized determination as to his risk of flight and dangerousness” may be warranted “if the continued detention became unreasonable or unjustified”). *See also Jackson v. Indiana*, 406 U.S. 715, 733 (1972) (detention beyond the “initial commitment” requires additional safeguards); *McNeil v. Dir., Patuxent Inst.*, 407 U.S. 245, 249-50 (1972) (“lesser safeguards may be appropriate” for “short term confinement”); *Hutto v. Finney*, 437 U.S. 678, 685-86 (1978) (in Eighth Amendment context, “the length of confinement cannot be ignored in deciding whether [a] confinement meets constitutional standards”).

30. Consistent with this view, the federal courts have made clear that prolonged detention pending removal proceedings without a bond hearing likely violates due process. *See Jennings*, 138 S.Ct. at 869 (Breyer, J, dissenting) (“an interpretation of the statute before us that would deny bail proceedings where detention is prolonged would likely mean that the statute violates the Constitution”). In addition, numerous circuit and district courts have expressly found that the Constitution requires bond hearings in cases of prolonged detention. *See, e.g., Diop*, 656 F.3d at 233; *Araujo-Cortes v. Shanahan*, 35 F. Supp. 3d 533, 544-50 (S.D.N.Y. 2014); *Monestime v. Reilly*, 704 F. Supp. 2d 453, 458-59 (S.D.N.Y. 2010).

31. Detention without a bond hearing is unconstitutional when it exceeds six

months. *See Demore*, 538 U.S. at 529-30 (upholding only “brief” detentions under Section 1226(c), which last “roughly a month and a half in the vast majority of cases in which it is invoked, and about five months in the minority of cases in which the alien chooses to appeal”); *Zadvydas*, 533 U.S. at 701 (“Congress previously doubted the constitutionality of detention for more than six months”).

32. The recognition that six months is a substantial period of confinement—and is the time after which additional process is required to support continued incarceration—is deeply rooted in our legal tradition. With few exceptions, “in the late 18th century in America, crimes triable without a jury were for the most part punishable by no more than a six-month prison term...” *Duncan v. State of La.*, 391 U.S. 145, 161 & n.34 (1968). Consistent with this tradition, the Supreme Court has found six months to be the limit of confinement for a criminal offense that a federal court may impose without the protection afforded by a jury trial. *Cheff v. Schnackenberg*, 384 U.S. 373, 380 (1966) (plurality opinion). The Court has also looked to six months as a benchmark in other contexts involving civil detention. *See McNeil v. Dir., Patuxent Inst.*, 407 U.S. 245, 249, 250-52 (1972) (recognizing six months as an outer limit for confinement without individualized inquiry for civil commitment). The Court has likewise recognized the need for bright-line constitutional rules in other areas of law. *See Maryland v. Shatzer*, 559 U.S. 98, 110 (2010) (14 days for re-interrogation following invocation of Miranda rights);

Cty. of Riverside v. McLaughlin, 500 U.S. 44, 55-56 (1991) (48 hours for probable cause hearing).

33. Even if a bond hearing is not required after six months in every case, at a minimum, due process requires a bond hearing after detention has become unreasonably prolonged. *See Diop*, 656 F.3d at 234. Courts that apply a reasonableness test have considered three main factors in determining whether detention is reasonable. First, courts have evaluated whether the noncitizen has raised a “good faith” challenge to removal—that is, the challenge is “legitimately raised” and presents “real issues.” *Chavez-Alvarez v. Warden York Cty. Prison*, 783 F.3d 469, 476 (3d Cir. 2015).¹ Second, reasonableness is a “function of the length of the detention,” with detention presumptively unreasonable if it lasts six months to a year. *Id.* at 477-78; *accord Sopo*, 825 F.3d at 1217-18. Third, courts have considered the likelihood that detention will continue pending future proceedings. *Chavez-Alvarez*, 783 F.3d at 478 (finding detention unreasonable after nine months of detention, when the parties could “have reasonably predicted that Chavez– Alvarez’s appeal would take a substantial amount of time, making his

¹ Notably, “aliens should [not] be punished for pursuing avenues of relief and appeals.” *Sopo*, 825 F.3d at 1218 (citing *Ly*, 351 F.3d at 272). Thus, courts should not count a continuance against the noncitizen when he obtained it in good faith to prepare his removal case. Instead, only “[e]vidence that the alien acted in bad faith or sought to deliberately slow the proceedings”—for example, by “[seeking] repeated or unnecessary continuances, or [filing] frivolous claims and appeals”—“cuts against” providing a bond hearing. *Id.*; *see also Chavez–Alvarez*, 783 F.3d at 476; *Ly*, 351 F.3d at 272.

already lengthy detention considerably longer”); *Sopo*, 825 F.3d at 128; *Reid*, 819 F.3d at 500.

34. At a bond hearing, due process requires certain minimal protections to ensure that a noncitizen’s detention is warranted: the government must bear the burden of proof by clear and convincing evidence to justify continued detention, taking into consideration available alternatives to detention; and if the government cannot meet its burden, the noncitizen’s ability to pay a bond must be considered in determining the appropriate conditions of release.

35. To justify prolonged immigration detention, the government must bear the burden of proof by clear and convincing evidence that the noncitizen is a danger or flight risk. *See Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011). Where the Supreme Court has permitted civil detention in other contexts, it has relied on the fact that the Government bore the burden of proof at least by clear and convincing evidence. *See United States v. Salerno*, 481 U.S. 739, 750, 752 (1987) (upholding pre-trial detention where “full-blown adversary hearing,” requiring “clear and convincing evidence” and “neutral decisionmaker”); *Foucha v. Louisiana*, 504 U.S. 71, 81-83 (1992) (striking down civil detention scheme that placed burden on the detainee); *Zadvydas*, 533 U.S. at 692 (finding post-final-order custody review procedures deficient because, *inter alia*, they placed burden on detainee).

36. The requirement that the government bear the burden of proof by clear and

convincing evidence is also supported by application of the three-factor balancing test from *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). First, prolonged incarceration deprives noncitizens of a “profound” liberty interest. *See Diouf II*, 634 F.3d at 1091–92 (9th Cir. 2011). Second, the risk of error is great where the government is represented by trained attorneys, and detained noncitizens are often unrepresented and frequently lack English proficiency. *See Santosky v. Kramer*, 455 U.S. 745, 763 (1982) (requiring clear and convincing evidence at parental termination proceedings because “numerous factors combine to magnify the risk of erroneous factfinding” including that “parents subject to termination proceedings are often poor, uneducated, or members of minority groups” and “[t]he State’s attorney usually will be expert on the issues contested”). Moreover, detainees are incarcerated in prison-like conditions that severely hamper their ability to obtain legal assistance, gather evidence, and prepare for a bond hearing. *See infra* ¶ 39. Third, placing the burden on the government imposes minimal cost or inconvenience, as the government has access to the noncitizen’s immigration records and other information that it can use to make its case for continued detention.

37. Due process also requires consideration of alternatives to detention. The primary purpose of immigration detention is to ensure a noncitizen’s appearance during removal proceedings. *Zadvydas*, 533 U.S. at 697. Detention is not

reasonably related to this purpose if there are alternative conditions of release that could mitigate risk of flight. *See Bell v. Wolfish*, 441 U.S. 520, 538 (1979). ICE’s alternatives to detention program—the Intensive Supervision Appearance Program—has achieved extraordinary success in ensuring appearance at removal proceedings, reaching compliance rates close to 100 percent. *Hernandez v. Sessions*, 872 F.3d 976, 991 (9th Cir. 2017) (observing that ISAP “resulted in a 99% attendance rate at all EOIR hearings and a 95% attendance rate at final hearings”). It follows that alternatives to detention must be considered in determining whether prolonged incarceration is warranted.

38. Due process likewise requires consideration of a noncitizen’s ability to pay a bond. “Detention of an indigent ‘for inability to post money bail’ is impermissible if the individual’s ‘appearance at trial could reasonably be assured by one of the alternate forms of release.’” *Id.* at 990 (quoting *Pugh v. Rainwater*, 572 F.2d 1053, 1058 (5th Cir. 1978) (en banc)). It follows that—in determining the appropriate conditions of release for immigration detainees—due process requires “consideration of financial circumstances and alternative conditions of release” to prevent against detention based on poverty. *Id.*

39. Evidence about immigration detention and the adjudication of removal cases provide further support for the due process right to a bond hearing in cases of prolonged detention.

40. Each year, thousands of noncitizens are incarcerated for lengthy periods pending the resolution of their removal proceedings. *See Jennings*, 138 S.Ct. at 860 (Breyer, J., dissenting). Among a class of immigration detainees in the Central District of California held for at least six months (“*Rodriguez* class”), the average length of detention was over a year, with many people held far longer. In numerous cases, noncitizens are incarcerated for years until winning their immigration cases. *Id.* (identifying cases of noncitizens detained for 813, 608, and 561 days until winning their cases). For noncitizens who have some criminal history, their immigration detention often dwarfs the time spent in criminal custody, if any. *Id.* (“between one-half and two-thirds of the class served sentences less than six months”).

41. Noncitizens are detained for lengthy periods because they pursue meritorious claims. Among the *Rodriguez* class, 40 percent of noncitizens subject to Section 1226(c) won their cases, and two-thirds of asylum seekers subject to Section 1225 won asylum. *See id.* Detained noncitizens are able to succeed at these dramatically high rates despite the challenges of litigating in detention, particularly for the majority of detainees who lack counsel. *See* Ingrid V. Eagly & Steven Shafer, *A National Study of Access to Counsel in Immigration Court*, 164 U. Pa. L. Rev. 1, 36 (2015) (reporting government data showing that 86% of immigration detainees lack counsel).

42. Immigration detainees face severe hardships while incarcerated. Immigration detainees are held in lock-down facilities, with limited freedom of movement and access to their families: “the circumstances of their detention are similar, so far as we can tell, to those in many prisons and jails.” *Jennings*, 138 S.Ct. at 861 (Breyer, J., dissenting); *accord Chavez– Alvarez*, 783 F.3d at 478; *Ngo v. INS*, 192 F.3d 390, 397-98 (3d Cir. 1999); *Sopo*, 825 F.3d at 1218, 1221. “And in some cases, the conditions of their confinement are inappropriately poor.” *Jennings*, 138 S.Ct. at 861 (Breyer, J., dissenting) (citing Dept. of Homeland Security (DHS), Office of Inspector General (OIG), *DHS OIG Inspection Cites Concerns With Detainee Treatment and Care at ICE Detention Facilities* (2017) (reporting in-stances of invasive procedures, substandard care, and mistreatment, e.g., indiscriminate strip searches, long waits for medical care and hygiene products, and, in the case of one detainee, a multiday lock down for sharing a cup of coffee with another detainee)).

VII. CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION

43. Petitioner re-alleges and incorporates by reference the paragraphs above.

44. The Due Process Clause of the Fifth Amendment forbids the government

from depriving any “person” of liberty “without due process of law.” U.S. Const. amend. V.

45. To justify Petitioner’s ongoing prolonged detention, due process requires that the government establish, at an individualized hearing before a neutral decisionmaker, that Petitioner’s detention is justified by clear and convincing evidence of flight risk or danger, even after consideration of whether alternatives to detention could sufficiently mitigate that risk.

46. Petitioner has spent more than 2 weeks in ICE custody. He was not afforded a prompt, informal interview where the Petitioner was allowed to rebut the reasons for his detention. Lastly, Council for Petitioner has made several inquiries regarding the basis of his supervision being revoked and has yet to receive any response. process requires that Petitioner be immediately released because Respondents have detained Petitioner unjustly, and it appears the agency is not intent on complying with its own statutory, regulatory, and constitutional obligations to the non-citizens it supervises.

47. For these reasons, Petitioner’s ongoing prolonged detention without a hearing violates due process.

SECOND CLAIM FOR RELIEF

VIOLATION OF THE EIGHTH AMENDMENT TO THE U.S.

CONSTITUTION

48. Petitioner re-alleges and incorporates by reference the paragraphs above.
49. The Eighth Amendment prohibits “excessive bail.” U.S. Const. amend. VIII.
50. The government’s categorical denial of bail to certain noncitizens violates the right to bail encompassed by the Eighth Amendment. *See Jennings*, 2018 WL 1054878 at *29 (Breyer, J, dissenting).
51. For these reasons, Petitioner’s ongoing prolonged detention without a bond hearing violates the Eighth Amendment.

VIII. REQUEST FOR ORAL ARGUMENT

52. Petitioner respectfully requests oral argument on this Petition.

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IX. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court grant the following relief:

1. Assume jurisdiction over this matter.
2. Issue a Writ of Habeas Corpus; hold a hearing before this Court if warranted; determine that Petitioner’s detention is not justified because the government has not established by clear and convincing evidence that Petitioner presents a risk of flight or danger in light of available alternatives to detention; and order Petitioner’s release, with appropriate conditions of

- supervision if necessary, taking into account Petitioner's ability to pay a bond.
3. In the alternative, issue a Writ of Habeas Corpus and order Petitioner's release within 30 days unless Respondents schedule a hearing before an immigration judge where: (1) to continue detention, the government must establish by clear and convincing evidence that Petitioner presents a risk of flight or danger, even after consideration of alternatives to detention that could mitigate any risk that Petitioner's release would present; and (2) if the government cannot meet its burden, the immigration judge order Petitioner's release on appropriate conditions of supervision, taking into account Petitioner's ability to pay a bond.
 4. Issue a declaration that Petitioner's ongoing prolonged detention violates the Due Process Clause of the Fifth Amendment and the Eighth Amendment.
 5. In the alternative, issue an order to Respondents to show cause as to why this Petition for Writ of Habeas Corpus should not be granted;
 6. Award Petitioner reasonable costs and attorney's fees in this action as provided for by the Equal Access to Justice Act, 28 U.S.C. § 2412; and.
 7. Grant any other and further relief that this Court deems fit and proper.

RESPECTFULLY SUBMITTED this 26th day of September, 2025

/s/ Patrick F. Valdez
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