FILED
U.S. District Court
District of Kansas
07/21/2026
Clerk, U.S. District Court
By: SND Deputy Clerk

UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS

YU TING HUNG,

Petitioner,

v.

Samuel OLSON, Field Office Director, Chicago Field Office, U.S. Immigration and Customs Enforcement; Markwayne MULLIN, Secretary, U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY; Todd BLANCHE, U.S. Attorney General; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; Warden, Midwest Regional Reception Center, Kansas,

Respondents.

Case No. 26-3248-JWL

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. This case concerns the continued detention of Yu Ting Hung ("Petitioner"), a native and citizen of Taiwan who was lawfully inspected and admitted to the United States pursuant to the Visa Waiver Program ("VWP") in October 2025. Petitioner is currently detained by U.S. Immigration and Customs Enforcement ("ICE") at the Midwest Regional Reception Center in Leavenworth, Kansas, without any individualized determination as to whether her continued detention is necessary.

2. On or about October 4, 2025, Petitioner presented herself for inspection at a United States port of entry pursuant to an approved Electronic System for Travel Authorization ("ESTA") under the VWP. Following inspection by immigration authorities, Petitioner was admitted to the United States. She thereafter remained within the United States.

3. Petitioner is married to Ke Zhou, a United States citizen. On May 5, 2026, Petitioner filed a Form I-130, Petition for Alien Relative, and a concurrent Form I-485, Application to Register Permanent Residence or Adjust Status, based upon that marriage. Those applications remain pending before U.S. Citizenship and Immigration Services ("USCIS").

4. Petitioner's present detention did not arise at the border or while she was seeking admission to the United States. Rather, approximately nine months after her inspection and admission, Petitioner was apprehended by immigration authorities while present in the interior of the United States in Kansas. She was thereafter transferred to the Midwest Regional Reception Center in Leavenworth, Kansas, where she remains detained.

5. Respondents have nevertheless subjected Petitioner to categorical detention without providing her any individualized custody determination. To the extent Respondents rely upon 8 U.S.C. § 1225(b)(2) as authority for Petitioner's mandatory detention, that provision does

not apply because Petitioner was not "seeking admission" at the time of her present apprehension. She had already been inspected and admitted to the United States approximately nine months earlier.

6. In *Santillan Quiroz v. Mullin*, the United States Court of Appeals for the Tenth Circuit rejected the Government's expansive interpretation of § 1225(b)(2)(A) and held that the statutory phrase "seeking admission" applies to noncitizens who are actively seeking lawful entry into the United States. Petitioner was not seeking entry or admission when she was apprehended in Kansas; she had already entered following inspection and admission and had been physically present in the United States for months.

7. Petitioner's admission pursuant to the VWP does not transform her subsequent interior apprehension into an encounter with a person presently "seeking admission" within the meaning of § 1225(b)(2)(A). Although the VWP imposes limitations upon a participant's ability to contest removal, see 8 U.S.C. § 1187(b)(2), Petitioner does not through this habeas action seek judicial review of a removal order or challenge the validity of her VWP waiver. She challenges the statutory authority for her present physical detention and Respondents' continued deprivation of her liberty without any individualized custody determination.

JURISDICTION

1. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Midwest Regional Reception Center in Leavenworth, Kansas.

2. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

3. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

4. Petitioner challenges the legality of her detention, not the validity of any removal order.

VENUE

5. 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 District of Kansas, the judicial district in which Petitioner currently is detained.

6. 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 District of Kansas.

REQUIREMENTS OF 28 U.S.C. § 2243

7. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

8. 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) (emphasis added). "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).

PARTIES

9. Petitioner is a noncitizen currently detained at the Midwest Regional Reception Center in Leavenworth, Kansas.

10. Respondent Samuel Olson is the Field Office Director for ICE Enforcement and Removal Operations in the Chicago Field Office. As such, Samuel Olson is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

11. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security. He 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.

12. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

13. Respondent Todd Blanche is the Attorney General of the United States. He is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. He is sued in his official capacity.

14. Respondent Executive Office for Immigration Review (EOIR) is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings.

15. Respondent is the Warden of the Midwest Regional Reception Center in Leavenworth, Kansas, the facility where Petitioner is currently detained. Respondent has immediate physical custody of Petitioner and is sued in his official capacity.

LEGAL FRAMEWORK

16. The INA prescribes three basic forms of detention for many noncitizens in removal proceedings.

17. The Immigration and Nationality Act ("INA") establishes several distinct statutory authorities governing the detention of noncitizens, including 8 U.S.C. §§ 1225, 1226, and 1231. Which detention provision applies depends upon the noncitizen's immigration and procedural posture and the circumstances under which the detention arises.

18. Section 1225 governs the inspection and processing of noncitizens who are applicants for admission. As relevant here, § 1225(b)(2)(A) provides that, subject to certain exceptions, "in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained" for further proceedings. 8 U.S.C. § 1225(b)(2)(A).

19. Section 1226, by contrast, authorizes the arrest and detention of a noncitizen "pending a decision on whether the alien is to be removed from the United States." 8 U.S.C. § 1226(a). Unless mandatory detention is required under § 1226(c) or another statutory provision governs, § 1226(a) authorizes the Government to continue detention, release the noncitizen on bond, or release the noncitizen on conditional parole.

20. Section 1231 generally governs detention after a noncitizen has been ordered removed and during the statutory removal period. See 8 U.S.C. § 1231(a). Petitioner has not been ordered removed, and Respondents therefore cannot justify her present detention as post-order detention under § 1231.

21. Petitioner entered the United States pursuant to the Visa Waiver Program ("VWP"), 8 U.S.C. § 1187. On or about October 4, 2025, she presented herself for inspection at a United

States port of entry pursuant to an approved Electronic System for Travel Authorization ("ESTA"). Following inspection by immigration authorities, she was admitted to the United States pursuant to the VWP.

22. Admission under the VWP permits an eligible noncitizen to seek admission to the United States without first obtaining a nonimmigrant visa. An approved ESTA does not itself constitute admission; rather, the traveler presents herself for inspection, and admission occurs when immigration authorities permit her to enter the United States pursuant to the VWP.

23. As a condition of admission under the VWP, a participant generally waives the right "to contest, other than on the basis of an application for asylum, any action for removal." 8 U.S.C. § 1187(b)(2). DHS regulations accordingly provide procedures through which a VWP participant who has violated the terms of admission may be removed without ordinary removal proceedings before an Immigration Judge. See 8 C.F.R. § 217.4(b).

24. The limitations imposed by the VWP upon a participant's ability to contest removal, however, are distinct from the statutory question presented here: what authority permits the Government to physically detain Petitioner following an apprehension in the interior of the United States. Petitioner does not through this action challenge the validity of her VWP waiver, seek review of an order of removal, or claim an entitlement to ordinary removal proceedings under 8 U.S.C. § 1229a. She challenges the statutory authority for her present detention and Respondents' refusal to provide any individualized determination concerning the necessity of that detention.

25. In July 2025, the Department of Homeland Security adopted a new interpretation of § 1225(b)(2)(A) under which DHS asserted that many noncitizens apprehended in the interior of the United States could be treated as applicants for admission subject to mandatory detention

under § 1225(b)(2). The Board of Immigration Appeals subsequently adopted that interpretation in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

26. On June 30, 2026, the United States Court of Appeals for the Tenth Circuit rejected that interpretation in Santillan Quiroz v. Mullin, No. 26-6019 (10th Cir. June 30, 2026). The Court held that the phrase "seeking admission" in § 1225(b)(2)(A) has independent statutory significance and does not encompass every person who may fall within the INA's broader definition of an "applicant for admission."

27. The Tenth Circuit explained that § 1225(b)(2)(A) applies when a noncitizen is actively "seeking admission"—that is, seeking lawful entry into the United States. A noncitizen who has already entered the United States and is subsequently apprehended in the interior is not, merely by virtue of that later apprehension, "seeking admission" within the meaning of § 1225(b)(2)(A).

28. In reaching that conclusion, the Tenth Circuit rejected the Government's contention that the statutory definition of "applicant for admission" independently establishes mandatory detention under § 1225(b)(2)(A). The Court instead gave effect to Congress's additional requirement that the individual be "seeking admission" at the time relevant to the application of § 1225(b)(2)(A).

29. Petitioner's circumstances fall within that statutory reasoning. Petitioner did not enter the United States without inspection and was not apprehended while attempting to enter the country. She presented herself to immigration authorities at a port of entry, was inspected, and was admitted pursuant to the VWP on or about October 4, 2025.

30. Approximately nine (9) months later, Petitioner was apprehended while physically present in Kansas. At that time, she was not presenting herself for inspection, attempting to cross

an international border, arriving at a port of entry, or otherwise seeking lawful entry into the United States. She had already been inspected and admitted and had remained physically present within the United States for months.

31. Petitioner's subsequent violation or expiration of the terms of her VWP admission may bear upon her removability and the procedures available to contest removal, but it does not retroactively erase her prior inspection and admission or transform her subsequent interior apprehension into an attempt to seek admission to the United States.

32. Accordingly, whatever authority Respondents may possess to remove Petitioner pursuant to the VWP, § 1225(b)(2)(A) does not authorize her categorical mandatory detention on the theory that, when apprehended in Kansas approximately nine months after her admission, she was then "seeking admission" to the United States.

33. Because Petitioner was not "seeking admission" when she was apprehended, Respondents cannot rely upon § 1225(b)(2)(A) as authority for mandatory detention. Nor is Petitioner presently subject to post-removal-order detention under § 1231.

34. Section 1226(a) authorizes the Government to arrest and detain a noncitizen "pending a decision on whether the alien is to be removed from the United States." Unlike § 1225(b)(2), § 1226(a) does not mandate detention in every case. Rather, Congress expressly authorized the Government to continue detention or to release the noncitizen on bond or conditional parole. 8 U.S.C. § 1226(a)(1)–(2).

35. Petitioner recognizes that her admission pursuant to the VWP affects the procedures through which she may contest removal and that she has not been placed into ordinary removal proceedings pursuant to 8 U.S.C. § 1229a. Those procedural limitations, however, do not supply independent statutory authority for mandatory civil detention.

36. The Government's decision not to place Petitioner into ordinary removal proceedings cannot transform otherwise discretionary detention into categorical mandatory detention. If § 1225(b)(2) does not apply, Respondents must identify lawful statutory authority for Petitioner's continued detention and exercise that authority consistently with the limitations Congress imposed upon it.

37. Respondents have nevertheless continued to detain Petitioner without providing any individualized determination concerning whether her detention is necessary based upon flight risk, danger to the community, or any other individualized circumstance.

38. The practical result is indefinite categorical detention without any neutral determination of whether continued physical confinement is necessary. Neither Petitioner's VWP status nor the waiver contained in 8 U.S.C. § 1187(b)(2) expressly mandates such detention. The VWP waiver concerns the participant's ability to contest an action for removal; it does not itself establish a separate statutory regime of mandatory detention.

39. Petitioner therefore challenges Respondents' continued detention without lawful mandatory-detention authority and without any individualized custody determination. Because § 1225(b)(2)(A) does not govern her present detention, Petitioner respectfully requests that the Court require Respondents to provide a prompt individualized custody determination under the lawful statutory authority governing her detention or, alternatively, order her release from custody.

FACTS

40. Petitioner, Yu Ting Hung, is a native and citizen of Taiwan.

41. On or about October 4, 2025, Petitioner arrived at a United States port of entry pursuant to an approved Electronic System for Travel Authorization ("ESTA") under the Visa Waiver Program ("VWP"). Petitioner presented herself to United States immigration authorities

for inspection and, following that inspection, was admitted to the United States pursuant to the VWP.

42. Following her admission, Petitioner entered the United States and remained physically present within the country. She was not detained at the port of entry, placed into immigration custody upon arrival, or otherwise prevented from entering the United States.

43. Petitioner is married to Ke Zhou, a United States citizen. Based upon their marriage, on May 5, 2026, Petitioner filed a Form I-130, Petition for Alien Relative, and a concurrent Form I-485, Application to Register Permanent Residence or Adjust Status.

44. Petitioner's Form I-130 and Form I-485 remain pending before U.S. Citizenship and Immigration Services ("USCIS"). At the time of her present apprehension, Petitioner was therefore actively pursuing family-based immigration relief based upon her marriage to a United States citizen.

45. Petitioner's present detention did not arise from her October 2025 inspection and admission to the United States. Rather, approximately nine months after that admission, Petitioner was encountered by immigration authorities while physically present in Kansas.

46. Specifically, Petitioner was apprehended while present at Kansas City International Airport. She was not arriving in the United States on an international flight, presenting herself for inspection, attempting to cross an international border, or otherwise seeking entry or admission to the United States at the time of the encounter.

47. Immigration authorities took Petitioner into custody during that interior encounter. Following her apprehension in Kansas, Petitioner was ultimately transferred to the Midwest Regional Reception Center in Leavenworth, Kansas, where she remains in ICE custody.

48. Petitioner has not been placed into ordinary removal proceedings pursuant to 8 U.S.C. § 1229a through the filing of a Notice to Appear with the Immigration Court. Her present detention therefore does not arise from ordinary § 240 removal proceedings pending before an Immigration Judge.

49. Nor has Petitioner been ordered removed. Accordingly, Petitioner is not presently serving a statutory removal period following the entry of a final order of removal.

50. Despite Petitioner's prior inspection and admission and the circumstances of her subsequent apprehension in the interior of the United States, Respondents have continued to detain Petitioner without providing her an individualized custody determination.

51. At the time of her present apprehension, Petitioner was not "seeking admission" to the United States. She had already presented herself for inspection, been admitted pursuant to the VWP, entered the United States, and remained physically present within the country for approximately nine months.

52. Petitioner has substantial family and community ties in the United States. She is married to a United States citizen, has maintained a residence in the United States, and has a pending family-based petition and application for adjustment of status before USCIS.

53. Petitioner also has circumstances relevant to any individualized custody determination, including her stable residence, family relationships, community ties, pending immigration applications, lack of dangerousness, and ability and incentive to appear as required before immigration authorities.

54. Nevertheless, Petitioner has received no individualized determination by a neutral decisionmaker concerning whether her continued physical detention is necessary to address any risk of flight or danger to the community.

55. Instead, Respondents continue to subject Petitioner to categorical detention without providing an individualized mechanism through which she may demonstrate that her continued confinement is unnecessary.

56. To the extent Respondents rely upon 8 U.S.C. § 1225(b)(2)(A) as authority for Petitioner's mandatory detention, Petitioner was not "seeking admission" when she was apprehended in Kansas. Her present apprehension occurred approximately nine months after she had already been inspected and admitted to the United States.

57. Petitioner does not through this action challenge the validity of the waiver associated with her admission under the VWP or seek judicial review of an order of removal. Rather, Petitioner challenges Respondents' statutory authority to subject her to continued categorical detention without an individualized custody determination.

CLAIMS FOR RELIEF

COUNT I

Violation of the INA

58. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

59. Petitioner is presently detained by Respondents and has not been afforded an individualized custody determination concerning whether her continued detention is necessary.

60. Respondents have treated Petitioner as subject to categorical mandatory detention under 8 U.S.C. § 1225(b)(2), notwithstanding that Petitioner was not "seeking admission" to the United States at the time of her present apprehension.

61. Section 1225(b)(2)(A) provides for detention where an examining immigration officer determines that an "alien seeking admission is not clearly and beyond a doubt entitled to be admitted." 8 U.S.C. § 1225(b)(2)(A).

62. Petitioner was not "seeking admission" when she was apprehended in Kansas. Approximately nine months earlier, Petitioner had presented herself for inspection at a United States port of entry, was inspected by immigration authorities, and was admitted to the United States pursuant to the Visa Waiver Program.

63. Petitioner's subsequent apprehension occurred in the interior of the United States. She was not arriving in the United States, presenting herself for inspection, attempting to cross an international border, or otherwise seeking lawful entry into the country.

64. In *Santillan Quiroz v. Mullin*, No. 26-6019 (10th Cir. June 30, 2026), the United States Court of Appeals for the Tenth Circuit rejected the Government's interpretation that § 1225(b)(2)(A) applies broadly to noncitizens apprehended in the interior merely because they may qualify as "applicants for admission" under another provision of the INA.

65. The Tenth Circuit held that Congress's use of the phrase "seeking admission" in § 1225(b)(2)(A) has independent statutory significance and applies to a noncitizen who is actively seeking lawful entry into the United States. A noncitizen apprehended in the interior after previously entering the United States is not, by virtue of that later apprehension, "seeking admission" within the meaning of § 1225(b)(2)(A).

66. Petitioner's circumstances fall within the statutory reasoning of Santillan Quiroz. Indeed, Petitioner was not merely physically present within the United States before her present apprehension; she had previously presented herself for inspection and had been admitted to the United States by immigration authorities pursuant to the VWP.

67. Petitioner's admission pursuant to the VWP does not alter the meaning of "seeking admission" under § 1225(b)(2)(A). Although 8 U.S.C. § 1187(b)(2) generally limits a VWP participant's ability to contest an action for removal, that waiver does not provide independent

statutory authority for mandatory civil detention and does not transform a previously admitted VWP participant into a person presently "seeking admission" whenever she is subsequently apprehended in the interior.

68. Petitioner does not through this action challenge the validity of her VWP waiver, claim a right to ordinary removal proceedings under 8 U.S.C. § 1229a, or seek judicial review of an order of removal. Rather, Petitioner challenges the statutory authority under which Respondents continue to deprive her of her physical liberty.

69. Petitioner has not been ordered removed. Accordingly, her present detention is not detention during the removal period pursuant to 8 U.S.C. § 1231(a).

70. Because Petitioner was not "seeking admission" when she was apprehended in Kansas, § 1225(b)(2)(A) does not authorize Respondents to subject her to categorical mandatory detention.

71. To the extent Petitioner's detention is instead governed by 8 U.S.C. § 1226(a), that provision does not impose categorical mandatory detention. Section 1226(a) expressly authorizes the Government, following arrest and detention, to continue detention or to release the noncitizen on bond or conditional parole. See 8 U.S.C. § 1226(a)(1)–(2).

72. Respondents cannot convert discretionary detention into mandatory detention merely by declining to provide Petitioner a meaningful mechanism through which the necessity of her continued confinement may be individually considered.

73. Nor does Petitioner's VWP status independently authorize categorical mandatory detention. The waiver contained in 8 U.S.C. § 1187(b)(2) addresses a VWP participant's ability to contest an action for removal; it does not itself direct that a VWP participant must remain detained without an individualized custody determination.

74. Respondents' continued detention of Petitioner as categorically subject to mandatory detention under § 1225(b)(2), despite the absence of the statutory condition that she be "seeking admission," exceeds the detention authority granted by Congress and violates the Immigration and Nationality Act.

75. As a direct result of Respondents' unlawful exercise of detention authority, Petitioner remains deprived of her liberty without any individualized determination concerning whether her continued detention is necessary.

76. Petitioner is therefore entitled to habeas relief directing Respondents to cease detaining her pursuant to § 1225(b)(2)(A) and to provide her with a prompt, individualized custody determination under the lawful statutory authority applicable to her detention or, alternatively, to release her from custody.

COUNT II

Violation of Due Process

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

78. The Fifth Amendment provides that no person shall be deprived of liberty without due process of law. U.S. Const. amend. V.

79. The protections of the Due Process Clause extend to noncitizens physically present within the United States. Freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

80. Immigration detention is civil, rather than punitive, in nature. Accordingly, continued detention must bear a reasonable relationship to the legitimate governmental purposes for which civil immigration detention is authorized.

81. Petitioner has a substantial liberty interest in freedom from unnecessary physical confinement. Prior to her apprehension, Petitioner was living in the United States with substantial family and community ties, including her marriage to a United States citizen and a stable residence.

82. Petitioner also has a pending Form I-130, Petition for Alien Relative, and Form I-485, Application to Register Permanent Residence or Adjust Status, based upon her marriage to a United States citizen. These pending applications, together with her family and community ties, provide substantial incentives for Petitioner to remain available to immigration authorities and comply with any lawful immigration requirements.

83. Nevertheless, Respondents have continued to physically detain Petitioner without providing her any meaningful opportunity to demonstrate that her continued detention is unnecessary to address a risk of flight or danger to the community.

84. Petitioner has not received an individualized custody determination at which a neutral decisionmaker could consider her particular circumstances, including her family relationships, stable residence, community ties, pending immigration applications, lack of dangerousness, likelihood of compliance with immigration requirements, or the availability of conditions of release sufficient to address any legitimate governmental concern.

85. Instead, Respondents have subjected Petitioner to categorical detention without an individualized assessment of whether continued physical confinement is necessary in her particular case.

86. Respondents' treatment of Petitioner as subject to mandatory detention rests upon an erroneous application of 8 U.S.C. § 1225(b)(2)(A). As set forth above, Petitioner was not "seeking admission" when she was apprehended in Kansas. She had already been inspected and admitted to the United States approximately nine months earlier.

87. Petitioner's admission pursuant to the Visa Waiver Program does not eliminate her constitutional interest in freedom from arbitrary physical detention. Although 8 U.S.C. § 1187(b)(2) generally limits a VWP participant's ability to contest an action for removal, Petitioner does not invoke the Due Process Clause to challenge her removability, invalidate her VWP waiver, or obtain ordinary removal proceedings to which she may otherwise have waived entitlement.

88. Rather, Petitioner invokes the Due Process Clause to challenge her continued physical confinement without any meaningful individualized process for determining whether that confinement is authorized and necessary.

89. The distinction between removal and detention is critical. The Government's authority to remove a noncitizen does not, standing alone, establish unlimited authority to detain that individual without the procedural protections required by the Constitution. Detention constitutes a separate and substantial deprivation of physical liberty.

90. Respondents have provided Petitioner no meaningful mechanism through which she may challenge the necessity of her continued detention. As a result, there has been no individualized determination that Petitioner poses a danger to the community, presents a meaningful risk of flight, or cannot safely be released subject to appropriate conditions.

91. The absence of any individualized custody determination is particularly significant because Petitioner's detention is civil in nature and Respondents cannot lawfully rely upon § 1225(b)(2)(A) to impose categorical mandatory detention upon a person who was not "seeking admission" at the time of her apprehension.

92. By continuing to deprive Petitioner of her physical liberty without a meaningful opportunity to demonstrate that continued detention is unnecessary, Respondents have deprived Petitioner of liberty without due process of law in violation of the Fifth Amendment.

93. As a direct and continuing result of Respondents' actions, Petitioner remains confined at the Midwest Regional Reception Center without any individualized determination that her detention is necessary to serve a legitimate governmental purpose.

94. Petitioner is therefore entitled to habeas relief requiring Respondents to provide a prompt and meaningful individualized custody determination before a neutral decisionmaker, with consideration of whether continued detention is necessary based upon Petitioner's particular circumstances, or, alternatively, to release Petitioner from custody.

PRAYER FOR RELIEF

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

a. Issue a writ of habeas corpus requiring that Respondents immediately release Petitioner or provide Petitioner with a bond hearing within 14 days; and

b. Grant any other and further relief that this Court deems just and proper.

DATED this 21th of July, 2026.

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