

UNITED STATES DISTRICT COURT

for the

Central District of California



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Pretrial detention

Immigration detention

Detainer

The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)

Disciplinary proceedings

Other (explain): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: _____

(b) Docket number, case number, or opinion number: _____

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): _____

Petitioner challenges the determination that INA 235 and thus mandatory detention should apply to Petitioner instead of INA 236. On 9/30/25 IJ Chan determined that he lacks jurisdiction because Petitioner is an applicant for admission under INA 235. Petitioner was also unlawfully detained in violation of 4th and 5th Amendments

(d) Date of the decision or action: _____

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

Yes

No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: The present petition relates to classifying Petitioner for mandatory detention under INA 235 so there is no decision to appeal. Petitioner is eligible for release under INA 236. The petition also relates to 4th and 5th amend violations so there is nothing to appeal.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

Yes

No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. Third appeal

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. Motion under 28 U.S.C. § 2255

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

Yes No

If "Yes," provide:

(a) Date you were taken into immigration custody: 06/06/2025

(b) Date of the removal or reinstatement order:

(c) Did you file an appeal with the Board of Immigration Appeals?

Yes No

If "Yes," provide:

(1) Date of filing: _____
(2) Case number: _____
(3) Result: _____
(4) Date of result: _____
(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

Yes No

If "Yes," provide:

(1) Name of court: _____
(2) Date of filing: _____
(3) Case number: _____
(4) Result: _____
(5) Date of result: _____
(6) Issues raised: _____

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____
(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____
(d) Docket number, case number, or opinion number: _____
(e) Result: _____
(f) Date of result: _____
(g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: July 8, 2025 DHS guidance classifies Petitioner under INA 235 as an "applicant for admission" and thus subject to mandatory detention without any possibility for release on bond. On 9/30/25 IJ Chan determined that he lacks jurisdiction for bond in light of Matter of Yajure-Hurtado 29 I&N Dec. 216 (BIA 2025). Petitioner should be classified under INA 236 and should be eligible for release on bond.

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

Petitioner has been in the U.S. for more than 20 years, since he was 9 years old. Petitioner attended elementary, middle school and high school in the United States. Petitioner was not arrested at the border, but was arrested in Los Angeles over a hundred miles from the border and more than 20 years from when he entered the United States.

(b) Did you present Ground One in all appeals that were available to you?

Yes No

GROUND TWO: Violation of 4th Amendment because Petitioner was arrested and detained without probable cause.

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

Petitioner's rights were violated because he was arrested and detained in violation of the 4th Amendment.

(b) Did you present Ground Two in all appeals that were available to you?

Yes No

GROUND THREE: Violation of 5th Amendment because Petitioner remains detained without due process.

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

Petitioner's classification by DHS, ICE and IJ Chan under INA 235 deprives him of the due process protections found under INA 236.

(b) Did you present Ground Three in all appeals that were available to you?

Yes No

GROUND FOUR:

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

(b) Did you present Ground Four in all appeals that were available to you?

Yes No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

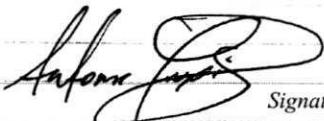
15. State exactly what you want the court to do: An order to immediately release Petitioner from custody; order that Respondents may not re-detain Petitioner without a bond hearing on the merits where the government has the burden by clear and convincing evidence that Petitioner is a danger to the community and a flight risk such that physical custody is required. In the alternative, Petitioner asks that the Court order that the immigration judge hold a bond hearing on the merits pursuant to INA 236.

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 10/13/2025



Signature of Petitioner

/s/ Sarah S. Brooks

Signature of Attorney or other authorized person, if any