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

11 **ETAH DESMOND UKARA,**
12
13 **Petitioner,**

14 **v.**

15 **CHRISTOPHER J. LAROSE,**
16 **Warden at Otay Mesa Detention**
17 **Center;**
18 **MARKWAYNE MULLIN,**
19 **Secretary of U.S. Department of**
20 **Homeland Security;**
21 **TODD LYONS, Acting Director of**
22 **U.S. Immigration and Customs**
23 **Enforcement;**
24 **DANIEL A. BRIGHTMAN,**
25 **Director, San Diego Field Office,**
26 **Immigration and Customs**
27 **Enforcement, Enforcement and**
28 **Removal Operations;**
TODD BLANCHE, Acting Attorney
General of the U.S.

Respondents.

CIVIL CASE: 26-CV-02548-JLS

**Amended¹ Petition for a Writ
of Habeas Corpus Under 28
U.S.C. § 2241**

¹ 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 a May 18 deadline. [ECF 2.]

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 Etah Desmond Ukara, that time is now. Mr. Ukara has been detained at the Otay Mesa Detention Center pending immigration proceedings for nearly thirteen 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, Mr. Ukara is detained in this district, and a substantial part of the events or omissions giving rise to this action occurred in this district.

PARTIES

Petitioner Etah Desmond Ukara 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. Ukara is detained. He has immediate physical custody of Mr. Ukara 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. Ukara's detention. Mr. Mullin has ultimate custodial authority over Mr. Ukara. He is sued in his official capacity.

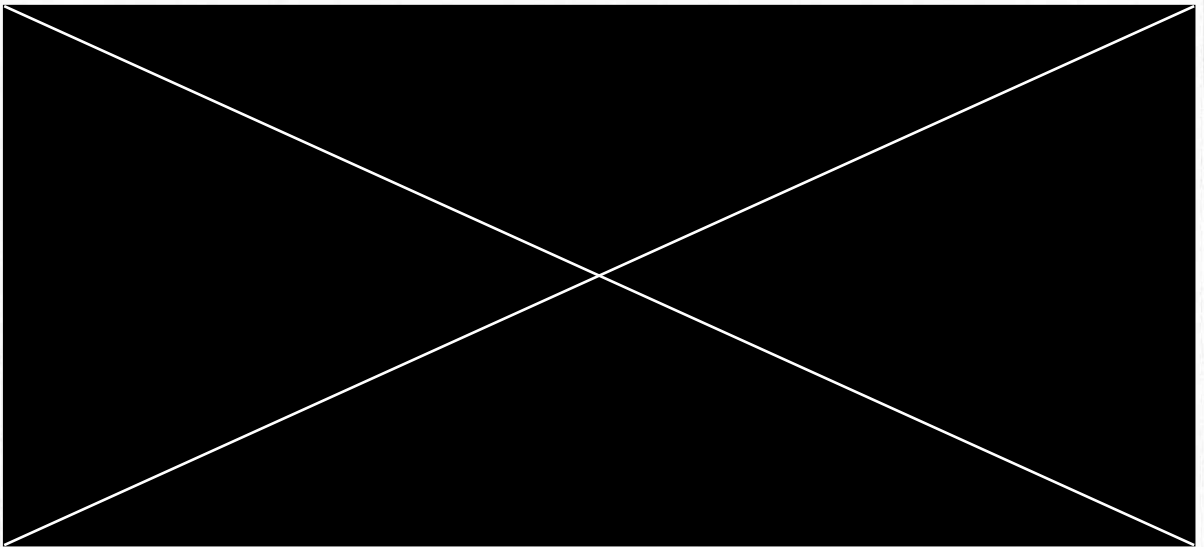
Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement and has authority over ICE operations. In that capacity and through his agents, Mr. Lyons has authority over the operation and enforcement of the immigration laws. Mr. Lyons is sued in his official capacity.

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. Ukara'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 FACTS²

Etah Desmond Ukara is from Cameroon but would be in fear for his life if returned to that country. He has been persecuted in Cameroon since at least 2019, when a man with a personal vendetta against Mr. Ukara joined the military of the French-speaking majority's government and baselessly accused him of being a separatist fighter. Those accusations caused a domino series of events in light of the ongoing Anglophone Crisis that persists in Cameroon.³



² These facts are derived from counsel's best understanding of Mr. Ukara's personal and immigration history based on communications with Mr. Ukara and review of limited documents. Counsel does not have access to all immigration documents at this juncture but is working to gather additional documents from Mr. Ukara's prior immigration attorney. Counsel assumes the government will have additional documents at the time it files its return and can provide additional information. Mr. Ukara is also attaching a copy of the declaration he attached to his initial *pro se* petition as Exhibit A.

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 In the time leading up to his arrival at the United States border,
2 Mr. Ukara was forced to flee the Southwest region of Cameroon. He
3 was able to leave the country while fearing for his life and ultimately
4 made his way to Mexico. He left behind his wife and three children as
5 well as his parents.

6 On April 26, 2025, Mr. Ukara arrived at the border. He was not
7 at a port of entry and crossed at an area near Tijuana where he knew
8 there would be Border Patrol. He attracted the attention of Border
9 Patrol agents immediately after crossing and was detained.

10 Although Mr. Ukara made a claim for asylum relief, he was not
11 afforded an immediate credible fear interview. After being taken to
12 Otay Mesa, he sat in immigration custody for approximately three
13 months before receiving a credible fear interview on July 12. Mr.
14 Ukara was told there had been a negative finding on July 14 and was
15 then inexplicably transferred to a detention center in Arizona for three
16 weeks. He was then sent back to Otay.

17 Mr. Ukara was interviewed a second time on September 19 and
18 was told there was a positive credible fear finding. He has seen the
19 immigration judge three times. At the first appearance he was directed
20 to provide evidence of his asylum claim. But on January 21 Mr. Ukara
21 was informed the government sought to send him to a third country –
22 Uganda. Mr. Ukara explained that he could not be sent to Uganda
23 because of the likelihood of persecution in that country and also
24 because he knew no one in Uganda. On February 5, the immigration
25 judge ordered Mr. Ukara be removed to Uganda without making a
26 final determination as to whether he could succeed on the merits of an
27 asylum claim.

28 Mr. Ukara appealed that decision to the Board of Immigration

1 Appeals on March 4. If Mr. Ukara does not succeed in his appeal to the
2 BIA, he plans to appeal to the Ninth Circuit.

3 As of the filing of this petition Mr. Ukara has been in
4 immigration custody for eight days shy of thirteen months. He lives in
5 jail conditions and is worried about his health. He has developed
6 chronic high blood pressure since being in custody, with a recent
7 systolic reading of 162. Medical staff at Otay have indicated they
8 would like to medicate him for blood pressure issues, which he never
9 had before. He was also diagnosed with an H. pylori infection as well
10 as gastritis. Medical staff at Otay told him that he is now prediabetic
11 and to reduce his intake of carbohydrates, which has proved impossible
12 to do because of the food served to inmates. Lastly, Mr. Ukara has been
13 experiencing excruciating pain due to a tooth infection for the last
14 three months. Medical staff told him that at least one tooth needs to be
15 removed but they are unable to perform the procedure on the Otay
16 grounds. So he is told to take Tylenol on a daily basis to help with the
17 pain.

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ARGUMENT

I.

THE COURT SHOULD ORDER THE IMMEDIATE RELEASE OF MR. UKARA 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. Ukara 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. Ukara, 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

1 indicates an intention to apply for asylum. Section 1225(b)(1)(A) spells
2 out the procedure for asylum interviews and in subsection (IV) states,
3 “Any alien subject to the procedures under this clause shall be
4 detained pending a final determination of credible fear of persecution
5 and, if found not to have such a fear, until removed.”

6 2. The Cases.

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

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

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

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

(1992). And this Court has said that government detention violates that Clause unless the detention is ordered in a *criminal* proceeding with adequate procedural protections, see *United States v. Salerno*, 481 U.S. 739, 746 (1987), or, in certain special and ‘narrow’ nonpunitive ‘circumstances,’ *Foucha, supra*, at 80, where a special justification, such as harm-threatening mental illness, outweighs the ‘individual’s constitutionally protected interest in avoiding physical restraint.’ *Kansas v. Hendricks*, 521 U.S. 346, 356 (1997).

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

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

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

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
28

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. Ukara—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. Ukara’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. Ukara would automatically qualify, as he has been detained for nearly thirteen months.

Other courts have adopted various factor 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
- (5) “the likelihood that the removal proceedings will result in a

1 different final order.”

2 *Id.* These factors have come to be known as the “*Banda* factors”
3 because they were used in *Banda v. McAleenan*, 385 F. Supp. 3d at
4 1096. Other courts have rejected the fourth and fifth factors, holding
5 they are “not particularly suited to assisting the Court in determining
6 whether detention has become unreasonable and due process requires
7 a bond hearing.” *Lopez v. Garland*, 631 F. Supp. 3d 870, 879 (E.D. Cal.
8 2022); accord *Sanchez-Rivera*, 2023 WL 139801, at *5–6. Mr. Ukara
9 would prevail under any of these factors tests and submits the
10 following analysis of the factors:

11
12 **1. Length of Detention.**

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

23 As of the filing of this petition, Mr. Ukara will have been in
24 custody for twelve months and twenty-two days. That is well beyond
25 the six-month and seven-month yardsticks. It also does not include the
26 time it will take for the government to file a return, Mr. Ukara to file a
27 traverse, and the Court to issue a decision, which may involve a
28 hearing. It is safe to say Mr. Ukara could be looking at over fourteen

1 months in custody by the time those proceedings are complete.

2 This factor therefore favors a bond hearing.

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

4 Second, given that Mr. Ukara appealed the IJ's removal order to
5 Uganda on March 4, there will clearly be additional litigation in his
6 case and those proceedings will take significant time – i.e., significant
7 further detention. It is unknown how long his appeal to the BIA will
8 take to resolve but it is safe to say it will at least take many months.
9 And Mr. Ukara plans to appeal to the Ninth Circuit if he loses that
10 appeal. All told, “[t]his process may take up to two years or longer.”
11 *Banda*, 385 F. Supp. 3d at 1119. Because “Petitioner's future detention
12 can last several more months or even years[,]” this factor favors Mr.
13 Ukara's requests. *See Abdul Kadir v. Larose*, No. 25-CV-1045-LL-
14 MMP, 2025 WL 2932654, at *5 (S.D. Cal. Oct. 15, 2025).

15
16 **3. Source of Delay.**

17 Third, the delay factor favors Mr. Ukara. He has not delayed in
18 any sense and has sought to proceed with his asylum claims as quickly
19 as possible.

20 But for some reason Mr. Ukara was not given his first credible
21 fear interview until three months after his initial detention, which
22 necessarily prolonged the asylum proceedings that ultimately resulted
23 in the government seeking to send him to Uganda. His unexplained
24 transfer from Otay to Arizona – and then back to Otay – added an
25 additional three weeks to him receiving a second credible fear
26 interview.

27 Moreover, the government's strategy of avoiding any merits-
28 based determination of Mr. Ukara's asylum claim – in favor of moving

1 the IJ to sidestep his case and send him to a third country – precluded
2 a merits hearing and will likely delay proceedings due to litigation over
3 that tactic. One could argue that an appeal arguing against the IJ’s
4 merits-based denial of an asylum application might not take
5 particularly long. But the addition of efforts to deny an asylum seeker
6 his day in court and send him to a country where he has never lived
7 and has no family will no doubt complicate matters and add to the time
8 necessary to resolve BIA and Ninth Circuit appeals. Because the only
9 delays are attributable to the government, this factor favors release.

10 4. Conditions of Confinement.

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

26 And as discussed in the Statement of Facts, Mr. Ukara is
27 suffering from a litany of health concerns without receiving adequate
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1 medical attention. Those concerns include high blood pressure, a
2 prediabetic condition, intestinal ailments, and persistent tooth pain.
3 Were he to be released on bond, Mr. Ukara could receive the attention
4 needed to make sure these conditions do not progress. In custody he
5 can only worry that his health is deteriorating beyond his control.

6 This factor weighs in favor of bond.

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

8 The fifth factor is difficult to resolve because the government's
9 motion to pretermitt precluded any merits-based determination by the
10 IJ. The IJ's determination of the strength of asylum evidence is
11 therefore unknown. But there is a reasonable likelihood that either the
12 BIA or Ninth Circuit will grant some form of relief from the
13 pretermission of Mr. Ukara's asylum claim, which was based solely on
14 the government's desire to remove him to Uganda.

15 It is also unknown whether the likelihood of a different result
16 will be impacted by the fact that Mr. Ukara was selected to receive a
17 visa as part of the Diversity Immigrant Visa program. Mr. Ukara
18 applied for that visa before leaving Cameroon but did not find that he
19 was selected until after he was in U.S. immigration custody.

20 Under any test, then, Mr. Ukara is entitled to a bond hearing.

21 **C. Immediate Release is the Appropriate Remedy Due to the** 22 **Erosion of Immigration Judge Neutrality.**

23 Ideally, this Court could remedy the due process violation by
24 ordering a bond hearing before a neutral immigration judge, allowing
25 the IJ to determine whether Mr. Ukara posed a risk of danger or flight.
26 But attacks on IJ independence under the current administration have
27 severely compromised IJs' neutrality. There is a growing
28

1 understanding that court-ordered “bond hearings [are], effectively,
2 stacked against detainees from the start.” Kyle Cheney, *How ICE*
3 *Defies Judges’ Orders to Release Detainees, Step by Step*, Politico (Feb.
4 10, 2026), <https://tinyurl.com/fucm99m9>. As a result, there is a serious
5 risk that an IJ will order Mr. Ukara’s continued detention even if he
6 poses no danger or flight risk. Several data points support that
7 conclusion.

8 **1. Concerns from Other Cases.**

9 In *Yin v. Maldonado*, a court expressed consternation at an IJ’s
10 “conclusory, two-line determination of flight risk” for a person whom
11 DHS had previously agreed “to release . . . on his own recognizance”
12 and who “attend[ed] [all] immigration check-ins” during his release.
13 No. 26-CV-0103 (PKC), 2026 WL 295389, at *3 (E.D.N.Y. Feb. 4, 2026).

14 In *Said v. Noem*, a court ordered a bond hearing for a habeas
15 petitioner, only to learn that “[t]he IJ denied Petitioner the opportunity
16 to present testimony, declined to consider the sworn, documentary
17 evidence submitted by Petitioner, and based his decision on an
18 uncorroborated, unauthenticated claim by a government official that
19 Petitioner failed to share his location for the ISAP.” No. 3:25-CV-938-
20 MOC, 2026 WL 295651, at *5 (W.D.N.C. Feb. 4, 2026). The original
21 habeas “Order presupposed that this hearing would be conducted in
22 accordance with Petitioner’s due process rights,” the court wrote. “It
23 was not.” *Id.*

24 And in *Picado v. Hyde*, a district judge ordered outright release
25 after two deficient bond hearings. No. 26-CV-065-JJM-PAS, 2026 WL
26 352691, at *7 (D.R.I. Feb. 9, 2026). The IJ in the second hearing had
27 deemed the immigrant a danger to the community based on an
28

1 uncorroborated police report accusing him of driving 90 mph in a 55-
2 mph zone. *Id.*

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

4 These trends are consistent with sustained attacks on IJs'
5 independence under the current administration. Several examples
6 illustrate the point.

7 **a. Immigration Judges.**

8
9 First, the Trump administration has eliminated 128 IJs
10 insufficiently aligned with the administration's priorities, illustrating
11 to the remaining IJs the cost of resistance. *See* Woo-Sun Lim, *Former*
12 *judge highlights legal failures in U.S. worker detentions*, The Dong-A
13 Ilbo (Sept. 20, 2025), <https://tinyurl.com/4p9xsyya>.

14 These IJs are under no illusions about why they were let go.
15 Former Baltimore IJ Emmett Soper stated: "I think the current
16 administration of the immigration courts does not fundamentally see
17 the immigration courts as neutral decision-makers. I think that they
18 see the immigration courts as a tool for this administration to advance
19 its policy objectives." Geoff Bennett & Ali Schmitz, *Ousted Immigration*
20 *Judge Describes Deepening Court Backlog*, PBS NewsHour (Nov. 12,
21 2025), <https://tinyurl.com/4y2a4stn>. Former San Francisco IJ Jeremiah
22 Johnson similarly understood "the hint that they should be hearing
23 cases a certain way, deciding cases a certain way. Move faster. Less
24 due process, essentially." Hilda Gutierrez, Michael Bott & Son Vo, *'An*
25 *all-out attack on immigration court: SF immigration judges speak out*
26 *after firings*, NBC Bay Area (Nov. 25, 2025),
27 <https://tinyurl.com/426jy9dk>. Former San Francisco IJ George Pappas
28 was even more direct: "We were told to facilitate deportation... Due

1 process is dead in immigration courts." Isabela Dias, *"Fired for No*
2 *Reason": Former Immigration Judges Speak Out Against Trump's*
3 *Assault on the Courts*, Mother Jones (Oct. 9, 2025),
4 <https://tinyurl.com/yevhp32h>.

5 This has had predictable effect on those who remain. According to
6 former San Francisco IJ Elizabeth Young, "I've talked to many of [the
7 judges still serving], and they're like, 'When I go into court, I am
8 concerned about applying the law, but I'm also concerned that I should
9 deny more, because if I don't, then I'll get fired.'" Marco Poggio, *Judges*
10 *See an Immigration Court Gutted from Inside*, Law360 (Oct. 31, 2025),
11 <https://tinyurl.com/dyc6utv6>. Meanwhile, Department of Justice
12 recruitment materials seek "deportation judges" to fill the empty IJ
13 slots, Coral Murphy Marcos, *US Justice Department Recruiting Legal*
14 *Experts to Serve as 'Deportation' Judges*, Guardian,
15 <https://tinyurl.com/4amnhj6u>. These materials invite to "bring the
16 hammer down on criminal illegal aliens" and "defend your
17 communities, your culture, your very way of life." dhsgov, Instagram
18 (Nov. 21, 2025), <https://tinyurl.com/y4ueh7nd>.

19 **b. The BIA**

20 Second, a parallel purge occurred at the BIA, which was reduced
21 from 28 members to 15 members. All Biden appointees on the BIA
22 were fired. Am. Imm. Council, *BIA Decision Strips Immigration Judges*
23 *of Bond Authority, All but Guaranteeing Mandatory Detention for*
24 *Undocumented Immigrants* (Sept. 12, 2025), [https://tinyurl.com/](https://tinyurl.com/3p8rxjdf)
25 [3p8rxjdf](https://tinyurl.com/3p8rxjdf)/. The statistical impact is stark. As of January 22, 2026, the
26 reconstituted BIA has issued 71 published decisions. Exec. Off. for
27 Immigr. Rev., *Volume 29*, U.S. Dep't of Just. (Jan. 21, 2025),
28

1 <https://www.justice.gov/eoir/volume-29>. Of those, 69 decisions (97%)
2 favored the administration. By contrast, during the entire four-year
3 span of the prior administration, the BIA issued 76 published
4 decisions. Exec. Off. for Immigr. Rev., *Volume 28*, U.S. Dep't of Just.
5 (June 13, 2025), <https://www.justice.gov/eoir/volume-28>. (First decision,
6 *Matter of DIKHTYAR*, 28 I&N Dec. 214 (BIA 2021), issued 01/22/2021).
7 Of those, 46 decisions (60%) favored the administration. The
8 transformation from 60% to 97% pro-government outcomes—achieved
9 through wholesale termination of one administration's appointees —
10 speaks for itself.

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

15 **3. The Court has Authority to Fashion Necessary**
16 **Relief.**

17 The “equitable and flexible nature of habeas relief” affords
18 district courts significant discretion over the appropriate remedies
19 for violations of law and the Constitution. *Velasco Lopez v. Decker*,
20 978 F.3d 842, 855 (2d Cir. 2020); *see also Schlup v. Delo*, 513 U.S.
21 298, 319 (1995) (“[H]abeas corpus is, at its core, an equitable
22 remedy”). This Court should order a remedy that fully addresses
23 the statutory and constitutional violations in this case and is
24 efficient to administer. *Carafas v. LaVallee*, 391 U.S. 234, 238
25 (1968) (the habeas statute “does not limit the relief that may be
26 granted to discharge of the applicant from physical custody. Its
27 mandate is broad with respect to the relief that may be granted”).
28

PRAYER FOR RELIEF

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

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

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

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

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

- 1 (c) Respondents shall make a complete record of the bond
2 hearing available to Petitioner and his counsel. *Id.*
- 3 2. Respondents are ordered to file a Notice of Compliance within
4 five days of providing Petitioner with the bond hearing,
5 including apprising the Court of the results of the hearing. *Id.*
- 6 3. Prohibit ICE from invoking the automatic stay provisions under 8
7 C.F.R. § 1003.19(i)(2) to defeat the IJ's bond determination.
8

9 Finally, this Court should order all other relief that the Court
10 deems just and proper.
11

12 Respectfully submitted,
13

14 Dated: May 18, 2026

s/ Adam F. Doyle

Adam F. Doyle

Attorney for Mr. Ukara

email: adam@doyledefense.com
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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 May 18, 2026.

s/ Adam F. Doyle

ADAM F. DOYLE

Attorney for Mr. Ukara

email: adam@doyledefense.com