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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

S.K, an adult,

Petitioner,

v.

JULIO HERNANDEZ, Seattle Field Office Director, Immigration and Customs Enforcement and Removal Operations ("ICE/ERO"); TODD LYONS, Acting Director of Immigration Customs Enforcement ("ICE"); U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; MARKWAYNE MULLIN, Secretary of the Department of Homeland Security ("DHS"); U.S. DEPARTMENT OF HOMELAND SECURITY; and TODD BLANCHE, Acting Attorney General of the United States,

Respondents.

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Case No. 3:26-cv-00774

Agency No: AXXXXXX932

PETITION FOR WRIT OF HABEAS CORPUS

ORAL ARGUMENT REQUESTED

Expedited Hearing Requested

## INTRODUCTION

1. Petitioner S.K. is a stateless person who fled Laos as a refugee. He emigrated to the United States in 1979.

2. For 28 years, Petitioner has been subject to a removal order that the United States never enforced. After an immigration judge ordered his removal in 1998, Petitioner was permitted to remain in the United States under an Order of Supervision (OSUP) because his actual removal was not reasonably foreseeable.

3. Although Petitioner has cooperated with Respondent Immigration Customs Enforcement (ICE) in efforts to secure a travel document, ICE has not had and does not have a travel document for Petitioner, and upon information and belief, no travel document has been issued to or for him that would permit his removal to Laos. Petitioner's removal is not likely to occur in the reasonably foreseeable future.

4. Since 2012, Petitioner has duly and substantially complied with his Order of Supervision (OSUP) and his ICE reporting requirements and ICE has never indicated or raised any question of non-compliance.

5. Since August 4, 2025, Petitioner has been in the Intensive Supervision Appearance Program (ISAP) as part of his immigration case. At his August 4, 2025, check-in, Petitioner was directed to wear an ankle monitor as part of his supervision.

6. Pursuant to the terms of his OSUP, Petitioner next reports to ISAP for an in-person check-in on April 29, 2026, and is scheduled for an in-person check-in at the ICE building on August 3, 2026.

7. Upon information and belief, when Petitioner reports on April 29, 2026, there is a substantial risk that Respondents will revoke the OSUP, detain him in physical custody, and

transfer him to the Northwest ICE Processing Center in Tacoma, Washington, not because of any violation of the terms of release, but because Respondents have undertaken a campaign to detain Laotian nationals in Oregon and Washington.

8. But revocation would be unlawful without a valid reason and providing Petitioner a meaningful opportunity to be heard prior to revocation. Without a travel document, Petitioner's removal to Laos is not reasonably foreseeable. Moreover, under Respondents' recent policies, Petitioner is at risk of removal not only to Laos, where his family fled as refugees, but to an unknown third country where he could face indefinite imprisonment or other harm.

9. Accordingly, to vindicate Petitioner's rights, this Court should grant the instant petition for a writ of habeas corpus. Petitioner asks this Court to find that Respondents' attempts to detain and transfer him are arbitrary and capricious and in violation of the law, and to immediately issue an order preventing Petitioner's transfer out of this district.

## JURISDICTION

10. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et. seq.

11. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

12. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., the All Writs Act, 28 U.S.C. § 1651, and the Immigration and Nationality Act, 8 U.S.C. § 1252(e)(2).

## VENUE

13. Venue is proper because Petitioner is in Respondents' custody in the District of Oregon pursuant to his OSUP. Venue is further proper because a substantial part of the events or omissions giving rise to Petitioner's claims occurred in this District, where Petitioner is now in Respondents' custody. 28 U.S.C. § 1391(e).

14. Divisional venue is proper under Local Rule 3-2 because Petitioner resides in Portland, he reports to ICE, as required, in Portland, and a substantial part of the events or omissions giving rise to his claims occurred in this District.

## REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

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

16. Courts have long recognized the significance of habeas corpus in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law … affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963). Its "root principle is that in a civilized society, government must always be accountable to the judiciary for a man's imprisonment: if the imprisonment cannot be shown to conform with the fundamental requirements of law, the individual is entitled to his immediate release." *Id.* at 402.

17. Petitioner is "in custody" for purposes of § 2241 because he has been released by Respondents on an OSUP and remains in their constructive custody. "[T]he Supreme Court has repeatedly held that the in-custody requirement [of 28 U.S.C. § 2241] is met where the

Government restricts a petitioner's freedom of action or movement," including through an immigration order of supervision. *See Doe v. Barr*, 479 F. Supp. 3d 20, 26 (S.D.N.Y. 2020), *citing Jones v. Cunningham*, 371 U.S. 236 (1963) and *Spencer v. Kemna*, 523 U.S. 1, 7 (1998); *see also*, *e.g.*, *Devitri v. Cronen*, 290 F. Supp. 3d 86, 90 (D. Mass. 2017) (finding the same); *Alvarez v. Holder*, 454 F. App'x 769, 772-72 (11th Cir. 2011) (same).

**PARTIES**

18. Petitioner is 55 years old and was born in Pakse, Laos. Petitioner is a resident of Portland, Oregon, and is present within the state of Oregon at the time of the filing of this petition.[1]

19. Respondent Julio Hernandez is the Field Office Director for the Seattle Field Office for ICE. The Seattle Field Office is responsible for local custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens. The Seattle Field Office's area of responsibility includes Alaska, Oregon, and Washington. Respondent Hernandez is a legal custodian of Petitioner.

[1] Petitioner seeks leave to proceed anonymously because public identification creates a risk of retaliatory physical harm due to Petitioner's status as an immigrant in the United States, and the nature of Petitioner's claim is sensitive and highly personal. *See Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1068 (9th Cir. 2000). The Ninth Circuit has identified several different situations in which parties have been permitted to proceed under a fictitious name, including "(1) when identification creates a risk of retaliatory physical or mental harm, . . . ; (2) when anonymity is necessary 'to preserve privacy in a matter of sensitive and highly personal nature,' . . . ; and (3) when the anonymous party is 'compelled to admit [his or her] intention to engage in illegal conduct, thereby risking criminal prosecution.'" *Id.* (collecting cases; internal citations omitted). On the filing of this petition, the undersigned will promptly transmit the name and Alien Number of the Petitioner to the Respondents.

20. Respondent Todd Lyons is the acting director of ICE, and he has authority over the actions of Respondent Julio Hernandez and ICE in general. Respondent Lyons is a legal custodian of Petitioner.

21. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security (DHS) and has authority over the actions of all other DHS Respondents in this case, as well as all operations of DHS. Respondent Mullin is a legal custodian of Petitioner and is charged with faithfully administering the immigration laws of the United States.

22. Respondent Todd Blanche is the Acting Attorney General of the United States and, as such, has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.

23. Respondent U.S. Immigration Customs Enforcement is the federal agency responsible for custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens.

24. Respondent U.S. Department of Homeland Security is the federal agency that has authority over the actions of ICE and all other DHS Respondents.

25. This action is commenced against all Respondents in their official capacities.

26. Petitioner's removability is currently the subject of an administrative proceeding before the Immigration Court.

## LEGAL FRAMEWORK

27. Immigration detention is a form of civil confinement. "[C]ivil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection." *Addington v. Texas*, 441 U.S. 418, 425 (1979).

28. Immigration detention violates due process unless, under an individualized determination, a noncitizen is a flight risk because they are a danger to the community or unlikely to appear for immigration court. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Where removal "seems a remote possibility," immigration detention no longer "bears a reasonable relation" to its purpose and is impermissible. *Id.* (citation omitted, cleaned up).

29. Individuals detained under 8 U.S.C. §1231(a)(3) may be released, subject to terms of an OSUP. Individuals detained under 8 U.S.C. § 1231 may be released, subject to terms of supervision.

30. For an individual released on an OSUP, revocation and return to custody is authorized upon following certain processes and an exercise of discretion by certain authorized officials making individualized findings. 8 C.F.R. § 241.4(l).

31. If a change of circumstances has made it such that the government believes there is a "significant likelihood" that the noncitizen "may be removed in the reasonably foreseeable future," the custody review procedures must again be applied. *Id.*

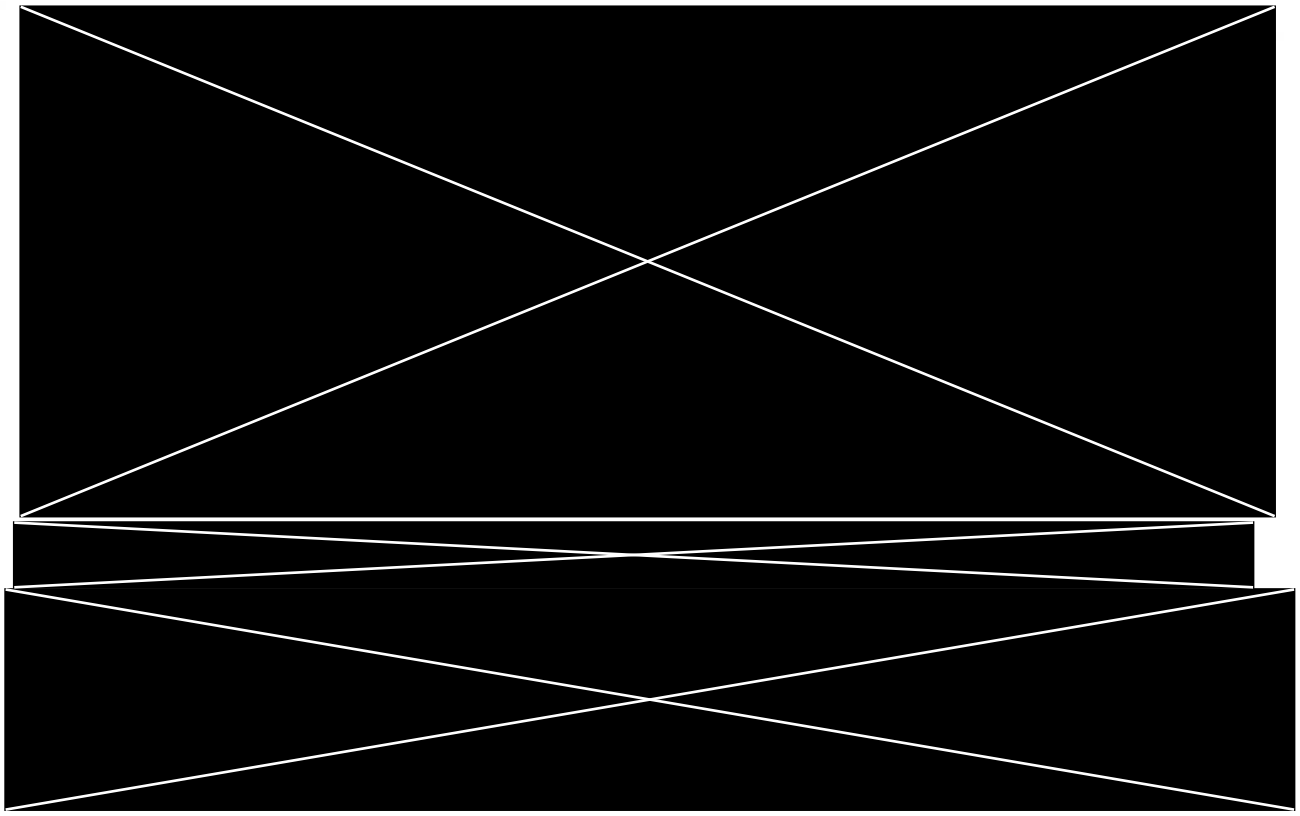
32. If an authorized official seeks to revoke release on an OSUP, the noncitizen must promptly be notified of the reasons for revocation of release and be afforded an initial informal interview to respond to the reasons for revocation. 8 C.F.R. § 241.4(l). The revoking official may only exercise his or her discretion after a particularized finding is made. *Id.*

## FACTUAL BACKGROUND

**Petitioner's Flight From Laos and Arrival in the United States**

33. Petitioner was born in 1970 in Pakse, Laos. [redacted] In 1975, the Communist party Pathet Lao took over, abolishing the U.S.-backed monarchy. The new government began a

campaign of retribution, tracking down and punishing anyone who opposed Communism or had assisted the United States in the war. The repressive Communist takeover led to the infliction of terror and the widespread detention and murder of civilians, [redacted]



36. The journey, all on foot, took two or three days. Petitioner, then only four or five years old, got sick. Petitioner's older sister, aged fourteen or fifteen, carried Petitioner on her back through the jungle and across the Mekong River. The land near the river was sown with mines. The smugglers told the family to follow their footsteps to avoid the mines. As they walked, they heard mines exploding around them as others perished. Many refugees who had survived the perilous journey through the jungle were robbed and killed by predators from both the Lao and Thai sides once they attempted to cross the river. [redacted] but the family was able to safely cross into Thailand.

37. Petitioner's family stayed in the refugee camp for nine months. The family eventually was granted refugee status by the United States in 1979, and then lawful permanent residence. Petitioner grew up in Anaheim, California, where he attended elementary school, junior high school, and high school.

38. Petitioner struggled learning English as a second language which caused him to be held back in school. When Petitioner was in eleventh grade, he got in trouble and ran away from home. When Petitioner was eighteen, in 1989, he was arrested for grand theft auto in California and sentenced to a term of imprisonment.

**Petitioner's Order of Removal and Release From Custody**

39. After Petitioner completed his state sentence, in 1992, he was transferred to immigration custody in Eloy, Arizona. In 1992, Petitioner was told that he could receive bond and fight his immigration case out of custody. He signed the paperwork, unaware that his green card had been revoked. An order of removal was entered in 1998.

40. In 2005, Petitioner was arrested for vandalism in St. Paul, Minnesota. He served a six-month sentence in county jail and then was placed on probation with an ankle monitor. Petitioner cut the ankle monitor and absconded.

41. In 2012, Petitioner turned himself in on the probation warrant and served a three- or four-month term of imprisonment for the violation. Upon his release on July 18, 2012, ICE issued Petitioner an OSUP.

42. Since his release on supervision in 2012 Petitioner has diligently and substantially complied with all the terms of his release, including by reporting to ICE annually.

43. On August 4, 2025, Petitioner was given an ankle monitor and his reporting requirements were stepped up. From reporting annually, Petitioner was directed to report every

six to eight weeks through ISAP, run by a third-party contractor with ICE. Petitioner's next scheduled check-in with ISAP is on April 29, 2026. Petitioner's next scheduled check-in at the ICE facility in Portland, Oregon, is August 3, 2026.

44. Petitioner is married to a United States citizen of Laotian descent who is employed as a pharmacy technician specialist. Petitioner resides in Northeast Portland with his wife, her elderly parents, and her 96-year-old grandmother, for whom he helps provide care. Petitioner helped raise his wife's daughter, who is now twenty-one years old and has a two-year-old son, whom Petitioner considers his grandson. Petitioner provides childcare for his grandson when his stepdaughter is at work.

45. Petitioner is close to his siblings and remains in frequent contact with them, especially with his older sister who helped him escape Pathet Lao. All of Petitioner's siblings are naturalized United States citizens.

46. Petitioner has not been arrested or charged with any crime or violation since his 2005 arrest, over twenty years ago.

47. Petitioner is not a citizen or national of Laos, or of any country. According to Lao nationality law, he forfeited Laotian citizenship, to the extent he ever acquired it from his parents, when he migrated to another country and resided in that country for more than seven years without the permission of the Lao government.[2]

[2] *See* Chapter 3, Art. 17(3) and Art. 20, Law on Lao Nationality, Lao People's Democratic Republic, *available at* chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://data.globalcit.eu/NationalDB/docs/Laos_%20Nationality%20Act_2004_ENGLISH.pdf (last visited April 15, 2026).

48. Because he is not a citizen of Laos or any other country and therefore has no travel documents authorizing his international travel, Petitioner has lived his life under an indefinite OSUP because his removal could not be effectuated at any reasonably foreseeable time. With that understanding, he has built a productive and law-abiding life in his community in Oregon.

49. Upon information and belief, Respondents have recently begun to arrest and detain refugees of Laotian heritage without notice during otherwise routine ICE reporting appointments and in the community. Upon information and belief, Respondents plan to revoke Petitioner's OSUP and re-detain Petitioner at his April 29, 2026, or August 3, 2026, check-in. This re-detention will violate procedural and substantive due process because the revocation of Petitioner's supervised release requires notice and a meaningful opportunity to be heard, and because it is unconstitutionally punitive and his removal is not reasonably foreseeable. *Zadvydas*, 533 at 689. Petitioner's detention would also violate ICE's own regulations governing the revocation of release of supervision, 8 C.F.R. § 241.13(i).

**Respondents' Detention and Deportation Policies**

50. On January 20, 2025, President Donald Trump issued several executive actions relating to immigration, including "Protecting the American People Against Invasion," an executive order (EO) setting out a series of interior immigration enforcement actions.[3] The Trump administration, through this and other actions, has outlined sweeping, executive-branch-led changes to immigration enforcement policy, establishing a formal framework for mass deportation. The January 20, 2025, EO instructs the DHS Secretary "to take all appropriate

[3] Available at https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/ (last visited April 15, 2026).

action to enable" ICE, Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) to prioritize civil immigration enforcement procedures including through the use of mass detention.

51. In late May, former DHS Secretary Kristi Noem and White House Deputy Chief of Staff Stephen Miller met with ICE officials from Enforcement and Removal Operations (ERO) and Homeland Security Investigations (HIS), demanding that federal agents arrest 3,000 persons per day and reportedly threatening job consequences if officials failed to meet arrest quotas.[4]

**Repatriation to Laos History**

52. No repatriation agreement exists between Laos and the United States.

53. On June 4, 2025, President Trump issued a proclamation titled, "Restricting the Entry of Foreign Nationals to Protect the United States from Foreign Terrorists and Other National Security and Public Safety Threats."[5] According to the proclamation, "Laos has historically failed to accept back its removable nationals." Accordingly, the Trump administration ordered, "The entry into the United States of nationals of Laos as immigrants, and as nonimmigrants on B-1, B-2, B-1/B-2, F, M, and J visas, is hereby suspended." *Id.*

54. In response, the Laos government slowly began issuing travel documents to permit the entry of some individuals ordered removed to Laos. According to the Law on Lao

[4] Jose Olivares, "Trump administration sets quota to arrest 3,000 people a day in anti-immigration agenda," THE GUARDIAN (May 29, 2025), available at https://www.theguardian.com/us-news/2025/may/29/trump-ice-arrest-quota (last visited April 15, 2026).

[5] Available at https://www.whitehouse.gov/presidential-actions/2025/06/restricting-the-entry-of-foreign-nationals-to-protect-the-united-states-from-foreign-terrorists-and-other-national-security-and-public-safety-threats/ (last visited April 15, 2026).

Nationality, "Individuals residing in the territory of the Lao People's Democratic Republic who are not Lao citizens and unable to certify their nationality are considered as being apatrid [i.e., stateless]."[6] Upon information and belief, the document issued is a "laissez-passer" valid for 90 days that allows a single entry to the country but does not restore any citizenship or residency rights. Upon arrival, "apatrid" or stateless individuals are housed in a government facility unless or until a Lao citizen sponsor—usually a relative or other willing individual—fills out paperwork to authorize their release to the community.

55. Upon information and belief, since October 2025, there has been about one ICE deportation flight per month that stops in Laos, with anecdotal reports detailing that detainees are handcuffed and shackled at the waist on the plane. Upon arrival, the government of Laos forcibly confines all U.S. deportees in a detention facility on a Laos military base for at least ten days and up to a year or longer, only releasing them if they have a sponsor in Laos, such as a family member, able to house and support them.

56. Deportees from the United States are treated as stateless persons under Laos nationality law because they are considered to have forfeited their Laos nationality by living outside of Laos without the permission of the Lao government for more than seven years. Law on Lao Nationality, Art. 20.[7] While there is a limited path to citizenship for stateless individuals and persons who have forfeited Lao nationality, persons who have "been sentenced by any court to imprisonment" cannot qualify. Law on Lao Nationality, Art. 14; 21.[8]

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[6] *See* Law on Lao Nationality, *supra* n. 2.
[7] *See* Law on Lao Nationality *supra* n.2. .
[8] *See* Law on Lao Nationality *supra* n.2.

57. Without citizenship, persons in Laos are prohibited from owning property, from receiving a passport, and from leaving the country. They are subject to government monitoring. The quality of life is poor, and stateless former Laotian nationals live on their own on the streets.

58. According to ICE's Fiscal Year Annual Reports, no person identified by the United States government as a Lao national was deported to Laos in FY 2024.[9] Only one was deported in FY 2023. *Id.* Under the second Trump administration, however, data show that hundreds of individuals have been deported to Laos in 2025 alone.[10] Over 4,800 individuals live in the United States with removal orders to Laos.

59. Upon information and belief, ICE is currently detaining hundreds of individuals with removal orders to Laos, having re-detained them in recent months. In Oregon this year through March, Laotian immigrants accounted for almost ten percent of 110 arrests.[11]

60. Upon information and belief, Laos is limiting the number of individuals it accepts each month because of their policy of mandatorily detaining people on arrival and managing

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[9] Available at chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.ice.gov/doclib/eoy/iceAnnualReportFY2024.pdf (last visited April 15, 2026).

[10] *Compare* Press Release, *Reps Chu, Jayapal, Lofgren, & Pressley to Reintroduce the Southeast Asian Deportation Relief Act of 2026* (Feb. 19, 2026) (stating that 175 Laotians were deported between January and October, 2025), available at: https://chu.house.gov/media-center/press-releases/reps-chu-jayapal-lofgren-pressley-reintroduce-southeast-asian#:~:text=WASHINGTON%2C%20D.C.%20%E2%80%93%20Today%2C%20Rep,Thailand%2C%20Myanmar%2C%20and%20Laos (last visited April 17, 2026) *with* Yesenia Amaro, *Ice Now "Going After Everyone" in Oregon, not just Latinos, Advocates Say*, The Oregonian (Apr. 17, 2026) (estimating that nearly 400 persons were deported to Laos in 2025, based on data from the Southeast Asian Resource Action Center), available at https://www.oregonlive.com/politics/2026/04/ice-now-going-after-everyone-in-oregon-not-just-latinos-advocates-say.html?utm_campaign=theoregonian_sf&utm_medium=social&utm_source=facebook (last visited April 17, 2026).

[11] *See Amaro, supra* n.10.

their movement once in the country. Thus, there are far too many individuals with removal orders to Laos detained at this time to be removed in the reasonably foreseeable future given the limitations on the numbers that can be removed per month.

61. On December 16, 2025, President Trump issued an executive order fully suspending the entry of nationals from Laos for any purpose, including tourism, citing visa overstay rates and Laos' "historic[] fail[ure] to accept back its removable nationals."[12] The order has an effective date of January 1, 2026.

62. In short, President Trump declared by Presidential proclamation that removal to Laos was not significantly likely in the reasonably foreseeable future. Instead, the Government concluded that effectuating removals to Laos is still so unlikely that Laos deserved enhanced and extreme sanctions.

**ICE's Third Country Removal Policy**

63. On July 9, 2025, after the United States Supreme Court granted the Government's application to stay a preliminary injunction in *D.V.D. v. Department of Homeland Security*, No. 25-10676, 2026 WL 521557 (D. Mass. Feb. 25, 2026),[13] ICE released a memo instructing all ICE employees that ICE may deport a person to a third country not designated on the removal

[12] Available at https://www.whitehouse.gov/presidential-actions/2025/12/restricting-and-limiting-the-entry-of-foreign-nationals-to-protect-the-security-of-the-united-states/ (last visited April 17, 2026).

[13] The U.S. District Court for the District of Massachusetts had issued a preliminary injunction requiring DHS "to notify class members of their impending third-country removals and to provide a meaningful opportunity for those class members to seek relief under the Convention Against Torture." 778 F. Supp. 3d 755 (D. Mass. 2025).

order.[14] The memo was leaked to the Washington Post, and its authenticity was confirmed by former DHS Secretary Kristi Noem, who stated that it reflected agency policy to "get the worst of the worst out of our country."[15]

64. The memo authorizes removal of noncitizens to third countries without the need for "further procedures" if "the United States has received diplomatic assurances from the country of removal that aliens removed from the United States will not be persecuted or tortured, and if the Department of State believes those assurances to be credible[.]"[16] Notably, the required diplomatic assurances are limited to persecution and torture, and do not include indefinite detention or other imprisonment. *Id.*

65. If the diplomatic assurances are received, officers are instructed to serve on the individual a Notice of Removal ("Notice") that includes the intended country of removal. *Id.* The memo instructs that persons subject to such removals "will not" affirmatively be asked "whether the alien is afraid of being removed to the country of removal." *Id.* (emphasis in original). While officers should "generally wait at least 24 hours following service of the [Notice] before effectuating removal," "[i]n exigent circumstances, [ICE] may execute a removal order six (6) or more hours after service of the [Notice] as long as the [noncitizen] is provided reasonable means and opportunity to speak with an attorney prior to removal." *Id.* If the noncitizen "does not

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[14] U.S. Immigration and Customs Enforcement, "Third Country Removals Following the Supreme Court's Order in *Department of Homeland Security v. D. V.D.*, No. 24A1153 (U.S. June 23, 2025)," Todd M. Lyons, July 9, 2025 (hereafter "Lyons Memo"), available at https://storage.courtlistener.com/recap/gov.uscourts.mad.282404/gov.uscourts.mad.282404.190.1.pdf (last visited April 18, 2026).

[15] Maria Sacchetti, Carol D. Leonnig, & Marianne LeVine, *Ice Memo outlines plan to deport migrants to countries where they are not citizens*, The Washington Post (Jul. 13, 2025), available at https://www.washingtonpost.com/immigration/2025/07/12/immigrants-deportations-trump-ice-memo/ (last visited April 18, 2026).

[16] *See* Lyons Memo, *supra* n.14.

affirmatively state a fear of persecution or torture if removed to the country of removal listed on the [Notice] within 24 hours, [ICE] may proceed with removal to the country identified on the notice." *Id.*

66. If the noncitizen "does affirmatively state a fear if removed to the country of removal," then ICE will refer the case to USCIS to screen for eligibility for withholding of removal and protection under the Convention Against Torture ("CAT"). *Id.* (emphasis in original). "USCIS will generally screen within 24 hours." *Id.* If USCIS determines that the noncitizen does not meet the standard, the individual will be removed, but if it determines that they have met the standard, then ICE may reopen removal proceedings "for the sole purpose of determining eligibility for [withholding of removal protection] and CAT" for the country of removal. *Id.* "Alternatively, ICE may choose to designate another country for removal." *Id.*

**Punitive Banishment and Indefinite Detention in Third Countries**

67. Since January 2025, the Trump administration has implemented a policy and practice of removing individuals to third countries. Most of the countries with whom the Trump administration has negotiated third-country deportation agreements have not entered "safe third country agreements" with the United States under 8 U.S.C. § 1158(2), meaning they are not countries with which the United States has entered a bilateral or multilateral agreement that "the alien's life or freedom would not be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion, and where the alien would have access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection[.]" 8 U.S.C. § 1158(2).

68. These deportations take place in disregard of the procedures in the INA for designation and removal to a third country and without providing fair notice and an opportunity

to contest the removal in immigration court. Indeed, it is estimated that as of March 11, 2026, fewer than one hundred of the individual deportations to third countries took place under a safe third country agreement or its equivalent.[17]

69. The Trump administration's third country removal scheme is designed to punish and deter. Indeed, Respondent DHS expressly and unconstitutionally views third-country deportation as punitive, characterizing the persons deported to third countries as "so uniquely barbaric that their own countries won't take them back," and stating through a spokesperson, "If you come to our country illegally and break our laws, you could end up in CECOT, Alligator Alcatraz, Guantanamo Bay, or South Sudan or another third country."[18] In April 2025, Secretary of State Marco Rubio stated that the administration is "working with other countries … to send away some of the most despicable human beings … and the further away from America, the better, so they can't come back."[19] And, in an official video posted on the White House's social media account, President Donald Trump stated, "[I]f illegal aliens choose to remain in America, they're remaining illegally and they will face severe consequences [including] imprisonment and incarceration, and sudden deportation in a place and manner solely of our discretion."[20]

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[17] *See* https://www.thirdcountrydeportationwatch.org/ (tracking third country deportations under the Trump administration, current as of March 11, 2026) (last visited April 17, 2026).

[18] Kristina Cooke and Ted Hesson, *The US said it had no choice but to deport them to a third country. Then it sent them home*, Reuters (Aug. 2, 2025), available at https://www.reuters.com/world/americas/us-said-it-had-no-choice-deport-them-third-country-then-it-sent-them-home-2025-08-02/ (last visited April 17, 2026).

[19] Kate Bartlett, *Trump administration plans to deport migrants to Libya*, NPR (May 7, 2025), available at https://www.npr.org/2025/05/07/nx-s1-5389739/libya-immigration-crackdown-trump-deportations (last visited April 17, 2026).

[20] Available at https://www.instagram.com/reel/DJdHeGKMunV/ (last visited April 17, 2026).

70. In March 2025, the United States paid El Salvador $5 million to indefinitely imprison over 200 deported Venezuelans in a maximum-security prison notorious for gross human rights abuses, known as CECOT. El Salvador's justice minister stated that the only way out of CECOT is "inside a coffin."[21]

71. In May 2025, ICE attempted to deport individuals from Vietnam, Laos, the Philippines, and Mexico to Libya.

72. ICE has carried out highly publicized third country deportations to South Sudan, Eswatini, Rwanda, Uganda, and Ghana. The Trump administration also has obtained agreements from countries in Latin America to have deportees from the United States imprisoned in prisons, camps, and other detention facilities. In February 2025, Panama and Costa Rica took in hundreds of deportees from African and Central Asian countries and imprisoned them in hotels, a remote jungle camp, and a detention center. In Panama, officials confiscated deportees' cell phones, denying deportees access to attorneys, journalists, and aid organizations, and moved them to a remote jungle camp where they were kept in literal cages.[22]

73. In July 2025, a group of five men were deported by the United States to Eswatini, including one Laotian national. As of March 2026, at least nineteen persons have been deported to Eswatini under the United States' third-party deportation policy, where they are being

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[21] Gisela Salim-Peyer, *No one was supposed to leave alive,* The Atlantic (Jul. 23, 2025), available at https://www.theatlantic.com/international/archive/2025/07/inside-cecot-mega-prison-el-salvador/683646/ (last visited April 17, 2026).

[22] Julie Turkewitz, Farnaz Fassihi, et al., *Migrants, Deported to Panama Under Trump Plan, Detained in Remote Jungle Camp*, THE NEW YORK TIMES (Feb. 19, 2025), available at https://www.nytimes.com/2025/02/19/world/americas/us-migrants-panama-jungle-camp.html (last visited April 18, 2026).

detained in a maximum-security prison.[23] There, they have been placed in solitary confinement. According to a spokesperson for the Eswatini government, the men will be held for about twelve months, however, "it could be slightly less or slightly more."[24]

74. In a 2024 report on human rights practices, the United States State Department noted "notable negative changes" in the human rights situation in Eswatini, including credible reports of arbitrary or unlawful killings," including extrajudicial killings, "torture, and cruel, inhuman, or degrading treatment or punishment."[25]

75. On July 4, 2025, ICE deported eight men, including one Laotian man, to South Sudan. In a press release, Respondent DHS boasted about the third-country deportations. Assistant Secretary Tricia McLaughlin said, "These sickos were finally deported to South Sudan on Independence Day … After weeks of delays by activist judges that put our law enforcement in danger, ICE deported these 8 barbaric criminal illegal aliens who are so heinous even their own countries will not accept them."[26] As of September 7, 2025, six of the eight men remained in South Sudanese custody.

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[23] Sarah Stillman, *Disappeared to a Foreign Prison*, The New Yorker (Dec. 1, 2025), available at https://www.newyorker.com/magazine/2025/12/01/disappeared-to-a-foreign-prison (last visited April 17, 2026).

[24] Genocide Watch, *Eswatini opposition attacks US deal as "Human trafficking disguised as deportation,"* (Aug. 10, 2025), available at https://www.genocidewatch.com/single-post/eswatini-opposition-attacks-us-deal-as-human-trafficking-disguised-as-deportation (last visited Apr. 17, 2026).

[25] U.S. Dept. of State, 2024 Country Reports on Human Rights Practices: Eswatini, available at https://www.state.gov/reports/2024-country-reports-on-human-rights-practices/eswatini (last visited April 17, 2026).

[26] Dept. of Homeland Sec., *Press Release*, "8 Barbaric Criminal Illegal Aliens Finally Deported to South Sudan after Weeks of Delay by Activist Judges" (Jul. 5, 2025), available at https://www.dhs.gov/news/2025/07/05/8-barbaric-criminal-illegal-aliens-finally-deported-south-sudan-after-weeks-delays (last visited April 18, 2026).

76. In September 2025, ICE deported as many as 28 individuals to Ghana, at least fourteen of whom had won protection against removal in immigration court. In court filings, five of these individuals alleged that ICE abruptly put them on a plane in the middle of the night, straitjacketed them, and did not tell them where they were being flown until they were already in flight. *D.A. v. Noem*, 800 F. Supp. 3d 43, 45 (D.D.C. 2025). In Ghana, they were held in an open-air detention facility surrounded by armed military guards. *Id.* Now, Ghana has reportedly expelled between eight and ten of these individuals to Togo without their passports.

77. A United States Senate Foreign Relations Committee, Minority Report, from February 2026, "At What Cost? Inside the Trump Administration's Secret Deportation Deals," examines the costly and transactional role that third country removals are playing in U.S. foreign policy, alleging the U.S. government is making "questionable deals" with "corrupt and unstable foreign governments" without any transparency or oversight, including around the treatment of deportees in the receiving country.[27] The report finds that third-country "[d]eportation is being used as a bargaining chip. U.S. diplomacy is being conducted through secret cash payments and quiet concessions. . . speed and deterrence are being prioritized over due process and respect for human rights."[28]

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[27] S. Comm. On Foreign Rel., Minority Report, At What Cost: Inside the Trump Administration's Secret Deportation Deals (Feb. 2026), available at chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.foreign.senate.gov/imo/media/doc/(FINAL%20-%20web)%20At%20What%20Cost%20-%20Inside%20the%20Trump%20Administration%27s%20Secret%20Deportation%20Deals_2.17.26.pdf (last visited April 18, 2026).

[28] *See supra* n.27.

## CLAIMS FOR RELIEF

### COUNT ONE
### Violation of the Administrative Procedure Act - 5 U.S.C. § 706(2)(A), the Immigration and Nationality Act - 8 U.S.C. § 1226, and Federal Regulations Not in Accordance with Law and in Excess of Statutory Authority, Abuse of Discretion

78. Petitioner restates and realleges all paragraphs as if fully set forth here.

79. Under the Administrative Procedures Act (APA), a court shall "hold unlawful and set aside agency action" that is an abuse of discretion. 5 U.S.C. § 706(2)(A).

80. An action is an abuse of discretion if the agency "entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *Nat'l Ass'n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)). The INA provides that Respondents may, as they did in Petitioner's case, release an individual from custody based on an individualized determination of parole, if appropriate or if statutorily required. 8 USC § 1182(d)(5)(A). Any person released under such circumstances "shall be released pursuant to an order of supervision." 8 C.F.R. § 241.5(a).

81. The release of a person under an OSUP may be revoked only if: "the purposes of such parole shall, in the opinion of the Secretary of Homeland Security, have been served;" the noncitizen "violates any condition of release;" revocation "is appropriate to enforce a removal order or to commence removal proceedings against [the noncitizen]," or "[t]he conduct of the [noncitizen], or any other circumstance, indicates that release would no longer be appropriate." 8 C.F.R. § 241.4(l)(2).

82. In other words, when such a release decision is made, a revocation of the custody determination may be made only when warranted by an individual's specific facts and circumstances, and only by authorized officials. 8 U.S.C. § 1226(b); 8 C.F.R. § 1236.1(c)(8)-(9). Specified ICE officials may revoke supervised release "in the exercise of discretion," but this requires formal processes and findings. 8 C.F.R. § 241.4(l)(1)-(2). Moreover, 8 C.F.R. § 241.4(l) specifically limits the power of anyone who is not the Executive Associate Director to revoke release. For example, it provides that "[a] district director may also revoke release of a [noncitizen] when"—and only when—"in the district director's opinion, revocation is in the public interest and circumstances do not reasonably permit referral of the case to the Executive Associate [Director]." Thus, before a district director can revoke release, the district director must make certain findings.

83. The regulation also requires that upon revocation of release, a noncitizen "will be notified of the reasons for revocation" of release and "be afforded an initial informal interview promptly after his or her return to [ ] custody to afford the [noncitizen] an opportunity to respond to the reasons for revocation stated in the notification." 8 C.F.R. § 241.4(l)(1).

84. Petitioner has complied with all of the conditions of his release on an OSUP; indeed, he has been reporting to ICE as directed for nearly fourteen years. No facts or circumstances have changed for Petitioner that reasonably could alter Respondents' assessment of his risk of flight or his danger to the community.

85. Petitioner has no criminal history since being released from detention on an OSUP in 2015. It has been, and remains, futile and impossible for Petitioner to obtain travel documents to facilitate his own removal because Laos does not consider him to be a Laotian citizen.

86. Regardless of Petitioner's prior removal order, Respondents' imminent plan to terminate Petitioner's OSUP and detain him without following proper procedures will violate the INA and federal regulations. *See Doua Yang v. Scott*, No. 2:26-cv-00469-JNW, ECF 22 at 7, 11 (W.D. Wa. Mar. 6, 2026) (finding that "due process requires pre-deprivation notice and a hearing before revoking a non-citizen's order of supervision and re-detaining them" and granting release as remedy for "regulatory failure"); *M.S.L. v. Bostock*, No. 6:25-cv-01204-AA, 2025 WL 2430267 at *9-*12 (D. Or. Aug. 21, 2025) (granting habeas after finding ICE violated 8 C.F.R. § 241.4(l) when the wrong official revoked release and provided neither timely notice nor an informal interview); *Ceesay v. Kurzdorfer*, No. 25-CV-267-LJV, 2025 WL 1284720, at *17 (W.D.N.Y. May 2, 2025) (ICE violated 8 C.F.R. § 241.4(l) by not affording petitioner an informal interview or an opportunity to respond to the reasons for revocation); *Torres-Jurado v. Biden*, No. 19 CIV. 3595 (AT), 2023 WL 7130898, at *2 (S.D.N.Y. Oct. 29, 2023) (noting that notwithstanding ICE's discretion to execute a removal order, ICE "cannot remove" a noncitizen—even one subject to a final removal order—"in any manner [it] please[s]"); *Waldron v. I.N.S.*, 17 F.3d 511, 518 (2d Cir. 1993) ("[W]hen a regulation is promulgated to protect a fundamental right derived from the Constitution or a federal statute, and [the government] fails to adhere to it, the challenged deportation proceeding is invalid and a remand to the agency is required"—even in the absence of a showing of prejudice.)

87. To survive an APA challenge, the agency must articulate "'a satisfactory explanation' for [its] action, 'including a rational connection between the facts found and the choice made.'" *Dep't of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted).

88. The revocation of Petitioner's release to detain him without consideration of his individualized facts and circumstances would violate the APA.

89. On information and belief, Respondents have made no finding that Petitioner is a danger to the community, and individualized facts and circumstances would not support such a finding.

90. On information and belief, Respondents have made no finding that Petitioner is a flight risk, and individualized facts and circumstances would not support such a finding.

91. Respondents' conduct is not in accordance with law and is in excess of statutory authority in violation of the APA.

**COUNT TWO**
**Violation of Fifth Amendment Right to Due Process**
**Procedural Due Process**

92. Petitioner restates and realleges all paragraphs as if fully set forth here.

93. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits the federal government from depriving any person of "life, liberty, or property, without due process of law." U.S. Const. Amend. V.

94. The Supreme Court has long recognized that noncitizens physically present in the United States are entitled to due process protections, regardless of their immigration status. *Zadvydas*, 533 U.S. at 693; *Mathews v. Diaz*, 426 U.S. 67, 77 (1976).

95. Due process requires that government action be rational and non-arbitrary. *See United States v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

96. While the government has discretion to detain individuals under 8 U.S.C. § 1226(a) and to revoke custody decisions under 8 U.S.C. § 1226(b), this discretion is not "unlimited" and must comport with constitutional due process. *See Zadvydas*, 533 U.S. at 698.

97. On information and belief, Respondents will revoke Petitioner's parole and release in an arbitrary manner and not based on a rational and individualized determination of

whether he is a safety or flight risk, in violation of due process. Because no individualized custody revocation has been made and no circumstances have changed to make Petitioner a flight risk or a danger to the community, Respondents' revocation of Petitioner's release will violate his right to procedural due process.

**COUNT THREE**
**Violation of Fifth Amendment Right to Due Process**
**Substantive Due Process**

98. Petitioner restates and realleges all paragraphs as if fully set forth here.

99. Civil immigration detention violates substantive due process if it is not reasonably related to its statutory purpose. *See Zadvydas*, 533 U.S. at 690 (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). "In the context of immigration, a period of detention must 'bear[] a reasonable relation to the purpose for which the individual was committed.'" *Gamez Lira v. Noem*, 2025 WL 2581710, at *2 (D.N.M. Sept. 9, 2025)) (*quoting Demore v. Kim*, 538 U.S. 510, 516-17 (2003)); *see also Jackson*, 406 U.S. at 738 (similar).

100. The purposes of post-order detention under 8 U.S.C. § 1231 are to ensure an individual's presence for imminent removal and to prevent danger to the community. *See Zadvydas*, 533 U.S. at 690, 697.

101. Petitioner's detention would not be reasonably related to the primary statutory purpose of ensuring presence for imminent removal. *Id.* ICE has had thirteen years to effectuate Petitioner's removal. During that time, upon information and belief, neither Respondents nor Petitioner have been able to secure travel documents to facilitate Petitioner's removal. There is no significant likelihood of his removal in the reasonably foreseeable future. Nor have any other facts or circumstances changed for Petitioner that would change Respondents' assessment of his

risk of flight. To the contrary, since his release in 2012 on an OSUP, Petitioner has lived in Portland and built a life while complying diligently with the requirements set by ICE.

102. No facts or circumstances have changed since Petitioner's release on an OSUP that could change Respondents' dangerousness assessment. *See Zadvydas*, 533 U.S. at 691.

103. Petitioner's re-detention would be unrelated to the purposes justifying civil immigration detention as a constitutional matter and contravenes the substantive due process protections of the Fifth Amendment.

**COUNT FOUR**
**Violation of Fifth Amendment, 8 U.S.C. § 1231, Convention Against Torture Implementing Regulations, and the Administrative Procedures Act**
**Third Country Removal**

104. Petitioner restates and realleges all paragraphs as if fully set forth here.

105. The Fifth Amendment, the INA, the Convention Against Torture, and implementing regulations require that Respondents provide Petitioner with meaningful notice and opportunity to respond to any attempt to remove him to a third country not designated in his order of removal. They also require an opportunity for Petitioner to make a fear-based claim against removal to a third country in reopened removal proceedings. Respondents' third- country removal policy violates the law and Petitioner's rights by allowing ICE agents to remove individuals to third countries that have provided diplomatic assurances specified in the Lyons memo without any notice or process at all. Where a country has not provided the specified diplomatic assurances, the notice and opportunity to respond required under the policy is gravely insufficient in violation of the statute, regulations, and Fifth Amendment.

106. Prior to being detained for removal to any third country, Petitioner must be provided with constitutionally and statutorily compliant notice and an opportunity to respond and contest that removal if he has a fear of persecution or torture in that country in reopened removal proceedings. *See D.V.D. v. U.S. Dep't of Homeland Sec.*, No. 25-10676-BEM, 2026 WL 521557, at *44 (D. Mass. Feb. 25, 2026) (order currently stayed).

**PRAYER FOR RELIEF**

WHEREFORE, Petitioner respectfully requests this Court to grant the following:

(1) Assume jurisdiction over this matter;

(2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;

(3) Declare that Petitioner's re-detention without an individualized determination violates the Due Process Clause of the Fifth Amendment;

(4) Enjoin Respondents from detaining Petitioner at his upcoming report date with ICE;

(5) Enjoin Respondents from detaining Petitioner at any other time without reasonable advance notice, a hearing before a neutral decisionmaker, and a showing that detention is necessary to secure his imminent removal;

(6) Enjoin Respondents from detaining Petitioner for removal or seeking to remove Petitioner to a third country without notice and meaningful opportunity to respond in compliance with the statute and due process in reopened removal proceedings;

(7) Issue an Order prohibiting the Respondents from transferring Petitioner from the district without the Court's approval;

(8) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and

(9) Grant any further relief this Court deems just and proper.

Dated: April 20, 2026.

*s/ Susan F. Wilk*
Susan F. Wilk, WA SBN 28250

*/s/ Kara A. Sagi*
Kara A. Sagi, AZ SBN 032250

**Certificate of Service**

I hereby certify that on April 20, 2026, I electronically filed the foregoing with the United States District Court for the District of Oregon by using CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I will mail the foregoing document by electronic mail to the following non-CM/ECF participants:

United States Attorney for the District of Oregon
USAOR.CivilHabeas@usdoj.gov

*s/Susan Wilk*
Susan Wilk

*s/Kara Sagi*
Kara Sagi

# CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

## I. (a) PLAINTIFFS

S.K.

(b) County of Residence of First Listed Plaintiff Multnomah
*(EXCEPT IN U.S. PLAINTIFF CASES)*

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Susan Wilk and Kara Sagi, Federal Public Defender, 101 S.W. Main St., Suite 1700. Portland, OR 97204, 503-326-2123

## DEFENDANTS

Julio Hernandez, Todd Lyons, U.S. ICE, Markwayne Mullin, U.S. DHS, Todd Blanche

County of Residence of First Listed Defendant
*(IN U.S. PLAINTIFF CASES ONLY)*
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

## II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question *(U.S. Government Not a Party)*
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

## III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*
*(For Diversity Cases Only)*

| | PTF | DEF | | PTF | DEF |
|---|---|---|---|---|---|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated *or* Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated *and* Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

## IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions.

**CONTRACT**
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

**TORTS**

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

**FORFEITURE/PENALTY**
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

**LABOR**
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

**IMMIGRATION**
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

**BANKRUPTCY**
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

**INTELLECTUAL PROPERTY RIGHTS**
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 835 Patent - Abbreviated New Drug Application
- ☐ 840 Trademark
- ☐ 880 Defend Trade Secrets Act of 2016

**SOCIAL SECURITY**
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

**FEDERAL TAX SUITS**
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

**OTHER STATUTES**
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit (15 USC 1681 or 1692)
- ☐ 485 Telephone Consumer Protection Act
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

**REAL PROPERTY**
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

**CIVIL RIGHTS**
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

**PRISONER PETITIONS**

Habeas Corpus:
- ☒ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

## V. ORIGIN *(Place an "X" in One Box Only)*

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District *(specify)* ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing ***(Do not cite jurisdictional statutes unless diversity)***:
28 U.S.C. Sections 2241 and 2243

Brief description of cause:
Unlawful Detention

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A **CLASS ACTION** UNDER RULE 23, F.R.Cv.P.

**DEMAND $**

CHECK YES only if demanded in complaint:
**JURY DEMAND:** ☐ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

*(See instructions):*
JUDGE _____ DOCKET NUMBER _____

DATE
Apr 20, 2026

SIGNATURE OF ATTORNEY OF RECORD
/s/Susan Wilk

**FOR OFFICE USE ONLY**

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____