

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

ALVARO BLADIMIR ORTIZ)
VENTURA; RENE BALMORE CASTRO)
CARTAGENA; OLGER ZOTO,)

Petitioners,)

v.)

KRISTI NOEM; PAMELA BONDI,)
TODD M. LYONS; JEFFREY)
CRAWFORD; WARDEN, CAROLINE)
DETENTION CENTER, and LIANA)
CASTANO,)

Respondents

Case No. 1:25-cv-1429-MSN-WBP

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

INTRODUCTION

1. On August 29, 2025, Petitioner Alvaro Bladimir Ortiz Ventura filed the underlying petition for a writ of habeas corpus. Petitioner now seeks to amend the complaint to add two additional Petitioners to the action.

2. As noted, Petitioner Alvaro Bladimir Ortiz Ventura has been residing in the United States since 2016, and was apprehended by immigration authorities on July 29, 2025. He is currently detained within this judicial district.

3. Petitioner Rene Balmore Castro Cartagena has been residing in the United States since 2015, and was apprehended by immigration authorities on or about August 4, 2025. He remains detained in Farmville, Virginia.

4. Petitioner Olger Zoto has been residing in the United States since 2002, and was apprehended by immigration authorities on August 21, 2025. He remains detained in Farmville, Virginia.

5. No petitioner has a serious or significant criminal history. Nevertheless, each Petitioner was detained by Immigration and Customs Enforcement (ICE), served with a Notice to Appear (NTA), and placed in removal proceedings.

6. Petitioners each requested release on bond while their removal proceedings play out. Between August 8 and August 28, 2205, an immigration judge granted each Petitioner's bond request and ordered each released on a bond, concluding that none of the Petitioners presented a flight risk and release would not endanger the community. *See* Exh. A, B, C.

7. Yet all Petitioners remain detained. Counsel for the Department of Homeland Security ("DHS") reserved appeal of each of the immigration judge's decisions and, relevant to this action, invoked a regulation authorizing DHS to unilaterally overrule the judgment of the immigration judge and obtain an automatic stay of the bond order during further review before the Board of Immigration Appeals ("the Board" or "BIA"). *See* Exh. D, E, F.

8. This automatic stay provision violates each Petitioner's due process rights by impermissibly merging the functions of adjudicator and prosecutor, permitting Respondents to detain Petitioners without any showing that detention is justified—and indeed, following an immigration judge's decision that detention without bond is *unjustified*.

9. Further, the regulation is *ultra vires* as it exceeds ICE's statutory authority under the Immigration and Nationality Act ("INA") and eliminates the immigration judge's discretionary authority to determine whether a noncitizen should be released. The Court should therefore grant this petition, lift the stay of each Petitioner's bond order, and order Petitioners released on the bond set by the immigration judge.

JURISDICTION AND VENUE

10. This action arises under the Due Process Clause of the Fifth Amendment and the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 et seq.

11. This Court has subject-matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1651 (All Writs Act), and 28 U.S.C. §§ 2201-02 (declaratory relief), as Petitioners are presently held in custody under or by color of the authority of the United States. Their detention by Respondents is a “severe restraint” on his individual liberty “in custody in violation of the . . . laws . . . of the United States.” *See Hensley v. Municipal Court, San Jose-Milpitas Jud. Dist.*, 411 U.S. 345, 351 (1973).

12. In addition to the habeas protections in the Constitution and Immigration and Nationality Act (“INA”), federal district courts have subject matter jurisdiction under 28 U.S.C. § 1331 (federal questions) to hear claims by individuals challenging the lawfulness of agency action.

13. Venue is proper because each Petitioner is detained within this District at the time this petition was filed.

PARTIES

14. Petitioner Alvaro Bladimir Ortiz Ventura is a native and citizen of El Salvador. He is detained in ICE custody at Caroline Detention Center in Bowling Green, Virginia. Ex. G. On August 11, 2025, an immigration judge granted his release from custody under bond of \$3,000. Ex. A.

15. Petitioner Rene Balmore Castro Cartagena is a native and citizen of El Salvador. He is detained in ICE custody at Farmville Detention Center in Farmville, Virginia. Ex. H. On

August 19, 2025 an immigration judge ordered his release from custody under bond of \$3,000. Ex. B.

16. Petitioner Olger Zoto is a native and citizen of Albania. He is detained in ICE custody at Farmville Detention Center in Farmville, Virginia. Ex. I. On August 28, 2025, an immigration judge granted his release from custody under bond of \$3,000. Ex. C.

17. Respondent Kristi Noem is the Secretary of Homeland Security, and in that capacity is responsible for the Department of Homeland Security and all sub-cabinet agencies of DHS, including ICE. She is sued in her official capacity.

18. Respondent Pamela Bondi is the Attorney General, and in that capacity is responsible for the Department of Justice and its component, the Executive Office for Immigration Review, which includes the immigration courts and the Board of Immigration Appeals. She is sued in her official capacity.

19. Respondent Todd M. Lyons is the Acting Director of ICE, responsible for its detention and removal operations and all its other functions. He is sued in his official capacity.

20. Respondent Jeffrey Crawford is the Warden for the Farmville Detention Center and is the immediate custodian of Petitioners Rene Balmore Castro Cartagena and Olger Zoto as of the time the petition was filed. He is sued in his official capacity.

21. Respondent Warden of the Caroline Detention Center is the immediate custodian of Petitioner Alvaro Bladimir Ortiz Ventura as of the time the petition was filed. He/she is sued in his/her official capacity.

22. Respondent Liana Castano is the Director of the ICE Washington Field Office and is responsible for ICE's operations in Virginia. She is sued in her official capacity.

EXHAUSTION

23. DHS’s decision to invoke an automatic stay of the immigration judge’s orders granting each Petitioner’s release on bond is subject to challenge through a petition for a writ of habeas corpus, and Petitioners need not exhaust any administrative remedies which might be available to them before seeking this Court’s review. *See Miranda v. Garland*, 34 F.4th 338, 351 (4th Cir. 2022) (1993) (holding that failure to exhaust administrative remedies does not bar claims unless “Congress specifically mandates”) (quoting *McCarthy v. Madigan*, 503 U.S. 140, 144 (1992)); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 U.S. Dist. LEXIS 165015 (D. Md. Aug. 24, 2025).

24. Moreover, because each Petitioner’s continued detention violates his right to due process—a constitutional right—administrative exhaustion is excused. *See Guitard v. U.S. Sec’y of the Navy*, 967 F.2d 737, 741 (2d Cir. 1992) (“Exhaustion of administrative remedies may not be required when . . . a plaintiff has raised a ‘substantial constitutional question.’”).

STATEMENT OF FACTS

25. Upon information and belief, Petitioner Alvaro Bladimir Ortiz Ventura entered the United States without inspection in 2016. Prior to his apprehension by immigration officials in July 2025, he lived in Williamsburg, Virginia.

26. On or about July 29, 2025, Mr. Ortiz was served with a Notice to Appear (“NTA”) placing him in removal proceedings under 8 U.S.C. § 1229a.

27. On August 11, 2025, Mr. Ortiz appeared for a bond hearing with counsel. At that hearing, government counsel for DHS alleged that Mr. Ortiz is an applicant for admission under 8 U.S.C. § 1225(b) and that the immigration judge lacked jurisdiction over his bond determination.

28. The immigration judge found that Mr. Ortiz was detained pursuant to 8 U.S.C. § 1226, and not 8 U.S.C. § 1225(b). At the conclusion of the custody determination, the immigration judge granted a bond of \$3,000. Ex. A.

29. DHS reserved appeal of the order granting Mr. Ortiz bond and on the same day (August 11, 2025), DHS filed a form EOIR-43, invoking an automatic stay of the bond order under 8 C.F.R. § 1003.19(i)(2). On August 21, 2025, DHS filed a notice of appeal to the Board of Immigration Appeals. Ex. D.

30. Upon information and belief, on or around July 8, 2025, DHS instituted a blanket policy, requiring its attorneys to invoke the automatic stay provisions at 8 C.F.R. § 1003.19(i)(2) in all cases where bond is granted by an immigration judge.

31. Petitioner Rene Balmore Castro Cartagena entered the United States without inspection in 2015. Prior to his apprehension by immigration officials in August 2025, he lived in Richmond, Virginia.

32. On or about August 4, 2025, Mr. Castro was served with an NTA placing him in removal proceedings under 8 U.S.C. § 1229a.

33. On August 6, 2025, Mr. Castro appeared for a bond hearing with counsel. At that hearing, government counsel for DHS alleged that Mr. Castro is an applicant for admission under 8 U.S.C. § 1225(b) and that the immigration judge lacked jurisdiction over his bond determination.

34. The immigration judge found that Mr. Castro's apprehension pursuant to an arrest warrant distinguished this case from *Matter of Q. Li*, 29 I. & N. Dec. 66 (BIA 2025), and *Matter of M-S-*, 27 I. & N. Dec. 509 (A.G. 2019), did not apply because Mr. Castro was not processed through the credible fear process when he arrived in the United States. At the conclusion of the custody determination, the immigration judge granted a bond of \$3,000. Ex. B.

35. DHS reserved appeal of the order granting Mr. Castro bond and, on August 19, 2025, DHS filed a form EOIR-43, invoking an automatic stay of the bond order under 8 C.F.R. § 1003.19(i)(2). Ex. E.

36. Petitioner Olger Zoto entered the United States with inspection in 2002. Prior to his apprehension by immigration officials in August 2025, he lived with his family in Chantilly, Virginia.

37. On or about August 24, 2025, Mr. Zoto was served with an NTA placing him in removal proceedings under 8 U.S.C. § 1229a.

38. On August 28, 2025, Mr. Zoto appeared for a bond hearing with counsel. At that hearing, government counsel for DHS alleged that Mr. Zoto is an applicant for admission under 8 U.S.C. § 1225(b) and that the immigration judge lacked jurisdiction over his bond determination.

39. The immigration judge found that Mr. Zoto was held in custody pursuant to 8 U.S.C. § 1226(a). At the conclusion of the custody determination, the immigration judge granted a bond of \$3,000. Ex. C.

40. DHS reserved appeal of the order granting Mr. Zoto bond and, on August 28, 2025, DHS filed a form EOIR-43, invoking an automatic stay of the bond order under 8 C.F.R. § 1003.19(i)(2). Ex. F.

41. On information and belief, rather than making any individualized determination whether to invoke the automatic stay provision each Petitioner's case, Respondents have effectively overruled the immigration judge pursuant to this new blanket policy to keep Petitioner detained without needing to show any justification.

LEGAL BACKGROUND

42. The INA provides for the detention of noncitizens during the pendency of standard removal proceedings under 8 U.S.C. § 1229a. The default detention provision is 8 U.S.C. § 1226(a), which provides that a noncitizen “may be arrested and detained pending a decision on whether the alien is to be removed from the United States.” 8 U.S.C. § 1226(a). After an arrest, the noncitizen may continue to be detained, released on conditional parole, or released on a bond of at least \$1,500. *Id.*

43. Once a noncitizen is detained, DHS makes an initial custody determination. 8 C.F.R. §§ 1003.19(a), 1236.1(d). The noncitizen may have the initial custody determination reviewed by an immigration judge, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), and ultimately by the Board, *see* 8 C.F.R. § 1236.1(d)(3).

44. In 1996 Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act (“IIRIRA”), Pub. L. 104-208. Among other things, IIRIRA mandated the detention of only certain classes of criminal noncitizens pending removal proceedings, making them generally ineligible for bond or release under 8 U.S.C. § 1226(c). *See* Pub. L. 104-208, Div. C, § 303(a) (codified at 8 U.S.C. § 1226(c)).

45. Recognizing that existing resources might be insufficient to support immediate compliance, IIRIRA allowed for a one-year transition period with less stringent custody rules if the Attorney General notified Congress within ten days of IIRIRA’s enactment “that there [wa]s insufficient detention space and . . . personnel available” to comply with the mandatory detention provisions of 1226(c). *See* Pub. L. 104-208, Div. C, § 303(b)(2). The transition period could be extended by the Attorney General if there was still insufficient bed space and personnel after the first year.

46. INS made the requisite notifications to Congress on October 9, 1996, and again on September 29, 1997, thereby triggering the Transition Period Custody Rules.

47. IIRIRA's Transition Period Custody Rules gave the Attorney General the discretion to release certain noncitizens covered by the mandatory detention provision at § 1226(c). Pursuant to that discretionary authority, the Department of Justice issued regulations identifying classes of noncitizens who could be considered for release, using the bond procedures set forth at § 1226(a), despite being described in the mandatory detention provision at § 1226(c). *See* 63 Fed. Reg. 27441 (May 19, 1998).

The Automatic Stay Provision

48. Recognizing that the Transition Period Custody Rules allowed for the release of noncitizens Congress deemed subject to mandatory detention, the implementing regulation allowed the legacy Immigration and Naturalization Service to invoke an automatic stay and appeal an immigration judge's decision overturning an initial custody determination denying bond or setting it at \$10,000 or more. 63 Fed. Reg. at 27448-49.

49. In implementing the automatic stay provision, the Department of Justice ("DOJ") dismissed commenters' concerns that the automatic stay encroaches on the authority of immigration judges, noting that "custody appeals are themselves unusual, undertaken *only in compelling cases*, and subject to review by responsible senior officials within [INS]." 63 Fed. Reg. at 27447 (emphasis added). DOJ added that "[i]t is expected that such appeals will remain exceptional" and that INS "district directors will continue to set custody conditions according to their best assessment of the bail risk presented in each case." *Id.*

50. On October 31, 2001, DOJ issued an interim rule extending the automatic stay provisions beyond noncitizens subject to mandatory detention under § 1226(c) to allow INS to

invoke the automatic stay in other cases in which INS's decision to deny bond or set it at \$10,000 or higher was reversed or amended by an immigration judge. 66 Fed. Reg. 54909 (Oct. 31, 2001).

51. DOJ finalized the rule four years later with several modifications. *See* 71 Fed. Reg. 57873 (Oct. 2, 2006). First, to allay concerns that “the automatic stay might be invoked by low-level employees of DHS without supervisory review, or might be invoked without an adequate factual or legal basis,” the final rule requires DHS to appeal the IJ's custody determination to the Board within 10 business days and requires a senior legal official to approve the filing of the appeal and to certify that there is factual and legal support justifying . . . continued detention.” 71 Fed. Reg. at 57874; 8 C.F.R. § 1003.6(c)(1).

52. Second, the final rule provides that the automatic stay will lapse 90 days after the notice of appeal is filed. 8 C.F.R. § 1003.6(c)(4). Yet it does not preclude DHS from then seeking a discretionary stay under the neighboring provision, 8 C.F.R. § 1003.19(i)(1). *See* 71 Fed. Reg. at 57874.

53. Third, the regulation extends an automatic stay for five business days if the Board authorizes release or the Board denies or fails to act on an application for a *discretionary* stay before the automatic stay lapses. 8 C.F.R. § 1003.6(d). This was intended to provide DHS time to decide whether to refer a custody decision directly to the Attorney General. If the decision is referred within five business days, the automatic stay is extended for fifteen business days after the case is referred to allow for the Attorney General's review. *Id.*; 71 Fed. Reg. at 57875-76. However, the regulation does not limit the Attorney General's discretion to extend the stay further. *Id.* Thus, under the current regulations, a noncitizen could be subjected to potentially indefinite detention even if an immigration judge and the Board of Immigration Appeals determine that he should be released.

54. Responding to public comments expressing concerns with the regulation’s constitutionality and the potential for abuse, DOJ again emphasized that DHS “invoke[s] the automatic stay in only a select number of custody cases”—just 273 times in Fiscal Year 2004 and only 43 times in Fiscal Year 2005. 71 Fed. Reg. 57873, 57878 (Oct. 2, 2006).

CLAIMS FOR RELIEF

COUNT ONE

VIOLATION OF SUBSTANTIVE DUE PROCESS

55. Petitioners reallege and incorporate by reference the paragraphs above.

56. As individuals living within the United States for between 9 and 23 years, Petitioners are entitled to due process of law. U.S. Const. amend. V; *see generally Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

57. The “Fifth and Fourteenth Amendments’ guarantee of ‘due process of law’ [] include[s] a substantive component, which forbids the government to infringe certain ‘fundamental’ liberty interests *at all*, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest.” *Reno v. Flores*, 507 U.S. 292, 301-02 (1993) (emphasis in original). Substantive due process “prevents the government from engaging in conduct that shocks the conscience, or interferes with rights implicit in the concept of ordered liberty.” *United States v. Salerno*, 481 U.S. 739, 746 (1987).

58. The substantive due process right to be free from arbitrary detention extends to noncitizens detained during removal proceedings, and indeed even those who have already been ordered removed from the U.S. on account of past criminal violations. *Zadvydas*, 533 U.S. at 690 (permitting detention in non-punitive circumstances only where “special justification . . . outweighs the individual’s constitutionally protected interest in avoiding physical restraint.”).

59. The right to release on bond or bail—in both criminal and immigration contexts—is a longstanding part of both detention systems. See *Wansley v. Wilkerson*, 263 F.Supp.54, 56 (W.D. Va. 1967) (“It has been established that an accused detained by the state may test by habeas corpus the propriety of both his detention without bail and the setting of excessive bail.” (citing *In re Johnson*, 72 S. Ct. 1028, 1030 (1952))); *Zadvydas*, 533 U.S. at 690.

60. “In effect, the automatic stay provision renders the Immigration Judge’s bail determination an empty gesture.” *Ashley v. Ridge*, 288 F. Supp. 2d 662, 669 (D.N.J. 2003). Here, as in *Ashley*, due to the automatic stay provision, the government need not provide “any ‘special justification’ exists which outweighs [each] Petitioner’s constitutional liberties so as to justify his continued detention without bail.” *Id.* at 669; accord *Leal Hernandez*, 2025 U.S. Dist. LEXIS 165015, at *31-32. This Court should similarly conclude that it “cannot characterize Petitioner[s]’ continued confinement as anything but arbitrary” and “in violation of substantive due process.” *Ashley*, 288 F. Supp. 2d at 669 (internal citation omitted); see also *Mohammad H. v. Trump*, No. 25-CV-1576, 2025 U.S. Dist. LEXIS 117197 at *15 (D. Minn. Jun. 17, 2025) (“At its foundation, due process prohibits detaining an individual without justification. Petitioner has established, and the Government has not sufficiently rebutted, that his detention is rooted in improper purposes and lacks an individualized legal justification.”).

61. The national policy adopted by DHS in early July 2025 reflects an improper use of immigration detention by punishing individuals for exercising their rights to apply for relief from removal and arbitrarily keeping them detained, rather than merely ensuring future appearances or protecting the community generally. See *Zadvydas*, 533 U.S. at 690. This policy, and its application to Petitioners to detain them without bond despite an immigration judge’s orders,

deprives them of substantive due process. *Leal Hernandez*, 2025 U.S. Dist. LEXIS 165015, at *32-33.

COUNT TWO

VIOLATION OF PROCEDURAL DUE PROCESS

62. Petitioners reallege and incorporate by reference the paragraphs above.

63. “The fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner.” *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).

64. “[A] due process challenge is governed by a three-factor balancing test, weighing (1) the private interest affected by the official action; (2) the risk of an erroneous deprivation with the procedures presently used; and (3) the government’s interest.” *United States v. White*, 927 F.3d 257, 264 (4th Cir. 2019) (citing *Mathews*, 424 U.S. at 335).

65. Each of these factors weigh in Petitioners’ favor and support a finding that the automatic stay provision violates their due process rights.

66. First, Petitioners have a strong private interest in remaining free from detention. Indeed, the Supreme Court has affirmed even for noncitizens, “[f]reedom 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.

67. Second, the Supreme Court, recognizing the strong private interest in remaining free from detention, has affirmed “that detention violates that Clause unless the detention is ordered in a *criminal* proceeding with adequate procedural protections, or, in certain special and narrow non-punitive circumstances where a special justification, such as harm-threatening mental illness, outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Id.* (cleaned up).

68. While the government has interests in ensuring each Petitioner's appearance at his removal proceedings and protecting the community, *see id.*, the automatic stay provision, particularly under the new blanket policy employed by Respondents, serves neither interest here. In fact, the existing bond procedures are sufficient to protect the government's interests. Further, none of the Petitioners have a significant criminal history and have each established deep ties to the community over the many years they have spent in the United States. And critically, a neutral arbiter—an immigration judge—has already determined, after hearing argument from both sides in each bond hearing, that release on bond does not hinder either interest, finding the ordered bond sufficient to ensure each Petitioner's future appearance.

69. Third, the risk of erroneous deprivation is high. To start, the automatic stay provision impermissibly merges the function of prosecutor and adjudicator as the DHS counsel who argued in each Petitioner's bond proceeding that the Petitioner should be detained is the same individual who determined that each Petitioner's bond order should be stayed.

70. Further, upon information and belief, DHS has implemented a policy requiring its attorneys to invoke the automatic stay *in all cases*. Such policy is evident in this case, involving three unrelated Petitioners. Thus, there is no longer any individualized assessment of flight risk or danger preceding a decision to invoke the automatic stay, as was contemplated when the regulation were introduced. *See* 63 Fed. Reg. at 27447; 71 Fed. Reg. at 57874, 57878. Rather, “[s]imply by fiat—without introducing any proof and without immediate judicial review—the Government effectively overruled the bond decision and kept Petitioner[s] detained. In doing so, the automatic stay rendered [each] Petitioner's continued detention arbitrary and gave him no chance to contest the Government's case for detention.” *Mohammad H.*, 2025 U.S. Dist. LEXIS 117197 at *14-15.

71. Finally, the automatic stay may potentially be extended indefinitely while the immigration judge's custody determination makes its way through additional layers of administrative review, leading to even further arbitrary detention without any procedural protections.

72. Thus, as numerous courts have held, the automatic stay provision and the decision by Respondents to invoke the provision in every case absent any individualized determination violates the Due Process Clause and the Court should lift the stay of each Petitioner's bond order so that he may be released from custody. *See Leal Hernandez*, 2025 U.S. Dist. LEXIS 165015, at *33-37; *Jacinto v. Trump*, No. 25-cv-3161, 2025 WL 2402271 (D. Neb. Aug. 19, 2025); *Hoque v. Trump*, 0:25-cv-1576, 2025 U.S. Dist. LEXIS 117197, at *14-16 (D. Minn. June 17, 2025); *Gunaydin v. Trump*, No. 25-cv-01151, 2025 U.S. Dist. LEXIS 99237, at *14-22 (D. Minn. May 21, 2025); *Zabadi v. Chertoff*, No. 05-cv-01796, 2005 U.S. Dist. LEXIS 50670, at *1-2 (N.D. Cal. June 17, 2005) (listing cases).

COUNT THREE

VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT

73. Petitioners reallege and incorporate by reference the paragraphs above.

74. The automatic stay provision is *ultra vires* and exceeds ICE's statutory authority under the INA.

75. When it enacted IIRIRA, Congress specifically identified which noncitizens should be subject to mandatory detention while their removal proceedings are pending and which noncitizens would be entitled to release on bond.

76. On information and belief, on or about July 8, 2025, DHS implemented a new policy of universally invoking the automatic stay provision in cases where bond is granted by an immigration judge to practically overrule the judges without any justification.

77. Through this new policy, DHS usurps Congress’s authority to rewrite the INA and effectively create a new class of noncitizens subject to mandatory detention, depriving them of the right to a bond hearing that Congress expressly provided they should receive. *See* Pub. L. 104-208, Div. C, § 303(a) (codified at 8 U.S.C. § 1226(c)).

78. Further, the regulation as applied to each Petitioner and the DHS policy “eliminates the discretionary authority of immigration judges to determine whether an individual may be released, thereby exceeding the authority bestowed upon [ICE] by Congress under [8 U.S.C. § 1226(a)].” *Zabadi*, 2005 U.S. Dist. LEXIS 50670, at *2; *Leal Hernandez*, 2025 U.S. Dist. LEXIS 165015, at *37-38.

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PRAYER FOR RELIEF

Based on the foregoing, Petitioners requests that this Court:

- a. Assume jurisdiction over the matter;
- b. Declare that the automatic stay of each Petitioner's bond orders violates the INA and the Due Process Clause of the Fifth Amendment to the U.S. Constitution;
- c. Lift the automatic stay of each Petitioner's bond so they may be released from immigration custody; and
- d. Grant any other and further relief this Court deems just and proper.

Dated: September 2, 2025

Respectfully submitted,

/s/ Eileen Blessinger

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