UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Case No. _____

JAEDEN CONDAPPA,

Petitioner,

v.

FIELD OFFICE DIRECTOR,
Detroit Field Office,
U.S. Immigration and Customs Enforcement,

Respondent.

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

The petitioner, Jaeden Condappa, submits this Verified Petition for Writ of Habeas Corpus, by and through the undersigned, and alleges as follows:

INTRODUCTION

1. Mr. Condappa was admitted to the United States pursuant to the Visa Waiver Program in accordance with the terms of 8 U. S. C. § 1187(a), which allows a person to be admitted to the United States as a tourist under § 1101(a)(15)(B) without having to formally obtain a visa through consular processing pursuant to §§ 1201–1202. In exchange for that benefit, a person must waive the right "to contest, other than on the basis of an application for asylum, any action for [their] removal." § 1187(b)(2). He is currently in immigration custody seeking asylum.

2. Section 1187 does not provide any detention authority for the government to detain Visa Waiver entrants. Thus, the default detention provisions would apply as in any other case.

3. Here, administrative precedent denies the petitioner a bond hearing as guaranteed

to him by 8 U.S.C. § 1226(a). Alternatively, his subjection to an agency-created mandatory detention rule violates due process. Accordingly, he seeks a writ of habeas corpus and requests the court order his immediate release or, in the alternative, a bond hearing under § 1226(a).

PARTIES

4. The petitioner, **Jaeden Condappa**, is currently detained by the respondent and his or her agents at the Seneca County Jail in Tiffin, Ohio.

5. The respondent **Field Office Director**, Detroit Field Office, U.S. Immigration and Customs Enforcement is sued in his or her official capacity. In this capacity, the Field Office Director has jurisdiction over the detention facility in which the petitioner is held, is authorized to release the petitioner, and is a legal custodian of the petitioner.

JURISDICTION

6. This action arises under the Constitution of the United States of America, 28 U. S. C. § 2241 *et seq.* (habeas corpus), the Immigration and Nationality Act (INA), 8 U. S. C. § 1101 *et seq.*, and Title 8 of the Code of Federal Regulations.

7. The Court has jurisdiction over this case under 28 U. S. C. § 2241 (habeas corpus), and § 1331 (federal question).

8. The Court may grant relief pursuant to the U.S. Const., art. I, § 9, cl. 2 (Suspension Clause), 28 U. S. C. § 1651 (All Writs Act), 28 U. S. C. §§ 2201–02 (declaratory relief), and 28 U. S. C. § 2241 (habeas corpus).

VENUE

9. Venue is proper in this district under 28 U. S. C. § 2241 because this is the district where the "the custodian can be reached by service of process." *Rasul* v. *Bush*, 542 U. S. 466, 478–79 (2004).

EXHAUSTION OF ADMINISTRATIVE REMEDIES

10. Where, as here, no applicable statute or rule mandates administrative exhaustion, the decision whether to require exhaustion is within the district court's "sound judicial discretion." *Shearson v. Holder*, 725 F.3d 588, 593 (6th Cir. 2013) (citation omitted). This discretion is referred to as "prudential" exhaustion, *Island Creek Coal Co. v. Bryan*, 937 F.3d 738, 746 (6th Cir. 2019), and such a court-made exhaustion rule must comply with statutory schemes and congressional intent. *Shearson*, 725 F.3d at 593. The Sixth Circuit has not yet decided "whether courts should impose administrative exhaustion in the context of a noncitizen's habeas petition for unlawful mandatory detention," *see Pizarro Reyes v. Raycraft*, No. 25-cv-12546, 2025 WL 2609425, at *3 (E.D. Mich. Sep. 9, 2025). However, courts within the Sixth Circuit "have applied the three-factor test, set forth in *United States v. California Care Corp.*, 709 F.2d 1241, 1248 (9th Cir. 1983) (derived from *McGee v. United States*, 402 U.S. 479, 484[(1971)]; *McKart v. United States*, 395 U.S. 185, 193–95[(1969)),]" to determine whether prudential exhaustion should be required. *Id.* Under this three-factor test, courts may require prudential exhaustion when: (1) agency expertise makes agency consideration necessary to generate a proper record and reach a proper decision; (2) relaxation of the requirement would encourage the deliberate bypass of the administrative scheme; and (3) administrative review is likely to allow the agency to correct its own mistakes and to preclude the need for judicial review. *Id.*

11. Here the Court should not require prudential exhaustion. First, the issue before the court regarding whether the petitioner is detained under 8 U.S.C. 1226(a) is a question of statutory interpretation that does not require the record that would be developed in the Court required Petitioner to exhaust his administrative remedies by seeking a bond hearing, which an immigration judge has already indicated he was not eligible for, and then appealing any denial to the Board of

Immigration Appeals.

12. Second, the Sixth Circuit has noted that due process challenges, such as the habeas petition presented here, that are not premised on "correctable procedural errors," do not require exhaustion as the BIA cannot review constitutional challenges. *See Sterkaj v. Gonzales*, 439 F.3d 273, 279 (6th Cir. 2006); *see also Matter of Punu*, 22 I. & N. Dec. 224, 229 (BIA 1998) ("this Board cannot entertain constitutional challenges") (citations omitted).

13. Finally, where agency precedent denies the availability of a bond hearing pursuant to 8 U. S. C. § 1226(a) under *Matter of A-W-*, 25 I. & N. Dec. 45 (BIA 2009), the petitioner need not exhaust (and waste time) asking the Board to reverse its existing precedent seeking judicial review — a claim that the Board "would not be required even to consider," *Mathews*, 424 U.S., at 330 — especially where the Board has failed to even consider doing so for several years in the face of a slew of district courts rejecting said precedent. *See also, e. g.*, *Puga* v. *Assistant Field Off. Dir., Krome N. Serv. Processing Ctr.*, No. 25-24535-CIV, 2025 WL 2938369, at *2 (S.D. Fla. Oct. 15, 2025) (not requiring administrative exhaustion in the face of agency precedent denying access to bond hearings). In other contexts where BIA precedent has denied the availability of a bond hearing under 8 U. S. C. § 1226(a), many courts in this district have declined to require exhaustion. *See, e.g.*, *Lopez-Campos v. Raycraft*, 797 F. Supp. 3d 771, 778 (N.D. Ohio 2025); *Ruiz-Lara v. Raycraft*, No. 1:26-499, WL642988 at*3 (N.D. Ohio Mar. 9, 2026).

FACTUAL BACKGROUND

14. The petitioner, Jaeden Condappa, is a native and citizen of the United Kingdom. Ex. A, Form I-94. He was last admitted to the United States as a tourist on April 29, 2025, via use of the Visa Waiver Program pursuant to 8 U. S. C. § 1187(a). *Id.* (noting class of admission as "WT" or "Waiver Tourist"). He had previously entered and departed the United States multiple

times under the Visa Waiver Program for short visits of fewer than 90 days, during which time he visited his girlfriend (now wife), Kaela Stanley.

15. On August 2, 2025, shortly after Mr. Condappa's period of authorized stay expired, he married U.S.-citizen Kaela Stanley. Ex. B, Marriage Certificate. The couple resided in Greenwich, Ohio.

16. The following month, on September 16, 2025, Ms. Stanley filed a Petition for Alien Relative, listing Mr. Condappa as beneficiary, and in October 2025 Mr. Condappa filed a Form I-485, Application to Register Permanent Residence or Adjust Status. Ex. C, Form I-130 Receipt; Ex. D, Form I-485 Receipt.

17. The I-130 and I-485 both remain pending.

18. On February 24, 2026, while Ms. Stanley was at work and Mr. Condappa was at their home in Greenwich, a local deputy sheriff arrived at the couple's home. Ms. Stanley spoke to the deputy sheriff through the outdoor camera, which is connected to her phone, and the deputy sheriff informed Ms. Stanley he was seeking to speak to Jaeden because he had been a witness to a robbery. Ms. Stanley returned home and the officer spoke to both of them, asking Mr. Condappa to come outside with him to his vehicle so that he could fill out a witness statement. Mr. Condappa exited his home with the officer and walked toward the vehicle, at which point he was surrounded by three or four unmarked vehicles. ICE officers detained him and informed him that he had overstayed his visa. They also stated that there was a warrant for his arrest in the United Kingdom but have provided him no further information about this matter.

19. While in custody, on February 24, 2026, the Department of Homeland Security issued a Notice of Intent to Issue a Final Administrative Removal Order to Mr. Condappa pursuant to 8 CFR § 217.4(b)(1). Ex. E, Notice.

20. Mr. Condappa has been in the respondent's custody since then.

21. On February 27, 2026, Mr. Condappa's case for removal was referred to an immigration judge for consideration of an application asylum and related protective relief in a specialized regulatory "asylum-only proceeding." Ex. F, Notice of Referral; *see* 8 CFR § 1208.2(c)(1)(iii). His first hearing was held on March 24, 2026.

22. In such proceedings, agency rules permit the immigration judge to consider only an application for asylum and related protective relief, and no other issue at all. Immigr. Ct. Pract. Manual § 7.4(g)(2) (scope of proceedings), available at https://www.justice.gov/eoir/reference-materials/ic/chapter-7/4 (accessed Dec. 11, 2024). The immigration judge informed Mr. Condappa at his first hearing that he was not eligible for a bond hearing.

23. Mr. Condappa's asylum only proceeding remains pending before an immigration judge, with the next non-trial master hearing[1] set for April 21, 2026

24. As long as Mr. Condappa remains in the United States, USCIS continues to retain jurisdiction to grant his application for permanent residence because the immigration judge lacks the jurisdiction to do so. See 8 CFR § 245.2(a)(1).

LEGAL BACKGROUND

I. Basics of the Visa Waiver Program.

25. The Visa Waiver Program, codified at 8 U. S. C. § 1187(a), allows nationals of certain designated countries to be admitted to the United States as a tourist under § 1101(a)(15)(B) for a shortened period of 90 days without having to formally obtain a tourist visa through consular processing pursuant to §§ 1201–1202.

[1] See Immigr. Ct. Pract. Manual § 4.15 (master calendar hearing), available at https://www.justice.gov/eoir/reference-materials/ic/chapter-4/15 (accessed Apr. 17, 2026).

26. In exchange for the benefit of a Visa Waiver admission to the United States, a person must, among other things, waive the right "to contest, other than on the basis of an application for asylum, any action for [their] removal." § 1187(b)(2).

27. As such, an immigration enforcement officer can determine the deportability of a person admitted to the United States under the Visa Waiver Program, and order said person deported without referral to an immigration judge. 8 CFR § 217.4(b)(1).

28. However, a person "who was admitted as a Visa Waiver Program visitor who applies for asylum in the United States must be issued a Form I–863 for a proceeding in accordance with 8 CFR 208.2(c)(1) and (c)(2)." *Id.*

29. In that circumstance, an immigration judge will have exclusive jurisdiction over the person's applications for asylum and other protective relief. §§ 208.2(c)(1)(iv), 1208.2(c)(1)(iv).

30. "The scope of review in" that proceeding is "limited to a determination of whether the [person] is eligible for asylum or withholding or deferral of removal, and whether asylum shall be granted in the exercise of discretion." §§ 208.2(c)(3)(i), 1208.2(c)(3)(i). No other "issues, including but not limited to issues of admissibility, deportability, eligibility for waivers, and eligibility for any other form of relief," will be considered in that proceeding." *Id.*

31. Nothing in the statute or regulations governing the Visa Waiver Program, or the processing of the removal or relief from removal for such persons addresses custody or detention. 8 U. S. C. § 1187, 8 CFR pt. 217, & §§ 208.2(c), 1208.2(c).

32. Custody redetermination proceedings (bond hearings) before immigration judges are separate, apart, and independent from other types of proceedings, and have their own set of rules. 8 CFR §§ 1003.19, 1003.19(d) ("Consideration by the Immigration Judge of an application or request of a respondent regarding custody or bond under this section shall be separate and apart

from, and shall form no part of, any deportation or removal hearing or proceeding."), & 1236.1(d)(1).

33. Further, all issues regarding custody, arrest, detention, and release in the civil immigration detention context are ultimately governed by statute, notwithstanding any inconsistent regulations or other agency rule to the contrary.

II. Background Constitutional Framework for Civil Immigration Detention.

34. Civil immigration detention is presumptively unconstitutional except in "certain special and 'narrow' nonpunitive circumstances, where a special justification ... outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (internal citation omitted).

35. Thus, absent a special statutory justification, civil immigration detention is unlawful and unconstitutional.

36. Further, only criminal detention, following a lawful conviction by jury trial, may be utilized for punitive purposes.

37. Civil detention becomes punitive when it is being used for purposes that are not contemplated within the special statutory justification authorizing its use. See *Bell* v. *Wolfish*, 441 U. S. 520, 539 (1979) ("Thus, if a particular condition or restriction of pretrial detention is reasonably related to a legitimate governmental objective, it does not, without more, amount to 'punishment.' Conversely, if a restriction or condition is not reasonably related to a legitimate goal—if it is arbitrary or purposeless—a court permissibly may infer that the purpose of the governmental action is punishment that may not constitutionally be inflicted upon detainees *qua* detainees.") (citations and footnotes omitted);

38. In sum, civil immigration detention is lawful only when: (1) it is being administered in accordance with the terms of duly enacted statutes; (2) which are based upon a special justification that outweighs the deprivation of liberty at stake; and (3) it is being carried out in a manner that is consistent with and reasonably related to that special statutory justification.

CLAIMS FOR RELIEF

COUNT I:
Civil Immigration Detention in Violation of Statutory Law

39. The allegations in paragraphs 1-38 are realleged and incorporated herein.

40. No immigration statute aside from 8 U. S. C. § 1226(a) authorizes the petitioner's ongoing and continued civil immigration detention.

41. And yet, the government's administrative precedent denies the petitioner his right to pursue release from custody before an immigration judge as guaranteed by him under § 1226(a)(2) and its implementing regulations which are consistent with the statute and due process.

42. As such, the petitioner's ongoing and continued civil immigration detention is unlawful.

43. Therefore, the petitioner is entitled to a writ of habeas corpus ordering: (1) that he be immediately released from the respondent's custody; or (2) that he be immediately given a custody redetermination before an immigration with adequate procedural safeguards, including but not limited to, (a) the placement of the burden of proof upon the government to demonstrate by clear and convincing evidence that the petitioner is a danger or a flight risk, and (b) a prohibition against the government from seeking a stay of the immigration judge's custody order either automatically, on an emergency basis, or otherwise without a meaningful opportunity for the petitioner to respond and be heard.

COUNT II:
Civil Immigration Detention in Violation of Due Process

44. The allegations in paragraphs 1-38 are realleged and incorporated herein.

45. Alternatively, to the extent the immigration agencies are constitutionally and lawfully permitted to create mandatory detention rules in the absence of a Congressionally enacted statute requiring such mandatory detention, the BIA's rule in *Matter of A-W-*, 25 I. & N. Dec. 45 (BIA 2009), is not premised upon a special justification that outweighs the deprivation of liberty at stake.

46. Further, the BIA's rule of mandatory detention in *Matter of A-W-* is not reasonably related to any legitimate government objective because it is arbitrary or purposeless.

47. As such, the petitioner's subjection to mandatory detention under *Matter of A-W-* violates constitutional due process.

48. Therefore, the petitioner is entitled to a writ of habeas corpus ordering: (1) that he be immediately released from the respondent's custody; or (2) that he be immediately given a custody redetermination hearing before an immigration with adequate procedural safeguards, including but not limited to, (a) the placement of the burden of proof upon the government to demonstrate by clear and convincing evidence that the petitioner is a danger or a flight risk, and (b) a prohibition against the government from seeking a stay of the immigration judge's custody order either automatically, on an emergency basis, or otherwise without a meaningful opportunity for the petitioner to respond and be heard.

PRAYER FOR RELIEF

WHEREFORE, the petitioner prays that the Court grant the following relief:

(a) Assume jurisdiction over this matter;

(b) Set this matter for expedited consideration pursuant to 28 U.S.C. § 1657;

(c) Order the respondents to show cause why the writ should not be granted within three days, and allowing the petitioner three days to file a traverse, and, if necessary, set a hearing on this petition within five days of the submission of the return, pursuant to 28 U. S. C. § 2243;

(d) Order the respondents to refrain from transferring the petitioner out of the jurisdiction of this Court during the pendency of this proceeding and while the petitioner remains in the respondents' custody;

(e) Grant the petitioner a writ of habeas corpus ordering his immediate release from the respondents' custody because that custody has become unconstitutionally punitive;

(f) Alternatively, grant the petitioner a writ of habeas corpus ordering that the petitioner be immediately given a custody redetermination hearing before an immigration judge with adequate procedural safeguards, including but not limited to: (i) the placement of the burden of proof upon the government to demonstrate by clear and convincing evidence that the petitioner is a danger or a flight risk, and (ii) a prohibition against the government from seeking a stay of the immigration judge's custody order either automatically, on an emergency basis, or otherwise without a meaningful opportunity for the petitioner to respond and be heard;

(g) Award Petitioner attorneys' fees and costs under the Equal Access to Justice Act (EAJA), as amended, 5 U.S.C. § 2412, and on any other basis justified under law; and

(h) Grant any other and further relief that the Court deems just and proper.

Dated: April 20, 2026

/s Emily M. Brown
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Counsel for Petitioner

VERIFICATION BY SOMEONE ACTING ON THE PETITIONER'S BEHALF PURSUANT TO 28 U.S.C. § 2242

I, Emily M. Brown, am submitting this verification on behalf of the petitioner because I am the petitioner's attorney in these proceedings. Based upon a review of the administrative record, discussions with the petitioner's other attorney, and/or discussions with the petitioner, I hereby verify that the statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: April 20, 2026 ***s/ Emily M. Brown***

CERTIFICATE OF SERVICE

I hereby certify that on April 20, 2026, I caused a true and correct copy of the **Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241** and all accompanying documents to be served by electronic filing upon the following:

• Director, Detroit Field Office, U.S. Immigration and Customs Enforcement

*___/s Emily Brown*_____

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