

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO**

RONALDO V.,

Petitioner

-against-

Pam BONDI, in her official capacity as the Attorney General of the United States; Kristi NOEM, in her official capacity as Secretary for the United States Department of Homeland Security; Todd LYONS, in his official capacity as Acting Director, U.S. Immigration & Customs Enforcement, Robert LYNCH, in his capacity as Field Office Director, ERO Detroit and Kevin GRATHWOHL, in his capacity as warden at Butler County Jail.

Respondents.

Agency File No. 

Case No.

**VERIFIED PETITION FOR
WRIT OF HABEAS CORPUS
AND COMPLAINT FOR
INJUNCTIVE AND DECLARATORY**

ORAL ARGUMENT REQUESTED

U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO

Table of Contents

TABLE OF AUTHORITIES.....2

STATUTES.....4

INTRODUCTION AND STATEMENT OF FACTS.....5

PRELIMINARY STATEMENT7

JURISDICTION 10

VENUE 11

PARTIES 11

LEGAL FRAMEWORK13

CLAIMS FOR RELIEF22

COUNT ONE 22

COUNT TWO 23

COUNT THREE 24

COUNT FOUR.....25

PRAYER FOR RELIEF25

VERIFICATION26

**U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO
TABLE OF AUTHORITIES**

Arevalo v. Ashcroft, 344 F.3d 1 (1st Cir. 2003).....	16
Bd. of Regents v. Roth, 408 U.S. 564, 569–70 (1972)	9
Boumediene v. Bush, 553 U.S. 723 (2008)	11
Bridges v. Wixon, 326 U.S. 135, 154 (1945)	15
Chhoeun v. Marin, 2018 WL 566821.....	15
City of Sacramento v. Lewis, 523 U.S. 833 (1998)	9
<i>Damus v. Nielsen</i> , 1:18-cv-00578-JEB.....	21
Dep’t of Com. v. New York, 139 S. Ct. 2551, 2569 (2019).....	24
Galvez v. Cuccinelli, Case No. C19-0321RSL (W.D. Wash. Jul. 17, 2019).....	17
Garcia v. Holder, 659 F.3d 1261, 1271 (9th Cir. 2011)	18
Gomes v. Hyde, No. 25-cv-11571, 2025 WL 1869299, at *5–7 (D. Mass. July 7, 2025).....	22
Hensley v. Municipal Court, 411 U.S. 345, 351 (1973)	7
Inlago Tocagon v. Moniz, . __ F. Supp. 3d __, __ (D. Mass. 2025) [2025 WL 2778023].....	22
Jennings v. Rodriguez, 583 U.S. 281, 289 (2018)	13
Judulang v. Holder, 565 U.S.42, 53 (2011).....	7
Lopez v. FAA, 318 F.3d 242, 247 (D.C. Cir. 2003) <i>as amended</i> (Feb. 11, 2003).....	20
Lopez Benitez v Francis, 2025 WL 2371588).....	14
Mathews v. Elridge, 424 U.S. 319, 332 (1976)	9
Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025)	9
Mayers v. United States INS, 175 F.3d 1289, 1300 (11th Cir. 1999).....	20
Morton v. Ruiz, 415 U.S. 199, 235 (1974).....	20
Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29 (1983)).....	24

Nat'l Ass'n of Home Builders v. Defs. of Wildlife, 551 U.S. 644.....	24
Osorio-Martinez v. Holder, 893 F.3d 153, 163 (2018).....	18
Perry v. Sindermann, 408 U.S. 593, 601–03 (1972)	9
R.F.M. v. Nielsen, 365 F. Supp. 3d 350, 362-63 (2019).....	19
Rojas v. Johnson, No. C16-1024 RSM, 2018 WL 1532715 (W.D. Wash. Mar. 29, 2018)...	15
Rowe v. United States AG, 545 Fed.Appx. 888, 890 (11th Cir. 2013).....	20
United States ex rel. Accardi Shaughnessy, 347 U.S. 260, 266, 268 (1954)	20
United States v. Salerno, 481 U.S. 739, 746 (1987).....	8
Walters v. Reno, 145 F.3d 1032 (9th Cir. 1998).....	15
Yick Wo v. Hopkins, 118 U.S. 356 (1886)	8
Zadvydas v. Davis, 533 U.S. 678, 693 (2001)	8

**U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO
STATUTES**

5 U.S.C § 701.....	10
5 U.S.C. § 706(2)(A)	17, 24
8 U.S.C. §1255(h)(1).....	19
8 U.S.C. 1101(a)(27)(J)(i).....	16
8 U.S.C. § 1182(a)(9)(A)(i).....	16
8 U.S.C. 1182(a)(9)(C)(i).....	22
28 U.S.C. §1226*	13
28 USC 1225(b) *	13
28 U.S.C. § 1651.....	10
28 U.S.C. § 2241.....	10
28 U.S.C. §2243.....	8
22 C.F.R. § 40.91(a)	16
Article I, Section 9, Clause 2 of the United States Constitution (“Suspension Clause”).....	8
Fifth Amendment of the United States Constitution.....	9
Immigration and Naturalization Act, 8 U.S.C. § 1101 <i>et seq.</i>	10
Trafficking Victims’ Protection Reauthorization Act, 136 Stat. 6211 Public Law 117–348.....	18

*The INA is incorporated into and cross-referenced in the U.S. Code. The parallel citation for Section 236(a) of the INA is 8 U.S.C. § 1226(a), and the parallel citation for Section 235(b) is 8 U.S.C. §1225(b). This petition will utilize the U.S. Code citations.

INTRODUCTION

1. This petition arises out of the continued unlawful detention of Petitioner, Ronaldo Velasquez Bartolon¹, (“Petitioner” or “R.V.B.”), a senior high school student at Lakota West High School and resident of Ohio who has lived in the United States for three and a half years.
2. Ronaldo is a 21-year-old citizen of Guatemala who entered the United States in February 2022, when he was 17 years old. He was apprehended and detained by immigration officials, classified as an Unaccompanied Alien Child (“UAC”), and released to family members in Ohio. He was determined at the time of his apprehension and has since been diagnosed to be at an increased risk for depression.
3. Though Ronaldo is currently residing in Butler County Jail in ICE detention, Ronaldo is domiciled in Cincinnati, Ohio and resides with his sister and legal guardian.
4. On July 13, 2022, the Juvenile Court of the State of Ohio, in Hamilton County, issued a custody order, including special findings as to Ronaldo, finding him to be an abused, abandoned, and neglected child. The Magistrate’s Decision also noted the harm Ronaldo would face if removed to Guatemala, including continued exposure to “abuse, abandonment, and neglect upon his return and would not have access to mental health services.”
5. Ronaldo filed an I-360 petition for Special Immigration Juvenile Status (“SIJ Status”), with U.S. Citizenship and Immigration Services (“USCIS”) on September 20, 2022.
6. On March 29, 2023, Ronaldo’s petition for SIJ Status was approved. To date, this status remains approved and unrevoked.

¹ Consistent with guidance regarding privacy concerns in social security and immigration cases by the Committee on Court Administration and Case Management of the Judicial Conference of the United States, Petitioner is identified herein only by his first name and last initial, or initials.

7. Through his SIJS approval, Ronaldo was granted deferred action, “an act of administrative convenience to the government which gives some cases lower priority for removal from the United States for a specified period of time” which stated it would “remain in effect for a period of four years from the date of this notice unless terminated earlier by USCIS.”
8. On June 19, 2025, Ronaldo was sentenced to 180 days (90 days suspended) by the Fairfield Municipal Court for driving without a license, a misdemeanor of the first degree. He was immediately incarcerated.
9. Ronaldo spent 40 days in a Hamilton, Ohio jail, during which time he alleges he was held on a floor without air conditioning, deprived of medication for medical conditions including anxiety and gastritis, and suffered suicidal ideations (having previously been diagnosed with depression as a minor).
10. Ronaldo’s sentence was deemed completed early after 40 days. He would have been released, but for the ICE holder that had been placed on him. Instead, he was taken back to jail and the next day, transported to the Butler County Jail and placed in ICE custody.
11. Upon transfer, Ronaldo felt pressured to accept a deportation rather than request a hearing before an immigration judge. He and another detained individual were placed in a cell without a functioning toilet for two days.
12. Ronaldo has remained in ICE detention since September 4, 2025 with no removal proceedings scheduled.²
13. Through counsel, Ronaldo filed a “pre-NTA bond request,” filed in cases where an individual is detained and wishes to request bond prior to the Department of Homeland Security (“DHS”)

² To date, DHS has not filed the Notice to Appear in Petitioner’s case with the immigration court and therefore no removal proceedings have commenced. Petitioner sits, detained, with no meaningful opportunity to request a bond, with no idea when or if the Department will begin removal proceedings.

filing the Notice to Appear with the immigration court and thus commencing removal proceedings.³

14. The immigration judge denied Petitioner's bond request, stating only, "The Court does not have the authority to redetermine bond in this case."⁴

15. Absent this Court's intervention, R.V.B. will be deprived of his fundamental rights and his legal entitlement to fair treatment under the law – moreover, he will face harm – that will curtail any meaningful ability to engage in pursuing his rights. As applied R.V.B., absent the Court's protection, R.V.B. will either lose the opportunity to vindicate his rights to exhaust the lawful processes created by the government for individuals in his precise situation *or* will remain subjected to indefinite detention.⁵

PRELIMINARY STATEMENT

16. Petitioner sits in an impossible situation: be deported, in violation of his due process rights and statutory protections afforded to him as an Unaccompanied Minor, or remain in indefinite detention, in violation of the same.

17. Petitioner's indefinite civil immigration detention constitute an ongoing, "immediate, and severe restraint" on his individual liberty such that Plaintiff is "in custody" of the Defendants- Respondents in violation of the laws of the United States.⁶ Petitioner seeks a stay of removal;

³ See fn. 7, *infra*.

⁴ This is the entirety of the immigration judge's ("IJ") decision on bond. However, the ECAS system includes the phrase, "The Immigration Judge denied amelioration of terms of release due to a lack of jurisdiction."

⁵ The Board of Immigration Appeals' recent decision, *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), purported to hold that "Immigration Judges lack authority to hear bond requests or to grant bond to aliens who are present in the United States without admission." In light of that decision, Petitioner can only assume the IJ's position is that the court did not have jurisdiction to issue a bond and that the Department's position is that Petitioner is subject to mandatory detention under §1225(b)(2)(A). However, with no explanation in the IJ's decision and no Notice to Appear filed, these positions are not clear in the record. Numerous federal courts have repeatedly held against that the position that an undocumented individual apprehended in the interior of the country after residing in the United States is subject to mandatory, rather than discretionary, detention.

⁶ *Hensley v. Municipal Court*, 411 U.S. 345, 351 (1973); 28 U.S.C. §2241.

an order finding that the immigration judge has jurisdiction to hear Petitioner's bond request; an order directing the immigration judge to issue a bond decision on the merits; an order restricting Respondents from moving Petitioner to another detention facility or jurisdiction; release from detention; and other forms of equitable relief as appropriate given the unlawful encroachment on his protected rights. Petitioner brings this non-core habeas challenging the process employed by Respondents and the violation of his legal entitlement to the law, and rushed efforts to deport him in violation of the law. Absent this Court's intervention and order to release Respondent pending immigration proceedings, there is a certainty of a violation of Petitioner's procedural and constitutional rights.

18. Without this Court assuming jurisdiction over R.V.B.'s case, he will be deprived of any adequate process or forum to vindicate his non-core habeas claims in violation of the Suspension Clause, and possibly with life threatening consequences.
19. Pending the adjudication of this Petition, Ronaldo V. respectfully requests that the Court exercise its authority under 28 U.S.C. §2243 to order the Respondents to file a return within three days, unless they can show good cause for additional time.⁷ (Order to show cause why a petition for a writ of habeas corpus should not be granted should be "returned within three days unless for good cause additional time, not exceeding twenty days, is allowed").
20. The Due Process clause applies to all persons in the United States, "whether their presence here is lawful, unlawful, temporary, or permanent."⁸ The Supreme Court declared "that the Due Process Clause protects individuals against two types of government action" giving rise to distinct claims of substantive and procedural due process violations.⁹ Thus, "the touchstone

⁷ See 28 U.S.C. §2243.

⁸ *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); see also *Yick Wo v. Hopkins*, 118 U.S. 356 (1886).

⁹ *United States v. Salerno*, 481 U.S. 739, 746 (1987).

of due process is protection of the individual against arbitrary action of government...whether the fault lies in the denial of fundamental due process fairness [procedural due process],...or in the exercise of power without any reasonable justification in the service of a legitimate government objective [substantive due process]...”¹⁰

21. Procedural due process constrains governmental decisions that deprive individuals of property or liberty interests within the meaning of the Due Process Clause of the Fifth Amendment.¹¹ Infringing upon a protected interest triggers a right to a hearing before that right is deprived, and a right to meaningful process afforded at a meaningful time.¹² “‘Substantive due process’ prevents the government from engaging in conduct that ‘shocks the conscience,’... or interferes with rights ‘implicit in the concept of ordered liberty.’”¹³
22. Ronaldo V. has been incarcerated for 40 days on a state charge and nearly two weeks on an ICE detainer with no removal hearing scheduled. Indeed, the Department of Homeland Security has yet to file Ronaldo V.’s Notice to Appear with the immigration court. The likely duration of his detention is indefinite, given the newly issued precedential decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025)). As Ronaldo V. does not appear to have immigration relief for which he is eligible before the immigration court¹⁴ and IJ’s have recently

¹⁰ *City of Sacramento v. Lewis*, 523 U.S. 833 (1998) (citations and internal quotations omitted).

¹¹ See *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976); see also *Perry v. Sindermann*, 408 U.S. 593, 601–03 (1972) (reliance on informal policies and practices may establish a legitimate claim of entitlement to a constitutionally-protected interest).

¹² See *Bd. of Regents v. Roth*, 408 U.S. 564, 569–70 (1972).

¹³ *Salerno*, 481 U.S. at 746. (internal citations omitted).

¹⁴ His Special Immigrant Juvenile Status remains approved, and his UAC status remains, but is a form of relief before USCIS, not the immigration court. Prior to June 2025, immigration judges (including those with jurisdiction over UAC’s in Ohio) routinely terminated removal proceedings, stating:

The Court has reviewed the record and had determined the respondent has shown approval of an I-360. The Court is allowed to terminate proceedings in cases where “termination is necessary for the respondent to be eligible to seek immigration relief before USCIS.” *Matter of Coronado Acevedo*, 28 I&N Dec. 648 (A.G. 2022). The Court will therefore exercise that authority and terminate/dismiss proceedings without prejudice.

inexplicably stopped terminating proceedings to allow UAC's to pursue residency with USCIS, the likelihood of receiving an order of removal is all but certain.

JURISDICTION

23. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

24. This Court has subject matter jurisdiction over this Petition pursuant to 28 U.S.C. § 2241, 28 U.S.C. § 1331, and Article I, § 9, cl. 2 of the United States Constitution; the All Writs Act, 28 U.S.C. § 1651; the Administrative Procedure Act, 5 U.S.C. § 701; and for injunctive relief pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201. Petitioner's indefinite custodial status, as well as the government's presumed impending attempt to remove him, constitute a "severe restraint" on his individual liberty such that he is "in custody" for purposes of 28 U.S.C. § 2241.¹⁵

25. Federal district courts have jurisdiction to hear habeas claims by noncitizens challenging the lawfulness or constitutionality of DHS's conduct. Federal courts are not stripped of jurisdiction under 8 U.S.C. § 1252.¹⁶

26. The jurisdiction-channeling provisions of the REAL ID Act under 8 U.S.C. § 1252 do not foreclose this Court's jurisdiction over R.V.B.'s claims.^{17, 18}

Inexplicably, as Coronado Acevedo remains good law, some IJ's have arbitrarily and capriciously stopped relying on this decision and stopped terminating proceedings. Rather, decisions for identically-situated Respondents now read:

Respondent has not demonstrated a visa readily available. As I-360's are collateral relief not before the Court, the respondent will need to file relief before the Court or relief before USCIS that would remove this Court's jurisdiction.

¹⁵ Hensley v. Municipal Court, 411 U.S. 345, 351 (1973).

¹⁶ See, e.g., Zadvydas v. Davis, 533 U.S. 678, 687 (2001).

¹⁷ See *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999) (holding that § 1252(g), reaches only "three discrete actions that the Attorney General may take: her decision or action to 'commence proceedings, adjudicate cases, or execute removal orders.'")

¹⁸ If § 1252 did strip jurisdiction from this case, that statute would be unconstitutional as applied to R.V.B. The Suspension Clause of the U.S. Constitution states "The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it." U.S. Const. art. I, § 9,

27. The Constitution and the United States Code, together with the relevant case law, demonstrate that the instant proceeding has been properly commenced in the Southern District of Ohio in all material respects.

28. This Court has jurisdiction over all Respondents, each of whom is a proper respondent under 28 U.S.C. § 2243. Moreover, the Southern District of Ohio is the proper forum for this action, as it is the district with the most substantial connection to the parties, witnesses, evidence, attorneys, and circumstances underpinning the issues presented herein. R.V.B. is detained in Butler County, within the Southern District of Ohio, and his material witnesses, counsel, and his legal guardian are all present in Southern Ohio, making the forum convenient for adjudication and presentation of evidence and testimony.

VENUE

29. Venue is proper because Petitioner is detained at the Butler County Jail, which is within the jurisdiction of this District.

30. Venue is proper in this District because Respondents are officers, employees, or agencies of the United States and a substantial part of the events or omissions giving rise to Petitioner's claims occurred in this District.

31. Therefore, this court may properly exercise jurisdiction over all of R.V.B.'s claims.

PARTIES

32. Petitioner, Ronaldo V., now 21 years old, is an Ohio resident who arrived in the United States as an unaccompanied child. R.V.B. is currently in the custody of the Respondents by way of his detention and the risk of final order of removal constraining his liberty.

cl. 2. This protects the right to the writ of habeas corpus where no adequate or effective alternative remedy exists. *See Boumediene v. Bush*, 553 U.S. 723 (2008).

33. Respondent Pam Bondi is named in her official capacity as the Attorney General of the United States. In this capacity, she is responsible for the administration of the immigration laws as exercised by the Executive Office for Immigration Review, pursuant to section 103(g) of the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1103(g), she routinely transacts business in the Southern District of Ohio (“SDOH”), is legally responsible for administering Petitioner’s removal proceedings and the standards used in those proceedings, and as such is the legal custodian of Petitioner.

34. Respondent Kristi Noem is named in her official capacity as the Acting Secretary of the Department of Homeland Security (“DHS”), the Department of the Executive Branch of the United States government that oversees the component agencies responsible for enforcing the immigration laws of the United States. Those component agencies include U.S. Immigration and Customs Enforcement (“ICE”); U.S. Customs and Border Protection (“CBP”); and U.S. Citizenship and Immigration Services (“USCIS”). Respondent Noem directs and is responsible for the administration and enforcement of the immigration laws in the United States, she routinely transacts business in SDOH, is legally responsible for administering Petitioner’s removal proceedings and the standards used in those proceedings, and as such is the legal custodian of Petitioner.

35. Defendant Joseph Edlow is named in his capacity as the Director of USCIS, the agency within DHS that is responsible for the adjudication of immigration benefits to noncitizens in the United States. In that capacity, Respondent Edlow has direct authority over all USCIS policies, procedures and practices relating to benefits adjudication. Respondent Edlow directs and is responsible for the administration and enforcement of the immigration laws in the United States, he routinely transacts

business in SDOH, is legally responsible for administering Petitioner’s removal proceedings and the standards used in those proceedings, and as such is the legal custodian of Petitioner.

36. Defendant Kevin Grathwohl is named in his capacity as warden at Butler County Jail. In that capacity, he maintains Respondent in physical custody under a detainer for Immigrations and Customs Enforcement.

LEGAL FRAMEWORK

A. The Government’s Statutory Authority to Detain Noncitizens

37. The two primary provisions of the United States Code that govern the detention of noncitizens prior to an order of removal are 8 U.S.C. § 1226(a) and 8 U.S.C § 1225(b).

38. Section 1226(a) governs the detention of most noncitizens who are already in the United States and subject to formal removal proceedings before an immigration court under 8 U.S.C. § 1229a.¹⁹

“Section 1226(a) sets out the default rule: The Attorney General may issue a warrant for the arrest and detention of an alien ‘pending a decision on whether the alien is to be removed from the United States.’”²⁰

39. Detention under Section 1226(a) is discretionary, not mandatory; the government “may release the alien on—(A) a bond of at least \$1,500 with security approved by, and containing conditions prescribed by, the Attorney General; or (B) conditional parole[.]”²¹

40. Pursuant to regulation, prior to detention pursuant to Section 1226(a), immigration officers must allow a noncitizen to “demonstrate to the satisfaction of the officer that . . . release would not

¹⁹ 8 U.S.C. § 1226(a); see also *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018) (“[U.S. immigration law] authorizes the Government to detain certain aliens already in the country pending the outcome of removal proceedings under §§ 1226(a) and (c).”) (emphasis added).

²⁰ *Jennings*, 583 U.S. at 287-89.

²¹ 8 U.S.C. § 1226(a)(2)(A)-(B).

pose a danger to property or persons, and that the [noncitizen] is likely to appear for any future proceeding.”²²

41. If, after an individualized consideration, ICE chooses to detain the noncitizen pursuant to Section 1226(a) pending removal proceedings, the individual may ask for a bond redetermination hearing before the immigration judge.²³

42. In contrast with Section 1226, which applies to “certain aliens already in the country,”²⁴ Section 1225(b) governs detention of noncitizens seeking entry into the United States (i.e., “applicants for admission”).

43. Section 1225(b)(2)(A) provides that, “if the examining officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title.”²⁵ In other words, Section 1225(b) mandates detention for those noncitizens subject to it, and they are not eligible to be considered for release.

44. Multiple federal courts have recently held that the government cannot unilaterally reclassify a noncitizen’s detention as mandatory pursuant to Section 1225 after arresting them under the discretionary authority of Section 1226.²⁶

B. Due Process

45. The fundamental requirement of due process is the opportunity to be heard “at a meaningful time and in a meaningful manner.”²⁷ Procedural due process “imposes constraints on government

²² 8 C.F.R. § 1236.1(c)(8).

²³ 8 C.F.R. § 1003.19.

²⁴ Jennings, 583 U.S. at 289 (emphasis added).

²⁵ 8 U.S.C. § 1225(b) (emphasis added).

²⁶ See, e.g., Lopez Benitez, 2025 WL 2371588, at *5 (where arrest warrants and the record referenced Section 1226 as a basis for detention, in reply to a habeas petition, the government could not justify said detention as mandatory pursuant to Section 1225); Martinez v. Hyde, No. 25-11613-BEM, 2025 WL 2084238, at *3-4 (D. Mass. July 24, 2025) (rejecting the government’s attempt to reclassify its detention authority where the documentation supporting arrest referred to Section 1226).

²⁷ Mathews v. Elridge, 424 U.S. 319, 332 (1976).

decisions which deprive individuals of “liberty” or “property” interests within the meaning of the Due Process Clause of the Fifth or Fourteenth amendment.”²⁸

46. Once a petitioner has identified protected liberty or property interest, the Court must determine whether constitutionally sufficient process has been provided.²⁹ In making this determination, the Court balances (1) “the private interest that will be affected by the official action;” (2) “the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural requirement would entail;” (3) “the government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.”³⁰

47. Due process cases recognize a broad liberty interest rooted in the fact of deportation, not just the process of removal proceedings.³¹ While this liberty interest typically arises in removal proceedings, courts have found procedural due process violations for persons not in removal proceedings.³²

B. Liberty Interest in Pursuit of Special Immigrant Status

48. R.V.B. clearly has a liberty interest at stake. USCIS has approved his I-360 petition, designating him a Special Immigrant Juvenile, a class of young people to whom Congress has granted significant protections.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.* at 335.

³¹ See *Bridges v. Wixon*, 326 U.S. 135, 154 (1945) (deportation “visits a great hardship on the individual and deprives him of the right to stay and live and work in this land of freedom.”); see also *Chhoeun v. Marin*, 2018 WL 566821, at *9 (C.D. Cal., Jan. 25, 2018) (finding a “strong liberty interest” where being deported means being separated from home and family).

³² See, e.g., *Walters v. Reno*, 145 F.3d 1032 (9th Cir. 1998) (forms issued to noncitizens charged with civil document fraud violated due process clause); *Rojas v. Johnson*, No. C16-1024 RSM, 2018 WL 1532715, at *8 (W.D. Wash. Mar. 29, 2018) (concluding that “Agency Defendants do not provide sufficient notice of the one-year deadline to satisfy the Due Process clause” to asylum-seeker subclasses both in and out of removal proceedings).

49. Despite his SIJ Status, Respondents intend to either remove R.V.B. from the United States (should his NTA be filed at some future date and removal proceedings commence) or to detain him until his priority date becomes current and he is eligible to apply for his lawful permanent residency (the only other outcome of the Department's position that Petitioner is subject to mandatory detention).

50. If R.V.B. is removed from the country, he will lose his special status because a Special Immigrant Juvenile is someone who is "present in the United States."³³ He will not be able to adjust status to that of permanent resident. If removed, even if he had a lawful manner in which to return to the U.S., R.V.B. would be barred from reentry to the United States for at five to ten years.³⁴

He would not be able to adjust status to that of lawful permanent resident, as adjustment of status requires the individual have been "inspected and admitted or paroled into the United States" and someone outside of the United States is ineligible.³⁵

51. Interpreted in light of the Constitution, the Immigration and Nationality Act ("INA") and its applicable regulations do not permit potential deportation while an individual is engaged in the process of attempting to regularize his immigration status through Special Immigrant Juvenile Status. The INA seeks to protect young people who have been abused, abandoned and neglected, and who are under the jurisdiction of a state juvenile court.³⁶

52. Due process protects a noncitizen's liberty interest in the adjudication of applications for relief and benefits made available under the immigration laws.³⁷

³³ 8 U.S.C. 1101(a)(27)(J)(i).

³⁴ 8 U.S.C. § 1182(a)(9)(A)(i); 22; C.F.R. § 40.91(a).

³⁵ 8 U.S.C. § 1255(a).

³⁶ INA § 101(a)(27)(J); 8 U.S.C. § 1101(a)(27)(J)(i).

³⁷ See *Arevalo v. Ashcroft*, 344 F.3d 1, 15 (1st Cir. 2003) (recognizing protected interests in the "right to seek relief" even when there is no "right to the relief itself").

53. R.V.B. has a protected due process interest in his ability to have his Special Immigrant Juvenile Status protected, to remain in the United States and ultimately receive lawful permanent residence status.

54. The APA forbids agency action that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.”³⁸

55. A court reviewing agency action “must assess . . . whether the decision was based on a consideration of the relevant factors and whether there has been a clear error of judgment”; it must “examin[e] the reasons for agency decisions—or, as the case may be, the absence of such reasons.”³⁹

C. Purpose of SIJS and Congressional Intent

56. “Congress created Special Immigrant Juvenile Status to alleviate ‘hardships experienced by some dependents of United States juvenile courts by providing qualified aliens with the opportunity to apply for special immigrant classification and lawful permanent resident status, with possibility of becoming citizens of the United States in the future.’⁴⁰ Recognizing that many immigrant youth who qualify for this status are in removal proceedings because they have entered the U.S. to escape the abuse, abandonment and neglect they suffered in their home country, the INA does not prevent an abused, abandoned or neglected juvenile in removal proceedings, or even one with a final order of removal, from applying with United States Citizenship and Immigration Services (USCIS), which has sole jurisdiction over such applications.⁴¹

³⁸ 5 U.S.C. § 706(2)(A).

³⁹ *Judulang v. Holder*, 565 U.S.42, 53 (2011) (quotations omitted).

⁴⁰ 58 Fed. Reg. 42,843, 42,844 (Aug. 12, 1993); *see also Galvez v. Cuccinelli*, Case No. C19-0321RSL, at *2 (W.D. Wash. Jul. 17, 2019).

⁴¹ 8 C.F.R. §204.11(b).

57. Young people may only receive SIJ status “after satisfying a set of rigorous, congressionally defined eligibility criteria, including that a juvenile court find [sic] it would not be in the child’s best interest to return to her country of last habitual residence and that the child is dependent on the court or placed in the custody of the state or someone appointed by the state.”⁴² The child must also receive approval from USCIS and the consent of the Secretary of Homeland Security to obtain the status.⁴³ These requirements “show a congressional intent to assist a limited group of abused children to remain safely in the country with a means to apply for LPR status.”⁴⁴ “DHS’s own characterization of SIJ status [is] as a ‘classification to provide humanitarian protection for abused, neglected, or abandoned child immigrants eligible for long-term foster care.’⁴⁵

58. After the SIJ Statute was created in 1990, it was amended and expanded several times, most significantly in 2008 by the William Wilberforce Trafficking Victims Protection Reauthorization Act (“TVPRA”). The TVPRA “struck the requirement that the juvenile must be eligible for long-term foster care, broadening the statute to apply instead to juveniles for whom ‘reunification with 1 or both of the immigrant’s parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law.’⁴⁶

59. The TVPRA also expanded the SIJ status to be available to juveniles who have been ‘declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State, or an individual

⁴² 8 U.S.C. § 1101(a)(27)(J); 8 C.F.R. § 204.11(c).

⁴³ 8 U.S.C. § 1101(a)(27)(J); Memorandum from Donald Neufeld, Acting Assoc. Dir., Domestic Operations & Pearl Chang, Acting Chief, Office of Policy & Strategy, USCIS, Trafficking Victims Protection Reauthorization Act of 2008: Special Immigrant Juvenile Status Provisions 3 (Mar. 24, 2009), https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/Static_Files_Memoranda/2009/TVPRA_SIJ.pdf [hereinafter USCIS Memorandum] (citing H.R. Rep. No. 105- 405, at 130 (1997) (Conf. Rep.)).” Osorio-Martinez v. U.S. Attorney General, 893 F.3d 153, 163 (3d Cir. 2018).

⁴⁴ Garcia v. Holder, 659 F.3d 1261, 1271 (9th Cir. 2011).

⁴⁵ FN 6 USCIS Policy Manual, pt. J, ch. 1 (Mar. 21, 2018).” Osorio-Martinez, 893 F.3d 153, 169 (2018).

⁴⁶ Pub. L. 110-457 § 235(d)(1)(B), 122 Stat. 5044 (2008) (amending 8 U.S.C. § 1101(a)(27)(J)).

or entity appointed by a State or juvenile court”⁴⁷ The TVPRA amended the ‘consent’ requirement giving the Secretary of DHS, rather than the Attorney General, authority to consent to the grant of SIJ classification, and removing the requirement that the consent be express.⁴⁸

D. Statutory and procedural rights and benefits granted to Special Immigrant Juveniles

60. Once granted, “SIJ classification conveys a host of important benefits.⁴⁹ First, SIJ designees are “deemed . . . to have been paroled into the United States” for the purposes of adjustment of status.⁵⁰ Second, “the INA automatically exempts SIJ designees from a set of generally applicable grounds of inadmissibility and provides that other grounds of inadmissibility also may be waived at the Attorney General’s discretion. 8 U.S.C. §§ 1255(h)(2), 1182(a).”⁵¹ SIJS petitioners are, for example, exempt from grounds of inadmissibility including “being found to be a ‘public charge,’ lacking a ‘valid entry document,’ or having ‘misrepresented a material fact’—while seeking admission into the United States, [8 USC] §1182(a); *see also id.* § 1255(h)(2)A.”⁵² Third, Special Immigrant Juveniles become eligible for a variety of ancillary benefits “such as access to federally funded educational programming and preferential status when seeking employment-based visas. *See id.* §§1232(d)(4)(A), 1153(b)(4).”⁵³ Fourth, Congress granted Special Immigrant Juveniles a “host of procedural rights designed to sustain their relationship to the United States and to ensure they would not be stripped of SIJ protections without due process.” *Id.* For example:

SIJ status may be revoked only for what the Secretary of Homeland Security deems ‘good and sufficient cause.’ 8 U.S.C. § 1155; 8 C.F.R. § 205.2; *see also* 7 USCIS Policy Manual, pt. F, ch. 7 (Mar. 21, 2018). Even then, revocation must be ‘on notice,’ meaning that the agency must provide the SIJ designee with ‘notice

⁴⁷ 8 U.S.C. § 1101(a)(27)(J)(i) (emphasis added).

⁴⁸ § 235(d)(1)(B), 122 Stat. at 5079 (2008).” *R.F.M. v. Nielsen*, 365 F. Supp. 3d 350, 362-63 (2019).

⁴⁹ *Osorio-Martinez v. Holder*, 893 F.3d 153, 163 (2018).

⁵⁰ 8 U.S.C. § 1255(h)(1).

⁵¹ *Id.*

⁵² *Id.* at 171.

⁵³ *Id.*

of intent’ to revoke, an ‘opportunity to offer evidence . . . in opposition to the grounds alleged for revocation,’ a ‘written notification of the decision that explains the specific reasons for the revocation,’ and the option to file an appeal within the agency. 8 C.F.R. § 205.2. SIJ designees are also entitled to judicial review to the extent they challenge actions not ‘committed to agency discretion by law,’ 5 U.S.C. § 701(a)(2), including the agency’s application of the SIJ criteria and compliance with specified procedures. *See Quarantillo*, 301 F.3d at 111-14 (judicial review available for denial of SIJ status based on 8 C.F.R. § 204.11(c) factors); *Yeboah*, 345 F.3d at 220, 222 n.5 (same); *Ghaly v. INS*, 48 F.3d 1426, 1436-37 (7th Cir. 1995) (judicial review available for revocation of status under 8 C.F.R. § 205.2); cf. *Jilin Pharm.*, 447 F.3d at 200 (no judicial review for whether the Secretary of Homeland Security has found ‘what he deems to be good and sufficient cause’ because it is committed to agency discretion under 8 U.S.C. § 1155). *Id.* at 172.

61. When Congress has promulgated “[r]egulations with the force and effect of law,” those regulations “supplement the bare bones” of federal statutes and in areas of the law, such that agencies must follow their own “existing valid regulations,” even where government officers have broad discretion, such as in the area of immigration.⁵⁴ Breaches of *Accardi*’s rule constitute violations of both the Fifth Amendment’s Due Process Clause and the APA.^{55, 56}

⁵⁴ *United States ex rel. Accardi Shaughnessy*, 347 U.S. 260, 266, 268 (1954) (reversing in immigration case after review of warrant for deportation); *see also* *Morton v. Ruiz*, 415 U.S. 199, 235 (1974) (“[I]t is incumbent upon agencies to follow their own procedures . . . even where [they] are possibly more rigorous than otherwise would be required.”); *Battle v. FAA*, 393 F.3d 1330, 1336 (D.C. Cir. 2005) (“*Accardi* has come to stand for the proposition that agencies may not violate their own rules and regulations to the prejudice of others.”).

⁵⁵ *See also*, *Rowe v. United States AG*, 545 Fed.Appx. 888, 890 (11th Cir. 2013) (Recognizing the *Accardi* doctrine holds that to ensure due process an agency is required to follow its own regulations when exercising discretion and issuing a decision) and *Mayers v. United States INS*, 175 F.3d 1289, 1300 (11th Cir. 1999) (Recognizing that a review of statutory questions implicates due process and that *Accardi* found using habeas to ensure that due process and that the “crucial question” is whether the Attorney General’s conducted deprived an individual the rights guaranteed under a statute or regulation.) (internal citations omitted).

⁵⁶ The APA forbids agency action that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). A court reviewing agency action “must assess . . . whether the decision was based on a consideration of the relevant factors and whether there has been a clear error of judgment”; it must “examin[e] the reasons for agency decisions—or, as the case may be, the absence of such reasons.” *Judulang v. Holder*, 565 U.S. 42, 53 (2011) (quotations omitted).

62. In *Damus v. Nielsen*, the Court explained “that ‘agencies cannot relax or modify regulations that provide the only safeguard individuals have against unlimited agency discretion[.]’”⁵⁷

63. In *Damus*, the Court rejected the government’s argument it lacked jurisdiction over Petitioners’ claim regarding the failure of ICE to follow a parole directive. The Court concluded that “the policies and procedures contained in the Directive establish a set of minimum protections for those seeking asylum, including an opportunity to submit documentation, the availability of an individualized parole interview, and an explanation of the reasons for the parole denial. The Directive therefore falls squarely within the ambit of those agency actions to which the doctrine may attach.”

64. If a stay of removal is not granted and R.V.B. is deported, his Special Immigrant Juvenile Status will be nullified, and he will be unable to pursue his lawful permanent residency process given the conditions in Guatemala.

65. R.V.B. has a liberty interest at stake. Where USCIS approves an I-360 Petition for SIJ Status, The beneficiary of that petition is considered paroled into the country for the purposes of adjustment of status.⁵⁸ If he is removed, on the other hand, R.V.B. will not be eligible for SIJ Status because he will no longer be “present in the United States.”⁵⁹ In addition, if R.V.B. is removed from the United States he would be barred from reentry to the United States for at least five years.⁶⁰ Further, because the parole afforded Special Immigrant Juveniles is only for purposes of adjustment of status, any unlawful presence R.V.B. has accrued in the United States since he turned 18 would continue to count against him. He would be subject to a 10-year bar and he will not be

⁵⁷ *Damus v. Nielsen*, 1:18-cv-00578-JEB citing *Lopez v. FAA*, 318 F.3d 242, 247 (D.C. Cir. 2003) *as amended* (Feb. 11, 2003).

⁵⁸ 8 U.S.C. §1255(h)(1).

⁵⁹ 8 U.S.C. 1101(a)(27)(J)(i).

⁶⁰ 8 U.S.C. § 1182(a)(9)(A)(i); 22 C.F.R. § 40.91(a).

eligible to return to the United States until he has spent 10 years outside of the country; there is no waiver of this provision available to him.⁶¹

CLAIMS FOR RELIEF

COUNT ONE

SUBJECTING PETITIONER TO MANDATORY DETENTION RATHER THAN A MEANINGFUL AND INDIVIDUALIZED CUSTODY REDETERMINATION THROUGH BOND PROCEEDINGS VIOLATES PETITIONER'S FIFTH AMENDMENT DUE PROCESS RIGHT

66. Petitioner re-alleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

67. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law.⁶²

68. Ronaldo is currently being deprived of his liberty as he remains in an immigration detention center. Accordingly, Ronaldo was entitled to due process following his detention.

69. Due process requires that government action be rational and non-arbitrary.⁶³

70. The “plain text of Sections 1225 and 1226, together with the structure of the larger statutory scheme, indicates that Section 1225(b)(2) does not apply to noncitizens who are arrested on a warrant issued by the Attorney General while residing in the United States.”⁶⁴

71. As Petitioner was arrested allegedly pursuant to a warrant⁶⁵ which was issued while he was residing in the United States, §1226 governs his detention, which is discretionary, and therefore

⁶¹ 8 U.S.C. 1182(a)(9)(C)(i).

⁶² U.S. Const. amend. V; See generally *Reno v. Flores*, 507 U.S. 292 (1993); *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003).

⁶³ See *U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

⁶⁴ *Gomes v. Hyde*, No. 25-cv-11571, 2025 WL 1869299, at *5–7 (D. Mass. July 7, 2025); *Inlago Tocagon v. Moniz*, ___ F. Supp. 3d ___, ___ (D. Mass. 2025) [2025 WL 2778023, at *3].

⁶⁵ Respondent maintains that he is detained in the absence of any warrant filed with the immigration court.

the immigration court is not stripped of jurisdiction to hear or determine Petitioner's bond redetermination request.

72. The IJ's determination that she did not have the authority or jurisdiction to redetermine Petitioner's bond is plain error and violates Petitioner's due process rights, subjecting him to mandatory and indefinite detention.

COUNT TWO

PETITIONER'S REMOVAL PRIOR TO ADJUDICATION OF LAWFUL PERMANENT RESIDENCY VIOLATES PROCEDURAL DUE PROCESS UNDER THE U.S. CONSTITUTION

73. Petitioner re-alleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

74. Due process protects a noncitizen's liberty and property interest in the adjudication of applications for relief and benefits made available under the immigration laws.⁶⁶

75. *First*, R.V.B. has a vested liberty interest in preventing his removal. Courts have long recognized that removal implicates substantial liberty interests, such that 'the Due Process Clause protects an alien subject to a final order of deportation.'⁶⁷

76. R.V.B. faces a risk of erroneous deportation. R.V.B. has been designated a Special Immigrant Juvenile. He is considered paroled into the country for the purposes of adjustment and should be allowed to remain until his visa is current.⁶⁸ However, as physical presence in the United States is a condition of SIJ Status, his SIJ Status is nullified once he is removed.⁶⁹

⁶⁶ See *Arevalo v. Ashcroft*, 344 F.3d 1, 15 (1st Cir. 2003) (recognizing protected interests in the "right to seek relief" even when there is no "right to the relief itself").

⁶⁷ *Zadvydav v. Davis*, 533 U.S. 678, 693-94 (2001); see also *Wong Wine v. United States*, 163 U.S. 228, 238 (1896).

⁶⁸ 8 U.S.C. § 1255(h)(1).

⁶⁹ 8 U.S.C. 1101(a)(27)(J)(i).

77. *Second*, R.V.B. has a liberty interest in remaining in the United States and awaiting adjustment of status. If he is removed, he will lose his SIJ Status and will trigger additional immigration violations that would make it impossible in his position, given the threats faced if removed, to return to the U.S.

78. Removal of Respondent despite his approved SIJS status prior to his application for lawful permanent residency in effect nullifies congressional intent under the TVPRA and violates his right to access the procedure the TVPRA sets out for him as an abused abandoned, and neglected UAC.

COUNT THREE

VIOLATION OF ADMINISTRATIVE PROCEDURE ACT 5 U.S.C. § § 706(2)(A) NOT IN ACCORDANCE WITH LAW AND IN EXCESS OF STATUTORY AUTHORITY UNLAWFUL DETENTION

79. Petitioner re-alleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

80. Under the Administrative Procedures Act (“APA”), a court shall “hold unlawful and set aside agency action” that is an abuse of discretion.⁷⁰

81. An agency abuses its discretion if its action “entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.”⁷¹

82. To survive an APA challenge, the agency must articulate “a satisfactory explanation” for its action, “including a rational connection between the facts found and the choice made.”⁷²

⁷⁰ 5 U.S.C. § 706(2)(A).

⁷¹ *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).

⁷² *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted).

83. By categorically revoking Petitioner's release by the Office of Refugee Resettlement per the TVPRA, and detaining him without any consideration of his individualized facts and circumstances, Respondents have violated the APA.

84. Respondents have made no finding that Petitioner is a danger to the community. Respondents have made no finding that Petitioner is a flight risk and did not consider his arguments in favor of his release on bond. Instead, the Court found it did not have jurisdiction over Petitioner's bond request (presumably relying on *In re Yajure Hurtado*).

85. Respondents also violated the APA by revoking Petitioner's deferred action without any articulable cause.

86. Respondents also are in violation of the APA by failing to file a Notice to Appear and institute removal proceedings, while maintaining Petitioner in custody.⁷³

COUNT FOUR

PETITIONER'S REMOVAL THE VIOLATES THE SUSPENSION CLAUSE

87. Petitioner re-alleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

88. The Respondents' removal of R.V.B. without any opportunity for meaningful judicial review of the unlawfulness of that removal would violate the Suspension Clause.

REQUEST FOR ORAL ARGUMENT

89. Petitioner respectfully requests oral argument on this Petition.

⁷³ Respondent also argues that, should the Department commence removal proceedings against him, it would violate the APA to remove him despite his approved and unrevoked I-360 application for Special Immigrant Juvenile Status, as his removal would prohibit him from pursuing his permanent residency, for which he is eligible based on that SIJS approval per the TVPRA.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter and order Respondents to show cause why the writ should not be granted and order briefing and a hearing consistent with the parties' agreed upon scheduling letter;
2. Enjoin Respondents from removing Petitioner from the United States pending the resolution of this case;
3. Enjoin Respondents from moving Petitioner to another detention facility or outside the current jurisdiction;
4. Declare that the detention process as applied to Petitioner by Respondents violates the Due Process Clause of the Fifth Amendment, the INA, the APA, and federal regulations;
5. Issue a writ of habeas corpus directing Respondents to pursue a constitutionally adequate process to justify adverse immigration actions against Petitioner;
6. Stay Petitioner's removal from the United States until he exhausts the process, successfully or otherwise, of pursuing relief from removal by virtue of his Special Immigrant Juvenile Status and parole into the country for the purposes of adjustment;
7. Find that Petitioner is no subject to mandatory detention and order the immigration judge to enter a decision regarding Petitioner's custodial redetermination request on the merits of the case and not on jurisdictional grounds;
8. Order that the Department of Homeland Security employ the least restrictive setting to ensure Petitioner's presence at a future immigration court hearing date, such as the Alternatives to Detention program, pursuant to the TVPRA's requirements for UAC treatment;

9. 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, or other statutes; and
10. Grant such further relief as the Court deems just and proper.

Dated this 15th day of October, 2025.

Respectfully Submitted,

/s/Mechelle Zarou

Mechelle Zarou, Esq. (0073028)

6832 Convent Blvd.

Sylvania, OH 43560

Phone: 419.356.9959

Fax: 419.824.3700

MZarou@sistersosf.org

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of the Petitioner with a Motion for Admittance Pro Hac Vice for the Petitioner's Counsel. Petitioner's attorney has discussed with Petitioner the events described in this Petition. Petitioner's Counsel and I make this verification in lieu of and acting on behalf of Petitioner, Ronaldo Velasquez Bartolon, because the Petitioner is currently detained and because of the urgent nature of the relief requested. On the basis of those discussions, on information and belief, Petitioner's Counsel hereby verifies that the factual statements made in the attached Verified Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief are true and correct to the best of her knowledge.