

1 Alycia T. Moss, ISB No. 7206
2 **FENNEMORE CRAIG, P.C.**
3 233 E Harrison Ave
4 Coeur d' Alene, ID 83814
5 Tel: (208) 956-0140 / Fax: (208) 956-0139
6 amos@fennemorelaw.com

7 Attorney for Petitioner

8 **UNITED STATES DISTRICT COURT**
9 **FOR THE DISTRICT OF IDAHO**

10 **SERVANDO TORRES HERNANDEZ,**

11 Petitioner,

12 v.

13 **PAMELA BONDI**, Attorney General;
14 **KRISTI NOEM**, Secretary of Homeland
15 Security; **TODD LYONS**, Acting Director,
16 U.S. Immigration and Customs Enforcement
17 (ICE); **JASON KNIGHT**, Field Officer
18 Director, ICE Salt Lake Field Office;
19 **KENNETH PORTER**, Field Officer Director,
20 ICE Boise Field Sub-Office;
21 **STEVE ANDERSON**, Sheriff, Jefferson
22 County, Idaho,

23 Respondents.

Case No.

**PETITION FOR WRIT OF HABEAS
CORPUS UNDER 28 U.S.C. § 2241
AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF FOR AN ORDER TO SHOW
CAUSE**

Agency File Number: Unknown

24 **INTRODUCTION**

25 1. Petitioner, **SERVANDO TORRES HERNANDEZ**, is a citizen of Mexico who is
26 present in the United States without lawful immigration status, not in removal proceedings, and
27 has a U.S. citizen wife. On October 19, 2025, Mr. Torres Hernandez was seized by agents with
28 Immigration and Customs Enforcement (ICE) during a multiagency raid at a racetrack in Wilder,
Idaho.

2. He now faces unlawful detention because the Department of Homeland Security

1 (DHS) and the Executive Office of Immigration Review (EOIR) have concluded that aliens who
2 entered the United States without inspection are subject to mandatory detention without the
3 possibility of bond.

4 3. DHS's policy, issued on July 8, 2025, instructs all Immigration and Customs
5 Enforcement (ICE) employees to consider anyone inadmissible under § 1182(a)(6)(A)(i)—i.e.,
6 those who entered the United States without admission or inspection—to be subject to detention
7 under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.

8 4. Likewise, on September 5, 2025, the Board of Immigration Appeals (BIA or
9 Board) issued a precedent decision, binding on all immigration judges, holding that an
10 immigration judge has no authority to consider bond requests for any person who entered the
11 United States without admission. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).
12 The Board determined that such individuals are subject to detention under 8 U.S.C. §
13 1225(b)(2)(A) and therefore ineligible to be released on bond.

14 5. Petitioner's detention on this basis violates the plain language of the Immigration
15 and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who
16 previously entered and are now residing in the United States. Instead, such individuals are subject
17 to a different statute, § 1226(a), that allows for release on conditional parole or bond. That statute
18 expressly applies to people who, like Petitioner, are charged as inadmissible for having entered
19 the United States without inspection.

20 6. Respondents' new legal interpretation is plainly contrary to the statutory
21 framework and contrary to decades of agency practice applying § 1226(a) to people like
22 Petitioner.

23 7. Petitioner asks the Court to issue a writ of habeas corpus by determining that his
24 detention is not justified because the government has not established by clear and convincing
25 evidence that he presents a risk of flight or danger in light of available alternatives to detention,
26 and order his release. In the alternative, he asks the Court to issue a writ of habeas corpus and
27 order his release within 20 days unless Respondents schedule a bond hearing before an
28 immigration judge, wherein they will bear the burden to demonstrate that he is a danger to the

1 community or a flight risk to justify continued detention.

2 8. Petitioner asks this Court to find that his apprehension and detention without
3 opportunity for bond was unconstitutional and to order his release, and to stay his transportation
4 out of the Court’s jurisdiction.

5 9. The Court must grant the petition for writ of habeas corpus or issue an order to
6 show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28
7 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a
8 return “within *three days* unless for good cause additional time, not exceeding twenty days, is
9 allowed.” *Id.* (emphasis added).

10 10. Courts have long recognized the significance of the habeas statute in protecting
11 individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most
12 important writ known to the constitutional law of England, affording as it does a *swift* and
13 imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400
14 (1963) (emphasis added). “The application for the writ usurps the attention and displaces the
15 calendar of the judge or justice who entertains it and receives prompt action from him within the
16 four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation
17 omitted).

18 **PARTIES**

19 11. Petitioner, Servando Torres Hernandez is a citizen of Mexico who is presently
20 detained at either the Jefferson County Jail or ICE custody in Idaho.

21 12. Respondent Pamela Bondi is sued in her official capacity as the Attorney General
22 of the United States. She has responsibility over the Executive Office for Immigration Review,
23 which decides removal cases and applications for relief from removal.

24 13. Respondent Kristi Noem is sued in her official capacity as the Secretary of the
25 Department of Homeland Security (DHS). She is the cabinet-level secretary responsible for all
26 immigration enforcement in the United States.

27 14. Respondent Todd Lyons is sued in his official capacity as the Acting Director of
28 U.S. Immigration and Customs Enforcement (ICE). He is the head of the federal agency

1 responsible for all immigration enforcement in the United States.

2 15. Respondent Jason Knight is sued in his official capacity as the Field Office
3 Director of the ICE Salt Lake City Field Office. He is responsible for overseeing ICE operations
4 pertaining to noncitizens within its territorial jurisdiction, including detentions, enforcement, and
5 removal operations.

6 16. Respondent Kenneth Porter, is sued in his official capacity as the Field Officer
7 Director of the ICE Boise Field Sub-Office. He is the immediate legal custodian of the petitioner
8 for purposes of a federal habeas petition.

9 17. Respondent Steve Anderson is sued in his official capacity as the Sheriff of the
10 Jefferson County Jail, where the petitioner is being detained. Mr. Anderson has direct custody of
11 the petitioner.

12 **JURISDICTION**

13 18. This Court has jurisdiction over this matter under 18 U.S.C. § 1331 (federal
14 question jurisdiction); 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1651 (All Writs Act); 28
15 U.S.C. § 2241 et seq. (declaratory action), Immigration and Nationality Act (INA), 8 U.S.C. §
16 1101 et seq., and the Suspension Clause of Article I, § 9, cl. 2, of the U.S. Constitution. *See INS v.*
17 *St. Cyr*, 533 U.S. 289 (2001).

18 19. The Court may grant relief under habeas corpus, the All Writs Act, the Declaratory
19 Judgment Act, 28 U.S.C. § 2201 et seq., and the Administrative Procedures Act, 5 U.S.C. § 701
20 et seq.

21 20. No other petitions, appeals, or motions regarding habeas corpus have been filed
22 with any other court.

23 **VENUE**

24 21. Venue in the District of Idaho is appropriate under 28 U.S.C. § 1391(e)(1) because
25 the Petitioner is detained in this judicial district.

26 22. Venue is further appropriate under 28 U.S.C. § 1391(e)(1) because the
27 Respondents live, work, and/or operate within this judicial district and because the actions which
28 gave rise to this Petition took place in Wilder, Idaho and other areas of Idaho, which falls within

1 this judicial district.

2 **REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243**

3 23. The Court must grant the petition for writ of habeas corpus or issue an order to
4 show cause (OSC) to the Respondents “forthwith,” unless the petitioner is not entitled to relief. 28
5 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return “within
6 three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

7 24. Courts have long recognized the significance of the habeas statute in protecting
8 individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most
9 important writ known to the constitutional law of England, affording as it does a swift and
10 imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400
11 (1963).

12 **LEGAL FRAMEWORK**

13 25. The Supreme Court has stated that it “‘is well established the Fifth Amendment
14 entitles aliens to due process of law in deportation proceedings.’” *Demore v. Kim*, 538 U.S. 510,
15 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). “Freedom from imprisonment—
16 from government custody, detention, or other forms of physical restraint— lies at the heart of the
17 liberty” that the Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); see
18 also *id.* at 718 (Kennedy, J., dissenting) (“Liberty under the Due Process Clause includes
19 protection against unlawful or arbitrary personal restraint or detention.”). This fundamental due
20 process protection applies to all noncitizens, including both removable and inadmissible
21 noncitizens. See *id.* at 721 (Kennedy, J., dissenting) (“both removable and inadmissible aliens are
22 entitled to be free from detention that is arbitrary or capricious”).

23 26. Due process therefore requires “adequate procedural protections” to ensure that the
24 government’s asserted justification for physical confinement “outweighs the individual’s
25 constitutionally protected interest in avoiding physical restraint.” *Id.* at 690 (internal quotation
26 marks omitted). In the immigration context, the Supreme Court has recognized only two valid
27 purposes for civil detention — to mitigate the risks of danger to the community and to prevent
28 flight. *Id.*; *Demore*, 538 U.S. at 528.

1 27. The Immigration and Nationality Act (INA) prescribes three basic forms of
2 detention for noncitizens in removal proceedings.

3 28. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard non-
4 expedited removal proceedings before an immigration judge (IJ). See 8 U.S.C. § 1229a.
5 Individuals in § 1226(a) detention are entitled to a bond hearing at the outset of their detention,
6 see 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with,
7 or convicted of certain crimes are subject to mandatory detention, see 8 U.S.C. § 1226(c).

8 29. Second, the INA provides for mandatory detention of noncitizens subject to
9 expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission
10 referred to under § 1225(b)(2).

11 30. Last, the Act also provides for detention of noncitizens who have been previously
12 ordered removed, including individuals in withholding-only proceedings, see 8 U.S.C. § 1231(a)–
13 (b).

14 31. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

15 32. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the
16 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No.
17 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583, 3009–585. Section
18 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119-1,
19 139 Stat. 3 (2025).

20 33. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining
21 that, in general, people who entered the country without inspection were not considered detained
22 under § 1225 and that they were instead detained under § 1226(a). See *Inspection and Expedited*
23 *Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum*
24 *Procedures*, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

25 34. Thus, in the decades that followed, most people who entered without inspection —
26 unless they were subject to some other detention authority — received bond hearings. That
27 practice was consistent with many more decades of prior practice, in which noncitizens who were
28 not deemed “arriving” were entitled to a custody hearing before an IJ or other hearing officer. See

1 8 U.S.C. § 1252(a) (1994); see also H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that §
2 1226(a) simply “restates” the detention authority previously found at § 1252(a)).

3 35. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that
4 rejected well-established understanding of the statutory framework and reversed decades of
5 practice.

6 36. The new policy, entitled “Interim Guidance Regarding Detention Authority for
7 Applicants for Admission,” claims that all persons who entered the United States without
8 inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A). The
9 policy applies regardless of when a person is apprehended and affects those who have resided in
10 the United States for months, years, and even decades.

11 37. Respondents’ new policy turns this well-established understanding on its heads
12 and violates the statutory scheme.

13 38. Indeed, this legal theory that noncitizens who entered the United States without
14 admission or parole are ineligible for bond hearings was already rejected by a District Court in
15 the Western District of Washington, finding that such individuals are entitled to bond
16 redetermination hearings before immigration judges, and rejecting the application of § 1225(b)(2)
17 to such cases. *Rodriguez v. Bostock*, No. 3:25-CV-05240- TMC, 2025 WL 1193850, at *12 (W.D.
18 Wash. Apr. 24, 2025).

19 39. Despite this finding from a federal court, in July 2025, ICE released a
20 memorandum instructing its attorneys to coordinate with the Department of Justice, the agency
21 housing EOIR, to reject bond redetermination hearings for applicants who arrived in the United
22 States without documents.

23 40. A May 22, 2025, unpublished BIA decision confirms that EOIR is taking this
24 same position that noncitizens who entered the United States without admission or parole are
25 ineligible for immigration judge bond hearings.

26 41. On September 5, 2025, the BIA adopted this same position in a published decision,
27 *Matter of Yajure Hurtado*. There, the Board held that all noncitizens who entered the United
28 States without admission or parole are subject to detention under § 1225(b)(2)(A) and are

1 ineligible for IJ bond hearings.

2 42. This is now a widespread position applying across the United States.

3 43. Since Respondents adopted their new policies, dozens of federal courts have
4 rejected their new interpretation of the INA's detention authorities. Courts have likewise rejected
5 *Matter of Yajure Hurtado*, which adopts the same reading of the statute as ICE.

6 44. Subsequently, court after court adopted the same reading of the INA's detention
7 authorities and rejected ICE and EOIR's new interpretation. See, e.g., *Gomes v. Hyde*, No. 1:25-
8 CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*, No. CV 25-
9 11613-BEM, --- F. Supp. 3d ----, 2025 WL 2084238 (D. Mass. July 24, 2025); *Rosado v.*
10 *Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025),
11 report and recommendation adopted, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133
12 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588
13 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE, 2025 WL
14 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW
15 (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-BEM,
16 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH), 2025 WL
17 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF, 2025 WL
18 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL
19 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025 WL
20 2472136 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051 (ECT/DJF), --- F.
21 Supp. 3d ----, 2025 WL 2466670 (D. Minn. Aug. 27, 2025) *Lopez-Campos v. Raycraft*, No. 2:25-
22 cv-12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Vasquez Garcia v. Noem*,
23 No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Zaragoza Mosqueda*
24 *v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Pizarro*
25 *Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Sampiao v.*
26 *Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); see also, e.g.,
27 *Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at *2 (D. Neb. Sept. 3, 2025) (noting
28 that “[t]he Court tends to agree” that § 1226(a) and not § 1225(b)(2) authorizes detention);

1 *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 at *3 (D. Neb. Aug. 19,
2 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-RCC, 2025 WL 2374224 at *2 (D.
3 Neb. Aug. 14, 2025) (same).

4 45. DHS’s interpretation defies the INA. As the courts above have explained, the plain
5 text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like
6 Petitioner.

7 46. Section 1226(a) applies by default to all persons “pending a decision on whether
8 the [noncitizen] is to be removed from the United States.” These removal hearings are held under
9 § 1229a, which “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

10 47. The text of § 1226 also explicitly applies to people charged as being inadmissible,
11 including those who entered without inspection. See 8 U.S.C. § 1226(c)(1)(E). Subparagraph
12 (E)’s reference to such people makes clear that, by default, such people are afforded a bond
13 hearing under subsection (a). Section 1226 therefore leaves no doubt that it applies to people who
14 face charges of being inadmissible to the United States, including those who are present without
15 admission or parole.

16 48. Section 1226 therefore leaves no doubt that it applies to people who face charges
17 of being inadmissible to the United States, including those who are present without admission or
18 parole.

19 49. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who
20 recently entered the United States. The statute’s entire framework is premised on inspections at
21 the border of people who are “seeking admission” to the United States. 8 U.S.C. § 1225(b)(2)(A).

22 50. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to
23 people like Petitioner who are alleged to have entered the United States without admission or
24 parole.

25 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

26 51. Petitioner has exhausted all available administrative remedies that can provide the
27 relief he seeks because a bond hearing is not available to him.

28 52. A bond hearing is not available to him because all immigration judges are bound

1 by *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), which held that “[b]ased on the plain
2 language of section 235(b)(2)(A) of the Immigration and Nationality Act, 8 U.S.C. §
3 1225(b)(2)(A) (2018), Immigration Judges lack authority to hear bond requests or to grant bond
4 to aliens who are present in the United States without admission.”

5 **STATEMENT OF FACTS**

6 53. Petitioner is a 41-year-old citizen of Mexico, who has been living in Idaho since
7 his entry into the United States without inspection sometime in the year 2000. He has never and
8 currently does not have immigration proceedings pending.

9 54. Petitioner has a U.S. citizen wife. They were married on March 25, 2014 in Vale,
10 Oregon. Through their marriage, he has two U.S.-citizen stepchildren.

11 55. On October 19, 2025, Petitioner was apprehended in Wilder, Idaho during the
12 course of a police and ICE raid on a racetrack where they suspected illegal gambling to be taking
13 place. Petitioner was not charged in relation to any such crime, but was confronted by police and
14 ICE personnel who determined he was not a citizen of the United States and placed him into
15 custody.

16 56. Petitioner may have an immigration hearing scheduled in December, but there is
17 no official document that has been issued to him; therefore, for all intents and purposes, there are
18 no immigration proceedings against him pending. There have been no other purported changes to
19 his situation which would require placement in detention. He was detained alongside many others
20 only while in proximity to purported illegal gambling on October 19, 2025.

21 57. Petitioner is now being held in Rigby, ID, at the Jefferson County Jail or another
22 location in Idaho under ICE custody.

23 58. Petitioner has no known criminal history. He only had a ticket for having a dog at
24 large. He paid for this ticket. There may have been a warrant issued in relation to this ticket.

25 59. ICE officials have indicated they do not intend to release Petitioner.

26 **CLAIMS FOR RELIEF**

27 **COUNT ONE - Violation of the Immigration and Nationality Act (INA)**

28 60. Petitioner incorporates by reference the allegations of fact set forth in the

1 preceding paragraphs.

2 61. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all
3 noncitizens residing in the United States who are subject to the grounds of inadmissibility. As
4 relevant here, it does not apply to those who previously entered the country and have been
5 residing in the United States prior to being apprehended and placed in removal proceedings by
6 Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to §
7 1225(b)(1), § 1226(c), or § 1231.

8 62. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued
9 detention and violates the INA.

10 **COUNT II - Violation of Due Process**

11 63. Petitioner incorporates by reference the allegations of fact set forth in the
12 preceding paragraphs.

13 64. The government may not deprive a person of life, liberty, or property without due
14 process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody,
15 detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause
16 protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001).

17 65. Petitioner has a fundamental interest in liberty and being free from official
18 restraint.

19 66. The government’s detention of Petitioner without a bond redetermination hearing
20 to determine whether he is a flight risk or danger to others violates his right to due process.

21 **PRAYER FOR RELIEF**

22 Wherefore, Petitioner respectfully requests this Court to grant the following:

- 23 (1) Assume jurisdiction over this matter;
- 24 (2) Issue an Order to Show Cause ordering Respondents to show cause why this
25 Petition should not be granted within three days and set a hearing on this Petition within five days
26 of the return, as required by 28 U.S.C. § 2243;
- 27 (3) Immediately issue and order preventing the petitioner from being removed from
28 the United States;

1 (4) Stay Petitioner’s transportation to another jurisdiction until this Court resolves his
2 petition for a writ of habeas corpus;

3 (5) Issue an Order to Show Cause ordering Respondents to show cause why this
4 Petition should not be granted within three days.

5 (6) Declare that denial of Petitioner’s detention under 8 U.S.C. § 1225(b) denies him
6 his statutory rights under 8 U.S.C. § 1226(a).

7 (7) Declare that Petitioner’s detention is unlawful

8 (8) Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act
9 (“EAJA”), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

10 (9) Issue a writ of habeas corpus ordering Respondents to release Petitioner
11 immediately; or, in the alternative, issue an order requiring Respondents to schedule a bond
12 hearing within 20 days, wherein they will bear the burden to demonstrate by clear and convincing
13 evidence that he is a danger to the community or a flight risk, to justify his continued and
14 currently unjustified detention.

15 (10) Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act,
16 and on any other basis justified under law; and

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

18
19 Dated: October 24, 2025

Respectfully submitted,

FENNEMORE CRAIG, P.C.

21
22 By: /s/ Alycia T. Moss

Alycia T. Moss
Attorneys for Petitioner
Fennemore Craig, PC
233 E Harrison Ave
Coeur d’Alene, ID 83814
Tel.: (208) 956-0140

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

On behalf of Mr. Torres Hernandez, the party in custody, I verify the facts contained in the Petition for Writ of Habeas Corpus, upon information and belief, having reviewed the relevant records and pleadings. Mr. Torres Hernandez has not verified the petition himself because he is detained.

Dated this 24th day of October, 2025.

/s/ Alycia T. Moss

Alycia T. Moss