

1 Mihret Getabicha (CA SBN 326787)
2 mihret@caleilaw.com
3 CALIFORNIA LABOR EMPLOYMENT
4 & IMMIGRATION LAW PRACTICE, P.C.
5 8885 Rio San Diego Dr., Ste. 237
6 San Diego, California 92108
7 Telephone: (619) 923-4249
8 Facsimile: (619) 704-3971

9 *Attorney for Petitioner Francois Xavier Olivier Barre*

10 UNITED STATES DISTRICT COURT

11 SOUTHERN DISTRICT OF CALIFORNIA

12 FRANCOIS XAVIER OLIVIER
13 BARRE,

14 *Petitioner-Plaintiff,*

15 vs.

16 CHRISTOPHER J. LAROSE, Senior
17 Warden, Otay Mesa Detention Center;
18 PATRICK DIVVER, Field Office
19 Director, San Diego Office of
20 Detention and Removal, U.S.
21 Immigration and Customs
22 Enforcement; TODD M. LYONS,
23 Acting Director, U.S. Immigration
24 and Customs Enforcement, U.S.
25 Department of Homeland Security;
26 MARKWAYNE MULLIN, Secretary,
27 U.S. Department of Homeland
28 Security; TODD BLANCHE, U.S.
Attorney General; and EXECUTIVE
OFFICE FOR IMMIGRATION
REVIEW,

Respondents-Defendants.

Case No.: '26CV3088 JAO VET

**PETITION FOR WRIT OF
HABEAS CORPUS AND
REQUEST FOR AN ORDER TO
SHOW CAUSE WITHIN THREE
DAYS**

Challenge to Unlawful Immigration
Incarceration; Request for
Declaratory and Injunctive Relief

INTRODUCTION

1
2 1. Petitioner Francois Xavier Olivier Barre (“Petitioner” or “Mr. Barre”)
3
4 is now detained at Otay Mesa Detention Center in San Diego, California. He is a
5 citizen of France.

6 2. On or about November 11, 2021, Petitioner lawfully entered the U.S.
7
8 **Exhibit A**, Bond Evidence, at 8 (Form I-94); **Exhibit B**, Bond Record, at 6 and 11
9 (Form I-213 and Notice of Referral to IJ).

10 3. Since 2021, Petitioner has lived free from immigration detention in
11
12 the U.S. He worked, made friends, and built a community and life in California
13 with his wife, Jacqueline Coulon. **Exhibit B**, at 30-49 (Mrs. Coulon Letter of
14 Support and Tax Information provided to the Immigration Judge as Bond
15 Evidence).

16
17 4. On information and belief, Petitioner has a Form I-130 application
18
19 pending with U.S. Citizenship and Immigration Services as he is married to a U.S.
20 citizen wife and is in the process of seeking to adjust status to a lawful permanent
21 resident.

22 5. On or about May 11, 2026, an Immigration Judge at Otay Mesa
23
24 Immigration Court in San Diego, California, denied Petitioner’s request for bond
25 or custody redetermination. On information and belief, the hearing lasted less than
26 a minute as the Immigration Judge denied bond on jurisdictional grounds. **Exhibit**
27

1 **B**, at 1 (Order of the Immigration Judge).

2 6. In approximately March 2026, Petitioner was detained by U.S.
3 Immigration and Customs Enforcement, without notice or an opportunity to be
4 heard. *See Exhibit B*, at 7. Petitioner remains in ICE custody. **Exhibit C**, ICE
5 Locator dated May 16, 2026, at 1.
6

7 7. Petitioner’s ongoing detention without notice or a constitutionally
8 adequate opportunity to be heard, after living in the U.S. for over four years,
9 violates the Fifth Amendment of the U.S. Constitution and the plain language of
10 the Immigration and Nationality Act (“INA”).
11
12

13 8. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he
14 be released, without any bond requirement, and for declaratory and injunctive
15 relief to prevent such harms from recurring. In the alternative, Petitioner requests a
16 constitutionally adequate bond hearing. Petitioner also asks this Court to find that
17 Respondents’ attempts to detain, transfer, and deport him are arbitrary and
18 capricious and in violation of the law, and to immediately issue an order
19 preventing her transfer out of this district.
20
21

22 **JURISDICTION**

23 9. This action arises under the Constitution of the United States and the
24 INA.
25

26 10. This Court has subject matter jurisdiction under 28 U.S.C. § 2241
27
28

1 (habeas corpus), 28 U.S.C. § 1331 (federal question jurisdiction), art. I, § 9, cl. 2 of
2 the United States Constitution (Suspension Clause), and 28 U.S.C. § 1346 (U.S. as
3 defendant), and 28 U.S.C. § 1651 (All Writs Act).
4

5 11. Federal district courts have jurisdiction to hear habeas claims brought
6 by noncitizens challenging the lawfulness of their detention. *See Demore v. Kim*,
7 538 U.S. 510, 516-17 (2003) (recognizing habeas jurisdiction over immigration
8 detention challenges); *Zadvydas v. Davis*, 533 U.S. 678, 787 (2001) (same).
9

10 12. This Court may grant relief under the habeas corpus statutes, 28
11 U.S.C. § 2241, *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201, *et seq.*,
12 the All Writs Act, 28 U.S.C. § 1651, and the Court's inherent equitable powers.
13

14 VENUE

15
16 13. Venue is proper because Petitioner is in Respondents' legal and
17 physical custody at Otay Mesa Detention Center in San Diego, California.
18 *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004) (habeas petition must be addressed
19 to the federal district court of confinement); *Wairimu v. Dir., Dep't of Homeland*
20 *Sec.*, No. 19-CV-174-BTM-MDD, 2019 WL 460561, at *2 (S.D. Cal. Feb. 5,
21 2019) (district of confinement is the preferable forum even if the Court otherwise
22 has personal jurisdiction).
23

24
25 14. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e)
26 because Respondents are employees, officers, and agencies of the United States,
27
28

1 and because a substantial part of the events or omissions giving rise to the claims
2 occurred in the Eastern District of California.

3
4 **CUSTODY AND REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243**

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

10
11
12 16. Courts have long recognized the significance of the habeas statute in
13 protecting individuals from unlawful detention. The Great Writ has been referred
14 to as “perhaps the most important writ known to the constitutional law of England,
15 affording as it does a swift and imperative remedy in all cases of illegal restraint or
16 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963).

17
18 17. Petitioner is “in custody” for the purpose of 28 U.S.C. section 2241
19 because he was arrested by Respondents and remains in their legal and physical
20 custody at Otay Mesa Detention Center in San Diego, California. He is under
21 Respondents’ and their agents’ direct control.
22

23
24 **PARTIES**

25 18. Petitioner is a citizen of France. He entered the U.S. on or about
26 December 27, 2023. He has been in immigration detention since May 2026 after
27

1 Respondents arrested him without notice or a constitutionally adequate opportunity
2 to be heard. Petitioner is currently residing in Respondents' custody at Otay Mesa
3 Detention Center in San Diego, California, as of the time of the filing of this
4 petition. **Exhibit D**, ICE Detainee Locator dated May 6, 2025.

6 19. Respondent Christopher LaRose ("LaRose") is the Senior Warden at
7 Otay Mesa Detention Center in San Diego, California, where Petitioner is detained.
8 LaRose is responsible for the day-to-day operations and confinement of non-
9 citizens detained at that facility. He acts at the direction of Respondents Divver,
10 Lyons, and Noem. LaRose is a custodian of Petitioner and is named in his official
11 capacity.
12

14 20. Respondent Patrick Divver ("Divver") is the Field Office Director of
15 ICE in San Diego, California. He acts at the direction of Respondents Lyons and
16 Noem. ICE is responsible for local custody decisions relating to non-citizens
17 charged with being removable from the U.S., including the arrest, detention,
18 custody status, and removal of non-citizens. The San Diego Field Office's area of
19 responsibility includes San Diego and Imperial Counties in California. Respondent
20 Divver is a custodian of Petitioner and is named in his official capacity.
21

23 21. Respondent Todd Lyons ("Lyons") is the Acting Director of ICE, and
24 he has authority over the actions of Respondents LaRose and Divver. ICE is
25 responsible for local custody decisions relating to non-citizens charged with being
26
27

1 removable from the U.S., including the arrest, detention, custody status, and
2 removal of non-citizens. Respondent Lyons is a custodian of Petitioner and is
3 named in his official capacity.
4

5 22. Respondent Markwayne Mullin (“Mullin”) is the Secretary of DHS
6 and has authority over the actions of all other DHS Respondents in this case, as
7 well as all operations and federal agencies of DHS, including ICE. In her capacity
8 as Secretary of DHS, Respondent Noem is charged with faithfully administering
9 the immigration and naturalization laws of the United States. 8 U.S.C. § 1103(a).
10 Respondent Mullin is a custodian of Petitioner and is named in her official
11 capacity.
12
13

14 23. Respondent Todd Blanche is the Attorney General of the United
15 States. He is responsible for the Department of Justice, of which the Executive
16 Office for Immigration Review—and the Board of Immigration Appeals and
17 immigration court system it operates—is a component agency. Respondent lancee
18 is a custodian of Petitioner and is sued in his official capacity.
19
20

21 24. Respondent Executive Office for Immigration Review (“EOIR”) is the
22 federal agency responsible for implementing and enforcing the INA in removal
23 proceedings, including for custody redeterminations
24

25 25. This action is commenced against Respondents LaRose, Divver,
26 Lyons, and Mullin, Blanche all in their official capacities and against EOIR
27
28

1 (collectively, “Respondents”).

2 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

3
4 26. Petitioner has no administrative remedies to exhaust. *Hernandez v.*
5 *Sessions*, 872 F.3d 976, 988 (9th Cir. 2017) (explaining that exhaustion is
6 prudential and not jurisdictional in habeas cases).

7
8 27. A bond proceeding in U.S. immigration court will not adequately
9 protect Petitioner’s liberty interest protected by the Due Process Clause of the U.S.
10 Constitution.¹

11
12 28. Further, Petitioner already requested a bond or custody
13 redetermination hearing and was denied a constitutionally adequate opportunity to
14 be heard. On information and belief, an Immigration Judge at Otay Mesa Detention
15 Center in San Diego, California, denied Petitioner’s bond request on jurisdiction
16 grounds without analyzing Petitioner’s bond evidence or considering whether
17 Petitioner presented a danger or flight risk.

18
19
20 29. Therefore, a writ of habeas corpus is the sole avenue to vindicate
21 Petitioner’s constitutional, statutory, and regulatory rights and restore his liberty.

22
23 ¹ See Ximena Bustillo and Rahul Mukherjee, An immigration court few have heard of is quietly
24 shaping policy behind the scene, NPR (Mar. 20, 2026) <https://www.npr.org/2026/03/20/nx-s1-5707535/trump-immigration-detentionappeals-boarddeportation>; Jason A. Cade, Welcome to the
25 Trump Administration's Board of Immigration Appeals. The Immigrant Always Loses. 136 Yale
26 L.J. Forum — (forthcoming 2026),
27 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=6506380; Jayashri Srikantiah & Rajan
28 Lukose, *Stanford White Paper: The Board of Immigration Appeals Under the Second Trump
Administration: An Empirical Analysis of Grant Rates and DHS Appellate Behavior* (March 23,
2026), <https://law.stanford.edu/documents/research-on-bia-decision-making/>.

FACTUAL BACKGROUND

1
2 30. Petitioner is a citizen of France.

3
4 31. He lawfully entered the U.S. on or about November 11, 2021. **Exhibit**
5 **A**, Bond Evidence, at 8 (Form I-94); **Exhibit B**, Bond Record, at 6 and 11 (Form I-
6 213 and Notice of Referral to IJ).

7
8 32. Since 2021, Petitioner has lived free from immigration detention in
9 the U.S. He worked, made friends, and built a community and life in California
10 with his wife, Jacqueline Coulon. **Exhibit B**, at 30-49 (Mrs. Coulon Letter of
11 Support and Tax Information provided to the Immigration Judge as Bond
12 Evidence).

13
14 33. On information and belief, Petitioner has a Form I-130 application
15 pending with U.S. Citizenship and Immigration Services as he is married to a U.S.
16 citizen wife and is in the process of seeking to adjust status to a lawful permanent
17 resident.

18
19 34. On or about May 11, 2026, an Immigration Judge at Otay Mesa
20 Immigration Court in San Diego, California, denied Petitioner's request for bond
21 or custody redetermination. On information and belief, the hearing lasted less than
22 a minute as the Immigration Judge denied bond on jurisdictional grounds. **Exhibit**
23 **B**, at 1 (Order of the Immigration Judge). The bond denial order lacks any
24 information regarding
25
26
27
28

1 35. Petitioner is currently residing in Respondents' custody at Otay Mesa
2 Detention Center in San Diego, California, as of the time of the filing of this
3 petition. **Exhibit C**, ICE Locator dated May 16, 2026, at 1.
4

5 **LEGAL FRAMEWORK**

6 36. The INA prescribes three basic forms of detention for the vast
7 majority of noncitizens in removal proceedings.
8

9 37. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in
10 standard removal proceedings before an IJ. See 8 U.S.C. § 1229a. Individuals in §
11 1226(a) detention are generally entitled to a bond hearing at the outset of their
12 detention, see 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been
13 arrested, charged with, or convicted of certain crimes are subject to mandatory
14 detention, see 8 U.S.C. § 1226(c).
15
16

17 38. Second, the INA provides for mandatory detention of noncitizens
18 subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent
19 arrivals seeking admission referred to under § 1225(b)(2).
20

21 39. Last, the INA also provides for detention of noncitizens who have
22 been ordered removed, including individuals in withholding-only proceedings, see
23 8 U.S.C. § 1231(a)–(b).
24

25 40. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted
26 as part of the Illegal Immigration Reform and Immigrant Responsibility Act
27
28

1 (IIRIRA) of 1996, Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009-546,
2 3009–582 to 3009–583, 3009–585. Section 1226(a) was most recently amended by
3
4 the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

5 41. Following the enactment of the IIRIRA, EOIR drafted new
6 regulations explaining that, in general, people who entered the country without
7
8 inspection were not considered detained under § 1225 and that they were instead
9 detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens;
10 Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum
11 Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

13 42. Thus, in the decades that followed, most people who entered without
14 inspection and were placed in standard removal proceedings received bond
15
16 hearings, unless their criminal history rendered them ineligible pursuant to 8
17 U.S.C. § 1226(c). That practice was consistent with many more decades of prior
18
19 practice, in which noncitizens who were not deemed “arriving” were entitled to a
20 custody hearing before an immigration judge or other hearing officer. *See* 8 U.S.C.
21 § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that
22 § 1226(a) simply “restates” the detention authority previously found at § 1252(a)).
23

24 43. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new
25 policy that rejected well-established understanding of the statutory framework and
26 reversed decades of practice.
27
28

1 44. The new policy, entitled “Interim Guidance Regarding Detention
2 Authority for Applicants for Admission,” claims that all persons who entered the
3 United States without inspection shall now be subject to mandatory detention
4 provision under § 1225(b)(2)(A). The policy applies regardless of when a person is
5 apprehended, and affects those who have resided in the United States for months,
6 years, and even decades.
7

8
9 45. On September 5, 2025, the BIA adopted this same position in a
10 published decision, *Matter of Yajure Hurtado*. There, the Board held that all
11 noncitizens who entered the United States without admission or parole are subject
12 to detention under § 1225(b)(2)(A) and are ineligible for immigration judge bond
13 hearings.
14

15
16 46. Since Respondents adopted their new policies, dozens of federal
17 courts have rejected their new interpretation of the INA’s detention authorities.
18 Courts have likewise rejected *Matter of Yajure Hurtado*, which adopts the same
19 reading of the statute as ICE. *Maldonado Bautista v. Santacruz*, No. 5:25-cv-
20 01873-SSS-BFM, 2026 WL 468284 (C.D. Cal. Feb. 18, 2026), abrogating *Matter*
21 *of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).
22

23
24 47. Courts have uniformly rejected DHS’s and EOIR’s new interpretation
25 because it defies the INA. The plain text of the statutory provisions demonstrates
26 that § 1226(a), not § 1225(b), applies to people like Petitioner.
27

1 48. Section 1226(a) applies by default to all persons “pending a decision
2 on whether the [noncitizen] is to be removed from the United States.” These
3 removal hearings are held under § 1229a, to “decid[e] the inadmissibility or
4 deportability of a[] [noncitizen].”
5

6 49. The text of § 1226 also explicitly applies to people charged as being
7 inadmissible, including those who entered without inspection. See 8 U.S.C. §
8 1226(c)(1)(E). Subparagraph (E)’s reference to such people makes clear that, by
9 default, such people are afforded a bond hearing under subsection (a). As the
10 Rodriguez Vazquez court explained, “[w]hen Congress creates ‘specific
11 exceptions’ to a statute’s applicability, it ‘proves’ that absent those exceptions, the
12 statute generally applies.” *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing
13 *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400
14 (2010)); *see also Gomes*, 2025 WL 1869299, at *7.
15
16
17

18 50. Section 1226 therefore leaves no doubt that it applies to people who
19 face charges of being inadmissible to the United States, including those who are
20 present without admission or parole.
21

22 51. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry
23 or who recently entered the United States. The statute’s entire framework is
24 premised on inspections at the border of people who are actively “seeking
25 admission” to the United States. 8 U.S.C. § 1225(b)(2)(A).
26
27
28

1 52. Indeed, the Supreme Court has explained that this mandatory
2 detention scheme applies “at the Nation’s borders and ports of entry, where the
3 Government must determine whether a[] [noncitizen] seeking to enter the country
4 is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).
5

6 53. Accordingly, the mandatory detention provision of § 1225(b)(2)(A)
7 does not apply to people like Petitioner, who have already entered and were living,
8 working, and residing in the United States at the time they were apprehended. Such
9 individuals have accrued a liberty interest which is protected by the Due Process
10 Clause. U.S. Const. Amend. V; *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).
11
12

13 **CAUSES OF ACTION**

14 **COUNT ONE**

15 **Violation of Fifth Amendment Right to Due Process – Substantive**

16 **Due Process, U.S. Const. Amend. V.**

17 54. Petitioner restates, realleges, and incorporates by reference each and
18 every allegation in the paragraphs above as if fully set forth herein.
19
20

21 55. The Due Process Clause of the Fifth Amendment to the U.S.
22 Constitution prohibits the federal government from depriving any person of “life,
23 liberty, or property, without due process of law.” U.S. Const. Amend. V. Due
24 process protects “all ‘persons’ within the United States, including [non-citizens],
25 whether their presence here is lawful, unlawful, temporary, or permanent.”
26
27
28

1 *Zadvydas*, 533 U.S. at 693.

2 56. Due process requires that government action be rational and non-
3 arbitrary. *See U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).
4

5 57. While asylum is a discretionary benefit, the right to apply is not. 8
6 U.S.C. § 1158(a)(1). Any noncitizen who is “physically present in the United
7 States or who arrives in the United States (whether or not at a designated port of
8 arrival . . .), irrespective of such [noncitizen’s] status, may apply for asylum.” *Id.*
9

10 58. Moreover, Petitioner has a vital liberty interest in remaining free from
11 DHS custody. *See Pinchi v. Noem*, No. 5:25-CV-05632-PCP, 2025 WL 2084921,
12 at *4 (N.D. Cal. July 24, 2025) (citing *Diaz v. Kaiser*, No. 3:25-CV-05071, 2025
13 WL 1676854 (N.D. Cal. June 14, 2025) (explaining that a non-citizen that ICE
14 released from custody after initial apprehension “has a substantial private interest
15 in remaining out of custody” which includes an interest in “...obtaining necessary
16 medical care, [and] maintaining her relationships in the community...”). While on
17 release from DHS custody, Petitioner contributed to the U.S. economy, married a
18 U.S. citizen, and built a life in the U.S. *See Garcia v. Andrews*, No. 1:25-CV-
19 01006 JLT SAB, 2025 WL 2420068, at *7 (E.D. Cal. Aug. 21, 2025) (quoting
20 *Pinchi v. Noem*, No. 5:25-CV-05632-PCP, 2025 WL 2084921, at *3 (N.D. Cal.
21 July 24, 2025)); *see Noori v. LaRose*, No. 25-CV-1824-GPC-MSB, 2025 WL
22 2800149, at *10 (S.D. Cal. Oct. 1, 2025) (“In this case, Petitioner is not an
23
24
25
26
27
28

1 “arriving” noncitizen but one that has present in our country for over a year. This
2 substantial amount of time indicates he is afforded the Fifth Amendment's
3 guaranteed due process before removal.”).

5 59. Here, Petitioner entered the U.S. in December 2023, nearly two years
6 ago. *See Exhibit A*, NTA dated September 15, 2025. Respondents released her
7 from their custody.

9 60. Thereafter, in approximately May 2025, Respondents’ agents arrested
10 Petitioner at San Diego Immigration Court, depriving her of her liberty interest and
11 the bundle of rights associated with her original pending asylum application in
12 violation of due process, and putting her into detained removal proceedings. *See*
13 *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (requiring notice and an
14 opportunity to be heard before deprivation of a legally protected interest); **Exhibit**
15 **A**, NTA dated September 15, 2025. Nor has the government identified any
16 materially changed circumstances that would warrant detaining Petitioner
17
18
19

20 **COUNT TWO**

21 **Violation of Fifth Amendment Right to Due Process – Procedural**

22 **Due Process, U.S. Const. Amend. V.**

23
24 61. Petitioner restates, realleges, and incorporates by reference each and
25 every allegation in the paragraphs above as if fully set forth herein.

26
27 62. The government may not deprive a person of life, liberty, or property

1 without due process of law. U.S. Const. amend. V. “Freedom from
2 imprisonment—from government custody, detention, or other forms of physical
3 restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas v.*
4 *Davis*, 533 U.S. 678, 690 (2001).
5

6 63. Petitioner has a fundamental interest in liberty and being free from
7 official restraint.
8

9 64. The government’s detention of Petitioner without notice or an
10 opportunity to be heard before detention violates her right to due process.
11

12 65. The government’s detention of Petitioner without a meaningful bond
13 and custody redetermination hearing to determine whether he is a flight risk or
14 danger to others violates her right to due process.
15

16 **COUNT THREE**

17 **Violation of the INA:**

18 **Unlawful Detention under 8 U.S.C. § 1225(b)(2)(A)**

19
20 66. Petitioner restates, realleges, and incorporates by reference each and
21 every allegation in the paragraphs above as if fully set forth herein.
22

23 67. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) should
24 not apply to Petitioner. The text and structure of § 1226 and § 1225 reflect that
25 Congress provided for discretionary detention under § 1226(a) to govern
26 Petitioner’s detention.
27
28

1 detention is ordered at a custody hearing before a neutral arbiter in
2 which the government bears the burden of proving, by clear and
3 convincing evidence, that Petition is a flight risk or danger to the
4 community;
5

6 (8) Award Petitioner's counsel reasonable attorney's fees and costs under
7 the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. §
8 2412, and on any other basis justified under law;
9

10 (9) Grant any and all other further relief this Court deems just or proper.
11

12 Dated: May 18, 2026

Respectfully Submitted,

13 /s/ Mihret Getabicha

14 Mihret Getabicha (CA SBN 326787)
15 mihret@caleilaw.com
16 CALIFORNIA LABOR EMPLOYMENT
17 & IMMIGRATION LAW PRACTICE, P.C.
18 8885 Rio San Diego Dr., Ste. 237
19 San Diego, California 92108
20 Telephone: (619) 923-4249
21 Facsimile: (619) 704-3971

22 *Attorney for Petitioner*
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