UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

Jhoel Anthony Cartuche Zapata Petitioner, v. Markwayne Mullin, in his Official Capacity, Secretary of the U.S. Department of Homeland Security; Todd Blanche, in his Official Capacity, Acting Attorney General of the United States; Todd M. Lyons, Senior Official Performing the Duties of the Director, U.S. Immigration and Customs Enforcement. Joseph Freden, in his Official Capacity, Warden of the Buffalo Federal Detention Facility, Respondents.	Case No. (To be Assigned) Judge: Hon. _____ Magistrate Judge: _____ No request for jury trial **PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF** **ORAL ARGUMENT REQUESTED**

COMES NOW, Petitioner, Jhoel Anthony Cartuche Zapata, brings this Verified Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief pursuant to 28 U.S.C. § 2241; the All Writs Act, 28 U.S.C. § 1651; the Immigration and Nationality Act ("INA") and regulations thereunder; the Administrative Procedure Act; and the Suspension Clause of the Constitution, U.S. Const. Art. I § 9, cl. 2. The efforts to detain and remove Petitioner constitute a "severe restraint" on his individual liberty such that Petitioner is "in custody" of the Respondents in violation of the . . . laws of the United States. *Hensley v. Municipal Court,* 411 U.S. 345, 351 (1973); 28 U.S.C. § 2241, including the Immigration

Nationality Act, 8 U.S.C. § 1101 *et seq.*; the Administrative Procedure Act, 5 U.S.C. § 701 *et seq.*; and the Due Process Clause of the Fifth Amendment of the United States Constitution.

1. Petitioner was detained by ICE on Sunday, June 21, 2026, in Syracuse, New York. No judicial warrant and no administrative warrant of arrest was ever presented to Petitioner. Petitioner is currently detained at the Buffalo Federal Detention Facility, also known as the Buffalo Service Processing Center, located at 4250 Federal Drive, Batavia, New York 14020, within this District. Upon information and belief, Respondents have not issued a Notice to Appear or any other charging document against Petitioner, and the Automated Case Information System ("ACIS") maintained by the Executive Office for Immigration Review confirms that no case exists for Petitioner's A-Number. *See* **Exhibit "A".** Any motion for bond on Petitioner's behalf would, upon information and belief, be unavailable for lack of jurisdiction; no Immigration Judge currently presides over any case involving Petitioner because none has been filed, and, separately, Respondents have classified other similarly situated long-term residents under 8 U.S.C. § 1225(b)(2)(A) pursuant to the Board of Immigration Appeals' decision in *Matter of Yajure-Hurtado,* 29 I&N Dec. 216 (BIA 2025). In that case, the Board held that Immigration Judges lack jurisdiction to redetermine custody for noncitizens classified as "applicants for admission" under section 235(b)(2) of the Immigration and Nationality Act.

2. The United States Court of Appeals for the Second Circuit recently held in *Cunha v. Freden,* No. 25-3141 (2d Cir. Apr. 28, 2026), that 8 U.S.C. § 1225(b)(2)(A) does not authorize the mandatory detention of long-term interior residents, including individuals who entered without inspection and resided openly in the community for years before arrest, and that such individuals are properly detained, if at all, under the discretionary framework of 8 U.S.C. § 1226(a). Petitioner's circumstances fall squarely within *Cunha*'s holding. Notwithstanding that

controlling authority, DHS has continued, in some instances, to apply *Matter of Yajure-Hurtado*'s classification to similarly situated noncitizens. Therefore, this Court remains the venue best positioned to ensure Petitioner receives the process to which he is entitled.

3. Pursuant to this Court's inherent powers in habeas corpus proceedings, Petitioner Jhoel Anthony Cartuche Zapata respectfully requests that this Court enjoin Respondents from effectuating his removal from the United States and order his immediate release from custody, or, in the alternative, order Respondents to immediately issue a Notice to Appear and provide Petitioner an opportunity for a bond redetermination.

4. To the extent the Immigration Court or the Board of Immigration Appeals have disclaimed, or would disclaim, jurisdiction to review or redetermine Petitioner's custody, whether under *Matter of Yajure-Hurtado,* 29 I. & N. Dec. 216 (BIA 2025), or because no case has yet been docketed against Petitioner at all, Petitioner is left without an adequate or available administrative remedy, and only this Honorable Court possesses jurisdiction under 28 U.S.C. § 2241 to review the legality of his continued detention and to grant appropriate relief. *See I.N.S. v. St. Cyr,* 533 U.S. 289, 314, 121 S. Ct. 2271, 150 L. Ed. 2d 347 (2001) (recognizing federal habeas jurisdiction where no other judicial forum is available to test the legality of executive detention).

I. PARTIES

5. Mr. Jhoel Anthony Cartuche Zapata ("Petitioner") is a native and citizen of Ecuador who entered the United States without admission or parole in or about 2021, near the southern border, and has remained continuously and openly present in the Syracuse, New York area since that time, a period of approximately five years. He has no criminal history of any kind.

On June 21, 2026, while in Syracuse, New York, Petitioner was taken into ICE custody without a judicial or administrative warrant.

6. Respondent, Markwayne Mullin, is the Secretary of the U.S. Department of Homeland Security ("DHS"), the federal agency responsible for enforcing Petitioner's arrest, detention, and removal. Respondent Mullin is sued in his official capacity. His office address is 2707 Martin Luther King Jr. Ave, SE, Washington, DC 20528-0485.

7. Respondent Todd Blanche is named in his official capacity as the Acting Attorney General of the United States. In this capacity, he is responsible for the administration of the immigration laws as exercised by the Executive Office for Immigration Review pursuant to section 103(g) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1103(g), and is the legal custodian of Petitioner. Respondent Blanche's address is U.S. Department of Justice, 950 Pennsylvania Avenue NW, Washington, DC 20530.

8. Respondent Todd M. Lyons is the Senior Official Performing the Duties of the Director of U.S. Immigration and Customs Enforcement. In this capacity, he is responsible for the nationwide administration and oversight of immigration detention and enforcement, including the arrest and continued detention of Petitioner. Respondent Lyons is sued in his official capacity. His office address is 500 12th Street SW, Washington, DC 20536.

9. Respondent Joseph Freden is the Warden of the Buffalo Federal Detention Facility, also known as the Buffalo Service Processing Center, located at 4250 Federal Drive, Batavia, New York 14020. Respondent Freden is Petitioner's immediate custodian; he has direct, day-to-day physical control over Petitioner and is responsible for Petitioner's continued confinement at that facility. Respondent Freden is sued in his official capacity.

II. JURISDICTION & VENUE

10. The Court has jurisdiction under the Suspension Clause. The Suspension Clause provides, "The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it." U.S. Const. Art. I § 9, cl. 2. This Court has habeas corpus jurisdiction pursuant to 28 U.S.C. §§ 2241 *et seq.,* as protected under Art. I § 9, cl. 2 of the United States Constitution (Suspension Clause), and federal question jurisdiction under 28 U.S.C. § 1331. This case arises under the United States Constitution; the INA, 8 U.S.C. §§ 1101 *et seq.*; the APA, 5 U.S.C §§ 701 *et seq.*; and the Due Process Clause of the Fifth Amendment. Petitioner's current detention as enforced by Respondents constitutes a "severe restraint[] on [Petitioner's] individual liberty," such that Petitioner is "in custody in violation of the . . . laws . . . of the United States." *See Hensley,* 411 U.S. at 351 (1973); 28 U.S.C. § 2241(c)(3).

11. While the Courts of Appeals have jurisdiction to review removal orders directly through petitions for review, *see* 8 U.S.C. § 1252, federal district courts have jurisdiction under 28 U.S.C. § 2241(d) to hear habeas claims by noncitizens challenging the lawfulness or constitutionality of Respondents' conduct. *See Demore v. Kim,* 538 U.S. 510, 516-517 (2003); *Zadvydas v. Davis,* 533 U.S. 678, 687 (2001). Venue is proper in the United States District Court for the Western District of New York because Petitioner is presently confined within this District, at the Buffalo Federal Detention Facility in Batavia, New York, and Respondent Freden, Petitioner's immediate custodian, is located within this District. 28 U.S.C. § 1391(b)(2); 28 U.S.C. § 2241(d).

III. FACTS GIVING RISE TO THE HABEAS PETITION

12. Petitioner is a native and citizen of Ecuador. He entered the United States without admission or parole in or about 2021, crossing the southern border, and has remained continuously and openly present in the Syracuse, New York area for approximately five years. He has no criminal history, poses no danger to the community, and has no removal proceedings pending or previously concluded against him.

13. On June 21, 2026, Petitioner was stopped and taken into custody by ICE officers in Syracuse, New York. No judicial warrant, and no administrative warrant of arrest, was presented to Petitioner at the time of his arrest. Petitioner was not engaged in criminal activity, was not attempting to flee, and had lived openly in the United States for approximately five years.

14. Petitioner is currently detained at the Buffalo Federal Detention Facility, also known as the Buffalo Service Processing Center, located at 4250 Federal Drive, Batavia, New York 14020. *See* **Exhibit "B".**

15. Upon information and belief, Respondents have not issued a Notice to Appear or any other charging document against Petitioner, have not initiated removal proceedings before an Immigration Judge, and have not identified the statutory authority under which they presently detain him. A search of ACIS, the system the Executive Office for Immigration Review makes available to confirm the status of cases before the immigration courts, returns "No case found for this A-Number" for Petitioner's A-Number, [redacted]. *See* **Exhibit "A".** Because no case has been docketed, no Immigration Judge currently has jurisdiction to conduct a bond hearing or otherwise review Petitioner's custody, even on a discretionary basis under 8 U.S.C. § 1226(a).

16. Upon information and belief, Respondents arrested Petitioner without first obtaining or presenting an administrative warrant. Petitioner maintained a fixed residence in the

Syracuse area, had no criminal history, and had resided openly in the community for approximately five years. Nothing suggests that he was likely to abscond before a warrant could be obtained.

IV. REQUIREMENTS OF 28 U.S.C. § 2243

17. 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.*

18. 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, 83 S. Ct. 822, 9 L. Ed. 2d 837 (1963), *overruled by Wainwright v. Sykes,* 433 U.S. 72, 97 S. Ct. 2497, 53 L. Ed. 2d 594 (1977), and *abrogated by Coleman v. Thompson,* 501 U.S. 722, 111 S. Ct. 2546, 115 L. Ed. 2d 640 (1991) (emphasis added). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and 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).

V. APPLICABLE LAW

A. The Government Lacks Authority to Detain Petitioner Under 8 U.S.C. § 1225(b)(2)(A).

19. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings. First, 8 U.S.C. § 1226 governs the arrest and detention of individuals placed in ordinary removal proceedings before an IJ pursuant to 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are subject to discretionary civil detention and are generally entitled to a bond hearing, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have

been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, provided they cannot show an exception. *See* 8 U.S.C. § 1226(c).

20. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2). Third, 8 U.S.C. § 1231(a)-(b) governs detention of noncitizens who have been ordered removed. None of these provisions has any application here; Petitioner has never been ordered removed, and no proceedings of any kind are pending against him.

21. In 2025, DHS adopted a nationwide policy asserting that noncitizens who entered the United States without inspection may be detained under 8 U.S.C. § 1225(b)(2)(A), regardless of how long they have resided in the country. The Board of Immigration Appeals adopted a similar interpretation in *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025).

22. That interpretation has been repeatedly rejected by federal courts. Most significantly, the Second Circuit held in *Cunha v. Freden*, No. 25-3141 (2d Cir. Apr. 28, 2026), that 8 U.S.C. § 1225(b)(2)(A) does not authorize the mandatory detention of long-term interior residents who entered without inspection and later established substantial ties in the United States. Rather, such individuals are detained, if at all, under 8 U.S.C. § 1226(a).

23. Petitioner's circumstances fit within the *Cunha* framework. He entered the United States in approximately 2021, resided openly in the Syracuse area for approximately five years, has no criminal history, and was apprehended during an interior enforcement encounter rather than at or near the border.

24. Accordingly, to the extent Respondents rely upon 8 U.S.C. § 1225(b)(2)(A), that detention is unlawful under binding Second Circuit authority.

B. Respondents Have Failed to Provide Petitioner Any Process Whatsoever, Leaving Him Without Any Avenue to Challenge His Detention.

25. Even under the discretionary framework of 8 U.S.C. § 1226(a), an individual placed in immigration detention is, at a minimum, entitled to a charging document and the opportunity to seek a bond hearing before an Immigration Judge. *See* 8 C.F.R. §§ 1003.19(a), 1236.1(d). Here, Respondents have detained Petitioner since June 21, 2026 without ever issuing a Notice to Appear, without docketing any case in the immigration court system, and without identifying any statutory authority, criminal history, or individualized justification for his confinement.

26. ACIS confirms that no case exists for Petitioner's A-Number. See Exhibit A. Because no case has been filed, no Immigration Judge is presently in a position to grant Petitioner a bond hearing, even on a discretionary basis, regardless of whether Respondents ultimately classify his detention under § 1225(b) or § 1226(a). Petitioner is therefore left in a jurisdictional void of Respondents' own making: he cannot obtain review of his custody from any Immigration Judge because no proceedings have been initiated, and Respondents have given no indication of when, if ever, that will change.

27. This is precisely the circumstance that 28 U.S.C. § 2241 and the Suspension Clause exist to remedy. *See I.N.S. v. St. Cyr,* 533 U.S. 289, 314 (2001) (recognizing federal habeas jurisdiction where no other judicial forum is available to test the legality of executive detention). Absent intervention by this Court, Respondents may detain Petitioner indefinitely without ever placing him in proceedings, without ever affording him a hearing of any kind, and without any judicial check on that decision.

C. Petitioner's Detention Violates the Fifth Amendment's Due Process Clause.

28. The Due Process Clause applies to all persons in the United States, "whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis,* 533 U.S. at 693; *see also Yick Wo v. Hopkins,* 118 U.S. 356 (1886). The Supreme Court declared "that the Due Process Clause protects individuals against two types of government action" giving rise to distinct claims of substantive and procedural due process violations. *United States v. Salerno,* 481 U.S. 739, 746 (1987). Thus, "the touchstone of due process is protection of the individual against arbitrary action of government, whether the fault lies in the denial of fundamental due process fairness [procedural due process], or in the exercise of power without any reasonable justification in the service of a legitimate government objective [substantive due process]." *City of Sacramento v. Lewis,* 523 U.S. 833 (1998) (citations and internal quotations omitted).

29. Procedural due process constrains governmental decisions that deprive individuals of property or liberty interests within the meaning of the Due Process Clause of the Fifth Amendment. *See Mathews v. Eldridge,* 424 U.S. 319, 332 (1976); *see also Perry v. Sindermann,* 408 U.S. 593, 601-03 (1972) (reliance on informal policies and practices may establish a legitimate claim of entitlement to a constitutionally protected interest). Infringing upon a protected interest triggers a right to a hearing before that right is deprived, and a right to meaningful process afforded at a meaningful time. *See Bd. of Regents v. Roth,* 408 U.S. 564, 569-70 (1972). "'Substantive due process' prevents the government from engaging in conduct that 'shocks the conscience,' or interferes with rights 'implicit in the concept of ordered liberty.'" *Salerno,* 481 U.S. at 746 (internal citations omitted).

30. Respondents' power to detain and deport someone is not limitless, nor is it shielded from judicial review. *See Calderon v. Sessions,* 330 F. Supp. 3d 944, 950 (S.D.N.Y. 2018), *appeal withdrawn sub nom. Villavicencio Calderon v. Sessions,* No. 18-2926, 2018 WL

6920377 (2d Cir. Oct. 5, 2018) (ordering a stay of removal and release from detention); *You Xiu Qing v. Nielsen,* 321 F. Supp. 3d 451 (S.D.N.Y. 2018) (same); *S.N.C. v. Sessions,* No. 18, 2018 WL 6175902 (S.D.N.Y. Nov. 26, 2018); *Gutierrez-Soto v. Sessions,* 317 F. Supp. 3d 917, 933-35 (W.D. Tex. 2018); *Ragbir v. Sessions,* 2018 WL 623557 (S.D.N.Y. Jan. 29, 2018); *Chhoeun v. Marin,* 306 F. Supp. 3d 1147 (C.D. Cal. 2018).

31. "Habeas corpus is at its core, an equitable remedy." *Schlup v. Delo,* 513 U.S. 298, 319 (1995). Judges have broad discretion to fashion an appropriate remedy. It may extend beyond simply ordering the release of a petitioner, *Carafas v. La Vallee,* 391 U.S. 234 (1968), and is to "be administered with the initiative and flexibility essential to ensure that miscarriages of justice within its reach are surfaced and corrected." *Harris v. Nelson,* 394 U.S. 286, 291 (1969). Habeas corpus "never has been a static, narrow, formalistic remedy; its scope has been to achieve its grand purpose, the protection of individuals against erosion of their right to be free from wrongful restraints upon their liberty." *Jones v. Cunningham,* 371 U.S. 236, 243 (1963). These protections extend fully to noncitizens facing executive detention. *See I.N.S. v. St. Cyr,* 533 U.S. 289, 301 (2001).

32. Here, Respondents deprived Petitioner of his physical liberty in Syracuse, New York, despite approximately five years of open residence, no criminal history, and no indication that he posed either a danger to the community or a risk of flight. No judicial or administrative warrant was obtained, no charging document has been filed, no pre-detention process was afforded, and no individualized necessity determination has been identified.

33. In *Demore,* the Supreme Court held that mandatory detention under § 1226(c) was not unconstitutional on its face, but limited its holding to a brief period of detention, stating that Congress "may require that persons such as respondent be detained for *the brief period* necessary

for their removal proceedings." 538 U.S. at 513 (emphasis added). The Court described the "brief period" that it held valid: "in the majority of cases," detention pursuant to § 1226(c) in 2003 "lasts for less than . . . 90 days." *Id.* at 529. *Demore* addressed only individuals detained under 8 U.S.C. § 1226(c) based on specified criminal convictions and expressly declined to extend its holding to non-criminal detainees under § 1226(a) or recent-entry detainees under § 1225(b). It therefore provides no justification for DHS's reliance on mandatory or processless detention in this case.

34. In the present case, there is no indication that Petitioner's detention is temporary or limited to a brief period necessary to effectuate removal. To the contrary, because no proceedings have even been initiated against him, Petitioner's detention may continue for an indefinite period, potentially extending for months or years, with no Immigration Judge ever acquiring jurisdiction to review his custody. These circumstances strongly favor Petitioner's reléase.

VI. CLAIMS FOR RELIEF

Count I

Habeas Corpus Under 28 U.S.C. § 2241 (Unlawful Executive Detention)

35. Whether Respondents purport to detain Petitioner pursuant to § 1225(b)(2)(A), § 1226(a), or no identified statutory authority at all, his detention violates the Constitution and exceeds statutory authority.

Count II

Violation of the Fifth Amendment (Substantive and Procedural Due Process)

36. Respondents' detention of Petitioner violates the Fifth Amendment by subjecting him to prolonged, warrantless, and unreviewable incarceration without an individualized custody determination and without any charging document.

Count III
Violation of the Suspension Clause (U.S. Const. Art. I § 9, cl. 2)

37. By detaining Petitioner without docketing any case before the immigration courts, Respondents have foreclosed any administrative review of his custody and have suspended the privilege of the writ of habeas corpus as applied to Petitioner. The Suspension Clause prohibits such restrictions on habeas jurisdiction.

VII. REQUEST FOR RELIEF

38. Pending the adjudication of this Petition, Petitioner respectfully requests that the Court use its authority under 28 U.S.C. § 2243 to order the Respondents to file a return within three days, unless they can show good cause for additional time. *See* 28 U.S.C. § 2243 (order to show cause why a petition for a writ of habeas corpus should not be granted should be "returned within three days unless for good cause additional time, not exceeding twenty days, is allowed").

39. Petitioner respectfully requests that Respondents be restrained from removing him from the United States pending adjudication of this Petition and any removal proceedings that may later be initiated. Premature removal would preclude him from pursuing any forms of relief for which he may become eligible and would undermine his ability to seek protection under applicable immigration laws.

40. Without this Court's intervention, Respondents may seek to remove Petitioner in violation of law. Petitioner requests that this Court order Respondents to notify the Court and Petitioner's counsel five days prior to any removal of Petitioner.

41. Petitioner respectfully requests to be released from detention or, in the alternative, that Respondents be ordered to immediately issue a Notice to Appear and provide Petitioner a prompt, individualized bond hearing before an Immigration Judge under 8 U.S.C. § 1226(a), at which the Government bears the burden of justifying continued detention.

42. Petitioner respectfully requests that this Court issue an order requiring Respondents to notify the Court and Petitioner's counsel at least five days prior to any attempt to remove him from the United States or transfer him outside this District.

VIII. EXHAUSTION OF REMEDIES

43. Petitioner's claims regarding the constitutionally inadequate process and unlawful deprivation of liberty are not subject to any statutory requirement of administrative exhaustion. *See McCarthy v. Madigan,* 503 U.S. 140, 144 (1992). To the extent that prudential concerns might lead the Court to consider exhaustion as a discretionary matter, Petitioner has taken all reasonable steps available to him within the administrative framework, including confirming through ACIS that no case has been docketed against him. *See* **Exhibit "A".**

44. Moreover, neither the Immigration Judge nor the Board of Immigration Appeals has jurisdiction to adjudicate the constitutional claims raised in this habeas petition, nor any jurisdiction at all over Petitioner's custody, because no case has been filed. These claims fall squarely within the purview of this Court.

45. Finally, Petitioner faces irreparable harm in the form of continued, processless detention and the risk of premature removal before he can pursue the legal remedies available to him. Because no proceedings exist, exhaustion of remedies is excused as futile. *See McCarthy v. Madigan,* 503 U.S. 140, 146-49 (1992) (exhaustion excused where administrative remedies are inadequate or futile); *INS v. St. Cyr,* 533 U.S. 289, 314 (2001).

IX. REQUEST FOR ORAL ARGUMENT

46. Petitioner respectfully requests oral argument on this Petition.

X. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter;

2. Issue a Writ of Habeas Corpus on the ground that Petitioner's continued detention violates the Due Process Clause and order Petitioner's immediate release;

3. In the alternative, issue injunctive relief ordering Respondents to immediately release Petitioner on the ground that his continued detention violates the Due Process Clause;

4. In the alternative, order Respondents to immediately issue a Notice to Appear and provide Petitioner with a prompt, constitutionally adequate, individualized bond hearing under 8 U.S.C. § 1226(a) at which the Government bears the burden of justifying continued detention;

5. Enjoin Respondents from removing Petitioner from the United States;

6. Order Respondents to file a return within three days pursuant to 28 U.S.C. § 2243;

7. Declare that the process, or absence of process, applied to Petitioner by Respondents violates the Suspension Clause, the Due Process Clause of the Fifth Amendment, the INA, the APA, and federal regulations;

8. Issue a writ of habeas corpus directing Respondents to pursue a constitutionally adequate process to justify adverse immigration actions against Petitioner;

9. Order Respondents to provide five days of notice to the Court and Petitioner of his imminent removal or transfer outside this District;

10. Award Petitioner his costs and reasonable attorney's fees in this action as provided for by the Equal Access to Justice Act, 28 U.S.C. § 2412, or other statutes; and

11. Grant such further relief as the Court deems just and proper.

Dated: June 26, 2026

Respectfully submitted,

/s/ Andrea C. Soto

By: _____

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