

“The subject does not appear to be a threat to national security, border security or public safety” The subject was released from the custody of the Department of Homeland Security (DHS) by ‘Order of Recognizance’ (O.R.) pending their immigration hearing. This was authorized through proper channels in accordance with San Diego Sector protocols “.²

2. At the time Petitioner was released by DHS on his own recognizance, he was given a Notice to Appear (NTA) and as well as instructions to attend scheduled check-ins with DHS, to keep his address up to date with DHS, to appear for all hearings in the immigration court and not to violate any laws. Petitioner complied with all requirements of his release including keeping his address up to date
3. On September 19, 2024, the Petitioner filed his I-589 Application for Asylum and Withholding of Removal with the Executive Office of Immigration Review (EOIR) which is the immigration court that adjudicates removal cases. This application remains pending with the EOIR and was pending at the time that Petitioner was taken into custody.
4. Petitioner is a long-haul truck driver and while driving his semi-truck through the state of Oklahoma, the Petitioner was involved in a minor car accident on November 7, 2025. Petitioner alleges that the accident was the fault of the other party, however, the Oklahoma Highway Patrol (OHP) trooper failed to provide the Petitioner with a copy of the citation, so Petitioner does not even know what infraction for which he was being cited.
5. Petitioner alleges that the OHP trooper asked him why he was “driving through a Republican state as an illegal immigrant.” Petitioner is not “illegal” as his case is pending with EOIR. Petitioner has a valid work authorization, social security card and

² Exhibit 1 pg. 5 of 7

a valid Commercial Drivers' license. There was no lawful reason for the OHP trooper to physically detain the Petitioner. Petitioner was held by OHP and turned over to the custody of DHS.

6. Petitioner informed the DHS officer that he already has a pending case with EOIR, but the DHS officer told him that did not matter. Petitioner asked why he was being re-detained, and he was told by the DHS officer that it was because there is a new administration. This is not a lawful reason to re-detain the Petitioner.
7. Petitioner was taken into DHS custody and sent to Cimarron Correctional Facility in Cushing, Oklahoma on November 7, 2026, where he remains detained, to date.³
8. Accordingly, to vindicate Petitioner's Constitutional & regulatory rights, this Court should grant the instant Petition for a Writ of Habeas Corpus or order the Respondents to show cause why the Petitioner should be detained. Petitioner asks this Court to find that the Petitioner's detention is unlawful and order his immediate release.

II. JURISDICTION

9. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (Habeas Corpus), 28 U.S.C. § 1331 (Federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause). This Court may grant relief under the habeas corpus statutes, 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.

³ Exhibit 3

III. VENUE

10. Venue is proper because Petitioner is detained at Cimarron Correctional Facility in Cushing, Oklahoma, which is within the jurisdiction of this Court.

IV. REQUIREMENTS OF 28 U.S.C. § 2243

11. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within *three days* unless for good cause. Additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).
12. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, 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).

V. PARTIES

13. Petitioner is a foreign national in immigration proceedings and is currently detained at Cimarron Correctional Facility in Cushing, Oklahoma and he is in the custody of, and under the direct control, of Respondents and their agents.
14. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the

Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

15. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act and oversees U.S. Immigration and Customs Enforcement U.S. Customs and Border Protection, the component agency responsible for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner.
16. Respondent Todd M. Lyons is sued in his official capacity as the Acting Director of the U.S. Immigration and Customs Enforcement. Respondent Lyons is responsible for the enforcement of the Immigration and Nationality Act and oversees U.S. Immigration and Customs Enforcement. Respondent Lyons is a legal custodian of the Petitioner.
17. Respondent Joshua Johnson is sued in his official capacity as the Acting Director of the Dallas Field Office of U.S. Immigration and Customs Enforcement. Respondent Johnson is a legal custodian of Petitioner and has authority to release him.
18. Respondent Dr. Scarlet Grant is the Warden of Cimarron Correctional Facility and has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent, Dr. Scarlet Grant, is a legal custodian of Petitioner and has the authority to release him.

VI. LEGAL ARGUMENT

DHS Lacks Authority to Re-Detain a Respondent Previously Released on Bond or on an Order of Supervision Absent Materially Changed Circumstances

19. Although 8 C.F.R. § 236.1(c) authorizes DHS to arrest and detain a noncitizen whose removal proceedings are pending, that authority is *not unlimited*. Detention under § 236.1(c) implements INA § 236(a), which is discretionary and constrained by fundamental due process principles. Once DHS has exercised that discretion to release a respondent on bond or on their own recognizance, it may not re-detain the individual without a legitimate and materially changed custody basis.
20. Allowing re-detention in the absence of new facts would render the initial bond or supervisory release determination meaningless and permit indefinite, cyclical detention, a result inconsistent with the regulatory scheme and constitutional norms.

VII. CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

21. The allegations in the above paragraphs are realleged and incorporated herein.
22. The Fifth Amendment's Due Process Clause protects all "persons" within the United States, including noncitizens, from arbitrary deprivation of liberty. Immigration detention is civil, not punitive, and therefore must be reasonably related to a legitimate governmental purpose and accompanied by fundamentally fair procedures.

23. Once the government has exercised its detention authority and released an individual from custody, the individual's liberty interest is reinvigorated and substantial. Any subsequent deprivation of that liberty requires heightened procedural and substantive justification.
24. The Fifth Amendment prohibits detention that is disconnected from its civil purpose. Civil detention is constitutional only when it is reasonably related to its stated purpose. *Zadvydas v. Davis*, 533 U.S. 678 (2001) Re-detention without notice or new justification bears no rational relationship to ensuring appearance at proceedings or protecting the community which it is alleged to accomplish. Instead, it operates as punishment for past conduct or procedural posture, which the Fifth Amendment categorically forbids in civil immigration enforcement.
25. To date, the Respondents have provided no legitimate basis to re-detain the Petitioner.
26. For these reasons, the Petitioner's detention violates the Due Process clause of the Fifth Amendment

COUNT TWO

Re-detention absent materially changed circumstances violates 8 C.F.R. § 236.1(c)

27. The allegations in the above paragraphs are realleged and incorporated herein.
28. Under 8 C.F.R. § 236.1 and re-detention absent materially changed circumstances is a violation of this Federal Regulation.
29. For these reasons, Petitioner's detention violates 8 C.F.R. § 236.1(c)

COUNT THREE

Arbitrary Re-Detention violates the Administrative Procedures Act (APA)

30. The allegations in the above paragraphs are realleged and incorporated herein.

31. Agency action is unlawful when it is arbitrary, capricious or an unexplained departure from a prior policy or factual findings.

32. The Petitioner was released on Recognizance and DHS even stated that he “did not appear to be a threat to national security, border security or public safety” at the time of his release March 17, 2024.⁴ With no change circumstances, the re-detention of the Petitioner is arbitrary and capricious.

33. The arbitrary re-detention of the Petitioner by DHS without notice or materially changed circumstances is a violation of the APA.

VIII. PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter.
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- (3) Declare that Petitioner’s detention violates the Due Process Clause of the Fifth Amendment, 8 C.F.R. § 236.1(c), and the Administrative Procedures Act.
- (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately.
- (5) Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (6) Grant any further relief this Court deems just and proper.

⁴ Exhibit 1 page 5 of 7

Respectfully submitted,

Dated: February 11, 2026

A handwritten signature in black ink, appearing to be 'G. Pointon', is written over a horizontal line.

Counsel for Petitioner

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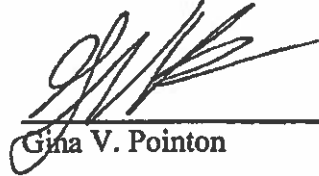
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Ali Celik, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 11th day of February 2026.



Gina V. Pointon