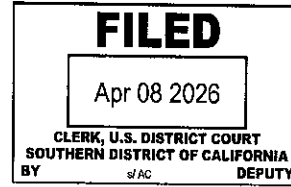


1 Henry Amaya-Ingles
2 Alien No. [REDACTED]
3 Imperial Regional Detention Center
4 1572 Gateway Road
5 Calexico, CA 92231



6
7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**
9

10 HENRRY AMAYA-INGLES,)
11)
12 -Petitioner, *Pro Se*,)
13 v.)
14)
15 Kristi NOEM, in her Official Capacity,)
16 Secretary of the Department of Homeland Security,¹)
17)
18 Pamela J. BONDI, in her Official Capacity,)
19 Attorney General, Department of Justice,)
20)
21 Daniel A. BRIGHTMAN, in his Official Capacity,)
22 Field Office Director, San Diego Field Office,)
23 U.S. Immigration and Customs Enforcement,)
24)
25 Todd LYONS, in his Official Capacity,)
26 Acting Director, Immigration & Customs Enforcement,)
27)
28 Acting Warden, in their Official Capacity,)
29 Warden of Immigration Detention Facility,)
30 Imperial Regional Detention Center;)
31)
32 -Respondents.)
33)
34)

Case No.: **'26CV2223 RBM MMP**

INS.: [REDACTED]

Custody Status: **DETAINED**

**Petition for Writ of Habeas
Corpus Pursuant to
28 U.S.C. § 2241**

¹ Although Former Secretary Noem has ceased to hold office, the Court will wait to order substitution until her successor has been appointed. *See* FED. R. CIV. P. 25(d) (“An action does not abate when a public officer who is a party in an official capacity . . . resigns[] or otherwise ceases to hold office while the action is pending. The officer’s successor is automatically substituted as a party. Later proceedings should be in the substituted party’s name . . . The court may order substitution at any time . . .”).

1 9. Petitioner respectfully requests that this Court issue a Writ of Habeas Corpus, and
2 determine that Petitioner's ongoing detention is not justified because the government
3 has not established by *clear and convincing* evidence that Petitioner presents a risk of
4 flight or danger in light of reasonable available alternatives to detention, and order
5 Petitioner's release, with appropriate conditions of supervision if necessary.

6 10. Petitioner respectfully requests that this Court issue a Writ of Habeas Corpus and order
7 Petitioner's release within twenty ("20") days unless Respondent's schedule a hearing
8 before the IJ where it holds proper jurisdiction and where: (1) to continue detention,
9 the government must establish by *clear and convincing* evidence that Petitioner present
10 a risk of flight or current public danger, even after consideration of alternatives to
11 detention that could mitigate any risk that Petitioner's release would present; and (2) if
12 the government cannot meet its heavy burden, the IJ orders Petitioner's release on
13 appropriate conditions of supervisions.

14 11. Petitioner respectfully requests that the Court use its authority under 28 U.S.C. § 2243
15 to order the Respondents to file a return within three days, unless they can show good
16 cause for additional time. *See* 28 U.S.C. § 2243 (stating that an order to show cause
17 why a petition for a writ of habeas corpus should be denied is returnable "within three
18 days unless for good cause additional time, not exceeding twenty days, is allowed").

19 12. In order to permit full judicial review of the claims herein and requested relief,
20 Petitioner respectfully requests that the Court order Respondents not to transfer
21 Petitioner outside the jurisdiction of this Court pending consideration of this Petition

22 **PARTIES**

23 13. Petitioner's full name is Henry Balmore Amaya-Ingles. Petitioner is a native and
24 citizen of El Salvador. Petitioner is seeking protection relief in the form of political

1 asylum, withholding of removal, and protection under the Convention Against Torture
2 (“CAT”) motivated by a well-founded fear of persecution and torture.

3 14. Respondent, Kristi NOEM is sued in her official capacity as the Secretary of the
4 Department of Homeland Security (herein after referred to as “DHS”). In her capacity
5 he has the responsibility for administration and enforcement of the immigration laws
6 pursuant to section 402 of the Homeland Security Act of 2002, 107 Pub. L. 296, 116
7 Stat. 2135 (Nov. 25, 2002). *See Armentero v. INS*, 340 F.3d 1058 (9th Cir. 2003).

8 15. Respondent Pamela J. BONDI is sued in her official capacity as the Attorney General
9 of the United States. She has responsibility for the administration and enforcement of
10 the immigration laws pursuant to 8 U.S.C. § 1103, and Immigration and Nationality
11 Act § 103. As the “INA” has not been amended to reflect the designation of the
12 Secretary of the DHS as the administrator and enforcer of the immigration laws. In this
13 case, Respondent Pamela J. BONDI is sued in her official capacity to the extent that 8
14 U.S.C. § 1102 gives her the authority to detain Petitioner. *See Armentero v. INS, supra*.
15 Thus, Pamela J. BONDI is considered a legal custodian of Henry Amaya-Ingles.

16 16. Respondent, Daniel A. BRIGHTMAN is the Field Office Director responsible for the
17 San Diego Field Office of ICE Enforcement and Removal Operations, which has
18 administrative jurisdiction over Petitioner’s case. He is a legal custodian of Mr. Henry
19 Amaya-Ingles and is named in his official capacity.

20 17. Respondent, Todd LYONS is Acting Director of ICE. As the head of ICE, an agency
21 within the U.S. Department of Homeland Security that detains and removes certain
22 noncitizens, Respondent Todd LYONS is a legal custodian of Mr. Amaya-Ingles and he
23 is named in his official capacity.

24 18. Respondent, Acting Warden of Imperial Regional Detention Center, in Calexico,

1 California where Petitioner is currently detained under the authority of ICE,
2 alternatively he may be considered to be Petitioner's immediate custodian.

3 19. The Respondents in this action are the legal custodian of Petitioner and are named in
4 their official capacity.

5 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

6 20. Because Petitioner is considered as an arriving alien, as defined in 8 C.F.R. § 1001.1(g),
7 in removal proceedings, the immigration court does not have jurisdiction. *See*
8 Immigration Court Practice Manual ("ICPM") Section 9.3(b)(1). For this very reason,
9 the Immigration Judge will deny bond for lack of jurisdiction. *See* ICPM § 9.3(b)(1).

10 21. Even if Petitioner moves for an appeal before the Board of Immigration Appeals
11 ("BIA/Board") it will most likely adopt the IJ's decision and affirm the denial of bond
12 based on lack of jurisdiction.

13 22. Consequently, Petitioner need not exhaust his administrative remedies. The statute in
14 question, 8 U.S.C. § 1231(a)(6), has no exhaustion requirement. Exhaustion is required
15 only when Congress specifically mandates it. *McCarthy v. Madigan*, 503 U.S. 140, 144
16 (1992). In all other instances, "sound judicial discretion governs." *Id.* This Court should
17 not require Petitioner to exhaust his administrative remedies.

18 23. Petitioner is being held under mandatory detention without a bond hearing. Even if
19 Petitioner would move for such another bond hearing, it would be futile as the Adelanto
20 Immigration Court does not hold proper jurisdiction.

21 24. As such, Petitioner is challenging the constitutionality of the procedures by which ICE
22 reviews the custody status of aliens who cannot be removed within six months, and
23 whose removal is not significantly likely to occur in the reasonably foreseeable future.
24 As a result, the administrative remedy is inadequate to address these constitutional

1 grounds for recovery.

2 **JURISDICTION**

3 25. This action arises under the United States Constitution, the Immigration & Nationality
4 Act of 1952, as amended (herein after referred to as "INA") 8 U.S.C. § 1101 *et. seq.*,
5 and the Administrative Procedures Act (herein after referred to as "APA"), 5 U.S.C. §§
6 701 *et. seq.* This Court has Habeas Corpus jurisdiction pursuant to 28 U.S.C. §§ 2241
7 *et. seq.*; Article 1, Clause 2 of the United States Constitution (hereinafter referred to as
8 "Suspension Clause"); and the Common Law. As Petitioner is presently in custody
9 under color of the authority of the United States, and such custody is in violation of the
10 Constitution, laws, and/or treaties of the United States.

11 26. This Court may also exercise jurisdiction pursuant to 28 U.S.C. § 1331 and may grant
12 relief pursuant to the Declaratory Judgement Act, 28 U.S.C. § 2201 *et. seq.*, and the All
13 Writs Act, 28 U.S.C. § 1651.

14 **VENUE**

15 27. Venue is proper with this Court pursuant to 28 U.S.C. § 1391(c) because the
16 Respondents are employees or officers of the United States, acting in their official
17 capacity, and an agency of the United States.

18 28. Venue is additionally proper in this Court because the Petitioner is detained in this
19 District, and pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S.
20 484, 493-500(1973).

21 29. Venue is proper in the District of California under 28 U.S.C. § 1391(e) because
22 Petitioner is detained in this district. Thus, venue is proper in this District because this
23 is the district in which Petitioner is confined. *See Doe v. Garland*, 109 F.4th 1188,
24 1197-99 (9th Cir. 2024).

1 38. Petitioner has shown commendable willingness to reintegrate to day-to-day society
2 once released. Petitioner has not been afforded a bond hearing. The following positive
3 factors are also important to consider. Petitioner is not a threat to national security, has
4 no history of such activity and presents no danger to public safety.

5 39. Based on the totality of these compelling mitigating factors, it demonstrates that
6 Petitioner, Mr. Henry Amaya-Ingles merits, at the very least, a fair and impartial bond
7 hearing where the immigration court holds proper jurisdiction.

8 LEGAL ARGUMENT

9 40. "It is well established that the Fifth Amendment entitles aliens to due process of law in
10 deportation proceedings." *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v.*
11 *Flores*, 507 U.S. 292, 306 (1993)). "Freedom from imprisonment—from government
12 custody, detention, or other forms of physical restraint—lies at the heart of liberty" that
13 the Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *see also*
14 *id.* at 718 (Kennedy, J., dissenting) ("Liberty under the Due Process Clause included
15 protection against unlawful or arbitrary personal restraint or detention."). This
16 fundamental due process protection applies to all noncitizens, including both
17 removable and inadmissible noncitizens. *See id.* at 721 (Kennedy, J., dissenting) ("both
18 removable and inadmissible aliens are entitled to be free from detention that is arbitrary
19 or capricious").

20 41. Due process therefore requires "adequate procedural protections" to ensure that the
21 government's asserted justification for physical confinement "outweighs the
22 individual's constitutionally protected interest in avoiding physical restraint." *Id.* at
23 690. Civil commitment for *any* purpose constitutes a significant deprivation of liberty.
24 *Addington v. Texas*, 441 U.S. 418, 425 99 S. Ct. 1804, 60 L. Ed. 2d 323 (1979). In the

1 immigration context, the Supreme Court has recognized only two valid purposes for
2 civil detention—to mitigate the risks of danger to the community and to prevent flight.
3 *Id.*; *Demore*, 538 U.S. at 528.

4 **42.** Following *Zadvydas* and *Demore*, every circuit court of appeals to confront the issue
5 had found either the immigration statutes or due process require a hearing for
6 noncitizens subject to unreasonably prolonged detention pending removal proceedings.
7 *See Velasco Lopez v. Decker*, 978 F.3d 842 (2d Cir. 2020) (8 U.S.C. § 1226(a)); *Reid*
8 *v. Donelan*, 819 F.3d 486 (1st Cir. 2016) (8 U.S.C. § 1226(c)); *Sopo v. U.S. Attorney*
9 *Gen.*, 825 F.3d 1199 (11th Cir. 2016) (detention under 8 U.S.C. § 1226(c)); *Lora v.*
10 *Shanahan*, 804 F.3d 601 (2d Cir. 2015) (8 U.S.C. § 1226(c)); *Rodriguez v. Robbins*
11 *(Rodriguez III)*, 804 F.3d 1060 (9th Cir. 2015) (8 U.S.C. § 1226(c) and 8 U.S.C. §
12 1225(b)); *Diop v. ICE/Homeland Sec.*, 656 F.3d 221 (3d Cir. 2011) (8 U.S.C. §
13 1226(c)); *Diouf v. Holder (Diouf II)*, 634 F.3d 1081 (8 U.S.C. § 1231(a)); *Ly v. Hanse*,
14 351 F.3d 263 (6th Cir. 2003) (8 U.S.C. § 1226(c)) (requiring release when mandatory
15 detention exceeds a reasonable period of time).

16 **43.** While the Supreme Court upheld the mandatory detention of a noncitizen under Section
17 1226(c) in *Demore*, it did so based upon the petitioner’s concession of deportability
18 and the Court’s understanding that detentions under Section 1226(c) are typically
19 “brief”. *Demore*, 538 U.S. at 522 n.6, 528. Where a noncitizen has been detained for a
20 prolonged period or is pursuing a substantial defense to removal or claim to relief, due
21 process requires an individualized determination that such a significant deprivation of
22 liberty is warranted. *Id.* at 532 (Kennedy, J., concurring) (“individualized
23 determination as to his risk of flight and dangerousness” may be warranted “if the
24 continued detention became unreasonable or unjustified”). *See also, Jackson v.*

1 *Indiana*, 406 U.S. 715, 733 (1972) (detention beyond the “initial commitment” requires
2 additional safeguards); *McNeil v. Dir., Patuxent Inst.*, 407 U.S. 245, 249-50 (1972)
3 (“lesser safeguards may be appropriate” for “short term confinement”); *Hutto v.*
4 *Finney*, 437 U.S. 678, 685-86 (1978) (in Eighth Amendment context, “the length of
5 confinement cannot be ignored in deciding whether [a] confinement meets
6 constitutional standards”).

7 **44.** This Court should grant this Habeas Corpus petition on the grounds that detention
8 without a proper bond hearing is unconstitutional when it exceeds six-months. *See*
9 *Demore*, 538 U.S. at 529-30 (upholding only “brief” detention under Section 1226(c),
10 which last “roughly a month and a half in the vast majority of cases in which it is
11 invoked, and about five months in the minority of cases in which the alien chooses to
12 appeal”); *Zadvydas*, 533 U.S. at 701 (“Congress previously doubted the
13 constitutionality of detention for more than six months”).

14 **45.** The recognition that six months is a substantial period of confinement—and is the time
15 after which additional process is required to support continued incarceration—is deeply
16 rooted in our legal tradition. With few exceptions, “in the late 18th century in America
17 crimes triable without a jury were for the most part punishable by no more than a six-
18 month prison term . . .” *Duncan v. State of La.*, 391 U.S. 145, 161 & n.34 (1968).

19 **46.** Consistent with this tradition, the Supreme Court has found six months to be the limit
20 of confinement for a criminal offense that a Federal Court may impose without the
21 protection afforded by jury trial. *Cheff v. Schnackenberg*, 384 U.S. 373, 380 (1966)
22 (plurality opinion). The Court has also looked to six-months as a benchmark in other
23 contexts involving civil detention. *See McNeil v. Dir., Patuxent Inst.*, 407 U.S. 245,
24 249, 250-52 (1972) (recognizing six months as an outer limit for confinement without

1 individualized inquiry for civil commitment). The Court has likewise recognized the
2 need for bright line constitutional rules in other areas of law. *See Maryland v. Shatzer*,
3 559, U.S. 98, 110 (2010) (14 days for re-interrogation following invocation of Miranda
4 rights); *Cty. Of Riverside v. McLaughlin*, 500 U.S. 44, 55-56 (1991) (48 hours for
5 probable cause hearing).

6 47. Even if a bond hearing is not required after six-months in every case, at a minimum,
7 due process requires a bond hearing after detention has become unreasonably
8 prolonged. *See Diop*, 656 F.3d at 234. Courts that apply a reasonableness test have
9 considered three main factors in determining whether detention is reasonableness.

10 48. First, courts have evaluated whether the noncitizen has raised a “good faith” challenge
11 to removal—that is, the challenge is “legitimately raised” and presents “real issues”.
12 *Chavez-Alvarez v. Wardern York Cty. Prison*, 783 F.3d 469, 476 (3d Cir. 2015).
13 Petitioner’s detention is prolonged detention without an impartial and fair bond hearing
14 that guarantees fundamental Due Process of Law. Any delay has occurred as a result
15 of litigating favorable and substantive issues affecting removal.

16 49. Second, reasonableness is a “function of the length of the detention,” with detention
17 presumptively unreasonable if it lasts six-months to a year. *Id.* at 477-78; *accord Sopo*,
18 825 F.3d at 1217-18.

19 50. Third, courts have considered the likelihood that detention will continue pending future
20 proceedings. *Chavez-Alvarez*, 783 F.3d at 478 (finding detention unreasonable after
21 nine months of detention, when the parties could “have reasonably predicted that
22 *Chavez-Alvarez’s* appeal would take a substantial amount of time, making his already
23 lengthy detention considerably longer”); *Sopo*, 825 F.3d at 128; *Reid*, 819 F.3d at 500.

1 51. At a proper bond hearing, due process requires certain minimal protections to ensure
2 that a noncitizen's detention is warranted: the *government* must bear the burden of
3 proof by *clear and convincing* evidence to justify continued detention, taking into
4 consideration available alternatives to detention; and if the government cannot meet its
5 burden, the noncitizen's ability to pay a bond must be considered in determining the
6 appropriate conditions of release.

7 52. To justify immigration detention, the government must bear the burden of proof by
8 *clear and convincing* evidence that the noncitizen is a danger or flight risk. *See Singh*
9 *v. Holder*, 638 F.3d 1196, 1206 (9th Cir. 2011). Where the Supreme Court has
10 permitted civil detention in other contexts, it has relied on the fact that the Government
11 bore the burden of proof at least by *clear and convincing evidence*. *See United States*
12 *v. Salerno*, 481 U.S. 739, 750, 752 (1987) (upholding pre-trial detention where "full-
13 blown adversary hearing," requiring "clear and convincing evidence" and "neutral
14 decisionmaker"); *Foucha v. Louisiana*, 504 U.S. 71, 81-83 (1992) (striking down civil
15 detention scheme that placed burden on the detainee); *Zadvydas*, 533 U.S. at 692
16 (finding post-final-order custody review procedures deficient because, inter alia, they
17 placed burden on detainee).

18 53. The Ninth Circuit Court of Appeals confirmed that *Jennings v. Rodriguez*, 138 S. Ct.
19 830 (2018) did not invalidate the holding in *Singh* and *Rodriguez v. Robbins* (Rodriguez
20 III), 804 F.3d 1060 (9th Cir. 2015), which required that the Government justify a non-
21 citizen's detention by *clear and convincing* evidence. *Aleman Gonzalez v. Barr*, ---
22 F.3d ---, 2020 WL 1684034 (9th Cir. Apr. 7, 2020).

23 54. Since *Jennings*, numerous district courts in this circuit and others have concluded that
24 due process requires the government to prove by *clear and convincing* evidence that a

1 non-citizen is a flight risk or a danger to the community to justify denial of bond. E.g.,
2 *Exchop Perez v. McAleenan*, --- F. Supp. 3d ---, 2020 WL 1181492, at *4 (N.D. Cal. Jan.
3 23, 2020) (rejecting the government’s “attempt to cabin *Singh* to only apply to *Casas*
4 hearings” as “illogical” since such interpretation would “create a system in which a
5 detained noncitizen bears the burden at their initial bond hearing, but the burden then
6 shifts at a *Casas* hearing”); *Singh v. Barr* (“*Singh v. Barr*”), 400 F. Supp. 3d 1005,
7 1017-18 (S.D. Cal. 2019) (“Because *Jennings* expressly addressed itself to the
8 mandates of the INA, and not the Constitution, the procedural due process holding[]
9 in *Singh* . . . still stand[s.]”); *Lopez Reyes v. Bonnar*, 362 F. Supp. 3d 762, 775 (N.D.
10 Cal. 2019); *Calderon-Rodriguez v. Wilcox*, 374 F. Supp. 3d 1024, 1033 n.8 (W.D. Was.
11 2019); *Cortez v. Sessions*, 318 F. Supp. 3d 1134 (N.D. Cal. 2018), appeal dismissed,
12 2018 WL 4173027 (9th Cir. July 25, 2018); *Ramos v. Sessions*, 293 F. Supp. 3d 1021,
13 1029-30 (N.D. Cal. 2018).; *Diaz-Ceja v. McAleenan*, No. 19-CV-00824-NYW, 2019
14 WL 2774211, at *11 (D. Colo. July 2, 2019); *Darko v. Sessions*, 342 F. Supp. 3d 429
15 (S.D. N.Y. 2018); *Linares Martinez v. Decker*, 2018 WL 5023946, at *4 (S.D. N.Y.
16 Oct. 17, 2018); *Sajous v. Decker*, No. 28 Civ. 2447 (AJN), 208 WL 2357266, at *12
17 (S.D. N.Y. May 23, 2018); *Hernandez v. Decker*, No. 18 Civ. 5026 (ALC), 2018 WL
18 3579108, at *10 (S.D. N.Y. July 25, 2018); *Frederic v. Edwards*, No. 18 Civ. 5540
19 (AT), Docket No. 13 (S.D. N.Y. July 19, 2018); *Figüeroa v. McDonald*, No. 18-CV-
20 10097 (PBS), --- F. Supp. 3d ---, --- 2018 WL 2209217, at *5 (D. Mass. May 17, 2018);
21 *Pensamiento*, 315 F. Supp. 3d 684, 692 (D. Mass. 2018); *Portillo v. Hott*, 322 F. Supp.
22 3d 698, 709 n.9 (E.D. Va. 2018).

23 **55.** The Fifth Amendment requires that, before depriving a person of his liberty, the
24 government allow that person to be heard at a meaningful time and in a meaningful

1 manner. *See Mathews v. Eldridge*, 424 U.S. 319, 334 (1976). The determination of
2 whether particular government conduct violates this procedural due process balances
3 (1) the private interest affected by the official action; (2) the risk of erroneous
4 deprivation of the interest and value (if any) of additional or substitute procedural
5 safeguards; and (3) the government's interest, including the burden that additional or
6 substitute procedural requirements would impose. *Id.* at 335.

7 **56.** To conform to the requirements of due process, such a hearing must take place before
8 an independent and impartial adjudicator. *Id.* at 334-35. The requirement that the
9 government bear the burden of proof by *clear and convincing* evidence is also
10 supported by application of the three-factor balancing test from *Mathews v. Eldridge*,
11 424 U.S. 319, 335 (1976).

12 **57.** First, prolonged incarceration deprives noncitizens of a "profound" liberty interest. *See*
13 *Diouf II*, 634 F.3d at 1091-92 (9th Cir. 2011).

14 **58.** Second, the risk of error is heavily great where the government is represented by trained
15 and qualified attorneys and detained noncitizens, as it is in this present case, are often
16 unrepresented and frequently lack English proficiency. *See Santosky v. Kramer*, 455
17 U.S. 745, 763 (1982) (requiring clear and convincing evidence at parental termination
18 proceedings because "numerous factors combine to magnify the risk of erroneous
19 factfinding" including that "parents subject to termination proceedings are often poor,
20 uneducated, or members of minority groups" and "[t]he State's attorney usually will be
21 expert on the issues contested").

22 **59.** Moreover, detainees are incarcerated in prison-like conditions that severely hamper
23 their ability to obtain legal assistance, gather evidence, produce supporting documents
24 and relevant documents and prepare for a bond hearing. *See infra*.

- 1 **60.** Third, placing the burden on the government imposes minimal cost or inconvenience,
2 as the government has access to the noncitizen's immigration records and other
3 information that it can use to make its case for continued detention.
- 4 **61.** Due process also requires consideration of non-punitive alternatives to detention. The
5 primary purpose of immigration detention is to ensure a noncitizen's appearance during
6 removal proceedings. *Zadvydas*, 533 U.S. at 697.
- 7 **62.** While detention pending removal proceedings is constitutionally permissible, it must
8 comport with due process. Among other requirements, the government must justify
9 prolonged detention with clear and convincing evidence that the noncitizen presents a
10 current flight risk or danger to the community. *Dangerousness cannot be based on*
11 *criminal history alone*; the severity and recency of the criminal conduct must be taken
12 into account. The IJ also must consider *changes in circumstances that would make*
13 *recidivism less likely*.
- 14 **63.** Finally, although the Court cannot review the IJ's discretionary judgement, it may
15 review the record for constitutional claims and legal error and to ensure that the clear
16 and convincing evidence standard is met as a matter of law. *Calderon-Rodriguez v.*
17 *Wilcox*, 374 F. Supp. 3d 1024, 2033 n.8 (W.D. Wash. 2019). The following facts
18 establish the government will not meet its Burden of Proof i.e., "*clear and convincing*"
19 evidence of dangerousness as a matter of law: Petitioner does not pose a danger to
20 persons or property.
- 21 **64.** Even if Respondents argue that Petitioner is considered to be dangerous, that argument
22 is unpersuasive and weak. The Supreme Court has "uphold preventive detention based
23 on dangerousness only when limited to especially dangerous individuals and subject to
24 strong procedural protection". *Lopez Reyes*, 362 F. Supp. 3d at 776 (quoting *Zadvydas*,

1 533 U.S. at 691). This is a case where Petitioner's criminal charges against him may
2 be too trivial and it is not sufficient enough to portrait him as a hardened criminal. The
3 record reflects that being in the US for many years, his criminal history does not
4 establish a habitual criminal. Petitioner does recognize his wrongs and regrets what
5 occurred and has been strongly attempting to make amends.

6 65. Any argument that "*danger*" to the community is established by the facts of this case
7 is clearly erroneous, and by any legal standard is devoid of logic, reason, and facts to
8 support such a conclusion. The Respondents may seek to characterize Petitioner's
9 challenge as purely discretionary. As the Honorable U.S. District Court in *Griselda*
10 *Negrete Vargas, supra*, found: "The Ninth Circuit has explained that *Casas-Castrillon*
11 and *Guerra* contemplate that criminal history alone may be insufficient to justify
12 detention" (emphasis added). *Singh*, 638 F.3d at 1260. "The *Guerra* factor most
13 pertinent to assessing dangerousness' is the detainee's 'criminal record, including the
14 *extensiveness* of criminal activity, the *recency* of such activity, and the *seriousness* of
15 the offenses". *Id.* (citing *Guerra*, 20 I. & N. Dec. at 40) (emphasis added).

16 "Indeed, not all criminal convictions conclusively establish
17 that an alien presents a danger to the community, even where
18 the crimes are serious enough to render the alien removable.
19 *Cf. Foucha*, 504 U.S. at 82-83, 112 S. Ct. 1780 (requiring a
20 showing of dangerousness beyond that "of any convicted
21 criminal" to justify civil detention of the criminally insane).
22 For example, some orders of removal may rest on convictions
23 for relatively minor, non-violent offenses such as petty theft
24 and receiving stolen property. Moreover, a conviction could
25 have occurred years ago, and the alien could well have led an
26 entirely law-abiding life since then. In such cases, denial of
27 bond on the basis of criminal history alone may not be
28 warranted". *Id.* at 1206.

29
30 66. If the heavy burden of proof is placed on the Respondents, rather than on the Petitioner,
31 it reveals that Petitioner does not pose a danger to persons or property.

1 67. Petitioner does have criminal offenses; however, those prior offenses are too trivial and
2 do not fall under the “particularly serious crimes” spectrum nor do they fall under the
3 “serious and violent crimes” factors to support that he presents public danger.

4 68. Petitioner does not have a lengthy criminal record and is not a habitual criminal and
5 points out that the Respondents are silent on this issue. Petitioner states that his offenses
6 are too trivial to demonstrate that he is a danger to the community. Petitioner's past
7 conduct, though reprehensible, simply does not warrant the harsh sanction available
8 under the mandatory detention statute. Surely, the adjudication of denying relief in this
9 case serves neither the purposes of the INA statute nor the interests of justice.

10 69. Petitioner is neither a flight risk nor does he present a danger to the community. Here,
11 Respondents cannot prove so by *clear and convincing* evidence, or any standard of
12 proof, that Petitioner should remain unlawfully detained.

13 70. Even though the Court may consider Petitioner's criminal record when determining
14 whether his detention is necessary to protect public safety, *see Matter of Guerra*, 24 I.
15 & N. 37, 40 (BIA 2006), “criminal history alone will not always be sufficient to justify
16 denial of bond on the basis for dangerousness”. *Singh*, 638 F.3d at 1206.

17 71. In this case, Petitioner's prior offenses are too trivial where the mandatory detention
18 would not serve the purposes of the INA statute, mandatory detention statute or the
19 interests of justice. Although Petitioner has criminal offenses, he was granted release
20 from the State's custody and complied with the District Court orders imposed on him
21 and paid all fines.

22 72. The Respondents deliberately ignores this fact and badly intends to portrait Petitioner
23 as a harden criminal. Even if this Court finds Petitioner dangerous based on his
24 offenses, Petitioner points to relevant precedents and case laws such as *Singh*, *Guerra*,

1 and *Foucha*. This Courts should find that not all criminal convictions conclusively
2 establish that a non-citizen, such as Petitioner, presents a danger to the community,
3 even where the crimes are serious enough to render the alien removable. *Cf. Foucha*,
4 504 U.S. at 82-83, 112 S. Ct. 1780 (requiring a showing of dangerousness beyond that
5 “of any convicted criminal” to justify civil detention of the criminally insane).

6 **73.** Petitioner again points out that when the prior offenses are too trivial and, thus, it should
7 not warrant the harsh punishment of mandatory detention where its serves neither the
8 purpose of the INA statute, mandatory statute (§ 1226) nor the interests of justice.

9 **74.** To the extent ICE may argue that it can continue indefinitely detaining Petitioner on
10 the grounds that he is “specially dangerous”, ICE has not even attempted to comply
11 with its own extensive procedures to obtain such a classification. *See* 8 C.F.R. §
12 241.14(f)-(g), (i). *See also, Sharifi v. Gillis*, No. 5:20-cv-5-DCB-MTP, 2020 WL
13 7379211 (S.D. Miss. Oct. 9, 2020) (granting habeas relief to petitioner detained for
14 seventeen months after Iranian officials failed to respond to a travel document request
15 for more than seven months).

16 **75.** Petitioner cannot be removed to El Salvador with a pending appeal before the Ninth
17 Circuit Court and Respondents cannot provide a date where Petitioner would be
18 removed in the foreseeable future. This is a case where ICE has not obtained a
19 certification of special dangerousness from the Commissioner.

20 **76.** Further, Respondents have not ordered that Petitioner undergo a medical examination,
21 and it has not initiated a reasonable cause proceeding in Immigration Court.

22 **77.** In fact, ICE’s own regulations provide that without proving “special dangerousness”
23 by clear and convincing evidence before an IJ, ICE does not have the ability to
24 indefinitely detain an alien who has no significant likelihood of being removed within

1 a six-month period. In short, ICE has not followed its own rules, or the due process
2 demanded by the United States Constitution.

3 78. Petitioner's compelling circumstances serve as sufficient demonstration that he is not
4 a flight risk as he fled from El Salvador and has a "well-founded" fear of persecution
5 and torture.

6 79. Petitioner has a strong support system in the United States to ensure he reintegrates into
7 his community successfully.

8 **IN THE ALTERNATIVE, A PRELIMINARY INJUNCTION RELIEF IS**
9 **WARRANTED TO PREVENT IRREPARABLE HARM**

10 80. Petitioner respectfully requests that this Court issue a preliminary injunction ordering
11 his immediate release from ICE custody or, in the alternative, a constitutionally
12 adequate bond hearing. Injunctive relief is appropriate where the petitioner
13 demonstrates: (1) a likelihood of success on the merits, (2) irreparable harm absent
14 relief, (3) that the balance of equities tips in his favor, and (4) that the public interest
15 supports relief. *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 20 (2008); *Alliance for the*
16 *Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011) (a serious question going
17 to the merits plus a balance of hardships that tips sharply toward the petitioner also
18 supports injunctive relief).

19 **A. Likelihood of Success on the Merits**

20 81. Petitioner has demonstrated a high likelihood of success. His detention without a
21 constitutionally adequate bond hearing violates the Fifth Amendment's Due Process
22 Clause. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (civil detention must bear a
23 reasonable relation to its purpose and cannot be indefinite); *Singh v. Holder*, 638 F.3d
24 1196, 1203-04 (9th Cir. 2011) (government bears the burden of proving danger or flight

1 risk by clear and convincing evidence in prolonged detention cases); *Hernandez v.*
2 *Sessions*, 872 F.3d 976, 991 (9th Cir. 2017) (requiring individualized bond
3 determinations and consideration of ability to pay). Because DHS has failed to justify
4 Petitioner’s continued detention under the appropriate legal standard, success on the
5 merits is likely.

6 **B. Irreparable Harm**

7 **82.** Petitioner suffers ongoing irreparable harm every day that his liberty is restrained in
8 violation of due process. Prolonged detention imposes significant psychological and
9 physical hardship and impedes Petitioner’s ability to meaningfully participate in his
10 defense.

11 **83.** The Ninth Circuit has recognized that “prolonged detention without adequate
12 procedural protections would raise serious constitutional concerns.” *Rodriguez v.*
13 *Robbins*, 804 F.3d 1060, 1074 (9th Cir. 2015), *vacated on other grounds*, 138 S. Ct.
14 830 (2018). The deprivation of liberty is the quintessential form of irreparable harm.

15 **C. Balance of Equities**

16 **84.** The balance of equities strongly favors Petitioner’s release. This is a case where the
17 Respondents will suffer no prejudice by releasing Petitioner. Henry Amaya-Ingles,
18 however, suffers indefinite detention, constitutional violation, loss of time, liberty, and
19 dignity. The equities, in this case, weigh heavily in Petitioner’s favor.

20 **85.** Immediate release is warranted where the government suffers no cognizable prejudice
21 by releasing an individual it is legally and practically incapable of removing. By
22 contrast, Petitioner endures ongoing and indefinite detention in violation of due
23 process, along with the profound loss of time, liberty, and human dignity that
24 accompanies unlawful confinement

1 86. The government's interest in ensuring attendance at removal proceedings can be met
2 through less restrictive means, such as bond or supervision, particularly where
3 Petitioner has taken steps of rehabilitation and has no record of absconding. *See Valdez-*
4 *Jimenez v. Eighth Judicial Dist. Ct.*, 460 P.3d 976, 992 (Nev. 2020) (holding that due
5 process requires individualized findings before continued pretrial detention).

6 87. Continued detention imposes significant hardship on Petitioner, while release under
7 reasonable conditions poses no harm to the government.

8 **D. Public Interest**

9 88. The public interest is always served by upholding constitutional rights and preventing
10 unlawful detention. *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012)
11 (recognizing that enforcement of constitutional rights is in the public interest).

12 89. Prompt judicial intervention will preserve the integrity of removal proceedings and
13 reinforce the rule of law. Public interests favor Petitioner's release as DHS has yet to
14 deport him to El Salvador.

15 **i. ICE's Custody Review Process Is Constitutionally Inadequate,**
16 **Leaving Habeas Corpus as the Only Available Remedy**

17
18 90. Petitioner was denied bond without a full and fair hearing and was not afforded a
19 custody redetermination hearing where it comports with due process of law. Petitioner's
20 case is under judicial review before the Ninth Circuit.

21 91. Even so, DHS' custody reviews are not meaningful substitutes for judicial review.
22 These reviews are conducted entirely within the agency, lack transparent standards,
23 provide no guaranteed opportunity to present evidence or rebut government assertions,
24 and result in decisions that are unappealable. Such a process fails to meet the minimum
25 requirements of due process. *See Rodriguez v. Robbins*, 804 F.3d 1060, 1074 (9th Cir.

1 2015), vacated on other grounds, 138 S. Ct. 830 (2018) (requiring individualized bond
2 hearings with meaningful procedural protections for prolonged detention).

3 92. The lack of an effective administrative remedy underscores the need for this Court's
4 intervention through habeas corpus. As the Supreme Court reaffirmed in *Boumediene*
5 *v. Bush*, 553 U.S. 723, 745 (2008), the Great Writ is a critical safeguard against
6 unlawful executive detention and ensures that no person is deprived of liberty without
7 judicial review.

8 93. Because Petitioner was not afforded a bond hearing where it comports with due process
9 and no other remedy exists to challenge DHS' arbitrary detention decisions, habeas
10 corpus relief is proper and necessary to protect Petitioner's constitutional rights.

11 94. This Court should therefore grant the writ and order Petitioner's immediate release or,
12 at minimum, require a constitutionally adequate bond hearing where DHS bears the
13 burden of proof by clear and convincing evidence.

14 **ii. DHS/ICE's Arbitrary Detention Decisions Are Unlawful and**
15 **Deprive Petitioner of Due Process**
16

17 95. Because Petitioner remains in detention since October 14, 2021, it reveals that
18 Respondents have acted in an arbitrary and capricious manner by cherry-picking arrests
19 and selectively detaining noncitizens like Petitioner without a reasoned basis or
20 individualized assessment.

21 96. Administrative detention must be rationally related to its purpose—to secure
22 attendance at proceedings or protect the public—and cannot be punitive or arbitrary.
23 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (civil detention must bear a reasonable
24 relation to its purpose); *Judulang v. Holder*, 565 U.S. 42, 53 (2011) (agency action must
25 be based on a reasoned explanation and not arbitrary decision-making).

1 97. Respondents continue detained Petitioner without any meaningful opportunity to
2 present evidence or rebut allegations. This lack of procedural safeguards renders the
3 review process constitutionally deficient. The Ninth Circuit has consistently held that
4 the government must provide individualized determinations and consider less
5 restrictive alternatives to detention. *Rodriguez v. Robbins*, 804 F.3d 1060, 1082–83 (9th
6 Cir. 2015) (requiring bond hearings and consideration of alternatives to detention),
7 *vacated on other grounds*, 138 S. Ct. 830 (2018).

8 98. The writ of habeas corpus serves as a critical check on executive overreach and
9 unlawful deprivation of liberty. *See Boumediene v. Bush*, 553 U.S. 723, 745 (2008)
10 (habeas corpus is a fundamental safeguard against arbitrary detention).

11 99. DHS' decision to continue Petitioner's detention without meaningful individualized
12 review is arbitrary, capricious, and violates the Fifth Amendment's Due Process Clause.
13 Administrative agencies must exercise discretion based on a reasoned explanation and
14 may not engage in arbitrary decision-making. *Judulang v. Holder*, 565 U.S. 42, 53
15 (2011). Civil immigration detention must bear a reasonable relation to its purpose—to
16 ensure appearance at proceedings and protect the public—and cannot become punitive
17 or indefinite. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

18 100. The Ninth Circuit has likewise emphasized that due process requires a neutral
19 decision-maker and individualized determinations supported by clear and convincing
20 evidence. *Singh v. Holder*, 638 F.3d 1196, 1203–04 (9th Cir. 2011); *Hernandez v.*
21 *Sessions*, 872 F.3d 976, 991 (9th Cir. 2017). Respondents' failure to provide a fair
22 custody review or viable appeal rights leaves Petitioner under indefinite detention
23 without meaningful process, warranting this Court's intervention and immediate
24 release through the Great Writ of habeas corpus.

1 detention unlawful under *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (detention must
2 be reasonably related to its purpose and cannot be indefinite where removal is not
3 reasonably foreseeable).

4 **107.** Because DHS' detention decisions lack a rational connection to a legitimate
5 governmental objective and instead reflect arbitrary "cherry-picking" enforcement, this
6 Court should grant the writ of habeas corpus and order Petitioner's immediate release.
7 Judicial intervention is necessary to prevent further constitutional injury and to ensure
8 that agency discretion is exercised within lawful bounds.

9 **108.** Detention by the Respondents puts at risk Petitioner's protected life and liberty
10 interest. The Due Process Clause of the Fifth Amendment forbids the government from
11 depriving any "person" of life and liberty "without due process of law". See *U.S.*
12 *Const., amend. V.*

13 **109.** To justify Petitioner's ongoing detention, Due Process requires that the
14 government establish, at an individual hearing before a neutral decisionmaker, that
15 Petitioner's detention is justified by *clear and convincing* evidence of flight risk or
16 danger, even after consideration whether alternatives to detention could sufficiently
17 mitigate that risk.

18 **110.** Indeed, not all criminal convictions conclusively establish that a non-citizen
19 presents a danger to the community, even where the crimes are serious enough to render
20 the alien removable. Cf. *Foucha*, 504 U.S. at 82-83, 112 S. Ct. 1780 (requiring a
21 showing of dangerousness beyond that "of any convicted criminal" to justify civil
22 detention of the criminally insane). Thus, denial of bond on the basis of criminal history
23 alone is not warranted. *Id.* at 1206.

24

1 **111.** Several more Courts have ordered release for petitioners whose immigration case
2 are still pending.² *See, e.g., Hinestroza v. Kaiser*, No. 25-CV-07559-JD, 2025 WL
3 2606983, at *2 (N.D. Cal. Sept. 9, 2028); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK,
4 2025 WL 2607924, at *12 (D. Mass Sept. 9, 2025); *R.D.T.M. v. Wofford*, No. 1:25-CV-
5 01141-KES-SKO (HC), 2025 WL 2617255, at *6 (E.D. Cal. Sept. 9, 2025). These
6 courts have determined that, for these long-term releases, liberty is the status quo, and
7 only return to that status quo can vert irreparable harm.

8 **112.** This Court should hold that Petitioner has demonstrated that his continuing
9 detention violates the law. It would not be “in the public’s interest to allow the
10 [Government] . . . to violate the requirements of federal law, especially when there are
11 no adequate remedies available.” *Ariz. Dream Act Coal. V. Brewer*, 757 F.3d 1053,
12 1069 (9th Cir. 2014) (quoting *Valle del Sol Inc. v. Whiting*, 732 F.3d 1006) (9th Cir.
13 2013)). “The public interest in enforcement of immigration laws, although significant,
14 does not override the public interest in protecting the safeguards of the Constitution.”
15 *Domingo-Ros v. Archambeault*, No. 25-cv-1208, 2025 WL 1425558, at *5 (S.D. Cal.
16 May 18, 2025). Accordingly, this factor supports injunctive relief and relief is
17 warranted. Petitioner re-alleges and incorporates by reference all paragraphs above and
18 below and all facts stated in the previously filed Petition for Writ of Habeas Corpus

19 **113.** This Court should grant this Writ of Habeas Corpus and Petitioner should be
20 ordered released from ICE custody as Petitioner’s ongoing detention violates Due
21 Process of Law, the United States Constitution and Common Law.

² Because immigration detainees whose cases have not been adjudicated are entitled only to a bond hearing-not to outright release-some of these TROs require release unless ICE provides that hearing. But because *Zadvydas* requires outright release on supervision, a TRO fitted to Petitioner’s claims should order that relief.

1 **CLAIMS FOR RELIEF**

2 **FIRST CLAIM FOR RELIEF IN VIOLATION OF DUE PROCESS CLAUSE OF THE**
3 **FIFTH AMENDMENT TO THE U.S. CONSTITUTION**

4 **114.** All persons, including aliens, residing in the United States are protected by the
5 Due Process Clause of the Fifth Amendment to the United States Constitution. *See*
6 *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *Plyler v. Doe*, 457 U.S. 202, 210 (1982).
7 The Due Process Clause of the Fifth Amendment provides that “[n]o person shall be
8 ... deprived of life, liberty, or property, without due process of law.” *U.S. Const.*,
9 *amend. V*. “Freedom from imprisonment—from government custody, detention, or
10 other forms of physical restraint—lies at the heart of the liberty that Clause protects.”
11 *Zadvydas*, 533 U.S. at 690. Petitioner re-alleges and incorporates by reference the
12 paragraphs above. Detention by the Respondents puts at risk Petitioner’s protected
13 liberty interest. The Due Process Clause of the Fifth Amendment forbids the
14 government from depriving any “person” of liberty “without due process of law.” *See*
15 *U.S. Const. amen. V*.

16 **COUNT TWO**

17 **STATUTORY VIOLATIONS**

18 **115.** Petitioner re-alleges and incorporates by reference paragraphs 1 through 115.

19 **116.** — Petitioner's continued detention by Respondents is unlawful and contravenes 8
20 U.S.C. § 1231(a)(6) as interpreted by the Supreme Court in *Zadvydas*. Petitioner still
21 has not been removed, and Petitioner continues to languish in detention. Petitioner's
22 removal to his country of origin, which would be El Salvador, or any country is not
23 significantly likely to occur in the foreseeable future. The Supreme Court held in
24 *Zadvydas* and *Martinez* that ICE's continued detention of someone like Petitioner under

1 such circumstances is unlawful.

2 **COUNT THREE**

3 **SUBSTANTIVE DUE PROCESS VIOLATION**

4 **117.** Petitioner re-alleges and incorporates by reference paragraphs 1 through 116.

5 **118.** Petitioner was detained by ICE and his continued detention violates Petitioner's
6 right to substantive due process through a deprivation of the core liberty interest in
7 freedom from bodily restraint.

8 **119.** This Court has long held that the Due Process Clause of the Fifth Amendment
9 requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a
10 compelling government interest. Even while Respondents would have an interest in
11 detaining Petitioner in order to effectuate removal, that interest does not justify his
12 detention nor indefinite detention of Petitioner, who is not significantly likely to be
13 deported in the reasonably foreseeable future. *Zadvydas* recognized that ICE may
14 continue to detain aliens only for a period reasonably necessary to secure the alien's
15 removal. Petitioner's case is under judicial review before the Ninth Circuit. Therefore,
16 DHS cannot provide a date for Petitioner's removal.

17 **COUNT FOUR**

18 **PROCEDURAL DUE PROCESS VIOLATIONS**

19 **120:** – Petitioner re-alleges and incorporates by reference paragraphs 1 through 119.

20 **121.** Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a
21 timely and meaningful opportunity to demonstrate that he should not be detained.
22 Petitioner in this case has been denied that opportunity. Petitioner respectfully notes
23 that DHS does not make decisions concerning aliens' custody status in a neutral and
24 impartial manner. The failure of Respondents to provide a neutral decision-maker to

1 review the continued custody of Petitioner violates his right to procedural due process.
2 Further, Respondents have failed to acknowledge or act upon the Petitioner's
3 administrative request for release in a timely manner. There is no administrative
4 mechanism in place for the Petitioner to demand a decision, ensure that a decision will
5 ever be made, or appeal a custody decision that violates *Zadvydas*.

6 **LEGAL FRAMEWORK FOR RELIEF SOUGHT**

7 **122.** In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the U.S. Supreme Court held that six
8 months is the presumptively reasonable period during which ICE may detain aliens in
9 order to effectuate their removal. *Id.* at 702. In *Clark v. Martinez*, 543 U.S. 371 (2005),
10 the Supreme Court held that its ruling in *Zadvydas* applies equally to inadmissible
11 aliens. Yet, it is important to stress out that there is no clear indication that DHS will
12 remove Petitioner in the reasonably foreseeable future nor can it provide such an
13 indication. Thus, Petitioner warrants release.

14 **123.** Here, Petitioner is detained without a bond hearing and without due process,
15 which establishes that DHS is cherry-picking detention. Further, there is no indication
16 from any Embassy or Consulate that travel documents would be issued for Petitioner.
17 *Lawrikow v. Kollus*, No. CV-08-1403-PHX-GMS (LOA), 2009 WL 2905549 (D. Ariz.
18 July 27, 2009).

19 **124.** Even if Petitioner's detention is authorized under Section 1231, 1225 or 1226,
20 Petitioner's continued detention must comport with due process. Petitioner argues his
21 detention violates his due process rights; he requests release.

22 **125.** This Court should hold that Petitioner's detention has become unlawful and the
23 Constitution therefore does, at this time, require that Mr. Amaya-Ingles be released.

1 126. To justify Petitioner’s detention, due process requires that the Government
2 establish, at an individual hearing before a neutral decisionmaker, that his detention is
3 justified by *clear and convincing evidence* of flight risk or danger, even after
4 consideration whether alternatives to detention could sufficiently mitigate that risk.

5 127. Accordingly, in granting preliminary injunction relief, this Court would not break
6 new ground. Several courts have granted TROs or preliminary injunctions mandating
7 release for post-final-removal-order immigrants. *See, e.g., J.R. v. Bostock*, 25-cv-
8 01161-JNW, 2025 WL 1810210 (W.D. Wash. Jun. 30, 2025); *Vaskanyan v. Janecka*,
9 25-cv-01475-MRA-AS, 2025 WL 2014208 (C.D. Cal. Jun. 25, 2025); *Ortega v. Kaiser*,
10 25-cv-05259-JST, 2025 WL 1771438 (N.D. Cal. Jun. 26, 2025); *Hoac v. Becerra*, No.
11 2:25-CV-01740-DC-JDP, 2025 WL 1993771, at *7 (E.D. Cal. July 16, 2025); *Phan v.*
12 *Beccerra*, No. 2:25-CV-01757-DC-JDP, 2025 WL 1993735, at *7 (E.D. Cal. July 16,
13 2025). *See also, Garro Pinchi v. Noem*, ___ F. Supp. 3d ___, 2025 WL 2084921, at *7
14 (converting TRO requiring release of asylum seeker arrested at her immigration court
15 hearing into preliminary injunction prohibiting the government from re- detaining her
16 without a hearing); *Singh v. Andrews*, 2025 WL 1918679, *8-10 (E.D. Cal. July 11,
17 2025) (granting PI under similar circumstances); *Doe*, 2025 WL 691664, at *8
18 (granting TRO over one month after petitioner’s initial detention); *see also, e.g., Diaz*,
19 2025 WL 1676854, at *3- *4; *Garcia v. Bondi*, No. 3:25-CV-05070, 2025 WL 1676855,
20 at *3 (N.D. Cal. June 14, 2025); *Jorge M. F.*, 2021 WL 783561, at *4; *Romero v. Kaiser*,
21 No. 22-CV-02508-TSH, 2022 WL 1443250, at *4 (N.D. Cal. May 6, 2022); *Vargas v.*
22 *Jennings*, No. 20-CV-5785-PJH, 2020 WL 5074312, at *4 (N.D. Cal. Aug. 23, 2020).

23 128. This Court should conclude that Petitioner warrants the same relief as similar
24 petitioners in this district. *See e.g., Elmer Joel M. C. v. Wofford*, No. 1:25-CV-01622-

1 KES-CDB (HC), 2025 WL 3501200 (E.D. Cal. Dec. 6, 2025); *Clene C.D. v. Robbins*,
2 No. 1:25-CV-01463-KES-SKO (HC), 2026 WL 84302 (E.D. Cal. Jan. 12,
3 2026); *W.V.S.M. v. Wofford*, No. 1:25-CV-01489-KES-HBK (HC), 2025 WL 3236521
4 (E.D. Cal. Nov. 19, 2025); *Bilal A. v. Wofford*, No. 1:25-CV-01715-KES-HBK (HC),
5 2025 WL 3648366 (E.D. Cal. Dec. 16, 2025); *Marina V.N. v. Robbins*, No. 1:25-CV-
6 01845-KES-SKO (HC), 2025 WL 3701960 (E.D. Cal. Dec. 21, 2025).

7 **129.** Based on the laws and facts, Petitioner's detention and ongoing detention without
8 such a fair and impartial hearing violates due process.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Petitioner respectfully requests and prays for this Court:

11 **130.** Assume jurisdiction over this matter;

12 **131.** Issue a declaration that Petitioner's ongoing detention violates the Due Process
13 Clause of the Fifth Amendment and the Eighth Amendment;

14 **132.** Grant Petitioner a Writ of Habeas Corpus directing the Respondents to
15 immediately release Petitioner from custody;

16 **133.** Enter preliminary and permanent injunctive relief enjoining Respondents from
17 further unlawful detention of Petitioner;

18 **134.** Respondents shall not remove Petitioner from the United States nor transfer
19 Petitioner out of this District. *See F.T.C. v. Dean Foods Co.*, 384 U.S. 597, 604 (1966)

20 (noting the court's "express authority under the All Writs Act to issue such temporary
21 injunctions as may be necessary to protect its own jurisdiction").

22 **135.** Issue a Writ of Habeas Corpus and order Petitioner's release within twenty ("20")
23 days, unless the Respondents schedule a hearing before an immigration judge where it
24 holds proper jurisdiction and where: (1) to continue detention, the government must

1 establish by clear and convincing evidence that Petitioner presents a risk of flight or
2 danger, even after consideration of alternatives to detention that could mitigate any risk
3 that Petitioner's release would present; and (2) if the government cannot meet its
4 burden, the immigration judge order Petitioner's release on appropriate conditions of
5 supervision, taking into consideration Petitioner's ability to pay a bond.

6 **136.** Issue a declaration that Petitioner's ongoing detention violates the Due Process
7 Clause of the Fifth Amendment and the Eighth Amendment;


8 **137.** Award Petitioner his costs in this action as provided for by the Equal Access to
9 Justice Act ("EAJA"), as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any
10 other basis justified under law, 28 U.S.C. § 2412, other statute; and

11 **138.** Grant such further relief as this Court deems just and proper.

12
13 **Respectfully submitted on this 6th day of April, 2026.**

14
15 

16
17 Henry Amaya-Ingles

18 Alien No. 

19 Imperial Regional Detention Center

20 1572 Gateway Road

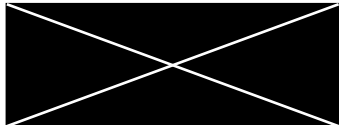
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7 **ACKNOWLEDGEMENT AND VERIFICATION**

8 Under penalty of perjury, the undersigned declares that he is the named Petitioner in the
9 foregoing petition. I have read the foregoing petition and its contents. The statements in the
10 petition are true and correct to the best of my knowledge, except as to any statements alleged
11 on information and belief, and as to those statements, I believe them to be true.

12
13 **DATED this 6th day of April, 2026.**

14 A black rectangular box with a white 'X' inside, used to redact the signature of the petitioner.

15
16 -Petitioner, *Pro Se*

17 Henry Amaya-Ingles

18 Alien No. A black rectangular box with a white 'X' inside, used to redact the alien number.

19 Imperial Regional Detention Center

20 1572 Gateway Road

21 Calexico, CA 92231