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8 **UNITED STATES DISTRICT COURT**

9 **SOUTHERN DISTRICT OF CALIFORNIA**

DANIS YATCIN

Petitioner,

v.

TODD M. LYONS, in his official capacity as
Acting Director, U.S. Immigration and Customs
Enforcement; Warden of Imperial Regional Adult
Det Fac; Deputy Field Director of San Diego Field
Office, U.S. Immigration and Customs
Enforcement; Secretary of Homeland Security;
PAMELA BONDI, in her official capacity as
Attorney General of the United States,
Respondents.

Case No. '26CV1707 DMS VET

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

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1 **EXDECUTIVE SUMMARY**

2 Petitioner Danis Yatcin (“Petitioner”) respectfully submits this Petition for Writ of Habeas
3 Corpus pursuant to 28 U.S.C. § 2241, challenging the constitutionality of his continued civil
4 immigration detention by the Department of Homeland Security (“DHS”) and its component
5 agency, U.S. Immigration and Customs Enforcement (“ICE”). This Petition seeks judicial
6 intervention to remedy an ongoing deprivation of liberty that has become unreasonable, excessive,
7 and unconstitutional under the Fifth Amendment.

8 Petitioner has been detained in ICE custody continuously since February 20, 2026. without
9 ever receiving a bond hearing or individualized custody determination. The IJ determined lack of
10 jurisdiction on 03/12/2026 because this matter is pursuant to Matter of Yajure Hurtado. Petitioner
11 is under detention for almost one month.

12 Petitioner’s detention is civil, not criminal. He has no criminal history, poses no danger to
13 the community, and has consistently complied with all ICE requirements. Despite the availability
14 of less restrictive alternatives, ICE has continued to detain Petitioner without any review.

15 Despite these circumstances, ICE has continued to detain Petitioner without conducting a
16 meaningful individualized review of whether detention remains necessary or appropriate. This
17 Petition challenges the constitutionality of Petitioner’s continued detention. Because Petitioner’s
18 continued confinement is excessive, arbitrary, and punitive in effect, and because each additional
19 day of detention imposes serious ongoing harm to his physical, and mental well-being.
20 Accordingly, to vindicate Petitioner’s rights, this Court should grant the instant petition for a writ
21 of habeas corpus.

22 **INTRODUCTION**

23 Petitioner Danis Yatcin is a citizen of Turkey, who came to this country to seek asylum on
24 or about 11/09/2022, he was processed and released on his own recognizance. *See Exhibit A for*

1 *the Order of Release on Recognizance and Notice to Appear*. In the following three years,
2 Petitioner timely applied for asylum, obtained work authorization, and complied with all
3 requirements imposed on him by immigration authorities. Petitioner has had no arrests or adverse
4 interactions with law enforcement during his time in the United States.

5 Nevertheless, on February 20, 2026, Petitioner was traveling with a lawful permanent
6 resident friend to visit friends in Arizona. While returning from the trip, their vehicle was stopped
7 by Border Patrol in Indiana. Petitioner had not violated any law and was lawfully present in the
8 United States with valid work authorization. During the stop, officers asked about their
9 immigration status. Petitioner's friend stated that he was a lawful permanent resident, and
10 Petitioner explained that he had a valid work permit. Despite this, Petitioner was taken into
11 custody, transported to a police station, and subsequently transferred to an immigration detention
12 facility, where he remains detained. *See Exhibit B for the Notice to EOIR*.

13 On September 5, 2025, the Board of Immigration Appeals ("BIA" or "Board") issued a
14 precedent decision, binding on all immigration judges, holding that an immigration judge has no
15 authority to consider bond requests for any person who entered the United States without
16 admission. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The Board determined
17 that such individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore
18 ineligible to be released on bond.

19 Petitioner therefore seeks this Court's immediate intervention to remedy the ongoing
20 violation of his Fifth Amendment right to due process. Absent judicial relief, Petitioner will remain
21 subject to continued detention that prevents him from exercising his responsibilities, asylum
22 process and maintaining basic health. Accordingly, Petitioner respectfully requests that the Court
23 order his immediate release from ICE custody, or, in the alternative, require a prompt and

1 constitutionally adequate custody or bond determination that meaningfully considers the
2 circumstances of his confinement and the availability of less restrictive alternatives.

3 **JURISDICTION**

4 This action arises under the Fifth Amendment to the Constitution of the United States,
5 which guarantees due process of law; 28 U.S.C. § 2241 et seq. (habeas corpus); the Immigration
6 and Nationality Act (“INA”), 8 U.S.C. § 1101 et seq.; and Title 8 of the Code of Federal
7 Regulations.

8 This Court has jurisdiction pursuant to 28 U.S.C. § 2241, because Petitioner is in custody
9 under the authority of the United States and challenges the legality of that custody, and pursuant
10 to 28 U.S.C. § 1331, because this action presents questions of federal law and the United States
11 Constitution.

12 This Court is further authorized to grant relief pursuant to the Suspension Clause of the
13 United States Constitution, art. I, § 9, cl. 2; the All Writs Act, 28 U.S.C. § 1651; the Declaratory
14 Judgment Act, 28 U.S.C. §§ 2201–2202; and the federal habeas corpus statute, 28 U.S.C. § 2241.

15 **VENUE**

16 Venue is proper in this District pursuant to 28 U.S.C. § 2241 because it is the judicial
17 district where Petitioner is confined and where the Respondents Petitioner’s immediate custodians
18 may be reached by service of process.

19 Venue is further proper because Petitioner is detained at the Imperial Regional Adult Det
20 Fac in Calexico, California, which is located within the Southern District of California, and
21 Respondents exercise custody and control over Petitioner within this District. See *Rasul v. Bush*,
22 542 U.S. 466, 478–79 (2004).

23

1 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

2 Although there is no statutory exhaustion requirement for a habeas petition brought by a
3 civil immigration detainee under 28 U.S.C. § 2241, courts have at times required exhaustion as a
4 prudential matter. See *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017); *Singh v. Holder*,
5 638 F.3d 1196, 1203 (9th Cir. 2011).

6 On March 11, 2026, Petitioner requested a custody redetermination before the Immigration
7 Court pursuant to 8 C.F.R. § 1236. The Immigration Judge denied the request, concluding that the
8 court lacked jurisdiction to grant bond under *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA
9 2025). Because the Immigration Judge determined that the court lacked authority to provide the
10 requested relief, further administrative proceedings would be futile and incapable of remedying
11 Petitioner’s unlawful detention. See *Exhibit C for the Order of the Immigration Judge*.

12 **The Immigration Judge’s Alternative Findings Demonstrate That Continued Detention**
13 **Is Not Justified**

14 Although the Immigration Judge denied Respondent’s request for a custody
15 redetermination, the denial was expressly based on a perceived lack of jurisdiction under *Matter*
16 *of Yajure Hurtado* rather than on any determination that Respondent posed a danger to the
17 community or a risk of flight. Importantly, the Immigration Judge included explicit alternative
18 findings stating that, if the jurisdictional ruling were later overturned, Respondent could be
19 released upon posting a \$2,500 bond and complying with certain supervisory conditions, including
20 possible electronic monitoring and residence at a specified address.

21 These alternative findings are significant because they reflect the Immigration Judge’s
22 assessment that Respondent could be safely released under reasonable conditions of supervision.
23 In other words, the record demonstrates that Respondent’s continued detention does not rest on an

1 individualized finding of dangerousness or flight risk, but instead results solely from the court's
2 belief that it lacked authority to grant bond.

3 This distinction is critical for purposes of habeas review. Where a noncitizen remains
4 detained despite an Immigration Judge's indication that release on bond would otherwise be
5 appropriate, continued detention without a meaningful opportunity for release raises serious
6 concerns under the Due Process Clause of the Fifth Amendment. The Immigration Judge's own
7 findings therefore underscore that Respondent is being subjected to ongoing detention without a
8 constitutionally adequate custody determination, and that the appropriate remedy is for this Court
9 to order a prompt bond hearing at which the government bears the burden of justifying further
10 detention.

11 COUNT I

12 **Prolonged Civil Immigration Detention in Violation of the Due Process Clause of the Fifth** 13 **Amendment**

14 Petitioner Danis Yatcin realleges and incorporates by reference all preceding paragraphs
15 of this Petition, including the detailed factual background concerning his detention history as
16 though fully set forth herein.

17 The Fifth Amendment's Due Process Clause protects all persons within the United States
18 from arbitrary deprivations of liberty. While the government possesses limited authority to detain
19 noncitizens during the pendency of immigration proceedings, that authority is not unlimited. Civil
20 immigration detention must remain temporary, non punitive, and reasonably related to a legitimate
21 governmental purpose, and it must be accompanied by meaningful procedural safeguards. The
22 government's ongoing detention of Petitioner is unjustified and unlawful. In accordance with
23 *Demore v. Kim, 538 U.S. 510 (2003)*, noncitizens in the United States are entitled due process of
24 law in deportation proceedings. This case supports the principle that civil immigration detention,

1 even if mandated by statute, must not be arbitrary or punitive and requires meaningful
2 individualized review.

3 *Zadvydas v. Davis*, 533 U.S. 678 (2001) supports the argument that ICE cannot detain him
4 indefinitely without an individualized bond hearing or meaningful review. Civil immigration
5 detention is limited by due process and must be proportionate to its civil purpose.

6 Ninth Circuit determined that even if the Petitioner is subject to mandatory detention,
7 noncitizen is still protected by due process clause.

8 The Fifth Amendment requires that detention be “reasonabl[y] relat[ed]” to a valid
9 governmental purpose. *Jackson v. Indiana*, 406 U.S. 715, 738 (1972). Immigration detention
10 during the pendency of removal proceedings is authorized by statute for the purpose of mitigating
11 flight risk and preventing danger to the community. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

12 The goals of immigration detention are to “ensur[e] [his] appearance ... at future
13 immigration proceedings,” and to “[p]revent[] danger to the community.” *Zadvydas*, 533 U.S. at
14 690. Neither goal is served by Petitioner’s detention.

15 Petitioner’s continued immigration detention without an individualized bond hearing
16 violates due process under the *Mathews v. Eldridge* balancing test. First, Petitioner’s private
17 interest in freedom from physical restraint is fundamental and weighs heavily in favor of greater
18 procedural protections. Second, the risk of erroneous deprivation under the current scheme is
19 substantial because Petitioner remains detained without an individualized bond hearing. Third,
20 while the government has an interest in efficient administration of the immigration system, that
21 interest does not outweigh the severe liberty deprivation imposed by prolonged detention,
22 particularly where individualized hearings are routinely provided and impose minimal
23 administrative burden. Balancing these factors, due process requires an individualized bond
24 hearing, and Petitioner’s continued detention without such a hearing is unconstitutional.

1 Petitioner’s detention was not the result of any violation of law, evasion, or changed
2 circumstance. Rather, Petitioner was traveling with a lawful permanent resident friend to visit
3 friends in Arizona. While returning from the trip, their vehicle was stopped by Border Patrol in
4 Indiana. During the stop, officers asked about their immigration status. Petitioner’s friend
5 explained that he was a lawful permanent resident, and Petitioner stated that he had valid work
6 authorization.

7 Despite committing no violation of law and being transparent about his status, Petitioner
8 was taken into custody by Border Patrol. He was transported to a police station and later transferred
9 to an immigration detention facility. Petitioner had not engaged in any unlawful conduct and
10 presented no basis to suggest that he posed a flight risk or a danger to the community.

11 The Ninth Circuit has made clear that civil immigration detention must be justified by an
12 individualized determination and may not become “arbitrary or punitive in effect.” *Zadvydas v.*
13 *Davis*, 533 U.S. 678, 690 (2001); see also *Casas-Castrillon v. DHS*, 535 F.3d 942, 950 (9th Cir.
14 2008) (continued detention requires a “meaningful opportunity to contest the necessity of
15 detention”). Where, as here, detention is triggered solely by compliance with ICE reporting
16 requirements, it directly undermines any claim that detention is necessary to mitigate flight risk.

17 Moreover, once detention becomes prolonged, due process requires robust procedural
18 protections, including a bond hearing at which the government bears the burden of proving by
19 clear and convincing evidence that continued detention is justified. *Singh v. Holder*, 638 F.3d 1196,
20 1203–05 (9th Cir. 2011). ICE’s decision to detain Petitioner at a routine check-in—without any
21 intervening conduct—demonstrates that his detention is untethered to its civil purpose and weighs
22 heavily in favor of habeas relief or, at minimum, a constitutionally adequate bond hearing.

23 Petitioner has been detained continuously in ICE custody since 02/20/2026, a period now
24 almost a month. Throughout this extended period, the government has never been required to

1 justify Petitioner’s confinement by demonstrating that he poses a flight risk, a danger to the
2 community, or any other individualized basis warranting detention.

3 The length of Petitioner’s detention is significant. As detention becomes prolonged, the
4 individual’s liberty interest grows, while the government’s interest in continued confinement
5 correspondingly diminishes. Here, Petitioner’s detention has extended well beyond the point at
6 which detention can be justified by administrative convenience or categorical detention policies.
7 The absence of any meaningful procedural review renders his continued confinement arbitrary.

8 Mr. Yatcin’s continued detention under these conditions raises serious constitutional
9 concerns under the Fifth Amendment’s Due Process Clause. Civil immigration detention is non-
10 punitive in nature and must be reasonably related to a legitimate governmental purpose. By
11 subjecting Mr. Yatcin to prolonged confinement in conditions that pose a substantial risk to his
12 well-being, the government has failed to ensure constitutionally adequate conditions of
13 confinement. Such conditions are not reasonably related to any legitimate regulatory objective and
14 instead impose an impermissible punitive effect, thereby violating Mr. Yatcin’s Fifth Amendment
15 due process rights and warranting habeas relief.

16 Accordingly, Petitioner’s prolonged detention without a meaningful custody review is
17 unconstitutional, and habeas relief is required.

18 **COUNT II**

19 **Violation of the Fifth Amendment Due Process Clause – Continued Detention Despite the**
20 **Immigration Judge’s Finding That Release on Bond or Supervision Would Be Appropriate**

21 Although the Immigration Judge denied Respondent’s request for a custody
22 redetermination, the denial was based solely on the court’s conclusion that it lacked jurisdiction
23 under *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). The Immigration Judge did not
24 find that Respondent posed a danger to the community or a risk of flight.

1 **Recent Authority Confirms Petitioner’s Redention is Governed by 8 U.S.C. § 1226(a) and**
2 **Requires Due Process Protection**

3 Recent decisions from this District confirm that where a noncitizen was initially released
4 on recognizance under 8 U.S.C. § 1226(a), any subsequent re-detention is governed by that same
5 statutory provision and remains discretionary in nature. See, e.g., *Selis-Tinoco v. Noem*, No. 25-
6 cv-01762 DC JDP, 2025 WL 3567862 (E.D. Cal. Dec. 14, 2025); *Labrador-Prato v. Noem*, No.
7 25-cv-01598 DC SCR, 2025 WL 3458802 (E.D. Cal. Dec. 2, 2025).

8 As in those cases, Petitioner here was expressly released pursuant to an Order of Release
9 on Recognizance under § 1226(a). His subsequent arrest did not occur at the border or upon
10 attempted admission, but rather while appearing for routine ICE supervision — an act of
11 compliance, not evasion. See *Faizyan v. Casey*, 2025 WL 3208844, at *6 (S.D. Cal. Nov. 17,
12 2025).

13 Courts have further recognized that conditional release under § 1226(a) gives rise to a
14 constitutionally protected liberty interest. See *F.M.V. v. Wofford*, 2025 WL 3083934 (E.D. Cal.
15 Nov. 4, 2025); *Guillermo M. R. v. Kaiser*, 2025 WL 1983677 (N.D. Cal. July 17, 2025). Once
16 released, a noncitizen develops reliance interests and establishes enduring community ties similar
17 to those described in *Morrissey v. Brewer*, 408 U.S. 471 (1972). Revocation of that liberty without
18 notice and a pre-deprivation hearing inflicts a “grievous loss” and violates procedural due process.

19 Here, Petitioner’s release on recognizance permitted him to reside lawfully in the
20 community for over three years under ICE supervision. During that period, he fully complied with
21 all reporting obligations and conditions of supervision. His redetention was not based on any
22 violation of those conditions. Under the reasoning adopted by courts within this Circuit, such
23 discretionary redetention requires constitutionally adequate procedural safeguards. No such
24 safeguards were provided here.

1 Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A) Not in Accordance
2 with Law and in Excess of Statutory Authority Violation of 8 U.S.C. § 1226(b), 8 C.F.R. §
3 1236.1(c)(9)

4 Petitioner restates and realleges all paragraphs as if fully set forth here. Under the APA, a
5 court “shall . . . hold unlawful . . . agency action” that is “not in accordance with law;” “contrary
6 to constitutional right;” “in excess of statutory jurisdiction, authority, or limitations;” or “without
7 observance of procedure required by law.” 5 U.S.C. § 706(2)(A)-(D).

8 8 U.S.C. § 1226(b) authorizes that “[t]he Attorney General at any time may revoke a bond
9 or parole authorized under [8 U.S.C. § 1226(a)]” and rearrest a noncitizen under the initial warrant.
10 In implementing this statutory provision, 8 C.F.R. § 1236.1(c)(9) clarifies that such revocations of
11 release from custody may only be carried out in the “discretion of the district director, acting
12 district director, deputy district director, assistant district director for investigations, assistant
13 district director for detention and deportation, or officer in charge (except foreign).”

14 It is a well-established administrative principle that “agency action taken without lawful
15 authority is at least voidable, if not void ab initio.” *L.M.-M. v. Cuccinelli*, 442 F. Supp. 3d 1, 35
16 (D.D.C. 2020), citing *SW General, Inc. v. NLRB*, 796 F.3d 67, 79 (D.C. Cir. 2015); see also *Hooks*
17 *v. Kitsap Tenant Support Servs., Inc.*, 816 F.3d 550, 555 (9th Cir. 2016) (invalidating agency
18 action because it was taken by unauthorized official).

19 On information and belief, Respondents have revoked or are revoking Petitioner’s prior
20 custody determination as a result of a categorical policy prepared by and implemented by
21 unidentified government officials in Washington, not through the individual exercise of discretion
22 required by law or by the individuals enumerated by regulation to do so.

23 Because Petitioner’s revocation of release from custody has been made or will be
24 categorically directed by government officials not authorized by law to make this determination.

1 Respondents' detention of Petitioner is not in accordance with law and in excess of
2 statutory authority.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Petitioner Danis Yatcin respectfully request that this Court grant the following
5 relief:

6 **A. Immediate Release from ICE Custody**

- 7 1) Assume jurisdiction over this matter;
- 8 2) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner
9 immediately;
- 10 3) Order Respondents to show cause why the writ should not be granted within three days
11 and set a hearing on this Petition within five days of the return, as required by 28 U.S.C.
12 § 2243;
- 13 4) Declare that Petitioner's continued detention is no longer reasonably related to any
14 legitimate governmental purpose, and that under the totality of the circumstances,
15 detention has become excessive, arbitrary, and punitive in effect.
- 16 5) Declare that Respondents' actions violate the Administrative Procedure Act;
- 17 6) Order that Petitioner be released without bond, or, in the alternative, subject to
18 reasonable conditions of supervision, including but not limited to electronic
19 monitoring, reporting requirements, or participation in an Alternatives to Detention
20 ("ATD") program, as the Court deems appropriate.

21 **B. Alternative Relief: Prompt and Constitutionally Adequate Custody Hearing**

- 22 7) In the alternative, issue a writ of Habeas Corpus ordering Respondents to provide
23 Petitioner with a constitutionally-adequate bond hearing, at which Respondents must

1 bear the burden by clear and convincing evidence of justifying his future detention by
2 demonstrating that he is a flight risk or a danger to the community;

3 8) Require consideration of less restrictive alternatives to detention, including release on
4 conditions, parole, or ATD, before any decision to continue confinement.

5 **C. Protection Against Transfer and Preservation of Jurisdiction**

6 9) Order Respondents to refrain from transferring Petitioner out of the jurisdiction of this
7 Court during the pendency of this habeas proceeding, so as to preserve this Court's
8 jurisdiction.

9 10) Grant such other and further relief as this Court deems just, equitable, and proper under
10 the circumstances.

11
12 DATED: 03/18/2026

13 Saime Atakan
14 Attorney for Petitioner