Southern District of West Virginia District Court

Case: ***Urquilla-Ramos v. Trump*, 2:26-cv-00066 (SDWV February 19, 2026)**

Memorandum Opinion & Order: Joseph R. Goodwin

Tags: Habeas, immigration, detention, 4th Amendment, 5th Amendment, Unreasonable Searches & Seizures, Due Process, INA § 1226 v. § 1225, UAC, Asylum Applicant, West Virginia, ICE, masks

Question(s) Presented: Whether Petitioner should be released from ICE custody because of 4th & 5th Amendment and INA §1226 violations.

- "The overarching issue is whether the federal government may deploy anonymous agents to seize persons on American streets and highways for civil violations, without warrants, without identification, and without any process before or after." (*1-2)

Orders:

- Petitioner should be released immediately. (*34)
- Petitioner should not be taken into custody again by ICE (except for a very good reason) (*34)

Rationale:

- EWI entrants arrested in the interior are *not* "seeking admission" and therefore are entitled to bond. (*30)
- The 4th Amendment's prohibition against unreasonable searches and seizures means that masked law enforcement agents are violating the Constitution. (*30)
    - **"I conclude that the use of masked agents to effect a civil immigration detention under these circumstances is unreasonable and unconstitutional. As a result, Petitioner's Fourth Amendment rights were unquestionably violated."** (*9)
- Petitioner, as a noncitizen, is entitled to due process protections under the 5th Amendment. (*30-31)
- **"Immediate release is the only relief sufficient to remedy Petitioner's unlawful detention." (*2)**

Facts:

- EWI entrant from El Salvador as a UAC, subsequently applied for asylum. Had valid work permit and driver's license. (*7)
- "Petitioner has no criminal history or gang affiliations and has been living in the United States since he was a minor, substantially mitigating any asserted public-safety or flight-risk concerns." (*33)
- 1.7.2026: Petitioner arrested while driving in WV. Masked agents in unmarked SUV with no license plates stopped him, and others in unmarked SUVs soon surrounded him. He was told that there was a plastic covering over his license plate, but was never cited for any traffic violation. He was arrested and transported to a jail within the SDWV. (*3-4)
- 2.2.26: ICE transferred Petitioner to TX and then WA, against DC Judge's TRO. (*4)
- 2.12.26: ICE returned him to SDWV custody. (*4)

Procedural History:

- 1.7.2026 - Arrest & detention in SDWV
- 1.28.2026 – Habeas filed with SDWV
- 1.29.2026 – SDWV stayed removal of Petitioner from the district
- 2.2.2026 – Gov't transferred him to TX and then WA
    - Gov't respondent to petition and moved for dismissal "based on several legal theories, most of which have already been rejected by four judges in this district." (4)
- 2.12.2026 – Gov't returned Petitioner to SDWV per Judge's order.
- 2.19.2026 – Show Cause Hearing – Judge Goodwin granted Petition on the record.

Attorneys' Arguments:

- Detention was unlawful under 4th Amendment & 5th Amendment because "Petitioner was arrested by unidentifiable, masked officers acting without a warrant, without articulable justification for concealing their identities, and with no mechanism by which he could identify those seizing him or meaningfully test the legality of their asserted authority." (*6-7)

APPEALS TO STATUTE & PRECEDENT

U.S. Constitution

- **U.S. Const. amend. IV.:** guarantees "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures . . . ."
- **U.S. Const. amend. V.:** "[n]o person shall be . . . deprived of life, liberty, or property, without due process of law . . . ."

SDWV & other DC Habeas Orders

- ***Aroca v. Mason*, --- F. Supp. 3d ---, 2026 WL 357872, at *7–17 (S.D. W. Va. Feb. 9, 2026) (Goodwin, J.):** rejects DHS's legal theories re. mandatory detention for EWI entrants arrested in the interior of the U.S.
- ***Solano v. Mason*, No. 2:26-cv 00045, --- F. Supp. 3d ---, 2026 WL 311624 (S.D. W. Va. Feb. 4, 2026) (Johnston, J.):** Same as ^^^. Released petitioner w/o bond hearing.
- ***Gonzalez v. Aldridge*, No. 3:26 cv-00055, 2026 WL 313476 (S.D. W. Va. Feb. 5, 2026) (Chambers, J.):** Same as ^^^.
- ***Umarov v. Mason*, No. 2:26-cv-00081, 2026 WL 381614 (S.D. W. Va. Feb. 11, 2026) (Berger, J.):** Same as ^^^.
- ***Larrazabal-Gonzalez v. Mason*, --- F. Supp. 3d. ---, 2026 WL 221706, at 5 (S.D. W. Va. Jan. 28, 2026) (Goodwin, J.):** "There is no process to await. The Constitution requires release."
- ***Flores v. Mason*, No. 2:26-cv-00044, 2026 WL 227010, at *3 n.5 (S.D. W. Va. Jan. 28, 2026) (Goodwin, J.)**
- ***Escobar Molina v. DHS*, --- F. Supp. 3d ---, 2025 WL 3465518, at *37 (D.D.C. 2025):** "Requiring defendants to put pen to paper and explain who made each arrest and why constitutes the bare minimum to ensure defendants are compliant with the Constitution, the INA, and this Court's order, given the blatant misstatements about the INA's requirements for such arrests repeatedly espoused by DHS high-ranking officials."

- ***Quijada Cordoba v. Knight*, No. 1:25-CV-00605-BLW, 2025 WL 3228945, at *9 (D. Idaho Nov. 19, 2025)** (collecting cases of "courts across the country [that] have ordered the immediate release of detainees in similar situations" and ordering the release of a petitioner who challenged his detention without a bond hearing)
- ***Yao v. Almodovar*, No. 25-CV-9982, 2025 WL 3653433, at *12 (S.D.N.Y. Dec. 17, 2025)** (same)

Habeas Statutes

- **28 U.S.C. § 2241:** Habeas standard conferring on federal district courts "the authority to hear applications for habeas corpus by any person who claims to be held "in custody in violation of the Constitution or laws or treaties of the United States . . . ." §2241 (c)
- **28 U.S.C. § 2243:** After receiving the petition and any response thereto, "[t]he court shall summarily hear and determine the facts, and dispose of the matter as law and justice require."

Judicial Review: INA & Case Law

- **8 U.S.C. § 1252(b)(9):** JX: no judicial review for orders of removal. [IOW, Jx re. detention is cool]
- **8 U.S.C. § 1252(g):** JX: no judicial review re. commencement of immigration proceedings, adjudication, or removal orders. [IOW, Jx re. detention is cool] ***Jennings v. Rodriguez*, 583 U.S. 281, 293–95 (2018) (plurality opinion):** District courts have habeas jx, even if they can't review commencement / adjudication of removal proceedings themselves.
- ***Casa De Maryland v. U.S. DHS*, 924 F.3d 684, 697 (4th Cir. 2019):** §1252(b)(9) applies only with respect to an order of removal. [IOW, district courts still have jx to adjudicate habeas petitions.]
- ***Reno v. Am.-Arab Anti-Discrimination Comm.* ("*AADC*"), 525 U.S. 471, 482 (1999) (quoting 8 U.S.C. § 1252(g):** § 1252(g) doesn't strip district court Jx re. habeas claims, only review of A.G.'s decisions to "commence proceedings, adjudicate cases, or execute removal orders."

Habeas Case Law

- ***Wall v. Kiser*, 21 F.4th 266, 273 (4th Cir. 2021):** "[H]abeas corpus is a broad, independent writ designed to address challenges to any illegal custody."
- ***Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973):** Habeas is available even for those who have been arrested and detained "by executive direction."
    - The "heart of habeas corpus" is the challenge to a petitioner's confinement (or the duration of his confinement), where he seeks "immediate release or a speedier release from that confinement." *Id.* at 498.
- ***Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004):** Habeas is "available to every individual detained within the United States."
- ***Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001):** noncitizens may invoke habeas in immigration-related matters where no other statutory mechanism for review is provided.
    - "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.
    - ". . . once an alien enters the country, the legal circumstance changes, for the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent."3 Zadvydas, 533 U.S. at 693.

- ***Trump v. J.G.G.*, 604 U.S. 670, 672 (2025):** Indeed, challenges to present immigration confinement "fall within the 'core' of the writ of habeas corpus." (quoting Nance v. Ward, 597 U.S. 159, 167 (2022)
- ***Walker v. Johnston*, 312 U.S. 275, 286 (1941):** "On a hearing, [the § 2241 petitioner has] the burden of sustaining his allegations by a preponderance of evidence."
- ***Parke v. Raley*, 506 U.S. 20, 31 (1992):** Habeas: preponderance of the evidence standard, burden on the petitioner.
- ***Sumner v. Mata*, 449 U.S. 539, 551 (1981):** Habeas: preponderance of the evidence standard, burden on the petitioner.

Constitution and Noncitizens (General)

- ***United States v. Verdugo-Urquidez*, 494 U.S. 259, 272–73 (1990)**: "[A]liens receive constitutional protections when they have come within the territory of the United States and developed substantial connections with this country." (emphasis added)
- ***Kleindienst v. Mandel*, 408 U.S. 753, 769 (1972):** Congress's power over immigration policy is "plenary."
- ***Mathews v. Diaz*, 426 U.S. 67, 79–80 (1976):** Congress creates rules for noncitizens "that would be unacceptable if applied to citizens." But "even one whose presence in this country is unlawful, involuntary, or transitory is entitled to . . . constitutional protection." Id. at 77.

Fourth Amendment Case Law

- ***U.S. v. Knights*, 534 U.S. 112, 118 (2001):** "The touchstone of the Fourth Amendment is reasonableness . . . ."
- ***County of Los Angeles v. Mendez*, 581 U.S. 420, 427 (2017) (quoting *Tennessee v. Garner*, 471 U.S. 1, 8 (1985):** Assess reasonableness of search & seizure "by carefully weighing 'the nature and quality of the intrusion on the individual's Fourth Amendment interests against the importance of the governmental interests alleged to justify the intrusion.'"
- ***Case v. Montana*, 607 U.S. ---, 146 S. Ct. 500, 508 (2026) (first quoting *Barnes v. Felix*, 605 U.S. 73, 80 (2025); and then quoting *Ohio v. Robinette*, 519 U.S. 33, 39 (1996):** Overall, reasonableness is an objective inquiry that "is evaluated by looking at the 'totality of the circumstances.'"
- ***Carpenter v. United States*, 585 U.S. 296, 303 (2018):** 4th Amendment history.
- ***United States v. Di Re*, 332 U.S. 581, 595 (1948):** A central aim of the Fourth Amendment was, as the Supreme Court later observed, "to place obstacles in the way of a too permeating police surveillance."
- ***Katz v. U.S.*, 389 U.S. 347, 351 (1967):** creates reasonable expectation of privacy interpretation of 4th Amendment--"the Fourth Amendment protects people, not places."
- ***Brown v. Texas*, 443 U.S. 47, 52 (1979):** 4th Amendment secures the right of individuals "to personal security and privacy," free of "arbitrary and abusive" governmental interference.
    - "[W]hen the officers detained [defendant] for the purpose of requiring him to identify himself, they performed a 'seizure' of his person subject to the requirements of the Fourth Amendment." (*18)
- ***Torres v. Madrid*, 592 U.S. 306, 321 (2021):** Fourth Amendment and criminal v. civil context

- "[T]he Fourth Amendment preserves personal security with respect to methods of apprehension old and new." Torres, 592 U.S. at 317
- "[T]he text of the Fourth Amendment expressly guarantees the 'right of the people to be secure in their persons," and our earliest precedents recognized privacy as the 'essence" of the Amendment . . . ." *Id.* at 324

- ***INS v. Delgado*, 466 U.S. 210, 216 (1984):** absent a reasonable suspicion of misconduct, detaining an individual to determine his identity when the individual refuses to show his identification violates the 4th Amendment
- ***United States v. Brignoni-Ponce*, 422 U.S. 873, 878, 881–82 (1975):** "For the same reasons that the Fourth Amendment forbids stopping vehicles at random to inquire if they are carrying aliens who are illegally in the country, it also forbids stopping or detaining persons for questioning about their citizenship on less than a reasonable suspicion that they may be aliens."
- ***INS v. Lopez Mendoza*, 468 U.S. 1032, 1046 (1984)**: assuming, without deciding, that the Fourth Amendment applied to illegal aliens in the United States and stressing the importance of "Fourth Amendment rights of all persons"
- ***Cotzojay v. Holder*, 725 F.3d 172, 181 (2d Cir. 2013):** "[I]t is uncontroversial that the Fourth Amendment applies to aliens and citizens alike."
- ***Carcamo v. Holder*, 713 F.3d 916, 921 (8th Cir. 2013):** "We have observed that the Fourth Amendment, which protects '[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures,' applies as much to illegal aliens inside this country as it does to citizens."
- ***United States v. Murillo-Lopez*, 151 F.4th 584, 589–90 (4th Cir. 2025):** addressing noncitizens' Fourth Amendment challenge to stop.
- ***Brigham City v. Stuart*, 547 U.S. 398, 403 (2006):** "the ultimate touchstone of the Fourth Amendment is 'reasonableness.'"
- ***Tennessee v. Garner*, 471 U.S. 1, 8 (1985):** "[I]t is plain that reasonableness depends on not only when a seizure is made, but also how it is carried out."
- ***Doornbos v. City of Chicago*, 868 F.3d 572, 584 (7th Cir. 2017):** Plainclothes stops without identification "must remain a rare exception, not the rule." (Based on specific, not speculative, knowledge of danger; 583-86)

Fifth Amendment Due Process Case Law

- ***Addington v. Texas*, 441 U.S. 418, 425 (1979):** "civil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection."
- ***Hernandez v. Sessions*, 872 F.3d 976, 990 n.17 (9th Cir. 2017) (citing Zadvydas v. Davis, 533 U.S. 678, 695 (2001)):** "it is well-established that the Due Process Clause stands as a significant constraint on the manner in which the political branches may exercise their plenary authority."
- ***Reno v. Flores*, 507 U.S. 292, 306 (1993)**
- ***Zadvydas v. Davis*, 533 U.S. 678, 690 (2001):** "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."

- **"[T]he Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." (at 693)**

- ***Mathews v. Eldridge*, 424 U.S. 319, 332 (1976):** balancing framework:
  - Private interest
  - Harm resulting from deprivation of private interest
  - Government's interests

RELEVANT U.S. HISTORY (See *14ff.)

- **Alien & Sedition Acts of 1798** – "which granted federal agents broad discretion to remove individuals deemed dangerous." (*14)
- **Executive Order 6166 (1933)** – FDR created the INS
- **Homeland Security Act (2002):** -- G.W. Bush established DHS & ICE.
- "The Supreme Court has repeatedly emphasized that, despite DHS's broad authority, the agency remains bound by constitutional constraints and may act only through "constitutionally permissible means." Zadvydas, 533 U.S. at 695." (*15)
- "The use of masks and other tactics that obscure official identity carries historical and semiotic weight. Authoritarian regimes have used masked security forces to intimidate and control populations. In this nation's history, the Ku Klux Klan relied on masks to terrorize victims while concealing accountability." (*15-16)
- "The history of the Fourth Amendment confirms that the type of anonymized and indiscernible policing presented here is precisely what the Fourth Amendment was written to prevent." (*16)
  - **Fourth Amendment (ratified 1791)**
  - "the Fourth Amendment emerged directly from the Founding generation's experience with abusive search and seizure practices under British rule." (*16)
  - Rejected generalized warrants and demanded specificity.
  - Moved from property rights to surveillance & reasonable expectations of privacy (*Katz v. U.S.* 1967).

DISCUSSION

On Constitution Applied to Petitioner

- "There can be no doubt that the Petitioner has substantial connections to the country and enjoys rights guaranteed by the Fourth Amendment. He arrived in the United States as a minor and has lived here for the past four years. He holds lawful work authorization and possesses a valid driver's license." (*19)
- "Like the petitioners in Larrazabal-Gonzalez and Aroca, Petitioner is entitled to a bond hearing under § 1226(a) but has not received one, despite being detained since January 7, 2026." (*32)
- "Application of the Mathews factors confirms that the private interest at stake—physical liberty—is substantial; the risk of erroneous deprivation absent a bond hearing is significant; and the Government's interests are not unduly burdened by affording constitutionally required process." (*32-33)

On Masked LEOs

- "In the absence of a warrant, individualized justification, or any means of contemporaneous attribution of the seizure to particular officers, the deployment of masked and anonymous agents to execute a civil

arrest strips the seizure of the accountability the Fourth Amendment presupposes and renders it unreasonable." (*7)

- "An anonymized federal police force for civil enforcement contradicts these principles [of transparency and accountability]." (*12)
- "When masked, unidentifiable agents emerge from an unmarked vehicle and take hold of a person on an American highway, the seizure does not announce itself as the people's authority. It announces only power. The people's will is not expressed in it in any form the person seized, or any witness, can recognize." (*12)
- "In a system of checks and balances, the policy of officer anonymity violates the Constitution by evading accountability and judicial review." (*13)
- "While undercover operations in organized crime or anti-terrorism units may justify limited identity concealment, routine immigration enforcement lacks such extraordinary circumstances. When the public cannot readily determine who is acting under government authority, it is difficult to regard the actions as legitimate exercises of law enforcement power." (*15)
- "The use of masks and other tactics that obscure official identity carries historical and semiotic weight. Authoritarian regimes have used masked security forces to intimidate and control populations. In this nation's history, the Ku Klux Klan relied on masks to terrorize victims while concealing accountability." (*15-16)
- "When officers can conceal their identity, the system effectively collapses. Individuals lack the information necessary to report misconduct for meaningful judicial review or internal investigation. Officers are thereby emboldened to exercise their power in an arbitrary and oppressive manner. And public trust is decimated." (*22)
- "What justifies concealment in genuine exigencies is that it is exceptional. Stops without identification must remain rare exceptions, not routine practice. *Doornbos*, 868 F.3d at 584 (permitting plainclothes officers to initiate stops without identifying themselves "must remain a rare exception, not the rule")." (*27)
- "On a public highway, in a civil arrest of a person suspected of no crime, the only purpose served by hiding an officer's face is to prevent his identification. And preventing identification serves only to eliminate accountability." (*28)
- "**Masking during arrests is therefore not a neutral safety measure; it is a deliberate choice that transforms the nature of the seizure from lawful authority into anonymous coercion.** As a matter of constitutional law, the Fourth Amendment does not permit this transformation absent genuine, particularized necessity. The Amendment's reasonableness requirement mandates that government officers identify themselves during arrests to ensure that seizures are perceived as lawful at the moment they occur, thereby preserving the balance between state authority and individual liberty." (*29) (emphasis added)

On 4th Amendment & Noncitizens

- **"A challenge to one's confinement necessarily implicates the legality of the process that led to the individual's detention."** (*8)
- "Under the Fourth Amendment, the initial seizure of a person—even to effectuate detention under immigration law— must be reasonable." (*8)

- "Though the precise contours of a noncitizen's Fourth Amendment protections remain unsettled, the Supreme Court has recognized that the Amendment extends to noncitizens who have "substantial connections" to the United States. *United States v. Verdugo-Urquidez*, 494 U.S. 259, 272–73 (1990) ("[A]liens receive constitutional protections when they have come within the territory of the United States and developed substantial connections with this country."); see also *United States v. Brignoni-Ponce*, 422 U.S. 873, 878, 881–82 (1975) ("For the same reasons that the Fourth Amendment forbids stopping vehicles at random to inquire if they are carrying aliens who are illegally in the country, it also forbids stopping or detaining persons for questioning about their citizenship on less than a reasonable suspicion that they may be aliens."); *INS v. Lopez Mendoza*, 468 U.S. 1032, 1046 (1984) (assuming, without deciding, that the Fourth Amendment applied to illegal aliens in the United States and stressing the importance of "Fourth Amendment rights of all persons")." (*18-19)
- "The Founders recognized that freedom is imperiled not only when government actions lack legal justification, but also when those actions are carried out by agents whose authority is unchecked and whose actions cannot be traced. In this light, **a warrantless, anonymous civil seizure like the one at issue here is merely a general warrant in modern dress.** Masking and anonymization of officers, therefore, are fundamentally inconsistent with the historical understanding of the Fourth Amendment." (*20) (emphasis added)

On 5th Amendment & Noncitizens

- "The Fifth Amendment guarantees a different constitutional protection: due process. The Fifth Amendment states that "[n]o person shall be . . . deprived of life, liberty, or property, without due process of law . . . ." U.S. Const. amend. V. "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. The Supreme Court has emphasized that "civil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection." *Addington v. Texas*, 441 U.S. 418, 425 (1979). Further, "once an alien enters the country, the legal circumstance changes, for the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent."3 *Zadvydas*, 533 U.S. at 693." (*6)

- "Although Congress's power over immigration policy has been described as "plenary," see *Kleindienst v. Mandel*, 408 U.S. 753, 769 (1972), "it is well-established that the Due Process Clause stands as a significant constraint on the manner in which the political branches may exercise their plenary authority." *Hernandez v. Sessions*, 872 F.3d 976, 990 n.17 (9th Cir. 2017) (citing Zadvydas v. Davis, 533 U.S. 678, 695 (2001))." (*6n3)

On §1226 v. §1225 (mandatory detention)

- "As this court has held, and as nearly every district court to examine the question has concluded, 8 U.S.C. § 1225(b)(2)(A) does not apply to noncitizens arrested in the interior of the country who are not seeking admission. Noncitizens already present in the United States are governed by 8 U.S.C. § 1226(a), which provides for discretionary detention and requires individualized custody determinations." (*30)
- "As in *Aroca*, "[n]othing in the record suggests [Petitioner was] actively seeking admission at the time of [his] arrest." *Aroca*, 2026 WL 357872 at *17." (*31)

GLORIOUS TRUMPETS

- "the Constitution is not a compilation of case holdings. It is a text with meaning that existed before any court construed it, and it continues to bind government conduct whether or not a prior case has addressed the specific facts at hand." (*10)

- "When prior cases provide clear guidance, I follow it. But when existing cases address different facts, different contexts, and different questions, the Constitution still applies. And the court must determine what it means through disciplined interpretation, not serial citation.

  "This is especially true when the government employs practices so recent that doctrine has not yet addressed them. The absence of a case holding that warrantless, non-exigent, anonymous civil seizures in the interior of the United States violate the Fourth Amendment does not mean the Constitution permits them. It means the practice is new enough, and brazen enough, that no court has yet been required to state the obvious. This court is now required to say it." (*10)

- "In a government of "We the People," every exercise of coercive power is a delegated act. U.S. Const. Preamble; see also James Madison, Federalist No. 49 (Feb. 2, 1788) ("[T]he people are the only legitimate fountain of power, and it is from them that the constitutional charter, under which the several branches of government hold their power, is derived."). The legitimacy of that delegation relies on the ability of the people to verify that the power is being used according to law." (*11)

- "Our government "of the people, by the people, [and] for the people . . . [,]" Abraham Lincoln, The Gettysburg Address (Nov. 19, 1863),7 thus inherently requires basic democratic principles of transparency and accountability for the government's exercise of power over the people to be legitimate." (*11)

- "When the state reaches out and takes hold of a human being and deprives him of his liberty, that act must present itself as the people's act. Not eventually. Not upon later inquiry. At the moment it occurs. The person seized is not merely a subject of government power. His liberty is being constrained by an authority that, in a republic, derives from his own consent and the consent of those like him. For that authority to be legitimate, it must be visible as authority at the moment it is asserted. The Supreme Court has explained that individuals knowing "what their Government is up to[,]" Nat'l Archives & Recs. Admin. v. Favish, 541 U.S. 157, 171 (2004) (quoting U.S. Dep't of Just. v. Reps. Comm. for Freedom of Press, 489 U.S. 749, 773 (1989) (cleaned up)), is "a structural necessity in a real democracy." Id. at 172. As Justice Brandeis explained, "Sunlight is said to be the best of disinfectants; electric light the most efficient policeman." Louis D. Brandeis, What Publicity Can Do, Harper's Weekly, Dec. 20, 1913, at 10." (*12) [clean up internal quotation marks if using this quote]

- "When authority is no longer traceable, it is no longer a legitimate exercise on behalf of the people." (*13)

- "Security is not simply freedom from unjustified intrusion. It describes a condition of living wherein one lives under law rather than arbitrary or oppressive power. And living under the law includes possessing a practical means to insist on rights while retaining the ability to hold government actors accountable for abuse. Fourth Amendment law is premised on a very basic assumption: that individuals know they are dealing with a legitimate law enforcement officer acting under the color of law when they are being seized." (*21)

- "When officers can wear a mask, fail to verify their credentials, refuse to disclose their name, arrive in an unmarked vehicle, and neglect to provide a justification for their seizure of an individual, the constitutional protection that the Framers envisioned has not just been corroded— it has been eviscerated." (*21)

- "When concealment becomes policy rather than exception, the government has not invoked an exigency. It has abolished the rule that exigency was meant to qualify." (*27)

- **"A law enforcement practice whose sole operational effect is the elimination of accountability is not a safety measure. It is a constitutional deficiency wearing the name of one." (*28)**

- "The point runs much deeper than the inadequacy of the government's justification. Every public official who exercises coercive power assumes some personal exposure as the price of legitimate authority. Judges sentence. Prosecutors accuse. Officers seize. None is entitled to anonymity as a default condition of exercising state force." (*28)

- "All exercise delegated authority. All do so under their own names and in their own persons, because accountability is not a burden imposed on public officials as a matter of grace. It is the structural condition of their authority. Remove it and what remains is not law enforcement. **It is force without a face, which is another name for the thing the Fourth Amendment was written to prevent**." (*28) (Emphasis added)

- "An anonymous government is no government at all. It cannot be held accountable. A masked agent freely uses force without justifying his actions, and the public cannot name him to challenge his conduct." (*34)

- "A regime of secret policing has no place in our society. Here, the Government's power is derived by the People, and the People must be able to identify the Government when it acts to infringe on their liberty. Masks obscure government action and deprive the public of its Fourth Amendment protections." (*34)

LEGAL STANDARDS

Habeas Language:

- ""[H]abeas corpus is a broad, independent writ designed to address challenges to any illegal custody," Wall v. Kiser, 21 F.4th 266, 273 (4th Cir. 2021), including those "by executive direction," Preiser v. Rodriguez, 411 U.S. 475, 484 (1973). The "heart of habeas corpus" is the challenge to a petitioner's confinement (or the duration of his confinement), where he seeks "immediate release or a speedier release from that confinement." Preiser, 411 U.S. at 498. The Constitution guarantees that the writ of habeas corpus is "available to every individual detained within the United States." Hamdi v. Rumsfeld, 542 U.S. 507, 525 (2004). Accordingly, noncitizens may invoke habeas in immigration-related matters where no other statutory mechanism for review is provided. See Zadvydas v. Davis, 533 U.S. 678, 687–88 (2001). Indeed, challenges to present immigration confinement "fall within the 'core' of the writ of habeas corpus." Trump v. J. G. G., 604 U.S. 670, 672 (2025) (quoting Nance v. Ward, 597 U.S. 159, 167 (2022))." (*5)

Habeas Jx Language for District Courts

- "28 U.S.C. § 2241 confers on federal district courts "within their respective jurisdictions" the authority to hear applications for habeas corpus by any person who claims to be held "in custody in violation of the Constitution or laws or treaties of the United States . . . ." Id. §§ 2241(a), (c). After receiving the petition and any response thereto, "[t]he court shall summarily hear and determine the facts, and dispose of the matter as law and justice require." 28 U.S.C. § 2243. The petitioner bears the burden of proving that he is being held contrary to law by a preponderance of the evidence. Walker v. Johnston, 312 U.S. 275, 286 (1941) ("On a hearing, [the § 2241 petitioner has] the burden of sustaining his allegations by a preponderance of evidence."); Parke v. Raley, 506 U.S. 20, 31 (1992); Sumner v. Mata, 449 U.S. 539, 551 (1981)." (*5)

Fourth Amendment Language:

- ""The touchstone of the Fourth Amendment is reasonableness . . . ." United States v. Knights, 534 U.S. 112, 118 (2001). This is "generally assessed by carefully weighing 'the nature and quality of the intrusion on the individual's Fourth Amendment interests against the importance of the governmental interests alleged to justify the intrusion.'" County of Los Angeles v. Mendez, 581 U.S. 420, 427 (2017) (quoting Tennessee v. Garner, 471 U.S. 1, 8 (1985)). Overall, reasonableness is an objective inquiry that "is evaluated by looking at the 'totality of the circumstances.'" Case v. Montana, 607 U.S. ---, 146 S. Ct. 500, 508 (2026) (first quoting Barnes v. Felix, 605 U.S. 73, 80 (2025); and then quoting Ohio v. Robinette, 519 U.S. 33, 39 (1996))." (*6)