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UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

Juan Hernandez Dubon (A[redacted]),

Petitioner,

v.

Juan Baltasar, Warden,
Denver Contract Detention Facility (Aurora),

Robert Hagan, Director of Denver Field Office,
U.S. Immigration and Customs Enforcement,

Markwayne Mullin, Secretary,
U.S. Department of Homeland Security,

Pamela Bondi, U.S. Attorney General, and

Todd M. Lyons, Acting Director
U.S. Immigration and Customs Enforcement

in their official capacities,

Respondents.

Case No._____

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Juan Hernandez Dubon (hereinafter "Petitioner") is a noncitizen alien present in the United States since 2010. On March 25, 2026, Petitioner was detained by U.S. Immigration and Customs Enforcement ("ICE") officers during a check-in at the Florence, Colorado ICE processing center. He was then transferred to administrative detention at the Denver Contract Detention Facility operated by the GEO Group, located at 3130 Oakland Street, Aurora, Colorado 80010, where he has been ever since. Petitioner was detained despite the fact that he has a *bona fide* determination (BFD) from the U.S. Citizenship and Immigration Services (USCIS) related to his pending application for a U nonimmigrant visa, which ensures that he will receive the visa as soon as one is available pursuant to USCIS's statutory annual cap on the number of visas that can be issued. The BFD places Petitioner in deferred action making him a lower priority for removal from the United States. Despite this, Petitioner was detained at his ICE check-in and is now being processed for imminent removal.

2. The Department of Homeland Security ("DHS") is detaining Petitioner pursuant to 8 U.S.C. § 1231(a) because he is a noncitizen present in the U.S. who has a prior order of removal. Petitioner was previously ordered removed in 2006 and returned in 2010. However, because Petitioner will receive a U visa once one becomes available to him, his order of removal will be vacated upon final approval of his U visa application. *See* 8 C.F.R. 214.14(c)(5)(i). Petitioner is a BFD recipient and is in deferred action, and so his detention is an unconstitutional violation of his due process rights guaranteed by the Fifth Amendment of the U.S. Constitution.

3. Accordingly, Petitioner asks this Court to expeditiously grant this petition, find that his constitutional right to due process has been violated by his current ICE detention and that

his current detention is unlawful in light of his BFD, find that his detention violates 8 U.S.C. § 1101(a)(15)(U), implementing regulations, and the policies of the U visa program, issue an order to show cause directing Respondents to provide additional evidence proving Petitioner's detention is justified, order Petitioner's release from custody immediately without imposing any additional conditions of release beyond those he was subject to prior to his recent detention, and issue a temporary restraining order prohibiting Petitioner's removal or continued detention while this petition is pending.

JURISDICTION

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

5. 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). Because Petitioner is currently in custody in this District, 28 U.S.C. § 2241 jurisdiction lies in this Court.

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

7. 8 U.S.C. § 1252(g) does not bar jurisdiction because Petitioner's claims arise from the Government's grant of deferred action, not execution of his removal order.

VENUE

8. Venue is proper because Petitioner is detained at Denver Contract Detention Facility in Aurora, Colorado, which is within the jurisdiction of this District. In addition, venue

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

9. This venue is also consistent with the Supreme Court's recent directive that a habeas petition challenging removal under the Alien Enemies Act be filed in the petitioner's district of confinement. See *Trump v. J.G.G.*, 604 U.S. ___ (2025) (*per curiam*). Petitioner's custodial location in this District makes the District of Colorado the proper and only venue for this habeas action.

REQUIREMENTS OF 28 U.S.C. § 2243

10. 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 OSC 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).

11. 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 of England, 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).

12. The Supreme Court reaffirmed that habeas jurisdiction remains available to test the legality of executive detention in immigration cases. In *Trump v. J.G.G.*, the Supreme Court

held that challenges to removal under the Alien Enemies Act must be brought in habeas and that due process requires notice and an opportunity to seek habeas relief. Likewise, in *Riley v. Bondi*, 604 U.S. (2025), the Court explained that Board of Immigration Appeals (BIA) decisions in withholding-only proceedings are not final orders of removal and that the thirty-day deadline in 8 U.S.C. § 1252(b)(1) is a non-jurisdictional claims-processing rule.

PARTIES

13. Petitioner is a noncitizen alien currently administratively detained pursuant to 8 U.S.C. § 1231(a) and is confined at the Denver Contract Detention Facility in Aurora, Colorado, operated by The GEO Group, Inc. Petitioner is in the immediate physical custody of the Warden and in the legal custody and control of ICE, acting via the Denver Field Office.

14. Respondent Juan Baltasar is sued in his official capacity as the Warden of Denver Contract Detention Facility. He has immediate physical custody of Petitioner pursuant to the facility's contract with ICE to detain noncitizens. Respondent Juan Baltasar is a legal custodian of Petitioner.

15. Respondent Robert Hagan is sued in his official capacity as the Director of the Denver Field Office of U.S. Immigration and Customs Enforcement. Respondent Hagan is a legal custodian of Petitioner and has authority to release Petitioner.

16. Respondent Markwayne Mullin is sued in his official capacity as the Secretary of the U.S. Department of Homeland Security. Respondent Mullin 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 Mullin is a legal custodian of Petitioner.

17. Respondent Pamela 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 (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

18. Respondent Todd M. Lyons is sued in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement. In that capacity, Respondent Lyons is a legal custodian of Petitioner and has authority to release Petitioner, and he exercises supervisory authority over custody determinations and detention operations in Denver and nationwide.

LEGAL FRAMEWORK

19. The Suspension Clause ensures that "The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it." U.S. Const. art. I, § 9, cl. 2. Federal courts are authorized to grant habeas relief to any person held "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3).

20. The Supreme Court has repeatedly affirmed that noncitizens are entitled to due process and may invoke habeas to challenge unlawful detention or removal. In *Trump v. J.G.G.*, the Court vacated removal orders entered under the Alien Enemies Act because detainees had not been afforded notice or an opportunity to seek habeas relief. The Court emphasized that the Alien Enemies Act provides for detention but does not itself confer exclusive jurisdiction; thus, habeas remains the proper vehicle to test the legality of such detention. In *Riley v. Bondi*, the Court held that BIA orders in withholding-only proceedings are not final removal orders and

clarified that the thirty-day filing deadline in 8 U.S.C. § 1252(b)(1) is a non-jurisdictional claims-processing rule. These decisions confirm that habeas jurisdiction lies in the district of confinement when other statutes do not provide an exclusive remedy.

A. 8 U.S.C. § 1252(g) does not bar jurisdiction.

21. The Supreme Court has interpreted 8 U.S.C. § 1252(g) jurisdiction-stripping provisions narrowly, limiting it to only apply to the decisions to commence proceedings, adjudicate cases, or execute removal orders. See *Reno v. Am.-Arab Anti–Discrimination Comm.*, 525 U.S. 471, 482 (1999). It does not strip jurisdiction from "any claim that can be technically said to 'arise from' the three listed actions of the Attorney General." See *Jennings v. Rodriguez*, 583 U.S. 281, 294 (2018).

22. Other District Courts have affirmed that Section 1252(g) only strips jurisdiction for discretionary determinations to deny relief, instead of failures to honor relief already granted, specifically in the context of U-Visa applicants that have been granted deferred action by USCIS through a BFD. See *Sepulveda Ayala v. Bondi,* No. 2:25-CV-01063-JNW-TLF, 2025 WL 2209708, at *3-4 (W.D. Wash. Aug. 4, 2025); see also *De Sousa v. Dir. of U.S. Citizenship and Immigr. Servs.*, 755 F. Supp.3d 1266, 1268 (N.D. Cal. 2024). USCIS granting deferred action is an "immigration benefit", which provides a basis to challenge the legality of Petitioner's detainment. *Id.*

23. Deferred action is an affirmative immigration benefit, such that a Petitioner granted deferred action who has been arrested and detained despite that relief is unauthorized, because previous removal orders are not "executable" for the purpose of Section 1252(g). See *Enriquez-Perdomo v. Newman*, 54 F.4th 855 at 863 (2d Cir. 2022).

B. Due Process in Immigration Detention.

24. The Fifth Amendment guarantees that no person shall be "deprived of life, liberty, or property, without due process of law." *U.S. Const. amend. V.* This protection applies to all "persons" within the United States, including noncitizens. See *Trump v. J.G.G.*, 604 U.S. at 10 (due process requires notice and a meaningful opportunity to be heard before removal under the Alien Enemies Act). Additionally, due process forbids detention that is arbitrary or prolonged beyond a constitutionally permissible duration. The Supreme Court has instructed that immigration detention must bear a reasonable relation to a non-punitive purpose. *See Jackson v. Indiana*, 406 U.S. 715, 738 (1972). The Supreme Court has recognized only two permissible non-punitive purposes for immigration detention: ensuring a noncitizen's appearance at immigration proceedings and preventing danger to the community. *Zadvydas*, 533 U.S. at 690—92: *see also Demore v. Kim*, 538 U.S. 510 at 519-20, 527-28, 31 (2003).

25. In addition, the procedural component of the Due Process Clause prohibits the government from imposing even permissible physical restraints without adequate procedural safeguards.

26. "Procedural due process imposes constraints on governmental decisions which deprive individuals of 'liberty' or 'property' interests within the meaning of the Due Process Clause of the Fifth or Fourteenth Amendment." *Mathews v. Eldridge*, 424 U.S. 319, 322 (1976). After a petitioner has identified a property or liberty interest, the court must determine whether constitutionally sufficient process has been provided. *Id.* at 332-33. This determination is made using the three-factor balancing test provided by *Mathews*: (1) "the private interest that will be affected by the official action;" (2) "the risk of an erroneous deprivation of such interest through

the procedures used, and the probably value, if any, of additional or substitute procedural safeguards;" and (3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." *Id.* at 335.

27. A Petitioner who has been granted deferred action and work authorization, risks the loss of a substantial property interest. See *B.D.A.A. v. Bostock*, No. 6:25-CV-02062-AA, 2025 WL 3484912, at *6 (D. Or. Dec. 4, 2025).

C. U Visa Processing

28. Congress has authorized DHS to grant U-visas to noncitizen victims of serious crimes who cooperate with law enforcement and to the noncitizens' qualifying family members. *See* 8 U.S.C. §§ 1103(a)(1), 1101 (a)(15)(U); 8 CFR. § 214.14(a)(10). Management of the U-visa application process is delegated to USCIS. Noncitizens can petition for U-nonimmigrant status by filing a Form I-918, *Petition for U Nonimmigrant Status*.

29. Congress capped the number of U-visas that can be granted to principal applicants at 10,000. *See* 8 U.S.C. § 1184(p)(2)(A). The cap does not apply to qualifying family members. *See id.* § 1184(p)(2)(B); 8 CFR. 214.14(f)(6)(i). This cap is reached every year as USCIS typically receives over 20,000 U visa applications a year.

30. To accommodate this deluge of applications, DHS promulgated a three-step waitlist framework for U-visa applicants: (1) a U-visa application is submitted; (2) an application is approved, and the petitioner is put on the U-visa waitlist; and (3) a U-visa is granted. *See* 8 C.F.R. § 214.14.

31. First, an applicant petitions USCIS for U-nonimmigrant status for themselves and derivative U-nonimmigrant status for their qualifying family members by filing Form I-918 and appropriate supplements. *See* 8 U.S.C. § 1101(a)(15)(U)(i); 8 CFR. § 214.14(c)(1), (f)(1), (f)(2). USCIS then considers whether the principal applicant is eligible for a U-visa. *See* 8 U.S.C. § 1101(a)(15)(U)(i), (iii).

32. Second, if USCIS decides that the principal petitioner qualifies for a U-visa but cannot be granted the visa solely because of the 10,000-person cap, USCIS approves the application and the applicant "must be placed on [the] waiting list" per DHS regulations. 8 C.F.R. § 214.14(d)(2). When a principal petitioner is placed on the waitlist, they and their qualifying family members "will" be accorded deferred-action status, and USCIS maintains "discretion" to grant them work authorization. *Id.*

33. Third, USCIS grants the principal applicant's U-visa and accords U-nonimmigrant status to the petitioner and their qualifying family members. *Id.* § 214.14(c)(5), (f)(6).

34. USCIS updated its Policy Manual on June 14, 2021, to implement a new "Bona Fide Determination Process. USCIS, POLICY ALERT at 2 (June 14, 2021) www.uscis.gov/sites/default/files/document/policymanualupdates/2021 0614-VictimsOfCrimes.pdf (hereinafter POLICY ALERT). The BFD process is now found in Volume 3, Part C, Chapter 5 of the Policy Manual. *See* USCIS, POLICY MANUAL, Vol. 3, Part C, Ch. 5, https://www.uscis.gov/policy-manual/volume-3-part-c-chapter-5 (hereinafter POLICY MANUAL, PART C, CHAPTER 5). USCIS immediately implemented the BFD process, which applies to all I-918 petitions that are pending or filed on or after June 14, 2021.

35. The BFD process outlines the following procedure. When USCIS receives an I-918 form, USCIS "first determines whether [the] pending petition is bona fide." BFD PROCESS, *supra*, Introduction; *see also* POLICY MANUAL, *supra*, Vol. 3, Part C, Ch. 5, APPENDIX: BONA FIDE DETERMINATION PROCESS FLOWCHART, https://www.uscis.gov/sites/default/files/document/policy-manualresources/AppendixBonaFideDeterminationProcessFlowchart.pdf (hereinafter FLOWCHART). The manual defines "bona fide" as "made in good faith; without fraud or deceit" and explains what a bona fide determination entails.

36. If USCIS decides that the U-visa application is not bona fide, the agency puts the application on the waitlist track. USCIS assesses whether the principal petitioner is eligible for the U-visa waitlist. If the applicant is deemed eligible, USCIS places them on the waitlist and decides whether to grant them work authorization. The principal petitioner is then placed in a pool of persons waiting for USCIS to grant them a U-visa. *See* FLOWCHART, *supra*. If the petitioner is considered ineligible for the waitlist, their U-visa petition is denied.

37. If USCIS decides that the U-visa application is bona fide, the agency puts the principal petitioner on the BFD Employment Authorization Document (EAD) track. USCIS "in its discretion[] determines whether the petitioner poses a risk to national security or public safety" and whether "other adverse factors weigh against a favorable exercise of discretion" "on a case-by-case basis." BFD PROCESS, Introduction & § B. "If USCIS determines [that] a principal petitioner and any other qualifying family members have a bona fide petition and warrant a favorable exercise of discretion, USCIS issues them BFD EADs and grants deferred action." *Id.* The principal petitioner is then placed in a pool of persons awaiting the grant of a

U-visa. *See* FLOWCHART, *supra*. But if USCIS decides not to issue a BFD EAD to a principal petitioner, the agency considers whether the principal petitioner is eligible for the waitlist. *Id.*

38. Where USCIS issues a BFD EAD for petitioner, the petitioner is also considered to have established a prima facie case for approval within the meaning of 8 U.S.C. § 1227(d)(1). *See* POLICY MANUAL, PART C, CHAPTER 5, (C)(4).

EXHAUSTION OF REMEDIES

39. Petitioner is seeking a writ of habeas corpus as his only remaining means of challenging his detention and preventing his imminent removal from the United States. Because he has a prior order of removal, Petitioner is being processed for expedited removal and will have no opportunity to challenge his detention or ask for release on bond in Immigration Court. Accordingly, a writ of habeas corpus and a temporary restraining order preventing his removal is his only means of remaining in the U.S. while his U visa application remains pending.

STATEMENT OF FACTS

40. Petitioner is a 52-year-old citizen of Guatemala who last entered the U.S. without inspection in 2010. Petitioner had been in the U.S. previously, in 2004, but was ordered removed in February 2006. After re-entering the U.S. without inspection, he went on to live a quiet and law-abiding life as a husband and father in Colorado.

41. In August 2021, Petitioner was the victim of an armed robbery and assault at his home. This criminal act against him rendered Petitioner *prima facie* eligible to request a U visa from USCIS. He lodged his Form I-918 and Form I-765 with the agency in March 2022.

42. On January 6, 2025, he received his BFD from USCIS and he was placed into deferred action. Exh. A. On January 7, 2025, he received notice that his application for EAD was approved. Exb. B.

43. Petitioner's I-918 remained pending while Petitioner continued to go about his life, presuming that his BFD was sufficient to defer his detention and removal until a U visa became available. His presumption was fortified in August 2025 when he attended an ICE check-in and was not detained, nor was he advised about any issues with his case or immigration status. However, about four months later, Petitioner was scheduled for another ICE check-in to take place on March 25. Petitioner attended his check-in and brought with him his BFD notice along with a letter from his counsel explaining the BFD and asking that ICE refrain from any enforcement actions at this time. Despite this request, Petitioner was arrested by ICE and taken into custody, where he has remained ever since. He is now being processed for imminent removal from the United States.

CLAIMS FOR RELIEF

COUNT ONE

Violation of the Immigration and Nationality Act (INA) and Implementing Regulations

44. The allegations in the above paragraphs are re-alleged and incorporated herein.

45. ICE's continued detention of Petitioner violates 8 U.S.C. § 1101(a)(15)(U), implementing regulations 8 C.F.R. § 214.14(d)(2), and the policies of the U-visa program, which provide for deferred action upon *prima facie* eligibility.

46. Petitioner has received a grant of deferred action from the Respondents yet, despite this, they have taken him into custody and are processing him for imminent removal from the United States.

47. Respondents' failure to recognize Petitioner's facially valid and legally obtained BFD notice and all the benefits it conveys is arbitrary, capricious, and contrary to law.

48. Deferred action can only be accorded to applicants in the United States, since those outside of the U.S. have no potential removal to be deferred. Respondents' position to the contrary fails to comport with law and is therefore unlawful. Accordingly, Respondents' detention of Petitioner in spite of his being afforded BFD protections is contrary to the law.

COUNT TWO

Violation of Fifth Amendment Right to Due Process
(Substantive Due Process—Detention)

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

50. Respondents' detention of Petitioner violates the Due Process Clause of the Fifth Amendment, which regulates that the government may not deprive a person of life, liberty, or property without due process of law. The Supreme Court has affirmed that, "[f]reedom 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*, U.S. at 690.

51. The Supreme Court has instructed that immigration detention must bear a reasonable relation to a non-punitive purpose. *See Jackson v. Indiana*, 406 U.S. 715, 738 (1972). Petitioner's detention, in light of the prima facie U visa determination, is punitive as it bears no "reasonable relation" to any legitimate government purpose. *Id.* (finding immigration detention

is civil and thus ostensibly "nonpunitive in purpose and effect"). Because Petitioner has been granted deferred action, making him a low priority for removal, his detention is arbitrary and capricious.

52. Petitioner, as a BFD recipient, has a liberty interest in being able to obtain the benefits he was granted. This protected liberty interest flows from the statute and regulations which permitted Petitioner's BFD grant, and the actual grant of BFD to the Petitioner.

53. Petitioner has followed the legal requirements to obtain benefits under the U-visa program and indeed has been granted them under the regulations. Respondents' efforts to now unilaterally and without due process strip him of those benefits is unlawful under the Fifth Amendment of the Constitution.

54. Petitioner has complied with each and every requirement USCIS and Respondents have imposed upon him. He has applied for U-visa benefits and provided all requested information, including biometrics and fees. He has also complied with ICE requirements and attended his last two check-ins. Despite each of these things, Respondents never alerted Petitioner to any issues or concerns at any point prior to their unlawful detention and threats to remove him and dissolve his BFD benefits unilaterally, without notice and without justification. Accordingly, Petitioner never received substantive due process when he was unlawfully detained at his most recent ICE check-in, despite his BFD grant.

COUNT THREE

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

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

56. As stated *supra*, the U.S. Supreme Court enumerated a three-factor test for procedural due process in *Mathews v. Eldridge*, 424 U.S. 319 (1976): (1) "the private interest that will be affected by the official action;" (2) "the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards;" and (3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." *Id.* at 335.

57. First, Petitioner's articulable liberty interest is to be free from undue interference while undertaking the mandated process of filing a U visa application, receiving a BFD, and await a grant whenever he is statutorily able to receive a visa. *See, e.g., S.N.C. v. Sessions*, 325 F. Supp. 3d 401,411 (S.D.N.Y. 2018) (finding petitioner made a "strong showing" that she is likely to succeed on the merits of her due process claim because "Petitioner has a right to make the [visa] applications and have them fully adjudicated *without undue interference*." (emphasis added)); *Snyder v. Nolen,* 380 F. 3d 279, 291 (7th Cir. 2004) ("The right of access to the courts is the right of an individual, whether free or incarcerated, to obtain access to the courts without undue interference.").

58. Petitioner is in a unique circumstance where adjudication of his pending application has already led to a BFD notice and deferred action. The remaining adjudicatory process entails receiving his U visa once one becomes available to him. Availability is entirely dependent on the 10,000 visa cap for U visas. In order to prevent Petitioner's removal during this lengthy wait process, USCIS issued him a BFD and placed him into deferred action. Respondents gave no consideration to the BFD when detaining Petitioner, who is now being

processed for imminent removal despite the fact that his eventual obtainment of a U visa is certain.

59. Second, "the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards[,]" also weighs in Petitioner's favor. *Mathews*, 424 U.S. at 335. The procedures employed by Respondents offered Petitioner no hearing, no notice, and no opportunity to be heard. When he arrived at his ICE check-in he unwittingly surrendered himself to detention despite the fact that he went to the check-in with his BFD notice and an explanation from counsel that he was in deferred action and, therefore, is not a priority for removal. Given that Petitioner will eventually receive his U visa even if he is removed from the U.S., his current detention is clearly erroneous as all safeguards were ignored by Respondents.

60. Lastly, Respondents had multiple other means available to achieve their objective without denying Petitioner procedural fairness. Indeed, Respondents were already successfully executing an alternative procedure in the form of Petitioner's ICE check-ins, which Petitioner was diligently attending. The cost and administrative burden of this alternative procedure was far less than the costs and burdens of keeping Petitioner detained. Respondents already possess an entire agency dedicated to processing removal cases and easily could have continued to require Petitioner to attend ICE check-ins until his U visa application was no longer pending. Instead, Respondents have acted with complete disregard to due process by unlawfully acting in a way to terminate Petitioner's BFD and unlawfully detain him under a threat of removal. Such unlawful actions threaten Petitioner's constitutionally protected interest in his interim benefits in the short term and his U-visa filings in the long term.

61. Given Petitioner's rights and interests, Respondents' interests, and the cost and availability of alternate means of protecting Respondents' objectives, the procedures employed by Respondents are wholly unlawful and contrary to their own policy and law. Accordingly, Petitioner's detention is a violation of his procedural due process rights.

PRAYER FOR RELIEF

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

(1) Assume jurisdiction over this matter;

(2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days, as required by 28 U.S.C. § 2243;

(3) Declare that Petitioner's detention is unlawful in light of his prima facie U visa determination and that it violates the Due Process Clause of the Fifth Amendment.

(4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from ICE detention immediately without imposing any additional conditions of release beyond those he was subject to prior to his recent detention;

(5) Issue a temporary restraining order prohibiting Petitioner's removal or continued detention while this petition is pending.

(6) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and

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

Respectfully submitted,

/s/ Andrew Walker
Andrew Walker
Counsel for Petitioner
Dated: March 27, 2026

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

I represent Petitioner, Juan Hernandez Dubon, and submit this verification on his behalf. I hereby declare under penalty of perjury that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: March 27, 2026

/s/Andrew Walker
Andrew Walker
Counsel for Petitioner

CERTIFICATE OF SERVICE

I certify that on March 27, 2026, I filed the foregoing PETITION FOR WRIT OF HABEAS CORPUS using the CM/ECF system which will electronically send notification of such filing to opposing counsel.

/s/Andrew Walker
Andrew Walker
Counsel for Petitioner