UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FIDEL A. PENA-GIL,
(A[redacted]

Petitioner

v.

TODD M. LYONS, in his official capacity as Acting Director, U.S. Immigration and Customs Enforcement; ROBERT GUADIAN, Field Director of the Denver Field Office; WARDEN, Aurora Contract Detention Facility;

Respondents

Case No. 1:25-cv-3268

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

INTRODUCTION

1. Petitioner Fidel A. Pena-Gil ("Mr. Pena") is a native and citizen of Cuba, who entered the United States in 1980 as part of the Mariel Boatlift.
2. After serving his sentence for a conviction in the late 1980s, Mr. Pena spent approximately two years in immigration custody. When the former Immigration and Naturalization Service (INS) was unable to deport Mr. Pena, it released him from custody. *See Suarez-Tejeda v. U.S.*, 85 Fed. App'x 711, 712 (10th Cir. 2004) (noting that "Cuba refuses the return of her citizens."); *accord Morales-Fernandez v. INS*, 418 F.3d 1116, 1118 (10th Cir. 2005).
3. Mr. Pena has followed all immigration directives since that time and is not a flight risk or a danger to the community.

4. Nevertheless, in June 2025, the Department of Homeland Security (DHS) Immigration and Customs Enforcement (ICE) placed Mr. Pena in immigration custody at a routine immigration check-in.

5. Despite not being able to remove Mr. Pena to Cuba (or, upon information and belief, to Mexico), ICE continues to detain Mr. Pena in violation of the regulations and his constitutional rights.

JURISDICTION AND VENUE

6. This action arises under the Due Process Clause of the Fifth Amendment and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101, et seq.

7. This Court has subject-matter jurisdiction under 28 U.S.C. § 1331 (federal questions), 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1651 (All Writs Act), and 28 U.S.C. §§ 2201-02 (declaratory relief).

8. Venue is proper because Mr. Pena's immediate custodian at Aurora Contract Detention Facility is located in this District and a "substantial part of the events or omissions giving rise to the claim" occurred in this District. 28 U.S.C. § 1391(e)(1).

PARTIES

9. Petitioner Fidel Pena-Gil is a native and citizen of Cuba. As of the filing of this Petition, ICE is detaining him at Aurora Contact Detention Facility in Aurora, Colorado. *See* Ex. A.

10. Respondent Todd M. Lyons is the Acting Director of ICE, responsible for ICE's detention and removal operations and all its other functions. He is sued in his official capacity.

11. Respondent Robert Guadian is the Field Office Director of the ICE Denver Field Office and is responsible for ICE's operations in Colorado where Mr. Pena is held. He is sued in his official capacity.

12. Respondent Warden, Aurora Contact Detention Facility, is the immediate custodian of Mr. Pena. The Warden is sued in his/her official capacity.

REQUIREMENTS OF 28 U.S.C. § 2243

13. The Court must grant the petition for a writ of habeas corpus or order Respondents to show cause "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

14. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

15. Mr. Pena has been detained for over four months without reason or justification. Because his continued detention is unlawful and in violation of his Constitutional rights, he requests the Court order Respondents to submit a return within three days or another period of time that is reasonable, but not to exceed twenty days.

EXHAUSTION

16. The decision to detain Mr. Pena is subject to challenge through a petition for a writ of habeas corpus, and he need not exhaust any administrative remedies which might be available to him before seeking this Court's review as Congress has not specifically mandated it. *See McCarthy v. Madigan*, 503 U.S. 140, 144 (1992) ("Where Congress specifically mandates, exhaustion is

required. But where Congress has not clearly required exhaustion, sound judicial discretion governs.").

17. Furthermore, any administrative consideration for release that should happen pursuant to regulation has not occurred.

18. Because detaining Mr. Pena violates his right to due process, administrative exhaustion is excused. *See Guitard v. U.S. Sec'y of the Navy*, 967 F.2d 737, 741 (2d Cir. 1992) ("Exhaustion of administrative remedies may not be required when . . . a plaintiff has raised a 'substantial constitutional question.'").

LEGAL BACKGROUND

Statutory Basis for Detention

15. Because Mr. Pena was ordered excluded prior to the 1996 Illegal Immigration Reform and Immigration Responsibility Act (IIRIRA), his potential deportation is governed by the prior statutes, including 8 U.S.C. § 1182(a)(9)(20) (rendering a noncitizen who is not in possession of a valid immigrant visa excludable), § 1227 (1988) (providing for deportation of excludable noncitizens).

16. At the time of Mr. Pena's exclusion proceedings, the Immigration and Nationality Act (INA) had a provision that mandated detention of an excludable noncitizen "for further inquiry" as to whether the noncitizen should be entitled to enter the United States. 8 U.S.C. § 1225(b) (1988). The 1988 INA also provided that any noncitizen "arriving in the United States who is excluded under this chapter, shall be immediately deported . . . unless the Attorney General, in an individual case, in his discretion, concludes that immediate deportation is not practicable or proper." 8 U.S.C. § 1227(a)(1) (1988).

17. Over time, the INA has also required some form of mandatory detention for individuals subject to final exclusion or removal orders. *See, e.g.*, 8 U.S.C. § 1226(e)(1) (1990); 8 U.S.C. § 1231(a)(1)(A) (2025).

18. The statutory scheme changed in 1996 with the passage of IIRIRA, and the currently applicable statute regarding detention of noncitizens who have been ordered removed is 8 U.S.C. § 1231. When considering claims of continued detention, courts have extended the statutory construction of § 1231 to apply to individuals who had been ordered excluded. *See Arango Marquez v. INS*, 346 F.3d 892, 894, 897-98 (9th Cir. 2003).

Detention Procedures for Certain Cuban Nationals

19. Individuals like Mr. Pena who last entered the United States between April 15, 1980 and October 20, 1980 and who are, inter alia, subject to an exclusion order and who have previously been released, are not subject to mandatory detention. *See* 8 C.F.R. § 212.12 (setting forth the ability to grant parole).

20. The regulations set forth a process and procedure for the release of Mariel Cubans from custody pending their deportation that includes the review of certain cases. 8 C.F.R. § 212.12(c)-(e); *Perez-Diago v. Gunja*, 261 F. Supp. 2d 1246, 1247 (D. Co. 2003) (recognizing that the Cuban Review Plan, 8 C.F.R. § 212.12, "is a federal regulatory scheme promulgated in 1987 to establish procedures for immigration parole determinations regarding Mariel Cubans.").

21. Specifically, the Cuban Review Plan requires periodic review, including within three months of detention, to consider whether parole is warranted. 8 C.F.R. § 212.12. The regulations set forth numerous factors to consider, including whether the noncitizen is violent or likely to pose a threat to the community, whether the noncitizen is likely to violate the conditions of his

parole, the likelihood that the noncitizen will abscond, and the noncitizen's ties to the United States. *See* 8 C.F.R. § 212.12(d)(3).

22. The regulation also indicates when a Mariel Cuban can be re-detained after previous release on parole. 8 C.F.R. § 212.12(h). The Associate Commissioner for Enforcement has the discretionary authority to revoke parole for Mariel Cubans, upon a determination that the purpose of the parole had been served, the individual violated a condition of parole, it is appropriate to enforce an order of exclusion, or the parole period has expired. 8 C.F.R. § 212.12(h).

23. This determination must include "*some* individualized facially legitimate and bona fide reason for denying parole, and *some* factual basis for that decision in each individual case." *Sierra v. INS*, 258 F.3d 1213, 1218 (10th Cir. 2001); *accord Borges-Brindis v. Gunja*, 97 F. App'x 896, 897 (10th Cir. 2004).

Third Country Removal Procedures

24. For individuals subject to deportation prior to 1990, the INA provided a statutory process for identifying a third country for deportation. 8 U.S.C. § 1227(a) (1988).

25. First, the government was required to deport the noncitizen "to the country in which the [noncitizen] boarded the vessel or aircraft on which he arrived in the United States" unless the noncitizen arrived from a contiguous territory and the noncitizen was not a native or resident in such contiguous territory. 8 U.S.C. § 1227(a)(1) (1988).

26. If the government of the contiguous country described in § 1227(a)(1) will not accept the noncitizen, the noncitizen's "deportation shall be directed by the Attorney General" to any of the following: "(A) the country of which the [noncitizen] is a subject, citizen, or national; (B) the country in which he was born; (C) the country in which he has a residence; or (D) any

country which is willing to accept the alien into its territory, if deportation to any of the foregoing countries is impracticable, inadvisable, or impossible." 8 U.S.C. § 1227(a)(2) (1988).

Constitutional Limitations on Detention

27. In considering the continued detention of an individual who is not deportable to their country of nationality, this Court must recognize established Constitutional boundaries on immigration detention. *Rodriguez-Fernandez v. Wilkinson*, 654 F.2d 1382, 1387 (10th Cir. 1981) (concluding that "an excluded alien in physical custody within the United States may not be 'punished' without being accorded the substantive and procedural due process guarantees of the Fifth Amendment.").

28. "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; *Reno v. Flores*, 507 U.S. 292, 306 (1993) ("It is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings."). *See Zadvydas*, 533 U.S. at 717 (Scalia, dissenting) (recognizing that the result of the case would involve the release of "Mariel Cubans and other illegal, inadmissible aliens" who would otherwise be subject to detention); *see also Clark v. Martinez*, 543 U.S. 371, 375, 377-78 (2005).

29. "Federal circuit and districts courts have long held deportable aliens in custody more than a few months must be released because such detention has become imprisonment." *Rodriguez-Fernandez*, 654 F.2d at 1387.

STATEMENT OF RELEVANT FACTS

30. Mr. Pena is a native and citizen of Cuba. He was paroled into the United States in May 1980 during the Mariel Boatlift. *See* Ex. B.

31. In December 1987, after a 1986 conviction for false statements in the acquisition of a firearm, Mr. Pena was placed in exclusion proceedings on the basis that he was not in the possession of a valid visa or entry document.

32. In 1988, after his release from criminal custody, the former Immigration and Naturalization Service (INS) placed him in immigration custody.

33. In January 1989, an immigration judge ordered Mr. Pena excluded from admission and subject to deportation. *See* Ex. C.

34. In 1989, after a panel had recommended his release from immigration custody, the former Immigration and Naturalization Service Commissioner denied, as a matter of discretion, Mr. Pena's request for parole from immigration custody based on his criminal history. *See* Ex. D.

35. Upon information and belief, the former INS was unable to deport Mr. Pena to Cuba or any other country at the time. He was released from immigration custody after approximately two years.

36. Mr. Pena complied with all government directives to report regarding his immigration status between his release and 2025.

37. There is no indication that Mr. Pena has violated any terms of his release from immigration custody during the last thirty years.

38. In June 2025, Mr. Pena appeared at a check-in for an order of supervision and the Department of Homeland Security (DHS) placed him in immigration custody.

39. At that time, DHS gave him a "warning to Alien Ordered Removed or Deported" stating that he has been ordered removed by an immigration judge under section 240 of the Immigration and Nationality Act (INA), 8 U.S.C. § 1229a. *See* Ex. E. However, Mr. Pena has never been in proceedings under 8 U.S.C. § 1229a; he was ordered excluded prior to IIRIRA (which enacted § 1229a). *See* Ex. C.
40. Since that time, Immigration and Customs Enforcement (ICE) officers have, several times, attempted to persuade Mr. Pena to voluntarily go to Mexico.
41. Upon information and belief, Mexico will not accept Mr. Pena because he is a Cuban who entered the United States prior to 1984.
42. Since his detention in June 2025, ICE has transferred Mr. Pena to several different detention facilities during its efforts to convince Mr. Pena to voluntarily go to Mexico, but he has returned to the Aurora Contact Detention Facility.
43. Upon information and belief, ICE has not identified any other third country to which Mr. Pena could go or justified his detention under the Cuban Release Plan.
44. ICE has not provided Mr. Pena any notice that they are considering deporting him to a third country. However, Mr. Pena is fearful that because ICE cannot deport him to Cuba, that it will send him to a third country without being provided an opportunity to assert a fear of deportation or seek protection from going to that country.

CLAIMS FOR RELIEF

COUNT ONE

Accardi Claim, Violation of 8 C.F.R. § 212.12

45. Mr. Pena realleges and incorporates by reference the paragraphs above.

46. The Supreme Court's decision in *United States ex. rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954) established the well-settled principle that agency actions in violation of its own regulations and procedures offends due process. 347 U.S. 260, 267-68 (1954).

47. "*Accardi* stands for the proposition that an agency must adhere to its own rules and regulations when an individual's due process interests are implicated." *Barrie v. FAA*, 16 F. App'x 930, 934 (10th Cir. 2001).

48. The Accardi doctrine applies with particular force "[w]here the rights of individuals are affected." *Morton v. Ruiz*, 415 U.S. 199, 235 (1974). The doctrine's purpose is "to prevent the arbitrariness which is inherently characteristic of an agency's violation of its own procedures." *United States v. Heffner*, 420 F.2d 809, 812 (4th Cir. 1969).

49. "A due process violation occurs when detention becomes punitive rather than regulatory, meaning there is no regulatory purpose that can rationally be assigned to the detention or the detention appears excessive in relation to its regulatory purpose." *United States v. Torres*, 995 F.3d 596, 708 (9th Cir. 2021); *accord Espinoza v. Wofford*, No. 1:24-cv-1118, 2025 WL 1556590, *7 (E.D. Cal. June 2, 2025).

50. In detaining Mr. Pena, DHS failed to abide by its own regulations limiting the circumstances under which it may re-detain a noncitizen. *See* 8 C.F.R. § 212.12(e), (h). Mr. Pena's circumstances have not changed since his last check-in; he has not committed a crime, there is no evidence that he is now likely to violate any conditions of his parole, his past history of

criminal behavior was more than 20 years ago, and his ties to the United States—including U.S. citizen children and extended family—remain significant.

51. Mr. Pena has not been provided any reason for the revocation of his release much less an opportunity to respond as DHS's own regulations require.

52. Mr. Pena has been re-detained for over four months and, upon information and belief, Respondents have also failed to comply with 8 C.F.R. § 212(1)(g)(1) during that time.

53. There are no circumstances justifying revocation or continued detention when there is no identified country of removal.

54. DHS's failure to follow its own regulations in detaining him and keeping him detained clearly prejudice Mr. Pena by subjecting him to arbitrary detention that serves no legitimate governmental purpose or objective.

55. Thus, DHS's departure from its own regulations and procedures violated his procedural due process rights.

COUNT TWO

Substantive Due Process

56. Mr. Pena realleges and incorporates by reference the paragraphs above.

57. Mr. Pena was ordered excluded in 1988. The government spent two years seeking to deport him, during which time he was detained, and has since been unable to deport him. *See Nanbounmy v. Cantu*, 2:25-cv-3294 (D. Az. Oct. 2, 2025) (recognizing that "the Government's previous inability to remove him is sufficient to establish a good reason to believe Petitioner's removal is unlikely").

58. Mr. Pena's continued detention is punitive and violates his right to due process. *Maniar v. Warden Pine Prairie Corr. Ctr.*, No. 6:18-CV-00544, 2018 U.S. Dist. LEXIS 250323, at *14

(W.D. La. July 11, 2018) (citing *United States v. Hare*, 873 F.2d 796, 800 (5th Cir. 1989)) Civil detention becomes constitutionally impermissible punishment if "it is not reasonably related to a legitimate nonpunitive governmental objective" such that "an intent to punish may be inferred." *Id.* (quoting *Martin v. Gentile*, 849 F.2d 863, 870 (4th Cir. 1988)); *see also Bell v. Wolfish*, 441 U.S. 520 (1979); *Zadvydas*, 533 U.S. at 690 (holding that civil detention violates due process except in "narrow, non-punitive circumstances where a special justification, such as harm-threatening mental illness outweighs the individual's constitutionally protected interest in avoiding physical restraint.") (cleaned up).

59. "Detention pending deportation seems properly analogized to incarceration pending trial or other disposition of a criminal charge, and is, thus, justifiable only as a necessary, temporary measure." *Rodriguez-Fernandez v. Wilkinson*, 654 F.2d 1382, 1387 (10th Cir. 1981).

60. *Zadvydas* recognized two interests potentially served by civil immigration detention—ensuring the appearance of noncitizens at future immigration proceedings and preventing danger to the community. 533 U.S. at 690.

61. Mr. Pena's detention serves neither interest. He has lived in the United States without criminal conviction for decades, and is neither a danger to the community nor a flight risk. The Government's interest in preventing flight is "weak or nonexistent where removal seems a remote possibility." *Id.*

62. Mr. Pena's detention is not necessary to protect the community, and Respondents have not claimed that it is. Even if they had, Respondents cannot justify his detention on those grounds absent "strong procedural protections." *Id.* at 690-91. Yet, Mr. Pena was provided no notice that he would be detained, no notice that his decades-old release from custody had been rescinded or violated for justifiable reasons, and no opportunity to dispute any claims that

allowing him to remain free pending the identification of a third country willing to accept him for deportation.

63. Because ICE's detention of Mr. Pena serves no legitimate purpose, it amounts to punishment in violation of the Fifth Amendment.

COUNT THREE

Violation of Immigration and Nationality Act, Likelihood of Removal

64. Mr. Pena realleges and incorporates by reference the paragraphs above.

65. In *Zadvydas*, the Supreme Court discussed a period of presumptively reasonable detention that extended six months after the order of removal. 533 U.S. at 696-99. If removal (or, here, deportation), is not reasonably foreseeable at that point, detention is not authorized by the statute. *Id.* at 699; *see Rosales-Garcia v. Holland*, 322 F.3d 386, 415 (6th Cir. 2003) (applying the *Zadvydas* reasoning to cases involving excludable noncitizens).

66. Mr. Pena was detained for two years many decades ago, at which time the government could not effectuate his deportation. The presumptive period of reasonable detention has long since expired and Mr. Pena is not subject to mandatory detention. Upon information and belief, he cannot be deported to Cuba and ICE has not identified a third country to which he could be deported.

67. Respondents' detention of Mr. Pena exceeds ICE's statutory detention authority to detain because there is no significant likelihood of removal in the reasonably foreseeable future.

COUNT FOUR

Procedural Due Process Violation, Third-Country Removal

68. Mr. Pena realleges and incorporates by reference the paragraphs above.

69. All individuals within the United States, including noncitizens, are entitled to due process. *Zadvydas*, 533 U.S. at 693; *Rodriguez-Fernandez v. Wilkinson*, 654 F.2d 1382, 1387 (10th Cir. 1981) ("an excluded alien in physical custody within the United States may not be 'punished' without being accorded the substantive and procedural due process guarantees of the Fifth Amendment.").

70. As a person living in the United States, Mr. Pena is entitled to due process of law. U.S. Const. amend. V; *see generally Zadvydas*, 533 U.S. 678.

71. Respondents have not identified any country to which Mr. Pena could be removed. Respondents' failure to provide any procedure or explanation for their continued detention and supposed attempts to deport Mr. Pena violates his due process rights. *Rodriguez-Fernandez*, 654 F.2d at 1386 (requiring the release of a detained Cuban who could not return to Cuba); *Nguyen v. Scott*, -- F. Supp. 3d --, 2025 WL 2419288 (W.D. Wa. Aug. 21, 2025) (discussing ICE's third-country removal procedures and holding that removal to a third country without meaningful notice and reopening of his immigration proceedings for a hearing would violate due process).

72. Moreover, ICE's failure to provide notice of what third countries it is seeking violates his constitutional right to procedural due process by depriving him of the opportunity to seek protection from such a removal.[1] *See Jama v. Immigr. & Customs Enf't*, 543 U.S. 335, 348

[1] Mr. Pena anticipates that Respondents will move to dismiss this case as being duplicative of the class action in *D.V.D. v. U.S. Department of Homeland Security*, No. 25-10676, 2025 WL 1142968 (D. Mass. Apr. 18, 2025). However, Mr. Pena primarily seeks relief from detention pending any

(2005) (explaining that individuals who "face persecution or other mistreatment in the country designated" as their place of removal "have a number of available remedies," by statute, regulation, and under international law, to "ensur[e] their humane treatment"); *Andriasian v. I.N.S.*, 180 F.3d 1033, 1041 (9th Cir. 1999) (finding that "last minute designation" of removal country during formal proceedings "violated a basic tenet of constitutional due process: that individuals whose rights are being determined are entitled to notice of the issues to be adjudicated, so that they will have the opportunity to prepare and present relevant arguments and evidence"); *See* Tr. of Oral Argument at 33, *Bondi v. Riley*, No. 23-1270 (S. Ct. Mar. 24, 2025) (Assistant to the Solicitor General: "We would have to give the person notice of the third country and give them the opportunity to raise a reasonable fear of torture or persecution in that third country.").

73. For over thirty years, Respondents have made no effort to deport Mr. Pena or those efforts were unsuccessful.

74. There is no indication that Respondents have sought a third country that would receive Mr. Pena that would not also violate his Constitutional rights.

75. Respondents' detention of Mr. Pena without any notice and opportunity to contest the detention violates his due process rights.

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removal, and thus his claim differs from the claims in *D.V.D. See Zavvar v. Scott, et al.*, 1:25-cv-2104, 2025 WL 2592543 (D. Md. Sept. 8, 2025). To be sure, any declaratory or injunctive relief sought or provided for in *D.V.D.* is separate from Mr. Pena's request for habeas relief due to a lack of notice and opportunity to challenge a third country of removal. To the extent the Court disagrees, Mr. Pena requests the Court stay the petition (and Mr. Pena's removal to a third country) pending the outcome of *D.V.D. See Zavvar*, 2025 WL 2592543, *3.

COUNT FIVE

Violation of the Immigration and Nationality Act, Third Country Removal

76. Mr. Pena realleges and incorporates by reference the paragraphs above.

77. Respondents have not established that deportation to Cuba or any of the alternative countries listed in 8 U.S.C. § 1227(a)(2) (1988) is impractical, inadvisable, or impossible.

78. Respondents have also failed to identify or establish any other third country which is willing to accept him.

79. Respondents have not identified a third country and thus cannot have complied with 8 U.S.C. § 1227(a) (1988), which precludes the deportation a noncitizen to a country in which his life or freedom may be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion.

80. Because Respondents have failed to follow the deportation procedures in 8 U.S.C. § 1227(a) (1988), Mr. Pena's detention and any attempts to remove him to an unidentified third country are unlawful.

PRAYER FOR RELIEF

Based on the foregoing, Mr. Pena requests that this Court:

(1) Assume jurisdiction over this matter;

(2) Issue an emergency order staying Mr. Pena's transfer outside the District of Colorado and his removal from the United States;

(3) Declare that Mr. Pena's immigration detention violates the regulations and order his release;

(4) Declare that Mr. Pena's detention violates the Due Process Clause of the Fifth Amendment to the U.S. Constitution;

(5) Declare that Mr. Pena's detention violates the Immigration and Nationality Act;

(6) Preclude Respondents from removing Mr. Pena to a third country without following proper procedures;

(7) Grant attorneys' fees and costs of this suit under the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412(2), et seq.;

(8) Grant any further relief this Court deems just and proper.

Dated: October 16, 2025

Respectfully submitted,

/s/ Jessica A. Dawgert

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VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of the Petitioner because I am Petitioner's attorney. I or my legal assistants have discussed with Petitioner and his family the events described in this Petition. Based on those discussions and documents Petitioner's family has provided to me, I hereby verify that the statements made in this Petition for a Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: October 16, 2025

Respectfully submitted,

/s/ Jessica A. Dawgert

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