UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI

JAWAD SAFARI, Petitioner, vs. KEVIN RAYCRAFT, Acting Director of Enforcement and Removal Operations, Detroit Field Office, Immigration and Customs Enforcement; KRISTI NOEM, Secretary, U.S. Department of Homeland Security; PAMELA BONDI, U.S. Attorney General, Respondents.	Case No. 1:25-cv-00951 District Judge Jeffrey P. Hopkins Magistrate Judge Karen L. Litkovitz

PETITIONER'S REPLY TO RESPONDENTS' RETURN OF WRIT

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ISSUES PRESENTED

1. Are Respondents' unlawfully detaining Petitioner without a constitutionally adequate bond hearing under 8 U.S.C. § 1225(b)(2)(A), which applies to inspection and detention of recent arrivals at or near the border?

2. Does this Court have jurisdiction?

3. Should this Court exercise its jurisdiction to waive prudential exhaustion requirements and proceed to the merits of Petitioner's habeas corpus petition, which raises urgent statutory and constitutional claims regarding Petitioner's unlawful detention?

INTRODUCTION

Petitioner, Jawad Safari, entered the United States on or around March 14, 2024. Since then, he has built a life for himself. He is employed and fully supports himself, as well as his wife and two children. But on December 12, 2025, Petitioner was taken into immigration custody.

This action proceeds under the due process claim asserted in the initial petition. Though Petitioner was granted a bond hearing after filing the present action, it was not constitutionally adequate because the government has directed Immigration Judges (IJs) to deny bond to parties like Petitioner. This action challenges the continued detention of Petitioner under these circumstances. He is being held without the most basic form of due process: a constitutionally-adequate bond hearing to determine if his detention is justified. For at least half a century, consistent with Supreme Court precedent, the government has provided bond hearings to individuals placed in deportation proceedings after having entered the United States—including those who entered without inspection. Indeed, for more than a century, noncitizens who enter the United States, even unlawfully, have been protected by due process. See *Yamataya v. Fisher*, 189 U.S. 86, 100-01 (1903). But in 2019, Attorney General Barr issued *Matter of M-S-*, 27 I&N Dec. 509 (A.G. 2019), which held that 8 U.S.C. § 1225(b)(1)(B)(ii) requires similarly situated Plaintiffs' detention—without a bond hearing—unless the Department of Homeland Security (DHS) grants discretionary release on parole. *Id.* at 515-17.

Petitioner was apprehended after entering the United States; he has been determined by DHS to have a credible fear of persecution or torture—meaning he has a "significant possibility" or prevailing on his asylum and withholding of removal claims, 8 U.S.C. 1225(b)(1)(B)(v)—and he is being detained pending removal proceedings on his application for relief. Yet, as a result of *Matter of M-S-* , *Matter of Q. Li*, and *Matter of Yajure Hurtado*, Petitioner faces months or possibly

years of immigration detention, even where he poses no flight risk or danger that justifies his detention.

STATEMENT OF JURISDICTION

This Court has jurisdiction pursuant to 28 U.S.C. § 2241 (Habeas Corpus), 28 U.S.C. § 1331 (Federal Question), Article I, section 9, clause 2 of the United States Constitution (Suspension Clause). This Court has jurisdiction under 28 U.S.C. § 1292(a)(1). Respondents argue that this Court does not have jurisdiction under 8 U.S.C. § 1252(e)(3), § 1252(g), and § 1252(b)(9). Petitioner addresses each below.

I. 8 U.S.C. § 1252(e)(3) Does Not Bar Review of Petitioner's Claims

Here, Petitioner does not challenge a determination made under 8 U.S.C. § 1225(b) such as whether he is inadmissible, or should be removed, nor does he challenge the validity of the system of detention. Rather, on an individual basis, he petitions to be afforded a constitutionally-adequate bond hearing. Rather than "challenging the validity of the statutory scheme itself" or a written policy, Petitioner is challenging "the lawfulness of his detention without a bond hearing" because the mandatory detention statute simply does not apply to him. *Rivero v. Noem et al.*, No. 1:25-cv-1294, 2025 WL 3438303, at *2 (W.D. Mich. Dec. 1, 2025). Thus, § 1252(e)(3) does not preclude jurisdiction. *See e.g., id.*; *Ardon-Quiroz v. Assistant Field Dir.*, No. 25-cv-25290, 2025 WL 3451645, at *3 (S.D. Fla. Dec. 1, 2025) (collecting cases for proposition that § 1252(e)(3) does not deprive [*15] federal courts of jurisdiction in such situations).

II. 8 U.S.C. § 1252(g) Does Not Bar Review of Petitioner's Claims

In *Hamama v. Adducci*, the Sixth Circuit confirmed that the "district court's jurisdiction over the detention-based claims [was] independent of its jurisdiction over removal-based claims."

Hamama, 912 F.3d at 877; see also *Moussa v. Jenifer*, 389 F.3d 550, 554 (6th Cir. 2004); *Zadvydas v. Davis*, 533 U.S. 678 (2001). Though the government argues that 8 U.S.C. § 1252(g) bars jurisdiction because a decision regarding Petitioner's detention "aris[es] from the decision or action by the [Secretary of Homeland Security] to commence proceedings," that is not the case. In fact, the court recently considered that argument in *Alonso-Portillo v. Bondi*, 2025 U.S. Dist. LEXIS 167908, *18. After noting that applying § 1252(g)'s jurisdiction stripping language to detention would make meaningless the three categories listed in the statute of commencing proceedings, adjudicating cases, and executing removals, this court concluded that "the decision under § 1226(a) to detain a non-criminal noncitizen here unlawfully pending a removal determination falls outside of the jurisdiction-divesting provisions set forth in § 1252(g)." *Id.*

Indeed, "[f]or over 100 years, habeas corpus has been recognized as the vehicle through which noncitizens may challenge the fact of their detention." *Malam v. Adducci*, 452 F. Supp. 3d 643, 649 (E.D. Mich. 2020) (citing *Chin Yow v. U.S.*, 208 U.S. 8, 13 (1908)). Here, Petitioner is arguing that his detention without a constitutionally-adequate bond hearing is unlawful; in other words, Petitioner challenges the fact of his ongoing detention, independent from challenging removal. Accordingly, § 1252(g) does not inhibit this Court from reviewing such detention-based claims. See e.g., *Zhen v. Doe*, No. 3:25-cv-01507, 2025 WL 2258586, at *2-4 (N.D. Ohio Aug. 7, 2025); *Resendiz v. Noem*, No. 4:25-cv-00159, 2025 WL 3527284, at *2 (W.D. Ky. Dec. 9, 2025); *Bartolon v. Bondi*, 2025 U.S. Dist. LEXIS 261729, at *13 (S.D. Ohio Dec. 18, 2025).

III. 8 U.S.C. § 1252(b)(9) Does Not Bar Review of Petitioner's Claims

Respondents' invocation of 8 U.S.C. § 1252(b)(9) is also improper as applied to Petitioner because he is challenging his detention, not removal. *Bartolon v. Bondi*, 2025 U.S. Dist. LEXIS 261729, at *15 (S.D. Ohio Dec. 18, 2025). Under this provision, "judicial review of all questions

of law and fact, including interpretation and application of constitutional and statutory provisions, arising from any action taken ... to remove and alien from the United States" is exclusively funneled to the Court of Appeals. 8 U.S.C. § 1225(b)(9), (a)(5). In *Jennings v. Rodriguez*, the Supreme Court rejected an "expansive interpretation of § 1252(b)(9)" and determined that "questions of law" as to whether "certain statutory provisions require detention without a bond hearing" do not "arise from" the decision to remove and alien. 583 U.S. 281, 292-94 (2018). Here, Petitioner's detention-based claim squarely contests his detention under 8 U.S.C. § 1225 and whether he is entitled to a bond hearing. As such § 1225(b)(9), does not bar this Court's jurisdiction. *See, e.g., Ramirez v. Lewis, et al.*, No. 4:25-cv-143, 2025 WL 3553676, at *2 (W.D. Ky. Dec. 11, 2025) (citing *DHS v. Regents of the Univ. of Cal.*, 591 U.S. 1, 19 (2020); *Guerra v. Noem*, No. 1:25-cv-1341, 2025 WL 3204289, at *4 (W.D. Mich. Nov. 17, 2025); *Alonso v. Tindall*, No. 3:25-cv-652, 2025 WL 3083920, at *2 n.5 (W.D. Ky. Nov. 4, 2025). Accordingly, this Court should exercise jurisdiction and proceed to the merits of Petitioner's claims.

ARGUMENT

"Arbitrary civil detention is not a feature of our American government.... Civil detention violates due process outside of 'certain special and narrow nonpunitive circumstances.'" *Rodriguez v. Marin*, 909 F.3d 252, 256 (9th Cir. 2018) (quoting Zadvydas v. Davis, 533 U.S. 678, 690 (2001)). Petitioner is entitled to the basic due process of a bond hearing with constitutional safeguards.

A. This Court May Apply the *Maldonado Bautista* Final Judgment

Respondents' argument—that even if Petitioner is a class member, this Court lacks authority to apply *Maldonado Bautista* and must instead direct Petitioner to seek relief in the

Central District of California—is misplaced. District courts adjudicating habeas petitions are already applying *Maldonado Bautista* to grant relief to bold-eligible detainees. Respondent's contention that *Maldonado Bautista* cannot be applied in habeas proceedings, or that relief must be sought exclusively in the issuing court, is inconsistent with how district courts have already treated that decision. In *Velasco-Sanchez v. Immigration and Customs Enforcement*, the court applied *Maldonado Bautista*'s statutory analysis to a habeas petitioner, recognized the nationwide Bond Eligible Class, and granted relief based on the conclusion that detention was governed by 8 U.S.C. § 1226(a). *Velasco-Sanchez v. ICE*, No. 2:25-cv-13730, 2025 WL 3553672, at *2-3 (E.D. Mich. 2025). *Velasco-Sanchez* confirms that courts may apply *Maldonado Bautista* directly when resolving habeas petitions raising the same statutory detention question, without requiring petitioners to relitigate that issue in the Central District of California. Accordingly, *Maldonado Bautista* can be directly applied to Petitioner's claims here.

B. Petitioner Has a Due Process Right to a Bond Hearing

I. Petitioner Has Due Process Rights

Because Petitioner entered the country prior to being apprehended, the Due Process Clause undisputedly protects him. He was detained after entering the United States and is not an "arriving noncitizen" who was detained at a port-of-entry before entering the county.

U.S. Supreme Court cases long have established a bright line between individuals apprehended at a port-of-entry, and those who are detained after having entered the country, even unlawfully. "[O]nce [a noncitizen] enters the country, the legal circumstance changes, for the Due Process Clause applies to all 'persons' within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); see also *Mathews v. Diaz*, 426 U.S. 67, 77 (1976) (due process protects every

person within the United States, "[e]ven one whose presence in this country is unlawful, involuntary, or transitory").

The government has acknowledged to the Supreme Court that noncitizens who enter the country unlawfully, even for very brief periods of time, have due process rights:

> JUSTICE BREYER: A person who runs in illegally, a person who crosses the border illegally, say, from Mexico is entitled to these rights when you catch him.
>
> [Government Counsel]: He's entitled to procedural due process rights.

Tr. of Oral Argument at 25:18-22, *Clark v. Martinez*, 543 U.S. 371 (2005) (Nos. 03-878, 03-7434), https://www.supremecourt.gov/oral_arguments/argument_transcripts/2004/03-878.pdf.

However, the government, as confirmed in *Matter of M-S-* and *Matter of Q. Li*, now asserts that because Petitioner is seeking admission to the United States, he lacks due process rights to challenge his detention or be afforded a constitutionally-adequate bond hearing, despite being apprehended after entering the country. Return of Writ, ECF 7, PageID 97 ("Applicants for admission whom DHS places in § 1229a removal proceedings are similarly subject to detention and ineligible for a custody redetermination hearing before an IJ. Specifically, aliens present without admission placed in 8 U.S.C. § 1229a removal proceedings are both applicants for admission as defined in 8 U.S.C. § 1225(a)(1) *and* aliens seeking admission," as contemplated in 8 U.S.C. § 1225(b)(2)(A). *Such aliens are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and thus ineligible for a bond redetermination hearing before the IJ.*" (emphasis added). As such, it is misleading for the government to assert that Petitioner's bond hearing provided due process because the government at the same time explicitly states throughout their return of writ that he is "ineligible for a bond redetermination hearing before the IJ." *Id.* at PageID 108. The government cannot have it both ways. The bond hearing provided to Petitioner on January 14, 2026, was not

constitutionally adequate because the government directed all immigration judges to deny bond in situations like this one.

Accordingly, the "equitable and flexible nature of habeas relief" affords district courts significant discretion over the appropriate remedies for violations of law and the Constitution. *Velasco Lopez v. Decker*, 978 F.3d 842, 855 (2d Cir. 2020); *see also Schlup v. Delo*, 513 U.S. 298, 319 (1995) ("[H]abeas corpus is, at its core, an equitable remedy"). This Court should order a remedy that fully addresses the statutory and constitutional violations in this case and is efficient to administer. *Carafas v. LaVallee*, 391 U.S. 234, 238 (1968) (the habeas statute "does not limit the relief that may be granted to discharge of the applicant from physical custody. Its mandate is broad with respect to the relief that may be granted").

Release is the customary remedy in habeas proceedings. *See* 28 U.S.C. § 2243 (the habeas should "dispose of the matter as law and justice require."); *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973) (finding "that the traditional function of the writ is to secure release from illegal custody"). The most appropriate remedy in a case like this, where Petitioner was previously released to the community and has been re-detained in violation of both the INA and due process, is release on recognizance without further conditions of release. Dozens of courts across the country have agreed.

II. Substantive Due Process Requires a Constitutionally-Adequate Bond Hearing

"Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty" protected by the Due Process Clause. *Zadvydas*, 533 U.S. 690. Immigration detention, like all civil detention, is justified only where "a special justification ... outweighs the 'individual's constitutionally protected interest in avoiding physical

restraint.'" *Zadvydas*, 533 U.S. at 690 (quoting *Kansas v. Hendricks*, 521 U.S. 346, 356 (1997)); see also *United States v. Salerno*, 481 U.S. 739, 747 (1987). The purpose of immigration detention is to effectuate removal should an individual ultimately lose their immigration case, and to protect against danger and flight risk during that process. *Zadvydas*, 533 U.S. at 690-91. The justification of "preventing flight... is weak or nonexistent where removal seems a remote possibility at best." *Id.* at 690.

"Any detention incidental to removal *must 'bear[] [a] reasonable*" to valid government purposes, *Hernandez*, 872 F.3d at 990 (quoting *Zadvydas* 533 U.S. at 690) (emphasis added), and be accompanied by "*adequate procedural protections* to ensure that the government's asserted justification... outweighs the individual's constitutionally protected interest" in liberty. *Id.* (internal quotations omitted) (emphasis added).

With cases like *Matter of M-S-*, *Matter of Q. Li*, and *Matter of Yajure Hurtado* now in effect, and immigration judges directed to deny bond to individuals like Petitioner, the only procedure available to Petitioner to challenge his detention would be a discretionary parole determination made by a DHS officer. In the Respondents' return of writ, they confirmed this. Return of Writ, ECF 7, PageID 108) ("Importantly, applicants for admission *may only be released from detention if DHS invokes its discretionary parole authority* under 8 U.S.C. § 1182(d)(5). DHS has the exclusive authority to temporarily release on parole any alien applying for admission to the United States on a case-by-case basis for urgent humanitarian reasons or significant public benefit." (internal quotations omitted) (emphasis added). Petitioner is aware of this authority as he was previously released pursuant to discretionary parole by DHS after his initial entry in the United States.

Respondents have no legitimate interest in detaining Petitioner because he poses no flight risk or danger—even as he awaits a final determination on the right to remain. *See Hernandez*, 872 F.3d at 994. It's concerning that Respondents are now asserting, nearly two years after releasing Petitioner from their custody pursuant to DHS parole authority, that they now have a legitimate interest in detaining Petitioner—who has no criminal background, significant community ties, and has simply worked and supported himself, his wife, and his two young children in the United States since his release.

III. Procedural Due Process Requires a Bond Hearing

Procedural due process likewise requires individualized bond hearings before an IJ. First, Petitioner has a profound interest in preventing his arbitrary detention. Second, the parole process creates an unacceptable risk of erroneous deprivation of Petitioner's liberty.

Respondents claim that Petitioner has due process in their return of writ for two reasons: (1) the parole process provides due process, and (2) the existing bond request provides due process. Return of Writ, ECF 7, PageID 108-110 (Parole), 114-15 (Bond). As noted above, Respondents' assertion that the existing bond process provides any due process protection to inaccurate.

The parole process consists merely of a custody review conducted by low-level Immigration and Customs Enforcement (ICE) detention officers. *See* 8 C.F.R. § 2125. It includes no hearing before a neutral decision maker, no record of any kind, and no possibility for appeal. *See id.* Instead, ICE officers make parole decisions—that can result in months or years of detention—by merely checking a both on a form that contains no factual findings, no specific explanation, and no evidence of deliberation. *See e.g.*, *Abdi v. Duke*, 280 F. Supp. 3d 373, 404-05 (W.D.N.Y. 2017); *Damus v. Nielsen*, 313 F. Supp. 3d 317, 324-25, 341 (D.D.C. 2018). As *Zadvydas*

recognized, "the Constitution may well preclude granting an administrative body the unreviewable authority to make determinations implicating fundamental rights." 533 U.S. at 692 (internal quotations omitted); see also *Morrissey v. Brewer*, 408 U.S. 471, 486-87 (requiring a neutral decision-maker for parole revocation hearings); *St. John v. McElroy*, 917 F. Supp. 243, 251 (S.D.N.Y. 1996) (due process is not satisfied by parole reviews, but requires an "impartial adjudicator" to review detention since, "[d]ue to political and community pressure, the INS has every incentive to continue to detain").

Moreover, civil immigration detention is not punishment for a crime. Thus, it can only be justified "where a special [non-punitive] justification ... outweighs the individual's constitutionally protected interest" in liberty—usually only by a finding that such detention is necessary only to prevent their flight or protect against dangers to the community. *Zadvydas*, 533 U.S. at 690 (cleaned up); *see also United States v. Salerno*, 481 U.S. 739, 750 (1987). A hearing on whether such a special justification necessitates civil detention is the most basic protection required by the Fifth Amendment. *See Zadvydas*, 533 U.S. at 690; *Foucha v. Louisiana*, 504 U.S. 71, 79 (1992); *Kansas v. Hendricks*, 521 U.S. 346, 357 (1997); *Addington v. Texas*, 441 U.S. 418, 428 (1979). And the nature of that hearing is governed by the classic balancing test from *Mathews v. Eldrige*, 424 U.S. 319, 334-35 (1976). That test weighs (1) the nature of the "private interest" being deprived; (2) "the risk of erroneous deprivation"; and (3) the "fiscal and administrative burdens" posed by providing additional process. *Id.* All three *Mathews* factors favor Petitioner.

As to the private interest, Petitioner invokes "the most elemental of liberty interests—the interest in being free from physical detention by one's own government." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004). Meanwhile, the government's interest in detaining Petitioner is limited to ensuring his appearance at future immigration proceedings (i.e. "flight risk") and preventing

danger to the community. *See Zadvydas*, 533 U.S. at 690. But because Respondents will deny Petitioner a constitutionally-adequate bond hearing, there will be nothing "in the record demonstrating that [Petitioner] is a flight risk or danger to the community." *Lopez Benitez*, 2025 WL 2371588, at *12. Therefore, the risk of erroneously depriving Petitioner of physical freedom is unbearably high. *See Lopez-Campos*, 2025 WL 2496379, at *9 ("the risk of erroneously depriving [Petitioner] of his freedom is high if the IJ fails to assess his risk of flight and dangerousness."). Without the constitutionally-adequate bond hearing, Petitioner will never be able to present the compelling reasons that he is neither a flight risk nor a danger. Nor can administrative cost justify denying bond hearings. *See Hernandez*, 872 F.3d at 994. Respondents have provided bond hearings pursuant to *Matter of X-K-* for more than a decade prior to *Matter of M-S-*, *Matter of Q. Li*, and *Matter of Yajure Hurtado*, and even more generally for at least 50 years. Respondents cannot argue now that providing bond hearings as it has provided for years imposes excessive burdens. Indeed, Respondents share an interest in maintaining bond hearings and ensuring accurate custody determinations.

C. This Court Should Waive Any Prudential Exhaustion Requirement

Respondents have asked this Court to require Petitioner to seek a bond hearing in immigration court, or to appeal their jurisdictional bond denials to the Board of Immigration Appeals (BIA), before seeking habeas relief. But for a habeas corpus petition under § 2241, the exhaustion of administrative remedies is not a statutory or jurisdictional requirement, but rather a prudential matter of this Court's discretion. *See Shearson v. Holder*, 725 F.3d 588, 593 (6th Cir. 2013).

Respondents assert that Petitioner should "appeal the denial of his bond" to the Board. (Return of Writ, ECF 7, PageID 93). The IJ denied jurisdiction to redetermine bond. (Return of

Writ, ECF 7-1, PageID 117). In other words, the IJ—under *Yajure Hurtado*—erroneously applied § 1225 to Mr. Safari and denied him eligibility for bond. Mr. Safari is not challenging the IJ's decision to not grant bond, but rather the undisputed fact that the IJ does not have the authority to have a constitutionally-adequate bond hearing at all. It would be futile to require Petitioner to seek bond and then appeal to the BIA when it is denied, because the IJ does not have authority to grant him bond in the first place due to existing BIA decisions.

Petitioner briefly runs through the four primary circumstances when the courts waive prudential exhaustion requirements--all of which strongly favor waiver here.

First, exhaustion would be futile because the administrative agency "has predetermined the disputed issue" by having a "clearly stated position" that Petitioner is not eligible for the relief sought. *Shearson*, 725 F.3d at 594. The position of the BIA is clear. Governmental policy has been issued "in coordination with DOJ," which oversees the immigration courts, including the BIA—up to and including the ability of the Attorney General to modify or overrule decisions of the BIA. *See* 8 C.F.R. § 1003.1(h). Administrative exhaustion would be futile. *See Zaragoza Mosqueda v. Noem*, No. 5:25-cv-02403, 2025 WL 2591530, at *7 (C.D. Cal. Sept. 8, 2025) (noting that BIA's decision in *Yajure Hurtado* renders exhaustion futile).

Second, courts waive prudential exhaustion requirements when the "legal question is fit for resolution and delay means hardship." *Shalala v. Illinois Council on Long Term Care*, 529 U.S. 1, 13 (2000) (cleaned up). On average, the BIA took over six months to decide bond appeals in 2024, with hundreds of cases taking a year or longer to resolve. *Rodriguez Vazquez,* 779 F. Supp. 3d at 1245. Here, the "delays inherent in the administrative process ... would result in the very harm that the bond hearing was designed to prevent: prolonged detention without due process." *Hechavarria v. Whitaker*, 358 F. Supp. 227, 237 (W.D.N.Y. 2019) (cleaning up). Meanwhile, the

legality of Petitioner's detention is a pure question of statutory interpretation and constitutional due process analysis. By the time the BIA could even issue an appeal, the harm of Mr. Safari's unlawful detention will be impossible to remediate. Nor will the downstream effects of continued detention be remediable.

Third, waiver is appropriate when a petitioner raises "non-frivolous" constitutional questions that cannot be adequately addressed through the administrative process. *Bangura v. Hansen*, 434 F.3d 487, 494 (6th Cir. 2006). Since the "BIA lacks authority to review constitutional challenged," *Sterkaj v. Gonzalez*, 439 F.3d 273, 279 (6th Cir. 2006), "[n]either an immigration judge nor the Board of Immigration Appeals is positioned to properly adjudicate" Petitioner's due process claim. *Lopez Benitez*, 2025 WL 2371588, at *14.

Fourth, waiver of prudential exhaustion is appropriate because there is no need for IJs or the BIA to "make a factual record" or "apply [their] expertise." *McGee v. United States*, 402 U.S. 479, 484 (1971). There are no factual disputes, obviating any need for factual development.

Finally, the need for waiver is amplified in the context of a habeas corpus petition, which demands a "swift" remedy in the face of illegal detention. *Fay v. Noia*, 372 U.S. 391, 400 (1963); *see also* 8 U.S.C. § 2243. Requiring administrative exhaustion will serve only to prolong the illegal detention. Indeed, "[w]hen the liberty of a person is at stake, every day that passes is a critical one," this necessitating habeas petitions to "be met with a sense of urgency." *Lopez-Campos*, 2025 WL 2496379, at *5. Unsurprisingly, then, this Court regularly waives prudential exhaustion requirements in § 2241 habeas actions, including in recent actions. This Court should again exercise its discretion to do so here and proceed to the merits of this petition.

CONCLUSION

For the foregoing reasons, Petitioner respectfully urges the Court to grant the Petition for Writ of Habeas Corpus, and order Respondents to immediately release Mr. Safari from custody unless he is provided with a constitutionally adequate bond hearing within seven (7) days.

DATE: 1/28/26

Respectfully submitted,

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