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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
PHOENIX, ARIZONA**

Manuel Perez Perez

Petitioner,

v.

Markwayne Mullin, Secretary, U.S.
Department of Homeland Security; Pamela
Bondi, Attorney General of the United
States, Executive Office for
Immigration Review (EOIR); Corina
Almeida, Chief Counsel, Immigration and
Customs Enforcement (ICE), Office of
Principal Legal Advisor, Florence;
Christopher McGregor, Field Office
Director, ICE Enforcement and Removal
Operations, Florence; Luis Rosa, Jr,
Warden, Florence Correctional Center,

Respondents.

Case No. _____

Immigration Number: A 

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

I. INTRODUCTION

1. Petitioner Manuel Perez Perez is a 20-year-old designated Unaccompanied child ("UAC") and designated Special Immigrant Juvenile ("SIJ") who entered the United States as an unaccompanied child at age fifteen and has lived in the community for nearly five years. A state juvenile court determined that he could not safely reunify with his parents due to neglect and abandonment, and that it was not in his best interest to return to Guatemala. U.S. Citizenship and Immigration Services ("USCIS") subsequently granted

1 him SIJ classification and deferred action, formally recognizing that he is a vulnerable youth
2 entitled to remain in the United States and pursue lawful permanent residence.

3
4 2. Despite this status—and despite having lived at liberty in the community for
5 years—Respondents abruptly re-detained Petitioner on January 18, 2026, without prior
6 notice, without any individualized determination of flight risk or danger, and without
7 providing a hearing before a neutral decisionmaker. He has remained detained since that
8 time.

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10 3. This case presents a straightforward but fundamental constitutional violation:
11 the government re-detained a young Special Immigrant Juvenile who had lived at liberty for
12 years without notice or a hearing. The government may not seize and re-detain a noncitizen
13 who has long been living at liberty—particularly a vulnerable SIJ recipient—without first
14 providing notice and a meaningful opportunity to be heard. Numerous federal courts have
15 recently confirmed that such re-detention, without pre-deprivation process, violates the Fifth
16 Amendment.

17
18 4. The Due Process Clause does not permit the government to seize and re-detain
19 a noncitizen who has long been living at liberty in the community without notice and a
20 meaningful opportunity to be heard. Numerous district courts have recently recognized that
21 such re-detention, without pre-deprivation process, violates the Constitution. See, e.g.,
22 *E.A.T.-B. v. Wamsley*, No. C25-1192-KKE, 2025 WL 2402130, at *2–6 (W.D. Wash. Aug.
23 19, 2025); *Ramirez Tesara v. Wamsley*, No. 2:25-CV-01723-MJP-TLF, 2025 WL 2637663,
24 at *2–4 (W.D. Wash. Sept. 12, 2025); *Kumar v. Wamsley*, No. 2:25-CV-01772-JHC-BAT,
25 2025 WL 2677089, at *2–4 (W.D. Wash. Sept. 17, 2025); *Ledesma Gonzalez v. Bostock*,

No. 2:25-CV-01404-JNW-GJL, 2025 WL 2841574, at *7–9 (W.D. Wash. Oct. 7, 2025).

5. Respondents attempt to justify this detention by invoking mandatory detention under 8 U.S.C. § 1225(b). That position is legally erroneous. Petitioner was designated as an unaccompanied child at entry and placed into removal proceedings under the Trafficking Victims Protection Reauthorization Act (“TVPRA”), a statutory scheme that does not mandate detention. Respondents cannot retroactively reclassify him as an “arriving alien” or “an applicant for admission” years after his release in order to avoid providing due process.

6. Because Petitioner’s re-detention violates the Constitution and is not authorized by statute, this Court should order his immediate release. In the alternative, the Court should order a prompt individualized custody hearing.

7. Unless this Court grants relief, Petitioner will continue to suffer ongoing and irreparable injury from unlawful detention.

II. VENUE

8. Venue is proper because Petitioner is in the custody of the Immigration and Customs Enforcement in Florence, Arizona, which is within the jurisdiction of this District.

9. Venue is asserted pursuant to 28 U.S.C. § 1391(e) because the Petitioner is being detained in Florence, Arizona. Respondents are the U.S. Government, and no real property is involved in the action.

III. EXHAUSTION

10. Exhaustion is a prudential rather than a jurisdictional requirement. *Singh v. Holder*, 638 F.3d 1196, 1203 n. 3 (9th Cir. 2011). Waiver of exhaustion is appropriate

1 “where administrative remedies are inadequate or not efficacious, pursuit of administrative
2 remedies would be a futile gesture, irreparable injury will result, or the administrative
3 proceedings would be void.” *Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004) (citation
4 and quotation marks omitted).

5
6 11. The failure to exhaust administrative remedies does not bar these claims
7 unless “Congress specifically mandates” exhaustion. *McCarthy v. Madigan*, 503 U.S. 140,
8 144 (1992). “But where Congress has not clearly required exhaustion, sound judicial
9 discretion governs.” *Id.*

10
11 12. The Court should not require exhaustion here where further administrative
12 review of ICE’s initial custody determination would be futile. See *Carr v. Saul*, 593 U.S. 83,
13 93 (2021) (“[T]his Court has consistently recognized a futility exception to exhaustion
14 requirements.”).

15
16 13. Finally, because Petitioner “raise[s] substantial constitutional question[s],”
17 administrative exhaustion is excused. See *Postels v. Peters*, No. 99-cv2369, 2000 U.S. Dist.
18 LEXIS 3356, at *17 (E.D. La. Mar. 15, 2000) (citing *Von Hoffburg v. Alexander*, 615 F.2d
19 633, 638 (5th Cir. 1980)).

20
21 14. Petitioner requested a custody redetermination before the Immigration Court.
22 On March 6, 2026, the Immigration Judge denied bond for lack of jurisdiction. No further
23 administrative remedy is available to address the constitutional violations presented here.
24 Exhaustion is therefore excused as futile and inadequate. See *Laing v. Ashcroft*, 370 F.3d
25 994, 1000 (9th Cir. 2004).

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27 15. Petitioner asserts that he is not required to further exhaust administrative
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1 remedies before seeking habeas relief under 28 U.S.C. § 2241 where no adequate or
2 available administrative process exists to address the constitutional and statutory violations
3 at issue. Here, Petitioner challenges the legality of his ongoing detention and the
4 government's refusal for his release, relief that cannot be meaningfully obtained through
5 any administrative mechanism. Petitioner has no other means of challenging his ongoing
6 prolonged detention in violation of law.
7

8 **IV. REQUIREMENTS OF 28 U.S.C. § 2243 AND APPLICATION FOR AN**
9 **ORDER OF SHOW CAUSE**

10 16. The Court must grant the petition for writ of habeas corpus or issue an order
11 to show cause (OSC) to the Respondents "forthwith," unless the Petitioner is not entitled to
12 relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require
13 Respondents to file a return "within *three days* unless for good cause additional time, not
14 exceeding twenty days, is allowed." *Id.* (emphasis added).
15

16 17. Courts have long recognized the significance of the habeas statute in
17 protecting individuals from unlawful detention. The Great Writ has been referred to as
18 "perhaps the most important writ known to the constitutional law of England, affording as
19 it does a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay*
20 *v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).
21

22 18. Pursuant to 28 U.S.C. § 2243, Petitioner respectfully requests that the Court
23 issue an order to all Respondents requiring them to show cause why the Petitioner's Petition
24 for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief pursuant to
25 28 U.S.C. § 2241; 28 U.S.C. § 1331; Article I, § 9, cl. 2 of the United States Constitution;
26 the All Writs Act, 28 U.S.C. § 1651; the Administrative Procedure Act, 5 U.S.C. § 701; and
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28

1 the Declaratory Judgment Act, 28 U.S.C. § 2201 should not be granted and why
2 Respondents should not be ordered to release Petitioner from detention.

3
4 19. Pending adjudication of these claims, Petitioner asks for an order enjoining
5 Respondents from transferring Petitioner from the jurisdiction of the Phoenix Field Office
6 of the Immigration & Customs Enforcement (“ICE”) Office of Enforcement and Removal
7 Operations (“ERO”) and this District.

8 V. PARTIES

9
10 20. Petitioner, Manuel Perez Perez, is a native and citizen of Guatemala, and is
11 currently detained by ICE in Florence, Arizona. He is not subject to expedited removal under
12 8 U.S.C. § 1225(b)(1).

13
14 21. Respondent Markwayne Mullin is the Secretary of the Department of
15 Homeland Security (DHS), responsible for overseeing and directing Immigration and
16 Customs Enforcement. DHS directed the policy to argue Petitioner is subject to mandatory
17 detention.

18
19 22. Respondent Pamela Bondi is the Attorney General of the United States.
20 Respondent is the head of the United States Department of Justice and responsible for the
21 entire department, which includes the Executive Office for Immigration Review (“EOIR”),
22 including the BIA.

23
24 23. Respondent Corina Almeida, Chief Counsel of the ICE Office of Principal
25 Legal Advisor oversees the ICE attorneys in Florence, Arizona.

26
27 24. Respondent Christopher McGregor, Field Office Director Office Enforcement
28 and Removal Operations in Phoenix, Arizona is responsible for Petitioner’s custody in

1 Florence, Arizona. Respondent McGregor is also responsible for the acceptance and
2 processing of the payment of bond and release of ICE detainees in Florence, Arizona.

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4 25. Respondent Luis Rosa, Jr. is the Warden at the ICE contract facility Florence
5 Correctional Center, operated by CoreCivic. Respondent Luis Rosa, Jr. is responsible for
6 Petitioner's physical custody.

7 VI. FACTUAL ALLEGATIONS

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9 26. Petitioner Manuel Perez Perez, a 20-year-old citizen of Guatemala, entered
10 the United States on March 12, 2021, at age fifteen, and was designated an unaccompanied
11 alien child ("UAC"). DHS placed him into removal proceedings under 8 U.S.C. § 1229a,
12 not expedited removal

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14 27. He was transferred to ORR custody and later released to a sponsor on July 16,
15 2021. Since that time, he has resided in the United States continuously and complied with
16 all immigration requirements.

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18 28. In May 2022, Petitioner filed an asylum application with USCIS pursuant to
19 the TVPRA.

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21 29. In May 2022, Petitioner initiated dependency proceedings in Arizona, due to
22 abandonment and neglect by both parents. On May 20, 2022, the Honorable Amanda Chua
23 found that Petitioner had been neglected and abandoned by his mother and father within the
24 meaning of Arizona law. The court further found that it was not in Petitioner's best interest
25 to return to Guatemala, because "he would continue to suffer neglect at the hands of his
26 mother and father as well as abandonment, so he would continue to remain in danger if he
27 were there." *See attached*, Initial Dependency Hearing Order (Dependency Found).

1 30. In June 2022, Petitioner petitioned for Special Immigrant Juvenile (“SIJ”)
2 status with the United States Citizenship and Immigration Services¹ (USCIS).

3 31. On January 12, 2023, USCIS granted Petitioner’s petition for SIJ status, along
4 with a grant of Deferred Action. *See attached*, SIJ Approval Notice.

5 32. On January 13, 2026, an immigration judge terminated removal proceedings
6 against Petitioner, finding that Petitioner “has been designated as an unaccompanied
7 minor... Further, he has an I-589 asylum and withholding of removal application [pending]
8 with the United States Citizenship and Immigration Services (USCIS). Initial jurisdiction
9 over such applications lies with the government/ USCIS. INA § 208(b)(3)(C).” *See attached*.

10 33. Five days later, on January 18, 2026, ICE re-detained Petitioner following
11 contact from local law enforcement regarding a misdemeanor warrant, a warrant Petitioner
12 was unaware of. Prior to this re-detention, Respondents provided no written notice, no
13 opportunity to respond, and no hearing.

14 34. Petitioner is currently in the custody of ICE, as he is detained at the Florence
15 Correctional Center in Florence, Arizona.

16 35. Before taking Petitioner back into immigration custody, Respondents did not
17 provide him written notice that his prior release was being revoked, did not provide him any
18 opportunity to respond, and did not provide a hearing before a neutral decisionmaker.

19 36. Petitioner has now been detained for more than two months.

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26 ¹ USCIS is the sub-agency of the Department of Homeland Security with exclusive
27 jurisdiction over SIJ petitioners, including both granting and revoking SIJ status. *See* 8
28 C.F.R. §§ 204.11(d); 205.2. Other DHS sub-agencies, such as ICE and Customs and Border
Patrol, can neither grant nor revoke SIJ status. *Id.*

1 37. Petitioner is a young adult who has lived in the United States for
2 approximately five years, was previously released from ORR custody, has approved SIJ
3 classification and deferred action, has a pending asylum application before USCIS, and was
4 found by a state juvenile court not to be safely returnable to Guatemala.
5

6 38. Congress designed SIJ classification to provide vulnerable youth like
7 Petitioner a pathway to remain in the United States and pursue lawful permanent residence.
8 See 8 U.S.C. § 1255(h).
9

10 39. On May 15, 2025, the Board of Immigration Appeals issued *Matter of Q. Li*,
11 29 I&N Dec. 66 (BIA 2025), initiating an expanded interpretation of mandatory detention
12 under 8 U.S.C. § 1225(b) for noncitizens, including those apprehended at or near the border
13 and later released, which DHS would subsequently rely upon in issuing broader enforcement
14 directives.
15

16 40. On July 8, 2025, DHS issued new policy instructing ICE to argue and hold
17 anyone they alleged to be inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) subject to
18 mandatory detention under 8 U.S.C. § 1225(b)(2)(A).
19

20 41. On September 5, 2025, the Board of Immigration Appeals issued *Matter of*
21 *Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), implementing the Respondents' concerted
22 policy goal of holding that all persons who entered without inspection are subject to
23 mandatory detention under 8 U.S.C. § 1225(b)(2)(A).
24

25 42. Respondents have continued to assert that Petitioner is subject to mandatory
26 detention and that the Immigration Court lacks jurisdiction to redetermine custody.
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VII. LEGAL FRAMEWORK

A. Due Process Prohibits Re-Detention Without a Hearing

43. Due process requires that when the Department of Homeland Security (“DHS”) seeks to re-arrest an individual who has been released into the community—such as Petitioner, a designated unaccompanied child with Special Immigrant Juvenile (“SIJ”) status—the government must provide notice and a hearing before a neutral decisionmaker to determine whether re-detention is justified based on flight risk or danger to the community.

44. “Freedom from imprisonment- from government custody, detention, or other forms of physical restraint- lies in the heart of the liberty protected by the Due Process Clause.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). As one District Court recently recognized, this is the “most elemental of liberty interests.” *E.A. T. -B*, 2025 WL 2402130, at *3 (citation modified).

45. Consistent with this principle, individuals released on parole or other forms of conditional release have a liberty interest in their “continued liberty.” *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972).

46. The Supreme Court has consistently held that procedural due process requires: (a) Notice of action being taken; (b) an opportunity to be heard at a meaningful time and in a meaningful manner; and (c) an individualized assessment of risk before deprivation of liberty. *See Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).

47. To protect against arbitrary re-detention and to ensure the right to liberty, due

1 process requires “adequate procedural protections” that test whether the government’s
2 asserted justification for a noncitizens’ physical confinement “outweighs the individuals’
3 constitutionally protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at
4 690 (citation modified).

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6 48. Due process thus guarantees notice and an individualized hearing before a
7 neutral decisionmaker to assess danger or flight risk before the revocation of an individual’s
8 release. *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970) (“The fundamental requisite of due
9 process of law is the opportunity to be heard ... at a meaningful time in a meaningful
10 manner.” (citation modified); *see also, e.g. Morrissey*, 408 U.S. at 485 (requiring
11 “preliminary hearing to determine whether there is probable cause or reasonable ground to
12 believe that the arrested parolee has committed ... a violation of parole conditions” and that
13 such determination be made “by someone not directly involved in the case” (citation
14 modified)).

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17 49. Several courts have recognized that these principles apply with respect to the
18 re-detention of the many non-citizens that DHS has arbitrarily begun taking back into
19 custody, often after such persons have been released for months and years.

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21 50. For example, in *E.A. T.-B*, this court applied the *Mathews v. Eldridge*, 424
22 U.S. 319 (1976), framework to hold that even in a case where the government asserted that
23 mandatory detention initially applied, a person’s re-detention could not occur absent a
24 hearing. The Court did the same in *Ramirez Tesara*, *Kumar*, and *Ledesma Gonzalez*. *See*
25 *Ramirez Tesara*, 2025 WL 2637663, at *2-3; *Kumar*, 2025 WL 2677089, at *2-3; *Ledesma*
26 *Gonzalez*, 2025 WL 2841574, at *7-8.

1 51. In applying the three *Mathews* factors, the E.A.T.-B court held that the
2 petitioner had “undoubtedly [been] deprive[d] ... of an established interest in his liberty,”
3 2025 WL 2402130, at *3, which, as noted, “is the most elemental of liberty interests,” *id.*
4 (citation modified). The Court further explained that even if detention was mandatory, the
5 risk of erroneous deprivation of liberty without a hearing was high because a hearing serves
6 to ensure that purposes of detention- the prevention of danger and flight risk- are properly
7 served. *Id.* at *4-5. Finally, the Court explained that “the Government’s interest in re-
8 detaining non-citizens previously released without a hearing is low: although it would have
9 required the expenditure of finite resources (money and time) to provide Petitioner notice
10 and a hearing on [ISAP] violations before arresting and re-detaining him, those costs are far
11 outweighed by the risk of erroneous deprivation of the liberty interest at issue.” *Id.* at *5.
12 As a result, the Court ordered the petitioner’s immediate release. *Id.* at *6.

16 52. The Court’s decisions in *E.A. T.-B.*, *Ramirez Tesara*, *Kumar*, and *Ledesma*
17 *Gonzalez* are consistent with many other district court decisions addressing similar
18 situations. *See, e.g., Valdez v. Joyce*, No. 25 CIV. 4627 (GBD), 2025 WL 1707737
19 (S.D.N.Y. June 18, 2025) (ordering immediate release due to lack of pre-deprivation
20 hearing); *Garro Pinchi v. Noem*, --- F. Supp. 3d ---, No. 5:25-CV-056-PCP, 2025 WL
21 2084921 (N.D. Cal. July 24, 2025) (similar); *Maklad v. Murray*, No. 1:25-CV-00946 JLT
22 SAV, 2025 WL 2299376 (E.D. Cal. Aug. 8, 2025) (similar); *Garcia v. Andrews*, No. 1:25-
23 CV-01006 JLT SAB, 2025 WL 2420068 (E.D. Cal. Aug. 21, 2025) (similar).

26 53. The same framework and principles apply here and compel Petitioner’s
27 immediate release.

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3 **B. *SIJ Status Confirms Congressional Intent that Petitioner Remain in the United***
4 ***States***

5 54. In 1990, Congress created SIJ status to protect vulnerable immigrant children
6 and provide them a pathway to citizenship. Immigration Act of 1990, Pub. L. No. 101-649,
7 § 153, 104 Stat. 4978 (1990) (amending various sections of the INA); Special Immigrant
8 Status, 58 Fed. Reg. 42843, 43844 (Aug. 12, 1993) (“This rule alleviates hardships
9 experienced by some dependents of United States juvenile courts by providing qualified
10 [noncitizens] with the opportunity to apply for special immigrant classification and lawful
11 permanent resident status, with [the] possibility of becoming citizens of the United States in
12 the future.”). Since 1990, Congress has amended the INA multiple times to expand the
13 protections of SIJs tatus, most recently in 2008, through the Trafficking Victims Protection
14 Reauthorization Act, Pub. L. 110-457, § 235(d), 122 Stat. 5044 (2008).
15

16
17 55. To be granted SIJ status, youths like Petitioner must first “satisfy[] a set of
18 rigorous, congressionally defined eligibility criteria.” *Osorio-Martinez v. U.S. Att’y Gen.*,
19 893 F.3d 153, 163 (3d Cir. 2018). Specifically, the INA provides that those eligible for SIJ
20 designation, as relevant here, are noncitizen youth who are present in the United States; who
21 have been declared dependent on a state juvenile court; who cannot be reunified with one
22 or more parents because of abuse, neglect, or abandonment; and for whom it has been
23 determined that it is not in their best interest to return to their country of origin. 8 U.S.C. §
24 1101(a)(27)(J); 8 C.F.R. § 204.11(c).
25

26
27 56. Crucially, a noncitizen youth is eligible for SIJ status only if he or she is
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1 “present in the United States.” 8 U.S.C. § 1101(a)(27)(J) (*emphasis added*). This
2 requirement makes perfect sense in light of the purpose of the SIJ statute. SIJ status is
3 predicated on a state court finding that the youth cannot be safely reunited with parent(s),
4 nor safely sent back to their country of origin. The design of this program, then, “show[s] a
5 congressional intent to assist a limited group of abused children to remain safely in the
6 country with a means to apply for LPR status.” *Garcia v. Holder*, 659 F.3d 1261, 1271 (9th
7 Cir. 2011) (abrogated on other grounds).
8

9
10 57. Youth can apply for SIJ status upon receipt of a state court order finding they
11 cannot be safely reunited with parent(s) nor safely sent back to their country of origin. The
12 application process includes submitting a Form I-360 SIJ Petition to USCIS, along with the
13 predicate state court order and other supporting evidence. *See* 8 C.F.R. § 204.11(b). USCIS
14 then considers the application and supporting documentation to determine whether to
15 exercise its statutory “consent function” to approve the petition. *See* 8 U.S.C. §
16 1101(a)(27)(J)(iii). By exercising its statutory consent function to grant SIJ status, the
17 agency recognizes the state court’s determinations, including that the child’s return to their
18 country of origin would be contrary to their best interests. 8 U.S.C. § 1101(a)(27)(J)(iii).
19

20
21 58. SIJ status may be revoked only for what the Secretary of Homeland Security
22 deems “good and sufficient cause.” 8 U.S.C. § 1155; 8 C.F.R. § 205.2. According to USCIS
23 regulations, such revocation must be made upon notice to the youth in question, who must
24 be permitted the opportunity to submit evidence in opposition to the revocation. *See* 8 C.F.R.
25 § 205.2. If status is ultimately revoked, the youth is entitled to notice and the opportunity to
26 appeal the decision. *See* 8 C.F.R. § 205.2(c) & (d). Revocation of a SIJ petition may only
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1 be performed by a USCIS officer authorized to approve such petition in the first instance.
2 See 8 C.F.R. § 205.2(a).

3 59. SIJ classification reflects a formal determination by both a state court and the
4 Department of Homeland Security (“DHS”) that the child cannot safely return to their home
5 country and must remain in the United States. Consistent with that purpose, Congress
6 structured the SIJ framework to facilitate long-term presence in the United States, including
7 by deeming SIJ recipients “paroled” for purposes of adjustment of status and exempting
8 them from numerous grounds of inadmissibility. See 8 U.S.C. § 1255(h).
9

10 60. The structure and purpose of the SIJ statute demonstrate Congress’s intent that
11 recipients remain safely in the United States while pursuing lawful permanent residence.
12 That intent does not diminish simply because visa availability is delayed; SIJ recipients
13 remain the same vulnerable individuals whom Congress sought to protect.
14

15 61. This child-protective framework is reinforced by federal law governing
16 unaccompanied children. The Trafficking Victims Protection Reauthorization Act
17 (“TVPRA”) requires that such children be placed in the least restrictive setting in their best
18 interest and that the government make continuous efforts toward release to a suitable
19 sponsor. See 8 U.S.C. § 1232(c)(2). Likewise, longstanding protections recognized in *Flores*
20 *v. Reno* require prompt release and prohibit unnecessary detention of children.
21

22 62. Together, these statutes establish a unified framework grounded in child
23 welfare—not detention—under which vulnerable youth are to be released into the
24 community and maintained in the least restrictive setting appropriate to their circumstances.
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26 63. Respondents’ actions here directly contravene that framework. Petitioner was
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1 released from ORR custody, granted SIJ classification and deferred action, and lived in the
2 community for years. His abrupt re-detention—without notice, without a hearing, and
3 without any best-interest or least-restrictive-setting analysis—reverses the statutory scheme
4 Congress created.
5

6 64. Detaining a SIJ recipient under these circumstances is not only inconsistent
7 with due process, but fundamentally incompatible with the purpose and structure of both the
8 SIJ statute and the TVPRA.
9

10 ***C. Petitioner is Not Subject to Mandatory Detention Under INA § 235(b)***

11 65. Respondents are likely to contend that Petitioner is subject to mandatory
12 detention under 8 U.S.C. § 1225(b), relying on *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025),
13 as they have argued in similar cases and in proceedings below. That position is misplaced.
14 The detention framework addressed in *Q. Li* concerns noncitizens treated as applicants for
15 admission under INA § 235 and does not displace the distinct statutory scheme governing
16 unaccompanied alien children (“UACs”) under the Trafficking Victims Protection
17 Reauthorization Act (“TVPRA”). Congress established a separate framework for UACs,
18 including the initiation and adjudication of removal proceedings. *See* 8 U.S.C. §
19 1232(a)(5)(D). Unlike INA § 235(b)(1) and (2), which mandate detention through the
20 completion of removal proceedings for certain applicants for admission, the TVPRA does
21 not impose mandatory detention.
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25 66. Petitioner was fifteen years old at entry, was designated as a UAC, and was
26 placed directly into removal proceedings pursuant to the TVPRA. He later applied for
27 asylum and obtained Special Immigrant Juvenile (“SIJ”) classification, which has been
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1 approved. Although Petitioner is now over eighteen, the governing statutory framework was
 2 fixed at the time of his entry and UAC designation. Respondents cannot retroactively
 3 reclassify him as an applicant for admission subject to INA § 235(b) in order to justify
 4 mandatory detention. Accordingly, Petitioner is not subject to § 235(b), and his custody is
 5 governed by the TVPRA and its implementing regulations. The Immigration Court therefore
 6 retains jurisdiction to conduct a custody redetermination. See 8 U.S.C. § 1232(a)(5)(D); 8
 7 C.F.R. § 236.3. Allowing such retroactive reclassification would eviscerate the statutory
 8 protections afforded to unaccompanied children and permit DHS to circumvent Congress's
 9 carefully designed child-welfare framework.

12 VIII. CLAIMS FOR RELIEF

13 CLAIM I

14 VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH 15 AMENDMENT OF THE CONSTITUTION (SUBSTANTIVE DUE 16 PROCESS) AND 8 U.S.C. § 1231(a)(6); ADMINISTRATIVE PROCEDURE 17 ACT 5 U.S.C. §§ 702, 706

18 67. Petitioner repeats and incorporates by reference each and every allegation
 19 contained in the preceding paragraphs as if fully set forth herein. The Immigration and
 20 Nationality Act ("INA") prescribes three basic forms of detention for the vast majority of
 21 noncitizens in removal proceedings.

22 68. The government may not deprive a person of life, liberty, or property without
 23 due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from
 24 government custody, detention, or other forms of physical restraint—lies at the heart of the
 25 liberty that the Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

26 69. Petitioner has a fundamental interest in liberty and being free from official
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1 restraint. Because Petitioner's removal is not reasonably foreseeable, his detention is neither
2 authorized by 8 U.S.C. § 1231(a)(6) nor related to any legitimate government interests, in
3 violation of the substantive due process protections of the Fifth Amendment. Permitting
4 such reclassification would effectively nullify the TVPRA's protections and allow DHS to
5 circumvent the statutory scheme Congress enacted for vulnerable children. Moreover,
6 Petitioner is not subject to post-removal-order detention under § 1231(a)(6), as his removal
7 is not administratively final and, in any event, is not reasonably foreseeable.
8

9
10 **CLAIM II**

11 **VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH**
12 **AMENDMENT OF THE CONSTITUTION (PROCEDURAL DUE**
13 **PROCESS); ADMINISTRATIVE PROCEDURE ACT 5 U.S.C. §§ 702, 706**

14 70. Petitioner repeats and incorporates by reference each allegation contained in
15 the preceding paragraphs as if fully set forth herein.

16 71. The Fifth Amendment guarantees that individuals may not be deprived of
17 liberty without due process of law, which requires notice and a meaningful opportunity to
18 be heard. *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976). "Freedom from imprisonment—
19 from government custody, detention, or other forms of physical restraint—lies at the heart
20 of the liberty that the Due Process Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690
21 (2001).
22

23 72. Petitioner was re-arrested and detained without notice, without a hearing, and
24 without any opportunity to challenge the basis for his detention before a neutral
25 decisionmaker, despite having lived in the community for years. This lack of pre-deprivation
26 process renders his detention constitutionally deficient and in violation of the Fifth
27
28

1 Amendment.

2 73. The Due Process Clause entitles Petitioner to meaningful process assessing
3 whether his detention is justified. Petitioner's re-arrest and detention without an opportunity
4 to contest his detention in front of a neutral adjudicator after he had been living and going
5 to school in the United States for years fails to provide constitutionally sufficient process
6 and therefore violates the Due Process Clause of the Fifth Amendment of the Constitution.
7

8 **CLAIM III**

9
10 **VIOLATION OF THE FOURTH AMENDMENT OF THE**
11 **CONSTITUTION; ADMINISTRATIVE PROCEDURE ACT 5 U.S.C. §§ 702,**
12 **706**

13 74. Petitioner repeats and incorporates by reference each and every allegation
14 contained in the preceding paragraphs as if fully set forth herein.

15 75. The Fourth Amendment protects "[t]he right of the people to be secure in their
16 persons . . . against unreasonable searches and seizures." U.S. Const. amend. IV.
17 Immigration arrests and detentions constitute "seizures" within the meaning of the Fourth
18 Amendment. *INS v. Lopez-Mendoza*, 468 U.S. 1032, 1044 (1984).
19

20 76. Petitioner was previously released into the United States on his own
21 recognizance and had been living at liberty in the community for years pursuant to that
22 determination.
23

24 77. Respondents' re-arrest and detention of Petitioner—without a warrant,
25 without prior notice, and without any individualized determination that he posed a flight risk
26 or danger—constitutes an unreasonable seizure in violation of the Fourth Amendment. Such
27 a seizure, conducted without a warrant or probable cause and absent exigent circumstances,
28

1 is presumptively unreasonable.

2 **CLAIM IV**

3 **VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT, 5 U.S.C. §§**
4 **702, 706**

5 78. Petitioner realleges and incorporates by reference each and every allegation
6 contained in the preceding paragraphs as if set forth fully herein.

7
8 79. Under the Administrative Procedure Act (“APA”), a reviewing court must
9 “hold unlawful and set aside agency action” that is arbitrary, capricious, an abuse of
10 discretion, or otherwise not in accordance with law; contrary to constitutional right; or in
11 excess of statutory jurisdiction or authority. 5 U.S.C. § 706(2)(A)–(C).

12
13 80. Respondents’ re-detention of Petitioner is arbitrary, capricious, and not in
14 accordance with law because it is unsupported by any lawful detention authority and was
15 carried out without the procedural protections required by the Constitution.

16
17 81. Respondents further acted contrary to law by disregarding the statutory
18 framework governing unaccompanied children and Special Immigrant Juveniles. Congress
19 has required that such individuals be maintained in the least restrictive setting appropriate
20 to their circumstances and that the government undertake prompt and continuous efforts
21 toward release into the community. See 6 U.S.C. § 279(b)(1)(C)–(D); 8 U.S.C. § 1232(c)(2).

22
23 82. By re-detaining Petitioner—who had been released into the community,
24 granted SIJ classification and deferred action—without notice, hearing, or any
25 individualized determination, Respondents acted in excess of their statutory authority and
26 in a manner that is arbitrary, capricious, and contrary to law.

27 **CLAIM V**

VIOLATION OF THE ACCARDI DOCTRINE

83. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

84. Under the *Accardi* doctrine, federal agencies are required to follow their own regulations, policies, and procedures where those rules have the force and effect of law or where they govern the agency's exercise of discretion. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 266–68 (1954); *Morton v. Ruiz*, 415 U.S. 199, 235 (1974).

85. Respondents violated this doctrine by re-detaining Petitioner without adhering to governing regulations and policies requiring individualized determinations, notice, and an opportunity to respond prior to revocation of release.

86. Respondents further violated their own policies governing Special Immigrant Juvenile (“SIJ”) recipients and deferred action. At the time Petitioner was granted SIJ classification and deferred action, DHS policy recognized that such individuals are to remain in the United States and pursue lawful permanent residence absent a lawful basis for revocation. Respondents’ abrupt re-detention—without notice, without revocation of that status, and without any procedural safeguards—contravenes those governing policies.

87. By failing to follow their own rules and policies, Respondents acted unlawfully under the *Accardi* doctrine. Petitioner has no adequate remedy at law.

CLAIM VI

RELEASE PENDING ADJUDICATION

88. Petitioner repeats and incorporates by reference each allegation contained in the preceding paragraphs as if fully set forth herein.

1 89. Petitioner raises substantial constitutional and statutory challenges to the
2 legality of his detention, including violations of the Fifth Amendment, the Fourth
3 Amendment, and the Administrative Procedure Act.

4 90. Petitioner is suffering ongoing and irreparable harm as a result of his unlawful
5 detention, including the deprivation of his fundamental liberty interest.

6 91. Because Petitioner has demonstrated a likelihood of success on the merits of
7 his claims and faces continued irreparable injury absent relief, the Court should order his
8 immediate release pending adjudication of this Petition. No alternative remedy can
9 adequately protect Petitioner's liberty interest during the pendency of this action.

10 **A. PRAYER FOR RELIEF.**

11 WHEREFORE, Petitioner prays that the Court grant the following relief:

- 12 1) Assume jurisdiction over this cause pursuant to 28 U.S.C. § 2241;
- 13 2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition
14 should not be granted within three days;
- 15 3) Order Respondents that they not transfer Petitioner out of this district during the
16 pendency of the court's adjudication of this petition, or alternatively, provide
17 Petitioner and his habeas counsel with advance notice of any transfer or removal;
- 18 4) Issue a Writ of Habeas Corpus ordering Respondents to immediately release
19 Petitioner from custody immediately and permanently enjoining his re-detention
20 absent written notice and a hearing prior to re-detention where Respondents must
21 prove by clear and convincing evidence that Petitioner is a flight risk or danger to the
22 community and that no alternatives detention would mitigate those risks; and, in the
23 community and that no alternatives detention would mitigate those risks; and, in the
24 community and that no alternatives detention would mitigate those risks; and, in the
25 community and that no alternatives detention would mitigate those risks; and, in the
26 community and that no alternatives detention would mitigate those risks; and, in the
27 community and that no alternatives detention would mitigate those risks; and, in the
28 community and that no alternatives detention would mitigate those risks; and, in the

1 alternative, provide an individualized bond hearing within five (5) days of this
2 Court's order;

- 3
4 5) Declare that Petitioner's detention without first providing an individualized
5 determination before a neutral decisionmaker violates the Due Process Clause of the
6 Fifth Amendment as well as the relevant statute and regulations governing detention
7 of noncitizens;
8
9 6) Award Petitioner's attorney's fees and costs under the Equal Access to Justice Act,
10 and on any other basis justified under law; and
11
12 7) That the Court grant further relief as this Court deems just and proper under the
13 circumstances.

14
15 RESPECTFULLY SUBMITTED this 26th day of March 2026.

16 By: s/ Jessica Anleu, Esq.

17 Jessica Anleu, Esq.
18 Attorney for Petitioner
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LIST OF ATTACHED EXHIBITS

Exhibit	Description
A	Office of the Refugee Resettlement Verification of Release
B	Bond Order Dated March 6, 2026
C	Notice to Appear
D	January 13, 2026 Order granting termination of removal proceedings
E	Initial Dependency Hearing- Dependency Found
F	Form I-589, Application for Asylum, receipt (based on TVPRA)

CERTIFICATE OF SERVICE

On the 26th day of March 2026, I, Jessica Anleu, the undersigned, served via certified U.S. Mail, the attached **Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241**, on each person/entity listed below addressed as follows:

Civil Clerk
United States Attorney's Office
District of Arizona
Two Renaissance Square
40 N. Central Avenue, Suite 1200
Phoenix, AZ 85004-4408

Luis Rosa, Jr.
Warden, Florence Correctional Center
1100 Bowling Road
Florence, Arizona 85132

Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Office of the General Counsel
U.S. Department of Homeland Security
245 Murray Lane, SW
Mail Stop 0485 Washington, DC 20528

s/ Jessica Anleu, Esq.