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**UNITED STATES DISTRICT COURT**
**DISTRICT OF ARIZONA**

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|---|---|
| **Claudin Augustin,**<br>**Petitioner,**<br><br>v.<br>**Markwayne Mullin**, Secretary of the United States Department of Homeland Security, in his official capacity; **Sircе Owen**, Acting Director of Executive Office for Immigration Review, in her official capacity; **Luis Rosa Jr.**, Warden of the Florence Service Processing Center in his official capacity,<br>**Respondents**. | **Case No.**<br><br>**Agency No.** [redacted]<br><br>**PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. §2241** |

## INTRODUCTION

1. This case challenges the unconstitutional re-detention of Petitioner after the Department of Homeland Security ("DHS") exercised its discretion to release Petitioner from custody on parole, and Petitioner thereafter remained at liberty in full compliance with all conditions of release.

2. Petitioner has significant ties to the United States. He has resided in the country continuously since 1992 and is the father of three United States citizen children who depend on him for emotional and financial support. *See* Declaration of Counsel, Ex. 1. He is a successful entrepreneur, has obtained a GED, completed one year of college, and filed

federal income tax returns from 2014 through 2022. *Id.* Nevertheless, on or about May 7, 2025, ICE re-detained Petitioner without prior notice or an opportunity to be heard. *See* Notice to Appear, Ex. 2.

3. Since that time, Petitioner has remained detained at Florence Service Processing Center. *See* ICE Online Detainee Locator, Ex. 3. This re-detention occurred without adequate notice, explanation, or lawful justification, and without affording Petitioner an opportunity to be heard.

4. Respondents' re-detention of Petitioner violates the Due Process Clause of the Fifth Amendment to the United States Constitution, the Immigration and Nationality Act ("INA") and its implementing regulations, the Administrative Procedure Act ("APA"), and the Accardi doctrine, which requires administrative agencies to follow their own rules, procedures, and policies.

5. The Fifth Circuit recently issued a decision adopting the statutory interpretation position advocated in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (B.I.A. 2025), that all noncitizens present in the United States without admission – no matter how long they have resided here – are still applicant's for admission" under 8 U.S.C. § 1225(a) and not entitled to bond hearings because they are subject to mandatory detention under § 8 U.S.C. 1225(a) and not entitled to bond hearings because they are subject to mandatory detention under § 1224(b)(2)(A). *See Buenrostro-Mendez v. Bondi*, 2026 WL 323330, at *8 (5th Cir. Feb. 6, 2026). However, *Buenrostro-Mendez* never reached any due process issues, confining its analysis and holding to statutory interpretation.

6. Furthermore, the case was remanded to the district court "for further proceedings consistent with this opinion." *Buenrostro-Mendez v. Bondi,* 2026 WL 323330 at *10.

Doubtless those further proceedings will entail consideration of the Petitioner's due process claim, which the district court declined to reach in the first instance. *See, Buenrostro-Mendez v. Bondi*, No. 25-cv-3726, 2025 WL 2886346, at *3 n.4 (S.D. Tex. Oct. 7, 2025).

7. Notwithstanding its potential persuasive value, that interpretation has been rejected by courts within the Ninth Circuit, which have held that noncitizens apprehended in the interior are not subject to § 1225(b) and instead fall within the ambit of 8 U.S.C. § 1226(a), entitling them to individualized bond determinations.

8. Petitioner through undersigned counsel, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 on the ground that Respondents are violating his substantive and procedural due process rights. Petitioner is currently detained without any individualized determination as to whether his continued confinement is necessary to serve the only constitutionally permissible purposes of civil immigration detention—namely, preventing flight or protecting the community. *See Demore v. Kim*, 538 U.S. 510 at 528 (2003).

9. Moreover, after having been previously released from immigration custody and permitted to live at liberty, Petitioner was re-detained without notice, justification, or any constitutionally adequate process. Once the government grants an individual liberty, that interest may not be withdrawn arbitrarily or without due process. *See Zadvydas v. Davis*, 533 U.S. 678, 690–93, 699 (2001). Respondents' actions therefore render Petitioner's continued detention unlawful and punitive in violation of the Fifth Amendment.

10. Because no constitutionally sufficient immigration process exists to cure this violation, the only permissible habeas remedy is immediate release.

**JURISDICTION & CUSTODY**

1. Petitioner Claudin Augustin, is in the physical custody of Respondents and Immigration and Customs Enforcement (ICE), an agency within the Department of Homeland Security.

2. Petitioner is currently detained at Florence Service Processing Center and is under the direct control of Respondents and their agents.

3. This action arises under the Constitution of the United States and 8 U.S.C. § 1101 et seq.

4. This Court has jurisdiction under 28 U.S.C. § 2241, Art. I § 9, cl. 2 of the United States Constitution, 28 U.S.C. § 1331, and the common law. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq*., and the All Writs Act, 28 U.S.C. § 1651.

5. Congress has preserved judicial review of challenges to immigration detention. *See Jennings v. Rodriguez*, 583 U.S. 122, 130-131 (2018) (holding that 8 U.S.C. §§ 1226(e) and 1252(b)(9) do not bar review of challenges to prolonged immigration detention).

6. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a response "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

7. The Court has inherent power to release the petitioner pending review of his petition. *See Martin v. Solem*, 801 F.2d 324, 329 (8th Cir. 1986).

**VENUE**

8. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500 (1973), venue lies in this Court, the federal judicial district in which Petitioner is currently is in custody.

9. Venue is also properly in this Court pursuant to 18 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States.

**PARTIES**

10. Petitioner Claudin Augustin was born on [redacted] in Haiti. Petitioner is currently detained by ICE at Florence Service Processing Center. *See*, ICE Online Detainee Locator, Ex. 3.

11. Respondent Markwayne Mullin is the Secretary of the U.S. Department of Homeland Security ("DHS"). In this capacity, Respondent Mullin is a legal custodian of Petitioner. Respondent Mullin is sued in his official capacity.

12. Respondent Luis Rosa Jr. is the Warden of the Florence Service Processing Center. Respondent Rosa Jr. is a legal custodian of Petitioner. Respondent Rosa Jr. is sued in his official capacity.

13. Respondent Sirce Owen is the Acting Director of the Executive Office for Immigration Review (EOIR), a federal agency within the U.S. Department of Justice. Respondent EOIR is responsible for the administration of immigration courts, and acceptance of forms and petitions related to adjudication of immigration claims, as well as motions for bond. Respondent Sirce Owen is sued in her official capacity.

**STATEMENT OF FACTS**

14. Petitioner is a native and citizen of Haiti born on [redacted]. Petitioner has resided in the United States since 1992, establishing substantial family and community ties. *See* Declaration of Counsel, Ex. 1.

15. On December 5, 1991, Petitioner Claudin Augustin was en route to the United States when he was intercepted by U.S. immigration authorities prior to entry. Following that interception, he was taken into custody and transferred to Guantánamo Bay, where he has remained detained for two and a half months. *See* Petitioner's Declaration in Support of Application for Asylum, Ex. 5.

16. Petitioner arrived in the United States on February 21, 1992, through the port of Miami, Florida. *See* I-261, Additional Charges of Inadmissibility/Deportability, Ex 4.

17. Petitioner was released on humanitarian parole upon his initial arrival in the United States on February 21, 1992. *Id.*

18. Petitioner was allowed to remain free in the United States for many years, during which he complied with all governmental requirements and established substantial ties to the community. He has resided in the United States since 1992, is the father of three United States citizen children ages six, eight and ten. *See* Declaration of Counsel, Ex. 1. His children's mother suffers from a life-threatening illness and relies on him for support. *Id.* Moreover, he is a successful entrepreneur who has consistently filed federal income tax returns. *Id.*

19. Shortly after his 1992 arrival, he applied for asylum; however, the application was denied because he failed to complete the interview process. *Id.*

20. A Notice to Appear (NTA) was previously issued on September 29, 2006, but those removal proceedings were terminated by an immigration judge on May 10, 2007. *Id.*

21. On or about May 7, 2025, Petitioner was arrested in Indian River County, Florida, by the Indian River County Sheriff's Department on several non-violent, traffic-related misdemeanor charges, including driving with a driver's license expired for more than six months, failure to register a motor vehicle, and violation of the Financial Responsibility Law for failure to maintain required insurance. Following this arrest, Petitioner was detained at the Indian River County Jail. *Id.*

22. On the same day, U.S. Immigration and Customs Enforcement ("ICE") Enforcement and Removal Operations ("ERO") encountered Petitioner through a local law enforcement referral and immigration screening. ICE subsequently lodged an immigration detainer (Form I-247) along with an I-200 and 203, which resulted in Petitioner's transfer to the custody of the Department of Homeland Security. *Id.*

23. During the 34 years that Petition has resided in the U.S., his only encounters with law enforcement have been for traffic-related offenses, among which include driving without a valid license, proof of financial responsibility and failure to register vehicle. *Id.* These offenses are non-violent misdemeanors and do not fall within the categories of crimes that would subject Petitioner to mandatory detention under 8 U.S.C. § 1226(c).

24. On May 14, 2025, DHS issued a new Notice to Appear charging Petitioner as removable under section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act ("INA") for being an immigrant not in possession of a valid, unexpired immigrant visa or other required entry document. *See* Notice to Appear, filed herewith as Exhibit 2. Thereafter, on June 30, 2025, while Petitioner remained in detention, DHS reclassified him as an "arriving alien." *See* I-261, Additional Charges of Inadmissibility/Deportable, Ex. 4. This classification was not legally

permissible because, under the pre-IIRIRA statutory framework in effect in 1992, Petitioner could not have been classified as an "arriving alien.

25. Petitioner is re-detained at the Florence Service Processing Center where he remains in custody. *See* ICE Online Detainee Locator Printout, filed herewith as Exhibit 3.

26. Although Petitioner was re-arrested by ICE following his release from criminal custody on charges of driving without a license, he was not served with any written notice explaining the reasons for the revocation of his prior release, was afforded no meaningful opportunity to contest the seizure, and was provided no individualized justification for his continued detention.

27. On January 6, 2026, and immigration judge denied Petitioner's requests for relief under asylum and cancellation of removal for nonpermanent residents. His appeal was timely filed on February 5, 2026 and is still pending. *See* BIA Appeal Payment Receipt, Ex. 6.

28. DHS continues to detain Petitioner notwithstanding its prior determination that release from immigration custody was appropriate and Petitioner's reliance on that grant of liberty.

29. At no point during his re-detention has Petitioner been afforded a hearing before a neutral decisionmaker to determine whether continued detention is necessary.

30. No immigration judge has reviewed whether Petitioner poses a flight risk or danger to the community, nor has any administrative body conducted any individualized custody determination. *See*, Declaration of Counsel in Support of Petition for Writ of Habeas Corpus, filed herewith as Exhibit 1.

## LEGAL FRAMEWORK

### *I. Respondent's Re-detention Violates Due Process*

31. The Due Process Clause of the Fifth Amendment applies to all persons within the United States, including noncitizens, regardless of whether their presence is lawful, unlawful, temporary, or permanent. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects." *Id.* at 690. These constitutional protections extend to individuals who have been released from immigration custody on parole and are subsequently re-detained following the termination of that parole.

32. Due process thus requires "adequate procedural protections" to ensure that the government's asserted justification for a noncitizen's physical confinement "outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Zadvydas*, 533 U.S. at 690 (internal quotation marks omitted).

33. In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention: to mitigate the risks of danger to the community and to prevent flight. *Id.; Demore*, 538 U.S. at 528. The government may not detain a noncitizen based on any other justification.

34. Once the government affirmatively releases a person from custody and permits liberty to persist, that liberty interest may not be withdrawn without constitutionally sufficient justification and process. Arbitrary civil detention is impermissible. *Zadvydas v. Davis* at 690-93, 699.

35. Procedural due process imposes constraints on governmental decisions that deprive individuals of liberty, including the termination of immigration parole and resulting re-detention. *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976). "The fundamental requirement of procedural due process is the opportunity to be heard at a meaningful time and in a

meaningful manner." *Id.* at 333. Respondents' failure to provide Petitioner with notice and a meaningful opportunity to challenge the termination of his parole and subsequent re-detention renders his continued detention unconstitutional.

36. Even assuming arguendo that Respondents relied on Petitioner's alleged criminal conduct as a basis for taking him back into custody, Respondents were still required to comply with the Due Process Clause of the Fifth Amendment and their own governing regulations. This includes providing Petitioner with notice of the reasons for revocation and a meaningful opportunity to respond. Respondents' failure to adhere to these procedural safeguards renders the revocation unlawful under the Due Process Clause, the Administrative Procedure Act, and the Accardi doctrine.

37. 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.").

38. Accardi is not "limited to rules attaining the status of formal regulations." *Montilla v. INS*, 926 F.2d 162, 167 (2d Cir. 1991). Courts must also reverse agency action for violation of unpublished rules and instructions to agency officials. *See Morton v. Ruiz*, 415 U.S. 235 (affirming reversal of agency denial of public assistance made in violation of internal agency manual); *U.S. v. Heffner*, 420 F.2d 809, 812 (4th Cir. 1969) (under Accardi,

reversing decision to admit evidence obtained by IRS agents for violating instructions on investigating tax fraud).

39. Where a release notification issued alongside an order of supervision instructs that a non-citizen with a final order of removal will be given an opportunity to prepare for an "orderly departure," ICE's failure to follow that instruction is an Accardi violation. *See Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 169; *Ragbir v. Sessions*, 2018 WL 623557 (S.D.N.Y. Jan. 29, 2018), vacated and remanded on other grounds sub nom. *Ragbir v. Barr*, 2019 WL 6826008 (2d Cir. July 30, 2019); *Rombot v. Souza*, 296 F. Supp. 3d 383 (D. Mass. 2017) (ordering release of petitioners to give an opportunity to prepare for orderly departure).

**YAHURE HURTADO DOES NOT AUTHORIZE RE-DETENTION AFTER RELASE**

40. Respondents may argue that continued detention is authorized under Matter of *Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). That argument fails for a fundamental reason: *Yajure-Hurtado* addresses initial detention authority; it does not authorize the warrantless re-detention of a noncitizen who has already been released, has complied with all conditions of supervision, and has not violated any term of release.

41. Nothing in *Yajure-Hurtado* purports to extinguish the due-process protections that attach once DHS affirmatively grants liberty. Even assuming DHS may classify Petitioner as subject to § 1225 detention in the abstract, that classification cannot retroactively justify re-arrest without notice, without a revocation of release, and without constitutionally sufficient process. Applied in this posture, reliance on *Yajure-Hurtado* would permit arbitrary deprivation of liberty and therefore cannot sustain Petitioner's continued detention.

**HABEAS CORPUS REMEDY**

42. Habeas relief is appropriate where detention violates the Constitution and no lawful mechanism exists to cure the violation. *Boumediene v. Bush*, 553 U.S. 723 (2008).

43. Where detention is unconstitutional and cannot be cured through lawful process, release is the required remedy. Continued detention would compound the constitutional violation.

44. Restoring Petitioner to the last lawful custody status—release under ICE supervision—is the only remedy consistent with habeas principles.

## CLAIMS FOR RELIEF

### Count One
### Violation of Fifth Amendment – Substantive Due Process

45. Petitioner realleges and incorporates herein the allegations contained in the preceding paragraphs of the petition as if fully set forth herein.

46. The Due Process Clause of the Fifth Amendment forbids the government from depriving any "person" of liberty "without due process of law," including noncitizens. U.S. Const. amend. V.

47. Substantive due process asks whether a person's life, liberty, or property is deprived without sufficient purpose. There is no question that Petitioner has been deprived of his liberty in this case.

48. DHS previously exercised its discretion to release Petitioner from immigration custody under parole, thereby making an affirmative determination that Petitioner did not pose a danger to the community or a flight risk and that detention was not necessary to ensure compliance with immigration proceedings or removal.

49. Petitioner relied on that release and complied fully with government mandates.

50. DHS thereafter re-detained Petitioner without advance notice and without providing an individualized determination that continued detention was necessary. Although Petitioner had several convictions and arrests for repeat traffic offense, this conduct does not subject Petitioner to mandatory detention under the Immigration and Nationality Act. Nevertheless, DHS failed to provide a written explanation for the revocation of Petitioner's prior release from immigration custody or to afford Petitioner a meaningful opportunity to contest the basis for re-detention.

51. That re-detention constitutes a new seizure and a new deprivation of liberty, subject to constitutional scrutiny.

52. The government may not revoke liberty already granted based on retroactive relabeling, categorical theories, or administrative convenience.

53. Because no constitutionally sufficient immigration procedure exists to justify Petitioner's re-detention following release and compliance, continued custody is unlawful.

54. Petitioner's detention therefore violates the Due Process Clause of the Fifth Amendment.

**Count Two**
**Violation of Fifth Amendment – Procedural Due Process**

55. Petitioner realleges and incorporates herein the allegations contained in the preceding paragraphs of the petition as if fully set forth herein.

56. The Due Process Clause of the Fifth Amendment guarantees Petitioner the right to procedural due process in all aspects of his detention and the government may not unreasonably restrict this right.

57. DHS detained Petitioner without affording him a hearing before a neutral decisionmaker to determine whether continued detention is necessary.

58. No immigration judge has reviewed whether Petitioner poses a flight risk or danger to the community, nor has any administrative body conducted any individualized custody determination.

59. The continued detention of Petitioner is not supported by any other special interest or compelling justification.

60. The continued detention of Petitioner therefore violates *Demore*, 538 U.S. at 528 (In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention: to mitigate the risks of danger to the community and to prevent flight).

**Count Three**
**Violation of Administrative Procedure Act, 5 U.S.C. § 706(2)(A), (B)**
**Contrary to Law and Constitutional Right**

61. Plaintiffs reallege all paragraphs above as if fully set forth here.

62. Under the APA, a court shall "hold unlawful and set aside agency action . . . found to be . . . not in accordance with law" or "contrary to constitutional right, power, privilege, or immunity." 5 U.S.C. § 706(2)(A), (B).

63. The APA's reference to "law" in the phrase "not in accordance with law," "means, of course, any law, and not merely those laws that the agency itself is charged with administering." *FCC v. NextWave Pers. Commc'ns Inc.*, 537 U.S. 293, 300 (2003) (emphasis in original).

64. As explained above, Respondents' re-detention of Petitioner violated the Due Process Clause of the Fifth Amendment to the United States Constitution and was

inconsistent with the agency's obligation to adhere to its own regulations under the Accardi doctrine.

65. The revocation of Petitioner's prior release from immigration custody violated the Immigration and Nationality Act ("INA") and its implementing regulations governing who may lawfully revoke such release and under what circumstances, as cited and discussed in the Statutory Framework section above.

66. Petitioner's re-detention did not occur in accordance with the applicable statutes and regulations governing who may lawfully authorize such revocation and under what circumstances.

67. Before re-detaining Petitioner, Respondents failed to make the findings required by the applicable statutes and regulations that Petitioner posed a danger to the community or was unlikely to comply with a removal order.

68. Even assuming that the applicable statutes and regulations permit additional justifications for re-detaining a noncitizen's prior release from immigration custody, Respondents failed to comply with those requirements. Respondents could not make findings that Petitioner's conduct indicated that continued release would no longer be appropriate or that Petitioner violated any condition of release, because he had not. Nor could Respondents make findings that the purposes of release had been served or that enforcement of a removal order was appropriate, because it had yet to make final arrangements for Petitioner's removal.

69. Nor did the Respondents give Petitioner notice of the reasons for revocation and opportunity to be heard.

70. The revocation should be held unlawful and set aside because it violated the Due Process Clause of the Fifth Amendment of the United States Constitution and was not in accordance with the INA and its implementing regulations.

**Count Four**
**Violation of the Administrative Procedures Act, 5 U.S.C. § 706(2)(A)**
**Arbitrary and Capricious**

71. Petitioner realleges all paragraphs above as if fully set forth here.

72. Under the APA, a court shall "hold unlawful and set aside agency action . . . found to be arbitrary [or] capricious." 5 U.S.C. § 706(2)(A).

73. Respondents' re-detention was arbitrary and capricious because it violated the INA, its implementing regulations, and the Due Process Clause of the Fifth Amendment to the United States Constitution, as described above.

74. An agency decision that "runs counter to the evidence before the agency" is also arbitrary and capricious. *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins.*, 463 U.S. 29, 43 (1983).

75. Respondents' decision re-detain Petitioner ran counter to the evidence before the agency demonstrating that Petitioner would comply with a demand to appear for removal without detention. Petitioner has never violated a condition of his release, and no new facts or changed circumstances suggest he would fail to comply with such demand. The revocation also "failed to consider important aspects of the problem" before Respondents, making the decision arbitrary and capricious for multiple other reasons. *Dep't of Homeland Sec. v. Regents of the Univ. of California*, 140 S. Ct. 1891, 1910 (2020).

76. First, Respondents failed to consider the serious constitutional concerns raised by re-detaining Petitioner without providing notice and a meaningful opportunity to respond.

77. Second, Respondents failed to consider the increased fiscal and administrative burdens on the agency resulting from the unnecessary detention of Petitioner, who is neither a flight risk nor a danger to the community.

78. Third, Respondents failed to consider reasonable alternatives to re-detaining Petitioner that were before the agency, like simply releasing Petitioner under the order of supervision and scheduling a future time and date to appear for removal. This alternative would vindicate the government's interests in effectuating a removal order and save it the expense of detention not needed to guarantee Petitioner's appearance.

79. Fourth, Respondents failed to consider Petitioner's substantial reliance interest, which arose from the agency's representations in its instruction on Petitioner's release notification, the agency would give an opportunity to arrange for an orderly departure once it obtained travel documents.

80. For these and other reasons, Respondents' re-detention of Petitioner following his prior release from immigration custody was arbitrary and capricious and should be held unlawful and set aside.

**Count Five**
**Ultra Vires Action**

81. Petitioner realleges all paragraphs above as if fully set forth here.

82. There is no statute, constitutional provision, or other source of law that authorizes Respondents to detain Petitioner.

83. Petitioner has a non-statutory right of action to declare unlawful, set aside, and enjoin Respondents' ultra vires actions.

**Count Six**
**Violation of the Accardi Doctrine**

84. Petitioner realleges all paragraphs above as if fully set forth here.

85. Under the Accardi doctrine, Petitioner has a right to set aside agency action that violated agency procedures, rules, or instructions. See *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954) ("If petitioner can prove the allegation [that agency failed to follow its rules in a hearing] he should receive a new hearing.").

86. Respondents violated agency regulations governing who and upon what findings it may properly revoke a noncitizen's prior release from immigration custody, including release under humanitarian parole. As a result, the official who revoked Petitioner's release lacked the authority to do so, and the revocation must be set aside under the Accardi doctrine.

87. Respondents also violated agency instructions in Petitioner's release notification to give an opportunity to prepare for an orderly departure when they revoked Petitioner's order without advance notice.

88. Under *Accardi*, Respondents' revocation of Petitioner's prior release and decision to ignore instructions in the release notification should be set aside for violating agency procedures, rules, or instructions.

**PRAYER FOR RELIEF**

**WHEREFORE** Petitioner Claudin Augustin respectfully requests that the Court grant the following relief:

1. Assume jurisdiction over this matter;

2. Order Respondents not to transfer Petitioner out of this District during the pendency of these proceedings, to preserve jurisdiction;

3. Issue a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 and order Respondents to immediately release Petitioner from custody and restore him to the same conditions of release previously imposed by DHS;

4. Award Petitioner reasonable attorneys' fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412; and

5. Grant any further relief the Court deems just and proper.

Dated this 21st day of April, 2026.

By: */s/ Erica Sanchez*
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**VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

I represent Petitioner Claudin Augustin 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 21st day of April, 2026.

By: */s/ Erica Sanchez*
Erica Sanchez, Esq.

| LIST OF EXHIBITS | |
|---|---|
| Exhibit 1 | Declaration of Counsel in Support of Petition for Writ of Habeas Corpus |
| Exhibit 2 | Notice to Appear |
| Exhibit 3 | ICE Online Detainee Locator |
| Exhibit 4 | I-261, Additional Charges of Inadmissibility/Deportability |
| Exhibit 5 | Petitioner's Declaration in Support of Application for Asylum |
| Exhibit 6 | BIA Appeal Payment Receipt |

**CERTIFICATE OF SERVICE**

I, Erica Sanchez, hereby certify that on April 21, 2026, I electronically filed the foregoing document and its Exhibits with the Clerk of the Court using the CM/ECF system. I further certify that all participants are registered CM/ECF users and that service will be accomplished by the CM/ECF system. I also certify that a copy of the foregoing, together with the Clerk-issued summons, will be served upon Respondents at their respective offices via U.S. Certified Mail.

By: */s/ Erica Sanchez*
Erica Sanchez, Esq.