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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

TOAN MINH TRUONG,

Petitioner,

v.

Markwayne Mullin, Secretary, U.S. Department of Homeland Security; Todd Blanche, 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. **'26CV4204 RBM MMP**

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

PETITIONER'S A NO. [redacted]

I. INTRODUCTION

1. Petitioner Toan Minh Truong ("Petitioner"), 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 Vietnam who was born on [redacted].
3. Petitioner is twenty-four years old.
4. Petitioner entered the United States without inspection on or about October 9, 2023.
5. Following his entry, DHS permitted Petitioner to reside in the community subject to ICE reporting requirements.
6. Petitioner fully complied with those reporting requirements and appeared for his scheduled ICE check-in on June 30, 2026.
7. Rather than permitting Petitioner to continue under supervision, ICE officers abruptly detained him at that routine check-in.
8. Petitioner is currently detained at the Otay Mesa Detention Center in San Diego County, California.
9. Petitioner has no criminal record or criminal history.
10. Petitioner has never previously been removed or deported from the United States.
11. Petitioner is married.

12. Petitioner's wife filed a Form I-130, Petition for Alien Relative, on his behalf approximately ten months before the filing of this Petition.

13. That Form I-130 remains pending before the United States Citizenship and Immigration Services ("USCIS").

14. Petitioner and his wife have no children.

15. Before his detention, Petitioner had successfully resided in the community for nearly three years while complying with ICE supervision.

16. Petitioner's appearance at his scheduled ICE check-in demonstrates his willingness to comply with the immigration process and undermines any suggestion that he presents a risk of flight.

17. The Immigration Judge denied Petitioner's request for a custody redetermination, concluding that Petitioner is an applicant for admission under INA § 235(a)(1) and subject to mandatory detention pursuant to INA § 235(b)(1)(B)(iii)(IV), relying upon Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025).

18. Petitioner does not ask this Court to review the Immigration Judge's custody order or to determine whether he is removable.

19. Nor does Petitioner seek review of any immigration determination concerning his pending Form I-130 or any other form of immigration relief.

20. Instead, Petitioner challenges the legality and constitutionality of his continued civil detention following the Government's decision to revoke the liberty it previously allowed him to enjoy for nearly three years.

21. Petitioner's detention is unlawful for several independent reasons.

22. First, even assuming Respondents properly rely upon INA § 235(b)(1)(B)(iii)(IV) as the statutory basis for detention, the Fifth Amendment independently limits the Government's authority to revoke Petitioner's previously granted liberty without constitutionally adequate procedures.

23. Second, Respondents deprived Petitioner of his liberty by detaining him at a routine ICE check-in without meaningful advance notice or any opportunity to challenge the basis for his re-detention before that liberty was taken away.

24. Third, Respondents have not identified any material change in circumstances demonstrating that Petitioner presently poses a danger to the community or a flight risk requiring continued detention.

25. Fourth, Petitioner's complete lack of criminal history, his compliance with ICE reporting requirements, his marriage, and his pending family-based immigrant petition strongly support his continued release under appropriate conditions of supervision.

26. Federal courts within the Southern District of California have recognized that noncitizens who have been released into the community possess a protected liberty interest that cannot be revoked without constitutionally adequate procedures. See, e.g., Kazybayeva v. Warden of Otay Mesa Detention Center; Poveda Rivera v. Warden, Otay Mesa Detention Center; Munoz Nieves v. Otay Mesa Detention Center; Aguilera Quiroz v. Warden, Otay Mesa Detention Center.

27. Those decisions recognize that once the Government permits a noncitizen to live in the community, the Due Process Clause imposes independent constitutional

limitations on the Government's ability to re-detain that individual, even where DHS asserts detention authority under the Immigration and Nationality Act.

28. Immediate judicial intervention is warranted because Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment and exceeds the constitutional limits governing civil immigration detention.

29. Immediate release under appropriate conditions of supervision is the proper remedy because Respondents revoked Petitioner's previously granted liberty without constitutionally adequate procedures.

30. 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, at which Respondents bear the burden of proving by clear and convincing evidence that Petitioner's continued detention is necessary because he presents a danger to the community or a flight risk that cannot reasonably be mitigated through conditions of release.

31. Each additional day of Petitioner's unlawful detention inflicts continuing and irreparable harm upon Petitioner and his family.

II. JURISDICTION

32. 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).

33. 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).

34. Petitioner does not seek review of any final order of removal.

35. Nor does Petitioner ask this Court to review the Immigration Judge's custody determination or resolve the merits of his pending immigration proceedings.

36. Instead, Petitioner challenges the legality and constitutionality of his present detention following Respondents' decision to revoke the liberty they previously allowed him to enjoy while residing in the community under ICE supervision.

37. This Court also has jurisdiction under 28 U.S.C. § 1331 because this action arises under federal law, including the Constitution, the Immigration and Nationality Act ("INA"), and the Administrative Procedure Act ("APA").

38. Jurisdiction is not barred by 8 U.S.C. § 1252(g) or § 1252(b)(9) because Petitioner does not challenge the commencement of removal proceedings, the adjudication of removability, or the execution of a final order of removal. Rather, Petitioner challenges the constitutionality of Respondents' decision to revoke his previously granted liberty and continue his civil detention without constitutionally adequate procedures. See Jennings v. Rodriguez, 583 U.S. 281, 293–95 (2018); Reno v. American-Arab Anti-Discrimination Committee, 525 U.S. 471, 482 (1999).

39. Accordingly, this Court has jurisdiction to determine the legality and constitutionality of Petitioner's continued detention and to grant habeas, declaratory, and injunctive relief.

III. VENUE

40. 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.

41. 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

42. Petitioner satisfies the requirements for habeas relief under 28 U.S.C. §§ 2241 and 2243 because he is presently in the custody of Respondents under color of federal authority.

43. Petitioner is confined at the Otay Mesa Detention Center, where he remains subject to the immediate custody and control of Respondents.

44. Petitioner contends that his continued civil immigration detention violates the Constitution and laws of the United States because Respondents have deprived him of his protected liberty interest without constitutionally adequate procedures and continue to detain him in violation of the Fifth Amendment.

45. Petitioner has no other plain, speedy, or adequate remedy available to obtain immediate judicial review of the legality of his present detention.

46. A writ of habeas corpus is therefore the proper and exclusive vehicle for challenging the lawfulness of Petitioner's present physical confinement and obtaining immediate or otherwise appropriate relief.

47. Because Petitioner's detention is ongoing and each day of confinement results in continuing and irreparable deprivation of his liberty, prompt judicial review is warranted pursuant to 28 U.S.C. §§ 2241 and 2243.

48. Petitioner therefore respectfully requests that this Court issue the writ, require Respondents to justify the legal and constitutional basis for his continued detention, and grant such additional relief as justice requires.

V. PARTIES

49. Petitioner Toan Minh Truong, A# [redacted], is a native and citizen of Vietnam.

50. Petitioner was born on [redacted], in Vietnam.

51. Petitioner is twenty-four years old.

52. Petitioner entered the United States without inspection on or about October 9, 2023.

53. Following his entry, Petitioner was permitted by the Department of Homeland Security to reside in the United States subject to ICE reporting requirements.

54. Petitioner resided continuously in the United States for nearly three years before being taken back into ICE custody.

55. Petitioner is married.

56. Petitioner's wife filed a Form I-130, Petition for Alien Relative, on his behalf, which remains pending before the United States Citizenship and Immigration Services.

57. Petitioner has no children.

58. Petitioner has no criminal history.

59. Petitioner has never been removed or deported from the United States.

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

61. Petitioner was taken into ICE custody on June 30, 2026, after appearing for a scheduled ICE check-in.

62. Petitioner requested a custody redetermination before the Immigration Court.

63. On July 9, 2026, the Immigration Judge denied Petitioner's request for a custody redetermination, concluding that Petitioner is subject to mandatory detention under INA § 235(b)(1)(B)(iii)(IV).

64. Petitioner's removal proceedings remain pending before the Immigration Court.

VI. RESPONDENTS

65. Respondent 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.

66. 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.

67. Respondent MARKWAYNE MULLIN, in his official capacity as the Secretary of the Department of Homeland Security, is the highest-ranking official in DHS. He has ultimate authority over ICE and the enforcement of immigration laws, including detention policy. DHS, under Respondent's direction, is responsible for the decision to continue Petitioner's detention and to designate him as subject to mandatory custody. He is sued in her official capacity.

68. Respondent TODD BLANCHE, in his 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 is sued in his official capacity.

69. 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. Petitioner seeks relief to compel EOIR to perform its duty to afford him a bond hearing under the correct legal standards.

VII. LEGAL FRAMEWORK

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

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

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

73. Section 1231 governs detention following the entry of an administratively final order of removal.

74. 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).

75. On July 9, 2026, the Immigration Judge determined that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(1)(B)(iii)(IV) as an applicant for admission, relying on Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025).

76. Petitioner does not seek review of that statutory determination in this habeas proceeding. Rather, Petitioner challenges the constitutionality of Respondents'

decision to revoke his previously granted liberty and continue his detention without constitutionally adequate procedures.

77. Prior to his detention, Respondents permitted Petitioner to reside in the community for nearly three years while his immigration proceedings remained pending.

78. During that time, Petitioner complied with every reporting requirement imposed by ICE, voluntarily appeared for all scheduled check-ins, married, and became the beneficiary of a pending Form I-130 Petition for Alien Relative filed by his United States citizen spouse.

79. Petitioner has no criminal history, and Respondents have identified no material change in his circumstances demonstrating that he presents a danger to the community or a risk of flight warranting continued detention.

80. Federal courts within this District have recognized that when DHS permits a noncitizen to reside in the community before later revoking that liberty through re-detention, the Government's actions remain subject to the protections of the Due Process Clause. See Kazybayeva v. Warden of Otay Mesa Detention Center, No. 26-cv-0421-GPC-MMP, 2026 WL 280478 (S.D. Cal. Feb. 3, 2026). Poveda Rivera v. Warden, Otay Mesa Detention Center, No. 26-cv-0375-JES-AHG (S.D. Cal. Feb. 5, 2026). Munoz Nieves v. Otay Mesa Detention Center, No. 26-cv-1497-JLS-JLB (S.D. Cal. Mar. 26, 2026). Aguilera Quiroz v. Warden, Otay Mesa Detention Center, No. 26-cv-0866-JLS-DEB (S.D. Cal. Mar. 10, 2026).

81. The Fifth Amendment imposes independent constitutional limitations upon all forms of civil immigration detention. See Zadvydas v. Davis, 533 U.S. 678, 690 (2001).

82. 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.

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

84. Due process further requires procedures adequate to guard against the erroneous deprivation of liberty. See Mathews v. Eldridge, 424 U.S. 319, 334-35 (1976).

85. Courts have also recognized that inadequate or delayed custody procedures do not necessarily cure the injury caused by unlawful civil 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).

86. 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."

87. Similarly, Jorge M.F. recognized that once an individual has been detained, the constitutional injury has already occurred.

88. Domingo likewise concluded that even a prompt post-detention hearing cannot remedy the deprivation of liberty already suffered.

89. These principles apply with full force here because Respondents permitted Petitioner to reside in the community for nearly three years before revoking that liberty despite his continued compliance with ICE reporting requirements, his lack of criminal history, and the absence of any individualized showing that continued detention is necessary.

90. Petitioner therefore seeks immediate release from custody or, in the alternative, a prompt and constitutionally adequate custody determination consistent with the requirements of the Due Process Clause of the Fifth Amendment.

VIII. FACTS

91. Petitioner is a native and citizen of Vietnam.

92. Petitioner entered the United States without inspection on or about October 9, 2023.

93. Following his entry, the Department of Homeland Security ("DHS") permitted Petitioner to reside in the United States while his immigration proceedings remained pending.

94. For nearly three years, Petitioner lived peacefully in the community under the supervision of DHS and complied with all reporting requirements imposed upon him.

95. During that period, Petitioner established significant ties to the community and remained continuously available to immigration authorities.

96. Petitioner married while residing in the United States.

97. Petitioner's wife filed a Form I-130, Petition for Alien Relative, on his behalf approximately ten months before the filing of this Petition.

98. That petition remains pending before the United States Citizenship and Immigration Services ("USCIS").

99. Petitioner has no children.

100. Petitioner has no criminal history.

101. At no time while Petitioner resided in the community did Respondents allege that he posed a danger to the public or that he failed to comply with ICE reporting requirements.

102. Petitioner consistently complied with his obligations by appearing for scheduled appointments with ICE.

103. On June 30, 2026, Petitioner appeared for a routine ICE check-in as instructed.

104. Rather than permitting Petitioner to continue under supervision, ICE officers immediately took him into custody.

105. Petitioner was thereafter transferred to the Otay Mesa Detention Center in San Diego County, California, where he remains detained.

106. Petitioner's detention resulted from his compliance with DHS reporting requirements rather than any attempt to evade immigration authorities.

107. Following his detention, Petitioner requested a custody redetermination before the Immigration Court.

108. The Immigration Judge conducted a custody redetermination hearing.

109. By written order dated July 9, 2026, the Immigration Judge denied Petitioner's request for release from custody.

110. In denying custody redetermination, the Immigration Judge concluded that Petitioner is an applicant for admission under INA § 235(a)(1).

111. The Immigration Judge further concluded that Petitioner is subject to mandatory detention under INA § 235(b)(1)(B)(iii)(IV), relying upon Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025).

112. As a result of that determination, the Immigration Judge concluded that the Immigration Court lacked authority to redetermine Petitioner's custody.

113. Petitioner remains detained pursuant to that custody determination.

114. Respondents have not identified any material change in Petitioner's circumstances occurring between the time DHS permitted him to reside in the community and the date of his re-detention that would demonstrate Petitioner presently poses a danger to the community or a risk of flight.

115. Instead, Petitioner was taken into custody after voluntarily appearing for a scheduled ICE appointment, further demonstrating his willingness to comply with the immigration process.

116. Petitioner's continued detention has deprived him of the liberty he enjoyed while residing in the community for nearly three years and has separated him from his wife while her family-based immigrant petition on his behalf remains pending.

117. Petitioner continues to suffer the ongoing loss of his physical liberty as a result of his continued civil immigration detention at the Otay Mesa Detention Center.

118. Unless this Court grants habeas relief, Petitioner will remain subject to continued detention despite his compliance with ICE supervision, lack of criminal

history, and the absence of any individualized determination that his continued detention is constitutionally necessary.

IX. FIRST CLAIM FOR RELIEF

Violation of the Fifth Amendment Due Process Clause (Revocation of Petitioner's Liberty Without Constitutionally Adequate Procedures)

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

119. The Fifth Amendment prohibits the Government from depriving any person of liberty without due process of law. U.S. Const. amend. V.

120. Freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause. Zadvydas v. Davis, 533 U.S. 678, 690 (2001).

121. DHS permitted Petitioner to reside in the community for nearly three years subject to ICE reporting requirements.

122. During that period, Petitioner complied with his reporting obligations, remained available to immigration authorities, committed no crimes, and voluntarily appeared for his scheduled ICE check-in on June 30, 2026.

123. Respondents nevertheless revoked Petitioner's liberty and detained him without meaningful advance notice or a constitutionally adequate opportunity to challenge the basis for his re-detention before his liberty was taken away.

124. The Fifth Amendment independently limits civil immigration detention, regardless of the statutory authority invoked by Respondents.

125. Courts have recognized that where DHS releases a noncitizen into the community and later re-detains that individual, the revocation of liberty must comply with the requirements of due process. See Kazybayeva v. Warden of Otay Mesa Detention Center; Poveda Rivera v. Warden, Otay Mesa Detention Center; Munoz Nieves v. Otay Mesa Detention Center; Aguilera Quiroz v. Warden, Otay Mesa Detention Center.

126. Respondents have identified no material change in Petitioner's circumstances demonstrating that he poses a danger to the community or a risk of flight warranting re-detention.

127. The Immigration Judge determined that the Immigration Court lacked authority to redetermine Petitioner's custody and therefore made no individualized determination that Petitioner poses a danger to the community or a risk of flight.

128. By revoking Petitioner's previously granted liberty without constitutionally adequate procedures, Respondents violated the Due Process Clause of the Fifth Amendment.

129. Petitioner is therefore entitled to immediate release or, alternatively, a prompt and constitutionally adequate custody determination before a neutral decision-maker.

X. SECOND CLAIM FOR RELIEF

Violation of the Fifth Amendment Due Process Clause

Arbitrary and Excessive Civil Detention

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

130. Civil immigration detention must bear a reasonable relationship to a legitimate governmental purpose and may not be arbitrary or excessive in relation to that purpose. See Foucha v. Louisiana, 504 U.S. 71, 80 (1992); Zadvydas v. Davis, 533 U.S. 678, 690 (2001).

131. Respondents permitted Petitioner to reside in the community for nearly three years while complying with ICE supervision.

132. Petitioner has no criminal history, voluntarily appeared for every required ICE appointment, and was detained only after appearing for a scheduled ICE check-in.

133. Respondents have identified no material change in circumstances demonstrating that Petitioner now poses a danger to the community or a risk of flight that cannot be mitigated through reasonable conditions of supervision.

134. No neutral decision-maker has made an individualized finding that Petitioner's continued detention is necessary to protect the public or ensure his appearance at future immigration proceedings.

135. Under these circumstances, Petitioner's continued detention is arbitrary and excessive in relation to the Government's asserted interests.

136. Respondents' continued detention of Petitioner therefore violates the Due Process Clause of the Fifth Amendment.

137. Petitioner is entitled to immediate release subject to reasonable conditions of supervision or such other relief as the Court deems just and proper.

XI. THIRD CLAIM FOR RELIEF

Petitioner Is in Custody in Violation of the Constitution and Is Entitled to Habeas Relief Under 28 U.S.C. § 2241

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

138. Under 28 U.S.C. § 2241(c)(3), a federal court may grant habeas relief to a person who is in custody in violation of the Constitution or laws of the United States.

139. Petitioner is presently detained under federal authority at the Otay Mesa Detention Center.

140. As set forth above, Respondents revoked Petitioner's previously granted liberty without constitutionally adequate procedures and continue to detain him without an individualized showing that his detention is necessary.

141. Petitioner's present custody therefore violates the Due Process Clause of the Fifth Amendment.

142. Each additional day of detention causes Petitioner a continuing and irreparable deprivation of his physical liberty.

143. Habeas corpus is the proper vehicle for challenging the legality of Petitioner's present physical confinement.

144. Petitioner respectfully requests that this Court issue a writ of habeas corpus directing Respondents to immediately release him from custody, subject to reasonable conditions of supervision if appropriate.

145. In the alternative, Petitioner requests that the Court order Respondents to provide a constitutionally adequate custody determination within five days before a neutral decision-maker, at which the Government bears the burden of establishing by clear and convincing evidence that Petitioner poses a danger to the community or a risk of flight that cannot be mitigated through conditions of release.

XII. FOURTH CLAIM FOR RELIEF

Declaratory and Injunctive Relief

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

146. An actual and justiciable controversy exists regarding the legality of Petitioner's continued detention.

147. For the reasons set forth above, Respondents' continued detention of Petitioner violates the Due Process Clause of the Fifth Amendment.

148. Unless restrained by this Court, Respondents will continue to detain Petitioner in violation of the Constitution, causing ongoing and irreparable injury.

149. Petitioner has no adequate remedy at law other than the relief requested in this Petition.

150. Accordingly, Petitioner respectfully requests that this Court declare Respondents' continued detention unconstitutional and issue appropriate injunctive

relief, including Petitioner's immediate release or, alternatively, an order requiring Respondents to provide a constitutionally adequate custody determination consistent with the Fifth Amendment.

XIII. FIFTH CLAIM FOR RELIEF

Continued Detention Constitutes Irreparable Constitutional Injury

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

151. Petitioner's continued detention deprives him of his physical liberty in violation of the Due Process Clause of the Fifth Amendment.

152. Every additional day of unconstitutional detention constitutes a continuing and irreparable injury for which there is no adequate remedy at law.

153. Absent relief from this Court, Petitioner will continue to suffer the unlawful deprivation of his liberty.

154. Accordingly, Petitioner respectfully requests that this Court issue the requested writ of habeas corpus and order Petitioner's immediate release or such other relief as the Court deems just and proper.

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 violates the Due Process Clause of the Fifth Amendment;
4. Declare that Respondents' revocation of Petitioner's previously granted liberty without constitutionally adequate procedures violates procedural due process;
5. Declare that Respondents' continued detention of Petitioner, absent any demonstrated present need to detain him, violates substantive due process;
6. 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;
7. 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;
8. 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;
9. Order that if Respondents fail to provide such a constitutionally adequate custody determination within the time specified, Petitioner shall be immediately released;
10. Issue appropriate injunctive relief prohibiting Respondents from continuing Petitioner's unconstitutional detention during the pendency of this action;

11. Enjoin Respondents from transferring Petitioner outside the jurisdiction of this Court while this Petition is pending, absent prior leave of Court;

12. 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

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

Respectfully submitted on:

Dated: July 22, 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 22, 2026

/s/ Daniel S. Castaneda

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