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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

Angel Didier Deagueros Mota, Petitioner, v. TODD BLANCHE, Acting Attorney General of the United States, in his official capacity; MARKWAYNE MULLIN, Secretary of the U.S. Department of Homeland Security, in his official capacity; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; TODD LYONS, Acting Director of U.S. Immigration and Customs Enforcement, in his official capacity; GREGORY J. ARCHAMBEAULT, ICE Field Office Director for Imperial County, in his official capacity, WARDEN of Imperial Regional Detention Facility. Respondents.	Case No. 3:26-cv-02830-RBM FIRST AMENDED PETITION FOR WRIT OF HABEAS CORPUS 28 U.S.C. § 2241

INTRODUCTION

1. Petitioner Angel Didier Deagueros Mota respectfully files this First Amended Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241

and this Court's May 27, 2026 Order denying the original Petition without prejudice. In that Order, the Court concluded that Petitioner's continued detention under 8 U.S.C. § 1231(a)(6) remained lawful because Petitioner "foreseeably remains capable of being removed" if he is ultimately unsuccessful in his Petition for Review and in pursuing available immigration relief. ***See* Order Denying Petition Without Prejudice, ECF No. 8 at 5.** At the same time, however, the Court expressly recognized that Petitioner's circumstances could materially change and stated that "[i]f that changes after the Ninth Circuit's ruling or the processing of Petitioner's Forms I-485, I-601, and I-212, Petitioner may file an amended Petition in this Court rather than a new petition." ***Id.***

2. This First Amended Petition is filed pursuant to that directive. Petitioner does not ask the Court to reconsider the record that existed when it denied the original Petition. Rather, he presents material developments that occurred after entry of the Court's Order during the processing of the very applications identified by the Court.

3. Following the Court's May 27, 2026 Order, Petitioner and his counsel diligently completed Petitioner's Forms I-485, I-601, and I-212. The only remaining prerequisite to filing those applications was completion of Form I-693, Report of Immigration Medical Examination and Vaccination Record. Petitioner complied with every instruction provided by Respondents by scheduling the

required medical examination, repeatedly requesting transportation to the appointment, and remaining prepared to complete the examination. Despite those efforts, the required medical examination was not completed while Petitioner remained detained. As a result, Petitioner has been unable to complete the final mandatory prerequisite necessary to file his adjustment application.

4. These developments materially distinguish the present record from the one previously before the Court. At the time the Court denied the original Petition, Petitioner's pursuit of adjustment of status remained prospective. Today, Petitioner has completed every step within his control necessary to pursue that relief except the mandatory immigration medical examination. Because current USCIS policy generally requires qualifying applicants to submit Form I-693 concurrently with Form I-485, Petitioner's inability to complete the examination has prevented him from filing the adjustment application that this Court expressly identified as relevant to the foreseeability of his removal.

5. Accordingly, this amended petition presents the precise type of materially changed circumstances contemplated by the Court's May 27, 2026 Order. Under the present record, Petitioner's continued detention no longer bears the reasonable relationship to its regulatory purpose required by *Zadvydas v. Davis*, 533 U.S. 678 (2001), and therefore violates the Due Process Clause of the Fifth Amendment.

JURISDICTION

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

7. 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) the Fourth and Fifth Amendments to the U.S. Constitution, and 5 U.S.C. §§ 701-706 (Administrative Procedure Act).

8. 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., and the All Writs Act, 28 U.S.C. § 1651.

9. In *Constantinovici v. Bond*i, Case No. 3:25-cv-02405-RBM-AHG (S.D.Cal.Oct. 10, 2025), this Court held that § 2241 jurisdiction exists over habeas challenges to post-order detention independent of the underlying removal order.

VENUE

10. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(a) and 28 U.S.C. § 1391(b)(2) and (e)(1) because Mr. Deagueros is physically detained within this district.

11. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Southern District of California.

REQUIREMENTS OF 28 U.S.C. § 2243

12.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.*

13. Habeas corpus is "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). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted); *see also Van Buskirk v. Wilkinson*, 216 F.2d 735, 737–38 (9th Cir. 1954) (Habeas corpus is "a speedy remedy, entitled by statute to special, preferential consideration to insure expeditious hearing and determination.").

14. Mr. Deagueros is "in custody" for the purpose of 28 U.S.C. § 2241 because he is in Respondents' custody at the Imperial Regional Detention Facility.

PARTIES

17. Angel Didier Deagueros Mota is an adult citizen of Mexico. He has a pending Petition for Review before the Ninth Circuit Court of Appeals. He has a U.S.C. wife, and three U.S.C. minor children. He has multiple approved petitions,

(I-130/I-360) and is now *prima facie* eligible for adjustment of status. He is presently in custody of Immigration and Customs Enforcement (ICE) at the Imperial Regional Detention Facility, 1572 Gateway Rd, Calexico, CA 92231.

18. Respondent Gregory J. Archambeault is the Field Office Director for ICE's San Diego and Imperial Field Office. The Imperial Field Office is responsible for local custody decisions relating to noncitizens charged with being removable from the United States. The Imperial Field Office's area of responsibility includes San Diego and Imperial County in California. Respondent Archambeault is a legal custodian of Mr. Deagueros and is sued in his official capacity.

19. Respondent Warden of the Imperial Regional Detention Facility is Petitioner's immediate custodian and is sued in his official capacity.

20. Respondent Todd M. Lyons is the Acting Director of ICE. As the Senior Official Performing the Duties of the Director of ICE, he is responsible for the administration and enforcement of the immigration laws of the United States, routinely transacts business in this District, and is legally responsible for pursuing any effort to detain and remove Mr. Deagueros. Respondent Lyons is sued in his official capacity.

21. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security and is sued in her official capacity. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Mr. Mullin has ultimate custodial authority over Petitioner and is sued in his official capacity.

22. Respondent Todd Blanche is the Acting Attorney General of the United

States, and as such has authority over the Department of Justice. He is sued in his official capacity.

23. Respondent U.S. Department of Homeland Security is the federal agency that has authority over the actions of ICE.

FACTUAL BACKGROUND

24. Petitioner Angel Didier Deagueros-Mota was born [redacted] in Iguala, Guerrero, Mexico. In approximately 1990, when he was five years old, he was brought to the United States by his mother and has resided primarily in this country since that time. Petitioner and his mother lived with his stepfather, who at the time was a lawful permanent resident and later naturalized as a United States citizen. During Petitioner's childhood, his stepfather subjected both Petitioner and his mother to physical and emotional abuse. As a result of that abuse, Petitioner's mother filed a self-petition under the Violence Against Women Act ("VAWA"), listing Petitioner as a derivative beneficiary. The Form I-360 petition was approved in 2002 and remains approved as to Petitioner. Petitioner's mother later adjusted status to lawful permanent resident in 2018 and naturalized in 2024.

25. In approximately 2000, while still a minor, Petitioner traveled with his mother to Mexico. Upon returning to the United States through the pedestrian inspection line at the San Ysidro Port of Entry, Petitioner was waived through inspection without questioning or presentation of documentation. His mother was denied entry. On January 10, 2005, when Petitioner was nineteen years old and

unrepresented by counsel, he was served with a Notice to Appear alleging entry without inspection. He waived appeal, and the removal order became final on January 20, 2005. He was removed shortly thereafter. In April 2005, Petitioner returned to the United States through the vehicle passenger lanes at the San Ysidro Port of Entry and was again waived through inspection.

26. In approximately 2003 or 2004, when he was eighteen years old, Petitioner sustained a criminal conviction which lead to his underlying removal order. This conviction has been dismissed in its entirety *nunc pro tunc*. The Petitioner has no criminal convictions. This opens Petitioner's eligibility for Adjustment of Status to a Lawful Permanent Resident.

27. On or about March 22, 2010, Petitioner filed a Form I-212, Application for Permission to Reapply for Admission After Removal. Despite multiple inquiries, the status of that application remains unknown. On February 25, 2011, Petitioner's United States citizen spouse obtained approval of a Form I-130 immigrant visa petition on his behalf. Petitioner therefore has both an approved immediate relative petition and an approved VAWA-based petition providing potential pathways to lawful permanent residence.

28. In March 2025, Petitioner was taken into federal criminal custody and charged with illegal re-entry under 8 U.S.C. § 1326. Those criminal charges were subsequently dismissed, and he was transferred to the custody of the Department of

Homeland Security. DHS reinstated his prior removal order pursuant to 8 U.S.C. § 1231(a)(5). Petitioner immediately expressed a fear of return to Mexico and was referred for reasonable fear proceedings. An asylum officer issued a negative reasonable fear determination. The Immigration Judge affirmed the findings.

29. The Petitioner timely sought review of the reinstatement of removal order and his petition for review remains pending before the United States Court of Appeals for the Ninth Circuit.

30. On April 29, 2025, Petitioner filed a Petition for Review with the Ninth Circuit and sought a stay of removal. On April 30, 2025, at approximately 7:16 a.m., the Ninth Circuit granted the stay. Despite that binding judicial order, Immigration and Customs Enforcement removed Petitioner to Mexico later that same day at approximately 3:00 p.m. Following further litigation, the Government ordered Petitioner returned to the United States. In August 2025, Petitioner was paroled back into the country pursuant to that government order and immediately returned to immigration custody.

31. Petitioner was first detained in March 2025. Although he was unlawfully removed in April 2025, and returned to the United States in August 2025 he has remained continuously detained since that time. In aggregate, Petitioner has now remained in immigration detention for more than one year arising from the same reinstated removal proceedings and ongoing judicial review. He remains detained

while his Ninth Circuit proceedings are pending and has not been afforded a constitutionally adequate bond hearing before a neutral adjudicator at which the Government bears the burden of justifying his continued confinement.

Material Developments Following the Court's May 27, 2026 Order

32. Following this Court's May 27, 2026 Order denying Petitioner's original habeas petition without prejudice, Petitioner and his counsel diligently continued pursuing the immigration relief identified by the Court. Counsel completed Petitioner's Forms I-485, I-601, and I-212. The only remaining prerequisite to filing those applications is completion of Form I-693, Report of Immigration Medical Examination and Vaccination Record, by a USCIS-designated civil surgeon.

33. Consistent with the instructions provided by Respondents, Petitioner secured an appointment with a USCIS-designated civil surgeon to complete the required immigration medical examination. **See, Exhs. H,I** Petitioner repeatedly notified detention officials of the appointment, submitted written requests seeking transportation, and confirmed that funds were available to pay for the examination. The record further reflects that Respondents acknowledged Petitioner's requests and confirmed that transportation for the appointment had been arranged. **See, Exh. K** Despite those efforts and assurances, the required medical examination was not completed while Petitioner remains in Respondents' custody. **See, Exh. K**

34. These developments occurred after the Court issued its May 27, 2026 Order and materially distinguish the present record from the one previously before the Court. At the time the Court denied the original Petition, Petitioner's pursuit of adjustment of status remained prospective. Since then, Petitioner has completed every step within his control necessary to pursue that relief except the mandatory immigration medical examination. Because current USCIS policy requires Form I-693 to be submitted concurrently with Form I-485, Petitioner has been unable to file the adjustment application identified by this Court while the required medical examination remains incomplete.

35. Accordingly, these post-Order developments concern the processing of Petitioner's Forms I-485, I-601, and I-212, the very applications identified by this Court when it authorized Petitioner to file an amended petition if circumstances changed following their processing. The facts set forth herein were not before the Court when it denied the original Petition and form the basis of this First Amended Petition.

LEGAL FRAMEWORK

36. The Due Process Clause of the Fifth Amendment provides Mr. Deagueros with important protections regarding his detention. As the Supreme Court has explained, "[f]reedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty" that the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690.

37. In *Zadvydas*, the Supreme Court held that post-removal-order detention under § 1231(a)(6) is limited by constitutional principles and may not continue beyond a period reasonably necessary to secure removal. The Court recognized six months as the point at which detention becomes presumptively unreasonable absent a significant likelihood of removal in the reasonably foreseeable future. Id. at 701.

38. Although *Zadvydas* does not impose a rigid six-month limit, once detention exceeds that benchmark and removal is not reasonably foreseeable, continued confinement violates due process.

39. Prolonged immigration detention may also violate due process when it becomes unreasonable in relation to its regulatory purposes and when adequate procedural safeguards are absent. See *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011) (requiring clear and convincing evidence standard in immigration bond proceedings).

40. In the immigration context, the Supreme Court has recognized two primary purposes for civil detention: to mitigate the risks of danger to the community and to prevent flight. See *Zadvydas*, 533 U.S. at 690; *Demore v. Kim*, 538 U.S. 510, 528 (2003).

41. The Due Process clause prohibits deprivations of life, liberty, and property without due process of law. U.S. Const. amend. V. Due process rights extend to noncitizens present in the United States, including those subject to final removal orders. Zadvydas, 533 U.S. at 693–94; see Trump v. J.G.G., 604 U.S. 670, 673 (2025) (" 'It is well established that the Fifth Amendment entitles aliens to due process of law' in the context of removal proceedings." (quoting Reno v. Flores,

507 U.S. 292, 306 (1993)). The fundamental requirements of procedural due process are that a person be afforded notice and opportunity to be heard "at a meaningful time and in a meaningful manner." *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).

42. Section 1231 governs the arrest and detention of noncitizens who have been ordered removed. See 8 U.S.C. § 1231. This statute directs the Attorney General of the United States to effect the removal of a noncitizen from this country "within a period of 90 days," also known as the "removal period." § 1231(a)(1). It also authorizes detention of the noncitizen during this removal period. § 1231(a)(2). However, once that time passes and after "removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute," and the noncitizen must be released. *Zadvydas*, 533 U.S. at 699–700; see 8 U.S.C. § 1231(a)(3) ("If the alien does not leave or is not removed within the [90-day] removal period, the alien, pending removal, shall be subject to supervision under regulations prescribed by the Attorney General.").

CLAIM FOR RELIEF

Violation of Fifth Amendment Due Process

43. 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. Due process protects all 'persons' within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693.

44. What due process protections apply depend on the situation and accounts for

1) the private interest at issue, 2) the risk of erroneous deprivation of that interest through the procedures used, and 3) the Government's interest. *Mathews v. Eldridge*, supra, 424 U.S. at 334-35.

45. Detention constitutes "a loss of liberty that is . . . irreparable." *Moreno Galvez v. Cuccinelli*, 492 F. Supp. 3d 1169,1181 (W.D. Wash. 2020) (*Moreno II*), aff'd in part, vacated in part on other grounds, remanded sub nom. *Moreno Galvez v. Jaddou*, 52 F.4th, 821 (9th Cir. 2022). It "is well established that the deprivation of constitutional rights unquestionably constitutes irreparable injury." *Melendres v. Arpaio*, 695 F.3d 990,1002 (9th Cir. 2012) (citation modified); *Warsoldier v. Woodford*, 418 F.3d 989,1001-02 (9th Cir. 2005).

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

47. Mr. Deaguero's detention, which has now lasted over six months, constitutes prolonged detention and is not reasonably related to a legitimate government purpose.

48. To justify Mr. Deagueros's ongoing prolonged detention, due process requires an individualized hearing before a neutral decision-maker where the government must establish that continued detention is justified by clear and convincing evidence of flight risk or danger and that no alternatives to detention could sufficiently mitigate any risk that does exist.

49. Accordingly, Mr. Deaguero's prolonged detention violates the Due Process Clause of the Fifth Amendment.

CLAUSE II

Violation of the Due Process Clause of the Fifth Amendment Unconstitutional Re-Detention and Continued Confinement Under 8 U.S.C. §1231 (INA § 241)

50. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation contained in the preceding paragraphs as though fully set forth herein.

51. Petitioner's removal order became administratively final on January 20, 2005, and he was removed shortly thereafter. Following that removal, Petitioner later re-entered the United States through a Port of Entry and thereafter resided in the United States for many years without immigration detention.

52. In March 2025, Petitioner was taken into federal criminal custody on allegations of illegal re-entry. Those criminal charges were dismissed, and Petitioner was transferred directly into the custody of the Department of Homeland Security. DHS reinstated his prior removal order pursuant to 8 U.S.C. § 1231(a)(5).

53. Petitioner does not dispute that DHS possessed statutory authority to take him into immigration custody upon transfer from federal criminal detention. However, once detained under INA § 241, the Government's authority is limited by both statute and the Constitution.

54. Detention during the ninety-day "removal period" is mandatory pursuant to INA § 241(a)(2), 8 U.S.C. § 1231(a)(2). Once that removal period expires, detention authority arises solely under INA § 241(a)(6), which permits only discretionary detention or supervision subject to constitutional constraints.

55. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that INA § 241(a)(6) must be construed to avoid serious constitutional concerns arising from prolonged or potentially indefinite civil detention. Post-removal-period detention is permissible only for a period reasonably necessary to effectuate removal and becomes constitutionally impermissible where there is "no significant likelihood of removal in the reasonably foreseeable future." *Id.* at 690.

56. In denying Petitioner's original Petition for Writ of Habeas Corpus, this Court concluded that Petitioner's continued detention remained lawful because Petitioner "foreseeably remains capable of being removed" if he was ultimately unsuccessful in his Petition for Review and in pursuing available immigration relief. The Court further recognized, however, that circumstances could materially change following the Ninth Circuit's ruling **or** the processing of Petitioner's Forms

I-485, I-601, and I-212, and expressly authorized Petitioner to file an amended petition if such developments occurred. *See* Order Denying Petition Without Prejudice, ECF No. 8 at 5.

57. Consistent with this Court's May 27, 2026 Order, Petitioner diligently pursued the processing of the Forms I-485, I-601, and I-212 identified by the Court. Since entry of that Order, material developments have occurred in the processing of the applications specifically identified by the Court. Petitioner and his counsel completed Forms I-485, I-601, and I-212. To complete and file the adjustment application, Petitioner was also required to obtain a completed Form I-693, Report of Immigration Medical Examination and Vaccination Record, from a USCIS-designated civil surgeon. Petitioner secured an appointment for the required examination, repeatedly requested transportation from detention officials, and was informed by Respondents that transportation had been confirmed. Nevertheless, the scheduled examination did not occur, and Petitioner remains unable to obtain the completed Form I-693 while confined in Respondents' custody. ***See* Exhs. H-K.**

58. These post-Order developments materially distinguish the present record from the record upon which the Court previously ruled. At the time of the Court's decision, Petitioner's pursuit of adjustment of status remained prospective, and the processing of his Forms I-485, I-601, and I-212 had not advanced to its present posture. Petitioner has now completed every requirement within his control, but he remains unable to complete the medical examination necessary to file his adjustment application because the examination requires access to a USCIS-designated civil surgeon outside the detention facility. USCIS presently requires Form I-693 to be submitted with Form I-485. ***See* Exh. L**. Because completion of Form I-693 requires attendance before a USCIS-designated civil surgeon outside the detention facility, Petitioner is wholly dependent upon Respondents to facilitate his attendance at the examination. These developments are significant because they

concern the precise immigration applications identified by this Court as potentially altering the legality of Petitioner's continued detention.

59. Petitioner's liberty interest is substantial. After execution of his original removal order in 2005, Petitioner re-entered the United States through the San Ysidro Port of Entry, where he presented himself for inspection and was waved through by an immigration officer without questioning or documentation (a waived-through inspection consistent with *Matter of Quilantan*, 25 I. & N. Dec. 285 (BIA 2010)). Petitioner thereafter resided openly in the United States for many years without immigration detention, during which time he established deep family and community ties, married a United States citizen, and is pursuing available immigration remedies. This extended period of settled liberty strengthens his constitutionally protected interest in freedom from physical restraint. *See Zadvydas*, 533 U.S. at 690; *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972).

60. The Constitution prohibits the Government from imposing prolonged civil detention without adequate procedural safeguards once a substantial liberty interest is implicated. At a minimum, due process requires notice and an individualized determination by a neutral decisionmaker that detention is necessary based on danger to the community or risk of flight. *See Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

61. Petitioner has not received a constitutionally adequate hearing before a neutral decisionmaker at which Respondents bear the burden of demonstrating that his continued confinement remains necessary based on an individualized assessment of flight risk or danger and that less restrictive alternatives would be insufficient. Instead, Petitioner remains detained while his Petition for Review is pending, a judicial stay prevents his immediate removal, and his efforts to complete the immigration relief identified in the Court's prior Order remain impeded by his inability to obtain the required medical examination while confined. Petitioner's continued detention no longer bears the reasonable

relationship to its regulatory purpose required by *Zadvydas* and violates the Due Process Clause of the Fifth Amendment.

62. Federal regulations governing post-order detention reflect these constitutional limitations and require procedural safeguards when liberty is curtailed. See 8 C.F.R. §§ 241.4 and 241.13. Civil detention must remain reasonably related to effectuating removal and may not become punitive or indefinite in effect.

63. Petitioner has now endured more than one year of immigration detention arising from the same reinstated removal proceedings. The amended record does not rest merely upon the continued pendency of his Petition for Review or the existence of a judicial stay. It also establishes that Petitioner diligently advanced the adjustment-related applications specifically identified by this Court, completed every requirement within his control, secured the required medical appointment, and obtained confirmation of transportation, yet remains unable to complete the final filing requirement while detained. In light of the length of Petitioner's detention, the material post-Order developments identified by this Court, Petitioner's inability to complete the final prerequisite to pursuing adjustment of status while detained, and the absence of constitutionally adequate procedural protections, Petitioner's continued detention has become excessive and violates the Fifth Amendment.

64. Accordingly, Respondents' continued detention of Petitioner violates the Due Process Clause. Petitioner is entitled to immediate release from custody or, at minimum, a prompt constitutionally adequate bond hearing at which the Government bears the burden of proving that continued detention is necessary because Petitioner presents a danger or flight risk that cannot be adequately addressed through less restrictive alternatives.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Angel Didier Deagueros-Mota respectfully requests that this Court:

1. Assume jurisdiction over this matter;
2. Issue an Order to Show Cause pursuant to 28 U.S.C. § 2243;
3. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately under appropriate conditions of supervision,
4. or in the alternative to provide within seven (7) days a constitutionally adequate bond hearing before an Immigration Judge at which DHS bears the burden of proving by clear and convincing evidence that continued detention is necessary and that no less restrictive alternatives can mitigate any risk;
5. If the Court declines to order Petitioner's release, order Respondents to facilitate Petitioner's prompt completion of the required Form I-693 immigration medical examination, including transportation to and from any scheduled appointment with a USCIS-designated civil surgeon or such other reasonable accommodations as are necessary to permit Petitioner to complete the processing of the Forms I-485, I-601, and I-212 identified in the Court's May 27, 2026 Order,
6. Declare that Petitioner's continued detention without an individualized determination before a neutral decisionmaker violates the Due Process Clause of the Fifth Amendment;
7. Enjoin Respondents from transferring Petitioner outside this district without prior Court approval; and
8. Grant such other and further relief as the Court deems just and proper.

Dated: July 23, 2026

Respectfully submitted,

/s/LeRoy George Siddell
LeRoy George Siddell

Attorney for Petitioner

VERIFICATION OF COUNSEL

I, LeRoy George Siddell, hereby certify that I am familiar with the case of the named Petitioner and that the facts as stated above are true and correct to the best of my knowledge and belief.

s/LeRoy George Siddell
attorneysiddell@yahoo.com

EXHIBIT LIST

A . Advanced Parole Document to execute return to United States

B. Motion for Return of Petitioner to the United States and to Enforce Stay of Removal

C. Approved I-360, Self-Petitioner VAWA, (derivative-beneficiary)

D. Approved I-130, Spouse of U.S. Citizen (Immediate Relative)

E. Pending I-212, Application for Permission to Reapply for Admission

F. Minute Order, Superior Court of California (05.01.2026)

G. Superior Court Findings and Order Vacating Criminal Conviction (04.10.2026)

H. Counsel's Correspondence with ICE Requesting Guidance to Facilitate Completion of Form I-693 Immigration Medical Exam for Adjustment of Status

I. Confirmation of Scheduled USCIS Civil Surgeon Appointment for Completion of Form I-693 Medical Examination

J. Petitioner's Written Requests to Respondents Seeking Transportation for Scheduled Form I-693 Immigration Medical Examination

K. Respondents' Confirmation that Transportation Had Been Arranged and Petitioner's Subsequent Requests Documenting that the Scheduled Form I-693 Immigration Medical Examination Did Not Occur

L USCIS Publication Requiring Submission of Form I-693 with Form I-485 or Adjustment of Status Applicants