ALANA L. MCMAINS
California State Bar No. 285942
LAW OFFICE OF ALANA MCMAINS
185 W. F St. #100-R
San Diego, California 92101
Telephone: (619) 310-5421
alana@mcmainslaw.com

Attorney for Petitioner

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

LAFORTUNE B TANYIE ANGEL,

Petitioner,

v.

CHRISTOPHER LAROSE, Senior Warden at Otay Mesa Detention Center,

Respondents.

Case No.: 26-cv-3090-CAB-GC

AMENDED[1] VERIFIED PETITION FOR A WRIT OF HABEAS CORPUS

[1] Federal Rule of Civil Procedure 15(a)(1)(A) permits a party to "amend its pleading once as a matter of course no later than 21 days after serving it." Fed. R. Civ. Pro. 15(a)(1)(A) (punctuation altered). It is less than 21 days since service. Petitioner therefore files this amended petition as of right.

INTRODUCTION

Tanyie Angel B[2] has been detained pending her immigration proceedings for 9 months. This Court should "join[] the majority of courts across the country in concluding that [her] unreasonably prolonged detention under 8 U.S.C. § 1225(b) without an individualized bond hearing violates due process." *Kydyrali v. Wolf*, 499 F. Supp. 3d 768, 772 (S.D. Cal. 2020) (Battaglia, J.). Additionally, newly emerging evidence suggests that the neutrality of Otay Mesa's immigration judges ("IJs") has been compromised and some IJs and the Department of Homeland Security ("DHS") have implemented strategies to detain bond-worthy habeas petitioners. For this reason, a bond hearing before a randomly selected IJ will no longer reliably satisfy due process. This Court should therefore consider the alternative forms of relief set forth at the end of this petition.

STATEMENT OF FACTS

I. Tanyie Angel's First Attempt at Seeking Asylum

Tanyie Angel is a native citizen of Cameroon. In 2024, she was forced to flee for her safety due to political persecution in her home country. (Ex. A, Petitioner's Declaration in Support of I-589 Application, at 1). For decades, Cameroon has been the site of an ongoing armed conflict between the Francophone military and Anglophone Separatists fighting for an independent state. (*Id.*). In 2021, the [redacted]

[2] Petitioner's true name is Tanyie Angel LaFortune B. In the immigration system, however, she has been incorrectly referred to as "LaFortune B Tanyie Angel." She thus filed her petition under that name. For the sake of consistency, she will be referred to by the name "Tanyie Angel" in this petition, even though it is technically her first name.

[redacted] her family arranged to have her smuggled out of the country to seek asylum. (*Id.* at 4).

On February 1, 2025, Tanyie Angel crossed the Mexican border into the United States, then waited near the border to surrender herself to the authorities and request protection. (*Id.* at 5). When DHS took her into custody, however, they did not provide her with a credible fear interview. (*Id.*). Instead, on February 13, 2025, DHS removed her to Panama without warning or explanation. (*Id.*).

II. Tanyie Angel's Removal from the U.S.

Panamanian authorities took Tanyie Angel and the other deportees into custody.[3] (*Id.*). She was told that she should either agree to be sent back to Cameroon, or she would be detained. (*Id.*). The Panamanian authorities explained to the deportees that they could not have legal status in Panama because they were criminals from America who Panama only accepted to settle a political debt. (*Id.*). They placed Tanyie Angel in a refugee camp with unsanitary conditions, until eventually she was given a 90-day permit to stay in the country. (*Id.*).

Because Tanyie Angel could not stay in Panama but was afraid to return to Cameroon, she tried to seek refuge elsewhere after Panama failed to renew her permit. (*Id.*). She traveled throughout Central America for months, but country after country denied her refuge. (*Id.* at 6–7). Tanyie Angel eventually made it to Mexico, where she found a job and a place to live, but eventually was robbed by the police and kidnapped by unknown gunmen. (*Id.* at 7).

III. Tanyie Angel's Second Attempt at Seeking Asylum

Fearing for her life, she again sought refuge at the U.S. border, hoping that this time she would have a chance to plead her case. (*Id.*). On October 30, 2025,

[3] Tanyie Angel was one of 119 third-country nationals removed to Panama in February 2025 as part of an expanded repatriation program instituted by the Trump administration. *See* Latina Republic, *Migrants Deported by the U.S. Begin Arriving in Panama* (Feb. 17, 2025), https://latinarepublic.com/2025/02/17/migrants-deported-by-the-u-s-begin-arriving-in-panama/.

she was taken into DHS custody. (*Id.*). This time, she was given a credible fear interview, but the DHS official made a negative determination. (*See* Ex. B at 4). Tanyie Angel appealed to an IJ, who found that she did have credible fear. (*Id.*).

On December 18, 2025, Tanyie Angel was finally put into immigration proceedings. (*Id.*). Tanyie Angel was assigned an immigration attorney who entered her appearance on January 1, 2026. (*Id.*). On January 21, 2026, a master calendar hearing was held where Tanyie Angel conceded the charge of removability and was given a deadline to file her asylum application. (Ex. C at 1–2). On January 30, 2026, Tanyie Angel timely filed her application for asylum and withholding of removal. (*Id.* at 2).

On February 2, 2026, DHS filed a motion to pretermit Tanyie Angel's applications for relief and remove her to Uganda. (Ex. C). Tanyie Angel opposed the motion on several bases, including but not limited to arguments that: (1) due to its conditions, Uganda should not be designated as a "safe third country;" (2) the Asylum Cooperative Agreement with Uganda does not apply; and (3) Tanyie Angel should receive additional time to file an asylum application regarding her fear of removal to Uganda. (Ex. B at 3). On February 18, 2026, the IJ granted DHS's motion to pretermit and ordered Tanyie Angel be removed to Uganda. (Ex. D).

Tanyie Angel timely filed her notice of appeal with the Board of Immigration Appeals ("BIA"). (Ex. E). With that appeal pending, she filed her initial petition for habeas corpus in the Southern District of California on May 15, 2026. (ECF No. 1).

LEGAL BACKGROUND

I. The Fifth Amendment's Due Process Clause prohibits prolonged immigration detention without a bond hearing.

This habeas petition presents a question about whether and when the Fifth Amendment's Due Process Clause countermands the government's statutory authority to detain immigrants without bond hearings. Tanyie Angel is detained

under one such statute, 8 U.S.C. § 1225(b). "Section 1225 applies to 'applicants for admission'—noncitizens who 'arrive[] in the United States,' or are 'present' in the United States but have 'not been admitted.'" *Banda v. McAleenan*, 385 F. Supp. 3d 1099, 1111 (W.D. Wash. 2019) (quoting 8 U.S.C. § 1225(a)(1)). It "applies to, among others, noncitizens initially determined to be inadmissible because of . . . lack of valid documentation." *Id.* That includes persons who, like Tanyie Angel, present themselves for inspection at the border and—rather than producing admission documents—make asylum and other fear-based claims. *See id.* at 1109–11 (describing a similar procedural history and finding that petitioner was detained under § 1225(b)). Such immigrants are detained under § 1225(b) not only during their initial proceedings, but also when they appeal to the BIA. *See id.* at 1111 (reaching same conclusion for immigrant with pending BIA appeal).

This statutory scheme has left courts to grapple with the limits (if any) of that detention power: Does this statute permit the government to detain immigrants indefinitely, without ever having to prove at a bond hearing that they pose a risk of danger or flight? Three Supreme Court cases are potentially relevant to answering that question.

First, in *Zadvydas v. Davis*, the Supreme Court indicated that indefinite immigration detention raises serious due process concerns. 533 U.S. 678 (2001). *Zadvydas* involved a statute authorizing the government to detain immigrants after they are ordered removed. *Id.* at 683. For immigrants who cannot be removed, that statute had the potential to subject them to years, decades, or a lifetime in custody. *See id.* at 690. The Supreme Court held that if the statue "permit[ed] indefinite detention of an alien[,] [it] would raise a serious constitutional problem," because

> [t]he Fifth Amendment's Due Process Clause forbids the Government to 'depriv[e]' any 'person ... of ... liberty ... without due process of law.' Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects. *See Foucha v. Louisiana,* 504 U.S. 71, 80 (1992). And this Court has said that government detention violates that Clause unless

> the detention is ordered in a *criminal* proceeding with adequate procedural protections, *see United States v. Salerno,* 481 U.S. 739, 746 (1987), or, in certain special and 'narrow' nonpunitive 'circumstances,' *Foucha, supra,* at 80, where a special justification, such as harm-threatening mental illness, outweighs the 'individual's constitutionally protected interest in avoiding physical restraint.' *Kansas v. Hendricks,* 521 U.S. 346, 356 (1997).

Id. Ultimately, however, the Court declined to decide whether a statute permitting indefinite detention would violate the Due Process Clause. Instead, the Court employed the constitutional avoidance canon to read implicit limits into the statute, requiring release after detention became sufficiently prolonged. *Id.* at 699.

Following *Zadvydas*, the Ninth Circuit applied similar reasoning to § 1225(b). *Rodriguez v. Robbins*, 804 F.3d 1060, 1087–89 (9th Cir. 2015). Employing the constitutional avoidance canon, the Ninth Circuit held that § 1225(b) implicitly entitled detained immigrants to bond hearings every six months. *Id.*

The Supreme Court overruled that precedent in *Jennings v. Rodriguez*, holding that the statute does not entitle detainees to bond hearings or otherwise impose "any limit on the length of detention." 583 U.S. 281, 297 (2018). But though *Jennings* held that § 1225(b) imposes no statutory limit on the length of detention, it reserved the question of whether prolonged, mandatory detention without bond hearings violates due process. *Id.* at 312.

Finally, the Supreme Court held in *Demore v. Kim* that at least some statutes mandating detention during immigration proceedings do not automatically violate the Due Process Clause. 583 U.S. 281, 513 (2003). *Demore* addressed 8 U.S.C. § 1226(c), which mandates detention without a bond hearing for persons with certain criminal convictions. *Id.* The Court upheld § 1226(c) in a 5-4 opinion based on (1) the government interests justifying the detention of immigrants with certain, aggravated criminal convictions, and (2) the relative brevity of detention in most cases, with the vast majority taking only about five months. *Id.* at 517–31. Justice

Kennedy supplied a deciding vote. His concurrence left open the possibility that individual immigrants could be "entitled to an individualized determination as to his risk of flight and dangerousness if the continued detention became unreasonable or unjustified." *Id.* at 532–33.

"In the wake of *Jennings*," *Zadvydas*, and *Demore*, "district courts have grappled with how to address due process challenges to prolonged mandatory detention under § 1225(b)." *Banda*, 385 F. Supp. 3d at 1116. But after a full evaluation, "nearly all district courts that have considered the issue agree that prolonged mandatory detention pending removal proceedings, without a bond hearing, will—at some point—violate the right to due process." *Id.* (cleaned up) (collecting cases).

These Courts have relied on the due process concerns recognized in *Zadvydas*. *See, e.g.*, *Kydyrali*, 499 F. Supp. 3d at 771; *Banda*, 385 F. Supp. 3d at 1113–17; *Abdul Kadir v. Larose*, No. 25-cv-1045-LL-MMP, 2025 WL 2932654, at *3 (S.D. Cal. Oct. 15, 2025). As the Ninth Circuit put it in *Jennings*' wake, those considerations raise "grave doubts 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." *Rodriguez v. Marin*, 909 F.3d 252, 256 (9th Cir. 2018).

Neither *Jennings* nor *Demore* undermines that conclusion. *Jennings* held only that the statute itself did not impose any limits on detention. It "did not foreclose as-applied constitutional challenges to detention under" mandatory-detention statutes. *Santos v. Warden Pike Cnty. Corr. Facility*, 965 F.3d 203, 209 (3d Cir. 2020). And *Demore* held only that conviction-based mandatory detention during immigration proceedings does not necessarily or inherently violate the Due Process Clause, particularly when the detention has an expected duration of only about five months. *Id.* at 208–11. But many persons detained under § 1225(b)—

like Tanyie Angel—do not have criminal convictions. And as Justice Kennedy's concurrence made clear, *Demore* does not prevent immigrants from arguing that sufficiently prolonged detention violates due process in their individual cases. *See id.*[4]

Thus, this Court should hold that sufficiently prolonged detention violates the Due Process Clause, as most courts have. *See, e.g.*, *Mardian v. Mayorkas*, No. 25-cv-3467-JLS, 2026 WL 92064, at *2 (S.D. Cal. Jan. 13, 2026); *Cong v. Noem*, No. 25-cv-3730-GPC-DEB, 2026 WL 76566, at *3 (S.D. Cal. Jan. 9, 2026); *Raeva v. Mayorkas*, 25-cv-3175-JO, ECF No. 17 (S.D. Cal. Nov. 24, 2025); *Abdul Kadir v. Larose*, No. 25-cv-1045-LL-MMP, 2025 WL 2770633, at *4 (S.D. Cal. Oct. 15, 2025); *Gao v. LaRose*, No. 25-cv-2084-RSH-SBC, 2025 WL 2770633, at *3 (S.D. Cal. Sept. 26, 2025); *Hernandez v. Wofford*, No. 25-cv-986-KES-CDB (HC), 2025 WL 2420390, at *3 (E.D. Cal. Aug. 21, 2025); *Abdul-Samed v. Warden of Golden State Annex Det. Facility*, No. 25-cv-98-SAB-HC, 2025 WL 2099343, at *6 (E.D. Cal. July 25, 2025); *Padilla v. ICE*, 704 F. Supp. 3d 1163, 1171–72 (W.D. Wash. 2023); *Kydyrali v. Wolf*, 499 F. Supp. 3d 768, 772 (S.D. Cal. 2020) (Battaglia, J.);.

II. Courts have reached different conclusions about when immigration detention becomes indefinitely prolonged, but Tanyie Angel would prevail under any standard.

Though courts agree that due process mandates a bond hearing when detention grows unreasonably prolonged, they disagree about how to assess whether a particular migrant's detention has reached that point. *Sanchez-Rivera v. Matuszewski*, No. 22-cv-1357-MMA (JLB), 2023 WL 139801, at *5–6 (S.D. Cal.

[4] The Supreme Court's later decision in *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103 (2020), is also inapposite, because it addressed only immigrants' due process rights in deportation proceedings—i.e., the process due when noncitizens seek to stay in the country instead of being removed. *See Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 WL 2691828, at *7–9 (W.D. Tex. Sept. 22, 2025). It does not purport to hold that immigrants have no constitutional right to due process before the government holds them indefinitely in immigration detention. *Id.*

Jan. 9, 2023) (Anello, J.) (surveying the various approaches). Some courts have "conclude[d] . . . that detention becomes prolonged after six months and entitles [a petitioner] to a bond hearing." *Rodriguez v. Nielsen*, No. 18-cv-04187-TSH, 2019 WL 7491555, at *6 (N.D. Cal. Jan. 7, 2019). In that case, Tanyie Angel would automatically qualify, as she has been detained for 9 months.

Other courts have adopted various factors tests. *See Sanchez-Rivera*, 2023 WL 139801, at *5–6 (surveying different approaches). Courts generally agree that relevant factors include:

(1) "the total length of detention to date,"

(2) "the likely duration of future detention," and

(3) "the delays in the removal proceedings caused by the petitioner and the government."

Id. Some courts also consider:

(4) "the conditions of detention," and

(5) "the likelihood that the removal proceedings will result in a final order of removal."

Id. Other courts have rejected the fourth and fifth factors, holding that they are "not particularly suited to assisting the Court in determining whether detention has become unreasonable and due process requires a bond hearing." *Lopez v. Garland*, 631 F. Supp. 3d 870, 879 (E.D. Cal. 2022); *accord Sanchez-Rivera*, 2023 WL 139801, at *5–6. [5] Regardless of which these factors are analyzed, Tanyie Angel should prevail.

First, the "most important factor," the length of detention, favors Tanyie Angel. *Banda*, 385 F. Supp. 3d at 1118. In assessing this factor, "[i]t is important

[5] Courts also disagree about whether to account for any criminal convictions that have led to the deportation. *Sanchez-Rivera*, 2023 WL 139801, at *5–6. But such factors—if appropriate at all—are irrelevant where, as here, the removal is not based on prior convictions. Further, Tanyie Angel has no criminal record. (ECF No. 1 at 7).

to bear in mind the context: The detention that is being examined here is the detention of a human being who has never been found to pose a danger to the community or to be likely to flee if released." *Kydyrali*, 499 F. Supp. 3d at 774 (citation omitted). With that context, "[c]ourts have found detention over seven months without a bond hearing weighs toward a finding that it is unreasonable." *Amado v. United States Dep't of Just.*, No. 25-cv-2687-LL-DDL, 2025 WL 3079052, at *5 (S.D. Cal. Nov. 4, 2025). Tanyie Angel has been detained for even longer, at 9 months by the date of this filing. This factor therefore favors ordering a bond hearing. *See also Brissett v. Decker*, 324 F. Supp. 3d 444, 452 (S.D.N.Y. 2018) (granting bond after finding nine months detention was unreasonable).

Second, Tanyie Angel has reason to anticipate significant future detention. Her appeal to the BIA was just recently filed, and the process is likely to be protracted. Recent research on BIA appeals demonstrates that processing time is slowing for both appeals by detained and non-detained immigrants, but the processing time is higher for detained immigrants. *See* Ex. F, Decl. of Zabdi J. Salazar, ¶ 3. Looking overall at approximately 7,500 cases from 2024 to 2026, the median processing time for non-detained cases was 558 days. Id. ¶ 3. Every year, the length of the process increases. *Id.* ¶ 3. While most detained case appeals were resolved in a year, 18.6% took more than one year, and 5% took four years or longer. *Id.* ¶ 10. The fastest case completions involve procedural or administrative/withdrawal, whereas substantive appeals—such as Tanyie Angel's—tend to take longer to be resolved.

Plus, the resolution of the BIA appeal would not mean the resolution of the case. If the BIA denies her appeal, she will then likely appeal to the Ninth Circuit. All told, "[t]his [appeal] process may take up to two years or longer." *Banda*, 385 F. Supp. 3d at 1119. The unique posture of Tanyie Angel's case makes her even more susceptible to prolonged detention. This is because even if she wins the appeal on her third country removal, her case is not over. She would then still have to go

through the process of litigating her asylum case—which itself could result in appeals to the BIA and Ninth Circuit. Thus, since "Petitioner's future detention can last several more months or even years [during the adjudication of her case]," this factor favors Tanyie Angel. *Abdul Kadir v. Larose*, No. 25-cv-1045-LL-MMP, 2025 WL 2932654, at *5 (S.D. Cal. Oct. 15, 2025).

Third, the delay factor also favors Tanyie Angel. "[T]he record does not indicate that [she] has been dilatory in pursuing [her] rights." *Kydyrali*, 499 F. Supp. 3d at 773.

Fourth, Tanyie Angel's conditions of confinement weigh in favor of a bond hearing, because being at Otay Mesa Detention Center is "indistinguishable from penal confinement." *Id.* (citations and quotations omitted). This is particularly hard on Tanyie Angel due to her various health problems, many of which were caused by her past trauma not only in Cameroon, but in this process of seeking asylum. Tanyie Angel has symptoms of anxiety, depression, PTSD; she further has insomnia, hypertension, frequent headaches and toothaches, and a Vitamin D deficiency. (ECF No. 1 at 6). These conditions are not likely to improve while she is detained. Rather, they are prone to being exacerbated by the harsh conditions of her confinement, which involve a poor diet, inadequate medical care, and insufficient hygiene. (*Id.*).

Finally, the fifth factor weighs in favor of Tanyie Angel. "In considering the 'likelihood that the removal proceedings will result in a final order of removal,' the Court considers 'whether the noncitizen has asserted any defenses to removal.'" *Asayehegn v. Larose*, No. 3:26-cv-00663-RBM-BJW, 2026 WL 937126, at *4 (S.D. Cal. Apr. 7, 2026) (quoting *Banda*, 385 F. Supp. at 1120). Here, Tanyie Angel has asserted legitimate, good faith defenses to her removal in the form of her application for asylum and withholding. An IJ made a positive credible fear determination, which goes in Tanyie Angel's favor as well. *See Gurung v. Larose*, No. 26-cv-920-LL-MSB, 2026 WL 776841, at *5 (S.D. Cal. Mar. 19, 2026).

She has also presented strong arguments against her third-party removal by challenging the ACA, contesting Uganda's status as a "safe third country," and seeking an opportunity to seek asylum based on this new removal order. This leans in her favor; but admittedly, the IJ denied her motion, which goes against her. Overall, however, this factor weighs more in favor of Tanyie Angel than DHS.

In sum, under any test, Tanyie Angel is entitled to a bond hearing.

III. Because immigration judges' neutrality has been compromised, this Court must order outright release or at least put in place additional safeguards.

In a perfect world, this Court could remedy the due process violation by ordering a bond hearing before a neutral immigration judge ("IJ"), allowing the IJ to determine whether Tanyie Angel posed a risk of danger or flight. Unfortunately, attacks on IJ independence under the current administration have severely compromised IJs' neutrality. As a result, there is a serious risk that an IJ will order Tanyie Angel's continued detention even if she poses no danger or flight risk. Empirical evidence and recent judicial findings support that conclusion.

Most importantly, reports are streaming in from this district and elsewhere that court-ordered "bond hearings [are], effectively, stacked against detainees from the start."[6] In *Yin v. Moldanado*, a court expressed consternation at an IJ's "conclusory, two-line determination of flight risk" for a person whom DHS had previously agreed "to release . . . on his own recognizance" and who "attend[ed] [all] immigration check-ins" during his release. No. 26-cv-0103-PKC, 2026 WL 295389, at *3 (E.D.N.Y. Feb. 4, 2026).

In *Said v. Noem*, a court ordered a bond hearing for a habeas petitioner, only to learn that "[t]he IJ denied Petitioner the opportunity to present testimony, declined to consider the sworn, documentary evidence submitted by Petitioner,

[6] Kyle Cheney, *How ICE Defies Judges' Orders to Release Detainees, Step by Step*, Politico (Feb. 10, 2026), https://www.politico.com/news/2026/02/10/ice-immigration-detention-court-orders-00771727.

and based his decision on an uncorroborated, unauthenticated claim by a government official that Petitioner failed to share his location [with immigration]." No. 3:25-cv-938-MOC, 2026 WL 295651, at *5 (W.D.N.C. Feb. 4, 2026). The original habeas order "presupposed that this hearing would be conducted in accordance with Petitioner's due process rights," the court wrote. *Id.* "It was not." *Id.*

And in *Picado v. Hyde*, a district judge ordered outright release after two deficient bond hearings. No. 26-cv-065-JJM-PAS, 2026 WL 352691, at *7 (D.R.I. Feb. 9, 2026). The IJ in the second hearing had deemed the immigrant a danger to the community based on an uncorroborated police report accusing him of driving 90 mph in a 55-mph zone. *Id.*

In a recently filed declaration, local attorney Edward Perez attests that he has similar concerns about some immigration judges at Otay Mesa. In his experience, some Otay Mesa IJs are resistant to implementing habeas orders requiring bond hearings. *Elsayed v. Noem*, Case No. 26-cv-368-BAS-AHG, ECF No. 5-2 at ¶ 7 (S.D. Cal. Feb. 9, 2026). These IJs have begun denying bond on the basis that court hearings are upcoming, and release would disrupt the hearing schedule. *Id.* Of course, that logic could justify any asylum seeker's detention, and it has nothing to do with danger or flight. *Id.* Furthermore, the Department of Homeland Security ("DHS") has started appealing bonds to take advantage of the automatic stay. *Id.* Both strategies ensure that even those who pose no risk of danger or flight will stay in detention. *Id.*

Perez is far from the only one to express concerns. In a declaration filed in *Briceno Solano v. Mason*, No. 26-cv-00045, 2026 WL 311624 (S.D.W. Va. Feb. 4, 2026), ECF No. 24-1, Former ICE Counsel Jorge Artieda attests to seeing "a seismic shift in bond hearing outcomes for individuals who had been granted federal habeas relief and ordered § 1226(a) bond hearings . . . in the Eastern District of Virginia." *Id.* at 2. The pattern of granting bond in appropriate cases "abruptly

and uniformly ceased" in early January, in a way that "suggests coordinated institutional direction." *Id.* IJs there now rely on a "remarkably narrow and predictable set of rationales to deny bond—rationales that appear to bear little relationship to genuine individualized risk assessment and that would not have been deemed sufficient to justify denial just weeks earlier." *Id.* at 3. In Mr. Artieda's professional opinion, the IJs' rationales "do not appear to be grounded in legitimate risk assessment" but are "pretexts designed to ensure denial of bond regardless of the individual facts of each case." *Id.* at 4.

Mr. Artieda further attests that to having "communicated with numerous immigration attorneys practicing all over the United States who handle detention cases." *Id.* at 5. "These conversations have confirmed that the pattern [he] ha[s] observed is widespread and consistent." *Id.* Based on these conversations, Mr. Artieda believes that these bond denials are part of a "coordinated institutional effort." *Id.* at 6. That coordinated effort supports outright release or, at a minimum, additional scrutiny from this Court.

These trends are consistent with sustained attacks on IJs' independence under this administration. Several examples illustrate the point. *First*, the Trump administration has eliminated 128 IJs insufficiently aligned with the administration's priorities, illustrating to the remaining IJs the cost of resistance.[7] These IJs are under no illusions about why they were let go. Former Baltimore IJ Emmett Soper stated: "I think the current administration of the immigration courts does not fundamentally see the immigration courts as neutral decision-makers. I think that they see the immigration courts as a tool for this administration to advance its policy objectives."[8] Former San Francisco IJ Jeremiah Johnson

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[7] Woo-Sun Lim, *Former judge highlights legal failures in U.S. worker detentions*, The Dong-A Ilbo (Sept. 20, 2025), https://www.donga.com/en/article/all/20250920/5859412/1.

[8] Geoff Bennett & Ali Schmitz, *Ousted Immigration Judge Describes Deepening Court Backlog*, PBS NewsHour (Nov. 12, 2025), https://www.pbs.org/newshour/show/ousted-immigration-judge-describes-

similarly understood "the hint that they should be hearing cases a certain way, deciding cases a certain way. Move faster. Less due process, essentially."[9] Former San Francisco IJ George Pappas was even more direct: "We were told to facilitate deportation… Due process is dead in immigration courts."[10]

This has had a predictable effect on those who remain. According to former San Francisco IJ Elizabeth Young, "I've talked to many of [the judges still serving], and they're like, 'When I go into court, I am concerned about applying the law, but I'm also concerned that I should deny more, because if I don't, then I'll get fired.'"[11] Meanwhile, Department of Justice recruitment materials seek "deportation judges" to fill the empty IJ slots,[12] inviting candidates to "[b]ring the hammer down on criminal illegal aliens" and "[d]efend your communities, your culture, your very way of life."[13]

Second, a parallel purge occurred at the BIA, which was reduced from 28 members to 15 members. All Biden appointees on the BIA were fired.[14] The

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deepening-court-backlog.

[9] Hilda Gutierrez, Michael Bott & Son Vo, *'An all-out attack on immigration court:' SF immigration judges speak out after firings*, NBC Bay Area (Nov. 25, 2025), https://www.nbcbayarea.com/investigations/san-francisco-immigration-judges-speak-out-firings/3986850/.

[10] Isabela Dias, *"Fired for No Reason": Former Immigration Judges Speak Out Against Trump's Assault on the Courts*, Mother Jones (Oct. 9, 2025), https://www.motherjones.com/politics/2025/10/immigration-court-judge-trump-assault-purge-dhs-ice/.

[11] Marco Poggio, *Judges See an Immigration Court Gutted from Inside*, Law360 (Oct. 31, 2025), https://www.law360.com/articles/2381003/judges-see-an-immigration-court-gutted-from-inside.

[12] Coral Murphy Marcos, *US Justice Department Recruiting Legal Experts to Serve as 'Deportation' Judges,* Guardian, https://www.theguardian.com/us-news/2025/nov/21/us-justice-department-ad-deportation-judges

[13] Caption, posted by DHS (@dhsgov), INSTAGRAM (Nov. 21, 2025), https://www.instagram.com/p/DRVT8DmCQKD/?hl=en.

[14] Am. Imm. Council, *BIA Decision Strips Immigration Judges of Bond Authority, All but Guaranteeing Mandatory Detention for Undocumented Immigrants* (Sept. 12, 2025), https://www.americanimmigrationcouncil.org/blog/bia-ruling-immigration-judges-bond-mandatory-detention-undocumented-immigrants/.

statistical impact is stark. As of January 22, 2026, the reconstituted BIA has issued 71 published decisions.[15] Of those, 69 decisions (97%) favored the administration. By contrast, during the entire four-year span of the prior administration, the BIA issued 76 published decisions.[16] Of those, 46 decisions (60%) favored the administration. The transformation from 60% to 97% pro-government outcomes—achieved through wholesale termination of one administration's appointees — speaks for itself.

Third, beyond personnel changes, the 2025 acting director of the Executive Office for Immigration Review ("EOIR") issued "a string of sharply worded policy memos" encouraging IJs to side with the government over immigrants and minimize due process.[17] The policy directives include: a memorandum dated June 27, 2025 warning judges not to demonstrate "bias directed against DHS" or to be "adjudicatory outliers," at risk of "close examination and potential action,";[18] a memorandum encouraging judges to deny asylum applications without full evidentiary hearings, styled as efficiency guidance but functioning as a directive to reduce due process protections;[19] and memoranda restricting immigration

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[15] Exec. Off. for Immigr. Rev., *Volume 29*, U.S. Dep't of Just. (Jan. 21, 2025), https://www.justice.gov/eoir/volume-29.

[16] Exec. Off. for Immigr. Rev., *Volume 28*, U.S. Dep't of Just. (June 13, 2025), https://www.justice.gov/eoir/volume-28. (First decision, *Matter of DIKHTYAR*, 28 I&N Dec. 214 (BIA 2021), issued 01/22/2021).

[17] E. Tammy Kim, *Inside Donald Trump's Attack on Immigration Courts*, New Yorker, https://www.newyorker.com/inside-donald-trumps-attack-on-immigration-court.

[18] Exec. Off. for Immigr. Rev., Policy Memorandum 25-33, Neutrality and Impartiality in Immigration Court Proceedings (June 27, 2025), https://iptp-production.s3.amazonaws.com/media/documents/2025.06.27_EOIR_-_PM_25-33.pdf

[19] Exec. Off. for Immigr. Rev., Policy Memorandum 25-28, Pretermission of Legally Insufficient Application for Asylum (Apr. 11, 2025), https://www.justice.gov/eoir/media/1396411/dl?inline

judges' ability to grant continuances[20] and administrative closure.[21]

Fourth, EOIR personnel have at times directed IJs to ignore federal court orders related to bond hearings. On January 13, 2026, in the wake of *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025); *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025), Chief Immigration Judge Teresa L. Riley sent all IJs the following instructions:

> Please provide the following guidance to all immigration judges forthwith: *Maldonado Bautista* is not a nationwide injunction and does not purport to vacate, stay, or enjoin *Yajure Hurtado*. Therefore *Yajure Hurtado* remains binding precedent on agency adjudications. For clarification, declaratory judgments differ from injunctions in that the former clarifies parties' legal rights and relationships without ordering specific action, while the latter is a court order compelling a party to do or stop doing a specific act. A declaratory judgment is not an equitable remedy and does not, by itself, have the effect of compelling specific action by a party. Thank you for your attention to this matter.[22]

A few days later, U.S. District Judge Sunshine S. Sykes issued a scathing order, calling out "Respondents' deliberate choice to continue defying the final judgment entered in *Bautista*." *Baltazar v. Janecka,* No. 5:26-cv-00019-SSS-BFM, 2026 WL 413734, at *1–2 (C.D. Cal. Jan. 16, 2026). IJs' resistance to granting bond therefore accords with the larger movement to eliminate or

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[20] Exec. Off. for Immigr. Rev., Policy Memorandum 25-27, Cancellation of Director's Memorandum 23-01 and Reinstatement of Policy Memorandum 19-13 (Mar. 21, 2025), https://www.justice.gov/eoir/media/1394086/dl,

[21] Exec. Off. for Immigr. Rev., Policy Memorandum 25-29, Cancellation of Director's Memorandum 22-03 (Apr. 18, 2025), https://www.justice.gov/eoir/media/1397161/dl?inline.

[22] Am. Immigr. Laws. Ass'n, Practice Alert: EOIR Issues Nationwide Guidance on *Maldonado Bautista*, AILA Doc. No. 26011404 (Jan. 16, 2026), https://www.aila.org/library/practice-alert-eoir-issues-nationwide-guidance-on-maldonado-bautista.

silence IJs who side with immigrants, while bringing those that remain into line with the administration's priorities.

The "equitable and flexible nature of habeas relief" affords district courts significant discretion over the appropriate remedies for violations of law and the Constitution. *Velasco Lopez v. Decker*, 978 F.3d 842, 855 (2d Cir. 2020) (citing *Boumediene v. Bush*, 553 U.S. 723, 786 (2008)); *see also Schlup v. Delo*, 513 U.S. 298, 319 (1995) ("[H]abeas corpus is, at its core, an equitable remedy"). This Court should order a remedy that fully addresses the statutory and constitutional violations in this case and is efficient to administer. *Carafas v. LaVallee*, 391 U.S. 234, 238 (1968) (the habeas statute "does not limit the relief that may be granted to discharge of the applicant from physical custody. Its mandate is broad with respect to the relief that may be granted").

CLAIM AND PRAYER FOR RELIEF

Detaining Petitioner Without a Bond Hearing Violates the Fifth Amendment's Due Process Clause

Here, because ordering a bond hearing before a randomly selected IJ would not properly redress the constitutional violations present in this matter, Petitioner urges the court to provide an alternative corrective measure. Petitioner suggests the following remedies (with citation to this Court's authority to order them):

Primary Proposed Relief: Outright release. *See, e.g.*, *Miri v. Bondi*, No. 5:26-cv-00698-MEMF-MAR, 2026 WL 622302, at *12 (C.D. Cal. Mar. 5, 2026); *Moctezuma v. Henkey*, No. 1:25-cv-00741-BLW, 2026 WL 18809, at *5 (D. Idaho Jan. 2, 2026).

Alternative Proposed Relief: Bond hearing before district court. *See, e.g.*, *L.G.M. v. LaRocco*, 788 F. Supp. 3d 401, 405-07 (E.D.N.Y. 2025).

Second Alternative Proposed Relief: Bond hearing before IJ with strict due process safeguards. *See Sandesh v. LaRose*, No. 3:26-cv-846-JES-

DDL (S.D. Cal. March 5, 2026).

Specifically, if this Court chooses this option, it could follow *Sandesh* by including the following safeguards used in that case (ECF No. 13):

a. Respondents provide Petitioner with a hearing and individualized bond determination within **ten days** of its order. *Id.*

   (a) At that hearing, the government shall bear the burden of establishing by clear and convincing evidence that Petitioner poses a danger or flight risk, while further specifying that concerns about interrupting court schedules is not a ground to deny bond. *Id.*

   (b) The IJ shall consider alternative conditions of release and Petitioner's ability to pay bond if the IJ determines bond is appropriate. *Id.*

   (c) Respondents shall make a complete record of the bond hearing available to Petitioner and her counsel. *Id.*

b. Respondents are ordered to file a Notice of Compliance within **five days** of providing Petitioner with the bond hearing, including apprising the Court of the results of the hearing. *Id.*

c. Prohibit ICE from invoking the automatic stay provisions under 8 C.F.R. § 1003.19(i)(2) to defeat the IJ's bond determination.

Regardless of the remedy selected, this Court should also retain jurisdiction to enforce compliance, including through sanctions. Finally, this Court should order all other relief that it deems just and proper.

Respectfully submitted,

Dated: June 30, 2026

s/ Alana L. McMains
Alana L. McMains
MCMAINS LAW, APC
Attorney for Petitioner

28 U.S.C. § 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioner because I am the Petitioner's attorney. I have discussed with the Petitioner the events described in this Petition. Based on those discussions, along with my review of Petitioner's immigration file as provided by her immigration attorney, I hereby verify under penalty of perjury under the laws of the United States and the State of California that the statements made in this petition are true and correct to the best of my knowledge, information, and belief.

I further verify that, based on my conversations with Petitioner along with her sworn statements in the original petition (ECF No. 1 at 7, 10), Petitioner is indigent and thus qualifies for appointed counsel under the Criminal Justice Act.

Dated: June 30, 2026

s/ Alana L. McMains

Alana L. McMains
MCMAINS LAW, APC
185 W. F St. #100-R
San Diego, CA 92101
(619) 310-5421
alana@mainslaw.com