

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

PITAMBAR MAHATO NUNIYA,

Petitioner,

Case No.

DORA CASTRO, Acting Warden, Otero
County Processing Center; Field Director
for U.S. Immigration and Customs Enforcement,
El Paso Field Office, United States Immigration
and Customs Enforcement; TODD M. LYONS,
Acting Director, United States Immigration
and Customs Enforcement; KRISTI NOEM,
Secretary, U.S. Department of Homeland
Security; PAMELA BONDI, U.S. Attorney
General, *in their official capacities*.

Respondents.

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO U.S.C. § 2241

INTRODUCTION

1. This petition arises from the sudden and inexplicable re-detention of Petitioner, Pitambar Mahato Nuniya, by Immigration and Customs Enforcement (“ICE”) at a routine check-in appointment.
2. Petitioner, Pitambar Mahato Nuniya (“Petitioner”), is a citizen of Nepal, asylum seeker, and resident of [REDACTED] East Elmhurst, New York, who was arrested by ICE agents on or about December 13, 2025. *See Exhibit A.*
3. He is currently detained in Chaparral, New Mexico, at the Otero County Processing Center detention facility. *See Exhibit B.*
4. On October 13, 2024, Petitioner crossed into the United States from Mexico, and was detained and charged with a Notice to Appear by U.S. Immigration and Customs Enforcement agents. *See Exhibit C.*
5. On October 14, 2024, Petitioner was released on his own recognizance pursuant to INA § 236, 8 U.S.C. § 1226, and thereafter was residing at [REDACTED] [REDACTED] and later moved to [REDACTED] prior to Petitioner’s re-detainment. *See Exhibit D.*
6. Petitioner was subsequently re-detained at a routine check-in at DHS-ICE office in New York City on or about December 13, 2025, without notice or an opportunity to be heard despite having no known criminal history, submitted pleadings, and having a pending meritorious asylum application with the immigration court. *See Exhibit E.* After his re-detainment, Petitioner was then transferred to Otero County Processing Center in Chaparral, NM.
7. On January 27, 2026, Petitioner had a bond hearing before an immigration judge. The request for bond was denied by the immigration judge claiming lack of jurisdiction by citing *Matter of Hurtado*, 29 I&N Dec 216 (BIA 2025), which states that noncitizens

detained under INA § 235(b)(2), 8 U.S.C. § 1225(b)(2) did not give the immigration judge authority to grant bond to Petitioner. *See Exhibit F*. This, despite the fact that Petitioner was originally released on recognize pursuant to INA § 236, 8 U.S.C. § 1226.

8. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be immediately released from custody and be provided with notice and an opportunity to be heard before being re-detained.
9. Additionally, this Petition arises from the from the U.S. government's new internal memo policy—which contradicts both the plain language of the Immigration and Nationality Act (INA) and decades of agency practice—of erroneously interpreting the INA to mandate detention without the possibility of bond for noncitizens who entered the United States without inspection, even if they have been residing here without any criminal history and following all requisite appointments and protocols in his immigration case.¹
10. Respondents' new legal interpretation, which has caused Petitioner to be detained without bond, is plainly contrary to the statutory framework of the INA and contrary to both agency regulations and decades of consistent agency practice applying § 1226(a) to people like Petitioner. It also violates his right to due process by depriving him of his liberty without any consideration of whether such a deprivation is warranted.
11. This petition is also brought to seek enforcement of Petitioner's rights as a member of the Bond Denial Class certified in *Maldonado Bautista v. Noem*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.), which vacated the U.S. government's memo policy. On December 18, 2025, the Central District of California certified a nationwide class of

¹ The U.S. government policy refers specifically to a Department of Homeland Security memo of July 8, 2025, "Interim Guidance Regarding Detention Authority for Applicants for Admission". The memo stated that anyone who entered without inspection was ineligible for release on bond and could not challenge their detention at a bond hearing in immigration court, regardless of how long an individual has lived in the United States.

noncitizens who are in immigration detention and being denied access to a bond hearing based on the government's assertion that noncitizens, such as Petitioner, entered without admission or inspection and thus subjecting them to mandatory detention, and that such class members are eligible for release on bond under immigration laws. *Maldonado Bautista v. Noem*, No. 5:25-cv-01873-SSS-BFM, ---F. Supp. 3d ---, 2025 WL 3289861 (C.D. Cal. Nov. 2025). Petitioner, having entered the U.S. without inspection and then released on their recognizance under 8 U.S.C. § 1226, INA § 236, and thereafter re-detained while a resident of East Elmhurst, New York, is a Bond Denial Class member.

12. Accordingly, this Court should grant the instant petition for writ of habeas corpus. Petitioner asks this Court to stay his immigration merits hearing currently scheduled for February 5, 2026, before the immigration court until this petition is decided; and for his immediate release from custody, with any instructions as deemed necessary; or, in the alternative, that Respondents provide him a bond hearing with proper jurisdiction for a determination on the merits for terms of his release under § 1226(a) within 3 days or prior to his merits hearing date.

JURISDICTION

13. This action arises under the Constitution of the United States and the Immigration and Nationality Act, 8 U.S.C. § 1101 et. seq.
14. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus); 28 U.S.C. § 1331 (federal question); and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).
15. This Court may grant relief pursuant to 28 U.S.C. § 2241, et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

VENUE

16. Venue is proper in the District of New Mexico under 28 U.S.C. § 1391(b) and (e)(1) as Petitioner is detained within the District of New Mexico and his immediate physical custodian is located within this District. *Rumsfield v. Padilla*, 542 U.S. 426, 443 (2004); *see also United States v. Scott*, 803 F.2d 1095, 1096 (10th Cir. 1986) (“A § 2241 petition for writ of habeas corpus must be addressed to the federal district court in the district where the prisoner is confined.”).

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

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

18. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

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

20. Petitioner is “in custody” for the purpose of § 2241 because he is detained by Respondents at Otero Processing Center, an immigration detention facility in Chaparral, New Mexico. Petitioner is under the direct control of Respondents and their agents.

PARTIES

21. Petitioner, Pitamabar Mahaoto Nuniya, is a citizen of Nepal, and resident of  East Elmhurst, New York. He has been detained at Otero Processing Center for nearly two months.
22. Respondent Dora Castro is the Acting Warden of Otero County Processing Center, where Petitioner is currently detained. She is the legal custodian of Petitioner.
23. Respondent Joel Garcia is the Acting Director of the El Paso, Texas Field Office of Immigration and Customs Enforcement (“ICE”) Enforcement and Removal Operations division. As a Field Office Director, Respondent Garcia oversees ICE’s enforcement and removal operations in West Texas and New Mexico. As such, Respondent Garcia is Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. He is named in his official capacity.
24. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (“DHS”). She is responsible for the implementation and enforcement of the INA and oversees ICE, which is responsible for Petitioner’s detention. Ms. Noem has ultimate custodial authority over Petitioner and is named herein in her official capacity.
25. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review (“EOIR”) and the immigration system it operates is a component agency. She is named in her official capacity.

FACTS

I. Petitioner’s Entry to the U.S. and Order of Release

26. Petitioner arrived in the United States on or about October 13, 2024 at or near Tecate, CA. He was detained and charged as being present in the United States without being

admitted or paroled.

27. On October 14, 2024, Petitioner was then released into the United States on his own recognizance, a “form of conditional parole.” *Martinez v. Hyde*, 792 F. Supp. 3d 211 (D. Mass. 2025).

28. Per regulations, release on recognizance is only permissible after the noncitizen has convinced an immigration official that he is not a flight risk and is not a danger to the community. 8 C.F.R. § 236.1(c)(8).

29. As part of Petitioner’s release, he was instructed that he: (i) “must report for any hearing or interview as directed by Department of Homeland Security or the Executive Office for Immigration Review”; (ii) “must surrender for removal from the United States if so ordered”; (iii) “must report in (person)” to the requisite ICE office reporting location as prescribed; (iv) “must not change [his] place of residence without first securing written permission from the immigration officer”; (v) “must not violate any local, State, or Federal laws or ordinances”; (vi) “must assist the Department of Homeland Security in obtaining any necessary travel documents.”; and that he must “[r]eport in person” as prescribed under the terms of his release.

30. After his release, Petitioner timely applied for asylum, was residing in East Elmhurst, NY, and following all protocols related to his immigration case as instructed by his order of release.

II. Petitioner’s Re-Detainment and Respondent’s Deportation Policies.

31. On or about December 13, 2025, Petitioner reported to the requisite ICE field office in New York City to comply with the terms of his release.

32. At his check-in, Petitioner was arrested and detained by ICE agents despite no material changes in his individual circumstances since he was released by Respondents. At the

time his arrest, Petitioner had a valid pending asylum application before the immigration court.

33. He was not given notice of his parole revocation prior to his re-detention in December 2025.

34. Petitioner has no criminal record in the United States and has never been arrested or charged with any criminal offense since his release from ICE custody in October 2024.

35. To the best of Petitioner's knowledge and understanding, since his release in November 2024 until his re-detention in December 2025, Petitioner complied with all terms of his order of release.

36. On information and belief, Respondents made no individualized determination regarding whether the conditions of his release had been violated or whether there was a changed circumstance warranting his re-detention.

37. After his arrest, Petitioner was transferred to Otero County Processing Center in Chaparral, NM, where he has currently remains detained.

38. In January 2026, while detained Petitioner, through his counsel, submitted a request for a bond hearing. Petitioner received a bond hearing before an immigration judge on January 27, 2026. However, the IJ denied Petitioner's request for bond, finding that the immigration court did not have jurisdiction for Petitioner's release on bond. In doing so, the immigration judge relied on the Board of Immigration Appeals decision in *Matter of Hurtado*, 29 I&N Dec. 216 (BIA 2025), stating that noncitizens detained under INA § 235(b)(2), 8 U.S.C. § 1225(b)(2) did not give the immigration judge authority to grant bond to Petitioner. This, despite the fact that Petitioner was originally classified and previously released on recognizance under INA § 236, 8 U.S.C. § 1226.

39. Additionally, the Immigration Judge, despite asserting lack of jurisdiction, also held that

Petitioner did not keep the court apprised of his new address after his release and thus was a flight risk. However, in May 2025, the Petitioner had submitted a motion to change venue, along with a sworn affidavit, confirming that his new address was at  East Elmhurst, NY 11370, and to change the venue of his immigration case to New York. *See Exhibit F, G.* Additionally, the Respondent continued his routine check-in with ICE in New York, where he was later re-detained.

40. On December 18, 2025, the Central District of California in *Maldonado Bautista v. Noem*, certified a nationwide class of noncitizens, such as Petitioner, held in immigration detention and subjecting them to mandatory detention without bond. There, the district court held that class members include noncitizens such as Petitioner whose most recent arrest was not “upon arrival”, but rather already living inside the United States.

41. On information and belief, Respondents are not actively attempting to remove Petitioner as he has a valid pending asylum application.

42. Petitioner is neither a flight risk nor a danger to his community.

LEGAL FRAMEWORK

A. Petitioner’s Re-Detention Violates the Fifth Amendment.

43. Individuals who have been conditionally released from detention have a protected interest in their “continued liberty.” *Herrera v. Tate*, No. H-25-3364, 2025 U.S. Dist. LEXIS 189999, at *31 (S.D. Tex. Sep. 26, 2025) (quoting *Young v. Harper*, 520 U.S. 143, 147 (1997)).

44. Petitioner’s re-detention, more than two years after being paroled into the United States from an initial detention, was without prior notice, a showing of changed circumstances, or a meaningful opportunity to object, and therefore he was not afforded the procedural

requirements of the Fifth Amendment. *See, e.g., Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 U.S. Dist. LEXIS 156344, at *36 (D. Ariz. Aug. 11, 2025); *Rosales-Garcia v. Holland*, 322 F.3d 386, 409 (6th Cir. 2003) ("Excludable aliens—like all aliens—are clearly protected by the Due Process Clauses of the Fifth and Fourteenth Amendments.") (citing *Yick Wo v. Hopkins*, 118 U.S. 356, 6 S. Ct. 1064, 30 L. Ed. 220 (1886)).

45. The government therefore does not have the authority to arrest a noncitizen who has been granted parole without properly terminating that parole. *Velasquez v. Kurzdorfer*, No. 25-CV-493-LJV, 2025 U.S. Dist. LEXIS 135986, at *26 (W.D.N.Y. July 16, 2025); *Y-Z-L-H v. Bostock*, 2025 U.S. Dist. LEXIS 130216, 2025 WL 1898025, at *13 (D. Or. July 9, 2025), or unless there is some other valid reason to arrest him.

46. Due process then “requires a hearing before an immigration judge before re-detention. *Mejia v. Woosley*, Civil Action No. 4:25-cv-82-RGJ, 2025 U.S. Dist. LEXIS 203256, at *11 (W.D. Ky. Oct. 15, 2025) (internal citation and internal quotation marks omitted).

47. Moreover, given that Respondent’s already determined that Petitioner was not a flight risk or danger to the community more than two years ago, the lack of due process leading to his re-arrest is especially acute.

B. Petitioner’s Detention Without a Bond Hearing Violates the INA and Fifth Amendment.

48. In the summer of 2025, Respondents determined that immigration judges no longer have jurisdiction to hold bond hearings for noncitizens held under § 235(b)(2), 8 U.S.C. § 1225(b)(2). The BIA’s decision is binding on all immigration judges. *See Matter of Hurtado*, 29 I&N Dec 216 (BIA 2025).

49. Their novel interpretation has been roundly rejected by federal district courts almost unanimously. *See, inter alia, Reyes v. Raycraft*, No. 25-cv-12546, 2025 U.S. Dist.

LEXIS 175767, at *19-20 (E.D. Mich. Sep. 9, 2025) (“...[T]he BIA’s decision to pivot from three decades of consistent statutory interpretation and call for [petitioner’s] detention under 8 U.S.C. § 1225(b)(2)(A) is at odds with every District Court that has been confronted with the same question of statutory interpretation. At least a dozen federal courts concur generally with this Court’s interpretation of the statutory language as applied in this context.”) (internal citations omitted).

50. DHS’s and DOJ’s interpretation defies the INA. As the above courts explained, the plain text of the statutory provisions demonstrates that 8 U.S.C. § 1226(a), not § 1225(b), applies to people like Petitioner.

51. In fact, Petitioner’s Order of Release on Recognize specifically states that his release was in accordance to § 1226 (Section 236 of the INA).

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

53. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. See 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)’s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a).

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

admissible.”).

55. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to people, like Petitioner, who have already entered and were residing in the United States at the time they were apprehended by immigration authorities.

56. As Petitioner was initially released under § 1226 by ICE, Respondents cannot now arbitrarily just turn the table and deem him ineligible for bond pursuant to § 1225.

57. Petitioner is entitled to a bond hearing before an immigration judge where the government bears the burden of proof by clear and convincing evidence that he is a flight risk or danger to the community. *See, e.g., M.T.B. v. Byers*, Civil Action No. 2:24-028-DCR, 2024 U.S. Dist. LEXIS 148118, at *11 (E.D. Ky. Aug. 20, 2024) (government should bear burden of proof at § 1226(a) bond hearing); *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 U.S. Dist. LEXIS 188232, at *35 (W.D. Tex. Sep. 21, 2025) (“vast majority”—an “overwhelming consensus”—of courts have placed the burden on the Government to prove by clear and convincing evidence that the detainee poses a danger or flight risk.).

CLAIMS FOR RELIEF

COUNT I

Re-Detention Violation of Due Process

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

59. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150

L.Ed.2d 653(2001).

60. Petitioner has a fundamental interest in liberty and being free from official restraint.

61. Petitioner acquired a further liberty interest after being released from his initial detention. He has been free to work, live, and pursue his asylum application since October 2024.

62. Petitioner's re-detention without a pre-arrest hearing violates his right to due process.

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

COUNT II

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

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

65. Under the APA, a court “shall . . . hold unlawful . . . agency action” that is “arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with the law”; “contrary to constitutional right”; “in excess of statutory jurisdiction, authority, or limitations”; or “without observance of procedure required by law”. 5 U.S.C. § 706(2)(A)-(D).

66. 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. 663, 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)).

67. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all

noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

68. Petitioner was ordered released on recognize pursuant to § 1226 in October 2024.

69. Petitioner has no criminal history, and ICE did not seek his cooperation to obtain travel documents to any third country prior to his re-detention.

70. The denial of Petitioner's bond request due to lack of jurisdiction based on a mandatory detention requirement pursuant to *Matter of Hurtado*, 29 I&N Dec. 216 BIA (2025) means that Respondents have inexplicably changed Petitioner's classification from § 1226, under which he was released, to § 1225(b)(2) after his re-detainment without any explanation.

71. The application of § 1225(b)(2) to Petitioner unlawfully mandates their continued detention of Petitioner and violates the INA.

72. By arbitrarily re-detaining Petitioner without making the requisite findings, without considering Petitioner's individualized facts and circumstances, and capriciously re-classifying Petitioner as requiring mandatory detention under § 1225 after his initial order of release under § 1226, Respondents have violated the APA, INA and federal regulations. *See Ceesay v. Kurzdorfer*, No. 25-CV-267-LJV, 2025 WL 1284720, at *17 (W.D.N.Y. May 2, 2025) (granting habeas relief after finding ICE violated 8 C.F.R. § 241.4(l) when it did not afford petitioner an informal interview or an opportunity to respond to the reasons for revocation); *Torres-Jurado v. Biden*, No. 19 CIV. 3595 (AT), 2023 WL 7130898, at *2 (S.D.N.Y. Oct. 29, 2023) (noting that notwithstanding ICE's

discretion to execute a removal order, ICE “cannot remove” a noncitizen—even one subject to a final removal order— “in any manner [it] please[s]”); *Waldron v. I.N.S.*, 17 F.3d 511, 518 (2d Cir. 1993) (“[W]hen a regulation is promulgated to protect a fundamental right derived from the Constitution or a federal statute, and [the government] fails to adhere to it, the challenged deportation proceeding is invalid and a remand to the agency is required”—even in the absence of a showing of prejudice.).

73. Further, Petitioner is a class member of the California federal court class action decision of *Maldonado Bautista*, having been a resident of East Elmhurst, New York at the time of his detainment, placing him under § 1226, and thus must be granted a bond hearing.

74. Even if, *arguendo*, that were not that case, federal courts have held alternative findings that even noncitizens who are “not Bond Class members does not prevent them from seeking habeas relief on similar legal grounds.” *Del Valle Castillo v. Wamsley*, No. 2:25-cv-02054-TMC (W.D. Wash. Nov. 26, 2025).

75. Respondents’ conduct is not in accordance with law and in excess of statutory authority in violation of the INA and the APA.

COUNT III

Mandatory Detention Violation of Due Process

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

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

78. Petitioner has a fundamental interest in liberty and being free from official restraint.

79. The Respondents' detention of Petitioner, denying his request for bond based on lack of jurisdiction under INA § 235, 8 U.S.C. § 1225, claiming his detention is mandatory, when he was originally released in November 2024 pursuant to INA § 236, 8 U.S.C. § 1226, and re-detained under the same classification pursuant to *Maldonado Bautista*, violates his right to due process.

PRAYER FOR RELIEF

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

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus requiring that Respondents release Petitioner from custody immediately, with any terms or instructions as deemed necessary by this Court, or, in the alternative, provide notice and a bond hearing on the merits before an immigration judge for Petitioner;
- c. Enjoin Respondents from transferring the Petitioner from the jurisdiction of this District pending these proceedings;
- d. Enjoin Respondents from conducting hearings in removal proceedings on his asylum application until either his release or until a bond hearing is scheduled;
- e. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- f. Grant any other and further relief that this Court deems just and proper.

Dated: February 3, 2026

Respectfully submitted,

CHHETRY & ASSOCIATES, P.C.

/s/ Nevin Chetry, Esq.
494 8th Avenue, 9th Floor
New York, NY 10001
Tel: 212-94-1079
Email: nc@chhetrylaw.com
Attorney for Petitioner

28 U.S.C. § 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioner because I am the Petitioner's attorney. I have independently confirmed the events described in this Petition. On the basis of those discussions, and my own investigation, I hereby verify that the statements made in this Petition are true and correct to the best of my knowledge.

/s/ Nevin Chetry

Attorney for Petitioner

CERTIFICATE OF SERVICE

I, Nevin Chetry, certify that on February 03, 2026, I served one set of **VERIFIED**
PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO U.S.C. § 2241
: SUMMONSES IN A CIVIL ACTION AND CIVIL COVER SHEET by electronically by ECF
filing and by USPS mailing upon Attorney for Respondents and parties at the following addresses:

1. United States of America US Attorney Office - New Mexico
201 3rd Street NW, Suite 900
Albuquerque, New Mexico 87102
2. Dora Castro Acting Warden, Otero County
Processing Center, Field Director
26 McGregor Range Road
Chaparral, NM 88081
3. Port Isabel Service Processing Center
27991 Buena Vista Blvd
Los Fresno, TX 78566
4. U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001
5. U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W.
Washington, DC 20529
6. U.S. Department of Homeland Security
245 Murray Lane, S.W.
Washington, DC 20528

/s/ Nevin Chetry

Nevin Chetry, Esq

Chetry & Associates, P.C.

494 8th Avenue, 9th FL

New York, NY 10001

Tel.: (212) 947-1079

Fax: (212) 947-1081