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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT

Carlos Ruiz-Perez,

Petitioner,

v.

Patrick Divver, Field Office Director of Enforcement and Removal Operations, San Diego Field Office, Immigration and Customs Enforcement; et al.

Respondents.

Case No. '26CV3302 JLS VET

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

Petitioner Carlos Ruiz-Perez respectfully petitions this Court for a writ of habeas corpus under 28 U.S.C. § 2241. Petitioner is confined by U.S. Immigration and Customs Enforcement at the Otay Mesa Detention Center within this District. He challenges his continuing civil immigration detention as unlawful under the Fifth Amendment because Respondents have continued to hold him after two defective custody proceedings, including one conducted after this Court had already ordered a constitutionally adequate bond hearing before a neutral immigration judge.

This is not a routine request for district-court review of a discretionary bond ruling. Petitioner already obtained habeas relief in this District. In *Ruiz-Perez v. Divver*, No. 3:26-cv-00319-JO-BLM (S.D. Cal. Feb. 3, 2026), this Court ordered Respondents to provide, within five days, an individualized bond hearing before a neutral immigration judge at which the Government bore the burden of proving by clear and convincing evidence that Petitioner was a danger to the community or a flight risk that could not reasonably be addressed by bond or conditional release. The Court further ordered that detention could not be justified under 8 U.S.C. § 1225(b), and that the immigration judge must consider financial circumstances and alternatives to detention, citing *Hernandez v. Sessions*, 872 F.3d 976, 990–1001 (9th Cir. 2017).

Petitioner remains detained. The first custody proceeding denied jurisdiction outright. The second denied release in a one-page order that simply checked "danger to the community," without meaningful findings, without explaining how the Government satisfied the required burden of proof, and without addressing why any legitimate regulatory concern could not be addressed through bond or conditional release. Since those defective proceedings, Petitioner has also been assaulted inside Otay Mesa by another detained person, left injured and afraid for his

safety, and provided only limited medical response. His continued detention is therefore not only procedurally unlawful, but also increasingly unsafe and punitive in effect. Habeas relief is again necessary.

I. JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. § 2241 and 28 U.S.C. §§ 2242–2243 because Petitioner is in federal custody within this District and alleges that his custody violates the Constitution and laws of the United States. Federal district courts retain jurisdiction over collateral challenges to present physical detention. See *Jennings v. Rodriguez*, 583 U.S. 281, 294 (2018); *Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Nadarajah v. Gonzales*, 443 F.3d 1069, 1075–76 (9th Cir. 2006).

Venue is proper in this District because Petitioner is detained at the Otay Mesa Detention Center in San Diego County, California.

This Petition does not ask the Court to review the merits of any removal order, decide Petitioner's asylum application, or supervise the conduct of removal proceedings generally. It challenges only the legality of Petitioner's ongoing detention under 8 U.S.C. § 1226(a) and the adequacy of the custody procedures afforded to him. Accordingly, jurisdiction is not barred by 8 U.S.C. §§ 1252(a)(5), (b)(9), (g). See *Jennings v. Rodriguez*, 583 U.S. 281, 294 (2018); *Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Singh v. Holder*, 638 F.3d 1196, 1200–03 (9th Cir. 2011).

II. PARTIES

Petitioner Carlos Ruiz-Perez is a native and citizen of Mexico. His Alien Registration Number is [redacted]. He is currently detained by ICE at the Otay Mesa Detention Center, 7488 Calzada de la Fuente, San Diego, California 92154.

Respondent Christopher J. LaRose is the W arden of the Otay Mesa Detention Center and Petitioner's immediate physical custodian.

Respondent Patrick Divver is the Field Office Director of ICE Enforcement and Removal Operations, San Diego Field Office. In that official capacity, he is responsible for Petitioner's immigration custody and continued detention within this District. He is sued in his official capacity only.

Respondent Christopher J. LaRose is the Warden of the Otay Mesa Detention Center, where Petitioner is detained. He has day-to-day physical custody of Petitioner and is sued in his official capacity only.

Respondent Department of Homeland Security is the federal agency responsible for implementing and enforcing the Immigration and Nationality Act, including the detention and removal of noncitizens.

This Petition challenges Petitioner's present physical confinement under 28 U.S.C. § 2241. Respondents are the officials and agency responsible for Petitioner's custody and continued detention.

III. FACTUAL AND PROCEDURAL BACKGROUND

A. Petitioner's Background, Community Ties, and Pending Immigration Case

Petitioner is an Indigenous Maya man from Chiapas, Mexico. His strongest language is Tzotzil, an Indigenous Mayan language. He has limited proficiency in both English and Spanish. These language barriers are central to this case because they affected the incident that led to his detention, his ability to communicate with officers, and his ability to fully explain his circumstances during custody proceedings.

Petitioner came to the United States after experiencing threats, violence, and fear in Mexico. His declaration explains that he and his family were targeted in Chiapas in connection with their Indigenous identity, their land, and efforts by others to take or control family property. Petitioner describes being physically attacked and beaten in Mexico. The photographs submitted with his materials show visible injuries consistent with that account. Those facts do not show that Petitioner is dangerous. They show the opposite: Petitioner is a person who has been the victim of violence and who is actively seeking protection from return to Mexico.

Petitioner is pursuing asylum, withholding of removal, and protection under the Convention Against Torture. His protection claims arise from the threats and harm connected to his Indigenous Maya family and the land-related violence he fears in Chiapas. Because his protection claims remain pending, Petitioner has a strong incentive to appear for future immigration proceedings. He is not seeking to avoid court; he is seeking protection through the legal process.

Since entering the United States in or about March 2022, Petitioner has lived in the San Diego area. He has a stable residence available to him with his sponsor, Jorge Garcia-Guzman, a lawful permanent resident, at [redacted] Mr. Garcia-Guzman has provided sponsor documentation, identification, proof of lawful permanent resident status, proof of residence, utility records, and tax documentation.

Petitioner also has substantial community support. His partner, Perla Carrillo, submitted a letter explaining that Petitioner is humble, kind, nonviolent, and deeply rooted in the local community. Other community members submitted letters describing him as respectful, responsible, and hardworking. The record reflects that Petitioner has a place to live, people willing to support him, and every reason to comply with future proceedings.

Petitioner has no history of violence, no allegations of assaultive conduct in the United States, no weapons history, no gang history, and no record suggesting that he poses a present danger to others.

B. Petitioner's Detention Arose from an Accidental Wrong Turn, Not Violent or Dangerous Conduct

Petitioner's current detention followed an accidental wrong turn into the Naval Base in San Diego. As previously explained in his custody submissions, the incident resulted from confusion and language barriers, not criminal intent, violence, or an attempt to harm persons or property. Petitioner cooperated with authorities. He did not flee, resist, conceal his identity, or engage in violent behavior.

These facts matter because the Government's later "danger" determination appears to rest principally on this incident, even though the incident does not involve violence, threats, weapons, injury to others, or any conduct that would ordinarily support a present-danger finding by clear and convincing evidence.

C. Petitioner Was Assaulted Inside Otay Mesa and Remains Afraid for His Safety

Petitioner's continued detention has also become unsafe. On May 3, 2026, at approximately 9:00 a.m., Petitioner was assaulted by another detained person, Marcos Perez Cuenca, inside his cell. Earlier that morning, around 7:00 a.m., the same detained person had begun bullying Petitioner without reason near the microwave area, using offensive words and then pushing him. Petitioner told him to stop bothering him and moved away toward a table to avoid problems.

Later, during count time, the detained person entered or approached Petitioner in his cell and assaulted him. Petitioner reports that he was struck until he lost consciousness and was left bloody, dizzy, and in pain. He feared for his life because the person who attacked him practiced martial arts and Petitioner could not defend himself. Another detained person had to intervene to help him.

Petitioner attempted to report the incident, but he was threatened by the person who attacked him. The attacker warned Petitioner that if he told the guard, Petitioner would be taken to "Delta," which Petitioner understood as "the hole," and blamed for the incident. Petitioner also feared that the officer on duty would not listen to him because Petitioner believed the officer

treated detained people in a racist and discriminatory manner. That fear contributed to Petitioner's silence immediately after the attack.

Later, around 3:30 p.m., Petitioner informed another guard and was taken for medical attention. He reports that he was taken for X-rays and given one acetaminophen pill, but received no meaningful additional help from the institution. Since the assault, Petitioner has felt afraid, stressed, unable to sleep, anxious, and unsafe. He continues to see the person who assaulted him, and he fears the assault will happen again.

Images from a video visitation call show Petitioner appearing through the GTL video visitation platform with visible facial injury or bruising around the eye area after the reported assault. Those images corroborate the reality of his continued confinement and the physical and emotional impact of the assault while in detention.

These facts are relevant to habeas relief because they show that continued civil detention is not a neutral regulatory measure in Petitioner's case. It is exposing him to concrete harm, fear, and insecurity inside the facility while Respondents continue to detain him after failing to provide the constitutionally adequate custody process this Court already ordered.

D. Petitioner's Injuries and Fear of Return Undermine Any Flight-Risk Theory

Petitioner's declaration and injury photographs also matter to flight risk. Petitioner has a pending protection case because he fears return to Mexico after being targeted, attacked, and beaten. A person actively pursuing protection from removal has a concrete incentive to appear in court and continue litigating his case. Petitioner's fear of return, his pending asylum-related

applications, his sponsor, and his community support all weigh against any finding that he would abscond.

The record does not support the theory that Petitioner is likely to flee. He has a fixed residence, a lawful permanent resident sponsor, a partner, community support, counsel, and a pending claim for protection. Those facts are directly relevant to the custody inquiry and were not meaningfully addressed in the conclusory bond denial.

E. The Prior Habeas Order Required a Constitutionally Adequate Bond Hearing

Petitioner previously filed a habeas petition in this Court. In *Ruiz-Perez v. Divver*, No. 3:26-cv-00319-JO-BLM (S.D. Cal. Feb. 3, 2026), the Court granted relief, relying on the jurisdictional analysis set forth in *Pacheco v. LaRose*, No. 3:25-cv-2421-JO-AHG, 2026 WL 242300, at *2–3 (S.D. Cal. Jan. 29, 2026).

The Court ordered Respondents to provide Petitioner, within five days, an individualized bond hearing before a neutral immigration judge. The Court ordered that the Government bear the burden of establishing by clear and convincing evidence that Petitioner is a danger to the community or a flight risk that cannot reasonably be addressed by bond or conditional release. The Court further ordered that Respondents shall not deny bond on the basis that 8 U.S.C. § 1225(b) requires or authorizes mandatory detention, and that the immigration judge must co

That order was directed to Petitioner's detention under 8 U.S.C. § 1226(a), not mandatory detention under 8 U.S.C. § 1225(b) or 8 U.S.C. § 1226(c).

F. The First Custody Proceeding Denied Jurisdiction Rather Than Conducting an Individualized Hearing

Before the prior habeas order, an immigration judge denied Petitioner's custody redetermination request on December 10, 2025, stating that the immigration court lacked jurisdiction under *Matter of Yajure-Hurtado*, 29 I. & N. Dec. 216 (B.I.A. 2025). That ruling did not provide an individualized determination of danger or flight risk, did not place the burden on the Government, did not apply a clear-and-convincing-evidence standard, and did not consider bond, conditional release, ability to pay, or less restrictive alternatives. It was therefore not the hearing this Court later ordered.

G. The Second Custody Proceeding Was Conclusory and Did Not Comply with the Prior Habeas Order

After the Court granted habeas relief, Petitioner received another custody proceeding on February 5, 2026. The result was a one-page custody order denying release because of "danger to the community." That order does not meaningfully explain what evidence established present danger; how the Government satisfied the clear-and-convincing-evidence standard; why bond or conditional release could not reasonably address any concern; how the immigration judge evaluated Petitioner's sponsor, residence, partner support, and community letters; how the immigration judge considered Petitioner's language barriers and the accidental nature of the Naval Base incident; how the immigration judge considered Petitioner's declaration and photographs showing that he was the victim of violence in Mexico; or how the immigration judge assessed Petitioner's financial circumstances and ability to pay. Petitioner remains detained today.

IV. LEGAL STANDARD

Habeas corpus under 28 U.S.C. § 2241 is the traditional means for a person in custody to challenge the legality of that custody. See *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973). The writ remains available to noncitizens held in immigration detention who contend that their detention violates the Constitution or laws of the United States. See *Zadvydas v. Davis*, 533 U.S. 678, 687–88 (2001); *Demore v. Kim*, 538 U.S. 510, 516–17 (2003).

The Fifth Amendment applies to persons in civil immigration detention. See *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Because immigration detention is civil rather than punitive, due process requires meaningful procedures adequate to test whether continued confinement remains justified. Under *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), courts consider the private liberty interest at stake, the risk of erroneous deprivation under the procedures used, the value of additional safeguards, and the Government's interests.

In the prolonged-detention context, the Ninth Circuit has required heightened procedural safeguards, including a Government burden of proof by clear and convincing evidence. See *Singh v. Holder*, 638 F.3d 1196, 1203–05 (9th Cir. 2011). This Court's prior habeas order required those same protections here.

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V. CLAIM ONE: PETITIONER'S CONTINUED DETENTION VIOLATES DUE PROCESS BECAUSE HE HAS NOT RECEIVED THE CONSTITUTIONALLY ADEQUATE HEARING THIS COURT ORDERED

Petitioner's continued detention violates the Fifth Amendment because the two custody proceedings he received did not provide the neutral, individualized, and meaningful process required by due process and expressly ordered in his prior habeas case.

The first proceeding was not a bond hearing in any meaningful sense. It denied jurisdiction based on *Matter of Yajure-Hurtado*, 29 I. & N. Dec. 216 (B.I.A. 2025). A jurisdictional refusal to consider release is not an individualized determination of whether a person may lawfully remain confined under 8 U.S.C. § 1226(a).

The second proceeding was also constitutionally deficient. A one-page order stating only "danger to the community" does not demonstrate compliance with the Court's prior order or with due process. It does not show that the immigration judge: required the Government to meet its burden by clear and convincing evidence; assessed present dangerousness rather than speculation or general suspicion; considered whether any identified concern could be mitigated through conditions of release; evaluated Petitioner's ability to pay; addressed the substantial evidence favoring release; or provided reasoned decisionmaking sufficient to permit meaningful review.

That failure is particularly serious because the process provided after judicial intervention must be adequate in substance, not merely in form. A hearing that occurs in name only does not cure unconstitutional detention. See *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976); *Singh v. Holder*, 638 F.3d 1196, 1203–05 (9th Cir. 2011).

VI. CLAIM TWO: THE RECORD DOES NOT SUPPORT A FINDING, BY CLEAR AND CONVINCING EVIDENCE, THAT PETITIONER IS A PRESENT DANGER OR FLIGHT RISK THAT CANNOT BE MANAGED THROUGH CONDITIONS OF RELEASE

Petitioner's continued detention is arbitrary because the record does not establish, by clear and convincing evidence, that he is either a present danger to the community or a flight risk, much less that any such concern cannot reasonably be addressed through bond or less restrictive conditions of release. Under *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011), due process requires the Government to justify continued civil immigration detention under a heightened evidentiary standard where liberty is at stake. And where detention is purportedly based on dangerousness, the inquiry must be individualized and grounded in present-tense facts, not speculation, generalized suspicion, or disproportionate reliance on stale incidents. See *Singh v. Holder*, 638 F.3d 1196, 1203–07 (9th Cir. 2011); *Matter of Guerra*, 24 I. & N. Dec. 37, 40 (B.I.A. 2006).

A. The Record Does Not Show Present Dangerousness

The Government's asserted dangerousness theory appears to rest primarily on an old, resolved DUI-related incident. That is not enough. Even where criminal history is relevant to custody, the inquiry must consider the extensiveness of the conduct, its recency, and its seriousness. *Matter of Guerra*, 24 I. & N. Dec. 37, 40 (B.I.A. 2006). The Ninth Circuit has likewise recognized that criminal history alone will not always justify detention, particularly where the record does not show current dangerousness. *Singh v. Holder*, 638 F.3d 1196, 1206–07 (9th Cir. 2011).

Here, the record does not identify any current violent conduct, assaultive behavior, threats, weapons possession, gang affiliation, or harm to others. The DUI-related matter was resolved, Petitioner completed programming related to that incident, and there is no indication of recurrence. The Government cannot convert a stale and resolved event into clear and convincing evidence of present danger absent some meaningful showing that Petitioner currently poses a threat that cannot be managed through supervision or release conditions.

The affirmative evidence points the other way. Petitioner submitted evidence of sponsor support, family ties, church and community involvement, and letters describing him as responsible, peaceful, and supportive of his household. He has a United States citizen partner and a minor child who depends on him, and the record reflects that his detention is causing concrete emotional and educational harm to that child. None of that evidence is meaningfully reconciled with a conclusion that Petitioner presently poses a danger to the community.

B. The Record Does Not Show Flight Risk

The record likewise does not support a finding that Petitioner is a flight risk. To the contrary, Petitioner has substantial indicia of stability and compliance. He had a pending asylum application, valid employment authorization, and a valid Social Security number. He lived openly in the community rather than evasively or underground. He had an identifiable residence, sponsor support, family support, and longstanding community ties. Those are the very kinds of factors immigration courts ordinarily consider in assessing whether release is appropriate. See *Matter of Guerra*, 24 I. & N. Dec. 37, 40 (B.I.A. 2006).

Petitioner also states that ICE had monitored him for years, knew where he lived, and that he complied with reporting requirements, including telephonic monitoring and in-person reporting. That compliance history strongly undermines any contention that he presents a serious risk of absconding. So too does the fact that he has pending protection claims and therefore every incentive to appear and pursue relief. A noncitizen actively seeking immigration relief, while living at a known address and complying with agency monitoring, is not easily characterized as a person likely to flee.

C. Less Restrictive Conditions Can Adequately Address Any Legitimate Government Concern

Even if the Government could identify some regulatory concern, due process does not permit continued civil confinement unless detention is actually necessary. Petitioner's record demonstrates that any arguable concerns can be addressed through conditions short of incarceration, including reporting requirements, telephonic check-ins, GPS or other monitoring, residence with an approved sponsor, employment-related conditions, or a bond set in light of ability to pay.

That point is especially important here because the governing standard, as this Court previously ordered, is not merely whether the Government can articulate danger or flight risk in the abstract. The question is whether the Government can prove by clear and convincing evidence that no condition or combination of conditions can reasonably mitigate the identified concern. On this record, it cannot do so. Petitioner has a sponsor, a verified community placement, a history of compliance with ICE monitoring, family support, and concrete reasons to

remain engaged in his proceedings. Continued detention under 8 U.S.C. § 1226(a) is therefore not reasonably necessary to serve the Government's regulatory interests.

D. Continued Detention on This Record Violates Due Process

Civil immigration detention is regulatory, not punitive. Where the Government cannot carry its burden with reliable, individualized evidence, continued incarceration becomes arbitrary and unconstitutional. See Singh v. Holder, 638 F.3d 1196, 1203–05 (9th Cir. 2011). That is the circumstance here. The present record does not establish, by clear and convincing evidence, that Petitioner is a current danger or a flight risk, and it certainly does not establish that release conditions would be insufficient.

For those reasons, the Court should find that Petitioner's continued detention violates the Fifth Amendment and order his immediate release. At minimum, the Court should order a new custody hearing before a neutral immigration judge at which the Government must prove, by clear and convincing evidence, both that Petitioner presents a danger or flight risk and that no less restrictive alternative can reasonably address that concern.

VII. CLAIM THREE: PETITIONER'S CONTINUED DETENTION HAS BECOME UNSAFE, PUNITIVE IN EFFECT, AND DISPROPORTIONATE TO ANY CIVIL REGULATORY PURPOSE

Petitioner's detention is civil, not criminal punishment. The Government's interest is regulatory: ensuring appearance and protecting the public where necessary. But civil detention becomes constitutionally suspect when it is no longer reasonably related to those purposes and instead exposes a person to ongoing harm without constitutionally adequate justification.

Here, Petitioner has already been denied the meaningful custody process ordered by this Court. He has also been assaulted inside the detention facility and remains afraid for his safety. He reports that he was threatened not to report the assault, feared being sent to segregation if he reported it, and received only minimal medical assistance despite being left unconscious, bleeding, dizzy, and in pain. He now experiences fear, stress, sleeplessness, and anxiety, and he does not feel safe because he continues to see the person who attacked him.

Under *Mathews*, these facts increase the weight of Petitioner's private liberty interest and the irreparable harm caused by continued detention. The Government's interest does not outweigh that harm where release conditions, sponsor support, reporting, supervision, and other less restrictive alternatives are available. Continued detention under these circumstances is not reasonably necessary. It is punitive in effect and violates due process.

VIII. CLAIM FOUR: THE FAILURE TO PROVIDE AN IMPARTIAL AND MEANINGFUL CUSTODY DETERMINATION VIOLATES DUE PROCESS

This Court's prior order required a bond hearing before a neutral immigration judge. Neutrality requires more than the formal presence of an immigration judge. It requires a meaningful opportunity to be heard before a decisionmaker who applies the correct legal standard, places the burden where the Court ordered it to be placed, considers the evidence favoring release, and decides whether detention is actually necessary.

The custody process Petitioner received did not satisfy that requirement. The first order denied jurisdiction. The second order denied release through a conclusory danger finding. Neither order reflects a genuine individualized weighing of Petitioner's evidence, including his

Indigenous language barriers, the accidental nature of the Naval Base incident, his lack of violent history, his sponsor and residence, his community ties, his pending protection claims, or the availability of release conditions.

When a court orders a constitutionally adequate hearing and the resulting process produces only a checkbox denial without meaningful findings, the process is not neutral in the constitutional sense. It deprives Petitioner of the safeguards necessary to prevent erroneous detention.

IX. EXHAUSTION DOES NOT BAR RELIEF

Any argument that Petitioner was required to exhaust additional administrative review before seeking relief again should be rejected.

To be sure, *Leonardo v. Crawford*, 646 F.3d 1157, 1160–61 (9th Cir. 2011), requires exhaustion where a petitioner seeks ordinary district-court review of an adverse bond determination that could first be appealed to the Board of Immigration Appeals. But that is not this case.

Petitioner is not asking this Court to function as a routine appellate body reweighing a discretionary bond record. He challenges his continuing physical detention, the constitutional inadequacy of the process provided after a prior habeas order, and Respondents' failure to provide the substance of the relief already ordered by this Court.

In this setting, exhaustion is prudential, not jurisdictional, and may be excused where administrative review is inadequate, futile, or unable to prevent irreparable harm. See *Laing v.*

Ashcroft, 370 F.3d 994, 1000–01 (9th Cir. 2004); *Leonardo*, 646 F.3d at 1160–61. Those circumstances are present here. Petitioner remains in physical custody. Requiring further administrative steps after two defective custody proceedings, after prior habeas relief, and after a serious assault inside detention would not prevent the ongoing deprivation of liberty and would substantially undermine the purpose of habeas corpus.

X. IMMEDIATE RELEASE IS THE PROPER REMEDY; ALTERNATIVELY, THE COURT SHOULD ORDER A NEW HEARING BEFORE A DIFFERENT IMMIGRATION JUDGE WITH SPECIFIC PROCEDURAL SAFEGUARDS

The traditional function of habeas corpus is to secure release from unlawful custody. See *Preiser*, 411 U.S. at 484. This Court has broad authority under 28 U.S.C. §§ 2241–2243 to order relief that cures unconstitutional detention.

Immediate release is warranted here for several reasons. Petitioner already obtained habeas relief once. Respondents already had the opportunity to provide a constitutionally adequate hearing. Petitioner has already endured two defective custody proceedings. The injury is ongoing physical confinement. Another ordinary hearing risks merely repeating the same deficient process. And the record, properly viewed, shows a nonviolent Indigenous asylum seeker with language barriers, a stable sponsor, community support, a pending protection claim, and a recent assault inside detention that has left him fearful and unsafe.

At minimum, if the Court declines to order immediate release, it should require a new hearing before a different immigration judge within five days, with explicit instructions that the hearing proceed under 8 U.S.C. § 1226(a); the Government bear the burden of proving by clear

and convincing evidence that Petitioner is a danger to the community or a flight risk; the Government also prove that no bond or condition of release can reasonably address any identified concern; the immigration judge consider Petitioner's financial circumstances and ability to pay; the immigration judge consider less restrictive alternatives to detention; and any denial of release be supported by a reasoned written decision addressing the evidence, including Petitioner's language barriers, the accidental nature of the Naval Base incident, his sponsor and residence, his protection claim, the recent assault inside detention, and the availability of conditions of release.

Without such safeguards, another hearing would not meaningfully remedy the constitutional violation already established by Petitioner's continued detention after the prior habeas order.

XI. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court issue a writ of habeas corpus under 28 U.S.C. § 2241; declare that Petitioner's continued detention violates the Fifth Amendment; order Respondents to immediately release Petitioner under reasonable conditions of supervision; enjoin Respondents from re-detaining Petitioner absent lawful process under 8 U.S.C. § 1226(a); or, in the alternative, order Respondents to provide, within five days, a new constitutionally adequate custody hearing before a different immigration judge under 8 U.S.C. § 1226(a), at which the Government bears the burden of proof by clear and convincing evidence, the immigration judge considers bond, conditional release, ability to pay, and less restrictive alternatives, and any denial of release is supported by a reasoned written decision addressing the evidence and explaining why detention is necessary.

Respectfully submitted,

DATED this May 29, 2026

/s/ Jose Torres
Jose Torres
Counsel for Petitioner