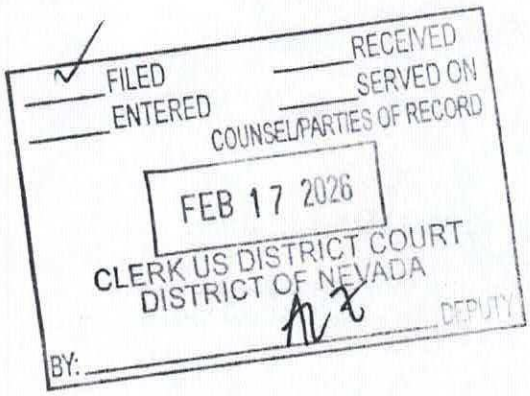
2:26-cv-00429-JAD-BNW

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

HAROLD HERRERA-RAMIREZ
ALIEN No. [redacted]
PETITIONER, PRO SE
CUSTODY STATUS: DETAINED



Harold Herrera-Ramirez
Alien No. [redacted]
Nevada Southern Detention Center
2190 East Mesquite Avenue
Pahrump, NV 89060

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

HAROLD HERRERA-RAMIREZ, -Petitioner, *Pro Se*, v. THE UNITED STATES OF AMERICA, Kristi NOEM, in her Official Capacity, Secretary of the Department of Homeland Security, Pamela J. BONDI, in her Official Capacity, Attorney General, Department of Justice, Kerri Ann QUIHUIS, in her Official Capacity, ICE Field Office Director, Detention and Removal, Las Vegas, Nevada (ICE Local) Michael BERNACKE, in his Official Capacity, Field Office Director, Salt Lake City Field Office, U.S. Immigration and Customs Enforcement, Todd LYONS, in his Official Capacity, Acting Director, Immigration & Customs Enforcement, John MATTOS, in his Official Capacity, Warden of Immigration Detention Facility, Nevada Southern Detention Center; -Respondents.	No.: INS.: [redacted] Custody Status: **DETAINED** **Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241**

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

COMES NOW HAROLD HERRERA-RAMIREZ, as the Petitioner in this present matter, appearing *Pro Se*, and hereby respectfully petitions this Honorable District Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241.

The Petition of HAROLD HERRERA-RAMIREZ respectfully shows:

INTRODUCTION

1. Petitioner, Harold Herrera-Ramirez was born in Colombia, married with a child and has been detained by U.S. Department of Homeland Security, Immigration and Customs Enforcement ("DHS/ICE").
2. Petitioner is physically detained under the full custody of the Respondents at the Nevada Southern Detention Center in Pahrump, Nevada.
3. Petitioner received a bond hearing before the immigration judge ("IJ"), in February 2025—over a year ago—where it denied bond based on flight risk.
4. Petitioner moved for a second custody redetermination by the IJ where it denied bond based on lack of jurisdiction.
5. Petitioner entered the US on or about October 2023, where he turned himself in to immigration authorities and was detained for processing.
6. During processing, DHS conducted an extensive background check and concluded his criminal history as **negative**. *See attached* I-213 at 3.
7. Even more, DHS, in its discretion, and released Petitioner Mr. Harold Herrera-Ramirez on recognizance as per section 212(a)(6)(A)(i) of the Immigration and Nationality Act.
8. As such, DHS then continued to process Petitioner as an NTA/OR per El Paso Sector guidelines. *See* I-213 at 3. Petitioner was released and placed under supervision, also known as parole, alternative-to-detention, OSUP, ISUP and ISAP.

9. Petitioner appeared to all his ICE appointments. Petitioner was in full compliance and appeared to all his routine check-ins at the ICE local office.

10. Yet, on December 2024, Petitioner was re-detained by ICE without an arrest warrant, without a notice of revocation and without due process.

11. Petitioner has been detained under the custody of the Respondents for over a year without a proper bond hearing that comports with due process.

12. Again, Petitioner has appeared to all his DHS/ICE appointment, check-ins and being in full compliance with the terms of conditions of release on recognizance.

13. Respondents have not pointed to any no material changed circumstances.

14. Despite Petitioner's compliance with DHS supervision, and for some capricious reason, ICE re-detained him without any showing of changed circumstances or an opportunity to challenge his re-detention.

15. Petitioner's continued detention violated the Due Process Clause of the Fifth Amendment because no neutral decision-maker has conducted a bond hearing in over a year to determine his prolonged detention is justified.

16. Petitioner respectfully requests that this Court issue a Writ of Habeas Corpus and order Petitioner's release within twenty ("20") days unless Respondent's schedule a hearing before the IJ where it holds proper jurisdiction and where: (1) to continue detention, the government must establish by *clear and convincing* evidence that Petitioner present a risk of flight or current public danger, even after consideration of alternatives to detention that could mitigate any risk that Petitioner's release would present; and (2) if the government cannot meet its heavy burden, the IJ orders Petitioner's release on appropriate conditions of supervisions, taking his ability to pay a bond.

17. Petitioner respectfully requests 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 a writ of habeas corpus should be denied is returnable "within three days unless for good cause additional time, not exceeding twenty days, is allowed").

18. In order to permit full judicial review of the claims herein and requested relief, Petitioner respectfully requests that the Court order Respondents not to transfer Petitioner outside the jurisdiction of this Court pending consideration of this Petition

PARTIES

19. Petitioner, also known as Mr. Herrera-Ramirez, is being detained by ICE at the Nevada Southern Detention Center in Pahrump, Nevada.

20. Respondent, UNITED STATES OF AMERICA, issued pursuant to 5 U.S.C. § 703, in which the Administrative Procedures Act provides "[i]f no special statutory review proceeding is applicable, the action for judicial review may be brought against the United States, the agency by its official title, or the appropriate officer."

21. Respondent, Kristi NOEM is sued in her official capacity as the Secretary of the Department of Homeland Security (herein after referred to as "DHS"). In her capacity he has the responsibility for administration and enforcement of the immigration laws pursuant to section 402 of the Homeland Security Act of 2002, 107 Pub. L. 296, 116 Stat. 2135 (Nov. 25, 2002). *See Armentero v. INS*, 340 F.3d 1058 (9th Cir. 2003).

22. Respondent Pamela J. BONDI is sued in her official capacity as the Attorney General of the United States. She has responsibility for the administration and enforcement of the immigration laws pursuant to 8 U.S.C. § 1103, and Immigration and Nationality Act § 103. As the "INA" has not been amended to reflect the designation of the Secretary of the DHS as the administrator and enforcer of the immigration laws.

23. In this case, Respondent Pamela J. BONDI is sued in her official capacity to the extent that 8 U.S.C. § 1102 gives her the authority to detain Petitioner. *See Armentero v. INS, supra.* Thus, Pamela J. BONDI is considered a legal custodian of Mr. Herrera-Ramirez.

24. Respondent, Kerri Ann QUIHUIS is sued in her official capacity as ICE Field Office Director, Detention and Removal, DHS at Las Vegas, Nevada (ICE Local), who is responsible for the day-to-day operation of detaining and removing aliens in Las Vegas, Nevada.

25. Respondent, Michael BERNACKE is the Field Office Director responsible for the Salt Lake City Field Office of ICE Enforcement and Removal Operations, which has administrative jurisdiction over Petitioner's case. He is a legal custodian of Mr. Harold Herrera-Ramirez and is named in his official capacity.

26. Respondent, Todd LYONS is Acting Director of ICE. As the head of ICE, an agency within the U.S. Department of Homeland Security that detains and removes certain noncitizens, Respondent Todd LYONS is a legal custodian of Mr. Herrera-Ramirez and he is named in his official capacity.

27. Respondent, John MATTOS, Warden of Nevada Southern Detention Center, where Petitioner is currently detained under the authority of ICE, alternatively he may be considered to be Petitioner's immediate custodian.

28. The Respondents in this action are the legal custodian of Petitioner and are named in their official capacity.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

29. Being released on recognizance and having no violations with the terms of conditions of his ICE supervision, Petitioner was unilaterally and unlawfully re-detained. The upshot, Petitioner's re-detention is unjustified, unwarranted and violated due process.

30. Petitioner has not violated his terms of conditions of release and Respondents have failed to point to any material changed circumstances, leaving habeas corpus as the only available remedy.

31. Exhaustion is required only when Congress specifically mandates it. *McCarthy v. Madigan*, 503 U.S. 140, 144 (1992). In all other instances, "sound judicial discretion governs." *Id.* This Court should not require Petitioner to exhaust his administrative remedies.

32. Petitioner is being held under mandatory detention without a bond hearing for over a year. Even if Petitioner would move for such another bond hearing, it would be futile as the Las Vegas Immigration Court does not hold proper jurisdiction. *See* IJ's Bond Dec'n, 12/15/2025.

33. Even if Petitioner's appeals the IJ's decision for lack of jurisdiction, there exists a realistic probability that the Board will adopt and affirm the IJ's decision in the denial of bond. Consequently, this Court should conclude that Petitioner need not exhaust his administrative remedies.

34. For habeas claims, exhaustion of administrative remedies is prudential, not jurisdictional. *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017). A court may waive the prudential exhaustion requirement if "administrative remedies are inadequate or not efficacious, pursuit of administrative remedies would be a futile gesture, irreparable injury will result, or the administrative proceedings would be void." *Id.* (quoting *Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004) (citation and quotation marks omitted)).

35. Here, Petitioner has exhausted his administrative remedies, and any further requests for parole or reconsideration would be futile.

36. Moreover, an immigration judge denied Petitioner bond on December 15, 2025, for lack of jurisdiction. *See attached*, IJ's Bond Dec'n 12/15/2025. Therefore, Petitioner has exhausted his administrative remedies to the extent required by law, and his only remedy is by way of this judicial action.

37. Even more, Petitioner is challenging the constitutionality of the procedures by which ICE reviews the custody status of aliens who cannot be removed within six months, and whose removal is not significantly likely to occur in the reasonably foreseeable future. Thus, the administrative remedy is inadequate to address these constitutional grounds for recovery.

JURISDICTION

38. Respondents are detaining Mr. Herrera-Ramirez at the Nevada Southern Detention Center in Pahrump, Nevada.

39. This action arises under the Constitution and laws of the United States, the Immigration & Nationality Act of 1952, as amended (herein after referred to as "INA") 8 U.S.C. § 1101 *et. seq.*, and the Administrative Procedures Act (herein after referred to as "APA"), 5 U.S.C. §§ 701 *et. seq.*

40. The Court has subject matter jurisdiction and may grant relief pursuant to 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 2201-02 (declaratory relief); 28 U.S.C. § 2241 (habeas corpus); and Article I, Section 9, clause 2 of the United States Constitution (Suspension Clause).

41. Congress has preserved judicial review of challenges to prolonged immigration detention. *See Jennings v. Rodriguez*, 583 U.S. 281, 294-96 (2018) (holding that neither 8 U.S.C. §§ 1226(e) nor 1252(b)(9) bars reviews of challenges to prolonged detention).

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

VENUE

43. Venue is proper in the District of Nevada under 28 U.S.C. § 1391(e) because Petitioner is detained in this district and a substantial part of the events or omissions giving rise to Mr. Herrera-Ramirez's claims occurred in this district.

44. Venue is proper in this District because this is the district in which Petitioner is confined. *See Doe v. Garland*, 109 F.4th 1188, 1197-99 (9th Cir. 2024).

FACTUAL ALLEGATIONS

45. Petitioner, Mr. Herrera-Ramirez is a native and citizen of Colombia who has a family, this includes wife and a son. Petitioner has a sponsor, Francisco Martinez Rodriguez.

46. On or about October 2023, Petitioner was processed by immigration authorities in El Paso, Texas.

47. Petitioner notified to immigration officials that he was a former member of [redacted]. He further provided a letter that he had formerly demobilized from [redacted] in 2007.

48. Even more, Petitioner also notified immigration officials of his arrest by the Colombian National Police. This demonstrated that Petitioner was open about his background.

49. Yet, DHS continued with a records check, which included CIS; ABIS; EARM; NCIC; NGI; and TECS, which all came back as **negative**. *See attached*, I-213 at 2.

50. Subsequently, DHS ORDERED Petitioner's release on recognizance. *See* attached.

51. Petitioner has appeared to all DHS appointments and ICE routine check-ins.

52. Upon information and belief, on December 2024, Petitioner was re-detained by ICE in Utah for some capricious reason.

53. Petitioner was arrested and re-detained by ICE without a change of circumstances, arrest warrant, notification of revocation of his ICE supervision or due process.

54. Petitioner has complied and appeared to all his ICE appointments, demonstrating that he presents no flight risk and seeks to remain in the United States in a lawful manner.

CRIMINAL HISTORY

55. Here, Petitioner does not have a criminal history, or anything close to relevant here in the United States. Petitioner is a responsible husband, father and family man without any involvement in any illegal activity and lives a law-abiding lifestyle.

56. Further, Petitioner does not exhibit any history of violent behavior or violent criminal history. Conversely, he has demonstrated excellent behavior while detained and in the last few months and has no disciplinary actions against him while detained.

57. Petitioner has shown commendable willingness to reintegrate to day-to-day society once released.

58. Petitioner is not a threat to national security, has no history of such activity and presents no danger to public safety.

59. Because Petitioner appeared to all his DHS appointments, ICE routine check-ins and has not violated his terms of release on recognizance, it demonstrates that he is not a flight risk.

60. Petitioner does not have any pending criminal charges or any "aggravated felony" convictions. Petitioner has not participated in a criminal street gang and does not have any gang related conviction as defined under in 18 U.S.C. § 521(a).

61. Petitioner has been released from immigration custody without violations and has remained in full compliance with DHS/ICE and their terms of conditions of release on recognizance.

LEGAL ARGUMENT

62. The Immigration and Nationality Act creates a statutory framework for the detention of noncitizens. *See Vargas v. Wolf*, No. 2:19-cv-02135-KJD-DJA, 2020 WL 1929842, at *3. (D. Nev. Apr. 21, 2020).

63. Respondents are detaining Mr. Herrera-Ramirez, which, as the Supreme Court held in *Jennings*, requires ICE to detain non-citizens who are removable on certain criminal grounds throughout their removal proceedings. 583 U.S. 281. In this case, Petitioner lacks a criminal conviction in the United States.

64. The *Jennings* Court expressly declined to decide whether prolonged, mandatory detention is constitutional, remanding for the Ninth Circuit to decide the constitutional issues. Id. at 312.

65. "The Court of Appeals, in turn, remanded the case to the district court to consider the constitutional arguments in the first instance, but noted that it had 'grave doubts that any statute that allows for arbitrary prolonged detention without any process is constitutional or that those who founded our democracy precisely to protect against the government's arbitrary deprivation of liberty would have thought so.'" *Ortiz-Castillo v. United States*, No. 2:23-cv-01485-RFB-MDC, 2024 WL 756075, at *2 (D. Nev. Feb. 23, 2024) (quoting *Rodriguez v. Marin*, 909 F.3d 252, 256 (9th Cir. 2018)).

66. There is no "clear guidance from a higher court" regarding "the point at which a noncitizen's continued mandatory detention without a fair bond hearing becomes unconstitutional." Id.

67. "Nearly all district courts that have considered the issue agree," however, "that prolonged mandatory detention pending removal proceedings, without a bond hearing, will—at some point—violate the right to due process." *Vargas*, 2020 WL 1929842, at

*7 (holding that detention without a bond hearing for 11 months violated due process); *see also, e.g.*, *Ortiz-Castillo*, 2024 WK 756075, at **3-4 (holding that detention for two years and eight months without a bond hearing violated due process); *Arechiga v. Archambeault*, No. 2:23-cv-00600-CDS-VCF, 2023 WL 5207589, at *4 (D. Nev. Aug. 11, 2023) (holding that detention of nearly 43 months without a bond hearing violated due process); *Lewis v. Garland*, No. 22-cv-296-JGB-AGR, 2023 WL 8898601, at **3-4 (C.D. Cal. July 31, 2023) (holding that detention of 27 months without a bond hearing, and nearly three years in total, violated due process).

68. District courts have used the test for procedural due process claims set fourth in *Mathews v. Eldridge* to evaluate the constitutionality of continued mandatory detention. 424 U.S. 319 (1976). The *Mathews* test considers (1) the private interest at stake, (2) the risk of error under the current procedures as well as the value of additional or substitute safeguards, and (3) the government's interest. *Id.* at 334-35.

69. Under the *Mathews* test, Mr. Herrera-Ramirez merits a new bond hearing.

70. First, Mr. Herrera-Ramirez's interest in freedom from physical restraint is "significant and obvious." *Vargas*, 2020 WL 1929842, at * 10 (finding that detention of "11 months without a constitutionally adequate bond hearing" was "sufficiently long to establish [a] strong private interest"). It is indisputable that Mr. Herrera-Ramirez's detention for over a year, gives rise to a strong private interest.

71. For some capricious reason, ICE re-detained Mr. Herrera-Ramirez without an arrest warrant, notice of revocation of his ICE supervision, material changed circumstances or due process.

72. Petitioner was in full compliance of DHS conditions of release and complied with all of ICE's routine check-ins, having no violations.

73. Second, Mr. Herrera-Ramirez faces a grave risk of being erroneously deprived of his liberty absent a second bond hearing. It has been over a year since Mr. Herrera-Ramirez has had an opportunity to have his detention evaluated by a neutral adjudicator. *See Lewis*, 2023 WL 8898601, at *4 (finding the risk of erroneous deprivation "significant" where 27 months had passed since the noncitizen's first bond hearing). During that time, Mr. Herrera-Ramirez's family have been suffering economic harm, and his unilateral re-detention has caused an emotional toll to his wife and son.

74. The third *Mathews* factor, the government's interest, is "neutral". *Ortiz-Castillo*, 2024 WL 756075, at *4. While the government has a general interest in administering the immigration laws, "the fiscal and administrative burden of holding a bond hearing is minimal." *Id.*

75. Because the first and second *Mathews* factors weigh heavily in Mr. Herrera-Ramirez's favor and the third factor is neutral, Mr. Herrera-Ramirez's continued mandatory detention violates due process and he is entitled to a new bond hearing.

76. Under Ninth Circuit precedent, to justify prolonged immigration detention, the government must prove by clear and convincing evidence that the noncitizen is a danger or flight risk. *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011); *see also*, *Arechiga*, 2023 WL 5207589, at *1 (placing burden on government to establish danger or flight risk by clear and convincing evidence); *Lewis*, 2023 WL 8898601, at *5 (same).

77. The requirement that the government bear the burden of proof by *clear and convincing* evidence is also supported by application of the three-factor balancing test from *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

78. First, prolonged incarceration deprives noncitizens of a "profound" liberty interest. *See Diouf II*, 634 F.3d at 1091–92 (9th Cir. 2011).

79. Second, the risk of error is heavily great where the government is represented by trained and qualified attorneys and detained noncitizens, as it is in this present case, are often unrepresented and frequently lack English proficiency. *See Santosky v. Kramer*, 455 U.S. 745, 763 (1982) (requiring clear and convincing evidence at parental termination proceedings because "numerous factors combine to magnify the risk of erroneous factfinding" including that "parents subject to termination proceedings are often poor, uneducated, or members of minority groups" and "[t]he State's attorney usually will be expert on the issues contested"). Moreover, detainees are incarcerated in prison-like conditions that severely hamper their ability to obtain legal assistance, gather evidence, and prepare for a bond hearing. *See infra*.

80. Third, placing the burden on the government imposes minimal cost or inconvenience, as the government has access to the noncitizen's immigration records and other information that it can use to make its case for continued detention.

81. These factors sharply tips in favor of Petitioner and merits habeas relief.

82. Due process also requires consideration of non-punitive alternatives to detention. The primary purpose of immigration detention is to ensure a noncitizen's appearance during removal proceedings. *Zadvydas*, 533 U.S. at 697. Detention is not reasonably related to this purpose if there are alternative conditions of release that could mitigate risk of flight. *See Bell v. Wolfish*, 441 U.S. 520, 538 (1979).

83. Even if Respondents argue that Petitioner is considered to be dangerous based on his conviction in Colombia, that argument is unpersuasive and weak. The Supreme Court has "uphold preventive detention based on dangerousness only when limited to

especially dangerous individuals and subject to strong procedural protection". *Lopez Reyes*, 362 F. Supp. 3d at 776 (quoting *Zadvydas*, 533 U.S. at 691).

84. This is a case where Petitioner's criminal charges against him in Colombia are too trivial and too stale that it is not sufficient enough to portrait him as a hardened criminal. The record reflects that his criminal history, while in Colombia, does not establish a habitual criminal. Petitioner does recognize his wrongs and regrets what occurred and has been strongly attempting to make amends.

85. Any argument that "*danger*" to the community is established by the facts of this case is clearly erroneous, and by any legal standard is devoid of logic, reason, and facts to support such a conclusion. The Respondents may seek to characterize Petitioner's challenge as purely discretionary. As the Honorable U.S. District Court in *Griselda Negrete Vargas*, *supra,* found: "The Ninth Circuit has explained that *Casas-Castrillon* and *Guerra* contemplate that criminal history alone may be insufficient to justify detention" (emphasis added). *Singh*, 638 F.3d at 1260. "The *Guerra* factor most pertinent to assessing dangerousness' is the detainee's 'criminal record, including the *extensiveness* of criminal activity, the *recency* of such activity, and the *seriousness* of the offenses". *Id.* (citing *Guerra*, 20 I. & N. Dec. at 40) (emphasis added).

> "Indeed, not all criminal convictions conclusively establish that an alien presents a danger to the community, even where the crimes are serious enough to render the alien removable. *Cf. Foucha*, 504 U.S. at 82-83, 112 S. Ct. 1780 (requiring a showing of dangerousness beyond that "of any convicted criminal" to justify civil detention of the criminally insane). For example, some orders of removal may rest on convictions for relatively minor, non-violent offenses such as petty theft and receiving stolen property. Moreover, a conviction could have occurred years ago, and the alien could well have led an entirely law-abiding life since then. In such cases, denial of bond on the basis of criminal history alone may not be warranted". *Id.* at 1206.

86. If the heavy burden of proof is placed on the Respondents, rather than on the Petitioner, it reveals that Petitioner does not pose a danger to persons or property. Petitioner does not have a criminal history in the United States. Petitioner does have criminal offenses; however, those prior offenses are not in the US, but rather in Colombia, and are too trivial and tool stale to fall under the "particularly serious crimes" spectrum or the "serious and violent crimes" factors to support that he presents public danger.

87. Even while in custody, Petitioner lacks disciplinary actions against him. Petitioner is not a threat to national security, has no history of such activity and presents no current danger to public safety.

88. Because Petitioner complied with DHS supervision, appeared to all DHS appointments, ICE's routine check-ins, while having no violations of his release on recognizance, it proves that Mr. Herrera-Ramirez is not a flight risk.

89. Petitioner does not have a lengthy criminal record and is not a habitual criminal and points out that the Respondents are silent on this issue. Petitioner states that his offenses are too trivial to demonstrate that he is a danger to the community. Petitioner's past conduct, though reprehensible, simply does not warrant the harsh sanction available under the mandatory detention statute. Surely, the adjudication of denying relief in this case serves neither the purposes of the INA statute nor the interests of justice.

90. Further, Petitioner has not participated in any criminal street gang and does not have any gang related convictions as defined under 18 U.S.C. § 521(a). Petitioner seeks to remain in the United States in a lawful manner with his family. Hence, Petitioner is neither a flight risk nor does he present a danger to the community. Here, the Respondents cannot prove so by *clear and convincing* evidence, or any standard of proof, that Petitioner should remain unlawfully detained.

91. Even though the Court may consider Petitioner's criminal record when determining whether his detention is necessary to protect public safety, *see Matter of Guerra*, 24 I. & N. 37, 40 (BIA 2006), "criminal history alone will not always be sufficient to justify denial of bond on the basis for dangerousness". *Singh*, 638 F.3d at 1206.

92. In this case, Petitioner's prior offenses are too trivial and too stale where the mandatory detention would not serve the purposes of the INA statue, mandatory detention statute or the interests of justice.

93. Although Petitioner has criminal offenses in Colombia, he completed his sentence and was released. Since then, he has been living a law abiding and productive lifestyle.

94. The Respondents deliberately ignores this fact and badly intends to portrait Petitioner as a harden criminal. Even if this Court finds Petitioner dangerous based on his offenses in Colombia, Petitioner points to relevant precedents and case laws such as *Singh*, *Guerra*, and *Foucha.*

95. This Courts should find that not all criminal convictions conclusively establish that a non-citizen, such as Petitioner, presents a danger to the community, even where the crimes are serious enough to render the alien removable. *Cf. Foucha*, 504 U.S. at 82-83, 112 S. Ct. 1780 (requiring a showing of dangerousness beyond that "of any convicted criminal" to justify civil detention of the criminally insane). Petitioner again points out that when the prior offenses are too trivial and, thus, it should not warrant the harsh punishment of mandatory detention where its serves neither the purpose of the INA statute, mandatory statute (§ 1226) nor the interests of justice.

96. To the extent ICE may argue that it can continue indefinitely detaining Petitioner on the grounds that he is "specially dangerous", ICE has not even attempted to comply with its own extensive procedures to obtain such a classification. *See* 8 C.F.R. §

241.14(f)-(g), (i). *See also*, *Sharifi v. Gillis*, No. 5:20-cv-5-DCB-MTP, 2020 WL 7379211 (S.D. Miss. Oct. 9, 2020) (granting habeas relief to petitioner detained for seventeen months after Iranian officials failed to respond to a travel document request for more than seven months).

97. Petitioner cannot be removed to Colombia with a pending case before the Immigration Court and Respondents cannot provide a date where Petitioner would be removed in the foreseeable future.

98. This is a case where ICE has not obtained a certification of special dangerousness from the Commissioner, it has not ordered that Petitioner undergo a medical examination, and it has not initiated a reasonable cause proceeding in Immigration Court.

99. In fact, ICE's own regulations provide that without proving "special dangerousness" by clear and convincing evidence before an IJ, ICE does not have the ability to indefinitely detain an alien who has no significant likelihood of being removed within a six-month period. In short, ICE has not followed its own rules, or the due process demanded by the United States Constitution.

100. Ninth Circuit precedent also requires IJs to consider a noncitizen's ability to pay a bond and possible alternative release conditions in making a bond determination. *Hernandez v. Sessions*, 872 F.3d 976, 990-91 (9th Cir. 2017).

101.

IN THE ALTERNATIVE, A PRELIMINARY INJUNCTION RELIEF IS WARRANTED TO PREVENT IRREPARABLE HARM

102. Petitioner respectfully requests that this Court issue an emergency injunction ordering his immediate release from ICE custody or, in the alternative, a constitutionally adequate bond hearing. Injunctive relief is appropriate where the

petitioner demonstrates: (1) a likelihood of success on the merits, (2) irreparable harm absent relief, (3) that the balance of equities tips in his favor, and (4) that the public interest supports relief. *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 20 (2008); *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011) (a serious question going to the merits plus a balance of hardships that tips sharply toward the petitioner also supports injunctive relief).

A. Likelihood of Success on the Merits

103. It is undisputed that Petitioner was re-detained through a "targeted operation" by ICE Enforcement and Removal Operations. Petitioner has complied with all of ICE and immigration court obligations. None of this mattered to the government.

104. Rather than determining that Petitioners posed a flight risk or danger to the community, federal agents re-detained Petitioner pursuant to a new, sweeping, and unlawful policy targeting people for arrest. This enforcement campaign is specifically intended to increase ICE arrest numbers to satisfy internal agency quotas. It is established that DHS has implemented a coordinated practice of immigration detention to strip people like Petitioner of their substantive and procedural rights and pressure them into deportation.

105. By summarily arresting and re-detaining Petitioner without making any affirmative showing of changed circumstances, the government violated Petitioner's procedural due process rights. Thus, Petitioner has demonstrated a high likelihood of success.

106. His re-detention without a constitutionally adequate bond hearing violates the Fifth Amendment's Due Process Clause. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (civil detention must bear a reasonable relation to its purpose and cannot be

indefinite); *Singh v. Holder*, 638 F.3d 1196, 1203–04 (9th Cir. 2011) (government bears the burden of proving danger or flight risk by clear and convincing evidence in prolonged detention cases).

107. Petitioner has demonstrated a high likelihood of success. His re-detention without a constitutionally adequate bond hearing violates the Fifth Amendment's Due Process Clause. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (civil detention must bear a reasonable relation to its purpose and cannot be indefinite); *Singh v. Holder*, 638 F.3d 1196, 1203–04 (9th Cir. 2011) (government bears the burden of proving danger or flight risk by clear and convincing evidence in prolonged detention cases); *Hernandez v. Sessions*, 872 F.3d 976, 991 (9th Cir. 2017) (requiring individualized bond determinations and consideration of ability to pay). Because DHS has failed to justify Petitioner's continued detention under the appropriate legal standard, success on the merits is likely.

B. <u>Irreparable Harm</u>

108. As a result of Petitioner's re-detention, Petitioner and his family suffer ongoing irreparable harm every day that his liberty is restrained in violation of due process. The unconstitutional deprivation of "physical liberty" "unquestionably constitutes irreparable injury." *Hernandez v. Sessions*, 872 F.3d 976, 994-95 (9th Cir. 2017).

109. Prolonged detention imposes significant psychological and physical hardship and impedes Petitioner's ability to meaningfully participate in his defense. The Ninth Circuit has recognized that "prolonged detention without adequate procedural protections would raise serious constitutional concerns." *Rodriguez v. Robbins*, 804 F.3d 1060, 1074 (9th Cir. 2015), *vacated on other grounds*, 138 S. Ct. 830 (2018). The deprivation of liberty is the quintessential form of irreparable harm.

C. Balance of Equities

110. The balance of equities strongly favors Petitioner's release. The government's interest in ensuring attendance at removal proceedings can be met through less restrictive means, such as bond or supervision, particularly where Petitioner has taken steps of rehabilitation and has no record of absconding. See *Valdez-Jimenez v. Eighth Judicial Dist. Ct.*, 460 P.3d 976, 992 (Nev. 2020) (holding that due process requires individualized findings before continued pretrial detention).

111. Continued detention imposes significant hardship on Petitioner and on his child who is a US citizen, while release under reasonable conditions poses no harm to the government.

D. Public Interest

112. The public interest is always served by upholding constitutional rights and preventing unlawful detention. *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (recognizing that enforcement of constitutional rights is in the public interest).

113. As another California district Court recently concluded, "[t]he public has a strong interest in upholding procedural protections against unlawful detention and the Ninth Circuit has recognized that the costs of the public of immigration detention are staggering." *Diaz*, 2025 WL 1676854, at *3 (citing *Jorge M. F.*, 2021 WL 783561, at *3. *See also*, *Diaz v. Kaiser*, No. 3:25-CV-05071, 2025 WL 1676854 (N.D. Cal. June 14, 2025).

114. Prompt judicial intervention will preserve the integrity of removal proceedings and reinforce the rule of law. Public interests favor Petitioner's release as DHS has yet to deport him to Colombia.

i. Petitioner Has Not Violated His Terms of Conditions of ICE Supervision and Respondents Failed to Point any Material Changed Circumstances, Leaving Habeas Corpus as the Only Available.

115. Petitioner has not violated his terms of ICE supervision and no material changed circumstances have been identified, yet he was re-detained without notice or violations.

116. Petitioner has faithfully appeared at all DHS appointments throughout the pendency of his case, demonstrating sustained compliance and diligence Petitioner was denied bond without a full and fair hearing and was not afforded a custody redetermination hearing where it comports with due process of law in over a year.

117. Due process requires that custody decisions be grounded in individualized findings, not punitive reactions to events beyond a respondent's control. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

118. Even if ICE afforded a custody redetermination reviews, those reviews are conducted entirely within the agency, lack transparent standards, provide no guaranteed opportunity to present evidence or rebut government assertions, and result in decisions that are unappealable. Such a process fails to meet the minimum requirements of due process. *See Rodriguez v. Robbins*, 804 F.3d 1060, 1074 (9th Cir. 2015), *vacated on other grounds*, 138 S. Ct. 830 (2018) (requiring individualized bond hearings with meaningful procedural protections for prolonged detention).

119. Accordingly, due process and law-of-the-case principles require reinstatement of Mr. Herrera-Ramirez's prior supervision order issued by DHS.

120. DHS's re-detention—following documented diligence, impossibility caused by government closures, and years of compliance—was arbitrary, punitive, and unlawful. The Court should restore the previously set bond and reject any attempt to penalize

Petitioner for circumstances beyond his control.

121. As the Supreme Court reaffirmed in *Boumediene v. Bush*, 553 U.S. 723, 745 (2008), the Great Writ is a critical safeguard against unlawful executive detention and ensures that no person is deprived of liberty without judicial review.

122. Petitioner was under DHS supervision and has complied with ICE's conditions of release. Having no change in circumstances, ICE re-detained him. Petitioner was not given any notice of revocation of his release under ICE supervision. The lack of an effective administrative remedy underscores the need for this Court's intervention through habeas corpus. As the Supreme Court reaffirmed in *Boumediene v. Bush*, 553 U.S. 723, 745 (2008), the Great Writ is a critical safeguard against unlawful executive detention and ensures that no person is deprived of liberty without judicial review.

123. This Court should therefore grant the writ and order Petitioner's immediate release or, at minimum, require a constitutionally adequate bond hearing where DHS bears the burden of proof under the *clear and convincing evidence* standard.

ii. DHS/ICE's Arbitrary Re-Detention Decisions Are Unlawful and Deprive Petitioner of Due Process

124. Because Petitioner was arrested and re-detained by DHS/ICE, it reveals that Respondents, including DHS/ICE, have acted in an arbitrary and capricious manner by cherry-picking arrests and selectively detaining noncitizens like Petitioner.

125. Administrative detention must be rationally related to its purpose—to secure attendance at proceedings or protect the public—and cannot be punitive or arbitrary. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (civil detention must bear a reasonable relation to its purpose); *Judulang v. Holder*, 565 U.S. 42, 53 (2011) (agency action must be based on a reasoned explanation and not arbitrary decision-making).

126. DHS/ICE re-detained Petitioner without any meaningful explanation and with no opportunity to present evidence or rebut allegations. This lack of procedural safeguards renders the review process constitutionally deficient. The Ninth Circuit has consistently held that the government must provide individualized determinations and consider less restrictive alternatives to detention. *Rodriguez v. Robbins*, 804 F.3d 1060, 1082–83 (9th Cir. 2015) (requiring bond hearings and consideration of alternatives to detention), *vacated on other grounds*, 138 S. Ct. 830 (2018).

127. Petitioner was re-detained without an arrest warrant, without a notice of revocation of his supervision, and without due process, leaving his with no other adequate remedy exists to challenge this unlawful arrest and unlawful detention—and because re-detention without judicial oversight would result in irreparable harm and injury—this Court's intervention through habeas corpus relief is not only proper but necessary.

128. The writ of habeas corpus serves as a critical check on executive overreach and unlawful deprivation of liberty. *See Boumediene v. Bush*, 553 U.S. 723, 745 (2008) (habeas corpus is a fundamental safeguard against arbitrary detention).

129. DHS/ICE's decision to continue Petitioner's detention without meaningful individualized review is arbitrary, capricious, and violates the Fifth Amendment's Due Process Clause. Administrative agencies must exercise discretion based on a reasoned explanation and may not engage in arbitrary decision-making. *Judulang v. Holder*, 565 U.S. 42, 53 (2011). Civil immigration detention must bear a reasonable relation to its purpose—to ensure appearance at proceedings and protect the public—and cannot become punitive or indefinite. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

130. The Ninth Circuit has likewise emphasized that due process requires a neutral

decision-maker and individualized determinations supported by clear and convincing evidence. *Singh v. Holder*, 638 F.3d 1196, 1203–04 (9th Cir. 2011); *Hernandez v. Sessions*, 872 F.3d 976, 991 (9th Cir. 2017). Respondents' failure to provide a fair custody review or viable appeal rights leaves Petitioner under indefinite detention without meaningful process, warranting this Court's intervention and immediate release through the Great Writ of habeas corpus.

131. Civil immigration detention must bear a reasonable relation to its purpose—to ensure appearance at proceedings and protect the public—and cannot become punitive or indefinite. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001

iii. ICE's Cherry-Picking Arrests Are Arbitrary, Capricious, and Violate Petitioner's Due Process Rights

132. DHS/ICE's decision to arrest and re-detain Petitioner despite his full compliance with supervision requirements constitutes arbitrary and capricious enforcement action that violates both the Fifth Amendment's guarantee of due process and the Administrative Procedure Act's requirement of reasoned decision-making. *See Judulang v. Holder*, 565 U.S. 42, 53 (2011) (agency action must not be arbitrary or capricious but must rest on a reasoned explanation). Petitioner has consistently complied with every directive imposed by the courts and ICE, including check-ins, reporting obligations, and cooperation with removal procedures.

133. Targeting him for arrest and detention under these circumstances amounts to impermissible "cherry-picking" enforcement—a practice where the agency singles out compliant individuals while taking no action against others, without articulating any rational basis for the disparate treatment.

134. Such selective enforcement is constitutionally suspect and undermines the

integrity of the immigration system. The Supreme Court has emphasized that agency actions must be guided by intelligible principles and consistent application of law. *Encino Motorcars, LLC v. Navarro*, 579 U.S. 211, 221 (2016) (agency decisions must reflect reasoned analysis and avoid arbitrary departures from settled policy).

135. Respondents' decision here reflects no individualized assessment of danger or flight risk, as required by due process. *See Singh v. Holder*, 638 F.3d 1196, 1203–04 (9th Cir. 2011) (government bears burden of proving danger or flight risk by clear and convincing evidence).

136. Moreover, by re-detaining Petitioner despite knowing he cannot be deported to Colombia, reveals that the Respondents conduct is not only futile but punitive, rendering the detention unlawful under *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (detention must be reasonably related to its purpose and cannot be indefinite where removal is not reasonably foreseeable).

137. Because ICE's arrest and re-detention decisions lack a rational connection to a legitimate governmental objective and instead reflect arbitrary "cherry-picking" enforcement, this Court should grant the writ of habeas corpus and order Petitioner's immediate release. Judicial intervention is necessary to prevent further constitutional injury and to ensure that agency discretion is exercised within lawful bounds.

138. Petitioner has a critical role in assisting his family and a US citizen child. Even more, Petitioner provides both financial and practical support to his family and relies on *United States v. Arrieta*, *supra.*, to support this argument.

139. With the emotional and financial hardship to his family, significant parental role and the emotional toll of breaking up the family unit, *see Arrieta*, 22 F.3d at 1082; *Cerrillo-Perez v. INS*, 809 F.2d 1419, 1423 (9th Cir. 1987) custody release is warranted.

140. Indeed, not all criminal convictions, especially from another country, conclusively establish that a non-citizen presents a danger to the community, even where the crimes are serious enough to render the alien removable. *Cf. Foucha*, 504 U.S. at 82-83, 112 S. Ct. 1780 (requiring a showing of dangerousness beyond that "of any convicted criminal" to justify civil detention of the criminally insane). Thus, denial of bond on the basis of criminal history alone is not warranted. *Id.* at 1206.

COUNT TWO

STATUTORY VIOLATIONS

141. Petitioner re-alleges and incorporates by reference paragraphs 1 through 140.

142. In this case, Petitioner's continued detention by Respondents is unlawful and contravenes 8 U.S.C. § 1231(a)(6) as interpreted by the Supreme Court in *Zadvydas*.

143. Petitioner still has not been removed, and Petitioner continues to languish in detention.

144. Petitioner's removal to his country of origin, which would be Colombia, or any country is not significantly likely to occur in the foreseeable future. The Supreme Court held in *Zadvydas* and *Martinez* that ICE's continued detention of someone like Petitioner under such circumstances is unlawful.

COUNT THREE

SUBSTANTIVE DUE PROCESS VIOLATION

145. Petitioner re-alleges and incorporates by reference paragraphs 1 through 144.

146. Petitioner was re-detained by ICE without a change of circumstances; therefore, his continued detention violates Petitioner's right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint.

147. This Court has long held that the Due Process Clause of the Fifth Amendment

requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest.

148. Even while Respondents would have an interest in detaining Petitioner in order to effectuate removal, that interest does not justify Petitioner's re-detention nor indefinite detention of Petitioner, who is not significantly likely to be deported in the reasonably foreseeable future. *Zadvydas* recognized that ICE may continue to detain aliens only for a period reasonably necessary to secure the alien's removal.

149. Petitioner's removal case is under administrative review before the Immigration Court. Therefore, DHS cannot provide a date for Petitioner's removal.

COUNT FOUR

PROCEDURAL DUE PROCESS VIOLATIONS

150. Petitioner re-alleges and incorporates by reference paragraphs 1 through 149.

151. Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a timely and meaningful opportunity to demonstrate that he should not be detained. The failure of Respondents to provide a neutral decision-maker to review the continued custody of Petitioner for over a year, violates Petitioner's right to procedural due process. Further, Respondents have failed to acknowledge or act upon the Petitioner's administrative request for release in a timely manner. There is no administrative mechanism in place for the Petitioner to demand a decision, ensure that a decision will ever be made, or appeal a custody decision that violates *Zadvydas*.

152. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the U.S. Supreme Court held that six months is the presumptively reasonable period during which ICE may detain aliens in order to effectuate their removal. *Id.* at 702. In *Clark v. Martinez*, 543 U.S. 371 (2005), the Supreme Court held that its ruling in *Zadvydas* applies equally to inadmissible

aliens. Here, Petitioner was arrested and re-detained by ICE during his appointment through a "targeted operation", which establishes that DHS is cherry-picking arrests and detention. This caused his wife and son to suffer both emotional and mental toll.

153. Yet, it is important to stress out that there is no clear indication that ICE will remove Petitioner in the reasonably foreseeable future nor can it provide such an indication. Thus, Petitioner warrants release.

154. Further, there is no indication from any Embassy or Consulate that travel documents would be issued for Petitioner. *Lawrikow v. Kollus,* No. CV-08-1403-PHX-GMS (LOA), 2009 WL 2905549 (D. Ariz. July 27, 2009).

155. Even if Petitioner's detention is authorized under Section 1231, 1225 or 1226, Petitioner's continued detention must comport with due process. Petitioner argues his re-arrest and his re-detention violates his due process rights; he requests release.

156. This Court should hold that Petitioner's re-detention has become unlawful and the Constitution therefore does, at this time, require that Petitioner be released.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF IN VIOLATION OF DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION

157. All persons, including aliens, residing in the United States are protected by the Due Process Clause of the Fifth Amendment to the United States Constitution. *See Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *Plyler v. Doe*, 457 U.S. 202, 210 (1982). The Due Process Clause of the Fifth Amendment provides that "[n]o person shall be … deprived of life, liberty, or property, 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 Clause protects."

Zadvydas, 533 U.S. at 690. Petitioner re-alleges and incorporates by reference the paragraphs above.

158. Re-detention by the Respondents without a change in circumstances or violations of his ICE supervision, puts at risk Petitioner's protected liberty interest. The Due Process Clause of the Fifth Amendment forbids the government from depriving any "person" of liberty "without due process of law." *See U.S. Const. amen. V.*

159. This Court should find that Federal courts have applied these principles to grant relief where ICE's re-detention is unjustified. *See*, e.g., *Moskovyan v. Noem*, No. 3:25-cv-03537-RBM-AHG, 2026 WL 63472 at *2 (S.D. Cal. Jan. 8, 2026) (granting petition based on ICE's failure to follow its own regulations on re-detention); *Briones v. LaRose*, No. 3:25-cv-03421-RBM-AHG, 2026 WL 18787 at *2-3 (S.D. Cal. Jan. 2, 2026) (same).

160. Several more have ordered release for petitioners whose immigration case are still pending.[1] *See, e.g., Hinestroza v. Kaiser*, No. 25-CV-07559-JD, 2025 WL 2606983, at *2 (N.D. Cal. Sept. 9, 2028); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924, at *12 (D. Mass Sept. 9, 2025); *R.D.T.M. v. Wofford*, No. 1:25-CV-01141-KES-SKO (HC), 2025 WL 2617255, at *6 (E.D. Cal. Sept. 9, 2025). These courts have determined that, for these long-term releases, liberty is the status quo, and only return to that *status quo* can vert irreparable harm.

[1] Because immigration detainees whose cases have not been adjudicated are entitled only to a bond hearing-not to outright release-some of these TROs and preliminary injunctions require release unless ICE provides that hearing. But because *Zadvydas* requires outright release on supervision, a TRO or preliminary injunction is fitted to Petitioner's claims should order that relief.

161. Moreover, Petitioner was released from immigration detention, which created a reasonable expectation that he would be entitled to retain his liberty, absent a material change in circumstances. *Salcedo Aceros*, 2025 WL 2637503, at *6.

162. Petitioner's re-detention goes against United States Supreme Court precedent which recognizes that individuals who have been released from custody, even where such release is conditional, have a liberty interest in their continued release. *Morrissey*, 408 U.S. 471 at 482.

163. Given this, Petitioner has established a strong likelihood of success in showing that he has a liberty interest as his private interest has been impacted by his re-detention. *See Manzanarez v. Bondi*, No. 1:25-CV-01536-DC-CKD (HC), 2025 WL 3247258, at *4 (E.D. Cal. Nov. 20, 2025) (finding similarly). Petitioner is a church-going family man who has named a responsible custodian, an LPR holder Francisco Martinez Rodriguez, as his sponsor if released. Petitioner's family are suffering economic harm.

164. In similar cases, courts in this Circuit regularly hold that re-detaining noncitizens without pre-deprivation hearing in which the government bears the burden of proof violates due process, and grants the preliminary relief Petitioners seek here. *See Garro Pinchi v. Noem*, __ F. Supp. 3d __, 2025 WL 2084921, at *7 (converting TRO requiring release of asylum seeker arrested at her immigration court hearing into preliminary injunction prohibiting the government from re- detaining her without a hearing); *Singh v. Andrews*, 2025 WL 1918679, *8-10 (E.D. Cal. July 11, 2025) (granting PI under similar circumstances); *Doe*, 2025 WL 691664, at *8 (granting TRO over one month after petitioner's initial detention); *see also, e.g., Diaz*, 2025 WL 1676854, at *3- *4: *Garcia v. Bondi*, No. 3:25-CV-05070, 2025 WL 1676855, at *3 (N.D. Cal. June 14, 2025); *Jorge* M. F., 2021 WL 783561, at *4; *Romero v. Kaiser*, No. 22-CV-02508-

TSH, 2022 WL 1443250, at *4 (N.D. Cal. May 6, 2022); *Vargas v. Jennings*, No. 20-CV-5785-PJH, 2020 WL 5074312, at *4 (N.D. Cal. Aug. 23, 2020).

165. Granting this relief would not even be breaking new ground in this District. Indeed, this Court recently granted habeas relief. *See Cavieres Gomez v. Mattos*, No. 2:25-CV-00975-GMN-BNW, 2025 WL 3101994, at *6–7 (D. Nev. Nov. 6, 2025). *See also*, *Shadalo v. Mattos et al*, No. 2:25-CV-02076-RFB-BNW (D. Nev. Dec. 14, 2025) and relevant cases. Petitioner therefore respectfully requests that this Court grant this preliminary injunction and moves for immediate release.

166. This is a case where ICE badly failed to provide Petitioner with "reasons for revocation," they failed to allow Mr. Herrera-Ramirez an "opportunity to respond to the reasons for revocation," and Petitioner was not allowed to "submit any evidence or information" relevant to re-detention and evaluating "any contested facts." 8 C.F.R. §§ 241.4(l)(1), 241.13(i)(3). "[B]ecause officials did not properly revoke petitioner's release pursuant to the applicable regulations," this Court will likely find that "petitioner is entitled to his release" on an order of supervision. *Liu*, 2025 WL 1696526, at *3.

167. Based on these laws and facts, Petitioner's re-detention and ongoing detention without such a fair and impartial hearing—over a year—violates due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests and prays for this Court:

168. Assume jurisdiction over this matter;

169. Issue a declaration that Petitioner's ongoing detention violates the Due Process Clause of the Fifth Amendment and the Eighth Amendment;

170. Grant Petitioner a Writ of Habeas Corpus directing the Respondents to

immediately release Petitioner from custody;

171. Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Petitioner;

172. Issue a Writ of Habeas Corpus and order Petitioner's release within twenty ("20") days, unless the Respondents schedule a hearing before an immigration judge where it holds proper jurisdiction and where: (1) to continue detention, the government must establish by clear and convincing evidence that Petitioner presents a risk of flight or danger, even after consideration of alternatives to detention that could mitigate any risk that Petitioner's release would present; and (2) if the government cannot meet its burden, the immigration judge order Petitioner's release on appropriate conditions of supervision, taking into consideration Petitioner's ability to pay a bond.

173. Issue a declaration that Petitioner's ongoing detention violates the Due Process Clause of the Fifth Amendment and the Eighth Amendment;

174. Award Petitioner his costs in this action as provided for by the Equal Access to Justice Act ("EAJA"), as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified under law, 28 U.S.C. § 2412, other statute; and

175. Grant such further relief as this Court deems just and proper.

Respectfully submitted on this 13th day of February, 2026.

Harold Herrera Ramirez

Harold Herrera-Ramirez
Alien No. [redacted]
Nevada Southern Detention Center
2190 East Mesquite Avenue
Pahrump, NV 89060

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

ACKNOWLEDGEMENT AND VERIFICATION

Under penalty of perjury, the undersigned declares that he is the named Petitioner in the foregoing petition. I have read the foregoing petition and its contents. The statements in the petition are true and correct to the best of my knowledge, except as to any statements alleged on information and belief, and as to those statements, I believe them to be true.

DATED this 13th day of February, 2026.

Harold Herrera Ramirez

-Petitioner, *Pro Se*

Harold Herrera-Ramirez

Alien No. [redacted]

Nevada Southern Detention Center

2190 East Mesquite Avenue

Pahrump, NV 89060