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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

10 In the Matter of:)

File No.: '25CV3752 CAB MSB

11 **YALNIZKURT, Ozgur**)



12)
13 Petitioner,)

**Consolidated Petition for Writ of
Habeas Corpus, Injunction, and Order
To Show Cause**

14)
15 v.)

16)
17 Warden of the Otay Mesa)
18 Detention Facility, Current or Acting Field)
19 Office Director, San Diego Field Office,)
20 United States Immigration and Customs)
21 Enforcement; Current or Acting Director,)
22 United States Immigration and Customs)
23 Enforcement; Current or Acting Secretary,)
24 United States Department of Homeland)
25 Security; and Current or Acting United)
26 States Attorney General,)

27 Respondents.)
28)

**PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241**

PETITIONER'S PETITION FOR WRIT OF HABEAS
In the Matter of Ozgur YALNIZKURT



1 Petitioner respectfully petitions this Honorable Court for a writ of habeas corpus to
2 release Petitioner from detention.

3 **INTRODUCTION**

4
5 1. Petitioner was detained by Immigration and Customs Enforcement (“ICE”) at the Otay
6 Mesa Detention Center pending removal proceedings since or about November 27, 2024.

7 2. However, Petitioner has a pending I-589 application with USCIS.

8 3. Petitioner is a citizen of Turkiye who entered the United States on or about November
9 21, 2024, and was not inspected by an immigration officer.

10 4. Petitioner fled Turkiye due to the threats and assault 
11  for embracing his Kurdish identity and being involved in the political
12 movement by wearing clothing that had the Kurdish Autonomous Administration (KRG) flag.

13
14 5. Petitioner was charged removable under INA § 212(a)(6)(A)(i), Alien Present Without
15 Admission or Parole, and INA § 212(a)(7)(A)(i)(I), not in possession of valid documents on or
16 about January 21, 2025. Immigration officer determined that Petitioner had established past
17 persecution on account of his race on January 19, 2025.

18
19 6. Petitioner now challenges his continued detention, which has caused significant
20 hardship to him and his family, and seeks relief to remain in the United States and not return to
21 Turkiye.

22 **JURISDICTION**

23
24 7. Petitioner was detained in the custody of Respondents at Otay Mesa Detention Center.

25 8. This action arises under the Due Process Clause of the Fifth Amendment of the U.S.
26 Constitution. Jurisdiction is proper under 28 U.S.C. §§ 1331 (federal question), 2241 (habeas
27 corpus); U.S. Const. art. I, § 2; (Suspension Clause); and 5 U.S.C. § 702 (Administrative
28

1 Procedure Act. The Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et*
2 *seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C.
3 § 1651.
4

5 **VENUE**

6 9. Venue is proper in this District because this is the district in which Petitioner was
7 confined. *See Doe v. Garland*, 109 F.4th 1188, 1197-99 (9th Cir. 2024).

8 **STATEMENT OF FACTS**

9 10. Petitioner is a noncitizen who was detained at Otay Mesa Detention Center pending
10 immigration removal proceedings. Petitioner remains detained at Otay Mesa Detention Center.
11

12 11. Petitioner was detained in DHS custody since November 27, 2024. Petitioner is still in
13 DHS custody and requests release. Petitioner poses no danger or flight risk.

14 12. Petitioner has no criminal history.

15 13. Petitioner acknowledged that he is not in possession of any valid documents and stated
16 that he last entered the United States on or about November 21, 2024.
17

18 14. Petitioner has demonstrated a credible fear of persecution or torture if returned to
19 Turkiye..

20 **PARTIES**

21 15. Mr. Yalnizkurt (“Petitioner”) is a 25-year-old citizen and national of Turkiye. He first
22 came to the USA in 2024. He fled Turkiye to escape the persecution he faced on account of his
23 race, which included threats and assaults on him and his family. He is not married. He has no
24 children. He has no criminal convictions. Since the arrest on or about November 27, 2024, Mr.
25 Yalnizkurt has remained in Respondents’ custody.

26 16. Mr. Yalnizkurt is currently residing in Respondents’ custody at Otay Mesa Detention
27 Center in San Diego, California, as of the time of the filing of this petition.

28 17. Respondent Christopher LaRose (“LaRose”) is the Senior Warden at Otay Mesa
Detention Center in San Diego, California, where Mr. Yalnizkurt is detained. LaRose is

1 responsible for the day-to-day operations and confinement of non-citizens detained at that
2 facility. He acts at the direction of Respondents Divver, Lyons, and Noem. LaRose is a
3 custodian of Mr. Yalnizkurt and is named in his official capacity.

4 18. Respondent Patrick Divver (“Divver”) is the Field Office Director of ICE in San Diego,
5 California. He acts at the direction of Respondents Lyons and Noem. ICE is responsible for
6 local custody decisions relating to non-citizens charged with being removable from the U.S.,
7 including the arrest, detention, custody status, and removal of non-citizens. The San Diego Field
8 Office’s area of responsibility includes San Diego and Imperial Counties in California.
9 Respondent Divver is a custodian of Mr. Yalnizkurt and is named in his official capacity.

10 19. Respondent Todd Lyons (“Lyons”) is the Acting Director of ICE, and he has authority
11 over the actions of Respondents LaRose and Divver. ICE is responsible for local custody
12 decisions relating to non-citizens charged with being removable from the U.S., including the
13 arrest, detention, custody status, and removal of non-citizens. Respondent Lyons is a custodian
14 of Mr. Yalnizkurt and is named in his official capacity.

15 20. Respondent Kristi Noem (“Noem”) is the Secretary of DHS and has authority over the
16 actions of all other DHS Respondents in this case, as well as all operations and federal agencies
17 of DHS, including ICE. In her capacity as Secretary of DHS, Respondent Noem is charged with
18 faithfully administering the immigration and naturalization laws of the United States. 8 U.S.C. §
19 1103(a). Respondent Noem is a custodian of Mr. Yalnizkurt and is named in her official
20 capacity.

21 21. Respondent ICE is responsible for local custody decisions relating to non-citizens
22 charged with being removable from the U.S., including the arrest, detention, custody status, and
23 removal of non-citizens.

24 22. Respondent DHS is the federal agency that has authority over the actions of ICE and all
25 other DHS Respondents.

26 23. This action is commenced against Respondents LaRose, Divver, Lyons, and Noem
27 (collectively, “Respondents”) all in their official capacities.

28 LEGAL ARGUMENT

29 24. Courts have recognized the significance of the habeas statute in protecting individuals
30 from unlawful detention, which affords “a swift and imperative remedy in all cases of illegal

1 restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963); *see also Yong v. INS*, 208
2 F.3d 1116, 1120 (9th Cir. 2000) (noting that habeas statute requires expeditious determination
3 of petitions).

4
5 25. The Court must grant the petition for writ of habeas corpus or issue an order to show
6 cause to Respondents “forthwith,” unless Petitioner is not entitled to relief. 28 U.S.C. § 2243.

7 26. ““It is well established that the Fifth Amendment entitles [noncitizens] to due process of
8 law in deportation proceedings.”” *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v.*
9 *Flores*, 507 U.S. 292, 306 (1993)).

10
11 27. Due process requires “adequate procedural protections” to ensure that the government’s
12 asserted justification for physical confinement “outweighs the individual’s constitutionally
13 protected interest in avoiding physical restraint.” *Zadvydas, v. Davis*, 533 U.S. 678, 690 (2001)
14 (internal quotation marks omitted).

15
16 28. In the immigration context, the Supreme Court has recognized two valid purposes for
17 civil detention—to mitigate the risks of danger to the community and to prevent flight. *Id.*;
18 *Demore*, 538 U.S. at 528.

19 29. The test for procedural due process claims, the *Mathews* test balances: (1) the private
20 interest threatened by governmental action; (2) the risk of erroneous deprivation of such interest
21 and the value of additional or substitute safeguards; and (3) the government interest. *Mathews v.*
22 *Eldridge*, 424 U.S. 319, 335 (1976); *see also Sho v. Current or Acting Field Off. Dir.*, No.
23 1:21CV-01812 TLN AC, 2023 WL 4014649, at *3 (E.D. Cal. June 15, 2023), *report and*
24 *recommendation adopted*, No. 1:21-CV-1812-TLN-AC, 2023 WL 4109421 (E.D. Cal. June 21,
25 2023) (using *Mathews* factors to assess a habeas petitioner’s due process claims and collecting
26 cases doing the same). Here, each factor weighs in Petitioner’s favor, and Petitioner’s release is
27
28

1 justified due to his interest in avoiding prolonged or unjustified detention. Petitioner poses no
2 danger to the community nor is a flight risk.

3
4 **FACTUAL BACKGROUND**

5 30. Petitioner is a 25-year-old citizen and national of Turkiye.

6 31. Petitioner established a credible fear of persecution on account of his race and fled
7 Turekiye to avoid future persecution.

8 32. Petitioner was beaten on the streets and in his place of work on account of his race and
9 his involvement in Kurdish culture and identity.

10 33. Petitioner first entered the United States on or about November 21, 2024, and was
11 subsequently detained by ICE on or about November 27, 2024.

12 34. Petitioner applied for I-589, application for asylum and withholding of removal.

13 35. On January 21, 2025, Mr. Yalnizkurt was issued a Notice to Appear and ordered
14 removed from the United States.

15 36. Petitioner has been detained since or about November 27, 2024.

16 **CAUSES OF ACTION**

17 **COUNT ONE**

18 **Violation of Fifth Amendment Right to Due Process – Substantive and Procedural Due
19 Process, U.S. Const. Amend. V.**

20 37. Petitioner restates, realleges, and incorporates by reference each and every allegation in
21 the paragraphs above as if fully set forth herein.

22 38. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits the
23 federal government from depriving any person of “life, liberty, or property, without due process
24 of law.” U.S. Const. Amend. V. Due process protects “all ‘persons’ within the United States,
25 including [non-citizens], whether their presence here is lawful, unlawful, temporary, or
26 permanent.” *Zadvydas*, 533 U.S. at 693.

27 39. Due process requires that government action be rational and non-arbitrary. *See U.S. v.*
28 *Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

40. Moreover, Mr. Martinez Ocampo has a vital liberty interest in remaining free from DHS
custody. *See Pinchi v. Noem*, No. 5:25-CV-05632-PCP, 2025 WL 2084921, at *4 (N.D. Cal.
July 24, 2025) (citing *Diaz v. Kaiser*, No. 3:25-CV-05071, 2025 WL 1676854 (N.D. Cal. June

1 14, 2025) (explaining that a non-citizen that ICE released from custody after initial
2 apprehension “has a substantial private interest in remaining out of custody” which includes an
3 interest in “...obtaining necessary medical care, [and] maintaining her relationships in the
4 community...”).

5 41. Even if the initial decision to release a non-citizen on from DHS custody is
6 discretionary, “...after that individual is released from custody she has a protected liberty
7 interest in remaining out of custody.” *Garcia v. Andrews*, No. 1:25-CV-01006 JLT SAB, 2025
8 WL 2420068, at *7 (E.D. Cal. Aug. 21, 2025) (quoting *Pinchi v. Noem*, No. 5:25-CV-05632-
9 PCP, 2025 WL 2084921, at *3 (N.D. Cal. July 24, 2025)).

10 42. Here, Mr. Yalnizkurt was detained subsequently following is entry into the United
11 States. Further, he remains detained after immigration officers conducted a credible fear
12 interview and established that Petitioner established a credible fear of persecution. *See generally*
13 *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (requiring notice and an opportunity to be heard
14 before deprivation of a legally protected interest). Nor has the government identified any
15 materially changed circumstances that would warrant detaining Mr. Yalnizkurt.

15 COUNT TWO

16 **Violation of Fifth Amendment Right to Due Process -**

17 **Illegal Retroactive Application of Expedited Removal Designation, U.S. Const. Amend. V.**

18 43. Petitioner restates, realleges, and incorporates by reference each and every allegation in
19 the paragraphs above as if fully set forth herein.

20 44. Administrative rules “will not be construed to have retroactive effect unless their
21 language requires this result.” *Landgraf v. USI Film Products*, 511 U.S. 244, 272 (1994). When
22 a “new provision attaches new legal consequences to events completed before its enactment”
23 the new provision is not retroactive unless it is unmistakably clear.

24 45. The January 2025 designation does not unmistakably apply to individuals who entered
25 the United States prior to its effective date and were already in removal proceedings. The
26 designation’s language thus does not “require that it be applied retroactively.” *See INS v. St Cyr*,
27 533 U.S. 289, 291 (2001).

28 46. Nor does the statutory language that the designation purports to derive from, 8 U.S.C. §
1225(b)(1)(A)(iii), include any language indicating Congressional intent to allow retroactive
effect. *See INS v. St. Cyr*, 533 U.S. 289, 316-17 (2001) (quoting *Lindh v. Murphy*, 521 U.S. 320,

1 328, n.4 (1997) (requiring statutory language to be “so clear that it could sustain only one
2 interpretation”).

3 47. Accordingly, Respondents unlawfully subjected Mr. Yalnizkurt continued detention.

4 **COUNT THREE**

5 **Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A) Not in Accordance**
6 **with Law and in Excess of Statutory Authority Violation of 8**
7 **C.F.R. § 239.2(c)**

8 48. Petitioner restates, realleges, and incorporates by reference each and every allegation in
9 the paragraphs above as if fully set forth herein.

10 49. Under the APA, a court “shall . . . hold unlawful . . . agency action” that is “not in
11 accordance with law;” “contrary to constitutional right;” “in excess of statutory jurisdiction
12 authority, or limitations;” or “without observance of procedure required by law.” 5 U.S.C. §
13 706(2)(A)-(D).

14 50. Once a removal proceeding has been initiated, regulations enumerate the reasons for
15 which proceedings may be dismissed at 8 C.F.R. § 239.2(a). In considering a motion to dismiss,
16 the Immigration Judge must make “an informed adjudication . . . based on an evaluation of the
17 factors underlying the [DHS] motion.” *Matter of G-N-C-*, 22 I&N Dec. 281, 284 (BIA 1998).

18 51. The initiation of expedited removal proceedings is not an enumerated ground upon
19 which a removal proceeding may be dismissed.

20 52. It is a well-established administrative principle that “agency action taken without lawful
21 authority is at least voidable, if not void ab initio.” *L.M.-M. v. Cuccinelli*, 442 F. Supp. 3d 1, 35
22 (D.D.C. 2020), citing *SW General, Inc. v. NLRB*, 796 F.3d 67, 79 (D.C. Cir. 2015); *see also*
23 *Hooks v. Kitsap Tenant Support Servs., Inc.*, 816 F.3d 550, 555 (9th Cir. 2016) (invalidating
24 agency action because it was taken by unauthorized official).

25 53. Under the APA, an agency must provide “reasoned explanation for its action” and “may
26 not depart from a prior policy sub silentio or simply disregard rules that are still on the books.”
27 *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009). On information and belief,
28 Respondents’ intent was to eliminate the due process rights available to Petitioner in removal
proceedings under section 240 of the INA, deprive him of his liberty interest despite no
evidence of material changed circumstances, or for some other purposes not supported by law.
See Pinchi v. Noem, No. 5:25-CV-05632-PCP, 2025 WL 2084921, at *5 (N.D. Cal. July 24,

1 2025) (“Detention for its own sake, to meet an administrative quota, or because the government
2 has not yet established constitutionally required pre-detention procedures is not a legitimate
3 government interest.”).

4 54. In deciding to detain Mr. Yalnizkurt, Respondents further violated the APA by “entirely
5 fail[ing] to consider an important aspect of the problem” – namely, the important procedural
6 rights that Petitioner relied on in § 1229a immigration court proceedings. *See Motor Vehicle*
7 *Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983); *see also*
8 *Dep’t of Homeland Sec. v. Regents of the Univ. of California*, 591 U.S. 1, 24-33 (2020) (holding
9 that rescission of immigration policy without considering “particular reliance interests” is
arbitrary and capricious in violation of the APA).

10 55. The arbitrary and capricious detention of Mr. Yalnizkurt was not made in furtherance of
11 an enumerated reason set forth in the regulations and causes Mr. Yalnizkurt irreparable harm.
12 For these reasons, the Court should find that the decision to detain Mr. Yalnizkurt is arbitrary,
13 capricious, and unsupported by substantial evidence. *See* 5 U.S.C. § 706(2)(A), (E).

14 COUNT FOUR

15 **Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A) Not in Accordance** 16 **with Law and in Excess of Statutory Authority, Unlawful Detention**

17 56. Petitioner restates, realleges, and incorporates by reference each and every allegation in
the paragraphs above as if fully set forth herein.

18 57. Under the APA, a court shall “hold unlawful and set aside agency action...” that is
19 “...(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;
20 (B) contrary to constitutional right, power, privilege, or immunity...” 5 U.S.C. § 706(2)(A)-(B).

21 58. An action is an abuse of discretion if the agency “entirely failed to consider an important
22 aspect of the problem, offered an explanation for its decision that runs counter to the evidence
23 before the agency, or is so implausible that it could not be ascribed to a difference in view or the
24 product of agency expertise.” *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644,
25 658 (2007) (quoting *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*,
463 U.S. 29, 43 (1983)).

26 59. To survive an APA challenge, the agency must articulate “a satisfactory explanation” for
27 its action, “including a rational connection between the facts found and the choice made.” *Dep’t*
28 *of Com. v. New York*, 588 U.S. 752, 773 (2019) (citation omitted).

1 60. In *Y-Z-H-L v Bostock*, 2025 WL 1898025, at *10-12 (D. Or. July 9, 2025), the Court
2 explained the process of discretionary release from custody in immigration cases and noted that
3 before revoking the release, the non-citizen must be given written notice of the impending
4 revocation, which must include a cogent description of the reasons. Under the APA, non-
5 citizens are entitled to determinations related to their release revocations that are not arbitrary,
6 capricious or an abuse of discretion. *See id.* at *10.

7 61. By detaining Mr. Yalnizkurt without notice or consideration of his individualized facts
8 and circumstances, Respondents have violated the INA, implementing regulations, and the
9 APA.

10 62. Respondents have made no finding that Petitioner is a danger to the community.

11 63. Respondents have made no finding that Petitioner is a flight risk.

12 64. On information and belief, by detaining Mr. Yalnizkurt categorically and without notice,
13 Respondents have further abused their discretion because, since the agency made its initial
14 custody determination, on information and belief, there have been no changes to Mr.
15 Yalnizkurt's specific facts or circumstances that support his detention.

16 COUNT FIVE

17 **Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A) Not in Accordance 18 with Law and in Excess of Statutory Authority, Violation of 8 U.S.C. § 1225(b)**

19 65. Petitioner restates, realleges, and incorporates by reference each and every allegation in
20 the paragraphs above as if fully set forth herein.

21 66. Under the APA, a court shall “hold unlawful and set aside agency action...” that is
22 “...(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;
23 (B) contrary to constitutional right, power, privilege, or immunity...” 5 U.S.C. § 706(2)(A)-(B).

24 67. Congress has made it clear that the expedited removal statute does not apply and may
25 not be applied to individuals who were “paroled” into the United States. 8 U.S.C. § 1225(b). It
26 further applies to the non-citizens seeking admission. *Id.* § 1225(b)(2).

27 68. Because Mr. Yalnizkurt is not subject to the January 2025 Designation, Respondents’
28 use of the January 2025 designation to detain him while his INA section 240 proceedings were
ongoing is unlawful arbitrary, capricious, and unlawful.

COUNT SIX

Violation of the Fourth Amendment of the Constitution

69. Petitioner restates, realleges, and incorporates by reference each and every allegation in the paragraphs above as if fully set forth herein.

70. The Fourth Amendment protects “[t]he right of the people to be secure in their persons . . . against unreasonable searches and seizures.” U.S. Const. amend. IV. The Supreme Court has recognized that immigration arrests and detentions are “seizures” within the meaning of the Fourth Amendment. *INS v. Lopez-Mendoza*, 468 U.S. 1032, 1044 (1984) (acknowledging that deportation proceedings are civil, but the Fourth Amendment still applies to the “seizure” of the person).

71. The Fourth Amendment requires that arrests entail a neutral, judicial determination of probable cause. *See Gerstein v. Pugh*, 420 U.S. 103, 114 (1975). That neutral, judicial determination can occur either before the arrest, in the form of a warrant, or promptly afterward, in the form of a prompt judicial probable cause determination. *See id.* Arrest and detention of a person, including of a noncitizen, absent a neutral judicial determination of probable cause violates the Fourth Amendment of the Constitution. *Id.*; *see also Cnty. of Riverside v. McLaughlin*, 500 U.S. 44, 57 (1991). This determination must occur within 48 hours of detention, which includes weekends, unless there is a bona fide emergency or other extraordinary circumstances. *See Cnty. of Riverside v. McLaughlin*, 500 U.S. 44, 57 (1991).

72. Congress enacted a strong preference that immigration arrests be based on warrants. *See Arizona v. United States*, 567 U.S. 387, 407–08 (2012). The Immigration and Nationality Act thus provides immigration officers with only limited authority to conduct warrantless arrests. 8 U.S.C. § 1357(a)(2). Federal regulations track the strict limitations on warrantless arrests. *See* 8 C.F.R. § 287.8(c)(2)(ii).

73. Mr. Yalnizkurt did not receive any judicial determination of probable cause for his arrest or continued detention by the Respondents.

74. The Government cannot salvage this seizure by invoking generalized immigration enforcement interests. The Fourth Amendment’s reasonableness inquiry is fact-specific and demands individualized justification for both the arrest and the extended detention. *See United States v. Brignoni-Ponce*, 422 U.S. 873, 882–84 (1975); *Gerstein*, 420 U.S. at 114. Mr.

1 Yalnizkurt was granted voluntary departure in 1999 and did not pose any danger to any person
2 in the community at large.

3 75. Respondents' arrest of Mr. Yalnizkurt constitutes an unreasonable and unlawful seizure
4 in violation of the Fourth Amendment.

5 **COUNT SEVEN**

6 **Violation of Fifth Amendment Right to Due Process – Procedural Due Process, U.S. Const.
7 Amend. V.**

8 76. Petitioner restates, realleges, and incorporates by reference each and every allegation in
9 the paragraphs above as if fully set forth herein.

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

14 78. Mr. Yalnizkurt has a fundamental interest in liberty and being free from official
15 restraint.

16 79. The government's detention of Petitioner without notice or an opportunity to be heard
17 before detention violates his right to due process.

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

21 **PRAYER FOR RELIEF**

22 WHEREFORE, Petitioner respectfully requests this Court to grant the following:

- 23 (1) Assume jurisdiction over this matter;
- 24 (2) Issue an Order to Show Cause ordering Respondents to show cause why this
25 Petition should not be granted within three days;
- 26 (3) Declare that Petitioner's detention without an individualized determination
27 violates the Due Process Clause of the Fifth Amendment;
- 28 (4) Declare that refusal to allow Petitioner a meaningful bond and custody
redetermination hearing violates the INA, APA, and Due Process;

- 1 (5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from
- 2 custody;
- 3 (6) Issue an Order prohibiting the Respondents from transferring Petitioner from this
- 4 district without the Court's approval;
- 5 (7) Issue an Order requiring Respondents to provide a bond and custody
- 6 redetermination hearing within 14 days to meaningfully consider his eligibility for
- 7 release from DHS custody;
- 8 (8) Award Petitioner's counsel reasonable attorney's fees and costs under the Equal
- 9 Access to Justice Act, and on any other basis justified under law;
- 10 (9) Grant such further relief as the Court deems just, equitable, and appropriate; and
- 11 (10) Grant any and all other further relief this Court deems just or proper.

12
13 Respectfully Submitted,

14 /S/ Mario Portugal
15 Mario Portugal, Esq.
16 Attorney for the Petitioner
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