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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

 R  M 

Petitioner,

v.

Christopher CHESTNUT, Facility
Administrator of the California City Detention
Facility; Sergio ALBARRAN, Acting Director
of the San Francisco U.S. ICE Field Office;
Kristi NOEM, Secretary, U.S. Department of
Homeland Security; Pamela BONDI, U.S.
Attorney General,

Respondents.

Case No. 1:25-cv-01912-TLN-CKD

**FIRST AMENDED PETITION FOR
WRIT OF HABEAS CORPUS**

INTRODUCTION

1. Petitioner,  R  M  a resident of the State of California who has lived in the United States since her entry without inspection in 1998, hereby petitions this Court for a writ of habeas corpus. On December 2, 2025, Petitioner, along with her partner 

 was seized by agents with Immigration and Customs Enforcement (ICE) at the San Francisco Field Office of the United States Citizenship and Immigration Services (USCIS), where they were undergoing an interview on their bona fide and meritorious applications for Adjustment of Status to Lawful Permanent Residence pursuant to 8 U.S.C. § 1255(i).

2. She now faces unlawful detention, because the Department of Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have concluded that aliens who entered the United States without inspection, like the Petitioner, are subject to mandatory detention without the possibility of bond.
3. DHS Policy Memorandum issued on July 8, 2025 instructs all Immigration and Customs Enforcement (ICE) employees to consider anyone inadmissible under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without admission or inspection—to be subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.
4. Likewise, on September 5, 2025, the Board of Immigration Appeals (BIA or Board) issued a precedent decision, binding on all immigration judges, holding that an immigration judge has no authority to consider bond requests for any person who entered the United States without admission. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The Board determined that such individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.
5. Petitioner's detention on this basis violates the plain language of the Immigration and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who previously entered and are now residing in the United States. Instead, such individuals

are subject to a different statute, § 1226(a), that allows for release on conditional parole or bond. That statute expressly applies to people who, like Petitioner, are charged as inadmissible for having entered the United States without inspection.

6. Respondents' new legal interpretation is plainly contrary to the statute, and flies in the face of decades of agency practice applying § 1226(a) to people like Petitioner.
7. Petitioner asks the Court to issue a writ of habeas corpus by determining that her detention is not justified because the government has not determined that she presents a risk of flight or danger in light of available alternatives to detention, and order her release. In the alternative, Respondent asks the Court to issue a writ of habeas corpus and order her release within 20 days unless Respondents schedule a bond hearing before an immigration judge, wherein they will bear the burden of showing, by clear and convincing evidence, that she is a danger to the community or a flight risk, justifying her continued detention.
8. Petitioner asks this Court to find that her arrest at her interview on her application for Adjustment of Status, and detention without opportunity for bond was and is unconstitutional, and violative of the laws of congress, to order her release, and to stay her transportation out of the Court's jurisdiction.

JURISDICTION AND VENUE

9. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*
10. This Court has subject matter jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

11. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.
12. 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 Eastern District of California, because Petitioner is detained at the California City Detention Facility in Kern, California, which is within the jurisdiction of this District. L.R. 120(d); 28 U.S.C. § 1391(b); *see also* 28 U.S.C. § 2241(d); *Palma v. Holder*, 2014 U.S. Dist. LEXIS 175721 (9th Cir. 2014).

REQUIREMENTS OF 28 U.S.C. § 2243

13. 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).
14. 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) (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

15. Petitioner is a national of Mexico who has lived in the United States since February 14, 1998. Petitioner is currently detained at the California City Detention Facility in Kern, California, and is a resident of Oakland, California. She is in the custody, and under the direct control, of Respondents and their agents.
16. Respondent, Christopher Chestnut, is sued in his official capacity as the facility administrator of the California City Detention Facility where Petitioner is held at ICE's behest. Mr. Chestnut has immediate physical custody of Petitioner pursuant to the California City Detention Facility's custody of Respondent, and contract with U.S. Immigration and Customs Enforcement to detain noncitizens, and is therefore a legal custodian of Petitioner.
17. Respondent, Sergio Albarran, is sued in his official capacity as the Acting Director of the San Francisco U.S. Immigration and Customs Enforcement. Field Office. Respondent is a legal custodian of Petitioner and has authority to release him.
18. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner.
19. Respondent Pam Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive

Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

STATEMENT OF FACTS

20. Petitioner is a 51-year-old native and citizen of Mexico, who has been living in the United States since her entry into the United States without inspection more than 25 years ago.
21. On December 2, 2025, Petitioner was arrested, along with her husband, at the USCIS San Francisco Field Office, where they were undergoing a scheduled interview on their applications for Adjustment of Status to Lawful Permanent Residence (Forms I-485), pursuant to 8 U.S.C. § 1255(i), as the beneficiaries of an approved Petition for Alien Relative (form I-130), filed by her now US citizen father-in-law on behalf of her husband on February 20, 2001, for which visas are currently available.
22. At the time of their arrest, or shortly thereafter, ICE agents prepared a “Warrant for Arrest of Alien”, determining that she was removable from the United States, based on “the pendency of ongoing removal proceedings against the subject” and “statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.”
23. Despite the representations of the warrant, no removal proceedings were pending or ongoing at the time of the warrants execution; rather, removal proceedings were not initiated until December 15, 2025, thirteen days after Petitioner’s detention.
24. Petitioner and her husband are both eligible for grants of adjustment of status, and as such, are admissible to the United States.

25. Petitioner and her husband are now being held at the California City Detention Facility, at the behest of the Department of Homeland Security.
26. Petitioner has no criminal history. She and her husband operate their own business, which employs dozens of people, and are the parents of three US Citizen children. She has seven siblings in the United States, all of whom are either US Citizens or Lawful Permanent Residents.

LEGAL FRAMEWORK

Adjustment of Status under INA § 245(i)

27. Before 1994, noncitizen in the United States were generally ineligible to become lawful permanent residents if they had not been legally admitted or paroled, had no maintained lawful status, or had worked without authorization. However, in 1994 Congress added a temporary subsection (i) to Section 245 of the INA that allowed certain undocumented immigrants to apply for and obtain LPR status from within the United States if they were eligible for an immediately available immigrant visa and paid a fee. Under this initial version of 245(i), a qualifying undocumented immigrant had to be eligible for—and apply for—adjustment of status before the law expired. Section 245(i) was set to take effect on October 1, 1994, and expire on October 1, 1997.
28. In 1997, 245(i) was extended and revised. Qualified applicants no longer had to submit their application for adjustment of status by October 1, 1997. Rather, an immigrant visa petition or labor certification application had to be filed on the principal applicant's behalf on or before a newly established deadline of January 14, 1998. However, as long as this occurred no earlier than October 1, 1994, the application for adjustment of status itself (for the principal applicant or eligible spouse and children) could be filed at any time; even

years after the filing deadline.

29. In 2000, 245(i) was extended and revised again for the last time. The Legal Immigration Family Equity (LIFE) Act Amendments of 2000 set a new deadline of April 30, 2001, for the filing of the required immigrant visa petition or labor certification application on behalf of the principal applicant. As long as the filing deadline was met, the application for adjustment of status could be filed at any time. The 2000 revision of 245(i) also required that, if the immigrant visa petition or labor certification application was filed after January 14, 1998, the principal applicant had to have been physically present in the United States on December 21, 2000 (the date of enactment of the LIFE Act Amendments).
30. It is under the LIFE Act Amendments that Petitioner and her spouse were able to apply for adjustment of status, based on the petition for alien relative filed on Petitioner's spouse's behalf by his father on February 20, 2001.
31. Under current law, an undocumented immigrant can obtain lawful permanent residence by applying for adjustment of status under section 245(i) of the INA if they meet the following conditions: (1) they are the beneficiary of a qualified immigrant visa petition file on or before April 30, 2001; (2) that the principal beneficiary of that petition was physically present in the United States on December 21, 2000; (3) that they pay the \$1,000 penalty fee; (4) that they be physically present in the United States at the time the adjust of status application is filed; (5) that a visa is immediately available; (6) that they are otherwise admissible to the United States; and (7) they warrant a favorable exercise of discretion.
32. As such, when Petitioner and her spouse appeared for interview at USCIS, they had met all of the above conditions and were following the protocol set out by Congress for them to become lawful permanent residents. Their detention by ICE served to frustrate the

intention of Congress in passing the LIFE Act Amendments, and was violative of the couple's rights to due process, having paid the penalty fees, the application fees, and complied with all of the requirements of the law to obtain lawful permanent residence through adjustment of status.

Detention under 8 U.S.C. § 1226 and § 1225

33. The Supreme Court has stated that it “‘is well established the Fifth Amendment entitles aliens to due process of law in deportation proceedings.’” *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty” that the Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *see also id.* at 718 (Kennedy, J., dissenting) (“Liberty under the Due Process Clause includes protection against unlawful or arbitrary personal restraint or detention.”). This fundamental due process protection applies to all noncitizens, including both removable and inadmissible noncitizens. *See id.* at 721 (Kennedy, J., dissenting) (“both removable and inadmissible aliens are entitled to be free from detention that is arbitrary or capricious”).
34. Due process therefore requires “adequate procedural protections” to ensure that the government’s asserted justification for physical confinement “outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Id.* at 690 (internal quotation marks omitted). In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention—to mitigate the risks of danger to the community and to prevent flight. *Id.*; *Demore*, 538 U.S. at 528.
35. The INA prescribes three basic forms of detention for noncitizens in removal proceedings.

36. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard non-expedited removal proceedings before an 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).
37. 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).
38. 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).
39. This case concerns detention provisions at §§ 1226(a) and 1225(b)(2).
40. 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).
41. 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).
42. 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)).

43. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that rejected well-established understanding of the statutory framework and reversed decades of practice.
44. The new policy, entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission,”¹ claims that all persons who entered the United States without inspection shall now be subject to mandatory detention provision 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
45. On September 5, 2025, the BIA adopted this same position in a published decision, *Matter of Yajure Hurtado*. There, the Board held that all noncitizens who entered the United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are ineligible for IJ bond hearings.
46. Since Respondents adopted their new policies, dozens of federal courts have rejected their new interpretation of the INA’s detention authorities. Courts have likewise rejected *Matter of Yajure Hurtado*, which adopts the same reading of the statute as ICE.

¹ Available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>.

47. Even before ICE or the BIA introduced these nationwide policies, IJs in the Tacoma, Washington, immigration court stopped providing bond hearings for persons who entered the United States without inspection and who have since resided here. There, the U.S. District Court in the Western District of Washington found that such a reading of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025).
48. Subsequently, court after court has adopted the same reading of the INA's detention authorities and rejected ICE and EOIR's new interpretation. *See, e.g., Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*, No. CV 25-11613-BEM, --- F. Supp. 3d ----, 2025 WL 2084238 (D. Mass. July 24, 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), *report and recommendation adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051

(ECT/DJF), --- F. Supp. 3d ----, 2025 WL 2466670 (D. Minn. Aug. 27, 2025) *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *see also, e.g., Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at *2 (D. Neb. Sept. 3, 2025) (noting that “[t]he Court tends to agree” that § 1226(a) and not § 1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 at *3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14, 2025) (same); *Estrada Elias v. Knight*, 1:25-cv-00594-BLW (D. Ida. Nov. 19, 2025) (same); *Duran Serrato v. Kopp*, 1:25-cv-00245-SWS (D. Wyo. November 18, 2025) (same).

49. Courts have uniformly rejected DHS’s and EOIR’s new interpretation because it defies the INA. As the *Rodriguez Vazquez* court and others have explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.
50. 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].”
51. The text of § 1226 also explicitly applies to people charged as being inadmissible, mandating that the Attorney General take into custody any alien who:

(i) is inadmissible under paragraph (6)(A), (6)(C), or (7) of section 1182(a) of this title [8 USCS § 1182(a)]; and
(ii) is charged with, is arrested for, is convicted of, admits having committed, or admits committing acts which constitute the essential elements of any burglary, theft, larceny, shoplifting, or assault of a law enforcement officer offense, or any crime that results in death or serious bodily injury to another person.

8 U.S.C. § 1226(c)(1)(E).

52. This shows Congress' understanding that, by default, such people are afforded 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)); see also *Gomes*, 2025 WL 1869299, at *7.
53. 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.
54. 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).
55. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply to people like Petitioner, who have already entered and were residing in the United States at the time they were arrested and taken into custody.

CLAIMS FOR RELIEF

COUNT ONE

56. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.
57. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231, none of which pertain to Petitioner.
58. The application of § 1225(b)(2) to Petitioner unlawfully mandates her continued detention, violates the INA, and her rights to due process.

COUNT TWO

59. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.
60. The INA and constitution do not permit arrest at Petitioner's adjustment of status interview. The INA creates a "regulatory interstice," Ceta v. Mukasey, 535 F.3d 639, 646 (7th Cir. 2008), which affords certain individuals the opportunity to seek adjustment of status which is illusory if Respondents are permitted to ambush and arrest Petitioner from the very interview wherein he would so adjust his status. *See You, Xiu Qing v. Nielsen*, 321 F. Supp. 3d 451, 464-66 (S.D.N.Y. 2018) ("Congress did not intend its carefully considered adjustment of status process for a select group of aliens to become a

mechanism for ‘gotcha’ law enforcement. Nor could it, without raising serious constitutional concerns.”); *Franco v. Meyer*, No. 1:25-cv-01620-DAD-CKD, Doc. No. 7, (E.D. Cal. Nov. 25, 2025).

61. The arrest of Petitioner at the interview for his adjustment of status was violative of the INA and of the constitution.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Stay Petitioner’s transportation to another jurisdiction until this Court resolves his petition for a writ of habeas corpus;
- (3) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- (4) Declare that Petitioner’s detention under 8 U.S.C. § 1225(b) without the right to a bond hearing, is violative of the statute at 8 U.S.C. § 1226(a), and of her constitutional rights to due process;
- (5) Declare that Petitioner’s detention is unlawful;
- (6) Issue a writ of habeas corpus ordering Respondents to release Petitioner immediately; or, in the alternative, issue an order requiring Respondents to schedule a bond hearing within 7 days, wherein they will bear the burden to demonstrate by clear and convincing evidence that she is a danger to the community or a flight risk, to justify her continued detention.
- (7) Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and

(8) Grant any further relief this Court deems just and proper.

Respectfully submitted this 22nd day of December 2025,

/s/Neal Fellom Dougherty

Neal Fellom Dougherty

Ramirez-Smith Law

Attorneys for Petitioner

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Martha Alicia Rocha Morando, and submit this verification on her behalf. I hereby verify that the factual statements made in the foregoing First Amended Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Respectfully submitted this 22nd day of December 2025,

/s/Neal Fellom Dougherty

Neal Fellom Dougherty
Ramirez-Smith Law
Attorneys for Petitioner