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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

11 A.A.

13 Petitioner

15 v.

16 KRISTI NOEM, Secretary of
17 U.S. Department
of Homeland Security; PAMELA
18 BONDI, Attorney General of the
19 United States; TODD M. LYONS,
Acting Director, U.S. Immigration
20 and Customs Enforcement;
21 GREGORY ARCHAMBEAULT,
Field Office Director, U.S.
22 Immigration and Customs
23 Enforcement; CHRISTOPHER
24 LAROSE, Warden, Otay Mesa
Detention Facility,

25 Respondents.
26

) Case No.3:26-cv-00397-RBM-AHG

)
) AMENDED
) VERIFIED PETITION FOR
) WRIT OF HABEAS CORPUS

1 1. Petitioner, A.A., petitions this Court for a writ of habeas corpus under 28
2 U.S.C. § 2241 to remedy his unlawful detention by Respondents. This is an
3 amended petition. The only amendments made to the initially filed habeas
4 petition are those made to reflect the correct detention facility/warden and
5 venue. Petitioner states as follows:
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7

8 **INTRODUCTION**

9 2. Petitioner, A.A.¹, by and through undersigned counsel, hereby files this petition
10 for writ of habeas corpus to compel his immediate release from the
11 immigration jail where he has been held by the U.S. Department of Homeland
12 Security (DHS) since being re-detained on December 23, 2025, without first
13 being provided a hearing to determine whether his incarceration is justified.
14
15 3. Petitioner entered the United States without inspection on August 2, 2024,
16 seeking asylum. Respondents issued a Notice to Appear (“NTA”) (Exhibit 1)
17 and released Petitioner on his own recognizance. Petitioner subsequently
18 applied for asylum, and Respondents granted him an Employment
19 Authorization Document (EAD or “work permit”) (Exhibit 2), valid for five
20 years. Petitioner has no criminal record and has complied with ICE check-ins
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26 ¹ A separate motion to proceed with pseudonym is filed concurrently with this petition.

1 while awaiting his asylum hearing. There has been no change in his
2 circumstances and Petitioner was provided no notice and opportunity to
3 respond prior to being re-detained.
4

5 4. Petitioner is unable to obtain review of his custody by an IJ, pursuant to the
6 Board's decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

7 5. DHS has taken the position that any noncitizen who entered without a visa is
8 ineligible for a bond hearing. This is contrary to law and a drastic change from
9 decades of precedent and procedure. Because of the government's extreme
10 (and unlawful) position in violation of the Immigration and Nationality Act
11 ("INA") and the U.S. constitution, Petitioner has no remedy to assert his liberty
12 interest other than by means of this habeas petition.
13
14

15 **JURISDICTION**

16 6. This action arises under the Constitution of the United States and the
17 Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.
18

19 7. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas
20 corpus), 28 U.S.C. § 1331 (federal question), the Administrative Procedures
21 Act, and Article I, § 9, cl. 2 of the United States Constitution (Suspension
22 Clause).
23

24 8. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241
25 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., the All Writs
26

1 Act, 28 U.S.C. § 1651, and the Immigration and Nationality Act, 8 U.S.C. §
2 1252(e)(2).

3 VENUE

4
5 9. Venue is proper because Petitioner is in Respondents' custody in an
6 immigration detention facility in Otay Mesa, California, which is within the
7 jurisdiction of the Southern District of California. Respondents are employees
8 or officers of the United States, acting in their official capacity. There is no real
9 property involved in this action. For these reasons, venue is proper before this
10 court. 28 U.S.C. § 1391(e).
11

12 REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

13
14 10. The court must grant the petition for writ of habeas corpus or issue an order to
15 show cause (OSC) to the Respondents "forthwith," unless the petitioner is not
16 entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the court must require
17 Respondents to file a return "within three days unless for good cause additional
18 time, not exceeding twenty days, is allowed." *Id.*

19
20 11. Courts have long recognized the significance of the habeas statute in protecting
21 individuals from unlawful detention. The Great Writ has been referred to as
22 "perhaps the most important writ known to the constitutional law of England,
23 affording as it does a swift and imperative remedy in all cases of illegal
24 restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963).
25
26

1 12. Petitioner is “in custody” for the purpose of § 2241 because Petitioner is an
2 immigration facility detained by Respondents.

3 **PARTIES**

4
5 13. Petitioner A.A. is currently detained at the Otay Mesa Detention Center.

6 14. Respondent Kristi Noem is the Secretary of the Department of Homeland
7 Security (“DHS”) and is sued in her official capacity. The Secretary of
8 Homeland Security is charged with the administration and enforcement of
9 immigration laws. 8 U.S.C. § 1103(a).

10
11 15. Respondent Pamela Bondi is the Attorney General of the United States and is
12 sued in her official capacity as the head of the Department of Justice. The
13 Attorney General is responsible for the fair administration of the laws of the
14 United States.

15
16 16. Respondent Todd Lyons is the Acting Director of U.S. Immigration and
17 Customs Enforcement (ICE) and is sued in his official capacity. ICE is
18 responsible for the detention of Petitioner.

19
20 17. Respondent Gregory Archambeault is the Field Office Director for U.S.
21 Immigration and Customs Enforcement (ICE) Enforcement and Removal
22 Operations in San Diego, California, which covers the Otay Mesa Detention
23 Center, and is sued in his official capacity. In his official capacity, he is a legal
24 custodian of Petitioner.
25
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1 18. Respondent Christopher LaRose is the Warden aka Facility Administrator of the
2 Otay Mesa Detention Center where Petitioner is being held and is sued in his
3 official capacity. Respondent LaRose oversees the day-to-day operations of the
4 Otay Mesa Detention Facility and acts at the direction of Respondents Noem,
5 Bondi, and Lyons. LaRose is the custodian of Petitioner.
6

7 **STATEMENT OF FACTS**
8

9 19. A.A. is a 23-year-old native and citizen of India. He entered the United States
10 without inspection on August 2, 2024. Shortly thereafter, U.S. Customs and
11 Border Protection (“CBP”) detained him, issued a Notice to Appear (“NTA”)
12 and released Petitioner on his own recognizance. (Exhibit 1). The NTA placed
13 Petitioner in regular removal proceedings and charged him as an alien without
14 admission or parole.
15


16 20. Petitioner filed a Form I-589, Application for Asylum and Withholding, with
17 the Executive Office for Immigration Review. Petitioner’s asylum claim is
18 based on his political activities in opposition to nationalistic government
19 policies in India that led to his mistreatment. That application remains pending.
20 Respondents issued Petitioner a work permit valid for five years.
21

22 21. The Immigration and Nationality Act provides a statutory right to apply for
23 asylum regardless of immigration status. 8 U.S.C. § 1158(a)(1).
24
25
26

1 22. Petitioner has no criminal record and complied with ICE check in
2 requirements.

3 23. On December 23, 2025, nearly a year and a half after Respondents released
4 Petitioner, after Petitioner's asylum application had been pending for over a
5 year, and while he was legally authorized to work by USCIS, Respondents
6 arrested Petitioner. He was arrested when he appeared for a scheduled check-in
7 appointment at the ICE office.
8

9
10 24. The Petitioner was provided no notice or opportunity to be heard regarding his
11 re-detention.

12
13 25. Despite the declaratory judgment in *Maldonado Bautista v. Santacruz, Jr. et*
14 *al.*, Case No. 5:25-CV-01873- SSS-BFM (C.D. Cal.), the EOIR continues to
15 decline scheduling bond hearings for noncitizens in  procedural posture.
16 The court in *Maldonado Bautista* certified a class of noncitizens in like
17 circumstances as Petitioner and found that the policy of denying class members
18 a bond hearing violates the INA and Due Process.
19

20
21 26. This Court is the only neutral arbiter for Petitioner. The Trump administration
22 is rebuilding the EOIR into a political body for implementation of his political
23 goals of mass deportations. There have been mass firings of immigration
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25
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1 judges based on their viewpoints.² The administration has reportedly instructed
2 immigration judges who remain on the bench to ignore the district court
3 decision in *Maldonado Bautista*.³ Recent ad campaigns by the Respondents
4 have referred to EOIR judges as “deportation judges” in a recruitment push to
5 hire more officials to carry out the administration’s deportation campaign.⁴
6

7 27. Petitioner cannot receive relief from a neutral arbiter without intervention of
8 this Court. He brings this action for judicial intervention to compel his release
9 from unlawful detention.
10

11
12 **LEGAL FRAMEWORK**

13 **RESPONDENTS’ DETENTION OF PETITIONER IS UNLAWFUL UNDER**
14 **THE STATUTE**

15 28. The Immigration and Nationality Act (INA) prescribes three basic forms of
16 detention for noncitizens in removal proceedings.
17

18 29. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard non-
19 expedited removal proceedings before an immigration judge (IJ). See 8 U.S.C.
20

21
22 ² Ana Ley, *Trump Administration Fires 8 Immigration Judges in New York*, N.Y. TIMES, December 1, 2025, <https://www.nytimes.com/2025/12/01/nyregion/immigration-judges-fired-trump.html>
23

24 ³ Practice Advisory, ACLU, Northwest Immigrant Rights Project, USC Gould, December 3, 2025, [2025.12.03 - Draft Bautista Practice Advisory_final.pdf](#)
25

26 ⁴ Christopher Cann, “*Trump administration is hiring ‘deportation judges,’ Noem Says*,” USA Today, November 21, 2025. <https://www.usatoday.com/story/news/nation/2025/11/21/kristi-noem-deportation-judges/87392684007/>

1 § 1229a. Individuals in § 1226(a) detention are entitled to a bond hearing at the
2 outset of their detention, see 8 C.F.R. §§ 1003.19(a), 1236.1(d), while
3 noncitizens who have been arrested, charged with, or convicted of certain
4 crimes are subject to mandatory detention, see 8 U.S.C. § 1226(c).
5

6 30. Second, the INA provides for mandatory detention of noncitizens subject to
7 expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals
8 seeking admission referred to under § 1225(b)(2).
9

10 31. Lastly, the Act also provides for detention of noncitizens who have been
11 previously ordered removed, including individuals in withholding-only
12 proceedings, see 8 U.S.C. § 1231(a)–(b).
13

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

15 33. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of
16 the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of
17 1996, Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582
18 to 3009–583, 3009–585. Section 1226(a) was most recently amended earlier
19 this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).
20
21

22 34. Following enactment of the IIRIRA, EOIR drafted new regulations explaining
23 that, in general, people who entered the country without inspection were not
24 considered detained under § 1225 and that they were instead detained under §
25 1226(a). See Inspection and Expedited Removal of Aliens; Detention and
26

1 Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62
2 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

3 35. Thus, in the decades that followed, most people who entered without
4 inspection—unless they were subject to some other detention authority—
5 received bond hearings. That practice was consistent with many more decades
6 of prior practice, in which noncitizens who were not deemed “arriving” were
7 entitled to a custody hearing before an IJ or other hearing officer. See 8 U.S.C.
8 § 1252(a) (1994); see also H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting
9 that § 1226(a) simply “restates” the detention authority previously found at §
10 1252(a)).
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14 36. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy
15 that rejected well-established understanding of the statutory framework and
16 reversed decades of practice. The new policy, entitled “Interim Guidance
17 Regarding Detention Authority for Applicants for Admission,” claims that all
18 persons who entered the United States without inspection shall now be subject
19 to mandatory detention provision under § 1225(b)(2)(A). The policy applies
20 regardless of when a person is apprehended and affects those who have resided
21 in the United States for months, years, and even decades.
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23

24 37. On September 5, 2025, the BIA adopted this same position in a published
25 decision, *Matter of Yajure Hurtado*, 29 I&N Dec 216 (BIA 2025). There, the
26

1 Board held that all noncitizens who entered the United States without
2 admission or parole are subject to detention under § 1225(b)(2)(A) and are
3 ineligible for IJ bond hearings.
4

5 38. Since Respondents adopted their new policies, hundreds of federal courts have
6 rejected their new interpretation of the INA's detention authorities. *See Barco*
7 *Mercado v. Francis*, 25-cv-6582 (LAK), 2025 WL 3295903 (S.D. NY, Nov.
8 26, 2025) (tallying cases and noting that challengers to the Respondents' policy
9 have prevailed in 350 of 362 cases decided by over 160 different judges sitting
10 in about fifty different courts spread across the United States.) Courts have
11 likewise rejected *Matter of Yajure Hurtado*, which adopts the same reading of
12 the statute as ICE.⁵
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17 ⁵ See also, *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7,
18 2025); *Diaz Martinez v. Hyde*, No. CV 25-11613-BEM, --- F. Supp. 3d ---, 2025 WL 2084238
19 (D. Mass. July 24, 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL
20 2337099 (D. Ariz. Aug. 11, 2025), report and recommendation adopted, No. CV-25-02157-PHX-
21 DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25
22 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-
23 cv-03142-SRN-SGE, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*,
24 No. 5:25-cv-01789-ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v.*
25 *Hyde*, No. 25-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No.
26 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); *Jose J.O.E. 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-MM, 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, 2025 WL

1 39. Courts have uniformly rejected DHS's and EOIR's new interpretation because
2 it defies the INA. The plain text of the statutory provisions demonstrates that §
3 1226(a), not § 1225(b), applies to people like Petitioner.
4

5 40. Section 1226(a) applies by default to all persons "pending a decision on
6 whether the [noncitizen] is to be removed from the United States." These
7 removal hearings are held under § 1229a, which "decid[e] the inadmissibility
8 or deportability of a[] [noncitizen]."
9

10 41. The text of § 1226 also explicitly applies to people charged as being
11 inadmissible, including those who entered without inspection. See 8 U.S.C. §
12 1226(c)(1)(E). Subparagraph (E)'s reference to such people makes clear that,
13 by default, such people are afforded a bond hearing under subsection (a).
14 Section 1226 therefore leaves no doubt that it applies to people who face
15 charges of being inadmissible to the United States, including those who are
16 present without admission or parole.
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22 2609425 (E.D. Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL
23 2607924 (D. Mass. Sept. 9, 2025); see also, e.g., *Palma Perez v. Berg*, No. 8:25CV494, 2025 WL
24 2531566, at *29 (D. Neb. Sept. 3, 2025) (noting that "[t]he Court tends to agree" that § 1226(a)
25 and not §1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025
26 WL 2402271 at *3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-
JFB- RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14, 2025); *Cortez-Hernandez v. Noem*, 3:25-
cv-03112-JES-DDL(S.D. Cal. November 21, 2025) (same).

1 42. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who
2 recently entered the United States. The statute's entire framework is premised
3 on inspections at the border of people who are "seeking admission" to the
4 United States. 8 U.S.C. § 1225(b)(2)(A).
5

6 43. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply
7 to people like Petitioner who are alleged to have entered the United States
8 without admission or parole.
9

10 **RE-DETENTION WITHOUT CHANGE IN CIRCUMSTANCES**
11 **VIOLATES DUE PROCESS**

12 44. Immigration detention is a form of civil confinement that "constitutes a
13 significant deprivation of liberty that requires due process protection."
14

15 *Addington v. Texas*, 441 U.S. 418, 4253 (1979).

16 45. Once a determination to release an individual from custody is made, the release
17 order may be revisited when the facts or circumstances warrant revocation or
18 reconsideration. 8 U.S.C. § 1226(b). Without any notice or process or any
19 change in facts of circumstances, ICE re-detained Petitioner at an ICE check-
20 in. Petitioner had been at liberty for nearly a year and a half, had filed for
21 asylum, been granted a five-year work permit, and committed no crimes when
22 he was re-detained.
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1 46. Individuals have a liberty interest under the Due Process Clause of the Fifth
2 Amendment in avoiding re-incarceration. *See Young v. Harper*, 520 U.S. 143,
3 146-152 (1997) (holding that individuals placed in a pre-parole program
4 created to reduce prison overcrowding have a protected liberty interest
5 requiring pre-deprivation process). It is a violation of Petitioner’s right to due
6 process to re-detain him without any notice, process or change in
7
8 circumstances.
9

10 **RE-DETENTION VIOLATES THE APA AS ARBITRARY AND**
11 **CAPRICIOUS**

12 47. Respondents’ re-detention policy falls within the APA’s definition of a “rule”
13 and is therefore “agency action.” *Garro Pinchi v. Noem*, No. 25-cv-05632-
14 PCP, 2025 WL 3691938 (N.D. Cal. Dec. 19, 2025). The re-detention policy is
15 arbitrary and capricious because Respondents provided no explanation for it
16 when implementing it, any subsequent rationalizations they have provided rest
17 on legal error, their subsequent rationalizations ignore an “important aspect of
18 the problem” and violate noncitizens’ reliance interests and liberty interests.
19 Indeed, the re-detention policy has been stayed in ICE’s San Francisco area as
20 a likely violation of the APA. *Garro Pinchi v. Noem*, 2025 WL 3691938 at 67.
21
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25 **CLAIMS FOR RELIEF**

26 **COUNT ONE**

Violation of the INA

1
2 48. Petitioner incorporates by reference the allegations of fact set forth in the
3 preceding paragraphs.

4
5 49. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to
6 all noncitizens residing in the United States who are subject to the grounds of
7 inadmissibility. As relevant here, it does not apply to those who previously
8 entered the country without inspection. Such noncitizens are detained under §
9 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

10
11 50. The application of § 1225(b)(2) to Petitioner unlawfully mandates his
12 continued detention and violates the INA.
13

14
15 **COUNT TWO**

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

17 51. Petitioner incorporates by reference the allegations of fact set forth in the
18 preceding paragraphs.

19
20 52. The Due Process Clause of the Fifth Amendment to the U.S. Constitution
21 prohibits the federal government from depriving any person of “life, liberty, or
22 property, without due process of law.” Due process protects “all ‘persons’
23 within the United States, including [non-citizens], whether their presence here
24 is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693;
25 accord *Flores*, 507 U.S. at 306.
26

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

3 54. While the government has discretion to detain individuals under 8 U.S.C. §
4 1226(a) and to revoke custody decisions under 8 U.S.C. § 1226(b), this
5 discretion is not “unlimited” and must comport with constitutional due process.
6 See *Zadvydas*, 533 U.S. at 698.

7
8
9 55. Here, Respondents have chosen to revoke Petitioner’s release in an arbitrary
10 manner and not based on a rational and individualized determination of
11 whether he is a safety or flight risk, in violation of due process. Because no
12 individualized custody revocation has been made and no circumstances have
13 changed to make Petitioner a flight risk or a danger to the community,
14 Respondents’ revocation of Petitioner’s release violates his right to procedural
15 due process.
16
17

18 **COUNT THREE**

19 **Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A)**

20
21 56. Petitioner incorporates by reference the allegations of fact set forth in the
22 preceding paragraphs.

23
24 57. Under the APA, a court shall “hold unlawful and set aside agency action” that
25 is an abuse of discretion. 5 U.S.C. § 706(2)(A).
26

1 58. The “touchstone of ‘arbitrary and capricious’ review” is “reasoned decision
2 making.” *Altera Corp. & Subsidiaries v. Comm’r of Internal Revenue*, 926
3 F.3d 1061, 1080 (9th Cir. 2019)(quoting *Motor Vehicles Mfrs. Ass’n v. State*
4 *Farm Mut. Auto. Ins. Co*, 463 U.S. 29, 52 (1983)).

5
6 59. To survive an APA challenge, the agency must articulate “a satisfactory
7 explanation” for its action, “including a rational connection between the facts
8 found and the choice made.” *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569
9 (2019) (citation omitted).

10
11 60. On information and belief, Respondents have revoked or are revoking
12 Petitioner’s prior custody determination as a result of a categorical policy
13 prepared by and implemented by unidentified government officials in
14 Washington, not through the individual exercise of discretion required by law
15 or the individuals enumerated by regulation to do so.

16
17
18 61. By detaining Petitioner categorically, Respondents have further abused their
19 discretion because there have been no changes to his facts or circumstances
20 since the agency made its initial custody determinations that support the re-
21 detention.
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COUNT FOUR

**Violation of the INA:
Request for Relief Pursuant to *Maldonado Bautista***

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4 62. Petitioner incorporates by reference the allegations of fact set forth in the
5 preceding paragraphs.

6
7 63. As a member of the Bond Eligible Class, Petitioner is entitled to consideration
8 for release on bond under 8 U.S.C. § 1226(a).

9
10 64. The order granting partial summary judgment in *Maldonado Bautista* holds
11 that Respondents violate the INA in applying the mandatory detention statute
12 at § 1225(b)(2) to class members.

13
14 65. The order granting class certification in *Maldonado Bautista* further orders that
15 “[w]hen considering this determination with the MSJ Order, the Court extends
16 the same declaratory relief granted to Petitioners to the Bond Eligible Class as
17 a whole.”

18
19 66. Respondents are parties to *Maldonado Bautista* and bound by the Court’s
20 declaratory judgment, which has the full “force and effect of a final judgment.”
21 28 U.S.C. § 2201(a).

22
23 67. Respondents violate Petitioner’s statutory rights under the INA and the Court’s
24 judgment in *Maldonado Bautista* by refusing to issue bond hearings for
25 Petitioners such as A.A.
26

PRAYER FOR RELIEF

Petitioner requests that this court:

- (1) Accept jurisdiction over this action;
- (2) Issue the writ of habeas corpus and order Respondents to show cause, within three days of Petitioner filing this petition, why the relief he seeks should not be granted; and set a hearing on this matter within five days of Respondents' return on the order to show cause (see 28 U.S.C. § 2243);
- (3) Order Petitioner's immediate release;
- (4) Order Respondents not to re-detain Petitioner without at least 7 days' notice and a pre-deprivation hearing before a neutral arbiter where the Government shall bear the burden of establishing, by clear and convincing evidence, that Petitioner poses a danger to the community or a risk of flight, and Petitioner shall have his counsel present;
- (5) Order Respondents not to transfer Petitioner outside of this jurisdiction;
- (6) Alternatively, order that Respondent hold a bond hearing before a neutral arbiter within 3 days of this order where the Petitioner shall be ordered released unless the Government establishes, by clear and convincing evidence, that Petitioner poses a danger to the community or a risk of flight, and Petitioner shall have his counsel present;

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(7) Order that Respondents return to Petitioner the property he had in his possession on the date of re-detention, including his work permit

(8) Award reasonable attorney's fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), 5 U.S.C. § 504, or any other applicable law;

(9) Grant any other relief that the court may deem just and proper.

Date: January 23, 2026

Respectfully submitted,

/s/ Cara Jobson

Cara Jobson
Wiley & Jobson
Attorney for Plaintiff

/s/ Joye Wiley

Joye Wiley
Wiley & Jobson
Attorney for Plaintiff

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of the Petitioner because I am Petitioner's attorney. As the Petitioner's attorney, I hereby verify that the factual statements made in the Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Date: January 23, 2026

/s/ Cara Jobson

Cara Jobson
Attorney for Petitioner