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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

Augustin Olivares-Flores,

Petitioner,

v.

Kristi NOEM, Secretary, U.S. Department of Homeland Security; Pamela BONDI, U.S. Attorney General; Todd LYONS, Acting Director, Immigration and Customs Enforcement; JOSEPH FREDEN, Acting Field Office Director, U.S. Immigration & Customs Enforcement (ICE), CHRISTOPHER J. LAROSE, Senior Warden, Otay Mesa Detention Facility; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; IMMIGRATION AND CUSTOMS ENFORCEMENT; and U.S. DEPARTMENT OF HOMELAND SECURITY,

Respondents.

Case No. '26CV3964 LL DDL

PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241; VERIFIED PETITION

PETITIONER'S A NO. [redacted]

I. INTRODUCTION

1. Petitioner Augustin Olivares-Flores, by and through undersigned counsel, respectfully submits this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, together with claims for declaratory and injunctive relief, challenging his ongoing and unlawful civil immigration detention by the Department of Homeland Security ("DHS") and U.S. Immigration and Customs Enforcement ("ICE").
2. Petitioner is a native and citizen of Mexico and is approximately thirty-six years old.
3. Petitioner entered the United States without inspection in 2007.
4. Petitioner has never departed the United States since his entry.
5. Petitioner is married. His wife resides in the United States but does not possess lawful immigration status.
6. Petitioner is the father of three United States citizen children, who are presently sixteen, fifteen, and thirteen years old, all of whom reside with him and depend upon his emotional and financial support.
7. Petitioner has substantial family and community ties in the United States.
8. Petitioner has no criminal history.
9. Petitioner has no prior orders of removal, prior deportations, or prior immigration removals.
10. Petitioner is prima facie eligible to seek Non-Lawful Permanent Resident Cancellation of Removal pursuant to INA § 240A(b) based upon his continuous

physical presence, good moral character, qualifying United States citizen children, and lack of disqualifying criminal convictions.

11. Petitioner was detained by ICE on June 29, 2026.

12. Petitioner is currently detained at the Otay Mesa Detention Center in San Diego County, California.

13. Petitioner does not challenge any administratively final order of removal. No administratively final order of removal has been entered against him.

14. Petitioner challenges only the legality of his present detention and the absence of a lawful and constitutionally adequate custody determination.

15. Petitioner's continued detention is unlawful for several independent reasons.

16. First, because Petitioner was detained after approximately nineteen years of continuous residence within the United States, the discretionary detention framework of 8 U.S.C. § 1226 governs his custody, not the entry-focused detention provisions of 8 U.S.C. § 1225(b) or the post-final-order detention provisions of 8 U.S.C. § 1231. See Jennings v. Rodriguez, 583 U.S. 281, 289 (2018).

17. Second, Respondents have not established that Petitioner is subject to mandatory detention under 8 U.S.C. § 1226(c).

18. Third, Respondents have failed to provide a constitutionally adequate custody determination supported by individualized findings demonstrating that Petitioner's continued detention is necessary.

19. Fourth, Petitioner's continued detention is arbitrary because Respondents have not shown that he presently poses a danger to the community or a flight risk that cannot be addressed through reasonable conditions of release.

20. Fifth, Petitioner's continued detention is especially unjustified in light of his nearly two decades of continuous residence in the United States, his three United States citizen children, his eligibility for cancellation of removal, his lack of any criminal history, and the absence of any administratively final order of removal.

21. Federal courts have repeatedly recognized that civil immigration detention must comply with both statutory and constitutional limitations and that freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause. See Zadvydas v. Davis, 533 U.S. 678, 690 (2001).

22. Immediate judicial intervention is warranted.

23. Immediate release is the appropriate remedy because Petitioner is detained under an unlawful and constitutionally deficient detention framework.

24. In the alternative, if this Court declines to order Petitioner's immediate release, Petitioner respectfully requests a prompt constitutionally adequate custody determination before a neutral decision-maker within five (5) days, with Respondents bearing the burden of proving by clear and convincing evidence that continued detention is necessary.

25. Each additional day of Petitioner's confinement inflicts continuing and irreparable harm upon him, his wife, and his three United States citizen children.

II. JURISDICTION

28. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody under federal authority and challenges the legality of that custody. See 28 U.S.C. §§ 2241(a), (c)(3); Preiser v. Rodriguez, 411 U.S. 475, 484 (1973).

29. Habeas jurisdiction extends to claims that immigration detention violates the Constitution or exceeds statutory authority. See Zadvydas v. Davis, 533 U.S. 678, 687–88, 699 (2001).

30. Petitioner does not seek review of a final order of removal.

31. Rather, Petitioner challenges only the legality of his present detention and the absence of constitutionally adequate custody procedures.

32. This Court also has jurisdiction under 28 U.S.C. § 1331 because this action arises under the Constitution of the United States, the Immigration and Nationality Act ("INA"), the Administrative Procedure Act ("APA"), and other laws of the United States.

33. The Administrative Procedure Act, 5 U.S.C. § 706, further supports judicial review to the extent Respondents' detention decisions constitute arbitrary, capricious, unlawful, or ultra vires agency action.

34. Jurisdiction is not barred by 8 U.S.C. §§ 1252(b)(9) or 1252(g) because Petitioner does not challenge the Government's decision to commence removal proceedings, adjudicate removability, or execute a final order of removal. Rather, Petitioner challenges only the statutory and constitutional authority for his present civil immigration detention. See Jennings v. Rodriguez, 583 U.S. 281, 293–95 (2018);

Reno v. American-Arab Anti-Discrimination Committee, 525 U.S. 471, 482 (1999).

35. The relief requested in this Petition does not interfere with the Immigration Court's adjudication of Petitioner's removal proceedings. Instead, Petitioner seeks review of an independent constitutional and statutory injury arising from his continued confinement.

36. Federal district courts have long exercised habeas jurisdiction over constitutional and statutory challenges to immigration detention, including challenges to the legal authority under which detention is imposed and the adequacy of the procedures governing continued confinement. See Demore v. Kim, 538 U.S. 510, 516–17 (2003); Zadvydas, 533 U.S. at 687–88.

37. Accordingly, this Court has subject matter jurisdiction to determine the legality of Petitioner's detention and to grant appropriate habeas, declaratory, and injunctive relief.

III. VENUE

38. Venue is proper in this District pursuant to 28 U.S.C. § 1391(e) because Petitioner is detained within the Southern District of California, specifically at the Otay Mesa Detention Center in San Diego County, and Respondents are officers and employees of the United States who operate and maintain immigration detention facilities within this District.

39. Venue is also proper under Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484, 493–500 (1973), because Petitioner's immediate custodian is

located within this District and Petitioner's confinement is within the territorial jurisdiction of this Court.

IV. REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

40. Under 28 U.S.C. § 2241, federal courts may entertain petitions for habeas corpus filed by persons who are in custody in violation of the Constitution or laws of the United States.

41. Petitioner satisfies these statutory requirements because he is presently detained under federal authority and alleges that his continued detention violates the Constitution and laws of the United States.

42. This is a classic habeas corpus case.

43. Petitioner challenges the fact and legality of his present civil immigration confinement and seeks release from unlawful detention.

44. Section 2243 requires prompt judicial action in habeas corpus proceedings.

45. Specifically, the statute directs that the Court shall "forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted," unless it plainly appears from the petition that the petitioner is not entitled to relief.

46. The urgency of habeas review is particularly compelling where, as here, Petitioner remains deprived of his physical liberty while removal proceedings are ongoing and no administratively final order of removal has been entered.

47. Petitioner challenges only the legality of his present detention under the Immigration and Nationality Act and the United States Constitution.

48. Petitioner does not seek review of any final removal order, nor does he request that this Court interfere with the Immigration Court's adjudication of his underlying removal proceedings.

49. Rather, Petitioner seeks judicial review of Respondents' authority to continue depriving him of his liberty under an unlawful statutory framework and without constitutionally adequate procedural protections.

50. Petitioner has resided continuously in the United States for approximately nineteen years, has no criminal history, is the father of three United States citizen children, and is prima facie eligible for Non-Lawful Permanent Resident Cancellation of Removal under INA § 240A(b). Continued detention under these circumstances causes ongoing and irreparable harm to both Petitioner and his family.

51. Habeas corpus has historically served as the principal safeguard against unlawful executive detention, and prompt judicial review is especially appropriate where continued confinement raises substantial constitutional and statutory concerns.

52. Nothing appearing on the face of this Petition demonstrates that Petitioner is not entitled to relief.

53. To the extent Respondents contend that Petitioner was required to exhaust administrative remedies before seeking habeas relief, any such exhaustion requirement should be excused because Petitioner raises pure questions of statutory interpretation and constitutional law concerning the legality of his detention, further administrative proceedings would be futile, and continued

detention causes irreparable harm that cannot be adequately remedied through delayed judicial review.

54. Accordingly, pursuant to 28 U.S.C. §§ 2241 and 2243, this Court should promptly issue an Order directing Respondents to show cause why the writ should not be granted and should thereafter grant appropriate habeas relief.

V. PARTIES

55. Petitioner Augustin Olivares-Flores is a native and citizen of Mexico.

56. Petitioner was born in 1990.

57. Petitioner entered the United States without inspection in 2007.

58. Petitioner has never departed the United States since his entry and has resided continuously in this country for approximately nineteen years.

59. Petitioner is married. His wife resides in the United States but does not possess lawful immigration status.

60. Petitioner is the father of three United States citizen children, ages sixteen, fifteen, and thirteen, all of whom reside with him and depend upon him for their financial, emotional, and parental support.

61. Petitioner has no criminal history and no prior removals or deportations.

62. Petitioner is prima facie eligible to seek Non-Lawful Permanent Resident Cancellation of Removal pursuant to INA § 240A(b).

63. Petitioner was detained by U.S. Immigration and Customs Enforcement on June 29, 2026.

64. Petitioner is currently detained at the Otay Mesa Detention Center in San Diego County, California.

65. Petitioner remains in removal proceedings before the Executive Office for Immigration Review.

66. No administratively final order of removal has been entered against Petitioner.

67. Petitioner challenges only the legality of his present civil immigration detention and the statutory and constitutional authority under which Respondents continue to detain him.

VI. RESPONDENTS

68. Respondent CHRISTOPHER J. LAROSE is the warden of Otay Mesa Detention Facility and has immediate physical custody over Petitioner. As the local custodian, the Warden is responsible for the day-to-day administration of the detention facility where Petitioner is held. The Warden is sued in his/her official capacity as a representative of the entity exercising direct custody over Petitioner.

69. Respondent JOSEPH FREDEN is the Acting Field Office Director of U.S. Immigration and Customs Enforcement (ICE), in San Diego California. ICE is the component of the Department of Homeland Security (DHS) which is responsible for detaining and removing noncitizens according to immigration law and oversees custody determinations. Mr. Freden is named in his official capacity. In his official capacity, he is a legal custodian of the petitioner.

70. Respondent KRISTI NOEM, in her official capacity as the Secretary of the Department of Homeland Security, is the highest-ranking official in DHS. She has ultimate authority over ICE and the enforcement of immigration laws, including

detention policy. DHS, under Respondent Noem's direction, is responsible for the decision to continue Petitioner's detention and to designate him as subject to mandatory custody. She is sued in her official capacity.

71. Respondent PAMELA BONDI, in her official capacity as the Attorney General of the United States, oversees the U.S. Department of Justice, which includes the Executive Office for Immigration Review (EOIR). EOIR encompasses the nation's Immigration Courts and the Board of Immigration Appeals (BIA). The Attorney General has ultimate authority over immigration court procedures, including the availability of bond hearings and the interpretation of detention statutes through precedent decisions. Respondent Bondi is sued in her official capacity.

72. Respondent EOIR (Executive Office for Immigration Review) is a component of the U.S. Department of Justice responsible for adjudicating immigration proceedings. EOIR includes the Immigration Judges who conduct removal and bond proceedings, as well as the BIA which issues appellate administrative decisions. EOIR is sued as a Respondent because it is responsible for administering the bond hearing process (or lack thereof) at issue in this case. EOIR has failed to provide Petitioner a custody redetermination process, and Petitioner seeks relief to compel EOIR to perform its duty to afford him a bond hearing under the correct legal standards.

VII. LEGAL FRAMEWORK

73. Federal immigration law establishes distinct detention schemes under the Immigration and Nationality Act ("INA") depending upon a noncitizen's procedural posture.

74. Section 1225(b) governs the detention of certain applicants for admission and recent entrants seeking admission into the United States.

75. Section 1226 governs the arrest and detention of noncitizens already present in the United States while removal proceedings remain pending.

76. Section 1231 governs detention following the entry of a final administrative order of removal.

77. The Supreme Court has recognized that these statutory provisions establish separate detention authorities depending upon a noncitizen's procedural posture. Jennings v. Rodriguez, 583 U.S. 281, 289 (2018).

78. Petitioner falls within the category of long-term interior residents whose detention is governed by 8 U.S.C. § 1226.

79. Petitioner entered the United States without inspection in 2007 and has continuously resided in the United States since that time.

80. Petitioner has never departed the United States since his entry and was not apprehended while seeking admission at a port of entry or immediately following his entry.

81. Rather, Petitioner was detained on June 29, 2026, after approximately nineteen years of residence within the interior of the United States.

82. Under these circumstances, the discretionary detention provisions of 8 U.S.C. § 1226 govern Petitioner's detention.

83. Recent district court authority recognizes that long-term interior residents detained years after entry are detained pursuant to § 1226 rather than the entry-focused provisions of § 1225. See Beltran v. Noem, No. 25-cv-2650-LL-DEB, 2025 WL 3078837, at *4–7 (S.D. Cal. Nov. 4, 2025).

84. Likewise, in Ramirez v. Noem, No. 3:26-cv-01880-RBM-VET (S.D. Cal. Apr. 9, 2026), the court concluded that where the petitioner had resided in the United States for many years before detention, the discretionary detention provisions of § 1226 controlled and habeas relief was warranted.

85. The same reasoning applies here.

86. Petitioner has lived continuously in the United States since 2007, established a family, and remained in the interior of the country until his detention.

87. Respondents have not established that Petitioner is subject to mandatory detention under 8 U.S.C. § 1226(c).

88. Petitioner has no criminal history or prior removal orders that would support mandatory detention.

89. The Fifth Amendment independently limits the Government's authority to impose civil immigration detention. See Zadvydas v. Davis, 533 U.S. 678, 690 (2001).

90. As the Supreme Court explained, "freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Due Process Clause protects." Id.

91. Civil detention must bear a reasonable relationship to a legitimate governmental objective and may not become excessive in relation to that purpose. See Foucha v. Louisiana, 504 U.S. 71, 80 (1992).

92. The Due Process Clause further requires procedures adequate to guard against the erroneous deprivation of liberty. See Mathews v. Eldridge, 424 U.S. 319, 334–35 (1976).

93. Courts have also recognized that a later or inadequate custody determination does not necessarily cure the constitutional injury resulting from unlawful detention. See E.A. T.-B. v. Wamsley, 795 F. Supp. 3d 1316, 1324 (W.D. Wash. 2025); Jorge M.F. v. Jennings, 534 F. Supp. 3d 1050, 1055 (N.D. Cal. 2021); Domingo v. Kaiser, No. 25-cv-05893-RFL, 2025 WL 1940179, at *3 (N.D. Cal. July 14, 2025).

94. In E.A. T.-B., the court explained that a post-detention hearing "cannot serve as an adequate procedural safeguard because it is after the fact and cannot prevent an erroneous deprivation of liberty."

95. Similarly, Jorge M.F. recognized that once a petitioner has been detained, the constitutional injury has already occurred, while Domingo concluded that even a prompt post-detention hearing cannot fully remedy that deprivation of liberty.

96. These principles apply here because Petitioner remains detained despite nearly two decades of continuous residence, the absence of any criminal history, his strong family ties to the United States, and his prima facie eligibility to seek Non-Lawful Permanent Resident Cancellation of Removal under INA § 240A(b).

97. Petitioner therefore seeks immediate release or, in the alternative, a prompt constitutionally adequate custody determination conducted under the proper statutory and constitutional framework.

VIII. FACTS

98. Petitioner Augustin Olivares-Flores is a native and citizen of Mexico.

99. Petitioner was born in 1990.

100. Petitioner entered the United States without inspection in 2007.

101. Petitioner has never departed the United States since his entry.

102. Petitioner has continuously resided in the United States for approximately nineteen years.

103. Petitioner is married.

104. Petitioner's wife resides in the United States and does not possess lawful immigration status.

105. Petitioner is the father of three United States citizen children.

106. Petitioner's children are approximately sixteen, fifteen, and thirteen years old.

107. Petitioner resides with his wife and three children, and they constitute the center of his family life.

108. Petitioner has substantial family and community ties in the United States.

109. Petitioner has no criminal history.

110. Petitioner has never previously been removed from the United States.

111. Petitioner is prima facie eligible to seek Non-Lawful Permanent Resident Cancellation of Removal under INA § 240A(b).

112. Petitioner's eligibility for cancellation of removal provides a strong incentive to appear for all immigration proceedings and pursue relief lawfully.

113. Petitioner was detained by U.S. Immigration and Customs Enforcement on June 29, 2026.

114. Petitioner is currently detained at the Otay Mesa Detention Center in San Diego County, California.

115. No administratively final order of removal has been entered against Petitioner.

116. Petitioner remains detained without a lawful and constitutionally adequate custody determination.

117. To Petitioner's knowledge, Respondents have not articulated individualized facts demonstrating that continued detention is necessary to protect the community or ensure Petitioner's appearance at future immigration proceedings.

118. To Petitioner's knowledge, Respondents have not explained why less restrictive alternatives to detention would be inadequate.

119. Petitioner's continued detention separates him from his wife and three United States citizen children and causes continuing irreparable harm to both Petitioner and his family.

120. Under these circumstances, Petitioner's continued detention is not reasonably related to any demonstrated legitimate governmental purpose and exceeds the limits imposed by the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment.

IX. FIRST CLAIM FOR RELIEF

Violation of the Immigration and Nationality Act

Detention Contrary to Law

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

121. The INA establishes separate detention authorities depending upon a noncitizen's procedural posture.

122. Petitioner is not subject to a final order of removal and therefore is not detained under 8 U.S.C. § 1231.

123. Petitioner entered the United States without inspection in 2007 and has remained continuously in the United States since that time.

124. Petitioner was detained after approximately nineteen years of residence within the interior of the United States.

125. Under Jennings v. Rodriguez, Beltran v. Noem, and Ramirez v. Noem, Petitioner's detention is governed by the discretionary detention provisions of 8 U.S.C. § 1226.

126. Respondents have not established that Petitioner is subject to mandatory detention under 8 U.S.C. § 1226(c).

127. Respondents therefore may not continue Petitioner's detention absent lawful authority and constitutionally adequate individualized custody procedures.

128. Petitioner's continued detention exceeds Respondents' statutory authority under the Immigration and Nationality Act.

129. Because Petitioner is in custody in violation of federal law, habeas relief is warranted under 28 U.S.C. § 2241.

X. SECOND CLAIM FOR RELIEF

Violation of the Fifth Amendment

Procedural Due Process

Petitioner incorporates by reference all preceding paragraphs as if set forth fully herein:

130. The Fifth Amendment prohibits the federal government from depriving any person of liberty without due process of law.

131. Civil immigration detention implicates a fundamental liberty interest protected by the Due Process Clause. See Zadvydas v. Davis, 533 U.S. 678, 690 (2001).

132. Under Mathews v. Eldridge, 424 U.S. 319, 334–35 (1976), due process requires procedures sufficient to minimize the risk of erroneous deprivation of liberty.

133. Petitioner has resided in the United States for approximately nineteen years, has no criminal history, is the father of three United States citizen children, and is prima facie eligible to seek cancellation of removal.

134. Respondents have not demonstrated through individualized findings that Petitioner presently poses a danger to the community or a flight risk requiring continued detention.

135. Respondents have also failed to establish that less restrictive alternatives to detention would be inadequate.

136. Because Petitioner has been deprived of his liberty without constitutionally sufficient custody procedures, his continued detention violates the Due Process Clause of the Fifth Amendment.

137. Habeas relief is therefore warranted.

XI. THIRD CLAIM FOR RELIEF

Violation of the Administrative Procedure Act

5 U.S.C. § 706 – Arbitrary, Capricious, and Contrary to Law Agency Action

Petitioner incorporates by reference all preceding paragraphs as if set forth fully herein:

138. The Administrative Procedure Act authorizes courts to set aside agency action that is arbitrary, capricious, contrary to law, or in excess of statutory authority. 5 U.S.C. § 706(2)(A), (C).

139. Respondents continued Petitioner's detention without a reasoned and individualized explanation.

140. Respondents failed to meaningfully consider Petitioner's nearly nineteen years of continuous residence, his lack of criminal history, his wife and three United States citizen children, his eligibility for cancellation of removal, and alternatives to detention.

141. By continuing Petitioner's detention without adequately considering these factors or providing a reasoned explanation, Respondents acted arbitrarily, capriciously, and contrary to law.

142. Petitioner is therefore entitled to relief under the Administrative Procedure Act.

XII. FOURTH CLAIM FOR RELIEF

Violation of the Fifth Amendment

Substantive Due Process – Arbitrary Civil Detention

Petitioner incorporates by reference all preceding paragraphs as if set forth fully herein:

143. Substantive due process limits the Government's authority to impose civil immigration detention.

144. Civil detention must remain reasonably related to a legitimate governmental objective and may not become punitive or excessive. See Foucha v. Louisiana, 504 U.S. 71, 80 (1992).

145. Petitioner has no criminal history, has lived in the United States for approximately nineteen years, has three United States citizen children, and has substantial family and community ties.

146. Respondents have not identified individualized facts establishing that Petitioner's continued detention is necessary to protect the community or ensure his appearance.

147. Petitioner's continued detention is therefore arbitrary, excessive, and unsupported by any demonstrated present necessity.

148. Accordingly, Petitioner's continued detention violates the substantive component of the Fifth Amendment's Due Process Clause.

XIII. FIFTH CLAIM FOR RELIEF

Immediate Release Required; Alternatively, Prompt Constitutionally Adequate Custody Determination

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

149. mmediate release is appropriate where a noncitizen is detained under an unlawful statutory framework or without constitutionally adequate procedures.

150. In Ramirez v. Noem, the court held that long-term interior residents are detained under 8 U.S.C. § 1226 and that habeas relief may be warranted.

151. Petitioner has lived continuously in the United States since 2007, has no criminal history, has never been removed, and is the father of three United States citizen children.

152. Respondents have not demonstrated that continued detention is necessary or that alternatives to detention would be inadequate.

153. Under these circumstances, Petitioner's continued detention violates the Immigration and Nationality Act and the Fifth Amendment.

154. Petitioner respectfully requests immediate release.

155. Alternatively, Petitioner requests a prompt constitutionally adequate custody determination before a neutral decision-maker within five (5) days, with Respondents bearing the burden of proving by clear and convincing evidence that continued detention is necessary.

156. If Respondents fail to provide such a constitutionally adequate custody determination within the time ordered by the Court, Petitioner should be immediately released.

157. Petitioner further requests that Respondents be prohibited from transferring him outside this District during the pendency of this action absent prior authorization from the Court.

XIV. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court grant the following relief:

1. Assume jurisdiction over this Petition pursuant to 28 U.S.C. §§ 2241 and 1331;
2. Issue the writ or an order to show cause under 28 U.S.C. § 2243;
3. Declare that Petitioner's continued detention is unlawful and violates the INA, the Fifth Amendment, and the APA;
4. Declare that Petitioner's detention is governed by 8 U.S.C. § 1226 and not by 8 U.S.C. § 1225(b) or 8 U.S.C. § 1231;
5. Declare that Respondents' detention of Petitioner without a constitutionally adequate individualized custody determination violates procedural due process;
6. Declare that Respondents' continued detention of Petitioner without any demonstrated present need violates substantive due process;
7. Declare that Respondents acted arbitrarily, capriciously, and contrary to law within the meaning of 5 U.S.C. § 706;

8. Issue a writ of habeas corpus directing Respondents to immediately release Petitioner from custody, subject to reasonable conditions of supervision if the Court deems appropriate;
9. In the alternative, order Respondents to provide Petitioner with a prompt and constitutionally adequate custody determination within five (5) days before a neutral decision-maker;
10. Order that at any such custody determination the burden shall be on the government to establish by clear and convincing evidence that Petitioner poses a danger to the community or a risk of flight that cannot be mitigated by conditions of release;
11. Order that if Respondents fail to provide such a constitutionally adequate custody determination within the time specified, Petitioner shall be immediately released;
12. Issue appropriate injunctive relief prohibiting Respondents from continuing Petitioner's unlawful detention during the pendency of this action;
13. Enjoin Respondents from transferring Petitioner outside the jurisdiction of this Court while this Petition is pending, absent prior leave of Court;
14. Award Petitioner reasonable attorneys' fees and costs to the extent authorized by law, including under the Equal Access to Justice Act, 28 U.S.C. § 2412; and
15. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted on:

Dated: July 09, 2026

/s/ Daniel S. Castaneda
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28 U.S.C. § 2242 VERIFICATION STATEMENT

I, Daniel S. Castaneda, submit this verification on behalf of the petitioner because I am the Petitioner's attorney. I have discussed with the Petitioner the events described in this Petition and Complaint. On the basis of those discussions, I hereby verify that the statements made in this Petition and Complaint are true and correct to the best of my knowledge.

Respectfully submitted on:

Dated: July 09, 2026

/s/ Daniel S. Castaneda

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