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11 UNITED STATES DISTRICT COURT
12 DISTRICT OF ARIZONA

13 Edgar De Jesus Rivera Sanchez,
14
15 Petitioner,

Case No.

**PETITION FOR WRIT OF HABEAS
CORPUS**

16 v.

17 Kristi Noem, Secretary of The Department of
18 Homeland Security, Pam Bondi, Attorney
19 General, Todd Lyons, Acting Director,
20 Immigration and Customs Enforcement, Luis
21 Rosa, Jr., Warden, Florence Servicing
22 Processing Center,

23 Respondents.

24 **I. INTRODUCTION**

25 1. Petitioner Edgar De Jesus Rivera Sanchez (“Petitioner” or “Mr. Rivera Sanchez”) by and through the undersigned pro bono counsel, seeks a writ of habeas corpus. Petitioner is a 26 57-year-old native and citizen of Colombia. In 2017, Petitioner was in a near fatal car accident. 27 Petitioner suffered a traumatic brain injury, broken ribs, was in a coma for approximately 20 28 days, and thereafter stayed in a palliative care facility for six (6) months. Following his discharge, Petitioner was left with permanent disabilities and mental health conditions including aphasia and ataxia that render it difficult for him to walk and communicate. In 2019, Petitioner was registered as a disabled person in the country of Colombia. In 2020, he was diagnosed with schizophrenia and bipolar disorder and was prescribed antipsychotics and antidepressants,

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1 including ██████████ to manage his ongoing illnesses.

2 2. In November 2024, Petitioner crossed into the United States from Mexico with his
3 wife, Myriam Roa Restrepo (“Ms. Restrepo”) and was apprehended by border patrol. Petitioner
4 was then released on his own recognizance pursuant to an Order of Release on Recognizance
5 (“OROR”) and upon the determination that he posed neither a danger to the community nor a
6 flight risk. Petitioner was ordered to appear before an immigration judge in Van Nuys, California
7 approximately seven (7) months later.

8 3. On June 24, 2025, Petitioner appeared in-person, with his wife and without
9 representation, for his first hearing before the Van Nuys Immigration Court at the request of
10 Immigration and Customs Enforcement (“ICE”). After Mr. Rivera Sanchez’s case was called,
11 the Department of Homeland Security (“Department”) moved to dismiss the proceedings without
12 prejudice pursuant to 8 C.F.R. §§ 239.2(a)(7), 1239(c), having determined that circumstances
13 after issuance of the Notice to Appear had allegedly changed to such an extent that continuation
14 was no longer in the best interest of the government.

15 4. Outside of court, and following his scheduled in-person appearance, Petitioner was
16 then re-arrested without a pre-deprivation hearing. Because Petitioner was not afforded a pre-
17 deprivation hearing, and has not subsequently had a custody redetermination hearing, his Fifth
18 Amendment due process rights are being violated. Petitioner has now been held in detention in
19 excess of five (5) months. Petitioner has not been receiving adequate medical care or medication,
20 and his health is rapidly deteriorating.

21 5. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be
22 immediately released from custody, allowing him to have access to the critical medical treatment
23 that he needs for his mental and physical health and to be reunited with his family. Petitioner’s
24 ongoing unlawful detention by Respondents violate the Due Process Clause of the Fifth
25 Amendment to the Constitution. Petitioner brings this action for habeas, injunctive, and
26 declaratory relief ordering Respondents to release him.

27 6. Further, if Respondents seek to re-detain him, Petitioner asks that he be afforded a
28 pre-deprivation hearing before a neutral arbiter with the burden on the Respondents to establish

1 why he must be deprived of his protected liberty interest to be free from detention in light of his
2 compliance with the prior OROR and his significant health concerns, which include epilepsy, a
3 traumatic brain injury, schizophrenia, ataxia and aphasia. Petitioner further seeks an order from
4 this Court that he not be removed from this judicial district or removed from the United States,
5 pending disposition of his petition for writ of habeas corpus.

6 **II. JURISDICTION**

7 7. Petitioner is in the physical custody of Respondents and is currently detained at the
8 detention center, Florence Service Processing Center, Arizona. This Court has subject matter
9 jurisdiction under the habeas corpus statutes, 28 U.S.C. § 2241 et seq., the Suspension Clause of
10 the U.S. Constitution, and under 28 U.S.C. § 1331 (federal question) because this action arises
11 under federal law, including the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 et
12 seq.

13 **III. VENUE**

14 8. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
15 500 (1973), venue lies in the United States District Court for the District of Arizona, the judicial
16 district in which Petitioner is currently detained. Venue also properly lies in the United States
17 District Court for the District of Arizona under 28 U.S.C. § 1391 because this is a civil action in
18 which Respondents are agencies and officers of the United States, Petitioner was detained in this
19 district when this Petition was filed, and because a substantial part of the events or omissions
20 giving rise to the claims occurred in this district.

21 **IV. STATEMENT OF FACTS**

22 Mr. Rivera Sanchez Is Detained and Released on His Own Recognizance

23 9. Petitioner is a citizen of Colombia. *See* Declaration of Melissa Shingles (“Shingles
24 Decl.”) ¶3, *see also*, **Exhibit A** to Shingles Decl. (Notice to Appear). In 2017, Petitioner was in
25 a near fatal car accident while fleeing a man armed with a gun who was attempting to shoot him
26 because of his political opinion. Petitioner suffered a traumatic brain injury, was in a coma for
27 20 days, and thereafter stayed in palliative care facility for six (6) months. Following his
28 discharge, Mr. Rivera Sanchez was left with permanent disabilities and mental health conditions

1 including aphasia, epilepsy, and left sided ataxia that render it difficult for him to walk or
2 communicate. *See* Shingles Decl. ¶6, **Exhibit E** (ICE Medical Release Letter). In 2019,
3 Petitioner was registered as a disabled person in the country of Colombia. In 2020, he was
4 diagnosed with unspecified schizophrenia and bipolar disorder and was prescribed antipsychotics
5 and antidepressants, including risperidone and sertraline. to manage his illness, . *Id.*

6 10. On or about November 29, 2024, Petitioner crossed into the United States from
7 Mexico with his spouse and primary caretaker, Ms. Restrepo, who is currently detained in an ICE
8 facility in Adelanto, California. Shingles Decl. ¶3, *see also*, **Exhibit A** to Shingles Decl.
9 Petitioner crossed near San Ysidro, California and was apprehended by border patrol. Petitioner
10 was then released on his own recognizance and upon the determination that he posed neither a
11 danger to the community nor a flight risk. Shingles Decl. at ¶3, **Exhibit B** to Shingles Decl.
12 (OROR). Petitioner was ordered to appear before an immigration Judge in Van Nuys, California
13 on July 2, 2025, and was advised that failure to comply with the conditions of the OROR might
14 result in the revocation of his release and his arrest and detention by the Department. *Id.* at
15 **Exhibit A.**

16 Mr. Rivera Sanchez is Re-Detained Without a Pre-deprivation Hearing

17 11. Thereafter, Mr. Rivera Sanchez was called and told to report to Immigration Court
18 in Van Nuys, California. On June 24, 2025, Petitioner appeared in-person with his wife, Ms.
19 Restrepo, without representation, for their first master calendar hearing before the Van Nuys
20 Immigration Court. *See* Shingles Decl. ¶4, **Exhibit C** (IJ Order, June 24, 2025) Tr. 1:6-7 (noting,
21 “present today in court but without an attorney”).) After Mr. Rivera Sanchez’s case was called,
22 the Department moved to dismiss the proceedings without prejudice pursuant to 8 C.F.R. §§
23 239.2(a)(7), 1239(c), having allegedly determined that circumstances after issuance of the Notice
24 to Appear had changed to such an extent that continuation was no longer in the best interest of
25 the government. *Id.* (IJ Order, June 24, 2025; Tr. 2:17-21 (Department moving to dismiss
26 “pursuant to 8 C.F.R. Sections 239.2(a)(7) and 1239(c), because DHS has reviewed the facts and
27 circumstances of the case and determined that continuation of these removal proceedings is no
28 longer in the best interest of the Government”). *Id.*

1 12. That same day, just outside of court, following his scheduled in-person appearance
2 at the Van Nuys Immigration Court, Petitioner was re-arrested without a pre-deprivation hearing.
3 Although Petitioner was handed a “Notice and Order of Expedited Removal” dated June 24, 2025
4 that listed his A number and repeated the allegations found on his original Notice to Appear (e.g.,
5 that Mr. Rivera Sanchez was a citizen of Colombia, not a citizen of the United States, had crossed
6 illegally on Nov. 29, 2024 and was not in possession of a valid Visa), the body of the Notice was
7 a pre-printed form and listed no new information specific to Petitioner, much less any new
8 allegations that would warrant re-detention. Shingles Decl. ¶5, **Exhibit D** (Notice and Order of
9 Expedited Removal dated June 24, 2025)

10 Petitioner Suffers from Serious Health Conditions that Require Ongoing Medical
11 Treatment

12 13. In 2017, Mr. Rivera Sanchez was involved in a motor vehicle crash while driving
13 his taxi. Petitioner flew out of the front windshield of his car and was placed in a medically
14 induced coma for twenty (20) days due to the severity of his injuries, which included a traumatic
15 head injury, broken ribs and a perforated lung. *See* Shingles Decl. ¶6, **Exhibit E** (ICE Medical
16 Release Letter). Mr. Rivera Sanchez then spent six (6) months in a palliative and chronic care
17 facility for rehabilitation. As a result of the incident, Mr. Rivera Sanchez began suffering from
18 permanent disabilities including aphasia and left-sided ataxia. Mr. Rivera also began having
19 epileptic episodes and was diagnosed with epilepsy. *Id.* On September 3, 2020, Mr. Rivera was
20 officially diagnosed with a disability that consisted of T905 (sequelae of intracranial injury),
21 G540 (brachial plexus disorders), and F209 (schizophrenia). *Id.* It was determined that the cause
22 of his disabilities was ultimately due to the car crash. *Id.*

23 14. In 2024, Petitioner and his wife came to the United States seeking asylum and to
24 join their two adult children already living in the United States. Having spent their life savings
25 on his medical care, and with Petitioner unable to continue working as a taxi driver, they were
26 unable to afford legal representation. On November 29, 2024, Mr. Rivera Sanchez crossed the
27 border near San Ysidro, California and was apprehended by border patrol. Petitioner was then
28 released with his wife, and provided with a July 2, 2025, hearing date in Van Nuys to demonstrate

1 why he should not be removed from the United States based on unauthorized arrival in the
2 country. *Id.*

3 15. While awaiting his first immigration court hearing, Mr. Rivera Sanchez continued
4 to seek medical attention due to his numerous disabilities. Around May 2025, Mr. Rivera began
5 attending biweekly physical therapy for his brain injuries. *Id.* On May 22, 2025, he was diagnosed
6 with J24-2 (deviated nasal septum) and Z87.820 (personal history of traumatic brain injury). *Id.*
7 While in the United States, Mr. Rivera has been referred to an otolaryngologist and a neurologist.
8 *Id.* On June 19, 2025, Mr. Rivera sought medical attention due to “right side nasal congestion,
9 slurred speech, [and] intermittent problems swallowing liquid or powdery foods.” *Id.*

10 16. Due to the continued severity of his disabilities, Mr. Rivera was told by his
11 physician, Dr. Lauron to obtain a nasal endoscopy, fiberoptic laryngoscopy, and a modified
12 barium swallow study with SLP. *Id.* Mr. Rivera was advised to return on July 31, 2025. *Id.*
13 Unfortunately, Mr. Rivera Sanchez was unable to attend his necessary medical appointments
14 because he was re-detained without the benefit of a pre-detention hearing on June 24, 2025.

15 17. Petitioner has now been held in detention in excess of five (5) months. Petitioner
16 has not been receiving all of the medical care and medications that his health requires, and his
17 family is concerned that his health is rapidly deteriorating while in custody. Despite not being a
18 danger or flight risk, Petitioner remains in detention.

19 **V. CLAIMS FOR RELIEF**

20 **COUNT ONE**

21 **Violation of the Fifth Amendment to the U.S. Constitution**

22 ***Procedural Due Process***

23 18. Petitioner repeats, re-alleges, and incorporates by reference each and every
24 allegation in the preceding paragraphs as if fully set forth herein.

25 19. Respondents have deprived Petitioner of his liberty without procedural protections
26 required by the Due Process Clause when they re-arrested and detained Petitioner without
27 providing a pre-deprivation hearing before a neutral adjudicator to determine whether
28 circumstances had materially changed since his release in the fall of 2024 under the OROR, such

1 that changes to the terms of his conditional release would now be warranted.

2 Petitioner Has a Protected Liberty Interest Following his 2024 Release

3 20. When Petitioner was released by the Department from detention in the fall of 2024
4 with an OROR, he gained a conditional liberty interest in avoiding re-detention under the Due
5 Process Clause. The Supreme Court has affirmed that a liberty interest arises after conditional
6 release in the probation, pre-parole, and parole contexts. *Gagnon v. Scarpelli*, 411 U.S. 778, 782
7 (1973) (superseded by statute on other grounds); *Young v. Harper*, 520 U.S. 143, 147-149 (1997);
8 *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972). Similarly, Petitioner possesses a protected
9 liberty interest under the Fifth Amendment. The due process clause of the Fifth Amendment
10 applies to all “persons” within the United States, including aliens, whether their presence is
11 lawful, unlawful, temporary, or permanent. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *see*
12 *also Perez-Mendez v. Lyons*, Case No. 2:25-cv-07727-VBF-RAO, 2025 U.S. Dist. LEXIS 207266
13 (C.D. Cal. Sept. 11, 2025) (finding that “Petitioner is likely to prevail on his claims because he
14 has shown that his freedom from redetention is a protected liberty interest under the Due Process
15 Clause of the Fifth Amendment.”) Thus, Petitioner’s continued detainment violates his due
16 process rights.

17 21. Petitioner was not afforded his procedural due process rights before this detention
18 because Respondents failed to provide a pre-deprivation hearing before a neutral adjudicator to
19 determine whether circumstances had materially changed since his release in 2024 under the
20 OROR, such that changes to the terms of his conditional release would now be warranted.

21 22. To guard against the erroneous deprivation of liberty, Petitioner is entitled to a
22 hearing before a neutral decisionmaker on the basis for detention. *Zadvydas*, 533 U.S. at 690-91;
23 *Foucha v. Louisiana*, 504 U.S. 71, 81-83 (1992); *United States v. Salerno*, 481 U.S. 739, 750-52
24 (1987). Even for deprivations of liberty far less serious than imprisonment, the Due Process
25 Clause requires that individuals receive notice and an opportunity to be heard in a meaningful
26 manner and at a meaningful time before the government may deprive them of liberty. *See*
27 *Mathews v. Eldridge*, 424 U.S. 319, 348 (1976).

28 23. Under the *Mathews* test, Respondents were required to provide Petitioner with

1 procedural protections before depriving him of his protected liberty interest. This included an
2 individualized determination by impartial adjudicators as to whether detention is justified based
3 on danger or flight risk.

4 24. First, Petitioner has a significant private interest in remaining free from re-
5 detention. “Freedom from imprisonment—from government custody, detention, or other forms
6 of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.”
7 *Zadvydas*, 533 U.S. at 690. Petitioner was living with his two adult children and was attending
8 regular medical appointments every two weeks in the United States critical to his health and
9 wellbeing.

10 25. Second, the risk of erroneous deprivation of liberty is high. Like any civil detention,
11 immigration detention violates the Due Process Clause if it is not reasonably related to its
12 statutory purpose. *Zadvydas*, 533 U.S. at 690 (citing *Jackson v. Indiana*, 406 U.S. 715, 738
13 (1972)); *see also Demore v. Kim*, 538 U.S. 510, 527 (2003) (stating that the Court in *Zadvydas*
14 recognized that immigration detention must “bear[] a reasonable relation to the purpose for which
15 the individual was committed”). In the immigration context, the Supreme Court has recognized
16 only two valid purposes for civil detention: (1) to mitigate the risk of flight and (2) prevent danger
17 to the community. *Zadvydas*, 533 U.S. at 690; *Demore*, 538 U.S. at 528.

18 26. In releasing Petitioner in 2024 under an OROR, the Department recognized that
19 Mr. Rivera Sanchez was neither a flight risk nor a danger to the community. There are no changed
20 circumstances related to Petitioner’s risk of flight or his dangerousness to the Community since
21 this determination took place that would warrant re-detention. Petitioner has complied with all
22 of the terms of the OROR. The only change in his OROR was when the Department ordered him
23 to appear earlier than initially scheduled first appearance before the Van Nuys Immigration Court
24 in June 2025, a term that Petitioner immediately complied with.

25 27. Respondents have failed to provide Petitioner with any notice of individualized
26 allegations that could justify his re-detention or an opportunity to contest them in any forum, let
27 alone before a neutral decisionmaker. Respondents have also made no representations or
28 allegations that Petitioner violated any conditions of his release after he was given his OROR.

1 28. Petitioner has had no opportunity to contest the veracity of the factual allegations
2 (if any exist) underlying Respondents' claim that re-detention is necessary.

3 29. Petitioner also fears the Department may deport him to a third country to which he
4 has no ties, and he is entitled to notice and opportunity to be heard regarding why he may be
5 eligible for Withholding of Removal, or other appropriate immigration relief. Petitioner recently
6 learned that the Department is seeking to remove his wife, Ms. Restrepo, to Honduras pursuant
7 to a cooperative agreement with the United States—a country with which neither he nor his wife
8 have ever had any connection.

9 30. Respondents' interest in imprisoning Petitioner without any pre-deprivation notice
10 and any opportunity to be heard is slight—particularly while Petitioner complied with all of the
11 conditions of his OROR for more than seven (7) months after he was released and when other
12 protections, such as ankle monitoring, are available that would allow Petitioner to be reunited
13 with his family and obtain the medical care he desperately needs.

14 31. Respondents' detention of Petitioner without notice and a hearing violates his right
15 to procedural due process, constituting a violation of the Fifth Amendment.

16 **COUNT TWO**

17 **Violation of the Fifth Amendment to the U.S. Constitution**

18 *Substantive Due Process*

19 32. Petitioner repeats, re-alleges, and incorporates by reference each and every
20 allegation in the preceding paragraphs as if fully set forth herein.

21 33. Respondents have deprived Petitioner of his liberty without any legitimate purpose
22 in violation of his substantive due process rights under the Fifth Amendment.

23 34. The government may not deprive a person of life, liberty, or property without due
24 process of law. *U.S. Const. Amend. V.*

25 35. The Due Process Clause applies to all "person[s]," including noncitizens within the
26 United States, "whether their presence here is lawful, unlawful, temporary, or permanent."
27 *Zadvydas*, 533 U.S. at 693; *Trump v. J. G. G.*, 604 U.S. 670, 673 (2025) ("It is well established
28 that the Fifth Amendment entitles aliens to due process of law in the context of removal

1 proceedings.”) (quoting and citing *Reno v. Flores*, 507 U.S. 292, 306 (1993)).

2 36. Like any civil detention, immigration detention violates the Due Process Clause if
3 it is not reasonably related to its statutory purpose. *Zadvydas*, 533 U.S. at 690 (citing *Jackson v.*
4 *Indiana*, 406 U.S. 715, 738 (1972)); *see also Demore v. Kim*, 538 U.S. 510, 527 (2003) (stating
5 that immigration detention must “bear[] a reasonable relation to the purpose for which the
6 individual was committed”) (citing *Zadvydas*, 533 U.S. at 690). At a bare minimum, “the Due
7 Process Clause includes protection against unlawful or arbitrary personal restraint or detention.”
8 *Zadvydas*, 533 U.S. at 695; *see also, Zadvydas*, 533 U.S. at 718 (Kennedy, J., dissenting).

9 37. In the immigration context, the Supreme Court has recognized only two valid
10 purposes for civil detention: (1) to mitigate the risk of flight and (2) prevent danger to the
11 community. *Zadvydas*, 533 U.S. at 690; *Demore*, 538 U.S. at 528.

12 38. Petitioner presents neither a flight risk nor a danger. Respondents have not
13 articulated any reason for the departure from his prior OROR, and his detention is not reasonably
14 related to any legitimate government purpose and violates the Due Process Clause.

15 39. The Department had already considered whether Petitioner was a flight risk or a
16 danger to a community before he was released from ICE detention in 2024.

17 40. Respondents cannot credibly contend Petitioner presents a flight risk, as he has
18 appeared for all ICE/Department appointments that he has been required to attend. Further, when
19 Petitioner was told to report to Immigration Court early in June 2025, he did so promptly.

20 41. In addition, there are compelling public interests warranting Petitioner’s release
21 from custody while his immigration case continues to move forward. Petitioner has serious
22 medical conditions that require ongoing support from his caretaker, Ms. Restrepo, and ongoing
23 medical appointments and medications from his treating physicians.

24 42. Petitioner presents no danger to anyone. At a minimum, suddenly arresting and
25 jailing someone under the circumstances present here is paradigmatically arbitrary, and therefore
26 a violation of even the most basic protections of the Due Process Clause. *Zadvydas*, 533 U.S. at
27 695, 718 (Kennedy, J., dissenting).

28

COUNT THREE

Violation of the Fifth Amendment to the U.S. Constitution

Substantive Due Process – Health and Safety

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2
3
4 43. Petitioner repeats, re-alleges, and incorporates by reference each and every
5 allegation in the preceding paragraphs as if fully set forth herein.

6 44. Respondents have deprived Petitioner of his liberty interest in health and safety
7 without any legitimate purpose in violation of his substantive due process rights under the Fifth
8 Amendment.

9 45. The government may not deprive a person of life, liberty, or property without due
10 process of law. *U.S. Const. amend. V.*

11 46. The Fifth Amendment demands a higher standard of care for conditions of
12 confinement for civil detainees than for people serving criminal sentences in prison, or even those
13 in pretrial detention. *See Jones v. Blanas*, 393 F. 3d 918, 932-33 (9th Cir. 2004) (stating that
14 people detained under civil rather than criminal process are “entitled to more considerate
15 treatment than...criminally detained counterparts”).

16 47. Relatedly, the Fifth Amendment protects people in civil detention from conditions
17 that “amount to punishment of the detainee.” *Bell v. Wolfish*, 441 U.S. 520, 533 (1979). “This
18 standard differs significantly from the standard relevant to convicted prisoners, who may be
19 subject to punishment so long as it does not violate the Eighth Amendment’s bar against cruel
20 and unusual punishment.” *Pierce v. County of Orange*, 526 F. 3d 1190, 1205 (9th Cir. 2008).

21 48. When the government “takes a person into its custody and holds him there against
22 his will, the Constitution imposes upon it a corresponding duty to assume some responsibility for
23 his safety and general well-being.” *DeShaney v. Winnebago Cty. Dep’t of Soc. Servs.*, 489 U.S.
24 189, 199–200 (1989).

25 49. Respondents’ failure to provide Petitioner with adequate measures to ensure his
26 health and safety, including access to all of his prescription medications, adequate medical care
27 and monitoring, nutritious food, and a habitable environment in light of his serious mental health
28 issues violates Petitioner’s due process rights.

1 50. Petitioner has schizophrenia, bipolar disorder, left side ataxia and aphasia and takes
2 several medications on a daily, weekly or monthly basis. Yet, Respondents have not provided
3 Petitioner with access to all of his necessary medications nor ensured that he will be able to
4 receive critical medication in the near future. Furthermore, because Petitioner has suffered a
5 traumatic brain injury, he is a not a reliable historian, may be prone to confusion and forgetfulness
6 that prevents him providing staff on site at his detention center with an accurate history and list
7 of necessary medications absent the assistance of his wife and caregiver, Ms. Restrepo, or another
8 member of his family.

9 51. As a result of Respondents' failure to provide for Petitioner's health and safety,
10 Petitioner has already suffered negative health effects, which will only worsen if Respondents
11 are not held to account. Petitioner is already experiencing heavy anxiety and intrusive thoughts.
12 If Respondents continue to deny him access to his medical treatment, Petitioner may experience
13 serious and life-threatening complications.

14 52. Respondents' refusal to provide Petitioner with adequate health and safety needs is
15 putting Petitioner at risk of life-threatening consequences and is a breach of their duty to provide
16 for his "safety and general well-being" as required by the Constitution. *DeShaney*, 489 U.S. at
17 199-200.

18 53. These practices put individuals like Petitioner at risk and subject them to worse
19 conditions than they would face in criminal detention. As a result of these violations, Petitioner's
20 ongoing detention violates substantive due process under the Fifth Amendment.

21 PRAYER FOR RELIEF

22 Wherefore, Petitioner prays that this Court grant the following relief:

- 23 1. An order that Petitioner shall not be transferred outside of the judicial district
24 while this petition is pending;
- 25 2. Issue an Order to Show Cause ordering Respondents to show cause within three
26 days why this petition should not be granted;
- 27 3. Issue a writ of habeas corpus ordering that Respondents:
 - 28 a. Release Petitioner from custody and reinstate his OROR with the same

1 conditions in place at the time of his unlawful re-detention; and

- 2 b. Be enjoined from re-detaining Petitioner unless his re-detention is ordered
3 at a custody hearing before a neutral arbiter in which the government bears
4 the burden of proving, by clear and convincing evidence, that he is a flight
5 risk or danger to the community;

- 6 4. Grant any further relief that this Court may deem fit and proper.

7
8 Dated: November 26, 2025

9 /s/ Melissa L. Shingles

10 Melissa L. Shingles
11 LITTLER MENDELSON, P.C.

12 *Attorneys for Petitioner*

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