UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

Jean Claude NDONGA *Petitioner*, v. **Kevin RAYCRAFT**, Warden of the North Lake Processing Center; **Robert LYNCH**, Field Office Director, Detroit Field Office, U.S. Immigration and Customs Enforcement; **Kristi NOEM**, Secretary of U.S. Department of Homeland Security; **Pamela BONDI**, Attorney General of the United States *Respondents.*	)	Case No. 1:26-cv-929

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

This is a petition for a writ of habeas corpus filed on behalf of Mr. Jean Claude Ndonga ("Petitioner") seeking relief to remedy his unlawful detention. Respondents are detaining Petitioner in violation of his constitutional due process rights and the Department of Homeland Security's ("DHS") statutory authority. Further, by subjecting Petitioner to unlawful and indefinite detention, Respondents also violate Petitioner's Eighth Amendment rights by inflicting cruel and unusual punishment. For the following reasons, this Court should grant this petition.

INTRODUCTION

1. Petitioner has been residing in the United States since October 2, 2019.

2. On or around March 12, 2026, he was apprehended by Immigration and Customs Enforcement ("ICE") while driving for Uber when he was stopped and taken into ICE custody to be detained.

3. The basis for Petitioner's detention is his presence in the United States without admission or parole. 8 U.S.C. § 1182(a)(6)(A)(i). He remains in unlawful detention, without the opportunity for a bond hearing, under *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

4. *Matter of Yajure Hurtado,* 29 I&N Dec. 216 articulates a new Executive Office for Immigration Review ("EOIR") policy that all persons who entered the United States without inspection, regardless of how long they have lived in the United States or how far they were apprehended from the border, are detained pursuant to 8 U.S.C. § 1225(b)(2)(A) and are thus ineligible for a discretionary bond hearing under § 1226(a).

5. This Board of Immigration Appeals ("BIA") decision further reflects an ICE memorandum, issued in July 2025, that instructs its attorneys to coordinate with the Department of Justice, the agency housing EOIR, to reject custody redetermination hearings for applicants who arrived in the United States without documents.[1]

6. The agencies' reading of the Immigration and Nationality Act's ("INA's") detention provisions is a violation of the statute and due process. As this Court has previously concluded in numerous cases, § 1225(b)(2)(A) does not apply to individuals like Petitioner who have been present in the United States for years. *See, e.g., Chumakov v.*

[1] *See* "ICE declares millions of undocumented immigrant ineligible for bond hearings," *The Washington Post* (Jul. 15, 2025) https://www.washingtonpost.com/immigration/2025/07/14/ice-trump-undocumented-immigrants-bond-hearings/.

Unknown Party # 1, No. 1:26-cv-277, 2026 WL 538391 (W.D. Mich. Feb. 26, 2026); *Bulut v. Unknown Party*, No. 1:26-cv-222, 2026 WL 465114 (W.D. Mich. Feb. 18, 2026); *Benavidez v. Raycraft*, No. 1:25-cv-1858, 2026 WL 35217 (W.D. Mich. Jan. 6, 2026); *Antele Cobix v. Raycraft*, No. 1:25-cv-1669, 2025 WL 3562651, at *3-6 (W.D. Mich. Dec. 12, 2025); *Candela Bastidas v. Noem*, No. 1:25-cv-1528, 2025 WL 3562638, at *4-6 (W.D. Mich. Dec. 12, 2025); *Acuna Sanchez v. Noem*, No. 1:25-cv-1442, 2025 WL 3562577, at *4-7 (W.D. Mich. Dec. 12, 2025); *Penagos Robles v. U.S. Dep't of Homeland Sec.*, No. 1:25-cv-1578, 2025 WL 3558128, at *3-6 (W.D. Mich. Dec. 12, 2025). Instead, such individuals are subject to detention under § 1226(a) and are eligible for release on bond.

7. Accordingly, Petitioner seeks an order of declaratory and injunctive relief and set aside relief under the Administrative Procedure Act ("APA") requiring that he is released immediately or, in the alternative, provided with a bond hearing before an immigration judge ("IJ").

JURISDICTION & VENUE

8. This Court has jurisdiction under 28 U.S.C. § 2241 (federal habeas statute); 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 2201-2 (declaratory judgement); and United States Constitution Article I, Section 9 (Suspension Clause).

9. The federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas claims by individuals challenging the lawfulness of their detention. *See, e.g.*, *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003). In *Jennings v. Rodriguez*, 583 U.S. 281, 292-96 (2018), the Supreme Court again upheld the federal courts' jurisdictions to review such claims.

10. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(c)(3) and 28 U.S.C. § 1391(b)(2) and (e)(1) because Petitioner is detained within this district.

THE PARTIES

11. Petitioner is a citizen of Cameroon who entered the United States on or around October 2, 2019. He is currently detained at the North Lake Processing Center in Baldwin, Michigan.

12. Kevin Raycraft is sued in his official capacity as the Warden of the North Lake Processing Center and is a federal agent. Respondent Raycraft is a legal custodian of Petitioner.

13. Robert Lynch is sued in his official capacity as the Field Office Director of the Detroit Field Office, U.S. ICE[2] and a federal agent. Respondent Lynch is a legal custodian of Petitioner and has authority to release Petitioner.

14. Kristi Noem is sued in her official capacity as the Secretary of U.S. DHS. In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees ICE, the component agency responsible for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner.

15. Pamela Bondi is the Attorney General of the United States and the senior official of the U.S. Department of Justice ("DOJ"). In this capacity, she has the authority to

[2] The U.S. Department of Homeland Security ("DHS") oversees ICE, which is responsible for administering and enforcing the immigration laws. Accordingly, the former Secretary of DHS Kristi Noem was the ultimate legal custodian of Petitioner as she was responsible for the implementation and enforcement of the INA. However, Petitioner notes that, as of March 5, 2026, she is no longer the Secretary of DHS, and the position is currently vacant.

adjudicate removal cases and to oversee EOIR, which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

16. Petitioner exhausted his administrative remedies to the extent required by law.

17. Petitioner fully cooperated with Respondents and has not delayed or obstructed his detention.

18. Even if Respondents contend that Petitioner has not exhausted his administrative remedies because he did not file a motion for custody and bond redetermination, the Court should waive the exhaustion requirement. *Cobix v. Raycraft*, 2025 WL 3562651, at *2 (". . . the central question presented by Petitioner's § 2241 petition is whether 8 U.S.C. § 1225 or 8 U.S.C. § 1226 applies to Petitioner. That determination is principally a legal question of statutory interpretation and does not require the record that would be developed if the Court required Petitioner to exhaust his administrative remedies."). Filing a motion for custody and bond redetermination in immigration court would be futile given that the immigration judge would rely on precedent from the BIA to find that the immigration court does not have jurisdiction to redetermine petitioner's custody. Thus, filing a motion for custody and bond redetermination and subsequently appealing that decision would create an intolerable delay and would certainly result in the BIA affirming the IJ's bond decision. *See Shalala v. Ill. Council on Long Term Care, Inc.*, 529 U.S. 1, 13 (2000).

LEGAL FRAMEWORK

19. The Constitution guarantees that the writ of habeas corpus remains available to all individuals detained within the United States. *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004) (citing U.S. Const. art. I, § 9, cl. 2). Federal courts are vested with authority under 28 U.S.C.

§ 2241 to grant writs of habeas corpus to individuals who are "in custody in violation of the Constitution or laws or treaties of the United States." This jurisdiction extends to noncitizens challenging immigration-related detention. *See Zadvydas v. Davis*, 533 U.S. at 687; *see also A. A. R. P. v. Trump*, 605 U.S. 91, 1367 (2025).

20. "Habeas is the exclusive remedy for a prisoner who seeks immediate or speedier release from confinement." *Skinner v. Switzer*, 562 U.S. 521 (2011) (cleaned up); *see also Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103 (2020) ("Blackstone wrote that habeas was a means to 'remov[e] the injury of unjust and illegal confinement.'") (quoting 3 W. Blackstone, Commentaries on the Laws of England 137).

21. "[T]he essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and that the traditional function of the writ is to secure release from illegal custody." *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973)).

22. Petitioner requests that the Court issue an Order to Show Cause, and direct Respondents to file a response within three days, in light of the significant restraint on his liberty and clear Constitutional violations in this case.

LEGAL BACKGROUND

I. OVERVIEW OF THE INA'S DETENTION FRAMEWORK

23. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

24. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard non-expedited removal proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R.

§§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

25. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission under § 1225(b)(2).

26. Last, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)-(b).

27. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

28. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act ("IIRIRA") of 1996, Pub. L. No. 104208, Div. C, §§ 30203, 110 Stat. 3009-546, 3009 582 to 3009583, 3009 585.

29. Following the enactment of IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

30. Thus, in the decades that followed, most people who entered without inspection, unless they were subject to some other detention authority, received bond hearings. This practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed "arriving" were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply restates the detention authority previously found at § 1252(a)).

II. RESPONDENTS HAVE ENACTED A POLICY THAT VIOLATES INA'S STATUTORY SCHEME

31. In July 2025, ICE released a memorandum instructing its attorneys to coordinate with EOIR to reject bond hearings for applicants who arrived in the United States without documents. The new policy, entitled "Interim Guidance Regarding Detention Authority for Applicants for Admission," claims that all persons who entered the United States without inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended and affects those who have resided in the United States for months, years, and even decades, such as the Petitioner.

32. Thereafter, on September 5, 2025, the BIA published *Matter of Yajure Hurtado*, which confirms that EOIR is taking the position that noncitizens who entered the United States without admission or parole are subject to detention § 1225(b)(2)(A) and are ineligible for IJ bond hearings. 29 I&N Dec. at 218-19.

33. As *Matter of Yajure Hurtado* is binding on IJs, it represents the widespread position that EOIR is applying across the United States.

34. EOIR's interpretation defies the plain text of the INA, which demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

35. Section 1226(a) applies by default to all persons "pending a decision on whether the [noncitizen] is to be removed from the United States." These removal proceedings are held under § 1229a, to "decid[e] the inadmissibility or deportability of a[] [noncitizen]."

36. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. To that end, § 1226(c)(1)(E),

which was recently added by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025), expressly references 8 U.S.C. § 1182(a)(6)(A)(i), making clear that, by default, such people are afforded a bond hearing under subsection (a). Respondents' interpretation of § 1225(b)(2) renders § 1226(c)(1)(E) superfluous.

37. On the contrary, § 1225(b) applies to people arriving at United States ports of entry or who recently entered the United States. The statute's entire framework is premised on inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the title of § 1225(b) indicates that it specifically applies at the point of "inspection for applicants for admission."

38. Moreover, EOIR's interpretation of the INA's detention framework contradicts Supreme Court precedent. The Supreme Court has explained that this mandatory detention scheme applies "at the Nation's borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S. at 287.

39. Additionally, the Supreme Court has traditionally conceptualized a legal difference between "'aliens seeking admission'" and "'aliens already in the country' who are subject to removal proceedings" with 1225(b) applying to the former and 1226(a) applying to the latter. *Hasan*, 2025 WL 2682255, at *8 (quoting *Jennings*, 583 U.S. at 289). And "this distinction makes sense in the broader context of U.S. immigration law," which has traditionally afforded more rights to noncitizens in the interior of the United States versus those seeking admission at the borders. *Id.*

40. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to people like Petitioner, who have already entered and were residing in the United States at

the time they were apprehended; and Petitioner's immediate release is warranted. *See Cobix v. Raycraft*, 2025 WL 3562651, at *11 (finding that petitioner is not actively seeking to lawfully cross into the territorial limits of the United States "because he already *entered* the United States over 22 years ago.") (emphasis in original).

41. Under the *Accardi* doctrine, a foundational principle of administrative law, agencies must follow their own procedures, rules, and instructions. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954) (setting aside an order of deportation where the Board of Immigration Appeals failed to follow procedures governing deportation proceedings); *see also Morton v. Ruiz*, 415 U.S. 199, 235 (1974) ("Where the rights of individuals are affected, it is incumbent upon agencies to follow their own procedures . . . even where the internal procedures are possibly more rigorous than otherwise would be required."); *United States v. Morgan*, 193 F.3d 252, 266 (4th Cir. 1999) (when an agency fails to "afford an individual procedural safeguards required under its own regulations may result in the invalidation of the ultimate administrative determination).

42. To establish an *Accardi* doctrine due process violation, a petitioner must show that the agency's violation prejudiced against them. *Id.* at 267. Prejudice may "be presumed under certain specific circumstances," including where "compliance with the regulation is mandated by the Constitution" and "where an entire procedural framework, designed to ensure the fair processing of an action affecting an individual is created but then not followed by an agency." *Id.*; *see also Delgado-Corea v. Immigr. & Naturalization Serv.*, 804 F.2d 261, 263 (4th Cir. 1986) (approving of this analysis).

43. Here, Petitioner is properly subject to § 1226(a). The statute itself and implementing regulations allow noncitizens detained under § 1226(a) to request and receive

review of their custody before an immigration judge. *See* 8 C.F.R. § 236.1(d), 8 C.F.R. § 1003.19, and 8 C.F.R. § 1236.1(d). Respondents' unlawful classification of Petitioner as a no-bond detainee deprives him of the procedural safeguards he is entitled to under § 1226(a), and prejudices him in his removal proceedings, as his access to counsel is limited and he cannot adequately prepare his applications for relief from removal from detention. Here, it is clear that Respondents are failing to comply with their own regulations to provide safeguards to detained individuals like Petitioner, which constitutes a violation of the *Accardi* doctrine.

STATEMENT OF FACTS

44. Petitioner is a national and citizen of Cameroon who entered the United States without inspection on or around October 2, 2019.

45. Petitioner was provided with a credible fear interview before being released from detention and was placed in removal proceedings. Petitioner sought asylum in the United States and has an individual hearing scheduled for July 19, 2027, at the Detroit Immigration Court.

46. Petitioner previously complied with requirements of the Alternatives to Detention ("ATD") program by regularly checking in via telephone; however, it has been over one year since he was last required to do so.

47. On or about March 12, 2026, Respondents' agents arrested Petitioner without any materially changed circumstances or new lawful justification. At the time, Petitioner was driving for Uber with a valid work permit.

48. Petitioner is not a danger to the community or a flight risk and has a clear history of compliance with legal obligations.

49. Petitioner has no criminal history, has never missed any required appointments, and, based on the available records and information, there were no violations or intervening events that would have prompted Respondents to detain him.

50. Petitioner has strong ties to the Michigan community. With a fixed address in Oak Park, Michigan, he is engaged to his fiancée, with whom he shares two U.S. citizen children, ages 18 months and a newborn. Petitioner also has two U.S. citizen siblings. As a devoted partner and father, Petitioner has consistently provided physical, emotional, and financial support to his family. Outside of work, Petitioner is dedicated to his family. He has been actively involved in taking care of his children and serving his church and its members.

51. Petitioner maintained stable employment as a full-time Uber driver for over two years and previously worked in the home health care industry, including at Five Star Residential and Diamond Home Health Care. He also provided financial support to his U.S. lawful permanent resident niece. Since Petitioner's detention, however, his family has struggled to make ends meet. Petitioner's fiancée worked full-time until recently giving birth and is currently on maternity leave with no income.

52. Respondents' detention of Petitioner is not legally justifiable and is capricious and arbitrary.

CAUSES OF ACTION

COUNT ONE

Violation of the INA

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

54. The mandatory detention provision at 8 U.S.C. § 1225(b)(2)(A) does not apply to all noncitizens who are subject to inadmissibility as being present in the United States without admission or parole. Such noncitizens are detained under § 1226(a), unless they are subject to another detention provision, such as § 1225(b)(1), § 1226(c), or § 1231.

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

COUNT TWO

Violation of the Administrative Procedure Act

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 mandatory detention provision at 8 U.S.C. § 1225(b)(2)(A) does not apply to noncitizens who are subject to inadmissibility as being present in the United States without admission or parole. Such noncitizens are detained under § 1226(a), unless they are subject to another detention provision, such as § 1225(b)(1), § 1226(c) or § 1231.

58. The application of § 1225(b)(2) to Petitioner is arbitrary, capricious, and not in accordance with law, and as such, it violates the APA. *See* 5 U.S.C. § 706(2).

COUNT THREE

Violation of Fifth Amendment Right to Substantive and Procedural Due Process

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

60. Petitioner's detention under 8 U.S.C. § 1225 violates his substantive due process rights under the Fifth Amendment to the United States Constitution as it subjects him to arbitrary detention.

61. 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*, 533 U.S. at 690.

62. Here, there is no "special justification" which allows Respondents to deny Petitioner the liberty to which he is entitled. Respondents have not alleged any "special justification" to support Petitioner's continued detention. Petitioner would otherwise would be eligible for a reasonable bond considering his immigration history and equities.

63. Detention for the duration of removal proceedings is only proper when the noncitizen (1) has been convicted of certain enumerated offenses, (2) has certain health-related issues, and (3) presents national security concerns, none of which apply to Petitioner. *See* 8 U.S.C. § 1226(c).

64. The government can also detain noncitizens who were originally in expedited removal proceedings under 8 U.S.C. § 1225 but then referred to the immigration court for 8 U.S.C. § 1229a removal proceedings for the duration of those proceedings. *See* 8 U.S.C. § 1225(b)(1)(B)(ii).

65. Petitioner has a fundamental interest in liberty and being free from official restraint. Respondents' detention of Petitioner without a bond hearing to determine whether he is a flight risk or danger to others violates his right to due process.

COUNT FOUR

Violation of Eighth Amendment Right to Protection from Cruel and Unusual Punishment

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

67. The Eighth Amendment to the U.S. Constitution prohibits the government from inflicting cruel and unusual punishment on individuals.

68. To state a cognizable claim under the Eighth Amendment, Petitioner must allege acts or omissions sufficiently harmful to show deliberate indifference to his needs. *See Estelle v. Gamble*, 429 U.S. 97, 106 (1976).

69. Even if no harm has occurred, the lack of safety in Petitioner's detention conditions is sufficient for judicial intervention. *See Helling v. McKinney*, 509 U.S. 25, 33 (1993) (explaining that the Supreme Court and Courts of Appeals have recognized a remedy for unsafe conditions where a tragic event has not yet occurred, i.e. one need not wait for a traffic event to occur to file a claim for future harm under the Eighth Amendment).

70. Petitioner's continued unlawful detention also constitutes cruel and unusual punishment under the Eighth Amendment because Petitioner is subject to mandatory, indefinite detention based solely on Respondents' erroneous interpretation of 8 U.S.C. § 1225(b)(2). In at least 200 different cases, federal district courts throughout the United States have issued decisions rejecting Respondents' statutory interpretation and ordering noncitizen petitioners' release from immigration detention.

71. There are no safeguards in place to ensure that Respondents will be responsible custodians to the Petitioner in the long term, if she is forced to remain in detention for several months.

72. The stress and conditions of his unlawful detention, coupled with the loss of his family and support system, will undoubtably exacerbate his health conditions. Accordingly, the Petitioner should be immediately released for humanitarian reasons, regardless of the constitutionality of the detention of the Petitioner.

73. Detainees may challenge their confinement's unconstitutional conditions through writs of habeas corpus, an avenue which the U.S. Supreme Court has never explicitly foreclosed. *See Preiser v. Rodriguez*, 411 U.S. 475, 499-500 (1973) (stating that when "a prisoner is put under additional and unconstitutional restraints during her lawful custody, it is arguable that habeas corpus will lie to remove the restraints making the custody illegal.").

74. Respondents' continued custody of Petitioner has transformed civil immigration detention into cruel and unusual punishment. Petitioner is eligible for relief from removal yet is indefinitely held in detention solely due to his manner of entry into the United States.

COUNT FIVE

75. If he prevails, Petitioner requests attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412.

PRAYERS FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

(1) Assume jurisdiction over this matter;

(2) Issue an order requiring Respondents to show cause within three days why this Petition should not be granted;

(3) Issue an order prohibiting Respondents from moving Petitioner outside of this Court's jurisdiction or removing him from the United States during the pendency of adjudication of this petition;

(4) Issue a writ of habeas corpus ordering Respondents to immediately releases Petitioner on his own recognizance;

(5) If Petitioner is not released on his own recognizance, order Respondents to provide Petitioner with a bond hearing in the state of Michigan to which he is entitled within 7

days, at which the Government bears the burden of justifying, by clear and convincing evidence, that he is a flight risk and a danger to the community;

(6) If the Court orders Petitioner's release on the immigration judge's bond, order that ICE is precluded from automatically staying the immigration judge's bond order by filing a form EOIR-43;

(7) If the Court orders Petitioner's release on the immigration judge's bond, order Respondents to release Petitioner immediately upon the posting of bond, notwithstanding any reservation for appeal by DHS;

(8) Declare that 8 U.S.C. § 1225 does not govern Petitioner's detention by U.S. immigration authorities;

(9) Set aside Respondents' unlawful detention policy under the APA, 5 U.S.C. § 706(2);

(10) Grant attorneys' fees and costs of this suit under the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412(2), *et seq.*;

(11) Order Respondents to provide undersigned counsel notice of the government's intention to remove Petitioner to a third country if she is ultimately ordered removed to provide Petitioner the opportunity to object to his relocation

(12) Grant further relief as this Court deems just and appropriate.

[Signature block on following page]

Respectfully submitted,

/s/ Yusuf Ahmad
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Date: March 20, 2026

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

I represent Petitioner, Jean Claude Ndonga, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing petition are true and correct to the best of my knowledge.

//s// Yusuf Ahmad

Dated this 20th day of March 2026