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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ODILIO MISAELO ORELLANA REYES,

Petitioner,

v.

SERGIO ALBARRAN, Field Office Director of
the San Francisco Immigration and Customs
Enforcement Office; TODD LYONS, Acting
Director of United States Immigration and
Customs Enforcement; KRISTI NOEM,
Secretary of the United States Department of
Homeland Security, PAMELA BONDI,
Attorney General of the United States, acting in
their official capacities,

Respondents.

CASE No. CASE NO. 3:26-cv-01756-
CRB

**FIRST AMENDED PETITION FOR
WRIT OF HABEAS CORPUS**

INTRODUCTION

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2 1. Petitioner Odilio Misael Orellana Reyes was unlawfully detained by Immigration
3 and Customs Enforcement (ICE) today in San Francisco. He entered the United States from
4 Guatemala in about 2017. He lives with his four children and wife in East Palo Alto, and they are
5 at risk of homelessness if he remains detained. He has a pending U-visa and employment
6 authorization. He has no criminal history.

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8 2. The Due Process Clause applies to “all ‘persons’ within the United States,
9 including [noncitizens], whether their presence here is lawful, unlawful, temporary, or
10 permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). “Freedom from bodily restraint has
11 always been at the core of the liberty protected by the Due Process Clause from arbitrary
12 governmental action.” *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

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14 3. Immigration detention is civil and thus is permissible for only two reasons: to
15 ensure a noncitizen’s appearance at immigration hearings and to prevent danger to the
16 community. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Here, Petitioner, who has no criminal
17 history and a pending U visa application, is not a flight risk of danger. His detention is thus not
18 justified under the Constitution. *See id.*

19
20 4. Additionally, generally “the Constitution requires some kind of a hearing *before*
21 the State deprives a person of liberty or property.” *Zinerman v. Burch*, 494 U.S. 113, 127 (1990)
(emphasis added).

22
23 5. Petitioner respectfully seeks a writ of habeas corpus ordering the government to
24 immediately release him from his ongoing, unlawful detention, and prohibiting his re-arrest
25 without a hearing to contest that re-arrest before a neutral decisionmaker. In addition, to preserve
26 this Court’s jurisdiction, Petitioner also requests that this Court order the government not to
27 transfer him outside of the District or deport him for the duration of this proceeding.

JURISDICTION AND VENUE

6. The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201–02 (Declaratory Judgment Act), 28 U.S.C. § 2241 (habeas corpus), Article I, § 9, cl. 2 of the U.S. Constitution (the Suspension Clause), the Fourth and Fifth Amendments to the U.S. Constitution, and 5 U.S.C. §§ 701-706 (Administrative Procedure Act).

7. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(a) and 28 U.S.C. § 1391(b)(2) and (e)(1) because Petitioner is physically detained within this district.

PARTIES

8. Petitioner Odilio Misael Orellana Reyes is a man from Guatemala. He is presently in ICE custody.

9. Respondent Sergio Albarran is the Field Office Director of the San Francisco Immigration and Customs Enforcement Office. He is responsible for the administration of immigration laws and the execution of immigration enforcement and detention policy within ICE's San Francisco Area of Responsibility, including the detention of Petitioner. He maintains an office and regularly conducts business in this district. He is sued in his official capacity.

10. Respondent Todd M. Lyons is the Acting Director of ICE. As the Senior Official Performing the Duties of the Director of ICE, he is responsible for the administration and enforcement of the immigration laws of the United States; routinely transacts business in this District; and is legally responsible for pursuing any effort to detain and remove the Petitioner. Respondent Lyons is sued in his official capacity.

11. Respondent Kristi Noem is the Secretary of Homeland Security and has ultimate authority over DHS. In that capacity and through her agents, Respondent Noem has broad authority over and responsibility for the operation and enforcement of the immigration laws;

1 routinely transacts business in this District; and is legally responsible for pursuing any effort to
2 detain and remove the Petitioner. Respondent Noem is sued in her official capacity.

3 12. Respondent Pamela Bondi is the Attorney General of the United States and the
4 most senior official at the Department of Justice. In that capacity and through her agents, she is
5 responsible for overseeing the implementation and enforcement of the federal immigration laws.
6 The Attorney General delegates this responsibility to the Executive Office for Immigration
7 Review, which administers the immigration courts and the BIA. Respondent Bondi is sued in her
8 official capacity.
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10 EXHAUSTION

11 13. There is no requirement to exhaust because no other forum exists in which
12 Petitioners can raise the claims herein. There is no statutory exhaustion requirement prior to
13 challenging the constitutionality of an arrest or detention, or challenging a policy under the
14 Administrative Procedure Act. Prudential exhaustion is not required here because it would be
15 futile, and Petitioners will “suffer irreparable harm if unable to secure immediate judicial
16 consideration of [their] claim.” *McCarthy v. Madigan*, 503 U.S. 140, 147 (1992). Any further
17 exhaustion requirements would be unreasonable.
18

19 LEGAL BACKGROUND

20 *A. The Constitution Protects Noncitizens Like Petitioner from Arbitrary Arrest and* 21 *Detention.*

22 14. The Constitution establishes due process rights for “all ‘persons’ within the
23 United States, including [noncitizens], whether their presence here is lawful, unlawful,
24 temporary, or permanent.” *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017) (quoting
25 *Zadvydas*, 533 U.S. at 693). These due process rights are both substantive and procedural.
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27 15. *First*, “[t]he touchstone of due process is protection of the individual against
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1 arbitrary action of government,” *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), including “the
2 exercise of power without any reasonable justification in the service of a legitimate government
3 objective,” *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998).

4 16. These protections extend to noncitizens facing detention, as “[i]n our society
5 liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.”
6 *United States v. Salerno*, 481 U.S. 739, 755 (1987). Accordingly, “[f]reedom from
7 imprisonment—from government custody, detention, or other forms of physical restraint—lies at
8 the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.

9 17. Substantive due process thus requires that all forms of civil detention—including
10 immigration detention—bear a “reasonable relation” to a non-punitive purpose. *See Jackson v.*
11 *Indiana*, 406 U.S. 715, 738 (1972). The Supreme Court has recognized only two permissible
12 non-punitive purposes for immigration detention: ensuring a noncitizen’s appearance at
13 immigration proceedings and preventing danger to the community. *Zadvydas*, 533 U.S. at 690–
14 92; *see also Demore v. Kim*, 538 U.S. 510 at 519–20, 527–28, 31 (2003).

15 18. *Second*, the procedural component of the Due Process Clause prohibits the
16 government from imposing even permissible physical restraints without adequate procedural
17 safeguards.

18 19. Generally, “the Constitution requires some kind of a hearing *before* the State
19 deprives a person of liberty or property.” *Zinerman v. Burch*, 494 U.S. 113, 127 (1990). This is
20 so even in cases where that freedom is lawfully revocable. *See Hurd v. D.C., Gov’t*, 864 F.3d at
21 683 (citing *Young v. Harper*, 520 U.S. 143, 152 (1997) (re-detention after pre-parole conditional
22 supervision requires pre-deprivation hearing)); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973)
23 (same, in probation context); *Morrissey v. Brewer*, 408 U.S. 471 (1972) (same, in parole
24 context).

1 20. Petitioner has a protected property interest in his deferred action status and the
2 numerous benefits that come with it. These benefits include, among other things, the ability to
3 remain and legally work in the United States and eligibility for important state and federal
4 benefits. If the government issues benefit whose “continued possession [has] become essential in
5 the pursuit of a livelihood,” revocation of those benefits “involves state action that adjudicates
6 important interests” such as they “are not to be taken away without [] procedural due process.”
7 *Bell v. Burson*, 402 U.S. 535, 539 (1971). He also has a protected liberty interest in his continued
8 freedom.

9
10 21. This case incorporates the due process arguments from *ICWC v. Noem*, No. 2:25-
11 cv-09848, (C.D. Cal, filed Nov. 17, 2025), a pending class-action that involves the government’s
12 arbitrary revocation of crime survivor benefits.

13 **FACTUAL ALLEGATIONS**

14 22. Mr. Orellana Reyes entered the United States in 2017. He lived in East Palo Alto,
15 California with his wife and four children. His oldest child is 18 years old and the youngest is 11
16 years old. Mr. Orellana Reyes works as a dishwasher in a restaurant.

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18 23. Mr. Orellana Reyes has a pending derivative U visa application. The principal U
19 visa applicant is his daughter, who was the minor victim of a serious crime. He has employment
20 authorization based on his pending U visa application.

21 24. Mr. Orellana Reyes was apprehended by immigration officials on March 1, 2026
22 when they pulled over his vehicle. He is currently in ICE custody.

23 25. Mr. Orellana Reyes has no criminal history.

24 26. Mr. Orellana Reyes is being deprived of his liberty without any permissible
25 justification. His family is suffering harm as a result of his arbitrary detention. He is the main
26 breadwinner for the family. His wife and four children are at risk of homelessness if Mr.
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Orellana Reyes is not released.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

**Violation of the Fifth Amendment to the United States Constitution
(Substantive Due Process—Detention)**

27. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Petition as if fully set forth herein.

28. The Due Process Clause of the Fifth Amendment protects all “person[s]” from deprivation of liberty “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 [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.

29. Immigration detention is constitutionally permissible only when it furthers the government’s legitimate goals of ensuring the noncitizen’s appearance during removal proceedings and preventing danger to the community. *See id.*

30. Due process requires a pre-detention hearing at which the government provides notice and an opportunity to be heard regarding the revocation of deferred action status, and if removed, at which the government then proves that the class member they seek to detain is sufficiently dangerous or a flight risk that detention is required.

SECOND CLAIM FOR RELIEF

**Violation of the Fifth Amendment to the United States Constitution
(Procedural Due Process—Detention)**

31. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Petition as if fully set forth herein.

32. The Fifth Amendment guarantees noncitizens present in the country with due process rights, including the right to not be deprived of a liberty or property interest without

notice and a hearing before a neutral decision-maker.

33. Petitioner has a protected liberty interest in his U visa application. He is entitled to due process before the government can deprive him of his liberty by re-detaining him. The Due Process Clause prohibits Petitioner's re-detention without a pre-deprivation hearing before a neutral decision-maker in which the government bears the burden of demonstrating that he poses a flight risk or danger to the community.

THIRD CLAIM FOR RELIEF

Violation of Administrative Procedure Act, 5 U.S.C. § 706(2)(A), (B) Contrary to Law and Constitutional Right

34. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Petition as if fully set forth herein.

35. Under the APA, a court shall "hold unlawful and set aside agency action . . . found to be . . . not in accordance with law" or "contrary to constitutional right, power, privilege, or immunity." 5 U.S.C. § 706(2)(A), (B).

36. The APA's reference to "law" in the phrase "not in accordance with law," "means, of course, any law, and not merely those laws that the agency itself is charged with administering." *FCC v. NextWave Pers. Commc'ns Inc.*, 537 U.S. 293, 300 (2003) (emphasis in original).

37. Respondents' detention of Petitioner and reinstatement order was contrary to the agency's constitutional power under the Fifth Amendment's Due Process Clause, as explained above.

38. The reinstatement order was also not in accordance with the INA and implementing regulations.

39. The INA "provides for the expedited removal of an alien who was previously

1 subject to a removal order but returned illegally to the United States.” *Andrade-Garcia v.*
2 *Lynch*, 828 F.3d 829, 831 (9th Cir. 2016) (citing 8 U.S.C. § 1231(a)(5)). “The prior order of
3 removal is reinstated from its original date.” *L-J-P-L- v. Wamsley*, No. 3:25-cv-01390-IM,
4 2025 WL 2430268, at *2 (August 22, 2025) citing *Alcala v. Holder*, 563 F.3d 1009, 1013 (9th
5 Cir. 2009).

6 40. The regulation at 8 C.F.R. § 241.8 governs the procedure that ICE must follow
7 before reinstating a noncitizen’s prior removal order.

8 41. 8 C.F.R. § 241.8 states:

9
10 (a) Applicability. An alien who illegally reenters the United States after having been removed,
11 or having departed voluntarily, while under an order of exclusion, deportation, or removal shall
12 be removed from the United States by reinstating the prior order. The alien has no right to a
13 hearing before an immigration judge in such circumstances. In establishing whether an alien is
14 subject to this section, the immigration officer shall determine the following:

15 (1) Whether the alien has been subject to a prior order of removal. The immigration officer
16 must obtain the prior order of exclusion, deportation, or removal relating to the alien.

17 (2) The identity of the alien, i.e., whether the alien is in fact an alien who was previously
18 removed, or who departed voluntarily while under an order of exclusion, deportation, or
19 removal. In disputed cases, verification of identity shall be accomplished by a comparison of
20 fingerprints between those of the previously excluded, deported, or removed alien contained in
21 Service records and those of the subject alien. In the absence of fingerprints in a disputed case
22 the alien shall not be removed pursuant to this paragraph.

23 (3) Whether the alien unlawfully reentered the United States. In making this determination, the
24 officer shall consider all relevant evidence, including statements made by the alien and any
25 evidence in the alien's possession. The immigration officer shall attempt to verify an alien's
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1 claim, if any, that he or she was lawfully admitted, which shall include a check of Service data
2 systems available to the officer.

3 42. Here, there is no evidence that Respondents complied with these regulations, as
4 they have not presented the prior order of removal, demonstrated that they verified the
5 Petitioner's identity, or shown that they verified whether the Petitioner unlawfully reentered the
6 United States by checking the Service data systems available to the officer.

7 43. The reinstatement of the removal order should be held unlawful and set aside
8 because it was contrary to the agency's constitutional power and not in accordance with the
9 INA and implementing regulations.
10

11 **FOURTH CLAIM FOR RELIEF**

12 **Violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(A)**
13 **Arbitrary and Capricious**

14 44. Petitioner realleges all paragraphs above as if fully set forth here.

15 45. Under the APA, a court shall "hold unlawful and set aside agency action . . .
16 found to be arbitrary [or] capricious." 5 U.S.C. § 706(2)(A).

17 46. Respondents' reinstatement of the prior order was arbitrary and capricious
18 because it violated statute, regulation, and the Constitution, as described above.

19 47. An agency decision that "runs counter to the evidence before the agency" is also
20 arbitrary and capricious. *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins.*, 463 U.S. 29,
21 43 (1983).
22

23 48. There is no evidence that ICE complied with the regulation at 8 C.F.R. § 241.8
24 when it reinstated Petitioner's prior order of removal.

25 49. For these and other reasons, Respondents' reinstatement of the prior order was
26 arbitrary and capricious and should be held unlawful and set aside.
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FIFTH CLAIM FOR RELIEF

**Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A)
Violation of 8 U.S.C. § 1357(a)(2), 8 C.F.R. § 287.8(c)(2)(i)
Warrantless Arrests Without Probable Cause of Immigration Violation**

50. Petitioner realleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.

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

52. 8 U.S.C. § 1357(a)(2) permits an immigration officer to conduct a warrantless Arrest only if that officer has “reason to believe” that an individual is in the United States in violation of the immigration laws. A “reason to believe” is equivalent to “the constitutional requirement of probable cause.” *Tejeda-Mata v. INS*, 626 F.2d 721, 725 (9th Cir. 1980).

53. An immigration officer may not establish probable cause on the basis of a noncitizen’s silence pursuant to his Fifth Amendment rights. *See Hurd v. Terhune*, 619 F.3d 1080, 1088 (9th Cir. 2010) (affirming “the fundamental principle that a suspect’s silence in the face of questioning cannot be used as evidence against him at trial”).

54. 8 C.F.R. § 287.8(c)(2)(i) requires that before making a warrantless arrest, an immigration officer must have probable cause “to believe that the person to be arrested has committed an offense against the United States or is an alien illegally in the United States.”

55. Because criminal penalties may attach to some immigration offenses, the Fifth Amendment right to remain silent may be properly invoked during a civil immigration arrest. See U.S. Const., amend. V.

1 56. Respondents' warrantless arrest of Petitioner, based on no information, is "final
2 agency action" that is "in excess of statutory jurisdiction, authority, or limitations" under
3 8 U.S.C. § 1357(a)(2) and federal regulations. 5 U.S.C. §§ 704, 706(2)(C).

4 57. Separate from the APA, Respondents' warrantless arrests of Petitioners without
5 probable cause that any Petitioner had committed an immigration violation are *ultra vires*.

6 **SIXTH CLAIM FOR RELIEF**

7 **Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A)**
8 **Violation of 8 U.S.C. § 1357(a)(2), 8 C.F.R. § 287.8(c)(2)(ii)**
9 **Warrantless Arrests Without Probable Cause of Likelihood of Escape**

10 58. Petitioner realleges and incorporates by reference each allegation contained in the
11 preceding paragraphs as if set forth fully herein.

12 59. 8 U.S.C. § 1357(a)(2) permits an immigration officer to conduct a warrantless
13 arrest only if that officer has "reason to believe" that an individual is "likely to escape before a
14 warrant can be obtained for [their] arrest." To meet this requirement, officers must have
15 "grounds for a reasonable belief that they were particularly likely to escape." *Mountain High*
16 *Knitting, Inc. v. Reno*, 51 F.3d 216, 218 (9th Cir. 1995). A "reason to believe" is equivalent to
17 "the constitutional requirement of probable cause." *Tejeda-Mata v. INS*, 626 F.2d 721, 725 (9th
18 Cir. 1980).

19 60. 8 C.F.R. § 287.8(c)(2)(ii) requires that before making a warrantless arrest, an
20 immigration officer must make an individualized determination that an individual is "likely to
21 escape before a warrant can be obtained."

22 61. Respondents' warrantless arrests of Petitioners without an individualized
23 determination that any Petitioner was "likely to escape" before a warrant is issued is "final
24 agency action" that is "in excess of statutory jurisdiction, authority, or limitations" under 8
25 U.S.C. § 1357(a)(2) and federal regulations. 5 U.S.C. §§ 704, 706(2)(C).

62. Separate from the APA, Respondents' warrantless arrests of Petitioners without probable cause that any Petitioner was likely to escape before a warrant could be obtained are *ultra vires*.

SEVENTH CLAIM FOR RELIEF

Petitioner's Detention Violates the APA

63. Petitioner realleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.

64. Under the APA, courts "shall... hold unlawful and set aside agency action" that is, among other things, "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A). Petitioner is likely to prevail on his claims that the 2025 Guidance by ICE Acting Director Caleb Vitello violates § 706(2)(A).

65. The APA permits "judicial review" of "final agency action for which there is no other adequate remedy in a court." 5 U.S.C. § 704. The 2025 Guidance constitutes "final agency action" because it is "the consummation of the agency's decision-making process," by which "rights" of petitioners for Survivor-based Benefits "have been determined" or "[f]rom which legal consequences" for such petitioners "will flow." *Bennett v. Spear*, 520 U.S. 154, 177–78 (1997) (citations and quotation marks omitted).

66. In 2021, ICE, under the Biden Administration, issued Directive 11005.3, encouraging a "Victim-Centered" enforcement approach and superseding the 2019 Directive. ICE Directive 11005.3, Using a Victim-Centered Approach with Noncitizen Crime Victims (Dec. 2, 2021) ("2021 Directive"). "Congress created victim-based immigration benefits to encourage noncitizen victims to seek assistance and report crimes committed against them despite their undocumented status," the 2021 Directive states that "[w]hen victims have access to humanitarian protections, regardless of their immigration status, and can feel safe in coming

1 forward, it strengthens the ability of local, state, and federal law enforcement agencies, including
2 ICE, to detect, investigate, and prosecute crimes.” *Id.*

3 67. The 2021 Directive allowed victims of Survivor-based benefits to “refrain from
4 taking civil enforcement action against” individuals “known to have a pending application” for
5 “victim-based immigration benefits” unless there are “exceptional circumstances” such as
6 national security concerns or a “risk of death, violence, or physical harm to any person.” *Id.*

7 68. Under the Trump administration, ICE Acting Director Caleb Vitello issued a 2025
8 Guidance.
9

10 69. The 2025 Guidance departs from decades of established DHS policy, under which
11 immigration authorities generally declined to pursue civil enforcement against individuals with
12 pending applications for Survivor-based Benefits absent significant negative factors, and instead
13 followed a victim-centered approach that included release and the exercise of prosecutorial
14 discretion. In contrast, the 2025 Guidance narrows the inquiry for ICE officers to only two
15 considerations: (1) whether enforcement would interfere with an ongoing criminal investigation,
16 and (2) whether ICE attorneys identify any “legal limitations” on enforcement. 2025 Guidance at
17 2. In effect, this framework promotes detention and removal wherever feasible.
18

19 70. Moreover, the 2025 Guidance does not offer a sufficiently “reasoned explanation”
20 for ICE’s “disregarding facts and circumstances that underlay or were engendered by the prior
21 policy.” *F.C.C. v. Fox Television Stations, Inc.*, 556 U.S. 502, 516 (2009). It is also arbitrary and
22 capricious because it ignores the reliance interests of noncitizens who sought protections
23 promised by Congress and Defendants. As the Supreme Court has explained, “When an agency
24 changes course . . . it ‘must be cognizant that longstanding policies may have engendered serious
25 reliance interests that must be taken into account.’” *Regents*, 591 U.S. at 30 (quoting *Encino*
26 *Motorcars, LLC v. Navarro*, 579 U.S. 211, 222 (2016)).
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71. Accordingly, Petitioner's continued detention following the rescission of the 2021 Directive, and Respondents' attempts to remove him, violate the APA. The 2025 Guidance is also under challenge as arbitrary and capricious in *ICWC v. Noem*, No. 2:25-cv-09848, (C.D. Cal, filed Nov. 17, 2025), a pending class action. The court heard oral argument on a preliminary injunction implicating issues in this case on February 10, 2026, and is expected to issue a ruling soon, which may include relief requiring the government to return Petitioner if he is deported without proper consideration of his stay request.

PRAYER FOR RELIEF

Petitioner respectfully request that this Court:

1. Assume jurisdiction over this matter;
2. Issue a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody;
3. Declare that Petitioner's arrest and detention violates the INA, implementing regulations, the APA, the Fourth Amendment and Due Process Clause of the Fifth Amendment.
4. Enjoin Respondents from transferring Petitioner outside this District or outside the United States pending these proceedings;
5. Enjoin Respondents from re-detaining Petitioner unless is re-detention is ordered at a custody hearing before a neutral arbiter in which the government bears the burden of proving, by clear and convincing evidence, that Petitioner is a flight risk or danger to the community;
6. Award Petitioner costs and reasonable attorneys' fees in this action as provided for by the Equal Access to Justice Act and 28 U.S.C. § 2412; and
7. Grant such further relief as the Court deems just and proper.

1 Date: March 18, 2026

Respectfully Submitted,

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