FILED
U.S. District Court
District of Kansas
04/30/2026
Clerk, U.S. District Court
By: SND Deputy Clerk

**UNITED STATES DISTRICT COURT**
**DISTRICT OF KANSAS**
**TOPEKA DIVISION**

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| Sergio **SÁNCHEZ GRANADOS**<br><br>Petitioner,<br><br>v.<br><br>**(1) JACOB WELSH,** Jail Administrator Chase County Detention Center;<br>**(2) MATTHEW G. PUTRA, Acting** Field Office Director of the Chicago Field Office, U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations;<br>**(3) TODD LYONS**, Senior Official Performing, the Duties of the Director, U.S. Immigration and Customs Enforcement;<br>**(4) MARKWAYNE MULLIN,** Secretary of the U.S.Department of Homeland Security;<br>**(5) TODD BLANCHE,** U.S. Attorney General, in their official capacities,<br><br>Respondents. | 26-3109-JWL<br>Case No. xxxxxx |

**PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. 2241**

**AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

## INTRODUCTION

1. Petitioner, Sergio Sanchez Granados, is detained by Respondents at the Chase County Jail under **8 U.S.C. § 1231(a)**. On March 10, 2026, Petitioner was re-detained after he presented for an ICE Check in at the Wichita ICE Field Office. Prior to this re-detention Petitioner had been released on an order of supervision ("OSUP") on March 25, 2014. See Exhibit A. Since March 25, 2014, Mr. Sanchez Granados had been reporting to ICE on a yearly basis. During his March 10, 2026 re-detention no legitimate, non punitive objective in revoking his Order of Supervision and no notice or meaningful opportunity to be heard was provided to Petitioner. See Exhibit B. Prior to that re-detention, Petitioner had been appearing for in person check in appointments with ICE for twelve years. Petitioner was originally ordered removed on March 25, 2014 under 8 U.S.C. 1225 (b)(1). Petitioner is a person with various medical conditions including Type 2 diabetes with complications, osteomyelitis of left foot,Osteoarthritis of left foot, hypertension, and climacteric arthritis. See Exhibit C. Additionally, Petitioner has no serious criminal history other than minor traffic violations.

2. Petitioner's re-detention violated Respondent's own regulations governing the revocation of an order of supervision when it re-detained him and the Due Process Clause of the Fifth Amendment. Accordingly, Petitioner

seeks a writ of habeas corpus ordering his immediate release.

## JURISDICTION

3. Petitioner is in the physical custody of Respondents at Chase County Jail in Cottonwood Falls, Kansas and is under the direct control of Respondents and their agents.

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

5. This Court has jurisdiction under 28 U.S.C. § 2241(c)(3) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

6. 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

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

8. Venue is also proper in this judicial district pursuant to 28 U.S.C. § 1391(e) because Respondents are U.S. agencies and officers of the United States acting in their official capacities and because a substantial part of the

events or omissions giving rise to the claims occurred in the U.S. District Court of Kansas.

9. No petition for habeas corpus has previously been filed in any court to review either of Petitioners' cases.

**REQUIREMENTS OF 28 U.S.C. § 2243**

10. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless the Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an 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.*

11. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963).

**PARTIES**

12. Petitioner is a citizen of El Salvador who arrived in the United States on March 24, 2014 and subsequently released on an order of supervision by DHS. He has been in the custody of Respondents since March

10, 2026. He is currently detained at Chase County Detention Center, and under the direct control of Respondents and their agents.

13. Respondent Jacob Welch is sued in his official capacity as the Jail Director of Chase County Jail and has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. The jail director of Chase County Jail is a legal custodian of Petitioner.

14. Respondent Matthew G. Putra is sued in his official capacity as the Acting Field Office Director of the Chicago Field Office of U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO). Respondent Putra is a legal custodian of Petitioner and has authority to release him.

15. Respondent Todd LYONS is sued in his official capacity as the Senior Official Performing the Duties of the Director of the U.S. Immigration and Customs Enforcement, which oversees the Chicago Field Office of U.S. Immigration and Customs Enforcement, the field office responsible for Petitioner's detention. Respondent Lyons is a legal custodian of Petitioner and has authority to release him.

16. Respondent Markwayne Mullin is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security. In this capacity,

Respondent Mullin is responsible for the implementation and enforcement of the INA, and oversees the U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention. Respondent Mullin is a legal custodian of Petitioner and has the authority to release him.

17. Respondent Todd Blanche is sued in his 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, he has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review, which administers the immigration courts and the BIA. Respondent Blanche is a legal custodian of Petitioner.

## FACTUAL ALLEGATIONS

18. On March 25, 2014, Petitioner last entered the United States after he was released under an order of supervision by DHS. He has remained in the United States since that time.

19. Petitioner was originally ordered removed on March 25, 2014 via an Expedited Removal Order.

20. Petitioner had a current valid Employment Authorization that was valid until April 23, 2025 and a renewal that is still currently pending.

21. Petitioner has no serious criminal convictions and has not violated the terms of his order of supervision.

22. Petitioner was taken into Respondents' custody on March 10, 2026. Petitioner is receiving inadequate medical health care for his Type 2 Diabetes and his detention exacerbates his ill treated condition.

23. To date, Petitioner remains in Respondents' custody.

## LEGAL BACKGROUND

24. Noncitizens are entitled to Fifth Amendment due process rights in removal proceedings. *See Reno v. Flores*, 507 U.S. 292, 306 (1993); *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). "A statute permitting indefinite detention of an alien would raise a serious constitutional problem." *Zadvydas*, 533 U.S. at 690.

25. The Constitution guarantees the availability of the writ of habeas corpus "to every individual detained within the United States." *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004) (citing U.S. Const., Art I, § 9, cl. 2).

26. A writ of habeas corpus may be granted to a petitioner who demonstrates that he is in custody in violation of the Constitution or federal law. 28 U.S.C. § 2241(c)(3).

27. *Rodriguez v. Marin*, 909 F.3d 252, 256 (9th Cir. 2018) (expressing "grave doubt" that "any statute that allows for arbitrary prolonged detention without any process is constitutional or that those who founded our democracy precisely to protect against the government's arbitrary deprivation of liberty would have thought so."

28. To guard against arbitrary detention and to guarantee the right to liberty, due process requires "adequate procedural protections" that ensure 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).

29. 8 C.F.R. §§ 241.13(i) and 241.4(l), govern how and when ICE may revoke the release of a noncitizen who has been ordered removed, detained, and then released after ICE is unable to execute the order of removal. Section 241.13(i) permits revocation of release "if, on account of changed circumstances, [ICE] determines that there is a significant likelihood that the alien may be removed in the reasonably foreseeable future."3 8 C.F.R. § 241.13(i)(2).

30. Numerous courts have found that when ICE revokes the release of a noncitizen who has been ordered removed to effectuate that noncitizen's removal, "it is [ICE's] burden to show a significant likelihood that the alien may be removed." *E.g.*, *Escalante v. Noem*, No. 9:25-CV-00182-MJT, 2025 WL 2206113, at *3 (E.D. Tex. Aug. 2, 2025); *see Nguyen v. Hyde*, 788 F. Supp. 3d 144, 150 (D. Mass. 2025).

31. According to § 241.13(i)(2), "The Service may revoke an alien's release under this section and return the alien to custody if, on account of changed circumstances, the Service determines that there is a significant likelihood that the alien may be removed in the reasonably foreseeable future. Thereafter, if the alien is not released from custody following the informal interview provided for in paragraph (h)(3) of this section, the provisions of §241.4 shall govern the alien's continued detention pending removal."

32. Petitioner was not provided with an individualized explanation as to why he was being re-detained on March 10, 2026. He was provided a Notice of Revocation that bears boilerplate language stating that "the purposes of release have been served." There is no other individualized information provided. The Notice of Revocation was digitally signed by Mattew Putra on March 10, 2026 at 7:25 am and the Respondent was detained around 9:24am. Additionally, there are no changes in circumstances as Petitioner had been released on an order of supervision for twelve years. Petitioner had been reporting as required to his appointments and complied with all requirements. Respondents themselves do not indicate any violation of conditions.

33. Detention is only permissible if there is a significant likelihood of removal in the foreseeable future or if there is a violation of the order of

supervision which is not alleged anywhere. Therefore, ICE detained Petitioner in violation of its OWN regulations.

34. According to 8 C.F.R 241.13 (i)(3), "Upon revocation, the alien will be notified of the reasons for revocation of his or her release. The Service will conduct an initial informal interview promptly after his or her return to Service custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification. The alien may submit any evidence or information that he or she believes shows there is no significant likelihood he or she will be removed in the reasonably foreseeable future, or that he or she has not violated the order of supervision. The revocation custody review will include an evaluation of any *contested facts* relevant to the revocation and a determination whether the facts as determined warrant revocation and further denial of release."

35. Here Petitioner was not provided any meaningful interview or provided adequate opportunity to submit or respond to reasons for revocation. Petitioner was detained on March 10, 2026 at approximately 9am and later transferred to Kay County Detention Center in Newkirk, Oklahoma that afternoon. He was subsequently transferred to Chase County Jail where he is currently held. Procedural due process requires adequate notice and an opportunity to be heard. See *Aponte-Rosario v. Acevedo-Vila*, 617 F. 3d 1, 9 (1st Cir. 2010). Even if this notice is subsequently provided, which it was

here, Petitioner's "expeditious" removal to El Salvador was not possible as Petitioner expressed fear.

36. Petitioner's due process rights require that prior to re-detention a hearing where he can show that he is not a flight risk or danger as petitioner has a liberty interest. A protected liberty interest may arise from a conditional release from physical restraint. *Young v. Harper*, 520 U.S. 143, 147–49 (1997). Multiple courts have found that even when a statute allows the government to arrest and detain an individual, a protected liberty interest under the Due Process Clause may entitle the individual to procedural protections not found in the statute. *See Id.* (due process requires pre-deprivation hearing before revocation of preparole); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973) (same, in probation context); *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972) (same, in parole context).

37. In *Morissey*, the Supreme Court found that a parolee who has relied on at least an "implicit" promise that his/her parole will not be revoked only if he fails to comply with the conditions of his or her parole. Consequently, a parolee has a protected interest in their "continued liberty." *Id* at 481-84.

38. Petitioner's release from detention in 2014 is similar. For twelve years Petitioner was allowed to live in the United States without much interference with his liberty despite the order of supervision. Petitioner has

been able to be lawfully employed. He complied with all conditions of his release, checking in periodically with ICE. He did so relying on the "implicit" promise that as long as he complied with the terms of his supervision he would await an asylum or reasonable fear interview. Therefore Petitioner has a liberty interest that requires due process.

## CAUSE OF ACTION

## COUNT ONE

## 28 U.S.C. § 2241

**Fifth Amendment-Procedural Due Process denial no legitimate, non-punitive objective in revoking OSUP**

39. Petitioner incorporates by reference the allegations set forth in paragraphs 1–38.

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

41. Petitioner's detention—without a meaningful hearing or interview to re-detention by a neutral arbiter violated his due process rights and is not reasonably related to a legitimate government purpose.

42. To justify Petitioner's continued detention, due process requires he be released immediately.

43. For these reasons, Petitioner's ongoing detention violates the Due Process Clause of the Fifth Amendment.

**COUNT TWO**

**Fifth Amendment-Procedural Due Process denial because OSUP was revoked without Notice AND meaningful opportunity to respond.**

44. Petitioner was scheduled for what he believed was a routine check in with ICE. The many he has had over the twelve years since March of 2014 when he was first placed on the revoked "OSUP". Petitioner had NO advance notice that his March 10, 2026 was going to be any different from his previous check-ins. Petitioner was immediately detained upon his check-in therefore the Revocation Notice provided after the fact did not provide him with any real advance opportunity to prepare and respond to his detention. It is unknown if the Notice of Revocation was read to him in Spanish the only language he understands. Furthermore, the Notice of Revocation was digitally signed at 7: 25 am hours prior to his check in. Petitioner does not recall being interviewed specifically to address or counter his re-detention.

**COUNT THREE**

**Fifth Amendment-Procedural Due Process denial OSUP Not effectuated in accordance with INA regulations and APA.**

45. According to Respondent's Notice of Revocation dated February 12, 2026, Acting Director Matthew G. Putra digitally signed the document. According to 8 CFR §

241.4, the Executive Associate Commissioner, District Director or authorized delegate can make determinations to release or detain. In Petitioner's case it is unknown if an "Acting" director is authorized to make these determinations as they are typically considered temporary positions. Consequently, whether the appropriate delegation of Mr. Matthew G. Putra is unknown at best. Even if Mr. Putra was an authorized individual to sign the Revocation of Release Respondent's own regulations requiring that authority be delegated and determinations be made prior to revoking a release. *See* 8 CFR § 241.4 (l)(2). The regulations require that the revocation be in the *public interest* and *circumstances do not reasonably* permit referral of the case to the Executive Associate Commissioner. *See also Ceesay v. Kurzdorfer*, 781 F.Supp.3d 137 (W.D.N.Y. 2025).

46. Whether Respondent's internally were unable to reasonably refer Petitioner's case to the Executive Associate Commissioner is unknown. This information is likely internal and not publicly available. However, Petitioner would contend that his revocation was not in the "public interest". Petitioner, a man who has been in the country for almost twelve years and does not have any criminal history besides minor traffic violations. Petitioner was granted supervision by Respondent's on May 24, 2014 and had NOT violated any condition of his supervised release. Petitioner also has a medical diagnosis that requires ongoing treatment which Respondent's were aware of. Thus it was not in the public interest to revoke Respondent's release.

## COUNT FOUR

## Fifth Amendment-Procedural Due Process denial OSUP revocation arbitrary and capricious violating APA

47. Petitioner's revocation was without any justification and contrary to Respondent's own regulations therefore arbitrary and capricious. No meaningful circumstances justify the re-detention of Petitioner after twelve years of an implicit assumption of his release.

**COUNT FIVE**

**Petitioner had liberty interest in her release and no due process as required by Matthews v. Eldridge, 424 U.S. 319 (1975).**

48. According to *Zinermon v. Burch*, 494 U.S. 113, 127 (1990), due process "is a flexible concept that varies with the particular situation." In *Mathews v. Eldridge,* 424 U.S. 319, 335 (1976) the Supreme Court laid out three factors used to evaluate the protections required in any given situation "First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail."

49. First, in Petitioner's case he had been released from detention for twelve years where he established a life in the United States including lawfully being employed. Being free from detention is a freedom that is at the heart of that liberty interest protected by due process. *Zadvydas v. Davis*,

533 U.S. 678, 690 (2001). Second, the risk of erroneous deprivation is high as 8 C.F.R. §§ 241.13 and 241.4 do not provide for review of ICE's reasons for revocation by a *neutral* arbiter. Several courts have found that NOT having a "neutral arbiter" creates heightened risk of deprivation. See *Yang v. Kaiser*, No. 2:25-CV-02205-DAD-AC (HC), 2025 WL 2791778, at *9 (E.D. Cal. Aug. 20, 2025). *Diouf v. Napolitano*, 634 F.3d 1081, 1092 (9th Cir. 2011). In Petitioner's case Respondent's have failed to provide any meaningful informal interview or proper notice thus indicating that the current regulations in place are insufficient to prevent any deprivation of liberty interest. Lastly, although the government has a high interest in enforcing immigration laws, the interest in detaining Petitioner without a hearing is "low." See *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019); *Doe v. Becerra*, No. 2:25-cv-00647-DJC-DMC, 2025 WL 691664, at *6 (E.D. Cal. March 3, 2025)

50. Several district courts have reached the same conclusion that a detention without a hearing violates Due Process in the context of immigration detentions. *See, Yang*, 2025 WL 2791778, at *7–10; *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263, at *4–6 (N.D. Cal. Aug. 21, 2025); *Garcia*, 2025 WL 1927596, at *5; *Pinchi v. Noem,* No. 25-CV-05632-RMI (RFL), 2025 WL 1853763, at *1 (N.D. Cal. July 4, 2025); *Ortega*, 415 F. Supp. 3d at 970; *Doe*, 2025 WL 691664, at *6; *Diaz v. Kaiser*, No. 3:25-cv-05071, 2025 WL 1676854, at *2 (N.D. Cal. June 14, 2025); *Romero*

*v. Kaiser*, No. 22-cv-02508-TSH, 2022 WL 1443250, at *4 (N.D. Cal. May 6, 2022); *Vargas v. Jennings*, No. 20-cv-5785-PJH, 2020 WL 5074312, at *4 (N.D. Cal. Aug. 23, 2020).

51. Petitioner would request that this court find the same has occurred in his case that liberty interest has been violated without due process.

## 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 and order Petitioner's immediate release.

C. Enjoin Respondents from transferring Petitioner out of this district during the pendency of this litigation without advance notice to counsel.

D. Enjoin Respondents from removing Petitioner outside of the country.

E. Enter a judgment declaring that Petitioner's re-detention under that statute violates the Due Process Clause of the Fifth Amendment and contrary to law;

F. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified under law; and

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

Respectfully submitted this 30th day of April, 2026.

s/Beatriz Valdez
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**VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

I represent Petitioner, Sergio Sanchez Granados, 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 30th day of April, 2026.

s/Beatriz Valdez
Counsel for Petitioner

**CERTIFICATE OF SERVICE**

I hereby certify that on April 30, 2026, I sent a true and correct copy of the foregoing Petition for Writ of Habeas Corpus to be served pursuant to Fed. R. Civ. P. 5 and in compliance with the Local Rules of the United States District Court of Kansas Topeka Division to the Respondents via electronic filing through CM/ECF.

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