

ELKIN EUGENE TRENCH SR.
Agency No. 240-321-955
C/O DFW AND ASSOCIATES
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Petitioner, pro se

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CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

ELKIN EUGENE TRENCH SR.,

Petitioner,

-vs.-

LUIS ROSA, Jr. Warden of the Florence
Correctional Center; CHRISTOPHER
MCGREGOR, Acting Field Office Director
for Enforcement and Removal Operations
(ERO) Phoenix; TODD LYONS, Acting
Director of U.S. Immigration Customs
Enforcement ("ICE"); KRISTI NOEM,
Secretary of the Department of Homeland
Security ("DHS"); PAMELA BONDI,
Attorney General of the United States;
U.S. DEPARTMENT OF HOMELAND
SECURITY ("DHS"); and
U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT ("ICE"),

Respondents.

Case No. **CV26-01987-PHX-DJH--ASB**

Agency No. 

**PETITION FOR WRIT OF HABEAS
CORPUS PURSUANT TO 28 U.S.C. §
2241 AND COMPLAINT FOR
INJUNCTIVE AND DECLARATORY
RELIEF**

Expedited Treatment Requested

I. INTRODUCTION

1. Petitioner Elkin Eugene Trench Sr., an asylum seeker from Belize, is currently detained at the Florence Correctional Center located in Florence, Arizona based on an unlawful interpretation of the Immigration and Nationality Act (“INA”) and violations of his constitutional rights. This Petition challenges his arbitrary re-detention and prolonged incarceration.

2. In April 2022, Petitioner fled to the United States with his partner and minor son to escape persecution [REDACTED] Upon arrival, U.S. immigration authorities paroled Petitioner into the country with supervised release conditions, determining at that time that he posed neither a danger to the community nor a flight risk.

3. For over three years following his parole, Petitioner complied with all conditions of his release, attending every required ICE check-in and establishing deep ties to his family and community. He has no criminal convictions in the United States or any other country.

4. On July 4, 2025, a minor verbal misunderstanding occurred between Petitioner and his brother-in-law, Omarion Grant, at their shared residence. Despite the familial nature of the dispute, the lack of any violence, and the alleged victim’s subsequent request that all charges be dismissed (See Declaration of Omarion Grant, Ex. A), Respondents arrested Petitioner on July 25, 2025, as he exited the San Bernardino Superior Courthouse. ICE agents ambushed him without a warrant or explanation, stating only, “you are the person we are looking for.”

5. Following his seizure, Petitioner was detained and ordered removed on January 9, 2026. That order is currently on appeal before the Board of Immigration Appeals.

6. On March 9, 2026, Petitioner was afforded a bond hearing, but the Immigration Judge denied relief, relying on *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), and finding

1 she lacked jurisdiction to grant him bond despite his demonstrated lack of dangerousness or flight
2 risk.

3 7. Petitioner's re-detention violates the statutory and constitutional protections afforded
4 to him under the Fifth Amendment and the INA. He is a non-dangerous, non-flight-risk asylum
5 seeker whose liberty was revoked without material change in circumstances or procedural due
6 process, and whose removal is not reasonably foreseeable. He respectfully seeks this Court's
7 intervention to end his unlawful confinement.
8

9 II. JURISDICTION

10 7. This Court has subject matter jurisdiction over this petition pursuant to 28 U.S.C. §
11 2241, which grants federal courts the authority to issue writs of habeas corpus to individuals held in
12 custody in violation of the Constitution or laws of the United States.
13

14 8. This Court also has jurisdiction under 28 U.S.C. § 1331 as this action arises under
15 federal law.
16

17 III. VENUE

18 9. Venue is proper in this district pursuant to 28 U.S.C. § 2241(d) because Petitioner is
19 detained at the Florence Correctional Center, which is located within the District of Arizona.

20 IV. REQUIREMENTS OF 28 U.S.C. § 2241, 2243

21 10. The Court must grant the petition for writ of habeas corpus or issue an order to show
22 cause (OSC) to the Respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C.
23 § 2243. If an OSC is issued, the Court must require Respondents to file a return "within three days
24 unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*
25

26 11. Courts have long recognized the significance of the habeas statute in protecting
27 individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most
28

1 important writ known to the constitutional law of England, affording as it does a swift and
2 imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400
3 (1963).

4 V. PARTIES

5 12. Petitioner Elkin Eugene Trench Sr. is a native and citizen of Belize, currently
6 detained at the Florence Correctional Center.
7

8 13. Respondent Luis Rosa, Jr. is the Warden of the Florence Correctional Center and is
9 Petitioner’s immediate custodian.

10 14. Respondent Christopher McGregor is the Acting Field Office Director for
11 Enforcement and Removal Operations (ERO) Phoenix and is responsible for supervising Petitioner’s
12 detention.
13

14 15. Respondent Todd Lyons is the Acting Director of ICE, the agency that arrested and
15 detains Petitioner.

16 16. Respondent Kristi Noem is the Secretary of DHS and has supervisory authority over
17 ICE.
18

19 17. Respondent Pamela Bondi is the Attorney General of the United States and is
20 responsible for administering the nation’s immigration laws.

21 18. Respondents U.S. Department of Homeland Security and U.S. Immigration and
22 Customs Enforcement are federal agencies responsible for Petitioner’s detention and are sued in
23 their official capacities.
24

25 VI. LEGAL FRAMEWORK

26 19. Because Petitioner has no criminal convictions and his removal order is on appeal,
27 his detention is governed by INA §1226(a), which requires individualized custody determinations
28 consistent with due process.

1 20. The Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 et seq., establishes
2 different detention frameworks depending on the stage of removal proceedings. When a noncitizen
3 is in removal proceedings under 8 U.S.C. § 1229a, their detention may be governed by either
4 discretionary detention under § 1226(a) or mandatory detention under § 1226(c), depending on the
5 individual’s circumstances.
6

7 21. Section 1226(a) provides that, pending a decision on whether a noncitizen is to be
8 removed from the United States, the Attorney General may detain the noncitizen or release the
9 noncitizen on bond or conditional parole. See 8 U.S.C. § 1226(a). The decision whether to release an
10 individual on bond must be made on a case-by-case basis, considering whether the individual poses
11 a risk of flight or a danger to the community. See 8 C.F.R. § 236.1(c)(8); *Matter of Guerra*, 24 I. &
12 N. Dec. 37, 40 (BIA 2006). Individuals detained under § 1226(a) are entitled to a bond hearing
13 before an Immigration Judge to redetermine custody status. See 8 C.F.R. § 1003.19(a).
14

15 22. By contrast, § 1226(c) mandates detention without bond for noncitizens who have
16 committed certain crimes specified in the statute. See 8 U.S.C. § 1226(c). Petitioner is not subject to
17 § 1226(c) mandatory detention because he has never been convicted of any crime, let alone one of
18 the predicate offenses enumerated in the statute. Rather, his detention is governed by the
19 discretionary standard of § 1226(a).
20

21 23. Once a final order of removal has been entered, detention authority shifts to 8 U.S.C.
22 § 1231(a), which governs the detention of noncitizens pending their actual removal from the United
23 States. See 8 U.S.C. § 1231(a)(1)-(2). Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), detention
24 under § 1231 becomes unconstitutional if the removal period is no longer reasonably foreseeable. *Id.*
25 at 682-83, 699. However, where a noncitizen has filed an appeal of the removal order, as Petitioner
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28

1 has here, the removal period is not yet commenced, and the noncitizen remains in pre-removal status
2 subject to § 1226 rather than § 1231.

3 24. The decision to re-detain a noncitizen who was previously released on parole must
4 comport with constitutional requirements of procedural due process. See *Morrissey v. Brewer*, 408
5 U.S. 471, 482 (1972) (conditional release carries implicit promise that liberty will not be revoked
6 without process); *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976) (due process requires hearing
7 before deprivation of liberty interest).
8

9 VII. PROCEDURAL HISTORY

10 24. In April 2022, Petitioner was paroled into the United States with supervised release
11 conditions. He complied perfectly with his release conditions, including attending every required
12 check-in with immigration authorities.
13

14 25. On July 4, 2025, he was arrested in San Bernardino, California and charged with
15 Criminal Threats and Assault following a minor verbal family dispute with his brother-in-law,
16 Omarion Grant.
17

18 26. On July 25, 2025, he was arrested outside the San Bernardino courthouse by ICE
19 agents who provided no reason for his detention.

20 27. An order of removal was entered against him on January 9, 2026. That order is
21 currently pending appeal before the Board of Immigration Appeals ("BIA").
22

23 28. On or about March 9, 2026, Petitioner was given a bond hearing. At that hearing, the
24 Immigration Judge denied Petitioner bond after finding that she did not have jurisdiction to grant
25 him bond in light of *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025).
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VIII. STATEMENT OF FACTS

28. In April 2022, Petitioner, his partner Shemika Lewis, and their son Elkin Jr. fled to the United States from Belize to escape persecution by a violent street gang.¹

29. The family presented themselves to U.S. authorities and were paroled into the United States to pursue their claims for asylum.

30. For over three years, Petitioner lived peacefully in the United States, complying with all laws and all conditions of his supervised release.

On January 9, 2026, the Immigration Judge denied Petitioner's asylum application based on insufficient documentary corroboration of his asylum claims. Specifically, the IJ found that Petitioner failed to present police reports or other official documentation to substantiate his claims of gang violence and state protection failures.

Critical deficiencies in the record were directly caused by the failure of Petitioner's immigration counsel to thoroughly investigate the claims and obtain available probative evidence from Belize. The family has since retained additional counsel to assist their immigration counsel gather substantial corroborating evidence that was unavailable or not obtained at the time of the initial hearing, including:

and the systematic failure of Belizean authorities to protect witnesses. This new evidence directly addresses the factual and credibility findings that formed the basis of the IJ's adverse decision, significantly bolstering the family's claims and demonstrating that their fear of persecution is well-founded. The presentation of this evidence will further extend the appellate process, rendering Petitioner's removal even more remote and speculative.

1 31. On July 4, 2025, a minor verbal dispute occurred between Petitioner and his brother-
2 in-law, Omarion Grant.

3 32. Petitioner's mother-in-law, Marie Antonette Grant, witnessed the argument and,
4 fearing it might escalate, called the police as a purely preventative measure. She did not witness any
5 violence and did not believe Petitioner posed a danger to anyone (See Declaration of Marie
6 Antonette Grant, Ex. B).

7 33. As a result of this misunderstanding, California authorities charged Petitioner with
8 making criminal threats and assault.
9

10 34. The alleged victim in the case, Omarion Grant, has unequivocally stated that he does
11 not wish for Petitioner to be prosecuted and has formally requested that the San Bernardino County
12 District Attorney dismiss all charges (See Declaration of Omarion Grant, Ex. A).

13 35. On July 25, 2025, Petitioner attended a required court appearance in his state criminal
14 case.
15

16 36. As he was leaving the courthouse, he was ambushed by ICE agents who took him
17 into custody without providing a warrant or explaining the basis for his arrest. They stated only,
18 "you are the person we are looking for."
19

20 37. Petitioner has remained in immigration detention since that date and is currently held
21 at the Florence Correctional Center, in Florence, Arizona.

22 38. Petitioner's detention has been extremely difficult for his family, particularly for his
23 young son, Elkin Jr. (See Declaration of Shemika Lewis, Ex. C).

24 39. Elkin Jr. has an inseparable bond with his father and is deeply distressed by his
25 absence. He constantly asks when his father is coming home. Since Petitioner's arrest, Elkin Jr. has
26 experienced severe depression and emotional distress, including nightmares and behavioral
27
28

1 regression. Shemika Lewis has been working closely with grief counselors at his school to help him
2 process the prolonged separation (See Declaration of Shemika Lewis, Ex. C).

3 40. The prolonged separation is causing significant and potentially lasting emotional
4 harm to the child.

5 41. His detention has placed the entire family under immense strain as they navigate their
6 own complex immigration proceedings.

7 42. Petitioner has no criminal convictions in the United States or any other country.

8 IX. GROUNDS FOR RELIEF

9 GROUND ONE

10 DENIAL OF BOND VIOLATES DUE PROCESS AND THE INA

11 A. Background and Agency Actions

12 13 43. On July 8, 2025, U.S. Immigration and Customs Enforcement (“ICE”) issued interim
14 guidance asserting that individuals who entered the United States without inspection were
15 categorically ineligible for release on bond and could not seek bond hearings before an immigration
16 judge, regardless of the length or circumstances of their residence in the United States. Following
17 this guidance, DHS attorneys advanced—and some immigration judges (“IJs”) accepted—the
18 position that such individuals were barred from bond hearings in immigration court.

19 20 44. On September 5, 2025, the Board of Immigration Appeals (“BIA”) issued a
21 precedential decision reinforcing this policy. In *Matter of Yajure-Hurtado*, 29 I. & N. Dec. 216 (BIA
22 2025), the BIA held that immigration judges lack authority to conduct bond hearings for noncitizens
23 who entered without inspection and have not been admitted. The BIA reasoned that these individuals
24 are “applicants for admission” subject to mandatory detention under INA § 235(b)(2)(A), even when
25 apprehended in the interior and placed in removal proceedings under INA § 240. As a result,
26 custody determinations were deemed to fall outside the jurisdiction of immigration judges under
27 28

1 INA § 236(a), effectively eliminating bond eligibility for this category of noncitizens and leaving
2 federal habeas relief as the sole avenue for seeking release.

3 **B. The *Maldonado Bautista* Litigation**

4 45. On July 18, 2025, a nationwide class action was filed in the Central District of
5 California challenging DHS's new mandatory detention policy. See *Maldonado Bautista v.*
6 *Santacruz*, No. 5:25-cv-01873 (C.D. Cal. July 18, 2025). The district court promptly granted a
7 temporary restraining order and ordered bond hearings for the four named petitioners.
8

9 46. Due to limitations on class wide injunctive relief,² the petitioners moved for class
10 certification and partial summary judgment. They sought a declaration that class members are
11 detained under INA § 236(a), rather than § 235(b)(2), and are therefore eligible for bond
12 consideration, as well as vacatur of the DHS and BIA mandatory detention policies.
13

14 47. On November 20, 2025, the district court granted partial summary judgment in favor
15 of the petitioners, holding that the government's policy was inconsistent with the plain language of
16 the Immigration and Nationality Act ("INA"). The court concluded that the petitioners were
17 properly detained under INA § 236(a), not § 235(b)(2). See *Maldonado Bautista v. Santacruz*, No.
18 5:25-CV-01873-SSS-BFM, ___ F. Supp. 3d ___, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025).
19

20 **C. Government Noncompliance and Subsequent Developments**

21 48. Despite the court's rulings, DHS continued to deny individualized bond hearings to
22 class members. On January 13, 2026, Chief Immigration Judge Teresa L. Riley issued nationwide
23 guidance instructing immigration judges that *Maldonado Bautista* was not a nationwide injunction
24

25
26 ² In *Garland v. Aleman Gonzalez*, the Supreme Court interpreted 8 U.S.C. § 1252(f)(1) to prohibit
27 classwide injunctive relief regarding certain immigration detention statutes like the ones at issue
28 here. 596 U.S. 543 (2022). However, § 1252(f)(1) does not bar other forms of relief, like classwide
declaratory relief. See, e.g., *Al Otro Lado v. Exec. Off. for Immigr. Rev.*, 138 F.4th 1102, 1123–24
(9th Cir. 2025)

1 and did not vacate or stay *Matter of Yajure-Hurtado*. Judges were directed to continue treating
2 *Yajure-Hurtado* as binding precedent.

3 49. On February 18, 2026, the district court found that the government had failed to
4 comply with its final judgment by continuing to deny bond hearings to bond-eligible class members
5 detained under INA § 236(a). In response, the court vacated *Matter of Yajure-Hurtado* as contrary to
6 law under the Administrative Procedure Act.
7

8 50. On March 6, 2026, the Ninth Circuit issued a temporary stay of the district court's
9 ruling. The stay applies nationwide except within the Central District of California, where the
10 district court's decision remains in effect.

11 **D. Petitioner's Bond Hearing and Application of *Matter of Yajure-Hurtado* to Petitioner**

12 51. Petitioner was arrested and initially detained in San Bernardino, California, which
13 lies within the Central District of California. Accordingly, the *Maldonado Bautista* decision applies
14 directly to Petitioner. His subsequent transfer to Florence, Arizona does not divest the Central
15 District of California of jurisdiction over the legality of his initial detention, nor does it permit the
16 government to evade binding precedent applicable at the time and place of detention.
17

18 52. On or about March 9, 2026, Petitioner appeared for a bond hearing. The Immigration
19 Judge denied bond on the ground that *Matter of Yajure-Hurtado* divest her of jurisdiction to grant
20 Petitioner bond. Because *Yajure-Hurtado* had been vacated by the Central District of California, the
21 Immigration Judge's reliance on that decision was contrary to law and violated Petitioner's statutory
22 and due process rights as recognized in *Maldonado Bautista*.
23

24 53. Petitioner is therefore entitled to an individualized bond hearing under INA § 236(a).
25

26 **E. Bond Factors Favors Petitioner's Release**

1 54. Petitioner poses neither a danger to the community nor a risk of flight. The only
2 asserted basis for dangerousness—pending state charges—arises from a family misunderstanding,
3 and the alleged victim has affirmatively requested dismissal of those charges. See Declaration of
4 Omarion Grant, Ex. A.

5 55. Petitioner's three-year record of compliance with supervised release conclusively
6 demonstrates his reliability and willingness to appear for all proceedings. His deep family ties,
7 including his young son and his asylum-seeking partner, further anchor him to the community and
8 provide compelling incentives to comply with all court requirements.

9 56. Petitioner is also actively gathering new documentary evidence that addresses the
10 Immigration Judge's prior concern regarding lack of corroboration, including police reports and
11 country-conditions evidence relating to gang activity in Belize. This evidence was previously
12 unavailable and is now being obtained through diligent efforts.

13 57. Finally, Petitioner's continued detention imposes severe and unnecessary hardship on
14 his minor child, Elkin Jr., undermining fundamental principles of family unity and rendering his
15 confinement unreasonable under the circumstances.

16 GROUND TWO

17 REDETENTION WITHOUT NOTICE OR HEARING IS ARBITRARY, CAPRICIOUS, 18 AND VIOLATES THE FIFTH AMENDMENT'S GUARANTEE OF PROCEDURAL DUE 19 PROCESS

20 82. Respondents' decision to re-detain Petitioner without notice, a hearing, or any
21 material change in circumstances violates the Fifth Amendment's guarantee of procedural due
22 process and exceeds the government's statutory detention authority. See *Oyuela Tercero v. LaRose*
23 *et al*, No. 3:2026-cv-00325 - Document 6 (S.D. Cal. 2026).

24 83. In April 2022, immigration authorities released Petitioner on parole with supervised
25 release conditions after determining that he posed neither a danger to the community nor a flight
26

1 risk. Petitioner fully complied with all conditions of his release for more than three years. This
2 conditional release reflected an affirmative governmental determination that continued detention
3 was unnecessary. Indeed, a DHS officer may not release a noncitizen unless the individual does not
4 pose a risk of flight or danger to the community. See 8 C.F.R. §§ 236.1(c)(8), 1236.1(c)(8); see also
5 8 C.F.R. § 212.5. Similarly, in deciding whether to release a noncitizen on bond or their own
6 recognizance, immigration judges consider whether the individual poses a danger to the community
7 and whether they are likely to appear for future proceedings. 8 C.F.R. § 1003.19(h)(3); *Matter of*
8 *Guerra*, 24 I. & N. Dec. 37, 40 (BIA 2006). As a result, any “[r]elease” of a noncitizen “reflects a
9 determination by the government that the noncitizen is not a danger to the community or a flight
10 risk.” *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1176 (N.D. Cal. 2017), *aff’d sub nom. Saravia for*
11 *A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018).

12
13
14 84. When the government conditionally releases an individual from custody, it makes an
15 implicit promise that the individual’s liberty will not be revoked absent a material change in
16 circumstances and constitutionally adequate process. See *Morrissey v. Brewer*, 408 U.S. 471, 482
17 (1972). Re-arresting an individual previously released from custody without new, intervening facts
18 violates fundamental principles of due process and the Fourth Amendment’s prohibition on repeated
19 seizures based on the same grounds. See *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1196 (N.D. Cal.
20 2017).

21
22 85. Here, no such material change occurred. The sole purported basis for Petitioner’s
23 re-detention was a minor family dispute that did not involve violence and for which the alleged
24 victim has requested dismissal of all charges. (See Declaration of Omarion Grant, Ex. A). Petitioner
25 has no criminal convictions in the United States or elsewhere, and there was no new evidence that he
26 posed a danger to the community or a risk of flight.
27
28

1 86. Despite this, Respondents seized and re-detained Petitioner without notice and
2 without providing any opportunity to contest the basis for the detention, which resulted in a
3 profound deprivation of liberty. As such, it required constitutionally adequate procedural safeguards
4 before Petitioner could be deprived of his conditional freedom. See *Zadvydas v. Davis*, 533 U.S.
5 678, 690 (2001).
6

7 87. Applying the balancing test articulated in *Mathews v. Eldridge*, 424 U.S. 319 (1976),
8 Petitioner's re-detention violates due process. First, the private interest at stake—freedom from
9 physical detention—is a fundamental liberty interest. Second, the risk of erroneous deprivation was
10 exceptionally high because Petitioner was afforded no notice and no opportunity to be heard before
11 being re-detained. Third, the government's interest in summary re-detention was minimal,
12 particularly where Respondents had previously determined that Petitioner could safely remain at
13 liberty for years under supervision.
14

15 88. Balancing these factors, due process required, at a minimum, notice and a meaningful
16 hearing before a neutral decision-maker prior to Petitioner's re-detention. Respondents' failure to
17 provide any such process renders Petitioner's continued detention arbitrary, capricious, and
18 unconstitutional.
19

20 89. Accordingly, Petitioner is entitled to habeas relief ordering his immediate release
21 from DHS custody under the same conditions as his previous release conditions, *Oyuela Tercero v.*
22 *LaRose et al*, No. 3:2026-cv-00325 - Document 6 (S.D. Cal. 2026).
23

24 GROUND THREE

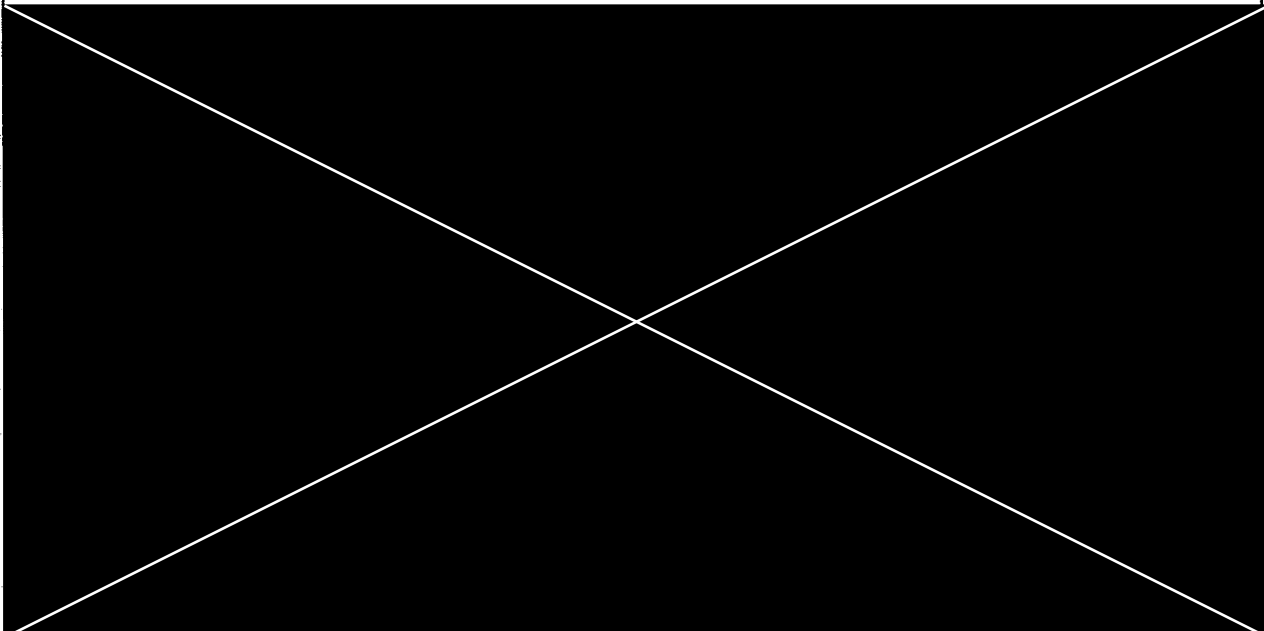
25 **PROLONGED DETENTION VIOLATES DUE PROCESS UNDER *ZADVYDAS***

26 61. Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), prolonged immigration detention
27 becomes punitive and unconstitutional when the removal period is no longer “reasonably
28 foreseeable.”

1 62. Petitioner's removal from the United States is not reasonably foreseeable. His
2 January 9, 2026, order of removal is currently on appeal to the BIA, a process that can take many
3 months or even years.

4 63. Critically, Petitioner's family has retained additional counsel to gather important
5 evidence from Belize that was absent from the record before the Immigration Judge, which led to the
6 denial of Petitioner's asylum claims.

7
8 64. That attorney has traveled to Belize, interviewed 



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20 67. This new evidence directly addresses credibility and factual findings the Immigration
21 Judge used as a basis to deny his asylum claim.

22 68. The gathering and presentation of this new evidence will further extend the appellate
23 process, making the prospect of his removal even more remote and speculative.

24 69. As his detention continues with no reasonably foreseeable end in sight, it has
25 transformed from a civil, regulatory detention into an unconstitutional, punitive one.
26
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1 70. The continued detention of Petitioner, with no end in sight, violates the principles set
2 forth in *Zadvydas* and the Fifth Amendment.

3 **GROUND FOUR**

4 **DETENTION IS ARBITRARY AND UNREASONABLE**

5 71. Petitioner's detention is not authorized by the discretionary standard of INA § 236(a),
6 as he is neither a danger to the community nor a flight risk.

7 72. The sole basis for any assertion of dangerousness is the pending state case arising
8 from a minor family dispute.

9 73. The alleged victim in that case has requested dismissal, and Petitioner has no other
10 criminal history (See Declaration of Omarion Grant, Ex. A).

11 74. Petitioner is not a flight risk, as demonstrated by his perfect compliance with
12 supervised release for over three years.

13 75. He appeared for every required ICE check-in and was in the process of complying
14 with his state court obligations when he was arrested.

15 76. His deep ties to his family, including his young son and his asylum-seeking partner,
16 provide powerful incentives to appear for all future proceedings.

17 77. The separation is devastating to the child and serves no legitimate government
18 interest.

19 **GROUND FOUR**

20 **ILLEGAL ARREST AND SEIZURE**

21 78. The manner of Petitioner's arrest—an ambush outside a courthouse without a
22 warrant, probable cause, or reasonable suspicion—was unlawful.

23 79. The ICE officers failed to explain the basis for his detention, stating only that he was
24 "the person we are looking for."
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1 80. This seizure was arbitrary and unreasonable, depriving Petitioner of his liberty
2 without due process of law.

3 81. This action violates the due process clause of the Fifth Amendment.

4 **X. REQUEST FOR TEMPORARY RESTRAINING ORDER**

5 97. Petitioner is entitled to a Temporary Restraining Order preventing Respondents from
6 transferring him out of this judicial district or removing him from the United States.

7 98. Immediate and irreparable harm will occur without a TRO. If Respondents transfer
8 him, this Court could be stripped of jurisdiction, and his ability to consult with his immigration
9 counsel and litigate his case will be severely prejudiced.
10

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14 100. Petitioner satisfies all requirements for a TRO: (1) he has a strong likelihood of
15 success on the merits, as his detention is arbitrary and predicated on an unlawful order; (2) he will
16 suffer the ultimate irreparable harm if removed; (3) the balance of hardships tips sharply in his favor,
17 as the government has no legitimate interest in detaining a non-dangerous, non-flight-risk individual,
18 let alone removing him unlawfully; and (4) the public interest is overwhelmingly served by
19 upholding the rule of law and protecting fundamental due process rights.
20

21 **XI. PRAYER FOR RELIEF**

22 WHEREFORE, Petitioner respectfully requests that this Court:

23 101. Issue a Writ of Habeas Corpus ordering Respondents to immediately release
24 Petitioner from custody under reasonable conditions of supervision;

25 102. In the alternative, order an evidentiary hearing to determine Petitioner's custody
26 status;
27
28

1 103. Issue a declaratory judgment that Petitioner's detention violates the Immigration and
2 Nationality Act and the U.S. Constitution;

3 104. Grant a Temporary Restraining Order enjoining Respondents from transferring
4 Petitioner out of this judicial district or removing him from the United States pending resolution of
5 this Petition;
6

7 105. Award Petitioner his costs and reasonable attorneys' fees; and

8 106. Grant such other and further relief as the Court deems just and proper.

9 Dated: March 11, 2026

10 Respectfully submitted,
11

12 

13 ELKIN EUGENE TRENCH SR.

Petitioner, pro se

14 Agency No. 240-321-955

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XII. EXHIBITS

Exhibit Description

A Declaration of Omarion Kejaun Grant

B Declaration of Marie Antonette Grant

C Declaration of Shemika Lewis

D Declaration of Elkin Eugene Trench Sr.

E Superior Court of California Docket Sheet (FWV25002380)

F BIA Appeal Acknowledgment

EXHIBIT A

State of California)
) ss.
County of Los Angeles)

DECLARATION OF OMARION KEJAUN GRANT

I, Omarion Kejaun Grant, hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following statements are true and correct to the best of my knowledge and belief:

1. I am a native and citizen of Belize. I am the brother of Shemika Melissa Lewis and the son of Marie Antonette Grant. Elkin Eugene Trench Sr. is my brother-in-law, and he and my sister have a minor son together, [REDACTED] who is my nephew.
2. On July 4, 2025, I had a verbal misunderstanding with Elkin. It was a minor family disagreement that escalated more in emotion than in substance. We are family, and like all families, we sometimes have disagreements.
3. There was no physical violence during this incident. It was purely a verbal exchange between family members. I was never in fear for my safety, nor did I ever believe that Elkin intended to harm me or anyone else.
4. I do not wish for Elkin to be prosecuted for this incident. It was a family matter that should never have involved the police or the courts. I have formally requested that the San Bernardino County District Attorney dismiss all charges against him.
5. Elkin is a good man and a devoted father. He has worked hard to support his family and has been compliant with all immigration requirements since his arrival in the United States. He is not a danger to anyone in the community.
6. I was shocked and distressed when ICE arrested him on July 25, 2025, outside the courthouse. This arrest has been devastating to my sister, their son, and our entire

family. [REDACTED] is suffering terribly from his father's absence. He has become withdrawn and constantly asks when his father is coming home.

7. I respectfully ask that Elkin be released from detention so he can return to his family.

He has been punished enough, and his son needs his father home.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 11th day of March, 2026.



Omarion Kejaun Grant

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EXHIBIT B

State of California)
) ss.
County of Los Angeles)

DECLARATION OF MARIE ANTONETTE GRANT

I, Marie Antonette Grant, hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following statements are true and correct to the best of my knowledge and belief:

1. I am a native and citizen of Belize. I am the mother of Shemika Melissa Lewis and Omarion Kejaun Grant. Shemika is the partner of Elkin Eugene Trench Sr., and I am Elkin's mother-in-law. Elkin and Shemika have a minor son together, E [REDACTED] who is my grandson.
2. I was present on July 4, 2025, when Elkin and my son Omarion had a verbal disagreement. The argument was minor and purely verbal. At no point did I witness any physical violence or threats of violence from Elkin toward Omarion or anyone else.
3. I called the police not because I believed Elkin was dangerous, but purely as a preventative measure to de-escalate the situation between the two men. I feared the argument might escalate, and I wanted the police to help calm the situation. I never believed Elkin posed a threat to anyone's safety.
4. Elkin has never been violent toward me, my daughter, my son, or my grandson. He has been a devoted partner to my daughter and a loving, present father to E [REDACTED]. He has been an important support to our family since we arrived in the United States.
5. Since Elkin's arrest on June 25, 2025, our family has suffered tremendously. My grandson E [REDACTED] is deeply distressed by his father's absence. He asks constantly when his father is coming home and struggles to understand why he was taken away.
6. I do not believe Elkin is a danger to anyone. He should never have been arrested by immigration authorities, and he certainly should not be detained. He needs to be home with his family, particularly his son, who desperately needs his father.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 18th day of March, 2026.



Marie Antonette Grant

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EXHIBIT C

State of California)
) ss.
County of Los Angeles)

DECLARATION OF SHEMIKA MELISSA LEWIS

I, Shemika Melissa Lewis, hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following statements are true and correct to the best of my knowledge and belief:

1. I am a native and citizen of Belize. I am the partner of Elkin Eugene Trench Sr., and together we have a minor son, E [REDACTED], who is currently eight years old.
2. Elkin, E [REDACTED] and I fled Belize in April 2022 to escape persecution by [REDACTED]. [REDACTED] We presented ourselves to U.S. authorities and were paroled into the United States to pursue our asylum claims.
3. From April 2022 until July 25, 2025, Elkin complied perfectly with all conditions of his supervised release. He attended every required ICE check-in, maintained employment, and supported our family. He has no criminal convictions in any country.
4. Since Elkin's arrest on July 25, 2025, our son E [REDACTED] has suffered severe depression and emotional distress. He has become withdrawn, experiences frequent nightmares, and constantly asks when his father is coming home. He no longer participates in activities he previously enjoyed, such as soccer and playing with his friends, and has shown signs of developmental regression, including bedwetting and separation anxiety when I must leave for work.
5. I have been working closely with grief counselors at E [REDACTED] school, who have been providing him with weekly counseling sessions to help him process his emotions and cope with the prolonged separation from his father. The counselors have

expressed serious concern about the lasting psychological impact this continued absence is having on E  and have advised that the stability of his father's return is critical to his emotional recovery.

6. It is heartbreaking to watch our son suffer because he cannot understand why his father has been taken from him. Elkin was the primary provider and emotional foundation for our family. His prolonged detention is causing irreparable harm to our son.
7. I am also an asylum seeker and rely on Elkin for emotional and financial support. Our entire family is struggling to survive while he remains detained.
8. I respectfully ask that the Court release Elkin immediately so he can return to his family. He is not a danger to anyone, and his son desperately needs his father home.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 11th day of March, 2026.

Shemika Melissa Lewis

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EXHIBIT D

State of Arizona)
) ss.
County of Maricopa)

DECLARATION OF ELKIN EUGENE TRENCH SR.

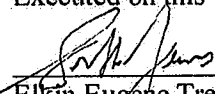
I, Elkin Eugene Trench Sr., hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following statements are true and correct to the best of my knowledge and belief:

1. I am a native and citizen of Belize. My A-Number is [REDACTED]. I am currently detained by U.S. Immigration and Customs Enforcement ("ICE") at the Florence Correctional Center in Florence, Arizona.
2. In April 2022, I fled to the United States with my partner, Shemika Melissa Lewis, and our minor son, E [REDACTED], to escape violent persecution by the [REDACTED]. After presenting ourselves to U.S. authorities, I was paroled into the country with supervised release conditions.
3. From April 2022 until the date of my arrest in July 2025, a period of over three years, I complied perfectly with all conditions of my release. I attended every required check-in with ICE. I never missed an appointment, never violated any condition, and worked consistently to support my family.
4. On or about July 4, 2025, I had a minor verbal misunderstanding with my brother-in-law, Omarion Grant. This was a family disagreement that involved only words. There was no physical violence, and I never threatened or intended to harm him.
5. On July 25, 2025, as I was leaving a required appearance at the San Bernardino Superior Courthouse, I was ambushed by ICE agents. They arrested me without a warrant and provided no explanation for my arrest. When I asked why I was being arrested, the agents only told me, "you are the person we are looking for."

6. I have been detained continuously since my arrest and am currently held at the Florence Correctional Center. I was ordered removed on January 9, 2026, but that order is currently on appeal before the Board of Immigration Appeals.
7. My detention has been devastating for my family. I am unable to provide the emotional and financial support my partner Shemika and our son E  depend on. I have been told that since my arrest, my son has been suffering from severe depression and is experiencing nightmares and behavioral regression. I know that Shemika has been working with grief counselors at his school to help him cope with the trauma of my absence. It pains me deeply to know my son is suffering because I am not there for him.
8. I have no criminal convictions in the United States or any other country.
9. I am not a flight risk. My exemplary three-year record of compliance with all ICE requirements demonstrates my commitment to following the legal process. My deep ties to my family, especially my partner and young son who are also in the United States, ensure that I will appear for all future proceedings.
10. I am not a danger to the community. I respectfully request that this Court order my release so that I can return to my family, support them, and continue to pursue my asylum claim.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 10th day of March, 2026.


Elkin Eugene Trench Sr.

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EXHIBIT F



Here's how you know



EOIR Automated Case Information

Court Closures Today February 26, 2026

Please check <https://www.justice.gov/eoir-operational-status> for up to date closures.

[Home](#) > **TRENCH, ELKIN EUGENE (240-321-955)**



Automated Case Information

Name: TRENCH, ELKIN EUGENE | **A-Number:** [REDACTED]

Docket Date: 6/10/2022



Next Hearing Information



There are no future hearings for this case.



Court Decision and Motion Information

The immigration judge ordered **REMOVAL**.

DECISION DATE

COURT ADDRESS

3260 NORTH PINAL PARKWAY
FLORENCE, AZ 85132



BIA Case Information

A case appeal was received on **January 30, 2026**. It is currently pending.

ALIEN BRIEF STATUS

No brief due date exists at this time.

DHS BRIEF STATUS

No brief due date exists at this time.



Court Contact Information

If you require further information regarding your case, or wish to file additional documents, please contact the Board of Immigration Appeals.

COURT ADDRESS

OFFICE OF THE CHIEF CLERK
5107 LEESBURG PIKE, SUITE 2000
FALLS CHURCH, VA 22041

PHONE NUMBER