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

11 **TATA PATRICIA CHING**
12 **WOKIEFIUWE¹,**

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-2557-BJC

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

¹ Ms. Wokiefiuwe's name on the docket is written as "Ching Tata Patricia Wokiefiuwe" but her correct legal name is Tata Patricia Ching Wokiefiuwe.

² Federal Rule of Civil Procedure 15(a)(2) permits a party to "amend its pleading . . . with the court's leave." The Court's briefing Order and then Order Granting Extension permitted an amended petition by setting a June 1 deadline. [ECF 7.]

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 Tata Patricia Ching Wokiefiuwe, that time is now. Ms. Wokiefiuwe has been detained at the Otay Mesa Detention Center pending immigration proceedings for seven-and-a-half months. This Court should “join[] the majority of courts across the country in concluding that [her] unreasonably prolonged detention under 8 U.S.C. § 1225(b) without an individualized bond hearing violates due process.” *Kydyrali v. Wolf*, 499 F. Supp. 3d 768, 772 (S.D. Cal. 2020) (Battaglia, J.).

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

JURISDICTION AND VENUE

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

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

PARTIES

Petitioner Tata Patricia Ching Wokiefiuwe 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 Ms. Wokiefiuwe is detained. He has immediate physical custody of Ms. Wokiefiuwe 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 Ms. Wokiefiuwe's detention. Mr. Mullin has ultimate custodial authority over Ms. Wokiefiuwe. 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 Ms. Wokiefiuwe's immediate custodian and responsible for her 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 FACTS³

Tata Patricia Ching Wokiefiuwe is from Cameroon but would be in fear for her safety and life if returned to that country. Her husband was accused of being a separatist fighter in Cameroon's ongoing Anglophone Crisis war and was kidnapped, detained under terrible conditions, and subjected to torture.⁴ After her husband escaped and was taken into custody by local police, separatist fighters showed up at Ms. Wokiefiuwe's home and demanded to know where her husband was, brutally assaulting her in the process. They told Ms. Wokiefiuwe they planned to return.

Ms. Wokiefiuwe and her husband thereafter fled Cameroon, ultimately arriving at the border between Mexico and the United States on October 17, 2025. She was not at a port of entry and crossed at an area near Tijuana where she knew there would be Border Patrol. She and her husband attracted the attention of Border Patrol agents immediately after crossing and were apprehended. She has been in immigration detention ever since at the Otay Mesa Detention Center.

³ These facts are derived from counsel's best understanding of Ms. Wokiefiuwe's personal and immigration history based on communications with Ms. Wokiefiuwe and review of limited documents, as well as counsel's prior knowledge of her husband's case. Counsel does not have access to all immigration documents at this juncture but is working to gather additional documents from Ms. Wokiefiuwe's prior immigration attorney. Counsel assumes the government will have additional documents at the time it files its return and can provide additional information.

⁴ 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 After Ms. Wokiefiuwe entered custody, immigration officials
2 allowed her husband to provide the initial facts supporting their
3 asylum claim and then interviewed Ms. Wokiefiuwe to confirm facts
4 and ask follow-up questions. Ms. Wokiefiuwe received her first notice
5 to appear on October 28, 2025, which stated the asylum officer “found
6 that the [Ms. Wokiefiuwe] has demonstrated a credible fear of
7 persecution or torture.” [Ex. A.] The Notice set a November 10 court
8 date.

9 Ms. Wokiefiuwe recalls she had her first court date alongside her
10 husband on November 10 and she was given a court date of December
11 10 to return, presumably also with her husband. But before that
12 occurred, she was given a second notice to appear and her case was
13 inexplicably separated from her husband’s case. [Ex. B.] For some
14 reason, although it was her understanding the December court date
15 was supposed to be a continuation of her asylum proceedings, she
16 received the second notice to appear on November 17, 2025, and the
17 process started over. As confirmed in that Notice, the asylum officer
18 once again “found that the [Ms. Wokiefiuwe] has demonstrated a
19 credible fear of persecution or torture.” [Ex. B] The Notice set a
20 December 1 hearing date before the immigration judge. [*Id.*] Her
21 husband proceeded to the December 10 court date without Ms.
22 Wokiefiuwe and the Court instructed their attorney to file a motion to
23 join the cases. Although it is Ms. Wokiefiuwe’s understanding her
24 attorney filed that motion, the cases were never joined.

25 Instead, the government moved to sidestep the asylum issue
26 altogether and filed a motion to pretermitt asylum proceedings and
27 deport Ms. Wokiefiuwe to a third country – Uganda – where she had
28 never been, had no connections whatsoever, and would be in fear for

1 her life. Ms. Wokiefiuwe went to court on January 30, where the
2 immigration judge granted the government's motion to pretermi
3 asylum proceedings and ordered her removed to Uganda.

4 Ms. Wokiefiuwe filed an appeal to the Board of Immigration
5 Appeals (BIA) of the immigration judge's removal order on February 6,
6 2026. If she is denied relief at the BIA, she fully intends to appeal her
7 case to the Ninth Circuit Court of Appeals. Meanwhile, Ms.
8 Wokiefiuwe is kept in jail-like conditions at the Otay Mesa Detention
9 Center and is suffering high stress, toothache, and gastritis.

10 ARGUMENT

11 I.

12 THE COURT SHOULD ORDER THE IMMEDIATE RELEASE OF 13 MS. WOKIEFIUWE OR ORDER A BOND HEARING IN 14 IMMIGRATION COURT BECAUSE HER PROLONGED 15 DETENTION VIOLATES THE FIFTH AMENDMENT'S DUE 16 PROCESS CLAUSE.

17 This petition addresses the question of whether and when the
18 Fifth Amendment's Due Process Clause negates the government's
19 statutory authority to detain immigrants without bond hearings. Tata
20 Patricia Ching Wokiefiuwe is detained under one such statute – 8
21 U.S.C. § 1225(b).

22 A. Legal Background.

23 1. The Statute.

24 "Section 1225 applies to 'applicants for admission'—noncitizens
25 who 'arrive[] in the United States,' or are 'present' in the United States
26 but have 'not been admitted.'" *Banda v. McAleenan*, 385 F. Supp. 3d
27 1099, 1111 (W.D. Wash. 2019). It "applies to, among others,
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1 noncitizens initially determined to be inadmissible because of . . . lack
2 of valid documentation.” *Id.* That includes people like Ms. Wokiefiuwe,
3 who present themselves for inspection at the border and—rather than
4 producing admission documents—make asylum and other fear-based
5 claims. Such immigrants are detained under § 1225(b) not only during
6 their initial proceedings but also when they appeal to the BIA. *See id.*
7 at 1111 (Petitioner had pending appeal with BIA and court analyzed
8 under § 1225(b)).

9 Section 1225(b)(1)(A) states that a person without documentation
10 is subject to expedited removal proceedings unless that person
11 indicates an intention to apply for asylum. Section 1225(b)(1)(A) spells
12 out the procedure for asylum interviews and in subsection (IV) states,
13 “Any alien subject to the procedures under this clause shall be
14 detained pending a final determination of credible fear of persecution
15 and, if found not to have such a fear, until removed.”

16 2. The Cases.

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

23 The first in this line was *Zadvydas v. Davis*, where the Supreme
24 Court indicated that indefinite immigration detention raises serious
25 due process concerns. 533 U.S. 678 (2001). *Zadvydas* involved a statute
26 (8 USC § 1231(a)(6)) authorizing the government to detain immigrants
27 after they were ordered removed. *Id.* at 683. If the government could
28

1 not remove the immigrant for whatever reason, the statutory language
2 appeared to permit detention lasting a limitless period, including the
3 rest of the immigrant's life. *See id.* at 690.

4 But the Supreme Court held that if the statute "permit[ed]
5 indefinite detention of an alien[,] [it] would raise a serious
6 constitutional problem" because

7 [t]he Fifth Amendment's Due Process Clause forbids the
8 Government to 'depriv[e]' any 'person ... of ... liberty ...
9 without due process of law.' Freedom from imprisonment—
10 from government custody, detention, or other forms of
11 physical restraint—lies at the heart of the liberty that
12 Clause protects. *See Foucha v. Louisiana*, 504 U.S. 71, 80
13 (1992). And this Court has said that government detention
14 violates that Clause unless the detention is ordered in a
15 *criminal* proceeding with adequate procedural protections,
16 *see United States v. Salerno*, 481 U.S. 739, 746 (1987), or, in
17 certain special and 'narrow' nonpunitive 'circumstances,'
18 *Foucha, supra*, at 80, where a special justification, such as
19 harm-threatening mental illness, outweighs the 'individual's
20 constitutionally protected interest in avoiding physical
21 restraint.' *Kansas v. Hendricks*, 521 U.S. 346, 356 (1997).

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

23 Several years later, the Ninth Circuit addressed § 1225(b) and
24 borrowed from the reasoning in *Zadvydas* to hold that statute did not
25 permit limitless detention. *Rodriguez v. Robbins*, 804 F.3d 1060, 1085
26 (9th Cir. 2015). As in *Zadvydas*, the court avoided confronting the
27 constitutional question by reading an implicit limit into the statute
28

1 and holding that “the mandatory provisions of § 1225(b) simply expire
2 at six months . . .” *Id.* at 1082.

3 The Supreme Court then overruled *Robbins* in *Jennings v.*
4 *Rodriguez*, holding § 1225(b) does not entitle detainees to bond
5 hearings or otherwise impose “any limit on the length of detention.”
6 583 U.S. 281, 297 (2018). But although *Jennings* held that § 1225(b)
7 imposes no *statutory* limit on the length of detention, it did not address
8 whether prolonged, mandatory detention without bond hearings
9 violates *constitutional* due process. *Id.* at 312 (noting the Ninth Circuit
10 had no occasion to review the constitutional arguments and remanding
11 for further proceedings).

12 Lastly (though occurring before both *Robbins* and *Jennings*), the
13 Supreme Court held in *Demore v. Kim* that at least some statutes
14 mandating detention during immigration proceedings do not
15 automatically violate the Due Process Clause. 538 U.S. 510, 513
16 (2003). *Demore* addressed 8 U.S.C. § 1226(c), which mandates
17 detention without a bond hearing for persons with certain criminal
18 convictions. *Id.* The Court upheld § 1226(c) in a 5-4 opinion based on
19 (1) the government interests justifying the detention of immigrants
20 with certain, aggravated criminal convictions, and (2) the relative
21 brevity of detention in most cases, with the vast majority taking only
22 about five months. *Id.* at 517–31. Justice Kennedy supplied a deciding
23 vote. His concurrence left open the possibility that an individual
24 immigrant could be “entitled to an individualized determination as to
25 his risk of flight and dangerousness if the continued detention became
26 unreasonable or unjustified.” *Id.* at 532–33.

1 **3. The Application.**

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

9 These courts have relied on the due process concerns recognized
10 in *Zadvydas*. See, e.g., *Kydyrali*, 499 F. Supp. 3d at 771; *Banda*, 385 F.
11 Supp. 3d at 1116–18; *Abdul Kadir v. Larose*, No. 25CV1045-LL-MMP,
12 2025 WL 2932654, at *3 (S.D. Cal. Oct. 15, 2025). As the Ninth Circuit
13 put it in *Jennings*’ wake, those considerations raise “grave doubts that
14 any statute that allows for arbitrary prolonged detention without any
15 process is constitutional or that those who founded our democracy
16 precisely to protect against the government’s arbitrary deprivation of
17 liberty would have thought so.” *Rodriguez v. Marin*, 909 F.3d 252, 256
18 (9th Cir. 2018).

19 Neither *Jennings* nor *Demore* undermines that conclusion.
20 *Jennings* held only that the statute itself did not impose any limits on
21 detention. It “did not foreclose as-applied constitutional challenges to
22 detention under” mandatory-detention statutes. *Santos v. Warden Pike*
23 *Cnty. Corr. Facility*, 965 F.3d 203, 209 (3d Cir. 2020). And *Demore* held
24 only that conviction-based mandatory detention during immigration
25 proceedings does not necessarily or inherently violate the Due Process
26 Clause, particularly when the detention has an expected duration of
27 only about five months. *Id.* at 208–11. But many persons detained
28 under § 1225(b)—like Ms. Wokiefiuwe—do not have criminal

1 convictions. And as Justice Kennedy’s concurrence made clear, *Demore*
2 does not prevent immigrants from arguing that sufficiently prolonged
3 detention violates due process in their individual cases. *See id.*

4 Thus, like most courts, this Court should find that sufficiently
5 prolonged detention violates the Due Process Clause. *See, e.g., Gao v.*
6 *LaRose*, No. 25-CV-2084-RSH-SBC, 2025 WL 2770633, at *3 (S.D. Cal.
7 Sept. 26, 2025); *Abdul Kadir v. Larose*, No. 25CV1045-LL-MMP, 2025
8 WL 2932654, at *4 (S.D. Cal. Oct. 15, 2025); *Cong v. Noem*, No. 25-CV-
9 3730-GPC-DEB, 2026 WL 76566, at *3 (S.D. Cal. Jan. 9, 2026);
10 *Kydyrali v. Wolf*, 499 F. Supp. 3d 768, 772 (S.D. Cal. 2020) (Battaglia,
11 J.); *Mardian v. Mayorkas*, 25-CV-3467-JLS; *Raeva v. Mayorkas*, 25-CV-
12 3175-JO; *Abdul-Samed v. Warden of Golden State Annex Det. Facility*,
13 No. 25-CV-98-SAB-HC, 2025 WL 2099343, at *6 (E.D. Cal. July 25,
14 2025); *Hernandez v. Wofford*, No. 25-CV-986-KES-CDB (HC), 2025 WL
15 2420390, at *3 (E.D. Cal. Aug. 21, 2025); *Padilla v. ICE*, 704 F. Supp.
16 3d 1163, 1171–72 (W.D. Wash. 2023).

17 **B. The Circumstances of Ms. Wokiefiuwe’s Case Demonstrate**
18 **Her Detention is Impermissibly Prolonged Under the**
19 **Fifth Amendment.**

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

1 Ms. Wokiefiuwe would automatically qualify, as she has been detained
2 for 7.5 months.

3 Other courts have adopted various factor tests. *See Sanchez-*
4 *Rivera*, 2023 WL 139801, at *5–6 (surveying different approaches).
5 Courts generally agree that the relevant factors include:

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

10 *Id.* Some courts also consider:

- 11 (4) “the conditions of detention,” and
12 (5) “the likelihood that the removal proceedings will result in a
13 different final order.”
14

15 *Id.* These factors have come to be known as the “*Banda* factors”
16 because they were used in *Banda v. McAleenan*, 385 F. Supp. 3d at
17 1096. Other courts have rejected the fourth and fifth factors, holding
18 they are “not particularly suited to assisting the Court in determining
19 whether detention has become unreasonable and due process requires
20 a bond hearing.” *Lopez v. Garland*, 631 F. Supp. 3d 870, 879 (E.D. Cal.
21 2022); accord *Sanchez-Rivera*, 2023 WL 139801, at *5–6. Ms.
22 Wokiefiuwe would prevail under any of these factors tests and submits
23 the following analysis of the factors:

24 **1. Length of Detention.**

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

8 As of the filing of this petition, Ms. Wokiefiuwe will have been in
9 custody for seven-and-a-half months. That is well beyond the six-
10 month and seven-month yardsticks. It also does not include the time it
11 will take for the government to file a return, Ms. Wokiefiuwe to file a
12 traverse, and the Court to issue a decision, which may involve a
13 hearing. It is safe to say Ms. Wokiefiuwe could be looking at nine or
14 ten months in custody by the time those proceedings are complete.

15 This factor therefore favors a bond hearing.

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

17 Second, given that Ms. Wokiefiuwe recently appealed the IJ’s
18 removal order to Uganda in February, there will clearly be additional
19 litigation in her case and those proceedings will take significant time –
20 i.e., significant further detention. It is unknown how long her appeal to
21 the BIA will take to resolve but it is safe to say it will at least take
22 many additional months, particularly in light of the apparent high
23 number of appeals being reviewed in the BIA right now. And Ms.
24 Wokiefiuwe plans to appeal to the Ninth Circuit if she loses that
25 appeal. All told, “[t]his process may take up to two years or longer.”
26 *Banda*, 385 F. Supp. 3d at 1119. Because “Petitioner’s future detention
27 can last several more months or even years[,]” this factor favors Ms.
28

1 Wokiefiuwe's requests. *See Abdul Kadir v. Larose*, No. 25-CV-1045-LL-
2 MMP, 2025 WL 2932654, at *5 (S.D. Cal. Oct. 15, 2025).

3 **3. Source of Delay.**

4 Third, the delay factor favors Ms. Wokiefiuwe. She has not
5 delayed in any sense and has sought to proceed with her asylum claims
6 as quickly as possible.

7 Although she and her husband were given a credible fear
8 interview following apprehension, her case was delayed to some degree
9 because proceedings began after her initial notice to appear but then
10 began over from the beginning after her case was inexplicably
11 separated from her husband's case and she was issued a new notice to
12 appear.

13 Moreover, the government's strategy of avoiding any merits-
14 based determination of Ms. Wokiefiuwe's asylum claim – in favor of
15 moving the IJ to pretermite her case and send her to a third country –
16 precluded a merits hearing and will likely delay proceedings due to
17 litigation over that tactic. One could argue that an appeal based on an
18 IJ's merits-based denial of an asylum application might not take
19 particularly long. But the addition of efforts to deny an asylum seeker
20 her day in court and send her to a country where she has never lived
21 and has no family will no doubt complicate matters and add to the time
22 necessary to resolve BIA and Ninth Circuit appeals. Because the only
23 delays are attributable to the government, this factor favors release.

24 **4. Conditions of Confinement.**

25 Fourth, Ms. Wokiefiuwe's conditions of confinement weigh in
26 favor of a bond hearing. In considering the conditions of detention,
27 "[t]he more that the conditions under which the [noncitizen] is being
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1 held resemble penal confinement, the stronger his argument that he is
2 entitled to a bond hearing." *Banda*, 385 F. Supp. 3d at 1119. Ms.
3 Wokiefiuwe is housed in the Otay Mesa Detention Center – the same
4 facility that houses many pretrial criminal detainees in this district. At
5 Otay Mesa, detainees are "locked up behind razor wire and concrete
6 walls in a secured facility, forced to wear a color-coded prisoner jump
7 suit, forbidden from accessing the internet, restricted access to outdoor
8 space, restricted on visitation, and guarded at all times with armed
9 guards authorized to inflict punishment for violations of rules." *Abdul*
10 *Kadir*, 2025 WL 2932654, at *5.

11 Ms. Wokiefiuwe has been experiencing very high levels of stress
12 since being held in Otay Mesa, partly because she sees other
13 immigrants crying all around her and routinely sees people passing
14 out. She describes the medical care as "very bad" and has been
15 suffering from persistent gastritis from a combination of stress and
16 poor food quality in jail. She feels her gastritis getting worse and
17 cannot get any meaningful treatment for it while detained. In short,
18 her confinement in Otay Mesa is having a marked negative impact on
19 both her physical and mental wellbeing.

20 Accordingly, "Petitioner's confinement at OMDC is
21 'indistinguishable from penal confinement.'" *Id.* (quoting *Kydyrali*, 499
22 F. Supp. 3d at 773).

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

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

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

4 Under any test, Ms. Wokiefiuwe is entitled to a bond hearing.

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

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

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

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

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

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

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

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

15 These trends are consistent with sustained attacks on IJs’
16 independence under the current administration. Several examples
17 illustrate the point.
18

19 **a. Immigration Judges.**

20 First, the Trump administration has eliminated 128 IJs
21 insufficiently aligned with the administration’s priorities, illustrating
22 to the remaining IJs the cost of resistance. *See* Woo-Sun Lim, *Former*
23 *judge highlights legal failures in U.S. worker detentions*, The Dong-A
24 Ilbo (Sept. 20, 2025), <https://tinyurl.com/4p9xsyaa>.

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

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

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

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

b. The BIA

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

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

3. The Court has Authority to Fashion Necessary Relief.

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

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

11 PRAYER FOR RELIEF

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

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

- 25 1. Respondents provide Petitioner with a hearing and
26 individualized bond determination within **ten days** of its order.
27 *Id.*
28

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

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

8 (c) Respondents shall make a complete record of the bond
9 hearing available to Petitioner and her counsel. *Id.*

10 2. Respondents are ordered to file a Notice of Compliance within
11 **five days** of providing Petitioner with the bond hearing,
12 including apprising the Court of the results of the hearing. *Id.*

13 3. Prohibit ICE from invoking the automatic stay provisions under 8
14 C.F.R. § 1003.19(i)(2) to defeat the IJ's bond determination.
15

16 Finally, this Court should order all other relief that the Court
17 deems just and proper.
18
19

20 Respectfully submitted,

21 Dated: June 1, 2026

s/ Adam F. Doyle

Adam F. Doyle

Attorney for Ms. Wokiefiuwe

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 her 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 June 1, 2026.

s/ Adam F. Doyle

ADAM F. DOYLE

Attorney for Ms. Wokiefiuwe

email: adam@doyledefense.com