

Christina Liao Tong (CA Bar No. 337433)
LAW OFFICES OF JANE OAK & ASSOCIATES, P.C.
2917 W. Temple St.,
Los Angeles, CA 90026
Tel: (213) 738-8989
Fax: (213) 738-1777
Email: christina@janeOaklaw.com

Attorney for Petitioner

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

RASHAN OLI,

Petitioner,

v.

CHRISTOPHER J. LaROSE, Senior
Warden, Otay Mesa Detention Center;
PATRICK DIVVER, Field Office
Director, San Diego Field Office, U.S.
Immigration and Customs Enforcement;
TODD M. LYONS, Acting Director, U.S.
Immigration and Customs Enforcement;
MARKWAYNE MULLIN, Secretary of
U.S. Department of Homeland Security;
and TODD BLANCHE, Acting Attorney
General of the United States,

Respondents.

CIVIL CASE NO.: '26CV2297 RSH SBC

**PETITION FOR WRIT OF HABEAS
CORPUS UNDER 28 U.S.C. § 2241;
ORDER TO SHOW CAUSE WITHIN
THREE DAYS; COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

**[Expedited Hearing Requested]
[Oral Argument Requested]**

Petitioner Rashan Oli, by and through his undersigned counsel, respectfully
petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 and
states as follows:

I. INTRODUCTION

1. Petitioner Rashan Oli (hereinafter “Mr. Oli”) seeks habeas relief under 28 U.S.C. § 2241 from his unlawful detention by the U.S. Department of Homeland Security, Immigration and Customs Enforcement (“ICE”). Mr. Oli is a native and citizen of Nepal, currently detained at the Otay Mesa Detention Center, 7488 Calzada de la Fuente, San Diego, California 92154.

2. Mr. Oli entered the United States near Calexico, California on or about January 31, 2022. He was subsequently subjected to expedited removal proceedings pursuant to INA § 235(b)(1). He was released on parole on March 7, 2022.

3. Following a positive credible fear determination by a USCIS Asylum Officer on September 30, 2025—finding that Mr. Oli has a credible fear of persecution on account of political opinion—Mr. Oli’s prior expedited removal order was vacated, and he was issued a Notice to Appear (“NTA”) commencing removal proceedings before the Executive Office for Immigration Review (“EOIR”). See 8 C.F.R. §§ 208.30, 235.3(b)(5)(iv).

4. Mr. Oli is currently detained pending removal proceedings. The Immigration Judge has repeatedly denied him bond. The most recent bond denial, issued on March 18, 2026, found that the Court lacked jurisdiction under *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), which the Ninth Circuit had temporarily stayed reinstating as binding precedent. Mr. Oli has appealed these bond denials to the Board of Immigration Appeals.

1 5. Mr. Oli's continued detention is unlawful. The statutory authority to detain him
2 rests on INA § 236(a) (8 U.S.C. § 1226(a)), which provides only for discretionary,
3 individualized custody determinations. Due process requires a meaningful bond
4 hearing at which the government bears the burden of proof by clear and convincing
5 evidence. Mr. Oli has been denied such a hearing. In addition, as set forth below, the
6 structural inability of the immigration court to provide impartial, meaningful bond
7 review under current conditions renders continued detention a violation of the Due
8 Process Clause of the Fifth Amendment.
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11 6. For these reasons, Mr. Oli respectfully requests that this Court issue a writ of
12 habeas corpus ordering his immediate release, or in the alternative, ordering a bond
13 hearing before this Court at which the government bears the burden to prove by clear
14 and convincing evidence that no combination of conditions can reasonably assure his
15 appearance and community safety.
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20 II. PARTIES

21 7. Petitioner RASHAN OLII (REDACTED) is a native and citizen of
22 Nepal. He is currently detained at the Otay Mesa Detention Center in San Diego,
23 California.
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25 8. Respondent CHRISTOPHER J. LAROSE is the Senior Warden at the Otay
26 Mesa Detention Center, where Mr. Oli is being held. He is Mr. Oli's immediate
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1 custodian and is responsible for Mr. Oli's custody. Mr. Oli sues him in his official
2 capacity.

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4 9. Respondent PATRICK DIVVER is the Field Office Director of ICE's San
5 Diego Field Office for Enforcement and Removal Operations. That office determines
6 whether Mr. Oli will be detained in ICE custody or released. Respondent Divver has
7 custodial authority over Mr. Oli, who names him in his official capacity.
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9 10. Respondent TODD M. LYONS is the Acting Director of the United States
10 Immigration and Customs Enforcement. ICE is a component of DHS, 6 U.S.C. § 271,
11 and is the agency responsible for enforcing immigration laws, including detaining
12 Mr. Oli. Respondent Lyons has custodial authority over Mr. Oli, who names him in
13 his official capacity.
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15 11. Respondent MARKWAYNE MULLIN is the Secretary of the United States
16 Department of Homeland Security. DHS is the federal agency responsible for
17 enforcing immigration laws and granting immigration benefits. See 8 U.S.C. §
18 1103(a); 8 C.F.R. § 2.1. Respondent Mullin has ultimate custodial authority over Mr.
19 Oli, who names him in his official capacity.
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21 12. Respondent TODD BLANCHE is the Acting Attorney General of the United
22 States. He has supervisory authority over the Executive Office for Immigration
23 Review (EOIR).
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III. JURISDICTION AND VENUE

1 13. This action arises under the Constitution of the United States, the Immigration
2 and Nationality Act (“INA”), 8 U.S.C. § 1101 et seq., the Administrative Procedure
3 Act (“APA”), 5 U.S.C. §§ 701–706, and the habeas corpus statute, 28 U.S.C. § 2241.
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5 14. This Court has jurisdiction under 28 U.S.C. § 1331 (federal question
6 jurisdiction); 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. §§ 1361, 1651 (Mandamus
7 Act and All Writs Act); 28 U.S.C. § 2201 (Declaratory Judgment Act); 5 U.S.C. §§
8 701–706 (APA); and the Suspension Clause, U.S. Const. art. I, § 9, cl. 2, and the
9 Fifth Amendment to the United States Constitution.
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11 15. Federal district courts retain jurisdiction to review habeas corpus petitions
12 challenging the legality of immigration detention. This Court’s jurisdiction is not
13 limited by Petitioner’s nationality, immigration status, or any other classification. See
14 *Boumediene v. Bush*, 553 U.S. 723, 747 (2008). The REAL ID Act did not strip this
15 Court of jurisdiction to review claims challenging the legality of detention (as
16 opposed to challenges to orders of removal). See *Zadvydas v. Davis*, 533 U.S. 678,
17 690 (2001); *INS v. St. Cyr*, 533 U.S. 289, 301 (2001); *Singh v. Holder*, 638 F.3d
18 1196 (9th Cir. 2011); *Hernandez v. Sessions*, 872 F.3d 976 (9th Cir. 2017).
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20 16. This petition presents precisely the type of threshold legality-of-detention
21 question that 28 U.S.C. § 2241 was designed to address. See *Lopez-Marroquin v.*
22 *Barr*, 955 F.3d 759 (9th Cir. 2020).
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24 17. Venue is proper in the United States District Court for the Southern District of
25 California under 28 U.S.C. §§ 1391(b)(2), (e)(1), and 2243 because Petitioner is
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1 detained at the Otay Mesa Detention Center, located in San Diego County, within this
2 District. See *Rumsfeld v. Padilla*, 542 U.S. 426, 451–52 (2004) (habeas petition must
3 be filed in the district of confinement).
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5 6 7 **IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

8 18. Exhaustion of administrative remedies is not required for constitutional claims
9 brought under 28 U.S.C. § 2241. See *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th
10 Cir. 2017). To the extent exhaustion is required, it should be excused as futile
11 because: (a) Mr. Oli has already sought and been denied bond relief twice before the
12 Immigration Judge; (b) the IJ has found that it lacks jurisdiction to grant bond under
13 *Matter of Yajure-Hurtado*; and (c) as detailed below, structural impediments to
14 neutral adjudication in immigration court render further administrative proceedings
15 incapable of providing meaningful relief.
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18 19. Mr. Oli has appealed the IJ's bond denials to the Board of Immigration
19 Appeals. However, Mr. Oli has received repeat, documented conduct by this IJ who
20 sees the inability to grant bond as a binding-precedent constraint. For this reason,
21 requiring him to exhaust further administrative remedies would not result in any
22 adequate remedy. Additionally, the administrative proceedings themselves seem
23 subject to the same structural deficiencies that render his detention a constitutional
24 violation.
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V. FACTUAL BACKGROUND

20. Mr. Oli is a native and citizen of Nepal. He entered the United States on or about January 31, 2022, near Calexico, California. See **Ex. A** (Notice and Order of Expedited Removal, dated January 31, 2022).

21. Upon encounter by U.S. Border Patrol, Mr. Oli was processed under the expedited removal provisions of 8 U.S.C. § 1225(b)(1), INA § 235(b)(1). A Notice and Order of Expedited Removal (Form I-860) was issued. *Id.*

22. Crucially, on March 7, 2022—just over one month after his encounter at the border—ICE exercised its discretionary authority under 8 U.S.C. § 1182(d)(5)(A), INA § 212(d)(5)(A), and paroled Mr. Oli from its custody into the United States. See **Ex. F** (Interim Notice Authorizing Parole, dated March 7, 2022). Mr. Oli was issued an Interim Notice Authorizing Parole and released to an address in Sunnyside, New York. He then lived in New York—fully complying with all conditions of his parole, attending every immigration proceeding, and committing no criminal offenses—for over three and a half years before ICE re-detained him. His parole was never formally terminated for cause prior to his re-detention.

23. On September 30, 2025, a USCIS Asylum Officer conducted a credible fear interview with Mr. Oli. The Asylum Officer determined that Mr. Oli has a credible fear of persecution on account of political opinion. The Officer found Mr. Oli credible, determined his identity with reasonable certainty, and found no applicable

1 bars to asylum. See **Ex. B** (Record of Determination/Credible Fear Worksheet, dated
2 September 30, 2025).

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4 24. As a result of the positive credible fear determination, Mr. Oli's expedited
5 removal order was vacated pursuant to 8 C.F.R. §§ 208.30 and 235.3(b)(5)(iv), and
6 he was served with a Notice to Appear (Form I-862) on September 30, 2025,
7
8 commencing removal proceedings before the EOIR. See **Ex. C** (Notice to Appear,
9 dated September 30, 2025).

10 25. Mr. Oli has been detained since the initiation of removal proceedings. He is
11 currently detained at the Otay Mesa Detention Center in San Diego, California. See
12 **Ex. G** (Proof of Detention at Otay Mesa Detention Center).

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14 26. Mr. Oli sought a bond hearing before the Immigration Court. On February 4,
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16 2026, Immigration Judge Amelia Anderson denied Mr. Oli's request for a change in
17 custody status, finding that the Court lacked jurisdiction pursuant to *Matter of Yajure-*
18 *Hurtado*, 29 I&N Dec. 216 (BIA 2025), and *Matter of Q. Li*, 29 I&N Dec. 66 (BIA
19 2025). See **Ex. D** (Bond Denial Order, dated March 18, 2026). Mr. Oli appealed this
20 decision to the BIA.

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22 27. On March 12, 2026, Mr. Oli filed a Motion for Release on Bond, which the
23 Immigration Court construed as a Motion for Bond Reconsideration Based on
24 Changed Circumstances under 8 C.F.R. § 1003.19(e), citing the February 18, 2026
25 District Court order in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-
26 BFM, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025), which issued class-wide
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1 declaratory relief holding that EWI noncitizens are detained under § 1226(a) and
2 entitled to bond hearings. See **Ex. J** (copy of *Maldonado Bautista v. Santacruz*
3 order). On March 18, 2026, IJ Anderson again denied Mr. Oli's motion, finding that
4 on March 6, 2026, the Ninth Circuit issued a temporary administrative stay of certain
5 portions of the *Maldonado Bautista* order. *Id.* Accordingly, the IJ concluded that no
6 material change in circumstances had been established and that the Court lacked
7 jurisdiction to grant bond relief. *Id.* Strikingly, this very Court had issued a writ of
8 habeas corpus ordering immediate release just days earlier, on February 27, 2026, in
9 materially analogous circumstances—where an immigration court had similarly
10 refused to hold bond hearings in reliance on *Matter of Yajure-Hurtado*. See **Ex. I**
11 (*Rodas-Diequez v. Noem*, No. 3:26-cv-00976-RBM-MMP (S.D. Cal. Feb. 27, 2026)).
12 IJ Anderson's continued refusal to exercise bond jurisdiction after this Court's
13 *Rodas-Diequez* order underscores both the unlawfulness of Mr. Oli's detention and
14 the structural inability of the immigration court to provide meaningful relief. *Id.*
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16 28. Mr. Oli has now been detained for an extended period while his removal
17 proceedings remain pending. He has been effectively denied any meaningful
18 opportunity for an individualized bond determination due to the IJ's conclusion that it
19 lacks jurisdiction under BIA precedent that denies non-detained immigration court
20 jurisdiction to conduct bond hearings for individuals placed in expedited removal
21 proceedings who received positive credible fear determinations.
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VI. LEGAL FRAMEWORK

29. Civil immigration detention constitutes a significant deprivation of liberty that requires due process protection. See *Zadvydas v. Davis*, 533 U.S. at 690.

30. A person may petition for a writ of habeas corpus when he is “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3). The remedy for unlawful custody is release. See *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973); *Munaf v. Geren*, 553 U.S. 674, 693 (2008).

31. Discretionary custody: When DHS seeks to exercise civil immigration custody over an individual in the interior, 8 U.S.C. § 1226(a), INA § 236(a) authorizes custody only on a discretionary, individualized basis considering flight risk and danger. Detention must be justified by individualized findings and due process safeguards.

32. Parole authority: DHS may temporarily parole a noncitizen for urgent humanitarian reasons or significant public benefit. 8 U.S.C. § 1182(d)(5)(A). Once paroled and living in the community, the government may not abruptly re-imprison a parolee absent compliance with governing law and due process. Mr. Oli has a protected liberty interest in continued freedom from custody while living in the community under parole. The government paroled Mr. Oli on March 7, 2022. **Ex. F.** He remained at liberty in full compliance for over three and a half years, and he was re-detained without an individualized custody determination. Terminating parole and re-imprisoning a compliant parolee without an individualized assessment of flight

1 risk or danger contravenes due process; exceeds statutory authority under 8 U.S.C.
2 §§ 1182(d)(5), 1226(a); and is arbitrary and capricious under 5 U.S.C. § 706(2).
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4 33. 8 U.S.C. § 1225(b) governs initial inspection/arriving aliens, and § 1226
5 governs arrest and detention thereafter. Parole is a distinct § 1182(d)(5)(A) authority
6 that, once exercised and later revoked, returns the case to § 1226(a) custody.
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8 34. Administrative Procedure Act: Agency action that is arbitrary, capricious,
9 contrary to law, or without observance of procedure required by law must be set
10 aside. 5 U.S.C. § 706(2)(A)–(D).
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12 35. Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), the due process analysis
13 weighs: (1) the private interest at stake; (2) the risk of erroneous deprivation under
14 current procedures and the value of additional safeguards; and (3) the government’s
15 interest. Where, as here, the private interest is bodily liberty—particularly the liberty
16 of a compliant parolee who spent over three years building his life in the United
17 States—the risk of erroneous deprivation is high, and the government’s interest in
18 continued detention is minimal given the availability of non-detention alternatives.
19 Due process requires a meaningful bond hearing at which the government bears the
20 burden of proof. Separately, the grant of § 1182(d)(5)(A) parole and the parolee’s
21 years of law-abiding community presence give rise to a cognizable liberty interest in
22 continued freedom from imprisonment. See *Landon v. Plasencia*, 459 U.S. 21, 32–
23 34 (1982) (resident aliens who have built lives in the United States are entitled to due
24 process before re-detention); *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001);
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1 *Nadarajah v. Gonzales*, 443 F.3d 1069, 1082 (9th Cir. 2006) (indefinite detention of
2 parolee violates due process).
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4 5 **VII. CLAIMS FOR RELIEF**

6 **FIRST CAUSE OF ACTION**

7 **Fifth Amendment Due Process Violation (Procedural and Substantive)** 8 **(Against All Respondents)**

9 36. Petitioner re-alleges and incorporates by reference all preceding paragraphs.

10 37. Mr. Oli has a protected liberty interest in continued freedom from custody
11 while living in the community under parole. ICE paroled Mr. Oli into the United
12 States on March 7, 2022, under 8 U.S.C. § 1182(d)(5)(A). **Ex. F.** He remained at
13 liberty in full compliance for over three and a half years: he reported for every
14 scheduled immigration hearing, appeared at every ICE check-in, maintained a stable
15 address, and violated no laws. His parole was never formally terminated for cause.
16 The government has now detained him without an individualized custody
17 determination and has relied on a jurisdictionally defective BIA decision to deny him
18 a meaningful bond hearing.
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20 38. The government's grant of § 1182(d)(5)(A) parole, combined with Mr. Oli's
21 years of community presence in reliance on that status, gives rise to a protected
22 liberty interest. Once paroled and living in the community, the government may not
23 abruptly re-imprison a parolee absent compliance with governing law and due
24 process. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) ("[F]reedom from
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1 imprisonment—from government custody, detention, or other forms of physical
2 restraint—lies at the heart of the liberty that [the Due Process] Clause protects”);
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4 *Landon v. Plasencia*, 459 U.S. 21, 32–34 (1982) (once an alien has developed ties in
5 the community, constitutional status “changes accordingly” and due process
6 protections attach); *Nadarajah v. Gonzales*, 443 F.3d 1069, 1082 (9th Cir. 2006)
7 (indefinite detention of parolee violates due process); *Diouf v. Napolitano*, 634 F.3d
8 1081, 1091 (9th Cir. 2011) (“[T]he interest in freedom from imprisonment is at the
9 core of the liberty interests protected by the Due Process Clause.”).

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12 39. Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), the private interest—Mr.
13 Oli’s bodily liberty as a compliant parolee with deep community ties—is weighty.
14 The risk of erroneous deprivation in the absence of notice, reasons, and a meaningful
15 opportunity to be heard is high. The government’s interests do not justify the
16 categorical denial of any bond hearing to a parolee who spent over three years in the
17 United States without incident. Mr. Oli’s continued detention serves no legitimate
18 government interest under 8 U.S.C. § 1226(a) and violates due process. He is entitled
19 to immediate release.

22 40. The Immigration Court has categorically concluded that it lacks jurisdiction to
23 conduct a bond hearing under *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA
24 2025), and *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025). These BIA decisions
25 operate to deny individuals who entered via the expedited removal pathway and
26 received positive credible fear determinations any meaningful opportunity for a bond
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1 hearing, regardless of individualized circumstances. *Matter of Yajure-Hurtado* is
2 contrary to the plain language of the INA, and several federal district courts,
3 including this Court, have declined to follow *Matter of Yajure-Hurtado* in analogous
4 circumstances.
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6 41. This Court has already granted habeas relief on facts materially
7 indistinguishable from Mr. Oli's case. In *Rodas-Diequez v. Noem*, No. 3:26-cv-
8 00976-RBM-MMP (S.D. Cal. Feb. 27, 2026), the Court ordered immediate release
9 where a petitioner was detained after entering without inspection, was denied a bond
10 hearing by immigration courts invoking *Yajure-Hurtado*, and sought § 2241 habeas
11 relief. Respondents in that case conceded the petitioner was detained under 8 U.S.C.
12 § 1226(a)—not § 1225(b)(2)—and the Court ordered both immediate release and a
13 pre-detention bond hearing at which the government must bear the burden of proof
14 by clear and convincing evidence. *Id.* at *2-3. See also *Singh v. Holder*, 638 F.3d
15 1196 (9th Cir. 2011); *Hernandez v. Sessions*, 872 F.3d 976 (9th Cir. 2017).
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17 42. The Central District of California has also held that the government's
18 mandatory no-bond policy for EWI noncitizens is "inconsistent with the plain
19 language of the [INA]," certifying a nationwide class of individuals detained under
20 the same theory as Mr. Oli and granting declaratory relief that all such individuals
21 are subject to § 1226(a). *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-
22 SSS-BFM, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025). Other district courts
23 have consistently reached the same conclusion. See, e.g., *Kydyrali v. Wolf*, 499 F.
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1 Supp. 3d 768, 773 (S.D. Cal. 2020) (ordering bond hearing for noncitizen detained
2 under § 1225(b)(1) for 20 months); *Banda v. McAleenan*, 385 F. Supp. 3d 1099,
3 1113 (W.D. Wash. 2019); *A.E. v. Andrews*, 2025 WL 1424382, at *4 (E.D. Cal. May
4 16, 2025).

6 43. The Ninth Circuit’s temporary administrative stay of portions of the
7 *Maldonado Bautista* order does not alter this analysis. The stay addressed only the
8 injunctive portions of the order; the underlying legal determination that EWI
9 noncitizens are subject to § 1226(a) remains persuasive authority that this Court
10 should follow—and that this Court has already in fact followed in *Rodas-Diequez*.
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13 **Ex. I.** Even if not strictly binding on every IJ nationwide, *Maldonado Bautista*’s
14 reasoning make *Yajure-Hurtado*’s rule untenable within the Ninth Circuit, and
15 particularly where another S.D. Cal. judge has already rejected it in *Rodas-Diequez*.
16 The IJ’s categorical jurisdictional refusal was therefore contrary to applicable law
17 and denied Mr. Oli the procedural safeguards to which he is entitled.
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20 44. Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), the private interest—Mr.
21 Oli’s bodily liberty—is weighty. The risk of erroneous deprivation in the absence of
22 an individualized custody determination is high. The government’s interests do not
23 justify prolonged civil detention without a meaningful hearing.
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25 45. Additionally, due process guarantees an impartial decision-maker. Recent
26 public reporting confirms that immigration judges are being trained to deny relief in
27 most cases, temporary military lawyers receive minimal training, and EOIR
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1 leadership has instructed immigration judges that they are not bound by district court
2 rulings requiring bond hearings. See **Ex. E** (Article from *Bloomberg Law*). In fact,
3 Chief Immigration Judge Teresa Riley instructed her colleagues not to comply with
4 final declaratory judgments. See **Ex. H** (Article from *Reuters*). Under these
5 circumstances, remanding Mr. Oli to seek relief in immigration court cannot satisfy
6 due process. Further administrative processes would be incapable of providing
7 adequate or effective relief given these structural constraints. Immediate release or a
8 court-run custody hearing before this Court is the proper remedy, as Justice Breyer's
9 dissent in *Jennings* persuasively explains. See *Jennings v. Rodriguez*, 583 U.S. 281
10 (2018) (Breyer, J., dissenting); *Hernandez v. Sessions*, 872 F.3d 976 (9th Cir. 2017).
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12 46. Mr. Oli's continued detention without a meaningful individualized bond
13 hearing violates the Due Process Clause of the Fifth Amendment and entitles him to
14 immediate release.
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18 **SECOND CAUSE OF ACTION**
19 **Arbitrary and Capricious Actions Under the Administrative Procedure Act, 5**
20 **U.S.C. § 706(2)**
21 **(Against All Respondents)**

22 47. Petitioner re-alleges and incorporates by reference all preceding paragraphs.

23 48. Respondents' continued detention of Mr. Oli without an individualized bond
24 determination is arbitrary and capricious, contrary to law, and without observance of
25 required procedures, in violation of the Administrative Procedure Act, 5 U.S.C. §
26 706(2)(A)–(D). The denial of a bond hearing constitutes final agency action that is
27 unlawful under the APA and must be set aside.
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1 49. The judicial review bar of 8 U.S.C. § 1252(a)(2) does not bar this Court's
2 review. Section 1252(a)(2)(B) strips jurisdiction over discretionary decisions
3 “specified under” the INA, and § 1252(a)(2)(C) strips jurisdiction over final orders of
4 removal against certain criminal aliens. Neither provision applies here. Mr. Oli
5 challenges only the procedural lawfulness of Respondents’ detention practices —
6 specifically, the agency's categorical refusal to conduct individualized bond hearings
7 and its reliance on a BIA precedent that multiple federal courts have held is contrary
8 to statute. Challenges to the procedures governing civil detention, as opposed to the
9 merits of removal adjudication, remain subject to APA review. See *Jennings v.*
10 *Rodriguez*, 583 U.S. 281, 293 (2018) (distinguishing challenges to detention from
11 challenges to removal orders); *Hernandez v. Sessions*, 872 F.3d 976, 987 (9th Cir.
12 2017) (“Claims that the discretionary bond process itself was constitutionally flawed
13 are cognizable in federal court on habeas.”); *Zadvydas v. Davis*, 533 U.S. 678, 687–
14 88 (2001) (§ 1252 does not strip jurisdiction over detention-related challenges).

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20 **THIRD CAUSE OF ACTION**
21 **Lack of Statutory Authority / Ultra Vires, 28 U.S.C. § 2241**
22 **(Against All Respondents)**

23 50. Petitioner re-alleges and incorporates by reference all preceding paragraphs.

24 51. Respondents lack statutory authority to detain Mr. Oli indefinitely without an
25 individualized custody determination consistent with INA § 236(a), 8 U.S.C. §
26 1226(a). This Court has already so held in *Rodas-Diequez v. Noem* (Ex. I): where an
27 immigration court has refused to hold bond hearings in reliance on *Matter of Yajure-*
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1 *Hurtado* and respondents cannot identify any alternative statutory basis for
2 detention, continued custody is unlawful and this Court must order immediate
3 release. *Id.* at *2 (“Respondents are ORDERED to immediately release Petitioner
4 from custody”). Here, as in *Rodas-Diequez*, the administrative process has
5 determined it lacks jurisdiction to conduct a bond hearing, the relevant statute is §
6 1226(a), and no other basis for mandatory detention exists. Respondents’ detention
7 of Mr. Oli is therefore *ultra vires* and unauthorized. “The remedy for unlawful
8 detention ‘is, of course, release.’” *Munaf v. Geren*, 553 U.S. 674, 693 (2008);
9 *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973).
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13 14 15 **VIII. PRAYER FOR RELIEF**

16 WHEREFORE, Petitioner Rashan Oli respectfully requests that this Court:

- 17 1. Assume jurisdiction over this matter;
- 18 2. Issue an Order to Show Cause under 28 U.S.C. § 2243 and require
19 Respondents to show cause within three days of Mr. Oli’s filing this petition, why the
20 relief he seeks should not be granted; and set a hearing on this matter within five days
21 of Respondents’ return on the order to show cause;
- 22 3. Grant the writ and order Petitioner’s immediate release from detention,
23 including removal of any electronic monitoring or reporting conditions imposed as a
24 result of the unlawful detention;
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1 4. Declare that Respondents' continued detention of Petitioner without an
2 individualized bond hearing violates the Constitution and federal law;

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4 5. Enjoin Respondents from detaining Petitioner absent a lawful
5 individualized custody determination before a neutral adjudicator;

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7 6. In the alternative, conduct a custody hearing before this Court at which
8 the government bears the burden to prove by clear and convincing evidence that no
9 combination of conditions can reasonably assure Petitioner's appearance and
10 community safety;

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12 7. Bar transfer outside this District without prior notice during the
13 pendency of this action;

14 8. Award reasonable attorneys' fees and costs under the Equal Access to
15 Justice Act, 28 U.S.C. § 2412(d), 5 U.S.C. § 504, and any other applicable authority;
16
17 and

18 9. Grant any other relief that the Court deems just and proper.
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21 DATED: April 10, 2026
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24 Respectfully submitted,

25 /s/ Christina Tong
26 Christina Liao Tong (CA Bar No. 337433)

27 Attorney for Petitioner
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TABLE OF EXHIBITS

- Exhibit A:** Notice and Order of Expedited Removal (Form I-860), dated January 31, 2022
- Exhibit B:** Record of Determination/Credible Fear Worksheet, dated September 30, 2025
- Exhibit C:** Notice to Appear, dated September 30, 2025
- Exhibit D:** Bond Denial Order, dated March 18, 2026
- Exhibit E:** Article: Castronuovo, Celine. "Trump Immigration Judges Pushed to Deny Asylum in Swift Training". Bloomberg Law (February 4, 2026), <https://news.bloomberglaw.com/us-law-week/trump-immigration-judges-pushed-to-deny-asylum-in-swift-training>. (last accessed February 4, 2026)
- Exhibit F:** Interim Notice Authorization Parole, dated March 7, 2022
- Exhibit G:** Proof of Detention at Otay Mesa Detention Center
- Exhibit H:** Article: Nate Raymond, "Top US immigration judge says bond hearings should be denied despite court rulings, documents show". Reuters (Jan. 16, 2026), <https://www.reuters.com/legal/government/top-us-immigration-judge-says-bond-hearings-should-be-denied-despite-court-2026-01-16/>. (last accessed March 31, 2026)
- Exhibit I:** *Rodas-Diequez v. Noem*, No. 3:26-cv-00976-RBM-MMP (S.D. Cal. Feb. 27, 2026) (unpublished)
- Exhibit J:** *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025)

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

I, Christina Tong, do depose and state:

I represent Petitioner Rashan Oli in these habeas corpus proceedings. Mr. Oli is currently being held in detention at the Otay Mesa Detention Center and is not able to appear in my office to sign this Verification. I have reviewed the record of his detention and discussed this matter with Mr. Oli. I verify that the information contained in the foregoing petition is true and correct to the best of my knowledge and belief.

Dated: April 10, 2026

By: /s/ Christina Tong
Christina Tong

Attorney for Petitioner