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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

RAMON ANTONIO CADAMO
(A-Number: [redacted]
Petitioner,

vs.

MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security;
TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement;
PATRICK DIVVER, San Diego Field Office Director, ICE;
WARDEN, OTAY MESA DETENTION CENTER; and
TODD BLANCHE, Attorney General of the United States

Respondents.

Case No. **'26CV4055 JES MSB**

Agency No. [redacted]

PETITION FOR WRIT OF HABEAS CORPUS and MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF

Expedited Hearing Requested

PETITION FOR WRIT OF HABEAS CORPUS AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT

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PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241 AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Petitioner, RAMON ANTONIO CADAMO, by and through his counsel, Hernando De Cima, Esq., respectfully petitions this Court for a Writ of Habeas Corpus to remedy his unlawful detention by the Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE) at the Otay Mesa Detention Center in San Diego, California.

I. INTRODUCTION

1. Petitioner Ramon Antonio Cadamo is a national of Venezuela who entered the United States lawfully utilizing the CBP One application process on June 13, 2024.
2. Petitioner was subsequently paroled into the United States and has since filed a non-frivolous application for asylum, withholding of removal, and protection under the Convention Against Torture (CAT).
3. While operating as a free asylum applicant released into the community, Petitioner was commuting back to Los Angeles from a job site in San Diego with his coworkers.
4. During this commute, the vehicle was stopped at a routine traffic checkpoint, and Petitioner was abruptly, summarily, and arbitrarily detained alongside his coworkers and placed into immigration custody, where he remains to this day.
5. Petitioner did absolutely nothing to alter his status or violate his terms of release. He has no criminal record, and there is an absolute absence of any administrative or judicial finding demonstrating that he constitutes either a danger to the community or a flight risk.
6. Following his re-detention, Respondents categorized Petitioner as an "arriving alien" under 8 C.F.R. § 1003.19(h)(2)(i)(B).

7. Under long-standing regulatory text and controlling administrative precedent, Immigration Judges lack jurisdiction to hold custody redetermination or bond hearings for individuals classified as arriving aliens.
8. Consequently, forcing Petitioner to file a motion for a bond hearing before the Otay Mesa Immigration Court would be entirely futile, as the Executive Office for Immigration Review (EOIR) is legally barred from reviewing his custody or granting an individualized bond hearing.
9. Because Petitioner is structurally deprived of an administrative forum to challenge his custody, his sudden and prolonged confinement without an individualized judicial hearing violates the Procedural Due Process Clause, Substantive Due Process Clause, the Eighth Amendment, and the Suspension Clause of the United States Constitution.

II. JURISDICTION AND VENUE

10. This Court has subject-matter jurisdiction over this Petition pursuant to 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, Section 9, Clause 2 of the U.S. Constitution (the Suspension Clause).
11. Venue is proper in the Southern District of California under 28 U.S.C. § 1391(b) because Petitioner is currently detained at the Otay Mesa Detention Center, located at 7488 Calzada De La Fuente, San Diego, CA 92154, within this judicial district.

III. PARTIES

12. Petitioner RAMON ANTONIO CADAMO (A-Number: [redacted]) is a Venezuelan citizen currently incarcerated under color of federal authority at the Otay Mesa Detention Center.
13. Respondent MARKWAYNE MULLIN is the Secretary of DHS and is charged with the administration and enforcement of the immigration laws.

14. Respondent TODD LYONS is the Acting Director of ICE, the agency within DHS responsible for the detention of noncitizens.
15. Respondent PATRICK DIVVER is the ICE ERO Field Office Director for the San Diego Field Office and exercises legal custody over individuals detained within this region.
16. Respondent WARDEN of the Otay Mesa Detention Center is the immediate custodian operating the facility and is responsible for the day-to-day confinement of Petitioner.
17. Respondent TODD BLANCHE is the Attorney General of the United States and the head of the Department of Justice, which encompasses EOIR and the Immigration Courts.

IV. FACTUAL AND PROCEDURAL BACKGROUND

18. Petitioner fled political and localized persecution in Venezuela and sought admission to the United States.
19. On June 13, 2024, Petitioner entered the United States via a land border port of entry using an appointment scheduled through the government's authorized CBP One digital interface.
20. Upon arrival, DHS issued Petitioner an I-94 document confirming his status as a "parolee" under INA § 212(d)(5).
21. Petitioner subsequently relocated to Illinois, retained legal counsel, and timely submitted his Form I-589 Application for Asylum on May 30, 2025, which remains pending.
22. Throughout his time in the United States and while actively navigating his asylum process, Petitioner fully complied with all terms of his humanitarian parole and committed no violations of his parole conditions.

23. On June 29, 2026, while commuting home to Los Angeles from a temporary job site in San Diego, the vehicle containing Petitioner and his coworkers was stopped by law enforcement officials at a routine traffic checkpoint.

24. Despite his lawful status, a pending asylum claim, and strict adherence to his release conditions, Petitioner was abruptly separated from the community, taken into custody, and transferred to the Otay Mesa Detention Center without prior notice, cause, or a written explanation.

25. DHS served Petitioner with a Notice to Appear (NTA), categorizing him as an "arriving alien."

26. Under 8 C.F.R. § 1003.19(h)(2)(i)(B), an Immigration Judge lacks jurisdiction to redetermine conditions of custody for an arriving alien in removal proceedings. This absolute jurisdictional bar has been explicitly affirmed by the Board of Immigration Appeals and the Attorney General in *Matter of M-S-*, 27 I&N Dec. 509 (A.G. 2019).

27. Petitioner has not sought an individualized bond hearing from the Immigration Judge because doing so is a legal impossibility under the existing agency framework. Exhaustion of administrative remedies is therefore excused as entirely futile because the Immigration Court completely lacks the legal authority to grant the custody review Petitioner is constitutionally owed.

V. CLAIMS FOR RELIEF

COUNT I

(Violation of the Fifth Amendment: Procedural Due Process)

28. Petitioner replicates and incorporates by reference paragraphs 1 through 27 as if fully set forth herein.

29. The Procedural Due Process Clause of the Fifth Amendment protects individuals against the arbitrary deprivation of liberty and guarantees essential procedural safeguards, including advance notice and a meaningful opportunity to be heard before a neutral decision-maker.

30. Petitioner possessed a protected liberty interest in his continued release into the community under his validly granted humanitarian parole, having strictly adhered to all of its operational conditions.

31. Respondents violated Petitioner's procedural due process rights by summarily re-detaining him at a routine traffic checkpoint without issuing prior notice, without articulating any violation of his parole, and without granting him a pre- or post-deprivation custody hearing to contest the revocation of his liberty.

32. Respondents' blanket detention of Petitioner further violates procedural due process by unlawfully placing the burden on the detainee to prove his eligibility for release. Fundamental fairness and due process demand that when the government seeks to deprive an individual of physical liberty, the burden of proof must rest entirely on the Respondent executive officials, not on the individual being encapsulated.

COUNT II

(Violation of the Fifth Amendment: Substantive Due Process)

33. Petitioner replicates and incorporates by reference paragraphs 1 through 32 as if fully set forth herein.

34. Substantive due process protects individuals from government detention that is arbitrary, conscience-shocking, or excessive in relation to its regulatory purpose. Immigration detention is strictly civil and non-punitive; it is constitutionally permissible only to prevent flight risk or danger to the community.

35. Petitioner has committed no infractions, has an active family and legal life in the community, and presents an absolute zero risk of flight or danger to society. There is no administrative record or evidentiary foundation justifying his confinement.

36. By executing an arbitrary re-detention and imposing blanket, automated incarceration upon a fully compliant asylum seeker without any individualized showing of necessity, Respondents have converted civil detention into unconstitutional, punitive confinement that violates substantive due process.

37. To sustain civil immigration detention, Respondents bear the constitutional burden to demonstrate an individualized regulatory necessity for confinement. In the absence of a clear and convincing evidentiary showing by Respondents that Petitioner poses a current flight risk or a danger to the community, his ongoing detention lacks a valid regulatory purpose and constitutes unconstitutional punishment.

COUNT III

(Violation of the Eighth Amendment: Cruel and Unusual Punishment & Excessive Bail)

38. Petitioner replicates and incorporates by reference paragraphs 1 through 37 as if fully set forth herein.

39. The Eighth Amendment prohibits the infliction of cruel and unusual punishments and forbids the government from imposing excessive bail conditions or enforcing detention that is grossly disproportionate to a legitimate regulatory objective.

40. Imprisoning a non-criminal asylum seeker—who entered through an authorized government app and successfully integrated into the community—without any legal mechanism to seek release on reasonable bail or bond constitutes a grossly disproportionate and punitive deprivation of liberty.

41. Setting a bond at an astronomical or prohibitively high amount that effectively guarantees Petitioner's continued incarceration operates as a constructive, unconstitutional denial of bail.

42. The Eighth Amendment requires that if bail or bond is set, it must be reasonably tailored to Petitioner's financial capacity and specific circumstances. It must not be masked as a prohibitive financial penalty designed strictly to prevent his release and maintain executive detention under the guise of an unreachable financial requirement.

COUNT IV

(Violation of Article I, Section 9, Clause 2: The Suspension Clause)

43. Petitioner replicates and incorporates by reference paragraphs 1 through 42 as if fully set forth herein.

44. The Suspension Clause of the United States Constitution guarantees that the Privilege of the Writ of Habeas Corpus shall not be suspended unless when in Cases of Rebellion or Invasion the public Safety may require it.

45. The Writ of Habeas Corpus serves as a critical constitutional check against executive detention, requiring a timely and meaningful judicial review of the legal and factual basis for an individual's confinement.

46. By detaining Petitioner under an administrative classification that strips the Immigration Court of jurisdiction, and by simultaneously maintaining that federal courts lack authority to review the executive's unilateral revocation of parole, Respondents are attempting to insulate executive detention from all forms of neutral judicial oversight.

47. Such a structural vacuum leaves Petitioner with no viable administrative or judicial forum to secure a custody determination, operating as an unconstitutional as-applied suspension of the Writ of Habeas Corpus in direct violation of Article I, Section 9, Clause 2.

VI. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

A. Assume jurisdiction over this matter;

B. Issue a Writ of Habeas Corpus directing Respondents to immediately release Petitioner under reasonable conditions of supervision; or, alternatively,

C. Order Respondents to provide Petitioner with an individualized custody hearing before an Immigration Judge within fourteen (14) days, at which the **government bears the burden** of proving by clear and convincing evidence that Petitioner's continued detention is justified by flight risk or danger to the community;

D. Order that any bond set at such hearing must be reasonable, aligned with Petitioner's financial resources, and not set at an excessively high or cost-prohibitive amount that constructs a barrier to release or masks an intent to keep Petitioner in custody in violation of the Eighth Amendment;

E. Declare that Respondents' categorical detention of Petitioner without an individualized custody hearing and the shifting of the burden of proof to the detainee violates the Fifth Amendment, the Eighth Amendment, and the Suspension Clause of the U.S. Constitution;

F. Award Petitioner reasonable attorney's fees and costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412; and

G. Grant such other and further relief as this Court deems just and proper.

Dated: 7/15/2026

Respectfully submitted,

/s/Hernando De Cima
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Attorney for Petitioner

VERIFICATION

I, Hernando De Cima, declare under penalty of perjury under the laws of the United States of America that I am the attorney representing the Petitioner, Juventino Morales Juarez, in this matter; that I have read the foregoing Petition for Writ of Habeas Corpus and know the contents thereof; and that the factual allegations contained therein regarding the administrative timelines, dates, locations, and custody status are true and correct based on official agency documentation provided by the Executive Office for Immigration Review and the Department of Homeland Security.

Executed on 7/15/2026, at Escondido, California.

Dated: 7/15/2026

Respectfully submitted,

/s/Hernando De Cima
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Attorney for Petitioner

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

JUVENTINO MORALES JUAREZ,

(A-Number [redacted]

Petitioner,

v.

THE WARDEN, OTAY MESA DETENTION CENTER, ET AL.,

Respondents.

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

I. PRELIMINARY STATEMENT

Petitioner Ramon Antonio Cadamo is a non-criminal asylum seeker from Venezuela who complied with all governing immigration laws by scheduling an authorized appointment through the government's CBP One application, successfully clearing inspection, and being paroled into the United States. For over two years, he resided peacefully in the community, maintained a stable family life, and actively litigated his non-frivolous application for asylum.

On June 29, 2026, while returning home to Los Angeles from a job site, Petitioner was abruptly seized at a routine traffic checkpoint. The Executive branch has unilaterally revoked his liberty without advance notice, without an administrative charge of a parole infraction, and without an individualized hearing. Compounding this constitutional injury, Respondents have categorized him as an "arriving alien," a label that systematically strips the Immigration Court of jurisdiction to perform a custody review under 8 C.F.R. §

1003.19(h)(2)(i)(B). Because the Executive has insulated its detention power from neutral administrative review, Petitioner seeks habeas corpus relief under the Fifth Amendment, the Eighth Amendment, and the Suspension Clause of the United States Constitution.

II. THE EXHAUSTION REQUIREMENT IS EXCUSED AS A MATTER OF LAW BECAUSE ADMINISTRATIVE REMEDIES ARE ENTIRELY FUTILE

While noncitizens in removal proceedings generally must exhaust administrative remedies before seeking federal judicial review, exhaustion is a prudential requirement, not a statutory jurisdictional bar, for petitions filed under 28 U.S.C. § 2241. *See Castro-Cortez v. INS*, 239 F.3d 1037, 1047 (9th Cir. 2001). The Ninth Circuit has repeatedly held that a petitioner is excused from exhausting administrative remedies when the underlying agency lacks the authority to grant the requested relief, rendering the process entirely futile. *See Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017).

In this case, Respondents have designated Petitioner as an "arriving alien". By the explicit terms of 8 C.F.R. § 1003.19(h)(2)(i)(B), an Immigration Judge completely lacks regulatory jurisdiction to hold a custody redetermination or bond hearing for any individual categorized as an arriving alien. This strict administrative barrier was explicitly upheld by the Attorney General in *Matter of M-S-*, 27 I&N Dec. 509 (A.G. 2019), which dictates that arriving aliens are categorically ineligible for Immigration Judge-issued bond.

Forcing Petitioner to formally request a bond hearing before the Otay Mesa Immigration Court would be a textbook exercise in futility. The court would be legally bound to reject the application on explicit jurisdictional grounds. Because no administrative mechanism exists within the Executive Office for Immigration Review (EOIR) to afford Petitioner an individualized custody hearing, his administrative remedies are exhausted as a matter of law, and this Petition is properly before the District Court.

III. LEGAL ARGUMENT

A. THE EXECUTIVE'S ARBITRARY RE-DETENTION OF PETITIONER WITHOUT NOTICE AND AN OPPORTUNITY TO BE HEARD VIOLATES PROCEDURAL DUE PROCESS

The Procedural Due Process Clause of the Fifth Amendment applies strictly to all persons within the territory of the United States, including noncitizens, regardless of their legal status. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). The bedrock requirements of procedural due process are advance notice of the government's intended deprivation of liberty and a meaningful opportunity to be heard before a neutral decision-maker. *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).

When the government grants a noncitizen humanitarian parole, it creates a protected liberty interest in that individual's freedom from physical confinement. While the Executive possesses broad statutory discretion to parole or revoke parole under INA § 212(d)(5)(A), that discretion must be executed within constitutional bounds. The government cannot arbitrarily grant liberty, allow an individual to build a life and a pending legal case in the community, and then summarily snatch that liberty away at a routine traffic stop without a shred of procedural safeguard.

Petitioner did not abscond, did not commit a crime, and did not violate a single term of his release. By re-detaining him without a pre- or post-deprivation hearing, and without a written statement of reasons explaining why his parole was revoked, Respondents have trampled upon the most basic requirements of the Fifth Amendment.

B. INDEFINITE CIVIL DETENTION WITHOUT AN INDIVIDUALIZED JUDICIAL FINDING OF FLIGHT RISK OR DANGER VIOLATES SUBSTANTIVE DUE PROCESS

Substantive due process forbids the government from engaging in conduct that "shocks the conscience" or deprives individuals of fundamental liberty interests arbitrarily. *Rochin v.*

California, 342 U.S. 165, 172 (1952). The Supreme Court has established that freedom from physical restraint is the quintessential core of constitutional liberty. *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

Civil immigration detention is constitutionally permissible only as a non-punitive, regulatory measure tied strictly to two legitimate government interests: (1) ensuring the noncitizen's appearance at future court hearings, and (2) protecting the public from danger. *Demore v. Kim*, 538 U.S. 510, 523 (2003). Where detention does not serve these regulatory purposes, it becomes punitive, which is strictly prohibited under civil statutes.

Petitioner represents neither a flight risk nor a danger to the public. He has an active asylum application filed by counsel, a permanent family home, and a flawless record of compliance. In the Ninth Circuit, when civil detention becomes prolonged or lacks individualized justification, the due process framework shifts the burden of proof directly onto the government. *See Rodriguez v. Marin*, 909 F.3d 252, 255 (9th Cir. 2018). To continue detaining Petitioner, the Executive must demonstrate by *clear and convincing evidence* before a neutral arbiter that his freedom poses a structural threat. Respondents' blanket, automated detention of Petitioner based strictly on his administrative classification violates substantive due process.

C. THE CONSTITUTIONAL BURDEN OF PROOF RESTS SQUARELY ON THE RESPONDENTS

The Supreme Court has established that because physical liberty is a fundamental right, the government must bear the burden of proof when it seeks to justify prolonged civil confinement. *See Foucha v. Louisiana*, 504 U.S. 71, 86 (1992); *Addington v. Texas*, 441 U.S. 418, 427 (1979). This constitutional baseline applies with equal force to civil immigration detention.

Controlling Ninth Circuit precedent dictates that inside this circuit, the government cannot force a noncitizen to bear the burden of proving he is safe to release; rather, the burden rests exclusively on the government. *See Rodriguez v. Marin*, 909 F.3d 252, 256 (9th Cir. 2018); *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011). To sustain the deprivation of Petitioner's liberty, Respondents must be ordered to justify his detention before a neutral decision-maker by **clear and convincing evidence.** An administrative framework that forces a compliant asylum seeker to clear an insurmountable jurisdictional hurdle while stripping him of an individualized forum violates this core constitutional boundary.

D. CATAGORICAL DENIAL OF BOND ACCESS OR THE IMPOSITION OF PROHIBITIVE FINANCIAL CONDITIONS VIOLATES THE EIGHTH AMENDMENT

The Eighth Amendment explicitly mandates that "Excessive bail shall not be required." U.S. Const. amend. VIII. In the civil immigration context, the Eighth Amendment guarantees that individuals cannot be subjected to a system that functions as a categorical, constructive denial of bail. *See Carlson v. Landon*, 342 U.S. 524, 545 (1952).

Respondents violate the Eighth Amendment in two distinct ways:

1. **Categorical Denial via Classification:** By utilizing the "arriving alien" designation to bar Petitioner from accessing any bond hearing before an Immigration Judge, Respondents enforce an unconstitutional, absolute prohibition on bail.
2. **Prohibitive, Unattainable Bond Amounts:** It is well-established Ninth Circuit law that an immigration bond cannot be set at an amount that is financially impossible for the detainee to meet, effectively utilizing a financial figure to achieve constructive detention. *Hernandez v. Sessions*, 872 F.3d 976, 999 (9th Cir. 2017).

If this Court or an administrative body sets a monetary condition for Petitioner's release, the Eighth Amendment demands that it be carefully calibrated to his actual financial capacity. It

cannot be masked as an unreachable, astronomical sum designed strictly to keep him in a state of perpetual executive confinement under a veneer of due process.

E. INSULATING EXECUTIVE DETENTION FROM JUDICIAL REVIEW VIOLATES THE SUSPENSION CLAUSE

Article I, Section 9, Clause 2 of the United States Constitution provides that the Privilege of the Writ of Habeas Corpus shall not be suspended unless under extreme national emergencies. The Suspension Clause ensures that the historic "Great Writ" remains an available, active avenue to challenge executive deprivations of liberty. *Boumediene v. Bush*, 553 U.S. 723, 739 (2008).

In *INS v. St. Cyr*, 533 U.S. 289, 301 (2001), the Supreme Court held that the Suspension Clause requires a judicial forum to be open to review the pure legality of executive detentions. Here, Respondents have constructed a legal framework that shuts down administrative review via the "arriving alien" label, while simultaneously arguing that the Executive's operational control over parole under INA § 212(d)(5)(A) is insulated from federal court oversight.

This structural vacuum leaves an integrated, law-abiding asylum applicant entirely at the mercy of unilateral executive action, with no court capable of checking the legality of his imprisonment. This complete insulation of an individual's physical liberty from neutral judicial review constitutes an unconstitutional, as-applied suspension of the Writ of Habeas Corpus.

IV. CONCLUSION AND REQUISITE RELIEF

For the foregoing reasons, Petitioner respectfully requests that this Court grant the Petition for Writ of Habeas Corpus and order the following requisite relief:

A. Assume jurisdiction over this matter;

B. Issue a Writ of Habeas Corpus directing Respondents to immediately release Petitioner under reasonable conditions of supervision; or, alternatively,

C. Order Respondents to provide Petitioner with an individualized custody hearing before an Immigration Judge within fourteen (14) days, at which the government bears the burden of proving by clear and convincing evidence that Petitioner's continued detention is justified by flight risk or danger to the community;

D. Order that any bond set at such hearing must be reasonable, aligned with Petitioner's financial resources, and not set at an excessively high or cost-prohibitive amount that constructs a barrier to release or masks an intent to keep Petitioner in custody in violation of the Eighth Amendment;

E. Declare that Respondents' categorical detention of Petitioner without an individualized custody hearing and the shifting of the burden of proof to the detainee violates the Fifth Amendment, the Eighth Amendment, and the Suspension Clause of the U.S. Constitution;

F. Award Petitioner reasonable attorney's fees and costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412; and

G. Grant such other and further relief as this Court deems just and proper.

Dated: 7/15/2026

Respectfully submitted,

/s/Hernando De Cima
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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

CERTIFICATE OF SERVICE

I, Hernando De Cima, certify that on 7/15/2026, I filed the foregoing with the Clerk of the Court via CM/ECF and will serve the Respondents and the U.S. Attorney's Office for the Southern District of California.

Dated: 7/15/2026

Respectfully submitted,

/s/Hernando De Cima
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Attorney for Petitioner

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

PROPOSED] ORDER TO SHOW CAUSE

Upon consideration of the Petition for Writ of Habeas Corpus filed by Petitioner RAMON ANTONIO CADAMO pursuant to 28 U.S.C. § 2241, and the accompanying Memorandum of Points and Authorities:

IT IS HEREBY ORDERED that Respondents shall show cause before this Court, if any exists, why the Writ of Habeas Corpus should not be granted and why Petitioner should not be immediately released from custody. Respondents shall file their Return/Response to this Order within ten (10) days of service. Petitioner may file a Reply/Traverse within five (5) days thereafter.

IT IS FURTHER ORDERED that Respondents shall bring Petitioner before an Immigration Judge within seven (7) days of this Order for an individualized custody and bond determination. At said hearing, the **burden of proof shall rest entirely on Respondents** to demonstrate by **clear and convincing evidence** that Petitioner's continued detention is justified by an active flight risk or an explicit danger to society.

IT IS FURTHER ORDERED that if Respondents fail to meet their clear and convincing evidentiary burden, or if any bond set at such hearing is determined by this Court to be excessively high or cost-prohibitive so as to construct an unlawful barrier to release in violation of the Eighth Amendment, Petitioner shall be ordered immediately released under reasonable, non-monetary conditions of supervision.

IT IS SO ORDERED.

_____ Dated: _____, 2026

UNITED STATES DISTRICT JUDGE