

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the
Middle District of Georgia

Robert Enrique Molina Castaneda

Petitioner

v.

Kristl Noem, Secretary of the department of Homeland
Security

Respondent

(name of warden or authorized person having custody of petitioner)

Case No.

(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Robert Enrique Molina Castaneda
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: Stewart Detention Center
(b) Address: 146 Cca Rd Lumpkin, GA 31815 USA
(c) Your identification number: A# 
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
☒ Being held on an immigration charge
☐ Other (explain): _____

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Decision or Action You Are Challenging

5. What are you challenging in this petition:

- ☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)
- ☐ Pretrial detention
- ☒ Immigration detention
- ☐ Detainer
- ☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- ☐ Disciplinary proceedings
- ☐ Other (explain):

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: ICE Department of Homeland Security
Stewart Detention Center, Lumpkin, GA

(b) Docket number, case number, or opinion number: A#

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

Continued Immigration detention despite eligibility for TPS related protections ties, and pending legal matters

(d) Date of the decision or action: 04/14/2026

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

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(b) If you answered "No," explain why you did not appeal:

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a second appeal:

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

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(b) If you answered "No," explain why you did not file a third appeal.

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☐ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

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- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence.

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes ☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 04/14/2026
- (b) Date of the removal or reinstatement order: _____
- (c) Did you file an appeal with the Board of Immigration Appeals?
- ☐ Yes ☒ No

If "Yes," provide:

- (1) Date of filing: _____
- (2) Case number: _____
- (3) Result: _____
- (4) Date of result: _____
- (5) Issues raised: _____

- (d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☒ No

If "Yes," provide:

- (1) Name of court: _____
- (2) Date of filing: _____
- (3) Case number: _____

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(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: Petitioner is being unlawfully detained despite TPS related protections, pending TPS litigation in federal court, strong community ties, family support, and lack of danger or flight risk. Continued detention violates due process protections.

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(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Petitioner has strong family and community ties, support from relatives and community members, and is not a danger or flight risk. Petitioner also has TPS related protections while TPS litigation remains pending federal court.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☒ No

GROUND TWO:

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☒ No

GROUND THREE:

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☒ No

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GROUND FOUR:

(a) Supporting facts *(Be brief. Do not cite cases or law.)*

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☒ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: Petitioner did not previously present these grounds through appeals because no administrative appeals were filed prior to this petition

Request for Relief

15. State exactly what you want the court to do: Petitioner respectfully requests immediate release from immigration detention, or alternatively a bond hearing and any other relief the court deems just and proper for his release

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

June 03, 2016

Robert Enrique Molina Castaneda
Signature of Petitioner

Signature of Attorney or other authorized person, if any

1 Robert Enrique Molina Castaneda

2 
3 Stewart Detention Center
4 146 CCA Road, Lumpkin, GA 31815

4 *PRO SE*

5
6 THE UNITED STATES DISTRICT COURT
7 FOR THE MIDDLE DISTRICT OF GEORGIA
8

9 Robert Enrique Molina Castaneda

10 *Petitioner,*

11 v.

12 Kristi Noem, Secretary, Department of
13 Homeland Security; Todd M. Lyons,
14 Acting Director, United States Immigration
15 and Customs Enforcement (ICE); Pamela
16 Jo Bondi, Attorney General of the United
17 States; Field Office Director, Atlanta
18 Field Office; and Warden, Stewart
19 Detention Center *in their official*
20 *capacities,*

21 *Respondents.*
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Civil Action No.:

PETITION FOR WRIT OF HABEAS
CORPUS

Immigration Case

VERIFIED PETITION FOR A WRIT OF HABEAS
CORPUS PURSUANT TO 28 U.S.C. § 2241

INTRODUCTION

1. Petitioner Robert Enrique Molina Castaneda is a Venezuelan national who holds Temporary Protected Status (TPS) under 8 U.S.C. § 1254a. TPS II holders may not be detained or deported so long as their TPS is valid. The TPS statute provides that “[a]n alien provided temporary protected status under this section *shall not be detained* by the Attorney General on the basis of the alien’s immigration status in the United States.” 8 U.S.C. § 1254a(d)(4) (emphasis added). That protection remains available even if the TPS holder has a final removal order or lacks other immigration status, because the government “shall not remove the alien from the United States during the period in which such [TPS] status is in effect.” 8 U.S.C. § 1254a(1)(A); *see also* 8 U.S.C. § 1254a(5) (TPS statute provides no authority to “deny temporary protected status to an alien based on the alien’s immigration status”); 8 U.S.C. § 1254a(g) (TPS statute constitutes the exclusive authority for affording nationality-based protection to “otherwise deportable” non-citizens).

2. Respondent DHS Secretary Kristi Noem purported to rescind TPS for Venezuela, but for the purposes of this habeas petition, Petitioner’s TPS status must be deemed valid. In a case brought by the membership organization National TPS Alliance (“NTPSA”), on December 10, 2025, the federal district court of the Northern District of California granted declaratory relief and declared unlawful Respondent Noem’s vacatur of the January 17, 2025 extension of TPS for Venezuela and subsequent termination of Venezuela’s 2023 designation. *Nat’l TPS All. v. Noem*, (“NTPSA”), No. 25-cv-01766-EMC, 2025 WL 3539156 at *3 (N.D. Cal. Dec. 10, 2025) (“December 10 Order”). The December 10 Order in *NTPSA* has preclusive effect in Petitioner’s habeas case, controlling the legal question of whether members of the NTPSA such as Petitioner retain their TPS status. This Court must thus find Petitioner’s detention unlawful and order their release.

3. Petitioner has now been detained by U.S. Immigration and Customs

1 Enforcement (ICE) for approximately 24 days.

2 4. Petitioner challenges their detention as a violation of the Immigration and
3 Nationality Act (INA) and the Due Process Clause of the Fifth Amendment.

4 5. Petitioner respectfully requests that this Court grant a Writ of Habeas
5 Corpus and order Respondents to release them from custody. Petitioner seeks habeas
6 relief under 28 U.S.C. § 2241, which is the proper vehicle for challenging civil
7 immigration detention. *See Lopez-Marroquin v. Barr*, 955 F.3d 759, 759 (9th Cir. 2020)
8 (“[D]istrict courts retain jurisdiction under 28 U.S.C. § 2241 to consider habeas
9 challenges to immigration detention that are sufficiently independent of the merits of the
10 removal order[.]”); *see also Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001) (“[T]he
11 primary federal habeas corpus statute, 28 U.S.C. § 2241, confers jurisdiction upon the
12 federal courts to hear [immigration detention] cases.”).

13 CUSTODY

14 6. Petitioner is in the physical custody of Respondents. Petitioner is
15 imprisoned at Stewart Detention Center, an immigration detention facility, in Lumpkin,
16 Georgia. Petitioner is under the direct control of Respondents Noem, Lyons, Bondi, the
17 Field Office Director of the Atlanta Field Office, the Warden of the Stewart Detention
18 Center, and their agents.

19 JURISDICTION

20 7. This Court has jurisdiction to entertain this habeas petition under 28 U.S.C.
21 § 1331; 28 U.S.C. § 2241; the Due Process Clause of the Fifth Amendment, U.S. Const.
22 amend. V; and the Suspension Clause, U.S. Const. art. I, § 2.

23 VENUE

24 8. Venue is proper in this District under 28 U.S.C. § 1391 and 28 U.S.C. §
25 2242 because at least one Respondent is in this District, Petitioner is detained in this
26 District, Petitioner’s immediate physical custodians are located in this District, and a
27 substantial part of the events giving rise to the claims in this action took place in this
28 District. *See generally Rumsfeld v. Padilla*, 542 U.S. 426, 434 (2004) (“the proper

1 respondent to a habeas petition is “the person who has custody over the petitioner”)
2 (citing 28 U.S.C. § 2242) (citation modified).

3 **PARTIES**

4 9. Petitioner is currently detained by Respondents at Stewart Detention
5 Center, an immigration detention facility. Petitioner has been in ICE custody since on or
6 about April 14 2026, when they were arrested by ICE in Gwinnet County Jail,
7 Lawrenceville, Georgia.

8 10. Respondent Warden is the Warden of the Stewart Detention Center where
9 Petitioner is currently detained. He is a legal custodian of Petitioner and is named in his
10 official capacity.

11 11. Respondent Field Office Director is the Field Office Director responsible
12 for the Atlanta Field Office of ICE with administrative jurisdiction over Petitioner’s
13 immigration case. He is a legal custodian of Petitioner and is named in his official
14 capacity.

15 12. Respondent Todd M. Lyons is the Acting Director of ICE. He is a legal
16 custodian of Petitioner and is named in his official capacity.

17 13. Respondent Kristi Noem is the Secretary of the United States Department
18 of Homeland Security (DHS). She is a legal custodian of Petitioner and is named in her
19 official capacity.

20 14. Respondent Pamela Jo Bondi is the Attorney General of the United States
21 Department of Justice. She is a legal custodian of Petitioner and is named in her official
22 capacity.

23 **STATEMENT OF FACTS**

24 **I. PETITIONER IS DETAINED DESPITE HAVING TEMPORARY**
25 **PROTECTED STATUS FROM VENEZUELA**

26 15. Petitioner came to the United States on or about 26 February 2023, prior to
27 July 31, 2023. Petitioner applied for and was granted Temporary Protected Status in the
28 United States initially pursuant to the 2023 designation of TPS for Venezuela. Petitioner

1 has consistently renewed TPS since this initial registration, including pursuant to the
2 most recent January 17, 2025 extension, which extended protection for Venezuelan TPS
3 beneficiaries through October 2, 2026.

4 16. Petitioner is a member of the National TPS Alliance.

5 17. ICE officers took Petitioner into custody on or about .

6 **II. TEMPORARY PROTECTED STATUS FOR VENEZUELA**

7 18. On the last day of his first term, President Trump designated Venezuela for
8 Deferred Enforced Departure—a form of nationality-based, discretionary relief from
9 deportation—because Venezuela was experiencing “the worst humanitarian crisis in the
10 Western Hemisphere in recent memory.” 86 Fed. Reg. 6,845, 6,845 (Jan. 19, 2021).
11 President Trump’s action permitted approximately 300,000 Venezuelan refugees to live
12 and work in the United States for 18 months. Memorandum re Deferred Enforced
13 Departure for Certain Venezuelans, 86 Fed. Reg. 6845 (Jan. 19, 2021).

14 19. Shortly afterwards, on March 9, 2021, then-DHS Secretary Alejandro
15 Mayorkas designated Venezuela for TPS, allowing Venezuelans residing in the U.S.
16 since March 8, 2021 to apply for protection. 86 Fed. Reg. 13,574 (Mar. 9, 2021). He did
17 so again on October 3, 2023, allowing more recently arrived Venezuelans to apply. 88
18 Fed. Reg. 68,130 (Oct. 3, 2023).

19 20. DHS twice extended the 2021 designation of TPS for Venezuela, providing
20 protections through September 10, 2025 to TPS holders who initially registered in 2021.
21 87 Fed. Reg. 55,024 (Sept. 8, 2022); 88 Fed. Reg. at 68,130.

22 21. On January 17, 2025, the DHS Secretary extended the 2023 Venezuela
23 Designation by 18 months, through October 2, 2026. 90 Fed. Reg. 5,961 (“January 2025
24 Extension”). DHS cited Venezuela’s ongoing “complex, serious and multidimensional
25 humanitarian crisis,” which has “disrupted every aspect of life,” and concluded that the
26 “extraordinary and temporary conditions supporting Venezuela’s TPS designation
27 remain.” *Id.* at 5,963 (citation omitted).

28 22. In the extension order, DHS also streamlined the registration process for

1 TPS holders by consolidating them into a single track, “allow[ing] existing beneficiaries
2 of either the 2021 or 2023 TPS designation to seek an 18-month extension of status
3 through October 2, 2026.” *Id.* at 5,962.

4 23. On February 3, 2025, just days after she took office, Respondent Secretary
5 Noem purported to “vacate” DHS’ January 17 extension of TPS for Venezuela. 90 Fed.
6 Reg. 8805 (Feb. 3, 2025). That decision was the first vacatur of a TPS extension in the
7 35 year history of the TPS statute.

8 24. On February 5, 2025, DHS published a notice in the Federal Register
9 purporting to terminate the 2023 Venezuela Designation. 90 Fed. Reg. 9040 (Feb. 5,
10 2025).

11 25. On September 8, 2025, DHS published a notice in the Federal Register
12 purporting to terminate the 2021 designation of TPS for Venezuela.¹ 90 Fed. Reg. 43225
13 (Sept. 8, 2025).

14 **III. LEGAL CHALLENGE TO VENEZUELA’S TPS TERMINATION**

15 26. On February 19, 2025, the National TPS Alliance and seven individual
16 Venezuelan TPS holders sued the federal government, alleging that the vacatur of the
17 January 17, 2025 extension of TPS for Venezuela and subsequent termination of
18 Venezuela’s 2023 TPS designation were contrary to the TPS statute in violation of the
19 Administrative Procedure Act and unlawful under the Fifth Amendment. *Nat’l TPS All. v.*
20 *Noem*, No. 25-CV-01766-EMC (N.D. Cal. Filed Feb. 19, 2025) (“*NTPSA*”).

21 27. On December 10, 2025, the district court in *NTPSA* issued a final judgment
22 declaring the vacatur of the January 17, 2025 extension of TPS for Venezuela and
23 termination of Venezuela’s 2023 TPS designation unlawful. *Nat’l TPS All. v. Noem*, No.
24 25-CV-01766-EMC, 2025 WL 3539156, at *3 (N.D. Cal. Dec. 10, 2025) (“*NTPSA*
25 December 10 Order”). The court stayed its order for two weeks to permit the government
26

27 ¹ The termination of Venezuela’s 2021 designation is not at issue in this case
28 because the 2021 and 2023 TPS designations were consolidated into a single track
and, by re-registering pursuant to the January 17 extension, 2021 beneficiaries
became beneficiaries of the 2023 designation. 90 Fed. Reg. 5,961 at 5,962.

1 to appeal and/or seek a stay. *Id.* The government appealed but did not seek a stay.

2 28. Pursuant to the *NTPSA* December 10 Order, Petitioner retains TPS because
3 Defendants' actions purporting to deprive them of that status—*i.e.*, the vacatur of the
4 January 17, 2025 extension and the termination of Venezuela's 2023 designation—were
5 unlawful.

6 29. The *NTPSA* December 10 Order controls as to the question of whether
7 members of the National TPS Alliance—the lead plaintiff in *NTPSA*—retain their TPS
8 status.

9 30. A declaratory judgment is a final judgment on the merits which defines the
10 legal duties among the parties. *See* 28 U.S.C. § 2201 (“Any such declaration shall have
11 the force and effect of a final judgment[.]”); *Burlington Ins. Co. v. Oceanic Design &*
12 *Constr., Inc.*, 383 F.3d 940, 952 (9th Cir. 2004) (citation modified) (“A declaratory
13 judgment is a binding adjudication that establishes the rights and other legal relations of
14 the parties where those rights are in doubt.”); *AmSouth Bank v. Dale*, 386 F.3d 763, 786 (6th
15 Cir. 2004) (declaratory judgment provides “clarification of legal duties for the future”).

16 31. A final merits judgment, including a declaratory judgment, has preclusive
17 effect on future proceedings involving the same parties. *Haaland v. Brackeen*, 599 U.S.
18 255, 293 (2023) (“the point of a declaratory judgment ‘is to establish a binding
19 adjudication that enables the parties to enjoy the benefits of reliance and repose secured
20 by res judicata,’” *citing* 18A C. Wright, A. Miller, & E. Cooper, *Federal Practice and*
21 *Procedure* § 4446 (3d ed. Supp. 2022)).

22 32. “A final judgment on the merits of an action precludes the parties or their
23 privies from relitigating issues that were or could have been raised in that action. [E]ven
24 if the second suit is for a different cause of action, the right, question, or fact once so
25 determined must, as between the same parties or their privies, be taken as conclusively
26 established, so long as the judgment in the first suit remains unmodified. Accordingly, [a]
27 case pending appeal is res judicata and entitled to full faith and credit unless and until
28 reversed on appeal.” *Comer v. Murphy Oil USA, Inc.*, 718 F.3d 460, 467 (5th Cir. 2013)

1 (internal cites and quotations omitted); *Tahoe Sierra Pres. Council, Inc. v. Tahoe Reg'l*
 2 *Plan. Agency*, 322 F.3d 1064, 1077 (9th Cir. 2003); *Mascarenas Enters., Inc. v. City of*
 3 *Albuquerque*, 494 F. App'x 846 (10th Cir. 2012); *Seminole Tribe of Fla. v. Biegalski*, 757
 4 F. App'x 851 (11th Cir. 2018).

5 IV. LEGAL FRAMEWORK

6 33. The Court need analyze only one statutory provision to resolve this habeas
 7 petition. The TPS statute unequivocally prohibits the detention of persons with valid TPS,
 8 and Petitioner must therefore be released. See 8 U.S.C. § 1254a(a)(1)(A), (d)(4) (“[a]n
 9 alien provided temporary protected status under this section *shall not be detained* by the
 10 Attorney General”) (emphasis added).² The statutory mandate and its application here are
 11 clear.

12 34. The Court need look no further into other aspects of Petitioner’s
 13 immigration status, because TPS protection remains valid even if the TPS holder has a
 14 final removal order or lacks other immigration status. 8 U.S.C. § 1254a(a)(1)(A) (the
 15 government “shall not remove the alien from the United States during the period in which
 16 such [TPS] status is in effect.”). Indeed, individuals with a final order of removal are
 17 statutorily eligible for TPS and may not be denied TPS if otherwise eligible on the basis
 18 of that removal order. 8 U.S.C. § 1254a(a)(5) (TPS statute provides no authority to “deny
 19 temporary protected status to an alien based on the alien’s immigration status”); *see also*
 20 8 U.S.C. § 1254a(g) (TPS statute constitutes the exclusive authority for affording
 21 nationality-based protection to “otherwise deportable” non-citizens). For that reason
 22 alone, this Court should grant the writ and order Petitioner’s immediate release. *See* 28
 23 U.S.C. § 2241(c)(3) (authorizing writ for people detained in violation of federal law).

24 35. Should the Court nonetheless choose to address constitutional questions, it
 25 should also find that Petitioner’s detention violates the Due Process Clause of the Fifth
 26 Amendment. “Freedom from imprisonment—from government custody, detention, or
 27 other forms of physical restraint—lies at the heart of the liberty that [the Due Process]

28 ² “Attorney General” in Section 1254a now refers to the Secretary of the Department of
 Homeland Security. *See* 8 U.S.C. § 1103; 6 U.S.C. § 557.

1 Clause [of the Fifth Amendment] protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

2 36. Petitioner’s detention violates the Fifth Amendment’s protection for liberty
3 because immigration detention must always “bear[] a reasonable relation to the purpose
4 for which the individual was committed.” *Demore v. Kim*, 538 U.S. 510, 527 (2003)
5 (citing *Zadvydas*, 533 U.S. at 690). Where, as here, the government has no authority to
6 deport Petitioner, detention is not reasonably related to its purpose.

7 37. Further, because Petitioner is not “deportable” insofar as the TPS statute
8 bars their deportation, the Due Process Clause requires that any deprivation of
9 Petitioner’s liberty be narrowly tailored to serve a compelling government interest. *See*
10 *Reno v. Flores*, 507 U.S. 292, 301–02 (1993) (holding that due process “forbids the
11 government to infringe certain ‘fundamental’ liberty interests at all, no matter what
12 process is provided, unless the infringement is narrowly tailored to serve a compelling
13 state interest”); *Demore*, 538 U.S. at 528 (applying less rigorous standard for “deportable
14 aliens”). Petitioner’s on-going imprisonment obviously cannot satisfy that rigorous
15 standard when there is no lawful basis for removal. *See Zadvydas v. Davis*, 533 U.S. 678,
16 718 (2001) (Kennedy, J., dissenting) (“[T]he Due Process Clause includes protection
17 against unlawful or arbitrary personal restraint or detention.”).

18 38. Petitioner may not be legally detained or deported, and this Court should
19 order Petitioner’s immediate release from ICE custody. *See* 28 U.S.C. § 2241(c)(3)
20 (authorizing writ for people detained in violation of federal law).

21 **CLAIMS FOR RELIEF**

22 **COUNT ONE**

23 **VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT –**

24 **8 U.S.C. § 1254a**

25 39. Petitioner realleges and incorporates by reference each and every allegation
26 contained above.

27 40. Section 1254a of Title 8 of the U.S. Code governs the treatment of TPS
28 holders, including their detention and removal under federal immigration law.

41. Section 1254a(d)(4) states “[a]n alien provided temporary protected status under this section *shall not be detained* by the Attorney General on the basis of the alien’s immigration status in the United States.” (emphasis added). There is no exception to this rule.

42. Thus, Petitioner's detention violates Section 1254a, and they are entitled to immediate release from custody.

COUNT TWO

VIOLETION OF THE DUE PROCESS CLAUSE

OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION

10 43. Petitioner realleges and incorporates by reference each and every allegation
11 contained above.

44. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. amend. V. See generally *Reno v. Flores*, 507 U.S. 292 (1993); *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003).

45. Petitioner's detention violates the Due Process Clause because it is not rationally related to any immigration purpose; because it is not the least restrictive mechanism for accomplishing any legitimate purpose the government could have in detaining Petitioner; and because it lacks any statutory authorization.

PRAAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Order Respondents to show cause why the writ should not be granted within three days, and set a hearing on this Petition within five days of the return, as required by 28 U.S.C. § 2243;
3. Declare that Petitioner's detention violates the Immigration and Nationality Act, and specifically 8 U.S.C. § 1254a;
4. Declare that Petitioner's detention violates the Due Process Clause of the Fifth

1 Amendment;

- 2 5. Grant a writ of habeas corpus ordering Respondents to immediately release
3 Petitioner from custody;
4 6. Enjoin Respondents from further detaining Petitioner so long as the December
5 10 Order remains in effect;
6 7. Award reasonable attorney's fees and costs pursuant to the Equal Access to
7 Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and
8 8. Grant such further relief as this Court deems just and proper.
9

10 Dated: June 03, 2026

Respectfully submitted,

11 Robert Molina
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13 Robert Molina, *Petitioner*
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1 **VERIFICATION BY PETITIONER PURSUANT TO 28 U.S.C. 2242**

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3
4 I, Robert Enrique Molina Contreras declare under penalty of perjury under the
5 laws of The United States that the foregoing allegations and statements
6 are true and correct, including statements regarding my TPS status, except as to matters
7 that are stated on my information and belief, and as to those matters, I believe them to be
8 true.
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12
13
14 Robert Molina

Date: June 03, 2026