

Sabrina Damast (CA SBN #305710 and NY SBN #5005251)
Amy Lenhert (CA Bar #227717)
Rocio La Rosa (CA Bar #314831)
Law Office of Sabrina Damast, Inc.
510 West 6th Street, Suite 330
Los Angeles, CA 90014
Telephone: (323) 475-8716
Emails: sabrina@sabrinadamast.com
amy@sabrinadamast.com
rocio@sabrinadamast.com

Counsel for Petitioner

UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA

MILTON OBED CASTILLO-
HERNANDEZ



Petitioner,
v.

PAMELA BONDI, in her official capacity as
Attorney General,

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

U.S. DEPARTMENT OF HOMELAND
SECURITY,

F. SEMAIA, in his official capacity as Warden of
Adelanto Detention Facility,

ERNESTO SANTACRUZ, JR., in his official
capacity as Acting ICE Field Office Director,
Respondents.

Case No. 5:25-cv-02662

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

**IMMIGRATION HABEAS
CASE**

- 1
2 1. This case challenges the unlawful detention of Milton Castillo-Hernandez
3 (“Petitioner” or “Mr. Castillo-Hernandez”), who is currently in the custody
4 of Immigration and Customs Enforcement (“ICE”) at the Adelanto Detention
5 Facility. Petitioner is neither a flight risk nor a danger to the community. But
6 on or about June 4, 2025, ICE detained him without notice or opportunity to
7 be heard, on the decision of an individual without authority to do so, without
8 findings required by law, and in violation of agency rules.
9
10
11
- 12 2. ICE found that Petitioner was neither a flight risk nor danger to the
13 community when it previously released Petitioner from detention and
14 subsequently placed him under an order of supervision (“OSUP”) on
15 September 4, 2024. *See* Exh. A, Order of Supervision. For over 9 months,
16 Petitioner fully abided by the order’s terms, including attending required
17 check-ins with ICE.
18
19
- 20 3. But at a regularly scheduled check-in with ICE on June 4, 2025, Respondents
21 suddenly revoked Petitioner’s order of supervision and arrested him.
22 Petitioner has been detained at the Adelanto Detention facility since then.
23
- 24 4. Respondents’ actions violate the Due Process Clause of the Fifth
25 Amendment to the U.S. Constitution, the Immigration and Nationality Act
26 and implementing regulations, the Administrative Procedure Act, and the
27
28

Accardi doctrine, which obligates administrative agencies to follow their own rules, procedures, and instructions.

5. Petitioner brings this action for injunctive, habeas, and declaratory relief ordering Respondents to release him.

PARTIES

6. Petitioner Milton Obed Castillo-Hernandez is a native and citizen of Guatemala, who is currently in the custody of the Department of Homeland Security (“DHS”), Immigration and Customs Enforcement at the Adelanto Detention Center in Adelanto, California.

7. Respondent Pamela Bondi, the Attorney General, is the highest-ranking official within the Department of Justice (“DOJ”). Respondent Bondi has responsibility for the administration and enforcement of the immigration laws pursuant to 8 U.S.C. § 1103. As the Immigration and Nationality Act (“INA”) has not been amended to reflect the designation of the Secretary of the DHS as the administrator and enforcer of immigration laws, Respondent Bondi is sued in her official capacity to the extent that 8 U.S.C. § 1102 gives her authority over immigration law.

8. Respondent Kristi Noem, the Secretary of the 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

1 compliance with applicable federal law. She is also responsible for the
2 detention of non-citizens by ICE. Respondent Noem is sued in her official
3 capacity as an agent of the government of the United States.
4

5 9. The DHS is the agency responsible for detaining non-citizens, including
6 Petitioner.
7

8 10. Respondent F. Semaia is the warden at Adelanto Detention Facility. He
9 oversees Petitioner's place of custody.
10

11 11. Respondent Ernesto Santacruz, Jr. is the Acting Field Office Director of the
12 Los Angeles office of Immigration and Customs Enforcement. He oversees
13 the custody of all Immigration and Customs Enforcement detainees at the
14 Adelanto Detention Facility. Respondent Santacruz is sued in his official
15 capacity as an agent of the government of the United States.
16

17 **JURISDICTION AND VENUE**
18

19 12. This Court has jurisdiction over the present action pursuant to 28 U.S.C.
20 § 1331, general federal question jurisdiction; 5 U.S.C. §§ 701 et seq., the
21 Administrative Procedure Act (APA); habeas jurisdiction pursuant to 28
22 U.S.C. § 2241 et seq.; Art I., § 9, Cl. 2 of the United States Constitution (the
23 Suspension Clause); and the common law. This action arises under the Due
24 Process Clause of the Fifth Amendment of the U.S. Constitution and the
25 INA. This Court may grant relief under the habeas corpus statutes, 28
26
27
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1 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2001 et
2 seq., and the All-Writs Act, 28 U.S.C. § 1651.
3

4 13. Federal district courts have jurisdiction to hear habeas claims by
5 noncitizens challenging the lawfulness or constitutionality of DHS conduct.
6 Federal courts are not stripped of jurisdiction under 8 U.S.C. § 1252. *See*
7 *e.g., Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).
8

9 14. Venue is proper pursuant to 28 U.S.C. § 1391(e) because Respondents are
10 agencies of the United States or officers or employees thereof acting in their
11 official capacity or under color of legal authority; Petitioner is in the
12 custody of the Los Angeles Field Office of Immigration and Customs
13 Enforcement and the warden of the Adelanto Detention Center, both of
14 which are in the jurisdiction of the Central District of California; and there
15 is no real property involved in this action.
16
17
18

19 **STATEMENT OF FACTS AND PROCEDURAL HISTORY**
20

21 15. Mr. Castillo-Hernandez is a native and citizen of Guatemala who last entered
22 the United States on or around August 4, 2024 near San Luis, Arizona. *See*
23 Exh. B, Notice of Intent/Decision to Reinstate Prior Order.
24

25 16. Petitioner fled Guatemala and came to the United States seeking safety after
26 he was brutally attacked around May 2024 due to his political opinion.
27 Petitioner was attacked with a machete and consequently lost portions of
28

1 three of his fingers on his right hand. *See* Exhibit C, Photograph of
2 Petitioner's Injuries.
3

4 17. Petitioner was apprehended by DHS officers after his entry to the United
5 States. Because he had previously been removed from the United States, he
6 was subject to reinstatement of removal under 8 U.S.C. § 1231(a)(5).
7

8 18. After his initial apprehension and detention, Petitioner was subsequently
9 released from custody and placed under an Order of Supervision ("OSUP")
10 on or about September 4, 2024. *See* Exh. A.
11

12 19. After his release from detention, Petitioner resided in Medford, Oregon with
13 his partner and his seven year old daughter.
14

15 20. Petitioner was in full compliance with the terms of his OSUP, did not have
16 any arrests or criminal charges, and reported to all required appointments.
17

18 21. On June 4, 2025, Petitioner was re-detained by ICE officials at his check in
19 appointment in Eugene, Oregon.
20

21 22. On information and belief, ICE officials did not provide Petitioner with any
22 notice for the reasons they were revoking his release, nor did they provide
23 him with the opportunity to present evidence as to why he should remain at
24 liberty.
25

26 23. Subsequently, Petitioner was transferred to the ICE Detention Facility
27 located at Adelanto, California.
28

1 24. On or about June 8, 2025, while *en route* to Adelanto and in ICE custody,
2 Petitioner fell down the steps deplaning from an aircraft. He was shackled at
3 the wrists and ankles, lost his footing, and fell down the metal boarding
4 stairs. Thereafter, Petitioner began to experience drooping in the left side of
5 his face, and numbness on the left side of his body.
6

7
8 25. Upon arrival in Adelanto, he was held for several hours at the ICE detention
9 facility before being transported to a local hospital for suspicion of a stroke.
10

11 26. Petitioner remained hospitalized at the St. Mary Medical Center in Apple
12 Valley, California from June 8, 2025 until June 23, 2025, at which time he
13 was returned to the ICE detention facility.
14

15 27. Petitioner remains segregated in the medical unit at the ICE detention facility
16 in Adelanto, uses a wheelchair and is medically restricted from work. He has
17 been diagnosed with adjustment disorder and is experiencing symptoms of
18 Post Traumatic Stress Disorder ("PTSD").
19

20 28. On August 22, 2025, an asylum officer determined that Petitioner has a
21 reasonable fear of persecution or torture if he is returned to Guatemala, and
22 that he should be referred to an immigration judge for hearings on an
23 application for withholding of removal. *See* 8 U.S.C. § 1231(b)(3). *See* Exh.
24 D, Notice of Referral to Immigration Judge.
25
26
27
28

1 29. On information and belief, Petitioner has not received an individualized
2 hearing before a neutral decisionmaker to assess whether his re-detention is
3 warranted due to danger or flight risk.
4

5 LEGAL FRAMEWORK

6 **Due Process Governs Decisions to Revoke an Order of Supervision**

7
8 30. “The Due Process Clause applies to all ‘persons’ within the United States,
9 including aliens, whether their presence here is lawful, unlawful, temporary,
10 or permanent.” *Zadvydas v. Davis*, 533 U.S. at 693 (citation modified).
11
12 “Freedom from imprisonment – from government custody, detention, or
13 other forms of physical restraint – lies at the heart of the liberty that Clause
14 protects.” *Id.* at 690.

15
16 31. Under substantive due process doctrine, a restraint on liberty like revocation
17 of a non-citizen’s order of supervision is only permissible if it serves a
18 “legitimate nonpunitive objective.” *Kansas v. Hendricks*, 521 U.S. 346, 363
19 (1997). The Supreme Court has only recognized two legitimate objectives of
20 immigration detention: preventing danger to the community or preventing
21 flight prior to removal. *See Zadvydas*, 533 U.S. at 690-92 (discussing
22 constitutional limits on civil detention).
23

24
25 32. “Procedural due process imposes constraints on governmental decisions
26 which deprive individuals of liberty,” like the decision to revoke a non-
27 citizen’s order of supervision. *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976)
28

1 (citation modified). “The fundamental requirement of [procedural] due
2 process is the opportunity to be heard at a meaningful time and in a
3 meaningful manner.” *Id.* at 333 (citation modified).
4

5 **Statute and Regulations Govern Procedures for Revoking an Order of**
6 **Supervision**

7 33. 8 U.S.C. § 1231(a) governs the detention of individuals who have been
8 ordered removed. The statute directs ICE to detain such individuals for 90
9 days while carrying out a removal order. *See* 8 U.S.C. § 1231(a)(2). This 90-
10 day removal period begins when the removal order becomes final. Absent an
11 applicable exception, if ICE cannot remove a person within the 90-day
12 removal period, they are released from custody subject to supervision. 8
13 U.S.C. § 1231(a)(3).
14

15 34. These released individuals are typically subject to an OSUP, as Petitioner
16 was prior to being re-detained. *See* 8 C.F.R. § 241.4(i); 8 C.F.R. § 241.13(h).
17

18 35. 8 U.S.C. § 1231(a)(6) permits detention beyond the normal 90-day removal
19 period only where a non-citizen is found to be “a risk to the community or
20 unlikely to comply with the order of removal” or if the order of removal was
21 on specified grounds. But even these exceptions do not authorize indefinite
22 detention. *See Zadvydas*, 533 U.S. at 689 (limiting ICE’s detention authority
23 to a period “reasonably necessary” to carry out removal and deeming
24 detention impermissible when removal is not “reasonably foreseeable”).
25
26
27
28

1 36. The regulations purport to give additional reasons, beyond those listed at §
2 1231(a)(6), that an order of supervision may be revoked and a non-citizen
3 may be re-detained past the removal period: “(1) the purposes of release have
4 been served; (2) the alien violates any condition of release; (3) it is
5 appropriate to enforce a removal order . . . ; or (4) the conduct of the alien, or
6 any other circumstance, indicates that release would no longer be
7 appropriate.” 8 C.F.R. § 241.4(l)(2); *see also* 8 C.F.R. § 241.13(i) (permitting
8 revocation of an order of supervision only if a non-citizen “violates any of
9 the conditions of release”).
10
11
12

13 37. The regulations make clear that only certain officials are permitted to revoke
14 an order of supervision: the ICE Executive Associate Director, a field office
15 director, or an official “delegated the function or authority...for a particular
16 geographic district, region, or area.” *Ceesay v. Kurzdorfer*, 781 F.Supp.137,
17 161 (W.D.N.Y. 2025) (citing 8 C.F.R. §§ 1.2, 241.4(l)(2) and explaining that
18 the Homeland Security Act of 2002 renamed the position titles listed in
19 § 241.4.). If the field office director or a delegated official intends to revoke
20 an order of supervision, they must first make findings that “revocation is in
21 the public interest and circumstances do not reasonably permit referral of the
22 case to the Executive Associate [Director].” 8 C.F.R. § 241.4(l)(2). And for a
23 delegated official to have authority to revoke an order of supervision, the
24 delegation order must explicitly say so. *See Ceesay*, 781 F. Supp. 3d at 161
25
26
27
28

1 (finding a delegation order that “refers only to a limited set of powers. Under
2 part 241 that do not include the power to revoke release” insufficient to grant
3 authority to revoke an order of supervision).
4

5 38. “Upon revocation, the [non-citizen] will be notified of the reasons for
6 revocation of his [] release” and provided with “an opportunity to respond to
7 the reasons for revocation stated in the notification.” *Id.* at § 241.13(i)(3); *see*
8 *also*, § 241.4(l)(1).
9

10 **The APA Sets Minimum Standards for Final Agency Action**

11
12 39. The Administrative Procedure Act authorizes judicial review of final agency
13 action. 5 U.S.C. § 704.
14

15 40. Final agency actions are those (1) that “mark the consummation of the
16 agency’s decision making process” and (2) “by which rights or obligations
17 have been determined, or from which legal consequences will flow.” *Bennett*
18 *v. Spear*, 520 U.S. 154, 178 (1997) (citation modified).
19

20
21 41. ICE’s revocation of an order of supervision is a final agency action subject
22 to this Court’s review.

23 42. The revocation here marked the consummation of ICE’s decision making
24 process regarding Petitioner’s custody.
25

26 43. The revocation was also an action by which rights or obligations have been
27 determined or from which legal consequences flowed because it led ICE to
28

1 detain Petitioner in violation of his rights under the Constitution, statute, and
2 regulation.
3

4 **The *Accardi* Doctrine Requires Agencies to Follow Internal Rules**
5

6 44. Under the *Accardi* doctrine, a foundational principle of administrative law,
7 agencies must follow their own procedures, rules, and instructions. *See*
8 *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954)
9 (setting aside an order of deportation where the Board of Immigration
10 Appeals failed to follow procedures governing deportation proceedings); *see*
11 *also Morton v. Ruiz*, 415 U.S. 199, 235 (1974) (“Where the rights of
12 individuals are affected, it is incumbent upon agencies to follow their own
13 procedures . . . even where the internal procedures are possibly more
14 rigorous than otherwise would be required.”).
15
16
17

18 45. *Accardi* is not “limited to rules attaining the status of formal regulations.”
19 *Montilla v. INS*, 926 F.2d 162, 167 (2d Cir. 1991). Courts must also reverse
20 agency action for violation of unpublished rules and instructions to agency
21 officials. *See Morton v. Ruiz*, 415 U.S. 235 (affirming reversal of agency
22 denial of public assistance made in violation of internal agency manual); *U.S.*
23 *v. Heffner*, 420 F.2d 809, 812 (4th Cir. 1969) (under *Accardi*, reversing
24 decision to admit evidence obtained by IRS agents for violating instructions
25 on investigating tax fraud).
26
27
28

1 46. Where an order of supervision is revoked without regard for the procedures
2 outlined in the regulations, ICE's failure to follow the regulation is an
3 *Accardi* violation.
4

5
6 **FIRST CAUSE OF ACTION**

7 **Violation of the Fifth Amendment of the U.S. Constitution**
8 **Substantive Due Process**

9 47. Petitioner re-alleges and incorporates each allegation contained in
10 paragraphs 1-46.

11 48. When ICE issued Petitioner an order of supervision, it found that he is
12 neither a danger to the community nor a flight risk.

13 49. When Respondents revoked the order of supervision, Petitioner had complied
14 with every condition of the order. No change in circumstances warranted the
15 order's revocation.
16

17 50. Petitioner's detention therefore does not bear a reasonable relationship to the
18 two regulatory purposes of immigration detention: preventing danger to the
19 community or flight prior to removal.
20

21 51. Because Respondents had no legitimate non-punitive objective in revoking
22 Petitioner's order of supervision, Petitioner's detention violates substantive
23 due process under the Fifth Amendment to the U.S. Constitution.
24
25

26 **SECOND CAUSE OF ACTION**

27 **Violation of the Fifth Amendment of the U.S. Constitution**
28 **Procedural Due Process**

1 52. Petitioner re-alleges and incorporates each allegation contained in paragraphs
2 1-46.

3
4 53. *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976), instructs courts to balance
5 three factors to determine whether procedural due process is satisfied: (1) the
6 private interest at issue; (2) the risk of erroneous deprivation of that interest
7 through the procedures used, and the probable value, if any, of additional
8 procedural safeguards; and, (3) the government's interest, including fiscal
9 and administrative burdens that additional or substitute procedural
10 requirements entail.
11

12
13 54. The first factor, the private interest at issue, favors Petitioner. "Freedom from
14 imprisonment—from government custody, detention, or other forms of
15 physical restraint—lies at the heart of the liberty that [the Due Process]
16 Clause [of the Fifth Amendment] protects." *Zadvydas*, 533 U.S. at 690.

17
18 55. The second factor, the risk of erroneous deprivation of liberty and the
19 probable value of procedural safeguards, favors Petitioner. To safeguard
20 against erroneous deprivations of liberty, the regulations specify who may
21 lawfully revoke an order of supervision and the procedures that must be
22 followed when doing so, including giving notice and an opportunity to be
23 heard. Respondents violated those laws here, leaving the risk of erroneous
24 deprivation of liberty not just high, but certain. Requiring Respondents to
25 give notice and an opportunity to respond prior to revoking an order of
26
27
28

1 supervision is of great value because it reduces the probability of needless
2 detention of a person, like Petitioner, who is neither dangerous nor a flight
3 risk.
4

5 56.The third factor, the government's interest, also favors Petitioner. When the
6 government ignores law that ensures notice and an opportunity to respond to
7 a person at risk of revocation of an order of supervision, it is more likely to
8 waste limited financial and administrative resources on unnecessary
9 detention of people who are neither flight risks nor dangerous. This waste
10 drags down the efficiency of the entire immigration system. And because the
11 government must also spend resources defending against a habeas corpus
12 petition in federal court to compel Respondents to comply with law,
13 requiring Respondents to instead provide notice and a meaningful
14 opportunity to respond prior to revoking an order of supervision reduces
15 fiscal and administrative burdens on the government.
16
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19

20 57.For these reasons, revoking Petitioner's order of supervision without
21 providing notice and a meaningful opportunity to respond violated
22 procedural due process under the Fifth Amendment to the U.S. Constitution.
23

24 58.As such, Petitioner is entitled to immediate release on OSUP until ICE can
25 provide the minimal process required by the regulations.
26

27 **THIRD CAUSE OF ACTION**

28 **Violation of the Administrative Procedure Act, 5 U.S.C. 706(2)(A), (B)**

Contrary to Law and Constitutional Right

59. Petitioner re-alleges and incorporates each allegation contained in paragraphs 1-46.

60. Under the APA, a court shall “hold unlawful and set aside agency action . . . found to be . . . not in accordance with law” or “contrary to constitutional right, power, privilege, or immunity.” 5 U.S.C. § 706(2)(A), (B).

61. The APA’s reference to “law” in the phrase “not in accordance with law,” “means, of course, any law, and not merely those laws that the agency itself is charged with administering.” *FCC v. NextWave Pers. Commc’ns Inc.*, 537 U.S. 293, 300 (2003) (emphasis in original).

62. Respondents’ revocation of Petitioner’s order of supervision was contrary to the agency’s constitutional power under the Fifth Amendment’s Due Process Clause, as explained above.

63. The revocation was also not in accordance with the INA and implementing regulations governing who may lawfully revoke an order of supervision and under what circumstances, as cited and discussed in the Statutory Framework section above.

64. Petitioner’s order of supervision was not revoked by the ICE Executive Associate Director. The officer who revoked the order did not first make findings that revocation was in the public interest and that circumstances did not reasonably permit referral to the Executive Associate Director.

1 65. Before revoking the order, Respondents did not make findings that Petitioner
2 is dangerous or unlikely to comply with a removal order, as required by
3 statute.
4

5 66. Even if regulations purporting to offer additional justifications for revocation
6 of an order of supervision are not ultra vires, respondents did not comply
7 with them. Respondents could not make findings that Petitioner's conduct
8 indicated release would no longer be appropriate or that Petitioner violated
9 any condition of release, because he had not.
10

11 67. Nor did the Respondents give Petitioner notice of the reasons for revocation
12 and opportunity to be heard.
13

14 68. The revocation should be held unlawful and set aside because it was contrary
15 to the agency's constitutional power and not in accordance with the INA and
16 implementing regulation, and Petitioner should be immediately released on
17 OSUP.
18

19
20 **FOURTH CAUSE OF ACTION**

21 **Violation of the Administrative Procedure Act, 5 U.S.C. 706(2)(A)**

22 **Arbitrary and Capricious**

23
24 69. Petitioner re-alleges and incorporates each allegation contained in paragraphs
25 1-46.

26 70. Under the APA, a court shall "hold unlawful and set aside agency action . . .
27 found to be arbitrary [or] capricious." 5 U.S.C. § 706(2)(A).
28

1 71. Respondents' revocation of Petitioner's order of supervision was arbitrary
2 and capricious because it violated statute, regulation, and the Constitution, as
3 described above.
4

5 72. An agency decision that "runs counter to the evidence before the agency" is
6 also arbitrary and capricious. *Motor Vehicle Mfrs. Ass'n v. State Farm Mut.*
7 *Auto. Ins.*, 463 U.S. 29, 43 (1983).
8

9 73. Respondents' decision to revoke Petitioner's order of supervision ran counter
10 to the evidence before the agency that Petitioner would comply with a
11 demand to appear for removal without detention. Petitioner has never
12 violated a condition of his order of supervision and no new facts or changed
13 circumstances suggest he would.
14

15 74. Respondents' actions are arbitrary, capricious, an abuse of discretion, and
16 contrary to law. 5 U.S.C. § 706(a)(2)(A). Petitioner is entitled to immediate
17 release on an OSUP.
18

19
20 **FIFTH CAUSE OF ACTION**

21
22 **Violation of the *Accardi* Doctrine**

23 75. Petitioner re-alleges and incorporates each allegation contained in
24 paragraphs 1-46.
25

26 76. Under the *Accardi* doctrine, Petitioner has a right to set aside agency action
27 that violated agency procedures, rules, or instructions. *See United States ex*
28

1 *rel. Accardi v. Shaughnessy*, 347 U.S. 260 (“If petitioner can prove the
2 allegation [that agency failed to follow its rules in a hearing] he should
3 receive a new hearing”).
4

5 77. Respondents violated agency regulations governing who and upon what
6 findings it may properly revoke an order of supervision when it revoked
7 Petitioner’s order. “As a result, this Court cannot conclude that [the revoking
8 officer] had the authority to revoke release” and Petitioner “is entitled to
9 release on that basis alone.” *Cesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 162
10 (W.D.N.Y. May 2, 2025) (citing *Rombot v. Souza*, 296 F. Supp. 3d 386, 386-
11 89 (D. Mass. 2017)); *see also, e.g., Zhu v. Genalo*, 2025 WL 2452352
12 (S.D.N.Y. Aug. 26, 2025); *M.S.L. v. Bostock*, 2025 WL 2430267 (D. Or.
13 Aug. 21, 2025) (releasing habeas petitioner where revocation of an ICE order
14 of supervision was ordered by someone without regulatory authority to do
15 so); *Grigorian v. Bondi*, 2025 WL 2604573 at *9 (S.D. Fl. 2025) (ordering
16 release of habeas petitioner and explaining “the opportunity to contest
17 detention through an informal interview is not some ticky-tacky procedural
18 requirement; it strikes at the heart of what due process demands.”).
19
20
21
22
23

24 78. Under *Accardi*, Respondents’ revocation of the order of supervision should
25 be set aside for violating agency procedures and regulations and Petitioner
26 should be released from custody.
27
28

//

PRAYER FOR RELIEF

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

1. Assume jurisdiction over this matter;
2. Enjoin Petitioner's removal or transfer outside the jurisdiction of this Court and the United States pending its adjudication of this petition;
3. Declare that Petitioner's detention violations the Due Process Clause of the Fifth Amendment, the INA and implementing regulations, the APA and the *Accardi* doctrine;
4. Order Petitioner's immediate release on an Order of Supervision;
5. Award Petitioner his costs and reasonable attorneys' fees in this action as provided for by the Equal Access to Justice Act, 28 U.S.C. § 2412, and on any further basis justified under law;
6. Grant such further relief as the Court deems just and proper.

RESPECTFULLY SUBMITTED this 8th day of October, 2025

/s/ Sabrina Damast

Sabrina Damast, CA Bar # 305710, NY Bar # 5005251

Amy Lenhert, CA SBN #227717

Rocio La Rosa, CA SBN#314831

Law Office of Sabrina Damast, Inc.

510 West 6th Street, Suite 330

Los Angeles, CA 90014

(O) (323) 475-8716

(E) sabrina@sabrinadamast.com

amy@sabrinadamast.com

rocio@sabrinadamast.com