

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

JOSE SERGIO DIAS SOUZA,

*Petitioner,*

v.

MATTHEW ELLISTON,

in his official capacity as Field Office Director,  
Baltimore Field Office, U.S. Immigration &  
Customs Enforcement;

PAMELA BONDI,

in her official capacity as Attorney General, U.S.  
Department of Justice;

KRISTI NOEM,

in her official capacity as Acting Secretary, U.S.  
Department of Homeland Security; and

TODD M. LYONS,

in his official capacity as Acting Director, U.S.  
Immigration & Customs Enforcement;

*Respondents.*

Civil Action No.: 1:26-cv-633

PETITION FOR WRIT OF  
HABEAS CORPUS PURSUANT  
TO 28 U.S.C. § 2241

Petitioner A#



**MOTION FOR TEMPORARY RESTRAINING ORDER/INJUNCTIVE RELIEF**

Petitioner, Jose Sergio Dias Souza (“Mr. Souza”), respectfully moves before this Honorable Court for a Temporary Restraining Order and Injunctive Relief, to enjoin the Respondents from continuing his unlawful detention during the pendency of his habeas corpus petition filed under 28 U.S.C. § 2241 and upon any grant in release, through the instant request for a restraining order and/or habeas corpus petition, the issuance of an injunction to prevent further rearrest.

On February 13, 2026, Mr. Souza was driving to work, as he routinely does, when agents of U.S. Immigration and Customs Enforcement (“ICE”) began following his vehicle. Despite

committing no traffic violation and engaging in no unlawful conduct, ICE stopped his vehicle and took him into custody without warrant or lawful justification. Mr. Souza is currently detained at the Baltimore Field Office, awaiting transfer to a detention facility at ICE's discretion. The corresponding habeas petition challenges Mr. Souza's unlawful detention, as he is being held without having been placed in removal proceedings, without service of a Notice to Appear, and without the opportunity to seek release before an Immigration Judge. Mr. Souza is prepared to file a meritorious application EOIR-42B Application for Cancellation of Removal for Nonpermanent Residents immediately upon being placed in proceedings. ICE's continued detention of Mr. Souza without initiating proceedings and without affording him an individualized bond hearing violates his statutory and constitutional right to due process.

To obtain a temporary restraining order and injunction, a movant must demonstrate that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Di Biase v. SPX Corp.*, 872 F.3d 224, 230 (4th Cir. 2017); *Pashby v. Delia*, 709 F.3d 307, 320 (4th Cir. 2013).

First, Mr. Souza is likely to succeed on the merits because his habeas petition raises substantial constitutional and statutory claims demonstrating that his continued detention violates the Fifth Amendment's Due Process Clause. He has been detained without being afforded an individualized bond hearing and without any meaningful opportunity to challenge his confinement before an Immigration Judge. Although ICE may now be initiating removal proceedings, his detention has already occurred without the procedural safeguards required by statute and due process. Moreover, Mr. Souza is prima facie eligible for Cancellation of Removal under 8 U.S.C. § 1229b(b), and his meritorious application is ready to be filed, further underscoring his strong

legal basis to remain in the United States and his entitlement to a lawful custody determination.

Second, absent preliminary relief, Mr. Souza will suffer immediate and irreparable harm from his unlawful detention. The ongoing deprivation of his liberty without due process constitutes irreparable constitutional injury. **This harm is compounded by Mr. Souza's severe asthma, which places him at heightened medical risk in ICE custody, where adequate care cannot be assured. His detention also inflicts profound hardship on his sixteen-year-old U.S. citizen child, who relies on him entirely for parental support.** Moreover, Mr. Souza faces imminent transfer to a remote detention facility without notice, a common ICE practice that would severely impair his access to counsel and the Court. Such transfers often occur without timely location updates, effectively obstructing legal access. Absent immediate judicial intervention, Mr. Souza will remain unlawfully detained and at risk of transfer beyond the reach of counsel and this Court, compounding the irreparable harm.


Third, the harm endured by Mr. Souza full-heartedly outweighs any purported burden on the government by continuing her unlawful detention; any asserted hardship to the government is minimal, speculative, and self-inflicted. If anything, and by improperly detaining Mr. Souza the government is imposing unnecessary fiscal and administrative costs upon itself and the judiciary. Continuing to detain Mr. Souza serves no legitimate governmental interest and instead constitutes an inefficient expenditure of public resources and judicial time.

Fourth, the public interest is served by ensuring compliance with the Constitution, preserving judicial review under 28 U.S.C. § 2241, and preventing further unlawful re-arrest.

For the foregoing reasons, Petitioner respectfully requests that this Court: 1. Issue a Temporary Restraining Order enjoining Respondents from continuing Petitioner's detainment until resolution of the habeas petition; 2. Enter a preliminary and permanent injunction restraining

Respondents from re-arresting Petitioner; and 3. Grant any further relief the Court deems just and proper.

**PETITION FOR WRIT OF HABEAS CORPUS PURSUANT  
TO 28 U.S.C. § 2241**

Petitioner, Jose Sergio Dias Souza (A# ) respectfully petitions this Honorable Court for a writ of habeas corpus to remedy his unlawful detention by Respondents, as follows:

**INTRODUCTION**

1. Petitioner Jose Sergio Dias Souza (A# 221 489 812) is a citizen of Brazil who entered the United States (“U.S.”) in or about 2003 and has resided in the U.S. continuously ever since. Since his arrival, Mr. Souza has established deep and enduring ties to this country. He is the devoted father of one U.S. citizen child, age sixteen (16), for whom he is a primary emotional and financial support, has fully assimilated into U.S. culture, and is a respected and contributing member of his community.
2. Presently, and pursuant to the Board of Immigration Appeals’ decision in *Matter of Yajure-Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), ICE is presently detaining Mr. Souza under 8 U.S.C. § 1225(b)(2)(A). This detention continues notwithstanding the Final Judgment in *Maldonado Bautista v. Santacruz, Jr., et al.*, No. 5:25-cv-01873 (Dec. 18, 2025), which certified a nationwide class of noncitizens entitled to bond hearings under 8 U.S.C. § 1226(a). On January 13, 2026, the Executive Office for Immigration Review (“EOIR”) Chief Immigration Judge issued nationwide guidance instructing Immigration Judges to adhere to *Yajure-Hurtado* rather than *Maldonado Bautista*.
3. As a result, Immigration Judges are routinely denying bond to individuals who would otherwise qualify for release, even where habeas corpus relief has been granted. This practice

perpetuates prolonged detention despite judicial intervention and deprives detained individuals of any meaningful opportunity to secure release.

4. In addition, Mr. Souza is eligible for Cancellation of Removal for Nonpermanent Residents under INA § 240A(b) (Form EOIR-42B), through which he may seek relief based on his long-term residence in the United States and the exceptional hardship his removal would cause to his U.S. citizen child.
5. Mr. Souza suffers from asthma, a chronic respiratory condition that requires consistent medical attention and appropriate environmental conditions. Prolonged confinement in overcrowded and poorly ventilated facilities poses a significant risk to his health and physical well-being.
6. Mr. Souza's continued detention without a prompt and meaningful bond hearing violates the Due Process Clause of the Fifth Amendment. The Fourth Circuit has recognized that noncitizens detained under 8 U.S.C. § 1226(a) are entitled to individualized custody determinations consistent with due process. *Miranda v. Garland*, 34 F.4th 338, 353 (4th Cir. 2022); *Plymail v. Mirandy*, 671 F. App'x 869, 870 (4th Cir. 2016). Mr. Souza therefore seeks immediate release or, in the alternative, an order requiring a prompt bond hearing before an Immigration Judge pursuant to INA § 1226(a). At that hearing, due process requires the Government to bear the burden of establishing, by clear and convincing evidence, that Mr. Souza poses a danger to the community or a risk of flight. See *Miranda*, 34 F.4th at 353. Mr. Souza further requests that this Court retain jurisdiction to ensure compliance with its order and the requirements of due process.
7. Mr. Souza's detention is unlawful, and being held without the opportunity to be heard violates the Due Process Clause of the Fifth Amendment.

8. Mr. Souza respectfully requests that this Court grant his immediate release from detention, or, in the alternative, the Court should order an immediate bond hearing in the first instance to ensure Mr. Souza's detention bears a reasonable relation to the government's interests.

### **PARTIES**

9. Mr. Souza has been detained by Respondents since February 13, 2026, at remains at Baltimore Field Office pending transfer to an unknown facility.
10. Respondent Matthew Elliston is the Acting ICE Field Office Director for the Baltimore area. As such, Respondent Elliston is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.
11. Respondent Pamela Bondi is named in her official capacity as the U.S. Attorney General ("AG"). AG Bondi is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(g) and oversees the Executive Office for Immigration Review ("EOIR"). He is a legal custodian of Mr. Souza.
12. Respondent Kristi Noem is named in her official capacity as the Acting Secretary of the U.S. Department of Homeland Security ("DHS"). Ms. Noem is responsible for the administration of immigration laws under 8 U.S.C. § 1103(a) and oversees ICE. He is a legal custodian of Mr. Souza.
13. Respondent Todd M. Lyons is named in his official capacity as the Acting Director of ICE. Mr. Lyons is responsible for the administration of federal immigration law and the execution of detention and removal determinations. He is a legal custodian of Mr. Souza.

### **JURISDICTION**

14. This Court has proper jurisdiction over Mr. Souza's Petition for Writ of Habeas Corpus. As per 28 U.S.C. § 2241, this Court has the discretion to evaluate and grant the instant writ of

habeas corpus. Under 28 U.S.C. § 1331, this Court has original jurisdiction over the federal issue arising in this matter. Article I, § 9, cl. 2 of the United States Constitution, the Suspension Clause, protects the privilege of habeas corpus. The All-Writs Act, 28 U.S.C. § 1651, grants this Court with remedial authority to issue this necessary writ. The Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, specifically allows this Court to grant injunctive and declaratory relief if it sees fit.

15. Federal district courts have jurisdiction to hear habeas corpus claims by noncitizens challenging the lawfulness or constitutionality of their detention by DHS; as well as claims by noncitizens seeking to protect their due process rights. *See, Jennings v. Rodriguez*, 138 S. Ct. 830, 840-41 (2018).
16. Mr. Souza's current detention as enforced by Respondents constitutes a "severe restraint [on his] individual liberty," such that he is "in custody in violation of the Constitution or laws ... of the United States." *Hensley v. Municipal Court*, 411 U.S. 345, 351 (1973); 28 U.S.C. § 2241(c)(3).


#### VENUE

17. Venue is proper in the District of Maryland. Pursuant to 28 U.S.C. § 2241(d), a writ of habeas corpus may be filed in the district where the Petitioner is held in custody. Under 28 U.S.C. § 1391 (b) (2), a proper venue is where a substantial part of the events and omissions gave rise to the claim.
18. Mr. Souza is currently in ICE custody at the ICE Enforcement and Removal Operations (ERO) Baltimore Field Office where a substantial part of the events giving rise to his habeas claim occurred. Due to custody location and occurrence in events, it is proper to file in the District of Maryland.

**EXHAUSTION**

19. No statutory exhaustion requirements exist as to Mr. Souza's unlawful detention claims.
20. Although the Fourth Circuit has recognized that exhaustion may be excused where constitutional claims are raised and administrative remedies are inadequate to address such violations, see *Timms v. Johns*, 627 F.3d 525, 531 (4th Cir. 2010), Mr. Souza is not required to demonstrate exhaustion because he is asserting due process claims in the instant habeas petition.
21. Mr. Souza is not required to prove exhaustion because he is advancing due process claims in the instant habeas petition.

**STATEMENT OF FACTS**

22. Mr. Souza was born on  in Minas Gerais, Brazil. He entered the United States in or around 2003 at the age of twenty-one and has resided continuously in this country ever since. See, *Exhibit A: Declaration of Counsel Selenia Destefani, Esq. in Support of Mr. Souza the Habeas Petition*, ¶ 6 (“*Exhibit A*”).
23. Since his arrival, Mr. Souza has built his entire life in the United States. He has no criminal history and has consistently lived as a law-abiding and productive member of society. *Id.* at ¶ 6-7. He has worked continuously, supported his family, and fully integrated into his community.
24. Mr. Souza is the devoted father of a sixteen-year-old U.S. citizen child, for whom he is the primary financial provider and source of emotional and parental stability. His continued presence is essential to his daughter’s well-being, and his removal would cause her exceptional and extremely unusual hardship. *Id.*

25. Mr. Souza also suffers from severe asthma, a chronic and potentially life-threatening respiratory condition requiring consistent medical monitoring and access to appropriate medication. His condition places him at heightened risk in detention, where continuity of care cannot be guaranteed, and any interruption in treatment could result in serious medical complications. *Id.* at ¶ 10.

**Mr. Souza's Immigration Proceedings and Detention**

25. Mr. Souza is prima facie eligible for Cancellation of Removal for Nonpermanent Residents under INA § 240A(b) (Form EOIR-42B), based on his continuous physical presence since 2003, his good moral character, and the exceptional and extremely unusual hardship his removal would cause his U.S. citizen daughter. *Id.* at ¶ 9.

26. On February 13, 2026, Mr. Souza was taken into custody by U.S. Immigration and Customs Enforcement ("ICE") while seated in his vehicle, without having committed any criminal offense and without prior notice. *Id.* at ¶ 4.

27. Mr. Souza remains detained by ICE without having been afforded a bond hearing or any meaningful opportunity to challenge his confinement, despite his lack of criminal history, his longstanding residence, his severe medical condition, his strong family and community ties, and his clear eligibility for relief from removal.

**LEGAL FRAMEWORK**

**I. MR. SOUZA IS LIKELY TO SUCCEED ON THE MERITS OF HIS CLAIMS THAT HIS DETENTION IS UNLAWFUL & VIOLATES HIS DUE PROCESS RIGHTS.**

26. The Due Process Clause of the Fifth Amendment applies to all persons within the United States, including noncitizens, regardless of immigration status. *Zadvydas v. Davis*, 533 U.S.

678, 682 (2001); *Demore v. Kim*, 538 U.S. 510, 523 (2003); *Reno v. Flores*, 507 U.S. 292, 306 (1993); *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). Individuals navigating the immigration system in pursuit of lawful status are therefore entitled to notice, a meaningful opportunity to be heard, and protection against governmental restraints that deprive them of liberty or property interests. *Landon v. Plasencia*, 459 U.S. 21, 34 (1982). With respect to detention in particular, the Supreme Court has made clear that civil confinement “for any purpose constitutes a significant deprivation of liberty that requires due process protection.” *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

**A. The BIA’s Interpretation of INA 235(b)(2)(A), in the *Matter of Yajure-Hurtado*, and IJ’s nationwide disregard of *Maldonado Bautista v. Santacruz, Jr.*, Violates Mr. Souza’s 5<sup>th</sup> Amendment Due Process Rights.**

27. Respondents may attempt to justify Mr. Souza’s detention under INA § 235(b)(2)(A) based on *Matter of Yajure-Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), which adopted an unprecedented interpretation subjecting certain noncitizens to mandatory detention regardless of their length of residence or compliance with immigration processes. This interpretation improperly displaces the discretionary detention framework of INA § 236(a) and eliminates the individualized custody determinations required by the Due Process Clause.
28. As applied to Mr. Souza, *Yajure-Hurtado* is untenable. Mr. Souza is not an arriving noncitizen, was not apprehended at the border, and has resided continuously in the United States since 2003. Treating him as an “applicant for admission” subject to mandatory detention ignores both the reality of his decades-long presence and constitutional limits on civil detention.
29. *Yajure-Hurtado* also conflicts with controlling Supreme Court precedent requiring procedural safeguards in civil detention. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976); *United States v. Salerno*, 481 U.S. 739, 746–52 (1987).

Federal courts, including within the District of Maryland, have rejected mandatory detention of long-present noncitizens under § 235(b)(2) and held that such detention is governed by INA § 236(a). See, e.g., *Velasquez v. Noem*, No. 25-cv-3215-GLR, 2025 WL 3003684, at \*4–7 (D. Md. Oct. 27, 2025); *Maldonado de Leon v. Baker*, No. 25-cv-3084-TDC, 2025 WL 2968042, at \*8 (D. Md. Oct. 21, 2025).

30. Because Mr. Souza is a long-resident noncitizen detained in the interior of the United States, his detention is governed by INA § 236(a), which entitles him to an individualized bond hearing. His continued mandatory detention without such a hearing violates due process and warrants immediate release or, at minimum, a prompt and meaningful bond hearing.

**B. Mr. Souza’s detention without a bond hearing violates the Fifth Amendment’s guarantee of due process.**

31. The Fifth Amendment protects against deprivation of liberty without constitutionally adequate procedures. Where, as here, physical liberty is at stake, courts must balance: (1) the private liberty interest affected; (2) the risk of erroneous deprivation absent adequate safeguards; and (3) the government’s interest. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

32. Mr. Souza’s liberty interest is at its apex. He has lived in the United States continuously since 2003—more than twenty years—and this country is the only home his sixteen-year-old U.S. citizen daughter has ever known with her father present. He is her primary financial provider, emotional support, and sole source of parental stability. His sudden detention has torn him from his child and placed his family in immediate crisis. Compounding this harm, Mr. Souza suffers from severe asthma, a chronic and potentially life-threatening condition that requires consistent medical care—care that cannot be guaranteed in immigration detention.

33. The risk of erroneous deprivation is extraordinary. Mr. Souza was taken into custody and remains detained without ever receiving a bond hearing or any meaningful opportunity to

challenge his confinement before a neutral decisionmaker. He has no criminal history, poses no danger, and presents no risk of flight. He is prima facie eligible for Cancellation of Removal under INA § 240A(b), relief specifically designed for long-resident, law-abiding individuals like Mr. Souza. Without a bond hearing, he has been denied even the most basic procedural safeguard—the opportunity to demonstrate that his detention is unnecessary and unlawful.

34. The government has no legitimate interest in detaining Mr. Souza without process. Immigration detention is civil, not punitive, and must be accompanied by meaningful procedural protections. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Providing Mr. Souza with a bond hearing would impose minimal administrative burden while ensuring compliance with constitutional requirements. By contrast, his continued detention inflicts severe constitutional injury, medical risk, and irreparable harm to his U.S. citizen child.

35. All three *Mathews* factors weigh overwhelmingly in Mr. Souza's favor. His continued detention without a bond hearing is constitutionally indefensible and violates the Fifth Amendment. Immediate judicial intervention is required.

**C. Mr. Souza's detention violates his right to substantive due process because he is neither a flight risk nor danger to the community.**

36. Immigration detention is civil and must bear a reasonable relationship to its regulatory purpose, ensuring that it remains nonpunitive in both purpose and effect. *Zadvydas v. Davis*, 533 U.S. 678, 690–91 (2001). The only legitimate purposes of immigration detention are to ensure appearance at future proceedings and to protect the community. *Id.*

37. Mr. Souza poses no flight risk and will appear at all future immigration proceedings. He has lived continuously in the United States since 2003, more than twenty years, and this country is his home. He is the primary financial provider and emotional support for his sixteen-year-old U.S. citizen daughter, who depends on him entirely. His longstanding residence, deep family

ties, and prima facie eligibility for Cancellation of Removal provide every incentive to comply fully with the immigration process.

38. Mr. Souza also poses no danger to the community. While he incurred a single DUI offense in 2003 shortly after his arrival in the United States, he has had no other criminal history in the more than two decades since. This isolated, decades-old offense does not reflect any present risk, particularly in light of his sustained record of lawful conduct, steady employment, and commitment to his family and community. His life since that time reflects rehabilitation, responsibility, and stability.
39. No legitimate regulatory purpose is served by Mr. Souza's continued detention without an individualized bond hearing. He was taken into custody while going about his daily life, not because he posed any threat or risk of flight, but simply because he was accessible. His continued confinement- despite his decades-long residence, medical vulnerability due to severe asthma, family responsibilities, and eligibility for relief - is arbitrary and excessive in relation to the government's limited civil detention authority.
40. Because Mr. Souza's detention has been imposed without the procedural protections required by the Due Process Clause, and because it bears no reasonable relation to any legitimate government purpose, his continued confinement is unlawful. He respectfully requests immediate release.
41. In the alternative, Mr. Souza requests that this Court order a prompt and constitutionally adequate bond hearing to ensure that any continued detention complies with due process and is justified by clear and individualized findings.

**CLAIMS FOR RELIEF**

**COUNT ONE**

**VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT  
(SUBSTANTIVE DUE PROCESS)**

53. Petitioner re-alleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.
54. Mr. Souza is neither a flight risk nor a danger to the community. He has resided continuously in the United States since 2003—more than two decades—and has built his entire life in this country. He is the primary financial provider and emotional support for his sixteen-year-old U.S. citizen daughter, who depends on him entirely for stability and care. Mr. Souza is also prima facie eligible for Cancellation of Removal under INA § 240A(b). Aside from a single DUI offense in 2003, shortly after his arrival, he has no other criminal history and has lived as a law-abiding, productive member of society ever since.
55. Immigration detention is civil in nature and may not be punitive. Detention imposed without any individualized finding that Mr. Souza poses a present danger or flight risk, and without affording him a bond hearing, exceeds the government’s limited civil detention authority and bears no reasonable relation to any legitimate regulatory purpose. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
56. As a result, Respondents’ continued detention of Mr. Souza—despite his longstanding residence, family ties, medical vulnerability due to severe asthma, and eligibility for lawful relief—is arbitrary, excessive, and punitive in effect, in violation of his substantive due process rights under the Fifth Amendment.

**COUNT TWO**

**VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT  
(PROCEDURAL DUE PROCESS)**

57. Petitioner re-alleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.
58. The Due Process Clause of the Fifth Amendment protects all persons from deprivation of liberty without due process of law.
59. Mr. Souza is entitled to the full protections of the Fifth Amendment. He has an exceptionally strong liberty interest in remaining in the United States, where he has lived for over twenty years, where his U.S. citizen daughter depends on him for daily care and financial support, and where he has established deep family, community, and economic ties. His detention has abruptly separated him from his child and exposed him to heightened medical risk due to his severe asthma.
60. Respondents have deprived, and continue to deprive, Mr. Souza of due process by detaining him without affording any prompt or meaningful bond hearing. He has been confined without any individualized custody determination, without requiring the Government to justify his detention, and without any finding that he poses a danger or flight risk.
61. Additional procedural safeguards—namely, a prompt bond hearing—would impose minimal administrative burden while ensuring constitutional compliance. By contrast, continued detention without review imposes severe constitutional injury, prolongs family separation, exacerbates Mr. Souza’s medical vulnerability, and serves no lawful purpose.
62. Accordingly, Mr. Souza is being deprived of his liberty without constitutionally sufficient process, in violation of the Due Process Clause of the Fifth Amendment.

**PRAYER FOR RELIEF**

**WHEREFORE**, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this action pursuant to 28 U.S.C. § 2241 and the United States Constitution;
2. Issue a Writ of Habeas Corpus ordering Mr. Souza's immediate release from Respondents' custody on the ground that his continued detention violates the Due Process Clause of the Fifth Amendment;
3. In the alternative, issue a Writ of Habeas Corpus ordering a prompt and meaningful bond hearing, to occur before an Immigration Judge pursuant to INA § 1226(a);
4. Order that any bond hearing include constitutionally required safeguards, including placement of the burden on the Government to establish, by clear and convincing evidence, that Mr. Souza poses a danger to the community or a risk of flight;
5. Retain jurisdiction to ensure compliance with this Court's Order and the requirements of due process;
6. Enter preliminary and permanent injunctive relief restraining Respondents from re-detaining Mr. Souza absent lawful authority and constitutionally adequate process; and
7. Grant such other and further relief as this Court deems just and proper.

**Dated:** February 16, 2026

Respectfully Submitted,

*s/ Arif Gozel*

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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 the Petitioner because I am Petitioner's immigration attorney. 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 17, 2026

Respectfully submitted,

*/s/ Selenia Destefani*  
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