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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

C.R.J.M.,

Petitioner,

vs.

ROBERT F. KENNEDY, JR. in his
official capacity as Secretary of Health
and Human Services;
ANGIE SALAZAR, in her official
capacity as Acting Director of the
Office for Refugee Resettlement;
WARDEN, in their official
capacity as Director of the
Office for Refugee Resettlement Facility in
Fairfield, California,

Respondents.

Case No. _____

**VERIFIED PETITION FOR
WRIT OF HABEAS CORPUS AND
COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF**

PETITION FOR WRIT OF HABEAS CORPUS

C.R.J.M is a 15-year-old boy with Special Immigrant Juvenile status from St. Paul, Minnesota who has followed the laws and has taken every step possible to obtain Permanent Residency in the United States of America. Horrifically nonetheless, C.R.J.M. was arrested by federal officers at a gas station in St. Paul, Minnesota for no reason, separated from his mother and two younger brothers, and immediately shipped to an unidentified facility in Fairfield,

1 California. The federal government has not allowed C.R.J.M. to go back home to live with his
2 mother, where the federal government placed him years ago. These actions are contrary to
3 everything this country stands for and has torn apart a loving Evangelical Christian home.
4 Therefore, C.R.J.M. petitions this Court for a Writ of Habeas Corpus to remedy his continued
5 unlawful detention by Respondents. Petitioner hereby requests that an immediate hearing be set
6 on this matter. Petitioner also requests that he be released during the pendency of this Petition to
7 his mother. In support of this Petition, Petitioner alleges as follows:
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9
10 **INTRODUCTION**

11 1. C.R.J.M. is a 15-year-old boy who has lived with his mother in St. Paul,
12 Minnesota since arriving to the United States as a 5-year-old toddler from El Salvador.

13 2. C.R.J.M. arrived in this country as an unaccompanied minor on November 25,
14 2015, was placed in the custody of the Office of Refugee Resettlement ("ORR"), and ORR
15 released C.R.J.M. into the care of his mother two weeks later in December 2015.

16 3. C.R.J.M. applied for Special Immigrant Juvenile ("SIJ") classification on October
17 13, 2016, which was granted on January 10, 2017.

18 4. Removal proceedings against C.R.J.M. were administratively closed on March 21,
19 2017 and terminated on September 24, 2020. Removal proceedings have not been reopened.

20 5. C.R.J.M. has been living in this country legally with his mother with SIJ status for
21 almost 10 years.

22 6. On February 10, 2026, C.R.J.M. was violently arrested by federal officers when he
23 was getting gas at a St. Paul gas station. Without any notice to his mother, C.R.J.M. was abducted
24 and transported to an unknown and unidentified detention facility in Fairfield, California.
25 C.R.J.M. has no connection to, and no family in, Fairfield, California.
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14. Venue is proper in California because a substantial part of the events giving rise to these claims occurred and continue to occur in this district.

15. Venue is also proper under 28 U.S.C. § 2241 because C.R.J.M. is detained within this district.

PARTIES

16. Petitioner C.R.J.M. is a 15-year-old child in the custody of the Office of Refugee Resettlement. He is detained at an unknown ORR facility in Fairfield, California. He and his mother are desperately trying to reunify in Ramsey County, Minnesota, where he has lived for 10 years.

17. N.E.C.M. is the mother of C.R.J.M., who is a minor. Petitioner C.R.J.M. appears by and through N.E.C.M. N.E.C.M. has sole legal custody of C.R.J.M., as determined by a State Court in Ramsey County, Minnesota in 2016.

18. Respondent Angie Salazar is the Acting Director of ORR, the subagency of the U.S. Department of Health and Human Services (“HHS”) responsible for overseeing the care and custody of unaccompanied minors. ORR is the government entity directly responsible for the detention of Petitioner, located at 330 C Street SW, Room 5123, Washington, DC 20201. As the Acting Direct of ORR, Respondent Salazar is a custodian of Petitioner, with authority to produce and release him. Respondent Salazar is sued in her official capacity.

19. Respondent Robert F. Kennedy is the Secretary of HHS, a cabinet-level department of the United States Government, located at 200 Independence Avenue SW, Washington, DC 20201. ORR is a component of HHS. As the Secretary of HHS, Respondent Kennedy is a custodian of Petitioner, with authority to produce and release him. Respondent Kennedy is sued in his official capacity.

20. Respondent Warden is the Director of the ORR facility where C.R.J.M. is being held at the time of this petition. Warden's identity is not currently known. As Director of the facility, Respondent Warden is a custodian of Petitioner, with authority to produce him. Respondent Warden is sued in their official capacity. The name and location of the facility has not been identified but Petitioner is informed and believes that the ORR facility may be located 2301 Pennsylvania Ave, Fairfield, CA 94533.

**LEGAL FRAMEWORK FOR THE CARE, CUSTODY, AND RELEASE OF
UNACCOMPANIED IMMIGRANT CHILDREN**

A. Statutory and Regulatory Framework

21. The care and custody of unaccompanied immigrant children is governed by a legal framework consisting primarily of two statutes, a settlement agreement that is binding on the pertinent federal agencies, and federal regulations: the Homeland Security Act of 2002, the Trafficking Victims Protection Reauthorization Act, the 1997 *Flores* Settlement Agreement, and the Foundational Rule.

22. The *Flores* Settlement Agreement, originally signed by the then-Immigration and Naturalization Service in 1997, established national minimum standards for the treatment and placement of minors in immigration custody. Stipulated Settlement Agreement, *Flores v. Reno*, No. CV 84-4544-RJK(Px) (C.D. Cal. Jan. 17, 1997) ("*Flores* Settlement"). It remains under the supervision of U.S. District Judge Dolly M. Gee in the Central District of California. *Flores v. Bondi*, No. CV 85-4544-DMG (AGRx).

23. In 2002, Congress passed the Homeland Security Act ("HSA"), transferring functions of the former INS to other government entities. Pub. L. No. 107-296, 116 Stat. 2153 (2002). Specifically, the HSA transferred authority over the care and custody of unaccompanied immigrant children from the INS to ORR, housed within HHS. 6 U.S.C. § 279.

1 24. Congress' decision to transfer responsibility for the care and custody of
2 unaccompanied children from the INS to ORR reflected Congress' determination that caring for
3 children who arrive to the United States without their parent or legal guardian and immigration
4 enforcement were incompatible roles for a single agency. Within HHS, ORR is responsible for
5 children's safety and welfare and is explicitly not a law enforcement agency. *See Foundational*
6 *Rule*, 89 Fed. Reg. at 34399, 34423 ("it is not a law enforcement agency, unlike the former
7 INS..."), 34591.

8
9 25. Congress then expanded protections for unaccompanied children in the Trafficking
10 Victims Protection Reauthorization Act of 2008 ("TVPRA"), reaffirming Congress' intent to treat
11 unaccompanied children differently than the manner in which adults are treated by the Department
12 of Homeland Security ("DHS"), both in detention and in immigration proceedings. 8 U.S.C. §
13 1232 *et seq.*

14
15 26. The TVPRA requires federal officials who discover an unaccompanied child to
16 transfer the child to the care and custody of HHS within 72 hours (absent exceptional
17 circumstances). *Id.* § 1232(b)(3). The TVPRA also tasks ORR with ensuring that unaccompanied
18 children are "promptly placed in the least restrictive setting that is in the best interest of the
19 child." *Id.* § 1232(c)(2)(A). This is usually with a sponsor. *See, e.g., Saravia v. Sessions*, 905 F.3d
20 1137, 1142–43 (9th Cir. 2018).

21
22 27. In 2024, ORR promulgated regulations ("The Foundational Rule") codifying the
23 "policies, standards, and protections for [unaccompanied children], consistent with the HSA and
24 TVPRA, and to implement the substantive requirements of the [*Flores* Settlement Agreement] as
25 they pertain to ORR." 89 Fed. Reg. at 34385 (promulgating 45 C.F.R. §§ 410.1000 *et seq.*).

26
27 28. The Foundational Rule includes "policies and procedures regarding release,
28 without unnecessary delay, of an unaccompanied child from ORR custody to a vetted and

1 approved sponsor.” 89 Fed. Reg. at 34439. The Foundational Rule is consistent with the agency’s
2 “strong belief that, generally, placement with a vetted and approved family member or other
3 vetted and approved sponsor, as opposed to placement in an ORR care provider facility . . . is in
4 the best interests of unaccompanied children.” *Id.*

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6 29. The Foundational Rule establishes that “ORR shall release a child from its custody
7 without unnecessary delay” to sponsors in a specific order of preference. 45 C.F.R. §
8 410.1201(a).

9
10 30. ORR’s subregulatory framework is laid out in the UC Policy Guide. The UC
11 Policy Guide was first published publicly in 2015 and is available on ORR’s website. Office of
12 Refugee Resettlement, Unaccompanied Alien Children Bureau Policy Guide (2025) (“Policy
13 Guide”), <https://acf.gov/orr/policy-guidance/unaccompanied-children-bureau-policy-guide> (last
14 visited on February 5, 2026). The Policy Guide governs the placement, care, and release of
15 unaccompanied children in ORR custody, consistent with ORR’s legal authorities. Policy Guide,
16 Introduction.

17
18 31. Section 2 of the guide sets out ORR’s policies with respect to securing “[s]afe and
19 timely release” of unaccompanied children. Policy Guide, § 2.1. Under the Policy Guide, “[s]afe
20 and timely release must promote public safety and ensure that sponsors are able to provide for the
21 physical and mental well-being of the children.” *Id.* The Policy Guide describes the sponsor
22 identification and application process in detail, including specific ORR requirements prior to
23 application adjudication and approval. *Id.* at §§ 2.2-2.7.

24 **B. Constitutional Protections for Unaccompanied Children**

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26 32. The substantive component of due process forbids the Government from infringing
27 in any way upon fundamental liberty interests unless the infringement is narrowly tailored to
28 serve a compelling state interest. *United States v. Salerno*, 481 U.S. 739, 749 (1987). In the

1 immigration context, whether the infringement is narrowly tailored to serve a compelling
2 governmental interest is determined by evaluating whether the infringement on liberty: 1) is
3 impermissible punishment or permissible regulation; and 2) is excessive in relation to the
4 regulatory goal Congress sought to achieve. *See id.* at 747.

6 33. “[T]he interest in being free from physical detention” by the state is “the most
7 elemental of liberty interests[.]” *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004). A child’s interest
8 in being free from confinement is no narrower than that of an adult. *In re Gault*, 387 U.S. 1, 13
9 (1967) (“neither the Fourteenth Amendment nor the Bill of Rights is for adults alone”); *see also*
10 *Reno v. Flores*, 507 U.S. 292, 316 (1993) (O’Connor, J. and Souter, J., concurring), quoting
11 *Gault*, 387 U.S. at 13 (“[The Supreme Court] ha[s] consistently [...] rejected the assertion that ‘a
12 child, unlike an adult, has a right ‘not to liberty but to custody.’”).

14 34. The serious harm of prolonged detention of unaccompanied children is well
15 documented. *See Lucas R.*, 2022 WL 2177454 at *17 (“Numerous child welfare experts have
16 expounded on the harm that detention causes children, particularly young children”). In 2018,
17 ORR policy changes caused unaccompanied children’s length of custody in ORR to increase
18 significantly, with children spending months in congregate care designed to hold children for only
19 a few weeks. *See, e.g.*, Dep’t of Health and Hum. Servs., Office of the Inspector Gen., *Care*
20 *Provider Facilities Described Challenges Addressing Mental Health Needs of Children in HHS*
21 *Custody*, 13 (Sept. 2019), <https://perma.cc/YLT7-R3HP> (“HHS OIG Report”).

23 35. Children have a constitutional right to familial association. *Santosky v. Kramer*,
24 455 U.S. 745, 753 (1982). “[T]he liberty interest in family privacy has its source, and its contours
25 are ordinarily to be sought...in intrinsic human rights.” *Smith v. Org. of Foster Families for*
26 *Equality & Reform*, 431 U.S. 816, 845 (1977).

36. Longstanding Supreme Court precedent establishes that when a government action deprives an individual of a fundamental constitutional interest, that individual is entitled to procedural due process consisting of notice and an opportunity to be heard. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976); *Mullane v. Central Hanover Bank & Trust*, 339 U.S. 306 (1950). Furthermore, “‘significant’ and ‘unexplained delay[s] in responding to a [a proposed sponsor’s] unification request’ violate due process irrespective of other procedural defects.” *Lucas R. v. Becerra*, 2022 WL 2177454, at *27 (C.D. Cal. Mar. 11, 2022) (citing *Santos v. Smith*, 260 F. Supp. 3d 598, 613-14 (W.D. Va. 2017)).

37. In accordance with these procedural safeguards, ORR has a statutory and regulatory responsibility to determine the safety and suitability of N.E.C.M. without unnecessary delay. They did so in 2015 when they placed C.R.J.M with N.E.C.M upon his arrival to the United States. There is no reasonable dispute that C.R.J.M.’s sponsor is safe and qualified, and ORR has a duty to immediately grant N.E.C.M.’s reunification request.

FACTUAL BACKGROUND

38. C.R.J.M. was born on  2010. See Ex. 1 at 8.

39. C.R.J.M. was abandoned by his father in El Salvador when he was just a baby and was being raised by his grandmother. C.R.J.M.’s mother was working in the United States and sending money home for C.R.J.M.’s care. See Ex. 1 at 25, ¶8.

40. When C.R.J.M. was 5 years old, his grandmother became too old to care for him, and he had no other family members in El Salvador who could care for him. His family made the heart wrenching and extremely difficult decision for C.R.J.M to journey alone to the United States to live with his mother. See Ex. 1 at 25, ¶8 and 28, ¶29.

41. C.R.J.M. arrived in the United States as a 5-year-old toddler on November 25, 2015. See Ex. 1 at 8.

42. When he arrived in the United States, C.R.J.M. was apprehended by immigration officials at the United States border and placed in the custody of the Office of Refugee Resettlement. See Ex. 1 at 25-26, ¶8.

43. In December 2015, the Office of Refugee Resettlement determined that N.E.C.M. was a safe and loving sponsor and released C.R.J.M. to her custody in St. Paul, Minnesota. See Ex. 1 at 26, ¶8. He has been living with his mother ever since.

44. Ever since C.R.J.M. came into the United States, C.R.J.M. and his mother have taken every necessary step for C.R.J.M. to become a permanent resident of the United States.

45. Shortly after C.R.J.M. arrived in November 2015, he was issued a Notice to Appear and was the subject of removal proceeding at the Immigration Court in Fort Snelling, Minnesota. See Ex. 1 at 19.

46. N.E.M.R. made a motion in Ramsey County State Court of Minnesota asking the court to enter a default order as to the custody of her son and other requested relief. See Ex. 1 at 24.

47. On August 30, 2016, the Honorable Shawn Bartsh in the District Court, Second District Family Court, Minnesota issued Findings of Fact and Conclusion of Law Regarding Custody and Special Findings. See Ex. 1 at 24-28. Judge Bartsh found, among other things:

- a. N.E.M.R. is the biological mother of C.R.J.M.
- b. N.E.M.R. has been C.R.J.M. 's primary caretaker since his arrival in Minnesota.
- c. Because C.R.J.M. has resided with N.E.M.R. since his arrival in Minnesota, as well as several years in El Salvador, and because N.E.M.R. is C.R.J.M.'s mother, N.E.M.R. and C.R.J.M. have a deeply intimate relationship.
- d. N.E.M.R. 's home is a stable, satisfactory environment, and N.E.M.R. is desirous of maintaining that continuity for C.R.J.M.

- e. N.E.M.R. has no history of physical or mental health problems.
- f. N.E.M.R. is fully capable of providing love, affection, and guidance to C.R.J.M.
- g. N.E.M.R. speaks Spanish and can communicate with C.R.J.M. in his native language.
- h. It is not in C.R.J.M. 's best interest to be returned to his or his parents' previous country of nationality or last habitual residence -El Salvador - given that he was abandoned by his father. C.R.J.M. does not have another relative in El Salvador to care for him as his maternal grandmother is elderly and stated she could not care for him. If he were to return to El Salvador, he would likely end up living without anyone to care for him.
- i. It is in C.R.J.M.'s best interest to remain the United States.

48. On October 13, 2016, C.R.J.M. filed a Petition for SIJ classification. See Ex. 1.

49. C.R.J.M.'s Petition for SIJ classification was granted on or about January 10, 2017. See Ex. 2.

50. Removal proceedings against C.R.J.M. were administratively closed on March 21, 2017. See Ex. 3.

51. On June 5, 2020, C.R.J.M. filed a Motion to Recalendar and Terminate proceedings with the Fort Snelling Immigrate Court. See Ex. 4. On September 24, 2020, both orders were granted. See Ex. 5.

52. As of September 24, 2020, the Removal Proceedings against C.R.J.M. that began in November 2015 were terminated and closed.

53. On October 28, 2020, C.R.J.M. filed an I-485 Application to Adjust Status and Register as a Permanent Resident Based on Approved I-360 Special Immigrant Juvenile Status. See Ex. 6.

1 54. On November 8, 2021, USCIS issued a Request for Evidence regarding C.R.J.M.'s
2 I-485 Application specifically requesting proof of receiving a COVID-19 vaccination. See Ex. 7.

3 55. On February 9, 2022, C.R.J.M filed a Form I-601 Application for Waiver seeking
4 an exemption from the vaccination requirement because vaccinations are against C.R.J.M.'s
5 mother's religious beliefs and moral convictions. See Ex. 8 at 11.

6 56. N.E.M.R. explained that she could not move forward with the COVID-19
7 vaccination in good conscience. As an Evangelical Christian her entire life, N.E.M.R. believes
8 that the vaccination was contrary to the word of God, including in 1 Corinthians 6: 19: "Do you
9 not know that your bodies are temples of the Holy Spirit, who is in you, whom you have received
10 from God? You are not your own." See Ex. 8 at 22-23.

11 57. On March 28, 2023, C.R.J.M. received notice that his I-485 application to adjust to
12 a Permanent Resident was denied, solely on C.R.J.M.'s inability to obtain the COVID-19 vaccine.
13 See Exs. 9 and 10

14 58. On March 11, 2025, the Trump Administration removed the requirement that
15 immigrant applicants receive the COVID-19 vaccination. C.R.J.M. will soon re-file an I-485
16 Application to Adjust Status now that this technicality has been removed.

17 59. On February 10, 2026, C.R.J.M. stopped at a gas station with two friends.
18 C.R.J.M. was violently arrested by federal officers. During his arrest, C.R.J.M. hurt his hand.

19 60. That same day, it appears that C.R.J.M. was abducted and transported to an
20 unknown and unidentified detention facility in Fairfield, California.

21 61. C.R.J.M. has no connection to, and no family in, Fairfield, California.

22 62. On February 11, 2026, immigration officials contacted N.E.C.M. to inform her that
23 her child was in California. Despite the fact that immigration officials knew about the
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1 whereabouts of C.R.J.M.'s mother since February 11, ORR has failed to release C.R.J.M. back to
2 her custody.
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4 63. C.R.J.M. has lived with his mother N.E.C.M. since his arrival in 2015. For nine
5 years she has provided him with a loving and affectionate home. She has maintained a stable
6 home for C.R.J.M. Importantly, N.E.C.M. has been a constant for C.R.J.M., who was abandoned
7 by his father at just one-years-old.

8 64. The unlawful detention of C.R.J.M. has been devastating on C.R.J.M., his mother,
9 and his two young brothers. His 6-year-old brother constantly asks when C.R.J.M. will be home.
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11 CLAIMS FOR RELIEF

12 FIRST CLAIM

13 VIOLATION OF PROCEDURAL DUE PROCESS

14 65. Petitioner restates and realleges all paragraphs above as if fully set forth herein.

15 66. The government may not deprive a person of life, liberty, or property without due
16 process of law. U.S. Const. amend. V. Due process protects "all 'persons' within the United States,
17 including [non-citizens], whether their presence here is lawful, unlawful, temporary, or
18 permanent." *Zadvydas v. Davis*, 533 U.S. 678, 698 (2001). A child's interest in being free from
19 confinement is no narrower than that of an adult. *In re Gault*, 387 U.S. 1, 13 (1967); *Reno v. Flores*,
20 507 U.S. 292, 316 (1993) (O'Connor, J. and Souter J., concurring) ("[The Supreme Court] ha[s]
21 consistently [...] rejected the assertion that 'a child, unlike an adult, has a right 'not to liberty but
22 to custody.'"). This includes the right of a child "to be raised and nurtured by their parents." *D.B.*
23 *v. Cardall*, 826 F.3d 721, 740 (4th Cir. 2016) (citations omitted); *Troxel v. Granville*, 530 U.S. 57,
24 65 (2000) ("[T]he interest of parents in the care, custody, and control of their children [] is perhaps
25 the oldest of the fundamental liberty interests recognized by [the Supreme] Court.")
26

27 67. Due process requires that the government many not deprive an individual of their
28 constitutional rights without meaningful notice and an opportunity to be heard before a neutral
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1 arbiter to protect against the risk of erroneous deprivation. *Mathews v. Eldridge*, 424 U.S. 319,
2 335 (1976). Due process also requires that government action be rational and non-arbitrary. *See*
3 *U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

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5 68. “Given the nature of the liberty deprivation involved, a minor previously placed
6 with a sponsor by ORR cannot be rearrested solely on the ground that he is subject to removal
7 proceedings.” *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1196 (N.D. Cal. Nov. 20, 2017). Where
8 a child was previously apprehended and released, due process requires a “pre-deprivation bond
9 hearing where the government bears the burden of proving by clear and convincing evidence that
10 petitioner is a flight risk or danger to the community.” *Singh v. Andrews*, No. 1:25-cv-00801-
11 KES-SKO (HC), 2025 WL 1918679, at *8 (E.D. Cal. July 11, 2025). It follows that where there
12 is no removal proceeding and no allegation of flight risk or danger to the community, there is no
13 justification for depriving the child of their constitutional right to liberty.

14
15 69. Respondents’ policies and actions, as set forth above, have deprived C.R.J.M. of
16 freedom from confinement and his right to family integrity without Constitutionally sufficient due
17 process.

18 **SECOND CLAIM FOR RELIEF**

19 **VIOLATION OF THE TRAFFICKING VICTIMS PROTECTION** 20 **REAUTHORIZATION ACT (TVPRA), 8 U.S.C. § 1232**

21 70. Petitioner restates and realleges all paragraphs above as if fully set forth herein.

22 71. Respondents have a non-discretionary duty under the TVPRA to promptly place
23 C.R.J.M. “in the least restrictive setting” that is in his best interests. 8 U.S.C. § 1232(c)(2)(A).

24 72. Respondents have failed to promptly place Petitioner in the least restrictive setting
25 in his best interests, with his sponsor that ORR approved in December 2015.

26 73. C.R.J.M.’s sponsor, N.E.C.M., is capable, proper, and fit, and C.R.J.M. does not
27 present any flight risk or danger to the community. Respondents previously placed C.R.J.M. with
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1 N.E.C.M. in December 2015, and there has been no change with this placement. Therefore, Respondents
2 have failed to place C.R.J.M. in the least restrictive setting that is in his best interests.
3

4 74. After DHS transfers a minor to ORR custody, and ORR previously “determined
5 that the appropriate place for the minor was not in federal custody” but rather with [his/her/their]
6 sponsor in the community, the TVPRA prevents DHS from re-detaining a child without evidence
7 that there has been a material change in circumstances such that “the minor is now a danger to
8 himself or the community, or a flight risk.” *Saravia v. Sessions*, F.Supp.3d 1168, 1196 (N.D. Cal.
9 2017); 8 U.S.C. § 1232(c)(2)(A).
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11 75. If ORR previously approved a child’s sponsor and determined that release to that
12 sponsor was the least restrictive setting in the child’s best interests, and the child is not a risk to
13 themselves or the community, nor a flight risk, due process requires that the child be released
14 back to that previously approved sponsor barring materially changed circumstances. *Saravia v.*
15 *Sessions*, 905 F.3d 1137 (9th Cir. 2018); *Saravia v. Sessions*, 280 F.Supp.3d 1168, 1198 (N.D.
16 Cal. 2017) (rejecting that the TVPRA requires reassessment of a sponsor’s fitness when a child is
17 returned to ORR custody and holding that where no changed circumstance justifies the child’s
18 rearrest, the “minor should be placed with the sponsor, whom ORR already deemed suitable.”).
19

20 76. Respondents’ policies and actions described above, which have resulted in
21 C.R.J.M.’s unnecessary prolonged detention and separation from his mother, violate Section 235
22 of the TVPRA, 8 U.S.C. § 1232
23

24 **THIRD CLAIM FOR RELIEF**

25 **VIOLATION OF THE FOUNDATIONAL RULE, 45 C.F.R. §§ 410.1000 ET SEQ.,**
26 **AND THE ORR UC POLICY GUIDE**

27 77. Petitioner restates and realleges all paragraphs above as if fully set forth herein.
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78. Federal agencies and their officials are required to follow their own “existing valid regulations.” *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954). When an agency fails to comply with binding regulations, such actions are “not in accordance with law,” *See Vitarelli v. Seaton*, 359 U.S. 535, 545 (1959).

79. Under the Foundational Rule, Respondents have a non-discretionary duty to promptly place C.R.J.M. in the least restrictive setting that is in his best interests under the Foundational Rule. 45 C.F.R. § 410.1003(f). ORR is also required to make and record prompt and continuous efforts towards a child’s release. *Id.* § 410.1203(a).

80. Respondents previously determined that placing C.R.J.M. with N.E.C.M. was in C.R.J.M.’s best interests.

81. Respondents failure return C.R.J.M. to his mother is a plain violation of their own regulations and guidance, and therefore are holding C.R.J.M. unlawfully.

PRAYER FOR RELIEF

Petitioner prays that the Court assume jurisdiction over this Petition and Complaint and grant the following relief:

1. Issue a Writ of Habeas Corpus compelling Respondents to release C.R.J.M. directly to the custody and care of N.E.C.M. in St. Paul, Minnesota.

2. A declaratory judgement that Respondents have violated C.R.J.M.’s constitutional and statutory rights.

3. An injunction prohibiting C.R.J.M.’s continued custody by ORR because a suitable sponsor is available, as required by federal statutes, the Foundational Rule and the U.S. Constitution.

4. An award of costs and reasonable attorneys’ fees under the Equal Access to Justice Act, and any other applicable statute or regulation; and

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2 5. Any other relief the Court deems just and proper.

3 Dated: March 6, 2026

PMRK Law, LLP
Peter P. Meringolo
Rebecca L. Kassekert

5 By /s/Peter P. Meringolo

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7 Attorneys for Petitioner
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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 and others working at and with my firm have discussed with Petitioner's mother the events described in this Petition. I reviewed the best available information to confirm Petitioner's physical location immediately prior to filing 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: March 6, 2026

PMRK Law, LLP
Peter P. Meringolo
Rebecca L. Kassekert

By /s/Peter P. Meringolo

Attorneys for Petitioner