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7 **UNITED STATES DISTRICT COURT**
8 **SOUTHERN DISTRICT OF CALIFORNIA**

9 ANVAR HAMDAM UGLI
10 ALIMARDONOV,

11 Petitioners,

12 vs.

13 CHRISTOPHER LAROSE, warden of
14 Otay Mesa Detention Center
15 DANIEL A. BRIGHTMAN, San Diego
16 Field Office Director, Immigration and
17 Customs Enforcement and Removal
18 Operations ("ICE/ERO");
19 TODD LYONS, Acting Director of
20 Immigration Customs Enforcement
21 ("ICE");
22 KRISTI NOEM, Secretary of the
23 Department of Homeland Security
24 ("DHS");
25 PAMELA BONDI, Attorney General of
26 the United States,
27 U.S. DEPARTMENT OF HOMELAND
28 SECURITY;
U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT;

Respondents.

Case No.: '26CV0461 CAB AHG

Agency Number: 

PETITION FOR WRIT OF HABEAS
CORPUS AND ORDER TO SHOW
CAUSE

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INTRODUCTION

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1. Uzbekistan can be a dangerous place for those who oppose government policy and to those who dissent. There are many reports of human rights abuses throughout the country. *“Most abuse reportedly occurred during interrogations, where police used physical abuse such as beatings and psychological coercion to gain confessions. Under the legal system, psychological pressure and threats were not considered abuse or mistreatment.”* Uzbekistan 2024 Human Rights Report, U.S. Department of State.

2. Mr. Anvar Alimardonov, (“Petitioner” or “Mr. Alimardonov”) had objected to the local strongman’s theft of his family’s property. The authorities began to threaten him and his family. He was kidnapped, beaten and tortured. After his release he came to believe that life for him and his family was no longer safe in Uzbekistan. He made plans to escape and come to America to seek refuge.

3. Petitioner entered the United States on February 27, 2023. He was held for a short time. Once it was determined he was not a flight risk or a danger to the community he was granted conditional parole and released. Respondents assert he was presented with an I-862 Notice to Appear. This was never recorded with EOIR so removal proceedings were never commenced. He filed his asylum application before the one-year bar date with USCIS. He was also granted work

1 authorization pursuant to his asylum application. In 2025 USCIS reviewed Mr.
2 Alimardonov's file, discovered that he had originally been issued a Notice to
3 Appear. USCIS referred his asylum application to EOIR and issued a new Notice
4 to Appear, which initiated Removal Proceedings. Petitioner appeared for a
5 scheduled master calendar hearing on July 9, 2025.
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8 4. On July 9 2025, the Petitioner went to his local master calendar
9 hearing. To his surprise and dismay, after exiting the courtroom, he was swarmed
10 by masked ICE agents, put in handcuffs and led away to detention. Respondents
11 did not make an individualized determination that the petitioner was a flight risk or
12 a danger to the community. Respondents continue to detain him based not on his
13 personal circumstances or individualized facts, but because of Respondents'
14 interpretation of President Trump's whim and categorical determination that, the
15 Fifth Amendment notwithstanding, noncitizens are not entitled to due process.
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19 5. But Respondents cannot evade the law so easily. The law which
20 they purport to detain the petitioners does not authorize their actions and the U.S.
21 Constitution requires the Respondents provide at least the rights available to him
22 when he was released OREC and when he filed his application for asylum¹.
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27 ¹ See, e.g., NBC News, Meet the Press interview of President Donald Trump (May 4, 2025),
28 <https://www.nbcnews.com/politics/trump-administration/read-full-transcript-president-donaldtrump-interviewed-meet-press-mod-rcna203514> (in response to a question whether noncitizens
PETITION FOR WRIT OF HABEAS CORPUS AND ORDER TO SHOW CAUSE - 3

1 6. Accordingly, to vindicate Petitioner's rights, this Court should grant
2 the instant petition for a writ of habeas corpus. Mr. Alimardonov asks this Court to
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4 find that Respondents' attempts to detain him are arbitrary and capricious and in
5 violation of the law, and to immediately issue an Order to Show Cause and an
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7 Order preventing his transfer out of this district.

8 JURISDICTION

9 7. This action arises under the Constitution of the United States and
10
11 the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et. seq.

12 8. This court has subject matter jurisdiction under 28 U.S.C. § 2241
13
14 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the
15 United States Constitution (Suspension Clause).

16 9. This Court may grant relief under the habeas corpus statutes, 28
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18 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq.,
19
20 the All Writs Act, 28 U.S.C. § 1651, and the Immigration and Nationality Act, 8
21
22 U.S.C. § 1252(e)(2).

23 VENUE

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27 _____
28 deserve due process under the Fifth Amendment, President Trump replied "I don't know. It
seems—it might say that, but if you're talking about that, then we'd have to have a million or 2
million or 2 million trials.").

1 10. Venue is proper because Petitioners are in Respondents' custody
2 in San Diego, California. Venue is further proper because a substantial part of the
3 events or omissions giving rise to Petitioner's claims occurred in this District,
4 where Petitioners are now in Respondent's custody. 28 U.S.C. § 1391(e).
5


6 **REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243**
7

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

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

22 13. Petitioners are "in custody" for the purpose of § 2241 because
23 they are arrested and detained by Respondents.
24

25 **PARTIES**

26 14. Anvar Hamdam Ugli Alimardonov ("Petitioner"), born 
27 is a 31-year-old citizen of Uzbekistan. He is a resident of San Diego, California,
28

1 currently detained at Otay Mesa Detention Center and is present within the state of
2 California as of the time of the filing of this petition.
3

4 15. Respondent Christopher LaRose is the Warden of the Otay Mesa
5 Detention Center and is a legal custodian of Petitioner.
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7 16. Respondent Daniel A. Brightman is the Field Office Director for
8 the San Diego Field Office, Immigration and Customs Enforcement and Removal
9 Operations ("ICE"). The San Diego Field Office is responsible for local custody
10 decisions relating to non-citizens charged with being removable from the United
11 States, including the arrest, detention, and custody status of non- citizens. The San
12 Diego Field Office's area of responsibility includes San Diego, California and the
13 Otay Mesa Detention Center. Respondent Daniel A. Brightman is a legal custodian
14 of Petitioner.
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18 17. Respondent Todd Lyons is the acting director of U.S. Immigration
19 and Customs Enforcement, and he has authority over the actions of respondent
20 Sergio Albarran and ICE in general. Respondent Lyons is a legal custodian of
21 Petitioner.
22

23 18. Respondent Kristi Noem is the Secretary of the Department of
24 Homeland Security (DHS) and has authority over the actions of all other DHS
25 Respondents in this case, as well as all operations of DHS. Respondent Noem is a
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1 legal custodian of Petitioner and is charged with faithfully administering the
2 immigration laws of the United States.

3
4 19. Respondent Pamela Bondi is the Attorney General of the United
5 States, and as such has authority over the Department of Justice and is charged
6 with faithfully administering the immigration laws of the United States.
7

8 20. Respondent U.S. Immigration Customs Enforcement is the federal
9 agency responsible for custody decisions relating to non-citizens charged with
10 being removable from the United States, including the arrest, detention, and
11 custody status of non-citizens.
12

13 21. Respondent U.S. Department of Homeland Security is the federal
14 agency that has authority over the actions of ICE and all other DHS Respondents.
15

16 22. This action is commenced against all Respondents in their official
17 capacities.
18

19 **LEGAL FRAMEWORK**

20 23. The INA prescribes three basic forms of detention for the vast
21 majority of noncitizens in removal proceedings conducted pursuant to 8 U.S.C. §
22 1229a or they can be released on Parole.
23

24 24. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in §
25 1229a removal proceedings before an IJ. Individuals covered by § 1226(a)
26 detention are generally entitled to a bond hearing at the outset of their detention,
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28

1 see 8 C.F.R. §§ 1003.19(a), 1236.1(d), while certain noncitizens who have been
2 arrested, charged with, or convicted of certain crimes are subject to mandatory
3 detention. See 8 USC§ 1226(a).
4

5 25. Second, the INA provides for mandatory detention of noncitizens
6 subject to an Expedited Removal order imposed pursuant to 8 U.S.C. § 1225(b)(1)
7 and for other noncitizen applicants for admission to the U.S. who are deemed not
8 clearly entitled to be admitted. See 8 U.S.C. § 1225(b)(2).
9

10 26. Last, the INA provides for detention of noncitizens who have been
11 ordered removed, including individuals in withholding-only proceedings. See 8
12 USC § 1231. (a)— (b).
13

14 27. Alternatively, noncitizens can be granted parole rather than be
15 detained. 8 U.S.C. § 1226(a)(2)(B). The regulations for granting parole and
16 revocation of parole are found at 8 CFR § 212.5,
17

18 28. This case concerns the detention provisions at 8 U.S.C. §§ 1226(a)
19 and 1225(b)(2) and the revocation of parole.
20

21 29. The detention provisions at § 1226(a) and § 1225(b)(2) were
22 enacted as part of the Illegal Immigration Reform and Immigrant Responsibility
23 Act (IIRIRA) of 1996, Pub. L. No. 104—208, Div. C, §§ 302—03, 110 Stat,
24 3009- 546, 3009-582 to 3009-583, 3009-585. Section 1226(a) was most recently
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1 amended in early 2025 by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3
2 (2025).
3

4 30. Following the enactment of the IIRIRA, EOIR drafted new
5 regulations applicable to proceedings before immigration judges explaining that, in
6 general people who entered the country without inspection — also referred to as
7 being “present without admission” - were not considered detained under § 1225
8 and that they were instead detained under § 1226(a). *See* Inspection and Expedited
9 Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal
10 Proceedings; Asylum Procedures, 62 Fed. Reg, 10312, 10323 (Mar_6, 1997).
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13 31. Thus, in the decades that followed, most people who entered
14 without inspection and were placed in standard § 1229a removal proceedings
15 received bond hearings before IJs, unless their criminal history rendered them
16 ineligible. That practice was consistent with many more decades of prior practice,
17 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*
19 also H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply
20 “restates” the detention authority previously found at § 1252(a)).
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24 32. This practice both pre- and post-enactment of IIRIRA is consistent
25 with the fact that noncitizens present within the United States — as opposed to
26 noncitizens present at a border and seeking admission - have constitutional rights.
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28

1 “[T]he Due Process Clause applies to all ‘persons’ within the United States,
2 including aliens, whether their presence here is lawful, unlawful, temporary, or
3 permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

5 33. On July 8, 2025, ICE, “in coordination with” the Department of
6 Justice, announced a new policy that rejected the well-established understanding of
7 the statutory framework and reversed decades of practice.

9 34. The new policy, entitled “Interim Guidance Regarding Detention
10 Authority for Applicants for Admission, claims that all noncitizens present within
11 the United States who entered without inspection shall now be deemed “applicants
12 for admission” under 8 U.S.C. § 1225, and therefore are subject to mandatory
13 detention under § 1225(b)(2)(A). The policy applies regardless of when a person is
14 apprehended, and affects those who have resided in the United States for months,
15 years, and even decades.

19 35. In a May 22, 2025 unpublished decision by the Board of
20 Immigration Appeals (BIA), EOIR adopted this same position. That decision holds
21 that all noncitizens who entered the United States without admission or parole and
22 who are present within the United States are considered applicants for admission
23 and ineligible for IJ bond hearings. That was further affirmed by the BIA in *Yajure*
24 *Hurtado*, 29 I&N Dec. 216 (BIA 2025). There the BIA held that Immigration
25 Judges do not have jurisdiction in these cases. This makes it impossible for
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1 noncitizens who have entered at a port of entry or entered without inspection to
2 apply for a bond and are all subject to mandatory detention.
3

4 36. ICE and EOIR have adopted this position even though federal
5 courts have rejected this exact conclusion. For example, after an IJ in the Tacoma,
6 Washington immigration court stopped providing bond hearings for persons who
7 entered the United States without inspection and who have since resided here, the
8 U.S. District Court for the Western District of Washington found that such a
9 reading of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies to
10 noncitizens who are not apprehended upon arrival to the United States. *Rodriguez*
11 *Vazquez v. Bostock*, --- F. Supp. 3d ---, 2025 WL_1193850 (W.D. Wash. Apr_24,
12 2025); see also *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 1208256 9WL 299, at
13 *8 (D. Mass. July 7, 2025) (granting habeas petition based on same conclusion).
14 Courts in the Central District have reached the same conclusion. See *Maldonado*
15 *Bautista et al. v. Santacruz, et al.*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. July
16 28, 2025), Order Granting Temporary Restraining Order, Dkt. 14 at 9 (TRO issued
17 after DHS adopted “Interim Guidance Regarding Detention Authority for
18 Applicants for Admission.”); *Ceja Gonzalez, et al. v. Noem, et al.*, No. 5:25-cv-
19 02054-ODW-BFM (C.D. Cal. August 13, 2025), Order Granting Ex Parte
20 Application for TRO and OSC, Dkt,1 2 (Same).
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1 37. DHS’s and EOIR’s interpretation defy the INA. As the *Rodriguez*
2 *Vazquez* court explained, the plain text of the statutory provisions demonstrates
3 that § 1226(a), not § 1225(b), applies to people like Petitioners. Section 1226(a)
4 applies by default to all persons “pending a decision on whether the [noncitizen] is
5 to be removed from the United States.” *Rodriguez Vazquez*, 2025 WL.1193850 at
6 *12. *See also Maldonado Bautista*, No. 5:25-cv-01873-SSS-BFM (C.D. Calif July
7 28, 2025) Order Granting Temporary Restraining Order, Dkt14 .at 9 (“[T]he Court
8 finds that the potential for Petitioners’ continued detention without an initial bond
9 hearing would cause immediate and irreparable injury, as this violates statutory
10 rights afforded under § 1226(a).”); *Ceja Gonzalez*, No. 5:25-cv-02054-ODW-BFM
11 (C.D. Cal. August 13, 2025), Order Granting *Ex Parte* Application for TRO and
12 OSC, Dkt. 12 at 7 (§ 1226 applies to aliens present in the United States.)
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18 38. Other portions of the text of § 1226 also explicitly apply to people
19 charged as being inadmissible, including those who entered without inspection.
20 See 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)’s reference to inadmissible
21 individuals makes clear that, by default, inadmissible individuals not subject to
22 subparagraph (E)(11) are afforded a bond hearing under subsection (a). As the
23 *Rodriguez Vazquez* court explained, “[w]hen Congress creates “specific
24 exceptions” to a statute’s applicability, it “proves” that absent those exceptions, the
25 statute generally applies. *Rodriguez Vazquez*, W20L25 1193850, at *12 (citing
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1 *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400
2 (2010)).
3

4 39. Section 1226 therefore leaves no doubt that it applies to
5 noncitizens who are present without admission and who face charges in removal
6 proceedings of being inadmissible to the United States.
7

8 40. By contrast, § 1225(b) applies to people arriving at U.S. ports of
9 entry or who recently entered the United States and are encountered at or near the
10 border. The statute’s entire framework is premised on inspections at the border of
11 people who are “seeking admission” to the United States. 8 U.S.C. §
12 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory
13 detention scheme applies ““at the Nation’s borders and ports of entry, where the
14 Government must determine whether a[] [noncitizen] seeking to enter the country
15 is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).
16
17

18 41. Accordingly, the mandatory detention provision of § 1225(b)(2)
19 does not apply to people like Petitioners who have already entered and were
20 residing in the United States at the time they were apprehended.
21

22 42. Immigration detention should not be used as a punishment and
23 should only be used when, under an individualized determination, a noncitizen is a
24 flight risk because they are unlikely to appear for immigration court or a danger to
25 the community. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
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1 43. Once a determination has been made that a noncitizen should not
2 be detained they may be released on conditional parole or humanitarian parole. The
3 regulations for revocation of that parole are set out in 8 CFR § 212.5(e).
4

5 Specifically, this revocation must be

6
7 *On notice.* In cases not covered by paragraph (e)(1) of this section,
8 upon accomplishment of the purpose for which parole was authorized or when in
9 the opinion of one of the officials listed in paragraph (a) of this section, neither
10 humanitarian reasons nor public benefit warrants the continued presence of the
11 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 CFR § 212.5(e)(2)(i)

12 **FACTUAL BACKGROUND**

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14 44. Petitioner is a citizen of Uzbekistan. He is a bright young man
15 dedicated to a democratic open society in Uzbekistan.

16
17 45. He opposed the authoritarian rule of his local strongman. He
18 openly opposed his crimes and was abducted, interrogated and beaten by the
19 authorities. His life and the lives of his family were threatened by the authorities
20 and he fled Uzbekistan.
21

22 46. On or about February 27, 2023 Petitioner came to the United
23 States to seek asylum. Respondents detained Mr. Alimardonov for a brief time at
24 the border. Once it was determined he was not a threat or a flight risk, Respondents
25 granted him conditional parole and welcomed him into the United States so he
26 could file for asylum and any other immigration benefit that might be available to
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28

1 him. This release into the United States was based on the individualized facts in his
2 case.
3

4 47. Respondents attempted to commence removal proceedings against
5 Petitioners under 8 U.S.C. § 1229a. The NTA was never recorded. Petitioner filed
6 asylum with USCIS. In July in 2025 USCIS referred his asylum application to
7 EOIR and issued a new Notice to Appear. This commenced removal proceedings.
8

9 48. On information and belief, Petitioner regularly complied with and
10 appeared for ICE check-ins whether in person or electronic check-in.
11

12 49. Respondents issued work authorization to Petitioners pursuant to 8
13 C.F.R. § 274a.12(c)(08).
14

15 50. On September 3, 2025, Mr. Alimardonov attended master calendar
16 hearing. As he exited the hearing he was surrounded by ICE agents. He was
17 handcuffed and placed in detention. He asked why he was being detained. The
18 officers claimed they had a warrant but said nothing else.
19

20 51. He was not presented with a judicial warrant when he was
21 detained. He was not trying to flee or to cause harm when he was detained. He was
22 not given notice that his conditional parole was being revoked. He was not given a
23 pre-detention hearing to determine if the facts of his release had changed such that
24 he was now a flight risk or that he was a danger to the community. He was
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1 deprived of his liberty for no other reason than that the President of the United
2 States had decided that he and millions of others like him should no longer be free.
3

4 52. On January 20, 2025, President Donald Trump issued several
5 executive actions relating to immigration, including “Protecting the American
6 People Against Invasion,” an executive order (EO) setting out a series of interior
7 immigration enforcement actions. The Trump administration, through this and
8 other actions, has outlined sweeping, executive branch-led changes to immigration
9 enforcement policy, establishing a formal framework for mass deportation. The
10 “Protecting the American People Against Invasion” EO instructs the DHS
11 Secretary “to take all appropriate action to enable” ICE, CBP, and USCIS to
12 prioritize civil immigration enforcement procedures including through the use of
13 mass detention.
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18 53. The January 2025 Designation does not state that it applies to
19 noncitizens who were in the United States before its effective date.
20

21 54. On information and belief, Respondents are using the immigration
22 detention system, including extra-territorial transfer and detention, as a means to
23 punish individuals for asserting rights under the Refugee Act.
24

25 55. On information and belief, Petitioner has no criminal history.
26

27 **BOND IS NOT THE APPROPRIATE RELIEF**

1
2 58. Petitioners restate and reallege all paragraphs as if fully set forth
3 here.

4
5 59. The government's effective revocation of parole violated
6 procedural due process. The Fifth Amendment guarantees that "[n]o person shall
7 be ... deprived of life, liberty, or property, without due process of law." U.S. Const.
8 Amend. V. To determine a violation of procedural due process, courts weigh the
9 traditional factors of (1) the private interest at issue, (2) the risk of erroneous
10 deprivation of that interest through the procedures used, and (3) the government's
11 interest. *Mathews v. Eldridge*, 424 U.S. 319, 334–35 (1976). Here, these factors
12 easily weigh in Mr. Soleimani's favor.

13
14
15 60. First, the private interest at issue is the Mr. Alimardonov's
16 deprivation of liberty—i.e., remaining on parole, rather than being detained. *See*
17 *Morrissey v. Brewer*, 408 U.S. 471, 482-483 (1972); *Zadvydas v. Davis*, 533 U.S.
18 678, 690 (2001) ("Freedom from imprisonment—from government custody,
19 detention, or other forms of physical restraint—lies at the heart of the liberty that
20 [the Due Process] Clause protects."). Not only is Petitioner's general liberty
21 interest substantial, he has an added interest in remaining out of custody so he can
22 work with his attorney to prepare his asylum cases. Thus, the first factor weighs
23 heavily in Petitioners' favor.

1 61. Second, the procedures the agency used to determine whether to
2 revoke Petitioner’s parole presented a high risk of erroneous deprivation of liberty.
3
4 To date, the agency’s actions surrounding Petitioner’s parole have completely
5 failed to comply with the statute, the regulations, and even the agency’s own
6 decision. After granting Petitioner parole in November 2023, the agency
7 inexplicably revoked this parole when he appeared for his ICE check in. It did so
8 even though Petitioner had attended all his check-in appointments, had no criminal
9 history, and had timely filed asylum applications. The agency did not claim that
10 “the purposes of such parole . . . have been served,” 8 U.S.C. § 1182(d)(5)(A), nor
11 that the “reasons” for his parole no longer existed, 8 C.F.R. § 212.5(e)(2)(i).
12
13 Because consideration of any of these factors should have led to a different result,
14 the risk of erroneous deprivation of Petitioner’s parole without these procedures
15 was high, and this factor weighs heavily in his favor.
16
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18 62. Finally, any government interest in revoking Petitioners’ parole is
19 minimal. Mr. Alimardonov has complied with all his check-in requirements, has no
20 criminal history, has timely applied for asylum, and does not represent a danger or
21 a flight risk. All the government need do is comply with its own decision to grant
22 him parole. Thus, the Mathews v. Eldridge factors weigh heavily in Petitioners
23 favor, and this revocation of parole violates procedural due process.
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COUNT TWO

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

Not in Accordance with Law and in Excess of Statutory Authority

Unlawful Detention

63. Petitioner restates and realleges all paragraphs as if fully set forth here.

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

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

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

1 (2) Issue an Order to Show Cause ordering Respondents to show
2 cause why this Petition should not be granted within three days;
3

4 (3) Declare that Petitioner's re-detention without an individualized
5 determination violates the Due Process Clause of the Fifth Amendment and the
6 Administrative Procedures Act;
7

8 (4) Issue a Writ of Habeas Corpus ordering Respondents to release
9 Petitioner from custody;
10

11 (5) Issue an Order prohibiting the Respondents from transferring
12 Petitioner from the district without the court's approval;
13

14 (6) Order that the Petitioners may not be re-detained without further
15 order of this court;
16

17 (7) Award Petitioner attorney's fees and costs under the Equal Access
18 to Justice Act, and on any other basis justified under law; and
19

20 (8) Grant any further relief this Court deems just and proper.
21

22 Dated: January 24, 2026.

/s/ Brian J. McGoldrick
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