IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GIORGI TALABADZE,

Petitioner

v.

MICHAEL ROSE, et al.,

Respondents.

Civil Case No.: 26-cv-360

PETITIONER'S REPLY TO RESPONDENTS' RESPONSE IN OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS

I. INTRODUCTION

There are numerous flaws and inaccuracies in Respondents' answer [ECF. 5]. Most glaring is that Respondents claim Petitioner was processed for expedited removal, and in support of this provide the Court with an un-signed, un-executed, partially redacted "Notice and Order of Expedited Removal." ECF 5-1. The document is essentially a blank form with Petitioner's name on it – the order, the certificate of service and the acknowledgement of receipt are all unsigned and otherwise blank. Further contradicting Respondents' assertions is Petitioner's own Exhibit A [EFC. 1-1] which contains Petitioner's Notice to Appear [NTA] in Immigration Court; the NTA notes that the notice was issued after Petitioner had demonstrated a credible fear of persecution, but the box indicating that a "Section 235(b)(1) order [expedited removal order] was vacated" is left blank – indicating no such order existed. *See* ECF 1-1. Additionally, if Respondents' assertion that Petitioner was treated as an arriving alien upon his entry and apprehension, then why was this not indicated on the NTA (notably the box next to "You are an arriving alien" was left blank, and instead the box next to "You are an alien present in the United States who has not been admitted or paroled" was checked). *Id.*

The Respondents are *partially* correct that this matter is distinguishable from numerous petitions recently considered by this Court; it is not distinguishable from all of them. *See eg. Sadykov v. Rose, et al.,* 2:26-cv-00086-JMY, Dkt. 10 (E.D. Pa. Jan. 16, 2026); *Muev v. O'Neill, et al.*, 2:25-cv-07172-JMG, Dkt. 4 (E.D. Pa. Jan. 13, 2026); *Kulishov v. O'Neill et al,* 2:25-cv-07171-JHS, Dkt. 5 (E.D. Pa. Jan 14, 2026). Nor is it distinguishable from recent habeas cases across the country wherein District Courts found that section 8 U.S.C. § 1226(a) controlled the detention of individuals who had received credible fear interviews and were later re-detained under the current administration. *See eg. Calzado Diaz v. Noem,* No. 3:25-CV-00458, 2025 WL 3628480 (W.D. Pa.

Dec. 15, 2025); *Godinez Sales v. Warden, Otay Mesa Det. Ctr.*, No. 25-CV-03125-BAS-BJW, 2025 WL 3625867 (S.D. Cal. Dec. 12, 2025); *Araujo da Silva v. Bondi*, No. 25-CV-12672-DJC, 2025 WL 2969163 (D. Mass. Oct. 21, 2025); *Jimenez v. FCI Berlin, Warden*, 799 F. Supp. 3d 59 (D.N.H. 2025); *Lema v. FCI Berlin, Warden* 1:25-cv-00386 (D.N.H. 2025); *Singh v. Lewis*, No. 4:25-CV-96-RGJ, 2025 WL 2699219 (W.D. Ky. Sept. 22, 2025); *Mejia v. Woosley*, No. 4:25-CV-82-RGJ, 2025 WL 2933852 (W.D. Ky. Oct. 15, 2025); *Polo v. Chestnut*, No. 1:25-CV-01342 JLT HBK, 2025 WL 2959346 (E.D. Cal. Oct. 17, 2025)l *Rico-Tapia v. Smith*, No. CV 25-00379 SASP-KJM, 2025 WL 2950089 (D. Haw. Oct. 10, 2025).

Lastly, in their Response, Respondents offer no case-specific facts; Respondents do not shed any light on why Petitioner was re-detained, whether or when Petitioner's parole was revoked, or what specific interest the government has in detaining Petitioner, who has been a productive and law-abiding member of our society for the past year-and-a-half.

Admittedly, undersigned counsel was unaware that Petitioner was in fact released from custody on June 13, 2024, *via* a grant of parole pursuant to 8 U.S.C. § 1182(d)(5).[1] *See* Exhibit A, containing Petitioner's Interim Notice Authorizing Parole. This fact, however – as explained further below – only serves to strengthen Petitioner's habeas footing.

II. PETITIONER'S RE-DETENTION

Petitioner entered the United States around May 1, 2024, at the U.S./Mexico border without inspection. On June 13, 2024, Portioner was paroled into the United States pursuant to 8 U.S.C. §

[1] Undersigned counsel was given information that Petitioner entered the United States unlawfully on or about May 1, 2024, was apprehended by Customs and Border Protection (CBP) and thereafter released on an on an Order of Release on Recognizance (OREC). At the time, the only document provided/available was Petitioner's NTA, which corroborated this storyline, as it did not indicate that he was an arriving alien nor that he was paroled into the United States.

1182(d)(5). Petitioner thereafter pursued his application for asylum before the immigration court, which remains pending at this time.

Everything was proceeding as Congress intended it; that is until January 13, 2026, when Petitioner was arrested while exiting a store. When ICE took Petitioner into custody that day; in essence, ICE was revoking his parole and now choosing to detain him under § 1225(b). Upon information and belief, Petitioner's arrest was not based on changed circumstances, additional information, or newly discovered security concerns. Rather, Petitioner's arrest in detention is solely part of the current administrations goal of deporting as many people as possible, as quickly as possible.

Petitioner, though he followed the law and instruction of the government in lockstep since he entered, has now had his liberty stripped from him without meaningful notice, explanation or rationale.

III. SECTION 1226, NOT SECTION 1225 GOVERNS PETITIONER'S DETENTION

The simplest and most widely accepted argument in favor of Petitioner is that section 1225(b) "authorizes the Government to detain certain [noncitizens] *seeking* admission into the country," while Section 1226(a) and (c) "authorizes the government to detain certain [noncitizens] *already in the country* pending the outcome of removal proceedings." *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018) (emphasis added). Petitioner is unquestionably in the latter category, as he entered the country on May 1, 2024, and was subsequently paroled. *Sadykov v. Rose, et al.,* 2:26-cv-00086-JMY, Dkt. 10 (E.D. Pa. Jan. 16, 2026) [providing long sting cite of similar cases within the Eastern District of Pennsylvania and outside]; *Muev v. O'Neill, et al.*, 2:25-cv-07172-JMG, Dkt. 4 (E.D. Pa. Jan. 13, 2026); *Kulishov v. O'Neill et al,* 2:25-cv-07171-JHS, Dkt. 5 (E.D. Pa. Jan 14, 2026)*H.L.P.F. v. Wamsley*, No. 6:25-CV-01899-AA, 2025 WL 3539252, at *2 (D. Or. Dec.

10, 2025); *see also, A-J-R v. Rokosky,* No. 25-17279 (RMB), 2026 WL 25056, at *4 (D.N.J. Jan. 5, 2026).

Here, as in similar cases, "because § 1225(b)(1)(A)(iii)(II) applies only to individuals "who have not been ... paroled," the plain language of the statute clearly and unambiguously shows that § 1225(b)(1)(A)(iii) cannot serve as the basis for Petitioner's detention." *Rivas Rodriguez v. Rokosky*, No. CV 25-17419 (CPO), 2025 WL 3485628, at *2 (D.N.J. Dec. 3, 2025). Furthermore, once Petitioner was paroled into the United States, his parole automatically terminates without written notice only upon his departure from the United States or the expiration of time for which his parole was authorized. 8 C.F.R. § 212.5(e). *A-J-R v. Rokosky*, 2026 WL 25056, at *4; *see also Rodriguez v. Rokosky*, 2025 WL 3485628, at *2 ["Petitioner was paroled into the United States in September 2021 pursuant to the Department of Homeland Security's exercise of discretion under 8 U.S.C. § 1182(d)(5)(A), following a medical risk review [] and because § 1225(b)(1)(A)(iii)(II) applies only to individuals "who have not been ... paroled," the plain language of the statute clearly and unambiguously shows that § 1225(b)(1)(A)(iii) cannot serve as the basis for Petitioner's detention."]; *see also Rodriguez-Acurio v. Almodovar,* No. 25-6065, 2025 WL 3314420, at *15–17 (E.D.N.Y. Nov. 28, 2025) [concluding that "has not been ... paroled" in § 1225(b)(1)(A)(iii)(II) describes a past event of parole, not a present status, because the present-perfect tense captures whether parole occurred "at any time in the indefinite past," and that although the term "parole" can refer to both a manner of entry and legal status, contextual clues, such as the pairing of "admitted or paroled into the United States," show that Congress referred to a manner of entry, not an ongoing legal status) (cleaned up)].

Moreover, Respondents offer no statutory-interpretation argument to the contrary and do not provide any analysis as to the text, structure, or grammar of § 1182(d)(5)(A) or § 1225(b)(1);

nor do Respondents dispute that Petitioner has resided in the United States continuously since June 2024. Respondents cite to several cases in support of their argument that §1225 should apply to Petitioner; however, those cases do not involve non-citizens who were never released from their custody – accordingly, they do not answer the question of what happens once a person paroled into the United States is returned to custody. *See eg.,Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 115, 140 S. Ct. 1959, 1968, 207 L. Ed. 2d 427 (2020) [Thuraissigiam failed his credible fear interview, was issued an expedited removal order, and never released from custody]; *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 73 S.Ct. 625, 97 L.Ed. 956 [in which a non-citizen was indefinitely detained as he attempted to reenter the country]; *Jennings v. Rodriguez*, 583 U.S. 281, 297, 138 S. Ct. 830, 842, 200 L. Ed. 2d 122 (2018) [discusses detention under §1225, but not in the context of someone paroled and later re-detained before his asylum application is adjudicated].

Because § 1225(b)(1)(A)(iii)(II) applies only to individuals "who have not been ... paroled," the plain language of the statute clearly and unambiguously shows that § 1225(b)(1)(A)(iii) cannot serve as the basis for Petitioner's detention.

IV. STATUTORY AND REGULATORY BASIS FOR PETITIONER'S PAROLE AND RECENT DETENTION

Petitioner entered the United States to seek asylum and was subsequently paroled into the United States under 8 U.S.C. § 1182(d)(5)(A).

"Applicants for admission may be temporarily released on parole [into the United States] 'for urgent humanitarian reasons or significant public benefit,'" as set forth in 8 U.S.C. § 1182(d)(5)(A). *Jennings v. Rodriguez*, 583 U.S. 281, 288 (2018) (quoting 8 U.S.C. § 1182(d)(5)(A)). The decision to grant parole pursuant to 8 U.S.C. § 1182(d)(5)(A) is determined "on a case-by-case basis." 8 U.S.C. § 1182(d)(5)(A). Then, **"when the purpose of the parole has**

been served," § 1182(d)(5)(A) provides that "the alien shall forthwith return or be returned to the custody from which he was paroled and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States." *Jennings*, 583 U.S. at 288 (quoting 8 U.S.C. § 1182(d)(5)(A)).

To terminate the previously granted parole, the agency must comply with the applicable regulatory and statutory requirements. As set forth in 8 C.F.R. § 212.5(e)(2)(i), which governs the "[t]ermination of parole":

> In cases not covered by paragraph (e)(1) of this section, upon accomplishment of the purpose for which parole was authorized or when in the opinion of one of the officials listed in paragraph (a) of this section, neither humanitarian reasons nor public benefit warrants the continued presence of the alien in the United States, parole shall be terminated upon written notice to the alien and he or she shall be restored to the status that he or she had at the time of parole.

8 C.F.R. § 212.5(e)(2)(i). That is, "[u]nder the governing regulation, [§ 1182(d)(5)(A)] parole may be terminated only if the purpose of parole is accomplished, or humanitarian reasons and the public benefit no longer warrant parole." *Loaiza Arias v. LaRose*, No. 3:25-cv-02595-BTM-MMP, 2025 WL 3295385, at *3 (S.D. Cal. Nov. 25, 2025) (citing 8 C.F.R. § 212.5(e)); *see also, Sadykov v. Rose, et al.,* 2:26-cv-00086-JMY, Dkt. 10 (E.D. Pa. Jan. 16, 2026). As explained below, Respondents have failed to follow the applicable statutory and regulatory provisions to terminate Petitioner's parole.

V. REVOCATION OF PAROLE

Respondents aver that when "a Notice to Appear (NTA) – the charging document that initiates proceedings – is served on the parolee, this serves as written notice of termination of parole." ECF 5, p. 5-6. This *may* be true in some circumstances, but it cannot be true in the instant matter – Petitioner's NTA was issued on May 18, 2024 [ECF 1-1], and his parole was issued June 13, 2024. *See* Exhibit A, attached.

Respondents further aver that under the regulations, that "at the expiration of the time for which parole was authorized, '[p]arole shall be automatically terminated without written notice.' ECF 5, p. 6, quoting 8 C.F.R. § 212.5(e)(1)(ii). But § 212.5(e)(1)(ii) does not apply to Petitioner – Petitioner was paroled under § 1182(d)(5)(A), and so § 212.5(e)(2)(i) applies. In drafting its regulations based on the statute, the agency found that to terminate the previously granted parole, the agency must comply with the applicable regulatory and statutory requirements. As set forth in 8 C.F.R. § 212.5(e)(2)(i), which governs the "[t]ermination of parole":

> "In cases not covered by paragraph (e)(1) of this section, upon accomplishment of the purpose for which parole was authorized or when in the opinion of one of the officials listed in paragraph (a) of this section, neither humanitarian reasons nor public benefit warrants the continued presence of the alien in the United States, parole shall be terminated upon written notice to the alien and he or she shall be restored to the status that he or she had at the time of parole."

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Additionally, the revocation of parole is not discretionary – to come to this conclusion one would need to make the illogical leap that "opinion" is equivalent to "discretion." Congress gave the Secretary of Homeland Security authority to terminate parole grants when, "in [her] opinion," the purpose of parole has been served. 8 U.S.C. § 1182(d)(5)(A) The entire text of 8 U.S.C. § 1182 uses the word "discretion" approximately 25 times; Congress certainly *could have* written section 1182(d)(5)(A) to state "in the [*discretion*] of the Secretary of Homeland Security, have been served

the alien shall forthwith return or be returned to the custody" … but it did not do so. We "presume that Congress expressed its legislative intent through the ordinary meaning of the words it chose to use." *United States v. Knox*, 32 F.3d 733, 744 (3d Cir. 1994). Congress did not use "discretion" in lieu of "opinion", likely because an "opinion" is significantly distinct from a discretionary determination. An opinion is a judgment, belief, or evaluation; a discretionary decision, on the other hand, is one where the decision-maker is free to choose among multiple acceptable options without being strictly bound by rules or criteria. But here, based on the statute and the regulations, *there are rules and criteria* for the revocation of Petitioner's parole and his related re-detention.

It is worth repeating, the purpose of Petitioner's parole – to apply for asylum – was not accomplished and has not been completed – in other words, the purpose of his parole has not been served; and Respondents can point to no other reason for the revocation of Petitioner's parole.

a. Revocation of parole requires a case-by-case analysis

Parole revocations in the context of the INA must occur on a case-by-case basis and may occur "when the purposes of such parole shall, in the opinion of the Secretary of Homeland Security, have been served the alien shall forthwith return or be returned to the custody from which he was paroled." *Y-Z-H-L v. Bostock*, 2025 WL 1898025, at *12 (quoting 8 C.F.R. § 212.5(e)). 8 C.F.R. § 212.5(e) requires written notice of the termination of parole except where the immigrant has departed or when the specified period of parole has expired.

Applying *Y-Z-H-L* and § 212.5(e), in *Mata Velasquez v. Kurzdorfer*, No. 25-CV-493-LJV, 2025 WL 1953796, at *11 (W.D.N.Y. July 16, 2025), the court found that the INA requires a case-by-case analysis as to the decision to revoke humanitarian parole:

> "This Court agrees that both common sense and the words of the statute require parole revocation to be analyzed on a case-by-case basis and that a decision to

> revoke parole "must attend to the reasons an individual [noncitizen] received parole." *See id.* There is no indication in the record that the government conducted any such analysis here. On the contrary, the letter Mata Velasquez received merely stated summarily that DHS had "revoked [his] parole." Docket Item 62-1 at 5. Thus, there is no indication that—as required by the statute and regulations—an official with authority made a determination specific to Mata Velasquez that either "the purpose for which [his] parole was authorized" has been "accomplish[ed]" or that "neither humanitarian reasons nor public benefit warrants [his] continued presence...in the United States." *See* 8 C.F.R. § 212.5(e)(2)(i). As a result, DHS's revocation of Mata Velasquez's parole violated his rights under the statute and regulations. *See Y-Z-L-H, 2025* WL 1898025, at *13."

In *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1032 (N.D. Cal. 2025), the court reached a similar conclusion relying on the Due Process Clause:

> "... **even when ICE has the initial discretion to detain or release a noncitizen pending removal proceedings, after that individual is released from custody she has a protected liberty interest in remaining out of custody.** *See Romero v. Kaiser*, No. 22-cv-02508, 2022 WL 1443250, at *2 (N.D. Cal. May 6, 2022) ("[T]his Court joins other courts of this district facing facts similar to the present case and finds Petitioner raised serious questions going to the merits of his claim that due process requires a hearing before an IJ prior to re-detention."); *Jorge M. F. v. Wilkinson*, No. 21-cv-01434, 2021 WL 783561, at *2 (N.D. Cal. Mar. 1, 2021); *Ortiz Vargas v. Jennings*, No. 20-cv-5785, 2020 WL 5074312, at *3 (N.D. Cal. Aug. 23, 2020); *Ortega*, 415 F. Supp. 3d at 969 ("Just as people on preparole, parole, and probation status have a liberty interest, so too does [a noncitizen released from immigration detention] have a liberty interest in remaining out of custody on bond.")."

Id. (emphasis added). Other courts have held similarly. *Doe v. Becerra*, No. 2:25-CV-00647-DJC-DMC, 2025 WL 691664, at *4 (E.D. Cal. Mar. 3, 2025); *see Padilla v. U.S. Immigr. & Customs Enf't,* 704 F. Supp. 3d 1163, 1172 (W.D. Wash. 2023) ("The Supreme Court has consistently held that non-punitive detention violates the Constitution unless it is strictly limited, and, typically, accompanied by a prompt individualized hearing before a neutral decisionmaker to ensure that the imprisonment serves the government's legitimate goals.").

Again, purpose of Petitioner's parole – to apply for asylum – was not accomplished and has not been completed – in other words, the purpose of his parole has not been served; and Respondents can point to no other reason for the revocation of Petitioner's parole.

VI. DUE PROCESS

Petitioner has lived freely in the United States for over a year and a half – establishing himself as law-abiding members of the community. Their presence in the United States was birthed by Respondents themselves, who on June 13, 2024, analyzed Petitioner's individualized facts and circumstances, and thereafter granted him permission to lawfully enter the United States while Petitioner pursued his application for asylum. Then, abruptly, and without *any* reason proffered by Respondents, and certainly without any notice to Petitioner, that freedom was ripped away from Petitioner on January 13, 2026, when Petitioner, while continuing to follow Respondents' orders in lock-step, appeared for his scheduled check-in and was detained without notice.

Respondents aver that "Petitioner's recent detention pending his removal proceedings does not violate the Due Process Clause." ECF 5, p. 14. In support of this assertion, Respondents state that "[i]n light of Congress's interest in regulating immigration, including by keeping specified persons in detention pending the removal period, the Supreme Court dispensed of any due process concerns without engaging in the test set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976)", citing *Demore v. Kim*, 538 U.S. 510 (2003), generally. *Id.*

"The essence of due process is the requirement that a person in jeopardy of serious loss (be given) notice of the case against him and opportunity to meet it." *Matthews v. Eldridge*, 424 U.S. 319, 348 (1976). Respondents neglect the fact that Petitioner's constitutional rights were solidified when he was, on June 13, 2024, permitted to "pass through our gates." An alien who is "on the

threshold of initial entry" stands on a footing different from those who have "passed through our gates." *Chi Thon Ngo v. I.N.S.*, 192 F.3d 390, 396 (3d Cir. 1999), amended (Dec. 30, 1999), quoting *United States ex rel. Knauff v. Shaughnessy*, 338 U.S. 537, 544, 70 S.Ct. 309, 94 L.Ed. 317 (1950)).

The Fifth Amendment protects the right to be free from deprivation of life, liberty or property without due process of law. U.S. CONST. amend. V. The Due Process Clause extends to all "persons" regardless of status, including non-citizens, whether here lawfully, unlawfully, temporarily, or permanently. *Zadvydas* at 693. To determine whether detention violates procedural due process, courts apply the three-part test set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976). Under *Mathews*, courts weigh the following three factors: (1) "the private interest that will be affected by the official action"; (2) "the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards"; and (3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." *Mathews*, 424 U.S. at 335. Further, government detention violates substantive due process unless it is ordered in a criminal proceeding with adequate procedural protections, or in non-punitive circumstances "where a special justification ... outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Zadvydas* at 690.

a. Petitioner's Private Interest

First, Petitioner's "private interest … affected by the official action is the most elemental of liberty interests—the interest in being free from physical detention." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529, (2004). Respondent's reliance on *Demore* and the Congress's interest in regulating immigration does little to tip the scales. "It is clear that commitment for *any* purpose constitutes a significant deprivation of liberty that requires due process protection." *Jones v. United States,* 463

U.S. 354, 361, 103 S.Ct. 3043, 77 L.Ed.2d 694 (1983) (emphasis added; internal quotation marks omitted). At this stage in the *Mathews* calculus, the Court must consider the interest of the *erroneously* detained individual. *Carey v. Piphus,* 435 U.S. 247, 259 (1978) ("Procedural due process rules are meant to protect persons not from the deprivation, but from the mistaken or unjustified deprivation of life, liberty, or property." *Hamdi* at 2646–47.

b. The Risk of an Erroneous Deprivation

As to the second prong of the *Mathews v. Eldridge* balancing test, the Court should find that the risk of erroneous deprivation is particularly high here. The purpose of requiring an opinion regarding the completion of purpose of parole (8 U.S.C. § 1182(d)(5)(A)) and written notice prior to the decision to detain a noncitizen (8 C.F.R. § 212.5(e)) who was previously paroled into the United States is to prevent an erroneous deprivation of liberty. This purpose is illustrated clearly here, as Petitioner has raised significant and supported legal arguments against Respondents' detention of Petitioner under §1225(b). Further, Respondents have presented no evidence in the record suggesting that Petitioner's purpose for parole has been accomplished, that there was any analysis or thought put into his detention, that he is a flight risk or a danger to his community; only that he is subject to mandatory detention. *See id.*

Petitioner was granted parole based on his individualized facts and circumstances; he was was granted permission to lawfully enter the United States on a temporary basis and given humanitarian parole while the pursued his applications for asylum. Respondents, *at that time*, had the right to detain Petitioner under 8 U.S.C. § 1225(b), but chose not to based on Petitioner's specific circumstances. And, "when a particular statute delegates authority to an agency consistent with constitutional limits, courts must respect the delegation, while ensuring that the agency acts within it." *Loper Bright Ent.*, 603 U.S. at 413.

In Petitioner's case, immigration officials, vested with authority delegated by Congress to the Attorney General and DHS, first determined that Petitioner should be paroled into the United States, not subject to mandatory detention, and placed into standard removal proceedings. *See* Exhibit A, attached. The unilateral decision by the ICE on January 13, 2026, and without notice to Petitioner, chose to apply a different statutory framework to Petitioner's circumstances despite earlier determining otherwise now leaves his liberty interest at risk. Petitioner contends that the Respondents may not now extend the bounds of their authority to apply § 1225(b) against him, and this Court must ensure proper application of the laws against Petitioner.

c. The Government's Interest

The final *Mathews* factor concerns the United States' interest in the proceedings, as well as any financial or administrative burdens associated with permissible alternatives. *Mathews*, 424 U.S. at 335. Petitioner recognizes that the United States has an interest in meaningful immigration laws that advance its stated policies. However, the United States has an equal and countervailing interest in consistent application of its laws and ensuring that those laws are applied under the proper means. It is not appropriate to utilize the "wrong" statute against any person to ensure their continued detention. Respondents may not choose unilaterally when and how to apply duly enacted laws.

The Government's interests in detaining noncitizens are (1) ensuring that noncitizens do not abscond and (2) ensuring they do not commit crimes. *Zadvydas,* 533 U.S. at 690, 121 S.Ct. 2491. Respondents have provided no evidence or argument that Petitioner is either a flight risk or a danger, and the record would indicate that he is neither: he has no criminal record whatsoever, and he has attended his ICE and Immigration Court appointments when required. Respondents cannot show that their interest in detaining Petitioner without a bond hearing outweighs

Petitioner's liberty interests; nor can they show that the effort and cost of providing Petitioner with procedural safeguards is burdensome.

Accordingly, all *Mathews* factors weigh heavily in support of Petitioner.

VII. CONCLUSION

Petitioner respectfully requests that this Honorable Court grant this petition for writ of habeas corpus because he is detained in violation of federal law and/or the Constitution. Petitioner further requests this court order his immediate release from custody.

Respectfully Submitted,

Date: January 29, 2026

s/Christopher M. Casazza

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