UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Arturo Paulin Carrillo, Petitioner, Kristi Noem, Secretary of Homeland Security; Pamela Bondi, U.S. Attorney General, Todd M. Lyons, Acting Director of Immigration and Customs Enforcement; Miguel Vergara, San Antonio Field Office Director; Rose Thompson, Warden of the Karnes Immigration Processing Center, Respondents.	**Civil Case No.** 5:26-cv-290

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

I. INTRODUCTION

1. For nearly thirty years immigration judges (IJ), immigration lawyers for noncitizens, and attorneys from the Department of Homeland Security (DHS) construed 8 U.S.C. § 1226(a) to allow for bond eligibility for noncitizens who entered the country without inspection. This was well-settled law. Indeed, just last year when Congress passed the Laken Riley Act (LRA) it revealed its understanding that noncitizens who entered the country without inspection are eligible for a bond. The LRA's amendments to 8 U.S.C. § 1226(c) add provisions providing that noncitizens who entered the country illegally and commit certain enumerated offenses are not eligible for a bond. Congress would not have passed the LRA if it understood that noncitizens who entered the country unlawfully were already subject to mandatory detention under 8 U.S.C. § 1225.

2. Notwithstanding the plain language of §§ 1226 and 1225, on September 5, 2025, the Board of Immigration Appeals (BIA) decided *Yajure Hurtado*, in which it determined that any person who entered the United States without admission is mandatorily detained under 8 U.S.C. §

1225(b)(2)(A). 29 I&N Dec. 216 (BIA 2025). As the majority of district courts—and now the Seventh Circuit Court of Appeals—have determined, the Respondents' interpretation departs from the statutes' plain meaning. *See, e.g., Castanon-Nava v. U.S. Dep't of Homeland Sec.*, No. 25-3050, 2025 WL 3552514, at *8–10 (7th Cir. Dec. 11, 2025); *Barco Mercado v. Francis,* No. 25-CV-6582 (LAK), 2025 WL 3295903 (S.D.N.Y. Nov. 26, 2025) (collecting 350 cases granting habeas relief); *Choglo Chafla v. Scott,* No. 2:25-cv-00437-SDN, 2025 WL 2688541, at *5 (D. Me. Sep. 21, 2025) ("[N]early all district courts that have considered this issue have, after conducting persuasive, well-reasoned analyses of the statutory language and legislative history, rejected the Government's broad interpretation of section 1225(b)(2).") (collecting cases); *Belsai D.S. v. Bondi,* No. 25-cv-03682 (KMM/EMB), 2025 WL 2802947 (D. Minn. Oct. 1, 2025) (joining the "chorus" of courts concluding that § 1226 applies) (collecting cases); *Buenrostro-Mendez v. Bondi,* No. CV H-25-3726, 2025 WL 2886346 (S.D. Tex. Oct. 7, 2025) ("As almost every district court to consider this issue has concluded, "the statutory text, the statute's history, Congressional intent, and § 1226(a)'s application for the past three decades" support finding that § 1226 applies to these circumstances.").

3. The Petitioner has resided in the United States since 2007. On or around November 22, 2025, he was detained by immigration officials and was issued a Notice to Appear (NTA) in immigration court. *See* Exh. A. He is married to a United States citizen and has six U.S. citizen children ranging in age from 3 to 15 years old. He is the beneficiary of an approved visa petition and an application to waive his prior unlawful presence in the United States is pending. *See* Exhs. B & C. In other words, he was on the path toward legalizing his status when the Respondents arrested him and decided to hold him without bond.

4. The erroneous BIA decision in *Yajure Hurtado* dictates that immigration judges (IJ) lack jurisdiction to consider bond requests for noncitizens who are present in the United States without admission or parole. As the Petitioner entered the United States without inspection, he falls within the category of noncitizens that *Yajure Hurtado* has rendered ineligible for bond.

5. The Petitioner accordingly files this petition seeking a writ of habeas corpus ordering his release from custody immediately, or alternatively, ordering Respondents to provide him a bond hearing under 8 U.S.C. § 1226(a) within five days of this Court's order, at which DHS bears the burden to justify his redetention by demonstrating, by clear and convincing evidence, materially changed circumstances rendering Petitioner a danger to the community or a flight risk. *See, e.g.*, *Salazar*, 2025 WL 2676729, at *7; *Erazo Rojas*, 2025 WL 3038262, at *4 (holding that "when ordering a bond hearing as a habeas remedy" the burden shifts to the Government).

II. PARTIES

6. Petitioner is a noncitizen who is currently detained in immigration detention at the Karnes Immigration Detention Center in Karnes City, Texas.

7. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (DHS) and is charged with implementing the immigration laws of the United States. Secretary Noem is being sued in her official capacity.

8. Respondent Pamela Bondi is the Attorney General for the United States and is charged with overseeing the Executive Office of Immigration Review (EOIR). General Bondi is being sued in her official capacity.

9. Respondent Todd M. Lyons is the Acting Director of the Immigration and Customs Enforcement (ICE), a sub-agency of Homeland Security. It is under ICE's authority that the Petitioner is being held without bond. Acting Director Lyons is being sued in his official capacity.

10. Respondent Miguel Vergara is the Field Office Director for the San Antonio ICE Field Office. It is under Respondent Vergara's order that the Petitioner is in immigration custody. Respondent Vergara is being sued in his official capacity.

11. Respondent Rose Thompson is the Warden and/or immediate custodian at the Karnes Immigration Detention Center in Karnes City, Texas. Respondent Thompson is being sued in her official capacity.

III. JURISDICTION

12. This Court has subject matter jurisdiction over Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. The Court also has jurisdiction pursuant to 28 U.S.C. § 1331 (Federal Question Jurisdiction) inasmuch as the case is a civil action arising under the laws of the United States.

13. Although only the Court of Appeals has jurisdiction to review removal orders directly through a petition for review, *see* 8 U.S.C. §§ 1252(a)(l), (a)(5), (b), District Courts have jurisdiction to hear habeas corpus claims by noncitizens challenging the lawfulness or constitutionality of their detention by ICE. *See, e.g., Jennings v. Rodriguez*, 583 U.S. 281, 292-96 (2018); *Demore v. Hyung Joon Kim*, 538 U.S. 510, 516-17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001).

14. Venue is proper in this district because the Petitioner is detained within this district, and a substantial amount of the events giving rise to this claim occurred within this district. 28 U.S.C. § 1391(e)(1).

IV. LEGAL FRAMEWORK REGARDING MANDATORY IMMIGRATION DETENTION AND BOND ELIGIBILITY

A. Congress deliberately provided for immigration detention in two different statutes, 8 U.S.C. § 1226 and 8 U.S.C. § 1225, to address two very different groups of noncitizens in different circumstances.

15. This case involves the interplay between 8 U.S.C. § 1226 (general custody for individuals in traditional removal proceedings before an IJ) and the mandatory custody provisions of 8 U.S.C. § 1225(b)(2) that apply to those noncitizens seeking admission at the port of entry or the border. The Respondents' authority to detain noncitizens under §§ 1226 or 1225 depends on the individualized circumstances of the noncitizen and the procedural posture of the removal case.

16. Both §§ 1226(a) and 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 to provide detention for different subsets of noncitizens. Pub. L. No. 104-208, Div. C, §§ 302-03, 110 Stat. 3009-546, 3009-582 to 3009-583, 3009-585.

17. According to the IIRIRA's legislative history, § 1226(a) was intended to "restate[] the [then-] current provisions of section 242(a)(1) regarding the authority of the Attorney General to arrest, detain, and release *on bond* an alien who is not lawfully in the United States." *See Rodriguez v Bostock*, 779 F. Supp. 3d 1239, 1260 (W.D. Wash. Sep. 30, 2025) (quoting H.R. Rep. No. 104-469, at 229 (1996) (emphasis added)).

18. In 1997, following the enactment of the IIRIRA, the Executive Office for Immigration Review (EOIR) drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a) "and eligible for bond and bond redetermination." *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

19. Thus, in the decades that followed, most people who entered without inspection and were placed in standard removal proceedings received bond hearings under § 1226(a). That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed

"arriving" were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H. Rept. No. 104-469, Part 1, at 229 (1996) (noting that § 1226(a) simply "restates" the detention authority previously found at § 1252(a)).

i. The Petitioner is in custody under 8 U.S.C. § 1226 and the IJ can order his release on bond.

20. Since the Petitioner was found in the United States years after his unlawful entry, he is obviously *not* seeking admission into the country and § 1225(b)(2)(A) is inapplicable.

21. Section 1226(a) "authorizes the Government to detain certain aliens *already in the country* pending outcome of removal proceedings." *Jennings*, 583 U.S. at 289 (emphasis added). The Petitioner was already in the country for years and is in custody pending the outcome of his removal proceedings. He was issued an NTA and placed in removal proceedings. *See* Exh. A. The logical conclusion, therefore, is that he is in custody under § 1226(a).

22. Section 1226(a) establishes the discretionary framework for noncitizens arrested and detained "[o]n warrant issued by the Attorney General." For such individuals, the Attorney General (1) "may continue to detain the arrested alien," (2) "may release the alien on . . . bond of at least $1,500," or (3) "may release the alien on . . . conditional parole." 8 U.S.C. §§ 1226(a)(1)-(2). DHS makes an initial custody determination on whether to allow the noncitizen to be released pending the posting of a bond. 8 C.F.R. § 1236. However, such determinations "may be reviewed by an Immigration Judge pursuant to 8 C.F.R. § 1236." 8 C.F.R. § 1003.19(a).

23. Under 8 U.S.C. § 1226, an IJ may grant bond if the noncitizen demonstrates that he or she is not a danger to the community or pose a significant risk of flight. *Matter of Guerra*, 24 I&N Dec. 37, 40 (BIA 2006). Once a bond has been granted by the IJ, DHS is only authorized to revoke a bond upon a finding of materially changed circumstances meriting the noncitizen's return to custody. *See, e.g., Matter of Sugay*, 17 I&N Dec. 637, 640 (BIA 1981) (finding a change in

circumstances, in part, when it was determined that the noncitizen was "wanted for murder in the Philippines . . . .").

24. Section 1226(c) requires mandatory detention for specifically enumerated categories of noncitizens. Section 1226(c), until recently, required the detention of noncitizens who are inadmissible or deportable because they have committed or been sentenced for certain criminal offenses, or because they are affiliated with terrorist groups or activities. *See* §§ 1226(c)(1)(A)-(D).

25. In January 2025, Congress enacted the LRA, which expanded this list by adding § 1226(c)(1)(E), which requires detention of individuals who (1) are inadmissible under §§ 1182(a)(6)(A), (C), or (7), *and* (2) who have been charged with, arrested for, or convicted of certain crimes, including burglary, theft, shoplifting, or crimes resulting in death or serious bodily injury. Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025).

26. The enactment of the LRA confirms that Congress did not intend for all noncitizens who entered the country unlawfully and are found within the interior of the United States to be subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). Indeed, the LRA explicitly provides for mandatory detention for noncitizens who both entered the country unlawfully *and* committed one of the above enumerated offenses within the United States. The LRA would not have been necessary if all noncitizens who entered the country illegally are subject to mandatory detention under § 1225(b)(2)(A). *Yajure Hurtado* effectively provides that LRA was an unnecessary, needless bill.

27. Section 1226(a) leaves no doubt that it applies to people who confront removal for being inadmissible to the United States, including those who are present without admission or parole.

ii. The Petitioner is not subject to mandatory detention under § 1225(b)(2)(A).

28. Section 1225(b)(2)(A), the provision invoked by the Respondents, is plainly not applicable here since it only applies to those noncitizens seeking admission. The statute states:

> In the case of an 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 a proceeding under section 1229a of this title.

(Emphasis added). For § 1225(b)(2)(A) to apply, "several conditions must be met—in particular, an 'examining immigration officer' must determine that the individual is: (1) an 'applicant for admission'; (2) 'seeking admission'; and (3) 'not clearly and beyond a doubt entitled to be admitted.'" *Martinez v. Hyde*, 792 F. Supp. 3d 211, 214 (D. Mass. 2025). "One who is 'seeking admission' is presently attempting to gain admission into the United States." *Belsai*, 2025 WL 2802947, at *6.

29. As the Supreme Court has explained, the detention authority under 1225(b)(2)(A) applies "at the Nation's borders and ports of entry, where the Government must determine whether an alien seeking to enter the country is admissible." *Jennings*, 583 U.S. at 287; *see also Lopez-Campos*, 2025 WL 2496379, at *18 ("1225(b)(2)(A) applies when people are being inspected, which usually occurs at the border, when they are seeking lawful entry into this country."). "Noncitizens who are just 'present' in the country—those like [Petitioner], who have been here for years upon years and never proceeded to obtain any form of citizenship (*e.g.* asylum, permanent residency, refugee status, visas, etc.)—are not 'seeking' admission." *Lopez-Campos,* 2025 WL 2496379, at *16–17.

30. As stated above, the Petitioner has been in the United States for over a decade subsequent to an unlawful entry. He was arrested in the interior of the United States and, as such, is not in custody under § 1225(b)(2)(A).

B. The Respondents' misconstruction of § 1225(b)(2)(A) as encompassing all noncitizens who entered the country illegally is contrary to decades of established practice and has resulted in the unlawful detention of the Petitioner.

31. The Respondents' misconstruction of the statutes is part of their scheme to greatly expand immigration detention in general by using the mandatory detention provisions of 8 U.S.C. § 1225.

32. On July 8, 2025, ICE, "in coordination with" Department of Justice (DOJ), announced a new policy that rejected well-established understanding of the statutory framework and reversed decades of practice.

33. The new policy, entitled "Interim Guidance Regarding Detention Authority for Applicants for Admission," claims that all persons who entered the United States without inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended, greatly affecting those who have resided in the United States for months, years, and even decades.

34. On September 5, 2025, the BIA—reversing decades of practice—adopted this same position in *Yajure Hurtado*. 29 I&N Dec. at 216. There, the BIA held that all noncitizens who entered the United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are ineligible for IJ bond hearings. *Id.*

35. As demonstrated in the string cite above, the Respondents efforts to expand 8 U.S.C. § 1225 to provide for more mandatory detention has been rejected by courts across the nation. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply to people like Petitioner, who have already entered and were residing in the United States at the time they were apprehended.

V. FACTS

36. The Petitioner, a citizen of Mexico, entered the United States without inspection approximately 19 years ago. He is married to a U.S. citizen and the father of six U.S. citizen children. Petitioner's U.S. citizen wife and children are suffering substantial emotional, psychological, and financial hardship because of the Petitioner's unlawful detention.

37. On or around June 19, 2015, the Petitioner was apprehended by ICE officials subsequent to arrest on a minor traffic violation. *See* Exh. D. The Respondents found that "there are no known adverse factors that weigh against the exercise of prosecutorial discretion" and accordingly released him. *Id.*

38. No facts have changed since June 2015 that merit the Petitioner's detention. Indeed, since his June 2015 encounter with the Respondents, the Petitioner has taken steps to legalize his status. He is now the beneficiary of a visa petition, which started a process that when finalized will result in his lawful permanent residency. *See* Exhs. B & C.

39. On or around November 22, 2025, the Petitioner was re-apprehended within the interior of the United States by the Respondents and placed in traditional removal proceedings before an IJ. *See* Exh. A. The NTA alleges, in part, that the Petitioner entered the country without admission or parole. *Id.*

40. On September 5, 2025, the BIA issued its clearly erroneous precedential decision in *Yajure Hurtado*. The Respondents are detaining the Petitioner with no bond at the Karnes Immigration Processing Center in Karnes City, Texas. *Yajure Hurtado* renders the Petitioner ineligible for bond.

VI. EXHAUSTION OF ADMINISTRATIVE REMEDIES

41. The Petitioner has exhausted his administrative remedies to the extent required by law. On January 13, 2026, an immigration judge denied the Petitioner's request for a bond based on *Yajure-Hurtado*. *See* Exh. E. It would be futile to require the Petitioner to refile a bond redetermination request with the Immigration Court given that the BIA has already announced its decision on the issue of bond jurisdiction in *Yajure Hurtado*. In fact, *Yajure Hurtado* states that "Immigration Judges lack authority to hear bond requests or to grant bond to aliens, like the respondent, who are present in the United States without admission." *Yajure Hurtado*, 29 I&N Dec. at. 225 (emphasis added).

VII. CLAIMS FOR RELIEF

Count I. Statutory claim: The Petitioner is eligible for bond under § 1226(a) and is not subject to mandatory detention under § 1225(b)(2).

42. The Petitioner has a clear right to a custody hearing by an IJ under 8 U.S.C. § 1226(a)(2). The Respondents are detaining the Petitioner in direct violation of this statute which authorizes the IJ to grant release on bond.

43. The statute cannot be clearer and requires that the Petitioner be provided with the opportunity to present his custody redetermination case before the IJ. While the BIA reached the opposite conclusion in *Yajure Hurtado*, this interpretation is erroneous and even if it were plausible, it is not entitled to *Chevron* deference pursuant to the Supreme Court's decision in *Loper Bright Enterprises v. Raimondo*. 603 U.S. 369, 369 (2024) (overruling *Chevron, U.S.A., Inc. v. Nat. Res. Def. Council, Inc.*, 467 U.S. 837 (1984)).

44. Moreover, in *Monteon-Camargo v. Barr*, the Fifth Circuit found that where the BIA announces a "new rule of general applicability" which "drastically change[s] the landscape," retroactive application would "contravene basic presumptions about our legislative system" and

should in that case be disfavored unless the government can demonstrate that the advantages of retroactive application outweigh these grave disadvantages. 918 F.3d 423, 430-431 (2019) (quoting *Matter of Diaz-Lizarraga*, 26 I&N Dec. 847, 849, 852 (BIA 2016)). Applying *Yajure Hurtado* to individuals like Petitioner, who entered the United States without inspection years before the BIA's decision, is impermissibly retroactive. The BIA's decision contradicts decades of statutory practice and administrative precedent, under which such individuals were detained under § 1226(a) and entitled to a bond hearing. Retroactively applying *Yajure Hurtado* strips these long-established rights and imposes a new disability on past actions by rendering them ineligible for bond, contrary to settled expectations. *See Landgraf v. Usi Film Prods.*, 511 U.S. 244, 265 (1994) ("As Justice Scalia has demonstrated, . . . [e]lementary considerations of fairness dictate that individuals should have an opportunity to know what the law is and to conform their conduct accordingly; settled expectations should not be lightly disrupted.").

Count II. Fifth Amendment Due Process Violation

45. The Respondents may not deprive a person of life, liberty, or property without due process of law. U.S. Const. Amend. V. The Petitioner has a weighty liberty interest as his freedom "from government . . . detention . . . lies at the heart of the liberty that [the Fifth Amendment] protects." *Zadvydas*, 533 U.S. at 690.

46. Individuals who have been released from custody gain a protected liberty interest in remaining free from custody, and ICE must demonstrate by clear and convincing evidence that the noncitizen presents a danger to the community or poses a risk of flight. *See, e.g.*, *See Matter of Sugay*, 17 I. & N. at 640; *Lopez-Arevelo*, 2025 WL 2691828, at *11 ("[O]nce released from immigration custody, noncitizens acquire 'a protectable liberty interest in remaining out of custody on bond."); *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 969 (N.D. Cal. 2019); *see also Saravia v.*

Sessions, 280 F. Supp. 3d 1168 (N.D. Cal. 2017) ("Once a noncitizen has been released, the law prohibits federal agents from rearresting him merely because he is subject to removal proceedings. Rather, the federal agents must be able to present evidence of materially changed circumstances—namely, evidence that the noncitizen is in fact dangerous or has become a flight risk, or is now subject to a final order of removal.").

47. To protect this liberty interest, due process requires notice and a hearing where the noncitizen may challenge the basis for redetention.

48. To determine whether a civil detention violates a detainee's due process rights, courts apply the three-part test set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976). *Martinez v. Noem*, No. 5:25-CV-1007-JKP, 2025 WL 2598379, at *2 (W.D. Tex. Sept. 8, 2025). The *Mathews* factors are: (1) "the private interest that will be affected by the official action"; (2) "the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards"; and (3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." *Mathews*, 424 U.S. at 335.

49. These factors all favor a determination that the Petitioner is being held without due process of law. The deprivation of his liberty interest based on *Yajure Hurtado* carries a high risk that the Petitioner's liberty is being erroneously deprived.

50. The Respondents' redetention of Petitioner almost ten years after he was released as a matter of prosecutorial discretion, without prior notice, any showing of changed circumstances, or a meaningful opportunity to contest his redetention violates the Fifth Amendment's Due Process Clause.

Count III. *Accardi* Violation

51. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA. Specifically, under the heading of "Apprehension, Custody, and Detention of Aliens," the agencies explained that "[d]espite being applicants for admission, aliens who are *present without having been admitted or paroled* (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination." 62 Fed. Reg. 10312, 10323 (emphasis added). The agencies thus made clear that individuals who had entered without inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. § 1226 and its implementing regulations.

52. Nonetheless, pursuant to *Yajure Hurtado*, EOIR has a policy and practice of applying § 1225(b)(2) to individuals like Petitioner.

53. The application of § 1225(b)(2)(A) to Petitioner unlawfully mandates his continued detention in violation of § 1226(a) and its regulations at 8 C.F.R. §§ 236.1, 1236.1, and 1003.19, which for decades have recognized that noncitizens present without admission are eligible for a bond hearing. *See Jennings*, 583 U.S. at 288–29 (describing § 1226 detention as relating to people "inside the United States" and "present in the country."). Such protection is not a mere regulatory grace but is a baseline Due Process requirement. *See Hernandez-Lara v Lyons*, 10 F. 4th 19, 41 (1st Cir. 2021). The only exception for such noncitizens subject to § 1226(a) is where the noncitizen is subject to mandatory detention under 8 U.S.C. § 1226(c) for certain crimes and certain national security grounds of removability. *See Demore v. Kim*, 538 U.S. 510, 512 (2003).

54. Government agencies are required to follow their own regulations. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954); *United States v. Heffner*, 420 F.2d 809, 811 (4th Cir. 1969) ("An agency of the government must scrupulously observe rules, regulations, or

procedures which it has established. When it fails to do so, its action cannot stand and courts will strike it down."). A violation of the *Accardi* doctrine may itself constitute a violation of the Fifth Amendment Due Process Clause, particularly when liberty is at stake. *See, e.g.*, *Sering Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 160 (W.D.N.Y. 2025) (citing *Rombot v. Souza*, 296 F. Supp. 3d 383, 388 (D. Mass. 2017)).

VIII. PRAYER FOR RELIEF

For the foregoing reasons, the Petitioner requests that the Respondents be cited to appear and that, upon due consideration, the Court enter an order:

a. Ordering the Respondents, pursuant to 28 U.S.C. § 2243, to demonstrate within five days why the Petitioner's writ of habeas corpus should not be granted.

b. Granting a writ of habeas corpus finding that the Petitioner's detention is unlawful and unconstitutional;

c. Providing declaratory relief that the Petitioner's detention is unlawful;

d. Ordering Petitioner's immediate release from custody, or, in the alternative, ordering Respondents to provide him a bond hearing under 8 U.S.C. § 1226(a) within five days of this Court's order, at which DHS bears the burden to justify his redetention by demonstrating, by clear and convincing evidence, materially changed circumstances rendering Petitioner a danger to the community or a flight risk;

e. Ordering that Respondents not transfer the Petitioner to any facility outside of the boundaries of the Western District of Texas while this writ is pending.

f. Awarding Petitioner reasonable attorney's fees, expenses and costs; and

g. Granting Petitioner such other and further relief as the Court may deem just and proper.

Respectfully submitted,

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VERIFICATION UNDER 28 U.S.C. § 2242

Acting on behalf of the Petitioner, I verify that the foregoing factual allegations are true and correct as required by 28 U.S.C. § 2242.

/s/ Lance Curtright
Lance Curtright