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Attorney for Petitioner

UNITED STATES DISTRICT COURT
FEDERAL DISTRICT COURT OF WESTERN WASHINGTON

Mynor Jeronimo Calmo,

Petitioner,

v.

Julio HERNANDEZ, Seattle Acting Field Office Director, Enforcement and Removal Operations, United States Immigration and Customs Enforcement; Markwayne MULLIN, Secretary, U.S. Department of Homeland Security; Todd BLANCHE, Acting U.S. Attorney General; Todd LYONS, Acting Director of ICE; Bruce SCOTT, Warden, Northwest ICE Processing Center; U.S. Department of Homeland Security; Immigration and Customs Enforcement,

Respondents.

Case No. 2:26-cv-2020

Agency No. A[redacted]

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

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

2. Petitioner Mynor Jeronimo Calmo, is an 18-year old citizen of Guatemala, who entered the United States as a 16-year old unaccompanied child seeking asylum. He was apprehended shortly after his entry to the United States in July 2024, and transferred to the custody of the Office of Refugee Resettlement (ORR). He was eventually released into the custody of his brother, in Shelton, Washington.

3. After releasing Petitioner to his brother's custody, the Department of Homeland Security issued a "Notice to Appear", dated October 30, 2024, scheduling Petitioner for an initial hearing in Seattle, Washington, on May 11, 2029. Petitioner complied with conditions of his release to his brother, and was awaiting his initial court hearing.

4. On April 29, 2026, Petitioner was detained in Shelton, Washington, in a vehicle stop. There was no explanation provided for Petitioner's arrest.

5. ICE subsequently detained Petitioner at the Northwest ICE Processing Center (NWIPC), where he remains detained.

6. Before re-detaining Petitioner, Respondents did not provide him with any written notice explaining the basis for the revocation of his release in 2024. Nor did they provide him with a hearing before a neutral decisionmaker where ICE was required to justify the basis for re-detention or explain why Petitioner is a flight risk or danger to the community.

7. As this Court has held in multiple cases, due process demands such a hearing *prior* to the government's decision to terminate a person's liberty. *See, A.C.J. v. Hermosillo,* No. 2:25-cv-02486-DGE (W.D. Wash. Jan. 9, 2026); *E.A. T.-B. v. Wamsley,* --- F. Supp. 3d --- No.

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C25-1192-KKE, 2025 WL 2402130 (W.D. Wash. Aug. 19, 2025); *Order Granting Mot. For Temp. Rest. Order, Ramirez Tesara v. Wamsley*, No. 2:25-cv-01723-MJP-TLF (W.D. Wash. Sept. 11, 2025), Dkt. 19 (hereinafter "*Ramirez Tesara*, Dkt. 19"); *Kumar v. Wamsley, Order Granting Mot. for Temp. Rest. Order, Kumar v. Wamsley*, 2:25-cv-01772-JHC-BAT (W.D. Wash. Sept. 17. 2025), Dkt. 11 (hereinafter "*Kumar*, Dkt. 11).

8. By failing to provide such a hearing prior to the re-detention of Petitioner, Respondents have violated Mr. Jeronimo Calmo's constitutional right to due process. They have also violated the statutory requirement that warrantless arrests like that of Mr. Jeronimo Calmo occur only after the arresting officer assesses if the person poses a flight risk. *See,* 8 U.S.C. § 1357(a)(2). Finally, Respondents have violated the statutory requirement that unaccompanied children are placed in the least restrictive setting available after taking into account the alien's danger to self, danger to the community, and risk of flight. *See,* 8 U.S.C. § 1232(c)(2).

9. Accordingly, the Court should grant the instant petition for a writ of habeas corpus and order Petitioner's immediate release. *See, A.C.J.*, 2:25-cv-02486-DGE,; *E.A. T.-B.* 2025 WL 2402130, at *6 (ordering immediate release because "a post-deprivation hearing cannot serve as an adequate procedural safeguard because it is after the fact and cannot prevent an erroneous deprivation of liberty"); *Ramirez Tesara*, Dkt. 19 (ordering immediate release to restore Petitioner to the status quo prior to the unlawful arrest without a hearing).

JURISDICTION

10. Petitioner is in the physical custody of Respondents. Petitioner is detained at the NWIPC, in Tacoma, Washington.

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

12. 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

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

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

REQUIREMENTS OF 28 U.S.C. § 2243

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

16. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and

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receives prompt action from him within the four corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

17. Petitioner Mr. Jeronimo Calmo is an 18-year old non-citizen from Guatemala, who was arrested without a warrant by ICE on April 29, 2026. He is detained at the NWIPC.

18. Respondent Julio Hernandez is the Acting Field Office Director of the Seattle Field Office of ICE's Enforcement and Removal Operations division. As such, he is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

19. Respondent Todd Lyons is the Acting Director of ICE and responsible for the means by which the immigration laws of the United States are enforced. He is sued in his official capacity.

20. Respondent Bruce Scott is the warden of the NWIPC, where Petitioner is detained. He has immediate physical custody of Petitioner. He is named in his official capacity.

21. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security and is sued in his official capacity. The Secretary of Homeland Security is charged with the administration and enforcement of immigration laws. 8 U.S.C. § 1103(a).

22. Respondent Todd Blanche is the Attorney General of the United States and is sued in his official capacity. The Attorney General is responsible for the fair administration of the laws of the United States.

23. Respondent U.S. Department of Homeland Security is an agency of the United States with responsibility for the enforcement of the nation's immigration laws, including the detention and removal of noncitizens.

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24. Respondent Immigration and Customs Enforcement is a sub-agency of the U.S. Department of Homeland Security with responsibility for the enforcement of the nation's immigration laws and the arrest and detention of certain immigrants.

LEGAL FRAMEWORK

25. Mr. Jeronimo Calmo's detention as unaccompanied minor encountered at the border is governed by the Trafficking Victims Protection and Reauthorization Act ("TVPRA"), which does not mandate detention. *See, R.D.T.M. v. Wofford,* No. 1:25-cv-01141-KES-SKO, 2025 WL 2686866, at *4 (E.D. Cal. Sept. 18, 2025).

26. Rather, the TVPRA provides that "an unaccompanied alien child in the custody of the Secretary of Health and Human Services shall be promptly placed in the least restrictive setting that is in the best interest of the child." 8 U.S.C. § 1232(c)(2)(A). If the unaccompanied child "reaches 18 years of age and is transferred to the custody of the Secretary of Homeland Security, the Secretary shall consider placement in the least restrictive setting available after taking into account the alien's danger to self, danger to the community, and risk of flight." 8 U.S.C. § 1232(c)(2)(B). This requirement of placement in the least restrictive setting is in direct conflict with mandatory detention. *See, L.G.M.L. v. Noem,* 800 F. Wupp. 3d 100, 111 (D.D.C. 2025) (explaining that under the TVPRA, unaccompanied minors must be placed in removal proceedings, and that "the other removal possibility – which the TVPRA excludes for unaccompanied alien children – is 'expedited removal.'" (internal citations omitted)).

27. In order to release Mr. Jeronimo Calmo as a minor from ORR custody in 2024, ORR determined that he was not a danger to the community or a flight risk. "[I]f ICE has apprehended a noncitizen and placed [him] in removal proceedings without detaining [him], it has necessarily already determined that the noncitizen is neither a flight risk nor a threat to the

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public." *See* 8 U.S.C. § 1232(c)(2)(A); *see also, Pablo Sequen v. Albarran,* Case No. 25-cv-06487-PCP, 205 WL 3724878, at *13 (N.D. Ca. Dec. 24, 2025) (citing *Saravia v. Sessions,* 280 F. Supp. 3d 1168, 1176, 1178 (N.D. Cal. 2017), *aff'd sub nom. Saravia for H.A. v. Sessions,* 905 F.3d 1137 (9th Cir. 2018)).

28. As someone previously determined to be an unaccompanied minor, Petitioner is also covered by the class action settlement agreement entered in *J.O.P. v. US Department of Homeland Security*, No. 8:19-cv-01944-SAG (D. Md.). That settlement agreement provides that anyone initially determined to be an unaccompanied minor must be permitted to pursue an asylum application with the United States Citizenship and Immigration Services, even if there is already a final order of removal in place. *See* Doc. 199-2 at ¶ I, *J.O.P. v. US Department of Homeland Security*, No. 8:19-cv-01944-SAG (D. Md. July 30, 2024). Due to the government's paus on processing of asylum applications, the J.O.P. settlement has been extended to November 18, 2026. *See,* Doc. 620 at ¶ 2, *J.O.P. v. US Department of Homeland Security*, No. 8:19-cv-01944-SAG (D. Md. May 26, 2026).

29. However, under current caselaw that governs the immigration court system, the Executive Office for Immigration Review (EOIR) considers an individual like Mr. Jeronimo Calmo — who entered without admission or parole — to be subject to mandatory detention. *See Matter of N-A-G-C-,* 29 I&N Dec. 662 (BIA 2026); *Matter of Yajure Hurtado*, 29 I.&N. Dec. 216 (BIA 2025); *but see Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying

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Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment providing current EOIR practices unlawful EOIR, the Immigration Courts and DHS have blatantly refused to abide by the declaratory relief).

30. At the time Mr. Jeronimo Calmo entered the United States in 2024, EOIR caselaw provided that adults in situations similar to her were detained under 8 U.S.C. § 1226(a). *See, e.g., Matter of R-A-V-P-*, 27 I.&N. Dec. 803, 803 (BIA 2020)

31. Regardless of the statutory basis for detention, due process requires that a person like Mr. Jeronimo Calmo receive a hearing before a neutral decisionmaker to determine whether any re-detention is justified, and whether the person is a flight risk or danger to the community.

32. "Freedom from imprisonment — from government custody, detention, or other forms of physical restraint — lies at the heart of the liberty protected by the Due Process Clause." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). As this Court has regularly recognized, this is the "the most elemental of liberty interests." *See, e.g., E.A. T.-B.*, 2025 WL 2402130, at *3 (citation modified); *see also Ramirez Tesara*, Dkt. 19 at 5 (stating that the petitioner had "an exceptionally strong interest in freedom from physical confinement").

33. Consistent with this principle, individuals released on parole or other forms of conditional release have a liberty interest in their "continued liberty." *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972).

34. Such liberty is protected by the Fifth Amendment because, "although indeterminate, [it] includes many of the core values of unqualified liberty," such as the ability to be gainfully employed and live with family, "and its termination inflicts a 'grievous loss' on the [released individual] and often on others." *Id*

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35. To guarantee against arbitrary re-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.

36. Due process thus guarantees notice and an individualized hearing before a neutral decisionmaker to assess danger or flight risk before the revocation of an individual's release. *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970) ("The fundamental requisite of due process of law is the opportunity to be heard . . . . at a meaningful time in a meaningful manner."); *see also, e.g.*, *Morrissey*, 408 U.S. at 485 (requiring "preliminary hearing to determine whether there is probable cause or reasonable ground to believe that the arrested parolee has committed . . . a violation of parole conditions" and that such determination be made "by someone not directly involved in the case").

37. Several courts, including this one, have recognized that these principles apply with respect to the re-detention of the many noncitizens that DHS has recently begun taking back into custody, often after such persons have been released for months and years. *See, Grajeda Velazquez v. Wamsley,* 2026 WL 84223, at *3-5 (W.D. Wash. Jan. 12, 2026) (granting habeas relief because the petitioner's re-detention without adequate notice and opportunity to be heard violated his constitutional right to due process); *Del Valle Castillo v. Wamsley,* 2025 WL 3524932, at *5-7 (W.D. Wash. Nov. 26, 2025) (granting habeas relief to petitioners and rejecting the argument that noncitizens who are arrested while already present in the United States are subject to mandatory detention under § 1225(b) instead of discretionary detention under § 1226(a)); *P.T. v. Hermosillo,* 2025 WL 3294988, at *2 n. 1, 4 (W.D. Wash. Nov. 26, 2025) (granting habeas relief on due process grounds and concluding that the claimed authority of the

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government to detain an individual under § 1225(b) does not affect the lawfulness of the petitioner's re-detention).

38. For example, in *E.A. T.-B.*, this Court applied the *Mathews v. Eldridge*, 424 U.S. 319 (1976), framework to hold that even in a case where the government asserted that mandatory detention applied, a person's re-detention could not occur absent a hearing. The Court in *Ramirez Tesara* did the same. *See Ramirez Tesara*, Dkt. 19 at 5. In applying the three *Mathews* factors, the *E.A. T.B.* court held that the petitioner had "undoubtedly [been] deprive[d] . . . of an established interest in his liberty," *E.A. T.-B.*, 2025 WL 2402130, at *3, which, as noted, "is the most elemental of liberty interests," *id.* (citation modified). The Court further explained that even if detention was mandatory, the risk of erroneous deprivation of liberty without a hearing was high because a hearing serves to ensure that the purposes of detention—the prevention of danger and flight risk—are properly served. *Id.* at *4–5. Finally, the Court explained that "the Government's interest in re-detaining non-citizens previously released without a hearing is low: although it would have required the expenditure of finite resources (money and time) to provide Petitioner notice and hearing on [ISAP] violations before arresting and re-detaining him, those costs are far outweighed by the risk of erroneous deprivation of the liberty interest at issue." *Id.* at *5. As a result, this Court ordered the petitioner's immediate release. *Id.* at *6.

39. This Court held the same in *Ramirez Tesara*. There, the Court reasoned that the petitioner had a "weighty" interest in his liberty and was entitled to the "full protections of the due process clause." *Ramirez Tesara*, Dkt. 19 at 6. When examining the value of additional safeguards, the Court also noted that despite government's allegations of ISAP violations, "the fact 'that the Government may believe it has a valid reason to detain Petitioner does not eliminate its obligation to effectuate the detention in a manner that comports with due process.'"

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Id. at 8 (*quoting E.A. T.-B*, 2025 WL 2402130, at *4). Finally, the Court reasoned that any government interest in re-detention without a hearing was "minimal." *Id.* Accordingly, there too, the Court ordered the Petitioners' immediate release. *Id.* at 10–11.

40. This Court's decisions in *E.A. T.-B.* and *Ramirez Tesara* are consistent with many other district court decisions addressing similar situations. *See, e.g., R.D.T.M. v. Wofford*, 1:25-cv-01141-KES-SKO (E.D. Cal. Sept. 9, 2025) (ordering immediate release of unaccompanied child previously in ORR custody); *Valdez v. Joyce*, No. 25 CIV. 4627 (GBD), 2025 WL 1707737 (S.D.N.Y. June 18, 2025) (ordering immediate release due to lack of pre-deprivation hearing); *Pinchi v. Noem*, --- F. Supp. 3d ---, No. 5:25-CV-05632-PCP, 2025 WL 2084921 (N.D. Cal. July 24, 2025) (similar); *Maklad v. Murray*, No. 1:25-CV-00946 JLT SAB, 2025 WL 2299376 (E.D. Cal. Aug. 8, 2025) (similar); *Garcia v. Andrews*, No. 1:25- CV-01006 JLT SAB, 2025 WL 2420068 (E.D. Cal. Aug. 21, 2025) (similar).

41. The same framework and principles apply here and compel Mr. Jeronimo Calmo's immediate release.

FACTUAL BACKGROUND

Petitioner entered the United States as an unaccompanied minor and was released into the custody of a sponsor, his brother.

42. Petitioner Mr. Jeronimo Calmo is a citizen of Guatemala who arrived in the United States on July 29, 2024, when he was 16 years old. Border and immigration officials encountered Mr. Jeronimo Calmo on entry, then detained and transferred him to the custody of the Office of Refugee Resettlement (ORR).

43. ORR released Petitioner to the custody of his brother in 2024, pursuant to the TVPRA.

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44. Mr. Jeronimo Calmo moved to Shelton, Washington, to live with his brother, uncle, and grandfather. He enrolled in school for and got a job. Petitioner recently temporarily left school in order to work more and send money to his mother, who was ill in Guatemala.

45. Mr. Jeronimo Calmo indicates that he complied with the requirements of his release. He was awaiting his first immigration court hearing, scheduled for May 2029. He has not been arrested and has no criminal convictions.

Petitioner is an unaccompanied minor pursuant to the TVPRA.

46. Petitioner fled Guatemala after [redacted] He [redacted] Mr. Jeronimo Calmo was unable to report the threats and violence to police, as the nearest station was over three hours away and [redacted]

47. [redacted]

48. The Department of Homeland Security (DHS) filed a Notice to Appear in Petitioner's case on October 30, 2024, charging him as removable pursuant to INA § 212(a)(6)(A)(i), as a noncitizen present in the United States without being admitted or paroled.

49. USCIS will have jurisdiction over Mr. Jeronimo Calmo's application for asylum as an unaccompanied minor (as long as filed prior to November 28, 2026), pursuant to the JOP class. oc. 620 at ¶ 2, *J.O.P. v. US Department of Homeland Security*, No. 8:19-cv-01944-SAG (D. Md. May 26, 2026).

Petitioner was arrested without a warrant.

50. On April 29, 2026, Mr. Jeronimo Calmo was travelling to work in a van, along with his brother and five women, who were all traveling to work together. A vehicle began

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following them, then more vehicles showed up and stopped the van. When the van stopped, the others in the van started running away. In the confusion, Mr. Jeronimo Calmo did not know what to do, so ran with the others. When he heard the men chasing him say that they were immigration, he immediately stopped running.

51. One of the men grabbed Mr. Jeronimo Calmo and asked his name. The man did not provide Mr. Jeronimo Calmo with a warrant nor tell him why he was arresting Petitioner. The officer looked up Mr. Jeronimo Calmo's name in their system, and observed that he was scheduled for a hearing in Seattle in 2029.

52. Prior to Mr. Jeronimo Calmo's re-detention, he was not provided written notice of the reason for his re-detention.

53. Prior to Mr. Jeronimo Calmo's re-detention, ICE did not assess whether he presented a flight risk or danger to the community, or whether his arrest was justified for some other reason.

54. Prior to Mr. Jeronimo Calmo's re-detention, ICE did not assess whether a less restrictive option to detention existed.

55. Prior to Mr. Jeronimo Calmo's re-detention, he did not receive a hearing before a neutral factfinder to determine if his re-detention was justified.

56. ICE concedes that there was no warrant for Mr. Jeronimo Calmo's arrest when he was re-detained.

CLAIMS FOR RELIEF

COUNT I

Violation of Fifth Amendment Right to Due Process
Procedural Due Process

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57. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

58. Due process does not permit the government to re-detain Mr. Jeronimo Calmo and strip him of his liberty without written notice and a pre-deprivation hearing before a neutral decisionmaker to determine whether re-detention is warranted based on danger or flight risk. *See Morrissey*, 408 U.S. at 487-88. Such written notice and a hearing must occur prior to any re-detention.

59. Respondents revoked Mr. Jeronimo Calmo's release and deprived him of liberty without providing him written notice and a meaningful opportunity to be heard by a neutral decisionmaker prior to his re-detention.

60. Accordingly, Mr. Jeronimo Calmo's re-detention violates the Due Process Clause of the Fifth Amendment.

COUNT II

Violation of 8 U.S.C. § 1357(a)(2)

Arrest without Flight Risk Assessment

61. Mr. Jeronimo Calmo restates and realleges all paragraphs as if fully set forth herein.

62. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

63. 8 U.S.C. § 1357(a)(2) and its implementing regulations require that, for noncitizens arrested "in the United States," the arresting officer must have a "reason to believe" that the noncitizen "is likely to escape before a warrant can be obtained for his arrest."

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64. To meet this requirement, officers must have "grounds for a reasonable belief that they were particularly likely to escape." *Mountain High Knitting, Inc. v. Reno,* 51 F.3d 216, 218 (9th Cir. 1995). A "reason to believe" is equivalent to "the constitutional requirement of probable cause." *Tejeda-Mata v. INS,* 626 F.3d 721, 725 (9th Cir. 1980).

65. 8 C.F.R. § 287.8(c)(2)(ii) reinforces these requirements by stating that before making a warrantless arrest, an immigration officer must make an individualized determination that an individual is "likely to escape before a warrant can be obtained."

66. "A person's mere propinquity to others independently suspected of [unlawful] activity does not, without more, give rise to probable cause to search [or seize] that person." *Perez Cruz v. Barr*, 926 F.3d 1128, 1138 (9th Cir. 2019) (quotation omitted). "'Reasonable suspicion' is no different." *Id.*

67. The TVPRA requires that noncitizens classified as unaccompanied minors be placed in the least restrictive setting.

68. The officer who arrested Mr. Jeronimo Calmo did not make an individualized determination based on a reasonable belief or probable cause that Mr. Jeronimo Calmo is a flight risk.

69. The officer who arrested Mr. Jeronimo Calmo did not make an individualized determination of the least restrictive setting as an unaccompanied minor.

70. Accordingly, Mr. Jeronimo Calmo's arrest violated the mandatory statutory and regulatory requirements that govern ICE's conduct in such arrests and was unlawful.

PRAYER FOR RELIEF

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

a. Assume jurisdiction over this matter;

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b. Issue an immediate order barring Respondents from removing Petitioner from the state of Washington, without notice to the court and approval by the court;

c. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three (3) days;

d. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from custody immediately, and permanently enjoining his re-detention during the pendency of his removal proceedings absent written notice and a hearing prior to re-detention where Respondents must prove by clear and convincing evidence that he is a flight risk or danger to the community and that no alternatives to detention would mitigate those risks;

e. Declare that Mr. Jeronimo Calmo's re-detention while removal proceedings are ongoing without first providing an individualized determination before a neutral decisionmaker violates the Due Process Clause of the Fifth Amendment;

f. Issue a writ of habeas corpus ordering Respondents to release Petition from custody;

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

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

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DATED this 10th day of June, 2026.

By: /s/ Shara Svendsen
Shara Svendsen
Law Office of Shara Svendsen PLLC
Attorney for Petitioner

I certify that this memorandum contains 4,390 words, in compliance with the Local Civil Rules.

VERIFICATION

I, Shara Svendsen, declare as follows:

I am counsel of record for Petitioner in this matter. The factual allegations contained in the Petition are based upon information obtained from Petitioner, record relating to Petitioner's immigration proceedings and detention, and information provided by Petitioner's immigration attorney Katerina Ehrlich, who has communicated directly with Petitioner regarding the facts underlying this action.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct tot eh best of my knowledge, information, and belief.

Dated this 10th of June, 2026.

By: /s/ Shara Svendsen
Shara Svendsen
Law Office of Shara Svendsen PLLC
Attorney for Petitioner

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