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UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

JUAN RONALDO OXLAJ GONZALEZ,

Petitioner,

VS.

MARKWAYNE MULLIN, Secretary, United States Department of Homeland Security; RODENY S. SCOTT, Commissioner, United States Customs and Border Protection; JESUS ROCHA in his official capacity as Acting Field Office Director for San Diego, U.S. Immigration and Customs Enforcement; CHRISTOPHER LAROSE, Warden of OTAY MESA DETENTION CENTER, in his/her capacity as warden of the OTAY MESA DETENTION CENTER, and DOES 1 to 10, INCLUSIVE.

Respondents.

Case No. '26CV4432 JAO JLB

Agency No. [redacted]

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner, JUAN RONALDO OXLAJ GONZALEZ ("Petitioner"), respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 because Respondents are depriving him of his physical liberty in violation of the Due Process Clause of the Fifth Amendment. This case concerns far more than the legality of immigration detention in the abstract. Rather, it presents the fundamental constitutional question whether the Executive may revoke a liberty interest that it previously recognized, protected, and permitted Petitioner to exercise for more than six years without identifying any material change in circumstances or providing constitutionally adequate process before returning him to incarceration.

2. In April 2019, after apprehending Petitioner near the southern border, the Department of Homeland Security exercised its statutory discretion and affirmatively determined that detention was unnecessary. Rather than continuing to confine Petitioner, Respondents released him on his own recognizance pursuant to an Order of Release on Recognizance and a Notice of Custody Determination. That decision reflected the Government's determination that Petitioner's liberty could be adequately protected through conditions of supervision rather than physical incarceration.

3. Petitioner honored that determination. During the years that followed, he lived openly in the United States, complied with the conditions imposed by immigration authorities, appeared in connection with his immigration proceedings, pursued humanitarian relief through the asylum process, obtained employment authorization, established significant family and community ties, and remained continuously available to the Government. At no time did Respondents revoke his release, allege that he violated the conditions imposed upon him, accuse him of absconding, or contend that he posed a danger to the community.

4. Petitioner's immigration proceedings likewise reflect the Government's recognition that continued detention was unnecessary. Following the commencement of removal proceedings, the Department of Homeland Security ultimately moved to dismiss those proceedings without prejudice, and the Immigration Judge granted that request. Thus, for approximately six years, Respondents permitted Petitioner to remain at liberty while fully aware of his identity, immigration history, residence, and continued presence within the United States.

5. Despite these prior governmental determinations, Respondents have now abruptly deprived Petitioner of his liberty and confined him at the Otay Mesa Detention Center. Respondents have done so without identifying any

violation of Petitioner's prior conditions of release, any criminal conduct, any evidence that Petitioner presents a danger to the community, or any materially changed circumstance demonstrating that incarceration has suddenly become necessary after years of successful supervision within the community.

6. The Due Process Clause protects one of the oldest and most fundamental liberties recognized in our constitutional tradition: freedom from physical restraint. Although Congress possesses broad authority to regulate immigration, the Executive's exercise of that authority remains subject to the Constitution's enduring limitations. Immigration detention is civil rather than punitive in nature and therefore remains constitutionally permissible only to the extent that it bears a reasonable relationship to legitimate governmental objectives and is supported by constitutionally adequate procedures that guard against arbitrary deprivations of liberty.

7. The constitutional injury presented here is particularly significant because Respondents are not detaining an individual whose liberty has never before been recognized. To the contrary, Respondents themselves affirmatively determined that Petitioner could safely remain at liberty, released him on his own recognizance, and permitted him to live freely within the community for more than six years. Having conferred and recognized that liberty

interest, Respondents may not extinguish it through an unexplained reversal of course unsupported by individualized findings or meaningful procedural safeguards.

8. The Constitution does not permit the Government to transform a previously recognized liberty interest into physical incarceration based upon generalized assumptions or the mere existence of pending immigration authority. Due process instead requires an individualized justification demonstrating why this particular individual must now be deprived of the liberty that the Government itself previously determined he could safely enjoy. Where, as here, Respondents have failed to identify any meaningful change in circumstances justifying that extraordinary deprivation, continued detention violates the Fifth Amendment.

9. Through this Petition, Petitioner seeks the historic protection afforded by the Great Writ of habeas corpus. Because Respondents continue to deprive Petitioner of his physical liberty without constitutionally adequate justification, this Court should exercise its authority under 28 U.S.C. § 2241, declare Petitioner's continued detention unlawful, and order his immediate release or such other relief as the Constitution and laws of the United States require.

JURISDICTION AND VENUE

10. This Court has jurisdiction over this Petition pursuant to 28 U.S.C. § 2241 because Petitioner is in custody under the authority of the United States and alleges that his continued detention violates the Constitution and laws of the United States.

11. The Suspension Clause of the United States Constitution preserves the writ of habeas corpus except in circumstances not applicable here. U.S. CONST. art. I, § 9, cl. 2. For centuries, habeas corpus has served as the principal judicial safeguard against unlawful executive detention and remains the traditional mechanism through which federal courts protect individuals from unconstitutional restraints upon physical liberty.

12. Federal district courts possess jurisdiction under 28 U.S.C. § 2241 to review the legality of immigration detention and to determine whether an individual is being held in violation of the Constitution or federal law. *See Zadvydas v. Davis*, 533 U.S. 678, 687–88 (2001); *Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Jennings v. Rodriguez*, 583 U.S. 281, 298–99 (2018).

13. Petitioner does not seek review of a final order of removal, nor does he ask this Court to review the merits of any pending or future immigration proceedings. Rather, Petitioner challenges the constitutionality of Respondents' ongoing deprivation of his physical liberty and the procedures

employed to revoke the liberty interest that Respondents themselves previously recognized by releasing him on his own recognizance.

14. Specifically, Petitioner challenges Respondents' continued detention as violative of the Due Process Clause of the Fifth Amendment because Respondents have deprived him of a previously recognized liberty interest without constitutionally adequate procedures, without identifying any material change in circumstances, and without demonstrating through individualized evidence that continued incarceration remains reasonably necessary to advance a legitimate governmental objective.

15. This Petition therefore presents constitutional and legal questions that fall squarely within the historic scope of federal habeas review. The issues presented concern the legality of executive detention and the constitutional limits upon the Government's authority to revoke an individual's physical liberty, rather than a disagreement with the discretionary outcome of a custody determination.

16. Respondents may contend that 8 U.S.C. § 1226(e) limits this Court's jurisdiction. That argument fails. Section 1226(e) precludes review of certain discretionary judgments concerning detention or release but does not bar federal courts from reviewing constitutional claims or questions of law

arising from immigration detention. *See Demore*, 538 U.S. at 516–17; *Jennings*, 583 U.S. at 298–99.

17. Petitioner does not request that this Court substitute its judgment for that of an Immigration Judge regarding the appropriate amount of bond or other conditions of release. Instead, Petitioner alleges that Respondents have violated the Fifth Amendment by revoking a previously recognized liberty interest without constitutionally adequate procedural safeguards and by continuing to incarcerate him absent an individualized constitutional justification.

18. At the heart of Petitioner's claim is the contention that Respondents cannot constitutionally deprive him of his liberty after previously determining that detention was unnecessary, allowing him to remain at liberty for approximately six years, and permitting him to establish substantial reliance interests within the community, without first demonstrating that materially changed circumstances now render incarceration necessary. The Constitution requires more than a mere change in governmental preference before physical liberty may be withdrawn.

19. Venue is proper in the Southern District of California pursuant to 28 U.S.C. § 2241 because Petitioner is presently confined within this District at the

Otay Mesa Detention Center, which is located within the territorial jurisdiction of this Court.

20. Venue is likewise proper under 28 U.S.C. § 1391(e) because Respondents are officers and agencies of the United States acting in their official capacities, and a substantial part of the events giving rise to Petitioner's present detention occurred within the Southern District of California.

21. Accordingly, this Court possesses jurisdiction to determine the legality of Petitioner's continued detention and to grant appropriate habeas relief, including Petitioner's immediate release or such other relief as the Constitution and laws of the United States require.

NATURE OF THE ACTION

22. This action challenges the constitutionality of Respondents' continuing deprivation of Petitioner's physical liberty following the Government's revocation of a liberty interest that Respondents themselves previously recognized, protected, and permitted Petitioner to exercise for more than six years.

23. Unlike the typical immigration detention case, this Petition does not arise from an initial custody determination made immediately following Petitioner's apprehension. To the contrary, Respondents previously exercised their statutory discretion, determined that detention was unnecessary, and

affirmatively released Petitioner on his own recognizance. Thereafter, Respondents allowed Petitioner to remain at liberty for years while fully aware of his identity, residence, immigration history, and continued presence within the United States.

24. During that period of recognized liberty, Petitioner complied with the conditions imposed by immigration authorities, appeared in connection with his immigration proceedings, pursued humanitarian relief through the asylum process, obtained employment authorization, established significant family and community ties, and remained continuously available to the Government. Respondents never alleged that Petitioner violated the conditions of his release, absconded from immigration authorities, engaged in criminal conduct, or otherwise demonstrated that detention had become necessary.

25. Respondents nevertheless later deprived Petitioner of his liberty and confined him at the Otay Mesa Detention Center without identifying any material change in circumstances that would justify abandoning their earlier determination that detention was unnecessary. Nor have Respondents identified individualized facts demonstrating that Petitioner presently poses either a danger to the community or such a substantial risk of nonappearance that continued incarceration is constitutionally required.

26. The constitutional injury challenged in this action is therefore not merely the fact of Petitioner's present detention. Rather, it is Respondents' decision to revoke a previously recognized liberty interest through executive action unsupported by constitutionally adequate procedural safeguards or an individualized justification demonstrating that continued detention has become reasonably necessary under the circumstances now presented.

27. The Due Process Clause does not permit the Government to extinguish a liberty interest of this magnitude through generalized assumptions or categorical determinations applicable to broad classes of noncitizens. Once the Government affirmatively determines that an individual may safely remain at liberty and permits that individual to organize his life in reliance upon that determination, the Constitution requires more than an unexplained reversal of governmental policy before physical liberty may again be restrained.

28. This Petition therefore presents a narrow but fundamental constitutional question: whether Respondents may revoke a long-recognized liberty interest and return Petitioner to civil immigration detention without demonstrating materially changed circumstances or providing the procedural protections that the Fifth Amendment requires before one of the Constitution's most fundamental liberties may be withdrawn.

29. Because Respondents have failed to provide that constitutional justification, Petitioner's continued detention constitutes an unlawful deprivation of liberty cognizable under 28 U.S.C. § 2241, and habeas relief is necessary to restore the liberty interest that Respondents have unconstitutionally withdrawn.

REQUIREMENTS OF 28 U.S.C. § 2243

30. The Court must grant the writ of habeas corpus or issue an Order to Show Cause unless it appears that Petitioner is not entitled to relief. 28 U.S.C. § 2243.

31. Habeas corpus provides a swift and imperative remedy in all cases of illegal detention and is entitled to prompt judicial review.

PARTIES

32. Petitioner Juan Ronaldo Oxlaj Gonzalez is a noncitizen currently detained by Immigration and Customs Enforcement ("ICE") within the Southern District of California.

33. Respondent Markwayne Mullin is the Secretary of the United States Department of Homeland Security (DHS). As Secretary Respondent MULLIN exercises ultimate authority over DHS and its component agencies, including U.S. Customs and Border Protection ("CBP") and U.S. Immigration and Customs Enforcement ("ICE"), and is responsible for the

administration and enforcement of the Immigration and Nationality Act ("INA"). He is sued in his official capacity.

34. Respondent RODNEY S. SCOTT is the Commissioner of U.S. Customs and Border Protection ("CBP"), a component agency of DHS. In this capacity, Respondent SCOTT is responsible for the policies, practices, and operations of CBP, including the apprehension and initial processing of individuals alleged to be inadmissible under the INA. He is sued in his official capacity.

35. Respondent JESUS ROCHA is the Acting Field Office Director for the Los Angeles Field Office of U.S. Immigration and Customs Enforcement ("ICE"), a component agency of DHS. In this role, Respondent ROCHA exercises direct supervisory authority over ICE Enforcement and Removal Operations ("ERO") officers responsible for the detention, transfer, and release of individuals within this District, including those held at the OTAY MESA DETENTION CENTER. He is the immediate custodian of Petitioner and is sued in his official capacity.

36. CHRISTOPHER LAROSE, warden of OTAY MESA DETENTION CENTER, as warden of the OTAY MESA CENTER, the Warden oversees the detention center in which petitioner is housed. The warden is sued in his/her official capacity

37. Respondents DOES 1 through 10 are additional officers, agents, or employees of the United States whose identities are currently unknown, and who are responsible in whole or in part for the unlawful acts alleged herein. Petitioner will amend this Petition to allege their true names and capacities when they are ascertained.

FACTUAL ALLEGATIONS

A. *Respondents Previously Determined That Petitioner Could Safely Remain at Liberty*

38. Petitioner is a native and citizen of Guatemala who entered the United States in or about April 2019 as a minor with his mother and sister seeking humanitarian protection.

39. On or about April 18, 2019, officers of the Department of Homeland Security apprehended Petitioner with his mother and sister shortly after their arrival in the United States and initiated removal proceedings by serving him with a Notice to Appear charging him as removable under the Immigration and Nationality Act.

40. At that time, Respondents possessed the opportunity to determine whether Petitioner's continued detention was necessary or whether the Government's legitimate regulatory interests could be adequately protected through less restrictive means.

41. After considering Petitioner's circumstances, Respondents affirmatively determined that continued detention was unnecessary. Rather than continuing to incarcerate Petitioner, the Department of Homeland Security issued a Notice of Custody Determination ordering Petitioner's release from immigration custody.

42. Consistent with that custody determination, Respondents released Petitioner on his own recognizance pursuant to an Order of Release on Recognizance (Form I-220A) rather than requiring the posting of an immigration bond or maintaining him in civil detention.

43. By releasing Petitioner on his own recognizance, Respondents necessarily determined that physical incarceration was not required to protect the Government's legitimate regulatory interests. Respondents concluded that Petitioner's future appearance and compliance with immigration proceedings could be reasonably assured through conditions of supervision rather than continued confinement.

44. That determination reflected Respondents' considered exercise of their statutory custody authority. At no time during Petitioner's initial custody proceedings did Respondents conclude that Petitioner presented a danger to the community or such an extraordinary risk of nonappearance that detention was necessary.

45. Respondents likewise possessed all information they deemed necessary to make that custody determination, including Petitioner's identity, nationality, manner of entry, immigration history, and the factual circumstances surrounding his arrival in the United States.

46. The Government's decision to release Petitioner on his own recognizance is constitutionally significant because it represents Respondents' own determination that Petitioner's liberty could be adequately protected without physical incarceration. That governmental determination became the foundation upon which Petitioner reasonably organized his life, established community ties, pursued immigration relief, and remained continuously available to immigration authorities for the years that followed.

47. Respondents never revoked Petitioner's release based upon any alleged violation of its conditions, never alleged that Petitioner absconded from immigration supervision, and never asserted that he had engaged in criminal conduct or otherwise demonstrated that continued liberty posed an unacceptable risk to the Government's legitimate interests.

48. Instead, for years following Petitioner's release, Respondents permitted him to remain at liberty while fully aware of his continued presence within the United States and his ongoing participation in the immigration process.

B. *Petitioner Honored the Government's Custody Determination and Successfully Exercised His Liberty for More Than Six Years*

49. Following his release on his own recognizance, Petitioner faithfully complied with the conditions imposed by the Department of Homeland Security and remained continuously available to immigration authorities.

50. Rather than absconding or attempting to evade governmental supervision, Petitioner established a stable and productive life within the United States while pursuing the immigration relief available to him under federal law.

51. Petitioner retained counsel and diligently pursued his applications for humanitarian protection before the Immigration Court. Throughout those proceedings, he participated in the legal process in good faith and remained committed to resolving his immigration case through lawful means.

52. During this same period, Petitioner attended school, became integrated into his local community, and developed substantial personal, educational, and community ties within the United States. Respondents remained aware of Petitioner's identity and whereabouts throughout this period and possessed every opportunity to monitor his compliance with the conditions of his release.

53. At no time during the years following Petitioner's release did Respondents allege that he violated the conditions of his recognizance, failed to comply

with reporting requirements, failed to appear when required, or otherwise attempted to evade immigration authorities.

54. Nor did Respondents allege that Petitioner engaged in criminal conduct, posed a danger to the community, or otherwise demonstrated that continued liberty had become inconsistent with the Government's legitimate regulatory interests.

55. To the contrary, Petitioner's conduct over the ensuing years confirmed the accuracy of Respondents' original custody determination. By living openly within the community, complying with immigration requirements, pursuing lawful relief, obtaining employment authorization, attending school, and remaining continuously available to immigration authorities, Petitioner demonstrated that physical incarceration was unnecessary to ensure his compliance with the immigration laws.

56. Petitioner's years of successful compliance are constitutionally significant. They do not merely reflect past good conduct; they constitute objective evidence that the Government's original determination to release him on his own recognizance effectively served the very purposes for which civil immigration detention is authorized. Petitioner's conduct therefore substantially undermines any present assertion that continued detention has

suddenly become necessary to secure his appearance or protect any other legitimate governmental interest.

57. Accordingly, by the time Respondents ultimately chose to revoke Petitioner's liberty, Petitioner had already demonstrated through years of actual compliance—not merely promises of future compliance—that reasonable conditions of supervision adequately protected the Government's interests while fully preserving his fundamental liberty.

C. *Respondents Permitted Petitioner to Remain at Liberty After the Immigration Court Dismissed the Removal Proceedings*

58. While Petitioner remained at liberty pursuant to Respondents' custody determination, his removal proceedings continued before the Immigration Court in the ordinary course.

59. Throughout those proceedings, Petitioner remained represented by counsel and diligently pursued available forms of humanitarian relief under the Immigration and Nationality Act. Respondents remained fully aware of Petitioner's identity, residence, immigration history, and continued presence within the United States.

60. At no point during those proceedings did Respondents seek to revoke Petitioner's release on recognizance or contend that his continued liberty had become inconsistent with the Government's legitimate regulatory interests.

61. Instead, the Department of Homeland Security ultimately moved to dismiss the pending removal proceedings without prejudice.

62. On or about April 14, 2023, the Immigration Judge granted the Department's motion and dismissed Petitioner's removal proceedings without prejudice.

63. As a result of that dismissal, Petitioner remained lawfully subject to the Government's prior custody determination releasing him on his own recognizance and continued residing openly within the community without interruption.

64. Following the dismissal of the proceedings, Respondents neither revoked Petitioner's release nor alleged that he had violated any condition previously imposed by immigration authorities. Nor did Respondents identify any conduct suggesting that Petitioner had become a danger to the community or a risk of absconding.

65. For years thereafter, Respondents continued to permit Petitioner to live openly within the United States while fully aware of his whereabouts and immigration history. During that period, Petitioner continued to rely upon the Government's determination that detention was unnecessary, maintained his ties to the community, and organized his personal, educational, and

professional life in reliance upon the liberty that Respondents had affirmatively recognized.

66. The dismissal of Petitioner's removal proceedings is constitutionally significant because it further demonstrates that Respondents repeatedly concluded that Petitioner's continued liberty adequately served the Government's legitimate interests. The Government's decision to dismiss the pending proceedings, while simultaneously permitting Petitioner to remain at liberty, reinforces that Respondents themselves regarded continued incarceration as unnecessary.

67. Having repeatedly exercised their discretion in favor of Petitioner's liberty, Respondents cannot now disregard those prior governmental determinations without identifying materially changed circumstances sufficient to justify the extraordinary step of depriving Petitioner of his physical freedom. Due process requires an individualized explanation for such a fundamental reversal of the Government's own prior custody determinations.

D. Respondents Abruptly Revoked Petitioner's Liberty and Returned Him to Civil Detention

68. After residing openly in the United States for approximately six years pursuant to Respondents' own custody determination, Petitioner continued living in Southern California, where he maintained his residence, remained

integrated within his community, and continued pursuing his personal and professional life without interference from immigration authorities.

69. Throughout that period, Respondents remained fully aware of Petitioner's identity, immigration history, and continued presence within the United States. At no time did Respondents revoke Petitioner's release on recognizance, allege that he violated the conditions of his release, or initiate custody proceedings based upon any claimed noncompliance with immigration requirements.

70. Nor did Respondents allege that Petitioner had been arrested for, charged with, or convicted of any criminal offense. Respondents likewise did not identify any evidence suggesting that Petitioner posed a danger to the community or had previously failed to comply with the lawful directives of immigration authorities.

71. Nevertheless, on August 1, 2026, Immigration and Customs Enforcement officers apprehended Petitioner at a military base after getting lost while looking for a gas station. Immigration and Customs Enforcement officers arrived on base after being contacted by military personnel and immediately deprived him of the liberty that Respondents had previously recognized and preserved for years.

72. Following his arrest, Respondents transferred Petitioner into ICE custody and confined him at the Otay Mesa Detention Center in San Diego County, California, where he remains detained.

73. As a direct consequence of Respondents' actions, Petitioner was abruptly removed from his home, separated from his family and community, deprived of his employment and the stability he had established over many years, and returned to physical incarceration despite having successfully complied with Respondents' prior custody determination.

74. Respondents' decision to re-incarcerate Petitioner occurred notwithstanding the fact that Petitioner's earlier release on recognizance had never been revoked for any alleged misconduct, violation of release conditions, failure to appear, or criminal activity. Instead, Petitioner's liberty was withdrawn after years of successful compliance with the very custody determination Respondents themselves had previously made.

75. Petitioner remains detained at the Otay Mesa Detention Center under the authority of Respondents and continues to suffer the daily deprivation of his physical liberty while this matter remains unresolved.

76. Thus, after permitting Petitioner to remain at liberty for approximately six years pursuant to their own affirmative custody determination, Respondents abruptly reversed course and returned Petitioner to civil immigration

detention without any apparent change in Petitioner's conduct, compliance, or personal circumstances that had previously justified his continued release.

E. No Material Circumstances Had Changed Since Respondents Previously Determined That Detention Was Unnecessary

77. At the time Respondents released Petitioner on his own recognizance in April 2019, they possessed all material information necessary to make an individualized custody determination, including Petitioner's identity, nationality, manner of entry, immigration history, and the circumstances surrounding his arrival in the United States.

78. During the approximately six years that followed, Respondents remained aware of Petitioner's continued presence within the United States and, through the pendency of his immigration proceedings, possessed continuing opportunities to monitor his compliance with the immigration laws and the conditions of his release.

79. Throughout that period, Petitioner remained continuously available to immigration authorities. He resided openly within the community, attended school, obtained employment authorization, established significant personal and community ties, and pursued available humanitarian relief through the immigration process.

80. Petitioner did not abscond from immigration authorities, conceal his whereabouts, violate the conditions of his release on recognizance, or

otherwise demonstrate an unwillingness to comply with lawful governmental directives.

81. Likewise, Respondents have never alleged that Petitioner has been arrested for, charged with, or convicted of any criminal offense, nor have they identified any evidence suggesting that he poses a danger to the community.

82. Nor have Respondents identified any new facts demonstrating that Petitioner has become a greater risk of nonappearance than when they initially exercised their discretion to release him on his own recognizance in 2019.

83. To the contrary, Petitioner's conduct during the years following his release confirmed the accuracy of Respondents' original custody determination. Rather than undermining the Government's confidence in his continued liberty, Petitioner's successful compliance demonstrated that reasonable conditions of supervision adequately protected the Government's legitimate regulatory interests without the need for physical incarceration.

84. Thus, when Respondents ultimately revoked Petitioner's liberty and returned him to immigration detention, the material circumstances underlying their original custody determination had not changed in any meaningful respect. Petitioner remained the same individual whom

Respondents had previously determined could safely remain at liberty, and his subsequent conduct had consistently validated that determination.

85. The factual record therefore demonstrates that Respondents' decision to re-incarcerate Petitioner did not follow any identifiable violation of the conditions of his release, any newly discovered evidence of dangerousness, any demonstrated history of noncompliance, or any other materially changed circumstance arising after Respondents' original decision to release him on his own recognizance.

86. These undisputed facts form the basis of Petitioner's constitutional challenge. Having previously determined that detention was unnecessary and having permitted Petitioner to successfully exercise that liberty for approximately six years, Respondents now continue to deprive him of his physical liberty notwithstanding the absence of any material change in circumstances demonstrating that incarceration has become reasonably necessary to serve a legitimate governmental objective.

THE CONSTITUTIONAL LIBERTY INTEREST AT STAKE

87. This case concerns one of the oldest and most fundamental liberties protected by the Constitution: the right to remain free from arbitrary executive restraint of physical liberty. From the Founding of the Republic, the writ of habeas corpus has served as the principal safeguard against

unlawful executive detention, ensuring that no person may be deprived of liberty except in a manner consistent with the Constitution and laws of the United States.

88. The Due Process Clause of the Fifth Amendment protects the liberty of every person physically present within the United States, including noncitizens subjected to civil immigration detention. Although Congress possesses broad authority to regulate immigration, that authority remains subject to the Constitution's enduring limitations upon executive power. Immigration detention therefore exists within a constitutional framework that places substantial restraints upon the Government's ability to deprive an individual of physical liberty.

89. The Supreme Court has repeatedly recognized that freedom from physical restraint occupies a unique and paramount position among the liberties protected by the Constitution. Unlike many other governmental actions, incarceration deprives an individual of the most basic incidents of liberty, including the ability to live with family, maintain employment, pursue education, obtain independent medical care, participate in community life, and exercise the ordinary freedoms associated with daily existence.

90. Immigration detention is civil rather than criminal. Because its purpose is regulatory rather than punitive, continued confinement is constitutionally

permissible only insofar as it bears a reasonable relationship to legitimate governmental objectives and is accompanied by meaningful procedural safeguards designed to prevent arbitrary deprivations of liberty. The Executive's authority to detain therefore is not absolute; it exists only to the extent consistent with the commands of the Fifth Amendment.

91. This case presents an important constitutional question because Petitioner's liberty was not merely anticipated or prospective—it was affirmatively recognized by the Government itself. After evaluating Petitioner's circumstances in 2019, Respondents exercised their statutory discretion and determined that detention was unnecessary, releasing him on his own recognizance rather than maintaining him in civil custody.

92. That governmental determination permitted Petitioner to enjoy the practical incidents of liberty for approximately six years. During that period, Petitioner lived openly within the United States, attended school, obtained employment authorization, pursued humanitarian relief through lawful immigration proceedings, established meaningful family and community ties, and remained continuously available to immigration authorities. His liberty was not theoretical; it was a reality recognized, supervised, and repeatedly accepted by Respondents themselves.

93. Constitutional protection does not depend upon whether the Government characterizes that liberty as release on recognizance, conditional supervision, or some other administrative designation. The Due Process Clause protects the substance of the liberty interest itself. Once the Government affirmatively determines that an individual may remain free from physical incarceration, and that determination is successfully implemented over an extended period of time, the resulting liberty interest cannot be withdrawn arbitrarily or without constitutionally adequate procedures.

94. This principle reflects more than abstract constitutional theory. Individuals released by the Government inevitably organize their lives in reliance upon that liberty. They establish homes, pursue education, maintain employment, develop family relationships, receive medical care, contribute to their communities, and make innumerable life decisions in the reasonable expectation that their recognized liberty will not be withdrawn absent lawful justification. The Constitution protects those reliance interests because they arise directly from the Government's own decision to permit liberty in lieu of incarceration.

95. Petitioner's circumstances illustrate precisely why these constitutional protections are indispensable. Respondents did not merely decline to detain Petitioner for a brief administrative period. Rather, they permitted him to

remain at liberty for approximately six years while fully aware of his identity, immigration history, residence, and continued presence within the United States. During that entire period, Petitioner justified Respondents' confidence by complying with the conditions of his release, pursuing lawful immigration relief, and living openly within the community without criminal conduct or any allegation that he posed a danger or flight risk.

96. Respondents have now deprived Petitioner of that previously recognized liberty despite the absence of any identified violation of his release conditions, any criminal conduct, any demonstrated history of absconding, or any materially changed circumstance establishing that incarceration has suddenly become necessary. In doing so, Respondents have transformed years of recognized liberty into physical confinement without adequately explaining why the very liberty they previously determined to be appropriate has become constitutionally insufficient.

97. The constitutional injury alleged in this Petition therefore extends beyond the mere fact of detention. It concerns the Government's decision to revoke a liberty interest that it affirmatively created and maintained for years without identifying the individualized justification that due process requires before one of the Constitution's most fundamental protected interests may be extinguished.

98. If the Government may confer liberty, observe years of successful compliance, and nevertheless revoke that liberty without demonstrating materially changed circumstances or providing constitutionally adequate procedural protections, then the liberty recognized through its own custody determinations becomes illusory. The Due Process Clause does not permit such arbitrary governmental action.

99. Because physical liberty occupies a central place within our constitutional system, Respondents bear the continuing obligation to demonstrate why this particular individual must now be deprived of the very freedom that Respondents themselves previously determined he could safely enjoy. Petitioner alleges that Respondents have failed to satisfy that constitutional burden.

THE CONTINUING DEPRIVATION OF PETITIONER'S LIBERTY CAN BE REMEDIED ONLY THROUGH IMMEDIATE HABEAS RELIEF

100. The constitutional injury challenged in this Petition is not confined to Respondents' decision to re-incarcerate Petitioner. Rather, the injury is the continuing deprivation of Petitioner's physical liberty following the Government's revocation of a liberty interest that Respondents themselves previously recognized and preserved for approximately six years.

101. Every additional day that Petitioner remains confined constitutes a new and independent deprivation of liberty protected by the Fifth Amendment. Unlike many constitutional injuries, the loss of physical liberty cannot later be restored through administrative proceedings, appellate review, or a favorable judicial decision entered months after the fact. Once a day has been spent in unlawful civil detention, that day of freedom is permanently lost.

102. The writ of habeas corpus exists precisely because unlawful executive detention demands an immediate and effective judicial remedy. From its earliest origins, the Great Writ has served not merely to identify constitutional error, but to terminate unlawful restraints upon liberty before the constitutional injury becomes permanent.

103. This principle has particular force where, as here, the Government previously determined that detention was unnecessary and affirmatively released Petitioner on his own recognizance. For approximately six years, Respondents recognized that Petitioner's liberty adequately served the Government's legitimate regulatory interests. Petitioner, in turn, honored that determination by living openly within the community, pursuing lawful immigration relief, obtaining employment authorization, establishing

substantial community ties, and remaining continuously available to immigration authorities.

104. Respondents have now withdrawn that liberty without identifying any violation of Petitioner's prior conditions of release, any criminal conduct, any history of absconding, or any materially changed circumstance demonstrating that physical incarceration has suddenly become necessary after years of successful compliance.

105. Under these circumstances, the constitutional defect is not simply that additional procedures may have been desirable. The constitutional defect is that Respondents have continued to deprive Petitioner of his liberty despite the absence of an individualized constitutional justification sufficient to overcome the Government's own prior determination that detention was unnecessary.

106. Ordering further administrative proceedings, standing alone, would not fully remedy the constitutional injury presently before the Court. While those proceedings unfold, Petitioner would remain incarcerated, and each additional day of confinement would inflict another irretrievable loss of liberty. Habeas corpus has never been satisfied by postponing relief while an unconstitutional restraint upon liberty continues.

107. Nor does the Constitution entitle the Government to repeatedly revisit a custody determination simply because it later prefers a different result. Having previously exercised its discretion to release Petitioner and having accepted years of successful compliance with that determination, Respondents must identify individualized, materially changed circumstances sufficient to justify revoking Petitioner's liberty. Due process does not permit the Executive to substitute generalized assumptions or changed enforcement priorities for the individualized constitutional justification required before physical liberty may be withdrawn.

108. The continuing nature of Petitioner's detention further demonstrates why immediate judicial intervention is necessary. Petitioner's liberty is not being withheld pending the resolution of newly discovered facts or because of any demonstrated inability to comply with lawful governmental supervision. Instead, he remains incarcerated despite years of successful compliance with the very custody determination Respondents themselves made and maintained.

109. Nothing in the relief requested would prevent Respondents from exercising their lawful authority should genuinely new and materially changed circumstances arise in the future. Nor would Petitioner's immediate release impair Respondents' ability to pursue any lawful immigration

proceedings authorized by Congress. The Constitution simply requires that any future deprivation of Petitioner's liberty be supported by an individualized constitutional justification rather than an unexplained abandonment of Respondents' own prior custody determination.

110. The extraordinary facts of this case underscore the necessity of habeas relief. Respondents first determined that Petitioner could safely remain at liberty as a minor with his mother and sister , continued to recognize that liberty throughout his immigration proceedings, permitted him to establish deep personal, educational, and community ties over approximately six years, and then abruptly revoked that liberty without identifying any material change in Petitioner's conduct or circumstances. The continuing deprivation of liberty under those circumstances bears little resemblance to the carefully limited regulatory detention contemplated by the immigration laws.

111. Because the constitutional injury alleged in this Petition is the ongoing deprivation of Petitioner's physical liberty, only Petitioner's immediate release can fully remedy that continuing constitutional violation. Any lesser remedy would permit the deprivation of liberty to continue while additional proceedings unfold, contrary to the historic purpose of the Great Writ as the judiciary's principal safeguard against unlawful executive detention.

THE GOVERNMENT MAY NOT REVOKE A PREVIOUSLY RECOGNIZED LIBERTY INTEREST WITHOUT CONSTITUTIONALLY ADEQUATE PROCEDURAL SAFEGUARDS

112. The constitutional principles governing this Petition are neither novel nor unique to the immigration context. For decades, the Supreme Court has consistently recognized that once the Government affirmatively grants an individual liberty—even liberty subject to governmental supervision—that liberty acquires constitutional significance and may not thereafter be withdrawn through arbitrary executive action.

113. Although the Government retains authority to impose reasonable conditions upon an individual's release, the Due Process Clause protects the individual's continuing interest in remaining free from physical incarceration. That protected interest does not arise solely from absolute freedom. Rather, it also encompasses the substantial liberty enjoyed by individuals whom the Government has determined may safely remain within the community subject to reasonable conditions or supervision.

114. The Supreme Court has repeatedly emphasized that conditional liberty possesses many of the core attributes of unqualified freedom. Individuals living under governmental supervision nevertheless maintain homes, establish families, pursue education, engage in lawful employment, obtain medical care, participate in community life, and organize virtually every

aspect of their daily existence around the expectation that they will remain free from physical confinement unless the Government demonstrates a lawful basis for renewed incarceration.

115. Because physical liberty occupies such a central place within our constitutional system, the Government may not revoke that liberty merely because it later reaches a different policy judgment or wishes to exercise its authority differently. Once liberty has been recognized and successfully exercised over an extended period of time, due process requires meaningful procedural safeguards before the Executive may again impose physical confinement.

116. Those safeguards serve an essential constitutional function. They ensure that continued detention rests upon current, individualized facts rather than generalized assumptions, categorical classifications, or administrative convenience. They likewise ensure that the Government meaningfully considers whether the circumstances that once justified liberty have materially changed before depriving an individual of that liberty.

117. These constitutional principles apply with particular force in this case. Respondents did not merely refrain from detaining Petitioner for a brief administrative period. Rather, they affirmatively exercised their statutory discretion, released him on his own recognizance, permitted him to remain at

liberty for approximately six years, observed his successful compliance with the conditions of that release, and repeatedly accepted his continued presence within the community.

118. During that period, Petitioner demonstrated precisely why Respondents' original custody determination was correct. He complied with immigration authorities, pursued lawful humanitarian relief, attended school, obtained employment authorization, established substantial community ties, and remained continuously available to the Government. Respondents have never alleged that Petitioner violated the conditions of his release, absconded from supervision, or engaged in criminal conduct that would justify renewed incarceration.

119. Nevertheless, Respondents ultimately revoked Petitioner's liberty and returned him to civil detention without identifying any materially changed circumstance demonstrating why the liberty previously recognized by the Government had become insufficient to protect its legitimate regulatory interests. The Constitution requires more. When the Government seeks to withdraw a liberty interest that it has itself recognized and maintained for years, due process demands an individualized determination grounded in current evidence demonstrating that renewed physical confinement has become reasonably necessary.

120. This constitutional requirement protects not only the individual whose liberty is at stake, but also the integrity of the Government's own custody determinations. If the Executive could confer liberty, observe years of successful compliance, and later revoke that liberty without identifying any meaningful change in circumstances, then the protections afforded by the Due Process Clause would become illusory. Liberty recognized today could be withdrawn tomorrow based solely upon shifting administrative priorities rather than individualized constitutional justification.

121. The Fifth Amendment does not permit such arbitrary governmental action. Instead, it requires that Respondents justify the extraordinary step of revoking Petitioner's previously recognized liberty through procedures reasonably calculated to ensure that continued incarceration rests upon individualized facts demonstrating present necessity, rather than upon generalized assumptions applicable to broad classes of noncitizens.

122. Petitioner's allegations establish that Respondents failed to satisfy those constitutional requirements. As set forth below, Respondents' continuing detention of Petitioner therefore violates the Due Process Clause of the Fifth Amendment and warrants immediate relief under 28 U.S.C. § 2241.

EXHAUSTION IS SATISFIED OR, ALTERNATIVELY, SHOULD BE EXCUSED

123. Petitioner has pursued, or is pursuing, every meaningful administrative procedure reasonably available to challenge his continued detention. To the extent Respondents contend that additional administrative review remains available, exhaustion should be excused because further administrative proceedings cannot provide timely or adequate relief from Petitioner's ongoing deprivation of physical liberty.

124. Unlike challenges directed solely to discretionary custody determinations, this Petition presents constitutional questions concerning the Fifth Amendment's protection of a previously recognized liberty interest and Respondents' continuing authority to revoke that liberty without constitutionally adequate procedural safeguards. Those issues are legal and constitutional in nature and fall squarely within the historic scope of federal habeas corpus review.

125. The constitutional injury alleged in this Petition is not merely the result of an adverse custody determination. Rather, it is the continuing deprivation of Petitioner's physical liberty following Respondents' revocation of a liberty interest that they themselves previously recognized and permitted Petitioner to exercise for approximately six years. That constitutional injury continues each day that Petitioner remains incarcerated.

126. Administrative review cannot fully remedy that injury. Even if the Board of Immigration Appeals were ultimately to grant relief in future proceedings, every day of physical liberty lost during the pendency of those proceedings would remain permanently unrecoverable. Once a day has been spent in unconstitutional civil detention, neither administrative action nor subsequent judicial review can restore that lost freedom.

127. Moreover, the Board of Immigration Appeals lacks authority to adjudicate the constitutional questions presented in this Petition or to grant the principal relief sought herein under 28 U.S.C. § 2241. While the Board may review certain issues arising under the Immigration and Nationality Act, it cannot declare Petitioner's continued detention unconstitutional, issue the writ of habeas corpus, or provide the immediate judicial relief necessary to remedy the ongoing deprivation of Petitioner's liberty.

128. Requiring Petitioner to await the completion of administrative proceedings would therefore undermine the very purpose of the Great Writ. Habeas corpus has long served as the traditional mechanism through which federal courts promptly review executive detention and prevent continuing constitutional violations before the loss of liberty becomes permanent.

129. This principle carries particular force here because Respondents previously determined that Petitioner could safely remain at liberty and

permitted him to remain free for approximately six years. The constitutional question presented is not whether the Immigration Judge correctly exercised discretionary custody authority under the Immigration and Nationality Act. Rather, it is whether Respondents may constitutionally revoke that previously recognized liberty interest without identifying materially changed circumstances and without providing the procedural protections required by the Due Process Clause.

130. Because the constitutional injury is ongoing, because each additional day of confinement constitutes an independent deprivation of Petitioner's fundamental liberty interest, because administrative review cannot provide timely or complete relief, and because the questions presented are constitutional in nature, exhaustion is either satisfied or should be excused under the well-established principles governing federal habeas corpus review.

LEGAL BACKGROUND AND CONSTITUTIONAL FRAMEWORK

131. The Due Process Clause of the Fifth Amendment provides that no person shall be deprived of life, liberty, or property without due process of law. U.S. Const. amend. V. Those constitutional protections extend to every person physically present within the United States, including noncitizens

involved in civil immigration proceedings. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *Reno v. Flores*, 507 U.S. 292, 306 (1993).

132. Among the liberties protected by the Constitution, freedom from physical restraint occupies a unique and paramount position. As the Supreme Court has repeatedly explained, "[f]reedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the core of the liberty protected by the Due Process Clause." *Zadvydas*, 533 U.S. at 690. Accordingly, whenever the Executive seeks to deprive an individual of physical liberty, the Constitution requires procedures reasonably calculated to prevent arbitrary governmental action.

133. Immigration detention is civil rather than criminal. Because it is regulatory—not punitive—the Supreme Court has consistently recognized that its constitutional validity depends upon its relationship to legitimate governmental objectives rather than punishment for past conduct. *Zadvydas*, 533 U.S. at 690; *Demore v. Kim*, 538 U.S. 510, 527-28 (2003). Civil detention therefore remains constitutionally permissible only insofar as it bears a reasonable relationship to those limited regulatory purposes.

A. *The Constitution Protects Previously Recognized Liberty*

134. This Petition presents a constitutional question distinct from the ordinary immigration detention case. Respondents did not initially choose detention over liberty. Rather, they affirmatively exercised their statutory authority in favor of liberty by releasing Petitioner on his own recognizance in 2019.

135. That governmental determination permitted Petitioner to remain at liberty for approximately six years. During that period, Petitioner attended school, obtained employment authorization, pursued humanitarian relief, established substantial community ties, and remained continuously available to immigration authorities. His liberty therefore was neither hypothetical nor temporary. It was an existing condition affirmatively recognized, supervised, and repeatedly accepted by the Government itself.

136. The Constitution protects not merely abstract notions of liberty but the practical freedom to live, work, support one's family, obtain medical care, pursue education, and participate in community life free from physical incarceration. Once the Government determines that an individual may enjoy that liberty, the Due Process Clause imposes meaningful constitutional limitations upon the Executive's ability to revoke it.

137. The Supreme Court has repeatedly recognized that liberty previously granted by the Government acquires constitutional significance. Although such liberty may remain subject to reasonable conditions, it nevertheless constitutes a protected interest that cannot thereafter be withdrawn arbitrarily or without constitutionally adequate procedural safeguards. See, *e.g.*, *Morrissey v. Brewer*, 408 U.S. 471 (1972); *Jones v. Cunningham*, 371 U.S. 236 (1963); *Young v. Harper*, 520 U.S. 143 (1997).

138. The constitutional inquiry therefore extends beyond whether the Government possesses statutory authority to detain. It also requires consideration of whether the Government has provided constitutionally sufficient justification before revoking a liberty interest that it previously determined could safely exist within the community.

B. *Due Process Requires Meaningful Individualized Decision-Making*

139. Procedural due process requires more than the mere occurrence of administrative proceedings. As the Supreme Court explained in *Mathews v. Eldridge*, 424 U.S. 319, 334 (1976), the process constitutionally required depends upon the nature of the liberty interest at stake, the risk of erroneous deprivation under existing procedures, the probable value of additional safeguards, and the Government's interests.

140. Because physical liberty represents one of the Constitution's most fundamental protected interests, procedures governing civil detention must meaningfully reduce the risk of erroneous incarceration. The Constitution therefore protects substance as well as form. Proceedings that merely create the appearance of individualized review while failing to meaningfully evaluate the facts unique to the individual cannot satisfy the requirements of due process.

141. Individualized decision-making has long served as the principal constitutional safeguard separating permissible civil detention from arbitrary imprisonment. Generalized assumptions applicable to broad classes of noncitizens cannot substitute for factual findings concerning the individual whose liberty is at stake.

142. Immigration custody determinations accordingly require consideration of individualized evidence, including family relationships, residence, employment history, community ties, prior compliance with legal obligations, criminal history, rehabilitation, and all other facts bearing upon danger and risk of nonappearance. *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006).

143. Characteristics common to millions of removable noncitizens—such as unlawful entry, lack of lawful immigration status, unauthorized

employment, or the mere existence of removal proceedings—cannot, standing alone, reliably distinguish those individuals who present an unmanageable risk of flight from those who do not. Were such generalized characteristics alone sufficient, individualized custody determinations would become largely illusory.

C. *Continued Civil Detention Must Bear a Reasonable Relationship to Legitimate Governmental Objectives*

144. Because immigration detention is regulatory rather than punitive, continued confinement remains constitutionally permissible only so long as it bears a reasonable relationship to the governmental interests asserted to justify detention. *Zadvydas*, *Demore*, *Kansas v. Hendricks*, 521 U.S. 346 (1997); *Foucha v. Louisiana*, 504 U.S. 71 (1992); *Jackson v. Indiana*, 406 U.S. 715 (1972).

145. That constitutional principle applies with particular force where the Government previously determined that detention was unnecessary, permitted an individual to remain at liberty for years, and thereafter seeks to revoke that liberty. Under those circumstances, due process requires more than a generalized assertion of immigration authority. It requires an individualized explanation demonstrating why the liberty previously

recognized by the Government has become insufficient to protect its legitimate regulatory interests.

146. Absent such an individualized showing, continued detention ceases to function as a regulatory measure and instead becomes an arbitrary deprivation of physical liberty prohibited by the Fifth Amendment.

D. *Habeas Corpus Remains the Historic Remedy for Unconstitutional Executive Detention*

147. Habeas corpus has long served as the traditional mechanism through which federal courts review executive detention and safeguard individual liberty. "The essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and the traditional function of the writ is to secure release from illegal custody." *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973).

148. The Supreme Court has likewise recognized that the protections of the Great Writ are at their strongest where an individual challenges the legality of executive detention. *INS v. St. Cyr*, 533 U.S. 289, 301 (2001). Federal district courts therefore possess both the authority and the responsibility to remedy continuing constitutional violations resulting from unlawful immigration detention.

149. Petitioner alleges precisely such a violation. Having previously determined that Petitioner could safely remain at liberty and having permitted him to exercise that liberty successfully for approximately six years, Respondents have now deprived him of his physical freedom without identifying materially changed circumstances sufficient to justify that extraordinary deprivation. The Constitution does not permit such arbitrary executive action, and habeas corpus remains the appropriate vehicle through which this Court may restore the liberty guaranteed by the Fifth Amendment.

E. *Habeas Corpus Remains the Historic Remedy for Unconstitutional Executive Detention*

150. The writ of habeas corpus occupies a unique place within our constitutional system as the judiciary's principal safeguard against unlawful executive detention. From its earliest origins, habeas corpus has served as the traditional mechanism through which courts ensure that no person is deprived of physical liberty except in accordance with the Constitution and laws of the United States.

151. The Supreme Court has repeatedly recognized that "[t]he essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and the traditional function of the writ is to secure release from

illegal custody." *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973). Likewise, the Court has emphasized that habeas corpus remains the historic means by which federal courts review executive detention and preserve the separation of powers by ensuring that executive restraints upon liberty remain subject to meaningful judicial oversight. *INS v. St. Cyr*, 533 U.S. 289, 301 (2001).

152. These principles apply with full force in the immigration context. Although Congress has vested the Executive with broad authority to administer the Nation's immigration laws, that authority does not exist beyond the reach of the Constitution. Federal courts retain both the jurisdiction and the responsibility to determine whether continued immigration detention comports with the requirements of the Fifth Amendment and to order appropriate relief where detention exceeds constitutional or statutory limits. *See Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003); *Jennings v. Rodriguez*, 583 U.S. 281 (2018).

153. Habeas review is particularly appropriate where, as here, the alleged constitutional violation is not confined to a past procedural error but consists of an ongoing deprivation of physical liberty. Every day that Petitioner remains incarcerated constitutes a continuing restraint upon one of the Constitution's most fundamental protected interests. Because time spent in

unconstitutional civil detention can never be restored, delayed judicial review cannot fully remedy the injury once it has occurred.

154. The continuing nature of Petitioner's injury distinguishes this case from disputes concerning ordinary administrative procedure. Petitioner does not merely challenge the correctness of an agency decision or seek review of the discretionary weighing of evidence. Rather, he alleges that Respondents have continued to deprive him of physical liberty after revoking a liberty interest that they themselves affirmatively recognized and preserved for approximately six years, without providing the individualized constitutional justification required by the Due Process Clause.

155. Administrative review cannot provide complete relief for that ongoing constitutional injury. Even if future administrative proceedings were ultimately resolved in Petitioner's favor, no agency could restore the months of physical liberty lost during the pendency of those proceedings. Nor can an administrative tribunal issue the writ of habeas corpus or otherwise exercise the equitable authority vested in the federal courts to remedy unconstitutional executive detention.

156. Moreover, this case presents constitutional questions that extend beyond the interpretation of the Immigration and Nationality Act. At its core, this Petition asks whether the Executive may revoke a previously

recognized liberty interest after years of successful compliance without identifying materially changed circumstances or providing constitutionally adequate procedural safeguards. Those are questions entrusted to the Judiciary under Article III and are particularly appropriate for resolution through the Great Writ.

157. The availability of habeas corpus is especially significant where, as here, the Government previously determined that Petitioner could safely remain at liberty, permitted him to organize his life in reliance upon that determination, and then abruptly deprived him of his freedom without identifying any violation of his conditions of release, any criminal conduct, or any materially changed circumstance demonstrating that incarceration has become reasonably necessary. Under these circumstances, the historic function of habeas corpus is not merely to review executive action, but to restore the liberty that the Constitution protects against arbitrary governmental restraint.

158. Accordingly, because Petitioner alleges a continuing deprivation of physical liberty in violation of the Fifth Amendment, and because no administrative remedy can fully redress that injury, habeas corpus remains both the appropriate and the necessary mechanism through which this Court may vindicate Petitioner's constitutional rights and order effective relief.

CLAIM FOR RELIEF

COUNT I

RESPONDENTS DEPRIVED PETITIONER OF A CONSTITUTIONALLY PROTECTED LIBERTY INTEREST WITHOUT DUE PROCESS OF LAW (U.S. CONST. amend. V; 28 U.S.C. § 2241)

159. Petitioner re-alleges and incorporates by reference Paragraphs 1 through 159 as though fully set forth herein.

160. The Fifth Amendment prohibits the Federal Government from depriving any person of life, liberty, or property without due process of law. Those constitutional protections extend to all persons physically present within the United States, including noncitizens subject to civil immigration proceedings.

161. Freedom from physical restraint occupies the highest echelon of constitutionally protected liberty interests. Because immigration detention is civil rather than punitive, the Constitution permits the Executive to deprive an individual of physical liberty only through procedures reasonably calculated to ensure that continued detention is actually necessary to further legitimate governmental objectives.

162. This case does not concern an individual's initial request for release from immigration detention. Rather, it concerns Respondents' decision to

revoke a liberty interest that they themselves affirmatively recognized and preserved for approximately six years.

163. In April of 2019, Respondents exercised their statutory custody authority and determined that Petitioner should be released on his own recognizance rather than detained. That determination necessarily reflected Respondents' conclusion that Petitioner's appearance and compliance with the immigration laws could be reasonably assured without physical incarceration.

164. Respondents thereafter permitted Petitioner to remain at liberty for approximately six years. During that period, Petitioner attended school, obtained employment authorization, pursued humanitarian protection through lawful immigration proceedings, established substantial community ties, and remained continuously available to immigration authorities. At no time did Respondents revoke his release, allege that he violated its conditions, accuse him of absconding, or identify conduct demonstrating that continued detention had become necessary.

165. Having affirmatively recognized Petitioner's liberty and having accepted years of successful compliance with the conditions of that liberty, Respondents could not constitutionally revoke Petitioner's freedom through an unexplained reversal of their prior custody determination. Due process

required meaningful procedural safeguards designed to ensure that renewed incarceration rested upon current, individualized facts demonstrating that materially changed circumstances had rendered continued liberty constitutionally insufficient.

166. Respondents have identified no such circumstances. They have not alleged that Petitioner violated the conditions of his release, engaged in criminal conduct, failed to comply with immigration authorities, or otherwise demonstrated that the Government's original custody determination had become unreliable.

167. Instead, Respondents have deprived Petitioner of his liberty notwithstanding the absence of any individualized evidence demonstrating why the liberty they themselves previously recognized no longer adequately serves the Government's legitimate regulatory interests.

168. The Due Process Clause protects substance rather than ceremony. It does not permit the Government to extinguish a previously recognized liberty interest based upon generalized assumptions, changing enforcement priorities, or an unexplained abandonment of its own prior determination that detention was unnecessary.

169. The constitutional violation is ongoing. Every additional day that Petitioner remains confined constitutes a continuing deprivation of physical

liberty unsupported by the individualized constitutional justification required before the Government may revoke a liberty interest it has itself recognized and maintained for years.

170. Because Respondents have deprived Petitioner of a constitutionally protected liberty interest without the process required by the Fifth Amendment, Petitioner's continued detention is unlawful and cognizable under 28 U.S.C. § 2241.

171. Petitioner is therefore entitled to the issuance of the writ of habeas corpus directing his immediate release under appropriate conditions of supervision.

COUNT II

RESPONDENTS' REVOCATION OF PETITIONER'S PREVIOUSLY RECOGNIZED LIBERTY INTEREST WITHOUT IDENTIFYING MATERIALLY CHANGED CIRCUMSTANCES VIOLATES THE DUE PROCESS CLAUSE (U.S. CONST. amend. V; 28 U.S.C. § 2241)

172. Petitioner re-alleges and incorporates by reference Paragraphs 1 through 172 as though fully set forth herein.

173. The Due Process Clause does not prohibit the Government from exercising lawful immigration authority. It does, however, prohibit arbitrary governmental action that deprives an individual of physical liberty without adequate constitutional justification.

174. This constitutional limitation has particular significance where, as here, the Government previously exercised its statutory authority in favor of liberty rather than detention. By releasing Petitioner on his own recognizance in 2019 and permitting him to remain at liberty for approximately six years, Respondents affirmatively determined that detention was unnecessary to accomplish the limited regulatory purposes underlying civil immigration detention.

175. That determination did not permanently deprive Respondents of the authority to revisit Petitioner's custody status should circumstances materially change. It did, however, require that any subsequent revocation of Petitioner's liberty rest upon an individualized determination supported by facts demonstrating why the Government's earlier conclusion had become insufficient.

176. The constitutional significance of materially changed circumstances is self-evident. Without such a requirement, the Government could confer liberty, observe years of successful compliance, and nevertheless revoke that liberty at any later time without explanation. Under such a regime, previously recognized liberty would exist only at the Government's unfettered discretion, rather than under the protection of the Fifth Amendment.

177. The Constitution requires more. Once the Government has determined that an individual may safely remain within the community and the individual has demonstrated years of successful compliance with that determination, due process requires an individualized explanation identifying what has changed such that incarceration has now become reasonably necessary.

178. Respondents have identified no such change. They have not alleged that Petitioner violated the conditions of his release on recognizance. They have not alleged that Petitioner absconded from immigration supervision. They have not alleged that Petitioner committed criminal offenses, became dangerous to the community, or otherwise demonstrated conduct inconsistent with the Government's original custody determination.

179. To the contrary, the factual record reflects that Petitioner successfully fulfilled the expectations underlying Respondents' original decision to release him. He remained openly within the United States, attended school, obtained employment authorization, pursued lawful humanitarian protection, established significant community ties, and remained continuously available to immigration authorities.

180. Thus, rather than undermining Respondents' original custody determination, Petitioner's conduct consistently confirmed its accuracy. The

Government's prior determination that detention was unnecessary was validated—not disproved—by Petitioner's years of demonstrated compliance.

181. Nevertheless, Respondents abruptly revoked Petitioner's liberty and returned him to civil immigration detention without identifying any individualized fact demonstrating why incarceration had become necessary after years of successful supervision.

182. Such action is fundamentally inconsistent with the requirements of due process. Constitutional liberty cannot depend solely upon shifting enforcement priorities, generalized assumptions applicable to broad classes of noncitizens, or an unexplained change in executive policy. The Fifth Amendment requires an individualized constitutional justification demonstrating why this particular individual must now be deprived of the liberty the Government itself previously determined he could safely enjoy.

183. The absence of materially changed circumstances is particularly significant because Respondents possessed substantially the same information concerning Petitioner's identity, immigration history, residence, and personal circumstances when they originally determined that detention was unnecessary. The record therefore reflects not a change in Petitioner's conduct, but a change in Respondents' decision-making.

184. Due process does not permit the Government to revoke an established liberty interest solely because it later reaches a different conclusion while relying upon materially unchanged facts. Where the underlying circumstances remain substantially the same, the Constitution requires a meaningful explanation demonstrating why continued liberty has become inadequate to serve the Government's legitimate regulatory objectives.

185. Respondents have failed to provide that individualized constitutional justification. Instead, Petitioner's continued detention rests upon the revocation of a liberty interest previously recognized and preserved by the Government itself without any identified materially changed circumstance warranting that extraordinary deprivation of physical liberty.

186. Because Respondents have revoked Petitioner's previously recognized liberty without identifying materially changed circumstances sufficient to justify renewed incarceration, Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment.

187. Petitioner is therefore entitled to habeas relief, including the restoration of his liberty through immediate release under appropriate conditions of supervision.

COUNT III

PETITIONER'S DETENTION NO LONGER BEARS A REASONABLE RELATIONSHIP TO ANY LEGITIMATE GOVERNMENTAL OBJECTIVE
(U.S. CONST. amend. V; 28 U.S.C. § 2241)

188. Petitioner realleges and incorporates by reference Paragraphs 1 through 188 as though fully set forth herein.

189. Civil immigration detention is constitutionally permissible only because it serves limited regulatory—not punitive—purposes. The Supreme Court has repeatedly recognized that the constitutional validity of civil detention depends upon whether continued confinement bears a reasonable relationship to the governmental objectives asserted to justify it. *See, e.g.*, *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003); *Kansas v. Hendricks*, 521 U.S. 346 (1997); *Jackson v. Indiana*, 406 U.S. 715 (1972); *Foucha v. Louisiana*, 504 U.S. 71 (1992).

190. Those legitimate governmental objectives are narrow. In the immigration context, civil detention is authorized principally to ensure an individual's appearance for immigration proceedings and, where appropriate, to protect the community from demonstrable danger. Because detention is regulatory rather than punitive, continued incarceration cannot be justified

once those objectives can reasonably be achieved through less restrictive means.

191. Respondents themselves previously determined that Petitioner's appearance and compliance with the immigration laws could be reasonably assured without physical incarceration. In 2019, they released Petitioner on his own recognizance and permitted him to remain at liberty for approximately six years.

192. Petitioner's subsequent conduct confirmed the accuracy of that determination. During those years, he remained openly within the United States, attended school, obtained employment authorization, pursued lawful humanitarian protection, complied with immigration proceedings, and remained continuously available to federal authorities. Respondents never alleged that Petitioner absconded, violated the conditions of his release, engaged in criminal conduct, or otherwise demonstrated that detention had become necessary.

193. Under these circumstances, Respondents' own prior custody determination substantially undermines any present assertion that continued incarceration is reasonably necessary to accomplish the limited regulatory objectives of civil immigration detention. The Government cannot simultaneously rely upon years of successful compliance while disregarding

the constitutional significance of that compliance when later seeking to justify renewed detention.

194. Respondents have likewise identified no individualized evidence establishing that Petitioner presently poses a danger to the community. Nor have they identified individualized evidence demonstrating that no reasonable condition or combination of conditions could adequately ensure Petitioner's continued appearance in future immigration proceedings.

195. Instead, Petitioner's continued detention appears to rest upon generalized assumptions associated with removability rather than individualized facts demonstrating that incarceration remains reasonably necessary under Petitioner's particular circumstances.

196. Such reasoning is inconsistent with the constitutional limitations governing civil detention. If detention may continue notwithstanding years of successful compliance and in the absence of materially changed circumstances, then the constitutional requirement that detention remain reasonably related to legitimate governmental objectives becomes effectively meaningless. Civil detention would become untethered from its regulatory purpose and would instead operate as a form of executive incarceration unsupported by individualized necessity.

197. The Due Process Clause does not permit such a result. As the Supreme Court has repeatedly recognized, civil detention cannot continue merely because the Government possesses statutory authority to detain. Continued confinement must remain reasonably related to the specific governmental interests that justify detention in the first instance. Where those interests may be adequately served through less restrictive means, continued physical incarceration exceeds constitutional limits.

198. Petitioner's circumstances demonstrate precisely why individualized constitutional review remains indispensable. Respondents previously concluded that Petitioner's liberty adequately protected the Government's interests. Petitioner's subsequent conduct repeatedly validated that conclusion. Respondents have now abandoned their own prior determination without identifying any individualized evidence demonstrating that detention has become necessary.

199. Continued incarceration under these circumstances no longer bears a reasonable relationship to the limited regulatory purposes that alone justify civil immigration detention. Instead, Petitioner's confinement has become an arbitrary restraint upon physical liberty in violation of the Due Process Clause of the Fifth Amendment.

200. Because Respondents have failed to demonstrate that Petitioner's continued detention remains reasonably necessary to advance any legitimate governmental objective, Petitioner is entitled to habeas relief, including his immediate release under reasonable conditions of supervision.

COUNT IV

RESPONDENTS ARE DETAINING PETITIONER IN EXCESS OF THE AUTHORITY CONFERRED BY THE IMMIGRATION AND NATIONALITY ACT

(28 U.S.C. § 2241; 8 U.S.C. §§ 1226, 1231)

201. Petitioner realleges and incorporates by reference Paragraphs 1 through 201 as though fully set forth herein.

202. The Immigration and Nationality Act authorizes the detention of certain noncitizens during the pendency of immigration proceedings. That authority, however, is neither unlimited nor self-executing. Congress authorized detention only for limited regulatory purposes and entrusted immigration officials with the responsibility of exercising individualized judgment in determining whether continued custody is necessary under the particular facts presented.

203. The statutory detention framework reflects Congress's recognition that detention is not appropriate in every case. Rather, the Immigration and Nationality Act contemplates that immigration officials will distinguish

between those individuals whose detention is reasonably necessary and those whose appearance and compliance may be adequately secured through less restrictive conditions of supervision.

204. Respondents themselves exercised that statutory authority in Petitioner's favor in April 2019. After evaluating Petitioner's circumstances, Respondents determined that detention was unnecessary and released Petitioner on his own recognizance pursuant to their authority under the immigration laws.

205. That custody determination remained in effect for approximately six years. During that time, Petitioner complied with the conditions of his release, lived openly within the United States, pursued humanitarian relief through lawful immigration proceedings, attended school, obtained employment authorization, and remained continuously available to federal immigration authorities.

206. Nothing in the record demonstrates that Petitioner subsequently violated the conditions of his release or otherwise engaged in conduct rendering Respondents' original custody determination inaccurate. Nor have Respondents identified any materially changed circumstance demonstrating that Petitioner's appearance can no longer be reasonably assured through conditions less restrictive than continued incarceration.

207. By revoking Petitioner's release notwithstanding years of demonstrated compliance and without identifying individualized facts establishing that detention has become necessary, Respondents have failed to exercise the individualized judgment contemplated by the Immigration and Nationality Act.

208. Congress did not authorize immigration detention based upon generalized assumptions, categorical classifications, or shifting enforcement priorities untethered to the individual circumstances of the person being detained. The statutory scheme instead requires an actual exercise of discretion grounded in the particular facts presented by the individual before the Government.

209. Respondents' actions effectively convert what Congress intended to be an individualized custody determination into a categorical revocation of previously recognized liberty. Such an approach is inconsistent with both the text and the purpose of the Immigration and Nationality Act, which contemplates that detention decisions will be based upon individualized necessity rather than generalized immigration characteristics.

210. To the extent Respondents contend that Petitioner's current detention is governed by 8 U.S.C. § 1225(b) solely because he originally entered the United States without inspection, Petitioner expressly disputes that legal

conclusion. As alleged above, substantial authority has rejected the proposition that every noncitizen who initially entered without inspection remains perpetually subject to mandatory detention under § 1225(b), regardless of subsequent release, the passage of time, or the procedural posture of the case. That statutory question presents an additional and independent basis for habeas review.

211. Whether analyzed under § 1226 or § 1225, Respondents must exercise the detention authority granted by Congress in a manner consistent with the statute's regulatory purpose and the individualized decision-making that the statutory framework contemplates. The facts alleged in this Petition establish that Respondents have failed to do so.

212. Because Respondents continue to detain Petitioner in excess of the authority conferred by the Immigration and Nationality Act, Petitioner's continued custody is unlawful and subject to review under 28 U.S.C. § 2241.

213. Petitioner is therefore entitled to the issuance of the writ of habeas corpus directing his immediate release under reasonable conditions of supervision.

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COUNT V

THE CONTINUING DEPRIVATION OF PETITIONER'S LIBERTY CAN BE REMEDIED ONLY THROUGH THE IMMEDIATE RESTORATION OF HIS LIBERTY (28 U.S.C. § 2241; U.S. CONST. amend. V)

214. Petitioner realleges and incorporates by reference Paragraphs 1 through 214 as though fully set forth herein.

215. The constitutional injury challenged in this Petition is not confined to Respondents' initial decision to revoke Petitioner's liberty. Rather, the injury consists of Petitioner's continuing deprivation of physical liberty following the Government's withdrawal of a liberty interest that Respondents themselves affirmatively recognized and preserved for approximately six years.

216. Every additional day that Petitioner remains confined constitutes a new and independent deprivation of liberty protected by the Fifth Amendment. Unlike many constitutional injuries, the loss of physical liberty cannot later be restored through administrative review, appellate proceedings, or a favorable agency decision entered months after the fact. Once a day has been spent in unlawful civil detention, that day of freedom is permanently lost.

217. The writ of habeas corpus exists precisely to prevent such continuing constitutional injuries. Its historic purpose is not merely to identify legal

error, but to terminate unlawful executive restraints upon liberty before those injuries become permanent. The Great Writ therefore requires an effective remedy commensurate with the nature of the constitutional violation alleged.

218. Here, Respondents have already exercised the authority granted to them under the Immigration and Nationality Act. They determined in 2019 that Petitioner could safely remain at liberty, released him on his own recognizance, and permitted him to remain free for approximately six years. During that period, Petitioner consistently validated Respondents' custody determination by complying with immigration authorities, pursuing lawful humanitarian relief, attending school, obtaining employment authorization, and remaining continuously available to the Government.

219. Respondents have now revoked that liberty without identifying any violation of Petitioner's conditions of release, any criminal conduct, any demonstrated history of noncompliance, or any materially changed circumstance establishing that continued incarceration has become reasonably necessary to accomplish the limited regulatory purposes of civil immigration detention.

220. Under these circumstances, the constitutional defect is not merely procedural. It is the continuing deprivation of a previously recognized liberty interest without constitutionally sufficient justification. Ordering additional

administrative proceedings, standing alone, would not fully remedy that injury because Petitioner would remain incarcerated while those proceedings unfold, and each additional day of confinement would constitute another irretrievable loss of liberty.

221. Nor does the Constitution entitle Respondents to successive opportunities to justify the same ongoing detention after having already revoked Petitioner's liberty without the individualized constitutional justification required by the Fifth Amendment. Due process guarantees meaningful protection before liberty is withdrawn; it does not authorize the continued deprivation of liberty while the Government attempts to supply post hoc justifications for an already completed constitutional injury.

222. Nothing in the relief requested would prevent Respondents from exercising any lawful authority they may possess should genuinely new and materially changed circumstances arise in the future. Likewise, nothing in this Petition seeks to interfere with Respondents' authority to pursue lawful immigration proceedings authorized by Congress. Rather, Petitioner seeks only restoration of the liberty that Respondents themselves previously recognized until such time, if ever, that Respondents can demonstrate a constitutionally sufficient basis for renewed incarceration.

223. The extraordinary facts of this case underscore the necessity of immediate habeas relief. Respondents first determined that Petitioner could safely remain at liberty as an unaccompanied minor, permitted him to remain free for approximately six years, observed his successful compliance with every expectation underlying that release, dismissed his removal proceedings, and then abruptly revoked his liberty without identifying any individualized fact demonstrating that incarceration had become necessary. Under these circumstances, continued detention no longer reflects the carefully limited regulatory authority recognized by Congress and the Supreme Court; instead, it constitutes an ongoing deprivation of liberty unsupported by constitutionally adequate justification.

224. Because the constitutional injury alleged in this Petition is the continuing deprivation of Petitioner's physical liberty, only the immediate restoration of that liberty can fully remedy the ongoing violation of the Fifth Amendment. Any lesser remedy would permit the constitutional injury to continue while further proceedings unfold, contrary to the historic purpose of habeas corpus as the judiciary's principal safeguard against unlawful executive detention.

225. Petitioner is therefore entitled to the issuance of the writ of habeas corpus directing his immediate release from immigration custody under such reasonable conditions of supervision as this Court deems appropriate.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

226. To the extent Respondents contend that additional administrative review remains available, exhaustion should be excused because further administrative proceedings cannot provide timely or adequate relief from Petitioner's continuing deprivation of physical liberty.

227. Unlike statutory exhaustion requirements expressly imposed by Congress, exhaustion under 28 U.S.C. § 2241 is generally prudential rather than jurisdictional. Accordingly, federal courts retain discretion to excuse exhaustion where the purposes underlying the doctrine would not be served. *Puga v. Chertoff*, 488 F.3d 812, 815 (9th Cir. 2007).

228. In determining whether prudential exhaustion should be required, courts consider several factors, including: (1) whether agency expertise makes administrative review particularly appropriate; (2) whether administrative review is likely to produce a useful factual record or otherwise promote judicial efficiency; (3) whether requiring exhaustion would encourage the deliberate bypass of administrative procedures; and (4) whether administrative review can provide timely and adequate relief. *Id.*

A. *Agency Expertise Does Not Resolve the Constitutional Questions Presented*

229. The central issues presented by this Petition are constitutional rather than discretionary. Petitioner does not merely dispute the manner in which immigration officials exercised their discretion under the Immigration and Nationality Act. Rather, he challenges Respondents' continuing deprivation of physical liberty under the Due Process Clause of the Fifth Amendment following the revocation of a liberty interest that Respondents themselves recognized and maintained for approximately six years.

230. Those constitutional questions fall squarely within the province of the federal judiciary. Although immigration agencies possess expertise concerning the administration of the immigration laws, they possess no special competence to finally resolve whether Respondents' actions comport with the Fifth Amendment or whether continued executive detention violates the Constitution.

231. Because this Petition principally presents constitutional questions concerning executive detention, further administrative review would contribute little, if anything, to the Court's resolution of the issues presented.

B. *Additional Administrative Proceedings Would Not Materially Aid Judicial Review*

232. The material facts relevant to Petitioner's detention are largely undisputed. Respondents released Petitioner on his own recognizance in 2019, permitted him to remain at liberty for approximately six years, dismissed his prior removal proceedings, and subsequently returned him to immigration detention. The constitutional question presented is whether those undisputed facts permit Respondents to continue depriving Petitioner of his liberty consistent with the Due Process Clause.

233. Resolution of that question depends primarily upon constitutional analysis rather than additional factual development. Consequently, requiring further administrative proceedings would neither materially expand the factual record nor substantially assist this Court in deciding the purely legal issues presented.

C. *Petitioner Has Not Deliberately Bypassed Administrative Procedures*

234. Petitioner has not sought to circumvent the administrative process. Throughout his presence in the United States, he has consistently participated in immigration proceedings, pursued available relief through lawful channels, complied with directives issued by immigration authorities, and remained continuously available to Respondents.

235. Likewise, this Petition does not seek to avoid the ordinary administrative adjudication of Petitioner's immigration case. The merits of Petitioner's immigration proceedings remain distinct from the constitutional question presented here. Petitioner invokes this Court's habeas jurisdiction solely because the Constitution does not require an individual to endure continuing unlawful detention while awaiting the completion of administrative proceedings incapable of restoring the liberty already lost.

D. *Administrative Review Cannot Provide Timely or Adequate Relief*

236. This factor strongly favors excusing exhaustion. The injury challenged in this Petition is the continuing deprivation of Petitioner's physical liberty. Every additional day that Petitioner remains incarcerated constitutes a new and irretrievable constitutional injury.

237. Administrative review cannot remedy that injury in a timely manner. Even if administrative relief were ultimately available, the months required to complete that process would necessarily result in additional periods of confinement that no later administrative or judicial decision could restore.

238. Moreover, the Board of Immigration Appeals lacks authority to issue the writ of habeas corpus, to adjudicate the constitutional claims presented under 28 U.S.C. § 2241, or to grant the principal relief requested in this

action—Petitioner's immediate release from unconstitutional executive detention.

239. Thus, even a favorable administrative outcome would not provide complete relief for the constitutional injury presently before this Court.

E. *The Balance of the Puga Factors Compels Immediate Judicial Review*

240. Considered together, the *Puga* factors overwhelmingly support excusing any remaining exhaustion requirement. This case presents predominantly constitutional questions concerning executive detention; further administrative proceedings would add little to the factual record; Petitioner has not bypassed the administrative process; and administrative review cannot provide timely or adequate relief from the ongoing deprivation of Petitioner's physical liberty.

241. Requiring exhaustion under these circumstances would undermine the historic purpose of the writ of habeas corpus. Habeas corpus exists to provide prompt judicial review of unlawful executive detention before the constitutional injury becomes permanent. Delaying review while Petitioner remains incarcerated would permit the very injury the Great Writ was designed to prevent.

242. Accordingly, to the extent any additional administrative remedy remains theoretically available, prudential exhaustion should be excused,

and this Court should exercise its jurisdiction under 28 U.S.C. § 2241 to determine the legality of Petitioner's continued detention and to grant appropriate habeas relief.

IRREPARABLE HARM

243. Petitioner continues to suffer immediate, substantial, and irreparable harm as a direct result of Respondents' ongoing deprivation of his physical liberty.

244. The loss of physical liberty constitutes irreparable injury as a matter of constitutional law. Unlike economic loss or other forms of harm that may later be remedied through monetary compensation or administrative relief, time spent in unlawful civil detention can never be restored. Each day of unconstitutional confinement permanently deprives Petitioner of one more day of liberty that no subsequent judicial decision can return.

245. That injury is especially profound here because Respondents have not merely detained Petitioner in the first instance. Rather, they have revoked a liberty interest that they themselves affirmatively recognized and permitted Petitioner to exercise continuously for approximately six years. Every additional day of incarceration compounds that constitutional injury and further disrupts the life that Petitioner established in reliance upon Respondents' prior custody determination.

246. Petitioner's continued detention has separated him from his family, friends, and community and has abruptly interrupted the stable life he established while living openly within the United States. The practical consequences of detention extend far beyond the physical confines of incarceration, affecting every aspect of Petitioner's personal, familial, and professional life.

247. Prior to his detention, Petitioner possessed valid employment authorization issued by the federal government and was lawfully employed. His incarceration has prevented him from continuing that employment, deprived him of the ability to support himself and contribute to his household, and disrupted the stability that he had built through years of lawful work and compliance with the immigration laws.

248. Petitioner's detention likewise prevents him from providing emotional and financial support to his family and from fulfilling the responsibilities that he previously carried while residing in the community. The resulting hardship extends beyond Petitioner himself and directly affects those who depend upon his presence, support, and assistance.

249. Continued detention also interferes with Petitioner's ability to meaningfully assist counsel in preparing his immigration case, gathering documentary evidence, communicating with witnesses, and participating in

decisions affecting his legal rights. Those burdens further increase the prejudice resulting from Respondents' continued deprivation of his liberty.

250. The constitutional injury is ongoing. Every day that Petitioner remains detained represents a fresh deprivation of one of the Constitution's most fundamental protected liberties. Because physical liberty cannot later be restored, neither future administrative proceedings nor a favorable judicial decision entered months from now can fully remedy the injury Petitioner suffers today.

251. The balance of hardships therefore weighs heavily in Petitioner's favor. Releasing Petitioner under appropriate conditions of supervision would simply restore the liberty that Respondents themselves previously determined was sufficient to protect the Government's legitimate regulatory interests. By contrast, continued detention imposes immediate and irreparable constitutional injury upon Petitioner while providing little corresponding governmental benefit in light of Respondents' own prior determination that detention was unnecessary.

252. Absent immediate intervention by this Court, Petitioner will continue to suffer irreparable violations of his constitutional rights through the ongoing deprivation of his physical liberty, together with the continuing disruption of his family life, employment, community ties, and ability to

pursue his immigration case while free from unconstitutional executive detention.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court enter judgment in his favor and grant the following relief:

A. Issue a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 declaring that Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment and exceeds the lawful authority conferred by the Immigration and Nationality Act;

B. Order Respondents to immediately release Petitioner from immigration custody under such reasonable conditions of supervision, if any, as the Court deems appropriate;

C. Declare that Respondents' revocation of Petitioner's previously recognized liberty interest, after approximately six years of successful compliance and without identifying materially changed circumstances sufficient to justify renewed incarceration, violates the Due Process Clause of the Fifth Amendment;

D. Declare that Petitioner's continued detention no longer bears a reasonable relationship to the limited regulatory purposes that alone justify civil immigration detention under the Constitution;

E. In the alternative, should the Court determine that immediate release is not presently warranted, order Respondents to provide Petitioner with a new constitutionally adequate custody determination before a neutral decisionmaker, applying the correct constitutional standards, requiring an individualized evaluation of all relevant evidence, requiring Respondents to demonstrate through individualized evidence why continued detention remains reasonably necessary, and requiring meaningful consideration of whether less restrictive alternatives to detention adequately protect the Government's legitimate interests;

F. Enjoin Respondents from continuing to detain Petitioner under the constitutionally deficient custody determination challenged in this Petition pending compliance with any order issued by this Court;

G. Award Petitioner his reasonable attorneys' fees and costs to the extent authorized by law, including, where applicable, the Equal Access to Justice Act, 28 U.S.C. § 2412;

H. Retain jurisdiction over this matter to ensure Respondents' compliance with the Court's orders and to grant such additional relief as may become necessary to effectuate the judgment;

I. Grant such other and further legal, equitable, or declaratory relief as the Court deems just and proper.

Dated: August 4, 2026

/s/Zuleima Chavarria

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VERIFICATION BY PETITIONER PURSUANT TO 28 U.S.C. § 2242

I, Zuleima Chavarria, am submitting this verification on behalf of JUAN RONALDO OXLAJ GONZALEZ, who is currently detained by the U.S. Department of Homeland Security at the OTAY MESA DETENTION CENTER in Otay Mesa, California. Petitioner is being held under conditions that severely restrict or prevent meaningful communication with the outside world. As a result, he is unable to review or sign this petition personally or to prepare and file it on his own behalf.

I have communicated with Petitioner to the extent possible and have obtained the factual information contained in this Petition from my direct knowledge, records, and reliable sources. I hereby verify that, to the best of my knowledge and belief, the factual statements contained in the attached Petition for Writ of Habeas Corpus are true and correct, and that I could testify to those facts if called upon to do so.

Executed this 4th day of July, 2026, at Los Angeles, California.

/s/Zuleima Chavarria

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