

1 Bianca L. Torres
2 MAYESTELLES ATTORNEYS
3 3636 N. Central Ave Suite 1000
4 Phoenix, AZ 85012
5 bianca@mayestelles.com
6 602.714.7900 o
7 602.357.3037 f

8 *Attorney for Petitioner-Plaintiff*

9 UNITED STATES DISTRICT COURT
10
11 FOR THE DISTRICT OF ARIZONA
12

13 Luis A. Delfin Marquez,
14 Petitioner-Plaintiff,

15 v.

16 Eric Rokowsky, Warden, Eloy Detention Center;

17 Christopher McGregor, Field Office Director of
18 Phoenix Office of Detention and Removal, U.S.
19 Immigrations and Customs Enforcement; U.S.
20 Department of Homeland Security;

21 Todd M. Lyons, Acting Director, Immigration and
22 Customs Enforcement, U.S. Department of Homeland
23 Security;

24 Kristi Noem, in her Official Capacity, Secretary, U.S.
25 Department of Homeland Security; and

26 Pamela Bondi, in her Official Capacity, Attorney
27 General of the United States;
28 Respondents-Defendants.

Case No.

A 

**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. Petitioner, Luis A. Delfin Marquez (“Petitioner”), Agency number [REDACTED], by and through his undersigned counsel, hereby files this petition for writ of habeas corpus and complaint for declaratory and injunctive relief to prevent the U.S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE) from continuing to detain him in an immigration jail pending resolution of his removal case without first providing him a due process hearing where the government bears the burden to demonstrate to a neutral adjudicator that he is a danger to the community or a flight risk by clear and convincing evidence.

2. Petitioner seeks his immediate release from detention in Eloy Detention Center where ICE detained and continues to imprison him without a hearing and without demonstrating that he is a flight risk or danger to the community, as required by the Due Process clause of the Fifth Amendment.

3. As background, Petitioner initially came into immigration custody on June 9, 2025, after a traffic stop. The Petitioner was stopped on his way to work, the Petitioner was asked to step out of the vehicle and was detained and transferred to ICE/DHS custody.

4. In recent months, ICE has engaged in highly publicized arrests of individuals who presented no flight risk or danger, often with no prior notice that anything regarding their status was amiss or problematic, whisking them away to faraway detention centers without warning.¹

5. On February 11, 2026, the Petitioner requested a Bond Redetermination Hearing. The Petitioner submitted evidence of his family ties to the United States, his pending appeal, and

¹ See, e.g., McKinnon de Kuyper, *Mahmoud Khalil’s Lawyers Release Video of His Arrest*, N.Y. Times (Mar. 15, 2025), available at <https://www.nytimes.com/video/us/politics/100000010054472/mahmoud-khalils-arrest.html> (Mahmoud Khalil, arrested in New York and transferred to Louisiana); “What we know about the Tufts University PhD student detained by federal agents,” CNN (Mar. 28, 2025), <https://www.cnn.com/2025/03/27/us/rumeysa-ozturk-detained-what-we-know/index.html> (Rumeysa Ozturk, arrested in Boston and transferred to Louisiana); Kyle Cheney & Josh Gerstein, *Trump is seeking to deport another academic who is legally in the country, lawsuit says*, Politico (Mar. 19, 2025), available at <https://www.politico.com/news/2025/03/19/trump-deportationgeorgetown-graduate-student-00239754> (Badar Khan Suri, arrested in Arlington, Virginia and transferred to Texas).

1 sponsor information. On February 18, 2026, a Bond Redetermination Hearing was held in Eloy
2 Detention Center. The Immigration found no jurisdiction based on *Matter of Yajure Huratdo*, 29
3 I&N Dec 216 (BIA 2025), without considering any of the evidence filed by the Petitioner. See
4 Exhibit A.

5 6. The Petitioner has filed two different applications to adjust his status in the United
6 States. See Exhibit B. The petitioner applied for Cancellation of Removal and Adjustment of
7 Status for Certain Nonpermanent Residents, which was denied on November 3, 2025. The
8 Petitioner timely appealed the decision to the Board of Immigration Appeals where it remains
9 pending today. Additionally, before these immigration proceedings began the Petitioner filed an
10 application for T nonimmigrant status with United States Citizenship and Immigration Status
11 (USCIS).

12 7. Therefore, at a minimum, in order to lawfully continue the Petitioner's detention, the
13 government must establish, by clear and convincing evidence and before a neutral decision maker,
14 that he is a danger to the community or a flight risk, such that his incarceration is necessary. ICE's
15 arrest of the Petitioner on June 9, 2025, violated the Petitioner's due process rights when the
16 Immigration Judge found no jurisdiction to hear Bond Redetermination arguments.

17 CUSTODY

18 8. The Petitioner is currently in the custody of ICE at the Eloy Detention Center, Arizona.
19 The Petitioner is therefore in "'custody' of [the DHS] within the meaning of the habeas corpus
20 statute." *Jones v. Cunningham*, 371 U.S. 236, 243 (1963).

21 JURISDICTION

22 9. This Court has jurisdiction over the present action pursuant to 28 U.S.C. § 1331,
23 general federal question jurisdiction; 5 U.S.C. § 701, *et seq.*, All Writs Act; 28 U.S.C. § 2241, *et*
24 *seq.*, habeas corpus; 28 U.S.C. § 2201, the Declaratory Judgment Act; Art. 1, § 9, Cl. 2 of the
25 United States Constitution (Suspension Clause); Art. 3 of the United States Constitution, and the
26 common law.
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2 **REQUIREMENTS OF 28 U.S.C. § 2243**

3 10. The Court must grant the petition for writ of habeas corpus or issue an order to show
4 cause (OSC) to Respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C.
5 § 2243. If an OSC is issued, the Court must require Respondents to file a return “within *three*
6 *days* unless for good cause additional time, *not exceeding twenty days*, is allowed.” *Id.* (emphasis
7 added).

8 11. Courts have long recognized the significance of the habeas statute in protecting
9 individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most
10 important writ known to the constitutional law of England, affording as it does a *swift* and
11 imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391,
12 400 (1963) (emphasis added).

13 12. Habeas corpus must remain a swift remedy. Importantly, “the statute itself directs
14 courts to give petitions for habeas corpus ‘special, preferential consideration to insure expeditious
15 hearing and determination.’” *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000) (internal citations
16 omitted). The Ninth Circuit warned against any action creating the perception “that courts are
17 more concerned with efficient trial management than with the vindication of constitutional
18 rights.” *Id.*

19 **VENUE**

20 13. Venue is properly before this Court pursuant to 28 U.S.C. § 1391(e) because the
21 Respondents are employees or officers of the United States, acting in their official capacity;
22 because a substantial part of the events or omissions giving rise to the claim occurred in the
23 District of Arizona. The Petitioner is under the jurisdiction of the Phoenix ICE Field Office, ICE
24 detained him in Phoenix, Arizona, and has held him without a custody redetermination hearing
25 in violation of 8 U.S.C. § 1226(b); 8 C.F.R. § 236.1(c)(9); *Matter of Sugay*, 17 I&N Dec. 647,
26 640 (BIA 1981), and he is being detained in Arizona. There is no real property involved in this
27 action.
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2 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

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

9 15. No statutory exhaustion requirements apply to the Petitioner’s claim of unlawful custody
10 in violation of his due process rights, and there are no administrative remedies that he needs to
11 exhaust. *Reno v. Amer.-Arab Anti-Discrim. Comm.*, 525 U.S. 471, 119 S.Ct. 936, 142 L.Ed.2d 940
12 (1999) (finding exhaustion to be a “futile exercise because the agency does not have jurisdiction
13 to review” constitutional claims); *In re Indefinite Det. Cases*, 82 F. Supp. 2d 1098, 1099 (C.D.
14 Cal. 2000) (same).

15 16. Nevertheless, the Petitioner requested a bond hearing and on February 11, 2026, the
16 Petitioner appeared before an Immigration Judge for his Bond Hearing. However, the
17 Immigration Judge found no jurisdiction and did not allow the Petitioner to have a full bond
18 hearing.

19 **PARTIES**

20 17. Petitioner is a citizen and national of Mexico who entered the U.S. without admission
21 or inspection in 1990. He has remained in the country ever since, three decades. The Petitioner
22 has four children and is divorced, his children are United States Citizens. He is the main financial
23 provider for his family.

24 18. Respondent Eric Rokowsky is the Warden of the Eloy Detention Center, which is operated
25 by CoreCivic and contracted by DHS. As such, he is the immediate physical custodian of
26 Petitioner and he is named in his official capacity.
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1 19. Respondent Christopher McGregor is the Field Office Director of ICE, in Phoenix,
2 Arizona, and is named in his official capacity. ICE is the component of the DHS that is responsible
3 for detaining and removing noncitizens according to immigration law and oversees custody
4 determinations. In his official capacity, he is the legal custodian of the Petitioner.

5 20. Respondent Todd M. Lyons is the Acting Director of ICE and is named in his official
6 capacity. Among other things, ICE is responsible for the administration and enforcement of the
7 immigration laws, including the removal of noncitizens. In his official capacity as head of ICE,
8 he is the legal custodian of the Petitioner.

9 21. Respondent Kristi Noem is the Secretary of DHS and is named in her official capacity.
10 DHS is the federal agency encompassing ICE, which is responsible for the administration and
11 enforcement of the INA and all other laws relating to the immigration of noncitizens. In her
12 capacity as Secretary, Respondent Noem has responsibility for the administration and
13 enforcement of the immigration and naturalization laws pursuant to section 402 of the Homeland
14 Security Act of 2002, 107 Pub. L. No. 296, 116 Stat. 2135 (Nov. 25, 2002); *see also* 8 U.S.C. §
15 1103(a). Respondent Noem is the ultimate legal custodian of the Petitioner.

16 22. Respondent Pamela Bondi is the Attorney General of the United States and the most senior
17 official in the U.S. Department of Justice (DOJ) and is named in her official capacity. She has the
18 authority to interpret immigration laws and adjudicate removal cases. The Attorney General
19 delegates this responsibility to the Executive Office for Immigration Review (EOIR), which
20 administers the immigration courts and the BIA.

21 **STATEMENT OF FACTS**

22 23. The Petitioner is citizen and national of Mexico who entered the U.S. in 1990 and he has
23 not left the U.S since. He is divorced and has four United States Citizen children. He has lived
24 and worked in the United States for over three decades.

25 24. The Petitioner filed a pending appeal on his application for Cancellation of Removal and
26 Adjustment of Status for Certain Nonpermanent Residents and has a pending T nonimmigrant
27 status application with USCIS.
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2 25. On June 9, 2025, ICE detained the Petitioner during a traffic stop. Petitioner requested a
3 Bond Redetermination Request Hearing on January 11, 2026, and a hearing was held on January
4 18, 2026. However, the Immigration Judge found no jurisdiction and did not allow the Petitioner
5 to make any legal arguments.

6 **LEGAL ARGUEMENT**

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

9
10 26. The Petitioner's liberty from immigration custody is protected by the Due Process Clause:
11 "Freedom from imprisonment—from government custody, detention, or other forms of physical
12 restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas v. Davis*,
13 533 U.S. 678, 690 (2001).

14 27. Petitioner is in custody "under or by color of the authority of the United States" and in
15 custody "in violation of the Constitution or laws . . . of the United States." 28 U.S.C. §2241. The
16 Fifth Amendment's Due Process Clause provides that "[n]o person shall be ... deprived of life,
17 liberty, or property, without due process of law." It specifically "entitles aliens to due process of
18 law in deportation proceedings." *Reno v. Flores*, 507 U.S. 292, 306, 113 S. Ct. 1439, 123 L. Ed.
19 2d 1 (1993). The Supreme Court held more than a century ago that civil detention of a removable
20 noncitizen violates the Constitution if it is punitive. *Wong Wing v. United States*, 163 U.S. 228,
21 237-38, 16 S. Ct. 977, 41 L. Ed. 140 (1896).

22 28. Noncitizens subject to civil immigration detention "cannot be subjected to conditions that
23 'amount to punishment.'" See *Jones v. Blanas*, 393 F.3d 918, 932 (9th Cir. 2004) (quoting *Bell v.*
24 *Wolfish*, 441 U.S. 520, 535, 99 S. Ct. 1861, 60 L. Ed. 2d 447 (1979)). At some point, civil
25 detention can become punitive, resulting in a due process violation. *United States v. Torres*, 995
26 F.3d 695, 708 (9th Cir. 2021).

27 29. Petitioner has now been detained for approximately 278 days with no bond hearing.
28

1 Petitioner is being deprived of liberty in a detention center that could lead to his death. Death and
2 life-altering medical conditions are surely irreparable injuries. *Fraihat v. United States*
3 *Immigration & Customs Enf't*, 16 F.4th 613, 658 (9th Cir. 2021).

4
5 **The Petitioner's Liberty Interest Mandates a Hearing For Release from Custody**

6 30. The Petitioner asserts that, here, (1) where his detention would be civil; (2) where he has
7 been at liberty for over two decades without any prior criminal arrests; (3) where no change in
8 circumstances exist that would justify his lawful detention; and (4) where the only circumstance
9 that has changed is ICE's move to arrest as many people as possible because of the new
10 administration, due process mandates that he be afforded a hearing before a neutral adjudicator.

11 31. "Adequate, or due, process depends upon the nature of the interest affected. The more
12 important the interest and the greater the effect of its impairment, the greater the procedural
13 safeguards the [government] must provide to satisfy due process." *Haygood v. Younger*, 769 F.2d
14 1350, 1355-56 (9th Cir. 1985) (en banc) (citing *Morrissey*, 408 U.S. at 481-82). This Court must
15 "balance [the Petitioner] liberty interest against the [government's] interest in the efficient
16 administration of" its immigration laws in order to determine what process he is owed to ensure
17 that ICE does not unconstitutionally deprive him of his liberty. *Id.* at 1357. Under the test set forth
18 in *Mathews v. Eldridge*, this Court must consider three factors in conducting its balancing test:
19 "first, the private interest that will be affected by the official action; second, the risk of an
20 erroneous deprivation of such interest through the procedures used, and the probative value, if
21 any, of additional or substitute procedural safeguards; and finally the government's interest,
22 including the function involved and the fiscal and administrative burdens that the additional or
23 substitute procedural requirements would entail." *Haygood*, 769 F.2d at 1357 (citing *Mathews v.*
24 *Eldridge*, 424 U.S. 319, 335 (1976)).

25 32. The Supreme Court "usually has held that the Constitution requires some kind of a hearing
26 before the State deprives a person of liberty or property." *Zinerman v. Burch*, 494 U.S. 113, 127
27 (1990) (emphasis in original). Only in a "special case" where post-deprivation remedies are "the
28 only remedies the State could be expected to provide" can post-deprivation process satisfy the

1 requirements of due process. *Zinerman*, 494 U.S. at 985. Moreover, only where “one of the
2 variables in the *Mathews* equation—the value of predeprivation safeguards—is negligible in
3 preventing the kind of deprivation at issue” such that “the State cannot be required constitutionally
4 to do the impossible by providing predeprivation process,” can the government avoid providing
5 pre-deprivation process. *Id.*

6 33. ICE/DHS is required to provide the Petitioner with a custody hearing. *See Morrissey*, 408
7 U.S. at 481-82; *Haygood*, 769 F.2d at 1355-56; *Jones*, 393 F.3d at 932; *Zinerman*, 494 U.S. at
8 985; *see also Youngberg v. Romeo*, 457 U.S. 307, 321-24 (1982); *Lynch v. Baxley*, 744 F.2d 1452
9 (11th Cir. 1984) (holding that individuals awaiting involuntary civil commitment proceedings
10 may not constitutionally be held in jail pending the determination as to whether they can
11 ultimately be recommitted). Under *Mathews*, “the balance weighs heavily in favor of [the
12 Petitioner’s] liberty” and requires a pre-deprivation hearing before a neutral adjudicator.

13 **The Government’s Interest in Detaining the Petitioner Without a Custody Hearing is Low**
14 **and the Burden on the Government to Refrain from Re-Arresting Him Unless and Until He**
15 **is Provided a Hearing That Comports with Due Process is Minimal**

16 34. The government’s interest in detaining the Petitioner without a due process hearing is low,
17 and when weighed against the Petitioner’s significant private interest in his liberty, the scale tips
18 sharply in favor of enjoining Respondents to release the Petitioner from his detention and refrain
19 from re-arresting the Petitioner unless and until the government demonstrates by clear and
20 convincing evidence that he is a flight risk or danger to the community. It becomes abundantly
21 clear that the *Mathews* test favors the Petitioner when the Court considers that the process he
22 seeks—notice and a hearing regarding whether he has violated any conditions of his release, and,
23 if so, providing the Petitioner with a hearing before this Court (or a neutral decisionmaker) to
24 determine whether there is clear and convincing evidence that the Petitioner is a flight risk or
25 danger to the community would impose only a *de minimis* burden on the government, because
26 the government routinely provides this sort of hearing to individuals like the Petitioner.

27 35. As immigration detention is civil, it can have no punitive purpose. The government’s only
28 interests in holding an individual in immigration detention can be to prevent danger to the

community or to ensure a noncitizen's appearance at immigration proceedings. *See Zadvydas*, 533 U.S. at 690. In this case, the government cannot plausibly assert that it has any lawful basis for detaining the Petitioner. The Petitioner has lived at liberty for over three decades with no serious issues.

36. The government's interest in detaining the Petitioner at this time is therefore low. That ICE has a new policy to make a minimum number of arrests each day under the new administration does not constitute a material change in circumstances or increase the government's interest in detaining him.²

37. Moreover, the "fiscal and administrative burdens" that his immediate release and a lawful predetention hearing would impose is nonexistent in this case. *See Mathews*, 424 U.S. at 334-35. The Petitioner does not seek a unique or expensive form of process, but rather a routine hearing regarding whether he should remain in custody.

38. As the Ninth Circuit noted in 2017, which remains true today, "[t]he costs to the public of immigration detention are 'staggering': \$158 each day per detainee, amounting to a total daily cost of \$6.5 million." *Hernandez*, 872 F.3d at 996. ICE's unlawful action of placing him in custody is more of a financial burden than releasing him and providing any pre-custody hearing before any future re-arrest occurs.

39. In the alternative, providing the Petitioner with a hearing before this Court (or a neutral decisionmaker) regarding release from custody is a routine procedure that the government provides to those in immigration jails on a daily basis. At that hearing, the Court would have the opportunity to determine whether there is reason to justify his detention. But there is no justifiable

² See "Trump officials issue quotas to ICE officers to ramp up arrests," *Washington Post* (January 26, 2025), available at: <https://www.washingtonpost.com/immigration/2025/01/26/ice-arrests-raids-trump-quota/>; "Stephen Miller's Order Likely Sparked Immigration Arrests And Protests," *Forbes* (June 9, 2025), <https://www.forbes.com/sites/stuartanderson/2025/06/09/stephen-millers-order-likely-sparked-immigration-arrests-and-protests/> ("At the end of May 2025, 'Stephen Miller, a senior White House official, told Fox News that the White House was looking for ICE to arrest 3,000 people a day, a major increase in enforcement. The agency had arrested more than 66,000 people in the first 100 days of the Trump administration, an average of about 660 arrests a day,' reported the New York Times. Arresting 3,000 people daily would surpass 1 million arrests in a calendar year.").

1 reason to detain the Petitioner without a custody hearing. As the Supreme Court noted in
 2 *Morrissey*, even where the State has an “overwhelming interest in being able to return [a parolee]
 3 to imprisonment without the burden of a new adversary criminal trial if in fact he has failed to
 4 abide by the conditions of his parole . . . the State has no interest in revoking parole without some
 5 informal procedural guarantees.” *Morrissey*, 408 U.S. at 483.

6 40. Releasing the Petitioner from unlawful custody and enjoining the Petitioner’s re-arrest
 7 until ICE (1) moves for a bond re-determination before an Immigration Judge and (2)
 8 demonstrates by clear and convincing evidence that the Petitioner is a flight risk or danger to the
 9 community is far *less* costly and burdensome for the government than keeping him detained, a
 10 total daily cost of \$6.5 million.” *Hernandez*, 872 F.3d at 996.

11 41. Due process also requires consideration of alternatives to detention at any custody
 12 redetermination hearing that may occur. The primary purpose of immigration detention is to
 13 ensure a noncitizen’s appearance during removal proceedings. *Zadvydas*, 533 U.S. at 697.
 14 Detention is not reasonably related to this purpose if there are alternatives to detention that could
 15 mitigate risk of flight. *See Bell v. Wolfish*, 441 U.S. 520, 538 (1979). Accordingly, alternatives to
 16 detention must be considered in determining whether the Petitioner’s incarceration is warranted.

17 **FIRST CAUSE OF ACTION**

18 **Procedural Due Process**

19 **U.S. Const. amend. V**

20 42. The Petitioner re-alleges and incorporates herein by reference, as is set forth fully herein,
 21 the allegations in all the preceding paragraphs.

22 43. The Due Process Clause of the Fifth Amendment forbids the government from depriving
 23 any “person” of liberty “without due process of law.” U.S. Const. amend. V.

24 44. The Petitioner has a vested liberty interest in his lawful conditional release. Due Process
 25 does not permit the government to strip him of that liberty without a hearing before this Court.
 26 *See Morrissey*, 408 U.S. at 487-488.

27 45. The Court must therefore order that the Petitioner be provided a custody hearing before a
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1 neutral adjudicator. Prior to any re-arrest, the government must provide him with a hearing before
2 a neutral adjudicator. At the hearing, the neutral adjudicator would evaluate, *inter alia*, whether
3 clear and convincing evidence demonstrates, taking into consideration alternatives to detention,
4 that the Petitioner is a danger to the community or a flight risk, such that his incarceration is
5 warranted. During any custody redetermination hearing that occurs, this Court or, in the
6 alternative, a neutral adjudicator must consider alternatives to detention when determining
7 whether the Petitioner is warranted.

8 **SECOND CAUSE OF ACTION**

9 **Substantive Due Process**

10 **U.S. Const. amend. V**

11 46. The Petitioner re-alleges and incorporates herein by reference, as is set forth fully herein,
12 the allegations in all the preceding paragraphs.

13 47. The Due Process Clause of the Fifth Amendment forbids the government from depriving
14 individuals of their right to be free from unjustified deprivations of liberty. U.S. Const. amend.
15 V.

16 48. The Petitioner has a vested liberty interest in his conditional release. Due Process does not
17 permit the government to strip him of that liberty without it being tethered to one of the two
18 constitutional bases for civil detention: to mitigate against the risk of flight or to protect the
19 community from danger.

20 49. The Petitioner has lived in the United States for over three decades with no serious issues,
21 thus demonstrating that he is neither a flight risk nor a danger. Detaining him now—while he has
22 a pending appeal with Executive Office for Immigration Review and USCIS, would be punitive
23 and violate his constitutional right to be free from the unjustified deprivation of his liberty.

25 50. For these reasons, the Petitioner's continued unlawful custody and any subsequent re-
26 arrest without first being provided a hearing would violate the Constitution.

27 51. The Court must therefore order that he be released from custody, or in the alternative
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order he be given a custody hearing before a neutral adjudicator. At the hearing, the neutral adjudicator would evaluate, *inter alia*, whether clear and convincing evidence demonstrates, taking into consideration alternatives to detention, that the Petitioner is a danger to the community or a flight risk, such that his detention is warranted. During any custody redetermination hearing that occurs, this Court or, in the alternative, a neutral adjudicator must consider alternatives to detention when determining whether the Petitioner's detention is warranted.

PRAYER FOR RELIEF

WHEREFORE, the Petitioner prays that this Court grant the following relief:

- (1) Assume jurisdiction over this matter;
- (2) Find Petitioner's detention by DHS violates the Due Process Clause of the Fifth Amendment;
- (3) Order ICE to immediately release the Petitioner from his unlawful detention, or in the alternative that he is provided with a custody redetermination hearing before a neutral adjudicator;
- (4) Enjoin re-arresting the Petitioner unless and until a hearing can be held before a neutral adjudicator to determine whether his incarceration would be lawful because the government has shown that he is a danger or a flight risk by clear and convincing evidence;
- (5) Award reasonable costs and attorney fees; and
- (6) Grant such further relief as the Court deems just and proper.

Dated: March 14, 2026,

RESPECTFULLY SUBMITTED,

/s/ Bianca L. Torres

Bianca L. Torres
Attorney for Petitioner

VERIFICATION PURSUANT TO 28 U.S.C. 2242

I am submitting this verification on behalf of the Petitioner 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 March 14, 2026, in Phoenix, AZ.

/s/ Bianca L. Torres
Bianca L. Torres
Attorney for Petitioner