Victoria Petty (CA SBN 338689)
Lawyers' Committee for Civil Rights
of the San Francisco Bay Area
131 Steuart Street, Suite 400
San Francisco, CA 94105
vpetty@lccrsf.org
Telephone: (415) 543-9444

Pro Bono Attorney for Petitioner

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICARDO CASTILLO ESQUIVEL,

Petitioner,

v.

SERGIO ALBARRAN, Field Office Director of the San Francisco Immigration and Customs Enforcement Office; DAVID J. VENTURELLA, Acting Director of United States Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary of the United States Department of Homeland Security; TODD BLANCHE, Attorney General of the United States, acting in their official capacities,

Respondents.

CASE No. 3:26-cv-12368

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

IMMIGRATION HABEAS CASE

INTRODUCTION

1. Petitioner Ricardo Castillo Esquivel ("Petitioner" or "Mr. Castillo") was arrested today in front of a convenience store without a warrant, notice, or any prior neutral evaluation of dangerousness or flight risk.

2. This morning, October 22, 2026, ICE officers came to a small shopping center in Palo Alto, California, looking for someone else: a man from Oklahoma whose photograph they carried. Petitioner is not that man, and he told them so. The officers nonetheless placed him in a van, drove him to an empty parking lot, and questioned him there, telling him they would keep him under arrest until they could confirm whether he was the man they were looking for. The ICE officers thus transformed a suspicionless investigatory detention into a full-blown custodial arrest without the requisite probable cause. While holding him in the van, they asked whether he would sign papers to go back to Mexico. They showed him no warrant. The only document ICE has since produced is a Notice of Intent/Decision to Reinstate Prior Order (Form I-871), which, on information and belief, was prepared after his arrest. He is now held at the ICE San Francisco Field Office, 630 Sansome Street, San Francisco, California.

3. Petitioner seeks immediate release on independent statutory and constitutional grounds. First, ICE arrested him without probable cause, without a warrant, and without any determination that he was likely to escape before a warrant could be obtained, in violation of 8 U.S.C. § 1357(a)(2), ICE's own regulations, and the Fourth Amendment. The officers' stated reason for holding him, to confirm that he was not someone else, does not constitute probable cause and is not a reason to believe he was likely to escape; it is an acknowledgment that they were holding him to investigate. Petitioner was ordered removed in absentia in 2006 and removed in 2007, and Respondents now seek to justify his custody after the fact by reinstating that order under 8 U.S.C. § 1231(a)(5). But, on information and belief, no reinstatement existed when the officers seized him, and paperwork completed after an arrest cannot supply authority that was absent when custody began. Second, his detention violates the Due Process Clause of the Fifth Amendment, because Respondents have deprived him of liberty without any prior notice or process.

4. Petitioner asks the Court to order his immediate release pending further immigration

proceedings. To preserve the Court's jurisdiction, he asks the Court to order Respondents not to transfer him outside this District or remove him from the United States while this proceeding is pending. This is a verified habeas petition. Petitioner is also submitting declarations in support of this Petition and the anticipated Motion for Temporary Restraining Order.

JURISDICTION AND VENUE

5. This Court has subject-matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1331 (federal question); Article I, § 9, cl. 2 of the Constitution (Suspension Clause); and the Fourth and Fifth Amendments. The Court may grant relief under 28 U.S.C. §§ 2241 and 2243, the Declaratory Judgment Act, 28 U.S.C. §§ 2201–02, the All Writs Act, 28 U.S.C. § 1651, and the Administrative Procedure Act, 5 U.S.C. §§ 701–706.

6. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(2), (e)(1) and 2241(a) because Petitioner is physically detained within this District, at 630 Sansome Street, San Francisco, and a substantial part of the events giving rise to his claims occurred here. *See Rumsfeld v. Padilla*, 542 U.S. 426, 434–35, 443 (2004). Because this petition is filed while Petitioner is detained in this District, the Court's jurisdiction is not defeated by any later transfer. *See Ex parte Endo*, 323 U.S. 283, 304–07 (1944); *Padilla*, 542 U.S. at 441. Assignment to the San Francisco Division is proper under Civil Local Rule 3-2(c)–(d).

PARTIES

7. Petitioner Ricardo Castillo Esquivel in ICE custody at 630 Sansome Street, San Francisco, California. Today, after he was arrested, ICE served him with a Notice of Intent/Decision to Reinstate Prior Order for Mr. Castillo's removal. Mr. Castillo intends to find immigration counsel to seek relief from removal.

8. Respondent Sergio Albarran is the Field Office Director of the San Francisco Field Office of U.S. Immigration and Customs Enforcement. He is responsible for the administration of the immigration laws and the execution of immigration enforcement and detention policy within ICE's San Francisco Area of Responsibility, including the detention of Petitioner, and he is Petitioner's immediate custodian. He maintains an office and regularly conducts business in this District. He is sued in his official capacity.

9. Respondent David J. Venturella is the Acting Director of ICE. He is responsible for the administration and enforcement of the immigration laws, routinely transacts business in this District, and is legally responsible for any effort to detain and remove Petitioner. He is sued in his official capacity.

10. Respondent Markwayne Mullin is the Secretary of Homeland Security and has ultimate authority over the Department of Homeland Security. He has broad authority over and responsibility for the operation and enforcement of the immigration laws, routinely transacts business in this District, and is legally responsible for any effort to detain and remove Petitioner. He is sued in his official capacity.

11. Respondent Todd Blanche is the Attorney General of the United States. He is responsible for overseeing the implementation and enforcement of the federal immigration laws, a responsibility delegated in part to the Executive Office for Immigration Review, which administers the immigration courts and the Board of Immigration Appeals. He is sued in his official capacity.

LEGAL BACKGROUND

A. The Constitution Protects Noncitizens Like Petitioner from Arbitrary Arrest and Detention.

12. The Due Process Clause protects "all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Hernandez*, 872 F.3d at 990 (quoting *Zadvydas*, 533 U.S. at 693). These protections are both substantive and procedural.

13. "[T]he touchstone of due process is protection of the individual against arbitrary action of government," *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), including "the exercise of power without any reasonable justification in the service of a legitimate governmental objective," *County of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998). "In our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception." *United States v. Salerno*, 481 U.S. 739, 755 (1987). "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due

Process] Clause protects." *Zadvydas*, 533 U.S. at 690; *see also Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

14. Substantive due process requires that all civil detention, including immigration detention, bear a "reasonable relation" to a non-punitive purpose. *See Jackson v. Indiana*, 406 U.S. 715, 738 (1972). The Supreme Court has recognized only two permissible purposes for immigration detention: ensuring the noncitizen's appearance and preventing danger to the community. *Zadvydas*, 533 U.S. at 690–92; *see also Demore v. Kim*, 538 U.S. 510, 519–20, 527–28, 531 (2003).

15. Procedural due process prohibits the government from imposing even permissible physical restraints without adequate procedural safeguards. Generally, "the Constitution requires some kind of a hearing before the State deprives a person of liberty or property." *Zinermon v. Burch*, 494 U.S. 113, 127 (1990). "[I]n the context of immigration detention, it is well-settled that due process requires adequate procedural protections to ensure that the government's asserted justification for physical confinement outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Hernandez*, 872 F.3d at 990 (cleaned up).

B. The Fourth Amendment and § 1357(a)(2) Limit Immigration Arrests Without a Warrant.

16. The Fourth Amendment protects "[t]he right of the people to be secure in their persons . . . against unreasonable searches and seizures." U.S. Const. amend. IV. A person is seized when, in view of all the circumstances, a reasonable person would believe he was not free to leave. An officer may briefly detain a person for investigation only on a reasonable, particularized, and objective basis for suspecting that the specific person is engaged in unlawful activity, *Terry v. Ohio*, 392 U.S. 1, 21–22, 30 (1968); *United States v. Cortez*, 449 U.S. 411, 417–18 (1981); *United States v. Brignoni-Ponce*, 422 U.S. 873, 881–82 (1975); *United States v. Manzo-Jurado*, 457 F.3d 928, 935 (9th Cir. 2006), and such a detention must be temporary, last no longer than necessary, and use the least intrusive means reasonably available. When officers take a person from where he is found and transport him elsewhere to question him, the seizure is an arrest that requires probable cause, whatever label the officers attach to it. *Dunaway v. New York*, 442 U.S.

200, 212–16 (1979); *Hayes v. Florida*, 470 U.S. 811, 815–16 (1985); *Kaupp v. Texas*, 538 U.S. 626, 630–31 (2003) (per curiam). An arrest "qualifies as a 'seizure' of a 'person' . . . and so must be reasonable under the circumstances." *Ashcroft v. al-Kidd*, 563 U.S. 731, 735–36 (2011).

17. "[I]t is not a crime for a removable alien to remain present in the United States," so "[i]f the police stop someone based on nothing more than possible removability, the usual predicate for an arrest is absent." *Arizona v. United States*, 567 U.S. 387, 407 (2012). An immigration officer may arrest on an administrative warrant or, if no warrant has been issued, under the more limited authority of 8 U.S.C. § 1357(a)(2), which permits a warrantless arrest only if the officer has reason to believe both that the person is in the United States unlawfully and that the person "is likely to escape before a warrant can be obtained for his arrest." *Id.* at 407–08. ICE's regulations impose the same requirements: "A warrant of arrest shall be obtained except when the designated immigration officer has reason to believe that the person is likely to escape before a warrant can be obtained." 8 C.F.R. § 287.8(c)(2)(ii); *see id.* § 287.8(c)(2)(i). At the time of the arrest, the officer must, as soon as it is practical and safe to do so, state that the person is under arrest and the reason for the arrest. *Id.* § 287.8(c)(2)(iii)(B). A person arrested without a warrant must also be examined by an officer other than the arresting officer. *Id.* § 287.3(a). "Reason to believe" means probable cause, *Tejeda-Mata v. INS*, 626 F.2d 721, 725 (9th Cir. 1980); *Perez Cruz v. Barr*, 926 F.3d 1128, 1137 (9th Cir. 2019), and arrests in violation of the governing regulations are unlawful, *Sanchez v. Sessions*, 904 F.3d 643, 650 (9th Cir. 2018); *Perez Cruz*, 926 F.3d at 1137.

18. "Likely to escape" asks whether officers could locate the person at the scene or another identifiable place once a warrant issued; removability alone does not satisfy it, and lengthy residence and community ties weigh heavily against it. *Richard E.N.B. v. Easterwood*, No. 26-2972 (JWB/LIB), 2026 WL 3033824, at *3–4 (D. Minn. Oct. 9, 2026); *see Ixchop-Perez v. Barr*, 821 F. App'x 690, 694 (9th Cir. 2020); *United States v. Flores-Altamirano*, No. 22-50267, 2024 WL 3311136, at *1 (9th Cir. July 5, 2024); *Coria Ramirez v. Albarran*, No. 26-cv-06973-CRB, 2026 WL 2001151, at *3–4 (N.D. Cal. July 10, 2026). A noncitizen's failure to dispute his status when confronted "alone is not enough under Section 1357(a)(2) to authorize a warrantless arrest."

Izazaga Cardenas v. Albarran, No. 26-cv-06435-JD, Dkt. No. 10 (N.D. Cal. July 2, 2026), slip op. at 3. And a warrant or other paperwork issued after the fact does not cure an unlawful warrantless arrest. *Id.*, slip op. at 3–4; *Ramirez Ovando v. Noem*, 810 F. Supp. 3d 1209, 1226 (D. Colo. 2025); *Richard E.N.B.*, 2026 WL 3033824, at *4.

C. Section 1231 Supplies Detention Authority Only After a Completed Reinstatement.

19. Section 1231(a)(5) is not a detention provision; "the plain text of § 1231(a)(5) does not concern detention at all." *Alvarado Rodriguez*, 2026 WL 2620357, at *2. It provides that when the Attorney General finds that a noncitizen has reentered unlawfully after removal, the prior order can be reinstated. The regulations prescribe how that finding is made: the officer must determine the existence of the prior order, the person's identity, and the unlawful reentry; must provide written notice of the determination; and must give the person an opportunity to make a statement contesting it. 8 C.F.R. § 241.8(a)–(b); *Morales-Izquierdo v. Gonzales*, 486 F.3d 484, 495 (9th Cir. 2007) (en banc). As the Supreme Court has described it, the agency "obtains the alien's prior order of removal, confirms the alien's identity, determines whether the alien's reentry was unauthorized, provides the alien with written notice of its determination, allows the alien to contest that determination, and then reinstates the order." *Johnson v. Guzman Chavez*, 594 U.S. 523, 530–31 (2021). Only then does detention authority flow from § 1231(a)(2), which applies to a person who has been "ordered removed." *See* 8 C.F.R. § 241.8(f). A warrant of removal (Form I-205) issues only on "the final administrative removal order in the alien's case," *id.* § 241.2(a)(1), and a person whose prior order has not been reinstated is not under a final order. *DiGrado v. Ashcroft*, 67 F. App'x 634, 635 (2d Cir. 2003).

20. Courts confronting arrests that preceded reinstatement have held that "until the I-871 process was complete, Section 1231(a) could not justify an arrest," because any other rule would let ICE arrest first and seek statutory justification afterward. *De La Rosa Izaguirre*, 2026 WL 2023200, at *11–12; *Cartagena Jaco v. Blanche*, No. 26-CV-04798 (JPO), 2026 WL 1786007, at *4 (S.D.N.Y. June 22, 2026); *Chavez Martin v. Joyce*, No. 26 Civ. 4699 (AT), 2026 WL 2199777, at *3–4 (S.D.N.Y. July 30, 2026); *Davila Reyes ex rel. Sanchez Ocotlan v. U.S. Immigr. & Customs Enf't*, No. 26-CV-7515 (JPO), 2026 WL 2754829, at *1 (S.D.N.Y. Sept. 17, 2026)

(ordering release where the reinstatement decision was signed hours after the arrest); *see also Martinez v. McAleenan*, 385 F. Supp. 3d 349, 358–62 (S.D.N.Y. 2019); *Escobar Nerio v. Blanche*, No. 2:26-cv-02010-MMD-NJK, 2026 WL 2983494, at *3–4 (D. Nev. Oct. 5, 2026); *Gumaneh v. Hernandez*, No. C26-2767-BAT, 2026 WL 2624291, at *3–4 (W.D. Wash. Sept. 4, 2026).

21. The same principle governs any detention statute the government invokes after a warrantless arrest. A detention statute "supplies no arrest authority and cannot sustain the same uninterrupted custody that began through an arrest unauthorized by § 1357." *Richard E.N.B.*, 2026 WL 3033824, at *4–5. A later determination "may remain valid for the purposes that provision serves, but it does not retrospectively supply the authority that was absent when this custody began." *Id.* at *6; *accord Carlos F.P.P. v. Blanche*, No. 26-3123 (JWB/JFD), 2026 WL 2824801 (D. Minn. Sept. 21, 2026).

FACTUAL ALLEGATIONS

A. Petitioner's Background and Ties to the United States.

22. Petitioner first came to the United States in 1989. On August 19, 2006, an immigration judge ordered him removed, on information and belief, in absentia; Petitioner did not attend the hearing.

23. In 2007, Petitioner was arrested for driving without a license. When he was released from jail on that charge, ICE took him into custody, and on October 18, 2007, he was removed to Mexico.

24. Approximately three months later, Petitioner returned to the United States by entering without inspection. He has lived here continuously since then, for more than eighteen years. He lives in East Palo Alto, California, with an elderly man who has limited mobility, and he helps him with chores around the house.

25. Petitioner has four children, all United States citizens, ages 31, 28, 24, and 18. He also has six grandchildren, all United States citizens. Petitioner provides financial support to his adult children.

26. Petitioner has supported himself and his family through steady work as a day laborer in

construction, including demolition and building new houses. He has worked for the same employer for the last seven years. In his free time, Petitioner volunteers at Good Samaritan House, a shelter in East Palo Alto.

27. Petitioner has four criminal convictions, all of which are nearly twenty years old: a 2004 conviction for reckless driving, a 2005 conviction for driving without a license, a 2006 conviction for felony evading a peace officer, for which he served six months and nine days in jail, and a 2007 conviction for driving without a license. To the best of Petitioner's knowledge and memory, he has not had any other charges brought against him.

28. Petitioner's more than eighteen years of continuous residence, his United States citizen children and grandchildren, his years of steady employment, his home in East Palo Alto, where he helps an elderly housemate with limited mobility, and his volunteer work at a local shelter confirm that he is neither a danger to the community nor a flight risk.

B. The Arrest on October 22, 2026.

29. On the morning of October 22, 2026, Petitioner was at a small shopping center in Palo Alto, California. He was about to enter a market to buy a juice.

30. A black SUV with tinted windows pulled up close to him. Approximately six officers wearing uniforms with vests marked "ICE" stopped him. Confronted by six uniformed officers who had pulled up beside him, Petitioner was not free to leave.

31. The officers asked Petitioner his name and date of birth, and he gave them. They asked for identification; he did not have any with him. Petitioner became dizzy and frightened.

32. The officers told Petitioner that they were looking for another man, and that the man they were looking for was from Oklahoma. The officers had a photograph of that man. Petitioner told them that he was not that man.

33. One officer asked Petitioner whether he had "papers." Petitioner did not answer.

34. The officers told Petitioner that they were going to interrogate him to confirm whether he was the man from Oklahoma they were looking for. They put him into a grey van, drove him to an empty parking lot, and began questioning him inside the van.

35. In the van, the officers asked Petitioner whether he wanted to return to Mexico, and

whether he wanted to sign papers to go back to Mexico. They told him that they would keep him under arrest to confirm whether he was the man they were looking for.

36. The officers did not show Petitioner a warrant for his arrest. The reason they gave for holding him was to determine whether he was the other "Oklahoma" man. On information and belief, no officer otherwise possessed probable cause for his arrest or made any determination that Petitioner was likely to escape before a warrant could be obtained.

37. On information and belief, at the time officers seized and arrested Petitioner, no immigration officer had determined that his prior removal order should be reinstated, and no warrant of any kind had been issued for his arrest.

C. Petitioner's Detention.

38. Officers transported Petitioner to the ICE San Francisco Field Office at 630 Sansome Street, San Francisco, where he remains.

39. Robin Bernstein, an attorney, met with Petitioner at 630 Sansome Street. Petitioner had not been given any paperwork. Ms. Bernstein asked ICE officers for the warrant for Petitioner's arrest and asked whether a Notice to Appear had been issued, and an officer responded to her that "they're being worked on." About 20 minutes later, ICE officers provided Ms. Bernstein a Form I-871, Notice of Intent/Decision to Reinstate Prior Order, which states that an immigration judge ordered Petitioner removed on August 19, 2006. ICE did not provide Ms. Bernstein with any warrant for Petitioner's arrest.

40. Petitioner is at imminent risk of transfer from 630 Sansome Street to a detention facility outside this District, which would separate him from counsel, his family, and the elderly housemate who relies on his help. Because reinstatement of a prior order is carried out by an immigration officer without a hearing before an immigration judge, he is also at risk of being removed from the United States before this Court can adjudicate the lawfulness of his custody.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

Violation of 8 U.S.C. § 1357(a)(2), Implementing Regulations, and the Fourth Amendment

(Warrantless Arrest)

41. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth here.

42. Section 1357(a)(2) permits a warrantless arrest only if an officer "has reason to believe that the alien so arrested is in the United States in violation of any such law or regulation and is likely to escape before a warrant can be obtained for his arrest." 8 U.S.C. § 1357(a)(2). ICE's regulations are categorical: "A warrant of arrest shall be obtained except when the designated immigration officer has reason to believe that the person is likely to escape before a warrant can be obtained." 8 C.F.R. § 287.8(c)(2)(ii).

43. Respondents arrested Petitioner without a warrant. No warrant was shown to him at the scene, and as of the filing of this petition Respondents have produced no warrant for his arrest.

44. Petitioner was arrested, at the latest, when officers placed him in a van and drove him to another location to interrogate him. Transporting a person elsewhere for questioning is an arrest requiring probable cause, whatever label officers attach to it. At that moment, § 1357(a)(2) required probable cause that Petitioner was likely to escape before a warrant could be obtained. On information and belief, the officers did not conduct this probable cause assessment.

45. The arrest was independently unreasonable under the Fourth Amendment. The officers came looking for a different man. Petitioner told them he was not that man, and the officers had a photograph of the individual they were looking for. Rather than conduct a brief inquiry on the spot, they took him into custody and drove him to another location so that they could investigate. Detaining a person and transporting him for questioning in order to develop the probable cause the officers lacked is precisely the type of unreasonable seizure that the Fourth Amendment forbids. Because the statutory "reason to believe" standard is the Fourth Amendment's probable-cause standard, an arrest made without a warrant and without the findings § 1357(a)(2) requires is also an unreasonable seizure.

46. Because Petitioner's custody was unlawful from its inception, the remedy is release.

SECOND CLAIM FOR RELIEF

Violation of the Fifth Amendment to the United States Constitution

(Procedural Due Process)

47. Petitioner repeats and re-alleges the allegations in the preceding paragraphs as if fully set forth here.

48. Petitioner has a weighty liberty interest in freedom from physical restraint. The Due Process Clause protects him whether his presence here is lawful or unlawful. A person who lives in the community acquires the attachments of normal life that the Due Process Clause protects, and courts "routinely look to factors like the length of a person's residency, their work history, and their community ties—not just whether they were previously released by immigration authorities." *Chaparro Ayala v. Albarran*, No. 26-cv-09430-CRB, 2026 WL 2722780, at *4 (N.D. Cal. Sept. 15, 2026). Petitioner's ties to this country since 1989, his more than eighteen years of continuous residence since his most recent entry, four United States citizen children, six United States citizen grandchildren, his financial support of his children, seven years of work for a single employer, the help he provides an elderly housemate with limited mobility, and his volunteer work at Good Samaritan House in East Palo Alto establish a substantial liberty interest.

49. Respondents have provided Petitioner no process at all. He was shown no warrant, and before he was seized he received no notice of any reinstatement determination and no opportunity to contest one. Notice produced after the arrest cannot satisfy procedures that must precede custody. Respondents also disregarded the safeguards that govern warrantless arrests. Instead of providing any of the process the regulations require, officers held Petitioner in a van in an empty parking lot, without counsel and without any written notice of the basis for his arrest, and asked whether he wanted to sign papers to return to Mexico.

57. The *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976) factors favor Petitioner. His private interest in freedom from physical restraint is at its apex. The risk of erroneous deprivation is at its highest where, as here, officers detain a person without any individualized showing of why detention is warranted—indeed, where the officers themselves were uncertain whether they had the right person. And the government's fiscal and administrative burden was minimal: to obtain a warrant, or to complete the procedures its own regulations require, before making the arrest.

58. Petitioner's detention without any of the process the Constitution and

Respondents' regulations require violates the procedural component of the Due Process Clause of the Fifth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

(1) Assume jurisdiction over this matter;

(2) Issue an order to show cause directing Respondents to show why the writ should not be granted, returnable within three days, pursuant to 28 U.S.C. § 2243;

(3) Issue a writ of habeas corpus ordering Respondents to release Petitioner from custody immediately;

(4) Declare that Petitioner's arrest and detention violate 8 U.S.C. § 1357(a)(2) and its implementing regulations, and the Fourth and Fifth Amendments;

(5) Enjoin Respondents from transferring Petitioner outside the Northern District of California, and order that, if he has been transferred, he be returned to this District;

(6) Order Respondents to file with their return all records of Petitioner's arrest and custody, including but not limited to any Form I-213, any warrant, and any Form I-871, together with the date and time each was executed;

(7) Enjoin Respondents from re-detaining Petitioner without first moving before this Court and demonstrating compliance with 8 C.F.R. §§ 241.2, 241.3, and 241.8 and, if Respondents invoke 8 U.S.C. § 1357(a)(2), the findings that section requires;

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

(9) Grant such further relief as the Court deems just and proper.

Dated: October 22, 2026

Respectfully submitted,
/s/ Victoria Petty
Victoria Petty
Lawyers' Committee for Civil Rights
of the San Francisco Bay Area
Pro Bono Attorney for Petitioner

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

I, Victoria Petty, submit this verification on behalf of Petitioner because I am Petitioner's attorney and he is detained. I verify that the factual statements in this Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

/s/ Victoria Petty