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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

URIEL ALVAREZ-MENESES

Petitioner,

v.

Kevin RAYCRAFT, *Director of the Detroit Field Office of U.S. Immigration and Customs Enforcement, in his official capacity*; Kristi NOEM, *Secretary of the U.S. Department of Homeland Security, in her official capacity*; U.S. DEPARTMENT OF HOMELAND SECURITY; Pamela Jo BONDI, *U.S. Attorney General, in her official capacity*; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,

Respondents.

Case No. 1:26-cv-00888

VERIFIED PETITION FOR A WRIT OF HABEAS CORPUS PURSUANT TO 8 U.S.C. § 2241

INTRODUCTION

1. This Petition arises from the Executive Office for Immigration Review's ("EOIR") violation of the Due Process Clause of the Fifth Amendment. On December 22, 2025, Respondents provided Petitioner with a second bond hearing under 8 U.S.C. § 1226(a) where Petitioner, again, bore the burden of proof that he is not a flight risk or danger, rather than the government.

2. Petitioner was initially arrested by ICE on December 12, 2024. Respondents placed Petitioner in removal proceedings, alleging that he entered the United States without inspection under 8 U.S.C. § 1182(a)(6)(A)(i). On February 6, 2025, Petitioner was granted a bond by an Immigration Judge in the Chicago Immigration Court. On March 6, 2025, Petitioner posted bond and was released from immigration custody.

3. On October 4, 2025, Petitioner was re-detained by ICE during an enforcement action known as *Operation Midway Blitz* without a warrant. ICE then unlawfully revoked Petitioner's bond without prior notice or a pre-detention hearing where the government demonstrated by clear and convincing evidence that there was a material change in circumstances for revocation of his bond.

4. This is Petitioner's third Petition for a Writ of Habeas Corpus. Respondents previously held Petitioner subject to mandatory detention under 8 U.S.C. § 1225, however, they provided Petitioner with a bond hearing under 8 U.S.C. § 1226(a) on their own accord after he filed a petition for a writ of habeas corpus.[1] The first petition was dismissed without prejudice as moot. Petitioner then filed a second petition[2] that was dismissed without prejudice because he did not challenge the constitutionality of the procedures of his second bond hearing.

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[1] *Alvarez Meneses v. Raycraft, et al.*, No. 1:25-cv-01666 (Beckering, J.)
[2] *Alvarez-Meneses v. Raycraft, et al.*, No. 1:26-cv-00555 (Jarbou, C.J.)

5. Accordingly, Petitioner seeks a Writ of Habeas Corpus requiring that he be immediately released from custody because Respondents are unable to provide him with a bond hearing that comports with due process. The Department of Homeland Security ("DHS") did not present clear and convincing evidence that Petitioner was a flight risk or a danger to deny bond. Further, DHS did not present clear and convincing evidence that there was a material change of circumstances to justify revocation of Petitioner's release. Alternatively, Petitioner requests a bond hearing under 8 U.S.C § 1226(a) where the burden of proof is on the government to demonstrate by clear and convincing evidence that he is a flight risk or danger, and that there has been a material change in circumstances to revoke bond.

JURISDICTION

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

7. This Court has subject-matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

8. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq*., the Declaratory Judgement Act, 28 U.S.C. § 2201 *et seq*., and the All Writs Act, 28 U.S.C. § 1651.

VENUE

9. Venue is proper in the Western District of Michigan because Petitioner is detained within the jurisdiction of this District at the North Lake Processing Center in Lake County, Baldwin, Michigan.

10. Venue is also proper in this District because Respondents are officers, employees, or agencies of the United States, and a substantial part of the events or omissions giving rise to Petitioner's claims occurred in this District. Petitioner is in immigration custody within this District, and no real property is involved in this action. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 8 U.S.C. § 2243

11. This Court must grant the Petition for a Writ of Habeas Corpus or issue an order to show cause 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 Respondents to file a return "within *three days* unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

12. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "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).

PARTIES

13. Petitioner URIEL ALVAREZ-MENESES is a national and citizen from Mexico. He is currently detained at the North Lake Processing Center in Baldwin, Michigan. Petitioner is in the custody, and under the direct control, of Respondents and their agents.

14. Respondent Kevin RAYCRAFT is sued in his official capacity as the Acting Director of the Detroit Field Office of U.S. Immigration and Customs Enforcement. ICE has contracted the North Lake Processing Center to detain noncitizens on their behalf and Respondent RAYCRAFT oversees this contract. Respondent RAYCRAFT is a legal custodian of Petitioner and has authority to release him.

15. Respondent Kristi NOEM is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security. In this capacity, Respondent NOEM is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention. Respondent NOEM is a legal custodian of Petitioner.

16. Respondent U.S. DEPARTMENT OF HOMELAND SECURITY is the federal agency responsible for implementing and enforcing the Immigration and Nationality Act, including the detention and removal of noncitizens.

17. Respondent Pamela Jo BONDI is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice. In this capacity, she has the authority to adjudicate removal cases and oversees the Executive Office for Immigration Review, which administers the immigration courts and the BIA. Respondent BONDI is a legal custodian of Petitioner.

18. Respondent EXECUTIVE OFFICE FOR IMMIGRATION REVIEW is the federal agency responsible for implementing and enforcing the Immigration and Nationality Act in removal proceedings, including for custody redetermination hearings or bond hearings.

STATEMENT OF FACTS

19. Petitioner, URIEL ALVAREZ MENESES, has resided in the United States since approximately 2005. Petitioner is a 37-year-old father who resided with his two children, his stepchild, and his wife in Chicago, Illinois before his arrest and detention by U.S. Immigration and Customs Enforcement ("ICE"). Petitioner has been arrested twice now by ICE, approximately eight months apart.

20. On December 12, 2024, Petitioner was initially arrested by ICE. The Department of Homeland Security ("DHS") then placed Petitioner in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS charged Petitioner with being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States without inspection.

21. On February 6, 2025, Petitioner was provided with a custody redetermination hearing before the Chicago Immigration Court. The Chicago Immigration Judge ("Chicago IJ") granted Petitioner a bond. *See* **Petr.'s Ex. A**. DHS waived their right to appeal and accepted the discretionary grant of bond as administratively final. *Id.*, at 2. On March 6, 2025, Petitioner posted the bond and was released from custody. However, Petitioner's freedom was short-lived.

22. On October 4, 2025, Petitioner was randomly arrested by ICE during an enforcement action known as *Operation Midway Blitz* when he was walking to a public bus stop. Petitioner was then transferred to the North Lake Processing Center in Baldwin, Michigan. After learning he was released on bond, ICE revoked Petitioner's posted bond. Respondents detained him subject to mandatory detention under 8 U.S.C. § 1225(b)(2), despite having been released on bond under 8 U.S.C. § 1226(a) prior.

23. On December 2, 2025, Petitioner filed his first petition for a writ of habeas corpus in the Eastern District of Michigan. *Alvarez-Meneses v. Raycraft*, No. 1:25-cv- 13867 (E.D. Mich. Dec 2, 2025). The petition was transferred to the Western District of Michigan. *Alvarez-Meneses v. Raycraft*, No. 1:25-cv-01666 (W.D. Mich. Dec 8, 2025). Respondents never responded to the first petition, rather, they provided Petitioner with a second bond hearing under 8 U.S.C. § 1226(a) on their own accord. (1:25-cv-01666, ECF No. 11, PageID.6). This bond hearing was not pursuant to court order.

24. On December 22, 2025, Respondents held a second bond hearing before the Detroit Immigration Court. The Detroit Immigration Judge ("Detroit IJ") required Petitioner to demonstrate that he is not a flight risk or a danger to the community for release on bond. DHS did not present any clear and convincing evidence that Petitioner is a flight risk or a danger to the community. DHS also did not present any evidence of a material change of circumstances to justify Petitioner's revocation of bond. The Detroit IJ found Petitioner to be a danger and denied him release on bond. *See* **Petr.'s Ex. B**. On January 20, 2026, Petitioner filed a motion to reconsider in the Detroit Immigration Court. On January 26, 2026, the Detroit IJ denied the motion.

25. The Detroit IJ's bond decision became administratively final on January 21, 2026. *Id.* at 2. Because the bond decision is administratively final, Petitioner can no longer appeal the bond decision to the Board of Immigration Appeals ("BIA").

26. Thereafter, Petitioner's first petition for a writ of habeas corpus was dismissed without prejudice as moot because he was provided with a bond hearing under 8 U.S.C. § 1226(a). *Alvarez-Meneses v. Raycraft, et al.*, No. 1:25-cv-1666, 2026 WL 228863, at *3 (W.D. Mich. Jan. 28, 2026).

27. On February 18, 2026, Petitioner filed a second petition for a writ of habeas corpus. This second petition was dismissed without prejudice because the Court found that Petitioner was challenging the IJ's factual determinations of the bond decision, rather than the bond hearing itself as a violation of due process. *Alvarez-Meneses v. Dunbar, et al.*, No. 1:26-cv-00555, 2026 WL 656936, at *2 (W.D. Mich. Mar. 9, 2026) ("*Alvarez II*") ("…Petitioner's specific claims involve challenges to the immigration judge's factual determinations in the bond decision. Petitioner does not argue that the procedures of the bond hearing itself violated the Due Process Clause of the

Fifth Amendment. Under these circumstances, the issues raised in the present § 2241 petition are issues that must first be raised to the BIA.")

28. Petitioner continues to be in immigration custody at no fault of his own. Petitioner was scheduled for an individual calendar hearing on March 16, 2026. However, that hearing was canceled the morning of by the Detroit Immigration Court and Petitioner was rescheduled for April 8, 2026. *See* **Petr.'s Ex. C**.

LEGAL FRAMEWORK

29. Federal courts may exercise habeas jurisdiction when a petitioner alleges that they are "in custody" in violation of federal law. *See* 28 U.S.C. § 2241(c)(3). "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the very liberty that [the Due Process Clause] protects." *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *see also Reno v. Flores*, 507 U.S. 292, 301–02 (1993) (holding that due process "forbids the government to infringe certain 'fundamental' liberty interests at all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest"). The Fifth Amendment's Due Process Clause extends to all persons, regardless of immigration status. *See A.A.R.P. v. Trump*, 605 U.S. 91, 94 (2025).

30. Federal courts do not have jurisdiction to review an Immigration Judge's discretionary decision "when it pertains to 'the correctness of an IJ's fact-finding or the wisdom of his exercise of discretion.'" *Lantigua v. Decker*, No. 17cv4880, 2017 WL 5054567, at *2 (S.D.N.Y. Oct. 27, 2017). However, despite this jurisdictional bar, "[c]ourts may nonetheless exercise jurisdiction over questions of law or constitutional challenges to the application of § 1226." *Id.* This is because "Section 1226(e) contains no explicit provision barring habeas review," nor does "its clear text ... bar…constitutional challenge[s]." *Demore v. Kim*, 538 U.S. 510, 517 (2003).

31. The Immigration and Nationality Act ("INA") authorizes the detention of noncitizens who are in removal proceedings. *See* 8 U.S.C. § 1229a; *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018) (explaining that § 1226(a) applies to those who are "already in the country" and are detained "pending the outcome of removal proceedings"). Under § 1226(a), individuals who are taken into immigration custody pending a decision on whether they are to be removed can be detained but are generally entitled to seek release on bond. ICE may set a bond as part of an initial custody determination, *see* 8 C.F.R. § 1236.1(c)(8), and/or the detained person may seek a bond hearing before an Immigration Judge, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d). Section 1226(a) is the statute that applies to people, like Petitioner, who have been living in the United States and are charged with inadmissibility under § 1182(a)(6)(A)(i).

32. In 2006, the BIA established that the "burden is on the alien to show to the satisfaction of the Immigration Judge that he or she merits release on bond." *In Re Guerra*, 24 I. & N. Dec. 37, 41 (B.I.A. 2006). The BIA further established that the noncitizen must establish that they do not present a danger to others, a threat to national security, or a flight risk. *In Re Guerra*, 24 I. & N. Dec. at 41. Since then, Immigration Courts have placed the burden on detained individuals to demonstrate they merit release from custody. Petitioner bore this burden of proof at his first bond hearing where the Chicago IJ granted his release from custody.

33. The INA provides that "[t]he Attorney General at any time may revoke a bond...authorized under subsection (a), rearrest the [noncitizen] under the original warrant, and detain the [noncitizen]." *See* 8 U.S.C. § 1226(b). Further, the federal regulations provide that "[w]hen [a noncitizen] who, having been arrested and taken into custody, has been released, such release may be revoked at any time in the discretion of [DHS], in which event the [noncitizen]

may be taken into physical custody and detained. If detained, unless a breach has occurred, any outstanding bond shall be revoked and canceled." *See* 8 C.F.R. § 1236.1(c)(9).

34. However, the INA, its implementing regulations, agency interpretations, and Respondents actions must comport with the Due Process Clause of the Fifth Amendment when it involves the deprivation of a person's liberty, such as Petitioner's arrest, revocation of bond, and detention. *See* U.S. Const. Amend. V ("No person shall...be deprived of life, liberty, or property without due process of law[.]"); *Hampton v. Mow Sun Wong*, 426 U.S. 88, 102-103 (1976) (holding that a federal regulation did not comport with the Fifth Amendment because it deprived noncitizens of an interest in liberty without due process); *Rostker v. Goldberg*, 453 U.S. 57, 67 (1981) ("Congress remains subject to the limitations of the [Fifth Amendment] Due Process Clause[.]").

35. The Sixth Circuit has held that the balancing test set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976), regarding the adequacy of process, applies in the context of immigration detention. *See United States v. Silvestre-Gregorio*, 983 F.3d 848, 852–56 (6th Cir. 2020) ("If this court has previously addressed the due-process claim, then we are bound by precedent; if the claim is an issue of first impression, then we generally apply the three-factor test the Supreme Court set out in *Mathews v. Eldridge*."). *Mathews* requires a court to consider the following three factors: (1) the nature of "the private interest" being deprived; (2) "the risk of erroneous deprivation" and (3) the government's interest and "fiscal and administrative burdens" posed by providing additional process. *Id.*

36. Section 1226(a) of the INA does not state which party bears the burden of proof in a custody redetermination hearing. However, the BIA has placed this burden of proof on the detained individual. *In Re Guerra*, 24 I. & N. Dec. 37 (B.I.A. 2006). This Court is not bound by or required to give deference to agency interpretation of a statute. *Loper Bright Enter. v. Raimondo*,

603 U.S. 369, 413 (2024). Neither the Supreme Court nor the Sixth Circuit has addressed whether requiring the detained individual to bear the burden of proof in a custody redetermination hearing comports with due process. However, several federal district courts, including the Western District of Michigan, have found that due process requires the government to bear the burden of proving that a detained individual is a flight risk or a danger to the community to deny bond. *Soto-Medina v. Lynch, et al.*, No. 1:25-cv-1704, 2026 WL 161002, at *9, n. 2 (W.D. Mich. Jan. 21, 2026) (reasoning that most federal courts have taken the position that due process requires that the government carry the burden of proof in a custody redetermination hearing). The government's standard of proof must be by clear and convincing evidence. *Soto-Medina*, 2026 WL 161002 at *11 ("Due process requires that, to deny bond, the government must show by clear and convincing evidence that Petitioner is a flight risk or danger to the community.).

37. In this Petition, all three *Mathews* factors favor Petitioner. First, Petitioner has a private liberty interest to be free from Respondents' custody. The government's interest in detaining Petitioner is limited to ensuring his appearance at future immigration proceedings (i.e., "flight risk") and preventing danger to the community. *See Zadvydas*, 533 U.S. at 690. But because Respondents unconstitutionally place the burden of proof on a detained individual, like Petitioner, to demonstrate that they are not a flight risk or a danger, the risk of erroneously depriving them of their physical freedom is extremely high.

38. Due process requires the government to bear the burden of proving by clear and convincing evidence that a detained individual is a flight risk or a danger at an initial bond hearing to deny bond. However, because Petitioner was released on bond and then re-detained by ICE, the government was required to present evidence that there was a material change of circumstances to justify re-detention at his second bond hearing. *See Ledesma Gonzalez v. Bostock*, No. 2:25-cv-

01404-JNW-GJL, 2025 WL 2841574, at *7 (W.D. Wash. Oct. 7, 2025) ("[W]here a previous bond determination has been made by an immigration judge, no change should be made by the DHS absent a change of circumstance" quoting *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 968 (N.D. Cal. 2019) (quoting *Matter of Sugay*, 17 I.&N. Dec. 637, 640 (B.I.A. 1981)).

39. Additionally, due process also requires that Petitioner be given notice and a hearing *prior* to the revocation of bond. An essential principal of due process is that a deprivation of liberty "be preceded by notice and opportunity for hearing appropriate to the nature of the case." *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542 (1985); *Duong v. Kaiser*, 800 F.Supp.3d 1030, 1042 (N.D. Cal. 2025) ("[w]here an individualized assessment of flight risk and dangerousness has been made and bond granted, courts follow the Board of Immigration Appeals in requiring a 'material change of circumstances' before bond can be revoked or modified[]" citing *In Re Sugay*, 17 I. & N. Dec. 637 (B.I.A. 1981)); *Ledesma Gonzalez*, 2025 WL 2841574, at *7 ("the Court finds that [Petitioner] has a protected liberty interest in his continuing release from custody, and that due process required that he receive a hearing before an immigration judge before he could be re-detained."); *O.F.C. v. Almodovar*, No. 25-cv-9816, 2026 WL 74262 (S.D. N.Y. Jan. 9, 2026) ("[i]n the context of bond revocation under Section 1226(b), any individualized determination requires not only a finding of dangerousness or risk of flight, but also of changed circumstances given that an [Immigration Judge] has necessarily previously found that the individual does not pose a risk of danger or flight.").

40. Similarly, in the context of the revocation of parole under 8 U.S.C. § 1182(d)(5)(A), this district court has found that due process requires notice and a hearing prior to arrest by ICE. *See Martinez v. Raycraft*, No. 1:25-cv-1504, 2025 WL 3511093, at *7-8 (W.D. Mich. Dec. 8, 2025) (finding that due process requires the opportunity for a noncitizen to submit evidence as to whether

the government should revoke parole before it makes a revocation decision); *Pernia v. Raycraft*, No. 1:26-cv-35, 2026 WL 279323, at *6-7 (W.D. Mich. Feb 3, 2026) (citation omitted); *Jarrett v. Raycraft*, No. 1:26-cv-244, 2026 WL 319044, at *9-10 (W.D. Mich. Feb. 6, 2026) (citation omitted); *Rodriguez v. Raycraft*, No. 1:25-cv-1560, 2025 WL 3673582, at *6-7 (W.D. Mich. Dec. 18, 2025) (citation omitted). While Petitioner was not released on parole, due process requires that there be a notice and a hearing *prior* to arrest and detention where the government has made a previous determination of release from custody.

41. Petitioner's revocation of bond is also a violation of the Administrative Procedure Act ("APA"), which is what resulted in his unlawful detention. *See Jimenez v. Bostock*, No. 3:25-cv-00570-MTK, 2025 WL 2430381, at *5 (D. Or. Aug. 22, 2025) (finding that ICE's revocation of release without a change of circumstances was an arbitrary and capricious decision and in violation of the APA). Respondents' decision to randomly arrest Petitioner and then revoke his bond was arbitrary and capricious. Petitioner was not questioned about his identity nor his immigration status by ICE when he was arrested in October of 2025. Respondents did not provide Petitioner with a warrant to demonstrate that he was a targeted arrest. Respondents initially detained Petitioner subject to mandatory detention under 8 U.S.C. § 1225, even after learning he was released on bond pursuant to 8 U.S.C. § 1226(a)(2)(A), and then provided him with a bond hearing at their convenience after a petition for a writ of habeas corpus was filed against them. Thus, Respondent's decision to revoke Petitioner's bond was arbitrary and capricious and violated the APA.

42. Petitioner can no longer appeal the Detroit IJ's bond denial to the BIA and raise the procedural errors because the decision is administratively final as of January 21, 2026. *See* **Petr's Ex. B**. Petitioner does not have any available administrative remedies to exhaust. Nonetheless,

appealing to the BIA would be futile because the BIA has already determined that detained individuals bear the burden of proving that they are not a flight risk or a danger in its precedential decision *In Re Guerra*, 24 I. & N. Dec. 37, 41 (B.I.A. 2006).

43. Alternatively, if this Court were to find that Petitioner can still exhaust administrative remedies, whether Petitioner is required to do so is within the Court's "sound judicial discretion." *See Shearson v. Holder*, 725 F.3d 588, 593 (6th Cir. 2013). The Sixth Circuit has noted that due process challenges of detention do not require exhaustion because neither Immigration Judges nor the BIA can review constitutional challenges. *See Sterkaj v. Gonzales*, 439 F.3d 273, 279 (6th Cir. 2006). Here, Petitioner bore the burden of proof at his second bond hearing in violation of due process. Because the BIA cannot review Petitioner's constitutional due process challenges to the procedures of his second bond hearing, he should not be required to exhaust administrative remedies.

44. Petitioner may present a third petition for a writ of habeas corpus. Petitioner's previous petitions were dismissed without prejudice, and he can re-file and challenge his detention. *See Semtek Intern. Inc. v. Lockheed Martin Corp.*, 531 U.S. 497, 506 (2001) ("The primary meaning of 'dismissal without prejudice,' we think, is dismissal without barring the plaintiff from returning later, to the same court, with the same underlying claim."); *Carlson v. Pitcher*, 137 F.3d 416, 419 (6th Cir. 1998) (reasoning that a petition filed after a previously submitted petition was dismissed without prejudice was not considered an abuse of the writ).

45. Given that the Respondents' have violated Petitioner's due process rights by revoking his bond without notice or hearing, and by providing him with a second bond hearing where he, again, bore the burden of proof that he was not a flight risk or a danger, this Court should order Petitioner's immediate release. If this Court were to order a third bond hearing, due process

requires the government to demonstrate by clear and convincing evidence that Petitioner is not a flight risk or a danger, and that there has been a material change of circumstance to revoke his release. Alternatively, Petitioner requests this Court to order Respondents to reinstate his previous granted bond. *See* **Ptr.'s Ex. A**.

CLAIMS FOR RELIEF

COUNT I

Violation of Due Process

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

47. The government may not deprive a person of life, liberty, or property without due process of law. *See* 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*, 533 U.S. at 690. Petitioner has a fundamental interest in liberty and being free from official restraint.

48. Due process requires the government to bear the burden of demonstrating that Petitioner is a flight risk or danger to the community to deny bond. *Soto-Medina*, 2026 WL 161002 at *9. The applicable standard of proof is by clear and convincing evidence. *Id.* Further, the government must also demonstrate a material change of circumstances to justify re-detention. *Duong*, 800 F.Supp.3d at 1042 (holding that due process prevents re-detention except upon a showing of a material change of circumstances). At his second bond hearing, Petitioner bore the burden of proving that he was neither a flight risk nor a danger in violation of due process.

49. Due process also requires that Petitioner be given notice and a pre-detention hearing prior to the revocation of his bond. *Ledesma Gonzalez*, 2025 WL 2841574, at *7 ("...due process

required that he receive a hearing before an immigration judge before he could be re-detained."). Petitioner was not provided with notice and a hearing by the government prior to his second immigration arrest in violation of due process.

50. For these reasons, Petitioner's second bond hearing violated his right to due process.

COUNT II

Violation of the Immigration and Nationality Act and Implementing Regulations

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

52. Section 1236.1(c)(9) of Title 8 of the Code of Federal Regulations allows DHS to revoke bond. However, the BIA has found that absent a change of circumstance, no change should be made to a previous bond determination made by an Immigration Judge. *In Re Sugay*, 17 I. & N. Dec. 637 (B.I.A. 1981). Respondents violated 8 U.S.C. § 1226(b) when they did not present evidence of a material change of circumstance to justify Petitioner's revocation of bond.

53. For these reasons, Petitioner's revocation of bond and resulting detention violates 8 U.S.C. § 1226 and its implementing regulations.

COUNT III

Violation of the Administrative Procedure Act - Unlawful Revocation of Bond

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

55. Respondents' revocation of bond without notice or a hearing prior to Petitioner's arrest is arbitrary, capricious, and not in accordance with the law, and as such, violates the Administrative Procedure Act. *See* 5 U.S.C. § 706(2).

56. For these reasons, Respondent's revocation of Petitioner's bond violates the Administrative Procedure Act.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests this Court to grant the following:

(1) Assume jurisdiction over this matter;

(2) Issue a Writ of Habeas Corpus requiring Respondents to immediately release Petitioner from custody because the government is unable to provide a bond hearing that comports with due process. Alternatively, order the Respondents to reinstate his previously granted bond. If this Court were to order a third bond hearing, this Court should order the government to bear the burden of proof by clear and convincing evidence that Petitioner is a flight risk or a danger, and that there was a material change of circumstances for revocation of his release;

(3) Declare that due process requires the government to carry the burden of proof by clear and convincing evidence that a detained individual in immigration custody is a flight risk or a danger to deny bond;

(4) Declare that due process requires the government to provide notice and a pre-detention hearing prior to the revocation of release;

(5) Declare that Respondents violated 8 U.S.C. § 1226(b) and its implementing regulations and they revoked Petitioner's bond without a material change in circumstances;

(6) Declare that Respondents' revocation of Petitioner's bond was arbitrary, capricious, and not in accordance with the law, and violated the Administrative Procedure Act;

(7) Award Petitioner 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

(8) Grant any further relief this Court deems just and proper.

Dated: March 18, 2026

Respectfully submitted

/s/ Cruz Rodriguez

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I, CRUZ RODRIGUEZ, represent Petitioner and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for a Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 18th day of March, 2026.

/s/ Cruz Rodriguez

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