

complied with the conditions of his prior release under an Order of Supervision.

2. This is not Mr. Balouch's first habeas petition. In May 2024, after ICE had detained him for over a year without securing a travel document from Iran, Mr. Balouch filed a habeas petition challenging his prolonged detention. ICE ultimately released him from custody on October 8, 2024, pursuant to an Order of Supervision, implicitly acknowledging that removal was not reasonably foreseeable. Mr. Balouch complied with all terms of his supervision, including reporting to ICE as required and promptly notifying the agency of his address changes.
3. Despite this history of compliance, and without any change in circumstances or indication that Iran has now issued a travel document, ICE abruptly re-arrested Mr. Balouch at his home on June 25, 2025. He was not provided with written notice of the revocation of his Order of Supervision, nor any explanation for his re-detention. He has not met with a deportation officer, received any documentation outlining the legal basis for his custody, or been granted the required opportunity to challenge the reasons for his detention. These failures violate ICE's own binding regulations and policies, in contravention of the *Accardi* doctrine, *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

4. Moreover, Mr. Balouch's current detention is unconstitutional under the Supreme Court's ruling in *Zadvydas v. Davis*, 533 U.S. 678 (2001), which prohibits indefinite detention where there is no significant likelihood of removal in the reasonably foreseeable future. Mr. Balouch's removal period expired nearly two years ago, and there is no evidence that Iran has issued or will issue a travel document. ICE previously released him under these exact circumstances and has offered no new factual basis to support the legality of this renewed detention.
5. Mr. Balouch's re-detention is a clear violation of constitutional and statutory law. Accordingly, Mr. Balouch respectfully petitions this Court to order his immediate release and declare his continued detention unlawful.
6. Petitioner request that the Court use its authority under 28 U.S.C. § 2243 to order the Respondents to file a return within three days, unless they can show good cause for additional time. *See* 28 U.S.C. § 2243 (stating that an order to show cause why a petition for writ of habeas corpus should be denied is returnable "within three days unless for good cause additional time, not exceeding twenty days, is allowed"). Courts frequently issue such orders to show cause for the government to respond to habeas petitions by individuals in immigration detention. *See, e.g., Diallo v. Pitts*, Civil Action No. 1:19-cv-216, 2020 WL 714274 (S.D. Tex. Jan. 15, 2020); *Abdulle v. Gonzales*, 422 F.

Supp. 2d 774, 775 (W.D. Tex. 2006) (Briones, J.); *D.G.L. v. Collins*, No. A-20-CV-1126-RP-SH, 2020 WL 10355163, at *2 (W.D. Tex. Nov. 18, 2020) (Hightower, M.J.); *Melika Mohammadi Gazvar Olga, v. Angel Garite*, 25-cv-00083, (Dkt. 7) (W.D. Tex, Mar. 19, 2025) (Guadderrama, J.); *John Doe v. Angel Garite*, 24-cv-00046, (Dkt. 5) (W.D. Tex. Feb. 21, 2025) (Cardone, J.).

CUSTODY

7. Mr. Balouch is in the physical custody and under direct control of Respondents, specifically of the U.S. Immigration and Customs Enforcement (“ICE”). Mr. Balouch is detained at the IAH Polk Adult Detention Facility in Livingston, Texas.

PARTIES

8. Mr. Balouch is presently detained at the direction of Respondents at the IAH Polk Adult Detention Facility located at 3400 FM 350 Livingston, Texas 77351.
9. Respondent Pamela Bondi is named in her official capacity as the Attorney General of the United States. She is responsible for the administration of the immigration laws as exercised by the Executive Office for Immigration Review. 8 U.S.C. § 1103(g). She routinely transacts business in the Eastern

District of Texas and is legally responsible for Petitioner's detention. As such, she is the legal custodian¹ of Petitioner.

10. Respondent Kristi Noem is named in her official capacity as the Secretary of the Department of Homeland Security ("DHS"). She is responsible for the administration of Immigration and Customs Enforcement ("ICE") and the implementation and enforcement of the Immigration and Nationality Act. 8 U.S.C. § 1103(a). She routinely transacts business in the Eastern District of Texas and is legally responsible for Petitioner's detention. As such, she is a legal custodian² of Petitioner.

11. Respondent Todd Lyons is named in his official capacity as the Acting Director of ICE. As director of ICE, the agency within DHS that detains and removes noncitizens, Respondent Lyons is a legal custodian³ of Petitioner.

12. Respondent Bret Bradford is named in his official capacity as the Field Office Director responsible for the Houston Field Office of ICE with administrative jurisdiction over Petitioner's case. He routinely transacts business within the boundaries of the judicial district of the Eastern District of Texas. Pursuant to

¹ No binding Supreme Court or Fifth Circuit cases have adopted the immediate custodian rule in the removal context. *Rumsfeld v. Padilla*, 542 U.S. 426 at 435 n. 8 (2004) (expressly "left open the question whether the Attorney General is a proper respondent to a *habeas* petition filed by an [noncitizen] detained pending deportation"). The Petitioner is held at a private prison which contracts with the federal government to house immigration detainees at the direction of Respondent. Therefore, Respondent is a proper party because they oversee government agencies and/or offices under whose authority Petitioner is being detained.

² *ibid.*

³ *ibid.*

Respondent Bradford's orders, Petitioner remains detained. As such, he is a legal custodian⁴ of Petitioner.

13. Respondent Alexander Sanchez is named in his official capacity as the Facility Administrator of the IAH Polk Adult Detention Facility where Petitioner is held. In this capacity, he is a legal custodian of Petitioner.

JURISDICTION

14. Petitioner is detained in the custody of Respondents at the IAH Polk Adult Detention Facility located at 3400 FM 350 Livingston, Texas 77351.

15. This Court has subject matter jurisdiction over this Petition under 28 U.S.C. § 2241 (power to grant habeas corpus) and 28 U.S.C. § 1331 (federal question jurisdiction); the All Writs Act, 28 U.S.C. § 1651; and the Administrative Procedure Act, 5 U.S.C. § 701.

16. Pursuant to 28 U.S.C. § 2241, district courts have jurisdiction to hear habeas corpus claims by noncitizens challenging the lawfulness of their detention under federal law. *See, e.g. Zadvydas v. Davis*, 533 U.S. 678, 687 (2001) ("We note at the outset that the primary habeas corpus statute, 28 U.S.C. § 2241, confers jurisdiction upon the federal courts to hear these cases.").

⁴ *ibid.*

VENUE

17. Venue properly lies in the Eastern District of Texas – Lufkin Division because Petitioner is physically present and in the custody of Respondents within the District. *See* 8 U.S.C. § 2241(a) (providing for habeas petitions “within [a court’s] respective jurisdiction”).

LEGAL FRAMEWORK

18. The Immigration and Nationality Act (“INA”), 8 U.S.C. § 1231, governs the detention of noncitizens “during” and “beyond” the “removal period.” The “removal period” begins once a noncitizen’s removal order “becomes administratively final.” 8 U.S.C. § 1231(a)(1)(B). A removal order “become administratively final” at the earlier of two points: (1) “a determination by the Board of Immigration Appeals affirming such an order,” or (2) “the expiration of the period in which the [noncitizen] is permitted to” petition the Board of Immigration Appeals for review of the order. 8 U.S.C. § 1101(a)(47)(B). Because a noncitizen cannot seek review of a final administrative removal order before an immigration judge or the Board of Immigration Appeals, the order becomes final immediately upon issuance. *Riley v. Bondi*, 145 S. Ct. 2190 (2025).

19. The removal period lasts for 90 days, during which ICE “shall remove the [noncitizen] from the United States” and “shall detained the [non-citizen]” as it carries out the removal. 8 U.S.C. § 1231(a)(1)-(2). The 90-day removal

period is tolled and extended only if the noncitizen fails to or refuses to make timely applications in good faith for travel, or other documents necessary for the noncitizen's departure, or conspires or acts to prevent the noncitizen's removal subject to an order of removal. 8 U.S.C. § 1231(a)(1)(C).

20.If ICE does not remove the noncitizen within the 90-day removal period, the noncitizen “*may* be detained beyond the removal period” if they meet certain criteria, such as being inadmissible or deportable under specified statutory categories. 8 U.S.C. § 1231(a)(6) (emphasis added).

21.In *Zadvydas*, the Supreme Court held that “the statute, read in light of the Constitution’s demands, limits [a noncitizen’s] post-removal-period detention to a period reasonably necessary to bring about that [noncitizen’s] removal from the United States.” *Id.* “[O]nce removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute.” *Id.* at 699. Six months of post-removal order detention is considered “presumptively reasonable.” *Id.* at 701.

22.In determining the reasonableness of detention, the Supreme Court recognized that, if a person has been detained more than six months following the initiation of their removal period, their detention is presumptively unreasonable unless deportation is reasonably foreseeable; otherwise, it violates that noncitizen’s due process right to liberty. 533 U.S. at 701. In this

circumstance, if the noncitizen “provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future,” the burden shifts to the government to justify continued detention. *Id.*

23. The Court’s ruling in *Zadvydas* is rooted in due process’s requirement that there be “adequate procedural protections” to ensure that the government’s asserted justification for a noncitizen’s physical confinement “outweighs the ‘individual’s constitutionally protected interest in avoiding physical restraint.’” *Id.* at 690 (quoting *Kansas v. Hendricks*, 521 U.S. 346, 356 (1997)).

24. In the immigration context, the Supreme Court only recognizes two purposes for civil detention: preventing flight and mitigating the risks of danger to the community. *Zadvydas*, 533 U.S. at 690; *Demore*, 538 U.S. at 528. The government may not detain a noncitizen based on any other justification. The first justification of preventing flight, however, is “by definition . . . weak or nonexistent where removal seems a remote possibility.” *Zadvydas*, 533 U.S. at 690. Thus, where removal is not reasonably foreseeable and the flight prevention justification for detention accordingly is “no longer practically attainable, detention no longer ‘bears [a] reasonable relation to the purpose for which the individual [was] committed.’” *Id.* (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). As for the second justification of protecting the

community, “preventive detention based on dangerousness” is permitted “only when limited to specially dangerous individuals and subject to strong procedural protections.” *Zadvydas*, 533 U.S. at 690–91.

25. Thus, under *Zadvydas*, “if removal is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by statute.” *Id.* at 699–700. If removal is reasonably foreseeable, “the habeas court should consider the risk of the [noncitizen’s] committing further crimes as a factor potentially justifying the confinement within that reasonable removal period.” *Id.* at 700.

26. At a minimum, detention is unconstitutional and not authorized by statute when it exceeds six months and deportation is not reasonably foreseeable. *See Zadvydas*, 533 U.S. at 701 (stating that “Congress previously doubted the constitutionality of detention for more than six months” and, therefore, requiring the opportunity for release when deportation is not reasonably foreseeable and detention exceeds six months); *see also Clark v. Martinez*, 543 U.S. 371, 386 (2005).

27. A noncitizen may be released from custody under conditions of supervision if DHS determines that the individual is not significantly likely to be removed in the reasonably foreseeable future; the person is not a danger to the community or a flight risk; and the conditions of supervision can mitigate any

concerns regarding compliance or safety. 8 C.F.R. § 241.4(e). If a noncitizen is released pursuant to 8 C.F.R. § 241.4(e), they must be released pursuant to an Order of Supervision. 8 C.F.R. § 241.5(a). The Order of Supervision specifies conditions of release, which generally includes routine check-ins and the requirement to notify DHS with written notice of any change of address. *Id.* at 241.5(a)(1).

28. Once a noncitizen is released under an Order of Supervision, DHS may revoke an Order of Supervision and return a noncitizen into custody if the noncitizen has violated its conditions, the discovery of previously unknown information indicating the individual poses a danger or flight risk, or a change in circumstances (e.g., renewed likelihood of removal). 8 C.F.R. § 241.4(l)(1)-(2). Upon revocation, the noncitizen must receive written notification specifying the reasons for the revocation and the factual basis. *Id.* After being returned to custody, the noncitizen must be promptly afforded an initial informal interview and given an opportunity to respond to the reasons for revocation. *Id.*

29. Under 8 C.F.R. § 241.4(1)(2), only an Executive Associate Commissioner for a district director may revoke release.

STATEMENT OF FACTS

30.Mr. Balouch is a national and citizen of Iran. Exh. 1.

31.Mr. Balouch was paroled into the United States on January 16, 2015, pursuant to a grant of Significant Public Interest Parole.⁵ Following his arrival, he was arrested and taken into custody by the U.S. Marshals Service.

32.At the time of apprehension, the United States government took possession of Mr. Balouch original Iranian passport, which was valid through February 7, 2018.

33.On April 13, 2023, Mr. Balouch was convicted of conspiracy to possess with intent to distribute one kilogram or more of a mixture of substances containing heroin and sentenced to 90 months' confinement.

34.On April 18, 2023, Mr. Balouch was released from federal criminal custody and transferred into the custody of the U.S. Immigration and Customs Enforcement ("ICE"). He was detained at the Montgomery Processing Center located at 806 Hilbig Rd. Conroe, Texas 77301.

35.The Department of Homeland Security ("DHS") issued a Final Administrative Removal Order against Mr. Balouch on April 27, 2023. Exh. 2. Mr. Balouch's removal period commenced on the same date.

⁵ Parole based on significant public benefit includes, but is not limited to, law enforcement. See https://www.uscis.gov/humanitarian/humanitarian_parole (last visited July 23, 2025).

36. Mr. Balouch expressed a fear of return to Iran and, on May 4, 2023, was placed in withholding-only proceedings pursuant to 8 C.F.R. § 208.31(e). He subsequently applied for withholding of removal and protection under the Convention Against Torture. The Immigration Judge denied his applications for relief.
37. On July 11, 2023, ICE Enforcement and Removal Operations (“ERO”) conducted a 90-day Post Order Custody Review of Mr. Balouch and concluded that release was not warranted, based on a determination that he posed both a flight risk and a threat to public safety.
38. On March 27, 2024, ERO conducted a 180-day Post Order Custody Review and determined that Mr. Balouch should remain in custody, based on a finding that there existed a significant likelihood of removal in the reasonably foreseeable future.
39. On May 1, 2024, Mr. Balouch filed a petition for writ of habeas corpus with the Southern District of Texas – Houston Division challenging the constitutionality of his continued detention. *Salim Omar Balouch v. Merrick Garland, et al.* 4:24-cv-01637 (S.D.T.X Oct. 18, 2024) (voluntarily dismissed).

40. On October 8, 2024, Mr. Balouch was released from ICE custody pursuant to an Order of Supervision. Exh. 3. As a condition of release, Mr. Balouch was required to report to the Houston Field Office on November 7, 2024.
41. Following Mr. Balouch's release, the parties jointly moved to dismiss the pending habeas petition. On October 18, 2024, U.S. District Judge Hoyt granted the motion and dismissed without prejudice. Exh. 4.
42. On October 14, 2024, Mr. Balouch notified ICE of his change of address. Exh. 5.
43. On November 7, 2024, Mr. Balouch appeared at the Houston Field Office for his routine check-in. Exh. 3. He was ordered to return on May 7, 2025. Exh. 3.
44. On May 7, 2025, Mr. Balouch presented himself at the Houston Field Office for his routine check-in on May 7, 2025. He was ordered to return on September 4, 2025.
45. In compliance with the condition for release, Mr. Balouch again notified ICE of his change of address on May 7, 2025. Exh. 6.
46. On June 25, 2025, ICE officers arrived at Mr. Balouch's residence. Upon their request, Mr. Balouch allowed them to enter. After presenting a copy of his expired Iranian passport, and without any prior notice, Mr. Balouch was arrested and taken into ICE custody.

47.ICE did not provide Mr. Balouch with any written notice of explanation regarding the reasons for re-detention.

48.On June 25, 2025, Respondent's counsel contacted the Houston Field Office to request the basis for revocation of Mr. Balouch's Order of Supervision. To date, no response has been received.

49.Mr. Balouch has remained in ICE custody since June 25, 2025 and is currently detained at the IAH Polk Adult Detention Facility in Livingston, Texas.

50.Since his re-apprehension, Mr. Balouch has not been granted a meeting with a deportation officer, nor has he received any written documentation specifying the grounds for revocation of his Order of Supervision.

51.Almost one month in detention, Mr. Balouch has not been afforded an initial interview or any opportunity to challenge the basis for his detention.

52.Mr. Balouch has fully complied with all conditions of release, including the scheduled ICE check-ins and promptly notifying the agency of any changes in address. In fact, he was taken into custody while cooperating with ICE by allowing agents entry into his home.

53.There has been no material change in Petitioner's individual circumstances to justify a finding that he now poses a danger to the community or is unlikely to comply with an order of removal. Notably, ICE previously released Petitioner, in part, due to the inability to obtain a travel document from Iran.

54. Mr. Balouch's 90-day removal period commenced on April 27, 2023 and expired on July 26, 2023. Nearly two years after the expiration of that period, he was summarily re-detained without notice or evidence that a travel document had been obtained, or that a third country had authorized his repatriation.

55. Respondents' decision to re-detain Mr. Balouch is unlawful and capricious and arbitrary.

CLAIMS FOR RELIEF

COUNT ONE

Violation of the Immigration and Nationality Act, 8 U.S.C. § 1231

56. Petitioner re-alleges and incorporates by reference the paragraphs above as if fully set forth herein.

57. Petitioner's detention is governed by 8 U.S.C. § 1231(a)(6) because his detention is more than 90 days since his removal order became administratively final. The 90-day removal period was triggered when the Final Administrative Removal Order was issued on April 23, 2023. *Riley v. Bondi*, 145 S. Ct. 2190 (2025) (finding that the Final Administrative Removal Order issued by the Department of Homeland Security is the "final removal order" under the statute). *See also Kareem Tadros v. Noem*, No. 25-cv-4108, 2025 WL 1678501 (D.N.J. June 13, 2025) (finding a habeas claim under

Zadvydas is not premature because the 90-day removal period triggers the claim not the detention period). Therefore, the *Zadvydas* framework applies, and he has detention is more than six months since his removal order became final.

58. Mr. Balouch's release suggested that it was determined that he was not a flight risk, and that the Government was unlikely to find a third country to accept him in the reasonably foreseeable future. Petitioner has complied with all the conditions of his Order of Supervision. There is no reason to believe that Petitioner is a flight risk. For eight months, the Petitioner has complied with his routine ICE check-ins and promptly notified ICE of any changes of address. Furthermore, there is no significant likelihood of his removal in the reasonably foreseeable future because two years have gone by without the Government securing a third country for his removal, despite being in possession of an original expired Iranian passport.

59. The Supreme Court has made clear that continued detention is allowed where the detention is reasonably related to a legitimate government purpose – securing noncitizens removal from the United States. 533 U.S. at 689, 701; *see also* 8 U.S.C. § 1231(a)(6). The central principle in *Zadvydas* is that the government's authority to detain is inherently tied to its ability to effectuate removal. Where, as here, no such removal is realistically forthcoming, the

continued detention becomes not only unauthorized by the statute but constitutionally infirm.

60. Petitioner's detention is not likely to end in the reasonably foreseeable future.

If Respondents have “no idea of when it might reasonably expect [Petitioner] to be repatriated, this Court certainly cannot conclude that his removal is likely to occur—or even that it might occur—in the reasonably foreseeable future.” *Singh v. Whitaker*, 362 F. Supp. 3d 93, 102 (W.D.N.Y. 2019); *See also Gonzalez-Rondon v. Gillis*, No. 5:19-cv-109-DCB-MTP, 2020 WL 3428983 (S.D. Miss. June 23, 2020) (holding that petitioner met his initial burden where he was held in ICE custody for more than one year after the issuance of his removal order with no indication from the Venezuelan officials that travel documents would be issued). The government cannot merely assert good-faith efforts or speculative future possibilities. It must provide specific, credible evidence of a forthcoming repatriation.

61. Petitioner has been re-detained for almost a month, even though there has been no indication that Iran is now able to issue a travel document.

62. Therefore, Petitioner's continued detention has is unreasonable because his removal is not reasonably foreseeable.

COUNT TWO
Violation of Due Process Clause of the
Fifth Amendment of the U.S. Constitution

63. Petitioner re-alleges and incorporates by reference the paragraphs above as if fully set forth herein.

64. Petitioner's detention violates the Due Process Clause. 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. "Freedom from imprisonment – from government custody, detention, or other forms of physical restraint – lies at the heart of the liberty" that the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)). "[T]he Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Id.* at 693. For this reason, even "removable and inadmissible aliens are entitled to be free from detention that is arbitrary and capricious." *Id.* at 721 (Kennedy, J., dissenting).

65. Civil immigration detention violates due process if it is not reasonably related to its statutory purpose. *See id.* (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)).

66. Petitioner's civil detention, which has lasted beyond the end of the removal period, and which is likely to continue indefinitely, is no longer reasonably

related to the primary statutory purpose of ensuring imminent removal. In the absence of clear evidence from the government that removal is imminent or realistically achievable, continued detention under these circumstances is arbitrary and violates Petitioner's substantive due process rights.

COUNT THREE
Arbitrary and Capricious Agency Action
under the Administrative Procedure Act, 5 U.S.C. § 706(a)(A)

67. Petitioner re-alleges and incorporates by reference the paragraphs above as if fully set forth herein.

68. Under the *Accardi* doctrine, which originated in the context of an immigration case and has been developed through subsequent immigration case law, agencies are bound to follow their own rules that affect the fundamental rights of individuals, even self-imposed policies and processes that limit otherwise discretionary decisions. *See Accardi v. Shaughnessy*, 347 U.S. 260 (1954); *Morton v. Ruiz*, 415 U.S. 199, 235 (1974) (“Where the rights of individuals are affected, it is incumbent upon agencies to follow their own procedures . . . even where the internal procedures are possibly more rigorous than otherwise would be required.”).

69. When agencies fail to adhere to their own policies as required by *Accardi*, courts typically frame the violation as arbitrary, capricious, and contrary to law under the APA, *see Damus v. Nielson*, 313 F. Supp. 3d 317, 337 (D.D.C.

2018) (“It is clear, moreover, that [*Accardi*] claims may arise under the APA”), or as a due process violation, *see Sameena, Inc. v. United States Air Force*, 147 F.3d 1148, 1153 (9th Cir. 1998) (“An agency’s failure to follow its own regulations tends to cause unjust discrimination and deny adequate notice and consequently may result in a violation of an individual’s constitutional right to due process.”) (internal quotations omitted). Prejudice is generally presumed when an agency violates its own policy. *See Montilla v. INS*, 926 F.2d 162, 167 (2d Cir. 1991) (“We hold that an alien claiming the INS has failed to adhere to its own regulations . . . is not required to make a showing of prejudice before he is entitled to relief. All that need be shown is that the subject regulations were for the alien’s benefit and that the INS failed to adhere to them.”); *U.S. v. Heffner*, 420 F.2d 809, 813 (4th Cir. 1969) (“The *Accardi* doctrine furthermore requires reversal irrespective of whether a new trial will produce the same verdict.”). To remedy an *Accardi* violation, a court may direct the agency to properly apply its policy, *see Damus*, 313 F. Supp. 3d at 343 (“[T]his Court is simply ordering that Defendants do what they already admit is required.”), or a court may apply the policy itself and order relief consistent with the policy. *See Jimenez v. Cronen*, 317 F. Supp. 3d 626, 657 (D. Mass. 2018) (scheduling bail hearing to review petitioners’ custody

under ICE's standards because "it would be particularly unfair to require that petitioners remain detained . . . while ICE attempts to remedy its failure").

70. Courts must "hold unlawful and set aside agency action" that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

71. DHS has implemented regulations stating that upon revocation the noncitizen will be notified of the reasons for the revocation of his release and required ICE to conduct an information interview promptly after their return to ICE custody to afford the noncitizen an opportunity to respond to and dispute the reasons underlying the revocation. 8 C.F.R. § 241.13(l)(2).

72. After almost one month in detention, Petitioner has not been afforded an initial interview to challenge the reasons for his detention, nor has he been given reasons for his detention.

73. Under the *Accardi* doctrine, when an agency fails to follow its own procedures or regulations, the agency's action should be set aside. *See Cordon-Salguero v. Noem et al*, No. 1:25-cv-01626-GLR (D. Maryland Jun 18, 2025)

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court

- 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 continued detention violates the Immigration and Nationality Act, 8 U.S.C. § 1231(a)(6); the Administrative Procedure Act, 5 U.S.C. § 706(2)(A); and/or the Due Process Clause of the Fifth Amendment to the U.S. Constitution.
- 4) Order Petitioner's immediate release and be restored to his Order of Supervision previously imposed before his detention;
- 5) Grant such further relief as the Court deems just and proper.

Dated: July 24, 2025

Respectfully submitted,

By: /s/ Rebecca Chavez
Rebecca Chavez
GALVESTON-HOUSTON IMMIGRANT
REPRESENTATION PROJECT
Texas Bar No. 24109716
P.O. Box 36329
Houston, TX 77236
Telephone: (713) 909-7015
Fax: (713) 588-4700
Email: rebeccac@ghirp.org
Attorney for Petitioner

Verification of Someone Acting on Petitioner's Behalf
Pursuant to 28 U.S.C. § 2242

I am submitting this verification on behalf of Petitioner because I am Petitioner's attorney. I, Rebecca Chavez, and others working under my supervision have discussed with Petitioner the events described in the Petition. I hereby certify that the statements made in this attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

/s/ Rebecca Chavez

Date: July 24, 2025