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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

JUNIOR SANTOS PANIAGUA SANTIBAÑEZ Petitioner, v. The Warden of the Folkston Detention Center; DAN JONES, Assistant Field Office Director of Atlanta Field Office, TODD LYONS, in his Official capacity as Acting Director of U.S. Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary of the U.S. Department of Homeland Security; and PAM BONDI, Attorney General of the United States, in their official capacities, Respondents.	Case No. **PETITION FOR WRIT OF HABEAS CORPUS AND REQUEST FOR DECLARATORY RELIEF**

INTRODUCTION

1. Petitioner Junior Santos Paniagua Santibañez is currently in the physical custody of Respondents at the FOLKSTON D RAY ICE PROCESSING CENTER in Folkston, Georgia. He now faces unlawful detention because the Department of Homeland Security (DHS), in direct collaboration with the adjudicative body with jurisdiction over immigrants (the Executive Office of Immigration Review) (EOIR) during contested removal proceedings, have concluded Petitioner is subject to mandatory detention.

2. Petitioner is charged with, inter alia, having entered the United States without admission or inspection. *See* 8 U.S.C. § 1182(a)(6)(A)(i), (7)(A)(i)(I).

3. Based on these charges in Petitioner's removal proceedings, DHS denied Petitioner release from immigration custody, consistent with a new DHS policy issued on July 8, 2025, instructing all Immigration and Customs Enforcement (ICE) employees to consider anyone inadmissible under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without admission or inspection—to be subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.

4. Furthermore, on September 5, 2025, the Board of Immigration Appeals (BIA or Board) issued a precedent decision, binding on all immigration judges, holding that an immigration judge has no authority to consider bond requests for any person who entered the United States without admission. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The Board determined that such individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.

5. Petitioner was taken into ICE custody on November 28, 2025 following a criminal arrest for Driving without a License.

6. Under *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.), the Petitioner became bond eligible on February 18, 2026, when the District Court issued an Order granting the petitioners' motion to enforce the judgment and vacating *Matter of Yajure Hurtado,* 29 I. & N. Dec. 216 (BIA 2025), D. Ct. Dkt. No. 116.

7. On March 6, 2026, the Petitioner filed a bond request with the Atlanta Immigration Court.

8. Later, on March 6, 2026, the U.S. District Court of Appeals for the Ninth Circuit temporarily stayed the district court's February 18, 2026 order pending a ruling on the government's emergency motion for a stay pending appeal.

9. Petitioner's detention on this basis violates the plain language of the Immigration and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who previously entered and are now residing in the United States. Instead, such individuals are subject to a different statute, § 1226(a), that allows for release on conditional parole or bond. That statute expressly applies to people who, like Petitioner, are charged as inadmissible for having entered the United States without inspection.

10. Respondents' new legal interpretation is plainly contrary to the statutory framework and contrary to decades of agency practice applying § 1226(a) to people like Petitioner.

11. Indeed, the Government itself has made an abrupt about-face on this issue. Respondents should be judicially estopped from asserting their current interpretation of 8 U.S.C. § 1225(b)(2)(A), because they previously prevailed in litigation after asserting the opposite interpretation. As explained in *New Hampshire v. Maine*, 532 U.S. 742 (2001), judicial estoppel applies when a party assumes a position in a legal proceeding, succeeds in maintaining that position, and then adopts a contrary position in a subsequent proceeding to gain an unfair advantage. Here, Respondents previously, and successfully, argued that individuals who entered the United States without inspection were subject to detention under § 1226(a), and not § 1225(b)(2)(A), and courts accepted that position. Respondents now reverse course and assert that such individuals are subject to mandatory detention under § 1225(b)(2)(A), thereby denying them bond hearings. This shift in legal position undermines the integrity of the judicial process and imposes an unfair detriment on Petitioners who relied on the prior interpretation. Accordingly, Respondents should be estopped from asserting this inconsistent position.

12. Critically, DHS itself alleged in the Notice to Appear that Petitioner "entered the United States without inspection and without parole or lawful admission," a factual assertion that squarely contradicts the Government's current position—adopted wholesale by the Board of Immigration Appeals—that Petitioner is ineligible to apply for bond before EOIR.

13. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released unless Respondents provide a bond hearing under § 1226(a) within seven days.

14. Petitioner has resided in the United States for approximately twenty-five (25) years and has been in a long-term relationship with his wife, Maria, for over twenty-two (22) years; the couple formally married on August 23, 2025.

15. Approximately eleven (11) years ago, Petitioner was ordered removed from the United States. During the years surrounding that order, Petitioner had traffic-related charges that arose from a checkpoint stop, after which he was initially released. However, immigration authorities later went to his residence and took him into custody and deported him. Petitioner subsequently returned to the United States shortly after his removal order due to significant danger to his life. [redacted] which made him a target.

16. Since his return to the United States, around ten (10) years ago, Petitioner has not incurred any additional arrests or charges. On February 20, 2026, a petition for cancellation of removal (Form EOIR-42B) was filed on his behalf.

JURISDICTION

17. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

18. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Folkston D Ray ICE Processing Center.

19. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

20. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

21. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500 (1973), venue lies in the United States District Court for the Southern District of Georgia, the judicial district in which Petitioner currently is detained.

22. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Southern District of Georgia.

REQUIREMENTS OF 28 U.S.C. § 2243

23. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require the

respondents to file a return "within *three days* unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

24. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

25. Mr. Junior Santos Paniagua Santibañez ("Mr. Paniagua Santibañez") is currently detained by Respondents in the Folkston D Ray ICE Processing Center.

26. The Warden of Folkston D Ray ICE Processing Center is not disclosed online. The person responsible for said institution, where Mr. Paniagua Santibañez is currently detained under the authority of ICE, has direct control over his physical custody. They are sued in their official capacity.

27. Respondent Dan Jones is the acting Director of ICE's Atlanta Field Office, which has jurisdiction over ICE detention facilities in Georgia, including Folkston Detention Center, and thus is Mr. Paniagua Santibañez's immediate custodian. He is sued in his official capacity.

28. Respondent Todd Lyons is the acting Director of ICE. He is responsible for the administration of ICE and the implementation and enforcement of the immigration laws, including immigrant detention. As such, Mr. Lyons is a legal custodian of Mr. Paniagua Santibañez. He is sued in his official capacity.

29. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security (DHS), which is responsible for the administration of ICE, a subunit of DHS, and the implementation and enforcement of the immigration laws. As such, Mr. Mullin is the ultimate legal custodian of Mr. Paniagua Santibañez. He is sued in his official capacity.

30. Respondent Pam Bondi is the Attorney General of the United States and head of the Department of Justice, which encompasses the BIA and the Immigration Courts. Mrs. Bondi shares responsibility for the implementation and enforcement of the immigration laws with Respondent Mullin. Mrs. Bondi is a legal custodian of Mr. Paniagua Santibañez. She is sued in his official capacity.

PROCEDURAL HISTORY

31. Petitioner Junior Santos Paniagua Santibañez (A[redacted], originally from Mexico, has been imprisoned in U.S. Immigration and Customs Enforcement ("ICE") custody since November 28, 2025. He was placed in removal proceedings after the U.S. Department of Homeland Security ("DHS") issued a Form I-862, Notice to Appear ("NTA"), when he was taken into custody.

32. On February 20, 2026, Mr. Paniagua Santibañez filed Form 42-B, Application for Cancellation of Removal for Non-Permanent Residents, based on his Lawful Permanent Resident wife. See Exhibit 1. More specifically, the application is based on his wife, who has been residing in the United States for decades. She has been undergoing cancer treatment, during which the Petitioner has played a crucial supportive role.

33. Petitioner has filed two Motions for Custody Redetermination Hearings before the Lumpkin Immigration Court. However, both were rejected due to court errors.

34. The Petitioner does not have an Immigration Hearing scheduled.

STATEMENT OF FACTS

35. Petitioner Junior Santos Paniagua Santibañez is a forty-one (41) year old native and citizen of Mexico, who entered the United States for the first time over twenty-four (24) years ago, and returned over ten (10) years ago, after [redacted]

Mr. Paniagua Santibañez fled Mexico due to the extreme hardship he endured there. In addition, in the United States, he had his partner, Mrs. Combs, who is a Lawful Permanent Resident, and has her biological children, whom he has raised as his own.

36. After arriving in the United States, Mr. Paniagua Santibañez has lived a quiet, hardworking, family-centered and peaceful life. He has consistently demonstrated himself to be a responsible and caring man. He was able to find work, and take care of his loved ones, while still being engaged with the community. Being detained has placed a particular burden on him, as his wife has cancer and still needs treatments, for which he was primarily responsible and played an important role.

37. Based on the above, Mr. Paniagua Santibañez's Form 42-B is pending with the Court.

38. The Petitioner does not have a next hearing scheduled before the Immigration Court. A hearing was set for March 19, 2026, but now the Court has no record of the hearing.

39. Consequently, Mr. Paniagua Santibañez is still detained in Folkston D Ray Processing Center, where he has been locked up for the past three (3) months. His continued detention is neither necessary nor justified, particularly considering that he is a person with a chronic disease and whose wife also has a serious health condition, which makes him more vulnerable. Courts routinely recognize that continued detention is unjustified where a noncitizen presents a viable path to relief and detention no longer serves a legitimate governmental purpose.

40. Moreover, Mr. Paniagua Santibañez presents no danger to the community and poses no flight risk. He has continuously lived in the United States for ten (10) years, with no criminal record, maintained lawful employment, and has deep family and community ties. His family depends on him for assistance, medical care, and emotional support. These ties strongly incentivize compliance with all future immigration proceedings and weigh heavily in favor of release.

41. Petitioner has no intention of fleeing from federal authorities if he is released from detention before the resolution of his Custody proceedings. He has a fixed address, family and his wife, who is sick and undergoing treatment for cancer. He has no history of flight and is not a threat to national security.

42. Additionally, his good character and amicable personality are praised by family, friends and members of the community. As mentioned, he has *significant* family ties in the United States and all of them speak to the important role he plays in their lives. First, the Petitioner and his wife, Maria Lucas de Combs have been together for over two decades. Mrs. Lucas de Combs, a U.S. Permanent Resident since 1997, describes the Petitioner as a "devoted partner and caregiver". *Id.* She explains that the Petitioner has

shared with her the responsibility of raising her three children from a previous relationship. *Id.* Mrs. Lucas de Combs states that he has always been involved in her children's daily life, providing "emotional support, guidance, and stability". *Id.* She describes the Petitioner as a father figure to her children, and as someone who has always put "the needs of his household above all else". *Id.* Additionally, Mrs. Lucas de Combs emphasizes the important role the Petitioner had during her treatment for cancer. *Id.* Since her diagnosis, the Petitioner has become her primary caretaker, supporting her through "medical appointments, treatments, and recovery". *Id.* She speaks highly of his commitment to her and their family, stating that his presence is essential to her recovery and well-being. *Id.*

43. Furthermore, other family members also attest to his strong character, his integrity, and the essential role he plays in the lives of those around him. The Petitioner's stepdaughter, C[redacted] provides a deeply personal account about how her stepfather had a crucial role in her life growing up. *Id.* Ms. Combs explains that after the loss of her biological father when she was still a young child, the Petitioner became "the father figure we desperately needed". *Id.* She states that he has been a "constant source of love, stability, and guidance" since the moment she stepped into her life when she was just seven (7) years old. *Id.* Ms. Combs highly praises the Petitioner, saying that he raised her and her siblings as his own children, and that he always made sure they were "safe, supported, and cared for". *Id.* She recalls that he would work tirelessly to ensure she and her siblings had everything they needed. *Id.* In her own words, Ms. Combs affirms that the Petitioner "has never been "just" a stepfather - he is our father and we highly respect him as one". *Id.*

44. Additionally, Ms. Combs notes how the Petitioner had an essential role during her mother's cancer treatment, becoming her primary caretaker. *Id.* She states that

her mother remains weak from her treatment and that, since his detention, she has been "struggling emotionally, physically, and mentally". *Id.* Ms. Combs also adds that the Petitioner is "a proud and loving grandfather to eight grandchildren who miss him dearly". *Id.* She details how painful his absence has been to every member of the family. *Id.*

45. That the Petitioner's stepson, William Combs, describes him as great role model and as someone who positively influenced him in becoming the man he is today. *Id.* Mr. Combs explains that the Petitioner has always given him emotional and financial support, throughout his life, stating that "he has never turned his back on me or on our family". *Id.* Mr. Combs emphasizes the Petitioner's dedication, responsibility and work ethic. *Id.* He writes that he is "forever grateful for the support, leadership, and care" the Petitioner has given him and their entire family. *Id.* The Petitioner's daughter-in-law, Jennifer Ramirez, also highly praises him as someone who is a "great, helping, amazing person" to everyone who has known him. *Id.* Mrs. Ramirez adds that the Petitioner's wife is heavily dependent on his presence, since he is responsible for supporting her and taking care of her since her health struggles. *Id.* The Petitioner's relatives collectively agree that his absence has been devastating and that he is essential for the well-being of the entire family. *Id.*

46. That the Petitioner has many friends in his community who have come forth to express their support and speak to his admirable character and strong family values. For instance, Jim Sullivan, who has known him for almost ten years, explains that since the beginning of their friendship, the Petitioner has "consistently shown honesty, responsibility and respect for others". *Id.* Mr. Sullivan praises the Petitioner's "strong moral character and integrity" and emphasizes the Petitioner's kindness and how he is "always willing to

help when needed". Id. Likewise, Maricela Gomez, a friend and U.S. citizen, praises the Petitioner's character and states that she hopes he will have the opportunity to continue in the United States with his family. *Id.* Eustorgio Paniagua Santibanez echoes these sentiments and adds that the Petitioner is "a really good man". *Id.*

47. That the Petitioner's commitment and dedication extend into his professional life, as confirmed by Denny Hulsey, who has known him for several years. *Id.* Mr. Hulsey, a U.S. citizen, states that he has partnered with the Petitioner on numerous job sites and can attest to "his ability, work ethic, and integrity". *Id.* He praises the Petitioner's efficiency and reliability, and, above all, his fairness and honesty. *Id.* In his own words, Mr. Hulsey describes the Petitioner as "more than just a business partner", and "considers him a friend". *Id.* He further adds that they both "have poured hours and hours of hard work, time, energy, thoughts into making our lives better, which in turn betters our community". *Id.* Mr. Hulsey concludes by stating that the Petitioner is an asset to their community and asks for his release, so that he can be with his family again. *Id.*

48. That, as previously mentioned, the Petitioner's wife, Maria Lucas de Combs, was diagnosed with cancer and underwent treatment. According to the accounts relayed by family members and friends, the Petitioner has been the primary caretaker and has had an essential role in managing her condition. His support has been crucial to helping her deal with basic daily tasks. These records and statements collectively support the conclusion that the Petitioner is a responsible individual who supports his family.

49. In addition, the Petitioner suffers from Type 2 Diabetes, a chronic medical condition that requires regular monitoring and management, according to copies of his

medical records. This medical condition indicates his need for access to stable medical care in order to prevent further health complications.

50. The Petitioner has filed his federal and state income tax returns, which demonstrate a consistent commitment to fulfilling his financial and legal responsibilities while residing in the United States.

51. Accordingly, Mr. Paniagua Santibañez challenges his prolonged detention as a violation of the Immigration and Nationality Act and the Due Process Clause of the U.S. Constitution. He respectfully requests that this Court order Respondents to show cause why the writ should not be granted within three days and, if necessary, set a hearing on this Petition within five days of the return, pursuant to 28 U.S.C. § 2243, and grant him a Writ of Habeas Corpus, ordering Respondents to release him or provide him with an individualized bond hearing before an Immigration Judge.

CLAIM FOR RELIEF
CLAIMS FOR RELIEF

COUNT I
Violation of the Bond Regulations

52. Petitioners incorporates by reference the allegations of fact set forth in preceding paragraphs.

53. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA. Specifically, under the heading of "Apprehension, Custody, and Detention of [Noncitizens]," the agencies explained that "[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred

to as [noncitizens] who entered without inspection) will be eligible for bond and bond redetermination." 62 Fed. Reg. at 10323 (emphasis added). The agencies thus made clear that individuals who had entered without inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. § 1226 and its implementing regulations.

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

55. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

COUNT II
Violation of Due Process

56. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

57. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

58. Petitioner has a fundamental interest in liberty and being free from official restraint.

59. The government's detention of Petitioner without a bond redetermination hearing to determine whether he is a flight risk or danger to others violates his right to due process.

COUNT III

Judicial Estoppel

60. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

61. The Government is judicially estopped from asserting that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). In prior litigation, including *Jennings v. Rodriguez*, the Government prevailed, and in doing so argued that individuals who entered without inspection and were not apprehended near the border or within 14 days were subject to discretionary detention under § 1226(a), not mandatory detention under § 1225(b)(2)(A). See *Jennings v. Rodriguez*, No. 15-1204, Tr. of Oral Arg. at 7–8 (Nov. 30, 2016).

62. Courts accepted that position. Now, the Government reverses course and asserts the opposite interpretation to deny bond hearings. Under *New Hampshire v. Maine*, 532 U.S. 742 (2001), judicial estoppel applies where a party assumes a position, prevails, and then adopts a contrary position to gain an unfair advantage. The Government's reversal undermines the integrity of the judicial process and prejudices Petitioners who relied on the prior interpretation.

COUNT IV
Violation of the INA

63. Petitioners incorporates by reference the allegations of fact set forth in the preceding paragraphs.

64. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who are accused by DHS of having "entered" the United States. Those actions by DHS, followed by the Petitioner's concession to those charges before EOIR, represent a quasi-judicial determination by an agency which precludes further litigation of the issue unless new, material, and previously unavailable facts emerge. Such noncitizens continue to be detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

65. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates the INA.

COUNT V
Relief under the Administrative Procedure Act

66. Petitioner incorporates by reference the allegations of fact and legal standards set forth in the preceding paragraphs.

67. Respondents' arrest and continued detention of Petitioner were unlawful under the APA. The arrest was executed without a warrant and without a contemporaneous or documented assessment of flight risk, in violation of 8 U.S.C. § 1357(a)(2), 8 C.F.R. § 287.8(c)(2), and the *Nava Settlement Agreement*. These requirements are mandatory and binding.

68. The arrest and continued detention of Petitioner, executed without a warrant and without any documented flight risk assessment, were unlawful ab initio and remain unlawful. The detention constitutes a continuing seizure of Petitioner's person and is a direct and uninterrupted extension of the original unlawful arrest.

69. Respondents' actions constitute final agency action under 5 U.S.C. § 704, as they reflect the consummation of the agency's decision-making process and determine Petitioner's legal rights and obligations.

70. Under 5 U.S.C. § 706(2)(A), (C), and (D), the APA requires courts to set aside agency action that is arbitrary, capricious, an abuse of discretion, not in accordance with law, in excess of statutory authority, or taken without observance of procedure required by law. Respondents' arrest and detention violate all of these provisions.

71. Petitioner's APA claim is not barred by 8 U.S.C. § 1252. The jurisdiction-stripping provisions of § 1252 do not apply because this claim does not challenge a final order of removal, does not arise from removal proceedings, and does not implicate a discretionary decision. It is a collateral legal challenge to the legality of the arrest and detention, reviewable under 28 U.S.C. §§ 1331 and 2241.

72. Respondents' conduct also exceeds the scope of their statutory authority and is ultra vires. DHS officers are only authorized to arrest without a warrant when both statutory predicates—immigration violation and likelihood of escape—are satisfied. Where they are not, the agency acts beyond its delegated powers.

73. Petitioner therefore seeks declaratory relief under the APA declaring the arrest and detention unlawful, and injunctive relief enjoining Respondents from continuing or repeating detention based on the same unlawful arrest.

74. Petitioner further seeks a declaration that suppression is available in this case under the APA due to the egregious nature of the Fourth Amendment violation, or in the alternative, due to widespread violations of constitutional and statutory protections, as recognized in *INS v. Lopez-Mendoza*, 468 U.S. 1032, 1050–51 (1984).

PRAYER FOR RELIEF

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

a. Assume jurisdiction over this matter;

b. Order that Petitioner shall not be transferred outside the SOUTHERN DISTRICT OF GEORGIA while this habeas petition is pending;

c. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;

d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or, in the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days;

e. Declare that Respondents' arrest of Petitioner was unlawful under the Administrative Procedure Act, 5 U.S.C. § 706(2)(A), (C), and (D), as it was executed without a warrant or flight risk assessment, in violation of 8 U.S.C. § 1357(a)(2), 8 C.F.R. § 287.8(c)(2), and the Nava Settlement Agreement;

f. Declare that Respondents acted ultra vires in arresting and detaining Petitioner without statutory authority, and that the ongoing detention is a continuation of that unlawful seizure and remains unauthorized;

g. Enjoin Respondents from continuing Petitioner's detention or initiating future detention based on the same unlawful arrest or, in the alternative, order that Petitioner be granted a bond hearing;

h. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

i. Any further relief the Court deems proper.

Dated: March 16, 2026

Respectfully submitted,

/s/ Ashley Beard

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1. Copy of EROP.