UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

Jose Santiago Garcia Garcia,

Petitioner,

V.

Kristi Noem, Secretary of Homeland Security;
Pamela Bondi, U.S. Attorney General,
Todd M. Lyons, Acting Director
of Immigration and Customs Enforcement;
Marcos Charles, Acting Director
of Enforcement and Removal Operations;
Warden of Folkston Main Detention
Facility

Civil Case No.

Respondents.

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

I. INTRODUCTION

1. Congress "does not alter the fundamental details of a regulatory scheme in vague terms or ancillary provisions—it does not, one might say, hide elephants in mouseholes." *Whitman v. Am. Trucking Ass'ns, Inc.*, 531 U.S. 457, 468 (2001). The government's recent misconstruction of 8 U.S.C. § 1225 to provide for mandatory detention of *all* noncitizens who enter the country illegally is akin to finding an elephant in a mousehole. *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). The plainly wrong construction of the statute has caused the Petitioner—and many others like him—to be unlawfully detained without bond.

2. For nearly thirty years immigration judges (IJ), immigration lawyers for noncitizens, and attorneys from the Department of Homeland Security (DHS) construed 8 U.S.C. § 1226(a) to allow for bond eligibility for noncitizens who entered the country without inspection. This was well

settled law. Indeed, just this year when Congress passed the Laken Riley Act (LRA) it revealed its understanding that noncitizens who entered the country without inspection are eligible for a bond. The LRA's amendments to 8 U.S.C. § 1226(c) add provisions providing that noncitizens who entered the country illegally and commit certain enumerated offenses are not eligible for a bond. Congress would not have passed the LRA if it understood that noncitizens who entered the country unlawfully were already subject to mandatory detention under 8 U.S.C. § 1225.

3. Notwithstanding the plain language of §§ 1226 and 1225, on September 5, 2025, the Board of Immigration Appeals (BIA) decided *Yajure Hurtado*, in which it determined that any person who entered the United States without admission is mandatorily detained under 8 U.S.C. §1225(b)(2)(A). 29 I&N Dec. at 216. By disregarding the statutes' plain meaning, the BIA dramatically changed the practice of immigration resulting in the illegal detention of noncitizens across the country. *See, e.g.*, *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Martinez v. Hyde*, CV No. 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); *Aguilar 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-DFM, 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); *Otero Escalante 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-MMP, 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-RJW-APP, 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. 8:25-cv-00494-JFB-RCC, 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); *Reynosa Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 at *3 (D. Neb. Aug. 4, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14, 2025) (same).

4. Respondent continues to ignore the vast majority of these court decisions surrounding this interplay.

5. The Petitioner accordingly files this petition seeking a writ of habeas corpus ordering his release from custody or to accord the petitioner the statutory and constitutional right to a bond hearing.

II. PARTIES

6. Petitioner Jose Santiago Garcia Garcia is a noncitizen who is currently detained in immigration detention at the Folston Main Detention Facility aka Folkston ICE Processing Center (Main) located at 3026 GA 252 E in Folkston, Georgia.

7. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (DHS) and is charged with implementing the immigration laws of the United States. Secretary Noem is being sued in her official capacity.

8. Respondent Pamela Bondi is the Attorney General for the United States and is charged with overseeing the Executive Office of Immigration Review (EOIR). General Bondi is being sued in

her official capacity.

9. Respondent Todd M. Lyons is the Acting Director of the Immigration and Customs Enforcement (ICE), a sub-agency of Homeland Security. It is under ICE's authority that the Petitioner is being held without bond. Acting Director Lyons is being sued in his official capacity.

10. Respondent Marcos Charles is the Acting Director of Enforcement and Removal Operations. Respondent Charles is being sued in his official capacity.

11. Respondent Warden and/or immediate custodian at the Folston Main Detention Facility is being sued in his or her official capacity.

III. JURISDICTION

12. This Court has subject matter jurisdiction over Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. The Court also has jurisdiction pursuant to 28 U.S.C. § 1331 (Federal Question Jurisdiction) in as much as the case is a civil action arising under the laws of the United States.

13. Although only the Court of Appeals has jurisdiction to review removal orders directly through a petition for review, *see* 8 U.S.C. §§ 1252(a)(l), (a)(5), (b), District Courts have jurisdiction to hear habeas corpus claims by noncitizens challenging the lawfulness or constitutionality of their detention by ICE. *See, e.g.*, *Jennings v. Rodriguez*, 583 U.S. 281, 292-96 (2018); *Demore v. Hyung Joon Kim*, 538 U.S. 510, 516-17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001).

14. Venue is proper in this district because the Petitioner is detained within this district, and a substantial amount of the events giving rise to this claim occurred within this district. 28 U.S.C. § 1391(e)(1).

IV. LEGAL FRAMEWORK REGARDING MANDATORY IMMIGRATION DETENTION AND BOND ELIGIBILITY

A. Congress deliberately provided for immigration detention in two different statutes, 8 U.S.C. § 1226 and 8 U.S.C. § 1225, to address two very different groups of noncitizens in different circumstances.

19. This case involves the interplay between the general custody for individuals in traditional removal proceedings before an IJ under 8 U.S.C. § 1226 and the mandatory custody provisions for those noncitizens seeking admission at the port of entry or the border under 8 U.S.C. § 1225. The Respondents' authority to detain noncitizens under §§ 1226 or 1225 depends on the individualized circumstances of the noncitizen and the procedural posture of the removal case.

20. Both §§ 1226(a) and 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 to provide detention for different subsets of noncitizens. Pub. L. No. 104-208, Div. C, §§ 302-03, 110 Stat. 3009-546, 3009-582 to 3009-583, 3009-585. According to IIRIRA's legislative history, § 1226(a) was intended to "restate[] the [then-] current provisions of section 242(a)(1) regarding the authority of the Attorney General to arrest, detain, and release *on bond* an alien who is not lawfully in the United States." *See Rodriguez v Bostock*, 779 F. Supp. 3d 1239, 1260 (W.D. Wash. Sep. 30, 2025) (quoting H.R. Rep. No. 104-469, at 229 (1996) (emphasis added)). Noncitizens found within the country are detained under § 1226(a), while those seeking admission into the United States are detained under § 1225(b)(2).

21. In 1997, following the enactment of the IIRIRA, the Executive Office for Immigration Review (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) "and eligible for bond and bond redetermination." *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).

22. Thus, in the decades that followed, most people who entered without inspection and were

placed in standard removal proceedings received bond hearings under § 1226(a). 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. Rept. No. 104-469, Part 1, at 229 (1996) (noting that § 1226(a) simply "restates" the detention authority previously found at § 1252(a)).

23. Since the Petitioner was found in the United States over 10 years after his unlawful entry, he is obviously *not* seeking admission into the country and § 1225(b)(2) is inapplicable.

i. The Petitioner is in custody under 8 U.S.C. § 1226 and the IJ can order his release on bond.

24. Section 1226(a) "authorizes the Government to detain certain aliens *already in the country* pending outcome of removal proceedings." *Jennings*, 583 U.S. at 289 (emphasis added). The Petitioner was already in the country—for at least 10 years—and is in custody pending the outcome of his removal proceedings. He was issued a notice to appear (NTA) before an IJ and has a hearing on February 24, 2026. The logical conclusion, therefore, is that he is in custody under § 1226(a).

25. Section 1226(a) establishes the discretionary framework for noncitizens arrested and detained "[o]n warrant issued by the Attorney General." For such individuals, the Attorney General (1) "may continue to detain the arrested alien," (2) "may release the alien on . . . bond of at least $1,500," or (3) "may release the alien on . . . conditional parole." 8 U.S.C. §§ 1226(a)(1)-(2). DHS makes an initial custody determination on whether to allow the noncitizen to be released pending the posting of a bond. 8 C.F.R. § 1236. However, such determinations "may be reviewed by an Immigration Judge pursuant to 8 C.F.R. § 1236." § 1003.19(a).

26. Under 8 U.S.C. § 1226, an IJ may grant bond if the noncitizen demonstrates that he is not a danger to the community or pose a significant risk of flight. *Matter of Guerra*, 24 I&N Dec. 37, 40 (BIA 2006).

27. Section 1226(c) requires mandatory detention for specifically enumerated categories of

noncitizens. Section 1226(c), until recently, required the detention of noncitizens who are inadmissible or deportable because they have committed or been sentenced for certain criminal offenses, or because they are affiliated with terrorist groups or activities. *See* §§ 1226(c)(1)(A)-(D).

28. In January 2025, Congress enacted the Laken Riley Act (LRA), which expanded this list by adding § 1226(c)(1)(E), which requires detention of individuals who (1) are inadmissible under §§ 1182(a)(6)(A), (C), or (7), *and* (2) who have been charged with, arrested for, or convicted of certain crimes, including burglary, theft, shoplifting, or crimes resulting in death or serious bodily injury. Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025).

29. The enactment of the LRA confirms that Congress did not intend for noncitizens who entered the country unlawfully and are found within the interior of the United States to be subject to mandatory detention under 8 U.S.C. § 1225(b)(2). Indeed, the LRA explicitly provides for mandatory detention for noncitizens who both entered the country unlawfully *and* committed one of the above enumerated offenses within the United States. By carving out an exception to the general rule allowing for bond for noncitizens who entered the country unlawfully, the LRA reflects Congress' understanding that not all noncitizens who entered the country illegally are subject to mandatory detention under § 1225(b)(2). *Yajure Hurtado* effectively provides that LRA was an unnecessary, needless bill.

30. Section 1226(a) leaves no doubt that it applies to people who confront removal for being inadmissible to the United States, including those who are present without admission or parole.

ii. The Petitioner is not subject to mandatory detention under § 1225(b)(2).

31. Section 1225(b)(2), the provision invoked by the Respondents, is plainly not applicable here since it only applies to those noncitizens seeking admission at the border. The statute states:

> In 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.

(emphasis added). For § 1225(b)(2)(A) to apply, "several conditions must be met—in particular, an 'examining immigration officer' must determine that the individual is: (1) an 'applicant for admission'; (2) 'seeking admission'; and (3) 'not clearly and beyond a doubt entitled to be admitted.'" *Martinez v. Hyde*, CV No. 25-11613-BEM, at *6-7.

32. As the Supreme Court has explained, the detention authority under 1225(b)(2)(A) applies "at the Nation's borders and ports of entry, where the Government must determine whether an alien seeking to enter the country is admissible." *Jennings*, 583 U.S. at 287. A person detained under § 1225(b)(2) may be released only if paroled "for urgent humanitarian reasons or significant public benefit." 8 U.S.C. § 1182(d)(5)(A).

33. As stated above, the Petitioner has been in the United States for over a decade subsequent to an unlawful entry. He was arrested in the interior of the United States and, as such, is certainly in custody after seeking admission. Petitioner was pulled over by law enforcement when commuting to work due to an expired registration sticker. He was placed under arrest for not having a driver's license and immediately turned over to Immigration and Customs Enforcement. Apart from an arrest at the age of 17 for a broken light, Petitioner has no other criminal history. Petitioner is the father of three US citizen children, and Petitioner's father is a lawful permanent resident.

B. The Respondents' misconstruction of § 1225(b)(2) as encompassing all noncitizens who entered the country illegally is contrary to decades of established practice and has resulted in the unlawful detention of the Petitioner.

34. The Respondents' misconstruction of the statutes is part of their scheme to greatly expand immigration detention in general by using the mandatory detention provisions of 8 U.S.C. § 1225.

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

36. The new policy, entitled "Interim Guidance Regarding Detention Authority for Applicants for Admission," 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, greatly affecting those who have resided in the United States for months, years, and even decades.

37. On September 5, 2025, the BIA—reversing decades of practice—adopted this same position in *Yajure Hurtado*. 29 I&N Dec. at 216. There, the BIA 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. *Id.*

38. The Respondents efforts to expand 8 U.S.C. § 1225 to provide for more mandatory detention has been rejected by courts across the nation. Even before ICE or the BIA introduced these nationwide policies, the Tacoma, Washington immigration court stopped providing bond hearings for persons who entered the United States without inspection and who have since resided here. *See, e.g.*, *Rodriguez*, 779 F. Supp. 3d at 1256. 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. *Id.* at 1256–57.

39. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply to noncitizens like the Petitioner, who have already entered and were residing in the United States at the time they were apprehended.

V. FACTS

40. The Petitioner, a citizen of Mexico, entered the United States without inspection approximately 12 years ago. *See* Exh. A (Biographic Passport Page). Respondent has remained in the United States since his entry and has created a meaningful life in the United States where he

has raised a family and has three U.S. Citizen children aged 11, 9, and 4. *See* Exh. B (Birth Certificates of US Citizen Children). His father is a lawful permanent resident. *See* Exh. C (Lawful Permanent Residency Card of Petitioner's Father). Petitioner's family is suffering substantial emotional, psychological, and financial hardship as a result of the Petitioner's unlawful detention. *See* Exh. D (Reference Letters).

41. Petitioner was apprehended within the interior of the United States by the Respondents and placed in traditional removal proceedings before an immigration judge on December 10, 2025. *See* Exh. E (EOIR Case Information). It is presumed that the NTA alleges that the Petitioner entered the country without inspection.

42. The Respondents are detaining the Petitioner with no bond at the Folston Main Detention Facility aka Folkston ICE Processing Center (Main) located at 3026 GA 252 E in Folkston, Georgia. *See* Exh F. (ICE Detainee Locator).

43. On September 5, 2025, the BIA issued its clearly erroneous precedential decision in *Yajure Hurtado*.

44. The Petitioner and his family are suffering as a result of his prolonged, unconstitutional detention.

VI. EXHAUSTION OF ADMINISTRATIVE REMEDIES

45. The Petitioner has exhausted his administrative remedies to the extent required by law.

VII. CLAIMS FOR RELIEF

Count I. Statutory claim: The Petitioner is eligible for bond under § 1226(a) and is not subject to mandatory detention under § 1225(b)(2).

46. The Petitioner has a clear right to a custody hearing by an IJ under 8 U.S.C. § 1226(a)(2). The Respondents are detaining the Petitioner in direct violation of this statute which authorizes the IJ to grant release on bond.

47. The statute cannot be clearer and requires the Petitioner's release from custody as ordered

by the IJ. While the BIA reached the opposite conclusion in *Yajure Hurtado*, this interpretation is erroneous and even if it were plausible, it is not entitled to *Chevron* deference pursuant to the Supreme Court's decision in *Loper Bright Enterprises v. Raimondo.* 603 U.S. 369, 369 (2024) (overruling *Chevron, U.S.A., Inc. v. Nat. Res. Def. Council, Inc.*, 467 U.S. 837 (1984)). The Petitioner, as such, is entitled to release on bond as ordered by the IJ under the statute's plain language.

48. Moreover, in *Monteon-Camargo v. Barr*, the Fifth Circuit found that where the BIA announces a "new rule of general applicability" which "drastically change[s] the landscape," retroactive application would "contravene basic presumptions about our legislative system" and should in that case be disfavored unless the government can demonstrate that the advantages of retroactive application outweigh these grave disadvantages. 918 F.3d 423, 430-431 (2019) (quoting *Matter of Diaz-Lizarraga*, 26 I&N Dec. 847, 849, 852 (BIA 2016)).

49. Applying *Yajure Hurtado* to individuals like Petitioner, who entered the United States without inspection years before the BIA's decision, would be impermissibly retroactive. The BIA's decision contradicts decades of statutory practice and administrative precedent, under which such individuals were detained under § 1226(a) and entitled to a bond hearing. Retroactively applying *Yajure Hurtado* would strip these long-established rights and impose a new disability by rendering them ineligible for bond, contrary to settled expectations. *See Landgraf v. Usi Film Prods.*, 511 U.S. 244, 265 (1994) ("As Justice Scalia has demonstrated, . . . [e]lementary considerations of fairness dictate that individuals should have an opportunity to know what the law is and to conform their conduct; accordingly, settled expectations should not be lightly disrupted.").

50. Finally, *Yajure Hurtado* contravenes the plain text of § 1226(a) and decades of bond practice and precedent.

Count II. *Accardi* Violation

51. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA. Specifically, under the heading of "Apprehension, Custody, and Detention of Aliens," the agencies explained that "[d]espite being applicants for admission, aliens who are *present without having been admitted or paroled* (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination." 62 Fed. Reg. 10312, 10323 (emphasis added). The agencies thus made clear that individuals who had entered without inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. § 1226 and its implementing regulations.

52. Nonetheless, pursuant to *Yajure Hurtado*, EOIR has a policy and practice of applying § 1225(b)(2) to individuals like Petitioner.

53. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention in violation of § 1226(a) and its regulations at 8 C.F.R. §§ 236.1, 1236.1, and 1003.19, which for decades have recognized that noncitizens present without admission are eligible for a bond hearing. *See Jennings*, 583 U.S. at 288-29 (describing § 1226 detention as relating to people "inside the United States" and "present in the country."). Such protection is not a mere regulatory grace but is a baseline Due Process requirement. *See Hernandez-Lara v Lyons*, 10 F. 4th 19, 41 (1st Cir. 2021). The only exception for such noncitizens subject to § 1226(a) is where the noncitizen is subject to mandatory detention under 8 U.S.C. § 1226(c) for certain crimes and certain national security grounds of removability. *See Demore v. Kim*, 538 U.S. 510, 512 (2003).

54. Government agencies are required to follow their own regulations. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954); *United States v. Heffner*, 420 F.2d 809, 811 (4th Cir. 1969) ("An agency of the government must scrupulously observe rules, regulations, or procedures which it has established. When it fails to do so, its action cannot stand and courts will strike it down."). A violation of the *Accardi* doctrine may itself constitute a violation of the Fifth

Amendment Due Process Clause and justify release from detention. *See, e.g.*, *United States v. Teers*, 591 F. Appx. 824, 840 (11th Cir. 2014); *Sering Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 160 (W.D.N.Y. 2025) (citing *Rombot v. Souza*, 296 F. Supp. 3d 383, 388 (D. Mass. 2017)).

Count III. The Governments position violates the Petitioner's Right to Substantive Due Process under the Fifth Amendment

55. The Fifth Amendment provides that "[n]o person shall be . . . deprived of life, liberty, or property, without due process of law." U.S. Const. amend. V.

56. This guarantee "include[s] a substantive component" which prohibits the government from infringing on certain fundamental liberty interests, regardless of what process the government provides, "unless the infringement is narrowly tailored to serve a compelling state interest." *Reno v. Flores*, 507 U.S. 292, 301-02 (1993). "[A]t the heart of the liberty that [the Due Process] Clause protects" is "[f]reedom from imprisonment—from government custody, detention, or other forms of physical restraint." *Zadvydas*, 533 U.S. at 690.

57. Government detention violates the Due Process Clause "unless the detention is ordered in a *criminal* proceeding with adequate procedural protections or, in certain special and 'narrow' nonpunitive circumstances where a special justification . . . outweighs the 'individual's constitutionally protected interest in avoiding physical restraint.'" *Id.* (internal citations and quotation marks omitted; emphasis in original). These protections extend to noncitizens who have entered the country, even if they are in removal proceedings. *Id.* at 693.

58. The Respondents have no special justification, or even a rational basis, that permits them to continue to hold the Petitioner without bond.

VIII. PRAYER FOR RELIEF

For the foregoing reasons, the Petitioner requests that the Respondents be cited to appear and that, upon due consideration, the Court enter an order:

a. Granting a writ of habeas corpus finding that the Petitioner's detention is in

violation of the due process clause;

b. Providing declaratory relief that the Petitioner's detention is unlawful;

c. Ordering the Petitioner's release from custody;

d. Granting Petitioner such other and further relief as the Court may deem just and proper such as a bond hearing.

Respectfully submitted,

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ATTORNEYS FOR PETITIONER

VERIFICATION UNDER 28 U.S.C. § 2242

Acting on behalf of the Petitioner, I verify that the foregoing factual allegations are true and correct as required by 28 U.S.C. § 2242.

/s/ Jason Mills
Jason Mills