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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

Samuel Angel DE LEON and
Aminta Celestina CARRETO YOC DE LEON

Petitioner-Plaintiff,

v.

Kristi NOEM, in their Official Capacity, Secretary,
U.S. Department of Homeland Security;

Pam BONDI, in their Official Capacity, Attorney
General of the United States;

Todd M. LYONS, Acting Director, Immigration and
Customs Enforcement, U.S. Department of Homeland
Security;

Jason KNIGHT, Salt Lake City Field Office Director
for Detention and Removal, U.S. Immigration and
Customs Enforcement, Department of Homeland
Security; and

Darin BALAAM, Sherriff, Washoe County Detention
Center.

Respondents-Defendants.

Agency No.



**PETITION FOR WRIT OF
HABEAS CORPUS AND
COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

Challenge to Unlawful
Incarceration Under Color of
Immigration Detention Statutes;
Request for Declaratory and
Injunctive Relief

INTRODUCTION

1. Petitioners Samuel Angel De Leon ("Petitioners"), Agency Number , and

1 Aminta C. Carreto Yoc De Leon (Ms. Carreto Yoc De Leon), Agency Number [REDACTED] as
2 husband and wife and similar situated individuals, by and through undersigned counsel,
3 respectfully submits this Petition for Writ of Habeas Corpus and Complaint for Declaratory and
4 Injunctive Relief to challenge and enjoin the unlawful detention imposed by the U.S. Department
5 of Homeland Security (“DHS”) and U.S. Immigration and Customs Enforcement (“ICE”).

6 2. Petitioners seek immediate release from immigration custody at the Washoe County
7 Detention Center, where they are currently being unlawfully detained by ICE.

8 3. By way of background, Petitioners are husband and wife natives and citizens of
9 Guatemala who last entered the United States in or about 2006, without inspection and without
10 being admitted or paroled.

11 4. Petitioners have a pending application for T Nonimmigrant Status, along with an
12 Application for Advance Permission to Enter as a Nonimmigrant (Form I-192), filed with U.S.
13 Citizenship and Immigration Services (“USCIS”) on January 30, 2026, under receipt numbers
14 [REDACTED]

15 5. Accordingly, to vindicate Petitioners’ statutory, constitutional, and regulatory rights, this
16 Court should grant the instant petition for a writ of habeas corpus.

17 6. Petitioners alleges that their arrest and continued detention violate the Fourth
18 Amendment,
19 the Fifth Amendment, and 8 U.S.C. § 1231.

20 7. Petitioners respectfully request that this Court declare their arrest and detention
21 unlawful and order their immediate release from custody, as well as grant a stay preventing any
22 transfer outside the District of Nevada pending resolution of this matter.

23 **CUSTODY**

24 1. Petitioners are currently in custody of ICE at the Washoe County Detention
25 Center in Reno, Nevada. Petitioners are therefore in “‘custody’ of [the DHS] within the meaning
26 of the habeas corpus statute.” *Jones v. Cunningham*, 371 U.S. 236, 243 (1963).

27 **JURISDICTION**

28 2. This action arises under the Constitution of the United States and the Immigration and

1 Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

2 3. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 2241
 3 (habeas corpus), 28 U.S.C. § 1331 (federal question jurisdiction), 28 U.S.C. §§ 2201 *et seq.*
 4 (Declaratory Judgment Act), the All Writs Act, 28 U.S.C. § 1651, Article I, Section 9, Clause 2
 5 of the U.S. Constitution (the Suspension Clause), Article III of the U.S. Constitution, and under
 6 the common law. Under 8 U.S.C. § 1252(e)(2), this Court has habeas authority to determine
 7 whether Petitioner is a noncitizen and whether Petitioner was ordered removed under 8 U.S.C. §
 8 1225(b)(1).

9 In the context of immigration cases, Congress has amended the Immigration and Nationality
 10 Act ("INA") to contain "jurisdiction stripping" provisions that limit federal district courts'
 11 authority to hear challenges to "administrative decisions concerning removal of non-citizens."
 12 *Mahdawi*, 781 F. Supp. 3d at 224; *see also* Illegal Immigration Reform and Immigrant
 13 Responsibility Act of 1996, Pub. L. 104-208, 11 O Stat. 3009; REAL ID Act of 2005, Pub. L.
 14 109-13, 119 Stat. 302.

15 **REQUIREMENTS OF 28 U.S.C. § 2243**

16 4. The Court must grant the petition for writ of habeas corpus or issue an order to show
 17 cause (OSC) to Respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C.
 18 § 2243. If an order to show cause is issued, the Court must require Respondents to file a return
 19 "within *three days* unless for good cause additional time, *not exceeding twenty days*, is allowed."
 20 *Id.* (emphasis added).

21 5. Courts have long recognized the significance of the habeas statute in protecting
 22 individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most
 23 important writ known to the constitutional law of England, affording as it does a *swift* and
 24 imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391,
 25 400 (1963) (emphasis added).

26 6. Habeas Corpus must remain a swift remedy. Importantly, "the statute itself directs
 27 courts to give petitions for habeas corpus 'special, preferential consideration to insure expeditious
 28 hearing and determination.'" *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000) (internal citations

1 omitted). The Ninth Circuit warned against any action creating the perception “that courts are
2 more concerned with efficient trial management than with the vindication of constitutional
3 rights.” *Id.*

4 VENUE

5 7. Venue is proper in this Court under 28 U.S.C. § 1391(e) because the Respondents are
6 officers or employees of the United States acting in their official capacities.

7 8. Petitioners are currently under the supervision of the ERO Salt Lake City –
8 Reno Sub Office, which falls within the jurisdiction of this District. This action does not involve
9 any real property.

10 PARTIES

11 9. Petitioners are citizens and nationals of Guatemala who last entered the United
12 States in August 2006 without inspection and without being admitted or paroled. They have
13 continuously resided in the United States since that time and are currently detained under the
14 direct custody and control of the Respondents and their agents at the Washoe County Jail.

15 10. Respondent Darin BALAAM is the Sherriff of the Washoe County Detention Center,
16 where Petitioner is currently held. They has immediate physical custody of Petitioner pursuant to
17 the facility’s contract with U.S. Immigration and Customs Enforcement to detain noncitizens and,
18 as such, serves as one of Petitioner’s legal custodians.

19 11. Respondent Jason KNIGHT is sued in their official capacity as the Acting Director of the
20 Salt Lake City Field Office of U.S. Immigration and Customs Enforcement. Respondent
21 KNIGHT is a legal custodian of Petition and has authority to release their.

22 12. Respondent Todd M. LYONS is the Acting Director of ICE and is named in their official
23 capacity. Among other things, ICE is responsible for the administration and enforcement of the
24 immigration laws, including the removal of noncitizens. In their official capacity as head of ICE,
25 they is the legal custodian of Petitioners.

26 13. Respondent Kristi NOEM is the Secretary of DHS and is named in their official capacity.
27
28

1 DHS is the federal agency encompassing ICE, which is responsible for the administration and
2 enforcement of the INA and all other laws relating to the immigration of noncitizens. In their
3 capacity as Secretary, Respondent Noem has responsibility for the administration and
4 enforcement of the immigration and naturalization laws pursuant to section 402 of the Homeland
5 Security Act of 2002, 107 Pub. L. No. 296, 116 Stat. 2135 (Nov. 25, 2002); *see also* 8 U.S.C. §
6 1103(a). Respondent Noem is the ultimate legal custodian of Petitioners.

7 14. Respondent Pam BONDI is the Attorney General of the United States and the most senior
8 official in the U.S. Department of Justice (DOJ) and is named in their official capacity. They has
9 the authority to interpret immigration laws and adjudicate removal cases. The Attorney General
10 delegates this responsibility to the Executive Office for Immigration Review (EOIR), which
11 administers the immigration courts and the BIA.

12 STATEMENT OF FACTS

13 **Background and Personal History**

14 Petitioner, Mr. De Leon was born on [REDACTED] and is a native and citizen of
15 Guatemala. Petitioner Ms. Carreto Yoc De Leon was born on [REDACTED], and is a native
16 and citizen of Guatemala. They are husband and wife and similar situated individuals. They last
17 entered the United States on or about August 2006, without inspection and without being
18 admitted or paroled, together with their four children. They fled Guatemala due to a well-
19 founded fear that their life, as well as the lives of their family members, were in danger. Since
20 that time, they have continuously resided in the United States, where they have established their
21 life, developed strong family ties, and built their future.

22 **Family Relationships and Dependents**

23 Petitioners are the parents of four children, all of whom are recipients of Deferred
24 Action for Childhood Arrivals (DACA): R [REDACTED], C [REDACTED], J [REDACTED] and Y [REDACTED]. In
25 addition to their children, Petitioners' immediate family includes their children and their U.S.
26 citizen grandchildren. They maintain close, meaningful, and supportive relationships with their
27 children, and grandchildren. These family ties demonstrate Petitioners deep-rooted and
28 longstanding connections to the United States.

1 **Circumstances Leading to Detention**

2 On January 30, 2026, in an effort to regularize their immigration status, Petitioners filed
3 Form I-914 and Form I-914A, seeking classification as a T nonimmigrant and a derivative T
4 nonimmigrant.

5 At the time of their entry into the United States, Petitioners fled Guatemala due to fear
6 for their safety and that of their family, they entered the United States with their children and
7 were encountered by immigration authorities. The family was ultimately allowed to enter the
8 United States and placed in removal proceedings. However, due to significant language barriers,
9 the stress and fear associated with fleeing to a new country, and the responsibility of caring for
10 their young children, Petitioners did not understand that they would later be required to appear
11 for a hearing before an Immigration Judge.

12 On August 2, 2006, a hearing was scheduled in Immigration Court. Petitioners and their
13 family were unaware of this hearing and, as a result, did not appear. Consequently, an order of
14 removal was issued *in absentia*, meaning that the Immigration Judge ordered removal because
15 the individual did not appear at the scheduled hearing, without the opportunity to present their
16 case or defenses. This removal order remained unknown to Petitioners and their family for
17 many years.

18 Years later, Petitioner Ms. Carreto Yoc De Leon wife was subjected to severe labor
19 exploitation, giving rise to eligibility for protection under the T visa provisions for victims of
20 human trafficking. As Petitioners are legally married, Petitioner De Leon became eligible to
21 seek derivative status. Accordingly, they filed their application for T nonimmigrant status on
22 January 30, 2026.

23 On February 25, 2026, Petitioners were scheduled to attend a biometrics appointment
24 with USCIS. This appointment is a mandatory step in the adjudication process, as it allows
25 USCIS to collect fingerprints and conduct background checks necessary to issue a bona fide
26 determination—a preliminary finding that the T visa application is facially sufficient and
27 establishes eligibility, which can provide interim protections while the application remains
28 pending.

1 However, when Petitioners appeared for their scheduled biometrics appointment in
2 compliance with USCIS requirements, they were apprehended by ICE pursuant to the 2006 in
3 absentia removal order.

4 **Immigration Proceedings and Current Custody**

5 Petitioners have remained in immigration custody since February 25, 2026, and are
6 currently detained at the Washoe County Jail under the custody and control of the Department
7 of Homeland Security, where they are awaiting removal from the United States.

8 Their imminent removal would effectively render their pending T visa application futile.
9 Moreover, removal would subject them to a ten-year bar from reentry to the United States,
10 making them ineligible to return during that period. Such consequences would impose
11 significant hardship on their children and grandchildren, who would be unable to travel to
12 Guatemala to maintain their relationship with them.

13 **LEGAL BACKGROUND**

14 **A. Habeas Corpus Under 28 U.S.C. § 2241**

15 The Constitution ensures that the writ of habeas corpus is available to any person detained
16 within the United States. *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004) (citing U.S. Const. art. I,
17 § 9, cl. 2). Habeas corpus permits an individual in custody to challenge the lawfulness of that
18 detention, and its traditional purpose is to obtain release from custody that is not legally
19 authorized. *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973).

20 Federal courts are authorized to grant habeas relief under 28 U.S.C. § 2241(c)(3) where a
21 petitioner establishes that their detention violates the Constitution or federal law. Historically,
22 habeas corpus has been used to review the legality of detention by the Executive Branch, and
23 courts have recognized that its protections are at their strongest in that context. *INS v. St. Cyr*,
24 533 U.S. 289, 301 (2001).

25 Accordingly, district courts have habeas jurisdiction to consider challenges to
26 immigration detention. *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); *Demore v. Kim*, 538 U.S.
27 510, 517 (2003).

28 **Right to Liberty and Due Process**

1 The Fifth Amendment of the U.S. Constitution guarantees that “[no] person shall... be
2 deprived of life, liberty, or property, without due process of law.” U.S. Const. amend. V.
3 Importantly, the supreme court has clarified that this protection extends to noncitizens, stating:
4 “Once an alien enters the country, the legal circumstances change, for the Due Process clause
5 applies to all ‘persons’ within the United States. *Zadvydas v. Davis*, 533 U.S. 678, 699–701
6 (2001).

7 Civil immigration detention is meant to serve limited regulatory purposes: ensuring
8 appearance at proceedings and protecting the community. The Supreme Court in *Demore v. Kim*,
9 538 U.S. 510 (2003), emphasized that detention may only last for the “brief period necessary
10 for... removal proceedings” and cannot be punitive.

11 Where detention extends beyond those limited purposes or rests on mere allegations, it
12 violates due process. As the Court stressed in *Zadvydas*: “freedom from imprisonment – from
13 government custody, detention, or other forms of physical restraint – lies at the heart of the liberty
14 that the Clause protects.” 533 U.S. at 690.

15 **Civil Nature of Immigration Detention**

16 The Supreme Court has repeatedly held that immigration detention is civil, not punitive. In
17 *Bell v. Wolfish*, 441 U.S. 520, 535 (1979), the Court explained: “If a restriction or condition is not
18 reasonably related to a legitimate governmental objective, it amounts to punishment.”

19 **CLAIMS FOR RELIEF**

20 **COUNT ONE**

21 **This Court has Jurisdiction to review the instant case**

22 Section 1252(a)(5) does not divest the court of jurisdiction to hear Petitioners’ claims.
23 Section 1252(a)(5) states:

24
25 Notwithstanding any other provision of law (statutory or nonstatutory), including
26 section 2241 of Title 28, or any other habeas corpus provision, and sections 1361
27 and 1651 of such title, a petition for review filed with an appropriate court of
28 appeals in accordance with this section shall be the sole and exclusive means for
judicial review of an order of removal entered or issued under any provision of this
chapter, except as provided in subsection (e).

1 This action does not seek to challenge the validity of Petitioners' prior removal order, nor does
2 it constitute a direct or indirect attempt to overturn that order. Rather, Petitioners challenges the
3 circumstances of their arrest and continued detention, which occurred while they was complying
4 with a required step in the adjudication of their pending T nonimmigrant application. The focus of
5 this petition is therefore on the legality and constitutionality of their detention, not on the
6 underlying removal proceedings.

7
8 The distinction is critical. Courts have recognized that challenges to detention, as opposed to
9 challenges to removal orders themselves, fall within the scope of habeas review. See *Nadarajah*
10 *v. Gonzales*, 443 F.3d 1069, 1075–76 (9th Cir. 2006) (affirming habeas jurisdiction over
11 immigration detention and ordering release where detention was not authorized); see also *Singh v.*
12 *Holder*, 638 F.3d 1196, 1200–01 (9th Cir. 2011) (recognizing the availability of habeas review to
13 challenge the legality of immigration detention). Consistent with these principles, Petitioners does
14 not seek review of their removal order, but instead challenges the lawfulness of their seizure and
15 continued detention.

16
17
18 Petitioners' detention arises from their apprehension at a scheduled biometrics appointment
19 with U.S. Citizenship and Immigration Services, where they appeared in compliance with
20 government instructions in connection with their pending application. Their claim is limited to the
21 constitutionality of that arrest and their ongoing detention, particularly where such detention has
22 interfered with their ability to continue pursuing relief. Courts within the Ninth Circuit have
23 emphasized that noncitizens are entitled to due process protections in removal-related contexts,
24 including the right to a full and fair opportunity to be heard. See *Reno v. Flores*, 507 U.S. 292, 306
25 (1993); *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Those protections are implicated where
26 government action deprives an individual of liberty in a manner that is fundamentally unfair.
27
28

1 Additionally, Petitioners' pending T nonimmigrant application is not inextricably linked to the
2 validity of their prior removal order. The Ninth Circuit has recognized that certain forms of
3 immigration relief may exist independently of a removal order, even where that order remains in
4 place. See *Delgado v. Quarantillo*, 643 F.3d 52 (2d Cir. 2011) (discussing when relief is
5 sufficiently connected to a removal order to fall within jurisdictional bars). Here, the adjudication
6 of Petitioners' T nonimmigrant application does not automatically vacate or invalidate their
7 removal order, and any effort to reopen or rescind that order would require separate proceedings
8 before the immigration court.
9

10 Because Petitioners' petition is confined to the legality of their arrest and detention—and the
11 manner in which those actions have interfered with their ability to comply with a government-
12 mandated process—it does not constitute a challenge to a removal order within the meaning of 8
13 U.S.C. § 1252. Instead, it raises distinct constitutional and detention-related issues that fall within
14 this Court's habeas jurisdiction.
15

16 **COUNT TWO**

17 **Violation of the Fourth Amendment – Unreasonable Seizure**

18
19 Petitioners reallege and incorporate by reference all preceding paragraphs as though fully set
20 forth herein. The Fourth Amendment guarantees the right of all persons within the United States
21 to be free from unreasonable searches and seizures, and this protection applies to the manner in
22 which immigration authorities carry out arrests and detention.

23 The Department arrested and detained Petitioners in violation of their right to be free from
24 unreasonable search and seizure. A party claiming a Fourth Amendment violation must
25 establish both that a seizure occurred and that the seizure was unreasonable. *Sodal v. Cook County*
26 506 U.S. 56, 71 S. Ct. 538, 121 L. Ed. 2d 450 (1992). A seizure is unreasonable if a balance of
27 public and private interests implicated by the seizure favors the asserted private interest. *Id*
28 Petitioner asserts a private interest to apply for lawful status in the United States. The Department

1 has not yet asserted a reason for detaining Petitioner. The balance of Petitioner's asserted private
2 interest outweighs the government interest.

3 Petitioners were seized by immigration authorities when they appeared at a scheduled
4 biometrics appointment with U.S. Citizenship and Immigration Services, a mandatory step in the
5 adjudication of their pending T nonimmigrant application and accompanying Form I-192. Their
6 presence at this appointment was required by the government in order to proceed with their
7 application and to obtain a bona fide determination. Petitioners appeared voluntarily, in good
8 faith, and in full compliance with government instructions, with the expectation that they would
9 be permitted to complete this required step in the process.

10 Instead, immigration authorities used this government-mandated appointment as an
11 opportunity to detain them pursuant to a prior in absentia removal order. Under these
12 circumstances, the seizure was unreasonable. Petitioners were not engaged in any conduct that
13 would justify immediate apprehension at that time; rather, they were complying with a process
14 established and required by the government itself. By effectuating their arrest at the precise
15 moment they were fulfilling a mandatory procedural obligation, Respondents transformed a
16 compliance-based interaction into an enforcement action in a manner that was fundamentally
17 unfair and constitutionally suspect.

18 Importantly, Petitioners do not challenge the validity of their underlying removal order in this
19 action. Rather, they challenge the manner and context in which their arrest and detention were
20 carried out. The Fourth Amendment requires that such seizures be reasonable under the totality
21 of the circumstances, and here, the circumstances weigh heavily against the government.
22 Petitioners presented themselves voluntarily at a designated location, at a scheduled time, and for
23 a lawful purpose required by immigration authorities. The government's decision to seize them
24 at that moment—when they were readily identifiable, cooperative, and engaged in a required
25 process—was excessive and disproportionate to any legitimate enforcement interest.

26 Moreover, the use of a mandatory biometrics appointment as the setting for arrest undermines
27 the integrity of the immigration system by discouraging compliance with required procedures.
28 When individuals who seek to regularize their status are detained at the very moment they comply

1 with government requirements, it erodes the reliability of the process and creates a system in
2 which cooperation is effectively penalized. Such conduct raises serious constitutional concerns
3 and contributes to the unreasonableness of the seizure.

4 Petitioners' continued detention further exacerbates the constitutional violation. What began
5 as an unreasonable seizure has resulted in an ongoing deprivation of liberty, despite the fact that
6 their arrest occurred in the context of lawful compliance with a government-mandated process.

7 Accordingly, under the totality of the circumstances, Petitioners' arrest and continued
8 detention constitute an unreasonable seizure in violation of the Fourth Amendment.

9 **COUNT THREE**

10 **Violation of the Fifth Amendment – Due Process**

11 Petitioners reallege and incorporate by reference all preceding paragraphs as though fully set
12 forth herein. The Fifth Amendment guarantees that no person shall be deprived of liberty without
13 due process of law, and these protections extend to all persons within the United States, regardless
14 of immigration status. At a minimum, due process requires that the government not interfere with
15 an individual's meaningful opportunity to pursue rights and procedures established under federal
16 law. The Constitution establishes due process rights for "all 'persons' within the
17 United States,-including [noncitizens], whether their presence here is lawful, unlawful,
18 temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

19 "Procedural due process imposes constraints on governmental decisions which deprive
20 individuals of 'liberty' or 'property' interests within the meaning of the Due Process Clause of the
21 Fifth or Fourteenth Amendment." *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976). After a
22 petitioner has identified a property or liberty interest, the court must determine whether
23 constitutionally sufficient process has been provided. *Id.* at 332-33. This determination is made
24 using the three-factor balancing test provided in *Mathews*: (1) "the private interest that will be
25 affected by the official action;" (2) "the risk of an erroneous deprivation of such interest through
26 the procedures used, and the probable value, if any, of additional or substitute procedural
27 safeguards;" and (3) "the Government's interest, including the function involved and the fiscal
28 and

1 administrative burdens that the additional or substitute procedural requirement would entail." *Id.*
2 at 335.

3
4 **a. Liberty Interest**

5 The liberty interest at issue in Petitioners' case is their right to be free from undue
6 government interference while complying with the mandated process required to pursue their
7 pending T nonimmigrant application and obtain a bona fide determination. Petitioners properly
8 initiated this process by filing their application and subsequently appeared for their scheduled
9 biometrics appointment, a required step necessary for identity verification, background checks,
10 and continued adjudication of their application. By presenting themselves at this appointment,
11 Petitioners were doing precisely what the government required of them in order to move forward
12 with their case.
13

14 The Ninth Circuit has long recognized that due process requires that individuals be afforded a
15 meaningful opportunity to be heard and to pursue available relief without arbitrary interference.
16 See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (recognizing that the Due Process Clause
17 applies to all persons within the United States and protects against arbitrary deprivation of
18 liberty); see also *Reno v. Flores*, 507 U.S. 292, 306 (1993). These principles are implicated
19 where government action deprives an individual of access to procedures established by law.
20

21 Here, Petitioners' case presents a unique and troubling set of circumstances. The government
22 has established a process requiring applicants to attend biometrics appointments as a prerequisite
23 to adjudication of their applications. Petitioners complied with that requirement and appeared as
24 instructed. However, instead of allowing them to complete this mandatory step, immigration
25 authorities used the appointment itself as the setting for their arrest, detaining them pursuant to a
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1 prior removal order. In doing so, the government effectively prevented Petitioners from
2 completing the very process it required them to follow.

3 This conduct deprived Petitioners of a meaningful opportunity to pursue their application. To
4 proceed with adjudication of their T nonimmigrant status, Petitioners must complete biometrics
5 in order to receive a bona fide determination, confirm their identity, and undergo the required
6 background checks. Because they were detained before completing this process, and now remain
7 in custody without access to complete these requirements, their application has been effectively
8 stalled. At the same time, they face imminent removal, which would nullify their ability to
9 continue pursuing this relief.
10

11 The government's actions thus place Petitioners in an untenable position: they is required to
12 comply with a process to seek protection, yet penalized for that compliance by being detained at
13 the very moment they attempt to fulfill those requirements. This type of interference undermines
14 the fundamental fairness required by due process and results in the deprivation of liberty in a
15 manner that is arbitrary and unjust.
16

17 **b. Risk of Erroneous Deprivation**
18

19 The second factor under the *Mathews v. Eldridge* analysis—the risk of an erroneous
20 deprivation of Petitioners' liberty interest through the procedures used, and the probable value of
21 additional procedural safeguards—also weighs strongly in their favor. See *Mathews v. Eldridge*,
22 424 U.S. 319, 335 (1976). At this stage, the focus is on the risk to Petitioners' liberty and their
23 ability to access the process required to pursue relief. See *Zadvydas v. Davis*, 533 U.S. 678, 690
24 (2001) (recognizing the importance of protecting individuals from arbitrary deprivations of
25 liberty in the immigration context).
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1 Here, the manner in which Petitioners were arrested significantly increased the risk of an
2 erroneous deprivation of their rights. Petitioners appeared at a scheduled biometrics appointment
3 as required by U.S. Citizenship and Immigration Services in connection with their pending T
4 nonimmigrant application. This appointment was a prerequisite to the adjudication of their
5 application, including the issuance of a bona fide determination. However, upon their arrival—
6 before they were able to complete fingerprinting or fulfill this mandatory step—they were
7 detained by immigration authorities. As a result, they were prevented from completing the very
8 process required for their application to proceed. Had Petitioners been allowed to complete their
9 biometrics appointment prior to any enforcement action, the circumstances before this Court
10 would be materially different.
11

12 The procedures used in this case therefore created a substantial risk that Petitioners would be
13 deprived of their ability to pursue relief altogether. By detaining them at the moment of
14 compliance, the government effectively interrupted a required step in the adjudicatory process,
15 leaving their application incomplete and placing them at risk of removal before they can
16 meaningfully proceed.
17

18 Moreover, Petitioners' continued detention exacerbates this risk. Although the government
19 may contend that they can pursue their application while in custody, there is no clear mechanism
20 by which they can complete the required biometrics appointment while detained. Without access
21 to that process, their application cannot move forward. At the same time, they face the imminent
22 possibility of removal, which would effectively foreclose their ability to complete biometrics and
23 continue pursuing their T nonimmigrant application.
24

25 These circumstances demonstrate a high risk of erroneous deprivation of Petitioners' liberty
26 interest and their ability to access the process established by the government. Additional
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1 procedural safeguards—such as allowing them to complete biometrics prior to detention or
2 permitting their release to do so—would significantly reduce that risk. As such, the second
3 *Mathews* factor weighs heavily in favor of Petitioners.

4 **c. Burden on Government**

5 The final *Mathews* factor—the government’s interest, including the burdens that additional
6 procedural safeguards would impose—also weighs in Petitioners’ favor. *See Mathews v.*
7 *Eldridge*, 424 U.S. 319, 335 (1976). In this case, the government has not identified any
8 meaningful burden that would result from allowing Petitioners to complete the required steps in
9 their pending application process. While granting relief may result in some delay in enforcement
10 or require the rescheduling of a biometrics appointment, such administrative inconveniences are
11 minimal when compared to the significant deprivation of liberty at stake.
12

13
14 Petitioners remain detained after being apprehended at a biometrics appointment that they
15 attended in compliance with government instructions. The burden on the government to permit
16 them to complete this required step—whether through release or other means—is nominal. In
17 contrast, the consequences to Petitioners are substantial. Their continued detention prevents them
18 from completing the biometrics process necessary for the adjudication of their T nonimmigrant
19 application and places them at risk of removal before they is afforded a meaningful opportunity
20 to proceed.
21

22 When balanced against the government’s limited administrative interests, the risk to
23 Petitioners’ liberty and their ability to access the immigration process weighs heavily in their
24 favor. The Due Process Clause requires more than a system in which individuals are instructed to
25 follow specific procedures, only to have those same procedures used to deny them access to
26 relief. Immigration authorities have established a process through which individuals may apply
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for protection and lawful status, and that process depends on applicants complying with mandatory steps such as biometrics collection. When compliance with those requirements becomes the basis for detention, it undermines the fairness and reliability of the system.

Under these circumstances, all relevant considerations weigh in favor of allowing Petitioners to complete their biometrics appointment without interference. The Constitution does not permit a system in which individuals are effectively penalized for complying with government-mandated procedures. Such conduct not only deprives Petitioners of a meaningful opportunity to pursue their application, but also discourages others from engaging with the process, thereby creating a chilling effect inconsistent with the fundamental principles of due process.

Accordingly, Petitioners' arrest and continued detention constitute a deprivation of liberty without due process of law, and they are entitled to immediate relief.

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 and arrest violates the Fourth Amendment and the Due Process Clause of the Fifth Amendment;
- (4) Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner, and, in the interim preventing their transfer outside of the District.
- (5) Award reasonable costs and attorney fees; and
- (6) Grant such further relief as the Court deems just and proper.

Dated this 27th day of February 2026

Respectfully submitted,

/s/ Karen S. Monrreal

Karen S. Monrreal, Esq.
Attorney for Petitioners

VERIFICATION PURSUANT TO 28 U.S.C. 2242

I am submitting this verification on behalf of the Petitioners because I am one of Petitioner's attorneys. I have discussed with the Petitioner the events described in the Petition. Based on those discussions, I hereby verify that the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Executed on this 27th day of February 2026 in Reno, NV.

/S/ Karen S. Monrreal
Karen S. Monrreal, Esq.
Attorney for Petitioners