

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT TEXAS
EL PASO DIVISION**

Mr. Alvaro Biany FLORES CRUZ,



Petitioner-Plaintiff,

v.

WARDEN, *in his/her official capacity*, as Warden of the
ERO Camp East Montana Detention Facility;

Joel D. GARCIA, *in his official capacity*, as Field Office
Director of the ICE El Paso, Enforcement and Removal
Operations, U.S. Immigrations and Customs Enforcement;
U.S. Department of Homeland Security;

Todd M. LYONS, *in his official capacity*, Acting Director,
Immigration and Customs Enforcement, U.S. Department of
Homeland Security;

Kristi NOEM, in her Official Capacity, Secretary, U.S.
Department of Homeland Security; and

Pamela BONDI, in her Official Capacity, Attorney General
of the United States;

Respondents-Defendants.

Case No. 3:25-cv-00674

**EMERGENCY PETITION FOR
WRIT OF HABEAS CORPUS
AND COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

Challenge to Unlawful Incarceration
Under Color of Immigration
Detention Statutes; Request for
Declaratory and Injunctive Relief

INTRODUCTION

1. Petitioner, Mr. Alvaro Flores Cruz, was unlawfully arrested on November 7, 2025 in Waukegan, Illinois and is now being held at EL PASO CAMP EAST MONTANA in El Paso, Texas.
2. Petitioner Flores Cruz was detained without reasonable suspicion, without an arrest warrant signed by a Magistrate and in violation of the immigration regulations and Due Process

Clause. Petitioner's unlawful arrest is also a direct and continued violation of the settlement agreement in *Nava v. Dept. of Homeland Security*, 435 F.Supp.3d 880, 885 (N.D.Ill. 2020) (*Nava I*) and *Castanon Nava v. DHS, Et Al*, 1:18-cv-03757 (N.D.Ill. 2025).

3. Petitioner challenges the recent Executive Office of Immigration Review ("EOIR") policy change that he "seeks admission" and is subject to mandatory detention under 8 U.S.C. § 1225. He is subject to the general removal statute, 8 U.S.C. § 1226(a), entitling him to a bond re-determination hearing before an Immigration Judge.
4. Petitioner requests an emergency order from this Court that he be released from custody, and, in the interim, an order from the Court that he is not removed from this judicial district or removed from the United States, pending disposition of their petition for writ of habeas corpus. In the alternative, Petitioner also seeks a bond re-determination with the Immigration Court as soon as possible.
5. Petitioner is currently awaiting removal proceedings under the Immigration and Nationality Act (I.N.A.) § 240 before Immigration Court.
6. Petitioner was denied any release by the Department of Homeland Security ("DHS") and wants to seek a bond redetermination hearings before an immigration judge. However, based on new agency policy, all persons who entered without inspection are deemed applicants for admission to the United States and are ineligible for bond redetermination hearings based on the immigration statute, 8 U.S.C. § 1225(b)(2)(A).

JURISDICTION AND VENUE

7. This Court has jurisdiction over the present action pursuant to 28 U.S.C. § 1331, general federal question jurisdiction; 28 U.S.C. § 1651, All Writs Act; 28 U.S.C. § 2241 et seq., habeas corpus; 5 U.S.C. § 701 Administrative Procedure Act; 28 U.S.C. § 2201, the

Declaratory Judgment Act; Art. 1, § 9, Cl. 2 of the United States Constitution (Suspension Clause); Art. 3 of the United States Constitution, and the common law, as Petitioner is detained under color of the authority of the United States, and such custody is in violation of the Constitution, laws, regulations, and, or treaties of the United States.

8. This Court may grant relief pursuant to 28 U.S.C. § 2243, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651 to protect Petitioner's rights under the Due Process Clause of the Fifth Amendment to the United States Constitution, the Excessive Bail Clause of the Eighth Amendment, and under applicable Federal law, and to issue a writ of habeas corpus for his immediate release. See generally *INS v. St. Cyr*, 533 U.S. 289 (2001); *Zadvydas v. Davis*, 533 U.S. 678 (2001).
9. Venue properly lies within the Western District of Texas under 28 U.S.C. § 1391(e), because this is a civil action in which Respondents are agencies of the United States, Petitioner is currently detained in this district. (See Exhibit A, ICE Detainee Locator).

REQUIREMENTS OF 28 U.S.C. § 2241 and 2243

10. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*
11. Petitioner is "in custody" for the purpose of § 2241 because Petitioner was arrested and detained by Respondents.
12. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, affording as it does a swift and

imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963).

PARTIES

13. Petitioner, Mr. Alvaro FLORES CRUZ, is a 38 year-old citizen of Honduras. He entered the U.S. on or about 2006 without inspection and has remained in the US. Petitioner has one U.S. citizen son, and he has resided in Waukegan, Illinois for more than fifteen years. He is currently detained in El Paso Camp East Montana Detention Center in El Paso, Texas.
14. Respondent Warden _____ is Warden of El Paso Camp East Montana Detention Center, where Petitioner is being held. Respondent oversees the day-to-day operations of the facility and acts at the Direction of Respondents Lyons, Noem, and Olsen. He is a custodian of Petitioner and is named in his official capacity.
15. Respondent Joel D. GARCIA is the Field Director of Immigration and Customs Enforcement in El Paso, Texas. ICE is the component of the DHS that is responsible for detaining and removing noncitizens according to immigration law and oversees custody determinations. In his official capacity, he is the legal custodian of Petitioner.
16. Respondent Todd M. LYONS is the Acting Director of ICE and is named in his official capacity. Among other things, ICE is responsible for the administration and enforcement of the immigration laws, including the removal of noncitizens. In his official capacity as head of ICE, he is the legal custodian of Petitioner.
17. Respondent Kristi NOEM is the Secretary of the DHS and is named in her official capacity. DHS is the federal agency encompassing ICE, which is responsible for the administration and enforcement of the INA and all other laws relating to the immigration of noncitizens. In her capacity as Secretary, Respondent Noem has responsibility for the administration

and enforcement of the immigration and naturalization laws pursuant to section 402 of the Homeland Security Act of 2002, 107 Pub. L. No. 296, 116 Stat. 2135 (Nov. 25, 2002); see also 8 U.S.C. § 1103(a). Respondent Noem is the ultimate legal custodian of Petitioner.

18. Respondent Pamela BONDI is the Attorney General of the United States and the most senior official in the U.S. Department of Justice (DOJ) and is named in her official capacity. She has the authority to interpret the immigration laws and adjudicate removal cases. The Attorney General delegates this responsibility to the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA.

LEGAL BACKGROUND

19. The Immigration and Nationality Act (INA) prescribes three basic forms of detention for noncitizens in removal proceedings. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard non-expedited removal proceedings before an immigration judge (IJ). See 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are entitled to a bond hearing at the outset of their detention, see 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, see 8 U.S.C. § 1226(c).
20. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).
21. Last, the Act also provides for detention of noncitizens who have been previously ordered removed, including individuals in withholding-only proceedings, see 8 U.S.C. § 1231(a)–(b).

22. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2). The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).
23. Following enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). See *Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures*, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).
24. Thus, in the decades that followed, most people who entered without inspection—unless they were subject to some other detention authority—received bond hearings. That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ or other hearing officer. See 8 U.S.C. § 1252(a) (1994); see also H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority previously found at § 1252(a)).
25. In July 2025, ICE released a memorandum instructing its attorneys to coordinate with the Department of Justice, the agency housing EOIR, to reject bond redetermination hearings for applicants who arrived in the United States without documents.

26. A May 22, 2025 unpublished BIA decision confirms that EOIR is taking this same position that noncitizens who entered the United States without admission or parole are ineligible for immigration judge bond hearings.
27. Respondents' new policy turns this well-established understanding on its head and violates the statutory scheme. Indeed, this legal theory that noncitizens who entered the United States without admission or parole are ineligible for bond hearings has been repeatedly rejected by multiple district courts, including this Honorable Court, and finding that such individuals are entitled to bond redetermination hearings before immigration judges. See *Ochoa Ochoa v. Noem*, No. 25-cv-10865 (N.D. Ill. Oct. 16, 2025); *Miguel v. Noem et al*, No. 25-cv-11137 (N.D. Ill. Oct. 21, 2025); *Padilla v. Noem*, 25 CV 12462 (N.D. Ill. Oct. 22, 2025); *Rodríguez v. Bostock*, No. 3:25-CV-05240-TMC, 2025 WL 1193850, at *12 (W.D. Wash. Apr. 24, 2025); *Lopez Benitez*, 2025 WL 2371588; *Lepe v. Andrews*, -- F. Supp. 3d --, 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025); *Hernandez Marcelo v. Trump*, -- F. Supp. 3d --, 2025 WL 2741230 (S.D. Ia. Sept. 10, 2025); *Gomes v. Hyde*, 2025 WL 1869299 (D. Mass. July 7, 2025); *Jose Alejandro v. Olson*, 2025 WL 2896348 (S.D. Ind. Oct. 11, 2025); *Barrera v. Tindall*, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025); *Rodriguez v. Kaiser*, No. 25-cv-1111, 2025 WL 2855193 (E.D. Cal. Oct. 8, 2025); *Clavijo v. Kaiser*, No. 25-cv-6248, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025).
28. DHS' interpretation defies the INA. The plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.
29. Section 1226(a) applies by default to all persons "pending a decision on whether the [noncitizen] is to be removed from the United States." These removal hearings are held under § 1229a, which "decid[e] the inadmissibility or deportability of a[] [noncitizen]."

30. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. See 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)'s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.
31. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute's entire framework is premised on inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A). A reading of the plain language for each statute shows a clear distinction.
32. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to people like Petitioner who are alleged to have entered the United States without admission or parole.

FACTS

33. Petitioner Alvaro B. Flores Cruz is a citizen of Honduras and entered the US in 2006 unlawfully. He has resided in the US for more than fifteen (15) years, has established steady work history and is the primary provider for his family.
34. On November 7, 2025, without cause or actual notice, Respondents unlawfully arrested Petitioner, following him in an unmarked vehicle.
35. Respondents did not have probable cause for Petitioner's arrest or provide valid arrest warrant to Petitioner.
36. Respondents did not make an individualized finding of flight risk.

37. Respondents did not identify themselves as immigration agents and did not inform Petitioner of the basis for his arrest.
38. In 2018, Petitioners, like Petitioner in the instant case, filed a class action lawsuit against Respondents, including DHS and ICE to ensure that ICE complies with its statutory obligations under 8 U.S.C. §1357(a)(2) when conducting warrantless arrests of persons who have not obtained lawful immigration or citizenship status in the United States.
39. This Court certified the class of petitioners and granted final approval of the parties' settlement agreement that imposed several obligations on ICE related to arrests of persons without a warrant for a civil violation of U.S. immigration laws within ICE's Chicago jurisdiction. *Nava v. Dept. of Homeland Security*, 435 F.Supp.3d 880, 885 (N.D.Ill. 2020).
40. Petitioner has since been detained at ERO El Paso, Texas Detention Center.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

41. No statutory requirement of administrative exhaustion applies to Petitioner's case. Moreover, the judicially created "general rule that parties exhaust prescribed administrative remedies before seeking relief from the federal courts" does not apply to Petitioner's present challenge, as there are no prescribed administrative remedies to which he could resort. *McCarthy v. Madigan*, 503 U.S. 140, 144–45 (1992), superseded by statute on other grounds as recognized in *Woodford v. Ngo*, 548 U.S. 81 (2006).
42. DHS's policy states that it was developed in coordination with the Department of Justice, and in a recently published decision by the Board of Immigration Appeals (BIA), *Matter of Yajure Hurtado*, 29 I& N Dec. 216 (BIA 2025). The BIA held that "Immigration Judges

lack authority to hear bond requests or to grant bond to [noncitizens] who are present in the United States without admission.” *Id.* Under the BIA’s interpretation, Petitioner is ineligible for bond as he is now classified as an applicant for admission and statutorily ineligible for bond under § 1225(b)(2)(A).

43. Accordingly, there are no administrative remedies that he could exhaust before seeking habeas relief. See *Singh v. Lewis*, No. 4:25-CV-96-RGJ, 2025 WL 2699219, at *3 (W.D. Ky. Sept. 22, 2025) (“[t]he United States has made clear their position on Section 1225, and it is being applied at all levels within the DHS. Therefore, it is unlikely that any administrative review would lead to the United States changing its position and precluding judicial review”); *Lopez-Campos v. Raycraft*, No. 2:25-CV-12486, 2025 WL 2496379, at *4 (E.D. Mich. Aug. 29, 2025) (“Because exhaustion would be futile and unable to provide Lopez-Campos with the relief he requests in a timely manner, the Court waives administrative exhaustion and will address the merits of the habeas petition.”).
44. Petitioner asserts that he is eligible for bond. For noncitizens who are “already in the country,” 8 U.S. C § 1226 permits detention “pending the outcome of removal proceedings” in certain circumstances. *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018).
45. Unlike § 1225(b)(1) and (b)(2), § 1226 affords the government significant discretion. After arresting a noncitizen “[o]n a warrant issued by the Attorney General,” the government “may continue to detain the arreste[e]” until a final removal decision is made or “may release” them on “bond” or “conditional parole.” 8 U.S.C. § 1226(a)(1)–(2). “Conditional parole” may also be called “release on recognizance.” See *Ortega-Cervantes v. Gonzales*, 501 F.3d 1111, 1115 (9th Cir. 2007).

46. Section 1226 prohibits the release of a detained noncitizen, whether on bond or conditional parole, unless the noncitizen “satisfies [the government] that he will not pose a danger to the safety of other persons or of property and is likely to appear for any scheduled proceeding.” 8 U.S.C. § 1226(a)(4); see also 8 C.F.R. § 1236.1(c)(8). If a noncitizen wishes to contest the initial custody determination—i.e., the denial or amount of bond—she has a right to do so before an immigration judge. 8 C.F.R. § 1236.1(d)(1).
47. In a handful of circumstances, § 1226 departs from its discretionary framework to mandate detention. See 8 U.S.C. § 1226(c). The government “shall take into custody” noncitizens who are inadmissible or deportable because they committed certain criminal offenses. *Id.* § 1226(c)(1)(A)– (C); are inadmissible based on terrorist affiliations or other security concerns, *id.* § 1226(c)(1)(D); or are inadmissible on certain bases and have been charged, arrested, or convicted for specified crimes, including burglary and shoplifting. *Id.* § 1226(c)(E). This Court may order Petitioner to receive a bond hearing should he be placed in removal proceedings.
48. Petitioner also notes that should he be granted bond, ICE’s “automatic stay” regulation at 8 CFR 1003.19(i)(2) purports to allow ICE to automatically stay an IJ’s decision to grant bond to someone while ICE appeals that decision to the Board of Immigration Appeals. DHS now uses this auto-stay regulation to keep people detained under INA 235(b), even after IJ granted them bond under INA 236(a). Courts repeatedly found the regulation violates due process and is ultra vires to the INA. See *Hasan v. Crawford*, No. 1:25-CV-1408 (LMB/IDD), 2025 WL 2682255, (E.D. Va. Sept. 19, 2025).
49. As Petitioner raises constitutional questions as it related to his unlawful arrest and subsequent detention, neither an immigration judge nor the BIA ls can rule on a petitioner’s

constitutional claims. See *Matter of R-A-V-P-*, 27 I &N Dec. 803, 804 (B.I.A. 2020) (holding that IJs and the BIA lack any authority to consider the constitutionality of the statutes or regulations governing immigration detention that they administer and are bound to follow); *Matter of C--*, 20 I&N Dec. 529, 532 (B.I.A. 1992) (“[I]t is settled that the immigration judge and this Board lack jurisdiction to rule upon the constitutionality of the Act and the regulations.”); see also *Gonzalez v. O’Connell*, 355 F.3d 1010, 1017 (7th Cir. 2004) (noting that “the BIA has no jurisdiction to adjudicate constitutional issues”). Any request by Petitioner for bond determination before EOIR is essentially futile.

50. Should there be any doubt as to the ambiguity of the statutes, the US Supreme Court’s decision under *Loper Bright Enter. v. Raimondo*, 144 S.Ct. 2244, 219 L.Ed.2d 832 (2024) permits courts to exercise their independent judgment and need not defer if statute is ambiguous. *Barrera v. Tindall*, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025).

CAUSES OF ACTION

COUNT I

Violation of 8 U.S.C. § 1226(a)

Unlawful Denial of Bond Redetermination Hearing

51. Petitioner repeats, re-allege, and incorporate by reference each and every allegation in the preceding paragraphs as if fully set forth herein. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to noncitizens residing in the United States who are subject to the grounds of inadmissibility because they originally entered the United States without inspection or parole. Such noncitizens are detained under § 1226(a), unless they are subject to another detention provision, such as § 1225(b)(1), § 1226(c) or § 1231.

52. The application of § 1225(b)(2) to bar Petitioner from receiving a bond redetermination hearing before an immigration judge is arbitrary, capricious, and not in accordance with law, and as such, it violates the I.N.A. and APA. See 5 U.S.C. § 706(2).

COUNT II
Violation of the Bond Regulations, 8 C.F.R. §§ 236.1, 1236.1 and 1003.19 Unlawful Denial of Release on Bond

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

54. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-Immigration and Naturalization Service (“INS”) issued an interim rule to interpret and apply IIRIRA. Specifically, under the heading of “Apprehension, Custody, and Detention of [Noncitizens],” the agencies explained that “[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) will be eligible for bond and bond redetermination.” 62 Fed. Reg. at 10323. The agencies thus made clear that individuals who had entered without inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. § 1226 and its implementing regulations.

55. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

COUNT III
Violation of 8 U.S.C. § 1252(b)(2)
Unlawful Detention Under This Provision

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

57. Title 8 U.S.C. § 1225(b) is concerned primarily with those seeking entry to the United States and is generally imposed at the Nation's borders and ports of entry, where the Government must determine whether a noncitizen seeking to enter the country is admissible.

58. Upon information and belief, Petitioner has resided in the U.S. since 2005. He is therefore neither an arriving alien nor an alien who is now seeking admission to the United States.

59. Because 8 U.S.C. § 1252(b) does not apply to Petitioner, Respondents' detention of him under this provision is unlawful.

COUNT IV
Violation of 8 U.S.C. § 1357(a)(2):
Warrantless Arrests Without Probable Cause of Flight Risk

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

61. Respondents ICE arrested Petitioner without probable cause and without warrants. Before each arrest, Respondents failed to make an individualized finding of flight risk. The failure to meet these requirements is a violation of 8 U.S.C. § 1357(a)(2).

COUNT V
Violation of Due Process

62. Petitioner incorporates the allegations in the paragraphs above as though fully set forth here.

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

64. The government's detention of Petitioner violates his rights to due process because they have been detained without lawful authority, infringing on his fundamental right to liberty.
65. The government's detention of Petitioner without a bond redetermination hearing to determine whether he is a flight risk or danger to others violates his right to due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- (1) Assume jurisdiction over this matter;
- (2) Declare that Petitioner is detained in violation of law;
- (3) Issue an Order to Show Cause ordering Respondents to show cause why his Petition should not be granted within three days, but no more than twenty days;
- (4) Enjoin Respondents from transferring Petitioner outside of this judicial district during the pendency of removal proceedings;
- (5) Issue a Writ of Habeas Corpus ordering Respondents to release him from custody or provide him with a bond hearing pursuant to 8 U.S.C. § 1226(a) or the Due Process Clause within seven days;
- (6) Declare any DHS "autostay" is in violation of Petitioner's Due Process and should be vacated;
- (7) Award costs and reasonable attorney fees incurred under this action under 28 U.S.C. § 2412, et. seq. (Equal Access to Justice Act); and
- (8) Grant any further relief that this Court may deem fit and proper.

Dated this 16th of December, 2025

Respectfully Submitted,

/s/Afshan J. Khan
Afshan J Khan, Esq.
Attorney for Petitioner
986 Lake Street, Suite 102
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Telephone: (331) 703-5258

VERIFICATION PURSUANT TO 28 U.S.C. 2242

I am submitting this verification on behalf of the Petitioner because I am Petitioner's attorney. I have discussed with the Petitioner the events described in the Petition. Based on those discussions, I hereby verify that the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Executed on this 16th of December, 2025.

/s/Afshan J. Khan
Afshan J. Khan, Esq.
Attorney for Petitioner

Certificate of Service

I, the undersigned, hereby certify that on this date, I uploaded the foregoing, with all attachments thereto, to this court's CM/ECF system, which will send a Notice of Electronic Filing (NEF) to all case participants.

A copy will also be sent by Certified Mail to the following Respondents and their respective addresses:

Warden, ERO El Paso Camp East Montana
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Kristi Noem, U.S. Secretary of Homeland Security
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Dated this 16th of December, 2025

Respectfully Submitted,

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