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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 **ARIAS TOVAR,**
11 **Yohana Del Carmen**

12 **Petitioner,**

13 **v.**

14 **CHRISTOPHER J. LAROSE, Senior**
15 **Warden, Otay Mesa Detention Center;**
16 **PATRICK DIVVER, Field Office**
17 **Director, San Diego Office of Detention**
18 **and Removal, U.S. Immigration and**
19 **Customs Enforcement; TODD M.**
20 **LYONS, Acting Director, U.S.**
21 **Immigration and Customs Enforcement,**
22 **U.S. Department of Homeland Security;**
23 **and MARKWAYNE MULLIN,**
24 **Secretary, U.S.**
25 **Department of Homeland Security,**

26 **Respondents**

CASE NO.: '26CV3524 RBM DEB



**PETITION FOR WRIT OF
HABEAS CORPUS AND ORDER
TO SHOW CAUSE WITHIN
THREE DAYS; COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

Challenge to Unlawful
Incarceration; Request for
Declaratory and Injunctive Relief

INTRODUCTION

- 1
2 1. Ms. Yohana del Carmen Arias Tovar is a citizen of Venezuela who fled
3 her home country so that she could seek asylum in the United States.
4 Ms. Arias Tovar entered the U.S. on or about July 14, 2024, requesting
5 asylum. She was issued a conditional parole, and released on her own
6 recognizance that same day, on July 14, 2024. She was issued an I-94
7 with the entry date of July 14, 2024, and an admit until date of July 13,
8 2026.
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- 12 2. She applied for asylum within 5 months of entry, on December 09,
13 2024. She received a 5-year work permit. She worked and lived in the
14 U.S. for approximately 21 months when on or about April 19, 2026, Ms.
15 Arias Tovar was re-detained.
16
- 17 3. She was re-detained while on her way to work during an enforcement
18 operation in Atlanta. When stopped, she showed the immigration
19 officials her I-94 card, and using her A #, they verified that it was valid,
20 but informed her it did not confer legal residency, so they detained her.
21 She was then transferred to Otay Mesa Detention Center.
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23
- 24 4. While it is unclear whether the government has formally revoked Ms.
25 Arias Tovar's conditional parole or release on her own recognizance, the
26 government's actions are unlawful regardless. If the agency did not
27 revoke her conditional parole or release, then it violated that by re-
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1 (E.D. Cal. Aug. 21, 2025) (same).

2 8. This Court may grant relief under the habeas corpus statutes, 28
3 U.S.C. § 2241, *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201,
4 *et seq.*, the All Writs Act, 28 U.S.C. § 1651, and the Court's inherent
5 equitable powers.
6

7
8 **VENUE**

9 9. Venue is proper because Petitioner is in Respondents' legal and
10 physical custody at Otay Mesa Detention Center in San Diego,
11 California. Venue is further proper because a substantial part of the
12 events or omissions giving rise to Petitioner's claims occurred in this
13 District, where Petitioner is now in Respondents' legal and physical
14 custody, including his current and ongoing detention under the legal and
15 physical custody of Respondent LaRose, warden of Otay Mesa
16 Detention Center. 28 U.S.C. § 1391(e); *Rumsfeld v. Padilla*, 542 U.S.
17 426, 443 (2004) (habeas petition must be addressed to the federal district
18 court of confinement); *Wairimu v. Dir., Dep't of Homeland Sec.*, No. 19-
19 CV-174-BTM-MDD, 2019 WL 460561, at *2 (S.D. Cal. Feb. 5, 2019)
20 (district of confinement is the preferable forum even if the Court
21 otherwise has personal jurisdiction). For these same reasons, venue
22 should be found proper under Local Civil Rule HC.1.
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CUSTODY AND REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

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

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

12. Ms. Arias Tovar is “in custody” for the purpose of 28 U.S.C. § 2241 because she was arrested by Respondents and remains in their legal and physical custody at Otay Mesa Detention Center in San Diego, California. She is under Respondents’ and their agents’ direct control.

PARTIES

13. Ms. Arias Tovar (“Petitioner”) is a 44-year-old citizen and national of Venezuela. She came to the USA on or about July 14, 2024, to seek asylum, withholding of removal, or protection under the Convention

1 Against Torture after fleeing persecution in Venezuela on account of her
2 political opinion and membership in a particular social group. The
3 persecution she fears includes being physically harmed, beaten,
4 kidnapped, tortured, and killed [REDACTED]

6 [REDACTED] She has had no departures
7 since her arrival. She is not married. She has three children. On
8 information and belief, she has no criminal arrests or convictions, here
9 in the U.S. or any other country.
10

11
12 14. Ms. Arias Tovar is currently residing in Respondents' custody at
13 Otay Mesa Detention Center in San Diego, California, as of the time of
14 the filing of this petition.
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16 15. Respondent Christopher LaRose ("LaRose") is the Senior Warden at
17 Otay Mesa Detention Center in San Diego, California, where Ms. Arias
18 Tovar is detained. LaRose is responsible for the day-to-day operations
19 and confinement of non-citizens detained at that facility. He acts at the
20 direction of Respondents Divver, Lyons, and Mullin. LaRose is a
21 custodian of Ms. Arias Tovar and is named in his official capacity.
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23

24 16. Respondent Patrick Divver ("Divver") is the Field Office Director of
25 ICE in San Diego, California. He acts at the direction of Respondents
26 Lyons and Mullin. ICE is responsible for local custody decisions relating
27 to non-citizens charged with being removable from the U.S., including
28

1 the arrest, detention, custody status, and removal of non-citizens. The
2 San Diego Field Office's area of responsibility includes San Diego and
3 Imperial Counties in California. Respondent Divver is a custodian of
4 Ms. Arias Tovar and is named in his official capacity.
5

6 17. Respondent Todd Lyons ("Lyons") is the Acting Director of ICE,
7 and he has authority over the actions of Respondents LaRose and
8 Divver. ICE is responsible for local custody decisions relating to non-
9 citizens charged with being removable from the U.S., including the
10 arrest, detention, custody status, and removal of non-citizens.
11 Respondent Lyons is a custodian of Ms. Arias Tovar and is named in his
12 official capacity.
13

14 18. Respondent Markwayne Mullin ("Mullin") is the Secretary of DHS
15 and has authority over the actions of all other DHS Respondents in this
16 case, as well as all operations and federal agencies of DHS, including
17 ICE. In his capacity as Secretary of DHS, Respondent Mullin is charged
18 with faithfully administering the immigration and naturalization laws of
19 the United States. 8 U.S.C. § 1103(a). Respondent Mullin is a custodian
20 of Ms. Arias Tovar and is named in his official capacity.
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22 19. Respondent ICE is responsible for local custody decisions relating to
23 non-citizens charged with being removable from the U.S., including the
24 arrest, detention, custody status, and removal of non-citizens.
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1 20. Respondent DHS is the federal agency that has authority over the
2 actions of ICE and all other DHS Respondents.

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4 21. This action is commenced against Respondents LaRose, Divver,
5 Lyons, and Mullin (collectively, “Respondents”) all in their official
6 capacities.

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8 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

9 22. Petitioner has no administrative remedies to exhaust, as DHS will
10 argue mandatory detention and the immigration court concludes they
11 have no jurisdiction to offer bond.

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13 23. Ms. Arias Tovar received a NTA on July 14, 2024, which was then
14 filed before the before the Orlando Immigration Court to initiate her INA
15 § 240 immigration proceedings. The NTA categorizes her as an
16 “arriving alien,” and therefore is ineligible for bond.

17
18 24. Petitioner was transferred to Otay Mesa Detention Center after being
19 detained on her way to work in 2026.

20
21 25. Ms. Arias Tovar is also challenging the unlawfulness of
22 Respondents’ decision to detain her, independent of any decision made
23 by any Immigration Judge in removal proceedings.

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25 26. Therefore, a writ of habeas corpus is the sole avenue to vindicate Ms.
26 Arias Tovar’s constitutional, statutory, and regulatory rights and restore
27 her liberty.
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LEGAL FRAMEWORK

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3 27. The Refugee Act of 1980, the cornerstone of the U.S. asylum system,
4 provides a right to apply for asylum to individuals seeking safe haven in
5 the United States. The purpose of the Refugee Act is to enforce the
6 “historic policy of the United States to respond to the urgent needs of
7 persons subject to persecution in their homelands.” Refugee Act of 1980,
8 § 101(a), Pub. L. No. 96-212, 94 Stat. 102 (1980).
9

10 28. The “motivation for the enactment of the Refugee Act” was the
11 United Nations Protocol Relating to the Status of Refugees, “to which
12 the United States had been bound since 1968.” *INS v. Cardoza-Fonseca*,
13 480 U.S. 421, 424, 432-33 (1987). The Refugee Act reflects a legislative
14 purpose “to give ‘statutory meaning to our national commitment to
15 human rights and humanitarian concerns.’” *Duran v. INS*, 756 F.2d
16 1338, 1340 n.2 (9th Cir. 1985).
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20 29. The Refugee Act established the right to apply for asylum in the
21 United States and defines the standards for granting asylum. It is
22 codified in various sections of the INA.
23

24 30. The INA gives the Attorney General or the Secretary of Homeland
25 Security discretion to grant asylum to noncitizens who satisfy the
26 definition of “refugee.” Under that definition, individuals generally are
27 eligible for asylum if they have experienced past persecution or have a
28

1 well-founded fear of future persecution on account of race, religion,
2 nationality, membership in a particular social group, or political
3 opinions and if they are unable or unwilling to return to and avail
4 themselves of the protection of their homeland because of that
5 persecution of fear. 8 U.S.C. § 1101(a)(42)(A).
6

7
8 31. Although a grant of asylum may be discretionary, the right to apply
9 for asylum is not. The Refugee Act broadly affords a right to apply for
10 asylum to any noncitizen “who is physically present in the United States
11 or who arrives in the United States[.]” 8 U.S.C. § 1158(a)(1).
12

13 32. Because of the life-or-death stakes, the statutory right to apply for
14 asylum is robust. The right necessarily includes the right to counsel, at
15 no expense to the government, see 8 U.S.C. §§ 1229a(b)(4)(A), 1362,
16 the right to notice of the right to counsel, see 8 U.S.C. § 1158(d)(4), and
17 the right to access information in support of an application, see §
18 1158(b)(1)(B) (placing the burden on the applicant to present evidence
19 to establish eligibility.).
20
21

22 33. Noncitizens seeking asylum are guaranteed Due Process under the
23 Fifth Amendment to the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292,
24 306 (1993).
25

26 34. Noncitizens who are applicants for asylum are entitled to a full
27 hearing in immigration court before they can be removed from the
28

1 United States. 8 U.S.C. § 1229a. Consistent with due process,
2 noncitizens may seek administrative appellate review before the Board
3 of Immigration Appeals of removal orders entered against them and
4 judicial review in federal court upon a petition for review. 8 U.S.C. §
5 1252(a) *et seq.*
6

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8 35. Asylum is not an admission to the United States and an applicant for
9 asylum, while they must be physically present in the United States to
10 apply, need not apply for or seek admission to the United States. *Matter*
11 *of V-X-*, 26 I&N Dec. 147 (BIA 2013).
12

13 36. Moreover, following enactment of the IIRIRA, EOIR drafted
14 regulations explaining that, in general, non-citizens who entered the
15 country without inspection were not considered detained under 8 U.S.C.
16 § 1225. *See* Inspection and Expedited Removal of Aliens, Detention and
17 Removal of Aliens, Conduct of Removal Proceedings, Asylum
18 Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997). Rather, such
19 non-citizens were instead detained under § 1226(a). *See id.*
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22 37. Immigration detention should not be used as a punishment and
23 should only be used when, under an individualized determination, a
24 noncitizen is a flight risk because they are unlikely to appear for
25 immigration court or a danger to the community. *Zadvydas v. Davis*, 533
26 U.S. 678, 690 (2001).
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1 38. On January 20, 2025, President Donald Trump issued several
2 executive actions relating to immigration, including “Protecting the
3 American People Against Invasion,” an executive order (EO) setting out
4 a series of interior immigration enforcement actions. The Trump
5 administration, through this and other actions, has outlined sweeping,
6 executive branch-led changes to immigration enforcement policy,
7 establishing a formal framework for mass deportation. The “Protecting
8 the American People Against Invasion” EO instructs the DHS Secretary
9 “to take all appropriate action to enable” ICE, CBP, and USCIS to
10 prioritize civil immigration enforcement procedures including through
11 the use of mass detention.
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16 39. On information and belief, Respondents are using the immigration
17 detention system, including extra-territorial transfer and detention, as a
18 means to punish individuals for asserting rights under the Refugee Act.
19

20 **FACTUAL BACKGROUND**

21 40. Ms. Arias Tovar was born in Venezuela  She came
22 to the United States on or around July 14, 2024, presenting herself for
23 asylum. She was released that same day on parole and was issued an I-
24 94, valid until July 13, 2026.
25

26 41. Ms. Arias Tovar filed her I-589 on December 09, 2024, within 5
27 months of her entry to the U.S.
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1 42. Ms. Arias Tovar does not pose a danger to the community as she has
2 no criminal record. She has no intention of fleeing. Her continued
3 detention is unnecessary and Petitioner respectfully requests that the
4 petition be granted and she be released while her immigration
5 proceedings continue.
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8 **CLAIMS FOR RELIEF**

9
10 **I. Count 1: ICE failed to comply with its own regulations in revoking Ms.**
11 **Arias Tovar’s conditional parole release under 8 C.F.R. § 212.5,**
12 **violating the Administrative Procedures Act and Due Process.**
13

14 43. When ICE detained Ms. Arias Tovar on or about April 19, 2026, it did
15 not say that it was revoking her conditional parole, so it is unclear
16 whether a revocation occurred. Either way, the government’s actions
17 violate the Administrative Procedures Act and Due Process.
18

19 44. Under the Administrative Procedures Act (APA), an agency action may
20 be held unlawful and set aside if it is “arbitrary, capricious, an abuse of
21 discretion, or otherwise not in accordance with law.” 5 U.S.C. §
22 706(2)(A). An action is an abuse of discretion if the agency “entirely
23 failed to consider an important aspect of the problem, offered an
24 explanation for its decision that runs counter to the evidence before the
25 agency, or is so implausible that it could not be ascribed to a difference
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1 in view or the product of agency expertise.” *Nat’l Ass’n of Home*
2 *Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor*
3 *Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463
4 U.S. 29, 43 (1983)). For a challenged agency action to be upheld, the
5 agency “must explain the evidence which is available, and must offer a
6 rational connection between the facts found and the choice made.”
7 *Motor Vehicle Mfrs*, 463 U.S. at 52 (1983) (internal quotations omitted)
8 (quoting *Burlington Truck Lines, Inc. v. United States*, 371 U.S. 156,
9 168 (1962)).

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13 45. Here, regardless of whether the agency formally revoked Ms. Arias
14 Tovar’s release, it violated the APA. If the agency did *not* revoke her
15 release, then it inexplicably violated its own release decision by
16 detaining Petitioner. Doing so violated the APA because the agency did
17 not “offer a rational connection between the facts found and the choice
18 made”—i.e., the fact that Ms. Arias Tovar was still on release, yet the
19 agency decided to detain her. *Motor Vehicle Mfrs*, 463 U.S. at 52. And
20 nothing suggests that there *was* a “rational” reason for this choice, given
21 that Ms. Arias Tovar filed an asylum application and complied with all
22 the conditions of her release and was not engaging in criminal activity at
23 the time of her arrest. She was on her way to work when she was
24 stopped during an enforcement operation. She provided her valid I-94
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1 document when her identification was requested, and the immigration
2 officials determined that it was a valid document. It had not expired.
3
4 She was not committing a crime. This was the epitome of an “arbitrary”
5 and “capricious” act under the APA. 5 U.S.C. § 706(2)(A).

6
7 46. But assuming the agency *had* revoked her release, it also violated the
8 APA. Per ICE regulations, a person shall only be “returned to the
9 custody from which he was paroled” when “the purposes of such parole
10 . . . have been served.” 8 U.S.C. § 1182(d)(5)(A); *see also* 8 C.F.R. §
11 212.5(e)(2)(i) (parole may only be terminated “upon accomplishment of
12 the purpose for which parole was authorized”); *Y-Z-L-H*, 2025 WL
13 1898025, at *12 (same). Alternatively, the regulations permit revocation
14 of parole when “neither humanitarian reasons nor public benefit
15 warrants the [noncitizen’s] continued presence.” 8 C.F.R.
16 § 212.5(e)(2)(i). But under either scenario, parole shall only be
17 “terminated upon written notice to the alien.” 8 C.F.R. § 212.5(e)(2)(i).
18
19 So under the statute and the regulations, the agency may only revoke
20 parole and re-detain a noncitizen when the parole’s purpose is served or
21 no humanitarian reasons warrant it *and* the noncitizen receives written
22 notice.
23

24
25 47. None of this occurred here. Because “the purpose of Ms. Arias Tovar’s
26 release” was to allow her to apply for asylum, that purpose has not yet
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1 “been served” because her asylum claim is still pending. 8 U.S.C. §
2 1182(d)(5)(A). And the humanitarian reasons for release—to avoid
3 unnecessary detention when an asylum seeker poses no danger or flight
4 risk—remains the same. Put differently, “upon Petitioner’s entry into the
5 United States, Respondents determined that Petitioner was suitable for
6 release. Respondents have not provided a reasoned explanation or any
7 changed circumstances that would justify their current departure from
8 their prior decision.” *Y-Z-L-H v. Bostock*, 792 F. Supp. 3d 1123, 1146
9 (D. Or. 2025). Under the APA, “[i]t is Respondents’ burden to provide a
10 reasoned explanation for their action,” which they will not be able to do.
11 *Id.* Again, Ms. Arias Tovar was not engaging in criminal activity and
12 still had a valid, unexpired I-94.
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17 48. What’s more, Ms. Arias Tovar never received any written notification of
18 a revocation under 8 C.F.R. § 212.5(e). So if the agency revoked her
19 release, this decision violated both the statute and the regulation and was
20 “not in accordance with law” under the APA. 5 U.S.C. § 706(2)(A).
21

22 49. Several courts have released petitioners on this basis. *See Faizyan v.*
23 *Casey*, Case No.: 3:25-cv-02884-RBM-JLB, 2025 WL 3208844, at *7
24 (S.D. Cal. Nov. 17, 2025) (reaching the same conclusion as to the
25 revocation of a petitioner’s release on his own recognizance); *Lopez v*
26 *Marrero*, 3:26-cv-2077-JES-VET. ALSO *See Arias v. Larose*, No. 3:25-
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1 CV-02595-BTM-MMP, 2025 WL 3295385, at *3 (S.D. Cal. Nov. 25,
2 2025); *Noori v. LaRose*, No. 25-cv-1824-GPC-MSB, 2025 WL 2800149
3 (S.D. Cal. Oct. 1, 2025); *Salazar v. Casey*, No. 25-cv-2784 JLS-VET,
4 2025 WL 3063629 (S.D. Cal. Nov. 3, 2025); *Perez v. LaRose*, No. 25-
5 cv-02620-RBM-JLB, 2025 WL 3171742 (S.D. Cal. Nov. 13, 2025); *Y-
6 Z-L-H v. Bostock*, No. 25-cv-965-SI, 2025 WL 1898025, at *13 (D. Or.
7 July 9, 2025);
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11 **II. Count 2: The Due Process Clause required notice and a chance to be**
12 **heard before release was revoked.**
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14 50. Additionally, “the revocation of Ms. Arias Tovar’s release without
15 justification or consideration of her individualized circumstances violates
16 the Due Process Clause.” *Perez v. LaRose*, No. 3:25-CV-02620-RBM-
17 JLB, 2025 WL 3171742, at *4 (S.D. Cal. Nov. 13, 2025). Petitioner was
18 “entitled to notice of the reasons for revocation of her release and a
19 hearing before an immigration judge to determine whether detention is
20 warranted” before ICE revoked her release. *Id.* at *7. Due process
21 demands a hearing prior to the government’s decision to terminate a
22 person’s liberty. By failing to provide such a hearing, Respondents have
23 violated Ms. Arias Tovar’s constitutional right to due process.
24 Accordingly, this Court should grant the instant petition for a writ of
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1 habeas corpus, and order Petitioner's immediate release. A post-
2 deprivation hearing cannot serve as an adequate procedural safeguard
3 because it is after the fact and cannot prevent an erroneous deprivation of
4 liberty.
5

6 51. "The Fifth Amendment guarantees that '[n]o person shall be ... deprived
7 of life, liberty, or property, without due process of law.'" *Salazar*, 2025
8 WL 3063629, at *3 (quoting U.S. Const. amend. V). "[T]he Due Process
9 Clause applies to all 'persons' within the United States, including aliens,
10 whether their presence here is lawful, unlawful, temporary, or
11 permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (9th Cir. 2001).
12

13 52. "Generally, due process protections depend on the situation and must
14 account for (1) the private interest at issue, (2) the risk of erroneous
15 deprivation of that interest through the procedures used, and (3) the
16 Government's interest." *Noori v. LaRose*, No. 25-cv-1824-GPC-MSB,
17 2025 WL 2800149 (S.D. Cal. Oct. 1, 2025); (citing *Mathews v. Eldridge*,
18 424 U.S. 319 (1976)). Weighing those considerations here, Respondents
19 violated the Due Process Clause by revoking release with no notice or
20 hearing.
21

22 53. First, Petitioner has a private interest in remaining free, which developed
23 over the 21 months she resided in the United States. It does not matter
24 that release is temporary or discretionary. "For example, *Morrissey v.*
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1 *Brewer*, 408 U.S. 471, 482 (1972)—though analyzing the criminal parole
2 context—found that ‘the liberty of a parolee, although indeterminate,
3 includes many of the core values of unqualified liberty and its termination
4 inflicts a grievous loss on the parolee and often others ... [thus it] must be
5 seen within the protection of the [Fifth] Amendment.’” *Id.*
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8 54.“Second, the risk of an erroneous deprivation of such interest is high as
9 Petitioner's release was revoked without providing [her] a reason for
10 revocation or giving [her] an opportunity to be heard.” *Salazar*, 2025 WL
11 3063629, at *4. “Civil immigration detention is permissible only to
12 prevent flight or protect against danger to the community.” *Perez*, 2025
13 WL 3171742, at *5. But here, “[s]ince DHS's initial determination that
14 Petitioner should be released because [she] posed no danger to the
15 community and was not a flight risk, there is no evidence that these
16 findings have changed.” *Id.*
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20 55.“Third, the Government's interest in detaining Petitioner without notice,
21 reasoning, and a hearing is low.” *Salazar*, 2025 WL 3063629, at *5
22 (cleaned up). “Detention for its own sake, to meet an administrative quota,
23 or because the government has not yet established constitutionally
24 required pre-detention procedures is not a legitimate government
25 interest.” *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1036 (N.D. Cal. 2025).
26
27

28 56.Thus, because Respondents did not provide “proper notice, reasoning, and

1 a pre-deprivation hearing” before revoking release, Ms. Arias Tovar’s
2 detention violated the Due Process Clause. *Salazar*, 2025 WL 3063629,
3 at *5.
4

5 **III. This Court must hold an evidentiary hearing on any disputed facts.**
6

7 57.Resolution of a detention-based habeas petition may require an
8 evidentiary hearing. *Owino v. Napolitano*, 575 F.3d 952, 956 (9th Cir.
9 2009). Ms. Arias Tovar hereby requests such a hearing on any material,
10 disputed facts.
11

12 **IV. Prayer for relief**
13

14 For the foregoing reasons, Petitioner respectfully requests that this Court:
15

- 16 1. Order Respondents to immediately release Petitioner from custody,
17 subject to the conditions of her preexisting release;
- 18 2. Order that prior to any re-detention of Petitioner, that Petitioner is entitled
19 to notice of the reasons for revocation of her release and a hearing before
20 an immigration judge to determine whether detention is warranted.
21 Respondents should bear the burden of establishing, by clear and
22 convincing evidence, that Petitioner poses a danger to the community or
23 a risk of flight at that hearing; and
- 24 3. Order any other relief that the Court deems just and proper.
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Respectfully submitted,

Dated: June 12, 2026

/s/ David Szeles

David Szeles,
Attorney for Petitioner