

1 Mary Chicorelli, Esq.  
Equal Access Legal Services  
2 6703 Germantown Ave.  
Suite 200/210-4  
3 Philadelphia, PA, 19119  
(267) 888-6703  
4 Attorney for Petitioner

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

7 **RESUL CAN,**

8 **A** 

Petitioner,

Case No.

9 v.

**PETITION FOR WRIT OF  
HABEAS CORPUS**

10  
11 BRIAN MCSHANE, in his official capacity,  
Acting Field Office Director of Enforcement  
and Removal Operations, Philadelphia, PA  
12 Field Office, Immigration and Customs  
Enforcement;  
13

14 SIRCE OWEN, in his official capacity, Acting  
Director, Executive Office of Immigration  
Review,  
15

16 KRISTI NOEM, in her official capacity,  
Secretary, U.S. Department of Homeland  
Security;  
17

18 U.S. DEPARTMENT OF HOMELAND  
SECURITY;

19 PAMELA BONDI, in her official capacity, U.S.  
Attorney General; EXECUTIVE OFFICE FOR  
20 IMMIGRATION REVIEW;

21 TODD LYONS, in his official capacity, Acting  
Director, United States Immigration and  
22 Customs Enforcement (ICE),  
23  
24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

JAMAL JAMISON, in his official capacity, as  
warden of the Federal Detention Center,  
Philadelphia, PA

Respondents.

1 INTRODUCTION

2 1. Petitioner RESUL CAN is in the physical custody of Respondents at the  
3 PHILADELPHIA FEDERAL DETENTION CENTER. He now faces unlawful detention  
4 because the Department of Homeland Security (DHS) and the Executive Office of Immigration  
5 Review (EOIR) have concluded Petitioner is subject to mandatory detention.

6 2. Petitioner is a native and citizen from Turkey was paroled into the United States on or  
7 about June 4, 2022, pursuant to § 212(d)(5)(A), valid for one year. Individuals who are “paroled”  
8 under INA § 212(d)(5)(A) are eligible to meet the threshold requirement of having been  
9 “inspected and admitted or paroled” under INA § 245(a). This Interim Notice Authorizing Parole  
10 permitted him to file for lawful permanent resident status (green card) through marriage while  
11 remaining in the United States.

12 3. Petitioner married a United States citizen, Melanie Kenza Elokban, on September  
13 13, 2025, and filed for a green card based on marriage on December 23, 2025.

14 4. Petitioner then received a request to report to ICE in Philadelphia, PA on January  
15 7, 2025, for a Credible Fear Interview, and was then detained.

16 5. Petitioner has a final hearing on the merits of his credible fear on January 13,  
17 2025.

18 6. Petitioner is charged with, *inter alia*, having entered the United States without  
19 inspection, and later paroled into the United States. 8 U.S.C. § 1182(a)(6)(A)(i) and 8 U.S.C. §  
20 1182(d)(5)(A) (2018).

21 7. Based on these allegations, DHS denied Petitioner release from immigration  
22 custody, consistent with a new DHS policy issued on July 8, 2025, instructing all Immigration  
23 and Customs Enforcement (ICE) employees to consider anyone inadmissible under §  
24

1 1182(a)(6)(A)(i) and 8 U.S.C. § 1182(d)(5)(A) (2018)—i.e., those who entered the United States  
2 without inspection or with humanitarian parole—to be an “applicant for admission” under 8  
3 U.S.C. § 1225(b)(2)(A) and therefore subject to mandatory detention.

4 8. Petitioner is detained pending his removal proceedings without access to a  
5 hearing conducted by a neutral decisionmaker—a federal judge or an immigration judge—to  
6 determine whether his detention is warranted based on danger or flight risk, pursuant to the  
7 BIA’s recent decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) and *Matter of*  
8 *Q. Li*, 29 I&N Dec. 66 (BIA 2025).

9 9. *Matter of Yajure Hurtado*, which holds that 8 U.S.C. § 1225(b)(2) makes  
10 noncitizens who are apprehended in the United States but have never been admitted subject to  
11 mandatory detention without a bond hearing, violates the statute. Instead, 8 U.S.C. § 1226(a)  
12 applies and authorizes release on bond after a hearing before an immigration judge. The BIA’s  
13 interpretation conflicts with the plain language and structure of the statute, as well as decades of  
14 uncontroverted agency practice. Therefore, the application of § 1225(b)(2) to Petitioner is  
15 contrary to law and violates the Immigration and Nationality Act (INA) and the Administrative  
16 Procedure Act (APA).

17 10. Additionally, *Matter of Q. Li*, holds that certain noncitizens arrested shortly after  
18 entering the U.S. are considered an “applicant for admission” and are subject to mandatory  
19 detention under INA § 235(b). In that case, the noncitizen entered the country without  
20 inspection, was arrested without a warrant and was issued humanitarian parole after a brief initial  
21 detention. DHS then terminated the parole years later because she was arrested for state criminal  
22 conduct, unrelated to immigration. The BIA held that she was subject to mandatory detention  
23 under § 1225(b)(2). *Matter of Q. Li*, 29 I. & N. Dec. 66 (BIA 2025). Again, the BIA’s  
24

1 interpretation conflicts with the plain language and structure of the statute, as well as decades of  
2 uncontroverted agency practice. Therefore, the application of § 1225(b)(2) to Petitioner is  
3 contrary to law and violates the Immigration and Nationality Act (INA) and the Administrative  
4 Procedure Act (APA).

5 11. Petitioner does *not* seek a bond redetermination hearing before an immigration  
6 because it is futile. Indeed, the DHS policy states it was issued in coordination with the  
7 Department of Justice (DOJ).

8 12. Petitioner's detention on this basis violates the plain language of the Immigration  
9 and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who  
10 previously entered without inspection, were paroled and are now residing in the United States.  
11 Instead, such individuals are subject to a different statute, § 1226(a), that allows for release on  
12 conditional parole or bond.

13 13. Respondents' new legal interpretation is plainly contrary to the statutory  
14 framework and contrary to decades of agency practice applying § 1226(a) to people like  
15 Petitioner.

16 14. In the alternative, if the statute does authorize Petitioner's detention without a  
17 bond hearing, it violates his rights to substantive and procedural due process. Detention of all  
18 noncitizens who are subject to inadmissibility grounds, like Petitioner, without any  
19 individualized hearing does not "bear a reasonable relation to the purpose for which the  
20 individual was committed." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Moreover, application  
21 of the *Mathews v. Eldridge* balancing test shows that a bond hearing is necessary to protect  
22 Petitioner from an unnecessary deprivation of liberty. See 424 U.S. 319, 335 (1976).

23 15. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released  
24

1 immediately.

2 **JURISDICTION**

3 16. Petitioner is in the physical custody of Respondents. Petitioner is detained at the  
4 PHILADELPHIA FEDERAL DETENTION CENTER, Philadelphia, PA.

5 17. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28  
6 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States  
7 Constitution (the Suspension Clause).

8 18. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory  
9 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

10 **VENUE**

11 19. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-  
12 500 (1973), venue lies in the United States District Court for the Eastern District of  
13 Pennsylvania, the judicial district in which Petitioner currently is detained.

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

18 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

19 21. There is no statutory requirement of exhaustion of administrative remedies where  
20 a noncitizen challenges the lawfulness of his detention. *Arango Marquez v. I.N.S.*, 346 F.3d 892,  
21 897 (9th Cir. 2003). Any requirement of administrative exhaustion is therefore purely  
22 discretionary. See *Santos v. Lowe*, No. 1:18-cv-1553, 2020 WL 4530728, at \*2 (M.D. Pa. Aug.  
23 2020) (“[T]he exhaustion requirement imposed by courts relating to habeas corpus petitions filed  
24

1 by immigration detainees is a prudential benchmark which is not compelled by statute.”).

2 22. In making that decision, the Court should consider the urgency of the need for  
3 immediate review. “Where a person is detained by executive order . . . the need for collateral  
4 review is most pressing. . . . In this context the need for habeas corpus is more urgent.”  
5 *Boumediene v. Bush*, 553 U.S. 723, 783 (2008) (waiving administrative exhaustion for executive  
6 detainees).

7 23. Moreover, the exhaustion “doctrine is not without exception.” *Ashley v. Ridge*,  
8 288 F. Supp. 2d 662, 666. (D.N.J. 2003). “Courts have found that the exhaustion of  
9 administrative remedies may not be required when available remedies provide no opportunity for  
10 adequate relief, an administrative appeal would be futile, or if plaintiff has raised a substantial  
11 constitutional question.” *Id.* at 666-67.

12 24. The Board of Immigration Appeals has issued published decisions holding that  
13 people like the Petitioner who entered the United States without inspection, and later paroled  
14 have not been admitted are ineligible for bond pursuant to 8 U.S.C. § 1225(b)(2)(A).  
15 Immigration judges and the BIA are bound by this decision. 8 C.F.R. § 1003.1(g)(1). Exhaustion  
16 before the BIA would therefore be futile.

17 25. Further, the BIA does not have jurisdiction to adjudicate constitutional issues.  
18 *Qatanani v. Att’y Gen. of the U.S.*, 144 F.4th 485, 500 (3d Cir. 2025); see also *Ashley*, 288 F.  
19 Supp. 2d at 667 (citation omitted). Therefore, any administrative proceedings would be futile  
20 because petitioner raises a constitutional due process claim. *Qatanani*, 144 F.4th at 500.

#### 21 **REQUIREMENTS OF 28 U.S.C. § 2243**

22 26. The Court must grant the petition for writ of habeas corpus or order Respondents  
23 to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an  
24

1 order to show cause is issued, the Respondents must file a return “within three days unless for  
2 good cause additional time, not exceeding twenty days, is allowed.” *Id.*

3 27. Habeas corpus is “perhaps the most important writ known to the constitutional  
4 law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or  
5 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the  
6 writ usurps the attention and displaces the calendar of the judge or justice who entertains it and  
7 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208  
8 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

### 9 PARTIES

10 28. Petitioner RESUL CAN is a citizen of Turkey who has been in immigration  
11 detention since January 7, 2026. After arresting Petitioner in Philadelphia, Pennsylvania, ICE  
12 detained Petitioner at the Federal Detention Center. Petitioner has resided in the United States  
13 since June 4, 2022.

14 29. Respondent BRIAN MCSHANE is the Acting Director of the Philadelphia Field  
15 Office of ICE’s Enforcement and Removal Operations division. As such, BRIAN MCSHANE is  
16 Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. He is  
17 named in his official capacity.

18 30. Respondent KRISTI NOEM is the Secretary of the Department of Homeland  
19 Security. She is responsible for the implementation and enforcement of the Immigration and  
20 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner’s detention. Ms.  
21 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

22 31. Respondent DEPARTMENT OF HOMELAND SECURITY (DHS) is the federal  
23 agency responsible for implementing and enforcing the INA, including the detention and  
24

1 removal of noncitizens.

2 32. Respondent PAMELA BONDI is the Attorney General of the United States. She  
3 is responsible for the Department of Justice, of which the Executive Office for Immigration  
4 Review and the immigration court system it operates is a component agency. She is sued in her  
5 official capacity.

6 33. Respondent SIRE OWNEN is the Acting Director of the Executive Office for  
7 Immigration Review (EOIR), the federal agency responsible for implementing and enforcing the  
8 INA in removal proceedings, including for custody redeterminations in bond hearings, and is  
9 sued in his official capacity.

10 34. Respondent JAMAL JAMISON is named in his official capacity as the Warden of  
11 the Federal Detention Center, where Petitioner is detained. He has immediate physical custody of  
12 Petitioner.

### 13 LEGAL FRAMEWORK

14 35. The INA prescribes three basic forms of detention for the vast majority of  
15 noncitizens in removal proceedings.

16 36. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal  
17 proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally  
18 entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d),  
19 while noncitizens who have been arrested, charged with, or convicted of certain crimes are  
20 subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

21 37. Second, the INA provides for mandatory detention of noncitizens subject to  
22 expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission  
23 referred to under § 1225(b)(2).

24

1 38. Last, the INA also provides for detention of noncitizens who have been ordered  
2 removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

3 39. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

4 40. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the  
5 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No.  
6 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583, 3009–585. Section  
7 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119–1,  
8 139 Stat. 3 (2025).

9 41. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining  
10 that, in general, people who entered the country without inspection were not considered detained  
11 under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited  
12 Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings;  
13 Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

14 42. Thus, in the decades that followed, most people who entered without inspection  
15 and were placed in standard removal proceedings received bond hearings, unless their criminal  
16 history rendered them ineligible. That practice was consistent with many more decades of prior  
17 practice, in which noncitizens who were not deemed “arriving” were entitled to a custody  
18 hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep.  
19 No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority  
20 previously found at § 1252(a)).

21 43. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that  
22 rejected well-established understanding of the statutory framework and reversed decades of  
23 practice.

1           44.     The new policy, entitled “Interim Guidance Regarding Detention Authority for  
2 Applicants for Admission,”<sup>1</sup> claims that all persons who entered the United States without  
3 inspection shall now be deemed “applicants for admission” under 8 U.S.C. § 1225, and therefore  
4 are subject to mandatory detention provision under § 1225(b)(2)(A). The policy applies  
5 regardless of when a person is apprehended, and affects those who have resided in the United  
6 States for months, years, and even decades.

7           45.     In a May 22, 2025, unpublished decision from the Board of Immigration Appeals  
8 (BIA), EOIR adopts this same position.<sup>2</sup> That decision holds that all noncitizens who entered the  
9 United States without admission or parole are considered applicants for admission and are  
10 ineligible for immigration judge bond hearings.

11           46.     ICE and EOIR have adopted this position even though federal courts have  
12 rejected this exact conclusion. For example, after IJs in the Tacoma, Washington, immigration  
13 court stopped providing bond hearings for persons who entered the United States without  
14 inspection and who have since resided here, the U.S. District Court in the Western District of  
15 Washington found that such a reading of the INA is likely unlawful and that § 1226(a), not §  
16 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States.  
17 *Rodriguez Vazquez v. Bostock*, --- F. Supp. 3d --- 2025 WL 1193850 (W.D. Wash. Apr. 24,  
18 2025); *see also Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at \*8 (D. Mass.  
19 July 7, 2025) (granting habeas petition based on same conclusion).

20           47.     DHS’s and DOJ’s interpretation defies the INA. As the *Rodriguez Vazquez* court  
21 explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b),  
22

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

24 <sup>2</sup> Available at <https://nwirp.org/our-work/impact-litigation/assets/vazquez/59-1%20ex%20A%20decision.pdf>.

1 applies to people like Petitioner.

2 48. Section 1226(a) applies by default to all persons “pending a decision on whether  
3 the [noncitizen] is to be removed from the United States.” These removal hearings are held under  
4 § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

5 49. The text of § 1226 also explicitly applies to people charged as being inadmissible,  
6 including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph  
7 (E)’s reference to such people makes clear that, by default, such people are afforded a bond  
8 hearing under subsection (a). As the *Rodriguez Vazquez* court explained, “[w]hen Congress  
9 creates “specific exceptions” to a statute’s applicability, it “proves” that absent those exceptions,  
10 the statute generally applies. *Rodriguez Vazquez*, 2025 WL 1193850, at \*12 (citing *Shady Grove*  
11 *Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).

12 50. Section 1226 therefore leaves no doubt that it applies to people who face charges  
13 of being inadmissible to the United States, including those who are present without admission or  
14 parole.

15 51. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who  
16 recently entered the United States. The statute’s entire framework is premised on inspections at  
17 the border of people who are “seeking admission” to the United States. 8 U.S.C. §1225(b)(2)(A).  
18 Indeed, the Supreme Court has explained that this mandatory detention scheme applies “at the  
19 Nation’s borders and ports of entry, where the Government must determine whether a[]  
20 [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281,  
21 287 (2018).

22 52. However, the *Jennings* decision contemplated people who arrive at a port of entry  
23 as an “arriving alien” and seek admission into the United States at a port of entry. That court did  
24

1 not address the issues present in this case: Petitioner (1) entered the United States without  
2 inspection after crossing the border in Texas, (2) was briefly detained without a judicial warrant,  
3 (3) was released one day later on parole (4) his NTA was never served on the court (5) but he  
4 was then detained and placed into removal proceedings over three years later at a check-in  
5 without notice.

6 53. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to  
7 people like Petitioner, who have already entered and were in the United States at the time they  
8 were apprehended and detained.

### 9 **FACTS**

10 54. Petitioner is a native and citizen from Turkey was paroled into the United States on or  
11 about June 4, 2022 pursuant to § 212(d)(5)(A), valid for one year. This Interim Notice  
12 Authorizing Parole permitted him to file for lawful permanent resident status (green card)  
13 through marriage while remaining in the United States.

14 55. Petitioner married a United States citizen, Melanie Kenza Elokban, on September 13,  
15 2025, and filed for a green card based on marriage on December 23, 2025.

16 56. Petitioner then received a request to report to ICE in Philadelphia, PA on January 7,  
17 2025, for a Credible Fear Interview. Petitioner was arrested and is now detained at the Federal  
18 Detention Center, Philadelphia, *See Exhibit A.*

19 57. Petitioner has a final hearing on the merits of his credible fear on January 13,  
20 2025.

21 58. ICE has charged Petitioner with, *inter alia*, being inadmissible under 8 U.S.C. §  
22 1182(a)(6)(A)(i) and 8 U.S.C. § 1225(b)(2)(A) as someone who entered the United States  
23 without inspection or valid travel documents.

24

1 59. Petitioner is neither a flight risk nor a danger to the community. Petitioner lives  
2 with his wife and is supported by a network of extended family and friends.

3 60. Petitioner filed an application for a green card, and would have been interviewed  
4 at a USCIS office but for the detention by ICE.

5 61. Following Petitioner's arrest and transfer to Federal Detention Center, ICE issued  
6 a custody determination to continue Petitioner's detention without an opportunity to post bond or  
7 be released on other conditions.

8 62. Petitioner remains in detention. Without relief from this court, he will face the  
9 prospect of months, or even years, in immigration custody, separated from his U.S. citizen wife,  
10 extended friends and community.

11 63. Any request for Bond before an Immigration Judge or an appeal to the BIA is  
12 futile. DHS's new policy was issued "in coordination with DOJ," which oversees the  
13 immigration courts. Further, as noted, the most recent unpublished BIA decision on this issue  
14 held that persons like Petitioner are subject to mandatory detention as applicants for admission.  
15 Finally, in the *Rodriguez Vazquez* litigation, where EOIR and the Attorney General are  
16 defendants, DOJ has affirmed its position that individuals like Petitioner are applicants for  
17 admission and subject to detention under § 1225(b)(2)(A). *See* Mot. to Dismiss, *Rodriguez*  
18 *Vazquez v. Bostock*, No. 3:25-CV-05240-TMC (W.D. Wash. June 6, 2025), Dkt. 49 at 27–31.

19 **CLAIMS FOR RELIEF**

20 **COUNT I**

21 **Violation of the INA**

22 64. Petitioner incorporates by reference the allegations of fact set forth in the  
23 preceding paragraphs.

24

1 65. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all  
2 noncitizens residing in the United States who are subject to the grounds of inadmissibility. As  
3 relevant here, it does not apply to those who previously entered the country and have been  
4 residing in the United States prior to being apprehended and placed in removal proceedings by  
5 Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to  
6 § 1225(b)(1), § 1226(c), or § 1231.

7 66. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued  
8 detention and violates the INA.

9 **COUNT II**

10 **Violation of Due Process**

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

13 68. The government may not deprive a person of life, liberty, or property without due  
14 process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government  
15 custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the  
16 Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653  
17 (2001).

18 69. Petitioner has a fundamental interest in liberty and being free from official  
19 restraint.

20 70. The government’s detention of Petitioner without a bond redetermination hearing  
21 to determine whether he is a flight risk or danger to others violates his right to due process.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Petitioner prays that this Court grant the following relief:  
24

- 1 a. Assume jurisdiction over this matter;
- 2 b. Issue a writ of habeas corpus requiring that Respondents release Petitioner
- 3 immediately;
- 4 c. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act
- 5 ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under
- 6 law; and
- 7 d. Grant any other and further relief that this Court deems just and proper.

8 DATED this 9 of January, 2026.

9 Respectfully Submitted,

10 By: /s/Mary F. Chicorelli  
11 Mary F. Chicorelli (PA Bar 310661)  
12 Equal Access Legal Services  
13 6703 Germantown Ave.  
14 Suite 200/210-4  
15 Philadelphia, PA 19119