UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO
DENVER DIVISION

LESTER ELOVAI SAMAYOA-FLORES,

Petitioner,

v.

JUAN BALTAZAR, Warden, GEO Group, Inc; **ROBERT GUADIAN,** Director, Denver Field Office, U.S. Immigration and Customs Enforcement;

MARKWAYNE MULLIN, Secretary of the U.S. Department of Homeland Security;

TODD LYONS, Acting Director of U.S. Immigration and Customs Enforcement; and

PAMELA BONDI, Attorney General of the United States, in their official capacities,

Respondents.

Case No. _____

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner Lester Elovai Samayoa-Flores ("Petitioner"), [redacted] a detainee at the Denver Contract Detention Facility in Aurora, Colorado, petitions for a writ of habeas corpus, contending that the Respondents, who control that facility, are improperly subjecting him to mandatory detention under 8 U.S.C. § 1225(b)(2). Petitioner claims 8 U.S.C. § 1226(a) governs his detention and seeks immediate release. Because this is a fundamentally legal debate, there is no need for a hearing on the Petition. See 28 U.S.C. § 2243. For the reasons that are set forth herein, the Court should summarily and immediately grant the Petition.

2. Petitioner entered the U.S. without inspection on, or about, September 28, 2021, and was designated an Unaccompanied Alien Child ("UAC"). He is currently nineteen-years old. He has filed an asylum case which is presently pending with USCIS. He has a family attorney who is assisting him to file a Special Immigrant Juvenile Status (SIJS) petition, for which he is prima facie eligible.

3. On January 17, 2026, Petitioner was detained by ICE after a minor car accident. He has not been permitted to have a bond hearing and remains in detention today.

4. Accordingly, to vindicate Petitioner's statutory and constitutional rights, this Court should grant the instant petition for a writ of habeas corpus.

5. Absent an order from this Court, Petitioner will remain in detention throughout the multi-month process of seeking asylum—relief over which, by statute, USCIS has jurisdiction, not EOIR, because Petitioner entered the U.S. as a minor. While detained, Petitioner is also unable to fully pursue other avenues of relief (e.g., SIJS) that would otherwise be available to him.

6. Petitioner asks this Court to find that Petitioner is illegally detained under 8 U.S.C. § 1225(b)(2), order that he is properly detained under 8 U.S.C. § 1226(a), order his immediate release, or in the alternative order that he be given a bond hearing.

JURISDICTION

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

8. 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).

9. 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. Indeed, "[c]hallenges to immigration detention are properly brought directly through habeas." Soberanes v. Comfort, 388 F.3d 1305, 1310 (10th Cir. 2004).

VENUE

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

REQUIREMENTS OF 28 U.S.C. § 2243

11. 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 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 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).

PARTIES

13. Petitioner is an asylum-seeker from Guatemala. Petitioner is currently detained at the Denver Contract Detention Facility (Aurora). He is in the custody, and under the direct control, of Respondents and their agents.

14. Respondent, Juan Baltazar, is the Warden of the Denver Contract Detention

Facility (Aurora), and he has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is also a legal custodian of Petitioner.

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

16. Respondent Markwayne Mullins is sued in his official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Mullins is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the agency responsible for Petitioner's detention. Respondent Mullins is a legal custodian of Petitioner.

17. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement, the agency responsible for Petitioner's detention. He is a legal custodian of Petitioner.

18. 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.

STATEMENT OF FACTS

19. Petitioner is a nineteen-year-old young man from Guatemala. After being abandoned by his parents as an infant, he was raised by his grandparents. He entered the U.S. without inspection at or near Rio Grande City, TX, on, or about, September 28, 2021. He was at

that time fifteen-years-old. Petitioner was arrested immediately. He was designated an Unaccompanied Alien Child ("UAC") and transferred into the custody of the Office of Refugee Resettlement ("ORR") because he was without a parent or guardian. (See Exhibit A.) Petitioner remained in detention for approximately one month until being released to a distant family member, who lives in Connecticut.

20. Petitioner's sponsor is married with a teenage child close in age to Petitioner. The sponsor provided a loving and supportive household for Petitioner, and he has thrived in this environment. Petitioner attended high school in Stamford, CT. He became an active and beloved member of local Evangelical Christian church congregations. He has held steady work and has no criminal history.

21. On January 17, 2026, Petitioner was in a minor car accident during a winter storm. Because of the icy conditions, his car slid into another vehicle. Petitioner was issued a citation for driving without a license under New York State's Vehicle Traffic Law 509-01, a non-criminal offense.

22. Following the incident, the vehicle's owner contacted local law enforcement, and officers of the Port Chester Village Police Department ("PCVPD") responded to the scene.

23. PCVPD officers detained Petitioner at the scene after seeing his Guatemalan identification document and transported him to the PCVPD station in Port Chester, New York.

24. Petitioner was subsequently issued a traffic citation in connection with this incident for the New York Vehicle and Traffic Law offense of "UNLIC DRIVER," VTL 0509(1), with case numbe[redacted] and he was ordered to appear in Rye Town Justice Court [redacted].

25. On or about January 17, 2026, officers and/or agents of U.S. Immigration and Customs Enforcement ("ICE") and/or U.S. Customs and Border Protection ("CBP"), acting under color of federal law, prepared a Form I-213, Record of Deportable/Inadmissible Alien, regarding Petitioner, in Event No. NYC2601002853, File No. A220 677 209.

26. The Form I-213 was completed and signed by CBP Officer MCAR30368 Vargas as an official record of Petitioner's alienage, manner of entry, arrest, and alleged removability, and it was later filed by DHS counsel with the Aurora Immigration Court as part of the government's evidence in Petitioner's bond proceedings.

27. In the I-213 narrative, DHS officers represented that "on January 17, 2026, Port Chester Village Police Department (PCVPD) arrested and positively identified SAMAYOA-FLORES, Lester" and that "PCVPD informed New York City Enforcement and Removal Operations (ERO) of the arrest" leading to the issuance of an ICE detainer.

28. DHS officers further represented in the I-213 that "at approximately 1335 hours, NYC ERO officers encountered an individual matching the description of SAMAYOA-FLORES, LESTER in the PCVPD parking lot located at [redacted] that "at approximately 0505 hours, NYC ERO officers performed a consensual encounter," and that Plaintiff "freely stated his true name," "freely admitted that he had illegally entered the United States at an unknown time and unknown place," and "stated that he is a citizen and national of Guatemala."

29. The I-213 also reported that Petitioner had a "current criminal charge" of "8 USC 1182 – ALIEN INADMISSIBILITY UNDER SECTION 212," as well as an administrative charge of "212a7AiI – IMMIGRANT WITHOUT AN IMMIGRANT VISA," and recorded that he was arrested "at/near [redacted] UNITED STATES."

30. These statements in the I-213 were material because they purported to establish Petitioner's alienage, his alleged unlawful manner of entry, the voluntariness of his statements, the lawfulness of the encounter and arrest, and the existence and nature of any criminal charges, all of which go to the heart of removability and custody determinations in immigration proceedings.

31. In fact, the I-213 contains material mistakes and omissions regarding the circumstances of Petitioner's stop, detention, questioning, and alleged admissions.

32. Petitioner's contemporaneous account reflects that he was stopped and detained by police solely in connection with a minor traffic incident in the snow. Officers didn't tell him why he was being detained beyond their focus on his Guatemalan identification.

33. Petitioner indicates that officers questioned him about his status after viewing his Guatemalan ID, that he indicated he was here "legally," and that he was held in a cell for approximately four hours; wherein he was not advised of his rights, not informed of any immigration charges, and not offered any bond or release options. Petitioner states he was held by police for the purpose of facilitating his arrest by DHS officials and he was not arrested in the parking lot of the police station.

34. Petitioner's account does not reflect any voluntary, informed, and spontaneous admission that he had "illegally entered the United States at an unknown time and unknown place," and he did not provide the detailed self-incriminating narrative that DHS attributed to him in the I-213.

35. On information and belief, the statements in the I-213 attributing to Petitioner admissions about illegally entering the United States at an unknown time and place are reasonably believed to have been fabricated, embellished, or materially altered by DHS officers and do not

accurately reflect any questioning conducted in a language Petitioner fully understood, any advisals of rights, or any verbatim responses.

36. The I-213's notation of a "current criminal charge" of "8 USC 1182 – ALIEN INADMISSIBILITY UNDER SECTION 212" is materially false and misleading because 8 U.S.C. § 1182 is a civil inadmissibility provision and does not create a criminal offense; Petitioner's only contemporaneous charge arising from the incident was the New York traffic infraction of driving without a license under VTL 0509(1).

37. By characterizing Petitioner as having a "current criminal charge" under 8 U.S.C. § 1182, the I-213 falsely suggested that Petitioner had been charged with or was under investigation for a federal immigration crime, thereby exaggerating his alleged dangerousness and immigration violations.

38. The I-213 further omits any mention that Petitioner's only state-court matter was a single traffic infraction for unlicensed driving in the Rye Town Justice Court, as reflected in the court's January 21, 2026, notice correcting his appearance date.

39. The I-213's description of the "consensual encounter" at specific times and locations, and its assertion that Petitioner "freely" provided incriminating information, is materially misleading in light of Petitioner's report that he was detained by police, that he was not free to leave, and that he was not informed of any right to refuse questioning or to consult counsel.

40. On information and belief, DHS officers knowingly or recklessly drafted the I-213 in a manner that misrepresented Petitioner's statements, inflated the seriousness of his alleged offenses, mischaracterized a compelled custodial interrogation as a voluntary "consensual

encounter," and omitted exculpatory or mitigating facts, including that his only charge was a minor traffic infraction.

41. DHS subsequently filed the I-213 and continuation pages with the Aurora Immigration Court as Exhibit 2 in Petitioner's bond proceedings, representing it to the Immigration Judge and to Petitioner's counsel as a truthful and accurate government record of Petitioner's arrest, admissions, and removability.

42. Petitioner and the Immigration Judge were expected to, and reasonably did, treat the I-213 as an official, presumptively reliable DHS record when evaluating the factual basis for removability, bond eligibility, and custody conditions.

43. As a direct and proximate result of DHS's material mistakes and omissions in the I-213, Petitioner was arrested, detained, and kept in immigration custody, and he has faced heightened risk of removal, reputational harm, and emotional distress based on an inaccurate and misleading portrayal of his conduct and immigration history.

44. DHS's preparation, certification, and filing of the materially false and misleading I-213 concerning Petitioner were undertaken under color of federal law and within the scope of the responsible officers' authority, and they formed a foundational part of the government's case to remove Petitioner from the United States

45. At this time, Petitioner is nineteen-years old. He has filed an asylum case which is presently pending with USCIS. A family attorney is assisting him to file a petition for SIJS, for which he is prima facie eligible. He has no criminal history, yet he has been in detention for more than two months without option for release or bond.

LEGAL FRAMEWORK

A. *Constitutional Due Process Requirements for Immigration Detention*

46. The Fifth Amendment to the United States Constitution provides that no person shall be deprived of liberty without due process of law. This protection applies to all persons within the United States, including noncitizens in removal proceedings.

47. The Due Process Clause generally "requires some kind of a hearing before the State deprives a person of liberty or property." *Zinermon v. Burch*, 494 U.S. 113, 127 (1990). Once released from custody—as Petitioner was in 2021, while still a minor—a noncitizen has a protected liberty interest in remaining out of immigration custody. Hence, courts apply the three-part test from *Matthews v. Eldridge*, 424 U.S. 319, 335 (1976) to determine the process due a noncitizen prior to re-detention. Under the *Matthews* framework, courts analyzing a procedural due process claim consider (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." 424 U.S. at 335. Under this test, an individual who has been released from DHS custody is deprived of due process if redetetained by ICE without a pre-deprivation hearing.

48. Courts in this District have applied the *Mathews* standard in immigration habeas cases. See *Granillo Chavarria v. Baltazar*, No. 26-cv-0712-WJM, slip op. (D. Colo. Mar. 12, 2026) (ECF No. 16); *Merchan-Pacheo v. Noem*, 2026 WL 88526, at *4 (D. Colo. Jan. 12, 2026); *L.G. v. Choate*, 744 F. Supp. 3d 1172, 1181 (D. Colo. 2024) (noting that "Tenth Circuit precedent demonstrates that the Mathews test is appropriate when determining what process is constitutionally due"); *Vizguerra-Ramirez v. Baltazar*, 2025 WL 3653158, at *13 (D. Colo. Dec. 17, 2025).

49. In applying the first *Matthews* factor, the court in *Merchan-Pacheo v. Noem* held that a noncitizen with approval for release under bond has a "significant private liberty interest at stake." *Merchan-Pacheo v. Noem*, No. 1:25-cv-03860-SBP, 2026 WL 88526 (D. Colo. Jan. 12, 2026). More broadly, courts in other circuits have found that once a release is granted, continued liberty from ICE custody represents a "significant liberty interest" deserving the protections of due process. See, e.g., *Martinez v. LaRose*, No. 25-CV-3308 JLS (MSB), 2025 WL 3677938, at *4 (S.D. Cal. Dec. 18, 2025).

50. Recent decisions in this District have continued to recognize and enforce due process protections of noncitizen detainees. See e.g. *Loa Caballero v. Baltazar*, No. 25-cv-03120-NYW, 2025 LX 441269 (D. Colo. Oct. 22, 2025) (granting habeas petition and ordering bond hearing or release); *Barreno v. Baltasar*, Civil Action No. 025-cv-03017-GPG-TPO, 2025 LX 573358 (D. Colo. Nov. 14, 2025)(same).

B. *Statutory Framework: 8 U.S.C. § 1226(a)*

51. Under 8 U.S.C. § 1226(a), the government "may" arrest and detain noncitizens pending a determination of removability, but the statute also authorizes "release [on] bond" or "conditional parole."

52. Section 1226(a) is a discretionary detention statute that contemplates individualized custody determinations and release on bond for individuals who do not pose a danger or flight risk.

53. Unlike 8 U.S.C. § 1226(c), which mandates detention for certain categories of noncitizens with specified criminal convictions, § 1226(a) is not a mandatory detention provision.

54. Respondent is detained under § 1226(a), not § 1226(c), and therefore is entitled to the heightened procedural protections applicable to discretionary detention.

C. *Statutory Framework: Unaccompanied Alien Children are Detained Pursuant to 8 USC § 1226(a)*

55. Unaccompanied Alien Children cannot be placed in expedited removal. Instead, they are placed in § 1226(a) removal proceedings.

56. Under 8 U.S.C. § 1232(a)(5)(D), if the Department of Homeland Security seeks to remove a UAC from the U.S., the child must be "placed in removal proceedings under Section 240 of the Immigration and Nationality Act…"

57. Because UACs cannot be placed in expedited removal, they are not subject to the mandatory detention provisions of § 1225(b).

CLAIMS FOR RELIEF

COUNT ONE: *Violation of Fifth Amendment Right to Due Process —Detention Without Pre-Deprivation Hearing Following Release to Sponsor*

58. Petitioner realleges and incorporates by reference all preceding paragraphs.

59. On October 24, 2021, Respondent was released from ORR custody to his sponsor.

60. Under the *Matthews* standard, Respondent's release under 8 U.S.C. § 1226(a) created a constitutionally protected liberty interest in his continued freedom from physical restraint.

61. The Supreme Court has held that once the government releases an individual from detention, due process requires a hearing before that individual can be re-detained. *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972).

62. In the immigration context, courts have recognized that noncitizens released under § 1226(a) are entitled to a pre-deprivation hearing before being returned to custody, absent exigent circumstances or other exceptional justification.

63. On or about January 17, 2026, Respondent was taken into ICE custody without any prior notice or opportunity for a hearing to contest his re-detention.

64. Upon information and belief, no exigent circumstances or exceptional justification existed that would excuse the government's failure to provide Respondent with a pre-deprivation hearing before returning him to custody.

65. The government's re-detention of Respondent without affording him a pre-deprivation hearing violated his Fifth Amendment right to procedural due process.

66. As a result of this constitutional violation, Respondent has been unlawfully detained for approximately two months without receiving the process that was due to him before his liberty interest was terminated.

COUNT TWO: *Violation of Statutory Right to a Bond Hearing—8 U.S.C. § 1232(a)(5)(D) Requires that UACs be Placed in Removal Proceedings Under § 1226(a)*

58. Petitioner realleges and incorporates by reference all preceding paragraphs.

59. Because Respondent entered as a UAC, he was placed in removal proceedings under § 1226(a), which permits release on bond pursuant to an individualized custody determination hearing.

60. On information or belief, the government has treated Respondent's detention as being under § 1225(b)(2), or as an "applicant for admission" subject to mandatory detention.

61. On this basis, Respondent has been denied consideration for bond in violation of 8 U.S.C. § 1232(a)(5)(D).

COUNT THREE: *Violation of Fifth Amendment Right to Due Process—Respondent is Not an Arriving Alien Subject to Mandatory Detention under § 1225(b)*

62. Petitioner realleges and incorporates by reference all preceding paragraphs.

63. Regardless of Respondent's entry as a UAC, he has resided in the United States for more than four years.

64. This Court has held that a noncitizen who is already long present in the U.S. is not properly categorized as an "arriving alien" (because he is already here) nor as an alien "seeking admission" (rather, he seeks to remain). *Garcia Abanil v. Baltazar*, F.Supp.3d, 2026 WL 100587 (D. Colo. Jan. 14, 2026). *See also* Singh v. Baltazar, F.Supp.3d (2026) (ordering the release of a noncitizen who had resided for two years in the U.S. after entering without inspection, being arrested, and subsequently released). Such a noncitizen is not, consequently, subject to the mandatory detention scheme of § 1225(b)(2).

65. On information or belief, the government is detaining Respondent pursuant to § 1225(b)(2), although he is presently neither an "arriving alien" nor "seeking admission" to the U.S.

66. The government's mis-categorization of Respondent has deprived him of due process to seek a bond hearing in immigration court.

COUNT FOUR: Violation of 8 U.S.C. § 1232(c)(2)(B), the Garcia Ramirez Permanent Injunction, and the Administrative Procedure Act

67. Petitioner realleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

68. Petitioner entered the United States as an unaccompanied child, was placed in ORR custody, and was later released to a sponsor in the United States while his immigration proceedings and applications for relief remained pending.

69. After Petitioner's release to his sponsor, Petitioner lived in the community for years, attended school, maintained family and community ties, pursued immigration relief, and had no criminal history.

70. On January 17, 2026, ICE arrested and detained Petitioner after a minor car accident and has continued to hold him in immigration detention without bond.

71. Upon information and belief, Respondents have treated Petitioner as subject to mandatory detention under 8 U.S.C. § 1225(b)(2) or otherwise have detained him without providing the individualized custody determination required by 8 U.S.C. § 1232(c)(2)(B).

72. Section 1232(c)(2)(B) requires DHS, for former unaccompanied children transferred to or held in DHS custody, to consider placement in the least restrictive setting available after taking into account danger to self, danger to the community, and risk of flight, and to make such noncitizens eligible to participate in a continuum of alternatives to detention.

73. In *Garcia Ramirez v. U.S. Immigration and Customs Enforcement*, --- F.Supp.3d ---- (2025); 2025 WL 3563183 the United States District Court for the District of Columbia held that these protections extend to all former unaccompanied minors in DHS custody and do not turn on the statutory detention authority the government invokes.

74. *Garcia Ramirez* further held that ICE may not subject age-outs to mandatory detention based on 8 U.S.C. § 1225(b) in a manner that displaces the individualized, least-restrictive-setting analysis required by § 1232(c)(2)(B).

75. The court also held that, once ICE has made or owes a compliant placement decision under § 1232(c)(2)(B), ICE may not re-arrest and detain former unaccompanied children absent a material change in circumstances indicating danger or flight risk, because such re-detention would nullify the statutory protections Congress provided.

76. Petitioner is within the class of persons protected by *Garcia Ramirez* because he is a former unaccompanied child whose detention by ICE stems from his status and treatment as a former unaccompanied child in DHS custody.

77. Respondents' detention of Petitioner without an individualized least-restrictive-setting determination, without meaningful consideration of alternatives to detention, and without a material change in circumstances demonstrating that detention is warranted violates 8 U.S.C. § 1232(c)(2)(B) and the binding construction of that statute set out in *Garcia Ramirez*.

78. Petitioner's re-detention after years of release to family in the community—based on a minor traffic-related incident and without any showing that he poses a danger to the community or a meaningful risk of flight—is contrary to *Garcia Ramirez's* holding that ICE cannot claw back a former unaccompanied child's liberty without the compliant, individualized assessment required by § 1232(c)(2)(B).

79. Respondents' actions are contrary to law, in excess of statutory authority, and not in accordance with law within the meaning of 5 U.S.C. § 706(2), because they fail to comply with the specific requirements Congress imposed in § 1232(c)(2)(B) for former unaccompanied children.

80. In the alternative, Respondents have unlawfully withheld agency action required by law within the meaning of 5 U.S.C. § 706(1) by failing to provide Petitioner the least-restrictive-setting consideration, eligibility for alternatives to detention, and compliant custody decision that § 1232(c)(2)(B) mandates.

81. As a direct and proximate result of Respondents' unlawful actions, Petitioner has been and continues to be deprived of his liberty, separated from his family and community, and hindered in pursuing his pending asylum and SIJS-related relief.

82. Petitioner has no adequate remedy at law other than this Court's intervention.

83. Petitioner is therefore entitled to declaratory and injunctive relief, including an order declaring that his current detention violates 8 U.S.C. § 1232(c)(2)(B) as construed in *Garcia Ramirez*, ordering his immediate release, or, at minimum, ordering a prompt custody determination that complies with § 1232(c)(2)(B) and Garcia Ramirez.

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.

(3) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment and 8 U.S.C. § 1232(a)(5)(D).

(4) Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from custody and return him to the status quo, which includes returning any documents that DHS may have confiscated upon his apprehension and not subjecting Petitioner to a GPS tracking device or other new conditions of release through the completion of his removal proceedings.

(5) In the alternative, issue a Writ of Habeas Corpus ordering Respondents to provide Petitioner with a bond hearing before an immigration judge within seven (7) calendar days of this Court's Order, at which:

i. The government must prove by clear and convincing evidence that Petitioner poses a danger to the community or is a flight risk;

ii. Petitioner shall be afforded a full and meaningful opportunity to present evidence, call witnesses, and be represented by counsel;

iii. The immigration judge must consider alternatives to detention and other less restrictive means of supervision; and

iv. The immigration judge must make an individualized determination based on all relevant factors, including but not limited to Petitioner's community ties, lack of serious criminal history, compliance history, and length of time already detained;

(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/*Lauren Cundick Petersen*
Lauren Cundick Petersen, Esq.
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Haddam, CT, 06438

Counsel for Petitioner

Dated: March 31, 2026

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

I represent Petitioner, Lester Gerardo Samayoa-Flores, and submit this verification on his behalf. I hereby verify 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 this 31st day of March, 2026.

s/*Lauren Cundick Petersen*

Lauren Cundick Petersen, Esq.