

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p><b>I. (a) PLAINTIFFS</b>                  Mariela Chino Moreno, et al.</p> <p><b>(b) County of Residence of First Listed Plaintiff</b> <u>Cache County</u>                  (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p><b>(c) Attorneys (Firm Name, Address, and Telephone Number)</b>                  Alec S. Bracken</p>	<p><b>DEFENDANTS</b>                  Kristi Noem, et al.</p> <p>County of Residence of First Listed Defendant <u>Prince George</u>                  (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known)                  Unknown</p>
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<p><b>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</b></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</b></p> <table style="width:100%;"> <tr> <td></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> <td></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input checked="" type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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**IV. NATURE OF SUIT (Place an "X" in One Box Only)** Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p><b>PERSONAL INJURY</b></p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<p><b>PERSONAL INJURY</b></p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157
<p><b>REAL PROPERTY</b></p> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<p><b>CIVIL RIGHTS</b></p> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<p><b>LABOR</b></p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<p><b>INTELLECTUAL PROPERTY RIGHTS</b></p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
	<p><b>PRISONER PETITIONS</b></p> <input checked="" type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <p><b>Other:</b></p> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<p><b>IMMIGRATION</b></p> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<p><b>SOCIAL SECURITY</b></p> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	
			<p><b>FEDERAL TAX SUITS</b></p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

**V. ORIGIN (Place an "X" in One Box Only)**

1 Original Proceeding     2 Removed from State Court     3 Remanded from Appellate Court     4 Reinstated or Reopened     5 Transferred from Another District (specify)     6 Multidistrict Litigation - Transfer     8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. § 2241

Brief description of cause:  
Petitioner are in "custody" in violation of law

**VII. REQUESTED IN COMPLAINT:**     CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.    **DEMAND \$** \_\_\_\_\_    CHECK YES only if demanded in complaint:  
**JURY DEMAND:**     Yes     No

**VIII. RELATED CASE(S) IF ANY** (See instructions):    JUDGE \_\_\_\_\_    DOCKET NUMBER \_\_\_\_\_

DATE: 02/05/2026    SIGNATURE OF ATTORNEY OF RECORD: /S/ ALEC S. BRACKEN

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_    AMOUNT \_\_\_\_\_    APPLYING IFP \_\_\_\_\_    JUDGE \_\_\_\_\_    MAG. JUDGE \_\_\_\_\_

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

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Phone: 801-980-9430  
Email: alec@contigo.law  
Attorney for Petitioner

UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

Mariela Chino Moreno, et al.,

Petitioners

v.

KRISTI NOEM, in her official capacity as  
Secretary of the Department of Homeland  
Security,

TODD LYONS, in his official capacity as  
Acting Director of Immigration and Customs  
Enforcement,

EVAN TJADEN, in his official capacity as  
Acting ICE Field Deputy Officer Director and  
warden over Respondents,

United States Immigration and Customs  
Enforcement.

Respondents

Civil No.: 1:26-cv-14

VERIFIED PETITION FOR HABEAS  
CORPUS AND DECLARATORY ACTION

IMMIGRATION HABEAS CASE

INTRODUCTION

1  
2 1. Petitioners are noncitizens physically present in the United States who were previously  
3 ordered removed on November 28, 2023. Ex. 1. After entry of those removal orders, AGC, Johanan  
4 Gonzalez Chino, Mariela chino Moreno, and Lizzeth Gonzalez Chino were direct and indirect victims  
5 of qualifying criminal activity involving domestic violence investigated by Logan City, Utah law  
6 enforcement, while the remaining Petitioners are derivative family members eligible for protection  
7 through that principal victim’s U-visa petition. Exs. 2-6. The certified law-enforcement documentation  
8 confirms that the offense involved physical assault, forceful grabbing, and resulting bodily injury,  
9 including bruising to the victim’s neck, conduct expressly recognized as qualifying criminal activity  
10 under the Immigration and Nationality Act. *Id.*

11  
12  
13 2. The U-visa record further establishes that the principal victims cooperated with law  
14 enforcement in the investigation and prosecution, provided information to authorities, and suffered  
15 substantial physical and emotional harm as a direct result of the criminal conduct. *Id.* The derivative  
16 Petitioner filings confirm their eligibility for derivative protection based on his qualifying relationship  
17 to the principal victims. Ex. 5.

18  
19 3. Based on these submissions, United States Citizenship and Immigration Services (“USCIS”)  
20 determined that the U-visa petitions are bona fide and granted deferred action and eligibility for  
21 employment authorization during adjudication. Exs. 7-11. Deferred action constitutes an affirmative  
22 federal decision to refrain from executing removal for humanitarian and law-enforcement purposes and  
23 reflects the government’s determination that Petitioners’ continued presence in the United States serves  
24 the statutory objectives of the U-visa framework. *Reno v. American-Arab Anti-Discrimination*  
25 *Committee*, 525 U.S. 471, 483–84 (1999); *Department of Homeland Security v. Regents of the*  
26 *University of California*, 591 U.S. 1, 12–13 (2020).  
27  
28

1 4. Notwithstanding these federal determinations, Immigration and Customs Enforcement  
2 (“ICE”) has imposed severe restraints on Petitioners’ liberty through the Intensive Supervision  
3 Appearance Program (“ISAP”), including continuous GPS ankle monitoring, geographic confinement,  
4 mandatory reporting, and threats of arrest or removal for noncompliance. Ex. 13. These conditions  
5 subject Petitioners—including the cooperating crime victim and protected derivatives—to ongoing  
6 custody-like restraints despite DHS’s decision to defer removal.  
7

8 5. ICE has further directed Petitioners to depart the United States by specified dates even while  
9 their bona fide U-visa petitions remain pending and deferred action is in effect. Ex. 12. Such directives  
10 directly contradict DHS’s humanitarian determinations, undermine cooperation with law enforcement,  
11 and expose the principal victim and derivative family members to the very harms Congress enacted the  
12 U-visa statute to prevent.  
13

14 6. The evidentiary record therefore demonstrates that Petitioners are identified crime-victim  
15 beneficiaries of federal humanitarian protection, not enforcement priorities. Exs. 7-11. Continued  
16 coercive supervision and threatened removal lack any legitimate regulatory purpose and conflict with  
17 both statutory design and DHS’s own discretionary determinations.  
18

19 7. Congress created the U-visa specifically to encourage noncitizen victims of crime to report  
20 offenses and assist law enforcement without fear of removal, while providing humanitarian protection  
21 during the pendency of their petitions. *See* 8 U.S.C. § 1101(a)(15)(U) (establishing status for victims  
22 who have been helpful, are being helpful, or are likely to be helpful to law-enforcement authorities); 8  
23 U.S.C. § 1184(p)(1), (6) (authorizing implementing regulations and employment authorization for  
24 petitioners). Courts and the Supreme Court have likewise recognized that deferred action represents  
25 the Executive’s discretionary decision to forbear from removal for humanitarian or administrative  
26 reasons, a determination inherently inconsistent with coercive measures designed to compel departure.  
27  
28

1 *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 483–84 (1999); *Dep’t of Homeland Sec.*  
2 *v. Regents of the Univ. of Cal.*, 591 U.S. 1, 12–13 (2020). Consistent with these principles, DHS’s bona  
3 fide determination process exists to provide interim protection and stability to qualifying victims and  
4 their derivatives while USCIS adjudicates the underlying U-visa petitions, thereby ensuring that  
5 victims can safely cooperate with law enforcement and avoid retaliation or renewed harm. *See* 8 C.F.R.  
6 § 214.14(d)(2); Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, §  
7 1513(a)(2)(A)–(B), 114 Stat. 1464, 1533 (stating that protection for victims “strengthens the ability of  
8 law enforcement agencies to detect, investigate, and prosecute” crimes). ICE directives compelling  
9 departure during the pendency of bona fide U-visa petitions therefore frustrate Congress’s central  
10 purpose, chill cooperation with police, and negate the protective function DHS itself has conferred.  
11  
12

13 8. Under longstanding Supreme Court precedent, habeas corpus jurisdiction extends to  
14 significant restraints on liberty short of physical detention, including supervision regimes, reporting  
15 requirements, and movement restrictions. *Jones v. Cunningham*, 371 U.S. 236, 242–43 (1963); *Hensley*  
16 *v. Municipal Court*, 411 U.S. 345, 351 (1973); *Carafas v. LaVallee*, 391 U.S. 234, 238 (1968); *Rosales-*  
17 *Garcia v. Holland*, 322 F.3d 386, 395–96 (6th Cir. 2003). The GPS monitoring, mandatory check-ins,  
18 and threat of imminent removal imposed here constitute custody within the meaning of 28 U.S.C. §  
19 2241.  
20

21 9. Because DHS has affirmatively granted deferred action based on a qualifying crime victim  
22 and protected derivatives, ICE’s continued supervision, ankle monitoring, and threatened execution of  
23 removal orders are arbitrary, ultra vires, and unconstitutional. Petitioners therefore seek a writ of habeas  
24 corpus declaring these restraints unlawful, terminating ISAP supervision and GPS monitoring, and  
25 staying removal during the pendency of U-visa adjudication.  
26  
27  
28

**JURISDICTION AND VENUE**

1  
2 11. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. § 1331 because Petitioners  
3 raise claims arising under the Constitution and laws of the United States, including the Suspension  
4 Clause, the Due Process Clause, 28 U.S.C. § 2241, and the Immigration and Nationality Act, Title 8 of  
5 the United States Code. Federal district courts possess authority to grant habeas relief where a petitioner  
6 is in custody in violation of the Constitution or laws of the United States. 28 U.S.C. § 2241(c)(3). This  
7 Court likewise has authority to grant declaratory relief under the Declaratory Judgment Act, 28 U.S.C.  
8 §§ 2201–2202. Although the Declaratory Judgment Act does not itself confer jurisdiction, jurisdiction  
9 exists under § 1331 because Petitioners’ claims arise under federal law, including Title 8 and the  
10 Administrative Procedure Act. An actual, ongoing case or controversy exists concerning the legality  
11 of ICE’s continuing supervision, GPS monitoring, and threatened execution of removal orders  
12 notwithstanding DHS’s grants of deferred action. Declaratory and habeas relief will clarify the parties’  
13 legal rights, resolve uncertainty regarding Respondents’ asserted custody authority, and provide  
14 effective prospective relief.  
15  
16

17 12. Petitioners satisfy the “in custody” requirement of 28 U.S.C. § 2241 because ICE’s  
18 supervision regime imposes present and substantial restraints on their liberty, including continuous  
19 GPS ankle monitoring, geographic confinement, mandatory reporting, and the threat of arrest,  
20 detention, or removal for noncompliance. Habeas custody extends beyond physical detention to any  
21 circumstance in which the government imposes significant restraints on liberty not shared by the public  
22 generally. *Jones v. Cunningham*, 371 U.S. 236, 242–43 (1963); *Hensley v. Municipal Court*, 411 U.S.  
23 345, 351 (1973); *Carafas v. LaVallee*, 391 U.S. 234, 238 (1968); *See also Soberanes v. Comfort*, 388  
24 F.3d 1305, 1310–11 (10th Cir. 2004) (recognizing § 2241 jurisdiction over immigration detention and  
25 related restraints on liberty); *Moya v. DHS*, 975 F.3d 120, 127–29 (10th Cir. 2020) (explaining scope  
26  
27  
28

1 of habeas and REAL ID jurisdiction over challenges to immigration custody distinct from challenges  
2 to removal orders). These principles apply fully in the immigration context, where federal courts retain  
3 habeas jurisdiction to review civil detention and related restraints on liberty. *Zadvydas v. Davis*, 533  
4 U.S. 678, 690 (2001); *Rosales-Garcia v. Holland*, 322 F.3d 386, 395–96 (6th Cir. 2003) (en banc).

5  
6 13. This Court further has authority under the All Writs Act, 28 U.S.C. § 1651(a), to issue all  
7 writs necessary or appropriate in aid of its jurisdiction, including orders prohibiting unlawful restraints  
8 on liberty and preserving the Court’s ability to grant effective habeas relief.

9  
10 14. Venue is proper in this District under 28 U.S.C. § 1391(e) because Respondents are officers  
11 or agencies of the United States acting in their official capacities, Petitioners reside and are supervised  
12 within this District, and the events giving rise to the challenged custody and threatened removal  
13 occurred within this District.

14  
15 15. No administrative exhaustion is required prior to seeking relief under 28 U.S.C. § 2241  
16 where, as here, Petitioners challenge the government’s legal authority to impose custody-like restraints  
17 and where exhaustion would be futile or inadequate. *See McCarthy v. Madigan*, 503 U.S. 140, 147–48  
18 (1992); *Zadvydas*, 533 U.S. at 688. Moreover, because Petitioners do not challenge the validity of their  
19 removal orders but instead contest current unlawful custody and supervision notwithstanding deferred  
20 action, habeas review remains available notwithstanding the jurisdiction-channeling provisions of the  
21 REAL ID Act. See 28 U.S.C. § 2241; cf. 8 U.S.C. § 1252(a)(5).

22  
23 **REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243**

24  
25 16. The Court must grant the petition for writ of habeas corpus or issue an order to show cause  
26 (OSC) to the Respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243.  
27 If an OSC is issued, the Court must require Respondents to file a return “within three days unless for  
28 good cause additional time, not exceeding twenty days, is allowed.” *Id.*

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

5  
6 **PARTIES**

7 **PETITIONER**

8 18. Petitioner AGC is a citizen and national of Mexico who is physically present in the United  
9 States and subject to a final order of removal entered in November 2023. Ex. 1. She is a principal  
10 petitioner in a pending U-visa application arising from qualifying domestic-violence criminal activity  
11 investigated by local law enforcement, and USCIS has issued a bona fide determination and grant of  
12 deferred action on that petition. Ex. 7. Despite DHS’s humanitarian determination, she remains subject  
13 to ISAP custody conditions, including continuous GPS ankle monitoring, reporting requirements, and  
14 geographic movement restrictions imposed by ICE. Ex. 13. Petitioner also faces imminent removal  
15 from the United States. Ex. 12.

16  
17 19. Petitioner Johanan Gonzalez Chino is a citizen and national of Mexico who is physically  
18 present in the United States under the same final order of removal. Ex. 1. He is likewise a principal U-  
19 visa petitioner whose application USCIS has deemed bona fide and placed in deferred action. Ex. 8.  
20 ICE nevertheless subjects him to ISAP supervision and continuous electronic GPS monitoring, which  
21 significantly restrains his liberty and expose him to detention for any alleged violation of program  
22 rules. Ex. 13. Petitioner also faces imminent removal from the United States. Ex. 12.

23  
24 20. Petitioner Lizzeth Gonzalez Chino is a citizen and national of Mexico and a principal victim  
25 and petitioner in the qualifying domestic-violence investigation underlying the U-visa filings. USCIS  
26 has issued a bona fide determination and deferred action on her petition. Ex. 9. Notwithstanding that  
27  
28

1 protected status, ICE continues to impose ISAP reporting obligations, GPS ankle monitoring, and  
2 movement restrictions, which function as ongoing custody-like restraints on her liberty. Ex. 13.  
3 Petitioner is subject to a final order of removal and risks imminent deportation. Exs. 12 and 13.

4 21. Petitioner Mariela Chino Moreno is a citizen and national of Mexico and a principal U-visa  
5 petitioner whose application has likewise received a bona fide determination and grant of deferred  
6 action from USCIS. Ex. 10. ICE has nonetheless denied her request for a discretionary stay of removal  
7 and continues to subject her to ISAP supervision and electronic monitoring, restraining her liberty  
8 despite DHS's recognition that her U-visa petition is bona fide. Ex. 13. Petitioner faces imminent  
9 removal from the United States. Ex. 12.

10 22. Petitioner INGC is a citizen and national of Mexico who is physically present in the United  
11 States and subject to the same final order of removal. Ex. 1. He is a derivative beneficiary of a  
12 qualifying principal U-visa petitioner and has likewise received a bona fide determination and deferred  
13 action from USCIS. Ex. 11. Despite this protected derivative status, ICE subjects him to ISAP  
14 supervision and GPS electronic monitoring, imposing substantial restraints on his liberty within the  
15 meaning of federal habeas jurisdiction. Ex. 13. Petitioner faces imminent removal from the United  
16 States. Exs. 1 and 12.

17  
18  
19 **RESPONDENTS**

20 23. Respondent Kristi Noem (Secretary Noem) is the Secretary of the Department of Homeland  
21 Security, the parent agency of Immigration and Customs Enforcement which responsible for the ICE  
22 enforcement. Respondent Kristi Noem is sued in her official capacity as an agent of the United States  
23 Government.  
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1 24. Respondent Todd Lyons is the acting director of U.S. Immigration and Customs  
2 Enforcement, and he has authority over the actions of respondent Evan Tjaden and ICE in general.  
3 Respondent Lyons is a legal custodian of Petitioner.

4 25. Respondent Evan Tjaden is the Acting Deputy Field Office Director of Immigration and  
5 Customs Enforcement. He is in charge of the custody of all Immigration and Customs Enforcement  
6 Detainees in the Utah District Court. Respondent Officer Tjaden is sued in his official capacity as an  
7 agent of the United States Government.  
8

9 26. Respondent U.S. Immigration Customs Enforcement is the federal agency responsible for  
10 immigration enforcement.  
11

## 12 LEGAL FRAMEWORK

### 13 *The U Visa Program*

14 27. On October 28, 2000, Congress created a new nonimmigrant visa classification, referred to  
15 as a U visa, through the passage of the Victims of Trafficking and Violence Protection Act 2000  
16 (VTVPA). *See* Pub. L. No. 106-386, § 1513(a)(2)(B), 114 Stat. 1464, 1533 (codified at 8 U.S.C. §  
17 1101(a)(15)(U)). The nonimmigrant U visa allows undocumented noncitizens who were victims of  
18 qualifying crimes and who assisted in the detection, investigation, or prosecution of the qualifying  
19 criminal activity to apply for and receive a nonimmigrant visa. 8 U.S.C. § 1101(a)(15)(U); *see also* 8  
20 C.F.R. § 214.14(a)(5). Upon issuance, the U visa provides noncitizens with up to four years of  
21 nonimmigrant status and work authorization. *See* 8 U.S.C. § 1184(p)(6). Additionally, by operation of  
22 law, the approval of a U visa cancels any final order of removal to which the petitioner may be subject.  
23 8 C.F.R. § 214.14(c)(5)(i). Moreover, upon residing in the United States in U nonimmigrant status  
24 continuously for three years, noncitizens may apply for permanent residency. *See* 8 U.S.C. § 1255(m).  
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1           29. In creating the U visa program, Congress sought to “strengthen the ability of law  
2 enforcement agencies to detect, investigate, and prosecute” certain serious crimes “while offering  
3 protection to victims of such offenses in keeping with the humanitarian interests of the United States.”  
4 *See* VTVPA, Pub. L. No. 106-386, Title V, § 1513(a), 114 Stat. 1464, 1533. By providing victims of  
5 crime with an avenue for gaining lawful immigration status, the U visa encourages victims to cooperate  
6 with law enforcement agencies, thus strengthening relations between law enforcement and immigrant  
7 communities.  
8

9           30. Individuals are eligible for U nonimmigrant status if they: (1) are the victim of qualifying  
10 criminal activity that occurred in the United States or its territories or possessions; (2) have suffered  
11 substantial physical or mental abuse as a result; and (3) have been helpful to law enforcement in the  
12 detection, investigation, or prosecution of such criminal activity. *See* 8 U.S.C. § 1101(a)(15)(U). As  
13 relevant here, a felonious assault is a qualifying crime for a U visa. 8 U.S.C. § 1101(a)(15)(U)(iii).  
14 Armed robbery satisfies the definition of an assault; moreover, it is a third degree felony under 76-5-  
15 103 of the Utah Criminal Code. Consequently, armed robbery under Utah law is a felonious assault.  
16

17           31. A U visa applicant also must be admissible to the United States. 8 C.F.R. § 214.14(c)(2)(iv).  
18 If an applicant is not admissible, he is eligible for a waiver of the grounds that render him inadmissible  
19 by filing Form I-192 with supporting documentation with his U visa petition. 8 C.F.R. § 212.17(a).  
20

21           32. To apply for a U visa, a petitioner must file with USCIS a Form I-918, Petition for U  
22 Nonimmigrant Status; Form I-918, Supplement B, a certification from a recognized law enforcement  
23 official confirming that the noncitizen has cooperated in the investigation or prosecution of the criminal  
24 activity; and a signed statement by the petitioner describing the facts of the victimization. The petitioner  
25 may submit additional, supporting evidence. The principal U visa petitioner may request that a  
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1 qualifying family member, such as the petitioner’s spouse, be included as a derivative applicant by  
2 filing a Form I-918, Supplement A.

3 *The Waiting List for U Visa Status*

4 33. By statute, USCIS may not grant more than 10,000 principal U visas in any given  
5 fiscal year. *See* 8 U.S.C. § 1184(p)(2)(A). The statutory cap only applies to principal applicants, not to  
6 derivative applicants. 8 U.S.C. § 1184(p)(2)(B). This cap has been reached every year since 2010. As  
7 of the first quarter of Fiscal Year 2025, USCIS reported that 246,137 principal petitions for U  
8 nonimmigrant status remained pending nationwide. U.S. Citizenship & Immigr. Servs., *Form I-918,*  
9 *Petition for U Nonimmigrant Status: Fiscal Year 2025, Quarter 1 (2025).*

10  
11  
12 34. Defendants continue to receive, process, and review U visa petitions despite having reached  
13 the statutory cap on grants of U visas. USCIS must place petitioners who otherwise would receive such  
14 status but for the statutory cap on a U visa waiting list. *See* 8 C.F.R. § 214.14(d)(2) (“All eligible  
15 petitioners who, due solely to the cap, are not granted [principal U] nonimmigrant status must be placed  
16 on a waiting list and receive written notice of such placement.”) (emphasis added).

17  
18 35. Petitioners and their qualifying family members whom USCIS places on the U visa waiting  
19 list are granted temporary protection from removal while their petitions are pending, in the form of  
20 either deferred action if they are in the United States or parole if they are outside of the United States.  
21 8 C.F.R. § 214.14(d)(2). Individuals placed on the wait list also may be granted employment  
22 authorization. 8 C.F.R. § 214.14(d)(2).

23  
24 36. USCIS implemented the U visa waiting list regulations with the stated goals of “assisting  
25 law enforcement . . . ; improving customer service by allowing victims to remain in the United States,  
26 giving them an opportunity to access victim services to which they may be entitled; and providing  
27 [employment authorization documents] to . . . victims so they will have a lawful means through which  
28

1 to support themselves and their families.” *New Classification for Victims of Criminal Activity;*  
2 *Eligibility for “U” Nonimmigrant Status; Interim Rule, 72 Fed. Reg. 53014, 53033 (Sept. 17, 2007);*  
3 see also *id.* at 53027 (indicating that it was creating the waiting list process “to balance the statutorily  
4 imposed numerical cap against the dual goals of enhancing law enforcement’s ability to investigate and  
5 prosecute criminal activity and providing protection to [noncitizen] victims of crime”); *id.* (“USCIS  
6 believes that this rule’s waiting list methodology will provide a stable mechanism through which  
7 victims cooperating with law enforcement agencies can regularize their immigration status.”).

9 37. USCIS has a large backlog of pending U visa petitions for which it has not made the  
10 determination of whether to place the petitioner on the waiting list. USCIS publishes a “priority date”  
11 that reflects the submission date of petitions that it is currently processing for the waiting list.  
12

### 13 **Deferred Action**

14 38. Deferred action is a longstanding form of prosecutorial discretion by which the Executive  
15 Branch elects to forbear from executing removal against a noncitizen for humanitarian, law-  
16 enforcement, or administrative reasons. The Supreme Court has recognized deferred action as a  
17 practice in which immigration authorities decline to pursue removal notwithstanding theoretical  
18 removability. See *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 483–84 (1999). More  
19 recently, the Court reaffirmed that deferred action reflects the Executive’s discretionary judgment to  
20 prioritize limited enforcement resources and to permit noncitizens to remain in the United States  
21 temporarily. See *Dep’t of Homeland Sec. v. Regents of the Univ. of Cal.*, 591 U.S. 1, 12–13 (2020).  
22

23 39. Within the U-visa statutory framework, deferred action serves a specific congressionally  
24 mandated humanitarian and law-enforcement function. Congress created U nonimmigrant status to  
25 strengthen the ability of law-enforcement agencies to investigate and prosecute serious crimes while  
26 protecting noncitizen victims who assist those efforts. See *Victims of Trafficking and Violence*  
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1 Protection Act of 2000 (“VTVPA”), Pub. L. No. 106-386, § 1513(a)(2)(A)–(B), 114 Stat. 1464, 1533;  
2 8 U.S.C. § 1101(a)(15)(U). Consistent with those purposes, implementing regulations require that  
3 otherwise-eligible U-visa petitioners who cannot receive visas due solely to the statutory cap must be  
4 placed on a waiting list and granted temporary protection from removal, including deferred action for  
5 those present in the United States. 8 C.F.R. § 214.14(d)(2).  
6

7 40. Deferred action granted in connection with bona fide or wait-listed U-visa petitions is  
8 therefore not an abstract act of grace but a regulatory mechanism implementing congressional policy  
9 to ensure that cooperating crime victims may remain safely in the United States during adjudication.  
10 *See* 8 C.F.R. § 214.14(d)(2); *New Classification for Victims of Criminal Activity; Eligibility for “U”*  
11 *Nonimmigrant Status*, 72 Fed. Reg. 53,014, 53,027, 53,033 (Sept. 17, 2007) (explaining that deferred  
12 action and employment authorization promote law-enforcement cooperation, victim stability, and  
13 humanitarian protection).  
14

15 41. Although deferred action is discretionary in origin, its administration is governed by law.  
16 Agencies must exercise prosecutorial discretion in a manner consistent with statutory purpose,  
17 regulatory commands, and principles of reasoned decision-making. *See Regents*, 591 U.S. at 26–28  
18 (holding rescission of deferred-action program reviewable under the Administrative Procedure Act and  
19 invalid where agency failed to consider reliance interests and relevant factors). Thus, once deferred  
20 action is granted pursuant to regulation and congressional policy, the government may not revoke or  
21 disregard it arbitrarily or contrary to law.  
22

23 42. Authority to terminate deferred action rests within the Department of Homeland Security,  
24 but revocation must occur through lawful, reasoned decision-making consistent with governing  
25 statutes, regulations, and due-process principles. Agencies must at minimum consider the individual’s  
26 reliance interests, humanitarian equities, and the statutory purposes underlying the protection before  
27  
28

1 rescinding it. *See id.* at 26–30. Summary disregard of deferred action—particularly through coercive  
2 enforcement inconsistent with the grant—constitutes agency action not in accordance with law and  
3 therefore unlawful. *See* 5 U.S.C. § 706(2)(A).

4           43. Recent federal litigation concerning Special Immigrant Juvenile (“SIJ”) beneficiaries  
5 confirms that deferred-action determinations tied to humanitarian statutory schemes are not immune  
6 from judicial review merely because they involve discretion. Courts have held that where Congress  
7 and implementing regulations create a structured framework for protection, agencies must  
8 meaningfully consider and administer deferred action consistent with that framework, and blanket or  
9 arbitrary refusals are reviewable and unlawful. *See, e.g., J.L. v. Cissna*, 341 F. Supp. 3d 1048, 1062–  
10 64 (N.D. Cal. 2018); *R.F.M. v. Nielsen*, 365 F. Supp. 3d 350, 372–74 (S.D.N.Y. 2019) (holding SIJ-  
11 related policies reviewable and inconsistent with statutory design). These principles apply with equal  
12 force to U-visa deferred action, which likewise implements congressionally mandated humanitarian  
13 protection.

14           44. Deferred action may therefore be revoked only where the agency actually exercises its  
15 discretion through lawful procedures and reasoned explanation, such as where new disqualifying  
16 conduct arises, statutory eligibility is lost, or humanitarian and law-enforcement purposes no longer  
17 support continued protection. Absent such lawful revocation, the government’s own grant of deferred  
18 action reflects an operative determination that removal should not occur during the pendency of the  
19 underlying humanitarian petition.

20           45. Once USCIS affirmatively grants deferred action pursuant to statute, regulation, or formally  
21 structured humanitarian programs, that protection may be withdrawn only through lawful agency action  
22 consistent with administrative-law requirements and the governing statutory framework. *See Dep’t of*  
23 *Homeland Sec. v. Regents of the Univ. of Cal.*, 591 U.S. 1, 26–30 (2020) (holding rescission of deferred-  
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1 action policy unlawful where the agency failed to provide a satisfactory explanation and consider  
2 reliance interests); 5 U.S.C. § 706(2)(A) (requiring courts to set aside agency action that is arbitrary,  
3 capricious, or not in accordance with law). Deferred action represents an exercise of prosecutorial  
4 discretion that carries concrete legal and practical consequences—including eligibility for employment  
5 authorization and reliance interests arising from the government’s express decision to forbear removal.  
6 Accordingly, rescission or termination of deferred action must occur through reasoned decision-making  
7 that considers the relevant statutory purposes, the individual’s reliance interests, and the factual basis  
8 for withdrawal, rather than through silent disregard or contradictory enforcement. *Id.*

10 46. These principles apply with particular force where deferred action is granted to implement  
11 congressionally mandated humanitarian protections, such as the U-visa framework. Because deferred  
12 action in this context operationalizes statutory objectives—namely, protecting crime victims and  
13 facilitating cooperation with law enforcement—its termination must be grounded in a legally  
14 cognizable change in circumstances or reasoned discretionary judgment consistent with those purposes.  
15 Summary enforcement actions that effectively nullify an unrevoked grant of deferred action, without  
16 notice, explanation, or lawful reconsideration by the Department of Homeland Security, constitute  
17 arbitrary agency action and ultra vires conduct subject to judicial review. *See Regents*, 591 U.S. at 26–  
18 30; 5 U.S.C. § 706(2)(A).

21 47. Government conduct that compels departure, imposes detention-like restraints, or otherwise  
22 effectuates removal despite an unrevoked grant of deferred action is inconsistent with the regulatory  
23 scheme, contrary to congressional purpose, and arbitrary under the Administrative Procedure Act. *See*  
24 5 U.S.C. § 706(2)(A); *Regents*, 591 U.S. at 26–28.

**PROCEDURAL AND FACTUAL BACKGROUND**

1  
2 48. Petitioners are citizens and nationals of Mexico who are physically present in the United  
3 States and subject to final orders of removal entered on November 28, 2023. *See* Ex. 1. Each Petitioner  
4 has since filed, or is the derivative beneficiary of, a petition for U nonimmigrant status arising from  
5 qualifying criminal activity investigated by local law enforcement, and USCIS has issued bona fide  
6 determinations and grants of deferred action on those petitions. *See* Exs. 7–11. Petitioners therefore  
7 remain in the United States pursuant to the government’s affirmative decision to forbear removal during  
8 adjudication of their humanitarian applications.  
9

10 49. Notwithstanding these federal determinations, ICE has placed each Petitioner in ISAP,  
11 requiring continuous GPS ankle monitoring, strict reporting obligations, geographic confinement, and  
12 compliance with electronic-monitoring rules enforceable by arrest or detention for any alleged  
13 violation. *See* Ex. 13. These conditions impose substantial and ongoing restraints on Petitioners’ liberty  
14 comparable to physical custody.  
15

16 50. ICE has additionally directed Petitioners to depart the United States by specified dates  
17 despite the pendency of their U-visa petitions and the existence of unrevoked deferred-action grants.  
18 ICE first instructed Petitioners to depart on or about February 23, and later extended the departure  
19 directive to March 10, thereby maintaining an ongoing and imminent threat of removal. *See* Ex. 12.  
20 ICE has not identified any intervening conduct, statutory disqualification, or lawful revocation of  
21 deferred action that would authorize execution of the removal orders during adjudication of the  
22 humanitarian petitions.  
23

24 51. As a result of ICE’s supervision regime and threatened enforcement, Petitioners remain  
25 subject to continuous government restraint and the imminent prospect of detention or deportation,  
26 notwithstanding DHS’s determination that removal should be deferred. But for ICE’s imposition of  
27  
28

1 ISAP monitoring and departure directives, Petitioners would be permitted to remain in the United  
2 States pursuant to their deferred-action status while USCIS adjudicates their U-visa petitions.

3 52. Because ICE's custody-like supervision and threatened removal persist in the absence of  
4 any lawful revocation of deferred action or statutory basis for enforcement, Petitioners are presently  
5 restrained in violation of the Constitution and laws of the United States. Petitioners therefore seek  
6 habeas relief under 28 U.S.C. § 2241 to terminate these unlawful restraints, enjoin execution of removal  
7 during the pendency of their U-visa petitions, and restore Petitioners to the legal position required by  
8 DHS's own deferred-action determinations.  
9

### 10 ARGUMENTS

#### 11 **I. PETITIONERS ARE "IN CUSTODY" FOR PURPOSES OF HABEAS REVIEW** 12 **BECAUSE THERE ARE SIGNIFICANT RESTRAINTS ON THEIR LIBERTY**

13 52. Habeas jurisdiction under 28 U.S.C. § 2241 extends to any circumstance in which the  
14 government imposes a present and significant restraint on liberty, even where the petitioner is not in  
15 physical federal detention. The Supreme Court has repeatedly rejected a narrow conception of custody  
16 and has held that habeas relief is available whenever government action subjects an individual to  
17 concrete restraints not shared by the public generally. *See Hensley v. Mun. Ct.*, 411 U.S. 345, 351  
18 (1973); *Jones v. Cunningham*, 371 U.S. 236, 242–43 (1963); *Carafas v. LaVallee*, 391 U.S. 234, 238  
19 (1968).  
20

21  
22 53. Here, Petitioners are subjected to ISAP conditions, including continuous GPS ankle  
23 monitoring, geographic confinement, mandatory reporting requirements, and strict compliance rules  
24 enforceable by arrest or detention for any alleged violation. *See Ex. 13*. These restrictions impose  
25 ongoing government control over Petitioners' movement, daily activities, and physical liberty, placing  
26 them under restraints closely analogous to parole or supervised release, forms of custody long  
27 recognized as sufficient to invoke federal habeas jurisdiction. *See Jones*, 371 U.S. at 242–43.  
28

1 54. Petitioners are also subject to active and imminent removal directives notwithstanding their  
2 unrevoked grants of deferred action. ICE has instructed Petitioners to depart the United States, first by  
3 February 23 and subsequently by March 10, thereby creating a concrete and inevitable threat of  
4 detention and deportation. *See* Ex. 12. This threatened enforcement is neither speculative nor  
5 hypothetical; it constitutes a present restraint on liberty and an imminent exercise of physical custody  
6 sufficient to satisfy the habeas “in custody” requirement. *See Hensley*, 411 U.S. at 351.  
7

8 55. Federal courts have consistently recognized that immigration supervision regimes and  
9 similar restraints on liberty fall within the scope of habeas custody where they significantly curtail  
10 freedom of movement or subject the individual to imminent detention. *See, e.g., Zadvydas v. Davis*,  
11 533 U.S. 678, 690 (2001) (recognizing habeas review of civil immigration custody); *Rosales-Garcia*  
12 *v. Holland*, 322 F.3d 386, 395–96 (6th Cir. 2003) (en banc) (post-removal-order supervision and  
13 restraint sufficient for habeas jurisdiction). The ISAP conditions and removal directives imposed here  
14 operate as present restraints on Petitioners’ liberty, placing them squarely within this Court’s habeas  
15 jurisdiction.  
16

17 56. Moreover, the combination of continuous electronic surveillance, geographic restriction,  
18 mandatory reporting, and imminent removal imposes substantial psychological, physical, and legal  
19 burdens that meaningfully restrict Petitioners’ autonomy and ability to live free from government  
20 control. These restraints are not temporary or incidental but instead constitute an ongoing regime of  
21 custody-like supervision maintained solely through federal immigration authority. Such conditions fall  
22 well within the historic scope of the Great Writ, which exists to provide a swift judicial remedy against  
23 unlawful governmental restraint. *See Fay v. Noia*, 372 U.S. 391, 400 (1963). The Tenth Circuit likewise  
24 recognizes federal habeas jurisdiction over immigration-related restraints on liberty that are  
25 independent of the validity of a removal order. *See Soberanes*, 388 F.3d at 1310–11; *Moya*, 975 F.3d  
26  
27  
28

1 at 127–29. Petitioners’ challenge to ongoing supervision and threatened execution of removal during  
2 unrevoked deferred action therefore falls squarely within this Court’s habeas authority.

3 57. Because Petitioners are presently subject to significant, concrete, and imminent restraints  
4 on their liberty imposed by federal immigration authorities, they are “in custody” within the meaning  
5 of 28 U.S.C. § 2241, and this Court therefore possesses jurisdiction to adjudicate the legality of those  
6 restraints and to grant appropriate habeas relief.  
7

8 **II. THERE IS NO EVIDENCE THAT PROPER PROCEDURE WAS FILED TO**  
9 **REVOKE PETITIONERS’ DEFERRED ACTION**

10 58. USCIS affirmatively determined that Petitioners’ U-visa petitions are bona fide and granted  
11 deferred action during the pendency of adjudication. *See* Exs. 7–11. Deferred action constitutes an  
12 exercise of prosecutorial discretion through which DHS elects to forbear from executing removal for  
13 humanitarian, law-enforcement, or administrative reasons. *See Reno v. Am.-Arab Anti-Discrimination*  
14 *Comm.*, 525 U.S. 471, 483–84 (1999); *Dep’t of Homeland Sec. v. Regents of the Univ. of Cal.*, 591 U.S.  
15 1, 12–13 (2020). Once granted pursuant to statute and regulation, deferred action carries concrete legal  
16 consequences, including eligibility for employment authorization and reliance interests grounded in the  
17 government’s express determination that removal should not occur during adjudication. *See Regents*,  
18 591 U.S. at 26–30.  
19

20 59. Because deferred action is implemented through structured statutory and regulatory  
21 programs, its termination must occur through lawful agency action consistent with administrative-law  
22 requirements, including reasoned decision-making and consideration of reliance interests. *See id.*; 5  
23 U.S.C. § 706(2)(A). Agencies may not nullify an operative grant of deferred action through silent  
24 disregard, contradictory enforcement, or informal action untethered to lawful procedure. *See Regents*,  
25 591 U.S. at 26–30.  
26  
27  
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1 60. Here, no evidence exists that DHS has lawfully revoked Petitioners' deferred action.  
2 Petitioners have received no notice of termination, no explanation of changed circumstances, and no  
3 indication that USCIS or any authorized DHS official has undertaken a reasoned reconsideration of the  
4 deferred-action grants. Nor has DHS identified any statutory disqualification, intervening misconduct,  
5 or loss of eligibility that could justify rescission. The deferred-action determinations therefore remain  
6 operative and binding within the agency's own regulatory framework. *See* 8 C.F.R. § 214.14(d)(2).  
7

8 61. Despite the absence of any lawful revocation, ICE has imposed custody-like supervision  
9 and imminent removal directives inconsistent with the continued existence of deferred action. *See* Exs.  
10 12–13. Government conduct that effectively nullifies deferred action without formal termination  
11 constitutes arbitrary and ultra vires agency action, because it bypasses required administrative  
12 procedures and contradicts DHS's own humanitarian determinations. *See* 5 U.S.C. § 706(2)(A);  
13 *Regents*, 591 U.S. at 26–30.  
14

15 62. These principles apply with particular force in the U-visa context, where deferred action  
16 implements Congress's express purpose of protecting cooperating crime victims and enabling law-  
17 enforcement investigation and prosecution. *See* Victims of Trafficking and Violence Protection Act of  
18 2000, Pub. L. No. 106-386, § 1513(a)(2)(A)–(B), 114 Stat. 1464, 1533; 8 C.F.R. § 214.14(d)(2).  
19 Permitting removal or detention-like supervision absent lawful revocation would frustrate the statutory  
20 scheme and undermine the reliance interests Congress sought to protect.  
21

22 63. Because Petitioners' deferred action remains unrevoked as a matter of law, ICE lacks  
23 authority to execute removal, impose coercive supervision designed to compel departure, or otherwise  
24 treat Petitioners as subject to immediate enforcement. Petitioners therefore remain entitled to the  
25 humanitarian protection conferred by DHS, and the contrary enforcement actions challenged here are  
26 unlawful.  
27  
28

1       **III. PETITIONERS ARE STATUTORILY ELIGIBLE FOR U-VISA PROTECTION**  
2       **BUT FOR THE NUMERICAL CAP.**

3           64. Petitioners' deferred-action grants arise within the unique statutory and regulatory  
4 framework governing U nonimmigrant status, which differs fundamentally from generalized exercises  
5 of prosecutorial discretion. Congress created the U-visa program to provide immigration protection to  
6 noncitizen victims of qualifying criminal activity who assist law enforcement, thereby strengthening  
7 the detection, investigation, and prosecution of serious crimes while advancing humanitarian  
8 objectives. *See* Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, §  
9 1513(a)(2)(A)–(B), 114 Stat. 1464, 1533; 8 U.S.C. § 1101(a)(15)(U).  
10

11           65. Under the governing regulations, where a petitioner meets all statutory eligibility  
12 requirements for U nonimmigrant status but cannot receive a visa solely because of the annual  
13 numerical cap, the Department of Homeland Security places that individual on a waiting list and grant  
14 temporary protection from removal, including deferred action, during the pendency of visa availability.  
15 *See* 8 C.F.R. § 214.14(d)(2). Deferred action in this context therefore reflects not a discretionary act  
16 untethered to eligibility, but rather the agency's determination that the petitioner would receive U-visa  
17 status but for the statutory cap imposed by Congress.  
18

19           66. Petitioners' bona fide determinations and deferred-action grants confirm that the  
20 government has already concluded their petitions are facially meritorious and supported by the requisite  
21 evidence of victimization, cooperation with law enforcement, and statutory eligibility. *See* Exs. 7–11.  
22 The only remaining barrier to issuance of U-visa status is the numerical limitation established by  
23 Congress, not any deficiency in Petitioners' eligibility. As a result, Petitioners stand in a materially  
24 different position from individuals who receive deferred action through purely discretionary  
25 enforcement policies unrelated to statutory entitlement.  
26  
27  
28

1 67. Federal courts have recognized that immigration protections grounded in structured  
2 humanitarian statutes and implementing regulations create meaningful legal expectations and reliance  
3 interests distinct from generalized discretionary forbearance. *Cf. Dep't of Homeland Sec. v. Regents of*  
4 *the Univ. of Cal.*, 591 U.S. 1, 26–30 (2020) (recognizing reliance interests arising from deferred-action  
5 programs implemented through formal policy); *R.F.M. v. Nielsen*, 365 F. Supp. 3d 350, 372–74  
6 (S.D.N.Y. 2019) (reviewing agency conduct inconsistent with statutory humanitarian protections).  
7 Those principles apply with particular force where, as here, deferred action operates as the mandatory  
8 interim protection for otherwise-eligible U-visa applicants awaiting visa availability. *See* 8 C.F.R. §  
9 214.14(d)(2).  
10

11 68. Because Petitioners have already been determined to qualify for U-visa protection and  
12 would receive U nonimmigrant status but for the statutory cap, their deferred-action grants embody  
13 Congress's judgment that they must remain in the United States safely while awaiting final  
14 adjudication. Execution of removal or imposition of coercive supervision inconsistent with that  
15 protection would therefore nullify the regulatory waiting-list framework, frustrate congressional  
16 purpose, and undermine law-enforcement cooperation that the U-visa statute was enacted to promote.  
17 *See* VTPVA § 1513(a)(2)(A)–(B); 8 C.F.R. § 214.14(d)(2).  
18

19 69. Petitioners are thus not merely recipients of discretionary enforcement forbearance; they  
20 are statutorily qualified humanitarian beneficiaries awaiting visa availability. Their continued presence  
21 in the United States is the precise outcome contemplated by Congress and DHS's implementing  
22 regulations. Accordingly, enforcement actions seeking to remove Petitioners before visa availability  
23 would be contrary to law and incompatible with the governing statutory and regulatory scheme.  
24  
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**CAUSES OF ACTION**

**1. FIRST CAUSE OF ACTION:  
Unlawful Custody in Violation of the Fifth Amendment and 28 U.S.C. § 2241**

70. Petitioner incorporates and realleges the allegations above.

71. The Federal courts possess jurisdiction under 28 U.S.C. § 2241 to grant habeas relief where an individual is held in custody in violation of the Constitution or laws of the United States. Civil immigration custody must be authorized by statute and consistent with the Due Process Clause of the Fifth Amendment, which prohibits arbitrary governmental restraint on physical liberty.

72. Habeas “custody” extends beyond physical detention to include any circumstance in which the government imposes present, significant restraints on liberty not shared by the public generally, including supervision regimes, reporting requirements, and movement restrictions. *See Jones v. Cunningham*, 371 U.S. 236, 242–43 (1963); *Hensley v. Mun. Ct.*, 411 U.S. 345, 351 (1973); *Carafas v. LaVallee*, 391 U.S. 234, 238 (1968).

73. Petitioners are subjected to ISAP custody conditions, including continuous GPS ankle monitoring, geographic confinement, mandatory reporting, and compliance requirements enforceable by arrest or detention. *See Ex. 13*. These restraints place Petitioners under ongoing governmental control over their movement and daily lives and therefore constitute custody within the meaning of 28 U.S.C. § 2241.

74. Petitioners are further subjected to active and imminent removal directives, having been instructed by ICE to depart the United States first by February 23 and later by March 10, notwithstanding the continued existence of unrevoked grants of deferred action associated with their bona fide U-visa petitions. *See Ex. 12*. These directives create an immediate and concrete threat of detention and deportation sufficient to satisfy the habeas custody requirement. *See Hensley*, 411 U.S. at 351.

1 75. Because the Department of Homeland Security has affirmatively granted deferred action to  
2 Petitioners and has not lawfully revoked that protection, the continued imposition of custody-like  
3 supervision and threatened execution of removal lacks statutory authorization and serves no legitimate  
4 regulatory purpose. Arbitrary restraint on physical liberty without lawful authority violates the Due  
5 Process Clause of the Fifth Amendment.  
6

7 76. Petitioners therefore are held in custody in violation of the Constitution and laws of the  
8 United States within the meaning of 28 U.S.C. § 2241(c)(3). Federal courts within the Tenth Circuit  
9 likewise recognize § 2241 jurisdiction over unlawful immigration custody and related liberty restraints.  
10 *See Soberanes*, 388 F.3d at 1310–11.  
11

12 77. Petitioners are entitled to habeas relief under 28 U.S.C. §§ 2241 and 2243, including an  
13 order declaring Respondents’ custody-like supervision and threatened removal unlawful, terminating  
14 ISAP monitoring and related restraints on liberty, and enjoining execution of Petitioners’ removal  
15 orders unless and until the government lawfully revokes deferred action or otherwise establishes  
16 statutory authority for custody.  
17

18 **2. SECOND CAUSE OF ACTION:**  
19 **Administrative Procedure Act – Agency Action Contrary to Law and Ultra Vires**

20 78. Petitioner incorporates and realleges the allegations above.

21 79. The APA requires federal courts to “hold unlawful and set aside” agency action that is  
22 arbitrary, capricious, an abuse of discretion, otherwise not in accordance with law, or in excess of  
23 statutory jurisdiction or authority. 5 U.S.C. § 706(2)(A), (C). Agency enforcement actions that  
24 contradict governing statutes, regulations, or binding agency determinations are unlawful and subject  
25 to judicial review.  
26

27 80. Federal immigration regulations expressly require that otherwise-eligible U-visa petitioners  
28 who cannot receive visas solely because of the statutory numerical cap must receive temporary

1 protection from removal, including deferred action, during the pendency of visa availability. *See* 8  
2 C.F.R. § 214.14(d)(2). Deferred action granted pursuant to this regulation implements Congress’s  
3 humanitarian and law-enforcement purposes and reflects the Department of Homeland Security’s  
4 determination that removal should not occur while adjudication remains pending.  
5

6 81. Petitioners have received bona fide determinations and grants of deferred action in  
7 connection with pending U-visa petitions arising from qualifying criminal activity and cooperation  
8 with law enforcement. *See* Exs. 7–11. These determinations confirm that Petitioners are statutorily  
9 qualified humanitarian beneficiaries awaiting visa availability and that DHS has elected to forbear  
10 removal during adjudication.  
11

12 82. Immigration and Customs Enforcement (“ICE”) has nevertheless imposed custody-like  
13 ISAP supervision and has directed Petitioners to depart the United States, first by February 23 and later  
14 by March 10, notwithstanding the continued existence of unrevoked deferred-action grants. *See* Exs.  
15 12–13. ICE has not identified any lawful revocation of deferred action, statutory disqualification, or  
16 other legal basis rendering removal presently executable.  
17

18 83. Enforcement actions that compel departure, impose detention-like restraints, or otherwise  
19 effectuate removal despite unrevoked deferred action are contrary to the governing regulatory  
20 framework, inconsistent with congressional purpose, and therefore not in accordance with law within  
21 the meaning of 5 U.S.C. § 706(2)(A). Such actions also exceed DHS’s statutory authority and are ultra  
22 vires under § 706(2)(C) because removal is not legally authorized while deferred action remains  
23 operative.  
24

25 84. The Supreme Court has confirmed that rescission or disregard of deferred-action protections  
26 must be supported by reasoned decision-making consistent with statutory purpose and reliance  
27 interests, and agency action lacking such justification is unlawful under the APA. *See Dep’t of*  
28

1 *Homeland Sec. v. Regents of the Univ. of Cal.*, 591 U.S. 1, 26–30 (2020). Here, no such lawful  
2 revocation or reasoned explanation exists.

3 85. Because Respondents’ enforcement actions are contrary to law, arbitrary and capricious,  
4 and in excess of statutory authority, Petitioners are entitled to relief under the Administrative Procedure  
5 Act, including declaratory and injunctive relief setting aside the unlawful agency conduct.  
6

7 86. Petitioners therefore seek an order declaring Respondents’ attempted execution of removal  
8 and custody-like supervision unlawful, vacating those actions under 5 U.S.C. § 706, enjoining further  
9 enforcement inconsistent with Petitioners’ deferred-action protection, and granting such additional  
10 relief as necessary to restore compliance with federal law.  
11

12 **3. THIRD CAUSE OF ACTION:**  
13 **Administrative Procedure Act – Failure to Follow Required Procedure**

14 87. Petitioner incorporates and realleges the allegations above.

15 88. The Administrative Procedure Act requires federal courts to hold unlawful and set aside  
16 agency action taken “without observance of procedure required by law.” 5 U.S.C. § 706(2)(D). Where  
17 statutes, regulations, or binding agency determinations establish procedural safeguards governing the  
18 exercise or withdrawal of discretionary immigration protections, federal agencies must comply with  
19 those procedures before imposing enforcement consequences inconsistent with the existing protection.  
20

21 89. Federal immigration regulations governing U-visa eligibility and waiting-list protection  
22 require that otherwise-eligible petitioners who cannot receive visas solely because of the statutory cap  
23 must be granted temporary protection from removal, including deferred action, during the pendency of  
24 visa availability. *See* 8 C.F.R. § 214.14(d)(2). This regulatory framework establishes a structured  
25 process for administering humanitarian protection and does not permit summary nullification through  
26 informal or contradictory enforcement.  
27  
28

1 90. Petitioners received bona fide determinations and grants of deferred action pursuant to this  
2 statutory and regulatory framework. *See* Exs. 7–11. Those determinations created operative agency  
3 protections and corresponding reliance interests that could be withdrawn only through lawful  
4 reconsideration and reasoned agency decision-making consistent with governing procedures. *See Dep't*  
5 *of Homeland Sec. v. Regents of the Univ. of Cal.*, 591 U.S. 1, 26–30 (2020).  
6

7 91. Respondents have not provided Petitioners with notice of termination, explanation of  
8 revocation, identification of changed circumstances, or any procedurally valid agency determination  
9 rescinding deferred action. Nor have Respondents followed any formal mechanism required to  
10 withdraw the regulatory protection associated with Petitioners' U-visa status. Deferred action therefore  
11 remains operative as a matter of law.  
12

13 92. Despite the absence of any lawful procedural revocation, ICE has imposed custody-like  
14 ISAP supervision and directives compelling Petitioners to depart the United States, first by February  
15 23 and later by March 10, actions that effectively nullify deferred action without compliance with  
16 required procedures. *See* Exs. 12–13.  
17

18 93. Agency conduct that functionally rescinds or disregards deferred action without observance  
19 of required procedures constitutes agency action taken in violation of 5 U.S.C. § 706(2)(D) and is  
20 therefore unlawful. *See Regents*, 591 U.S. at 26–30 (requiring reasoned and procedurally adequate  
21 rescission of deferred-action protections).  
22

23 94. Because Respondents failed to follow the procedures required by law before imposing  
24 enforcement actions inconsistent with Petitioners' deferred-action protection, those actions must be set  
25 aside under the Administrative Procedure Act.  
26

27 95. Petitioners therefore seek declaratory and injunctive relief vacating Respondents' procedurally  
28 unlawful enforcement conduct, prohibiting further action inconsistent with Petitioners' unrevoked

1 deferred-action status, and granting such additional relief as necessary to ensure compliance with  
2 federal law.

3 **4. FOURTH CAUSE OF ACTION:**  
4 **Violation of the Fifth Amendment Due Process Clause**

5 96. Petitioner incorporates and realleges the allegations above.

6 97. The Due Process Clause of the Fifth Amendment prohibits the federal government from  
7 depriving any person of liberty without due process of law. Civil immigration enforcement, including  
8 detention, supervision, and execution of removal, must therefore be authorized by statute, consistent  
9 with governing regulations, and free from arbitrary governmental action. *See Zadvydas v. Davis*, 533  
10 U.S. 678, 690 (2001).

11 98. Petitioners possess constitutionally protected liberty interests in freedom from physical  
12 restraint, freedom from arbitrary governmental supervision, and reliance on the government's  
13 affirmative grants of deferred action issued pursuant to the U-visa statutory and regulatory framework.  
14 Once the government confers humanitarian protection designed to permit continued presence in the  
15 United States, it may not disregard that protection through coercive enforcement lacking lawful basis  
16 or procedural safeguards. *See Dep't of Homeland Sec. v. Regents of the Univ. of Cal.*, 591 U.S. 1, 26–  
17 30 (2020).

18 99. Respondents have imposed custody-like ISAP supervision, continuous GPS monitoring,  
19 geographic confinement, mandatory reporting obligations, and directives compelling Petitioners to  
20 depart the United States, first by February 23 and later by March 10, notwithstanding the continued  
21 existence of unrevoked deferred-action grants. *See Exs. 12–13*. These actions impose substantial  
22 restraints on Petitioners' physical liberty and expose them to imminent detention and deportation.

23 100. Because Respondents have neither lawfully revoked deferred action nor identified any  
24 statutory authority permitting execution of removal or custody-like supervision, the challenged  
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1 enforcement actions are arbitrary, irrational, and fundamentally inconsistent with the governing  
2 humanitarian statutory scheme. Government conduct that restrains liberty without lawful authority  
3 violates the core guarantee of due process. *See Zadvydas*, 533 U.S. at 690.

4 101. The absence of lawful process is particularly severe here because Petitioners relied on  
5 DHS's deferred-action determinations implementing Congress's protection for cooperating crime  
6 victims, and Respondents' contrary enforcement nullifies those protections without notice, explanation,  
7 or meaningful opportunity to be heard. Such arbitrary deprivation of liberty offends the fundamental  
8 fairness required by the Fifth Amendment. *See Regents*, 591 U.S. at 26–30.

9 102. As a direct and proximate result of Respondents' unconstitutional conduct, Petitioners  
10 continue to suffer ongoing restraints on liberty and the imminent threat of detention and removal in  
11 violation of the Fifth Amendment.  
12

13 103. Petitioners are therefore entitled to declaratory, injunctive, and habeas relief prohibiting  
14 Respondents from enforcing removal orders, imposing ISAP supervision, or otherwise restraining  
15 Petitioners' liberty absent lawful revocation of deferred action or other valid statutory authority  
16 consistent with due process.  
17

18  
19 **5. FIFTH CAUSE OF ACTION:**  
20 **Ultra Vires Agency Action and Non-Statutory Review**

21 104. Petitioner incorporates and realleges the allegations above.

22 105. Federal courts retain inherent equitable authority to review and enjoin agency action taken  
23 in excess of statutory authority or contrary to constitutional limitations, even where specific statutory  
24 causes of action may be limited. *See Leedom v. Kyne*, 358 U.S. 184, 188–89 (1958). Such non-statutory  
25 review is available where an agency has plainly acted beyond the bounds of authority delegated by  
26 Congress.  
27  
28

1 106. The Immigration and Nationality Act and its implementing regulations establish a  
2 comprehensive statutory framework governing removal, humanitarian protection, and deferred action  
3 for qualifying U-visa petitioners. *See, e.g.*, 8 U.S.C. § 1101(a)(15)(U); 8 C.F.R. § 214.14(d)(2). Under  
4 that framework, the Department of Homeland Security provides temporary protection from removal,  
5 including deferred action, to otherwise-eligible petitioners awaiting visa availability due solely to the  
6 statutory numerical cap.

8 107. Petitioners have received bona fide determinations and grants of deferred action pursuant  
9 to this statutory and regulatory scheme. *See* Exs. 7–11. No lawful revocation of deferred action has  
10 occurred, and Petitioners therefore remain entitled to the government’s forbearance from removal  
11 during adjudication of their U-visa petitions.

13 108. Respondents’ actions—imposing custody-like ISAP supervision, continuous GPS  
14 monitoring, geographic confinement, and directives compelling Petitioners to depart the United States,  
15 first by February 23 and later by March 10—seek to effectuate removal notwithstanding the continued  
16 existence of unrevoked deferred action. *See* Exs. 12–13. These enforcement measures contradict  
17 governing statutes and regulations and therefore exceed the authority delegated to Respondents under  
18 federal immigration law.

20 109. Agency conduct that nullifies congressionally mandated humanitarian protection without  
21 lawful revocation is *ultra vires* and subject to equitable judicial intervention. *See Leedom*, 358 U.S. at  
22 188–89. Courts may therefore enjoin enforcement actions that operate beyond statutory limits or  
23 frustrate the purposes of federal law.

25 110. Because Respondents are acting in excess of statutory jurisdiction and contrary to federal  
26 law, Petitioners are entitled to equitable, declaratory, and injunctive relief prohibiting further unlawful  
27  
28

1 enforcement and restoring Petitioners to the legal position required by the Immigration and Nationality  
2 Act and its implementing regulations.

3 111. Absent judicial intervention, Petitioners will continue to suffer ongoing unlawful restraints  
4 on liberty and the imminent risk of removal despite Congress's directive that qualifying U-visa  
5 petitioners receive protection from removal during adjudication. Equity therefore requires immediate  
6 relief.  
7

8 **RESERVATION OF RIGHTS**

9 Petitioner reserves the right to add additional allegations of agency error and related causes  
10 of action upon receiving the certified administrative record.  
11

12 **PRAYER FOR RELIEF**

13 WHEREFORE, Petitioner requests that this Court grant the following relief:

- 14 A. Assume jurisdiction over this habeas and declaratory action pursuant to 28 U.S.C. §§ 1331, 2241–  
15 2243 and 28 U.S.C. §§ 2201–2202, and issue an Order to Show Cause “forthwith” under 28 U.S.C. §  
16 2243;  
17 B. Grant the Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 and declare that Petitioners  
18 are in custody in violation of the Constitution and laws of the United States, including Title 8, due to  
19 the restraints on their liberty;  
20 C. Order Respondents to immediately end Petitioners’ ISAP supervision;  
21 D. Enjoin Respondents from removing Petitioners while their deferred action remains valid;  
22 E. Award Petitioner costs of this action to the extent permitted by law, including costs authorized under  
23 28 U.S.C. § 1920 and, where applicable, the Equal Access to Justice Act, 28 U.S.C. § 2412; and  
24 F. Grant such other and further relief as the Court deems just and proper.  
25  
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28 DATED: February 5, 2026

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Respectfully submitted,

/S/ ALEC S. BRACKEN  
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**Verification by Someone Acting on Petitioner’s Behalf Pursuant to 28 U.S.C. 2242**

I am submitting this verification on behalf of Petitioner because I am one of Petitioner’s Attorneys. I have discussed with the Petitioners the events described in this Petition. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

DATED: February 5, 2026

Respectfully submitted,

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