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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

Portland Division

J-A-M, an adult,

Petitioner,

v.

LAURA HERMOSILLO, Seattle Field Office Director, United States Immigration and Customs Enforcement ("ICE/ERO"); TODD M. LYONS, Acting Director, United States Immigration and Customs Enforcement ("ICE"); KRISTI NOEM, Secretary of Homeland Security ("DHS"); PAMELA JO BONDI, United States Attorney General, *in their official capacities*,

Respondents.

Case No. 3:25-cv-02274

Agency No. XXX-XXX-300

PETITION FOR WRIT OF HABEAS CORPUS

ORAL ARGUMENT REQUESTED

Expedited Hearing Requested

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

INTRODUCTION

1. Petitioner[1], J-A-M, is a 56-year-old Mexican man who has resided in the United States for approximately 20 years. He is a father, a general contractor, and a contributing member of his community in Oregon. He has no criminal history.
2. Petitioner is also the beneficiary of a pending U-Nonimmigrant Visa petition that has been awaiting adjudication by United States Citizenship and Immigration Services (USCIS) since 2016—nearly a decade.
3. Petitioner is a general contractor. On December 7, 2025, while traveling to a job site in Portland, Oregon, Petitioner was arrested and detained by Respondents.
4. Respondents did so based not on Petitioner's personal circumstances or individualized facts, but because of Respondents' interpretation of President Trump's order that they "to do all in their power to achieve the very important goal of delivering the single largest Mass Deportation Program in History."[2] But Respondents' power to detain remains checked by law, as this country remains "a government of laws and not of men." *Cooper v. Aaron*, 358 U.S. 1, 23 (1958) (Frankfurter, J. Concurring) (cleaned up).

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[1] Petitioner seeks leave to proceed anonymously because public identification creates a risk of retaliatory physical harm due to Petitioner's undocumented status in the United States, and the nature of Petitioner's claim is sensitive and highly personal. See Does I thru XXIII v. Advanced Textile Corp., 214 F.3d 1058, 1068 (9th Cir. 2000). The Ninth Circuit has identified several different situations in which parties have been permitted to proceed under a fictitious name, including "(1) when identification creates a risk of retaliatory physical or mental harm, . . . ; (2) when anonymity is necessary 'to preserve privacy in a matter of sensitive and highly personal nature,' . . . ; and (3) when the anonymous party is 'compelled to admit [his or her] intention to engage in illegal conduct, thereby risking criminal prosecution.'" Id. (collecting cases; internal citations omitted). The Petitioner would provide Petitioner's identity to the Respondents and the Court under seal.

[2] Pres. Donald Trump, @realDonaldTrump, Truth Social (June 15, 2025, 5:43pm) ("ICE Officers are herewith ordered, by notice of this TRUTH, to do all in their power to achieve the very important goal of delivering the single largest Mass Deportation Program in History.").

5. Respondents' arrest of Petitioner follows a pattern in recent months: detain first, justify later. But that is not the law.

6. Petitioner challenges his detention as a violation of the Immigration and Nationality Act (INA) and the Due Process Clause of the Fifth Amendment.

7. Accordingly, to vindicate Petitioner's rights, this Court should grant the instant petition for a writ of habeas corpus. Petitioner asks this Court to find that Respondents' attempts to detain, transfer, and deport Petitioner are arbitrary and capricious and in violation of the law.

8. Petitioner seeks habeas relief under 28 U.S.C. 2241, which is the proper vehicle for challenging civil immigration detention. *See Soberanes v. Comfort,* 388 F.3d 1305, 1310 (10th Cir. 2004) ("Challenges to immigration detention are properly brought directly through habeas") (citing *Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001)). Petitioner asks this Court to find that Respondents' attempts to detain and transfer Petitioner are arbitrary and capricious, and in violation of the law. Petitioner asks this Court to immediately issue an order for his release and prevent his transfer out of this district.

CUSTODY

9. Petitioner is in the physical custody of Respondents. Petitioner is imprisoned at the Portland ICE Facility, an immigration processing facility, in Portland, Oregon. Petitioner is under the direct control of Respondents and their agents.

JURISDICTION

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

11. This Court has subject matter jurisdiction to entertain this habeas petition under 28 U.S.C.

1331 (federal question); 28 U.S.C. 2241 (habeas corpus); the Due Process Clause of the Fifth Amendment, U.S. Const. amend. V; and the Suspension Clause, U.S. Const. art. I, § 2.

12. 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., the All Writs Act, 28 U.S.C. § 1651, and the Immigration and Nationality Act, 8 U.S.C. § 1252(e)(2).

VENUE

13. Venue is proper in this District under 28 U.S.C. 1391 and 28 U.S.C. 2242 because Petitioner is in Respondents' custody in the District of 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). In addition, at least one Respondent is in this District.

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

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

15. 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.*

16. 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).

17. Petitioner is "in custody" for the purpose of § 2241 because Petitioner is arrested and detained by Respondents.

PARTIES

18. Petitioner is a 56 year-old citizen of Mexico.

19. To the best of counsel's knowledge, Petitioner is present in the state of Oregon at the time of filing this petition. Petitioner is currently detained by Respondents at ICE 4310 SW Macadam Avenue Portland, Oregon, 97239 an immigration detention facility. He has been in ICE custody since at or about 7:00am on December 7, 2025, when he was arrested at a worksite in Portland, Oregon.

20. Respondent Laura Hermosillo is the Field Office Director responsible for the Seattle Field Office of Immigration and Customs Enforcement ("ICE") with administrative jurisdiction over Petitioner's immigration case. 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. She is a legal custodian of Petitioner and is named in her official capacity.

21. Respondent Todd M. Lyons is the Acting Director of ICE. He has authority over the actions of Respondent Drew Bostock and ICE in general. Todd Lyons is a legal custodian of Petitioner and is named in his official capacity.

22. Respondent Kristi Noem is the Secretary of the United States 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. She is a legal custodian of Petitioner and is named in her official capacity.

23. Respondent Pamela Jo Bondi is the Attorney General of the United States Department of Justice. She is charged with faithfully administering the immigration laws of the United States. She is a legal custodian of Petitioner and is named in her official capacity.
24. 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.
25. Respondent U.S. Department of Homeland Security is the federal agency that has authority over the actions of ICE and all other DHS Respondents.
26. This action is commenced against all Respondents in their official capacities.
27. Petitioner's removability is currently the subject of an administrative proceeding before the Portland Immigration Court.

STATEMENT OF FACTS

28. Petitioner is a long-time resident of Portland, Oregon and a citizen and national of Mexico. He was detained by Immigration and Customs Enforcement near his jobsite in Portland, Oregon.
29. Petitioner lives in Portland, Oregon. He supports his 19-year-old US citizen daughter, who is currently attending college in California.
30. Petitioner is the derivative beneficiary of a U visa petition filed by his spouse on July 15, 2016 (agency receipt number [redacted]
31. Petitioner has committed no crimes or acts that would make him a danger to this community or a priority for detention. Respondents have known of Petitioner's presence in this country for at least 9 years (since the filing of the U visa petition, which contained his address, date of birth, and country of nationality) and have chosen to not detain him.

32. There has been no substantive change in Petitioner's circumstances that would necessitate his detention at this point in time.

33. On January 20, 2025, President Donald Trump issued several executive actions focused on immigration, including "Protecting the 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 and priorities, 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.

34. In late May, Respondent Secretary Noem and White House Deputy Chief of Staff Stephen Miller met with ICE leadership, setting a new arrest quota of 3,000 arrests per day and reportedly threatening job consequences if officials failed to meet arrest quotas.[3]

35. On May 28, Miller confirmed that "[u]nder President Trump's leadership, we are looking to set a goal of a minimum of 3,000 arrests for ICE every day, and President Trump is going to keep pushing to get that number up higher each and every single day."[4]

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[3] Elizabeth Findell, et al., *The White House Marching Orders That Sparked the L.A. Migrant Crackdown*, The Wall Street Journal (June 9, 2025), https://www.wsj.com/us-news/protests-los-angeles-immigrants-trump-f5089877; Julia Ainsley, et al., *A sweeping new ICE operation shows how Trump's focus on immigration is reshaping federal law enforcement*, NBC News (June 4, 2025), https://www.nbcnews.com/politics/justicedepartment/ice-operation-trump-focus-immigration-reshape-federal-lawenforcement-rcna193494; Brittany Gibson & Stef W. Kight, Scoop: Stephen Miller, Noem tell ICE to supercharge immigration arrests, Axios (May 28, 2025), available at https://www.axios.com/2025/05/28/immigration-ice-deportations-stephen-miller.

[4] Hannity, *Stephen Miller says the admin wants to create the strongest immigration system in US History*, Fox News (May 28, 2025), available at https://www.foxnews.com/video/6373591405112 (last visited Aug. 24, 2025).

36. Following the directive from Noem and Miller, ICE agents were instructed in an e-mail to "turn the creativity knob up to 11" and aggressively "push the envelope" in arrests, including by pursuing "collaterals"—individuals who by definition would not have warrants.[5] As another e-mail put it: "If it involves handcuffs on wrists, it's probably worth pursuing."[6]

37. The overriding message, communicated by and to Respondents, is that agents and officers carrying out immigration operations on the ground must prioritize arrest numbers, regardless of the law. As one ICE official put it earlier this year, all that matters is "numbers, pure numbers, [q]uantity over quality."[7]

38. On information and belief, Respondents detained and are seeking to detain and transfer Petitioner regardless of the individual facts and circumstances of his case.

LEGAL FRAMEWORK

39. Immigration detention should not be used as a punishment and should only be used when, under an individualized determination, a noncitizen is deemed a flight risk because they are

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[5] José Olivares, *US immigration officers ordered to arrest more people even without warrants*, The Guardian (June 4, 2025), https://www.theguardian.com/us-news/2025/jun/04/immigration-officials-increased-detentions-collateral-arrests.

[6] José Olivares, *US immigration officers ordered to arrest more people even without warrants*, The Guardian (June 4, 2025), https://www.theguardian.com/us-news/2025/jun/04/immigration-officials-increased-detentions-collateral-arrests.

[7] Jennie Taer, *Trump admin's 3,000 ICE arrests per day quota is taking focus off criminals and 'killing morale': insiders warn*, NY Post, June 17, 2025, https://nypost.com/2025/06/17/us-news/trump-admins-3000-ice-arrests-per-day-quota-is-taking-focus-off-criminals-and-killing-morale-insiders/, https://perma.cc/DB9R-MJUC (last visited Oct. 15, 2025) ("The Trump administration's mandate to arrest 3,000 illegal migrants per day is forcing ICE agents to deprioritize going after dangerous criminals and targets with deportation orders, insiders warn. Instead, federal immigration officers are spending more time rounding up people off the streets, sources said. 'All that matters is numbers, pure numbers. Quantity over quality,' one Immigrations and Customs Enforcement insider told The Post.").

unlikely to appear for immigration court or a danger to the community. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

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

41. The Immigration and Nationality Act (INA) establishes various procedures through which individuals may be detained. 8 U.S.C. § 1226(a).

42. 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).

43. 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).

44. 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.

45. Once a determination to release an individual from custody is made, the release order may be revisited when the facts or circumstances warrant revocation consideration. 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.

46. In making a case-by-case custody determination, ICE agents must consider a number of

individual factors, including a noncitizen's status as a victim of crime or the family member of the victim of a crime.

47. ICE Directive 11005.3 established that "absent exceptional circumstances, ICE will refrain from taking civil immigration enforcement action against known beneficiaries of victim-based immigration benefits and those known to have a pending application for such benefits."

48. ICE Directive 11005.4, which purported to replace ICE Directive 11005.3 on January 31, 2025, maintains that beneficiaries of victim-based immigration benefits should not be subject to civil immigration enforcement unless, in consultation with the Office of the Principal Legal Advisor (OPLA), "the totality of circumstances warrant enforcement."

The U-Visa Program

49. On October 28, 2000, Congress created the U Visa program. See Victims of Trafficking and Violence Prevention Act of 2000 (VTVPA), Pub. L. No. 106-386, Title V, § 1513, 114 Stat. 1464, 1533 (2000); 8 U.S.C. § 1101(a)(15)(U); INA § 101(a)(15)(U).

50. Congress acted to establish the U Visa program in order to "strengthen the ability of law enforcement agencies to detect, investigate, and prosecute" certain serious crimes "while offering protection to victims of such offenses in keeping with the humanitarian interests of the United States." See VTVPA § 1513(a), 114 Stat. 1533.

51. The U Visa program creates a mechanism for noncitizen victims of serious crime to safely engage law enforcement and, likewise, for law enforcement to engage immigrant communities to deter, prevent, and prosecute criminal activity for the betterment of the United States.

52. The U Visa was created to strengthen the ability of law enforcement agencies to investigate

and prosecute serious crimes and trafficking in persons, while offering protections to victims of such crimes without the immediate risk of being removed from the country. By providing victims of crime with an avenue for regularization of their immigrant status, the U Visa encourages victims to work and cooperate with law enforcement agencies. Congress also aimed to strengthen relations between law enforcement and immigrant communities by increasing cooperation and removing some of the fear of deportation held by many undocumented migrants. *See, e.g.,* U.S. Dep't Homeland Security, U Visa Law Enforcement Resource Guide, https://www.uscis.gov/sites/default/files/document/guides/U_Visa_Law_Enforcement_Resource_Guide.pdf, https://perma.cc/S25P-RTXZ (last visited Sept. 18, 2025).

53. A noncitizen is eligible for status under the U Visa program if (1) he suffered substantial physical or mental abuse as a result of having been a victim of one of the enumerated crimes; (2) he possesses or possessed information concerning the criminal activity; (3) he has been helpful, is being helpful, or is likely to be helpful to a Federal, State, or local law enforcement official, to a Federal, State, or local prosecutor, to a Federal or State judge, to the Service, or to other Federal, State, or local authorities investigating or prosecuting the criminal activity; and (4) the criminal activity violated the laws of the United States or occurred in the United States (including in Indian country and military installations) or the territories and possessions of the United States. See 8 U.S.C. § 1101(a)(15)(U); INA § 101(a)(15)(U).

54. Certain qualifying family members are eligible for derivative U Visas based on their relationship to the principal petitioner. Where the principal petitioner is at least 21 years of age, their spouse and children are eligible to apply for derivative U nonimmigrant status. *See*

USCIS, Victims of Criminal Activity: U Nonimmigrant Status (last reviewed/updated May 16, 2025), *available at* https://www.uscis.gov/humanitarian/victims-of-criminal-activity-u-nonimmigrant-status, https://perma.cc/46F6-S6Y2 (last visited Sept. 18, 2025).

55. The administrative processing to accord U nonimmigrant status to eligible petitioners and derivatives is tightly prescribed and regulated.

56. First, a petitioner must obtain a certification from a law enforcement official that he was the victim of a crime, that the crime is a recognized crime under the U Visa program, and that the petitioner was, is, or is likely to be helpful in the investigation or prosecution of the criminal activity. The USCIS has prescribed that law enforcement officials make this certification on a particular form, USCIS Form I-918 Supplement B, U Nonimmigrant Status Certification. *See* 8 C.F.R. § 214.14(a)(12).

57. Second, on submission, the USCIS makes a completeness check to verify that all required initial evidence is present. The petition must include Form I-918, Petition for U Nonimmigrant Status; Form I-918, Supplement B, U Nonimmigrant Status Certification; Form I-192, Application for Advance Permission to Enter as Nonimmigrant, if there are any inadmissibility issues; a personal statement describing the criminal activity of which the applicant was a victim; and evidence to establish each eligibility requirement.

58. Third, USCIS either adjudicates the petition by granting U-nonimmigrant status or, in most cases, places the petitioner on the waitlist status for an adjudication. See 8 C.F.R. § 214.14(d)(2). A statutory cap limits the grant of U Visas to 10,000 per fiscal year. INA § 214(p)(2)(A). See INA § 214(p)(2)(A); 8 C.F.R. § 214.14(d)(1).The statutory cap only applies to principal applicants and does not apply to derivative applicants. A wait list was created by regulation to provide deferred action to an eligible petitioner whenever the

statutory cap is reached within a given fiscal year. *See* New Classification for Victims of Criminal Activity; Eligibility for "U" Nonimmigrant Status, 72 Fed. Reg. 53014, 53027 (Sept. 29, 1995) (codified at 8 C.F.R. § 214.14(d)(2)).

59. Recognizing the long wait times for eligible applicants, USCIS established a bona fide screening process for U-Visa petitioners. Congress granted USCIS the authority to grant work authorization for petitioners with pending, bona fide applications. 8 U.S.C. § 1184(p)(6); INA § 214(p)(6) ("The Secretary may grant work authorization to any [non-citizen] who has a pending, bona fide application for nonimmigrant status under [INA] section 101(a)(15)(U)").

60. A bona fide application means an application where there appears to be no instance of fraud in the application, the application is complete, properly filed, contains an LEA endorsement, includes completed fingerprint and background checks, and presents *prima facie* evidence to show eligibility for U nonimmigrant status. *See, e.g.*, 8 C.F.R. § 214.11(k) (defining "bona fide" for related statutory nonimmigrant program).

61. For a qualifying family member to receive a bona fide determination, the principal petitioner must have received a bona fide determination, the qualifying family member's application must be complete, the family member must demonstrate credible evidence of the qualifying family relationship, and the family member must have completed background and security checks. *See USCIS, National Engagement - U Visa and Bona Fide Determination Process Frequently Asked Questions* (last reviewed/updated Oct. 29, 2022), available at https://www.uscis.gov/records/electronic-reading-room/national-engagement-u-visa-and-bona-fide-determination-process-frequently-asked-questions, https://perma.cc/6D2D-4PX8 (last visited Sept. 18, 2025).

Removal Protections for U-Visa Applicants

62. The Immigration and Nationality Act (INA) establishes various procedures through which individuals may be removed from the United States. Among these are removal proceedings, described in section 240 of the INA. See 8 U.S.C. § 1229a.

63. 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).

64. On December 2, 2021, ICE issued ICE Directive 11005.3, *Using a Victim-Centered Approach with Noncitizen Crime Victims*. Consistent with the statutory provisions establishing the U-Visa program, ICE Directive 11005.3 directed that "applying a victim-centered approach minimizes any chilling effect that civil immigration enforcement actions may have on the willingness and ability of noncitizen crime victims to contact law enforcement, participate in investigations and prosecutions, pursue justice, and seek benefits".

65. On January 31, 2025, ICE issued ICE Directive 11005.4: Interim Guidance on Civil Immigration Enforcement Actions Involving Current or Potential Beneficiaries of Victim-Based Immigration Benefits, purporting to rescind and supersede ICE Directive 11005.3.

CLAIMS FOR RELIEF

COUNT ONE

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION

66. Petitioner realleges and incorporates by reference each and every allegation contained above

as if fully set forth here.

67. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. amend. V. See generally *Reno v. Flores*, 507 U.S. 292 (1993); *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003). Due process protects "all 'persons' within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadyvdas*, 533 U.S. at 693.

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

69. 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.

70. Here, Respondents have chosen to detain Petitioner in an arbitrary manner and not based on a rational and individualized determination of whether he is a safety or flight risk, in 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' decision to detain Petitioner violates his right to procedural due process.

COUNT TWO

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

71. Petitioner realleges and incorporates by reference each and every allegation contained above as if fully set forth here.

72. 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).

73. 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)).

74. 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).

75. Arbitrarily detaining Petitioner without following proper procedures, including published ICE directives related to detention of U visa applicants and derivatives, Respondents have violated the INA and federal regulations. *Torres-Jurado v. Biden*, No. 19 CIV. 3595 (AT), 2023 WL 7130898, at *2 (S.D.N.Y. Oct. 29, 2023) (noting that ICE "cannot remove" a noncitizen—even one subject to a final removal order—"in any manner [it] please[s]"); *Waldron v. I.N.S.*, 17 F.3d 511, 518 (2d Cir. 1993) ("[W]hen a regulation is promulgated to protect a fundamental right derived from the Constitution or a federal statute, and [the government] fails to adhere to it, the challenged deportation proceeding is invalid and a remand to the agency is required"—even in the absence of a showing of prejudice.).

76. By detaining Petitioner, despite being aware of his presence in this country and having all of his personal contact information for nearly a decade, and detaining Petitioner without

making the requisite findings and without considering Petitioner's individualized facts and circumstances, Respondents have violated the APA.

PRAYER FOR RELIEF

WHEREFORE, Petitioners pray that this Court grant the following relief:

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 arbitrary detention of Petitioner was made in violation of statute and regulation;
5. Issue a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody;
6. Issue an Order prohibiting the Respondents from transferring Petitioner from the district without the court's approval;
7. Issue an Order prohibiting the Respondent from being removed from the country without 48 hours notice to Respondent and Respondent's attorney;
8. Order parties to proceed in this action maintaining Petitioner's anonymity, using only J-A-M as his name, and redacting or removing all personally identifying information;
9. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and
10. Grant such further relief as this Court deems just and proper.

Dated: December 7, 2025

Respectfully submitted,

/s/ Cole Enabnit

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Attorneys for Petitioner

Verification by 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 one of Petitioner's attorneys. I have discussed the Petitioner's immigration history with the Petitioner and Petitioner's family members, who spoke to him after his detention regarding the events described in this Petition. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

/s/ Cole Enabnit

Date: December 7, 2025