UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

José Antonio CEBALLOS ALBUERNES,

Petitioner,

v.

Warden of the ERO El Paso East Montana; JOEL GARCIA, Field Office Director, El Paso Field Office, United States Immigration and Customs Enforcement; TODD M. LYONS, Acting Director, United States Immigration and Customs Enforcement; KRISTI NOEM, Secretary of Homeland Security; PAMELA JO BONDI, United States Attorney General, *in their official capacities,*

Respondents.

Civil Action No.: 3:25-cv-00681

VERIFIED PETITION FOR A WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241 OR ORDER TO SHOW CAUSE WITHIN THREE DAYS

REQUEST FOR EMERGENCY TEMPORARY RESTRAINING ORDER

VERIFIED PETITION FOR A WRIT OF HABEASCORPUS PURSUANT TO 28 U.S.C. § 2241

INTRODUCTION

1. Petitioner, Jose Antonio Ceballos Albuernes, brings this petition for a writ of habeas corpus to seek enforcement of his rights as a member of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the physical custody of Respondents at the ERO El Paso East Montana detention center. He now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office for Immigration

Review (EOIR) have refused to abide by the declaratory judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

2. On November 20, 2025, the District Court of the Central District of California granted partial summary judgment on behalf of individual plaintiffs and, on November 25, 2025, certified a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment).

3. The declaratory judgment held that the Bond Denial Class members are detained under 8 U.S.C. § 1226(a) and thus may not be denied consideration for release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

4. Nonetheless, the Executive Office for Immigration Review and its subagency the Immigration Court and the Department of Homeland Security (DHS) refuse to abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the opportunity to be released on bond.

5. Petitioner is a member of the Bond Eligible Class, as he:

   a. does not have lawful status in the United States and is currently detained at the [ERO East Montana detention center;

   b. entered the United States without inspection over three years ago and was not apprehended upon arrival, *cf. id.*; and

   c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

6. After initially arresting Petitioner within the U.S. after his arrival on April 27, 2022, DHS placed him in removal proceedings and released him under his own recognizance. At that time, DHS charged Petitioner as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered

the United States without inspection and cited 8 U.S.C. §1226(a) as the basis for his detention. On July 25, 2025, Petitioner was re-detained by DHS following his appearance before the Immigration Court in Miami, Florida. They did not cite a new statutory basis for his detention at that time.

7. The Court should expeditiously grant this petition.

8. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full "force and effect of a final judgment." 28 U.S.C. § 2201(a). Nevertheless, Respondents continue to defy the judgment in that case and subject Petitioner to unlawful detention despite his clear entitlement to consideration for release on bond as a Bond Eligible Class member.

9. Immigration judges have informed class members in bond hearings that the declaratory judgment in *Maldonado Bautista* is not controlling, even with respect to class members, and that instead IJs remain bound to follow the agency's prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

10. Because Respondents are detaining Petitioner in violation of the declaratory judgment issued in *Maldonado Bautista,* and the detention provisions of the INA generally, the Court should order that Respondent DHS must release Petitioner within one day.

11. Alternatively, the Court should order Petitioner's release unless Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within five days.

CUSTODY

12. Petitioner is in the physical custody of Respondents. Petitioner is detained at ERO El Paso East Montana, an immigration detention facility, in El Paso, Texas. Petitioner is under the direct control of Respondents and their agents.

JURISDICTION

13. This Court has jurisdiction to entertain this habeas petition under 28 U.S.C. 1331; 28 U.S.C. 2241; the Due Process Clause of the Fifth Amendment, U.S. Const. amend. V; and the Suspension Clause, U.S. Const. art. I, § 2.

VENUE

14. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500 (1973), venue lies in the United States District Court for the Western District of Texas, the judicial district in which Petitioner currently is detained.

15. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Western District of Texas.

REQUIREMENTS OF 28 U.S.C. § 2243

16. The Court should grant the petition for writ of habeas corpus "forthwith," as the legal issues have already been resolved for class members in *Maldonado Bautista.*

17. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . 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) (emphasis added). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

18. Petitioner, José Antonio Ceballos Albuernes, is currently detained by Respondents at ERO El Paso East Montana, an immigration detention facility. He has been in ICE custody since on or about July 24, 2025, when he was arrested following his immigration court hearing in Miami, Florida.

19. The unnamed Respondent is the Warden of the Camp East Montana facility, where Petitioner is currently detained. They are the legal custodian of Petitioner and are named in their official capacity.

20. Respondent Joel Garcia is the Field Office Director responsible for the El Paso Field Office

of Immigration and Customs Enforcement (ICE) with administrative jurisdiction over Petitioner's immigration case. He is a legal custodian of Petitioner and is named in his official capacity.

21. Respondent Todd M. Lyons is the Acting Director of ICE. He is a legal custodian of Petitioner and is named in his official capacity.

22. Respondent Kristi Noem is the Secretary of the United States Department of Homeland Security (DHS). She is a legal custodian of Petitioner and is named in her official capacity.

23. Respondent Pamela Jo Bondi is the Attorney General of the United States Department of Justice. She is a legal custodian of Petitioner and is named in her official capacity.

RELEVANT FACTS & PROCEDURAL HISTORY

24. Petitioner, José Antonio Ceballos Albuernes, is a Cuban national who has been residing in the United States since entering the country without inspection on April 27, 2022. *See generally* Exh.4-8.

25. Petitioner was initially arrested by immigration authorities within the U.S. shortly after entering the country. Exh. 8. At that time, DHS charged him with inadmissibility under 8 U.S.C. 1182(a)(6)(A)(i), as a noncitizen present without being admitted or paroled, and detained him citing to their authority under 8 U.S.C. §1226(a). Exhs. 5-6, 8.

26. Soon after, also pursuant to § 1226, DHS released Petitioner under his own recognizance with instructions to appear for a future immigration court hearing in Miami, Florida. Exh. 6-7.

27. More than three years later, Petitioner appeared for a hearing before the Miami Immigration Court. During that hearing, the Immigration Judge dismissed his case over Petitioner's objection. Exh. 4. Immediately thereafter, DHS took Petitioner into custody. Exh. 2.

28. Petitioner appealed the Immigration Judge's order to the Board of Immigration Appeals (BIA) on August 15, 2025. That appeal remains pending. Exh. 4.

29. Petitioner is currently detained by DHS at the ERO El Paso East Montana detention facility in El Paso, Texas.

30. Petitioner has been denied release by the Department of Homeland Security and sought a custody redetermination hearing before an Immigration Judge. On December 17, 2025, he was denied the opportunity for a bond hearing because the Immigration Judge found that they lacked jurisdiction over the Petitioner's custody pursuant to the recent decision issued in September 2025 by the Board of Immigration Appeals in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). *See* Exh. 1. That decision holds that, once detained, all individuals who arrived in the United States without documents, regardless of how long they have lived in the United States or where they were apprehended are held under 8 U.S.C. § 1225(b)(2)(A).

LEGAL FRAMEWORK

31. Petitioner's detention is not governed by 8 U.S.C. § 1225(b)(2)(A). The Court in *Maldonado Bautista* has already ruled that the detention of noncitizens such as Petitioner, who are within the Bond Eligible Class, is not governed by 8 U.S.C. § 1225(b)(2)(A) but instead is governed by 8 U.S.C. § 1226(a). *Maldonado Bautista*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025).

32. In the alternative, this court can independently hold, as many others already have across the country, that the detention of the Petitioner in this case is governed by 8 U.S.C. § 1226(a) rather than § 1225(b)(2)(A).

33. The INA prescribes three basic forms of detention for most noncitizens in removal proceedings. Of these, the two forms of detention relevant to this case are described at 8 U.S.C. §§ 1226(a) and 1225(b)(2).

34. 8 U.S.C. § 1226 "authorizes the Government to detain certain [noncitizens] already in the country pending the outcome of [Section 240] removal proceedings." *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018). Individuals detained under Section 1226(a) are generally entitled to a bond hearing at the outset of their detention. See 8 C.F.R. §§ 1003.19(a), 1236.1(d).

35. On the other hand, 8 U.S.C. 1225(b)(2) provides that a person alleged to be an "applicant for admission" who is "seeking admission" and whom an "examining immigration officer determines . . . is not clearly and beyond a doubt entitled to be admitted" is subject to mandatory detention – that is, detention without the right to a bond hearing. *See* 8 U.S.C. § 1225(b)(2)(A).

36. 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 was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

37. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without admission or parole 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).

38. Thus, in the decades that followed, most people who entered without admission or parole were arrested under 8 U.S.C. § 1226(a), placed in standard removal proceedings, and received bond hearings, unless their criminal history rendered them ineligible. 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 Immigration Judge 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)).

39. On July 8, 2025, ICE, "in coordination with" the Department of Justice, announced a new policy that rejected this well-established understanding of the statutory framework and reversed decades of practice.

40. The new policy, entitled "Interim Guidance Regarding Detention Authority for Applicants for Admission," claims that all persons who entered the United States without admission or parole shall now be deemed "applicants for admission" under 8 U.S.C. § 1225, and therefore are subject to mandatory detention under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended and affects those who have resided in the United States for months, years, and even decades.

41. On September 5, 2025, the Board of Immigration Appeals (BIA) adopted this same position in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). There, the Board held that all noncitizens who entered the United States without admission or parole are considered applicants for admission who are "seeking admission" and are ineligible for IJ bond hearings.

42. Even before the decision in *Maldonado Bautista*, court after court had rejected ICE's new policy and EOIR's new interpretation. *See, e.g., Kostak v. Trump, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); Vazquez v. Bostock*, 3:25-cv-05240-TMC, 2025 U.S. Dist. LEXIS 193611, (W.D. Wash. Sept. 30, 2025); *Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425, 2025 U.S. Dist. LEXIS 175767 (E.D. Mich. Sept. 9, 2025) (citing District Court cases around the country rejecting this interpretation).

43. Courts have resoundingly rejected DHS's and EOIR's new interpretation because it defies the INA. The plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

44. Subsection 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, to "decid[e] the inadmissibility or deportability of a[] [noncitizen]."

45. Just this year, Congress amended 8 USC §1226(c)(1) to add subparagraph (E) in the Laken Riley Act. The amendment provided that certain noncitizens who entered without inspection and who are charged with or convicted of certain crimes are ineligible for bond under § 1226(a)'s default bond provision. Subparagraph (E)'s reference to such people makes clear that, by default, noncitizens who entered without inspection but did not have the criminal history described by the Laken Riley Act are entitled to a bond hearing under subsection (a). As the *Rodriguez Vazquez* court explained, "[w]hen Congress creates 'specific exceptions' to a statute's applicability, it 'proves' that absent those exceptions, the statute generally applies." *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)). Further, "when Congress acts to amend a statute, we presume it intends its amendment to have real and substantial effect." *Stone v. I.N.S.*, 514 U.S. 386, 397 (1995). 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.

46. 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). Indeed, the Supreme Court has explained that this mandatory detention scheme applies "at the Nation's borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

47. The mandatory detention provision in 8 USC 1225(b)(2)(A) reads: "[I]n the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title." 8 U.S.C. § 1225(b)(2)(A) (emphasis added).

48. Section 1225(b), according to its text, applies to "applicants for admission" who are "seeking admission." This text, including the use of the present tense in "seeking admission", indicates that

section 1225(b) is applicable only to noncitizens who are actively seeking admission into the United States. *Baquedano Lagos v. Vergara*, No. 5:25-cv-01411, 8 (W.D. Tex. Nov 18, 2025) ("When ICE detained her in 2025, Baquedano Lagos was not seeking entry, much less "lawful entry . . . after inspection and authorization.'"); *Hervert v. Bondi*, No. 1:25-cv-01763 (W.D. Tex. Nov 14, 2025) ("However, 8 U.S.C. § 1225(b)(2) references not just an "applicant for admission," but an "applicant for admission" who is "seeking admission.""); *Galdamez Martinez v. Noem*, No. SA-25-CV-01373-JKP, 2025 WL 3471575 (W.D. Tex. Nov. 26, 2025)) (finding that detained is wrongfully detained under INA § 235(b)(2) because he is not "seeking admission" despite classification as "applicant for admission.")

49. Accordingly, the mandatory detention provision of § 1225(b)(2) cannot apply to people like Petitioner. At the time of his most recent detention on July 24, 2025, he had already entered the United States and had been residing in the country for over three years as he awaited the outcome of his asylum case. He was not actively seeking admission.

50. Even looking back to his initial apprehension near the U.S. border on April 27, 2022, DHS opted not to classify Petitioner as someone subject to the mandatory detention provisions of §1225(b)(2). Rather, as his Notice to Appear (NTA), Notice of Custody Determination, and Form I-213 (Record of Deportable/Inadmissible Alien) all indicate, Petitioner was apprehended after entering the United States, charged as an alien present without being admitted or paroled, detained and then released pursuant to DHS' authority under §1226(a). Exh. 4-8.

51. Under these circumstance it would be absurd to consider Petitioner to be "seeking admission" at the time of his most recent apprehension. *See Torres*, 2025 WL 2855379, at *3-5; R.D.T.M, 2025 WL 2686866, at *4; accord *Contreras Maldonado v. Cabezas*, No. 25– 13004, 2025 WL 2985256 (D.N.J. Oct. 23, 2025) (finding the "invocation of 1225(b) as applied to Petitioner," a former UC who had resided in the United States for years, to be "inconsistent with the statutory framework distinguishing between entry-based and interior detention authority").

52. In any event, this Court owes no deference to *Matter of Yajure Hurtado* under *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 394 (2024). Cf. *Rodriguez Vasquez*, 2025 WL 2782499, at *1, n.3 (rejecting and noting many other cases rejecting the BIA's statutory interpretation in *Matter of Yajure Hurtado*)). Thus, even if this court finds that Petitioner is not a Bond Denial Class Member of *Maldonado Baustista*, it may still independently hold, as many others already have across the country, that the detention of the Petitioner in this case is governed by 8 U.S.C. § 1226(a) rather than § 1225(b)(2)(A).

53. Accordingly, no matter whether this Court finds that Petitioner is a Bond Eligible Class Member of *Maldonado Bautista*, his ongoing detention without access to bond is contrary to the clear meaning of the detention provisions of the INA.

CLAIMS FOR RELIEF

FIRST CLAIM

Violation of the INA: Request for Relief Pursuant to *Maldonado Bautista*

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

55. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

56. The order granting partial summary judgment in *Maldonado Bautista* holds that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.

57. The order granting class certification in *Maldonado Bautista* further orders that "[w]hen considering this determination with the MSJ Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole."

58. Respondents are parties to *Maldonado Bautista* and bound by the Court's declaratory judgment, which has the full "force and effect of a final judgment." 28 U.S.C. § 2201(a).

59. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner's statutory rights under the INA and the Court's judgment in *Maldonado Bautista.*

SECOND CLAIM

Violation of 8 U.S.C. § 1226(a) and Implementing Regulations

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

61. Petitioner's detention is governed by 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225(b)(2)(A), given his three years of presence in the United States and interior apprehension. The application of 8 U.S.C. § 1225(b)(2)(A) to Petitioner thus violates the INA.

THIRD CLAIM

Violation of the Due Process Clause of the Fifth Amendment (Procedural Due Process)

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

63. The procedural due process guarantees of the Fifth Amendment ensure that noncitizens cannot be deprived of liberty or property interests without due process of law. *Barrows v Burwell*, 777 F.3d 106, 113 (2d Cir. 2015) (quoting *Mathews*, 424 U.S. at 332). *See also, Vieira v. De Anda-Ybarra*, No. EP-25-CV-00432-DB, 2025 WL 2937880, at *5 (W.D. Tex. Oct. 16, 2025) ("Petitioner is entitled to the Fifth Amendment's Due Process Clause protections.").

64. Respondents violated Petitioner's right to procedural due process by arresting and detaining him in July 2025, without providing adequate procedural protections before (or after) the resultant deprivation of his liberty, including an individualized review of his detention through a bond hearing.

65.

FOURTH CLAIM

Violation of the Due Process Clause of the Fifth Amendment (Substantive Due Process)

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

67. Petitioner has an active case pending before the Board of Immigration Appeals, such that he cannot be removed. Because his removal is not reasonably foreseeable and there is no other justification for his detention, his detention is not authorized by statute or related to any legitimate government interests, in violation of the substantive due process protections of the Fifth Amendment.

68. In order to satisfy the substantive due process requirements of the Fifth Amendment, a noncitizen's detention must be tied to some lawful purpose, which does not exist when the individual is not a flight risk or a danger to the community. *Zadvydas v. Davis*, 533 U.S. at 690 (2001). Here, Petitioner is not a flight risk nor is he a danger to the community. He has deep ties to the United States where most of his family reside and hold lawful status, a path to lawful status of his own, and no criminal record. Indeed, Petitioner was re-detained immediately following a court hearing in which he was actively pursuing immigration relief, indicating that he is not a flight risk.

69. Further, the government's interest in preventing flight is a "weak or nonexistent" justification for detention when a person cannot actually be removed. *Id.* at 690; *Phan v. Reno*, 56 F. Supp. 2d 1149, 1156 (W.D.Wash 1999) ("Detention by the INA can be lawful only in aid of deportation.")

70. Respondents' detention of him is therefore impermissibly punitive and unlawful.

PRAYER FOR RELIEF

WHEREFORE, Petitioners pray that this Court grant the following relief:

a. Assume jurisdiction over this matter;

b. Declare that Petitioner is a Bond Class Member under *Maldonado Bautista*;

c. Declare that Petitioner's arrest and detention violates the Due Process Clause of the Fifth Amendment, the INA, and implementing regulations;

d. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner, under the same conditions as existed prior to his detention;

e. Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner immediately unless they provide a bond hearing under 8 U.S.C. § 1226(a) within five days, at which hearing Respondents will bear the burden of justifying Petitioner's continued detention by clear and convincing evidence of dangerousness or flight risk;

f. Issue an Order prohibiting Respondents from seeking a stay of any order granting bond by the Immigration Judge, including by filing a form EOIR-43 (Notice of Service Intent to Appeal Custody Redetermination) or a motion for emergency stay;

g. Issue an Emergency Temporary Restraining Order prohibiting Respondents from removing Petitioner from the United States or transporting Petitioner out of this jurisdiction during the pendency of this petition;

h. Issue an Order to Show Cause ordering Respondents to explain why this Petition should not be granted within three days, and set a hearing on this Petition within five days of the return, as required by 28 USC § 2243;

i. Issue an Order prohibiting Respondents from re-detaining Petitioner without a pre-deprivation hearing before this Court where the government bears the burden of justifying re-detention by clear and convincing evidence;

j. Grant any other and further relief that this Court deems just and proper.

Dated: December 17, 2025

Austin, TX

Respectfully submitted,

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Attorneys for Petitioner

Verification by Someone Acting on Petitioner's Behalf Pursuant to 28 U.S.C. 2242

I am submitting this verification on behalf of Petitioner because I am one of Petitioner's attorneys. I, or I and others working under my supervision, have discussed with Petitioner the events described in this Petition. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

/s/ Robert Painter _____ Date: December 17, 2025

CERTIFICATE OF SERVICE

Under penalties as provided by law pursuant, the undersigned certifies and states that the true and correct copies of this Petition for Writ of Habeas Corpus, with Exhibits (37 pages) will be served upon all counsels of record via the online CM/ECF system, on or before December 17, 2025.

/s/ Robert Painter
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