JOHN WELLS, SBN 358423
Global Law Group San Diego, P.C.
1455 Frazee Road, Suite 500
San Diego, CA 92108
Tel: (858) 833-2020
Fax: (619) 839-3152

Attorney for Petitioner Luis Gonzalo Cott Jr.

DETAINED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

LUIS GONZALO COTT JR., Petitioner, v. CHRISTOPHER J. LAROSE, or his successor, Senior Warden of the Otay Mesa Detention Center, Respondent.	Case No.: **'26CV4405 BTM AHG** A#: [redacted] **PETITION FOR WRIT OF HABEAS CORPUS AND ORDER TO SHOW CAUSE WITHIN THREE DAYS; COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF** CHALLENGE TO DETENTION WITHOUT INDIVIDUALIZED CUSTODY REVIEW

PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241 AND REQUEST FOR ORDER TO SHOW CAUSE WITHIN THREE DAYS

PRELIMINARY STATEMENT

1. Petitioner Luis Gonzalo Cott Jr. ("Mr. Cott") petitions this Court for a writ of habeas corpus under 28 U.S.C. § 2241 and an order to show cause under 28 U.S.C. § 2243. He seeks relief from ongoing civil immigration detention that has become

unreasonably prolonged without any neutral, merits-based determination that confinement remains necessary.

2. This petition challenges custody only. It does not ask this Court to decide removability, asylum, withholding of removal, protection under the Convention Against Torture ("CAT"), credibility, or any issue committed to the Immigration Court or the Board of Immigration Appeals ("BIA"). The narrow question is whether the Fifth Amendment permits Respondent to continue physically confining Mr. Cott without an individualized custody hearing.

3. Mr. Cott is a citizen of Belize. He applied for admission at the San Ysidro Port of Entry on or about January 18, 2025, and the Department of Homeland Security ("DHS") charged him as inadmissible under INA § 212(a)(7)(A)(i)(I), 8 U.S.C. § 1182(a)(7)(A)(i)(I). He has remained in civil immigration custody throughout the ensuing removal proceedings.

4. Using the later detention date identified in his prior custody filing, Mr. Cott has been continuously detained since no later than February 16, 2025.

5. Immigration Judge Mark Sameit completed Mr. Cott's individual merits hearing on September 9, 2025, and denied asylum, withholding of removal, and CAT protection. Mr. Cott appealed. His merits appeal remains pending before the BIA, and the Immigration Judge's order therefore is not administratively final. *See* 8 C.F.R. § 1003.39.

6. As of this filing, 321 days have elapsed since the merits hearing. The 180-day point following that hearing passed on March 8, 2026, and another 141 days have elapsed since then. Mr. Cott does not treat 180 days as an automatic statutory trigger. Rather, the completed post-hearing period is one concrete measure of an already extraordinary detention whose end remains uncertain.

7. On July 7, 2025, Immigration Judge Meghan Heesch denied Mr. Cott's custody-redetermination request because DHS proffered that he was an arriving alien and the Immigration Judge concluded that she lacked bond jurisdiction. The order made no finding that Mr. Cott was dangerous, likely to flee, unable to comply with conditions, or otherwise required to remain incarcerated.

8. Section 1225(b) may require detention at the outset for certain applicants for admission, and *Jennings v. Rodriguez* held that the statute does not contain an implied six-month bond-hearing requirement. *Jennings v. Rodriguez*, 583 U.S. 281, 287-88, 297-303 (2018). But *Jennings* did not decide the constitutional claim and remanded it for consideration. *Id.* at 312. Statutory authorization for initial custody is not a constitutional license for open-ended detention without meaningful process.

9. Published decisions applying the Fifth Amendment to prolonged detention under § 1225(b) have required individualized hearings after a case-specific inquiry. *Gao v. LaRose*, 805 F. Supp. 3d 1106, 1110-12 (S.D. Cal. 2025); *Sadeqi v. LaRose*, 809 F. Supp. 3d 1090, 1093-95 (S.D. Cal. 2025); *Kydyrali v. Wolf*, 499 F. Supp. 3d 768, 772-75 (S.D. Cal. 2020); *Banda v. McAleenan*, 385 F. Supp. 3d 1099, 1116-21

(W.D. Wash. 2019). Mr. Cott's completed detention is materially longer than the periods found unreasonable in *Gao* and *Sadeqi*.

10. Mr. Cott has no criminal history in the United States, whether arrest or conviction. His only disclosed criminal matter is a minor Belize marijuana-possession case involving approximately 0.3 grams, for which he reports that he was never imprisoned. The available custody record identifies no violent offense and no individualized finding of danger.

11. The requested relief is narrow and case specific. Mr. Cott seeks release under reasonable conditions. Alternatively, he seeks a prompt individualized custody hearing before a neutral adjudicator at which the Government must justify continued detention by clear and convincing evidence, using current evidence and considering financial circumstances and less restrictive alternatives.

JURISDICTION

12. This Court has jurisdiction under 28 U.S.C. § 2241(c)(3) because Mr. Cott is in federal custody in alleged violation of the Constitution and laws of the United States. Federal habeas remains available to test the legality of civil immigration detention. *INS v. St. Cyr*, 533 U.S. 289, 301 (2001); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); *Demore v. Kim*, 538 U.S. 510, 516-17 (2003).

13. The Court also has federal-question jurisdiction under 28 U.S.C. § 1331 because the claim arises under the Fifth Amendment. Section 2243 authorizes the Court to issue the writ, direct a return, and dispose of the matter as law and justice require.

14. This petition does not seek review of the Immigration Judge's merits ruling or of a final order of removal. It challenges a collateral custody question: whether Mr. Cott may remain physically confined without constitutionally adequate process. The REAL ID Act does not eliminate habeas jurisdiction over detention claims independent of the merits of removal. *Nadarajah v. Gonzales*, 443 F.3d 1069, 1075-76 (9th Cir. 2006), abrogated on other grounds by *Jennings v. Rodriguez*, 583 U.S. 281 (2018).

15. Sections 1252(b)(9) and 1252(g) do not bar this action because Mr. Cott does not challenge the commencement of proceedings, the adjudication of removability, or execution of a removal order. He challenges present physical custody, the traditional core of habeas. *Jennings*, 583 U.S. at 293-95.

VENUE AND PROPER RESPONDENT

16. Venue and territorial jurisdiction are proper in this District under 28 U.S.C. § 2241(a), S.D. Cal. Civ. L.R. HC.1, and the district-of-confinement rule because Mr. Cott is confined at Otay Mesa Detention Center in San Diego County and the challenged restraint continues here.

17. Respondent Christopher J. LaRose, or his successor, is the Senior Warden of Otay Mesa Detention Center and Mr. Cott's immediate physical custodian. A core habeas petitioner challenging present physical confinement must name the warden and file in the district of confinement. *Rumsfeld v. Padilla*, 542 U.S. 426, 435, 443 (2004); *Doe v. Garland*, 109 F.4th 1188, 1197, 1199 (9th Cir. 2024).

CUSTODY AND 28 U.S.C. §§ 2241 AND 2243

18. Mr. Cott is "in custody" for purposes of § 2241 because Respondent physically confines him at Otay Mesa Detention Center and he cannot leave.

19. Section 2243 requires prompt action. Unless the application shows that the applicant is not entitled to relief, the Court shall award the writ or direct the respondent to show cause. The return is due within three days unless good cause supports a limited extension. 28 U.S.C. § 2243.

PARTIES

20. Petitioner Luis Gonzalo Cott Jr. is a citizen and national of Belize. His Alien Registration Number is A [redacted] He is detained at Otay Mesa Detention Center, 7488 Calzada de la Fuente, San Diego, California 92154.

21. Respondent Christopher J. LaRose, or his successor, is the Senior Warden of Otay Mesa Detention Center and the person with immediate custody over Mr. Cott. He is named solely in his custodial capacity.

EXHAUSTION

22. No statute requires administrative exhaustion before a detainee seeks habeas relief from unconstitutional civil immigration detention. Any exhaustion requirement is prudential and may be excused where administrative relief is unavailable, inadequate, or futile. *Laing v. Ashcroft*, 370 F.3d 994, 1000-01 (9th Cir. 2004).

23. Mr. Cott nevertheless sought custody review. On July 7, 2025, the Immigration Judge denied his request for lack of bond jurisdiction. Because the ruling

rested on an arriving-alien classification, the Immigration Judge did not adjudicate danger, flight risk, financial circumstances, or alternatives to detention.

24. The BIA received Mr. Cott's notice of bond appeal on July 14, 2025. Ultimately, the BIA denied Mr. Cott's appeal of the bond decision on January 20, 2026.

25. Regardless, the administrative process cannot provide the specific federal habeas remedy requested here if the agency concludes, as the Immigration Judge did, that no statutory bond jurisdiction exists. The constitutional question whether § 1225(b) detention has become unreasonably prolonged is for this Court under § 2241.

26. The pending merits appeal concerns asylum, withholding of removal, CAT, and related legal and evidentiary issues. It does not provide a neutral adjudication of whether current detention is necessary. Requiring Mr. Cott to await the BIA's merits decision would continue the very loss of liberty challenged here.

27. Counsel also submitted a written parole request to ICE on May 5, 2025. A discretionary request to the enforcement agency maintaining custody is not a substitute for a neutral hearing on the constitutional necessity of continued detention, particularly where no current written individualized decision has been disclosed.

FACTUAL BACKGROUND

A. Identity, Entry, and Continuous Civil Detention

28. Mr. Cott was born in Belize and is a citizen of Belize. He is 42 years old. He speaks English. His identity and nationality have been supported with identity documentation in the immigration proceedings.

29. Mr. Cott departed Belize on January 10, 2025, traveled through Mexico, and applied for admission at San Ysidro, California on or about January 18, 2025.

30. DHS charged him as inadmissible under INA § 212(a)(7)(A)(i)(I) for lacking a valid immigrant visa or other required entry document. Mr. Cott admitted the factual allegations, conceded the charge, and designated Belize as the country of removal.

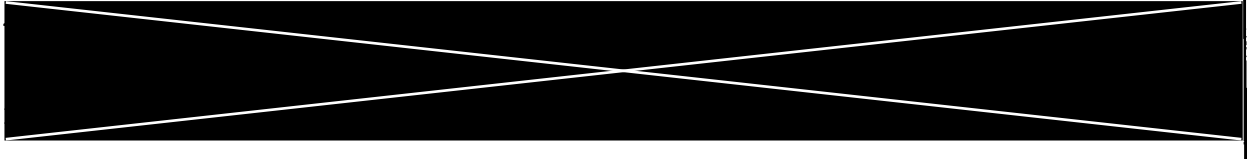
31. Mr. Cott has remained confined at Otay Mesa Detention Center during the removal proceedings. He is not serving a criminal sentence.

B. Merits Proceedings and Pending BIA Appeal

33. Mr. Cott applied for asylum, withholding of removal under INA § 241(b)(3), and protection under CAT. His immigration record includes an amended Form I-589, a declaration, identity documents, supporting letters, country-conditions materials, and a prehearing statement.

34. On June 11, 2025, Immigration Judge Mark Sameit scheduled the individual merits hearing for September 9, 2025. Mr. Cott appeared detained and represented by counsel.

35. At the September 9, 2025, hearing, Mr. Cott testified in English concerning



36. The Immigration Judge denied asylum, withholding of removal, and CAT protection. The oral decision addressed the Circumvention of Lawful Pathways rule

and independent issues involving corroboration, past persecution, future fear, nexus, government protection, withholding, and CAT.

37. Mr. Cott has pursued ordinary statutory remedies available to a person seeking protection. A genuine appeal is not obstruction or bad faith. He should not be forced to choose between abandoning appellate review and remaining incarcerated without any neutral custody determination.

C. Bond and Parole Efforts Produced No Merits-Based Custody Determination

38. On May 5, 2025, counsel submitted an urgent written request asking ICE to release Mr. Cott under supervision. The request described his Belizean nationality, limited criminal history, community support, appearance incentives, and a proposed release address.

39. The May 5 request identified lawful permanent resident Lydia Young as a sponsor and proposed that Mr. Cott reside with her at [redacted] It stated that Ms. Young would assist him in appearing for proceedings.

40. A later custody filing identified an additional possible community placement through Casa Marianella in Austin, Texas and its director, Jennifer Long.

41. On July 7, 2025, Mr. Cott appeared for custody redetermination before Immigration Judge Meghan Heesch. DHS proffered that he was an arriving alien.

42. The Immigration Judge denied the request because the court concluded that it lacked jurisdiction over bond. The written order further stated that there was no

authority for a periodic bond hearing after six months under *Jennings v. Rodriguez*, 583 U.S. 281 (2018).

43. The July 7 order did not decide whether Mr. Cott was dangerous or likely to flee. It did not evaluate identity, criminal history, counsel, the pending protection claims, sponsor evidence, financial circumstances, ability to comply, or less restrictive alternatives. It was a jurisdictional ruling, not a merits-based custody hearing.

44. The BIA received the notice of bond appeal on July 14, 2025, issued a notice dated July 17, 2025, and the BIA denied Mr. Cott's appeal of the bond decision on January 20, 2026.

45. To Mr. Cott's knowledge, ICE has not provided him or counsel a current written parole decision that identifies the evidence considered, makes findings concerning danger or flight risk, addresses the proposed release options, and explains why conditions would not suffice.

D. Custody Profile and Available Conditions

46. Mr. Cott has no criminal history in the United States. His only disclosed foreign criminal matter is possession of a very small quantity of marijuana in Belize, approximately 0.3 grams. He reported that he was never imprisoned for that matter.

47. Nothing in the available custody record identifies violence, a serious drug offense, institutional misconduct, or other conduct suggesting that Mr. Cott presents a current danger to the community.

48. No neutral adjudicator has found that Mr. Cott is dangerous. The July 7, 2025, order contains no such finding, and no written individualized parole decision containing such a finding has been disclosed.

49. Mr. Cott has substantial incentives to appear. He is represented by counsel, has pursued protection for more than a year, has a pending BIA appeal, and must remain available to litigate that appeal and any proceedings on remand.

50. Reasonable conditions are available, including a verified residence, periodic reporting, telephonic or electronic check-ins, location monitoring if necessary, curfew, surrender of travel documents, and any other tailored condition the adjudicator finds necessary.

51. Any monetary condition must be tied to actual flight risk and must account for Mr. Cott's financial circumstances. A nominal right to release that is defeated by an unaffordable bond would not provide meaningful protection against unnecessary detention.

LEGAL STANDARD

A. Section 1225(b) Does Not Resolve the Constitutional Question

52. Applicants for admission are governed by § 1225(b)(1) or § 1225(b)(2). Section 1225(b)(2) is the catchall provision for applicants for admission not covered by the expedited-removal provision. *Jennings*, 583 U.S. at 287-88. Because DHS treated Mr. Cott as an arriving alien in full removal proceedings, Respondent may invoke § 1225(b)(2)(A) as the asserted detention authority.

53. Section 1225(b)(2)(A) directs detention for a proceeding under 8 U.S.C. § 1229a when an applicant for admission is not clearly and beyond a doubt entitled to be admitted. *Jennings* interpreted that language as requiring detention during the covered proceedings and rejected an implied statutory six-month hearing requirement. *Jennings*, 583 U.S. at 297-303.

54. But *Jennings* expressly did not decide the constitutional claim and remanded it for consideration. *Id.* at 312. On remand, the Ninth Circuit directed consideration of the minimum requirements of due process and expressed grave concern about arbitrary prolonged detention without process. *Rodriguez v. Marin*, 909 F.3d 252, 255-57 (9th Cir. 2018).

55. The administrative rule that an Immigration Judge lacks statutory bond jurisdiction over an arriving alien likewise does not answer the Fifth Amendment question. *See* 8 C.F.R. § 1003.19(h)(2)(i)(B); *Matter of Oseiwusu*, 22 I. & N. Dec. 19, 23 (B.I.A. 1998). An agency jurisdictional limitation cannot eliminate habeas review of an as-applied constitutional challenge to prolonged physical confinement.

B. Habeas and Due Process Protect Against Unreasonably Prolonged Civil Detention

56. The Fifth Amendment protects persons from deprivation of liberty without due process of law, and that protection extends to noncitizens within the United States. *Zadvydas*, 533 U.S. at 693.

57. Immigration detention is civil and regulatory. Continued detention must remain reasonably related to legitimate purposes such as assuring appearance and protecting the community. *Zadvydas*, 533 U.S. at 690. When duration and procedure cease to serve those purposes in an individualized way, habeas review is available.

58. *Demore v. Kim* upheld mandatory detention under § 1226(c) in the context of detention that the Court described as brief and having a definite termination point, ordinarily about a month and a half and about five months when an appeal was taken. *Demore v. Kim*, 538 U.S. at 529-30. Mr. Cott's detention of at least 526 days bears no resemblance to the short period emphasized there.

59. *Department of Homeland Security v. Thuraissigiam* does not foreclose this petition. That case concerned an effort to obtain additional review of an expedited-removal determination and distinguished the traditional habeas remedy of release from present custody. *Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103, 117-19, 139-40 (2020). Mr. Cott does not seek admission or review of the merits decision; he seeks release from current confinement or a hearing on its necessity.

60. *Rodriguez Diaz v. Garland* also does not resolve this case. It involved detention under § 1226(a), an initial merits-based bond hearing, an extensive criminal record, agency review, and a request for a second hearing with different procedures. *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1193-94, 1202-03, 1206-13 (9th Cir. 2022). Mr. Cott has never received even one neutral merits-based custody hearing.

61. Published decisions in this District hold that § 1225(b) does not foreclose an as-applied due-process challenge when detention becomes unreasonably prolonged. *Kydyrali*, 499 F. Supp. 3d at 772-75; *Gao*, 805 F. Supp. 3d at 1110-12; *Sadeqi*, 809 F. Supp. 3d at 1093-95.

62. Those decisions evaluate the total length of detention, the likely duration of future detention, the conditions of confinement, delays attributable to the detainee, delays attributable to the Government, and the likelihood of a final removal order. *Banda*, 385 F. Supp. 3d at 1106; *Kydyrali*, 499 F. Supp. 3d at 773; *Gao*, 805 F. Supp. 3d at 1111; *Sadeqi*, 809 F. Supp. 3d at 1094.

63. Length is the most important factor, although no single number is dispositive. *Banda*, 385 F. Supp. 3d at 1118. The inquiry is individualized and considers both completed and likely future detention rather than creating the automatic six-month rule rejected in *Jennings*.

64. Conditions matter because the more civil confinement resembles penal incarceration, the stronger the need for a hearing. *Banda*, 385 F. Supp. 3d at 1119. This District has recognized that confinement at Otay Mesa Detention Center materially resembles penal detention. *Kydyrali*, 499 F. Supp. 3d at 773; *Gao*, 805 F. Supp. 3d at 1111.

C. A Constitutionally Adequate Hearing Must Be Meaningful

65. When prolonged § 1225(b) detention requires a hearing, the hearing must test current necessity rather than merely repeat the statutory classification that

authorized initial custody. The adjudicator must consider present evidence concerning danger, flight risk, appearance incentives, and conditions of release.

66. Published § 1225(b) decisions have required the Government to justify continued detention by clear and convincing evidence. *Sadeqi*, 809 F. Supp. 3d at 1095; *Banda*, 385 F. Supp. 3d at 1120-21. That allocation reflects the magnitude of the liberty interest and the Government's superior access to the evidence on which it relies.

67. A meaningful release decision must also consider financial circumstances and alternative conditions rather than use inability to pay as a reason for continued confinement. *Hernandez v. Sessions*, 872 F.3d 976, 990-91, 993-96 (9th Cir. 2017).

68. The hearing should create a contemporaneous record stating the evidence considered and the reasons for any decision. If Respondent does not provide the ordered hearing within the time set by the Court, release under reasonable conditions is necessary to make the habeas remedy effective.

APPLICATION OF THE PROLONGED-DETENTION FACTORS

A. The Completed Duration Overwhelmingly Favors Relief

69. Mr. Cott has been detained at least 526 days without an individualized bond hearing. That period is more than seventeen months and continues to grow daily.

70. Published decisions in this District found prolonged detention unreasonable after materially shorter periods. *Gao* granted relief after more than ten months without a bond hearing. 805 F. Supp. 3d at 1111-12. *Sadeqi* granted relief after approximately

eleven months. 809 F. Supp. 3d at 1094-95. *Kydyrali* likewise ordered a hearing after applying the same individualized framework. 499 F. Supp. 3d at 772-75.

71. The fact that more than 180 days have elapsed since the September 9, 2025, merits hearing reinforces, but does not mechanically determine, the constitutional conclusion. The decisive point is that Mr. Cott has endured an extraordinary total period and post-hearing period exceeding 320 days without any neutral custody determination.

72. The July 7, 2025, jurisdictional ruling does not reduce the completed no-hearing period. It expressly declined to exercise bond authority and made no finding on present necessity.

B. The Likely Future Duration Favors Relief

73. The BIA merits appeal remains pending. Neither the supplied record nor any known schedule provides a certain decision date.

74. The BIA may affirm, reverse, or remand. A remand would require additional proceedings. An affirmance could be followed by a timely petition for review and any stay proceedings authorized by law. The Court need not predict which path will occur to recognize that future custody may be substantial.

75. No certain date presently guarantees an end to custody. Continued detention while administrative review remains open therefore weighs strongly in favor of a present custody hearing.

C. The Conditions of Detention Favor Relief

76. Mr. Cott is confined in a secure detention facility where he cannot leave and where daily life is controlled by custodial authorities. Although the detention is formally civil, the loss of liberty is complete.

77. Published decisions concerning Otay Mesa have recognized that its conditions materially resemble penal confinement. *Kydyrali*, 499 F. Supp. 3d at 773; *Gao*, 805 F. Supp. 3d at 1111. That reality magnifies the constitutional cost of detention without any individualized hearing.

D. The Merits Factor Is Neutral and Does Not Justify Detention

78. This Court need not predict the BIA's decision. The merits appeal identifies legal and evidentiary disputes concerning the asylum bar, corroboration, cumulative harm, nexus, government protection, withholding, and CAT. Those issues belong to the BIA and, if authorized, the court of appeals.

79. The Immigration Judge denied relief, but the decision is not administratively final while the BIA appeal remains pending. See 8 C.F.R. § 1003.39. The existence of a genuine pending appeal makes future duration uncertain; it does not supply an individualized finding that detention is necessary.

E. The Overall Balance Requires a Hearing

80. No neutral adjudicator has ever determined that Mr. Cott currently presents a danger or an unmanageable flight risk. Detention rests on a categorical arriving-alien classification rather than a present assessment of the person actually confined.

81. The Government's legitimate interests can be protected through tailored conditions. Mr. Cott has counsel, a pending appeal, proposed community placements, no United States criminal history, no identified violent conduct, and strong incentives to appear, including sponsors who will ensure he complies with all court procedures or alternatives to detention.

82. The balance under *Mathews v. Eldridge* independently supports relief. Mr. Cott's private interest in freedom from physical confinement is at its apex; the risk of erroneous continued detention is high without a neutral hearing; a hearing directly tests current necessity; and the Government's administrative burden is modest because custody hearings and conditions of supervision are familiar tools. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

83. After over 500 days, continued confinement without a meaningful custody hearing is no longer constitutionally reasonable. Due process requires release or a prompt hearing at which Respondent must justify present detention.

CLAIMS FOR RELIEF

COUNT ONE: Fifth Amendment Procedural Due Process - Unreasonably Prolonged Detention Without an Individualized Custody Hearing

84. Mr. Cott realleges and incorporates the preceding paragraphs.

85. The Fifth Amendment prohibits the federal Government from depriving any person of liberty without due process of law. Freedom from physical confinement is a fundamental liberty interest.

86. Mr. Cott has been deprived of that liberty for at least 526 days without a neutral, merits-based opportunity to contest whether continued detention is necessary.

87. The risk of erroneous continued confinement is substantial because custody has never been tested against current individualized evidence. The value of a focused hearing is direct and substantial.

88. The completed duration, likely future duration, penal-like conditions, absence of bad-faith delay, nonfinal merits decision, and availability of less restrictive conditions establish that detention has become unreasonably prolonged.

89. Procedural due process therefore requires release or a prompt individualized custody hearing before a neutral adjudicator, with the Government bearing the burden of proving by clear and convincing evidence that no condition or combination of conditions can reasonably address danger or flight risk.

COUNT TWO: 28 U.S.C. § 2241 - Custody Unlawful as Applied

90. Section 2241 authorizes relief where a person is in federal custody in violation of the Constitution or laws of the United States. 28 U.S.C. § 2241(c)(3).

91. Even if § 1225(b)(2)(A) supplies statutory authority for initial detention, it does not authorize unconstitutional application of that detention authority after custody becomes unreasonably prolonged without adequate process. *Jennings*, 583 U.S. at 312.

92. Because Respondent has confined Mr. Cott for over 500 days without a neutral merits-based custody hearing, present custody is unlawful unless Respondent promptly establishes its necessity through constitutionally adequate procedures.

REQUEST FOR ORDER TO SHOW CAUSE WITHIN THREE DAYS

93. Section 2243 dictates expedited habeas review. Because the petition does not show on its face that Mr. Cott is disentitled to relief, the Court should issue an Order to Show Cause requiring Respondent to make a return within three days and justify the statutory and constitutional basis for continued detention.

94. The return should identify the asserted detention statute; produce all current custody, bond, and parole determinations; state the disposition and present status of the bond appeal; identify the evidence relied upon; and explain why less restrictive conditions are insufficient.

95. The requested relief is individual, custody-focused, and does not interfere with the BIA's adjudication of protection claims. It asks only that continued physical confinement comply with the Fifth Amendment and the federal habeas statute.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

a) Assume jurisdiction over this matter;

b) Issue an Order to Show Cause requiring Respondent to show cause within three days why the writ should not issue;

c) Require Respondent to identify the specific statutory authority for present detention and produce the current custody, bond, and parole record;

d) Grant the writ and order Mr. Cott released under reasonable conditions of supervision;

e) Alternatively, order Respondent to provide, within seven days, a meaningful individualized custody hearing before a neutral adjudicator;

f) Require the Government at that hearing to prove by clear and convincing evidence that continued detention is necessary because Mr. Cott presents a danger to the community or a flight risk that cannot be reasonably addressed by conditions;

g) Require the adjudicator to consider current evidence, Mr. Cott's financial circumstances, and all less restrictive alternatives to detention, and to make a contemporaneous record of the decision and reasons;

h) Order Mr. Cott released under reasonable conditions if the required hearing does not occur within the time ordered; and

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

Dated: July 31, 2026

Respectfully submitted,

//s// John Wells
John Wells
Attorney for Petitioner Luis Gonzalo Cott Jr.