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17 **UNITED STATES DISTRICT COURT**
18 **SOUTHERN DISTRICT OF CALIFORNIA**

19 Ebubekir MEYGIL
20 Petitioner,

21 v.

22 Kristi NOEM, in her official capacity,
23 Secretary, U.S. Department of Homeland
24 Security; Department of Homeland
25 Security;

26 Todd LYONS, in his official capacity as
27 Acting Director of ICE;

28 Gregory J. ARCHAMBEAULT, in his
official capacity as San Diego Field
Office Director, ICE Enforcement
Removal Operations;
Warden of Imperial Regional Adult
Detention Facility, in his/her official
capacity

Case No.: **'26CV0633 BAS BJW**

**EMERGENCY PETITION FOR
WRIT OF HABEAS CORPUS**

[Expedite Handling Requested]

INTRODUCTION

1. Respondents are detaining Petitioner, Mr. Ebubekir Meygil (“Petitioner”), in violation of law.
2. Petitioner entered the United States on February 19, 2024. In his Notice to Appear (NTA), Respondents classified him as a noncitizen 'present in the United States who [has] not been admitted or paroled,' rather than an 'arriving alien.' Petitioner was released from custody under I.N.A. § 236, 8 U.S.C. 1226, which allows the Attorney General to release a noncitizen from custody "pending a decision on whether the alien is to be removed from the United States.”
3. Petitioner timely filed an I-589 Application for Asylum and Withholding of Removal. Petitioner has a valid work permit and never missed a court hearing.
4. When Respondents released Petitioner after his initial apprehension, they determined that Petitioner was neither a flight risk nor a danger to the community.
5. The continued detention of Petitioner serves no legitimate purpose.
6. The risk of erroneous deprivation of liberty here is substantial.
7. Petitioner is neither an applicant for admission nor a person seeking admission to the United States.
8. Respondents’ detention of Petitioner under 8 U.S.C. § 1225 is patently unlawful and violates the Fifth Amendment.

1 9. Petitioner's individualized circumstances have remained unchanged since
2 his prior release by Respondents, and the current deprivation of his liberty lacks
3 any new legal or factual justification. Because the underlying detention is based
4 on an inapplicable statute, it cannot be cured by subsequent procedural steps.
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6 10. Petitioner respectfully requests **immediate release rather than a bond**
7 **hearing** to establish a necessary precedent. A bond hearing is an inadequate
8 remedy that would only serve to prolong a constitutional violation and fail to
9 deter the Respondents from future unauthorized conduct. To preserve judicial
10 economy and ensure that unlawful detention does not remain a repeatable
11 practice, the Court should direct Petitioner's immediate release as the only just
12 and efficient remedy.
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15 11. Petitioner respectfully requests that this Court order Respondents to show
16 cause why this Petition should not be granted **within three days**. *See* 28 U.S.C. §
17 2243.
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19 12. Pending the adjudication of his petition, Petitioner seeks an order
20 restraining the Respondents from transferring him to a location where he cannot
21 reasonably consult with counsel, such a location to be construed as any location
22 outside of the geographic jurisdiction of the day-to-day operations of U.S.
23 Customs and Immigration's ("ICE") San Diego Field Office of Enforcement and
24 Removal Operations in the State of California.
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1 13. Pending the adjudication of this Petition, Petitioner also respectfully
2 requests that Respondents be ordered to provide seventy-two (72) hour notice of
3 any movement of Petitioner.
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5 14. Petitioner requests the same opportunity to be heard in a meaningful
6 manner, at a meaningful time, and thus requests 72-hours notice prior to any
7 removal or movement of him away from the State of California.
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10 **PARTIES**

11 15. Petitioner, Ebubekir Meygil, is a 23-year-old Turkish national who is
12 seeking asylum in the United States. He is not an arriving alien, nor is he seeking
13 admission for Respondents to justify re-detaining Petitioner.
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15 16. Petitioner is currently in Immigration and Customs Enforcement (“ICE”)
16 custody at the Imperial Regional Adult Detention Facility in Calexico, California.

17 17. Respondent Kristi Noem is the Secretary of Homeland Security. She is
18 sued in her official capacity. In that capacity, Defendant Noem is responsible for
19 overseeing the enforcement of federal immigration policies, including those that
20 resulted in the detention of Petitioner.
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22 18. Respondent Todd Lyons is the Acting Director of Immigration and
23 Customs Enforcement (ICE). He is sued in his official capacity. As the head of
24 ICE, he is responsible for decisions related to the detention and removal of
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1 certain noncitizens, including Petitioner. As such, he is also the legal custodian of
2 Petitioner.

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4 19. Respondent Gregory J. Archambeault is the Field Office Director of the
5 San Diego Field Office of ICE's Enforcement and Removal Operations division.
6 As such, Gregory J. Archambeault is Petitioner's immediate custodian and is
7 responsible for Petitioner's detention and removal. He is sued in his official
8 capacity.
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10 20. Respondent is the Warden of the Imperial Regional Detention Facility. As
11 such, the Warden is Petitioner's immediate custodian and is responsible for
12 Petitioner's detention. The Warden is sued in his or her official capacity.
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15 **JURISDICTION AND VENUE**

16 21. This court has subject-matter jurisdiction under 28 U.S.C. § 2241 (habeas
17 corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the
18 United States Constitution (Suspension Clause). Federal questions in this case
19 arise under the Immigration and Naturalization Act, 8 U.S.C. § 1101-1524, and
20 the United States Constitution.
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22 22. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. §
23 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., the All
24 Writs Act, 28 U.S.C. § 1651, and the Immigration and Nationality Act, 8 U.S.C.
25 § 1252(e)(2).
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1 23. Under 28 U.S.C. § 2241 and § 1391(b), (e), venue is proper in this
2 district. Venue is proper because Petitioner is in Respondents' custody in the
3 Southern District of California. Venue is further proper because a substantial part
4 of the events.
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7 **EXHAUSTION OF REMEDIES**
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9 24. No statutory requirement of administrative exhaustion applies to
10 Petitioner's challenge to the unlawfulness of her detention. Moreover, the
11 judicially created "general rule that parties exhaust prescribed administrative
12 remedies before seeking relief from the federal courts" does not apply to
13 Petitioner's present challenge, as there are no prescribed administrative remedies
14 to which he could resort. *McCarthy v. Madigan*, 503 U.S. 140, 144–45 (1992),
15 superseded by statute on other grounds as recognized in *Woodford v. Ngo*, 548
16 U.S. 81 (2006).
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19 25. DHS has taken the position that Petitioner is subject to mandatory
20 detention under 8 U.S.C. § 1225. Further, in a published decision, the Board of
21 Immigration Appeals recently held that "Immigration Judges lack authority to
22 hear bond requests or to grant bond to [noncitizens] who are present in the United
23 States without admission." *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA
24 2025). Under the BIA's interpretation, regardless of his prior release and
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1 placement in standard removal proceedings, Petitioner is ineligible for bond as a
2 noncitizen who entered the United States without inspection. Accordingly, there
3 are no administrative remedies that Petitioner could exhaust before seeking
4 habeas relief.
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6 26. Further, neither an immigration judge nor the Board of Immigration
7 Appeals can rule on a petitioner's constitutional claims. *See Matter of R-A-V-P-*,
8 27 I. & N. Dec. 803, 804 n.2 (B.I.A. 2020) (holding that IJs and the BIA lack any
9 authority to consider the constitutionality of the statutes or regulations governing
10 immigration detention that they administer and are bound to follow); *Matter of*
11 *C--*, 20 I. & N. Dec. 529, 532 (B.I.A. 1992) (“[I]t is settled that the immigration
12 judge and this Board lack jurisdiction to rule upon the constitutionality of the Act
13 and the regulations.”); *see also Gonzalez v. O’Connell*, 355 F.3d 1010, 1017 (7th
14 Cir. 2004) (noting that “the BIA has no jurisdiction to adjudicate constitutional
15 issues”).
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20 **FACTUAL BACKGROUND**
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22 27. Petitioner, Ebubekir Meygil, is a 23-year-old Turkish national who is
23 seeking asylum in the United States. Petitioner arrived in the United States on or
24 about February 19, 2024. Petitioner was issued a NTA and placed in full removal
25 proceedings under 8 U.S.C. § 1229a. *See* Ex. A.
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1 28. On the NTA, the Government's specifically checked the box identifying
2 Petitioner as an "alien present in the United States who has not been admitted or
3 paroled," rather than checking the box for "arriving alien." *Id.*

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5 29. Respondents then released Petitioner shortly after his initial detention by
6 his on own recognizance.

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8 30. Petitioner has been under compliance with his condition of release.

9 31. Petitioner timely filed an I-589 Application for Asylum and Withholding
10 of Removal. Petitioner has a valid work permit. Petitioner has never missed a
11 court hearing, or otherwise violated the conditions of his release from custody.
12 Petitioner has no criminal history, either in the United States or elsewhere.

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14 32. Respondents re-detained Petitioner on January 17, 2026, for what appears
15 to be no individualized reason. Petitioner is a truck driver. While driving,
16 Petitioner was detained by ICE at a checkpoint in Imperial County, California.
17 This detention was executed without an arrest warrant and without the
18 individualized assessment required by law.
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21 33. Following this arrest, Respondents transferred Petitioner to a detention
22 facility in California where he remains in custody at Imperial Regional Adult
23 Detention Facility in Calexico, California.
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3 **LEGAL BACKGROUND**

4 **Custody Determination Under INA**

5 34. As relevant here, the Immigration and Naturalization Act, 8 U.S.C.
6 §1101-1524, describes two means of handling the custody and potential removal
7 of noncitizens.

8 35. First, 8 U.S.C. § 1226(a) authorizes the detention of noncitizens in
9 standard removal proceedings. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a)
10 detention are generally entitled to a bond hearing at the outset of their detention.
11 *See* 8 C.F.R. §§ 1003.19(a), 1236.1(d). The text of § 1226 explicitly applies to
12 people charged as being inadmissible, including those who entered without
13 inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)'s reference to such
14 people makes clear that, by default, such people are afforded a bond hearing
15 under subsection (a). As the Rodriguez Vazquez court explained, “[w]hen
16 Congress creates ‘specific exceptions’ to a statute’s applicability, it ‘proves’ that
17 absent those exceptions, the statute generally applies.” *Rodriguez Vazquez v.*
18 *Bostock*, 779 F. Supp. 3d 1239, 1257 (W.D. Wash. Apr. 24, 2025) (citing *Shady*
19 *Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).
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24 36. In addition, while on release, the noncitizen may apply for asylum or
25 other relief in the United States. 8 U.S.C. § 1158. While a grant of asylum is
26 discretionary, the right to apply for asylum is not. The Refugee Act, codified in
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1 various sections of the INA, broadly affords a right to apply for asylum to any
2 noncitizen, like Petitioner, “who is physically present in the United States or who
3 arrives in the United States[.]” 8 U.S.C. § 1158(a)(1); Refugee Act of 1980, §
4 101(a), Pub. L. No. 96-212, 94 Stat. 102 (1980).

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6 37. The INA guarantees to noncitizens in standard removal proceedings who
7 apply for asylum and other relief valuable procedural rights that reduce the risk
8 of an erroneous decision. These include the rights to legal counsel, 8 U.S.C. §
9 1229a(b)(4)(A) and § 1362; to present supporting evidence (both documentary
10 and through lay and expert witness testimony) and to challenge through cross-
11 examination adverse evidence during a full adversarial hearing before an
12 immigration judge (IJ), 8 U.S.C. § 1148(b)(1)(B); to seek reconsideration or
13 reopening of an adverse decision, 8 U.S.C. § 1229a(c)(6)-(7), to appeal an
14 adverse decision of an IJ to the Board of Immigration Appeals based on the full
15 evidentiary record, 8 U.S.C. § 1229a(c)(5), and to appeal an adverse decision of
16 the Board to a federal circuit court of appeals, 8 U.S.C. § 1252(b).

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21 38. Noncitizens seeking asylum are guaranteed Due Process under the Fifth
22 Amendment to the *U.S. Constitution*. *Reno v. Flores*, 507 U.S. 292, 306 (1993).

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24 39. The second relevant means of detention is governed by 8 U.S.C. § 1225,
25 which provides for mandatory detention of noncitizens subject to expedited
26 removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking
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1 admission under 8 U.S.C. § 1225(b)(2). Respondents treat noncitizens subject to
2 mandatory detention under § 1225 as ineligible for bond.

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4 40. The mandatory detention scheme under 8 U.S.C. § 1225(b)(2) applies
5 only to noncitizens arriving at U.S. ports of entry who recently entered the
6 United States. The statute's entire framework is premised on inspections at the
7 border of people who are "seeking admission" to the United States. 8 U.S.C. §
8 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory
9 detention scheme applies "at the Nation's borders and ports of entry, where the
10 Government must determine whether a[] [noncitizen] seeking to enter the country
11 is admissible." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018) (emphasis
12 added).

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15 41. As to 8 U.S.C. § 1225(b)(1), this subsection provides for mandatory
16 detention of noncitizens subject to expedited removal. Because expedited
17 removal provides very few procedural protections, it applies narrowly to only
18 those noncitizens who are inadmissible to the United States because they
19 engaged in fraud or misrepresentation to procure admission or other immigration
20 benefits, 8 U.S.C. § 1182(a)(6)(C), or who are applicants for admission without
21 required documentation, 8 U.S.C. § 1182(a)(7). As relevant here, the government
22 may not subject any other person to expedited removal. 8 C.F.R. § 235.3(b)(1),
23 (b)(3).
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1 42. For noncitizens in expedited removal, the INA does not grant them the
2 rights enshrined in standard removal proceedings. To begin, an immigration
3 officer may order them removed “without further hearing or review,” 8 U.S.C. §
4 1225(b)(1)(A)(i), unless the noncitizen has expressed an intent to apply for
5 asylum or a fear of persecution. But even then, the noncitizens’ rights are
6 truncated. Although the immigration officer “shall refer the [noncitizen] for an
7 interview by an asylum officer,” 8 U.S.C. § 1225(b)(1)(A)(i)-(ii), a “credible
8 fear” interview differs from an asylum application. First, the INA does not, as it
9 does during standard removal proceedings, guarantee the noncitizen with the
10 rights to counsel, to present documents or witness testimony, or to cross-examine
11 adverse evidence. See *id.* § 1225(b)(1)(B)(iv). Second, if the asylum officer
12 decides that the noncitizen does not have a credible fear of persecution, the
13 noncitizen may seek review before an IJ, but review is limited to the record of the
14 interview. 8 U.S.C. § 1225(b)(1)(B)(iii)(III). Finally, if the IJ concurs with the
15 asylum officer, the noncitizen is removed without any further review by the
16 Board of Immigration Appeals or a federal court. Only if a noncitizen passes a
17 credible fear interview may they apply for asylum and related relief in full
18 removal proceedings. See 8 U.S.C. § 1225(b)(1)(B); 8 C.F.R. § 208.30(f).

19 43. An expedited removal order comes with significant consequences beyond
20 removal itself. Noncitizens who are issued expedited removal orders are subject
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1 to a five-year bar on admission to the United States unless they qualify for a
2 discretionary waiver. 8 U.S.C. § 1182(a)(9)(A)(i); 8 C.F.R. § 212.2. Similarly,
3 noncitizens issued expedited removal orders after having been found
4 inadmissible based on misrepresentation are subject to a lifetime bar on
5 admission to the United States unless they are granted a discretionary exception
6 or waiver. 8 U.S.C. § 1182(a)(6)(C).
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9 44. These two processes have governed removal proceedings for nearly three
10 decades. The release provisions for noncitizens placed in standard removal
11 proceedings under § 1226 and the mandatory detention provisions for noncitizens
12 recently arriving in the United States under § 1225(b)(1) and (b)(2) were enacted
13 in the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of
14 1996, Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to
15 3009–583, 3009–585.
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18 45. Thus, in the decades that followed, most people who entered without
19 inspection and were placed in standard removal proceedings received bond
20 hearings, unless their criminal history rendered them ineligible. That practice was
21 consistent with many more decades of prior practice, in which noncitizens who
22 were not deemed “arriving” were entitled to a custody hearing before an IJ or
23 other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-
24 469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention
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1 authority previously found at § 1252(a)); *Martinez v. Hyde*, 2025 WL 2084238,
2 at *8 (D. Mass. July 24, 2025) (“The idea that a different detention scheme
3 would apply to non-citizens ‘already in the country,’ as compared to those
4 ‘seeking admission into the country,’ is consonant with the core logic of our
5 immigration system”) (citing *Jennings v. Rodriguez*, 583 U.S. at 289) (cleaned
6 up)).
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9 46. 8 U.S.C. 1226(a) applies to those who are “already in the country” and are
10 detained “pending the outcome of removal proceedings.” *Jennings v. Rodriguez*,
11 583 U.S. 281, 289 (2018).
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13 47. 8 U.S.C. 1226(a) applies not just to persons who are deportable, but also
14 to noncitizens who are inadmissible. Specifically, while § 1226(a) provides the
15 general right to seek release, § 1226(c) carves out discrete categories of
16 noncitizens from being released—including certain categories of inadmissible
17 noncitizens—and subjects those limited classes of inadmissible aliens instead to
18 mandatory detention. *See, e.g.*, 8 U.S.C. § 1226(c)(1)(A), (C).
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21 48. The Laken Riley Act (LRA) added language to § 1226 that directly
22 references people who have entered without inspection or who are present
23 without authorization. *See* LRA, PL 119-1, January 29, 2025, 139 Stat 3.
24 Pursuant to these amendments, people charged as inadmissible under §
25 1182(a)(6)(A) (the inadmissibility ground for entry without inspection) or
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1 (a)(7)(A) (the inadmissibility ground for lacking valid documentation to enter the
2 United States) and who have been arrested, charged with, or convicted of certain
3 crimes are subject to § 1226(c)'s mandatory detention provisions. *See* 8 U.S.C. §
4 1226(c)(1)(E).

6 49. This legislative amendment would be entirely unnecessary if all entrants
7 without inspection were already subject to mandatory detention under Section
8 1225. *See Jimenez v. FCI Berlin, Warden*, 799 F. Supp. 3d 59, 71 (D.N.H. 2025).
9 Because Petitioner has no criminal history, the LRA does not apply, and he
10 remains under the default discretionary authority of Section 1226(a).

13 50. By including such individuals under § 1226(c), Congress reaffirmed that §
14 1226 covers persons charged under § 1182(a)(6)(A) or (a)(7). Generally
15 speaking, grounds of deportability (found in 8 U.S.C. § 1227) apply to people
16 like lawful permanent residents, who have been lawfully admitted and continue
17 to have lawful status, while grounds of inadmissibility (found in § 1182) apply to
18 those who have not yet been admitted to the United States. *See, e.g., Barton v.*
19 *Barr*, 590 U.S. 222, 234 (2020) (“specific exceptions’ to a statute’s applicability,
20 it ‘proves’ that absent those exceptions, the statute generally applies.”) (quoting
21 *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400
22 (2010)).
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1 51. On January 20, 2025, President Donald Trump issued several executive
2 actions relating to immigration, including “Protecting the American People
3 Against Invasion,” an order (EO) setting out a series of interior immigration
4 enforcement actions. The Trump administration, through this and other actions,
5 has outlined sweeping, executive branch-led changes to immigration enforcement
6 policy, establishing a formal framework for mass deportation. The “Protecting
7 the American People Against Invasion” EO instructs the DHS Secretary “to take
8 all appropriate action to enable” ICE, Customs and Border Protection (CBP), and
9 U.S. Citizenship and Immigration Services (USCIS) to prioritize civil
10 immigration enforcement procedures including through the use of mass
11 detention.
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16 52. On January 21, 2025, Acting Deputy Secretary of DHS Benjamin
17 Huffman issued for public inspection and effective immediately a designation
18 expanding the scope of expedited removal to apply nationwide and to certain
19 noncitizens who are unable to prove they have been in the country continuously
20 for two years. On January 24, 2025, DHS published a Notice that expanded the
21 application of expedited removal. Office of the Secretary, Dep’t of Homeland
22 Security, Designating Aliens for Expedited Removal, 15 Fed. Reg. 8139
23 (“January 2025 Designation”). The designation was “effective on” January 21,
24 2025.
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1 53. The January 2025 Designation expands the pool of noncitizens who can
2 be subjected to the summary removal process substantially to include noncitizens
3 who are apprehended anywhere in the United States and who have not been in
4 the United States continuously for more than two years. *Id.* at 8140.

6 54. The January 2025 Designation does not state that it applies to noncitizens
7 who were in the United States before its effective date.

9 55. On July 8, 2025, without congressional authorization, the Executive
10 Branch announced a new policy entitled “Interim Guidance Regarding Detention
11 Authority for Applicants for Admission.” The policy asserts that all
12 undocumented noncitizens deemed “applicants for admission” are subject to
13 mandatory detention under § 1225(b)(2)(A). The policy purports to apply even to
14 those, like Petitioner, whom at the time of the policy shift, the government had
15 already placed in standard removal proceedings, released from custody, and
16 allowed to apply for asylum. The policy shift also violates the government’s own
17 regulations. These regulations limit the government from seeking dismissal of
18 full removal proceedings unless it can show that the “[c]ircumstances of the case
19 have changed”. See 8 C.F.R. § 239.2(a)(7) (emphasis added). But the
20 government’s new policy purports to allow it to seek dismissal based on changed
21 circumstances independent of the noncitizen’s case.
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1 56. Adopting this same position, on September 5, 2025, the Board of
2 Immigration Appeals (BIA) issued a published decision holding that all
3 noncitizens who entered the United States without admission or parole are
4 considered applicants for admission and are ineligible for immigration judge
5 bonds. *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

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8 57. ICE and EOIR have adopted this policy even though numerous federal
9 courts have rejected this exact conclusion. For example, after IJs in the Tacoma,
10 Washington, immigration court stopped providing bond hearings for persons who
11 entered the United States without inspection and who have since resided here, the
12 U.S. District Court in the Western District of Washington found that such a
13 reading of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies to
14 noncitizens who are not apprehended upon arrival to the United States. *Rodriguez*
15 *Vazquez v. Bostock*, 779 F. Supp. 3d 1239; *see also Gomes v. Hyde*, No. 1:25-
16 CV-11571-JEK, 2025 WL 1869299, at *8 (D. Mass. July 7, 2025) (granting
17 habeas petition based on same conclusion). Accordingly, federal courts have
18 roundly rejected Respondent's erroneous interpretation of the INA since ICE
19 implemented its July 8, 2025 memo. *See Pizarro Reyes v. Raycraft*, 2025 WL
20 2609425 (E.D. Mich. Sept. 9, 2025) (disagreeing with BIA's analysis in *Yajure*
21 *Hurtado*); *Sampiao v. Hyde*, 2025 WL 2607924 (D. Mass. Sept. 9, 2025) (same);
22 *Lopez-Campos v. Raycraft*, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025);
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1 *Martinez v. Hyde*, CV 25-11613-BEM, 2025 WL 2084238 (D. Mass. July 24,
2 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588
3 (S.D.N.Y. Aug. 13, 2025); *Garcia Jimenez v. Kramer*, No. 4:25-cv-03162-JFB-
4 RCC, 2025 WL 2374223 (D. Neb. Aug. 14, 2025); *Aguilar Maldonado v. Olson*,
5 No. 25-CV-3142 (SRN/SGE), 2025 WL 2374411 (D. Minn. Aug. 15, 2025);
6 *Arrazola-Gonzalez v Noem*, 5:25-cv-01789-ODW-DFM, 2025 WL 2379285
7 (C.D. CA Aug 15, 2025); *Jacinto v. Trump, et al.*, 4:25-cv-03161-JFB-RCC,
8 2025 WL 2402271 (D. Neb. August 19, 2025); *Leal-Hernandez v. Noem*, 1:25-
9 cv-02428-JRR, 2025 WL 2430025 (D. Minn. Aug. 24, 2025); *Herrera Torralba*
10 *v. Knight*, 2:25-cv-03166-RFB-DJA (D. Nev. Sep. 5, 2025); *Eliseo A.A. v.*
11 *Olson*, No. 25-CV-3381 (JWB/DJF), 2025 WL 2886729 (D. Minn. Oct. 8, 2025);
12 *Mayamu K. v. Bondi*, No. 25-3035 (JWB/LIB), Doc. No. 226 (D. Minn. Oct. 20,
13 2025); *Khalid B.Q. v Noem*, No. 0:25-cv-04584 (JWB-DJF), Doc. No 10. (D.
14 Minn. December 18, 2025).

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20 58. Under 8 U.S.C. § 1226(a), the Attorney General is authorized, pending a
21 removal decision, to either "detain" or "release" a noncitizen on "bond" or
22 "conditional parole." While this provision grants the Government broad
23 authority, "due process must account for the wide discretion that Section 1226(a)
24 vests in the Government to arrest any person in the United States suspected of
25 being removable." *Reyes v. King*, No. 19 Civ. 8674, 2021 WL 3727614, at *6
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1 (S.D.N.Y. Aug. 20, 2021) (emphasis in original). Consequently, before this
2 discretion is exercised to deprive an individual of their liberty, "§ 1226(a) and its
3 implementing regulations require ICE officials to make an individualized custody
4 determination." *Velesaca v. Decker*, 458 F. Supp. 3d 224, 241 (S.D.N.Y. 2020).
5 This requirement is rooted in the statutory text itself; because the Attorney
6 General "may continue to detain" an arrested noncitizen, the Supreme Court has
7 made clear that such permissive language requires "some level of individualized
8 determination." *Id.* at 235 (quoting *I.N.S. v. Nat'l Ctr. for Immigrants' Rts., Inc.*,
9 502 U.S. 183, 194 (1991)). (emphasis added).

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13 59. While not binding precedent, the decision in *Lopez Benitez v. Francis*,
14 795 F. Supp. 3d 475 (S.D.N.Y. 2025), is a dispositive factual and legal roadmap
15 for the relief sought here.

16
17 60. In *Lopez*, as in the present case, the petitioner entered without inspection,
18 Respondents released the petitioner on his own recognizance pursuant to INA
19 section 236. He lived in the interior for years and was suddenly re-arrested by
20 ICE after he attended his scheduled master hearing. *Id.* at 482.

21
22 61. The Court held that a noncitizen residing in the interior of the U.S. for a
23 significant period is governed by the discretionary detention framework of 8
24 U.S.C. § 1226(a), not the mandatory framework of § 1225(b). *Id.* at 484-5.
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1 62. The *Lopez* Government’s own NTA identified the petitioner as “present in
2 the United States without being admitted or paroled” and left the “arriving alien”
3 checkbox unmarked. *Id.* at 481. The Court determined that that CBP released him
4 on his own recognizance also pursuant to § 1226. *Id.* at 485-6.

5
6 63. Finding the Government’s recent shift in policy by alone does not justify
7 the petitioner re-detention without making any individualized assessment and the
8 Court ordered his immediate release. *Id.* at 493-4, 499.

9
10 64. Petitioner’s detention under § 1225(b)(2) is likewise invalid. His detention
11 was incidental, there was no individualized assessment made by Respondents. As
12 numerous federal courts have now found, § 1225(b)(2) applies to noncitizens
13 *seeking admission* into the United States. It does not apply to noncitizens, like
14 Petitioner, and placed in standard removal proceedings, and allowed to apply for
15 asylum.
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17
18 65. Petitioner’s detention involves the same central question of law
19 regarding the Government’s failure to provide the individualized custody
20 determination mandated by the Fifth Amendment. Furthermore, Respondents’
21 detention of Petitioner under 8 U.S.C. § 1225 is patently unlawful as applied to
22 his specific circumstances. Petitioner respectfully requests that he be immediately
23 released. (emphasis added).
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Administrative Procedures Act

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2 66. Respondent’s detention of Petitioner under 8 U.S.C. § 1225(b)(2) is
3 patently unlawful, violates due process, and violates the Administrative
4 Procedure Act. *See Lopez Benitez*, 795 F. Supp. 3d at 494-5. Under 8 U.S.C. §
5 1226(a), the Attorney General "may... detain" or "may release" a noncitizen
6 pending a removal decision, a discretionary grant that "undoubtedly vests broad
7 authority," yet "due process must account for the wide discretion that Section
8 1226(a) vests in the Government to arrest any person in the United States
9 suspected of being removable." *Reyes v. King*, 2021 WL 3727614, at *6
10 (S.D.N.Y. Aug. 20, 2021) (emphasis in original). Accordingly, before exercising
11 this power to strip an individual of their liberty, "§ 1226(a) and its implementing
12 regulations require ICE officials to make an individualized custody
13 determination." *Velesaca v. Decker*, 458 F. Supp. 3d 224, 241 (S.D.N.Y. 2020).
14 This requirement is compelled by the statutory text itself; because the Attorney
15 General "may continue to detain," the Supreme Court has clarified that such
16 language requires "some level of individualized determination." *Id.* at 235
17 (quoting *I.N.S. v. Nat'l Ctr. for Immigrants' Rts., Inc.*, 502 U.S. 183, 194 (1991)).
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23 67. Under the APA, a court shall “hold unlawful and set aside agency action”
24 that is an abuse of discretion. 5 U.S.C. § 706(2)(A).
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1 68. An action is an abuse of discretion if the agency “entirely failed to
2 consider an important aspect of the problem, offered an explanation for its
3 decision that runs counter to the evidence before the agency, or is so implausible
4 that it could not be ascribed to a difference in view or the product of agency
5 expertise.” *Nat’l Ass’n of Home Builders v. Defs. Of Wildlife*, 551 U.S. 644, 658
6 (2007) (quoting *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto.*
7 *Ins. Co.*, 463 U.S. 29, 43 (1983)).

10 69. To avoid an abuse of discretion, the agency must articulate “a satisfactory
11 explanation” for its action, “including a rational connection between the facts
12 found and the choice made.” *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569
13 (2019) (citation omitted).

16 70. Re-detention Petitioner, without consideration of any individualized facts
17 and circumstances applicable to him, and without finding that he is a danger to
18 the community or a flight risk, and while his standard removal proceedings are
19 still pending, Respondents have violated the APA.

21 71. When Respondents conditionally paroled Petitioner into the United States,
22 they considered Petitioner’s facts and circumstances and determined that he was
23 not a flight risk or danger to the community. No changes to the facts have
24 occurred that might justify this revocation of his release.
25

1 72. The fact that Respondents have already released Petitioner under the same
2 facts and circumstances shows that Respondents do not consider him to be a
3 danger to the community or a flight risk.
4

5 73. Respondents here have acted in a manner that is arbitrary and capricious
6 by detaining Petitioner without explaining why his parole was terminated, failing
7 to provide written notice, and failing to act through any of the regulatorily
8 authorized actors empowered to terminate parole.
9

10
11 **Due Process**

12 74. By detaining Petitioner without articulating a rationale based on her
13 individualized circumstances, and by detaining her in contradiction of her
14 individualized circumstances as Respondents have previously assessed them,
15 they have abused their discretion under the APA. Noori, 2025 WL 2800149 at *
16 10 (parolee developed a private interest in remaining free in the one year he has
17 resided in the United States since entry); *Munoz Materano v. Arteta*, 2025 WL
18 2630826, *13 (S.D.N.Y. Sept. 12, 2025) (unpub); *Ramirez Tesara v. Wamsley*,
19 F.Supp.3d, 2025 WL 2637663, *3 (W.D. Wash. Sept. 12, 2025) (finding that
20 parolee's liberty interest did not expire with his parole agreement); *see also Y-Z-*
21 *L-H- v. Bostock*, F.Supp.3d, 2025 WL 1898025, * 14 (D. Ore. July 9, 2025) (
22 finding detention of a parolee who had not completed his asylum process to be
23 arbitrary and capricious and ordering immediate release).
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1 75. Because the private interest in freedom from immigration detention is
2 substantial, due process requires the government to bear the burden of proving by
3 clear and convincing evidence that Petitioner is a flight risk or danger to the
4 community before re-detaining him. See e.g., *Fernandez Lopez v. Wofford*, 2025
5 WL 2959319 at *8; *J.S.H.M v. Wofford*, 2025 WL 2938808, *16 (E.D. Ca. Oct.
6 16, 2025) (unpub); *Mata Velasquez v. Kurzdorfer*, F.Supp.3d, 2025 WL
7 1953796, *17 (W.D.N.Y. July 16, 2025) (detention of parolee without a reasoned
8 explanation or changed circumstances and without a meaningful opportunity to
9 be heard violates due process).

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13 76. To the extent that Respondents purport to detain Petitioner pursuant to 8
14 U.S.C. § 1225(b)(2), his detention under that statute is unlawful the mandatory
15 detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens
16 residing in the United States who are subject to the grounds of inadmissibility. As
17 relevant here, it does not apply to those who previously entered the country and
18 were explicitly released under 8 U.S.C. 1226. Such noncitizens are detained
19 under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.
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21

22 77. The application of § 1225(b)(2) to Petitioner unlawfully mandates his
23 continued detention and violates the INA.
24

25 78. The Due Process Clause of the Fifth Amendment to the U.S. Constitution
26 applies to all persons within the United States. Once a noncitizen enters this
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1 country, whether the presence is “lawful, unlawful, temporary, or permanent,”
2 the Due Process Clause applies to the noncitizen. *Zadvydas v. Davis*, 533 U.S.
3 678, 693 (2001).
4

5 79. Petitioner has a fundamental interest in liberty and being free from official
6 restraint.

7
8 80. Respondents’ detention of Petitioner under 8 U.S.C. § 1225(b)(2) violates
9 the Due Process Clause of the United States Constitution. Petitioner’s ongoing
10 detention violates the Fifth Amendment’s guarantee that “[n]o person shall be. . .
11 deprived of life, liberty, or property without due process of law.” U.S. Const.,
12 Amend. 5.
13

14 81. Due Process requires that detention “bear a reasonable relation to the
15 purpose for which the individual [was] committed.” *Zadvydas*, 533 U.S. at 690
16 (citing *Jackson v. Ethiopianians*, 406 U.S. 715, 738 (1972)).
17

18 82. Petitioner seeks immediate release to the extent that Respondents justify
19 his detention on 8 U.S.C. § 1225(b)(2), which plainly does not apply to him.
20

21 83. Although neither the Constitution nor the federal habeas statutes delineate
22 the necessary content of habeas relief, *I.N.S. v. St. Cyr*, 533 U.S. 289, 337 (2001)
23 (Scalia, J., dissenting) (“A straightforward reading of [the Suspension Clause]
24 discloses that it does not guarantee any content to . . . the writ of habeas corpus”),
25 implicit in habeas jurisdiction is the power to order release. *Boumediene v. Bush*,
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1 553 U.S. 723, 779 (2008) (“[T]he habeas court must have the power to order the
2 conditional release of an individual unlawfully detained.”).

3
4 84. The Supreme Court has noted that the typical remedy for unlawful
5 detention is release from detention. *See, e.g., Munaf v. Geren*, 553 U.S. 674
6 (2008) (“The typical remedy for [unlawful executive detention] is, of course,
7 release.”); *see also Wajda v. US*, 64 F.3d 385, 389 (8th Cir. 1995) (stating the
8 function of habeas relief under 28 U.S.C. § 2241 “is to obtain release from the
9 duration or fact of present custody.”). “[B]eing free from physical detention is
10 ‘the most elemental of liberty interests.’” *Günaydin*, 2025 WL 1459154, at *7
11 (quoting *Hamdi v. Rumsfeld*, 542 U.S. 507, 529, 531 (2004)). Petitioner has been
12 detained for weeks. As a parolee, Petitioner has a protected liberty interest in
13 remaining out of custody pursuant to his parole. *See, e.g., Pinchi*, 2025 WL
14 2084921, at *4 (“[Petitioner’s] release from ICE custody after her initial
15 apprehension reflected a determination by the government that she was neither a
16 flight risk nor a danger to the community, and [Petitioner] has a strong interest in
17 remaining at liberty unless she no longer meets those criteria.”)

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22 85. That courts with habeas jurisdiction have the power to order outright
23 release is justified by the fact that, “habeas corpus is, at its core, an equitable
24 remedy,” *Schlup v. Delo*, 513 U.S. 298, 319 (1995), and that as an equitable
25 remedy, federal courts “[have] broad discretion in conditioning a judgment
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1 granting habeas relief [and are] authorized . . . to dispose of habeas corpus
2 matters ‘as law and justice require.’” *Hilton v. Braunskill*, 481 U.S. 770, 775
3 (1987), quoting 28 U.S.C. § 2243. An order of release falls under court’s broad
4 discretion to fashion relief. *See, e.g., Jimenez v. Cronen*, 317 F. Supp. 3d 626,
5 636 (D. Mass. 2018) (“Habeas corpus is an equitable remedy. The court has the
6 discretion to fashion relief that is fair in the circumstances, including to order an
7 alien’s release.”).

11 **CAUSE OF ACTION**

12 **COUNT ONE: VIOLATION OF THE IMMIGRATION & NATIONALITY**
13 **ACT – 8 U.S.C. § 1225(b)(2)**

14 86. Petitioner re-alleges and incorporates by reference each allegation
15 contained in the preceding paragraphs as if set forth fully herein.

17 87. Petitioner is not subject to mandatory detention under 8 U.S.C. §
18 1225(b)(2)(A) because he is not an “arriving alien.” As confirmed by Petitioner’s
19 NTA, the Government checked the box identifying Petitioner as an “alien present
20 in the United States who has not been admitted or paroled,” rather than checking
21 the box for “arriving alien.” *See Hernandez-Parrilla v. De Anda-Ybarra*, 2025
22 WL 3632769, at 4 (D.N.M. Dec. 15, 2025) (holding that when the NTA fails to
23 check the "arriving alien" box, the petitioner is substantially likely to establish he
24 is not subject to mandatory detention under Section 1225).

1 88. Section 1225 of Title 8 of the U.S. Code governs aliens arriving at the
2 border and seeking admission from outside the country. *See* 8 U.S.C. § 1225.

3
4 89. 8 U.S.C. § 1225(b)(2)(A), specifically, cannot apply as it only applies to
5 those “applicants for admission” who are “seeking admission” at the time of the
6 detention and Petitioner was not “seeking admission” at the time he was
7 detained, nor is he doing so now. 8 U.S.C. § 1225(b)(2)(A).

8
9 90. The plain language of 8 U.S.C. § 1225(b)(2)(A) limits its application to an
10 alien who is “seeking admission.” Petitioner is not “seeking admission”; he is
11 already physically present in the United States and has been since his entry in
12 November 2024. *See Jimenez v. FCI Berlin*, 799 F. Supp. 3d 59, 70-71 (D.N.H.
13 2025). As held in *Lopez-Campos v. Raycraft*, 2025 WL 2496379 (E.D. Mich.
14 2025), the term “seeking admission” implies a present-tense action—something
15 currently occurring at the border—which cannot apply to a noncitizen who has
16 established a residence in the interior. *Id.*

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20 91. Treating “applicant for admission” as synonymous with “seeking
21 admission” renders the latter phrase mere surplusage, violating the cardinal rule
22 of statutory construction. *TRW Inc. v. Andrews*, 534 U.S. 19, 31 (2001).
23 Petitioner is “seeking to remain,” which is distinct from “seeking admission.”
24 *Jimenez Reyes v. Olson*, 2025 WL 3765963, at 4 (S.D. Ind. Dec. 30, 2025).

1 Classifying Petitioner as 'seeking admission' after a year of residency renders the
2 statutory phrasing redundant, thereby violating the canon against surplusage.

3
4 92. Respondents' attempt to apply Section 1225(b)(2)(A) to Petitioner
5 improperly strikes the phrase "seeking admission" from the statute. This
6 interpretation violates the fundamental canon against surplusage, which prohibits
7 a construction that renders statutory terms meaningless. *See Lopez Benitez v.*
8 *Francis*, 795 F. Supp. 3d 475 (S.D.N.Y. 2025). Because Petitioner is an asylum
9 seeker pursuing a legal right to remain, he is not seeking "initial entry" or
10 "admission" as contemplated by the mandatory detention scheme.
11

12
13 93. As Respondents assert authority to detain Petitioner under 8 U.S.C. §
14 1225(b)(2)(A), and no such authority exists under that provision, he requests that
15 he be immediately released.
16

17
18 **COUNT TWO: VIOLATION OF THE IMMIGRATION & NATIONALITY**
19 **ACT – 8 U.S.C. § 1226(a)**

20 94. Petitioner re-alleges and incorporates by reference each allegation
21 contained in the preceding paragraphs as if set forth fully herein.

22 95. The Government's own internal categorization on the NTA constitutes a
23 determination that Petitioner is "present" in the interior of the country rather than
24 "arriving" at a port of entry. *See Patel v. Crowley*, 2025 WL 2996787, at 5 (N.D.
25 Ill. Oct. 24, 2025). As the court noted in *Patel*, "Section 1225(b)(2)(A) would
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1 correspond to those ‘arriving’ while Section 1226(a) would correspond to those
2 ‘present.’” Consequently, because the Government’s own agent designated
3 Petitioner as “present,” Petitioner must be governed by the discretionary
4 detention framework of Section 1226(a).
5

6 96. Section 1226 of Title 8 of the U.S. Code governs the detention of aliens
7 pending a determination of removal from the United States.
8

9 97. Such an alien “may [be] release[d] ... on bond of at least \$1,500.” 8
10 U.S.C. § 1226(a)(2)(A).
11

12 98. The denial of Petitioner’s bond eligibility is in violation of 8 U.S.C. §
13 1226(a)(2)(A), which specifically makes him eligible for bond.
14

15 99. When Respondents released Petitioner on his own recognizance, they
16 made the determination that Petitioner is not a flight risk nor danger to
17 community. His specific circumstances has not changed and Respondents has not
18 made any individual assessments. Respondents simply detained him by
19 considering him as an “applicant for admission” which vast majority of district
20 courts across the country held that this new interpretation is “*novel*” but “*wrong*.”
21 (emphasis added). *Supra*.
22

23
24 100. Therefore, Petitioner’s re-detention is legally defect. Petitioner is
25 not an applicant for admission.
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1 101. As Respondents assert authority to detain Petitioner under 8 U.S.C.
2 § 1225(b)(2)(A), and no such authority exists under that provision, he requests
3 that he be immediately released.
4

5
6 **COUNT THREE: VIOLATION OF THE FIFTH AMENDMENT**

7 102. Petitioner re-alleges and incorporates by reference each allegation
8 contained in the preceding paragraphs as if set forth fully herein.

9 103. The Fifth Amendment Due Process Clause protects against
10 arbitrary detention and requires that detention be reasonably related to its purpose
11 and accompanied by adequate procedures to ensure that detention is serving its
12 legitimate goals.
13

14 104. The government's detention of Petitioner is unjustified.
15 Respondents have not demonstrated that Petitioner needs to be detained. *See*
16 *Zadvydas*, 533 U.S. at 690 (finding immigration detention must further the twin
17 goals of (1) ensuring the noncitizen's appearance during removal proceedings
18 and (2) preventing danger to the community). There is no credible argument that
19 Petitioner cannot be safely released back to his community.
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22 105. Petitioner has a substantial liberty interest in remaining free from
23 physical detention. *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020)
24 (citing *Hamdi v. Rumsfeld*, 542 U.S. 507, 529, 124 S.Ct. 2633, 159 L.Ed.2d 578
25 (2004)). Having determined that Petitioner was neither a flight risk nor a danger
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1 at the time of his initial release, the Government cannot re-detain him on January
2 5, 2026, without a reasoned explanation or evidence of changed circumstances.

3
4 106. The "purpose" of Petitioner's release was to allow him to remain in
5 the United States while pursuing his applications for asylum and withholding of
6 removal. Because Petitioner's asylum claim remains pending and he is still in
7 removal proceedings under 8 U.S.C. § 1229a, the purpose of his conditional
8 parole has not been served. *See Y-Z-L-H v. Bostock*, 792 F. Supp. 3d 1123, 1145
9 (D. Or. 2025). Consequently, any attempt to return Petitioner to physical custody
10 before the adjudication of his asylum claim violates his due process rights
11 without showing any justifiable cause.
12
13

14 107. Because of Petitioner's profound legal interest in his liberty as a
15 noncitizen, his detention violates his due process rights. *See generally Mathews*
16 *v. Eldridge*, 424 U.S. 319, 333 (1976) (requiring notice and an opportunity to be
17 heard before deprivation of a legally protected interest).
18

19
20 108. Petitioner's ongoing detention violates the Due Process Clause of
21 the Fifth Amendment.
22

23 **COUNT FOUR: VIOLATION OF THE APA – FAILURE TO COMPLY WITH**
24 **REGULATORY MANDATE AND ACCARDI DOCTRINE**
25

26 109. Petitioner re-alleges and incorporates by reference each allegation
27 contained in the preceding paragraphs as if set forth fully herein.
28

1 110. Petitioner's re-detention violates the Due Process Clause and the
2 APA because the discretionary authority under 8 U.S.C. § 1226(a) mandates an
3 "individualized custody determination" rather than a categorical deprivation of
4 liberty. *See Velesaca*, 458 F. Supp. 3d at 241. Because the statute provides that
5 the Attorney General "may continue to detain," Respondents' failure to perform a
6 specific exercise of judgment regarding Petitioner's individual circumstances
7 constitutes an unconstitutional and arbitrary abuse of discretion. *See Reyes*, 2021
8 WL 3727614, at *6.

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12 111. Here, Respondents re-detained Petitioner without written notice or
13 any articulated explanation as to how his individual circumstances have changed
14 to justify a deprivation of liberty.

15
16 112. Respondents' action also violates the mandate of *United States ex*
17 *rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954).

18
19 113. Respondents must observe the rules, regulations or procedures
20 which it has established. *See United States ex rel. Accardi v. Shaughnessy*, 347
21 U.S. 260 (1954).

22
23 114. Respondents acted in excess of their regulatory authority or
24 limitation.

25 115. Respondents' action constitutes a final agency decision.

26 116. Petitioner has no administrative remedy available to him.

1 117. Respondents' action violates the APA

2
3 **PRAYER FOR RELIEF**

4 WHEREFORE, Petitioner respectfully requests this Court to grant the
5 following:

- 6 1. Assume jurisdiction over this matter;
- 7 2. Issue an order restraining Respondents from attempting to move
8 Petitioner from the Southern District of California during the pendency of this
9 Petition;
- 10 3. Expedite consideration of this action pursuant to 28 U.S.C. § 1657
11 because it is an action brought under 28 U.S.C. § 153;
- 12 4. Declare that Petitioner's current detention without an individualized
13 determination is unlawful;
- 14 5. Declare that Respondents' action is arbitrary and capricious and an abuse
15 of discretion under the Administrative Procedure Act;
- 16 6. Declare that Respondents failed to adhere to its regulations;
17 Order Petitioner's immediate release;
- 18 7. Order that Respondents are permanently enjoined from rearresting or
19 otherwise detaining Petitioner under § 1225;
- 20 8. Order that any future detention or re-detention of Petitioner must comply
21 with all statutory and constitutional requirements, including the identification
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1 of a lawful statutory basis for detention and the provision of adequate
2 procedural and substantive due process;

3
4 9. Order Respondents to immediately return all of Petitioner’s seized
5 personal property, including but not limited to any government-issued
6 identification or immigration documents, such as a state driver’s license or
7 Employment Authorization Document (EAD) to the extent such items were
8 seized and remain in Respondents’ possession;

9
10 10. Grant such other and further relief as the Court may deem just and proper,
11 including any equitable relief necessary to restore Petitioner to his status prior
12 to the unlawful detention.

13
14 11. Grant Petitioner reasonable attorney fees and costs pursuant to the Equal
15 Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A).

16
17 12. Grant any further relief this court deems just and proper.
18

19
20 Dated: February 2, 2026

21 /s/ Sarah L. Vuong
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**Verification by Petitioner’s Legal Counsel
Pursuant to 28 U.S.C. § 2242**

I am submitting this verification because I am the Attorney for the Petitioner. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus, including the statements regarding Petitioner’s detention status are true and correct to the best of my knowledge.

/s/ Mehmet Y. Turkoglu
Mehmet Y. Turkoglu, Esq

Date: February 2, 2026