

CIVIL COVER SHEET

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.)

I. (a) PLAINTIFFS

SHEPHERD NKEMAKE ZIFAC

(b) Torrance (Detained)

County of Residence of First Listed Plaintiff(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Louren Oliveros, Louren Oliveros Law, LLC, 50 Charles Lindbergh Blvd, Ste 205, Uniondale, NY 11553, 516-310-4954

DEFENDANTS

PAMELA BONDI, Attorney General; KRISTI NOEM, Secretary, U.S. Department of Homeland Security; TODD M. LYONS, Acting Director of Immigration and Customs Enforcement; MARISA FLORES, Director, El Paso Field Office Immigration and Customs Enforcement; and MELISSA ORTIZ, Acting Warden, Torrance County Detention Facility

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, 1 1, 2 2, 3 3, 4 4, 5 5, 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, PERSONAL INJURY, PRISONER PETITIONS, LABOR, IMMIGRATION, FORFEITURE/PENALTY, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like 110 Insurance, 210 Land Condemnation, 310 Airplane, 440 Other Civil Rights, 463 Alien Detainee, 710 Fair Labor Standards Act, 820 Copyrights, 870 Taxes, etc.

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, 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 USC Section 2241; 8 USC 1225, 1226. Brief description of cause: habeas petition for unlawful detention

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 2/11/2026 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO
ALBUQUERQUE DIVISION**

SHEPHERD NKEMAKE ZIFAC,

Petitioner,

v.

Case No. _____

PAMELA BONDI, Attorney General;
KRISTI NOEM, Secretary, U.S. Department
of Homeland Security; TODD M. LYONS, Acting
Director of Immigration and Customs Enforcement;
MARISA FLORES, Director, El Paso Field Office
Immigration and Customs Enforcement; and
MELISSA ORTIZ, Acting Warden, Tarrant County
Detention Facility,

Respondents.

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Shepherd Nkemake Zifac, by his attorney Louren Oliveros of Louren Oliveros Law, LLC, submits the following Verified Petition for Writ of Habeas Corpus:

INTRODUCTION

Petitioner, Mr. Shepherd Nkemake Zifac (“Petitioner” or “Mr. Zifac”), is a resident of St. Paul, Ramsey County, Minnesota, and a citizen of Cameroon. Petitioner was detained by Immigration and Customs Enforcement (“ICE”) and remains in ICE’s custody in New Mexico. Petitioner has a pending application for asylum and is not the subject of a final order of removal; as such, Petitioner’s detention by ICE is unlawful. There is no indication that the agents had a warrant for his arrest. If the Court sees fit to order release, Petitioner respectfully requests specific relief to ensure a safe return home, including release: 1) in Minnesota; 2) at a safe place/time communicated in advance to counsel; 3) with all personal effects, such as driver’s license, passport, immigration documents, keys, and cell phone; and 4) without conditions.

JURISDICTION AND VENUE

1. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1361 (federal employee mandamus action); 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. § 2241 (habeas corpus); Art. I, § 9, c. 2 of the U.S. Constitution (“Suspension Clause”); 5 U.S.C. § 702 (waiver of sovereign immunity); and 28 U.S.C. § 2201 (Declaratory Judgment Act).

2. Federal question jurisdiction exists because Petitioner seeks to challenge his custody as a violation of the Constitution and the Immigration and Nationality Act, 8 U.S.C. § 1101 *et seq.*

3. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas petitions by noncitizens challenging the lawfulness or constitutionality of their detention by the Department of Homeland Security (“DHS”). *Denmore v. Kim*, 538 U.S. 510, 516-17 (2003);

Jennings v. Rodriguez, 583 U.S. 281, 292-93 (2018); and *Nielsen v. Preap*, 586 U.S. 392, 401-02 (2019).

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

PARTIES

5. Petitioner is a citizen of Cameroon and a resident of Minnesota. Petitioner is “in custody” because he is detained at the Tarrant County Detention Facility (“TCDF”) by Respondents in New Mexico. Petitioner is under the direct control of the Respondents and has no scheduled release date. Petitioner has an A number, which undersigned will provide upon request by the Court.

6. Respondent Pamela Bondi is being sued in her official capacity as the Attorney General of the United States and the head of the Department of Justice, 950 Pennsylvania Ave NW, Washington DC 20530. Attorney General Bondi shares responsibility for implementation and enforcement of the immigration detention statutes, along with Respondent Noem. Attorney General Bondi is a legal custodian of Petitioner.

7. Respondent Kristi Noem is being sued in her official capacity as the Secretary of the Department of Homeland Security. In this capacity, Secretary Noem is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(a), routinely transacts

business in the District of New Mexico, supervises the ICE field offices, and is legally responsible for pursuing Petitioner's detention and removal. As such, Respondent Noem is a legal custodian of Petitioner.

8. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement, 500 12th St SW Washington, DC 20536, and is sued in his official capacity. Respondent Lyons is responsible for Petitioner's detention.

9. Respondent Marisa Flores is being sued in her official capacity as the Field Office Director for the El Paso Field Office for ICE within DHS. In that capacity, Field Office Director Marisa Flores has supervisory authority over the ICE agents responsible for detaining Petitioner. The address of the El Paso Field Office is 1541 Montana Ave, Suite E, El Paso, Texas, 79936.

10. Respondent Melissa Ortiz is being sued in her official capacity as the acting Warden of TCDF, located at 209 County Road AO49, Estancia, NM 87016 . Because Petitioner is detained in the TCDF, Warden Ortiz has immediate day-to-day control over Petitioner.

FACTUAL ALLEGATIONS AND PROCEDURAL HISTORY

11. Mr. Zifac is a resident of St. Paul and a citizen of Cameroon and has lived in the United States since May 12th of 2024.

12. Mr. Zifac has a pending asylum application filed on August 22, 2024, based on a well-founded fear of torture or death in his country of origin. Mr. Zifac has complied with every directive issued to him, appeared at all required proceedings, and participated in the immigration process exactly as instructed. He did not abscond or ignore court dates. He relied on the integrity of the statutory asylum framework and reasonably expected that his claim would be adjudicated in accordance with law.

13. Mr. Zifac is not the subject of a final order of removal. Mr. Zifac has no criminal history and is a law-abiding community member.

14. Mr. Zifac attended every scheduled hearing, complied with all reporting requirements, paid all fees associated with the immigration process, and participated in the immigration proceedings exactly as directed by federal authorities. He followed the rules the government set for him. His detention is not the result of noncompliance, but despite full compliance.

15. Despite satisfying every procedural obligation placed upon him, Mr. Zifac remains detained without any individualized showing that detention is necessary.

16. The United States of America issued Mr. Zifac an Employment Authorization on March 31, 2025 and it is valid until March 30, 2030.

17. After receiving his lawful authority to work, Mr. Zifac began working as a caretaker at an assisted living facility, where he cares for elderly adults and adults with disabilities.

18. Mr. Zifac is an integral part of his communities in St. Paul, including as a congregation member at his church, a teammate in his local soccer clubs, and as a neighbor in his Cameroonian immigrant community in Minnesota. He is an active member at St. Peter Claver Catholic Church, where he supports various church and community needs, such as supporting the bereavement and end of life celebrations after the loss of a community member.

19. Respondent ICE arrested Mr. Zifac on January 11th, 2026. A convoy of about three unmarked pickup trucks with tinted windows and no license plates carried a group

of uniformed and masked ICE agents who waited outside of Mr. Zifac's apartment at approximately six (6) in the morning. ICE agents approached Mr. Zifac without a warrant as he left his apartment to head to work. ICE agents then tackled Mr. Zifac, with an agent kneeling on Mr. Zifac's neck, restricting his breathing, and leaving him on the verge of passing out. Mr. Zifac was then transported to the Whipple Building at Fort Snelling in Minneapolis, MN, where he was never given the opportunity to contact his attorney. Mr. Zifac was transferred to detention in Texas and then to New Mexico, where he is currently being held.

20. Service of this Petition shall be effectuated pursuant to the Standing Order issued by Chief United States District Judge Kenneth J. Gonzales on January 28, 2026, Case 1:26-mc-00004, Doc. 3.

STANDARD OF LAW

21. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The "Great Writ" has been referred to by United States courts 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). A petitioner may seek a writ of habeas corpus when their custody violates the United States Constitution or a federal law. 28 U.S.C. § 2241(c)(3).

22. The Court must grant a petition for writ of habeas corpus or issue an order to show cause 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.*

23. Courts have jurisdiction to hear habeas petitions filed by noncitizens who lack a final order of removal and whose challenges to arrest and detention are independent of any future removal proceedings. Such petitioners are not required to exhaust administrative remedies before seeking habeas relief. *Molina Ochoa v. Noem*, No. 1:25-cv-00881-JB-LF, 2025 WL 3125846, at *4, *9 (D.N.M. Nov. 7, 2025).

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

25. Ostensibly, Respondents’ only legal basis for detaining Petitioner is 8 U.S.C. § 1225(b)(2). In July 2025, DHS began ignoring the decades-long consensus regarding the proper interpretation of § 1225(b)(2), as articulated by the Board of Immigration Appeals (“BIA”) in a subsequent ruling. *In re Yajure Hurtado*, 29 I&N Dec. 216 (BIA Sept. 5, 2025). Respondents now claim that individuals who have been residing in the United States for more than two years are nonetheless “seeking admission,” simply because they have pending applications for asylum or other forms of lawful status. As a practical matter, this interpretation would require the detention of countless immigrants who have lived in the United States for years and have diligently followed the available legal processes to seek lawful status.

26. However, the vast majority of courts around the country have made clear that 8 U.S.C. § 1225(b)(2) only authorizes detention for noncitizens who are at the border seeking physical entry at the time of detention, not those who have lived within the United States for more than two years, and whose detention is discretionary and governed by 8 U.S.C. § 1226(a). That majority includes many Courts in this District. *Teran v. Bondi*, 2:25-cv-01218-KWR-SCY 2026 U.S. Dist. LEXIS 10827, *15 (D.N.M. Jan. 21, 2026); *Lopez-Romero v. Lyons*, 2:25-cv-

01113-MIS-JHR 2026 U.S. Dist. LEXIS 7359, *10 (Jan. 13, 2026); *Ramos v. Dedos*, 1:25-cv-00975-MLG-KRS 2025 U.S. Dist. LEXIS 261913, *9-10 2025 WL 3653928 (D.N.M. Dec. 17, 2025); *Sacvin v. Anda-Ybarra*, 25-cv-01031-KG-JFR 2025 U.S. Dist. LEXIS 224815, *7 2025 WL 3187432 (D.N.M. Nov. 15, 2026); *Salazar v. Dedos*, 2:25-cv-00835-DHU-JMR 2025 U.S. Dist. LEXIS 183335, *14 2025 WL 2676729 (D.N.M. Sep. 17, 2025).

27. Here, Petitioner was apprehended near his home in Minnesota and within the United States, not at a border while seeking entry. Respondents wrongly assert 8 U.S.C. § 1225(b)(2) as a basis for detaining Petitioner without a hearing, when instead the default rule is that detention of noncitizens residing within the U.S. must be pursuant to 8 U.S.C. § 1226(a). *See Cortez-Gonzalez v. Noem*, No. 2:25-cv-00985-MLG-KK, 2025 WL 3485771 (D.N.M. Dec. 4, 2025). Here the Respondents are not purporting to invoke § 1226(a) as the basis for Petitioner's detention. The rule that Respondents invoke, 8 U.S.C. § 1225(b)(2), does not support Petitioner's ongoing detention.

REMEDY

28. "Habeas is at its core a remedy for unlawful executive detention. The typical remedy for such detention is, of course, release." *Munaf v. Geren*, 553 U.S. 674, 693 (2008)).

For this reason:

Release is an available and appropriate remedy" for "detention that lacks a lawful predicate. Where the record shows Respondents have not identified a valid statutory basis for detention in the first place, the remedy is not to supply one through further proceedings.

Ahmed M. v. Bondi, No. 25-cv-4711 (ECT/SGE) 2026 U.S. Dist. LEXIS 395, *7 2026 WL 25627 (Jan. 5, 2026).

29. Because section 1225(b)(2) cannot serve as a lawful basis for detention, Petitioner’s detention could only be lawful under section 1226(a). “Issuance of a warrant is a necessary condition to justify discretionary detention under section 1226(a). It follows that absent a warrant a noncitizen may not be arrested and detained under section 1226(a)” *Ahmed M.*, 2026 U.S. Dist. LEXIS 395, *7 2026 WL 25627. Accordingly, without evidence of a warrant, Petitioner’s detention lacks a lawful predicate, and immediate release is the proper remedy.

30. Nearly every judge in the District of Minnesota—where hundreds of similar matters have been adjudicated in January of 2026—have followed *Ahmed’s* reasoning. *Dwine L. v. Bondi*, 26-cv-627 (KMM/DLM), 2026 U.S. Dist. LEXIS 15372, *4 (D. Minn. Jan. 28, 2026); *Carmen M. v. Bondi*, No. 26-cv-582 (ECT/ECW) 2026 U.S. Dist. LEXIS 15368, *5 (D. Minn. Jan. 28, 2026); *Luis C. v. Bondi*, 26-cv-0636 (SRN/SGE) 2026 U.S. Dist. LEXIS 15371, *6 (D. Minn. Jan. 28, 2026); *Claudio E.A.S. v. Bondi*, 26-583 (DWF/DLM) 2026 U.S. Dist. LEXIS 15385, *3 (D. Minn. Jan. 28, 2026); *Jhisvin A.B.V.A. v. Bondi*, No. 26-455 (JRT/EMB) 2026 U.S. Dist. LEXIS 13183 at *3 (D. Minn. Jan. 28, 2026); *Francisca G. v. Bondi*, Doc. 6, No. 26-CV-615 (JMB/JFD) (D. Minn. Jan. 27, 2026); *Fabian L.C. v. Bondi*, Doc. 7, No. 26-CV-493 (NEB/DLM) (D. Minn. Jan. 24, 2026); *Maria U.C.G v. Bondi*, Doc. 10, No. 26-439 (JWB/LIB) (D. Minn. Jan. 24, 2026); *Joaquin Q.L. v. Bondi*, No. 26-cv-233 (LMP/DTS) 2026 U.S. Dist. LEXIS 10644, *6 (D. Minn. Jan. 21, 2026); *Juan S.R. v. Bondi*, No. 26-CV-0005 (PJS/LIB) Doc. No. 8 (D. Minn. Jan. 12, 2026).

CLAIMS FOR RELIEF

COUNT ONE

Fifth Amendment Due Process

Respondents are Confining Petitioner without A Valid Legal Basis or any Semblance of Due Process.

31. Petitioner realleges and incorporates by reference the allegations contained above.

32. Petitioner has due process rights as a resident of the United States. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

33. Federal courts use the three-part test in *Matthews v. Eldridge* to determine whether civil detention violates a detainee's due process rights. 424 U.S. 319 (1976). The elements of this test are: (1) the private interest that the official action affects; (2) the risk that the procedures used will result in an erroneous deprivation of the private interest, and the probable value, if any, of additional or substitute procedural safeguards; and (3) the Government's interest in following the existing procedures, both in achieving their objectives and in the potential burdens of an alternate procedure. *Id.* at 335.

34. Here, all three factors favor the Petitioner.

35. First, Petitioner has a significant private interest at stake. A person's interest in freedom from physical detention is “the most elemental of liberty interests.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004); *see also Zadvydas*, 533 U.S. at 690, 121 S. Ct. 2491 (“Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.”). Petitioner is wrongfully confined, a direct attack on Petitioner’s liberty interests.

36. Second, Petitioner will continue to be deprived of this interest if the current procedure (detaining Petitioner without a legal basis) is followed. There is no rational explanation for detaining Petitioner. Respondents’ purported basis for detaining Petitioner under 8 U.S.C. § 1225(b)(2) has been rejected by this court. *See, e.g., Cortez-Gonzalez*, No. 2:25-cv-00985-MLG-KK, 2025 WL 3485771, at *3-5.

37. Lastly, the Government has no legitimate interest in refusing to follow its own rules. Petitioner poses no safety threats to the community. Releasing Petitioner, or at a minimum

holding a bond hearing, would in fact *save* the government the resources and expense of continued imprisonment.

38. The placement of Petitioner in detention pending the resolution of ongoing immigration proceedings violates Petitioner's constitutional rights to due process guaranteed in the Fifth Amendment.

COUNT TWO

Immigration and Nationality Act, 8 U.S.C. § 1226

Petitioner's Ongoing Detention Pursuant to 8 U.S.C. § 1225(b)(2) is Unlawful because Petitioner is not Seeking Admission and therefore cannot be held under that Authority.

39. Petitioner realleges and incorporates by reference each and every allegation contained above.

40. Respondents violate the Immigration and Nationality Act by attempting to apply mandatory detention through 8 U.S.C. § 1225(b)(2), to Petitioner.

COUNT THREE

Violation of the Administrative Procedure Act

Detaining Petitioner Pursuant to an Unlawful Interpretation of 8 U.S.C. § 1225(b)(2) violates the Administrative Procedure Act

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

42. The APA provides that a "reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

43. The APA provides that a "reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . without observance of procedure required by law." 5 U.S.C. § 706(2)(D).

44. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such noncitizens could properly be detained under § 1226(a) but would then be eligible for release on bond unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

45. Nonetheless, the Board has adopted a policy and practice of applying § 1225(b)(2) to Petitioner and others in the same position.

46. Respondents, through their recent administrative decision, failed to articulate any reasoned explanations for new interpretation of the Act. The Board's decision represents a change in the agencies' policies and positions that negates the plain language of the Act, the will of Congress, and decades of administrative precedent.

47. The application of § 1225(b)(2) to Petitioner is arbitrary, capricious, and not in accordance with law, and as such, it violates the APA. See 5 U.S.C. § 706(2).

REMEDY

48. An available remedy for Respondents' unlawful conduct as outlined in this Petition is for Petitioner to be released.

49. Immigration detention is civil in nature, and as a result Congress must have expressly authorized it by statute, and the detention must be reasonably related to its statutory purpose. *Zadvydas v. Davis*, 533 U.S. 678, 687, 690 (2001) (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). Detention here serves no statutory purpose, and there is no indication that Petitioner's detention was based on any facts that might indicate that Petitioner should be in custody.

50. Since Section 1225 does not apply to noncitizens who are in Petitioner’s situation—who have been detained while residing within the United States for more than two years, as opposed to those who are detained while in the process of physically entering the United States, the law that Respondents are using to detain Petitioner simply does not apply so as to authorize Petitioner’s detention. *See Lopez-Arevelo*, 2025 WL 2691828, at *8 and *Acosta Dominguez*, 2026 WL 67200.

51. When a habeas petitioner’s detention is without legal basis, the typical remedy is release. *Munaf v. Geren*, 553 U.S. 674, 693 (2008) (describing release as the “typical remedy” for “unlawful executive detention”).

52. Here, where detention is unlawfully based on 8 U.S.C. § 1225, which does not apply to Petitioner, release is an appropriate remedy.

REQUEST FOR ORDER TO SHOW CAUSE

53. Within three days, unless good cause for a delay is shown, “[a] court, justice or judge entering a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.” 28 U.S.C. § 2243.

54. Petitioner respectfully requests that the Court issue an Order to Show Cause directing Respondents to file a return within three days of the Court’s order, showing cause, if any, why a writ of habeas corpus should not be granted.

REQUEST FOR REMOTE APPEARANCE AT ALL PROCEEDINGS BY COUNSEL

55. Undersigned Counsel, Louren Oliveros, has undertaken this case on a *pro*

bono basis to ensure access to justice for the Petitioner who is detained in rural New Mexico and seeks to be allowed to appear remotely at all proceedings. Undersigned Counsel's primary place of practice is located in the State of New York where she resides.

PRAYER FOR RELIEF

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

(1) Assume jurisdiction over this matter;

(2) Enjoin Respondents from transferring, removing, or otherwise transporting Petitioner from his current custodial location in Torrance County, New Mexico, except for the sole purpose of returning Petitioner to Minnesota, and order Respondents to promptly transport Petitioner back to Minnesota;

(3) Issue an Order to Show Cause directing Respondents to show cause why Petitioner should not be released immediately, or, in the alternative, afforded a timely bond hearing;

(4) Issue a Writ of Habeas Corpus requiring Respondents to release Petitioner from custody;

(5) Alternatively, order Respondents to provide a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven (7) days;

(6) If the Court orders Petitioner's release, specify conditions necessary to ensure Petitioner's safe return home, including release:

(a) Within the State of Minnesota;

(b) At a safe time and place communicated in advance to counsel; and

(c) With all Petitioner's personal property returned, including but not limited to Petitioner's driver's license, immigration documents, passport, cellular phone, and keys.

(7) Enjoin Respondents from implementing any condition of release, including but not limited to ICE's "Alternatives to Detention" measures, which include ankle monitors, body-worn GPS, telephonic tracking, or use of the SmartLINK Mobile Application;

(8) Enjoin Respondents from detaining Petitioner again on any legal theory rejected by the Court in adjudicating this Petition;

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

(10) Allow Petitioner's attorney to appear remotely to all proceedings.

Respectfully Submitted,



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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 Petitioner's attorney. I have discussed the factual allegations with Petitioner's attorney and brother-in-law. I have reviewed the publicly available record. My legal team has discussed the factual assertions

in this petition with Petitioner's brother-in-law and sister, who I understand to have personal knowledge of the facts alleged herein. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus, including the statements regarding Petitioner's detention status, are true and correct to the best of my knowledge.

Date: 02/11/2026



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