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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Asael Omar De Santiago De Santiago, Petitioner, v. Markwayne Mullin, Secretary, U.S. Department of Homeland Security John Cantu of Enforcement and Removal Operations, Phoenix Field Office, Immigration and Customs Enforcement;; Todd Blanche, Acting U.S. Attorney General; Todd Lyons, Acting Director of Immigration and Customs Enforcement,; = Luis Rosa Jr., Warden Florence Correctional Center. Respondents.	Case No. **PETITION FOR WRIT OF HABEAS CORPUS**

INTRODUCTION

1. Petitioner ASAEL OMAR DE SANTIAGO DE SANTIAGO, brings this petition for a writ of habeas corpus to seek enforcement of their rights as members of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the physical custody of Respondents at the Florence Correction Center. He now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have refused to abide by the declaratory judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*. See also the recent decision in *Jacobo-Ramirez v. Mullin*, No. 2:25-cv-02136-RFB-MDC, "A noncitizen who has entered and established their presence within our country, even if unlawfully, is entitled to protections under the Constitution that do not extend to those seeking entry at its borders." *Jacobo-Ramirez v. Mullin*, No. 2:25-cv-02136-RFB-MDC, Order Granting Partial Summary Judgment at 5 (D. Nev. Mar. 30, 2026) (citing *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001))

2. This case concerns an unprecedented expansion of immigration detention authority through agency policy—one that strips long-term residents of the United States of their liberty without any hearing and without any individualized justification.

a. Petitioner is detained pursuant to a recent policy adopted by the Department of Homeland Security ("DHS"), in coordination with the Department of Justice ("DOJ"), that fundamentally alters how immigration detention statutes are applied. In July 2025, DHS issued a nationwide directive instructing immigration officers to treat noncitizens who entered the United States without inspection—notwithstanding years or decades of residence in this country—as if they are "applicants for admission" subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). Under this directive, individuals arrested in the interior of the United States are categorically denied bond and held without any opportunity to seek release.

b. Shortly thereafter, the Board of Immigration Appeals ("BIA") issued a precedential decision, *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216

(B.I.A. 2025), adopting and formalizing this policy nationwide. In *Yajure Hurtado*, the BIA held that immigration judges lack jurisdiction to conduct bond hearings for noncitizens who entered without inspection, even when those individuals have lived in the United States for years and were arrested far from the border. As a result of these coordinated agency actions, immigration judges are now systematically denying bond hearings and concluding that they lack authority to review detention in cases like Petitioner's.

c. This policy marks a sharp departure from decades of settled law and practice. For nearly thirty years following enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, individuals arrested inside the United States were detained under 8 U.S.C. § 1226(a), which expressly provides for discretionary release on bond and meaningful custody review. The government's new interpretation discards that framework and instead applies 8 U.S.C. § 1225(b)(2)(A)—a provision historically limited to individuals at or near the border—to persons who have long since entered and established their lives within the United States.

d. The statutory scheme does not permit this result. As the Supreme Court has explained, Section 1225 governs inspection and detention at the Nation's borders, while Section 1226 governs the arrest and detention of noncitizens already present in the United States. *Jennings v. Rodriguez*, 583 U.S. 281, 287–88 (2018). The Ninth Circuit has likewise held that Section 1226 provides the general detention authority for individuals present inside the country. *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1196 (9th Cir. 2022). By treating individuals apprehended in the interior as if they are perpetually seeking admission, the government collapses this statutory distinction and renders Section 1226 largely meaningless, in violation of basic principles of statutory interpretation. See *FDA v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 133 (2000). See also "Section 1225 generally governs 'at the

Nation's borders and ports of entry,' while § 1226 governs detention of noncitizens 'inside the United States.'" *Jacobo-Ramirez v. Mullin*, No. 2:25-cv-02136-RFB-MDC, Order at 11–12 (D. Nev. Mar. 30, 2026) (citing *Jennings v. Rodriguez*, 583 U.S. 281, 287–88 (2018)).

e. The policy is also unconstitutional. For more than a century, the Supreme Court has recognized that noncitizens who have entered the United States—even unlawfully—are entitled to due process protections. *Yamataya v. Fisher*, 189 U.S. 86, 100–01 (1903). Once inside the country, "the Due Process Clause applies to all 'persons' within the United States." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). That protection includes a fundamental liberty interest in freedom from physical restraint.

f. Immigration detention, although civil, must be justified by individualized determinations and accompanied by meaningful procedural safeguards. See *Demore v. Kim*, 538 U.S. 510, 527 (2003). The Ninth Circuit has made clear that due process requires a bond hearing before a neutral decisionmaker, with an opportunity to present evidence and challenge detention. *Singh v. Holder*, 638 F.3d 1196, 1203–05 (9th Cir. 2011).

g. The government's new policy eliminates these protections entirely. Petitioner has been detained categorically, without any bond hearing, without any finding of flight risk or danger, and without any opportunity to obtain release. The risk of erroneous deprivation of liberty under such a system is extreme and fails the balancing test set forth in *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

h. Moreover, the policy authorizes prolonged and potentially indefinite detention untethered from its stated purposes. The Supreme Court has warned that immigration detention must not become arbitrary or indefinite. *Zadvydas v. Davis*, 533 U.S. at 690. Yet that is precisely the consequence of the government's approach.

i. Numerous courts have rejected this view. "It simply defies common usage to state that [noncitizens already present in the United States] are… 'seeking admission.'" *Jacobo-Ramirez v. Mullin*, No. 2:25-cv-02136-RFB-MDC, Order at 30 (D. Nev. Mar. 30, 2026). See also Echevarria v.Bondi, No. 2:25-cv-03252-PHX-DWL, 2025 WL 2821282 (D. Ariz. 2025),

j. In sum, through internal memoranda and the precedential decision in *Matter of Yajure Hurtado*, the government has attempted to transform a limited border detention authority into a sweeping regime of mandatory detention for individuals living in the interior of the United States. That policy is contrary to the Immigration and Nationality Act, inconsistent with binding Supreme Court and Ninth Circuit precedent, and violative of the Fifth Amendment.

3. On November 20, 2025, the district court granted partial summary judgment on behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment). On 03/30/2026 the District court in Nevada in Jacobo-Ramirez et al. v. Noem did the same.

4. The declaratory judgment held that the Bond Denial Class members are detained under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

5. Nonetheless, the Executive Office for Immigration Review and its subagency the Immigration Court and the Department of Homeland Security (DHS) have

blatantly refused to abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the opportunity to be released on bond.

6. Petitioner ASAEL OMAR DE SANTIAGO DE SANTIAGO, is a member of the Bond Eligible Class, as he:

a. does not have lawful status in the United States and is currently detained at the FLORENCE CORRECTIONAL CENTER, 1100 BOWLING ROAD.. He was apprehended by immigration authorities on 04/14/2026;

b. He entered the United States without inspection over 25 years ago and was not apprehended upon arrival, *cf. id.*; and

c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

7. After apprehending Petitioner on 04/14/2026, counsel contacted ICE to attempt to get them to release his client See Exhibit A Release Request, as the petitioner had an immigration bond and proceedings has not been re-opened against him (see Exhibit B Proof of bond posting). The deportation officer stated that DHS was going to attempt to re-open removal proceedings See attached email from Deportation officer Exhibit C. These removal proceedings were filed in 2012 and the has been administratively closed since November 8th 2021 (See Exhibit D, Order of administrative closure). DHS in 2012 charged Petitioner as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States without inspection(which were pursuant to 8 U.S.C. § 1229a). It should be noted in 2012 respondent was granted immigration bond, without any jurisdictional issues, See Exhibit B.

8. The Court should expeditiously grant this petition.

9. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full "force and effect of a final judgment." 28 U.S.C. § 2201(a). Nevertheless, Respondents continue to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful detention despite his clear entitlement to consideration for release on bond as a Bond Eligible Class member.

10. Immigration judges have informed class members in bond hearings that they have been instructed by "leadership" that the declaratory judgment in *Maldonado Bautista* is not controlling, even with respect to class members, and that instead IJs remain bound to follow the agency's prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

11. In this case the Mr. De Santaigo had an active bond from October 3rd 2012 which ICE/DHS is refusing to honor. It should be noted that he was not arrested for any new offense but was pulled over as authorities were looking for someone else and then ICE arrested him.

12. There is no statutory requirement of exhaustion of administrative remedies where a noncitizen challenges the lawfulness of his detention. See Louisaire v. Muller, 758 F. Supp. 2d 229, 234 (S.D.N.Y. 2010); Garcia v. Shanahan, 615 F. Supp. 2d 175, 180 (S.D.N.Y. 2009). Any requirement of administrative exhaustion is therefore purely discretionary.

13. In making that decision, the Court should consider the urgency of the need for immediate review. "Where a person is detained by executive order . . . the need for collateral review is most pressing. . . . In this context the need for habeas corpus is more urgent." executive detainees).

14. Moreover, where the agency has predetermined a dispositive issue, no further action with the agency is necessary. See, e.g., Monestime v. Reilly, 704 F. Supp. 2d 453, 456-57 (S.D.N.Y. 2010) (holding that administrative challenges to a noncitizen's classification under the mandatory detention statute would be futile given the agency's precedent on the issue); Garcia, 615 F. Supp. 2d at 180 (same).

15. The BIA interprets § 1225(b) as mandating detention of arriving aliens pending removal proceedings. See Matter of X-K-, 23 I. & N. Dec. at 732 ("There is no question that Immigration Judges lack jurisdiction [for a bond hearing] over arriving aliens who have been placed in . . . removal proceedings . . . ."). Exhaustion before the BIA would therefore be futile.

16. All of the immigration judges in Arizona are currently following *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (B.I.A. 2025) and finding no jurisdiction, so requesting a hearing from an immigration judge at this moment would be futile.

17. Further, "the BIA [Board of Immigration Appeals] does not have jurisdiction to adjudicate constitutional issues . . . ." (quotations and citation omitted). United States v. Gonzalez-Roque, 301 F.3d 39, 48 (2d Cir. 2002). Because petitioner raises a constitutional due process claim in his habeas petition, exhaustion of his due process claims would be futile.

18. A request for release on humanitarian parole under 8 U.S.C. 1182(d)(5)(A) would also be futile. Parole review is conducted informally by DHS officers—the jailing authority—by checking a box on a form that contains no factual findings, no specific explanation, and no evidence of deliberation. There is no hearing, no record, and no administrative appeal from a negative parole decision, even to correct manifest errors. See Rodriguez v. Robbins, 804 F.3d 1060, 1081 (9th Cir. 2015), cert. granted sub nom. Jennings v. Rodriguez, 136 S. Ct. 2489, 195 L. Ed. 2d 821 (2016) (identifying denials of parole "based on blatant errors: In two separate cases . . . officers apparently denied parole because they had confused

Ethiopia with Somalia. And in a third case, an officer denied parole because he had mixed up two detainees' files."); Nadarajah v. Gonzales, 443 F.3d 1069, 1082 (9th Cir. 2006) (finding that DHS abused its authority by denying parole). In the absence of administratively enforceable standards, grants of parole have decreased sharply in recent years. See Human Rights First, Lifeline on Lockdown: Increased U.S. Detention of Asylum Seekers 13 (2016) (relying on government data to document a one-third decrease in parole grants between 2012 and 2015).

19. President Trump has further restricted the already limited use of parole authority by ordering DHS officials to "end the abuse of parole and asylum provisions" in a January 2017 executive order. See Exec. Order. No. 13,767: Border Security and Immigration Enforcement Improvements, 82 Fed. Reg. 8793 (Jan. 25, 2017).

20. Nonetheless, petitioner submitted a request seeking immediate release from respondents on 04/14/2026 (Exhibit A). On 4/16/2026 Respondents denied that request (Exhibit B) petitioner has therefore exhausted all available administrative remedies.

21. **Additionally Petitioner Is Entitled to Due Process Protections as a Person Present in the United States.**

22. Even if this court finds Maldanado Bautista to not apply, for due process reasons a writ of habeas corpus should still be granted.

    a. The Fifth Amendment provides that no person shall be deprived of liberty without due process of law. U.S. Const. amend. V. This protection extends

to all persons within the United States, including noncitizens regardless of immigration status. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *Yamataya v. Fisher*, 189 U.S. 86, 100–01 (1903).

Once a noncitizen has entered the United States and developed ties to this country, the Constitution applies with full force. The Supreme Court has emphasized that "once an alien enters the country, the legal circumstance changes, for the Due Process Clause applies to all 'persons' within the United States." *Zadvydas*, 533 U.S. at 693. This principle has been consistently reaffirmed and reflects a fundamental distinction between individuals at the border and those who have established presence within the country. See *Landon v. Plasencia*, 459 U.S. 21, 32 (1982). see also Trump v. J. G. G., No. 24A931, slip op. at 3 (U.S. Apr. 7, 2025) ("It is well established that the Fifth Amendment entitles aliens to due process of law in the context of removal proceedings."(citation omitted)). "Freedom from imprisonment – from government custody, detention, or other forms of physical restraint – lies at the heart of the liberty that[the Due Process] Clause protects." Zadvydas, 533 U.S. at 690. "[T]he government's discretion to incarcerate non-citizens is always constrained by the requirements of due process[.]" Hernandez v Sessions, 872 F.3d 976, 981 (9thCir. 2017). It is "well established that aliens facing deportation from this country are entitled to due process rights." Walters v. Reno, 145 F.3d 1032, 1037 (9th Cir.1998), cert. denied, 526 U.S. 1003 (1999). 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).

b. Petitioner has been physically present in the United States for over 20 years and has developed significant ties to this country. Accordingly, Petitioner possesses a protected liberty interest in freedom from physical restraint and

is entitled to meaningful procedural protections before that liberty is curtailed.

c. Immigration detention is civil in nature and therefore must bear a reasonable relation to a legitimate governmental purpose. *Demore v. Kim*, 538 U.S. 510, 527 (2003). Civil detention is constitutionally permissible only where it is accompanied by adequate procedural safeguards and justified by individualized findings. See *Zadvydas v. Davis*, 533 U.S. at 690–91; *Kansas v. Hendricks*, 521 U.S. 346, 356–57 (1997).

d. The permissible purposes of immigration detention are limited to ensuring appearance at proceedings and protecting the community. However, detention without any individualized assessment of flight risk or danger is not reasonably related to those purposes and therefore violates due process.

e. Under the policies challenged in this petition, individuals like Petitioner who have lived in the United States for years are subjected to mandatory detention without access to a bond hearing. Immigration judges are instructed that they lack jurisdiction to provide custody redeterminations, and detainees are categorically denied the opportunity to seek release, they are encouraged to find flight risk when bond hearings are held.

f. Such a regime eliminates the fundamental procedural safeguards required by the Constitution. It provides no opportunity for Petitioner to demonstrate that detention is unnecessary, no neutral adjudicator to review custody, and no meaningful process to challenge the deprivation of liberty.

g. Courts have repeatedly recognized that the denial of individualized custody determinations in immigration detention raises serious constitutional concerns. See *Singh v. Holder*, 638 F.3d 1196, 1203–05 (9th Cir. 2011).

h. The Ninth Circuit has repeatedly recognized that due process requires meaningful procedural protections in immigration detention, including

access to a bond hearing before a neutral adjudicator. See *Singh v. Holder*, 638 F.3d at 1203–04; *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1196–97 (9th Cir. 2022).

i. A constitutionally adequate bond hearing requires, at minimum, that the detainee have an opportunity to present evidence, be represented by counsel, and receive an individualized determination of whether continued detention is justified.

j. By denying Petitioner any access to such a hearing, the government's policy violates clearly established due process requirements.

k. The challenged policy rests on the premise that individuals who entered the United States without inspection remain indefinitely subject to mandatory detention as if they are seeking admission.

l. However, this interpretation collapses the longstanding constitutional distinction between individuals at the border and those present within the United States. As the Supreme Court has explained, noncitizens who have entered the country, even unlawfully, are entitled to constitutional protections that do not extend to those seeking initial admission. *Zadvydas v. Davis*, 533 U.S. at 693; *Leng May Ma v. Barber*, 357 U.S. 185, 187 (1958).

m. The Ninth Circuit likewise recognizes that immigration detention statutes must be interpreted in light of this constitutional distinction between entry and presence. See *Rodriguez Diaz v. Garland*, 53 F.4th at 1196.

n. Under *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), due process requires balancing the private interest at stake, the risk of erroneous deprivation, and the government's interest.

o. Petitioner's interest in physical liberty is fundamental. See *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992). The risk of erroneous deprivation is extraordinarily high where detention is imposed without any hearing or individualized findings. The government's interest in detention can be fully

served through less restrictive means, including individualized bond determinations.

p. Balancing these factors compels the conclusion that the government's policy is unconstitutional.

q. The Supreme Court has cautioned that immigration detention must not become arbitrary or indefinite. *Zadvydas v. Davis*, 533 U.S. at 690.

r. Here, Petitioner faces prolonged detention without any meaningful opportunity for release. Such detention is untethered from its stated purposes and therefore violates due process.

23. Because Respondents are detaining Petitioner in violation of the declaratory judgment issued in *Maldonado Bautista,* and or in violation of his due process rights the Court should accordingly order that within one day, Respondent DHS must release Petitioner.

24. Alternatively, the Court should order Petitioner's release unless Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

JURISDICTION

25. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Florence Correctional Center in Florence Arizona at 1100 Bowling Rd, Florence, AZ 85132 , in Pinal County Arizona.

26. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

27. 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.

VENUE

28. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500 (1973), venue lies in the United States District Court for the Arizona District the judicial district in which Petitioner currently is detained.

29. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Arizona district.

REQUIREMENTS OF 28 U.S.C. § 2243

30. The Court should grant the petition for writ of habeas corpus "forthwith," as the legal issues have already been resolved for class members in *Maldonado Bautista.*

31. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . 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). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

32. Petitioner ASAEL OMAR DE SANTIAGO DE SANTIAGO, is a citizen of Mexico who has been in immigration detention since 04/14/2026. After Petitioner was arrested in Maricopa County in Arizona, Petitioner has resided in the United States for over 20 years.

33. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security. he is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Mr. Mullin ultimate custodial authority over Petitioner and is sued in her official capacity.

34. Respondent JOHN CANTU is the Director of the Phoenix Field Office of ICE's Enforcement and Removal Operations division. As such, JOHN CANTU is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

35. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

36. Respondent Todd Blanche is the acting Attorney General of the United States. he is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. he is sued in his official capacity.

37. Respondent Executive Office for Immigration Review (EOIR) is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings.

38. Luis Rosa Jr. is the Warden of the Florence Correctional Center where Petitioner is detained. HE has immediate physical custody of Petitioner. HE is sued in HIS official capacity.

CLAIM FOR RELIEF

Violation of the INA:

Request for Relief Pursuant to *Maldonado Bautista* and or Due Process Grounds

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

40. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

41. The order granting partial summary judgment in *Maldonado Bautista* holds that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.

42. The order granting class certification in *Maldonado Bautista* further orders that "[w]hen considering this determination with the MSJ Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole."

43. Respondents are parties to *Maldonado Bautista* and bound by the Court's declaratory judgment, which has the full "force and effect of a final judgment." 28 U.S.C. § 2201(a).

44. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner's statutory rights under the INA and the Court's judgment in *Maldonado Bautista* and his due process rights.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

a. Assume jurisdiction over this matter;

b. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;

c. Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;

d. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

e. Grant any other and further relief that this Court deems just and proper.

DATED this 4/21/2026.

__/S__ *Michael Neufeld*_____

Michael Neufeld

Attorneys for Petitioner

VERIFICATION PURSUANT TO 28 U.S.C. 2242

I am submitting this verification on behalf of ASAEL OMAR DE SANTIAGO DE SANTIAGO because I am his attorneys. I have discussed with ASAEL OMAR DE SANTIAGO DE SANTIAGO the events described in the Petition and Complaint. Based on those discussions, I hereby verify that the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Executed on this 4/21/2026 in Phoenix, Arizona

__/S__ *Michael Neufeld*_____

Michael Neufeld

Attorneys for Petitioner ASAEL OMAR DE SANTIAGO DE SANTIAGO