

JS 44 (Rev. 03/24)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Julio Antonio Hechavarria Gonzalez

(b) County of Residence of First Listed Plaintiff Multnomah
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Marandas Garcia Law Group LLC, 16771 Boones Ferry Rd., Ste. 100, Lake Oswego, OR 97035. 503-607-0444

DEFENDANTS

Drew Bostock et al

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

U.S. Attorney Scott Bradford
U.S. Attorney General Pamela Bondi**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability LABOR ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☒ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC 2241, 2243Brief description of cause:
Petition for Writ of Habeas Corpus**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.**DEMAND \$**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

08/04/2025

SIGNATURE OF ATTORNEY OF RECORD

s/ John J. Marandas

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

JOHN J. MARANDAS, OSB #973227
john@law-mg.com
CAROLINE K. MEDEIROS, OSB #100493
caroline@law-mg.com
MARANDAS GARCIA LAW GROUP LLC
16771 Boones Ferry Road, Suite 100
Lake Oswego, OR 97035
Office: (503) 607-0444
Mobile: (503) 341-1772

Attorneys for Petitioner

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
Portland Division

HECHAVARRIA GONZALEZ, Julio
Antonio

Petitioner,

v.

DREW BOSTOCK, Seattle Field Office
Director, Immigration and Customs
Enforcement and Removal Operations
("ICE/ERO"), CALEB VITELLO, Acting
Director of Immigration Customs
Enforcement ("ICE"), U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT, KRISTI
NOEM, Secretary of the Department of
Homeland Security ("DHS"), U.S.
DEPARTMENT OF HOMELAND
SECURITY, and PAMELA BONDI, Attorney
General of the United States.

Respondents.

Case No. 25-1370

Agency No. A243-019-893

**PETITION FOR WRIT OF HABEAS
CORPUS**

ORAL ARGUMENT REQUESTED

Expedited Hearing Requested

INTRODUCTION

1. Petitioner, Julio Antonio Hechavarria Gonzalez (“Mr. Hechavarria Gonzalez”), is a Cuban dissident who has faced threats, violence, detention, and economic retaliation for refusing to support the Communist Party in Cuba and for peacefully expressing pro-democracy views. From rejecting mandatory political organizations as a student to participating in the July 11, 2021 protests, Julio has been repeatedly targeted by the Cuban government. After enduring years of persecution—including military abuse, mob attacks, surveillance, and death threats—he was ultimately told by state security to flee the country or face serious harm. He fled his country to seek asylum in the United States.

2. Released on his own recognizance from immigration custody nearly three years ago by Respondents, Mr. Hechavarria Gonzalez has complied with every request, demand and requirement imposed by Respondents, in addition to complying with all the court and legal timelines for his asylum case.

3. Even so, Respondents now seek to detain Mr. Hechavarria Gonzalez, transfer him away from the district, and deport him. Respondents do so based not on his personal circumstances or individualized facts, but on Respondents’ interpretation of President Trump’s whim and categorical determination that, notwithstanding the facts in his case, Mr. Hechavarria Gonzalez should be detained and deported. It is unlawful to detain and deport Mr. Hechavarria Gonzalez without providing him due process of law and an individualized determination as to his custody.

4. Accordingly, to vindicate Petitioner’s rights, this Court should grant the instant petition for a writ of habeas corpus. Mr. Hechavarria Gonzalez asks this Court to find that

Respondents' attempts to detain, transfer, and deport him are arbitrary and capricious and in violation of the law, and to issue an order preventing his transfer out of this district.

JURISDICTION

5. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et. seq.

6. This court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

7. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., and the All Writs Act, 28 U.S.C. § 1651.

VENUE

8. Venue is proper because Petitioner resides within this judicial district, and he is in Respondents' custody in Portland, Oregon. Venue is further proper because a substantial part of the events or omissions giving rise to Petitioner's claims occurred in this District, where Petitioner is now in Respondent's custody. 28 U.S.C. § 1391(e).

9. For these same reasons, divisional venue is proper under Local Rule 3-2.

REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

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

11. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, 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).

12. Petitioner is “in custody” for the purpose of § 2241 because he has been released from detention subject to Respondents’ reporting requirements and remains in their constructive custody. “[T]he Supreme Court has repeatedly held that the in-custody requirement [of 28 U.S.C. § 2241] is met where the Government restricts a petitioner’s freedom of action or movement,” including through an immigration order of supervision. *See Doe v. Barr*, 479 F. Supp. 3d 20, 26 (S.D.N.Y. 2020), *citing Jones v. Cunningham*, 371 U.S. 236 (1963) and *Spencer v. Kemna*, 523 U.S. 1, 7 (1998); *see also, e.g., Devitri v. Cronen*, 290 F. Supp. 3d 86, 90 (D. Mass. 2017) (finding the same); *Alvarez v. Holder*, 454 F. App’x 769, 772-72 (11th Cir. 2011) (same).

PARTIES

13. Julio Antonio Hechavarria Gonzalez (“Petitioner”) is a 37- year-old citizen of Cuba and resident of Oregon. He is a resident of Portland, Oregon, and is present within the state of Oregon as of the time of the filing of this petition.

14. Drew Bostock is the Field Office Director for the Seattle Field Office, Immigration and Customs Enforcement and Removal Operations (“ICE”). The Seattle Field Office is responsible for local custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens. The Seattle Field Office’s area of responsibility includes Alaska, Oregon, and Washington. Respondent Bostock is a legal custodian of Petitioner.

15. Respondent Todd Lyons is the acting director of U.S. Immigration and Customs Enforcement, and he has authority over the actions of respondent Drew Bostock and ICE in general. Respondent Lyons is a legal custodian of Petitioner.

16. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (DHS) and has authority over the actions of all other DHS Respondents in this case, as well as all operations of DHS. Respondent Noem is a legal custodian of Petitioner and is charged with faithfully administering the immigration laws of the United States.

17. Respondent Pamela Bondi is the Attorney General of the United States, and as such has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.

18. Respondent U.S. Immigration Customs Enforcement is the federal agency responsible for custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens.

19. Respondent U.S. Department of Homeland Security is the federal agency that has authority over the actions of ICE and all other DHS Respondents.

20. This action is commenced against all Respondents in their official capacities.

21. Petitioner's removability is currently the subject of an administrative proceeding before the Portland Immigration Court.

LEGAL FRAMEWORK

22. Noncitizens in immigration proceedings are entitled to Due Process under the Fifth Amendment of the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993).

23. The Immigration and Nationality Act (INA) establishes various procedures through which individuals may be detained pending a decision on whether the noncitizen is to be removed. 8 U.S.C. § 1226(a).

24. Removal proceedings described in section 240 of the INA are used to determine whether individuals, such as Petitioner, should be removed from the United States. *See* 8 U.S.C. § 1229a.

25. Immigration detention is a form of civil confinement that “constitutes a significant deprivation of liberty that requires due process protection.” *Addington v. Texas*, 441 U.S. 418, 4253 (1979).

26. Custody determinations for individuals in 1229a removal proceedings are governed by 8 U.S.C. § 1226. Under § 1226(a), an individual may be released if he does not present a danger to persons or property and is not a flight risk. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006).

27. Custody determinations under § 1226(a) are individualized and based on the facts presented in those cases. Unlike § 1226(c), which can provide for categorical determinations for detention regardless of flight risk or safety risks, § 1226(a) requires a case-by-case review of the facts and circumstances.

28. Once a determination to release an individual from custody is made, the release order may be revisited when the facts or circumstances warrant revocation or reconsideration. 8 U.S.C. § 1226(b). For an individual who was once in custody, the Attorney General may take that individual back into custody by revoking the individual’s release when the facts and circumstances warrant it.

29. Revocation and return to custody is authorized only based on the individualized facts and circumstances. 8 C.F.R. § 1236.1(c)(9). By regulation, revocation decisions are limited in nature and may only be made by certain authorized officials. 8 C.F.R. § 1236.1(c)(9).

FACTUAL BACKGROUND

30. Petitioner, a resident of Oregon, is a citizen of Cuba. He was born in 1987 in Bayamo, Granma, Cuba. He is married and lives with his wife in Portland, Oregon.

31. On or about August 17, 2022, Petitioner came to the port of entry near Eagle Pass, Texas to seek asylum. Respondents detained him and then, based on the individualized facts in his case, Respondent DHS released Petitioner from its custody on an Order of Release on Recognizance pursuant to 8 U.S.C. § 1226(a). Among conditions of his release, he is required to report in person to the ICE office in Oregon and comply with other regular reporting obligations.

32. Petitioner has complied with the conditions of his release. Petitioner reported to ICE as instructed starting October 20, 2022, and has reported five (5) other times so far. His next report date is August 6, 2025.

33. Petitioner has appeared at all his Immigration Court hearings. His next court hearing is August 6, 2026.

34. Petitioner continues to comply conscientiously with the conditions of his release.

35. He continues to live in Portland, Oregon, with his wife. He currently rents an apartment with his wife. When he changed his address, he promptly notified ICE and the Immigration Court of his new address.

36. Petitioner formally filed his Application for Asylum, Withholding of Removal, and Protection Under CAT within one year of his arrival. The application is currently pending with the Immigration Court.

37. Petitioner's wife is in the process of becoming a U.S. resident. Her I-485 application for adjustment is currently pending with USCIS. After her application is approved, she intends to file an I-130 petition for Petitioner and their joint child who is currently in Cuba.

38. Petitioner has never been arrested, charged, or convicted of a crime anywhere in the world.

39. Petitioner is working with a valid work authorization card. He pays taxes on his income. He filed a tax return on time for 2024 and does not owe any taxes.

40. On January 20, 2025, President Donald Trump issued several executive actions relating to immigration, including “Protecting the American People Against Invasion,” an executive order (EO) setting out a series of interior immigration enforcement actions. The Trump administration, through this and other actions, has outlined sweeping, executive branch-led changes to immigration enforcement policy, establishing a formal framework for mass deportation. The “Protecting the American People Against Invasion” EO instructs the DHS Secretary “to take all appropriate action to enable” ICE, CBP, and USCIS to prioritize civil immigration enforcement procedures including through the use of mass detention.

41. On July 8, 2025, Todd M. Lyons, acting director of Immigration and Customs Enforcement (ICE), issued a memo to all ICE employees entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission.” The memo states that undocumented immigrants who entered the country illegally are no longer eligible for bond hearings and must be detained for the duration of their removal proceedings. The memo provides immigrants will not be allowed to request release through bond hearings before immigration judges. The directive states individuals will remain in ICE custody throughout their deportation proceedings, which can last months or even years. Release is only possible through rare parole exceptions, determined solely by ICE officers—not judges. The policy applies to anyone who crossed the border illegally, regardless of when they entered.

42. Prior to the Lyons memo, on May 15, 2025, the Board of Immigration Appeals (BIA) issued a decision in Matter of Q. Li that holds that individuals who are arrested shortly after entering the U.S. without permission—regardless of whether they are at a port of entry—are considered “arriving aliens” detained under § 235(b) of the Immigration and Nationality Act (INA). As a result, they are not eligible for a bond hearing under INA § 236(a).

43. Petitioner must report to Immigration and Customs Enforcement under his Order of Release on Recognizance on Wednesday, August 6, 2025.

44. Petitioner and his counsel believe he will be detained at his next ICE check in on August 6, 2025; he will be deemed ineligible for a bond hearing, resulting in his detention for the duration of his removal proceedings regardless of the individual facts and circumstances of his case.

45. If Petitioner is detained he will be transferred from the district of Oregon, by transferring him to a remote detention facility before removing him from United States soil, without considering the individualized facts and circumstances of his case.

CLAIMS FOR RELIEF

COUNT ONE

Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A) Abuse of Discretion Violation of 8 U.S.C. § 1226(b), 8 C.F.R. § 1236.1(c)(9)

46. Petitioner restates and realleges all paragraphs as if fully set forth here.

47. Under the APA, a court shall “hold unlawful and set aside agency action” that is an abuse of discretion. 5 U.S.C. § 706(2)(A).

48. An action is an abuse of discretion if the agency “entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in

view or the product of agency expertise.” *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).

49. To survive an APA challenge, the agency must articulate “a satisfactory explanation” for its action, “including a rational connection between the facts found and the choice made.” *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted).

50. By categorically revoking his release and transferring him away from the district without consideration of his individualized facts and circumstances, Respondents have violated the APA.

51. By detaining and transferring the Petitioner categorically, Respondents have further abused their discretion because there have been no changes to his facts or circumstances since the agency made its initial custody determinations that support the revocation of his release from custody.

52. Respondents have already considered Petitioner’s facts and circumstances and determined that he was not a flight risk or danger to the community. There have been no changes to the facts that justify this revocation of his release on his own recognizance. The fact that Petitioner has already been granted release by Respondents under the same facts and circumstances shows that Respondents do not consider him, on an individualized basis, to be a danger to the community or a flight risk. Moreover, Respondents have even lessened the conditions of his release by relieving him of wearing an electronic ankle monitor device.

COUNT TWO

Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A) Not in Accordance with Law and in Excess of Statutory Authority Violation of 8 U.S.C. § 1226(b), 8 C.F.R. § 1236.1(c)(9)

53. Petitioner restates and realleges all paragraphs as if fully set forth here.

54. Under the APA, a court “shall . . . hold unlawful . . . agency action” that is “not in accordance with law;” “contrary to constitutional right;” “in excess of statutory jurisdiction, authority, or limitations;” or “without observance of procedure required by law.” 5 U.S.C. § 706(2)(A)-(D).

55. 8 U.S.C. § 1226(b) authorizes that “[t]he Attorney General at any time may revoke a bond or parole authorized under [8 U.S.C. § 1226(a)]” and rearrest a noncitizen under the initial warrant. In implementing this statutory provision, 8 C.F.R. § 1236.1(c)(9) clarifies that such revocations of release from custody may only be carried out in the “discretion of the district director, acting district director, deputy district director, assistant district director for investigations, assistant district director for detention and deportation, or officer in charge (except foreign).”

56. It is a well-established administrative principle that “agency action taken without lawful authority is at least voidable, if not void *ab initio*.” *L.M.-M. v. Cuccinelli*, 442 F. Supp. 3d 1, 35 (D.D.C. 2020), citing *SW General, Inc. v. NLRB*, 796 F.3d 67, 79 (D.C. Cir. 2015); *see also Hooks v. Kitsap Tenant Support Servs., Inc.*, 816 F.3d 550, 555 (9th Cir. 2016) (invalidating agency action because it was taken by unauthorized official).

57. On information and belief, Respondents have revoked or likely will revoke Petitioner’s Order of Release on Recognizance as a result of a categorical policy prepared by and implemented by government officials in Washington, not by the individual exercise of discretion required by law or by the individuals enumerated by regulation to do so.

58. Respondents’ likely detention of Petitioner is not in accordance with law and in excess of statutory authority.

COUNT THREE

Violation of Fifth Amendment Right to Due Process Procedural Due Process

59. Petitioner restates and realleges all paragraphs as if fully set forth here.

60. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits the federal government from depriving any person of “life, liberty, or property, without due process of law.” U.S. Const. Amend. V. Due process protects “all ‘persons’ within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693; *accord Flores*, 507 U.S. at 306.

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

62. While the government has discretion to detain individuals under 8 U.S.C. § 1226(a) and to revoke custody decisions under 8 U.S.C. § 1226(b), this discretion is not “unlimited” and must comport with constitutional due process. *See Zadvydas*, 533 U.S. at 698.

63. A revocation of Petitioner’s Order of Release on Recognizance in an arbitrary manner, not based on a rational and individualized determination of whether he is a safety or flight risk, would be a violation of due process. Because no individualized custody revocation has been made and no circumstances have changed to make Petitioner a flight risk or a danger to the community, Respondents’ revocation of Petitioner’s release would violate his right to procedural due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests this Court to grant the following:

- 1) Assume jurisdiction over this matter;
- 2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;

- 3) Declare that Petitioner's detention without an individualized determination violates the Due Process Clause of the Fifth Amendment;
- 4) Declare that Petitioner's revocation of his Order of Release on Recognizance was made in violation of statute and regulation;
- 5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from custody;
- 6) Issue an Order prohibiting the Respondents from transferring Petitioner from the district without the court's approval;
- 7) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- 8) Grant any further relief this Court deems just and proper.

Dated: August 4, 2025.

/s/ John J. Marandas

JOHN J. MARANDAS, OSB #973227

john@law-mg.com

CAROLINE K. MEDEIROS, OSB #100493

caroline@law-mg.com

MARANDAS GARCIA LAW GROUP LLC

16771 Boones Ferry Road, Suite 100

Lake Oswego, OR 97035

Office: (503) 607-0444

Mobile: (503) 341-1772

Attorneys for Petitioner