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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

JORGE LUIS PEREZ GUZMAN,

Civil Action No.: 2:26-cv-835

Petitioner,

v.

**PETITIONER'S BRIEF IN SUPPORT
PETITION FOR WRIT OF HABEAS
CORPUS**

**WARDEN, GLADES COUNTY
DETENTION CENTER; et. al.,**
Respondents.

Petitioner, Jorge Luis Perez Guzman, submits this brief in support of his pending petition for writ of habeas corpus under § 2241. (Doc. 1). Petitioner challenges his detention under the plain reading of the Immigration and Nationality Act (INA), Due Process Clause of the Fifth Amendment, and the *Accardi* Doctrine. For the reasons stated below, the Court should grant the petition.

INTRODUCTION

1. Petitioner, Jorge Luis Perez Guzman, is a Venezuelan national who has continuously held Temporary Protected Status (TPS) under 8 U.S.C. § 1254a since 2024.
2. TPS holders may not be detained or deported so long as their TPS is valid. The TPS statute provides that “[a]n alien provided temporary protected status under this section *shall not be detained* by the Attorney General on the basis of the alien’s immigration status in the United States.” 8 U.S.C. 1254a(d)(4) (emphasis added).

- 1 3. That protection remains available even if the TPS holder has a final removal order or lacks
2 other immigration status, because the government “shall not remove the alien from the
3 United States during the period in which such [TPS] status is in effect.” 8 U.S.C.
4 1254a(a)(1)(A); *see also* 8 U.S.C. 1254a(a)(5) (TPS statute provides no authority to “deny
5 temporary protected status to an alien based on the alien’s immigration status”); 8 U.S.C.
6 1254a(g) (TPS statute constitutes the exclusive authority for affording nationality-based
7 protection to “otherwise deportable” non-citizens).
- 9 4. While former DHS Secretary, Kristi Noem, purported to rescind TPS for Venezuela, that
10 effort was halted by a federal court.
- 11 5. On December 10, 2025, the federal district court of the Northern District of California
12 granted declaratory relief and declared unlawful former DHS Secretary Noem’s vacatur of
13 the January 17, 2025, extension of TPS for Venezuela and subsequent termination of
14 Venezuela’s 2023 designation in a case brought by the membership organization National
15 TPS Alliance. *Nat’l TPS All. v. Noem*, No. 25-cv-01766-EMC, 2025 WL 3539156 at *3
16 (N.D. Cal. Dec. 10, 2025) (hereinafter “*NTPSA*” and “December 10 Order”).
- 18 6. The December 10 Order in *NTPSA* has a preclusive effect in Petitioner’s habeas case,
19 controlling the legal question of whether members of the National TPS Alliance (NTPSA),
20 such as Petitioner, retain their TPS status. This Court must thus find Petitioner’s detention is
21 unlawful and order his immediate release.
- 23 7. Petitioner has now been detained by U.S. Immigration and Customs Enforcement (ICE)
24 since November 30, 2025—approximately three months and twenty-five days—despite the
25 unambiguous statutory command that TPS holders may not be either detained or deported.
- 26 8. Petitioner respectfully requests that this Court grant a Writ of Habeas Corpus and order
27 Respondents to release him from custody. Petitioner seeks habeas relief under 28 U.S.C.
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2241, which is the proper vehicle for challenging civil immigration detention. *Grigorian v. Bondi*, No. 25-CV-22914-RAR, 2025 U.S. Dist. LEXIS 175489, at *2 (S.D. Fla. Sept. 9, 2025)(“Section 2241 authorizes federal courts to hear challenges to immigration detention.”).

JURISDICTION AND VENUE

1. No petition for a writ of habeas corpus has previously been filed in any court regarding Petitioner. No real property is involved in this action. 28 U.S.C. § 1391(e).
2. This Court has jurisdiction to entertain and grant this habeas petition under 28 U.S.C. § 1331; 28 U.S.C. § 2241; the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq.; the All Writs Act, 28 U.S.C. § 1651; the Due Process Clause of the Fifth Amendment, U.S. Const. amend. V; and the Suspension Clause, U.S. Const. art. I, § 2.
3. Federal district courts have jurisdiction to hear habeas claims brought by noncitizens challenging the lawfulness of their detention. See *Demore v. Kim*, 538 U.S. 510, 516–17 (2003) (recognizing habeas jurisdiction over immigration detention challenges); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001) (same).
4. This Court is not stripped of jurisdiction 8 U.S.C. § 1252(g) to consider Petitioner’s claim, which is premised on challenging the procedural mechanics of his current detention and Respondents’ failure to “follow its own rulebook when it revoked his release.” *Gomez-Alcina v. Noem*, No. 2:25-cv-1164-KCD-DNF, 2026 U.S. Dist. LEXIS 43879, at *4 (M.D. Fla. Mar. 4, 2026); see also *Jennings v. Rodriguez*, 583 U.S. 281, 294 (2018) (“We did not interpret [section 1252(g)] to sweep in any claim that can technically be said to ‘arise from’ the three listed actions of the Attorney General. Instead, we read the language to refer to just those three specific actions themselves.”) (citing *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999)).

1 5. Venue is proper because Petitioner is in the physical custody of Respondents. Petitioner is
2 imprisoned at the Glades County Detention Center, an immigration detention facility
3 operated by Respondents in Moore Haven, Florida. Petitioner is under the direct control of
4 Respondents and their agents. Furthermore, venue is proper in this District under 28 U.S.C.
5 S § 1391 and 28 U.S.C. § 2242 because at least one Respondent is in this District, Petitioner
6 is detained in this District, Petitioners' immediate physical custodian is located in this
7 District, and a substantial part of the events giving rise to the claims in this action took place
8 in this District. See generally *Rumsfeld v. Padilla*, 542 U.S. 426, 434 (2004) ("the proper
9 respondent to a habeas petition is 'the person who has custody over [the petitioner].'") (citing
10 28 U.S.C. § 2242) (cleaned up).

11 12 PARTIES

- 13
14 6. Petitioner, **Jorge Luis Perez Guzman**, is currently detained by Respondents at the Glades
15 County Detention Center, an immigration detention facility. Petitioner has been in ICE
16 custody for approximately three months and twenty-five days, since November 30, 2025.
- 17 7. Respondent, **Warden** of Glades County Detention Center, in Moore Haven, Florida, is the
18 immediate physical and legal custodian of Petitioner pursuant to the facility's contract with
19 U.S. Immigration and Customs Enforcement ("ICE") to detain noncitizens.¹ Respondent,
20 Warden of Glades County Detention Center, office is located at 1297 FL-78, Moore Haven,
21 FL 33471.
- 22
23 8. Respondent **Pamela Bondi** is sued in her official capacity as the Attorney General of the
24 United States and the senior official of the U.S. Department of Justice (DOJ). In this
25 capacity, Respondent Bondi is responsible for representing the United States in legal
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27
28 ¹ Currently, there is no public information regarding the identity of the warden of Glades County Detention Center. Petitioner reserves the right to amend the instant petition if the identity of the Warden of Glades County Detention Center is made public during the pendency of these proceedings.

1 matters, supervising and directing the administration and operation of the Department of
 2 Justice's many agencies, which include the Executive Office of Immigration Appeals
 3 ("EOIR") and the Office of Immigration Litigation ("OIL"). Respondent Bondi's office is
 4 located in the United States Department of Justice, 950 Pennsylvania Avenue NW,
 5 Washington, District of Columbia, 20530.

7 9. Respondent **Todd Lyons** is sued in his official capacity as the Acting Director of the U.S.
 8 Immigration and Customs Enforcement. Respondent Lyons is a legal custodian of Petitioner
 9 and has the authority to release him. Respondent Lyons' office is located at 500 12th St.
 10 SW, Washington, DC 20536.

11 10. Respondent **Garret Ripa** is sued in his official capacity as the Director of the
 12 Immigration and Customs Enforcement, Miami Field Office. Respondent Ripa is a legal
 13 custodian of Petitioner and has the authority to release him. Respondent Ripa's office is
 14 located at 909 Brickell Plaza, Miami, FL 33131.

16 STATEMENT OF FACTS

18 I. PETITIONER IS DETAINED DESPITE HAVING TEMPORARY PROTECTED 19 STATUS FROM VENEZUELA

20 11. Petitioner is a native of Venezuela who has resided in the United States since 2022. (Doc. 1
 21 at 2, 8). Petitioner initially applied for and was granted Temporary Protected Status (TPS)
 22 in the United States pursuant to the 2023 designation of TPS for Venezuela. (*Id.*; Exh. C,
 23 TPS Approval under 2023 Designation). Petitioner has consistently renewed TPS since his
 24 initial registration, including pursuant to the most recent January 17, 2025, extension, which
 25 extended protection for Venezuelan TPS beneficiaries through October 2, 2026. (Doc. 1 at
 26 8.; *See also* Exh. E, Petitioner's 2025 TPS Re-Registration Receipt).

27 12. Petitioner is a member of the National TPS Alliance. (Exh. F, Proof of Petitioner's National
 28

TPS Alliance Membership).

13. Petitioner is married to a United States citizen who filed an I-130, Petition for Alien Relative, on his behalf and has a pending Form I-589, Application for Asylum and Withholding of Removal. (Doc. 1 at 8). Petitioner is gainfully employed pursuant to a work permit that was granted by Respondents. (*Id.*). Petitioner also has an established community of family and friends. (*Id.*).

14. On November 30, 2025, Petitioner was unlawfully detained at a routine ICE check-in and taken into custody due to an alleged “lack of status” in the United States. (*Id.*).

15. Following his unlawful detention, Petitioner has been transferred through various ICE facilities and is currently detained at the Glades County Correctional Center in Moore Haven, FL. (*Id.*; Exh. A, ICE Detainee Locator).

II. TEMPORARY PROTECTED STATUS FOR VENEZUELA

16. On the last day of his first term, President Trump designated Venezuela for Deferred Enforced Departure—a form of nationality-based, discretionary relief from deportation—because Venezuela was experiencing “the worst humanitarian crisis in the Western Hemisphere in recent memory.” 86 Fed. Reg. 6,845, 6,845 (Jan. 19, 2021). President Trump’s action permitted approximately 300,000 Venezuelan refugees to live and work here for 18 months. Memorandum re Deferred Enforced Departure for Certain Venezuelans, 86 Fed. Reg. 6845 (Jan. 19, 2021).

17. Shortly afterwards, on March 9, 2021, then-DHS Secretary Mayorkas designated Venezuela for TPS, allowing Venezuelans residing in the U.S. since March 8, 2021, to apply for protection. 86 Fed. Reg. 13,574 (Mar. 9, 2021). On October 3, 2023, the TPS designation was extended for 18 months and *separately redesignated* for 18 months based upon the same factual circumstances and legal considerations pursuant to section 244 of the INA, 8

1 U.S.C. 1254a. 88 Fed. Reg. 68, 130 (“2023 Designation”). Under the 2023 designation,
2 “individuals who currently do not have TPS may submit an initial application during the
3 initial registration period that runs from October 3, 2023, and runs through the full length
4 of the redesignation period ending April 2, 2025.” *Id.* at 68, 131; Exh. C at 2 (emphasis
5 added).

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7 18. On January 17, 2025, the DHS Secretary extended the 2023 Venezuela Designation by 18
8 months, through October 2, 2026. 90 Fed. Reg. 5,961 (“January 2025 Extension”). DHS
9 cited Venezuela’s ongoing “complex, serious and multidimensional humanitarian crisis,”
10 which has “disrupted every aspect of life,” and concluded that the “extraordinary and
11 temporary conditions supporting Venezuela’s TPS designation remain.” *Id.* at 5,963
12 (citation omitted).

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14 19. In the extension order, DHS also streamlined the registration process for TPS holders by
15 consolidating them into a single track, “allow[ing] existing beneficiaries of **either the 2021**
16 **or 2023** TPS designation to seek an 18-month extension of status through October 2, 2026.”
17 *Id.* at 5,962 (emphasis added).

18
19 20. On February 3, 2025, just days after she took office, former DHS Secretary Noem purported
20 to “vacate” DHS’s January 17 extension of TPS for Venezuela. 90 Fed. Reg. 8805 (Feb. 3,
21 2025). That decision was the first vacatur of a TPS extension in the 35-year history of the
22 TPS statute.

23 21. On February 5, 2025, DHS published a notice in the Federal Register purporting to terminate
24 the 2023 Venezuela Designation. 90 Fed. Reg. 9040 (Feb. 5, 2025). On September 8, 2025,
25 DHS published a notice in the Federal Register purporting to terminate the 2021 designation
26 of TPS for Venezuela. 90 Fed. Reg. 43225 (Sept. 8, 2025).

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28 III. LEGAL CHALLENGE TO VENEZUELA’S TPS TERMINATION

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22. “While DHS Secretary Kristi Noem purported to terminate the 2023 TPS designation for Venezuela, that termination has been set aside by declaratory judgment in *Nat. TPS Alliance v. Noem, supra.*” *Perez v. Noem*, No. 2:26-cv-00107-SPC-NPM, 2026 U.S. Dist. LEXIS 14717, at *4 (M.D. Fla. Jan. 27, 2026).
23. On February 19, the National TPS Alliance and seven individual Venezuelan TPS holders sued the federal government, challenging former DHS Secretary Noem’s vacatur of the January 17, 2025, extension of TPS for Venezuela and subsequent termination of Venezuela’s 2023 TPS designation, as contrary to the TPS statute in violation of the Administrative Procedure Act and unlawful under the Fifth Amendment. *Nat’l TPS All. v. Noem*, No. 25-CV-01766-EMC (N.D. Cal. Filed Feb. 19, 2025).
24. On December 10, 2025, the district court in *NTPSA* issued a final judgment declaring *unlawful* both the vacatur of the January 2025 Extension **and** the termination of the 2023 TPS designation. *Nat’l TPS All. v. Noem*, No. 25-CV-01766-EMC, 2025 WL 3539156, at *3 (N.D. Cal. Dec. 10, 2025) (“*NTPSA* December 10 Order”). The court stayed its order for two weeks to permit the government to appeal and/or seek a stay. *Id.* Nonetheless, the government did not seek a stay; it must now sleep in the bed it made.
25. By its terms, the *NTSPA* order entered into effect on December 25, 2025, after no stay was filed. Although the government has filed an appeal, ***unless or until*** the December 10 order is actually reversed on appeal, it remains in effect.
26. Pursuant to the *NTPSA* December 10 Order, Petitioner retains TPS because Respondents’ actions purporting to deprive him of his TPS status—*i.e.*, the vacatur of the January 17, 2025 extension and the termination of Venezuela’s 2023 designation—have been deemed unlawful under a final judgment issued by a District Court judge. And, “That judgment has preclusive effect” *Perez v. Noem*, No. 2:26-cv-00107-SPC-NPM, 2026 U.S. Dist. LEXIS

1 14717, at *4 (M.D. Fla. Jan. 27, 2026) (*quoting Haaland v. Brackeen*, 599 U.S. 255, 293,
2 143 S. Ct. 1609, 216 L. Ed. 2d 254 (2023)) ("After all, the point of a declaratory judgment is
3 to establish a binding adjudication that enables the parties to enjoy the benefits of reliance
4 and repose secured by *res judicata*. Without preclusive effect, a declaratory judgment is little
5 more than an advisory opinion." (internal citations and quotation marks omitted)).

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7 27. A declaratory judgment is a final judgment on the merits. *See* 28 U.S.C. 2201 ("Any such
8 declaration shall have the force and effect of a final judgment[.]").

9 28. "The doctrine of *res judicata* is one of finality, providing that a final judgment rendered by a
10 court of competent jurisdiction on the merits is conclusive as to the rights and
11 responsibilities of the parties and their privies." *Waldrip v. City of Gainesville*, No. 2:20-CV-
12 00285-SCJ, 2021 U.S. Dist. LEXIS 121777, at *7-8 (N.D. Ga. Apr. 27, 2021) (*quoting*
13 *Baptiste v. IRS*, 29 F.3d 1533, 1539 (11th Cir. 1994)). As to the parties in a prior proceeding
14 and their privies, *res judicata* constitutes an absolute bar to a subsequent judicial proceeding
15 involving the same cause of action. *Id.*

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17 29. Thus, the *NTPSA* December 10 Order, which has not been stayed, controls as to the question
18 of whether members (*privies*) of the National TPS Alliance—the lead plaintiff in *NTPSA*—
19 retain their TPS status. Accordingly, the issue of whether Petitioner has TPS has already
20 been litigated.

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22 30. Following the federal court's decision in *NTPSA*, on March 20, 2026, counsel for Petitioner
23 called and spoke to the U.S. Attorney's Office of the Middle District of Florida regarding the
24 strong merits of Petitioner's claim. Immediate relief was requested in lieu of initiating the
25 instant litigation, but ultimately, the U.S. Attorney's Office of the Middle District of Florida
26 declined and recommended filing a habeas petition.

LEGAL FRAMEWORK

31. The Court need analyze only one statutory provision to resolve this habeas petition. The TPS statute unequivocally prohibits the detention of persons with valid TPS, and Petitioner must be released. *See* 8 USC 1254a(a)(1)(A), (d)(4) (“[a]n alien provided temporary protected status under this section *shall not be detained* by the Attorney General”) (emphasis added).² It is hard to imagine a clearer statutory mandate proscribing detention.

32. The Court need not delve further in an attempt to understand other aspects of Petitioner’s immigration status, because TPS protection remains valid even if the TPS holder has a final removal order or lacks other immigration status. 8 U.S.C. 1254a(a)(1)(A) (the government “shall not remove the alien from the United States during the period in which such [TPS] status is in effect.”). Indeed, even individuals with a final order of removal are statutorily eligible for TPS and may not be denied TPS if otherwise eligible on the basis of that removal order. 8 U.S.C. 1254a(a)(5) (TPS statute provides no authority to “deny temporary protected status to an alien based on the alien’s immigration status”). *See also* 8 U.S.C. 1254a(g) (TPS statute constitutes the exclusive authority for affording nationality-based protection to “otherwise deportable” non-citizens). For that reason alone, this Court should grant the writ and order Petitioner’s immediate release. *See* 28 U.S.C. 2241(c)(3) (authorizing writ for people detained in violation of federal law).

33. Should the Court nonetheless choose to address constitutional questions, it should also find that Petitioner’s detention violates the Due Process Clause of the Fifth Amendment. “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 [of the Fifth

² “Attorney General” in Section 1254a now refer to the Secretary of the Department of Homeland Security. *See* 8 U.S.C. 1103; 6 U.S.C. 557.

Amendment] protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

34. Petitioner’s detention violates the Fifth Amendment’s protection for liberty, for at least three related reasons. First, immigration detention must always “bear[] a reasonable relation to the purpose for which the individual was committed.” *Demore v. Kim*, 538 U.S. 510, 527 (2003) (citing *Zadvydas*, 533 U.S. at 690). Where, as here, the government has no authority to remove Petitioner from the United States, his arbitrary detention cannot be reasonably related to a lawful immigration purpose. It is evident that Petitioner’s detention is not on the right side of the Constitution because his detention no longer serves “a legitimate immigration purpose” and is “acting as a punitive measure.” *Gomez-Alcina v. Noem*, No. 2:25-cv-1164-KCD-DNF, 2026 U.S. Dist. LEXIS 43879, at *6 (M.D. Fla. Mar. 4, 2026) (citing to *United States v. Salerno*, 481 U.S. 739, 747, 107 S. Ct. 2095, 95 L. Ed. 2d 697 (1987); *Rodriguez v. Perry*, 747 F. Supp. 3d 911, 917 (E.D. Va. 2024) (“[A]liens . . . have a substantive due process right to be free of arbitrary confinement pending deportation proceedings.”)).

35. Second, because Petitioner is not “deportable” insofar as the TPS statute bars his deportation, the Due Process Clause requires that any deprivation of Petitioner’s liberty be narrowly tailored to serve a compelling government interest. See *Reno v. Flores*, 507 U.S. 292, 301–02 (1993) (holding that due process “forbids the government to infringe certain ‘fundamental’ liberty interests at all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest”); *Demore*, 538 U.S. at 528 (applying less rigorous standard for “deportable aliens”). Petitioner’s ongoing imprisonment obviously cannot satisfy that rigorous standard.

36. Third, at a bare minimum, “the Due Process Clause includes protection against *unlawful* or arbitrary personal restraint or detention.” *Zadvydas v. Davis*, 533 U.S. 678, 718 (2001)

(Kennedy, J., dissenting) (emphasis added). Where federal law explicitly prohibits an individual's detention, their detention also violates the Due Process Clause.

37. Petitioner may not be legally detained or deported, and this Court should order Petitioner's immediate release from ICE custody. *See* 28 U.S.C. 2241(c)(3) (authorizing writ for people detained in violation of federal law).

CLAIMS FOR RELIEF

COUNT ONE

VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT – 8 U.S.C. § 1254a

38. Petitioner reallege and incorporate by reference each and every allegation contained above.

39. Section 1254a of Title 8 of the U.S. Code governs the treatment of TPS holders, including their detention and removal under federal immigration law.

40. Section 1254a(d)(4) states “[a]n alien provided temporary protected status under this section *shall not be detained* by the Attorney General on the basis of the alien's immigration status in the United States.” (emphasis added). There is no exception to this rule provided in the statute.

41. Thus, Petitioner's detention violates Section 1254a, so he is entitled to immediate release from custody.

COUNT TWO

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION

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

43. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. amend. V. See generally *Reno v. Flores*, 507 U.S. 292 (1993); *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*,

1 538 U.S. 510 (2003).

2 44. Petitioners' detention violates the Due Process Clause because it is not rationally related to
3 any immigration purpose; because it is not the least restrictive mechanism for accomplishing
4 any legitimate purpose the government could have in imprisoning Petitioner; and because it
5 lacks any statutory authorization.

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7 COUNT THREE

8 ***VIOLATION OF ACCARDI DOCTRINE AS TO***
9 ***8 U.S.C. § 1155; 8 C.F.R. § 205.2***

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

11 46. Under the *Accardi* doctrine, federal agencies are required to follow their own binding
12 regulations, and failure to do so renders the resulting agency action unlawful. United States ex
13 rel. *Accardi v. Shaughnessy*, 347 U.S. 260, 267–68 (1954); *Morton v. Ruiz*, 415 U.S. 199, 235
14 (1974). The premise of that doctrine is straightforward: “an agency must abide by its own regulations.”
15 *Chevron Oil Co. v. Andrus*, 588 F.2d 1383, 1386 (5th Cir. 1979). “[A]gency deviation from its own
16 regulations and procedures may justify judicial relief in a case otherwise properly before the court.”
17 *Jean v. Nelson*, 727 F.2d 957, 976 (11th Cir. 1984). And it “goes without saying that ICE, like all
18 government agencies, must follow its own regulations.” *Roble v. Bondi*, 803 F. Supp. 3d 766, 774 (D.
19 Minn. 2025).

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21 47. While 8 U.S.C. § 1226(b) authorizes that “The Attorney General at any time may revoke a
22 bond or parole authorized under subsection (a) [§ 1226(a)]” and rearrest a noncitizen under
23 the initial warrant, once a determination to release an individual from custody is made, the
24 release order may be revisited when the facts or circumstances warrant revocation or
25 reconsideration. 8 U.S.C. § 1226(b). For an individual who was once in custody, revocation
26 and return to custody are authorized only based on the individualized facts and circumstances.
27
28 8 C.F.R. § 1236.1(c)(9).

1 48. In implementing this statutory provision, 8 C.F.R. § 1236.1(c)(9) clarifies that such
2 revocations of release from custody may only be carried out in the “discretion of the district
3 director, acting district director, deputy district director, assistant district director for
4 investigations, assistant district director for detention and deportation, or officer in charge
5 (except foreign).”

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7 49. It is a well-established administrative principle that “agency action taken without lawful
8 authority is at least voidable, if not void ab initio.” *L.M.-M. v. Cuccinelli*, 442 F. Supp. 3d 1,
9 35 (D.D.C. 2020), citing *SW General, Inc. v. NLRB*, 796 F.3d 67, 79 (D.C. Cir. 2015).

10 50. Respondents have already considered Petitioner’s facts and circumstances and determined that
11 he was not a flight risk or danger to the community when they previously released him from
12 custody and ordered him to complete routine ICE check-ins. There have been no changes to
13 Petitioner’s facts and circumstances that justify the revocation of his release on his own
14 recognizance. Nor was Petitioner provided a pre-deprivation process or notice by an
15 authorized official under 8 C.F.R. § 1236.1(c)(9).

16
17 51. Respondents have not complied with their own regulations as to the revocation of Petitioner’s
18 release on his own recognizance (his initial custody determination). Therefore, their regulatory
19 violation renders his ongoing detention unlawful.

20 CONCLUSION

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22 WHEREFORE, for the foregoing reasons, Petitioner respectfully requests that the Court
23 grant his writ for habeas corpus and reasserts his prayer for the Court to:

- 24 1. Declare that Petitioner’s detention violates the Immigration and Nationality Act, and
25 specifically 8 U.S.C. § 1254a;
26 2. Declare that Petitioner’s detention violates the Due Process Clause of the Fifth
27 Amendment;
28 3. Declare that Respondents violated the *Accardi* Doctrine and therefore Petitioner’s

1 detention is unlawful;

- 2 4. Order Respondents to immediately release Petitioner from custody, or in the alternative,
3 a bond hearing before a neutral decision maker with the burden of proof on the
4 government to show that Petitioner is either a danger to the community or a flight risk
5 by clear and convincing evidence;
- 6 5. Enjoin Respondents from further detaining Petitioner so long as the December 10 Order
7 remains in effect;
- 8 6. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act,
9 5 U.S.C. § 504 and 28 U.S.C. § 2412; and
- 10 7. Grant such further relief as this Court deems just and proper.

11 Dated: March 26, 2026

Respectfully submitted,

13 /S/ Marlon Bayas

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21 Attorney for Petitioner
22 *Admitted Pro Hac Vice*
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1 **COUNSEL’S VERIFICATION STATEMENT PURSUANT TO 28 U.S.C. § 2242**

2 I am submitting this verification on behalf of the Petitioner as their attorney. I have
3 reviewed relevant documentation reasonably available to me of the events described in the
4 previously submitted Petition and Complaint, as well as the instant brief. On the basis of those
5 documents and discussions with individuals whom Petitioner authorized to speak on his behalf,
6 I hereby verify that the statements made in the foregoing Brief in Support of Petition for a Writ
of Habeas Corpus, as well as all previously filed documents, as true and correct to the best of
my knowledge, information, and belief.

7
8 Dated: March 26, 2026

//S/ Marlon Bayas
Marlon Bayas, Esq.

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11 **CERTIFICATE OF SERVICE**

12 I hereby certify that on February 8, 2026, I filed the foregoing Brief in Support of Petition
13 for a Writ of Habeas Corpus through the CM/ECF system, which caused all parties or counsel
14 to be served by electronic means as more fully reflected on the Notice of Electronic Filing.

15
16 Dated: March 26, 2026

/S/ Marlon Bayas
Marlon Bayas, Esq.