UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION

CLAUDIA MARTINEZ CASTRO, by and through her next friend, GREGORY ANTHONY TORRES, *Petitioner*, v. BRENT GIBSON, in his official capacity as Warden, Roger D. Wilson Detention Facility; FIELD OFFICE DIRECTOR, New Orleans Field Office, Immigration and Customs Enforcement; MARKWAYNE MULLIN, in his official capacity as Secretary of Homeland Security; TODD BLANCHE, in his official capacity as Attorney General, *Respondents*.	Case No. _____ **VERIFIED PETITION FOR WRIT OF HABEAS CORPUS AND REQUEST FOR DECLARATORY AND INJUNCTIVE RELIEF**

INTRODUCTION

Claudia Martinez Castro ("Ms. Martinez Castro") was sixteen years old when she came to the United States alone. The federal government took her into its care as an unaccompanied child and then released her to a sponsor. For more than seven years since, she has lived openly in Cocke County, Tennessee, where she is raising her four-year-old son, a United States citizen. On the evening of September 30, 2026, without notice, without explanation, and without any individualized determination, she was stopped on a Tennessee highway, held for hours, and handed over to immigration authorities. Ms. Martinez Castro, by and through her family-in-law and next friend, Gregory Anthony Torres, now asks this Court to examine that detention. On information and belief, Respondents detained her long after the removal period in her case had expired, when the law directed that she be placed under supervision, not behind bars. *See* 8

U.S.C. § 1231(a)(3); *see, e.g.*, *Centeno Pastrana v. Venturella*, No. 3:26-0486, 2026 WL 2283605, at *3 (S.D. W. Va. Aug. 7, 2026).[1]

Her arrest and detention are unlawful. She asks that the writ issue and that she be released, and that, while this Petition is pending, the Court preserve its jurisdiction by prohibiting her transfer outside this District.

JURISDICTION

1. This action arises under the Constitution of the United States, the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 *et seq.*, and the Administrative Procedure Act ("APA"), 5 U.S.C. §§ 701–706.

2. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

3. Ms. Martinez Castro is in custody for the purposes of habeas jurisdiction because she is subject to restraints on her liberty not imposed on the general public. *Hensley v. Municipal Court*, 411 U.S. 345, 348–49 (1973); *Rumsfeld v. Padilla*, 542 U.S. 426, 437 & n.10 (2004); *Nowakowski v. New York*, 835 F.3d 210, 215–16 (2d Cir. 2016). On information and belief, Petitioner is in the physical custody of Respondents and is detained at Roger D. Wilson Detention Facility at 5001 Maloneyville Rd in Knoxville, TN.

4. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

5. This Petition challenges the lawfulness of Ms. Martinez Castro's detention, not the validity of her removal order or any decision to commence proceedings, adjudicate cases, or

[1]Counsel does not have sufficient information at this time to assess the validity of the removal order. The petition will be amended should any material supplemental or contradictory information be received.

execute removal orders. It is therefore not barred by 8 U.S.C. § 1252(g), which applies only to those three discrete actions, *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999), or by § 1252(b)(9), which does not reach challenges to detention, *Jennings v. Rodriguez*, 583 U.S. 281, 292–95 (2018) (plurality opinion).

VENUE

6. Venue lies in this District Court, the judicial district in which Ms. Martinez Castro was recently arrested and is currently detained.

7. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, because a substantial part of the events or omissions giving rise to the claims occurred in this district, and no real property is involved in this action.

REQUIREMENTS OF 28 U.S.C. § 2243

8. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return "within *three days* unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

9. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

10. Petitioner Claudia Martinez Castro is a Honduran national who entered the United States as an unaccompanied minor. She is the mother of a four-year-old United States citizen son,

and she has deep ties to her community. She is currently detained by Respondents at the Roger D. Wilson Detention Facility.

11. Gregory Anthony Torres is the husband of Petitioner's mother-in-law and next friend in this proceeding. Counsel has thus far been unable to communicate directly with Petitioner. Next friend standing is therefore appropriate because Mr. Torres has a pre-existing relationship with Petitioner, and is acting solely in Petitioner's best interests, not to assert his own personal rights or interests. *See Whitmore v. Arkansas*, 495 U.S. 149, 163 (1990).

12. Respondent Brent Gibson is the Warden of the Roger D. Wilson Detention Facility. He is sued in his official capacity and is the immediate custodian of Ms. Martinez Castro.

13. Respondent Field Office Director of the New Orleans Field Office is named in his or her official capacity as the Director of the New Orleans Field Office for Immigration and Customs Enforcement ("ICE") within the United States Department of Homeland Security. That Field Office supervises the Knoxville, TN suboffice, and in this capacity, he or she is also responsible for the administration of immigration laws and the execution of detention and removal determinations and is a legal custodian of Petitioner.

14. Respondent Markwayne Mullin is named in his official capacity as the Secretary of Homeland Security in the United States Department of Homeland Security. In this capacity, he is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(a); routinely transacts business in this District; is legally responsible for pursuing any effort to remove the Petitioner; and as such is a legal custodian of the Petitioner. Respondent may be served c/o the Office of the General Counsel, U.S. Department of Homeland Security, 2707 Martin Luther King Jr. Ave. SE, Washington, DC 20528-0485.

15. Respondent Todd Blanche is named in his official capacity as the Attorney General of the United States. In this capacity, he is responsible for the administration of the immigration laws as exercised by the Executive Office for Immigration Review ("EOIR"), pursuant to 8 U.S.C. § 1103(g). He routinely transacts business in this District and is legally responsible for administering Petitioner's removal and custody proceedings and for the standards used in those proceedings. As such, he is the custodian of Petitioner. Respondent's office is located at the United States Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, DC 20530.

STATEMENT OF FACTS

16. Ms. Martinez Castro was sixteen years old when she entered the United States on or about April 2, 2019. On information and belief, Border Patrol encountered her shortly after she arrived, classified her as an unaccompanied minor, and transferred her to the custody of the Office of Refugee Resettlement ("ORR"). ORR later released her to a sponsor.

17. After her release, Ms. Martinez Castro built her life in Cocke County, Tennessee. On information and belief, on February 7, 2023, an Immigration Judge ordered her removed in absentia when she did not appear at a scheduled hearing. On information and belief, she never received notice of that hearing, and she learned of the order only after it had been entered.

18. On information and belief, on the evening of September 30, 2026, Ms. Martinez Castro was riding as a passenger in a vehicle when local law enforcement officers pulled it over. The officers asked for her by name, explaining that they had been looking for her. They held the vehicle's occupants on the side of the highway for several hours and then turned the group over to ICE. Ms. Martinez Castro was first held in Sevier County and was then transferred to the Roger D. Wilson Detention Facility, where she remains.

19. On information and belief, no reasonable, articulable suspicion of criminal activity justified the stop. And to the extent any basis for the stop existed, officers prolonged it for reasons that had nothing to do with that basis.

20. On information and belief, Ms. Martinez Castro has not been afforded any pre-deprivation custody determination process to which she would be entitled pursuant to 8 C.F.R. § 241.4 to the extent Respondents had any statutory authority to detain her at all, which Petitioner denies. *See Centeno Pastrana*, 2026 WL 2283605, at *3–4.

21. Ms. Martinez Castro intends to move to reopen and rescind the in absentia order under 8 U.S.C. § 1229a(b)(5)(C). The filing of that motion will automatically stay her removal while the Immigration Judge considers it. 8 C.F.R. § 1003.23(b)(4)(ii). If the order is rescinded, her detention would be governed by 8 U.S.C. § 1226(a).

LEGAL FRAMEWORK

A. Respondents Lack Statutory Authority to Detain Ms. Martinez Castro

22. A final order of removal does not place a person beyond the protection of the law. Even for individuals subject to such orders, procedural safeguards exist to ensure that ICE does not impose detention arbitrarily, without due process or individualized consideration. *See, e.g.*, *Centeno Pastrana*, 2026 WL 2283605.

23. Congress has not authorized ICE to arrest and detain a person whose removal period expired long ago and who was never detained during it. *See id.* at *2–3. The statute instead directs that such a person be placed under supervision. *See id.*

24. While counsel is not aware of any on-point authority from this district or the Sixth Circuit, other district courts have held that 8 U.S.C. § 1231(a)(6) applies only to the continuation of detention initiated within the removal period.

25. In contrast, in cases like Petitioner's, 8 U.S.C. § 1231(a)(3), by its plain text, provides for supervision of a noncitizen who "does not leave or is not removed within the removal period[.]" *See Judith S.F.Z. v. Warden of the California City Corr. Ctr.*, No. 1:26-CV-02966-TLN-CKD, 2026 WL 1802129, at *2–3 (E.D. Cal. June 22, 2026):

> Respondents are incorrect to rely on 8 U.S.C. § 1231(a)(6) as the basis for Petitioner's re-detention. Respondents appear to claim § 1231(a)(6) permits ICE to arrest and re-detain released noncitizens without notice or process at any time after an order of removal has been final for more than 90 days. . . . But § 1231(a)(6) "isn't a free-roaming right to arrest and detain people any time [ICE] sees fit[.]" *Diallo v. Joyce*, No. 25-CV-9909, 2025 WL 3718477, at *2 (S.D.N.Y. Dec. 23, 2025). Rather, § 1231(a)(6) allows for the continued detention, not re-detention, of certain noncitizens after the 90-day removal period. *Id.* (citing *Zadvydas*, 533 U.S. at 683 ("After entry of a final removal order and during the 90–day removal period, however, [noncitizens] must be held in custody. § 1231(a)(2). Subsequently, as the post-removal-period statute provides, the Government 'may' continue to detain a[ ] [noncitizen] who still remains here or release that [noncitizen] under supervision. § 1231(a)(6).") (emphasis added)). That § 1231(a)(6) applies to continued detention and not re-detention is clear by the terms of its own text, wider statutory scheme, and relevant regulations. *Id.* (finding the "and, if released" language of § 1231(a)(6) reflects that the statute applies to individuals already in detention, the government's reading would override § 1231(a)(3), and the regulations that operationalize § 1231(a)(6) refer to "continued detention").
>
> Instead, once the 90-day removal period expires, if a non-citizen is not in custody, they are subject to supervision under § 1231(a)(3), not detention. *Alva v. Kaiser*, No. 25-CV-06676-RFL, 2025 WL 2419262, at *3 (N.D. Cal. Aug. 21, 2025) ("As mandated by Congress, the default status after the 90-day removal period is therefore release on conditions, not detention."); *see also Diaz v. Wofford*, No. 1:25-CV-01079 JLT EPG, 2025 WL 2581575, at *4 (E.D. Cal. Sept. 5, 2025) (finding that where a noncitizen's removal order "became final long ago . . . he is no longer even arguably subject to mandatory detention under § 1231(a)," but is instead subject to supervision under § 1231(a)(3)).
>
> The Court therefore rejects Respondents' argument that Petitioner can be re-detained under § 1231(a)(6) without any additional procedures, regardless of whether she was formally placed on an

> order of supervision. Petitioner has a protected liberty interest in her continued freedom protected by the Due Process Clause.

See also, e.g., *Rodriguez v. Moniz*, No. 26-13241-BEM, 2026 WL 2123649, at *1 (D. Mass. July 23, 2026) (citation modified) ("[T]his Court joins multiple courts that have found that [Section 1231(a)(6)] applies to individuals originally detained during the 90-day removal period, whose detention may be extended beyond the 90 days, and does not apply to an initial detention occurring after the removal period has ended."); *Parra v. Favro*, No. 9:26-cv-00363 (AMN), 2026 WL 1030870, at *4–5 (N.D.N.Y. Apr. 16, 2026) (concluding that Section 1231(a)(6) "does not provide Respondents with the authority to detain" petitioner absent expiration of removal period and citing accordant authorities).

26. Even if § 1231(a)(6) applied, that would not end the inquiry. Detention under that provision is lawful only insofar as it serves its purposes—securing removal and protecting the community—and it remains bounded by the Due Process Clause. *Zadvydas*, 533 U.S. at 690, 699–701. When a person has lived openly at liberty for years after her order became final, the government's interest in suddenly re-detaining her is at its weakest.

27. As other courts have held, due process requires notice and a hearing prior to the re-detention of noncitizens previously released by immigration officials and then re-detained outside the removal period. *See, e.g.*, *Judith S.F.Z.*, 2026 WL 1802129, at *3–4; *Rodriguez v. Moniz*, 2026 WL 2123649, at *2–3; *Parra*, 2026 WL 1030870, at *6. Further, to the extent 8 C.F.R. § 241.4 applies to noncitizens originally detained after the expiration of the removal period, this regulation, by its plain terms, requires a custody review before the expiration of the removal period, or as soon as possible thereafter. *See Alwawi v. Sec'y of U.S. Dep't of Homeland Sec.*, No. 3:26-cv-375, 2026 WL 746332, at *7–8 (N.D. Ohio Mar. 17, 2026).

B. Due Process Limits on Re-Detention

28. A person's liberty cannot be infringed upon without "adequate procedural protections." *Zadvydas*, 533 U.S. at 690–91. The liberty interest in even conditional release is well-established in the context of parole; probation; and freedom from civil immigration confinement. *See Valdez v. Joyce*, No. 25 CIV. 4627 (GBD), 2025 WL 1707737, at *3 (S.D.N.Y. June 18, 2025) (finding immigration petitioner's "liberty interest is clearly established"); *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 969 (N.D. Cal. 2019) (applying case law from the probation and parole contexts to conclude that the non-citizen petitioner had a "liberty interest in remaining out of [immigration] custody").

29. As to process, at a minimum, in the context of revocation of civil release, "an individual whose release is sought to be revoked is entitled to due process such as notice of the alleged grounds for revocation, a hearing, and the right to testify at such a hearing." *Villiers v. Decker*, 31 F.4th 825, 833 (2d Cir. 2022).

30. Despite these baseline requirements, Respondents now regularly re-detain individuals notwithstanding an earlier determination to release them and do so without according any notice or process whatsoever. These redetentions violate noncitizens' right to due process. *See Chipantiza-Sisalema v. Francis*, No. 25 CIV. 5528 (AT), 2025 WL 1927931, at *3 (S.D.N.Y. July 13, 2025) ; *Valdez*, 2025 WL 1707737, at *4 (ordering the release of a petitioner redetained after an immigration court hearing and concluding "Respondents' ongoing detention of Petitioner with no process at all, much less prior notice, no showing of changed circumstances, or an opportunity to respond, violates his due process rights.").

C. Fourth Amendment Prohibition of Unreasonable Searches and Seizures

31. The Fourth Amendment protects individuals against "unreasonable searches and seizures." U.S. Const. amend. IV. Noncitizens present in the United States enjoy the same Fourth Amendment protections as citizens. *Zuniga-Perez v. Sessions*, 897 F.3d 114, 122 (2d Cir. 2018).

32. The Supreme Court has recognized three categories of police interactions. "Consensual" interactions do not implicate Fourth Amendment protections "so long as the police do not convey a message that compliance with their requests is required." *United States v. Tehrani*, 49 F.3d 54, 58 (2d Cir. 1995) (quoting *Florida v. Bostick*, 501 U.S. 429, 435 (1991)). Temporary investigative detentions require that the detaining officer have a reasonable, articulable suspicion of criminal activity. *Id.* Arrests, the most intrusive type of police encounter, must be supported by probable cause. *Id.*

33. An officer making a traffic stop of an individual in an automobile must "have probable cause or reasonable suspicion that the person stopped has committed a traffic violation or is otherwise engaged in or about to be engaged in criminal activity." *United States v. Wallace*, 937 F.3d 130, 137 (2d Cir. 2019). Reasonable suspicion demands "specific and articulable facts" supporting the detaining officer's suspicion. *Id.* at 138. Race and ethnicity are not reasonable grounds for a stop. *Zuniga-Perez*, 897 F.3d at 124 ("As the Supreme Court has made abundantly clear, stopping and interrogating people based solely on race or ethnicity violates the Fourth Amendment.").

34. A traffic stop may last no longer than necessary to address the traffic violation. Authority for the seizure ends when those tasks are, or reasonably should have been, completed. *Rodriguez v. United States*, 575 U.S. 348, 354 (2015). Any investigation "must be as minimally intrusive as possible." *Tehrani*, 49 F.3d at 58.

35. "Because civil immigration violations do not constitute crimes, suspicion or knowledge that an individual has committed a civil immigration violation, by itself, does not give a law enforcement officer probable cause to believe that the individual is engaged in criminal activity." *Santos v. Frederick Cnty. Bd. of Comm'rs*, 725 F.3d 451, 465 (4th Cir. 2013);

see also Ortega-Melendres v. Arpaio, 836 F. Supp. 2d 959, 976 (D. Ariz. 2011) (probable cause or even actual knowledge of vehicle passengers' unlawful presence, without more, "does not provide officers with reasonable suspicion that the passengers are violating any law that local law enforcement officers can enforce"). State and local officers may not arrest a person solely on suspicion of removability absent federal authorization. *Arizona v. United States*, 567 U.S. 387, 407–10 (2012).

CLAIMS FOR RELIEF

COUNT ONE

Violation of the Immigration and Nationality Act and Its Implementing Regulations

36. Petitioner repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.

37. On information and belief, Respondents are detaining Petitioner in violation of 8 U.S.C. § 1231 and its implementing regulations. Once the removal period expired, § 1231(a)(3) required that she be placed under supervision, not detention. Section 1231(a)(6) does not reach back to authorize an initial detention after that period has ended.

38. An agency must follow its own regulations, and action taken in violation of them is unlawful. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954).[2] To the extent detention under § 1231(a)(6) were authorized at all, the regulations governing it require an individualized custody determination that considers, among other factors, the noncitizen's history of compliance, ties to the community, and likelihood of flight. 8 C.F.R. § 241.4(e)–(f). Respondents detained Ms. Martinez Castro without any such determination.

[2]To the extent Respondents argue that a warrant justifies Petitioner's detention, Petitioner reserves the right to assert any deficiencies with respect to any such warrant at that time. To the extent Respondents fail to establish that Petitioner was arrested pursuant to a valid warrant, that would constitute an additional, independent ground upon which Petitioner's detention is illegal.

39. Petitioner is therefore held, on information and belief, without statutory authority and without any prompt or meaningful opportunity to explain why she should be allowed to return home to her son and her community.

40. Without statutory authority or an individualized custody determination, her detention is untethered from the limited purposes that the Immigration and Nationality Act and its implementing regulations permit.

41. In the alternative, Respondents' failure to conduct the individualized custody determination required by 8 C.F.R. § 241.4 constitutes agency action taken "without observance of procedure required by law" and "not in accordance with law." 5 U.S.C. § 706(2)(A), (D).

COUNT TWO

Violation of the Procedural Due Process Clause of the Fifth Amendment

42. Petitioner repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.

43. The Due Process Clause protects every person within the United States, including noncitizens with final orders of removal. *Zadvydas*, 533 U.S. at 693. Whether the process afforded is adequate turns on (1) the private interest affected, (2) the risk of erroneous deprivation under existing procedures and the value of additional safeguards, and (3) the government's interest. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

44. First, Ms. Martinez Castro's interest in her liberty could hardly be stronger. The federal government released her as a child. She has lived openly in Cocke County for more than seven years, and there she is raising her United States citizen son. Freedom from physical detention is "the most elemental of liberty interests." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004) (plurality opinion).

45. Second, the risk of an erroneous deprivation is grave. On information and belief, Petitioner has not received, and will not receive, the procedural protections the regulations require before detention, to the extent detention is authorized at all. Respondents detained her without notice, without any individualized assessment of flight risk or danger, and without any opportunity to be heard. *See Lopez v. Sessions*, No. 18 CIV. 4189 (RWS), 2018 WL 2932726, at *12 (S.D.N.Y. June 12, 2018) ("Petitioner's re-detention, without prior notice, a showing of changed circumstances, or a meaningful opportunity to respond, does not satisfy the procedural requirements of the Fifth Amendment"). The order on which Respondents rely was entered in absentia against a young woman who came to this country as an unaccompanied child and who, on information and belief, never received notice of the hearing she missed. She intends to seek its rescission. A hearing before a neutral decisionmaker would cost the government little, and it would meaningfully reduce the risk that she is jailed in error.

46. Third, the government's interest in detaining her without process is slight. On information and belief, federal authorities have known where she was since they released her to a sponsor, and for years they took no action. Respondents have identified no change in circumstances that would justify detaining her now.

47. Courts confronting comparable re-detentions have required notice and a hearing before a neutral decisionmaker. *See, e.g.*, *Judith S.F.Z.*, 2026 WL 1802129, at *3–4; *Wana v. Bondi*, No. 2:25-cv-02321-RSL (W.D. Wash. Dec. 15, 2025) (petitioner with a final order who had lived at liberty for seventeen years could not be re-detained without notice and a hearing before an immigration judge); *Ramirez Tesara v. Wamsley*, No. 2:25-cv-01723 (W.D. Wash. Nov. 25, 2025) (applying *Mathews* to require a pre-detention hearing).

48. Respondents' actions violate Ms. Martinez Castro's right to procedural due process.

COUNT THREE

Violation of the Substantive Due Process Clause of the Fifth Amendment

49. Petitioner repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.

50. Civil detention violates substantive due process unless "the nature and duration of commitment bear some reasonable relation to the purpose for which the individual is committed." *Jackson v. Indiana*, 406 U.S. 715, 738 (1972); *Zadvydas*, 533 U.S. at 690. Immigration detention serves only two purposes: ensuring appearance and protecting the community. *Zadvydas*, 533 U.S. at 690–91.

51. When the federal government released Ms. Martinez Castro from its custody as an unaccompanied child, it determined that she posed neither a danger nor a flight risk. Nothing has changed. Her years of open residence, and the life she has built with her son, refute any suggestion that she will flee. And once she files her motion to rescind, her removal will be automatically stayed. 8 C.F.R. § 1003.23(b)(4)(ii). Her detention will then serve no purpose of effectuating imminent removal.

52. Respondents' actions violate Ms. Martinez Castro's right to substantive due process.

COUNT FOUR

Violation of the Fourth Amendment

53. Petitioner repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.

54. Nothing suggests that the traffic stop leading to Ms. Martinez Castro's arrest rested on reasonable suspicion, or that prolonging her detention for reasons unrelated to any objective basis for the stop was reasonable.

55. And even if the initial stop was lawful, what followed was not. Officers asked for Ms. Martinez Castro by name and then held her on the side of the highway for hours, long after any traffic-related task was complete, so that they could deliver her to ICE. That served no traffic-related purpose. *Rodriguez*, 575 U.S. at 354. To the extent local officers seized her based on suspected removability without federal authorization, the seizure was independently unlawful. *Arizona*, 567 U.S. at 407–10.

56. Ms. Martinez Castro's detention pursuant to this unlawful seizure is unreasonable and therefore violates the Fourth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter;

2. Enjoin Respondents from transferring Petitioner outside the Eastern District of Tennessee while this Petition is pending, pursuant to 28 U.S.C. § 1651;

3. Order Respondents to show cause why the writ should not be granted within three days, and set a hearing on this Petition within five days of the return, as required by 28 U.S.C. § 2243;

4. Declare that Petitioner's detention violates 8 U.S.C. § 1231 and its implementing regulations, including 8 C.F.R. § 241.4; the Due Process Clause of the Fifth Amendment; and the Fourth Amendment;

5. Grant a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody without restraints on her liberty other than those justified following an individualized assessment of the need for such restraints, with an opportunity for counsel to be present during any interview of Petitioner and an opportunity for Petitioner to seek judicial review of any contested conditions prior to their imposition;[3]

6. In the alternative, order Respondents to provide Petitioner with an individualized custody hearing before a neutral decisionmaker within seven days, at which the government bears the burden of justifying her continued detention;

7. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412; and

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

DATED this 1st day of October, 2026.

Respectfully submitted,

/s/ Arléne Amparo Amarante
Arléne Amparo Amarante
Amarante Law, Inc.
4036 Hiawatha Drive
Knoxville, Tennessee 37919
Tel.: 865-438-7888
arlene@amarantelaw.org

Pro bono Attorney for Petitioner

[3] *See Centeno Pastrana*, 2026 WL 2283605, at *4:

> The Government is ORDERED to PROMPTLY RELEASE PETITIONER . . . subject to an appropriate order of supervision in accordance with 8 U.S.C. § 1231(a)(3) and 8 C.F.R. § 241.5. To that end, Petitioner . . . will be . . . interviewed as necessary for the determination of his conditions of supervision. Petitioner . . . will be permitted to consult with counsel during such interview. If reasonable objections to certain conditions of release persist after attempted resolution between parties, such condition shall not be imposed and the matter shall be immediately brought to the Court's attention for resolution.

VERIFICATION

I am submitting this verification on behalf of the Petitioner. I, or persons working at my direction, have discussed the events described in this Petition with the Petitioner's friends and family members, including her next friend, Gregory Anthony Torres. On the basis of those discussions, I declare under penalty of perjury that the factual statements in this Petition are true and correct to the best of my knowledge, information, and belief. 28 U.S.C. § 1746.

DATED this 1st day of October, 2026, at Knoxville, Tennessee.

By: /s/ Arléne Amparo Amarante
Arléne Amparo Amarante
Amarante Law, Inc.
4036 Hiawatha Drive
Knoxville, Tennessee 37919
Tel.: 865-438-7888
arlene@amarantelaw.org