IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

SUNNY KUMAR,
Petitioner,
v.

RAUL MALDONADO JR.,
In his official capacity as Warden of the Metropolitan Detention Center;

JUDITH ALMODOVAR,
In her official capacity as Field Office Director, New York Field Office, U.S. Immigration & Customs Enforcement;

DAVID VENTURELLA,
In his official capacity as Acting Director, U.S. Immigration and Customs Enforcement;

TODD BLANCHE ,
In his official capacity as Acting U.S. Attorney General;

MARKWAYNE MULLIN,
In his official capacity as Secretary of Homeland Security,

Respondents.

Civil Action No. 26-cv-3516

Immigration No. [redacted]

VERIFIED EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS AND INCORPORATED MEMORANDUM OF LAW

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FACTS AND PRELIMINARY STATEMENT

1. Petitioner Mr. Sunny Kumar ("Mr. Kumar") is a citizen of India who is being unlawfully detained by Respondents at the Metropolitan Detention Center (MDC) in Brooklyn after being arbitrarily re-detained without a pre-deprivation hearing and without due process.

2. Mr. Kumar entered the country without inspection on or about April 11, 2023 at or near Lukeville, Arizona.

3. Mr. Kumar was detained by Respondents but was subsequently released on an "Order of Release on Recognizance" on or about April 27, 2023 after they determined that he posed neither a flight risk nor a danger to the community.

4. Mr. Kumar filed an I-589 application for asylum that remained pending, and, upon information and belief, abided by any and all conditions of his release.

5. Nevertheless, Mr. Kumar was detained by Respondents on or about January 21, 2026 without bond, after arriving at an ICE check-in appointment.

6. Upon information and belief, no individualized determination of flight risk or danger to the community was made by Respondents prior to re-detaining Petitioner, nor was he afforded a pre-deprivation hearing nor an opportunity to be heard.

7. Upon information and belief, and based on current ICE practice, no warrant for his arrest, as required under 8 U.S.C. Section 1226(a), had been properly issued prior to Petitioner's arrest, making his current detention by ICE illegal.

8. Respondents will almost certainly assert that they have authority to detain Petitioner under 8 U.S.C. Section 1225(b), which is legally incorrect. *See Da Cunha v. Freden*, No. 25-3141-PR, 2026 WL 1146044, at *2 (2d Cir. Apr. 28, 2026).

9. The mandatory detention of Petitioner without an individualized bond determination violates Petitioner's Fifth Amendment due process rights.

10. Without relief from this Court, Petitioner faces the prospect of months, or even years, in immigration custody, as he continues to seek relief in the United States.

11. Accordingly, Petitioner seeks a writ of habeas corpus. Petitioner requests an order requiring his immediate release, or in the alternative, his immediate release unless Respondents provide a bond hearing under § 1226(a) within seven days, and properly place the burden of proof on the government to show by clear and convincing evidence that Petitioner is a flight risk or a danger to the community.

THE PARTIES

12. Petitioner is detained in the custody of ICE. He is being detained in the custody of the New York ICE Field Office at the Brooklyn MDC. His custody and governmental actions related to his removal are likewise controlled by the New York Field Office, which is located within this judicial district.

13. Respondent Raul Maldonado, Jr., is the warden of the Brooklyn Metropolitan Detention Center (Brooklyn MDC).

14. Respondent Judith Almodovar is the New York, NY Field Office Director for Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement. She is the local ICE official who has authority over the Petitioner. *See Vasquez v. Reno*, 233 F,3d 688, 690 (lst Cir. 2000), cert. denied, 122 S. Ct. 43 (2001).

15. Respondent Todd Blanche is the Acting U.S. Attorney General and is in charge of the Executive Office for Immigration Review, which controls the Immigration Courts and the Board of Immigration Appeals.

16. Petitioner's custody and the governmental actions related to his potential removal from the district are likewise controlled by Respondents Venturella and Mullin.

CUSTODY

17. Petitioner is in the physical custody of Respondents and U.S. Immigration and Customs Enforcement ("ICE") at the Brooklyn MDC. The Deportation Officer responsible for his case is part of the New York ICE Field Office. The Petitioner is under the direct care, custody and control of Respondents and their agents.

JURISDICTION & VENUE

I. SUBJECT MATTER JURISDICTION

18. This action arises under the Constitution of the United States, and the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 et seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), Pub. L. No. 104 - 208, 110 Stat. 1570, and the Administrative Procedure Act ("APA"), 5 U.S.C. § 701 et seq.

19. This Court has jurisdiction under 28 U.S.C, § 2241, Art. I, § 9, el. 2 of the Constitution of the United States (the Suspension Clause) and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of the authority of the United States, and such custody is in violation of the Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, 5 U.S.C. § 702, the All Writs Act, 28 U.S.C. § 1651 and the Court's equitable habeas authority.

II. PERSONAL JURISDICTION

20. This Court has personal jurisdiction over Petitioner's immediate custodian (who is physically within the district).[1]

III. VENUE

[1] Petitioner asserts this Court has personal jurisdiction over the additional Respondents, however, in the interests of brevity, the Petitioner will brief this if (1) any governmental acts challenged herein are found to relate to those Respondents (instead of the immediate custodian) and (2) the Government seeks to argue against personal jurisdiction.

21. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S.484, 493-500 (1973), venue lies in the United States District Court for the Eastern District of New York, the judicial district in which Petitioner is being detained. Petitioner is being detained at the Brooklyn MDC and his detention falls under the jurisdiction of the ICE Field Office of New York, New York, which encompasses the area where Petitioner is being detained, pursuant to 28 U.S.C. § 1391.

LEGAL FRAMEWORK WITH RESPECT TO DETENTION AUTHORITY AND BOND ELIGIBILITY

22. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

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

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

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

26. This case concerns the detention provisions at §§ 1226(a) and 1225(b).

27. The detention provisions at § 1226(a) and § 1225(b) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section

1226 was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

28. Immigration authorities allege that the detention authority that initially vests in them under 8 U.S.C. § 1225(b) never expires, and permits indefinite mandatory detention with no due process right to a bond hearing, even where a noncitizen has resided in the country for years, or even decades before being re-detained by them.

29. However, 8 U.S.C. § 1225 is titled "Inspection by immigration officers; expedited removal of inadmissible arriving aliens; referral for hearing" and "the context of § 1225 as a whole supports a limited scope for § 1225(b)," which "strongly indicates that the statute governs the entrance of noncitizens to the United States." *Da Cunha v. Freden*, No. 25-CV-6532-MAV, 2025 WL 3280575, (W.D.N.Y. Nov. 25, 2025).

30. The Second Circuit recently held that the government's application of section 1225 to noncitizens encountered and detained inside the United States is in violation of the law. *See Da Cunha v. Freden*, No. 25-3141-PR, 2026 WL 1146044, at *2 (2d Cir. Apr. 28, 2026).

31. Many Courts have held that, although Respondents may have been able to lawfully detain a Petitioner under 8 U.S.C. § 1226(a), the unlawful detention under § 1225(b) and the failure to provide an individualized bond hearing should not be "corrected" by the Court by converting Petitioner's detention to a "potentially lawful alternate form under a different statute with different procedural requirements and rules." *Fajardo-Nugra v. Soto*, No. 26-975, 2026 WL 579192, at *2 (D.N.J. Mar. 2, 2026) (granting Petitioner's habeas petition and ordering Petitioner's release based on the Government's flawed application of § 1225(b)(2).)

LEGAL FRAMEWORK WITH RESPECT TO WARRANTS FOR DETENTION

32. The section of law that governs detention of non-citizens in the United States is 8 U.S.C. § 1226(a). Section 1226(a) plainly states: "On a warrant issued by the Attorney General, a [noncitizen] may be arrested and detained . . . ."

33. As such, it follows that absent a warrant a noncitizen may not be arrested and detained under section 1226(a).

34. ICE has been routinely arresting non-citizens without a warrant and alleging that the detention was authorized under § 1225(b).

35. The Second Circuit recently spoke on this issue, holding that section 1225 does not apply to noncitizens encountered inside the United States, but rather, only to noncitizens who are encountered and detained at the border. *Da Cunha v. Freden*, No. 25-3141-PR, 2026 WL 1146044, at *2 (2d Cir. Apr. 28, 2026).

36. Indeed, the INA authorizes warrantless immigration arrests only in narrow circumstances. Under 8 U.S.C. § 1357(a)(2), an immigration officer may arrest a noncitizen without a warrant only if the officer has "reason to believe" the person is violating the immigration laws ***and*** the person "is likely to escape before a warrant can be obtained . . . ." *See* 8 U.S.C. § 1357(a)(2); *see also* 8 C.F.R. § 287.8(c)(2)(i)-(ii) (similar). The statute also permits certain warrantless criminal-law arrests under § 1357(a)(5), but only when the offense occurs in the officer's presence or when the officer has reasonable grounds to believe a felony has been committed and there is a likelihood of escape before a warrant can be obtained. *See* 8 U.S.C. § 1357(a)(5)(A)-(B).

37. Further, the law is clear that, to comport with the Fourth Amendment, the "reason to believe" standard for a civil immigration arrest under the INA is "the equivalent of probable cause." *Au Yi Lau v. U.S. Immigr. & Naturalization Serv.,* 445 F.2d 217, 222-23 (D.C. Cir.

1971); *see also Tejeda-Mata v. Immigr. & Naturalization Serv.,* 626 F.2d 721, 725 (9th Cir. 1980) ("The phrase `has reason to believe' [in § 1357] has been equated with the constitutional requirement of probable cause."); *United States v. Cantu,* 519 F.2d 494, 496 (7th Cir. 1975) ("The words [in § 1357] of the statute `reason to believe' are properly taken to signify probable cause."). Put simply, immigration enforcement officers may conduct a warrantless civil immigration arrest only if they have probable cause to believe that a person is both in the United States unlawfully *and* an escape risk. *Escobar Molina v. U.S. Dept. of Homeland Security,* 811 F. Supp. 3d 1, 30 (D.D.C. December 2, 2025).

38. Whether a person is likely to escape before an administrative warrant can be obtained requires an individualized determination based on knowledge of facts "particularized with respect to that person." *Barham v. Ramsey,* 434 F.3d 565, 573 (D.C. Cir. 2006) (quoting *Ybarra v. Illinois,* 444 U.S. 85, 91, 100 S.Ct. 338, 62 L.Ed.2d 238 (1979)). The facts informing this assessment may vary. Some courts have found the likelihood of escape to be higher when, for example, the noncitizen presented "conflicting documents," *Yam v. Immigr. & Naturalization Serv.,* 411 F.2d 683, 687 (D.C. Cir. 1969); "had been `picked up before,'" *Aguirre v. Immigr. & Naturalization Serv.,* 553 F.2d 501, 502 (5th Cir. 1977); admitted that he had previously been removed, *United States v. Puebla-Zamora,* 996 F.3d 535, 538 (8th Cir. 2021); or appeared "extremely nervous" as if "looking for an opportunity to run," *United States v. Meza-Campos,* 500 F.2d 33, 34 (9th Cir. 1974). Courts have also made the self-evident finding that the likelihood of escape is lower when the individual has resided in the country for a lengthy period of time and has strong community ties. *See, e.g., La Franca v. Immigr. & Naturalization Serv.,* 413 F.2d 686, 689 (2d Cir. 1969) (noting that being "the owner and operator of a bakery in Jersey City" lowered petitioner's likelihood of escape

before a warrant could be obtained); *United States v. Abdi,* No. 04-cr-88 (ALM), 2005 WL 6119695, at *6 (S.D. Ohio Sept. 12, 2005), *rev'd on other grounds,* 463 F.3d 547 (6th Cir. 2006) (no probable cause for escape risk where defendant owned a business, leased property, lived with his then-pregnant wife and two children, and had family in the area); *United States v. Pacheco-Alvarez,* 227 F. Supp. 3d 863, 890 (S.D. Ohio 2016) (same, where defendant had a stable job, lived with his fiancé, and helped pay her rent and raise her two children); *United States v. Khan,* 324 F. Supp. 2d 1177, 1187 (D. Colo. 2004) (same, where defendant worked two jobs, owned a vehicle, paid rent, and never experienced legal trouble before his immigration arrest).

39. By detaining Petitioner without a warrant and without articulating a rationale based on his individualized circumstances, and by detaining him in contradiction of his individualized circumstances as Respondents have previously assessed them, they have violated the law.

40. Further, Courts nationwide are routinely granting immediate release to ameliorate unlawful detention. See, e.g., *Rodriguez-Acurio v. Almodovar*, No. 2:25-cv-6065, 2025 WL 3314420, at *32-33 (E.D.N.Y. Nov. 28, 2025) (concluding that where ICE detained the Petitioner "under the wrong statute and without any notice or opportunity to be heard, much less the procedures required under Section 1226(a)," then "a post-deprivation bond hearing before a DHS officer or even an immigration judge would provide no genuine opportunity for relief because the detention without adequate pre-deprivation procedures has already been carried out."); *Morales Mendez v. Field Office Director,* No. 9:26-cv-337-ECC (Coombe, J.), (N.D.N.Y., March 16, 2026) (where "[p]etitioner's detention violates her rights under the Due Process Clause of the Fifth Amendment… [t]he appropriate remedy is release"); *see also*, e.g., *Perez v. Akshar,* No. 9:26-cv-00120-ECC (N.D.N.Y. Feb. 6, 2026) (Coombe, J.) (ordering immediate release in matter where detention was unlawful because Petitioner had previously been released on

parole and re-detained without due process); *Gaspar v. Akshar*, No. 9:26-cv-00118-BKS (N.D.N.Y. Feb. 5, 2025) (Sannes, C.J.) (ordering immediate release in matter wherein detention was unlawful); *Solano v. Mason,* No. 2:26-cv-00045 (S.D.W.Va., Feb. 4, 2026) (ordering immediate release of detained noncitizen because "this Court has no faith that the Government would comply with an order to hold a bond hearing" and because "ICE has likely violated more court orders in January 2026 than some federal agencies have violated in their entire existence," also finding that a bond hearing would be futile because noncitizens are being "systematically denied bond based on rationales that would not have been deemed sufficient weeks earlier" and therefore there is "no chance any hearing that occurred would comport with due process.").

THE BURDEN OF PROOF IN BOND HEARINGS

41. In *Jennings*, "the Supreme Court held that [section] 1226(a) does not mandate that a clear and convincing evidence burden be placed on the government in bond hearings, [but] it left open the question of whether the Due Process Clause does."[2] *Darko v. Sessions*, 342 F. Supp. 3d 429, 434-35 (S.D.N.Y. 2018); see *Adejola v. Barr*, 408 F. Supp. 3d 284, 287 (W.D.N.Y. 2019) (noting that section "1226(a) is silent on the issues of which party bears the burden of proof at a custody redetermination hearing and the quantum of evidence necessary to satisfy that burden"). Since *Jennings*, however, "a number of district courts have taken up the question left open by the Supreme Court, and there has emerged a consensus view that where, as here, the

[2] "The Fifth Amendment's Due Process Clause forbids the [g]overnment to 'depriv[e]' any 'person . of . liberty . without due process of law.' " *Zadvydas*, 533 U.S. at 690, 121 S.Ct. 2491. It "applies to all 'persons' within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent." Id. at 693, 121 S.Ct. 2491; see also *Velasco Lopez v. Decker*, 978 F.3d 842, 850 (2d Cir. 2020) ("No one disputes that the Fifth Amendment entitles noncitizens to due process of law." (citing Reno v. Flores, 507 U.S. 292, 306, 113 S.Ct. 1439, 123 L.Ed.2d 1 (1993))).

government seeks to detain an alien pending removal proceedings, it bears the burden of proving that such detention is justified." *Darko*, 342 F. Supp. 3d at 435 (collecting cases).

42. The argument for burden shifting to where it belongs – on the government -- is even more pronounced where a detained non-citizen has been in custody for a lengthy period of time. The Second Circuit has held that "serious constitutional concerns" would arise absent "some procedural safeguard in place for immigrants detained for months without a hearing." *Lora v. Shanahan*, 804 F.3d 601, 614 (2d Cir. 2015); quoted by *Black v. Decker,* 103 F. 4th 133, 145 (2d. Cir. 2024) ("The Constitution does not permit the Executive to detain a noncitizen for an unreasonably prolonged period under section 1226(c) without a bond hearing; at some point, additional procedural protections—like a bond hearing—become necessary.").

43. Indeed, in *Black v. Decker*, the Second Circuit stated that "*Demore* and *Zadvydas* imply, we agree, that any immigration detention exceeding six months without a bond hearing raises serious due process concerns" and that "The Supreme Court's jurisprudence regarding the government's authority to detain removable noncitizens under 8 U.S.C. § 1231(a)(6), while not binding here, is instructive," that jurisprudence being the holding in *Zadvydas v. Davis* where it recognized a "presumptively reasonable period of detention" of "six months," and required that beyond this period, if "there is no significant likelihood of removal in the reasonably foreseeable future, the Government ... respond with evidence sufficient to rebut that showing" to justify continued detention. *Black,* 103 F.4th at 150; citing *Zadvydas v. Davis*, 533 U.S. at 701.

LIBERTY INTEREST

44. The Fifth Amendment states that "[n]o person shall be . . . deprived of life, liberty, or property, without due process of law." U.S. Const. amend. V. The Supreme Court has repeatedly affirmed that "[i]n our society liberty is the norm, and detention prior to trial or

without trial is the carefully limited exception." *United States v. Salerno*, 481 U.S. 739, 755 (1987); see also *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992) ("We have always been careful not to minimize the importance and fundamental nature of the individual's right to liberty."). Petitioner's interest in not being detained is "the most elemental of liberty interests[.]" *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004). Consistent with this principle, individuals released on parole or other forms of conditional release, including immigration bonds, have a liberty interest in their "continued liberty." *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972). "The procedural component of due process 'imposes constraints on governmental decisions which deprive individuals of 'liberty' . . . within the meaning of the Due Process Clause.'" *D.B. v. Cardall*, 826 F.3d 721, 741 (4th Cir. 2016) (citing *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976)). For this reason, "civil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protections." *Addington v. Texas*, 441 U.S. 418, 425 (1979) (emphasis added).

45. Thus, "when the government deprives a person of a protected liberty . . ., it is obliged to provide 'notice and opportunity for hearing appropriate to the nature of the case.'" *Cardall*, 826 F.3d at 741 (citing *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 313 (1950)); *see generally Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (requiring notice and an opportunity to be heard before deprivation of a legally protected interest). The question of what form of "notice and opportunity for hearing" is "appropriate" and thus constitutionally required in a given case requires considering three factors. *Cardall,* at 742 (citing *Turner v. Rogers*, 564 U.S. 431, 444–45 (2011)). Specifically, the Supreme Court has instructed courts to consider the following: (1) "the private interest that will be affected by the official action;" (2) "the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if

any, of additional or substitute procedural safeguards;" and (3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." *Mathews*, 424 U.S. at 335.

46. "The three-factor Mathews framework is 'flexible' and highly 'fact-specific.'" *Cardall*, 826 F.3d at 743 (citing *Ciambriello v. Cnty. of Nassau*, 292 F.3d 307, 319 (2nd Cir. 2002)). "The mere availability and utilization of some procedures does not mean they [a]re constitutionally sufficient. That is, the Fifth Amendment guarantees 'due process of law,' not just 'some process of law.'" Id. (citing *Davidson v. City of New Orleans*, 96 U.S. 97, 107 (1877) (Bradley, J., concurring)).

47. Upon finding a person is in custody in violation of the laws of the United States, a district court may grant a writ of habeas corpus and "dispose of the matter as law and justice so require." 28 U.S.C. §§ 2241(a), 2243. The "typical remedy" for "unlawful executive detention" is release from custody. See *Munaf v. Geren*, 553 U.S. 674, 693 (2008); see also *Preiser v. Rodriguez,* 411 U.S. 475, 484 (1973). See, e.g., *Morales Mendez v. Field Office Director,* No. 9:26-cv-337-ECC (Coombe, J.), (N.D.N.Y., March 16, 2026); *Perez v. Akshar, et al*, No. 9:26-cv-120-ECC (Coombe, J.) (N.D.N.Y., March 5, 2026); *See also Crespo Tacuri v. Genalo*, No. 25-cv-6896, 2026 WL 35569, at *7 (E.D.N.Y. Jan. 6, 2026) (concluding that Petitioner had a "cognizable private interest in being freed from unlawful detention") (citing, among others, *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004) ("[T]he most elemental of liberty interests [is] the interest in being free from physical detention by one's own government.")); *Fernandez Lopez v. Wofford*, 2025 WL 2959319 , at *4 (E.D. Cal. Oct. 17, 2025).

CLAIMS FOR RELIEF

COUNT 1: VIOLATION OF THE INA

48. Petitioner re-alleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein, and does so for all additional counts.

49. The mandatory detention provisions at 8 U.S.C. § 1225(b)(1) and (2) do not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country on parole and have been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such noncitizens are detained under § 1226(a).

50. The application of § 1225(b) to Petitioner unlawfully mandates his continued detention and violates the INA.

51. Upon information and belief, Respondents have detained Petitioner without a warrant as required by the plain language of 8 U.S.C. § 1226(a).

52. Respondent's detention of Petitioner in violation of the warrant requirement also violates the INA.

COUNT 2: VIOLATION OF DUE PROCESS

53. Petitioner re-alleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein, and does so for all additional counts.

54. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

55. Petitioner has a fundamental interest in liberty and being free from official restraint.

56. The government's detention of Petitioner without any pre-deprivation process was unlawful.

57. Petitioner has a substantial liberty interest in remaining free from physical detention. *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020) (citing *Hamdi v. Rumsfeld*, 542 U.S. 507, 529, 124 S.Ct. 2633, 159 L.Ed.2d 578 (2004)).

58. Because of Petitioner's profound legal interest in his liberty as a noncitizen, his detention violates his due process rights. *See generally Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (requiring notice and an opportunity to be heard before deprivation of a legally protected interest).

59. Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

60. Even in many instances where the burden has been shifted to the government upon the order of a federal judge, Immigration Judges are increasingly finding "flight risk" and denying bond to non-citizens, bowing to pressure from the Trump administration.

61. The immigration courts under this administration have essentially become "kangaroo courts" where due process is not respected[3], due to political pressure on immigration

[3] Radley Balko, *"The courts are dead." An interview with a fired immigration judge*, The Watch (Jan. 8, 2026), https://radleybalko.substack.com/p/the-courts-are-dead-an-interview; see also *Trump Administration Continues Firing Immigration Judges -- IFPTE responds*, IFPTE (Sept. 26, 2025), https://www.ifpte.org/news/trump-administration-continues-firing-immigration-judges-ifpte-respondsnbsp; Hilda Gutierrez, Michael Bott & Son Vo, *'An all-out attack on immigration court:' SF immigration judges speak out after firings*, NBC Bay Area (Nov. 25, 2025), https://www.nbcbayarea.com/investigations/san-francisco-immigration-judges-speak-out-firings/3986850/; Marco Poggio, *Judges See an Immigration Court Gutted from Inside*, Law360 (Oct. 31, 2025), https://www.law360.com/articles/2381003/judges-see-an-immigration-court-gutted-from-inside; Eric Katz, *'Climate of Fear': Immigration Judges Say Functioning of Their Court System Is in Jeopardy Due to Trump's Firings*, Gov't Executive (Nov. 14, 2025),

judges to satisfy the administration's thirst for mass deportations. The only appropriate remedy for the current state of affairs is for immediate release to be ordered by federal judges, as due process is otherwise violated.

PRAYER FOR RELIEF

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

(1) Assume jurisdiction over this matter;

(2) Order that Respondents not transfer the Petitioner outside of this District during the pendency of this Petition;

(3) Expedite consideration of this action pursuant to 28 U.S.C. § 1657;

(4) Declare that Petitioner's detention violates the INA and the Due Process Clause of the Fifth Amendment;

(5) Issue a writ of habeas corpus requiring that Respondents release Petitioner immediately, and not re-detain Petitioner without a pre-deprivation hearing at which the government bears the burden to demonstrate, by clear and convincing evidence, that the petitioner is a danger to the community or a flight risk and at which the immigration judge must consider non-bond alternatives to detention or, if setting a bond, the petitioner's ability to pay;

(6) Order Respondents to immediately return all of Petitioner's seized personal property, including but not limited to any government-issued identification or immigration documents, such as a state driver's license or Employment Authorization Document (EAD) to the extent such items were seized and remain in Respondents' possession;

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https://www.govexec.com/management/2025/11/climate-fear-immigration-judges-say-functioning-their-court-syste m-jeopardy-due-trumps-firings/409544/.

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

(8) Fashion such additional relief as is necessary and appropriate, including declaratory relief or other interim relief necessary to vindicate Petitioners' rights under U.S. and international law.

Dated: June 11, 2026

/s/ Matthew K. Borowski

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VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner and submit this verification on Petitioner's behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: June 11, 2026

/s/ Matthew K. Borowski

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