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9
10 **UNITED STATES DISTRICT COURT**
11 **FOR THE DISTRICT OF ARIZONA**

12 David Zarza Davalos,)

13 Petitioner)

14 v.)

15 Kristi Noem, Secretary of the)
16 U.S. Department of Homeland Security,)

17 Pamela Bondi,)
18 Attorney General of the United States;)

19 Todd M. Lyons, Acting Director of)
20 Immigration and Customs Enforcement;)

21 Christopher Howard, Assistant Warden)
22 Of the Eloy Detention Center;)

23 Christopher McGregor, Field Office)
24 Director for Enforcement and Removal)
25 Operations,)
26 U.S. Department of Homeland Security;)

27 In their official capacities,)

28 Respondents)

Case No. _____

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

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I. INTRODUCTION

1. Petitioner, David Zarza Davalos, ~~XXXXXXXXXX~~, is being detained unlawfully at the Eloy Detention Center in the custody of U.S. Immigration Customs and Enforcement (“ICE”). Petitioner is a noncitizen and longtime resident of the United States who is harmed by Respondents’ new, draconian policy reinterpreting the immigration detention statutes to preclude Petitioner from eligibility for bond under the Immigration and Nationality Act (INA), 8 U.S.C. § 1226(a), and for bond hearings under 8 C.F.R. §§ 1003.19(a), 1235.1(d). Instead, pursuant to this new policy, Respondents now consider Petitioner as subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), without the opportunity for release on bond during the pendency of his lengthy removal proceedings.

2. Petitioner brings this habeas corpus action pursuant to 28 U.S.C. § 2241 to challenge his continued unlawful detention by Immigration and Customs Enforcement (ICE) in violation of the Immigration and Nationality Act (INA) and the Fifth Amendment to the U.S. Constitution.

3. Absent an Order from this Court, Petitioner will continue to be unlawfully held in detention by ICE.

4. Petitioner asks this Court to find that Petitioner is being unlawfully detained by ICE and order that Petitioner be immediately released from unlawful detention.

II. REQUIREMENTS OF 28 U.S.C. § 2243

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

6. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to

1 as “perhaps the most important write known to the constitutional law of England,
2 affording as it does a *swift* and imperative remedy in all cases of illegal restraint or
3 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

4 III. JURISDICTION

5 7. Petitioner is in the physical custody of Respondents and is detained
6 at the Eloy Detention Center in Eloy, Arizona.

7 8. Petitioner’s cases arises under 28 U.S.C. §2241, and his claims
8 further arise under the INA, 8 U.S.C. § 1101-1538, and its implementing regulations;
9 the APA, 5 U.S.C. §§ 500-596, 701-706; and the U.S. Constitution.

10 9. This Court has jurisdiction pursuant to 28 U.S.C. § 1331, as this is a
11 civil action arising the laws of the United States, and under 28 U.S.C. §2241 as the
12 case challenges Petitioner’s unlawful detention.

13 10. The Court may grant relief pursuant to 28 U.S.C. § 2241; the
14 Declaratory Judgment Act, 28 U.S.C. § 2201; the APA, 5 U.S.C §§ 702, 706; the All
15 Writs Act, 28 U.S.C § 1651; Federal Rules of Civil Procedure 65; and the Court’s
16 inherent equitable powers.

17 IV. VENUE

18 11. Venue properly lies in the District of Arizona under 28 U.S.C §
19 1391(e), because Petitioner is detained in this District.

20 12. In addition, venue is proper in this District because Respondents are
21 officers, employees, or agencies of the United States and because a substantial part of
22 the events or omissions giving rise to the claims occurred in the District of Arizona.

23 V. PARTIES

24 13. Petitioner, David Zarza Davalos, is a native and citizen of Mexico
25 who has resided in the United States for over twenty years and is currently detained by
26 ICE at the Eloy Detention Center.

27 14. Respondent, Christopher Howard, is the legal custodian of
28 Petitioner. Christopher Howard is an employee of CoreCivic which is the company

1 that owns and operates the Eloy Detention Center. Christopher Howard is the
2 Assistant Warden of the Eloy Detention Center where Petitioner is being held in
3 custody, and is sued in his official capacity. Petitioner has been informed and believes
4 that the office of Warden of the Eloy Detention Center is currently vacant.

5 15. Respondent Christopher McGregor is the Acting Field Office
6 Director of Enforcement and Removal Operations for Immigration and Customs
7 Enforcement within the State of Arizona, an agency of the Department of Homeland
8 Security, and is sued in his official capacity.

9 16. Respondent Pamela Bondi is the Attorney General of the United
10 States. She is responsible for the Department of Justice, of which the Executive Office
11 for Immigration Review and the immigration court system it operates is a component
12 agency. She is sued in her official capacity.

13 17. Respondent Kristi Noem is the Secretary of Homeland Security of
14 the United States. She is responsible for the implementation and enforcement of the
15 INA, and oversees ICE, which is responsible for Petitioner's detention. Respondent
16 Noem has ultimate custodial authority over Petitioner and is sued in her official
17 capacity.

18 18. Respondent Todd M. Lyons is the Acting Director of U.S.
19 Immigration and Customs Enforcement and is sued in his official capacity.

20 VI. FACTS

21 19. Petitioner is currently detained at the Eloy Detention Center in
22 Eloy, Arizona. Petitioner entered the United States without inspection in 2001, and
23 has lived in the United States continuously since that time. He is married to a lawful
24 permanent resident of the United States and he is the father of three U.S. citizens, ages
25 22, 20, and 17. Petitioner has never been convicted of any crime.

26 20. On or about October 1, 2025, ICE arrested Petitioner as he was
27 being released from the Maricopa County Jail. The Maricopa County Superior Court
28 for the State of Arizona had previously suspended prosecution of his criminal case for

1 Unlawful Flight From a Law Enforcement Vehicle and ordered that he be released on
2 his own recognizance.

3 21. According to DHS's Form I-213, Respondent "was processed as a
4 Warrant of Arrest/Notice to Appear."

5 22. On October 1, 2025, DHS prepared Form I-286, signed by DHS
6 Officer "Thompson, G 6641." Form I-286 is entitled "Notice of Custody
7 Determination." According to the Form I-286 in this case, DHS informed Petitioner
8 that "Pursuant to the authority contained in section 236 of the Immigration and
9 Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined
10 that, pending a final administrative determination in your case, you will be: Detained
11 by the Department of Homeland Security."

12 23. On October 20, 2025, DHS filed a Notice to Appear against
13 Petitioner with the Executive Office for Immigration Review ("Immigration Court") at
14 Eloy, Arizona, for removal proceedings under Section 240 of the Immigration and
15 Nationality Act. He is charged with being subject to removal from the United States
16 pursuant to INA 212(a)(6)(A)(i), as "an alien present in the United States without
17 being admitted or paroled, or who arrived at any time or place other than as designated
18 by the Attorney General." *See* 8 U.S.C. § 1182(a)(6)(A)(i). He is also charged with
19 being subject to removal from the United States pursuant to INA 212(a)(7)(A)(i)(I),
20 "as an immigrant who, at the time of application for admission, is not in possession of
21 a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid
22 entry document required by the Act, and a valid unexpired passport, or other suitable
23 travel document, or document of identity and nationality as required under the
24 regulations issued by the Attorney General under section 211(a) of the Act." *See* 8
25 U.S.C. § 1182(a)(7)(A)(i)(I).

26 24. On November 13, 2025, Petitioner had a bond redetermination
27 hearing with an immigration judge at the Eloy Immigration Court and the IJ denied
28 bond. This bond hearing was conducted under the provisions of 8 U.S.C. § 1226(a).

1 According to the written Order of the Immigration Judge dated November 13, 2025,,
2 the reason for bond denial was because “No jurisdiction. The respondent is subject to
3 mandatory detention pursuant to Matter of Yajure Hurtado 29 I&N Dec. 216 (BIA
4 2025).” The judge’s order also stated, “In the alternative the court would grant bond in
5 the amount of \$10,000.00 with alternatives to detention at the discretion of DHS.”

6 25. The IJ’s finding that he lacked of jurisdiction to redetermine bond
7 was based on the Board of Immigration Appeals case *Matter of Yajure Hurtado* that
8 anyone alleged to be inadmissible under § 1182(a)(6)(A)(i), i.e., those who entered the
9 United States without inspection, should be subject to mandatory detention under 8
10 U.S.C. § 1225(b)(2)(A) and therefore eligible for release only by parole.

11 VII. LEGAL FRAMEWORK

12 26. Petitioner’s detention violates the plain language of the INA and its
13 implementing regulations. Respondents’ new legal interpretation set forth in *Matter of*
14 *Yajure Hurtado* is plainly contrary to the statutory framework and its implementing
15 regulations.

16 27. The INA prescribes three basic forms of detention for the vast
17 majority of noncitizens in removal proceedings. The detention provisions at 8 U.S.C.
18 § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and
19 Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104-208, Div. C, §§ 302–
20 03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section 1226 was most
21 recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat.
22 3 (2025).

23 28. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in
24 standard removal proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in
25 Section 1226(a) detention are generally entitled to a bond hearing at the outset of their
26 detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been
27 arrested, charged with, or convicted of certain crimes are subject to mandatory
28 detention until their removal proceedings are concluded, *see* 8 U.S.C. § 1226(c).

1 According to the Supreme Court, “§ 1226(c) applies to aliens already present in the
2 United States. Section 1226(a) creates a default rule for those aliens...” *Jennings v.*
3 *Rodriguez*, 138 S.Ct. 830 (2018). The Court states, “Section 1226(a) also permits the
4 Attorney General to release those aliens on bond, ‘[e]xcept as provided in subsection
5 (c) of this section.’”

6 29. Second, Section 1225 governs DHS’s inspection of noncitizens
7 who arrive the borders and ports of entry of the United States. Section 1225 provides
8 for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. §
9 1225(b)(1) and for other recent arrivals “seeking admission” referred to under §
10 1225(b)(2). 8 U.S.C. § 1225(b)(2)(A) applies to individuals who are apprehended on
11 arrival in the United States. It states that an “applicant for admission” who is “seeking
12 admission” shall be detained for a removal proceeding under section 1229a. *Id.* It
13 does not apply to individuals like Petitioner who are arrested and detained by ICE after
14 having entered and begun residing in the United States many years earlier, who are not
15 “seeking admission.”

16 30. Last, the INA also provides for detention of noncitizens who have
17 received a final order of removal from the United States, including individuals in
18 withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b). This section does not
19 apply to Petitioner in this case because he does not have a final order of removal.

20 31. Petitioner’s case concerns the detention provisions at § 1226(a) and
21 § 1225(b)(2).

22 32. For decades, Respondents have applied § 1226(a) to people like
23 Petitioner who entered the United States without inspection and have lived in the
24 United States for many years.

25 33. Thus, in the decades that followed the passage of IRRIRA in 1996,
26 people who had entered without inspection and were thereafter arrested within the
27 United States and placed in removal proceedings were considered for release on bond
28 and also received bond hearings before an IJ under Section 1226, unless their criminal

1 history rendered them ineligible. This practice by EOIR, INS, and then DHS, was a
2 reflection of and implementation of the law as it is written.

3 34. However, on July 8, 2025, Defendants adopted an entirely new
4 interpretation of the statute, one not supported by the law. On that day, ICE, “in
5 coordination with the Department of Justice (DOJ),” announced a corresponding
6 policy that rejected the well-established understanding of the statutory and regulatory
7 framework and reversed decades of practice. The new policy, entitled “Interim
8 Guidance Regarding Detention Authority for Applicants for Admission,” (known as
9 “the Lyons Memo”) authored by Defendant Todd Lyons, claims that all persons who
10 entered the United States without inspection shall now be deemed subject to
11 mandatory detention under § 1225(b)(2)(A). *Id.* The policy applies regardless of when
12 a person is apprehended, and affects those who have resided in the United States for
13 months, years, and even decades. The Lyons memo is an unlawful agency
14 interpretation that conflicts with statute, precedent, and due process.

15 35. DHS’s and DOJ’s interpretation set forth in the Lyons memo and
16 *Matter of Yajure Hurtado* defies the INA. Section 1226(a) applies by default to all
17 persons “pending a decision on whether the [noncitizen] is to be removed from the
18 United States.” These removal hearings are held under § 1229a, to “decid[e] the
19 inadmissibility or deportability of a[] [noncitizen].”

20 36. The text of § 1226 also explicitly applies to people charged as
21 being inadmissible, including those who entered without inspection. *See* 8 U.S.C. §
22 1226(c)(1)(E). Just this year in early 2025, Congress added subparagraph (E) to
23 Section 1226(c)(1) by enacting the Laken Riley Act to exclude certain noncitizens who
24 entered without inspection from § 1226(a)’s default bond eligibility. Under the Laken
25 Riley Act, a noncitizen who entered the U.S. without inspection *and* has been accused
26 of theft-related crimes is not eligible for bond. By adding a provision relating to a
27 person who entered without inspection and has been accused of a theft-related crime
28 the Laken Riley Act actually assumes that a person who entered without inspection

1 *and has not been accused or convicted* of a theft-related crime *is* eligible for bond, as a
2 general rule. Section 1226(c)(1)(E)’s reference to persons inadmissible under §
3 1182(6)(A), i.e., persons inadmissible for entering without inspection, makes clear
4 that, *by default*, such people are eligible for release on bond under Section 1226(a), if
5 that person has not been accused or convicted of a theft-related crime. As the
6 *Rodriguez Vazquez* court explained, “[w]hen Congress creates “specific exceptions” to
7 a statute’s applicability, it “proves” that absent those exceptions, the statute generally
8 applies. *Rodriguez Vazquez*, 2025 WL 1193850, at *12 (citing *Shady Grove*
9 *Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)). Otherwise,
10 Section 1226(c)(1)(E) would be surplusage. Section 1226 therefore leaves no doubt
11 that it applies to people who are present without admission or parole.

12 37. By contrast, § 1225(b) applies to people arriving at U.S. ports of
13 entry or who very recently entered the United States. The statute’s entire framework is
14 premised on inspections at the border of people who are “*seeking admission*” to the
15 United States. 8 U.S.C. § 1225(b)(2)(A); *see also Diaz Martinez*, 2025 WL 2084238,
16 at *8 (“[O]ur immigration laws have long made a distinction between those
17 [noncitizens] who have come to our shores seeking admission . . . and those who are
18 within the United States after an entry, irrespective of its legality.” (quoting *Leng May*
19 *Ma v. Barber*, 357 U.S. 185, 187 (1958))). Indeed, the Supreme Court has explained
20 that this mandatory detention scheme applies “at the Nation’s borders and ports of
21 entry, where the Government must determine whether a[] [noncitizen] seeking to enter
22 the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).
23 Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to
24 people like Petitioner, who has already entered and was residing in the United States at
25 the time he was apprehended.

26 38. Since Respondents adopted their new policies, dozens of federal
27 courts have rejected their new interpretation of the INA’s detention authorities. Courts
28 have likewise rejected *Matter of Yajure Hurtado*, which adopts the same reading of the

1 statute as ICE. Even before ICE or the BIA introduced these nationwide policies, IJs
2 in the Tacoma, Washington, immigration court stopped providing bond hearings for
3 persons who entered the United States without inspection and who have since resided
4 here. There, the U.S. District Court in the Western District of Washington found that
5 such a reading of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies
6 to noncitizens who are not apprehended upon arrival to the United States. *Rodriguez*
7 *Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025).

8 39. Subsequently, court after court has adopted the same reading of the
9 INA's detention authorities and rejected ICE and EOIR's new interpretation. *See, e.g.*,
10 *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025);
11 *Diaz Martinez v. Hyde*, No. CV 25-11613-BEM, --- F. Supp. 3d ----, 2025 WL
12 2084238 (D. Mass. July 24, 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR
13 (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), *report and recommendation*
14 *adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13,
15 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588
16 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE, 2025
17 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-
18 01789-ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*,
19 No. 25-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No.
20 25 CIV. 6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo*
21 *v. Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-*
22 *Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24,
23 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136 (W.D. La.
24 Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051 (ECT/DJF), --- F. Supp. 3d ----,
25 2025 WL 2466670 (D. Minn. Aug. 27, 2025) *Lopez-Campos v. Raycraft*, No. 2:25-cv-
26 12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Vasquez Garcia v.*
27 *Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025);
28 *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530

1 (C.D. Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL
2 2609425 (E.D. Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025
3 WL 2607924 (D. Mass. Sept. 9, 2025); *see also, e.g., Palma Perez v. Berg*, No.
4 8:25CV494, 2025 WL 2531566, at *2 (D. Neb. Sept. 3, 2025) (noting that “[t]he Court
5 tends to agree” that § 1226(a) and not § 1225(b)(2) authorizes detention); *Jacinto v.*
6 *Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 at *3 (D. Neb. Aug. 19,
7 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-RCC, 2025 WL 2374224
8 at *2 (D. Neb. Aug. 14, 2025) (same). Accordingly, the mandatory detention provision
9 of §1225(b)(2)(A) does not apply to people like Petitioner, who have already entered
10 and were residing in the United States at the time they were apprehended.

11 40. Most recently, in the case of *Maldonado Bautista v. Santacruz*, No.
12 5-25-cv-01873-SSS-BFM, U.S. District Court Judge Sykes granted Partial Summary
13 Judgment for Declaratory Relief, finding that this new policy of DHS violates the INA
14 and Due Process. On November 25, 2025, Judge Sykes issued an Order Granting
15 Plaintiff Petitioners’ Motion for Class Certification, whereby the Court certified a
16 nationwide “Bond Eligible Class” which includes “All noncitizens in the United States
17 without lawful status who (1) have entered or will enter the United States without
18 inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will
19 not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the
20 time the Department of Homeland Security makes an initial custody determination.”
21 In the instant case, Petitioner is a member of the “Bond Eligible Class.” However,
22 immigration judges continue to find “No jurisdiction,” despite Judge Sykes’ Order for
23 Partial Summary Judgment on Declaratory Relief finding that DHS is violating the
24 INA and Due Process, and despite Class certification.

25 VIII. CLAIMS FOR RELIEF

26 Count I: Unlawful Detention in Violation of INA § 236(a)

27 41. Petitioner incorporates by reference the allegations of fact set forth
28 in the preceding paragraphs.

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

6 43. The application of §1225(b)(2) to Petitioner unlawfully mandates
7 his continued detention and violates the INA.

8 **COUNT II: Violation of Due Process Under the Fifth Amendment**

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

11 45. The government may not deprive a person of life, liberty, or
12 property without due process of law. U.S. Const. amend. V. “Freedom from
13 imprisonment—from government custody, detention, or other forms of physical
14 restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*,
15 533 U.S. 678, 690 (2001).

16 46. Petitioner has a fundamental interest in liberty and being free from
17 official restraint.

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

21 **IX. PRAYER FOR RELIEF**

22 WHEREFORE, Petitioner respectfully requests that this Court:

- 23 a. Assume jurisdiction over this matter;
24 b. Order that Petitioner shall not be transferred outside the District
25 of Arizona while this petition is pending
26 c. Issue and Order to Show Cause ordering Respondents to show
27 cause why this Petition should not be granted within 3 days;
28

- 1 d. Issue a Writ of Habeas Corpus requiring that Respondents
2 release Petitioner or, in the alternative, provide Petitioner with a
3 bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days,
4 or, in the alternative, order the release of Respondent upon the
5 posting of \$10,000.00 bond;
6 e. Declare that Petitioner's detention is unlawful;
7 f. Award Petitioner attorney's fees and costs under the Equal
8 Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412,
9 and on any other basis justified under law; and
10 g. Grant any other and further relief that this Court deems just and
11 proper.

12 DATED this 1st day of December, 2025.

13 Respectfully submitted,

14 /s/ Robert E. Coughlon, Jr.

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