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

11 **NTANGKU DESMOND AKUOH¹,**

12 **Petitioner,**

13 **v.**

14 **CHRISTOPHER J. LAROSE,**
15 **Warden at Otay Mesa Detention**
16 **Center;**

17 **MARKWAYNE MULLIN,**
18 **Secretary of U.S. Department of**
19 **Homeland Security;**

20 **TODD LYONS, Acting Director of**
21 **U.S. Immigration and Customs**
22 **Enforcement;**

23 **DANIEL A. BRIGHTMAN,**
24 **Director, San Diego Field Office,**
25 **Immigration and Customs**
26 **Enforcement, Enforcement and**
27 **Removal Operations;**

28 **TODD BLANCHE, Acting Attorney**
General of the U.S.

Respondents.

CIVIL CASE: 26-CV-2257-AGS

Amended² Petition for a Writ
of Habeas Corpus Under 28
U.S.C. § 2241

¹ Mr. Akuoh's name on the docket is written as "Desmond Akuoh Ntangku" but his correct legal name is Ntangku Desmond Akuoh.

² Federal Rule of Civil Procedure 15(a)(2) permits a party to "amend its pleading . . . with the court's leave." The Court's scheduling Order permitted an amended petition by setting an April 29 deadline. The Court later granted a joint motion to extend that deadline to April 4. [ECF 12.]

INTRODUCTION

Constitutionally, there must come a time at which an immigrant who does not pose any danger or flight risk should be released pending immigration proceedings. For Ntangku Desmond Akuoh, that time is now. Mr. Akuoh has been detained at the Otay Mesa Detention Center pending immigration proceedings for over 6.5 months. This Court should “join[] the majority of courts across the country in concluding that [his] unreasonably prolonged detention under 8 U.S.C. § 1225(b) without an individualized bond hearing violates due process.” *Kydyrali v. Wolf*, 499 F. Supp. 3d 768, 772 (S.D. Cal. 2020) (Battaglia, J.).

Additionally, because of recent evidence that the neutrality of Otay Mesa’s immigration judges (“IJ”) has been compromised, a bond hearing before a randomly selected IJ will not reliably satisfy due process. This Court should therefore consider other forms of relief as set forth at the end of this petition.

JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. § 2241 (federal habeas statute); 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 2201-2 (declaratory judgment), and United States Constitution Article I, Section 9 (Suspension Clause).

Venue is proper in the Southern District of California under 28 U.S.C. § 1391 because this is a civil action in which Respondents are agencies of the United States, Petitioner is detained in this district, and a substantial part of the events or omissions giving rise to this action occurred in this district.

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PARTIES

Petitioner Ntangku Desmond Akuoh is in removal proceedings and is detained at the Otay Mesa Detention Facility, located in the Southern District of California.

Respondent Christopher J. Larose is the Warden of the Otay Mesa Detention Facility, where Mr. Akuoh is detained. He has immediate physical custody of Mr. Akuoh and is sued in his official capacity.

Respondent Markwayne Mullin is the U.S. Secretary of Homeland Security. He is responsible for the implementation and enforcement of the Immigration and Nationality Act and oversees ICE, which is responsible for Mr. Akuoh's detention. Mr. Mullin has ultimate custodial authority over Mr. Akuoh. He is sued in his official capacity.

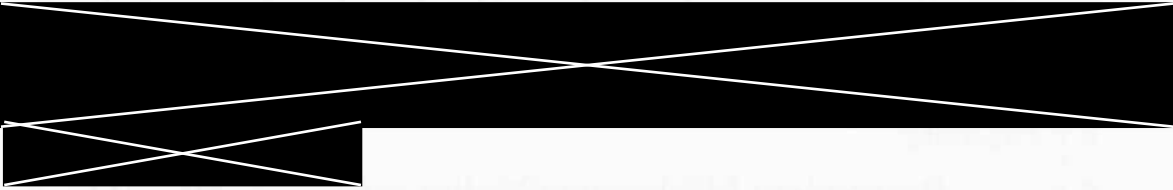
Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement and has authority over ICE operations. In that capacity and through his agents, Mr. Lyons has authority over the operation and enforcement of the immigration laws. Mr. Lyons is sued in his official capacity.

Respondent Daniel A. Brightman is the Director of the San Diego Field Office of ICE's Enforcement and Removal Operations. He is therefore the custodian of all people held at the Otay Mesa Detention Center and is Mr. Akuoh's immediate custodian and responsible for his detention. He is sued in his official capacity.

Todd Blanche is the Acting Attorney General of the U.S. and is responsible for the Department of Justice. He is sued in his official capacity.

STATEMENT OF FACTS

Ntangku Desmond Akuoh is from Cameroon but would be in fear for his life if returned to that country. Due to his family's involvement in the military in the midst of a war called the "Anglophone Crisis", Mr. Akuoh was persecuted in Cameroon and at one point kidnapped.³



Mr. Akuoh fled Cameroon with his wife, ultimately arriving at the border between Mexico and the United States on October 17, 2025. He was not at a port of entry and crossed at an area near Tijuana where he knew there would be Border Patrol. He attracted the attention of Border Patrol agents immediately after crossing and was apprehended with his wife. He has been in immigration detention ever since at the Otay Mesa Detention Center.

Upon entering immigration custody, Mr. Akuoh requested asylum based on a fear of persecution in Cameroon. He proceeded to a credible fear interview where he provided his history. As confirmed in the Notice to Appear, dated October 28, 2025, the asylum officer "found that [Mr. Akuoh] has demonstrated a credible fear of persecution or torture." [Ex. A.] The Notice set a November 10 hearing date before the immigration judge. [*Id.*]

³ The Anglophone Crisis is a war that began in late 2016 between Cameroon's French-speaking majority and English-speaking minority after the government suppressed minority protests. After English-speaking groups declared independence, government security forces cracked down with arrests, military action, and killings. As a result, tens of thousands of English-speaking Cameroonians have fled to escape violence and persecution. See Alexis Arieff, Cong. Rsch. Serv., *Cameroon's Anglophone Crisis: Recent Developments and Issues for Congress* (Apr. 6, 2018).

1 On November, 10 Mr. Akuoh proceeded to his hearing and the IJ
2 instructed his attorney to prepare and submit a Form I-589
3 Application for Asylum. His attorney submitted the application and
4 Mr. Akuoh proceeded to another IJ hearing on December 10. There, the
5 IJ read Mr. Akuoh's declaration, confirmed his asylum application, and
6 instructed his attorney to submit evidence of his asylum claim before a
7 merits hearing scheduled for April 8.

8 But before Mr. Akuoh could proceed with a merits hearing on his
9 asylum claim, the government filed a Motion to pretermitt his asylum
10 application and order him removed to a third country – Uganda. Mr.
11 Akuoh never received a merits hearing. Instead, the judge granted the
12 government's motion to pretermitt and ordered Mr. Akuoh's removal to
13 Uganda on March 23. Mr. Akuoh appealed that decision to the Board
14 of Immigration Appeals on March 30 and that appeal is pending.
15 Meanwhile, Mr. Akuoh is kept in jail-like conditions at the Otay Mesa
16 Detention Center.

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ARGUMENT

I.

THE COURT SHOULD ORDER THE IMMEDIATE RELEASE OF MR. AKUOH OR ORDER A BOND HEARING IN IMMIGRATION COURT BECAUSE HIS PROLONGED DETENTION VIOLATES THE FIFTH AMENDMENT'S DUE PROCESS CLAUSE.

This petition addresses the question of whether and when the Fifth Amendment's Due Process Clause negates the government's statutory authority to detain immigrants without bond hearings. Mr. Akuoh is detained under one such statute – 8 U.S.C. § 1225(b).

A. Legal Background.

1. The Statute.

“Section 1225 applies to ‘applicants for admission’—noncitizens who ‘arrive[] in the United States,’ or are ‘present’ in the United States but have ‘not been admitted.’” *Banda v. McAleenan*, 385 F. Supp. 3d 1099, 1111 (W.D. Wash. 2019). It “applies to, among others, noncitizens initially determined to be inadmissible because of . . . lack of valid documentation.” *Id.* That includes people like Mr. Akuoh, who present themselves for inspection at the border and—rather than producing admission documents—make asylum and other fear-based claims. Such immigrants are detained under § 1225(b) not only during their initial proceedings but also when they appeal to the BIA. *See id.* at 1111 (Petitioner had pending appeal with BIA and court analyzed under § 1225(b)).

Section 1225(b)(1)(A) states that a person without documentation is subject to expedited removal proceedings unless that person indicates an intention to apply for asylum. Section 1225(b)(1)(A) spells

1 out the procedure for asylum interviews and in subsection (IV) states,
2 “Any alien subject to the procedures under this clause shall be
3 detained pending a final determination of credible fear of persecution
4 and, if found not to have such a fear, until removed.”

5 2. The Cases.

6 But what are the limits of statutory language that appears on its
7 face to permit the indefinite detention of a human being without due
8 process? Does the statute truly allow the government to deny even an
9 opportunity for an asylum seeker to proceed to a bond hearing so that
10 he can establish he is neither a flight risk nor danger? There are cases
11 suggesting limits to such indefinite detention.

12 The first in this line was *Zadvydas v. Davis*, where the Supreme
13 Court indicated that indefinite immigration detention raises serious
14 due process concerns. 533 U.S. 678 (2001). *Zadvydas* involved a statute
15 (8 USC § 1231(a)(6)) authorizing the government to detain immigrants
16 after they were ordered removed. *Id.* at 683. If the government could
17 not remove the immigrant for whatever reason, the statutory language
18 appeared to permit detention lasting a limitless period, including the
19 rest of the immigrant’s life. *See id.* at 690.

20 But the Supreme Court held that if the statute “permit[ed]
21 indefinite detention of an alien[,] [it] would raise a serious
22 constitutional problem” because

23 [t]he Fifth Amendment’s Due Process Clause forbids the
24 Government to ‘depriv[e] any ‘person ... of ... liberty ...
25 without due process of law.’ Freedom from imprisonment—
26 from government custody, detention, or other forms of
27 physical restraint—lies at the heart of the liberty that
28 Clause protects. *See Foucha v. Louisiana*, 504 U.S. 71, 80
(1992). And this Court has said that government detention

1 violates that Clause unless the detention is ordered in a
2 *criminal* proceeding with adequate procedural protections,
3 *see United States v. Salerno*, 481 U.S. 739, 746 (1987), or, in
4 certain special and ‘narrow’ nonpunitive ‘circumstances,’
5 *Foucha, supra*, at 80, where a special justification, such as
6 harm-threatening mental illness, outweighs the ‘individual’s
constitutionally protected interest in avoiding physical
restraint.’ *Kansas v. Hendricks*, 521 U.S. 346, 356 (1997).

7 *Id.* Ultimately, the Court declined to decide whether a statute
8 permitting indefinite detention would violate the Due Process Clause.
9 Instead, it used the constitutional avoidance canon to read implicit
10 limits into the statute, requiring release after detention became
11 sufficiently prolonged. *Id.* at 699.

12 Several years later, the Ninth Circuit addressed § 1225(b) and
13 borrowed from the reasoning in *Zadvydas* to hold that statute did not
14 permit limitless detention. *Rodriguez v. Robbins*, 804 F.3d 1060, 1085
15 (9th Cir. 2015). As in *Zadvydas*, the court avoided confronting the
16 constitutional question by reading an implicit limit into the statute
17 and holding that “the mandatory provisions of § 1225(b) simply expire
18 at six months . . .” *Id.* at 1082.

19 The Supreme Court then overruled *Robbins* in *Jennings v.*
20 *Rodriguez*, holding § 1225(b) does not entitle detainees to bond
21 hearings or otherwise impose “any limit on the length of detention.”
22 583 U.S. 281, 297 (2018). But although *Jennings* held that § 1225(b)
23 imposes no *statutory* limit on the length of detention, it did not address
24 whether prolonged, mandatory detention without bond hearings
25 violates *constitutional* due process. *Id.* at 312 (noting the Ninth Circuit
26 had no occasion to review the constitutional arguments and remanding
27 for further proceedings).
28

1 Lastly (though occurring before both *Robbins* and *Jennings*), the
2 Supreme Court held in *Demore v. Kim* that at least some statutes
3 mandating detention during immigration proceedings do not
4 automatically violate the Due Process Clause. 538 U.S. 510, 513
5 (2003). *Demore* addressed 8 U.S.C. § 1226(c), which mandates
6 detention without a bond hearing for persons with certain criminal
7 convictions. *Id.* The Court upheld § 1226(c) in a 5-4 opinion based on
8 (1) the government interests justifying the detention of immigrants
9 with certain, aggravated criminal convictions, and (2) the relative
10 brevity of detention in most cases, with the vast majority taking only
11 about five months. *Id.* at 517–31. Justice Kennedy supplied a deciding
12 vote. His concurrence left open the possibility that an individual
13 immigrant could be “entitled to an individualized determination as to
14 his risk of flight and dangerousness if the continued detention became
15 unreasonable or unjustified.” *Id.* at 532–33.

16 **3. The Application.**

17 In the wake of this line of cases, “district courts have grappled
18 with how to address due process challenges to prolonged mandatory
19 detention under § 1225(b).” *Banda*, 385 F. Supp. 3d at 1116. But after
20 a full evaluation, “[n]early all district courts that have considered the
21 issue agree that prolonged mandatory detention pending removal
22 proceedings, without a bond hearing, will—at some point—violate the
23 right to due process.” *Id.* (cleaned up) (collecting cases).

24 These Courts have relied on the due process concerns recognized
25 in *Zadvydas*. See, e.g., *Kydyrali*, 499 F. Supp. 3d at 771; *Banda*, 385 F.
26 Supp. 3d at 1116–18; *Abdul Kadir v. Larose*, No. 25CV1045-LL-MMP,
27 2025 WL 2932654, at *3 (S.D. Cal. Oct. 15, 2025). As the Ninth Circuit
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1 put it in *Jennings*' wake, those considerations raise "grave doubts that
2 any statute that allows for arbitrary prolonged detention without any
3 process is constitutional or that those who founded our democracy
4 precisely to protect against the government's arbitrary deprivation of
5 liberty would have thought so." *Rodriguez v. Marin*, 909 F.3d 252, 256
6 (9th Cir. 2018).

7 Neither *Jennings* nor *Demore* undermines that conclusion.
8 *Jennings* held only that the statute itself did not impose any limits on
9 detention. It "did not foreclose as-applied constitutional challenges to
10 detention under" mandatory-detention statutes. *Santos v. Warden Pike*
11 *Cnty. Corr. Facility*, 965 F.3d 203, 209 (3d Cir. 2020). And *Demore* held
12 only that conviction-based mandatory detention during immigration
13 proceedings does not necessarily or inherently violate the Due Process
14 Clause, particularly when the detention has an expected duration of
15 only about five months. *Id.* at 208–11. But many persons detained
16 under § 1225(b)—like Mr. Akuoh—do not have criminal convictions.
17 And as Justice Kennedy's concurrence made clear, *Demore* does not
18 prevent immigrants from arguing that sufficiently prolonged detention
19 violates due process in their individual cases. *See id.*

20 Thus, like most courts, this Court should find that sufficiently
21 prolonged detention violates the Due Process Clause. *See, e.g., Gao v.*
22 *LaRose*, No. 25-CV-2084-RSH-SBC, 2025 WL 2770633, at *3 (S.D. Cal.
23 Sept. 26, 2025); *Abdul Kadir v. Larose*, No. 25CV1045-LL-MMP, 2025
24 WL 2932654, at *4 (S.D. Cal. Oct. 15, 2025); *Cong v. Noem*, No. 25-CV-
25 3730-GPC-DEB, 2026 WL 76566, at *3 (S.D. Cal. Jan. 9, 2026);
26 *Kydyrali v. Wolf*, 499 F. Supp. 3d 768, 772 (S.D. Cal. 2020) (Battaglia,
27 J.); *Mardian v. Mayorkas*, 25-CV-3467-JLS; *Raeva v. Mayorkas*, 25-CV-
28 3175-JO; *Abdul-Samed v. Warden of Golden State Annex Det. Facility*,

No. 25-CV-98-SAB-HC, 2025 WL 2099343, at *6 (E.D. Cal. July 25, 2025); *Hernandez v. Wofford*, No. 25-CV-986-KES-CDB (HC), 2025 WL 2420390, at *3 (E.D. Cal. Aug. 21, 2025); *Padilla v. ICE*, 704 F. Supp. 3d 1163, 1171–72 (W.D. Wash. 2023).

B. The Circumstances of Mr. Akuoh’s Case Demonstrate that his Detention is Impermissibly Prolonged Under the Fifth Amendment.

Though courts agree that due process mandates a bond hearing when detention grows unreasonably prolonged, they disagree about how to assess whether a particular migrant’s detention has reached that point. *Sanchez-Rivera v. Matuszewski*, No. 22-CV-1357-MMA (JLB), 2023 WL 139801, at *5–6 (S.D. Cal. Jan. 9, 2023) (Anello, J.) (surveying various approaches). Some courts have “conclude[d] . . . that detention becomes prolonged after six months and entitles [a petitioner] to a bond hearing.” *Rodriguez v. Nielsen*, No. 18-CV-4187-TSH, 2019 WL 7491555, at *6 (N.D. Cal. Jan. 7, 2019). In that case, Mr. Akuoh would automatically qualify, as he has been detained for over 6.5 months.

Other courts have adopted various factors tests. *See Sanchez-Rivera*, 2023 WL 139801, at *5–6 (surveying different approaches).

Courts generally agree that the relevant factors include:

- (1) “the total length of detention to date,”
- (2) “the likely duration of future detention,” and
- (3) “the delays in the removal proceedings caused by the petitioner and the government.”

Id. Some courts also consider:

- (4) “the conditions of detention,” and

1 (5) “the likelihood that the removal proceedings will result in a
2 different final order.”

3 *Id.* Other courts have rejected the fourth and fifth factors, holding they
4 are “not particularly suited to assisting the Court in determining
5 whether detention has become unreasonable and due process requires
6 a bond hearing.” *Lopez v. Garland*, 631 F. Supp. 3d 870, 879 (E.D. Cal.
7 2022); *accord Sanchez-Rivera*, 2023 WL 139801, at *5–6. Mr. Akuoh
8 would prevail under any of these factors tests and submits the
9 following analysis of the factors:

10 **1. Length of Detention.**

11 First, the “most important factor,” length of detention, favors Mr.
12 Akuoh. *Banda*, 385 F. Supp. 3d at 1118. In assessing this factor, “[i]t is
13 important to bear in mind the context: The detention being examined
14 here is the detention of a human being who has never been found to
15 pose a danger to the community or to be likely to flee if released.”
16 *Jamal A. v. Whitaker*, 358 F. Supp. 3d 853, 859 (D. Minn. 2019). With
17 that context, “[c]ourts have found detention over seven months without
18 a bond hearing weighs toward a finding that it is unreasonable.”
19 *Amado v. United States Dep’t of Just.*, No. 25CV2687-LL(DDL), 2025
20 WL 3079052, at *5 (S.D. Cal. Nov. 4, 2025).

21 As of the filing of this petition, Mr. Akuoh will have been in
22 custody for six months and seventeen days. The seven-month yardstick
23 is only a general parameter based on what other district courts have
24 done and is not a legal requirement. A difference of thirteen days is *de*
25 *minimis* and does not in any way alter the reality that Mr. Akuoh has
26 been held in custody for over half a year without any opportunity at
27 release. Moreover, he will be only four days shy of seven months in
28

1 custody by the time that pleadings from both parties have concluded.
2 [See ECF 2 at 3 (specifying May 13 date for traverse).] And Mr. Akuoh
3 will have spent nearly eight months in custody by the time date set to
4 hear this Petition. [See ECF 6 (minute entry specifying June 8, 2026
5 date).] This factor therefore favors a bond hearing.

6 **2. Likely Duration of Future Detention.**

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8 Second, given that Mr. Akuoh recently appealed the IJ's removal
9 order to Uganda on March 30, there will clearly be additional litigation
10 in his case and those proceedings will take significant time – i.e.,
11 significant further detention. It is unknown how long his appeal to the
12 BIA will take to resolve but it is safe to say it will at least take many
13 months. And Mr. Akuoh plans to appeal to the Ninth Circuit if he loses
14 that appeal. All told, “[t]his process may take up to two years or
15 longer.” *Banda*, 385 F. Supp. 3d at 1119. Because “Petitioner's future
16 detention can last several more months or even years[,]” this factor
17 favors Mr. Akuoh's requests. *See Abdul Kadir v. Larose*, No. 25-CV-
18 1045-LL-MMP, 2025 WL 2932654, at *5 (S.D. Cal. Oct. 15, 2025).

19 **3. Source of Delay.**

20 Third, the delay factor favors Mr. Akuoh. He has not delayed in
21 any sense and has sought to proceed with his asylum claims as quickly
22 as possible.

23 Although he was given a credible fear interview following
24 apprehension, the government's strategy of avoiding any merits-based
25 determination of Mr. Akuoh's asylum claim – in favor of moving the IJ
26 to pretermite his case and send him to a third country – precluded a
27 merits hearing and will likely delay proceedings due to litigation over
28 that tactic. One could argue that an appeal based on an IJ's merits-

1 based denial of an asylum application might not take particularly long.
2 But the addition of efforts to deny an asylum seeker his day in court
3 and send him to a country where he has never lived and has no family
4 will no doubt complicate matters and add to the time necessary to
5 resolve BIA and Ninth Circuit appeals. Because the only delays are
6 attributable to the government, this factor favors release.

7 **4. Conditions of Confinement.**

8
9 Fourth, Mr. Akuoh's conditions of confinement weigh in favor of a
10 bond hearing. In considering the conditions of detention, "[t]he more
11 that the conditions under which the [noncitizen] is being held resemble
12 penal confinement, the stronger his argument that he is entitled to a
13 bond hearing." *Banda*, 385 F. Supp. 3d at 1119. Mr. Akuoh is housed in
14 the Otay Mesa Detention Center – the same facility that houses many
15 pretrial criminal detainees in this district. At Otay Mesa, detainees are
16 "locked up behind razor wire and concrete walls in a secured facility,
17 forced to wear a color-coded prisoner jump suit, forbidden from
18 accessing the internet, restricted access to outdoor space, restricted on
19 visitation, and guarded at all times with armed guards authorized to
20 inflict punishment for violations of rules." *Abdul Kadir*, 2025 WL
21 2932654, at *5. Accordingly, "Petitioner's confinement at OMDC is
22 'indistinguishable from penal confinement.'" *Id.* (quoting *Kydyrali*, 499
23 F. Supp. 3d at 773).

24 **5. Likelihood of a Different Result.**

25 The fifth factor is difficult to resolve because the government's
26 motion to pretermitt precluded any merits-based determination by the
27 IJ. The IJ's determination of the strength of asylum evidence is
28 therefore unknown. But there is a reasonable likelihood that either the

1 BIA or Ninth Circuit will grant some form of relief from the
2 pretermination of Mr. Akuoh's asylum claim, which was based solely
3 on the government's desire to remove him to Uganda.

4 Under any test, then, Mr. Akuoh is entitled to a bond hearing.

5 **C. Immediate Release is the Appropriate Remedy Due to the**
6 **Erosion of Immigration Judge Neutrality.**

7 Ideally, this Court could remedy the due process violation by
8 ordering a bond hearing before a neutral immigration judge, allowing
9 the IJ to determine whether Mr. Akuoh posed a risk of danger or flight.
10 But attacks on IJ independence under the current administration have
11 severely compromised IJs' neutrality. There is a growing
12 understanding that court-ordered "bond hearings [are], effectively,
13 stacked against detainees from the start." Kyle Cheney, *How ICE*
14 *Defies Judges' Orders to Release Detainees, Step by Step*, Politico (Feb.
15 10, 2026), <https://tinyurl.com/fucm99m9>. As a result, there is a serious
16 risk that an IJ will order Mr. Akuoh's continued detention even if he
17 poses no danger or flight risk. Several data points support that
18 conclusion.

19 **1. Concerns from Other Cases.**

20 In *Yin v. Moldonado*, a court expressed consternation at an IJ's
21 "conclusory, two-line determination of flight risk" for a person whom
22 DHS had previously agreed "to release . . . on his own recognizance"
23 and who "attend[ed] [all] immigration check-ins" during his release.
24 No. 26-CV-0103 (PKC), 2026 WL 295389, at *3 (E.D.N.Y. Feb. 4, 2026).

25 In *Said v. Noem*, a court ordered a bond hearing for a habeas
26 petitioner, only to learn that "[t]he IJ denied Petitioner the opportunity
27 to present testimony, declined to consider the sworn, documentary
28

1 evidence submitted by Petitioner, and based his decision on an
2 uncorroborated, unauthenticated claim by a government official that
3 Petitioner failed to share his location for the ISAP.” No. 3:25-CV-938-
4 MOC, 2026 WL 295651, at *5 (W.D.N.C. Feb. 4, 2026). The original
5 habeas “Order presupposed that this hearing would be conducted in
6 accordance with Petitioner's due process rights,” the court wrote. “It
7 was not.” *Id.*

8 And in *Picado v. Hyde*, a district judge ordered outright release
9 after two deficient bond hearings. No. 26-CV-065-JJM-PAS, 2026 WL
10 352691, at *7 (D.R.I. Feb. 9, 2026). The IJ in the second hearing had
11 deemed the immigrant a danger to the community based on an
12 uncorroborated police report accusing him of driving 90 mph in a 55-
13 mph zone. *Id.*

14 **2. Evidence of a Concerted Effort.**

15 These trends are consistent with sustained attacks on IJs’
16 independence under the current administration. Several examples
17 illustrate the point.

18 **a. Immigration Judges.**

19
20 First, the Trump administration has eliminated 128 IJs
21 insufficiently aligned with the administration’s priorities, illustrating
22 to the remaining IJs the cost of resistance. *See Woo-Sun Lim, Former*
23 *judge highlights legal failures in U.S. worker detentions*, The Dong-A
24 Ilbo (Sept. 20, 2025), <https://tinyurl.com/4p9xsyya>.

25 These IJs are under no illusions about why they were let go.
26 Former Baltimore IJ Emmett Soper stated: “I think the current
27 administration of the immigration courts does not fundamentally see
28 the immigration courts as neutral decision-makers. I think that they

1 see the immigration courts as a tool for this administration to advance
2 its policy objectives." Geoff Bennett & Ali Schmitz, *Ousted Immigration*
3 *Judge Describes Deepening Court Backlog*, PBS NewsHour (Nov. 12,
4 2025), <https://tinyurl.com/4y2a4stn>. Former San Francisco IJ Jeremiah
5 Johnson similarly understood "the hint that they should be hearing
6 cases a certain way, deciding cases a certain way. Move faster. Less
7 due process, essentially." Hilda Gutierrez, Michael Bott & Son Vo, *'An*
8 *all-out attack on immigration court: SF immigration judges speak out*
9 *after firings*, NBC Bay Area (Nov. 25, 2025),
10 <https://tinyurl.com/426jy9dk>. Former San Francisco IJ George Pappas
11 was even more direct: "We were told to facilitate deportation... Due
12 process is dead in immigration courts." Isabela Dias, *"Fired for No*
13 *Reason": Former Immigration Judges Speak Out Against Trump's*
14 *Assault on the Courts*, Mother Jones (Oct. 9, 2025),
15 <https://tinyurl.com/yevhp32h>.

16 This has had predictable effect on those who remain. According to
17 former San Francisco IJ Elizabeth Young, "I've talked to many of [the
18 judges still serving], and they're like, 'When I go into court, I am
19 concerned about applying the law, but I'm also concerned that I should
20 deny more, because if I don't, then I'll get fired.'" Marco Poggio, *Judges*
21 *See an Immigration Court Guttled from Inside*, Law360 (Oct. 31, 2025),
22 <https://tinyurl.com/dyc6utv6>. Meanwhile, Department of Justice
23 recruitment materials seek "deportation judges" to fill the empty IJ
24 slots, Coral Murphy Marcos, *US Justice Department Recruiting Legal*
25 *Experts to Serve as 'Deportation' Judges*, Guardian,
26 <https://tinyurl.com/4amnhj6u>. These materials invite to "bring the
27 hammer down on criminal illegal aliens" and "defend your
28 communities, your culture, your very way of life." dhsgov, Instagram

(Nov. 21, 2025), <https://tinyurl.com/y4ueh7nd>.

b. The BIA

Second, a parallel purge occurred at the BIA, which was reduced from 28 members to 15 members. All Biden appointees on the BIA were fired. Am. Imm. Council, *BIA Decision Strips Immigration Judges of Bond Authority, All but Guaranteeing Mandatory Detention for Undocumented Immigrants* (Sept. 12, 2025), <https://tinyurl.com/3p8rxjdf/>. The statistical impact is stark. As of January 22, 2026, the reconstituted BIA has issued 71 published decisions. Exec. Off. for Immigr. Rev., *Volume 29*, U.S. Dep't of Just. (Jan. 21, 2025), <https://www.justice.gov/eoir/volume-29>. Of those, 69 decisions (97%) favored the administration. By contrast, during the entire four-year span of the prior administration, the BIA issued 76 published decisions. Exec. Off. for Immigr. Rev., *Volume 28*, U.S. Dep't of Just. (June 13, 2025), <https://www.justice.gov/eoir/volume-28>. (First decision, *Matter of DIKHTYAR*, 28 I&N Dec. 214 (BIA 2021), issued 01/22/2021). Of those, 46 decisions (60%) favored the administration. The transformation from 60% to 97% pro-government outcomes—achieved through wholesale termination of one administration's appointees — speaks for itself.

Given the effort of the current administration to pressure immigration courts to value deportation over the statutory and due process rights of immigrants, the only way to ensure Mr. Akuoh receives due process is to order his immediate release from custody.

3. The Court has Authority to Fashion Necessary Relief.

The “equitable and flexible nature of habeas relief” affords district courts significant discretion over the appropriate remedies

1 for violations of law and the Constitution. *Velasco Lopez v. Decker*,
2 978 F.3d 842, 855 (2d Cir. 2020); *see also Schlup v. Delo*, 513 U.S.
3 298, 319 (1995) (“[H]abeas corpus is, at its core, an equitable
4 remedy”). This Court should order a remedy that fully addresses
5 the statutory and constitutional violations in this case and is
6 efficient to administer. *Carafas v. LaVallee*, 391 U.S. 234, 238
7 (1968) (the habeas statute “does not limit the relief that may be
8 granted to discharge of the applicant from physical custody. Its
9 mandate is broad with respect to the relief that may be granted”).
10

11 PRAYER FOR RELIEF

12 Here, because ordering a bond hearing before a randomly
13 selected IJ would not properly redress the constitutional violations
14 here, Mr. Akuoh urges the Court to provide an alternative corrective
15 measure. Ideally, that would take the form of immediate release. *See*,
16 *e.g.*, Order, ECF No. 14 at 19, *Miri v. Bondi*, No. 5:26-CV-00698-MEMF
17 (C.D. Cal. March 5, 2026); *Moctezuma v. Henkey*, No. 1:25-CV-00741-
18 BLW, 2026 WL 18809, at *5 (D. Idaho Jan. 2, 2026). Or the Court could
19 choose to hold a bond hearing in district court. *See, e.g., L.G.M. v.*
20 *LaRocco*, 788 F.Supp.3d 401, 405-07 (E.D.N.Y. 2025).

21 The Court could also adopt an approach similar to that found in
22 the *Sandesh* case. *See* Order, ECF No. 13, *Sandesh v. LaRose*, No. 3:26-
23 CV-00846-JES (S.D. Cal. March 5, 2026). If that approach is taken, the
24 Court should order:
25
26
27
28

1 1. Respondents provide Petitioner with a hearing and
2 individualized bond determination within **ten days** of its order.
3 *Id.*

4 (a) At that hearing, the government shall bear the burden
5 of establishing by clear and convincing evidence that
6 Petitioner poses a danger or flight risk, while further
7 specifying that concerns about interrupting court schedules
8 is not a ground to deny bond. *Id.*

9 (b) The IJ shall consider alternative conditions of release
10 and Petitioner's ability to pay bond if he or she determines
11 bond is appropriate. *Id.*

12 (c) Respondents shall make a complete record of the bond
13 hearing available to Petitioner and his counsel. *Id.*

14
15 2. Respondents are ordered to file a Notice of Compliance within
16 **five days** of providing Petitioner with the bond hearing,
17 including apprising the Court of the results of the hearing. *Id.*

18 3. Prohibit ICE from invoking the automatic stay provisions under 8
19 C.F.R. § 1003.19(i)(2) to defeat the IJ's bond determination.

20
21 Finally, this Court should order all other relief that the Court
22 deems just and proper.

23
24 Respectfully submitted,

25 Dated: May 4, 2026

s/ Adam F. Doyle

Adam F. Doyle

Attorney for Mr. Akuoh

Email: adam@doyledefense.com

VERIFICATION

I, Adam F. Doyle, declare as follows:

I am an attorney admitted to practice law in the State of California.

I am the attorney of record for Petitioner in this action. I have prepared the foregoing Amended Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 based on my review of records, including immigration documents, and on information provided to me by Petitioner.

Because Petitioner is currently detained, it has not been feasible for him to review and sign this petition prior to filing. The factual allegations in the petition are true and correct to the best of my knowledge, information, and belief.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on January 21, 2026.

s/ Adam F. Doyle

ADAM F. DOYLE

Attorney for Mr. Akuoh

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