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UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

FRESNO DIVISION

Azamat Narynbekov

Petitioner

v.

WARDEN, of the Central Valley Annex Detention Facility; Markwayne MULLIN, Secretary, Department of Homeland Security (DHS); Todd BLANCHE, Acting U.S. Attorney General; Sergio ALBARRAN, Acting Director of U.S. Immigration and Customs Enforcement (ICE), *all sued in their official capacities,*

Respondents

Civ. No.: _____

***VERIFIED* PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241 AND, COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

Agency No. [redacted]

PRELIMINARY STATEMENT

1. This is an individual immigration habeas corpus action under 28 U.S.C. § 2241, joined with claims for declaratory and injunctive relief, challenging Petitioner's ongoing civil immigration detention as lacking lawful statutory authority and constitutionally adequate process.
2. Petitioner is detained at the Central Valley Annex Detention Facility ("Central"), located at 254 Taylor Ave., McFarland, California 93250, in Kern County, California, which lies within the Eastern District of California. Kern County matters in this District are assigned to the Fresno Division.
3. Petitioner's present detention challenge did not originate in California. After ICE arrested Petitioner in Oklahoma on May 24, 2026 and confined him at Cimarron Correctional Facility ("Cimarron"), prior counsel filed a habeas petition under 28 U.S.C. § 2241 in the United States District Court for the Western District of Oklahoma ("WD Okla.") on May 26, 2026, captioned *Narynbekov v. Grant et al.*, Case No. 5:26-cv-01196-G. (See, Docket Sheet incorporated by reference to this petition and attached as an exhibit.)
4. On June 8, 2026, the WD Okla court entered an order directing Respondents to answer or otherwise respond to the petition and requiring them to provide at least seventy-two hours' written notice before removing, transferring, relocating, or otherwise moving Petitioner.
5. As of the time of this filing today, it is not clear whether Respondents transferred Petitioner from Cimarron to his current place of confinement at Central in violation of the Western District's seventy-two-hour notice requirement. But a review of the docket sheet for the WD Okla case shows that Respondents never filed an answer, response or engaged with the issues raised by Petitioner in the WD Okla petition as reflected in the docket sheet of that case incorporated by reference to this petition and attached as an exhibit.
6. On information and belief, however, undersigned counsel understands that after

Petitioner was transferred out of Cimarron, counsel for both sides jointly moved the WD Okla court on June 17, 2026 to transfer the pending habeas action to the Eastern District of California.

A. The Present Filing is Driven by Equitable Principles and Necessitated by the Risk of Further Administrative Transfers.

7. Petitioner further represents that the joint motion to transfer, filed in the WD Okla court on June 17, 2026, had remained pending ever since without disposition. In light of that continued absence of a ruling, Petitioner has been compelled to utilize the alternative procedural avenues available to him, either to obtain an order resolving the joint motion or, failing such relief, to institute a new habeas action in this Court to safeguard his rights.

8. Petitioner has no authority to control where ICE chooses to confine him. Nor can Petitioner control when the Oklahoma court will act upon the parties' agreed motion. The only event within Petitioner's control is whether he invokes the jurisdiction of the district in which he is presently detained. Having already been transferred once during this litigation, Petitioner respectfully declined assuming the risk that another transfer will again delay judicial review of his statutory and constitutional claims while accumulating irreparable harm from unlawful custody.

9. Because the WD Okla court had yet to act on the joint transfer request, prior counsel filed a notice of voluntary dismissal on July 10, 2026, so that Petitioner could refile in the proper district of present confinement, the Eastern District of California. Given the delay in obtaining a merits ruling on the habeas petition filed in May of this year, and in light of the continuing risk that ICE may again transfer Petitioner from Central to another federal detention facility in a different jurisdiction, Petitioner has retained the undersigned counsel to secure this Court's jurisdiction over the instant habeas corpus petition and to forestall any such transfer.

10. Petitioner is not attempting to engage in forum shopping. To the contrary, both parties in the original petition have already agreed that said habeas petition filed previously in

the United States District Court for the WD Okla., should be litigated in this District because this is the district in which Petitioner is presently confined. Petitioner is invoking this court's habeas jurisdiction because he is currently confined within this district and while seeking to avoid the very real possibility that another administrative transfer could deprive him of the opportunity to litigate where he is presently detained.

11. Petitioner respectfully files this protective petition because the June 17, 2026 joint motion to transfer remained undecided, while Respondents retain unilateral authority to transfer immigration detainees at any time without prior judicial approval. Should Petitioner again be transferred before the Oklahoma court rules, the parties could be forced into another round of jurisdictional or venue litigation, delaying consideration of the legality of Petitioner's detention. In sum, the Oklahoma action was properly commenced when the petitioner was confined there; after transfer to California, the parties jointly sought to transfer the case; before the court acted on that motion, petitioner exercised his Rule 41(a)(1)(A)(i) right to voluntarily dismiss the petition which is self-executing at a time where no answer or motion for summary judgment had been served; and this Eastern District petition is therefore the **only** pending habeas action challenging his present detention.

12. This new filing is therefore not intended as a duplicative litigation or an effort to multiply proceedings or to conceal prior litigation. It is a continuation of the same custody challenge, now brought in the district of present confinement after ICE's transfer rendered the Eastern District of California the proper forum under the immediate-custodian rule.

13. The prior proceedings are material because they demonstrate that another federal court had already taken jurisdiction over Petitioner's detention challenge, had entered a notice-before-transfer order to preserve counsel access and meaningful judicial review, and that Respondents nonetheless transferred Petitioner while that habeas case remained pending.

14. Petitioner sets out this procedural history at the outset so that the Court has a full and candid account of prior proceedings, understands why a new filing is necessary, and

can preserve its own jurisdiction and Petitioner's access to counsel through prompt interim relief.

1. JURISDICTION AND VENUE

15. Jurisdiction is proper and relief is available to Petitioner pursuant to 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1346 (original jurisdiction), 5 U.S.C. § 702 (waiver of sovereign immunity), Section 1252(e)(2) (habeas corpus jurisdiction to review determinations made under Section 1225(b)(1)), and Article I, Section 9, clause 2 of the United States Constitution (the Suspension Clause).

16. Venue is proper in this Court under 28 U.S.C. § 1391(e) and 28 U.S.C. § 2241 because Petitioner is in custody at the Central Valley Annex Detention Facility, located at 254 Taylor Ave., McFarland, California 93250, in Kern County, California, which lies within the Eastern Division of the U.S. District Court for the Central District of California.

PARTIES

17. Petitioner is being held in the custody of the Respondents at Central under the joint supervision of the Enforcement and Removal Operations (ERO) for the San Francisco Field Office and the Sacramento Sub Field Office.

18. Respondent WARDEN is the warden of the Central Valley Annex Detention Facility and is the principal custodian of the Petitioner. The Warden is being sued in his official capacity only.

19. Respondent Markwayne Mullin is the Secretary of the United States Department of Homeland Security (DHS) and is a legal custodian of Petitioner. He is being sued in his official capacity.

20. Respondent Todd Blanche is the Attorney General of the United States and the Chief Law Enforcement official for the Department of Justice. Todd Blanche is thus a legal custodian of Petitioner and is named as a Respondent in this Petition in his official capacity.

21. Respondent Sergio Albarran, is the Acting Director of U.S. Immigration and Customs Enforcement (ICE), for the San Francisco ICE Field Office and he is sued in his official capacity. Respondent Albarran is responsible for the detention of noncitizens in the Central Annex Detention Facility and for any transfer or removal of Petitioner in his custody outside of this judicial district.

FACTS

22. Petitioner was born in the territory of the Kirghiz Soviet Socialist Republic, one of the many Republics that had been under the Russian Imperial Rule until 1936 when it joined the Soviet Union (the U.S.S.R.) and before it regained its sovereignty in 1991 and was thereafter renamed as the Republic of Kyrgyzstan.

23. Petitioner came to the United States in late 2023 to apply for asylum and related non-refoulement reliefs.

24. On or about November 20, 2023, Petitioner entered the United States near Tecate, California, without inspection. He was encountered by immigration authorities at or shortly after his entry and was thereafter released from custody on an Order of Release on Recognizance (Form I-220A), permitting him to remain at liberty in the United States while his immigration case proceeded.

25. Following his release, Petitioner filed an affirmative Form I-589 Application for Asylum and for Withholding of Removal, which also seeks protection under the Convention Against Torture, with U.S. Citizenship and Immigration Services in 2023. In 2025, USCIS referred that application to the Immigration Court, and Petitioner was thereby placed in removal proceedings under 8 U.S.C. § 1229a, with jurisdiction over those proceedings vesting in the Chicago Immigration Court. The application for asylum and related protection remains pending.

26. Petitioner's removal proceedings remain pending before the Chicago Immigration Court, where his application for asylum and related protection is set for an individual merits hearing on August 23, 2028. He has appeared as required and has complied with every condition of his release. As a recognized asylum applicant with a pending application, Petitioner obtained

employment authorization from U.S. Citizenship and Immigration Services.

27. The record reflects that Petitioner thereafter obtained a commercial driver's license and was lawfully employed as a commercial truck driver, supporting his family and contributing to his community, until his detention.

28. Since his entry, Petitioner married a United States citizen. His wife filed a Form I-130 Petition for Alien Relative on his behalf, classifying Petitioner as the immediate-relative spouse of a United States citizen. That petition (USCIS Receipt No. [redacted]) was received on January 2, 2026, and remains pending. Petitioner and his United States citizen wife also have a child who was born in the United States in 2026 and is a United States citizen.

29. Despite Petitioner's full compliance with the conditions of his release and the pendency of his asylum proceedings, U.S. Immigration and Customs Enforcement ("ICE") detained him on or about May 24, 2026, during a roadside traffic stop in the State of Oklahoma. This arrest occurred in the interior of the United States, far from any port of entry, while Petitioner was residing and working lawfully in the community.

30. Following his arrest, Petitioner was transferred to the Cimarron Correctional Facility in Cushing, Oklahoma, and separated from his United States citizen wife and United States citizen child. He remains detained there without bond and without any presently scheduled hearing at which his custody may be reviewed.

31. The basis for Petitioner's continued detention is a misapplication of the immigration detention statutes. Although Petitioner entered the United States more than two years ago, was released by the Government, settled in the interior, filed an application for asylum, obtained employment authorization, and was placed in standard removal proceedings, ICE is detaining him under 8 U.S.C. § 1225(b) as though he were still standing at the threshold of entry. By classifying a long-resident noncitizen as a person "seeking admission," Respondents have categorically denied him any opportunity for a bond hearing.

32. Respondents' invocation of 8 U.S.C. § 1225(b) rests on a fundamental legal error. By its text

and structure, § 1225(b)(2)(A) authorizes the detention of an "applicant for admission" only where that individual is "seeking admission." It does not authorize the Department of Homeland Security ("DHS") to reach into the interior of the country and impose mandatory detention on an individual who entered years earlier, was released, and has long resided in the United States pending removal proceedings. Petitioner's arrest did not occur at the border or in connection with any inspection; it occurred at a routine traffic stop in Oklahoma. By treating a settled interior resident as an "arriving alien," Respondents rely on a legal fiction to deny Petitioner his statutory right to a bond hearing.

33. In *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), the Board of Immigration Appeals held that an Immigration Judge lacks jurisdiction to consider a request for release on bond where the Department of Homeland Security classifies a noncitizen's detention as arising under 8 U.S.C. § 1225(b). Nothing in *Matter of Yajure Hurtado* resolves whether § 1225(b) lawfully applies to a noncitizen who entered the United States, was released into the interior, and was later arrested by ICE while residing in the community. As a precedential decision of the Board, however, *Matter of Yajure Hurtado* binds Immigration Judges nationwide; with the sole exception of the Central District of California, it applies in every immigration court in the United States, including the Chicago Immigration Court in which Petitioner's removal proceedings are pending. As applied in practice, it has resulted in Immigration Judges categorically declining to exercise bond jurisdiction once DHS invokes § 1225(b), without ever adjudicating whether that detention provision properly governs such an interior arrest. The result is that a noncitizen in Petitioner's position is afforded no bond hearing and no individualized custody determination whatsoever, and the application of *Matter of Yajure Hurtado* in this context forecloses any meaningful administrative forum in which Petitioner could challenge the statutory basis of his detention

34. Respondents' interpretation is contrary to the statutory framework and to decades of agency practice of applying 8 U.S.C. § 1226(a), which authorizes release on conditional parole or bond and permits an Immigration Judge to consider requests for bond and bond

redeterminations.

35. Because Petitioner entered the United States more than two years ago, was released, and was residing in the interior and awaiting immigration court proceedings at the time of his arrest, his detention is governed, if at all, by 8 U.S.C. § 1226(a), which authorizes release on bond or conditional parole and requires an individualized custody determination. ICE's refusal to provide such process violates the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment.

36. Petitioner has not been afforded an individualized custody determination or the opportunity to seek release on bond. Because DHS's asserted detention framework forecloses bond jurisdiction as a matter of nationwide administrative practice, Petitioner lacks any meaningful administrative forum in which to challenge the legality of his detention.

37. Petitioner respectfully requests that this Court find his detention under 8 U.S.C. § 1225(b) unlawful and order his release or, in the alternative, require that Petitioner be released unless Respondents provide him an individualized bond hearing under 8 U.S.C. § 1226(a) within seven days, consistent with the due process principles recognized in *Zadvydas v. Davis*, 533 U.S. 678 (2001), and *Landon v. Plasencia*, 459 U.S. 21 (1982).

REQUIREMENTS OF 28 U.S.C. § 2243

38. Upon facial review of the petition, the Court must either grant the petition for a writ of habeas corpus *or* issue an order to show cause to the Respondents "forthwith." 28 U.S.C.§ 2243. If an order to show cause 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.*

39. Courts have long recognized the importance of the writ in protecting individuals from unlawful detention. 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). "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. INS*,

208 F.3d 1116, 1120 (9th Cir. 2000).

LEGAL FRAMEWORK

40. The Immigration and Nationality Act ("INA") prescribes three basic detention frameworks applicable to noncitizens encountered by DHS during the removal process.

41. First, 8 U.S.C. § 1226 governs the detention of noncitizens placed in standard removal proceedings before an Immigration Judge under 8 U.S.C. § 1229a. Noncitizens detained pursuant to § 1226(a) are entitled to an individualized custody determination, including the opportunity for release on bond or conditional parole. See 8 C.F.R. §§ 1003.19(a), 1236.1(d). Mandatory detention under § 1226(c) applies only to a narrow category of individuals with specified criminal histories.

42. Second, the INA provides for mandatory detention under 8 U.S.C. § 1225(b), which applies to noncitizens seeking admission at a port of entry or apprehended at or shortly after entry, before they have been admitted into the United States.

43. Third, the INA authorizes detention under 8 U.S.C. § 1231(a) for noncitizens subject to a final order of removal, including individuals in withholding-only proceedings.

44. This case concerns the misapplication of § 1225(b) to a noncitizen who entered the United States, was released into the interior, was placed into standard removal proceedings under § 1229a, and was detained while residing in the community and awaiting adjudication before an Immigration Judge. In these circumstances, § 1226(a)—not § 1225(b)—governs Petitioner's custody.

45. Petitioner entered the United States near Tecate, California, on or about November 20, 2023. He did not present himself at a port of entry; he entered without inspection. After he was encountered by immigration authorities, the Government released him from custody on an Order of Release on Recognizance and permitted him to remain at liberty in the United States pending his removal proceedings.

46. Following his release, Petitioner filed a Form I-589 Application for Asylum and for Withholding of Removal. He was placed into removal proceedings under § 1229a, and jurisdiction vested with the Chicago Immigration Court. As a recognized asylum applicant,

Petitioner was issued employment authorization by USCIS, reflecting the Government's own recognition that he was lawfully permitted to remain in the United States pending those proceedings. At the time of his arrest by ICE, Petitioner was awaiting adjudication of his asylum application and had not been ordered removed.

47. Noncitizens who entered the United States, were released into the interior, and were placed into § 1229a removal proceedings are, by statute, governed by the detention framework set forth in § 1226(a). Nothing in the INA authorizes DHS to treat such individuals as subject to mandatory detention under § 1225(b) merely because they entered without inspection.

48. Nevertheless, ICE has recently asserted detention authority inconsistent with the statutory framework, detaining noncitizens who entered without inspection as though they were applicants for admission subject to § 1225(b), even when those individuals entered long ago, were released, and are residing in the interior pending immigration court proceedings.

49. That interpretation conflicts with the text, structure, and purpose of the INA. Section 1225(b)(2)(A) provides for the detention of an "applicant for admission" only where that individual is "seeking admission," and it is premised on inspections conducted at the border or immediately upon entry. See 8 U.S.C. § 1225(b)(2)(A).

50. The Supreme Court has confirmed that § 1225(b)'s detention regime operates at the Nation's borders and ports of entry, where the Government determines admissibility in the first instance, and has distinguished it from the framework governing noncitizens already in the country pending the outcome of removal proceedings. See *Jennings v. Rodriguez*, 583 U.S. 281, 287–89 (2018)

51. Critically, although the INA defines "applicant for admission" to include "an alien present in the United States who has not been admitted," 8 U.S.C. § 1225(a)(1), the mandatory detention provision in § 1225(b)(2)(A) is narrower: by its terms, it reaches only an applicant for admission who is "seeking admission." These two phrases are not coextensive. Reading them as synonymous would render the statutory phrase "seeking admission" mere surplusage, in violation of a cardinal rule of statutory construction. Accordingly, while a noncitizen who entered without inspection and remains present in the United States may fall

within the broad definition of "applicant for admission," he is not subject to mandatory detention under § 1225(b)(2)(A) unless he is also, presently, "seeking admission" at the threshold of entry. *See Castañon-Nava v. U.S. Department of Homeland Security*, No. 25-3050, 2026 WL 1223250 (7th Cir. May 5, 2026) ("*Castañon-Nava II*").

52. This reading reflects the overwhelming weight of recent federal appellate authority. Four United States Courts of Appeals have now squarely held, in published and precedential decisions, that 8 U.S.C. § 1226(a)—and not § 1225(b)(2)(A)—governs the detention of noncitizens who were released into the interior of the United States and later re-arrested. In *Castañon-Nava II*, No. 25-3050, 2026 WL 1223250 (7th Cir. May 5, 2026), the Court of Appeals for the Seventh Circuit so held in a precedential, on-the-merits opinion. The Court of Appeals for the Second Circuit reached the same conclusion in *Cunha v. Freden*, No. 25-3141-pr, 2026 WL 1146044 (2d Cir. Apr. 28, 2026), holding that § 1226(a), not § 1225(b)(2)(A), governs the detention of noncitizens released into the interior.

53. The Court of Appeals for the Eleventh Circuit, in a comprehensive 110-page precedential opinion in *Hernandez Alvarez v. Warden, Federal Detention Center Miami*, No. 25-14065, 2026 WL 1243395 (11th Cir. May 6, 2026), held that § 1225(b)(2)(A) "limits no-bond detention to applicants for admission who are 'seeking admission.'" And the Court of Appeals for the Sixth Circuit, in *Lopez-Campos v. Raycraft*, Nos. 25-1965/1969/1978/1982 (6th Cir. May 11, 2026) (recommended for publication), affirmed the grants of habeas relief below, holding that the mandatory-detention scheme of § 1225(b)(2)(A) does not apply to noncitizens who were not "seeking admission or lawful entry into the United States," and further holding that the detention of a long-term resident without an individualized bond hearing under § 1226(a) violates the Due Process Clause of the Fifth Amendment.

54. Only two courts of appeals have ruled to the contrary, and they have done so in narrow, statutory-only opinions that do not reach the constitutional question presented here. *See Buenrostro-Mendez v. Bondi*, 166 F.4th 494 (5th Cir. 2026); *Avila v. Bondi*, 2026 WL 819258 (8th Cir. Mar. 25, 2026). The Seventh Circuit in *Castañon-Nava II* considered and squarely rejected the reasoning of those decisions. While their "reliance on everyday

meaning has some superficial appeal," that approach is foreclosed because "it is Congress's prerogative to define the phrase 'applicant for admission' as it wishes, and it is Congress's definition, not one of our own design, that controls." *Castañon-Nava II*, 2026 WL 1223250, at *15 (quoting *Stenberg v. Carhart*, 530 U.S. 914, 942 (2000)).

55. As that court explained, "[w]hen a statute includes an explicit definition, we must follow that definition, even if it varies from that term's ordinary meaning." *Id.* The result is a four-to-two split among the courts of appeals, with each of the four most recent circuits to reach the question on the merits ruling against the Government, and one of the two contrary decisions, *Buenrostro- Mendez*, having drawn a sharp dissent from Judge Douglas. The great majority of courts to address the issue have thus confirmed that the statutory phrase "seeking admission" limits the mandatory detention of § 1225(b)(2)(A) to noncitizens encountered at the border or a port of entry, and that this provision cannot be applied to noncitizens—like Petitioner—who were arrested in the interior of the United States after having been released into the community.

56. Although the Court of Appeals for the Ninth Circuit has not yet reached the question, this Court need not await its decision: the United States District Court for the Eastern District of California has itself repeatedly adopted the majority position: *See*, e.g., *Lopez v. Doe*, No. 1:26-cv-01372-JLT-HBK, where the court held that a petitioner who had entered without inspection, resided in the United States for years, and was later apprehended in the interior was not subject to mandatory detention under § 1225(b)(2)(A), but instead was detained under § 1226(a) and entitled to a prompt bond hearing.

57. Likewise, in *Montoya Chavarria v. Chestnut*, No. 1:26-cv-01258-KES-EPG, the court rejected respondents' argument that § 1225(b)(2)(A) governed detention of a noncitizen arrested at a Maryland worksite and later transferred to California, reasoning that § 1226(a) is the default detention statute for noncitizens in removal proceedings and that recent Eastern District authority had largely rejected the government's interpretation of § 1225(b)(2).

58. The Court in *Cerro Huerta v. Bondi*, No. 1:25-cv-00941-JLT-HBK, held that a

detainee who had lived in the United States for more than twenty years before his interior arrest was not subject to mandatory detention under § 1225(b)(2)(A), denied the government's motion to dismiss, and recommended either a prompt § 1226(a) bond hearing or release. The Government's contrary reading—rejected by every one of the most recent courts of appeals and Eastern District of California courts to consider it on the merits—is no longer tenable as a matter of persuasive nationwide authority.

59. And the Court in cases such as *Bozcok v. Albarran*, No. 1:26-cv-01725-JLT-HBK (March 19, 2026); *Ram v. Warden*, No. 1:26-cv-01930-DJC-EFB (March 19, 2026); *Freitez Lopez Witer Eloy v. Warden of the California City Detention Center*, No. 1:26-cv-01236-KES-EPG (April 3, 2026); *Hernandez Cari v. Chestnut,* No. :26-cv-02267-JLT-EPG (April 17, 2026); *Ana Mirian A.G. v. Warden of the California City Detention Facility*, No. 1:26-cv-02499-TLN-JDP (May 20, 2026) each of which have uniformly found that 8 U.S.C. § 1226(a) applies broadly to noncitizens "pending a decision on whether the alien is to be removed from the United States," including individuals charged as inadmissible and placed into § 1229a proceedings in which cases 8 U.S.C. § 1226(a) governs custody and have uniformly rejected the government's position.

60. The same is true of Petitioner's application for asylum, which is a claim for protection from removal and does not place him in the posture of a noncitizen "seeking admission" at the border.

61. The same reasoning applies to Petitioner. He entered the United States, was released into the interior, was authorized to work, was placed into standard removal proceedings under § 1229a, and was actively pursuing his asylum claim when he was arrested at a traffic stop in Oklahoma. ICE therefore lacks statutory authority to detain him under § 1225(b).

62. Once Petitioner entered the United States, was released from ICE custody on an order of supervision ("OSUP"), and was placed into removal proceedings under § 1229a,

his custody—absent any qualifying criminal conduct—could be governed only by 8 U.S.C. § 1226(a). Petitioner has no criminal history that would subject him to mandatory detention under § 1226(c).

63. Section 1226(a) requires that detention be discretionary, subject to individualized review, and accompanied by the opportunity for release on bond or conditional parole.

64. ICE's refusal to provide Petitioner with a bond hearing or other individualized custody determination violates the INA, the implementing regulations, and the Due Process Clause of the Fifth Amendment.

65. Because Petitioner is neither an arriving alien seeking admission nor subject to a final order of removal, his continued detention under any framework other than § 1226(a) is *ultra vires*. Accordingly, Petitioner's detention is not authorized by statute, and habeas relief is warranted.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

66. Exhaustion of administrative remedies is not required in this case. 28 U.S.C. § 2241 contains no statutory exhaustion requirement, and courts apply only a prudential exhaustion doctrine in immigration habeas matters. See *McCarthy v. Madigan*, 503 U.S. 140, 144 (1992) (exhaustion not required where not mandated by statute); *Hernandez v. Gonzales*, 424 F.3d 42, 49 (1st Cir. 2005) (no exhaustion required for challenges to detention authority). Where, as here, a petitioner challenges the statutory and constitutional authority for his detention, exhaustion is not required, because administrative agencies cannot adjudicate constitutional claims and lack the power to grant habeas relief. See *Sterkaj v. Gonzales*, 439 F.3d 273, 279 (6th Cir. 2006).

67. Moreover, exhaustion would be futile because neither the Immigration Judge nor the Board of Immigration Appeals can review DHS's assertion that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b), nor can they order release where DHS invokes that statute. Administrative procedures therefore cannot provide the relief sought—release from unlawful detention. See *McCarthy*, 503 U.S. at 146–49 (exhaustion excused where agency remedies are inadequate or would cause irreparable injury).

68. The United States District Court for the Western District of Oklahoma has repeatedly rejected DHS's attempt to reclassify noncitizens arrested in the interior as subject to mandatory detention under 8 U.S.C. § 1225(b). In *Becerra Perez*, the Court held that DHS had unlawfully applied § 1225(b)(2)(A) to a noncitizen who had entered the United States without inspection and was already present in the country, and not seeking admission, when he was detained.

69. The Court rejected the Government's arguments that 8 U.S.C. §§ 1252(a)(5), 1252(b)(9), and 1252(g) stripped it of jurisdiction, explaining that a challenge to the statutory basis of detention—as distinct from a challenge to a removal order or to the decision to commence proceedings—is properly brought in habeas corpus. On the merits, the Court held that the detention of a noncitizen apprehended in the interior is governed by 8 U.S.C. § 1226(a) rather than § 1225(b), and ordered DHS to provide a prompt individualized bond hearing or release the petitioner.

70. Courts across multiple jurisdictions have reached the same conclusion, holding that 8 U.S.C. § 1225(b) does not authorize the mandatory detention of noncitizens who have already entered the United States and are apprehended in the interior while awaiting removal proceedings. In *Rodriguez-Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025), the court held that § 1226(a), not § 1225(b), governs the detention of a noncitizen who was not apprehended at the border or immediately upon entry, emphasizing that § 1225(b) is limited to individuals "seeking admission" and does not extend to those who are already present in the United States pending adjudication before an Immigration Judge.

71. The District of Massachusetts has likewise rejected DHS's attempt to expand § 1225(b) beyond its statutory limits. In *Gomes v. Hyde*, No. 1:25-cv-11571, 2025 WL 1869299 (D. Mass. July 7, 2025), the court held that § 1225(b)(2) applies only at the border or shortly after entry and does not authorize the mandatory detention of individuals apprehended in the interior months or years later. The court explained that the phrase "seeking admission" is written in the present tense, confirming that Congress intended § 1225(b) to apply at the point of entry, not after a noncitizen has been released into the country.

72. The same court applied this reasoning in *Martinez v. Hyde*, 792 F. Supp. 3d 211 (D. Mass. July 24, 2025), holding that once a noncitizen is physically present in the United States and placed into removal proceedings under 8 U.S.C. § 1229a, any detention authority must arise under 8 U.S.C. § 1226(a), which requires an individualized custody determination rather than mandatory detention.

73. Taken together, these decisions reflect a growing and consistent consensus among the courts that DHS lacks statutory authority to impose mandatory detention under § 1225(b) on noncitizens who entered the United States, were released, are apprehended in the interior, and are awaiting adjudication before an Immigration Judge. While several of these decisions arise from other jurisdictions, their reasoning is uniform and was expressly adopted by this Court in *Becerra Perez*, confirming that Petitioner's detention is governed by § 1226(a) and must be accompanied by an individualized custody determination.

74. In light of the foregoing, further administrative proceedings cannot remedy Petitioner's unlawful detention. Immigration Judges lack authority to resolve the purely statutory and constitutional questions presented here, including whether DHS is detaining Petitioner under an inapplicable detention provision. As a practical matter, following the Board of Immigration Appeals' precedential decision in *Matter of Yajure Hurtado*, Immigration Judges routinely conclude that they lack jurisdiction to consider bond requests once DHS asserts detention authority under 8 U.S.C. § 1225(b), even where the noncitizen disputes the applicability of that statute.

75. Consequently, bond applications by individuals in Petitioner's posture are denied as a matter of course, based solely on DHS's asserted detention framework, without any forum for adjudicating whether § 1225(b) lawfully applies to detention occurring in the interior of the United States. Under these circumstances, administrative remedies are not merely inadequate but functionally unavailable, rendering habeas corpus the only viable mechanism to challenge Petitioner's continued detention. Requiring prudential exhaustion would therefore be futile and would serve only to prolong unlawful custody.

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CLAIMS FOR RELIEF

COUNT ONE

Fourth Amendment

Arrest Without Reasonable Suspicion

76. Petitioner reasserts and incorporates by reference each of the allegations in the preceding paragraphs as if fully set forth herein.

77. ICE's actions violated the 4th Amendment's prohibition on unreasonable seizures by effecting a rearrest of Petitioner without individualized probable cause or legitimate enforcement need, done solely for the improper purpose of accommodating the present administration's war on immigrants of color.

78. ICE's May 24, 2026 seizure of Petitioner was not based on any new evidence of danger, flight risk, or noncompliance, but on a policy choice to rebrand all Latino/Brown color persons as suddenly fitting into a "mandatory" § 1225(b)(2)(A) detainee in order to satisfy the present administrations war on Latino/Brown appearing persons.

79. The 4th amendment's prohibition on warrantless seizures without identifying any reasonable suspicion renders his arrest and seizure here as a racially profiled, ultra vires, arbitrary, capricious and unconstitutional under the decision of the United States Court of Appeals for the Ninth Circuit in *Sanchez v. Sessions*, 904 F.3d 643 (9th Cir. 2018).

80. Likewise, the unlawful arrest of Petitioner violates the 4th Amendment under the holding of the Ninth Circuit in *Perez Cruz v. Barr*, 926 F.3d 1128, 1145 (9th Cir. 2019) (granting suppression of evidence of alienage obtained by ICE in a workplace raid, where the respondent was seized, handcuffed, and interrogated about his immigration status without any individualized suspicion that he was not a citizen).

81. The government's own federal regulation at 8 C.F.R. 287.8(b)(2) requires the agency to have particularized suspicion in order to seize someone, and that violations of this regulation can justify both suppression and termination. Because the regulation

parallels the 4th Amendment, it is mandated by the Constitution and prejudice to the respondent as a result of the violation is presumed.

COUNT TWO

Violation of 8 U.S.C. Section 1357(a)(2)

Warrantless Arrest Without Probable Cause of Flight Risk

82. Petitioner reasserts and incorporates by reference each of the allegations in the preceding paragraphs as if fully set forth herein.

83. Respondent ICE arrested Petitioner without a warrant and without reasonable suspicion or probable cause to make an individualized finding of flight risk in violation of the above referenced statute.

COUNT THREE

Violation of 8 C.F.R. Section 287.8(c)(2)(ii)

Warrantless Arrest Without Probable Cause of Flight Risk

84. Petitioner reasserts and incorporates by reference each of the allegations in the preceding paragraphs as if fully set forth herein.

85. Respondents ICE arrested Petitioner without a warrant and without "reason to believe" that he was "likely to escape before a warrant can be obtained" in violation of 8 C.F.R. § 287.8(c)(2)(ii).

86. The reason to believe standard meets the probable cause standard of the 4th Amendment as found in *Perez Cruz v. Barr*, 926 F.3d 1128, 1137 (9th Cir. 2019).

87. Arrest in violation of the regulation is unlawful and renders the arrest a violation of the regulation. *Sanchez v. Sessions,* 904 F.3d 643, 650 (9th Cir. 2018); *Perez Cruz v. Barr*, 926 F.3d 1128, 1137 (9th Cir. 2019).

COUNT FOUR

Violation of the Fifth Amendment

No Adequate Meaningful Process to Challenge Unlawful Detention

88. Petitioner incorporates by reference each and every allegation contained above.

89. The 5th Amendment Due Process protections apply to all persons present in the

United States. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

90. Petitioner is entitled to an adequate and meaningful process to defend from unlawful arrest, detention and denial of a right to be heard on a motion for bond redetermination under existing laws and federal regulations.

COUNT FIVE

Violation of Federal Bond Regulations

Title 8 C.F.R. §§ 236.1, 1236.1 and 1003.19

Unlawful Denial of Release on Bond

91. Petitioner incorporates by reference each and every allegation contained above.

92. In 1997, after Congress amended the INA through IIRAIRA, EOIR and the *then-*Immigration and Naturalization Service (INS) issued an interim rule to interpret and apply IIRAIRA.

93. Specifically, under the heading of "Apprehension, Custody, and Detention of [Noncitizens]," the agencies explained that "[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) will be eligible for bond and bond redetermination." 62 Fed. Reg. at 10323 (emphasis added).

94. The agencies thus made clear that individuals who had entered without inspection were eligible for consideration for ICE release from custody and/or bond hearings before IJs under Section 1226(a) and its implementing regulations.

COUNT SIX

Violation of the Administrative Procedure Act

Contrary to Law and Arbitrary and Capricious Agency Policy

95. Petitioner incorporates by reference each and every allegation contained above.

96. The APA provides that a "reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

97. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all

noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to this Petitioner or those who similarly were previously charged with being present without having been admitted or paroled. Such noncitizens are detained under Section 1226(a) and are eligible for release from ICE custody on bond, unless they are subject to Section 1225(b)(1), Section 1226(c), or Section 1231.

COUNT SEVEN

Inherent Authority of the District Judge in Habeas Corpus to Grant Release While Habeas is Pending in Extraordinary Circumstances

98. Petitioner incorporates by reference each and every allegation contained above.

99. The District Court Judge has the inherent authority in extraordinary circumstances to release detainees on bail while their habeas cases are pending. *Zepeda Rivas v. Jennings,* No. 20-cv-02731-VC (N.D. Cal. June 9, 2020) citing *Mapp v. Reno*, 241 F.3d 221, 226 (2d Cir. 2001) and numerous cases from various sister circuits endorsing the district court Judge's inherent authority to release the detainee pending a decision on the merits of a habeas corpus petition in the presence of extraordinary circumstances.

100. Extraordinary circumstances exist in this case where the Respondent ICE is being charged with violating Petitioner's fundamental rights protected by the 4th and 5th Amendments as alleged in this petition.

COUNT EIGHT

Detention Violates the Immigration and Nationality Act

101. Petitioner incorporates by reference the allegations set forth in the preceding paragraphs.

102. Respondents are unlawfully detaining Petitioner under 8 U.S.C. § 1225(b), even though that provision governs detention arising in connection with the inspection and admission process at the border. Petitioner is not such an individual. He entered the United States near Tecate, California, on or about November 20, 2023, was released by the Government on an Order of Release on Recognizance or OSUP and has remained continuously present in the

United States for more than two years. The statutory framework and decades of established agency practice make clear that a noncitizen who entered the country and was not apprehended at or near the border at the time of his arrest is detained, if at all, under § 1226, which provides for discretionary custody and the right to a bond hearing

103. The Government's effort to subject Petitioner to mandatory detention under § 1225(b) rests on the label "applicant for admission." But § 1225(b)(2)(A) does not authorize the mandatory detention of every "applicant for admission"; by its terms, it applies only to an applicant for admission who is "seeking admission." 8 U.S.C. § 1225(b)(2)(A).

104. Petitioner is not seeking admission. He entered the United States more than two years ago, was released into the interior, established a home and family, obtained employment authorization, and was placed into standard removal proceedings under § 1229a. He was arrested not at a port of entry, but at a routine traffic stop in the interior of Oklahoma. A noncitizen in that posture is not "seeking admission" within the meaning of § 1225(b)(2)(A), and his detention is instead governed by § 1226(a). See *Lopez-Campos v. Raycraft*, Nos. 25-1965/1969/1978/1982 (6th Cir. May 11, 2026); *Hernandez Alvarez v. Warden, Federal Detention Center Miami*, No. 25-14065, 2026 WL 1243395 (11th Cir. May 6, 2026); *Castañon-Nava II*, No. 25-3050, 2026 WL 1223250 (7th Cir. May 5, 2026); *Cunha v. Freden*, No. 25-3141-pr, 2026 WL 1146044 (2d Cir. Apr. 28, 2026); *Akgul v. Rhoney*, No. 26-CV-6063-MAV (W.D.N.Y. 2026).

105. The Board of Immigration Appeals' decision in *Matter of Yajure Hurtado* confirms that, as an administrative matter, detention authority turns on the statutory framework invoked by DHS, and that Immigration Judges decline to exercise bond jurisdiction once DHS asserts § 1225(b). That administrative rule, however, does not expand DHS's underlying statutory authority. Nothing in the INA permits DHS to invoke § 1225(b) to mandatorily detain a noncitizen who entered the United States, was released into the interior, and was placed into § 1229a removal proceedings. Detention in such circumstances—if authorized at all—arises under 8 U.S.C. § 1226(a), which requires an individualized custody determination.

106. Federal courts have repeatedly rejected DHS's attempt to manufacture mandatory

detention authority by labeling interior detainees as "applicants for admission," holding that 8 U.S.C. § 1226(a)—not § 1225(b)—governs detention once a noncitizen is no longer at the border or in the immediate entry context. In the Southern District of Texas, the court recognized this statutory limit in *Trujillo Rivas v. Bondi*, No. 4:25-cv-04974 (S.D. Tex. Nov. 3, 2025), holding that DHS's attempt to apply § 1225(b) to noncitizens already present in the United States departs from its longstanding interpretation of the INA and exceeds the scope of its detention authority. District courts across the country have reached the same conclusion. See, e.g., *Rodriguez-Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025); *Gomes v. Hyde*, No. 1:25-cv-11571, 2025 WL 1869299 (D. Mass. July 7, 2025).

107. Because Petitioner is not subject to detention under § 1225(b), his continued detention without access to a custody redetermination hearing violates the INA, exceeds DHS's statutory authority, and is unlawful. Petitioner is entitled to habeas relief, including immediate release or, in the alternative, a constitutionally compliant bond hearing under 8 U.S.C. § 1226(a).

COUNT NINE

Violation of the Due Process Clause of the Fifth Amendment

108. Petitioner incorporates by reference the allegations set forth in the preceding paragraphs.

109. Petitioner's continued detention without a bond hearing or an individualized determination of flight risk or danger violates the Due Process Clause of the Fifth Amendment. Respondents assert that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b), even though he entered the United States more than two years ago, was released by the Government on an Order of Release on Recognizance, has resided continuously in the community, is married to a United States citizen, is the father of a United States citizen child, has a pending application for asylum, and was not apprehended at or near the border.

110. Treating Petitioner as an "applicant for admission" and subjecting him to mandatory detention without procedural safeguards is arbitrary and contrary to the basic guarantees of due process.

111. Freedom from bodily restraint lies at the core of the liberty protected by the Due Process Clause. See *Zadvydas,* 533 U.S. at 690. Even where the Government possesses authority to

detain individuals for immigration purposes, such detention must bear a reasonable relation to its purpose and be accompanied by adequate procedural protections. See *Demore v. Kim*, 538 U.S. 510, 531 (2003). Here, Petitioner's detention is not reasonably related to any legitimate immigration purpose: he is not a recent entrant, he was released by the Government and has resided in the United States for years, and he has substantial ties to this country through his pending asylum proceedings, his United States citizen wife, and his United States citizen child.

112. The vast majority of the Courts in the Eastern District of California have rejected DHS's attempt to apply 8 U.S.C. § 1225(b) to noncitizens apprehended in the interior, holding that § 1225(b)(2)(A) applies only where a noncitizen is actually "seeking admission," and that the detention of an interior-arrested noncitizen is governed by 8 U.S.C. § 1226(a), which entitles him to a bond hearing or release.

113. Accordingly, Petitioner's continued detention violates the Fifth Amendment, and this Court should grant habeas relief and order Petitioner's immediate release or, at a minimum, a prompt individualized bond hearing before a neutral adjudicator at which the Government bears the burden of justifying continued detention.

COUNT TEN

Violation of the Suspension Clause of the United States Constitution

114. Petitioner incorporates by reference all preceding paragraphs.

115. The Suspension Clause, U.S. Const. art. I, § 9, cl. 2, guarantees that "[t]he 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." Petitioner's continued detention, without access to judicial review or a mechanism to challenge the legality of his custody, violates this constitutional guarantee. By asserting mandatory detention authority under 8 U.S.C. § 1225(b) and denying Petitioner any opportunity to seek release or a bond hearing, the Government has effectively extinguished the core function of the writ—to test the legality of restraint on personal liberty.

116. The Supreme Court has long held that habeas relief remains available to noncitizens

seeking to challenge unlawful executive detention. See *INS v. St. Cyr*, 533 U.S. 289, 301 (2001) ("At the absolute minimum, the Suspension Clause protects the writ as it existed in 1789."). The writ cannot be withdrawn where, as here, the Executive detains an individual without statutory authority and without due process safeguards. See *Boumediene v. Bush*, 553 U.S. 723, 797 (2008).

117. The Government's position—that Petitioner is subject to mandatory detention and categorically barred from seeking release—deprives him of any meaningful forum to challenge the legality of his detention and effectively suspends his right to judicial review. As this Court recognized in *Becerra Perez v. Grant*, DHS's attempt to apply 8 U.S.C. § 1225(b) to noncitizens apprehended in the interior exceeds the limits of the INA, and the detention of a noncitizen already present in the United States while awaiting immigration court proceedings is governed by 8 U.S.C. § 1226(a), which entitles him to a bond hearing or release. Absent habeas review, DHS's unlawful detention scheme would leave Petitioner confined without any lawful mechanism to challenge the statutory basis of his custody, in direct violation of the Constitution's guarantee of meaningful judicial review.

118. Because Petitioner's detention without access to meaningful judicial review of his custody constitutes an effective suspension of the writ of habeas corpus, this Court must exercise jurisdiction and grant relief. Petitioner respectfully requests an order directing his immediate release or, in the alternative, a prompt individualized custody hearing at which the Government must justify continued detention.

REQUEST FOR IMMEDIATE RELEASE

119. As reflected in the Declaration of Jorge E. Artieda, Esq., a former attorney with U.S. Immigration and Customs Enforcement and former Special Assistant United States Attorney, submitted as an exhibit to this Petition, immigration judges have recently begun systematically denying bond in post-habeas cases based on generalized and speculative findings of flight risk, even where respondents demonstrate strong community ties, a lack of criminal history, and viable forms of relief from removal. Mr. Artieda explains that, based on more than two decades of experience in immigration enforcement and detention litigation,

this pattern represents a marked shift in bond adjudications, in which immigration judges increasingly rely on abstract rationales—such as the assertedly speculative nature of relief applications, a lack of financial sponsorship, or immigration status violations common to virtually all detained individuals—to deny bond without meaningful individualized analysis.

120. This Court has recognized that release is an appropriate remedy where the Government lacks statutory authority to detain a petitioner. In *Becerra Perez v. Grant*, the Court rejected the Government's invocation of § 1225(b) as the basis for mandatory detention of a noncitizen apprehended in the interior and ordered Respondents to provide a prompt individualized bond hearing under § 1226(a) or release the petitioner. Other courts have ordered immediate release outright in materially identical circumstances. In *Yskakuulu v. Jamison*, No. 2:26-cv-909 (E.D. Pa. 2026), the court granted habeas corpus and ordered the immediate release of the petitioner without conditioning relief on the outcome of a bond hearing. Similarly, in *Leiva Pinto v. Jamison*, No. 2:26-cv-646 (E.D. Pa. 2026), the court ordered the immediate release of the petitioner because the Government's detention under § 1225(b) lacked legal authority

121. The record establishes that Petitioner poses no danger to the community and no risk of flight. Petitioner has no criminal history of any kind. After he entered the United States, the Government itself determined that he could be released from custody and issued him an Order of Release on Recognizance; he complied with the conditions of that release and remained in the United States to pursue his immigration case. He filed an application for asylum, was placed in removal proceedings before the Chicago Immigration Court, obtained employment authorization from USCIS, obtained a commercial driver's license, and worked lawfully as a commercial truck driver. He married a United States citizen, who has filed a Form I-130 petition on his behalf that remains pending, and he is the father of a United States citizen child. He was not evading immigration authorities when he was arrested; he was stopped during a routine traffic stop while living and working in the community. These undisputed facts leave no legitimate basis for his continued detention.

122. Petitioner's case illustrates the constitutional defect at issue. Because DHS has invoked § 1225(b), Immigration Judges are categorically precluded under current BIA precedent from

exercising bond jurisdiction over Petitioner's custody. See *Matter of Yajure Hurtado*. Petitioner has therefore been held since his arrest without any opportunity to appear before a neutral decisionmaker and present the evidence that he is neither a danger to the community nor a flight risk. This is not a case in which a bond hearing was held but produced an inadequate result; it is a case in which the Government's statutory misclassification has foreclosed any bond forum entirely.

123. Mr. Artieda's declaration confirms that, even where bond hearings do occur in analogous cases, immigration judges have adopted a practice of denying bond in post-habeas proceedings by relying on boilerplate findings that an applicant's form of relief is speculative, that the applicant lacks sufficient financial sponsorship, or that the applicant's immigration status itself constitutes evidence of flight risk—rationales inherent to virtually every detained noncitizen, which cannot constitute the individualized assessment that due process requires.

124. Under these circumstances, ordering a bond hearing under a § 1225(b) framework would not cure the constitutional defect. Courts recognize that, where the existing detention framework cannot reliably safeguard a detainee's liberty interest, habeas relief in the form of release is appropriate. See *Becerra Perez v. Grant*, (ordering Respondents to afford § 1226(a) process or release the petitioner). The purpose of habeas review is not to require repetitive administrative proceedings that cannot provide meaningful relief, but to ensure that unlawful detention ceases.

125. Accordingly, the appropriate remedy is Petitioner's release from custody under reasonable conditions of supervision or, in the alternative, an order requiring Respondents to provide a prompt individualized bond hearing under 8 U.S.C. § 1226(a).

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over the petition pursuant to 28 U.S.C. § 2241;
2. Issue an order precluding any physical further transfers of petitioner to any other jurisdiction outside that of the Eastern District of California;

3. Order Respondents to show cause why the writ should not be granted within three (3) days, and set a hearing on this Petition within five (5) days of the return, as required by 28 U.S.C. 2243;
4. Declare that Petitioner's arrest on May 24, 2026 violates the 4th and 5th Amendments, in violation of the federal regulations at 8 C.F.R. §§ 236.1, 1236.1 and 1003.19 as well as 8 C.F.R. § 287.8(c)(2)(ii), and therefore further declare that his continued detention is in violation of the 4th and 5th Amendments and in violation of the federal statutes and regulations directly causing Petitioner the irreparable harm of his loss of liberty for thus far the time transpired since his arrest;
5. Issue an order for the federal respondents to release Petitioner forthwith—in lieu of ordering that an administrative bond hearing be had before an immigration judge as the most effective habeas relief; and further order that the federal respondents release him on his own recognizance without any conditions, while not disturbing the federal respondents from arresting persons without violating the constitutional rights to which every person in the United States is entitled;
6. Determine that the petition should be granted, as it meets every one of the statutory grounds required for granting such relief and thereon Grant the petition forthwith;
7. Alternatively, issue an order to show cause for Respondents to Answer or Respond to why the Court should not grant the petition;
8. In that event, such order should strictly follow the timeline specified by statute under 28 U.S.C. § 2243 on account that irreparable harm demands it;
9. Order Respondents to return to Petitioner all personal and identity documents — including his passport, identification cards, and immigration-related documents — and any other personal property seized or confiscated from him in connection with his arrest and detention; Enjoin Respondents from re-detaining Petitioner absent lawful statutory authority and constitutionally sufficient procedures;

10. Declare that Petitioner is not subject to mandatory detention under 8 U.S.C. § 1225(b) and is entitled to custody review under 8 U.S.C. § 1226(a); and

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

Dated: July 12, 2026

Respectfully submitted,

//s// Bernal Peter Ojeda
Bernal Peter Ojeda
Counsel for Petitioner
Azamat Narynbekov

Certificate of Verification

I am submitting this verification on behalf of the Petitioner because I am the Petitioner's attorney. I have reviewed the relevant documentation of the events described in this Petition that was reasonably available to me prior to and at the time of filing. Based on those documents and on discussions with individuals whom the Petitioner authorized to speak on his behalf, I hereby verify that the statements made in this Petition are true and correct to the best of my knowledge. Executed in Westlake Village, California under the penalty of perjury under the laws of the United States this July 12, 2026.

//s// Bernal Peter Ojeda
Bernal Peter Ojeda
Counsel for Petitioner
Azamat Narynbekov