**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON**

Yunior Cardona Mejia, Petitioner v. DREW BOSTOCK, Seattle Field Office Director, Immigration and Customs Enforcement and Removal Operations (ICE/ ERO); U.S. Immigration and Customs Enforcement; KRISTI NOEM, Secretary of the Department of Homeland Security; U.S. Department of Homeland Security (DHS); PAMELA BONDI, Attorney General of the United States, TODD LYONS, Director Immigration and Customs Enforcement, and Warden NW Immigrant Processing Center. Respondents	PETITION FOR WRIT OF HABEAS CORPUS CASE No: 26-1149

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

Petitioner, Yunior Cardona Mejia (Mr. Cardona Mejia) is a citizen of Honduras who Respondents have detained at the Northwest Detention Center (AKA, Northwest ICE Processing Center) since March 6, 2026 as the result of an operation targeting another individual at his home. Because he is likely to face many additional months in detention, he seeks relief from this Court that would allow him to challenge his continuing, lengthy and unconstitutional detention.

JURISDICTION

1. Petitioner is in the physical custody of Respondents and Immigration and Customs Enforcement (ICE), an agency within the Department of Homeland Security (DHS). He

is detained at the Northwest Detention Center in Tacoma, Washington and is under the direct control of Respondents and their agents.

2. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq*.
3. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).
4. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.
5. Nothing in the INA deprives this Court of jurisdiction, including 8 U.S.C. §§ 1252(b)(9), (f)(1), or 1226(e). Congress has preserved judicial review of challenges to prolonged immigration detention. *See Jennings v Rodriguez*, 138 S. Ct. 830, 839-41 (2018) (holding that 8 U.S.C. §§ 1252(b)(9) and 1226(e) do not bar review of challenges to prolonged immigration detention).

VENUE

6. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Western District of Washington, the judicial district in which the Petitioner is currently in custody.
7. Venue is also properly vested in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies in the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Western District of Washington.

Parties

8. Petitioner is a citizen of Honduras who most recently arrived in the United States on or about January 28, 2014, at the Rio Grande Valley CBP port of entry. He has been in custody of the Department of Homeland Security (DHS) since March 5, 2026. He will be seeking relief in his Immigration Court case.
9. Respondent Drew Bostock is the Acting Director of the Seattle District Office of Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement, Department of Homeland Security. As such, Mr. Bostock is Petitioner's immediate custodian. He is named in his official capacity.
10. Respondent Todd Lyons is the acting director of U.S. Immigration and Customs Enforcement, and he has authority over the actions of respondent Drew Bostock and ICE in general. Respondent Lyons is a legal custodian of Petitioner.
11. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (DHS) and has authority over the actions of all other DHS Respondents in this case, as well as all operations of DHS. Respondent Noem is a legal custodian of Petitioner and is charged with faithfully administering the immigration laws of the United States.
12. Respondent Pamela Bondi is the Attorney General of the United States, and as such has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.
13. Respondent Warden, North West Immigrant Processing Center is the custodian responsible for housing Mr. Cardona Mejia and is, therefore, his direct custodian.

FACTUAL ALLEGATIONS

14. Petitioner, is a native and citizen of Honduras. On or about January 28. 2014, Petitioner entered the United States at the Rio Grande, Texas, CBP port without inspection or admission by an immigration officer. Petitioner was given an expedited removal order and was released by CBP due to the capacity concerns at local detention centers. Petitioner does not have any of the paperwork from the border as he was a minor and his mother destroyed the paperwork, however, Respondents' own narrative demonstrates that he was released on recognizance into the OSUP program.

15. During an operation targeting Enemias Cardona, Petitioner's father, ICE officers observed Mr. Cardona Mejia entering his vehicle and followed him, conducting a traffic stop. To be clear, Respondents did not and do not have an arrest warrant for Mr. Cardona Mejia, and this stop and arrest was collateral. A Notice to Appear (NTA) was served upon him. *See* Exh. 1. The Petitioner was placed into removal proceedings and the NTA marked "You are an alien present in the United States who has not been admitted or paroled".

16. No circumstances had changed at the time of the re-detention and ICE apprehended Mr. Cardona Mejia anyway. Petitioner continues to be held without bond or meaningful custody review.

17. Petitioner's continued confinement is causing him irreparable physical and psychological harm and violates his rights under the INA and the Due Process Clause of the Fifth Amendment.

LEGAL FRAMEWORK

8 U.S.C. § 1357

23. Section 1357 strictly governs the circumstances under which immigration officers may arrest a noncitizen without a warrant by issuing an I-200 administrative arrest warrant, authorized for use by immigration enforcement officers only under carefully proscribed circumstances. Those circumstances are extremely limited due to the extraordinary nature of this process. It allows arresting officers to issue their own warrants, a rare exception to the traditional practices in American law. U.S. Const. Amend. IV; *cf. Walker v. City of Birmingham*, 388 U.S. 307, 320–21,(1967) ("[I]n the fair administration of justice no man can be judge in his own case, however exalted his station [or] righteous his motives.").

24. It permits warrantless arrests only where the officer has "reason to believe" the individual is removable and is "likely to escape before a warrant can be obtained." 8 U.S.C. § 1357(a)(2). These requirements are mandatory statutory constraints on executive power, not discretionary guidelines.

25. An agency "literally has no power to act… unless and until Congress confers power upon it." *La. Pub. Serv. Comm'n v. FCC*, 476 U.S. 355, 374 (1986). When officers act outside the bounds of § 1357, they act without statutory authorization, and their actions must be set aside under the APA.

26. Nor may the government cure this defect by invoking *post hoc* justifications or recharacterizing Petitioner's detention under a different statutory scheme. The APA prohibits agencies from disregarding statutory constraints or substituting after-the-fact

rationalizations for contemporaneous compliance with the law. *Castañon Nava v. Dep't of Homeland Sec.*, 806 F. Supp. 3d 823, 853-4 (N.D. Ill. 2025) (N.D. Ill. Oct. 7, 2025).

Fourth Amendment U.S. Constitution

27. The Fourth Amendment affords "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." U.S. Const. amend. IV.
28. A Fourth Amendment violation occurs where an individual is seized without reasonable suspicion or probable cause, or where evidence is obtained through exploitation of that unlawful seizure. Evidence, including identity-related evidence such as fingerprints, must be suppressed unless the government demonstrates that the connection between the illegality and the evidence is sufficiently attenuated. *See Wong Sun v. United States*, 371 U.S. 471, 488 (1963); *Brown v. Illinois*, 422 U.S. 590, 603–04 (1975); *Hayes v. Florida*, 470 U.S. 811, 815 (1985); *United States v. Guevara-Martinez*, 262 F.3d 751, 755–56 (8th Cir. 2001).
29. A stop that escalates into physical restraint, violent arrest, and transport into immigration custody is a full seizure that must be supported by lawful authority and individualized cause. *See Hayes v. Florida*, 470 U.S. 811, 815 (1985).
30. The Eighth Circuit likewise recognizes that evidence and detention flowing from an unlawful seizure are infirm unless the connection has been meaningfully attenuated. *See United States v. Guevara-Martinez*, 262 F.3d 751, 755–56 (8th Cir. 2001).

8 U.S.C. § 1225(a)

31. Under 8 U.S.C. § 1225(a)(1), a noncitizen "present in the United States who has not been admitted or who arrives in the United States" is "deemed" "an applicant for admission." Section 1225(b)(2)(A) provides that "[i]n the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title."

32. If the Department of Homeland Security ("DHS") declines to detain an "applicant for admission" under § 1225(b)(2)(A), it may: (1) grant the noncitizen's parole into the United States if parole provides a "significant public benefit"; or (2) return the noncitizen to his home country. 8 U.S.C. §§ 1225(b)(2)(C), 1182(d)(5)(A); *Biden v. Texas*, 597 U.S. 785, 814-15 (2022).

Conditional Parole

33. Release on recognizance is not a form of "parole into the United States" based on "humanitarian" grounds or "public benefit," but rather a form of "conditional parole" from detention upon a charge of removability, authorized by 8 U.S.C. 1226(a)(2)(B). *See Ortega-Cervantes v. Gonzales*, 501 F.3d 1111, 1115-16 (9th Cir. 2007) (holding a non-citizen released on an "Order of Release on Recognizance" must necessarily have been detained and released under § 1226, inter alia because they were not an "arriving alien" under the regulations governing § 1225).

34. The distinction between parole pursuant to § 1225 and conditional parole pursuant to § 1226 reflects more than an immigration officer's choice of paperwork because, although both forms of relief are styled as "parole," these two mechanisms serve fundamentally

different purposes. Parole "into the United States" under § 1182(d)(5)(A), permits a non-citizen to physically enter the country, subject to a reservation of rights by the government that it may continue to treat the non-citizen "as if stopped at the border." *Thuraissigiam*, 591 U.S. at 139.

35. Conditional parole provides a mechanism of release on recognizance, without payment of a bond, at the discretion of the government *See Rivera v. Holder*, 307 F.R.D. 539, 553 (W.D. Wash. 2015) ("§ 1226(a) unambiguously states that an IJ may consider conditions for release beyond a monetary bond. Plaintiff's IJ mistakenly believed he had no such authority, a misunderstanding that conflicted with the law."). Notably, release on conditional parole is not deemed as being paroled into the United States with the attached reservation of rights by the government, but instead this status "provides a mechanism whereby an alien may be released pending the determination of removal, as long as she is not a 'danger to persons or property' and 'is likely to appear for any further proceeding.'" *Delgado-Sobalvarro v. Attorney Gen. of U.S.*, 625 F.3d 782, 787 (3d Cir. 2010). *See also Matter of Castillo-Padilla*, 25 I.&N. Dec. 257, 261 (B.I.A. 2010).

8 C.F.R. §§ 236.1 and 1003.19

36. The regulations expressly provide that, at the time of issuance of the Notice to Appear or thereafter, DHS may issue a custody determination. Specifically, 8 C.F.R. § 236.1(g)(1) states that an initial custody determination shall be made before the conclusion of the removal proceedings and once that initial custody determination has been made, the regulations then provide for review before the Immigration Judge.

37. Most importantly, 8 C.F.R. § 236.1(d)(1) states: "After an initial custody determination by the district director, including the setting of a bond, the respondent may, at any time

before an order under 8 CFR part 240 becomes final, request amelioration of the conditions under which he or she may be released. Prior to such final order, and except as otherwise provided in *this chapter*, the immigration judge is *authorized to exercise the authority in section 236 of the Act to detain the alien in custody, release the alien, and determine the amount of bond, if any, under which the respondent may be released*." (emphasis added).

38. That language matters. The regulation does not say the Immigration Judge may simply refuse to act whenever DHS asserts a lack of bond jurisdiction in a conclusory fashion. It says that after an initial custody determination, and before the removal order becomes final, the respondent may seek amelioration and the Immigration Judge "*is authorized to exercise the authority in section 236 of the Act to detain the alien in custody, release the alien, and determine the amount of bond*." *Id.* (emphasis added). That is an express grant of adjudicative authority.

39. The companion EOIR regulation says the same thing. Under 8 C.F.R. § 1003.19(a), "Custody and bond determinations made by the service pursuant to 8 CFR part 1236 may be reviewed by an Immigration Judge pursuant to 8 CFR part 1236.". And § 1003.19(f) requires the judge to actually decide the matter: "The determination of an Immigration Judge with respect to custody status or bond redetermination shall be entered on the appropriate form at the time such decision is made and the parties shall be informed orally or in writing of the reasons for the decision.".

Due Process Clause

40. The Due Process Clause of the Fifth Amendment provides Petitioner with important protections regarding his detention. As the Supreme Court has explained, "[f]reedom

from imprisonment—from government custody, detention, or other forms of physical restraint— lies at the heart of the liberty" that the Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

41. The INA envisions three basic forms of detention for noncitizens in removal proceedings. First is detention for noncitizens in regular, non-expedited removal proceedings. *See* 8 U.S.C. § 1226(a), (c). Individuals in § 1226(a) detention are entitled to a bond hearing at the outset of their detention, while noncitizens who have committed certain crimes are subject to mandatory detention. *See id.* § 1226(c).

42. The INA also provides for mandatory detention for noncitizens in expedited removal proceedings, 8 U.S.C. § 1225(b)(1), and detention for noncitizens whose immigration cases are completed, *id.* § 1231(a)(6). *See Banda v. McAleenan*, 385 F. Supp. 3d 1099, 1111-13 (W.D. Wash. 2019) (providing overview of INA's detention authorities).

43. In *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018), the Supreme Court held that as a matter of statutory interpretation, 8 U.S.C. § 1226(a) does not require the government to provide a detainee with more than an initial bond hearing. Significantly, the Court did not reach the constitutional question of whether the Due Process Clause requires an opportunity to test the government's justification for detention once detention after that initial hearing becomes prolonged.

44. Since the Supreme Court's *Jennings* decision, the Ninth Circuit has expressed "grave doubt" that "any statute that allows for arbitrary prolonged detention without any process is constitutional or that those who founded our democracy precisely to protect against the government's arbitrary deprivation of liberty would have thought so." *Rodriguez v. Marin*, 909 F.3d 252, 256 (9th Cir. 2018).

45. To guarantee against such arbitrary detention and to guarantee the right to liberty, due process requires "adequate procedural protections" that ensure the government's asserted justification for a noncitizen's physical confinement "outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Zadvydas*, 533 U.S. at 690 (internal quotation marks omitted).

46. In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention: to mitigate the risks of danger to the community and to prevent flight. *Id.; Demore*, 538 U.S. 510, 522, 528 (2003). The government may not detain a noncitizen based on any other justification.

47. As a result, where the government detains a noncitizen for a prolonged period or where the noncitizen pursues a substantial defense to removal or claim to relief, due process requires an individualized hearing before a neutral decisionmaker to determine whether detention remains reasonably related to its purpose. *Demore*, 538 U.S. at 532 (Kennedy, J., concurring) (stating that an "individualized determination as to [a noncitizen's] risk of flight and dangerousness" may be warranted "if the continued detention became unreasonable or unjustified"); cf. *Jackson v. Indiana*, 406 U.S. 715, 733 (1972) (detention beyond the "initial commitment" requires additional safeguards); *McNeil v. Dir., Patuxent Inst.*, 407 U.S. 245, 249- 50 (1972) (noting that "lesser safeguards may be appropriate" for "short-term confinement"); *Hutto v. Finney*, 437 U.S. 678, 685-86 (1978) (observing, in Eighth Amendment context, that "the length of confinement cannot be ignored in deciding whether [a] confinement meets constitutional standards").

48. Due process also requires certain minimal procedures at bond hearings. First, the government must bear the burden of proof by clear and convincing evidence to justify

continued detention. Second, the decisionmaker must consider available alternatives to detention. Finally, if the government cannot meet its burden, a decisionmaker must assess a noncitizen's ability to pay a bond when determining the appropriate conditions of release.

49. The requirement that the government bear the burden of proof by clear and convincing evidence is also supported by application of the three-factor balancing test from *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

50. First, prolonged incarceration deprives noncitizens of a "profound" liberty interest—one that always requires some form of procedural protections. *Diouf*, 634 F.3d at 1091- 92; see also *Foucha*, 504 U.S. at 80 ("It is clear that commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection." (citation omitted)).

51. Second, the risk of error is great where the government is represented by trained attorneys and detained noncitizens are often unrepresented and frequently lack English proficiency. *See Santosky v. Kramer*, 455 U.S. 745, 762-63 (1982) (requiring clear and convincing evidence at parental termination proceedings because "numerous factors combine to magnify the risk of erroneous factfinding" including that "parents subject to termination proceedings are often poor, uneducated, or members of minority groups" and "[t]he State's attorney usually will be expert on the issues contested"). Moreover, Respondents detain noncitizens in prison-like conditions that severely hamper their ability to obtain legal assistance, gather evidence, and prepare for a bond hearing. See *infra* ¶ 66.

52. Third, placing the burden on the government imposes minimal cost or inconvenience, as the government has access to the noncitizen's immigration records and other information that it can use to make its case for continued detention.

53. In light of these considerations, "[t]he overwhelming majority of courts to consider the question . . . have concluded that imposing a clear and convincing standard would be most consistent with due process." *Martinez v. Decker*, No. 18-CV-6527 (JMF), 2018 WL 5023946, at *5 (S.D.N.Y. Oct. 17, 2018) (internal quotation marks omitted).

54. Due process also requires that a neutral decisionmaker consider available alternatives to detention. A primary purpose of immigration detention is to ensure a noncitizen's appearance during removal proceedings. Detention is not reasonably related to this purpose if there are alternative conditions of release that could mitigate risk of flight. *See Bell v. Wolfish*, 441 U.S. 520, 538 (1979). ICE's alternatives to detention program—the Intensive Supervision Appearance Program (ISAP)—has achieved extraordinary success in ensuring appearance at removal proceedings, reaching compliance rates close to 100 percent. *See Hernandez v. Sessions*, 872 F.3d 976, 991 (9th Cir. 2017) (observing that ISAP "resulted in a 99% attendance rate at all EOIR hearings and a 95% attendance rate at final hearings"). It follows that alternatives to detention must be considered in determining whether prolonged incarceration is warranted.

55. Due process likewise requires consideration of a noncitizen's ability to pay a bond. "Detention of an indigent 'for inability to post money bail' is impermissible if the individual's 'appearance at trial could reasonably be assured by one of the alternate forms of release.'" *Id.* at 990 (quoting *Pugh v. Rainwater*, 572 F.2d 1053, 1058 (5th Cir. 1978) (en banc)). As a result, in determining the appropriate conditions of release for

immigration detainees, due process requires "consideration of financial circumstances and alternative conditions of release" to prevent against detention based on poverty. *Id.*

56. Evidence about immigration detention and the adjudication of removal cases provide further support for the due process right to a bond hearing in cases of prolonged detention.

57. Immigration detainees face severe hardships while incarcerated. Immigration detainees are held in lock-down facilities, with limited freedom of movement and access to their families: "the circumstances of their detention are similar, so far as we can tell, to those in many prisons and jails." *Jennings*, 138 S. Ct. at 861 (Breyer, J., dissenting); *accord Chavez-Alvarez*, 783 F.3d at 478; *Ngo v. INS*, 192 F.3d 390, 397-98 (3d Cir. 1999); *Sopo*, 825 F.3d at 1218, 1221. "And in some cases[,] the conditions of their confinement are inappropriately poor." *Jennings*, 138 S. Ct. at 861 (Breyer, J., dissenting) (citing Dept. of Homeland Security (DHS), Office of Inspector General (OIG), DHS OIG Inspection Cites Concerns With Detainee Treatment and Care at ICE Detention Facilities (2017) (reporting instances of invasive procedures, substandard care, and mistreatment, e.g., indiscriminate strip searches, long waits for medical care and hygiene products, and, in the case of one detainee, a multiday lock down for sharing a cup of coffee with another detainee)).

58. These conditions and obstacles only further underscore the serious due process concerns that prolonged immigration detention pose for noncitizens like the Petitioner and reflect the need for a decision before a neutral decisionmaker regarding continued detention.

Administrative Procedure Act

60. The Administrative Procedure Act requires courts to "hold unlawful and set aside agency action" that is "not in accordance with law," "in excess of statutory jurisdiction," or taken "without observance of procedure required by law." 5 U.S.C. § 706(2)(A), (C), (D).

ARGUMENT

I. Mr. Cardona Mejia's Detention is in Contravention of 8 U.S.C. § 1357 and the Fourth Amendment of the United States Constitution

61. The arrest itself was not authorized by 8 U.S.C. § 1357, was unreasonable under the Fourth Amendment, and cannot be salvaged by later post hoc recharacterizations of the detention authority.

62. Section 1357 sharply limits when immigration officers may arrest without first obtaining a warrant. Congress authorized that extraordinary step only where the officer has "reason to believe" the person "is in the United States in violation" of immigration law <u>and</u> "is likely to escape before a warrant can be obtained." 8 U.S.C. § 1357(a)(2). Those are mandatory conditions, not optional considerations. As one court put it, ICE may conduct a warrantless arrest only if there is reason to believe the noncitizen "(1) 'is in the United States in violation of [an immigration] law or regulation' and (2) 'is likely to escape before a warrant can be obtained for his arrest.'" *Nava v. Dep't of Homeland Sec.*, 435 F. Supp. 3d 880, 885 (N.D. Ill. 2020), quoted in *Rosado v. Figueroa*, No. CV-25-02157-PHX-DLR (CDB), 2025 U.S. Dist. LEXIS 156344, at *31 (D. Ariz. Aug. 11, 2025). And "[m]ere presence within the United States in violation of U.S. immigration law is not, by itself, sufficient to conclude that an alien is likely to escape before a warrant for arrest can

be obtained." *Nava*, 435 F. Supp. 3d at 885; *Rosado*, 2025 U.S. Dist. LEXIS 156344, at *31.

63. That is fatal here. Mr. Cardona Mejia had long been in the United States, had been released from custody, was clearly a part of a family unit and even had a vehicle, and the officers simply did not conduct any assessment of those factors, were just merely ready to detain without further ado. Those facts negate, rather than support, any claim that he was "likely to escape before a warrant c[ould] be obtained." 8 U.S.C. § 1357(a)(2). Courts confronting similar facts have said exactly that. In *Rosado*, the court stressed that the petitioner had been "in the country for years with the acquiescence of the government, at the same address," and therefore Respondents failed to satisfy "the subject statute's requirement that a warrantless arrest of a noncitizen who has not committed a crime is permissible only if the noncitizen is 'likely to escape before a warrant is issued.'" 2025 U.S. Dist. LEXIS 156344, at *33. The same reasoning applies with even greater force to a person like Mr. Cardona Mejia.

64. Nor does the Government get to avoid that defect by pointing generally to removability. Section 1357(a)(2) requires both reason to believe the person is removable and reason to believe he is likely to escape before a warrant can be obtained. 8 U.S.C. § 1357(a)(2). The second element has real work to do. As *Rosado* recognized, the Government's failure to address the escape requirement is dispositive where the person has longstanding ties and a known address. 2025 U.S. Dist. LEXIS 156344, at *32–33. On the allegations here, Respondents cannot plausibly maintain that Mr. Cardona Mejia was likely to abscond, supported on an even greater level because he complied with officers in their traffic stop, and they were already conducting an investigation on another member of his family.

65. Because the arrest exceeded the narrow circumstances authorized by Congress, it was *ultra vires*. An agency "literally has no power to act . . . unless and until Congress confers power upon it." *La. Pub. Serv. Comm'n v. FCC*, 476 U.S. 355, 374 (1986). When officers act outside the bounds of § 1357, they act "not in accordance with law" and "in excess of statutory jurisdiction" within the meaning of the APA. 5 U.S.C. § 706(2)(A), (C). That is especially true here, where the Government cannot repair a defective arrest by later shifting to a different statutory label. As the legal framework already states, the APA forbids agencies from substituting post hoc rationalizations for contemporaneous compliance with governing law. See *Castañon Nava v. Dep't of Homeland Sec.*, 806 F. Supp. 3d 823, 853–54 (N.D. Ill. 2025). The arrest either satisfied § 1357 when it happened or it did not. On these allegations, it did not.

66. The same defect independently renders the seizure unreasonable under the Fourth Amendment. "An arrest or detention constitutes a 'seizure' under the Fourth Amendment and must be reasonable under the circumstances." *Ashcroft v. al-Kidd*, 563 U.S. 731, 735 (2011); *Rosado*, 2025 U.S. Dist. LEXIS 156344, at *30. And a stop that escalates into physical restraint and transport into custody is a full seizure requiring lawful authority and individualized cause. *Hayes v. Florida*, 470 U.S. 811, 815 (1985). Here, Petitioner was not briefly questioned and released; he was taken into immigration custody and remains detained. That is a paradigmatic seizure, and its legality turns on whether Respondents possessed lawful authority to make it in the first place.

67. They did not. As *Rosado* held on similar facts, a warrantless immigration arrest unsupported by § 1357 and based only on civil immigration status violates the Fourth Amendment. 2025 U.S. Dist. LEXIS 156344, at *32–33. The court there concluded that

the petitioner's "warrantless arrest" and ensuing detention "were in violation of her Fourth Amendment rights," emphasizing that Respondents did not allege flight, threat, or any facts satisfying the statute's escape requirement. *Id.* at *32–34. The same is true here. Respondents detained Mr. Cardona Mejia not because he fled, threatened anyone, or obstructed anything, but because he was minding his own business and they targeted him instead of the correct member of his family subject to investigation. That is not the kind of individualized justification the Fourth Amendment requires.

68. Nor may the Government rely on later-acquired custody or later-issued paperwork to cleanse the original illegality. Under *Wong Sun*, evidence or detention flowing from an unlawful seizure is tainted unless the Government shows the connection is sufficiently attenuated. *Wong Sun v. United States*, 371 U.S. 471, 488 (1963). *Brown v. Illinois* likewise makes clear that the question is whether the later custody was "sufficiently an act of free will to purge the primary taint." 422 U.S. 590, 602 (1975). And *Hayes* confirms that transporting a person into custody for investigatory or administrative purposes without lawful basis is itself the constitutional injury. 470 U.S. at 815–16. Evidence and detention flowing from an unlawful seizure are infirm unless the connection has been meaningfully attenuated. *United States v. Guevara-Martinez*, 262 F.3d 751, 755–56 (8th Cir. 2001).

69. There is no attenuation here. The present detention is not collateral to the arrest; it is the direct product of it. Petitioner was seized by immigration officers and taken into ICE custody on March 5, 2026, and he has remained detained ever since. No intervening lawful process broke the causal chain. To the contrary, the detention is the continuing consequence of the initial unlawful seizure. Where the Government's present custody

"flows from" the unlawful arrest, the arrest's illegality is not academic; it is the reason the custody is unlawful now. See *Wong Sun*, 371 U.S. at 488; *Guevara-Martinez*, 262 F.3d at 755–56.

70. This matters especially in habeas, because the relief sought is not suppression in a criminal trial but release from unlawful executive custody. The unlawful arrest and the current detention are part of the same continuous deprivation of liberty. As *Rosado* recognized, where "Rosado was taken into custody, and is still in custody, for no other reason than that she is a noncitizen in removal proceedings," and the arrest itself violated § 1357 and the Fourth Amendment, her "current detention violates her constitutional rights." 2025 U.S. Dist. LEXIS 156344, at *32–34. So too here. Mr. Cardona Mejia's current detention violates the Constitution because it began with a seizure that Respondents lacked statutory and constitutional authority to carry out.

71. Accordingly, the Court should hold that Respondents' arrest of Petitioner exceeded the authority conferred by 8 U.S.C. § 1357(a)(2), violated the Fourth Amendment, and constitutes agency action that must be set aside under 5 U.S.C. § 706(2)(A), (C), and (D). Because Petitioner's present detention flows directly from that unlawful arrest and has not been purged of its taint, the Court should order his immediate release.

II. Respondents lack of compliance with 8 U.S.C. § 1357 is a violation of Due Process and the Administrative Procedure Act

72. When Congress has prescribed the circumstances under which immigration officers may arrest without a warrant, failure to comply with those conditions renders the resulting deprivation of liberty arbitrary and contrary to due process.

73. Here, the failure to satisfy that statutory prerequisites means the arrest was not simply procedurally flawed; it was an arbitrary deprivation of liberty undertaken without the process Congress required before the executive may imprison a person.

74. Mr. Cardona Mejia's detention flows from an arrest undertaken outside the narrow circumstances Congress authorized, and thus from an unlawful exercise of executive power. The statute contemplated due process in its inception. The liberty interest is obvious, and the risk of erroneous deprivation is the obvious issue that Congress was trying to address (therefore, the risk is high). There are no less burdensome alternatives (and nor are the burdens too high) because the statute literally requires the process, and finally, it is in the interest of the public to ensure the government is following the statutorily required process. Therefore, Respondents violated Mr. Cardona Mejia's due process rights in failing to follow the requirements of 8 U.S.C. § 1357.

75. The same defect independently violates the Administrative Procedure Act. The APA requires courts to "hold unlawful and set aside agency action" that is "not in accordance with law," "in excess of statutory jurisdiction, authority, or limitations," or undertaken "without observance of procedure required by law." 5 U.S.C. § 706(2)(A), (C), (D). Section 1357 is one of the statutes that defines and limits Respondents' authority. When immigration officers arrest without satisfying its conditions, they act outside the power Congress conferred. As the Supreme Court has explained, an agency "literally has no power to act . . . unless and until Congress confers power upon it." *La. Pub. Serv. Comm'n v. FCC*, 476 U.S. 355, 374 (1986). Agency action taken in excess of that authority must be set aside.

76. In short, Respondents' noncompliance with § 1357 is both a due process violation and an APA violation. Due process forbids arbitrary physical detention unsupported by lawful authority. The APA requires this Court to set aside agency action that exceeds statutory limits and disregards mandatory legal procedures. Because Mr. Cardona Mejia's present detention flows directly from an arrest that did not comply with § 1357, that detention is unlawful and habeas relief is warranted.

III. Mr. Cardona Mejia is Detained Pursuant to 8 U.S.C. § 1226(a)

77. Even if, *arguendo*, the Court disagrees that the Respondents' unlawfully seized Mr. Cardona Mejia, the threshold issue is whether Mr. Cardona Mejia's present detention is governed by 8 U.S.C. § 1225(b), which applies to certain noncitizens "seeking admission," or by 8 U.S.C. § 1226, which governs detention of noncitizens "already in the country" during removal proceedings. The answer is § 1226. As *Jennings* explained, the detention statutes are divided between persons at the threshold of entry and persons "already present inside the country." *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018). That distinction is not cosmetic. It is the organizing principle of the detention scheme. *See id.* at 289–90.

78. That framework fits Mr. Cardona Mejia's case. He was placed in full removal proceedings under 8 U.S.C. § 1229a and released on recognizance under section 236 of the INA, i.e., § 1226 as according to the Respondents' own narrative about his placement in OSUP (*See* Exh. 2). Where DHS has already used § 1226 as the operative detention authority, courts have refused to let it later recharacterize the case as one arising under § 1225. In *Lopez Benitez*, the court held that the record "can support only one conclusion—

that Mr. Lopez Benitez was not mandatorily detained as a noncitizen 'seeking admission' under § 1225(b), but rather as someone 'already in the country,' ... pursuant to Respondents' discretionary authority under § 1226(a)." *Lopez Benitez v. Francis*, 795 F. Supp. 3d 484, 487 (S.D.N.Y. 2025). That is precisely the logic here.

79. As *Martinez* explained, release on an order of recognizance "does not indicate that she was examined or detained under section 1225 but instead explicitly premises her release on section 1226." *Martinez v. Hyde*, 792 F. Supp. 3d 211, 215 (D. Mass. 2025). Likewise, *Lopez Benitez* held that such release "is not 'humanitarian' or 'public benefit' parole into the United States" under §§ 1225 and 1182(d)(5)(A), "but rather a form of 'conditional parole' from detention, authorized under § 1226." 795 F. Supp. 3d at 486. So too here: release under section 236 is release under § 1226, not some placeholder for later mandatory detention under § 1225.

80. Nor may the Government "switch tracks" after choosing § 1226 in the first place. That is exactly the maneuver recent district courts have rejected. In *Salcedo Aceros*, the court held that "[s]ections 1226(a) and 1225(b) cannot be applied simultaneously," because "[t]heir detention regimes are facially inconsistent: one provides for discretionary release with procedural protections, while the other mandates detention without discretion." *Paula Andrea Salcedo Aceros v. Kaiser*, No. 25-cv-06924-EMC, slip op. at 12–13 (N.D. Cal. Sept. 12, 2025). It went on: "Ms. Aceros enjoys a liberty interest under § 1226(a) and the procedural protections thereunder that cannot be unilaterally abrogated without process by the Government simply 'switching tracks.'" *Id.* at 13. That framing applies with full force here.

81. The text of § 1225(b)(2)(A) independently forecloses the Government's position. That provision applies only where an examining officer determines that an alien is "seeking admission" and is not clearly entitled to be admitted. 8 U.S.C. § 1225(b)(2)(A). Courts confronting this issue have given those words their ordinary meaning. In *Martinez*, the court explained that "for section 1225(b)(2)(A) to apply, several conditions must be met," including that the individual be "seeking admission," and because Ms. Diaz Martinez "was already residing in the country when she was detained, she was not 'seeking admission' at that time." 792 F. Supp. 3d at 214, 223. Therefore, "Section 1225(b)(2)(A) . . . simply had no application to her case." *Id.* at 223. The same is true here.

82. Other courts have made the same point by rejecting the Government's attempt to read "seeking admission" out of the statute. *Salcedo Aceros* explained that the Government's reading "would render the phrase 'seeking admission' in § 1225(b) superfluous" and therefore "violates the rule against surplusage." Slip op. at 15. *Rosado* likewise found that the Government's "selective reading" of § 1225(b)(2) "violates the rule against surplusage and negates the plain meaning of the text." *Rosado v. Figueroa*, No. CV-25-02157-PHX-DLR (CDB), 2025 U.S. Dist. LEXIS 156344, at *29 (D. Ariz. Aug. 11, 2025). Mr. Cardona Mejia was already in the United States and had already been granted a conditional parole. He was not "seeking admission" within the meaning of § 1225(b)(2)(A), and his detention therefore falls under § 1226.

IV. Even If DHS May Re-Arrest A Person Released Under § 1226, It May Not Do So Arbitrarily, Without Changed Circumstances, Or Without Process

83. Because Mr. Cardona Mejia is detained under § 1226, the question becomes whether DHS could lawfully re-detain him in the manner alleged here. It could not. Section 1226(a) confers discretionary authority. But discretion must actually be exercised; it cannot be invoked as a label after the fact.

84. That is the central lesson of *Lopez Benitez*. There, the court rejected the Government's fallback position that even if detention was under § 1226, DHS had simply chosen to exercise its discretion to detain. The court observed that Respondents "do not say that they considered Mr. Lopez Benitez's individual circumstances," "do not even say when, why, how, or by whom the decision to detain him was made," and in fact "offer no explanation whatsoever" other than the initial claim that detention was mandatory. 795 F. Supp. 3d at 498. The court concluded: "That does not suggest that any 'discretion' was actually exercised." *Id.* If the Government's only defense here is that they were looking for someone else and stumbled across Mr. Cardona Mejia, then the same theory applies.

85. Recent decisions also recognize that prior release under § 1226 creates a protected interest in continued liberty absent some lawful basis to revoke it. In *Salcedo Aceros*, the court explained that DHS's earlier decision to place the petitioner in regular removal proceedings and release her under § 1226 "created a reliance interest in her continued freedom, so long as she abided by the terms of her release." Slip op. at 12. The court further recognized that a person released under § 1226 "was entitled to maintain her freedom while removal proceedings were ongoing absent a change in circumstances." *Id.* at 10. That principle applies directly here. A noncitizen who has been released and has

remained available for proceedings cannot simply be swept back into custody on a categorical theory untethered to individualized facts.

86. *Rosado* is especially useful on this point. There, the court emphasized that Rosado had lived in the United States for years, had committed no crime, and there was "no evidence before the Court that Rosado has not appeared for all scheduled hearings or that any circumstance or her behavior has changed since she was allowed to reside in the United States." It therefore held that "[r]osado's release from custody in 2018 provided her with a protected liberty interest" and that "[t]he government may not unilaterally take away her liberty." *Rosado*, 2025 U.S. Dist. LEXIS 156344, at *33–34. That is exactly the principle Cardona Mejia follows.

87. And where the Government has identified no new individualized information undermining its earlier release decision, due process concerns become acute. As *Rosado* put it, "[t]he government has not identified any new information specific to Rosado's circumstances to undermine its own prior determination that she does not pose a danger or a flight risk." *Id.* at *34. On the allegations here, the same is true of Mr. Cardona Mejia. There was no absconding, no new danger determination and no meaningful individualized reason for re-detention. There was simply a seizure.

V. RESPONDENTS REFUSAL TO PROVIDE A BOND HEARING VIOLATES THE APA

88. Both Congress and the evidence in the record make it clear that the arriving alien statute, and therefore mandatory detention, does not apply to those who are placed into INA § 240 removal proceedings following the process outlined in 8 C.F.R. § 208.30.

89. Under the APA, an agency must provide "reasoned explanation for its action" and "may not depart from a prior policy *sub silentio* or simply disregard rules that are still on the books." *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009).

90. Because the IJ's in Tacoma, WA, still refuse to provide bond hearings (*see e.g. Diaz-Aguero v. Noem*, 2:26-cv-00637-TLF (W.D. Wash. Apr 03, 2026)), Mr. Cardona Mejia will have his bond refused and the continued detention of the Petitioner without a bond hearing is arbitrary, capricious, and without the Due Process of law.

VI. Respondents Violated the Governing Regulations By Effecting an Unlawful Arrest and Then Refusing to Provide the Custody Review Expressly Contemplated By 8 C.F.R. §§ 236.1 and 1003.19

91. Even apart from the illegality of the arrest itself, the subsequent refusal to provide custody review violated the governing regulations.

92. Instead of exercising the authority conferred by 8 C.F.R. §§ 236.1 and 1003.19, or determining whether Petitioner was properly within a category excluded from IJ bond jurisdiction under INA §236, Respondents treated Petitioner as categorically beyond review and denied him the custody adjudication the regulations expressly contemplate. That refusal was contrary to the regulations themselves which squarely find the Immigration Judge's authority vested under INA § 236. By making a finding that the authority vests somewhere else and refusing to allow the Petitioner to request an amelioration of the conditions of his detention, the Respondents are in violation of 8 C.F.R. § 236.1.

93. In short, once DHS made an initial custody determination to detain the Petitioner, the regulations expressly provided that Petitioner may seek amelioration and that the

Immigration Judge "*is authorized*" to exercise section 236 custody authority before any final order. 8 C.F.R. § 236.1(d)(1) (emphasis added). The refusal by IJs in Tacoma, WA, thereby affecting Petitioner, to provide that review violated the governing regulations and rendered Petitioner's continued detention unlawful.

VII. Continued Detention Without a Bond Hearing or Meaningful Custody Review Violates the Fifth Amendment

94. The Fifth Amendment prohibits the Government from depriving any person of liberty without due process of law. That protection fully applies in civil immigration detention. As the Supreme Court stated in *Zadvydas*, "[f]reedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). And as *Hamdi* put it, freedom from physical detention is "the most elemental of liberty interests." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004). *Rosado* relied on precisely that principle in holding the petitioner's detention unlawful.

95. *Jennings* does not foreclose this claim. It held only that the statutory text itself does not contain the six-month bond hearing rule the Ninth Circuit had read into it. 583 U.S. at 297–310. It did not hold that detention without meaningful process is constitutional. To the contrary, *Jennings* reaffirmed that persons detained under these provisions may pursue constitutional challenges to the legality of their detention. See *id.* at 296–98, 314. And in describing the regulations applicable to § 1226 detention, the Court noted that bond-hearing protections are available "at the outset of detention." *Id.* at 306.

96. The due process problem here is not just continued custody. It is the absence of any meaningful procedure before or promptly after the Government took back a liberty it had already granted. *Lopez Benitez* recognized that holding a person in remote detention for weeks while telling him he can eventually ask some other official for release is "inadequate to address the denial of due process that [he] was entitled to in the first instance." 795 F. Supp. 3d at 499. The court condemned the practice of "treating attendance in immigration court as a game of detention roulette" as inconsistent with due process. *Id.*

97. *Rosado* reached the same conclusion through the *Mathews* framework. The court found that Rosado "was not afforded any hearing, or procedural safeguards, that balanced her protected liberty interest with the government's interest in immigration enforcement." It further explained that, had she been given a hearing, "it is likely she could have established her release was required because there were no 'changed circumstances' warranting her detention." *Rosado*, 2025 U.S. Dist. LEXIS 156344, at *33–35. Mr. Cardona Mejia's allegations present the same defect: re-detention first, process later if at all. That is not due process.

98. Finally, *Salcedo Aceros* puts the point cleanly: the Government cannot avoid "the strictures of 1226(a) with its bond hearing protections" merely by asserting that the detainee has no protected liberty interest because DHS now prefers to invoke § 1225(b). Slip op. at 9–10. Once the Government chose the § 1226 path and released Mr. Cardona Mejia under it, he acquired both the statutory protections of that framework and the constitutional protection against arbitrary reincarceration without process. The same conclusion is supported by 8 C.F.R. § 236.1 and 1003.19 which entitle the Petitioner to

request to ameliorate the conditions of his release with jurisdiction vesting in INA § 236. Both of these things together constitute a violation of the Fifth Amendment.

VIII. Respondents' Failure to Follow the Governing Custody Regulations Violated The APA

99. After taking Petitioner into custody, Respondents failed to follow the procedures required by their own regulations. As set forth above, 8 C.F.R. § 236.1(d)(1) provides that, "After an initial custody determination by the district director … the respondent may … request amelioration," and that the Immigration Judge "is authorized to exercise the authority in section 236 of the Act to detain the alien in custody, release the alien, and determine the amount of bond." (emphasis added). Section 1003.19(a) states that custody determinations "may be reviewed by an Immigration Judge," § 1003.19(d) provides that such consideration "shall be separate and apart from" the removal merits, and § 1003.19(f) requires that the IJ's custody determination "shall be entered" and the parties informed of the reasons. Even where a jurisdictional bar is claimed, § 1003.19(h)(2)(ii) preserves the respondent's right to seek a determination that he is "not properly included" within that bar.

100. Respondents disregarded that framework. Rather than providing the review expressly contemplated by the regulations, they treat Petitioners like Mr. Cardona Mejia as categorically beyond bond jurisdiction and denied him the custody adjudication the regulations require. An agency may not disregard regulations that remain binding on its conduct. *See FCC v. Fox Television Stations*, Inc., 556 U.S. 502, 515 (2009). Nor may it replace the regulatory process with an unreviewable categorical refusal to act.

101. Accordingly, Respondents' actions were contrary to law, in excess of lawful authority, and undertaken without observance of the procedures required by law. The detention is therefore unlawful under 5 U.S.C. § 706(2).

CLAIMS

COUNT I: VIOLATION OF 8 U.S.C. § 1357

1. Petitioner realleges and incorporates by reference the allegations contained above.
2. Because the Respondents violated the provisions of 8 U.S.C. § 1357 in effecting a warrantless arrest without satisfying both statutorily required conditions, the resulting custody of Petitioner is unlawful.
3. This Court should, therefore, hold Respondents violated 8 U.S.C. § 1357 and grant relief.

COUNT II: VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT 5 U.S.C. § 706(2)(A), (C), (D)

1. Petitioner realleges and incorporates by reference the allegations contained above.
2. Because the Respondents violated the provisions of 8 U.S.C. § 1357 in effecting a warrantless arrest without satisfying both statutorily required conditions, the Respondents acted arbitrarily, capriciously and not in accordance with the law. The resulting custody is unlawful.
3. This Court should, therefore, hold that the Respondents violated the Administrative Procedure Act and grant relief.

COUNT III: VIOLATION OF THE FOURTH AMENDMENT OF THE UNITED STATES CONSTITUTION, UNLAWFUL SEIZURE

1. Petitioner realleges and incorporates by reference the allegations contained above.
2. Because the Respondents violated the provisions of 8 U.S.C. § 1357 in effecting a warrantless arrest without satisfying both statutorily required conditions, the Respondents violated the Fourth Amendment of the United States Constitution. The resulting custody is unlawful.
3. This Court should, therefore, hold that the Respondents violated the Fourth Amendment of the United States Constitution and grant relief.

COUNT IV: VIOLATION OF THE FIFTH AMENDMENT OF THE UNITED STATES CONSTITUTION ARISING FROM VIOLATION OF 8 U.S.C. § 1357

1. Petitioner realleges and incorporates by reference the allegations contained above.
2. Because the Respondents violated the provisions of 8 U.S.C. § 1357 in effecting a warrantless arrest without satisfying both statutorily required conditions and have refused to provide a platform for which the Petitioner can challenge the lawfulness of that arrest, the Respondents violated the Fifth Amendment of the United States Constitution.
3. This Court should, therefore, hold that the Respondents violated the Fifth Amendment of the United States Constitution and grant relief.

COUNT V: VIOLATION OF 8 C.F.R. §§ 236.1 AND 1003.19

1. Petitioner realleges and incorporates by reference the allegations contained above.

2. The Respondents have, from the beginning, refused to allow Petitioner to request to ameliorate the conditions of his custody and to properly find the jurisdiction of the Immigration Judge, therefore violating 8 C.F.R. §§ 236.1 and 1003.19.
3. This Court should, therefore, hold that the Respondents violated the Code of Federal Regulations and grant relief.

COUNT VI: VIOLATION OF THE FIFTH AMENDMENT OF THE UNITED STATES CONSTITUTION ARISING FROM VIOLATION OF 8 C.F.R. §§ 236.1 AND 1003.19

1. Petitioner realleges and incorporates by reference the allegations contained above.
2. The Respondents have, from the beginning, refused to allow Petitioner to request to ameliorate the conditions of his custody and to properly find the jurisdiction of the Immigration Judge as allowed pursuant to 8 C.F.R. §§ 236.1 and 1003.19, violating the Fifth Amendment Due Process rights of Petitioner that are accounted for in the regulations.
3. This Court should, therefore, hold that the Respondents violated the Fifth Amendment of the United States Constitution and grant relief.

COUNT VII: VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT 5 U.S.C. 706(2)(A), (C), (D), ARISING FROM VIOLATION OF 8 C.F.R. §§ 236.1 AND 1003.19

1. Petitioner realleges and incorporates by reference the allegations contained above.
2. Respondents have, from the beginning, refused to allow Petitioner to request to ameliorate the conditions of his custody and to properly find the jurisdiction of the Immigration Judge as allowed pursuant to 8 C.F.R. §§ 236.1 and 1003.19, arbitrarily, capriciously and contrary to law in violation of the Administrative Procedure Act.

3. This Court should, therefore, hold that the Respondents violated the Administrative Procedure Act and grant relief.

COUNT VII: VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT 5 U.S.C. 706(2)(A), (C), (D), ARISING FROM VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT 8 U.S.C. § 1226

1. Petitioner restates and realleges all paragraphs as if fully set forth here.
2. Because Respondents are unwilling to give Petitioner a bond hearing in accordance with 8 U.S.C. § 1226, their actions are not in accordance with law.
3. This Court should, therefore, hold that the Respondents violated the Administrative Procedure Act and grant relief.

COUNT IX: VIOLATION OF THE FIFTH AMENDMENT OF THE UNITED STATES CONSTITUTION, ARISING FROM VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT 8 U.S.C. § 1226

1. Petitioner realleges and incorporates by reference the allegations contained above.
2. Petitioner's Due Process rights will be violated by IJ in Tacoma, WA, due to a finding that Petitioner is not eligible for bond despite the NTA clearly establishing that Petitioner is in INA § 240 proceedings.
3. The IJ's of the Tacoma Immigration Court are still not granting bond or finding jurisdiction even when the detainee was placed into INA § 240 removal proceedings and would have been eligible and entitled to bond.
4. To justify Petitioner's ongoing detention, due process requires that the government establish, at an individualized hearing before a neutral decisionmaker, that his detention

is justified by clear and convincing evidence of flight risk or danger, as well as whether alternatives to detention could sufficiently mitigate any risk that does exist.

5. For these reasons, Mr. Cardona Mejia's ongoing detention without a hearing violates the Due Process Clause of the Fifth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully request that this Court:

a. Assume jurisdiction over this matter;
b. Issue an order to show cause within three (3) days as to why the writ should not issue;
c. Declare that Petitioner's arrest violates the Immigration and Nationality Act, 8 U.S.C. § 1237; the Administrative Procedure Act, 5 U.S.C. §§ 706(2)(A), 706(2)(C), 706(2)(D); the Fourth Amendment Seizure Clause of the United States Constitution; and the Due Process Clause of the Fifth Amendment to the U.S. Constitution and the resulting detention is unlawful.
d. Declare that the Petitioner's continued detention violates the Code of Federal Regulations, 8 C.F.R. §§ 236.1 and 1003.19; the Administrative Procedure Act, 5 U.S.C. §§ 706(2)(A), 706(2)(C), 706(2)(D) 553; and the Due Process Clause of the Fifth Amendment to the U.S. Constitution.
e. Order Petitioner's immediate release;
f. Order the payment of EAJA fees; and
g. Grant any other further relief this Court deems just and proper.

Respectfully Submitted,

DATED: April 10, 2026.

/s/ Stacey R. Rogers
Stacey R. Rogers (WSB 61754)
SRR Law Group LLC.
600 25th Ave S, Ste 104
St. Cloud, MN 56301
Telephone: (507) 271-9405
E-mail: stacey@srrlawgroup.com

Attorney for Petitioner

VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF PURSUANT TO 28 U.S.C. 2242

I am submitting this verification on behalf of Petitioner because I am one of Petitioner's Attorneys. I have discussed with Petitioner the events described in this Petition. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Respectfully submitted this 10th day of April 2026.

/s/ Stacey Rogers
Stacey Rogers
SRR Law Group LLC
600 25th Ave South, Suite #201
St. Cloud, MN 56301
(507) 271-9405
stacey@srrlawgroup.com
Attorney for Petitioner