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7 Attorney for Plaintiff

8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

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A.V.V.

Petitioner

v.

CHRISTOPHER J. LAROSE,  
Otay Mesa Detention Facility;  
GREGORY J. ARCHAMBEAULT,  
Acting Field Office Director, U.S.  
Immigration and Customs  
Enforcement; TODD M. LYONS,  
Acting Director, U.S. Immigration  
and Customs Enforcement; KRISTI  
NOEM, Secretary of U.S. Department  
Of Homeland Security; PAM  
BONDI, Attorney General of the  
United States,

Respondents.

No. '25CV3272 BTM MMP

PETITION FOR WRIT  
OF HABEAS CORPUS

1 1. Petitioner, A.V.V., petitions this Court for a writ of habeas corpus under 28  
2 U.S.C. § 2241 to remedy his unlawful detention by Respondents and states as  
3 follows:  
4

5 **INTRODUCTION**

6 2. Petitioner, A.V.V.<sup>1</sup>, by and through undersigned counsel, hereby files this  
7 petition for writ of habeas corpus to compel his immediate release from the  
8 immigration jail where he has been held by the U.S. Department of Homeland  
9 Security (DHS) since being detained on May 30, 2025, without first being  
10 provided a hearing to determine whether his incarceration is justified.  
11

12 3. Petitioner was released on his own recognizance by Defendants over three  
13 years ago. There has been no change in his circumstances and Petitioner was  
14 provided no notice and opportunity to respond prior to being re-detained.  
15

16 4. After arresting Petitioner in May, ICE did not set bond and Petitioner is unable  
17 to obtain review of his custody by an IJ, pursuant to the Board's decision in  
18 *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).  
19

20 5. DHS has taken the position that any noncitizen who entered without a visa is  
21 ineligible for a bond hearing. This is contrary to law and a drastic change from  
22 decades of precedent and procedure. Because of the government's extreme  
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25  
26 <sup>1</sup> A separate motion to proceed with pseudonym is filed concurrently with this  
petition.

1 (and unlawful) position in violation of the Immigration and Nationality Act  
2 (“INA”) and the U.S. constitution, Petitioner has no remedy to assert his liberty  
3 interest other than by means of this habeas petition.  
4

5 **JURISDICTION**

- 6 6. This action arises under the Constitution of the United States and the  
7 Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.  
8  
9 7. This court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas  
10 corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the  
11 United States Constitution (Suspension Clause).  
12  
13 8. This court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241  
14 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., the All Writs  
15 Act, 28 U.S.C. § 1651, and the Immigration and Nationality Act, 8 U.S.C. §  
16 1252(e)(2).  
17

18 **VENUE**

- 19 9. Venue is proper because Petitioner is in Respondents’ custody in an  
20 immigration detention facility in Otay Mesa, California, which is within the  
21 jurisdiction of the Southern District of California. Respondents are employees  
22 or officers of the United States, acting in their official capacity. There is no real  
23 property involved in this action. For these reasons, venue is proper before this  
24 court. 28 U.S.C. § 1391(e).  
25  
26

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

1  
2 10. The court must grant the petition for writ of habeas corpus or issue an order to  
3 show cause (OSC) to the Respondents “forthwith,” unless the petitioner is not  
4 entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the court must require  
5 Respondents to file a return “within three days unless for good cause additional  
6 time, not exceeding twenty days, is allowed.” *Id.*

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

14  
15 12. Petitioner is “in custody” for the purpose of § 2241 because Petitioner is an  
16 immigration facility detained by Respondents.

17  
18 **PARTIES**

19 13. Petitioner A.V.V. resides in Reseda, California and is currently detained at the  
20 Otay Mesa Detention Center.

21  
22 14. Respondent Krisi Noem is the Secretary of the Department of Homeland  
23 Security (“DHS”) and is sued in her official capacity. The Secretary of  
24 Homeland Security is charged with the administration and enforcement of  
25 immigration laws. 8 U.S.C. § 1103(a).  
26

1 15. Respondent Pamela Bondi is the Attorney General of the United States and is  
2 sued in her official capacity as the head of the Department of Justice. The  
3 Attorney General is responsible for the fair administration of the laws of the  
4 United States.  
5

6 16. Respondent Todd Lyons is the Acting Director of U.S. Immigration and  
7 Customs Enforcement (ICE) and is sued in his official capacity. ICE is  
8 responsible for the detention of Petitioner.  
9

10 17. Gregory J. Archambeault is the Field Office Director for U.S. Immigration and  
11 Customs Enforcement (ICE) Enforcement and Removal Operations in San  
12 Diego, California, which covers the Otay Mesa Detention Center, and is sued  
13 in his official capacity. In his official capacity, he is a legal custodian of  
14 Petitioner.  
15

16 18. Christopher J. LaRose is the Warden of the Otay Mesa Detention Center where  
17 Petitioner is being held and is sued in his official capacity. Respondent LaRose  
18 oversees the day-to-day operations of the Otay Mesa Detention Facility and  
19 acts at the direction of Respondents Noem, Bondi, and Lyons. LaRose is the  
20 custodian of Petitioner.  
21  
22

23 **STATEMENT OF FACTS**

24 19. A.V.V. is a 31-year-old native and citizen of Nicaragua. He entered the United  
25 States without inspection on October 1, 2022. The same day, U.S. Customs and  
26

1 Border Protection (“CBP”) detained Mr. A.V.V. in the Hidalgo, Texas area and  
2 then paroled Mr. A.V.V. into the United States pursuant to INA 212(d)(5). See  
3 Exhibit A, Form I-213, created by DHS on May 30, 2025, upon Petitioner’s  
4 recent arrest.  
5

6 20. On or about May 25, 2024, Petitioner affirmatively filed a form I-589,  
7 Application for Asylum and Withholding, with US Citizenship and  
8 Immigration Services (“USCIS”). USCIS accepted the application.  
9

10 21. In his asylum application, Petitioner asserts that he and his family in Nicaragua  
11 were actively politically opposed to the dictatorship of Sandinista party leader,  
12 Daniel Ortega.  
13

14 22. The US Department of State reports significant human rights issues in  
15 Nicaragua, including credible reports of arbitrary or unlawful killings,  
16 including extrajudicial killings; enforced disappearance; torture or cruel in  
17 human or degrading treatment or punishment by prison guards and parapolice.  
18 The report further notes Ortega “carried out a campaign of harassment,  
19 intimidation, and violence towards perceived enemies of the regime.” (Exhibit  
20 D) The OSAC security report indicates that “[i]ntense repression and  
21 persecution of opposition groups has continued.” (Exhibit D).  
22  
23

24 23. The Immigration and Nationality Act provides a statutory right to apply for  
25 asylum regardless of immigration status. 8 U.S.C. § 1158(a)(1).  
26

1 24. A.V.V. has no criminal record. U.S. Citizenship and Immigration Services  
2 granted him an Employment Authorization Document (“work permit”) with  
3 five years validity based on the pending asylum case, and A.V.V. works in  
4 construction. Ex. A (Form 213); Ex. C (work permit.)

5  
6 25. On May 30, 2025, two and a half years after paroling A.V.V. into the United  
7 States, after his asylum application had been pending for over a year, and while  
8 legally authorized to work by USCIS, ICE arrested Petitioner. He was arrested  
9 when he appeared for a check-in at the Los Angeles ICE office.

10  
11 26. According to the the I-213, when Petitioner was re-detained on May 30, 2025,  
12 DHS records checks did not indicate any prior criminal history or derogatory  
13 information apart from the initial CBP encounter. Ex. A.

14  
15 27. He was initially detained and awaiting an asylum hearing in the jurisdiction of  
16 the Central District, but after more than five months in detention, ICE moved  
17 him to the Otay Mesa detention facility in the Southern District, his asylum  
18 hearing was taken off calendar, and no new hearing date has been set at the  
19 time of this filing. Ex. E (EOIR case status indicating no future hearing date.)  
20  
21

## 22 LEGAL FRAMEWORK

### 23 DETENTION

24  
25 28. The Immigration and Nationality Act (INA) prescribes three basic forms of  
26 detention for noncitizens in removal proceedings.

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

7  
8  
9 30. Second, the INA provides for mandatory detention of noncitizens subject to  
10 expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals  
11 seeking admission referred to under § 1225(b)(2).

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

16  
17 32. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

18 33. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of  
19 the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of  
20 1996, Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582  
21 to 3009–583, 3009–585. Section 1226(a) was most recently amended earlier  
22 this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

23  
24 34. Following enactment of the IIRIRA, EOIR drafted new regulations explaining  
25 that, in general, people who entered the country without inspection were not  
26

1 considered detained under § 1225 and that they were instead detained under §  
2 1226(a). See Inspection and Expedited Removal of Aliens; Detention and  
3 Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62  
4 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

5  
6 35. Thus, in the decades that followed, most people who entered without  
7 inspection—unless they were subject to some other detention authority—  
8 received bond hearings. That practice was consistent with many more decades  
9 of prior practice, in which noncitizens who were not deemed “arriving” were  
10 entitled to a custody hearing before an IJ or other hearing officer. See 8 U.S.C.  
11 § 1252(a) (1994); see also H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting  
12 that § 1226(a) simply “restates” the detention authority previously found at §  
13 1252(a)).  
14  
15

16  
17 36. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that  
18 rejected well-established understanding of the statutory framework and reversed  
19 decades of practice. The new policy, entitled “Interim Guidance Regarding  
20 Detention Authority for Applicants for Admission,” claims that all persons who  
21 entered the United States without inspection shall now be subject to mandatory  
22 detention provision under § 1225(b)(2)(A). The policy applies regardless of when  
23 a person is apprehended and affects those who have resided in the United States  
24 for months, years, and even decades.  
25  
26

1 37. On September 5, 2025, the BIA adopted this same position in a published  
2 decision, *Matter of Yajure Hurtado*, 29 I&N Dec 216 (BIA 2025). There, the  
3 Board held that all noncitizens who entered the United States without  
4 admission or parole are subject to detention under § 1225(b)(2)(A) and are  
5 ineligible for IJ bond hearings.  
6

7 38. Since Respondents adopted their new policies, dozens of federal courts have  
8 rejected their new interpretation of the INA's detention authorities. Courts have  
9 likewise rejected *Matter of Yajure Hurtado*, which adopts the same reading of  
10 the statute as ICE. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D.  
11 Wash. 2025).<sup>2</sup>  
12  
13  
14  
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16 <sup>2</sup> See also, *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7,  
17 2025); *Diaz Martinez v. Hyde*, No. CV 25-11613-BEM, --- F. Supp. 3d ----, 2025 WL 2084238  
18 (D. Mass. July 24, 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL  
19 2337099 (D. Ariz. Aug. 11, 2025), report and recommendation adopted, No. CV-25-02157-PHX-  
20 DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25  
21 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-  
22 cv-03142-SRN-SGE, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*,  
23 No. 5:25-cv-01789- ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v.*  
24 *Hyde*, No. 25-11631- BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No.  
25 25 CIV. 6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*,  
26 No. 25-CV-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v.*  
*Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*,  
No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v.*  
*Bondi*, No. 25-CV-3051 (ECT/DJF), --- F. Supp. 3d ----, 2025 WL 2466670 (D. Minn. Aug. 27,  
2025) *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379 (E.D.  
Mich. Aug. 29, 2025); *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431  
(S.D. Cal. Sept. 3, 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025  
WL 2591530 (C.D. Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL  
2609425 (E.D. Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL  
2607924 (D. Mass. Sept. 9, 2025); see also, e.g., *Palma Perez v. Berg*, No. 8:25CV494, 2025 WL

1 39. Courts have uniformly rejected DHS’s and EOIR’s new interpretation because  
2 it defies the INA. The plain text of the statutory provisions demonstrates that §  
3 1226(a), not § 1225(b), applies to people like Petitioner.  
4

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

10 41. The text of § 1226 also explicitly applies to people charged as being  
11 inadmissible, including those who entered without inspection. See 8 U.S.C. §  
12 1226(c)(1)(E). Subparagraph (E)’s reference to such people makes clear that,  
13 by default, such people are afforded a bond hearing under subsection (a).  
14 Section 1226 therefore leaves no doubt that it applies to people who face  
15 charges of being inadmissible to the United States, including those who are  
16 present without admission or parole.  
17  
18

19 42. 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  
21  
22

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23 2531566, at \*29 (D. Neb. Sept. 3, 2025) (noting that “[t]he Court tends to agree” that § 1226(a)  
24 and not §1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025  
25 WL 2402271 at \*3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-  
26 JFB- RCC, 2025 WL 2374224 at \*2 (D. Neb. Aug. 14, 2025); *Cortez-Hernandez v. Noem*, 3:25-  
cv-03112-JES-DDL(S.D. Cal. November 21, 2025) (same).

1 on inspections at the border of people who are “seeking admission” to the  
2 United States. 8 U.S.C. § 1225(b)(2)(A).

3 43. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply  
4 to people like Petitioner who are alleged to have entered the United States  
5 without admission or parole.  
6

7  
8 **RIGHT TO APPLY FOR ASYLUM**

9 44. Immigration detention should not be used as a punishment and should only be  
10 used when, under an individualized determination, a noncitizen is a flight risk  
11 because they are unlikely to appear in immigration court or a danger to the  
12 community. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).  
13

14 45. Noncitizens in immigration proceedings are entitled to Due Process under the  
15 Fifth Amendment of the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306  
16 (1993).  
17

18 46. The Immigration and Nationality Act (INA) establishes various procedures  
19 through which individuals may be detained pending a decision on whether the  
20 noncitizen is to be removed. 8 U.S.C. § 1226(a).  
21

22 47. Removal proceedings described in section 240 of the INA are used to  
23 determine whether individuals, such as Petitioner, should be removed from the  
24 United States. See 8 U.S.C. § 1229a.  
25  
26

1 48. The Refugee Act of 1980, the cornerstone of the U.S. asylum system, provides  
2 a right to apply for asylum to individuals seeking safe haven in the United  
3 States. The purpose of the Refugee Act is to enforce the “historic policy of the  
4 United States to respond to the urgent needs of persons subject to persecution  
5 in their homelands.” Refugee Act of 1980, § 101(a), Pub. L. No. 96-212, 94  
6 Stat. 102 (1980).  
7

8  
9 49. The “motivation for the enactment of the Refugee Act” was the United Nations  
10 Protocol Relating to the Status of Refugees, “to which the United States had  
11 been bound since 1968.” *INS v. Cardoza-Fonseca*, 480 U.S. 421, 424, 432-33  
12 (1987). The Refugee Act reflects a legislative purpose “to give ‘statutory  
13 meaning to our national commitment to human rights and humanitarian  
14 concerns.’” *Duran v. INS*, 756 F.2d 1338, 1340 n.2 (9th Cir. 1985).  
15

16  
17 50. The Refugee Act established the right to apply for asylum in the United States  
18 and defines the standards for granting asylum, as codified in the INA.

19 51. The INA gives the Attorney General or the Secretary of Homeland Security  
20 discretion to grant asylum to noncitizens who satisfy the definition of  
21 “refugee.” Under that definition, individuals generally are eligible for asylum if  
22 they have experienced past persecution or have a well-founded fear of future  
23 persecution on account of race, religion, nationality, membership in a particular  
24 social group, or political opinion and if they are unable or unwilling to return to  
25  
26

1 and avail themselves of the protection of their homeland because of that  
2 persecution of fear. 8 U.S.C. § 1101(a)(42)(A).

3 52. Although a grant of asylum may be discretionary, the right to apply for asylum  
4 is not. The Refugee Act broadly affords a right to apply for asylum to any  
5 noncitizen “who is physically present in the United States or who arrives in the  
6 United States[.]” 8 U.S.C. § 1158(a)(1).  
7  
8

9 **RE-DETENTION WITHOUT CHANGE IN CIRCUMSTANCES**  
10

11 53. Immigration detention is a form of civil confinement that “constitutes a  
12 significant deprivation of liberty that requires due process protection.”  
13

14 *Addington v. Texas*, 441 U.S. 418, 4253 (1979).

15 54. Once a determination to release an individual from custody is made, the release  
16 order may be revisited when the facts or circumstances warrant revocation or  
17 reconsideration. 8 U.S.C. § 1226(b). For an individual who was once in  
18 custody, the Attorney General may take that individual back into custody by  
19 revoking the individual’s release when the facts and circumstances warrant it.  
20

21 55. Revocation and return to custody are authorized only based on individualized  
22 facts and circumstances. 8 C.F.R. § 1236.1(c)(9). By regulation, revocation  
23 decisions are limited in nature and may only be made by certain authorized  
24 officials. 8 C.F.R. § 1236.1(c)(9).  
25  
26

1 56. Individuals have a liberty interest under the Due Process Clause of the Fifth  
2 Amendment in avoiding re-incarceration. *See Young v. Harper*, 520 U.S. 143,  
3 146-152 (1997) (holding that individuals placed in a pre-parole program  
4 created to reduce prison overcrowding have a protected liberty interest  
5 requiring pre-deprivation process).  
6

7  
8 **CLAIMS FOR RELIEF**

9 **COUNT ONE**

10 **Violation of the INA**

11 57. Petitioner incorporates by reference the allegations of fact set forth in the  
12 preceding paragraphs.  
13

14 58. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to  
15 all noncitizens residing in the United States who are subject to the grounds of  
16 inadmissibility. As relevant here, it does not apply to those who previously  
17 entered the country and have been residing in the United States prior to being  
18 apprehended and placed in removal proceedings by Respondents. Such  
19 noncitizens are detained under § 1226(a), unless they are subject to §  
20 1225(b)(1), § 1226(c), or § 1231.  
21

22 59. The application of § 1225(b)(2) to Petitioner unlawfully mandates his  
23 continued detention and violates the INA.  
24  
25  
26

**COUNT TWO**

**Violation of Fifth Amendment Right to Due Process Procedural Due Process**

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

61. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits the federal government from depriving any person of “life, liberty, or property, without due process of law.” Due process protects “all ‘persons’ within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693; accord *Flores*, 507 U.S. at 306.

62. Due process requires that government action be rational and non-arbitrary. See *U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

63. While the government has discretion to detain individuals under 8 U.S.C. § 1226(a) and to revoke custody decisions under 8 U.S.C. § 1226(b), this discretion is not “unlimited” and must comport with constitutional due process. See *Zadvydas*, 533 U.S. at 698.

64. Here, Respondents have chosen to revoke Petitioner’s release in an arbitrary manner and not based on a rational and individualized determination of whether he is a safety or flight risk, in violation of due process. Because no individualized custody revocation has been made and no circumstances have

1 changed to make Petitioner a flight risk or a danger to the community,  
2 Respondents' revocation of Petitioner's release violates his right to procedural  
3 due process.  
4

5 **PRAYER FOR RELIEF**

6 Petitioner requests that this court:

- 7 (1) Accept jurisdiction over this action;  
8  
9 (2) Issue the writ of habeas corpus and order Respondents to show cause,  
10 within three days of Petitioner filing this petition, why the relief he seeks  
11 should not be granted; and set a hearing on this matter within five days of  
12 Respondents' return on the order to show cause (see 28 U.S.C. § 2243);  
13  
14 (3) Order Petitioner's immediate release;  
15  
16 (4) Award reasonable attorney's fees and costs under the Equal Access to  
17 Justice Act, 28 U.S.C. § 2412(d), 5 U.S.C. § 504, or any other applicable  
18 law; and grant any other relief that the court may deem just and proper.

19 Date: November 24, 2025

Respectfully submitted,

20 /s/ Cara Jobson  
21

22 \_\_\_\_\_  
23 Cara Jobson  
24 Wiley & Jobson  
25 Attorney for Plaintiff  
26