UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

M-A-C-C-,

Petitioner,

v.

JULIO HERNANDEZ, Seattle Field Office Director, Immigration and Customs Enforcement and Removal Operations; TODD LYONS, Acting Director of U.S. Immigration Customs Enforcement; MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security; Attorney General of the United States; BRUCE SCOTT, Warden, Northwest ICE Processing Center; and DAREN K MARGOLIN, Director of Executive Office for Immigration Review.

Respondents.

Case No.:

Agency No. A-file No. XXX-XXX-563

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

INNOVATION LAW LAB
915 Broadway Street, Suite 100
Vancouver, WA 98660
Telephone: +1 503-922-3042

INTRODUCTION

1. This case challenges whether Respondents can deny a man of his liberty on the basis of a bond hearing devoid of legal principles, fact-finding unmoored from evidence, and arbitrary procedure. The Immigration Judge (IJ) denied M-A-C-C-'s freedom through a checkbox order form lacking any legal reasoning whatsoever, and now Petitioner has been detained and separated from his family for over five months.

2. M-A-C-C- came to the United States from Mexico in March 2022, because his partner's family was targeted and harmed, some killed, by a cartel. Before his detention, he built a stable life with his partner and two of his children in Beaverton, Oregon. He held steady employment as a restaurant worker and maintained a fixed address. He has no criminal history, and the only time he has ever been arrested was by Immigration and Customs Enforcement (ICE) on November 29, 2025.

3. ICE arrested Petitioner unlawfully as part of Operation Black Rose, a DHS operation in which ICE agents made unprovoked, destabilizing community sweeps throughout Oregon. *M-J-M-A- v. Hermosillo*, 6:25-cv-02011-MTK, Dkt. 88 at 2 (D.Or. Feb. 27, 2026) ("ICE officers are casting dragnets over Oregon towns they believe to be 'target rich.'"). At first, Respondents unlawfully held Petitioner in "mandatory" detention until this Court ordered he be provided a bond hearing under 8 U.S.C. § 1226(a). *M.A.C.C. v. Hernandez*, No. 2:26-cv-00958-TMC, Dkt. 12 at p. 4 (W.D. Wash. Apr. 20, 2026).

4. On April 27, 2026, Petitioner appeared before Immigration Judge John C. Odell at the Tacoma Immigration Court for the bond hearing this Court ordered. At the start of the fifteen-minute hearing, the Immigration Judge refused to record the proceedings. Thereafter, he assumed a prosecutorial role rather than that of a neutral adjudicator. At no

INNOVATION LAW LAB
915 Broadway Street, Suite 100
Vancouver, WA 98660
Telephone: +1 503-922-3042

point in the hearing did the IJ articulate or apply a cognizable legal standard. Instead, the IJ focused his inquiry on Petitioner's work without authorization and five Title 42 public health expulsions—ignoring binding authority establishing that neither support a flight risk finding. After the hearing the Immigration Judge issued a no-bond order containing no findings of fact, no legal reasoning, and no explanation of how he weighed the evidence.

5. The Fifth Amendment requires more than "a pro forma hearing with a predetermined outcome." *Chavez Ochoa v. Mason*, No. 2:26-CV-00130, 2026 WL 541144, at *2 n.4 (S.D.W. Va. Feb. 26, 2026). The Court should grant the petition and order M-A-C-C-'s immediate release under reasonable conditions.

JURISDICTION

6. This action arises under the Constitution of the United States and the INA, 8 U.S.C. § 1101 et seq.

7. This Court has subject matter jurisdiction and may grant relief under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., the All Writs Act, 28 U.S.C. § 1651, and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

8. The Court has jurisdiction to review bond hearings for errors of law, including as to whether an immigration judge properly concluded someone is a flight risk or danger to the community. *Martinez v. Clark*, 124 F.4th 775, 783 (9th Cir. 2024).

9. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

INNOVATION LAW LAB
915 Broadway Street, Suite 100
Vancouver, WA 98660
Telephone: +1 503-922-3042

VENUE

10. Venue is proper because Petitioner is in Respondents' custody at the Northwest ICE Processing Center ("NWIPC") in Tacoma, Washington. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493–500 (1973), venue lies in the judicial district in which Petitioners are currently in custody.

11. 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, and because a substantial part of the events or omissions giving rise to the claims occurred in the Western District of Washington.

REQUIREMENTS OF 28 U.S.C. § 2241, 2243

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

13. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, 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). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." *Yong v. INS.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted); *see also Van Buskirk v. Wilkinson*, 216 F.2d 735, 737–38 (9th

INNOVATION LAW LAB
915 Broadway Street, Suite 100
Vancouver, WA 98660
Telephone: +1 503-922-3042

Cir. 1954) (habeas corpus is "a speedy remedy, entitled by statute to special, preferential consideration to insure expeditious hearing and determination").

PARTIES

14. Petitioner **M-A-C-C-** is 42 years old. He is a resident of Beaverton, Oregon. He is currently detained in Respondents' custody at the NWIPC in Tacoma, Washington.

15. Respondent **Julio Hernandez** is the Field Office Director for ICE's Seattle Field Office. The Seattle Field Office is responsible for local custody decisions relating to noncitizens charged with being removable from the United States, including the arrest, detention, and custody status of noncitizens. The Seattle Field Office's area of responsibility includes Alaska, Oregon, and Washington; thus, Respondent Hernandez is a legal custodian of Petitioner.

16. Respondent **Todd Lyons** is the acting director of ICE, and he has authority over the actions of Respondent Julio Hernandez and ICE in general. Respondent Lyons is a legal custodian of Petitioner.

17. Respondent **Markwayne Mullin** is the Secretary of Homeland Security and has authority over the actions of all other DHS Respondents in this case, as well as all operations of DHS. Respondent Mullin is charged with faithfully administering the immigration laws of the United States and is a legal custodian of Petitioner.

18. Respondent **Attorney General of the United States** has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.

INNOVATION LAW LAB
915 Broadway Street, Suite 100
Vancouver, WA 98660
Telephone: +1 503-922-3042

19. Respondent **Bruce Scott** is employed by the private corporation The GEO Group, Inc., as Warden of the NWIPC, where Petitioner is detained. He has immediate physical custody of Petitioner.

20. Respondent **Daren K. Margolin** is the Director of the Executive Office for Immigration Review (EOIR). As such, Director Margolin is responsible for the direction and supervision of EOIR and tasked with executing its mandate.

21. This action is commenced against all Respondents in their official capacities.

LEGAL FRAMEWORK

Detention Authority under the Immigration & Nationality Act

22. The Immigration & Nationality Act (INA) authorizes the DHS to detain noncitizens who are in removal proceedings. This case concerns the detention provision at 8 U.S.C. § 1226(a) and its implementing regulations.

23. To be constitutional, civil immigration detention must be non-punitive. *Zadvydas v. Davis*, 533 U.S. 678, 690-92 (2001). The Government may not detain a noncitizen unless needed to prevent flight or danger to society. *Id*. Due process requires both that immigration detention be "'reasonabl[y] relat[ed]"' to its purposes of preventing flight and danger to the community, and that it be accompanied by adequate procedures to ensure those purposes are met. *Id.* at 690-91 (citation omitted). *Accord Demore v. Kim*, 538 U.S. 510, 527 (2003).

INNOVATION LAW LAB
915 Broadway Street, Suite 100
Vancouver, WA 98660
Telephone: +1 503-922-3042

24. In making release decisions under § 1226(a), the regulations provide that a noncitizen must demonstrate he or she does not pose a danger to property or persons, and that he or she is "likely to appear for any future proceeding." 8 C.F.R. § 1236.1(c)(8).[1]

25. Because of the liberty interest, there are seldom circumstances where no combination of conditions, including bond, could mitigate any flight risk. *See, e.g., Zadvydas*, 533 U.S. at 690 (recognizing the fundamental liberty interest at stake in civil detention). Detention without the possibility of posting bond for flight risk is, as a matter of constitutional law, rare.

Release/Custody Determinations by DHS

26. Individuals subject to the Government's § 1226(a) detention authority are entitled to a release determination made by DHS; if not released by DHS, they are also entitled to a custody redetermination made by an immigration judge. 8 C.F.R. § 1236.1(c)(8); 8 C.F.R. § 1236.1(d).

27. When purporting to assert initial detention over a noncitizen, DHS must make a custody (or release) determination. 8 C.F.R. § 1236.1(c)(8). DHS documents its decision on ICE Form I-286, Notice of Custody Determination.

28. DHS may release the noncitizen on their own recognizance. 8 U.S.C. § 1226(a)(2)(B) (referring to "conditional parole"); *Ortega-Cervantes v. Gonzales*, 501 F.3d 1111, 1115 (9th Cir. 2007) ("It is apparent that the INS used the phrase "release on

[1] Petitioner asserts that the proper burden of proof rests with the Government to prove flight risk or dangerousness.

INNOVATION LAW LAB
915 Broadway Street, Suite 100
Vancouver, WA 98660
Telephone: +1 503-922-3042

recognizance" as another name for "conditional parole" under 1226(a)"); ICE Form I-220A Order of Release on Recognizance.[2]

29. DHS may also release the noncitizen on the posting of a bond of at least $1,500. 8 U.S.C. § 1226(a)(2)(A); 8 C.F.R. § 103.6; ICE Form I-352, Immigration Bond.[3]

30. Noncitizens are entitled to a meaningful opportunity to be heard on their custody status before DHS. 8 C.F.R. § 1236.1(c)(8). DHS is required to engage in a "deliberative process prior to, or contemporaneous with, the initial decision to strip a person of the freedom that lies at the heart of the Due Process Clause." *Gonzalez v. Joyce*, No. 25 CIV. 8250 (AT), 2025 WL 2961626, *5 (S.D.N.Y. Oct. 19, 2025). "That the Government may believe it has a valid reason to detain [a noncitizen] does not eliminate its obligation to effectuate the detention in a manner that comports with due process." *E.A.T.-B. v. Wamsley*, 795 F. Supp. 3d 1316, 1322 (W.D. Wash. 2025). That immigration judges may redetermine custody proceedings does not relieve DHS of its obligation to follow the law. Any suggestion that "government agents may sweep up any person they wish without consideration of dangerousness or flight risk, so long as the person will, at some unknown future date, be allowed to ask some other official for his or her release, offends the ordered system of liberty that is the pillar of the Fifth Amendment." *Gonzalez*, 2025 WL 2961626 at *5.

Release/Custody Determinations by Immigration Judges

31. If DHS does not grant release, a noncitizen is entitled to a meaningful opportunity to be heard on their custody status before an immigration judge. Immigration

[2] Available at https://www.ice.gov/doclib/detention/checkin/I_220A_OREC.pdf (last visited May 3, 2026).

[3] Available at https://www.ice.gov/doclib/forms/i352.pdf (last visited May 3, 2026).

INNOVATION LAW LAB
915 Broadway Street, Suite 100
Vancouver, WA 98660
Telephone: +1 503-922-3042

judges may also grant bond at such custody redetermination hearings. 8 C.F.R. § 1236.1(d); *W.T.M. v. Bondi*, 2026 WL 262583, *1 (W.D. Wash. 2026); *Garcia v. Hyde*, —F.Supp.3d—, 2025 WL 3466312, *8-9 (D.R.I. 2025).

32. The custody decisions—and the proceedings in which those decisions are made before the DHS or EOIR—must be constitutionally adequate and comply with the statute and regulations. *W.T.M*, 2026 WL 262583 at *1; *Garcia*, 2025 WL 3466312 at *8. For a noncitizen otherwise eligible for release under § 1226(a), custody proceedings and decisions may not be arbitrary, irrational, irrelevant or unreasonable. Custody proceedings and decisions must comport with the interest in being free from physical detention which is "most elemental of liberty interests." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004).

33. An immigration judge deciding whether to release a noncitizen on bond is required to evaluate whether the noncitizen poses a danger to the community or risk of flight. *Matter of Guerra*, 24 I&N Dec. 37, 38-39 (BIA 2006). The Immigration Judge must first determine that the non-citizen is not a danger to the community before evaluating flight risk and setting bond. *Id*. at 38. If a noncitizen shows he is not "a threat to national security, a danger to the community at large, likely to abscond, or otherwise a poor bail risk" the IJ is required to order release. *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1197 (9th Cir. 2022). The setting of bond is "designed to ensure [a noncitizen's] presence at proceedings." *Matter of Urena*, 25 I&N Dec. 140, 141 (BIA 2009).

34. In evaluating flight risk an immigration judge must weigh the *Guerra* factors, 24 I&N Dec. at 40. The factors an IJ should consider are:

(a) whether the noncitizen has a fixed address in the United States;

(b) the noncitizen's length of residence in the United States;

INNOVATION LAW LAB
915 Broadway Street, Suite 100
Vancouver, WA 98660
Telephone: +1 503-922-3042

(c) the noncitizen's family ties in the U.S., and whether they may entitle the noncitizen to reside permanently in the U.S. in the future;

(d) the noncitizen's employment history;

(e) the noncitizen's record of appearance in court;

(f) the noncitizen's criminal record, including the extensiveness of criminal activity, the recency of such activity, and the seriousness of the offenses;

(g) the noncitizen's history of immigration violations;

(h) any attempts by the noncitizen to flee prosecution or otherwise escape from authorities; and,

(i) the noncitizen's manner of entry to the United States.

35. An immigration judge retains broad discretion in weighing the *Guerra* factors and may give greater weight to one factor over others, "as long as the [ultimate] decision is reasonable." *Id*. Under *Martinez*, it is only when the Immigration Judge "expressly cited and applied [the relevant caselaw] in rendering [a] decision" that he is entitled to a presumption that he applied the correct legal standard. 124 F.4th at 785 (citing *Mendez-Castro v. Mukasey*, 552 F.3d 975, 980 (9th Cir. 2009)). Where an IJ fails to identify any legal standard in his oral decision, he is not entitled to that presumption. *Id*.

36. Due process requires that the Immigration Judge provide at least some consideration to relevant, probative record evidence. *See Larita-Martinez v. INS*, 220 F.3d 1092, 1095 (9th Cir. 2000). Though an Immigration Judge need not explicitly address every piece of evidence in order to establish they duly considered the record evidence, where an agency adjudicator "fail[s] to mention highly probative or potentially dispositive evidence,"

INNOVATION LAW LAB
915 Broadway Street, Suite 100
Vancouver, WA 98660
Telephone: +1 503-922-3042

the federal courts will not defer to the agency's use of a " 'catchall phrase' to the contrary." *Martinez,* 124 F.4th at 785 (internal citations omitted).

37. The flight risk inquiry must be grounded in factors that bear a genuine relationship to whether a noncitizen will appear at future proceedings. *Matter of Patel*, 15 I&N Dec. 666, 667 (BIA 1976) (reversing bond denial where factors relied upon bore "little if any relevance to the issue of whether or not the [noncitizen] is likely to appear for his deportation proceeding").

38. Where an immigration judge finds some level of flight risk, he must consider a respondent's ability to pay for bond as well as whether alternative conditions of supervision would suffice to mitigate that risk. *Hernandez v. Sessions*, 872 F.3d 976, 990-91 (9th Cir. 2017).

39. Due process entitles individuals appearing before the Immigration Court to a reasoned explanation of the Immigration Judge's decision. *See She v. Holder*, 629 F.3d 958, 963 (9th Cir. 2010) (affirming due process requires "a minimum degree of clarity in dispositive reasoning"); *see also Sagaydak v. Gonzales*, 405 F.3d 1035, 1040 (9th Cir.2005) ("Immigration judges, although given significant discretion, cannot reach their decisions capriciously and must indicate how they weighed factors involved and how they arrived at their conclusion" (internal quotation marks and alternation omitted).

FACTUAL BACKGROUND

Respondents' Detention and Deportation Policies

40. On January 20, 2025, President Donald Trump issued several executive actions relating to immigration, including "Protecting the American People Against Invasion," an executive order (EO) setting out a series of interior immigration enforcement

INNOVATION LAW LAB
915 Broadway Street, Suite 100
Vancouver, WA 98660
Telephone: +1 503-922-3042

actions. The Trump administration, through this and other actions, has outlined sweeping, executive branch-led changes to immigration enforcement policy, establishing a formal framework for mass deportation. The "Protecting the American People Against Invasion" EO instructs the DHS Secretary "to take all appropriate action to enable" ICE, CBP, and USCIS to prioritize civil immigration enforcement procedures, including through the use of mass detention.

41. In late May, then-Secretary Noem and White House Deputy Chief of Staff Stephen Miller met with ICE leadership, setting a new arrest quota of 3,000 arrests per day and reportedly threatening job consequences if officials failed to meet arrest quotas.[4]

42. On May 28, Miller confirmed that "[u]nder President Trump's leadership, we are looking to set a goal of a minimum of 3,000 arrests for ICE every day, and President Trump is going to keep pushing to get that number up higher each and every single day."[5]

43. Following the directive from Noem and Miller, ICE agents were instructed in an e-mail to "turn the creativity knob up to 11" and aggressively "push the envelope" in arrests, including by pursuing "collaterals"—individuals who by definition

[4] Elizabeth Findell, et al., *The White House Marching Orders That Sparked the L.A. Migrant Crackdown*, The Wall Street Journal (June 9, 2025), https://www.wsj.com/us-news/protests-los-angeles-immigrants-trump-f5089877; Julia Ainsley, et al., *A sweeping new ICE operation shows how Trump's focus on immigration is reshaping federal law enforcement*, NBC News (June 4, 2025), https://www.nbcnews.com/politics/justicedepartment/ice-operation-trump-focus-immigration-reshape-federal-lawenforcement-rcna193494; Brittany Gibson & Stef W. Kight, Scoop: Stephen Miller, Noem tell ICE to supercharge immigration arrests, Axios (May 28, 2025), available at https://www.axios.com/2025/05/28/immigration-ice-deportations-stephen-miller.

[5] Hannity, *Stephen Miller says the admin wants to create the strongest immigration system in US History*, FOX NEWS (May 28, 2025), available at https://www.foxnews.com/video/6373591405112 (last visited Aug. 24, 2025).

INNOVATION LAW LAB
915 Broadway Street, Suite 100
Vancouver, WA 98660
Telephone: +1 503-922-3042

would not have warrants.[6] As another e-mail put it: "If it involves handcuffs on wrists, it's probably worth pursuing."[7]

44. The overriding message, communicated by and to Respondents, is that agents and officers carrying out immigration operations on the ground must prioritize arrest numbers, regardless of the law. As one ICE official put it earlier this year, all that matters is "numbers, pure numbers, [q]uantity over quality."[8]

45. The District Court for the District of Oregon recently found that DHS implemented these practices in Oregon. *M-J-M-A- v. Hermosillo*, 6:25-cv-02011-MTK, Dkt. 88 at 2 (D.Or. Feb. 27, 2026). The Court found that "[t]o serve the President's demands for 3,000 immigration arrests each day nationally" ICE officers deployed to Oregon communities and arrested an "extraordinary" number of Oregonians beginning in October 2025. *Id.* at 5.

46. The District Court for the District of Oregon found that "ICE officers traveled to Portland, Oregon from their usual duty stations in Arizona, California, Colorado, Minnesota, and Nebraska…to come to Oregon to assist with street arrests and conduct at-

---

[6] José Olivares, *US immigration officers ordered to arrest more people even without warrants*, The Guardian (June 4, 2025), https://www.theguardian.com/us-news/2025/jun/04/immigration-officials-increased-detentions-collateral-arrests.

[7] José Olivares, *US immigration officers ordered to arrest more people even without warrants*, The Guardian (June 4, 2025), https://www.theguardian.com/us-news/2025/jun/04/immigration-officials-increased-detentions-collateral-arrests.

[8] Jennie Taer, *Trump admin's 3,000 ICE arrests per day quota is taking focus off criminals and 'killing morale': insiders warn*, NY Post, June 17, 2025, https://nypost.com/2025/06/17/us-news/trump-admins-3000-ice-arrests-per-day-quota-is-taking-focus-off-criminals-and-killing-morale-insiders/ [https://perma.cc/DB9R-MJUC] (last visited Oct. 15, 2025) ("The Trump administration's mandate to arrest 3,000 illegal migrants per day is forcing ICE agents to deprioritize going after dangerous criminals and targets with deportation orders, insiders warn. Instead, federal immigration officers are spending more time rounding up people off the streets, sources said. 'All that matters is numbers, pure numbers. Quantity over quality,' one Immigrations and Customs Enforcement insider told The Post.").

INNOVATION LAW LAB
915 Broadway Street, Suite 100
Vancouver, WA 98660
Telephone: +1 503-922-3042

large enforcement—finding, locating, and targeting people that are undocumented here in the Portland, Oregon, or Washington area. *Id.* at 6. Enforcement operations in Oregon during this time were variously called "Operation Fortifying the Border," "Operation Black Rose," "Operation Portland Safe," and "Operation Portland Sweep." *Id.*

47. Under current immigration policies, Immigration Judges, who report to the U.S. Attorney General, do not independently review or neutrally adjudicate bond hearings. The Trump administration has placed enormous pressure on IJs to deny bond requests. First, EOIR announced that judges must now find that anyone who entered the country without admission or parole is categorically ineligible for bond, despite the fact that the agency had, for decades, properly recognized bond eligibility for many such undocumented entrants. Then, EOIR leadership doubled down, continuing to direct IJs to find no bond jurisdiction for all undocumented entrants in spite of clear direction from a federal court that such practice was unlawful. *See Maldonado-Bautista v. Santacruz*, — F.Supp. 3d—, 2026 WL 468284, at *10 ("the Court asked Respondents to explain why [Immigration Judges] continue to rely on *Yajure Hurtado* despite the fact its underlying legal interpretation was found irreconcilable with this Court's declaration of law…Respondents confirmed their argument was '[e]ssentially' that *Yajure Hurtado* remains a 'valid legal interpretation…binding all [immigration judges] due to the BIA's power to issue precedential decisions'…[T]he Court then asked whether Respondents' position 'priviledge[d] an executive agency's legal interpretation over a federal district court's legal interpretation'…The Court did not receive a definitive response from Respondents.")

48. Moreover, even for those noncitizens EOIR still deems eligible for consideration of release bond, EOIR leadership has pressured Immigration Judges to deny

INNOVATION LAW LAB
915 Broadway Street, Suite 100
Vancouver, WA 98660
Telephone: +1 503-922-3042

bond as a matter of discretion. Indeed, a current immigration judge has characterized the pressure from EOIR leadership to deny bond as "overt."[9] The Chief Immigration Judge reportedly receives daily reports about bond rulings from immigration courts across the country, and immigration judges are required to report any bond grants they issue to their supervisor.[10] Three sources affirmed that the Chief Immigration Judge's office has emailed immigration judges directly after bond grants, in essence asking the judges to explain themselves and justify their bond grant decisions to the highest level of EOIR leadership.[11]

Petitioner's Background, Arrest, and Detention

49. Petitioner M-A-C-C- is a devoted father of three and a committed partner of over a decade who had established a fixed residence and steady employment as a restaurant worker in Beaverton, Oregon for three years before Respondents detained him. Petitioner's Declaration in Support of Petition for Writ of Habeas Corpus ("Petitioner's Decl.") at ¶¶ 2, 6. M-A-C-C-'s country of origin and citizenship is Mexico. *Id.* at ¶ 2. He fled Mexico because his partner's family has been targeted by a dangerous cartel. *Id*. at ¶¶ 3-5.

50. Between November 2020 and February 2022, Petitioner made five attempts to enter the United States. *Id*. at ¶ 4; Declaration of José G. Miranda ("Miranda

[9] Nicholas Nehamas, Allison McCann, Steven Rich, Jazmine Ulloa and Hamed Aleaziz, "How Trump Purged Immigration Judges to Speed Up Deportations," THE NEW YORK TIMES (April 9, 2026), available at https://www.nytimes.com/2026/04/09/us/politics/trump-miller-immigration-judges-purge.html?unlocked_article_code=1.ZlA.r8Wc.9un2BRJnNc5Z&smid=url-share (last visited April 9, 2026).

[10] Nicholas Nehamas, Allison McCann, Steven Rich, Jazmine Ulloa and Hamed Aleaziz, "How Trump Purged Immigration Judges to Speed Up Deportations," THE NEW YORK TIMES (April 9, 2026), available at https://www.nytimes.com/2026/04/09/us/politics/trump-miller-immigration-judges-purge.html?unlocked_article_code=1.ZlA.r8Wc.9un2BRJnNc5Z&smid=url-share (last visited April 9, 2026).

[11] *Id.*

INNOVATION LAW LAB
915 Broadway Street, Suite 100
Vancouver, WA 98660
Telephone: +1 503-922-3042

Decl."), Ex. 3, Form I-213 at 5. On each occasion he was expelled to Mexico under Title 42, a public health expulsion policy in effect during the COVID-19 pandemic. *Id*. In March of 2022, Petitioner entered the United States without inspection. Petitioner's Decl. at ¶ 4.

51. Petitioner has no criminal history. *Id*. at ¶ 7; Miranda Decl., Ex. 3, Form I-213 at 5. His only arrest ever occurred on the morning of November 29, 2025, when two ICE agents stopped him while he was driving to work. Petitioner's Decl. at ¶¶ 7-8. He was lawfully obeying all the traffic laws at the time he was stopped. *Id*. at ¶ 8. The ICE agents who stopped Petitioner did not present him with a warrant, nor did they explain the reason for the stop. *Id*. at ¶ 9. Within minutes, Petitioner was ordered out of his car and placed in handcuffs. *Id.* Petitioner complied with all the agents' instructions and commands and made no attempt to resist arrest or flee. *Id*.; Miranda Decl., Ex. 3, Form I-213 at 4.

52. After being processed at the Portland ICE office, ICE transported Petitioner to the NWIPC in Tacoma where he has been detained ever since. Petitioner's Decl. at ¶ 11.

53. Petitioner applied for asylum while in immigration detention, and on April 2, 2026, the Tacoma Immigration Court denied his asylum application. *Id*. at ¶ 12. Petitioner promptly retained counsel and timely filed an appeal of his removal order with the BIA, where his asylum claim remains pending. *Id*.; Miranda Decl., Ex. 6, BIA Receipt Notice for Petitioner's pending appeal of his removal order.

Petitioner's Prior Habeas Proceedings

54. Upon arresting Petitioner, the DHS failed to conduct a meaningful, individualized custody determination as required by 8 U.S.C. § 1226(a) and § 8 C.F.R. § 1236.1(c)(8).

INNOVATION LAW LAB
915 Broadway Street, Suite 100
Vancouver, WA 98660
Telephone: +1 503-922-3042

55. Beginning in July 2025, Respondent DHS adopted a policy of mandatory detention directly at odds with the INA.[12] *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, 2025 WL 3713987, at *12 (C.D. Cal. Dec. 18, 2025).

56. This policy was later adopted by EOIR in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), and subsequently deemed unlawful. *Rodriguez Vasquez v. Bondi*, 779 F.Supp. 3d 1239 (W.D. Wash. 2025); *Maldonado-Bautista v. Santacruz*, —F.Supp. 3d—, 2026 WL 468284, at *10 (C.D. Cal. Feb. 18, 2026).

57. On March 20, 2026, M-A-C-C- filed a petition for writ of habeas corpus arguing that his detention violated the U.S. Constitution and the INA, and that he was entitled to a bond hearing under 8 U.S.C. § 1226(a) as a member of the Bond Denial Class certified in *Rodriguez Vazquez v. Bostock,* 779 F. Supp. 3d 1239 (W.D. Wash. 2025) and *Maldonado Bautista*, 2025 WL 3713987. *M.A.C.C. v. Hernandez*, No. 2:26-cv-00958-TMC, Dkt. 1 (W.D. Wash. Mar. 20, 2026).

58. On April 20, 2026, United States District Judge Tiffany M. Cartwright granted M-A-C-C-'s habeas petition, finding that his "mandatory" detention under 8 U.S.C. § 1225(b) violated the INA and entitling him to habeas relief.[13]

59. The Court declared M-A-C-C- had "shown that [his] mandatory detention under § 1225(b) violates the INA, entitling [him] to habeas relief."[14]

---

[12] U.S. Immigr. & Customs Enf't, *ICE Memo: Interim Guidance Regarding Detention Authority for Applications for Admission*, AILA Doc. No. 25071607 (July 8, 2025), https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission (last visited Mar. 6, 2026).

[13] Miranda Decl., Ex. 7 (Copy of Order granting Petitioner's first habeas petition, *M.A.C.C. v. Hernandez*, No. 2:26-cv-00958-TMC, Dkt. 12 (W.D. Wash. Apr. 20, 2026)).

[14] *Id.* at p. 4.

INNOVATION LAW LAB
915 Broadway Street, Suite 100
Vancouver, WA 98660
Telephone: +1 503-922-3042

60. The Court ordered Respondents to either release Petitioner or provide him with a bond hearing under 8 U.S.C.§1226(a).[15]

Petitioner's Post-Habeas IJ Custody Proceeding & Agency Decision

61. DHS, a respondent in the habeas action, has not and did not make an initial custody determination under 8 U.S.C. § 1226(a) as required by regulation. 8 C.F.R. § 1236.1(c)(8).

62. On April 27, 2026, seven days after this Court's order, Petitioner was provided a bond hearing before Immigration Judge John C. Odell at the Tacoma Immigration Court.[16] He was represented by two attorneys, José G. Miranda and Kathleen Pritchard of Innovation Law Lab, who submitted a memorandum of law arguing for Petitioner's release and 106 pages of supporting evidence.[17] Counsel Miranda appeared at the hearing remotely, and Counsel Pritchard and Petitioner appeared in person. Miranda Decl. at ¶ 5.

63. The hearing began at approximately 10:40 AM and concluded at approximately 10:55 AM PST. *Id.* At the start of the proceedings, counsel explicitly requested that the hearing be recorded. *Id.* ¶ 7. Immigration Judge Odell declined that request without providing any reason. *Id*. As a result, no recording of the hearing was created. *Id*.

64. Immigration Judge Odell admitted both Petitioner's and DHS' evidence at the start of the hearing. *Id*. at ¶ 6; Miranda Decl., Ex. 1-3. DHS did not contest any of Petitioner's evidence. *Id*. at ¶ 6. The record evidence revealed the following facts: Petitioner has no criminal history whatsoever; he entered the United States in 2022 without inspection

[15] *Id.*
[16] Miranda Decl., Ex. 8 (Bond Hearing Notice).
[17] Miranda Decl., Ex. 1 (Bond Memorandum of Law); Ex. 2 (Bond Evidence Packet).

INNOVATION LAW LAB
915 Broadway Street, Suite 100
Vancouver, WA 98660
Telephone: +1 503-922-3042

and lived continuously in Beaverton, Oregon for three years before his arrest by ICE; he has been in a relationship with his partner and the mother of his two children for over a decade; he regularly attends a Catholic church; and he actively participates in his children's school life. Miranda Decl., Ex. 2, Bond Evidence Packet at 22-23, 46-50, 92-93; *Id*., Ex. 3, Form I-213 at 5 (indicating DHS' records reveal "There are no known criminal arrests or encounters against [Petitioner]").

65. The record further showed that prior to his detention, Petitioner lived at a fixed address at an apartment in Beaverton where he resided with his partner and children; he held steady employment at a local restaurant for three years; his previous employer gave assurance that a restaurant job awaits him upon release; and his partner's relative was willing to house him and his family upon release. Miranda Decl., Ex. 2, Bond Evidence Packet at 18, 22-23, 30-31, 46-50, 92-93.

66. Record evidence also demonstrated that Petitioner's partner and children are in non-detained proceedings before the Portland Immigration Court, with a preliminary hearing scheduled for July 25, 2028; and that Petitioner has appealed the denial of his asylum application and his appeal remains pending before the BIA. *Id.* at 68, 106.

67. Finally, the evidence included a letter from a U.S. citizen sponsor stating he was prepared to assist Petitioner in following the legal process and provide him financial support upon release; and additional character support letters from eight other community members. *Id.* at 33-34, 46-65.

68. The record demonstrated Petitioner has no criminal history. *Id*. at 92; Miranda Decl., Ex. 3, Form I-213 at 5.

INNOVATION LAW LAB
915 Broadway Street, Suite 100
Vancouver, WA 98660
Telephone: +1 503-922-3042

69. At no point during the hearing did Immigration Judge Odell articulate what legal standard he had applied to the facts of Petitioner's case, nor did he identify any caselaw, binding or otherwise, which guided his decision. Miranda Decl. at ¶ 18.

70. Petitioner experienced the hearing as hostile. Petitioner's Decl. at ¶ 15. He observed Immigration Judge Odell interrupt and talk over his attorneys on multiple occasions and noticed that the IJ spoke in an angry and irritated tone. *Id*. at ¶ 16. When the Immigration Judge asked Petitioner questions through an interpreter, Petitioner found some of the questions confusing. *Id*. Though he expressed that he did not understand, the Immigration Judge simply repeated the same question. *Id*.

71. IJ Odell denied bond, stating orally that Petitioner had failed to demonstrate that he was not a danger to the community or a flight risk. Miranda Decl. at ¶ 16. Counsel preserved appeal on behalf of Petitioner. *Id*. The IJ subsequently clarified to co-counsel in person that the denial was based on flight risk only. *Id*.

72. After the hearing, Immigration Judge Odell issued a checkbox order denying bond based on flight risk. Miranda Decl., Ex 4, IJ Bond Order at 1-2. The checkbox order contains in relevant part the following text:

> **Order:**
>
> [X] ORDERED that the request for a change in custody status be denied. No bond.
> [X] Respondent has failed to show that he is not a Flight Risk.
> …
> [X] OTHER: Conditional release is: denied
>
> [X] OTHER: Ability to pay considered.[18]

[18] Miranda Decl., Ex 4 (IJ Bond Order) at 1-2.

INNOVATION LAW LAB
915 Broadway Street, Suite 100
Vancouver, WA 98660
Telephone: +1 503-922-3042

73. Upon information and belief, the Immigration Judge denied bond for factors related to the ideological goals of the Trump administration rather than based upon Petitioner's individual facts and circumstances.

74. M-A-C-C-'s counsel filed an administrative appeal of the Immigration Judge's no-bond decision on May 2, 2026.[19] The BIA has accepted and receipted the appeal.[20]

Petitioner's Continued Detention and the Futility of the Administrative Appeal

75. Applying the prudential exhaustion doctrine here to require M-A-C-C- to wait for the BIA to decide his appeal will not serve the needs of justice. *McCarthy v. Madigan*, 503 U.S. 140, 144-145 (1992).

76. There is no expertise that the agency could bring to the case to generate the record or reach a proper decision and the BIA is unlikely to correct the Immigration Judge's mistakes.

77. The BIA is an administrative body within EOIR, a Justice Department component. 8 C.F.R. § 1003.1(d)(1).

78. The BIA adjudicates administrative appeals of Immigration Judge bond decisions. 8 C.F.R. § 1236.1(d)(3).

79. In 2024, EOIR data showed an average processing time of 204 days for bond appeals. *Rodriguez v. Bostock*, 802 F. Supp. 3d 1297, 1307 (W.D. Wash. 2025). Between 2015 and 2024, bond appeal cases took a year or longer to resolve. *Id.*

[19] Miranda Decl., Ex. 5 (Filing Receipt issued by the Board of Immigration Appeals for Petitioner's pending appeal of the Immigration Judge's April 27, 2026 "no bond" order).

[20] *Id.*

INNOVATION LAW LAB
915 Broadway Street, Suite 100
Vancouver, WA 98660
Telephone: +1 503-922-3042

80. During the time it takes the BIA to resolve the bond appeal, most detainees' claims are mooted by adjudications in their removal proceedings. *Id.*

81. The BIA renders decisions in bond cases in service to an ideological objective and not based on the facts or law of the case.

82. The presumption that the BIA will properly discharge their official duties and act with procedural regularity, with bona fide, non-pretextual reasons is unwarranted here. *See, e.g.,* Nicholas Nehamas, et al., *How Trump Purged Immigration Judges to Speed Up Deportations*, NY Times (April 9, 2026), available at: https://www.nytimes.com/2026/04/09/us/politics/trump-miller-immigration-judges-purge.html (last visited Apr. 10, 2026) (describing how the Chief Immigration Judge receives daily reports about bond rulings and "[o]ne current judge said the 'pressure to deny bond is overt.' The judge said that there was a requirement to inform a supervisor every time bond was granted, underscoring how closely the administration was monitoring decisions").

83. The BIA will not render a fair judgement in M-A-C-C's administrative appeal making it futile. U.S. Dep't of Justice, *YOU BE THE JUDGE,* https://perma.cc/FS3J-SVGD (last visited April 11, 2026) (in recruitment ad for immigration judges for the Tacoma Immigration Court: "Help write the next chapter of America. Apply today to become a *deportation judge* and you may be entitled to these benefits.") (italics added); Jason A. Cade, *Welcome to the Trump Administration's Board of Immigration Appeals: The Immigrant Always Loses*, 135 Yale L.J.F. (forthcoming 2026), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=6506380 ("The Trump administration has used the Attorney General's self-referral power and a reconstituted, ideologically aligned Board to issue 91 precedential decisions, at more than three times the historical pace, in its

INNOVATION LAW LAB
915 Broadway Street, Suite 100
Vancouver, WA 98660
Telephone: +1 503-922-3042

first fourteen months. The goal is to engineer a body of precedents that reliably produces one result: removal").

84. All immigration courts, including the immigration court that heard M-A-C-C-'s habeas-ordered bond hearing, are "equipped with recording devices and routinely record merits hearings." *Singh v. Holder*, 638 F.3d 1196, 1209 (9th Cir. 2011). However, as a matter of policy, "[b]ond hearings are seldom recorded and are not routinely transcribed." BIA Practice Manual, Chap. 7.3(b)(ii) (last revised Nov. 14, 2022).

85. There is irreparable harm caused by Petitioner's unnecessary detention. The detention has forced the displacement of Petitioner's family from their apartment because the Petitioner's partner could no longer afford rent without his income. Petitioner's Decl. at ¶ 13. The youngest of Petitioner's children, who is six years old, has fallen into a worrisome depression. *Id.* The detention has completely upended—unnecessarily—the lives of the Petitioner, his partner, and their children. *Id.*

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Procedural Due Process
Failure by DHS to conduct individualized determination
(Against Respondents Hernandez, DHS, Lyons)

86. Petitioner restates and realleges all paragraphs as if fully set forth here.

87. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits the federal government from depriving any person of "life, liberty, or property, without due process of law." U.S. Const. Amend. V. Due process protects "all 'persons'

INNOVATION LAW LAB
915 Broadway Street, Suite 100
Vancouver, WA 98660
Telephone: +1 503-922-3042

within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693.

88. Due process requires that government action be rational and non-arbitrary. *See United States v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

89. While the Government has discretion to detain individuals under 8 U.S.C. § 1226(a), this discretion is not "unlimited" and must comport with constitutional due process. *See Zadvydas*, 533 U.S. at 698.

90. Under the Due Process Clause, immigration detention must always "bear[] a reasonable relation to the purpose for which the individual was committed." *Demore*, 538 U.S. at 527 (quoting *Zadvydas*, 533 U.S. at 690).

91. Petitioner's detention does not bear a "reasonable relation" to either preventing flight risk or preventing danger to the community. *Id*.

92. When agents arrested M-A-C-C-, they did not ask him a single question about his ties to the community, his employment, his family, or any other factor relevant to a custody determination. Petitioner's Decl. at ¶ 8. They simply arrested him and transported him to the Portland ICE office. *Id*. at ¶¶ 8-9. The only individualized assessment DHS conducted was a check of his criminal and immigration history, but this was a mechanical exercise and not the deliberative process due process requires.[21]

93. Respondents' failure to conduct an individualized custody determination and provide an opportunity for Petitioner to be heard in that process prior to or contemporaneous with Petitioner's detention violates his due process rights.

[21] Miranda Decl., Ex. 3 (DHS Form I-213).

INNOVATION LAW LAB
915 Broadway Street, Suite 100
Vancouver, WA 98660
Telephone: +1 503-922-3042

COUNT TWO

Violation of Fifth Amendment Right to Procedural Due Process

Failure by Immigration Court to conduct constitutionally adequate custody determination

(Against Respondents EOIR, Attorney General)

94. Petitioner restates and realleges all paragraphs as if fully set forth here.

95. "Freedom from imprisonment—from government custody, detention or other forms of physical restraint—lies at the heart of the liberty that [Due Process] Clause protects." *Zadvydas*, 533 U.S. at 690.

96. Under the Due Process Clause, immigration detention must always "bear[] a reasonable relation to the purpose for which the individual was committed." *Demore*, 538 U.S. at 527 (quoting *Zadvydas*, 533 U.S. at 690).

97. Petitioner's detention does not bear a "reasonable relation" to either preventing flight risk or preventing danger to the community. *Id.*

98. Due process requires procedures adequate enough to minimize the risk of erroneous deprivation of a protected liberty interest. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

99. The constitutional deficiency in Petitioner's bond hearing began before the first substantive matter was reached, when Petitioner's counsel explicitly requested that the hearing be recorded. Miranda Decl. at ¶ 7. The Immigration Judge refused without explanation. *Id*. The IJ's affirmative refusal to record the proceedings increases the risk of erroneous deprivation of Petitioner's liberty in violation of due process. *Mathews*, 424 U.S. at 335.

100. Due process also requires that adjudicators provide at least some reasoned explanation for the decisions they reach. *She,* 629 F.3d at 963 (superseded by

INNOVATION LAW LAB
915 Broadway Street, Suite 100
Vancouver, WA 98660
Telephone: +1 503-922-3042

statute) ("Due process and this court's precedent require a minimum degree of clarity in dispositive reasoning and in the treatment of a properly raised argument"); *see also Hernandez-Galand v. Garland,* 996 F.3d 1030, 1034 (9th Cir. 2021) (affirming the BIA abuses its discretion by failing to provide a reasoned explanation for its decisions). The Immigration Judge's failure to provide any reasoned explanation for his conclusion of "no bond"—a *de facto* order of mandatory detention—violates the Petitioner's due process rights.

101. Reviewed under the required legal standard, the record before the Immigration Judge compels only one plausible conclusion: M-A-C-C- is neither a danger to his community nor a flight risk.

102. The danger to the community inquiry is easily resolved, as Petitioner has never been arrested, charged, or convicted of any crime, ever. Petitioner's Decl. at ¶ 7; Miranda Decl., Ex. 3, Form I-213 at 5. Indeed, DHS counsel confirmed as much at Petitioner's bond hearing. Miranda Decl. at ¶ 12.

103. On flight risk, the record is equally clear. Petitioner led a stable life prior to his detention. Petitioner's Decl. at ¶ 6. Miranda Decl., Ex. 2, Bond Evidence Packet at 22-23, 46-50, 92-93. He lived at a fixed address in Beaverton where he resided with his partner of ten years and their two young children. Petr's Decl. at ¶ 2. Miranda Decl., Ex. 2, Bond Evidence Packet at 22. He previously held steady employment at a local restaurant for approximately three years up until he was detained by immigration authorities. Petr's Decl. at ¶ 6; Miranda Decl., Ex. 2, Bond Evidence Packet at 29.

104. Petitioner also had a fixed address waiting for him upon release. Miranda Decl., Ex. 2, Bond Evidence Packet at 17, 22. His partner's cousin provided a letter affirming that Petitioner and his family were welcome in his home. *Id*. at 17.

INNOVATION LAW LAB
915 Broadway Street, Suite 100
Vancouver, WA 98660
Telephone: +1 503-922-3042

105. A U.S. citizen sponsor provided a sworn statement attesting to his ability and willingness to provide Petitioner financial support and to assist him in following the legal process upon release. *Id*. at 42-43. Multiple community members—including staff at his children's elementary school in Beaverton—submitted letters attesting to Petitioner's good character, his involvement in his children's education, and his ties to the community. *Id*. at 41-64. Petitioner's partner affirmed his deep commitment to his family and confirmed that the family is rooted in Beaverton, whether they intend to remain so as not to disrupt their children's schooling. *Id*. at 22.

106. Petitioner has never fled prosecution or escaped from authorities. He has never been the subject of any prosecution, as he has never been arrested or charged with a crime. Petitioner's Decl. at ¶ 7; Miranda Decl., Ex. 3, Form I-213 at 5. He complied with every immigration proceeding required of him, applied for asylum, and pursued his appeal upon denial. Petr's Decl. at ¶ 7; Miranda Decl., Ex. 6, BIA Receipt Notice for Petitioner's pending appeal of his removal order.

107. Petitioner's immigration history does not support a flight risk finding. His five encounters with U.S. immigration authorities at the U.S.-Mexico border between 2020 and 2022 were Title 42 public health expulsions under 42 U.S.C. § 265—not removal orders or voluntary departures under the INA. Miranda Decl. at ¶ 12; *Id.* at Ex. 3, Form I-213 at 5.

108. The Immigration Judge failed to consider the wealth of record evidence establishing Petitioner is neither a flight risk nor a danger. Miranda Decl., Ex. 2, Bond Evidence Packet. The IJ provided no reasoning for his Order denying Petitioner's liberty. Miranda Decl., Ex 4, IJ Bond Order at 1-2. He simply checked a few boxes on a form without

INNOVATION LAW LAB
915 Broadway Street, Suite 100
Vancouver, WA 98660
Telephone: +1 503-922-3042

making factual findings, without articulating the legal standard he applied to M-A-C-C-'s case, and without explaining how he weighed the facts in light of the standard to reach his ultimate conclusion. *Id*.

109. Lastly, due process requires that claims be heard by a neutral adjudicator, and this is all the more important when the adjudicator holds an individual's freedom from confinement in their hands. *Reyes v. INS*, 342 F.3d 1001, 1006 (9th Cir. 2003) (acknowledging "[a] neutral judge is one of the most basic due process protections") (internal quotation marks omitted).

110. Here, the evidence of systematic pressure from EOIR leadership to deny bond at every opportunity,[22] when combined with the Immigration Judge's failure to substantively engage with the record evidence in M-A-C-C-'s case, does not paint the picture of a truly neutral arbitrator. Rather, it suggests that EOIR's lack of neutrality violated Petitioner's due process rights.

COUNT THREE

Violation of the Immigration and Nationality Act and Bond Regulations – Unlawful Denial of Release on Bond

(Against all Respondents)

111. Petitioner restates and realleges all paragraphs as if fully set forth here.

112. Section 1226(a) is the statutory authority for detaining M-A-C-C- "pending a decision on whether [he] is to be removed from the United States." It affords him

[22] Nicholas Nehamas, Allison McCann, Steven Rich, Jazmine Ulloa and Hamed Aleaziz, "How Trump Purged Immigration Judges to Speed Up Deportations," THE NEW YORK TIMES (April 9, 2026), available at https://www.nytimes.com/2026/04/09/us/politics/trump-miller-immigration-judges-purge.html?unlocked_article_code=1.ZlA.r8Wc.9un2BRJnNc5Z&smid=url-share (last visited April 9, 2026).

INNOVATION LAW LAB
915 Broadway Street, Suite 100
Vancouver, WA 98660
Telephone: +1 503-922-3042

a right to a fair, individualized bond hearing before EOIR. *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018); *Matter of Guerra*, 24 I&N Dec. at 37. EOIR failed to provide him with a fair bond hearing and the DHS also failed entirely to provide a reasoned basis for the exercise of its detention authority.

113. Though immigration judges have significant discretionary authority to decide bond and custody matters, the Immigration Judge was still bound to apply a legal standard to the facts of Petitioner's case and explain what that standard was. *See She,* 629 F.3d at 963 (recognizing a requirement that immigration adjudicators provide at least "minimum degree of clarity in dispositive reasoning"). But the Immigration Judge failed to articulate any legal standard or cite to any binding authority in his oral decision on the day of Petitioner's hearing.

114. The Immigration Judge's failure to identify, in his oral decision, the operative legal standard (or indeed *any* legal standard), was clear legal error. Under *Martinez*, it is only when the Immigration Judge "expressly cited and applied [the relevant caselaw] in rendering [their decision]" that he is entitled to a presumption that he applied the correct legal standard. 124 F.4th at 785 (citing *Mendez-Castro v. Mukasey*, 552 F.3d 975, 980 (9th Cir. 2009). Here, when the Immigration Judge made his decision at the bond hearing on April 27, 2026, he failed to identify a legal standard, much less the correct one, and that constituted clear legal error.

115. Though the Immigration Judge failed to articulate the legal standard that he was applying to the facts of M-A-C-C-'s case and cited no legal authority informing his analysis of his case, prevailing caselaw establishes that there *are* standards which should

INNOVATION LAW LAB
915 Broadway Street, Suite 100
Vancouver, WA 98660
Telephone: +1 503-922-3042

have governed Petitioner's bond matter. For one, the Immigration Judge was bound to weigh the *Guerra* factors, 24 I&N Dec. at 40.

116. As to the flight risk inquiry, the setting of a bond is meant to ensure a noncitizen's appearance at future proceedings. Thus, the standard for determining flight risk centers around the question of whether a noncitizen will appear at future proceedings or not. *Urena*, 25 I. & N. Dec. at 141 (affirming that "the setting of bond is designed to ensure an alien's presence at proceedings"). Moreover, this Court has held that a non-citizen's immigration violation from years prior, their use of a fake social security number to work, and the perceived weakness of their claim for immigration relief are insufficient, without more, to support an Immigration Judge's flight risk finding. *Lima Soriano v. Hernandez*, Case No. 2:26-cv-00900-DGE, Dkt. 10 at pp. 9–11 (W.D. Wash. Apr. 10, 2026)

117. Though an Immigration Judge need not provide a complete recitation of every piece of evidence in order to establish they duly considered the record evidence, where an agency adjudicator "fail[s] to mention highly probative or potentially dispositive evidence," the federal courts will not defer to the agency's use of a " 'catchall phrase' to the contrary." *Martinez*, 124 F.4th at 785 (9th Cir. 2024) (internal citations omitted).

118. Here, the Immigration Judge erred in failing to center his flight risk inquiry on whether the noncitizen is likely to appear for future proceedings upon release. *Urena*, 25 I&N Dec. at 141. Moreover, in his oral decision, the IJ failed to acknowledge, much less meaningfully weigh, probative record evidence that Petitioner did not present a flight risk. Miranda Decl. at ¶ 14. Petitioner had a fixed address and steady employment waiting for him upon release; a long-term partner and two young children rooting him to Beaverton, Oregon; a U.S. citizen sponsor and universal legal representation program

INNOVATION LAW LAB
915 Broadway Street, Suite 100
Vancouver, WA 98660
Telephone: +1 503-922-3042

committed to providing him support in his legal process. Miranda Decl., Ex. 2, Bond Evidence Packet at 18, 22-23, 30-31, 46-50, 92-93. Petitioner also has never been the subject of any prosecution, thus has never fled prosecution or escaped from authorities. *Id.* at 93; Miranda Decl., Ex. 3, Form I-213 at 5. The Immigration Judge's failure to engage with this "highly probative" evidence, or to articulate any legal standard governing his flight risk determination, constitutes legal error. *Martinez*, 124 F4th at 785.

119. The Immigration Judge committed an additional and independent legal error by failing to consider whether any bond amount or conditions of supervision could mitigate any flight risk before issuing a no-bond order. Due process requires consideration of a noncitizen's financial ability to pay and whether alternative conditions of supervision are sufficient to mitigate flight risk. *Hernandez*, 872 F.3d at 986-87. This is because "there is simply no way for the government to know whether a lower bond or an alternative condition would adequately serve those purposes when it fails to consider those matters." *Id.* at 991. The Immigration Judge made no such inquiry. In his oral decision, the Immigration Judge did not engage in any analysis of whether conditions of release could adequately mitigate the risk he identified. Miranda Decl. at ¶ 19. This total failure to engage with a legally required inquiry is an independent error of law this Court has jurisdiction to correct. *Martinez*, 124 F.4th at 783.

120. Respondents have violated §1226(a), its implementing regulations, and the caselaw governing bond determinations by detaining Petitioner without providing him the fair, individualized release determination that the statute and regulations mandate.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests this Court grant the following:

INNOVATION LAW LAB
915 Broadway Street, Suite 100
Vancouver, WA 98660
Telephone: +1 503-922-3042

1. Assume jurisdiction over this matter;
2. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
3. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment, the INA, and the implementing regulations;
4. Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from custody;
5. In the alternative, conduct a hearing before this Court, wherein Respondents bear the burden of proof, to determine whether Petitioner presents a flight risk or danger that justifies continued detention;
6. Order Respondents to immediately return to Petitioner upon his release any and all property taken from him during the course of his arrest and detention, including, but not limited to, his Oregon driver's license;
7. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
8. Grant any further relief this Court deems just and proper.

Dated: May 6, 2026.

s/Miguel Cardenas de Avila
Miguel Cardenas de Avila, WSBA#61118
miguel@innovationlawlab.org

s/Kathleen Pritchard
Kathleen Pritchard, OSB No. 225757*
kate@innovationlawlab.org

s/Stephen W. Manning
Stephen W Manning, OSB No. 013373*
stephen@innovationlawlab.org

INNOVATION LAW LAB
915 Broadway Street, Suite 100
Vancouver, WA 98660
Telephone: +1 503-922-3042

s/José G. Miranda
Jose G. Miranda, NYSB No. 5714969*
jmiranda@innovationlawlab.org

INNOVATION LAW LAB
333 SW 5th Avenue
Suite 200
Portland OR 97204
(503) 922-3042

Attorneys for Petitioner

**Motion for Pro Hac Vice Forthcoming*