THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

IKER ENRIQUE LOSADA MESA, Petitioner vs. PAMELA BONDI, in her official capacity as Attorney General of the United States, KRISTI NOEM, in her official capacity as Secretary of the Department of Homeland Security, TODD LYONS, in his official capacity as Acting Director of Immigration and Customs Enforcement; GARRETT RIPA, in his official capacity as Field Office Director of Immigration and Customs Enforcement's Enforcement and Removal Operations Miami Field Office; JUAN AGUDELO, in his official capacity as Acting Director of Immigration and Customs Enforcement's Enforcement and Removal Operations Miami Field Office; CHARLES A. PARRA, in his official capacity as the Assistant Field Office Director for the Krome Service Processing Center, Respondents.	)	Case No.: 1:25cv24437 Agency File: [redacted]

PETITION FOR WRIT OF HABEAS CORPUS AND REQUEST FOR ORDER TO SHOW CAUSE

Iker Enrique Losada Mesa, hereinafter "Mr. Losada" or "Petitioner," by and through undersigned counsel, files this Petition for Writ of Habeas Corpus, and in support thereof, alleges as follows:

INTRODUCTION

1. Petitioner Iker Enrique Losada Mesa is in the physical custody of Respondents at the Krome Service Processing Center. He now faces unlawful detention because new DHS

policy and precedent from the Board of Immigration Appeals (BIA or Board) hold that any person who entered the United States without admission is subject to mandatory detention.

2. Petitioner is charged with, inter alia, having entered the United States without admission or inspection. *See* 8 U.S.C. § 1182(a)(6)(A)(i).

3. Based on this allegation in Petitioner's removal proceedings, it is DHS' position that, consistent with a new DHS policy issued on July 8, 2025, instructing all Immigration and Customs Enforcement (ICE) employees to consider anyone inadmissible under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without admission or inspection—to be subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.

4. Similarly, on September 5, 2025, the Board of Immigration Appeals (BIA or Board) issued a precedent decision, binding on all immigration judges, holding that an immigration judge has no authority to consider bond requests for any person who entered the United States without admission. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The Board determined that such individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.

5. Petitioner's detention on this basis violates the plain language of the Immigration and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who entered as minors, were processed as unaccompanied alien children pursuant to 8 U.S.C. § 1232 and 6 U.S.C. § 279, and have not departed the United States since such status was designated. Instead, such individuals are subject to a different statute, § 1226(a), that allows for release on conditional parole or bond. That statute expressly applies to people

who, like Petitioner, are charged as inadmissible for having entered the United States without inspection.

6. Respondents' new legal interpretation is plainly contrary to the statutory framework and contrary to decades of agency practice applying § 1226(a) to people like Petitioner.

7. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released unless Respondents provide a bond hearing under § 1226(a) within seven days.

8. Petitioner further requests this Court to order Respondents to show cause demonstrating why he should not be released within three days given his unlawful detention. 28 U.S.C. § 2243.

JURISDICTION

9. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Krome Service Processing Center.

10. Jurisdiction of the Court is predicated upon 28 U.S.C. §§ 1331 and 1346(a)(2) in that the matter in controversy arises under the Constitution and laws of the United States, and the United States is a Defendant.

11. This Court also has jurisdiction pursuant to 28 U.S.C. § 2241 (the general grant of habeas authority to the district court), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

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

13. Federal courts also have federal question jurisdiction, through the APA, to "hold unlawful and set aside agency action" that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A). APA claims are cognizable

on habeas. 5 U.S.C. § 703 (providing that judicial review of agency action under the APA may proceed by "any applicable form of legal action, including actions for declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus"). The APA affords a right of review to a person who is "adversely affected or aggrieved by agency action." 5 U.S.C. § 702. Respondents' continued detention of Petitioner despite him being in lawful status has adversely and severely affected Petitioner's liberty and freedom.

VENUE

14. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500 (1973), venue lies in the United States District Court for the Southern District of Florida, the judicial district in which Petitioner currently is detained.

15. Venue is proper in this District under 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 Southern District of Florida.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

16. Administrative exhaustion of remedies in a § 2241 proceeding is not a jurisdictional requirement. *Santiago-Lugo v. Warden*, 785 F.3d 467, 474-75 (11th Cir. 2015) (abrogating *Boz v. United States*, 248 F.3d 1299, 1300 (11th Cir.2001)).

17. Further, there is no statutory exhaustion of administrative remedies where a noncitizen challenges the lawfulness of his detention. Cf. 8 U.S.C. § 1252(d)(1) (requiring exhaustion of administrative remedies only where requesting review of a final order of removal).

18. "'[W]here Congress has not clearly required exhaustion, sound judicial discretion governs." *Jones v. Zenk*, 495 F. Supp. 2d 1289, 1297 (N.D. Ga. 2007) (citing *McCarthy v.*

Madigan, 503 U.S. 140, 144 (1992)). As a matter of discretion, exhaustion of administrative remedies should therefore be waived "(1) where prejudice to the prisoner's subsequent court action 'may result, for example, from an unreasonable or indefinite timeframe for administrative action'; (2) where the administrative agency may not have the authority 'to grant effective relief'; or (3) 'where the administrative body is shown to be biased or has otherwise predetermined the issue before it.'" *Jones*, 495 F. Supp. 2d at 1297 (citing *McCarthy*, 503 U.S. at 146-48). *See also Woodford v. Ngo*, 548 U.S. 81, 103 (2006) (Breyer, J. concurring) (noting "well-established exceptions to exhaustion" that include constitutional claims, futility, hardship to the petitioner, and where administrative remedies are inadequate or unavailable) (citations omitted)).

19. In making its discretionary decision, the Court should consider the urgency of the need for immediate review. "Where a person is detained by executive order . . . the need for collateral review is most pressing. . . . In this context the need for habeas corpus is more urgent." *Boumediene v. Bush*, 553 U.S. 723, 783 (2008) (waiving administrative exhaustion for executive detainees).

20. Petitioner's constitutional challenge to his detention is exempt from administrative exhaustion requirements. *See Woodford v. Ngo*, 548 U.S. 81, 103 (Breyer, J. concurring) (constitutional claims are exempt from administrative exhaustion); *see also Khan v. Atty. Gen. of U.S.*, 448 F.3d 226, 236 n.8 (3d Cir. 2006) (internal quotation ommitted) ("[D]ue process claims generally are exempt from the exhaustion requirement because the BIA does not have jurisdiction to adjudicate constitutional issues."); *United States v. Gonzalez-Roque*, 301 F.3d 39, 48 (2d Cir. 2002) ("'[T]he BIA does not have jurisdiction to adjudicate

constitutional issues . . . .'" (quoting *Vargas v. U.S. Dep't of Immigration & Naturalization*, 831 F.2d 906, 908 (9th Cir. 1987)).

21. Further, administrative exhaustion before the immigration judge and the BIA would be futile. Exhaustion is futile where the agency has "predetermined the issue before it." *McCarthy*, 503 U.S. at 148. The BIA has predetermined the issue here. The BIA has held that immigration judges lack authority to hear bond requests or to grant bond to aliens who are present in the United States without admission. *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2026). This decision is binding on immigration courts across the country. Therefore, exhaustion would be futile and the Court should waive its requirement as a matter of discretion.

22. A request for release on humanitarian parole under 8 U.S.C. 1182(d)(5)(A) would also be futile. Parole review is conducted informally by DHS officers—the jailing authority—by checking a box on a form that contains no factual findings, no specific explanation, and no evidence of deliberation. There is no hearing, no record, and no administrative appeal from a negative parole decision, even to correct manifest errors. *See Rodriguez v. Robbins*, 804 F.3d 1060, 1081 (9th Cir. 2015), *cert. granted sub nom. Jennings v. Rodriguez*, 136 S. Ct. 2489, 195 L. Ed. 2d 821 (2016) (identifying denials of parole "based on blatant errors: In two separate cases . . . officers apparently denied parole because they had confused Ethiopia with Somalia. And in a third case, an officer denied parole because he had mixed up two detainees' files."); *Nadarajah v. Gonzales*, 443 F.3d 1069, 1082 (9th Cir. 2006) (finding that DHS abused its authority by denying parole). In the absence of administratively enforceable standards, and in light of recent guidance from the Department of Homeland Security, humanitarian parole is nearly nonexistent at this point.

See DHS Memorandum: Guidance Regarding How to Exercise Enforcement Discretion (Jan. 23, 2025).

REQUIREMENTS OF 28 U.S.C. § 2243

23. The Court must grant the petition for writ of habeas corpus or issue an order to show cause to the Respondents "forthwith," unless the Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause 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.*

24. 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).

PARTIES

25. Petitioner, Mr. Iker Enrique Losada Mesa, is an 18-year-old high school student, native and citizen of Cuba, with no criminal record. On Thursday, September 11, 2025, Mr. Losada was detained at an ICE check-in appointment. Immigration officers took him to Alligator Alcatraz, and he was recently transferred to the Krome Service Processing Center.

26. Respondent, Ms. Pamela Bondi, is the United States Attorney General. She oversees the immigration court system, which is housed within the Executive Office for Immigration Review ("EOIR") and includes all Immigration Judges and the Board of Immigration Appeals ("BIA"). She is sued in her official capacity.

27. Respondent, Ms. Kristi Noem, is the United States Secretary of Homeland Security. DHS oversees ICE, which is responsible for administering and enforcing the immigration laws. Secretary Noem is the ultimate legal custodian of Petitioner. She is sued in her official capacity.

28. Respondent, Mr. Todd Lyons, is the Acting Director of U.S. Immigration and Customs Enforcement ("ICE"). As the Senior Official Performing the Duties of the Director of ICE, he is responsible for the administration and enforcement of the immigration laws of the United States and is legally responsible for pursuing any effort to remove Mr. Losada and confine him pending removal. As such, he is a custodian of Mr. Losada. He is sued in his official capacity.

29. Respondent, Garrett Ripa, is the Field Office Director of Immigration and Customs Enforcement's Enforcement and Removal Operations for the Miami Field Office. He is the federal agent responsible for the administration of immigration laws and the execution of immigration confinement and the institution of removal proceedings within Florida, which is the jurisdiction where Mr. Losada is confined. As such, he is a custodian of Mr. Losada. He is sued in his official capacity.

30. Respondent, Juan Agudelo, is the Acting Field Office Director of Immigration and Customs Enforcement's Enforcement and Removal Operations for the Miami Field Office. He is the federal agent responsible for the administration of immigration laws and the execution of immigration confinement and the institution of removal proceedings within Florida, which is the jurisdiction where Mr. Losada is confined. As such, he is a custodian of Mr. Losada. He is sued in his official capacity.

31. Respondent, Charles A. Parra, is the Assistant Field Office Director for the Krome Service Processing Center. He is responsible for overseeing the administration and management of the Krome Service Processing Center, where Mr. Losada is currently detained. As such, he is a custodian of Mr. Losada. He is sued in his official capacity.

LEGAL FRAMEWORK

32. The INA prescribes three basic forms of detention for most noncitizens in removal proceedings.

33. First, 8 U.S.C. § 1226 authorizes that "on a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States." Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

34. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).

35. Last, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

36. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2), as well as the provisions found at 8 U.S.C. § 1232 and 6 U.S.C. § 279 for unaccompanied alien children.

37. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104-–208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section

1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

38. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, "[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) will be eligible for bond and bond redetermination." *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

39. Thus, in the decades that followed, most people who were apprehended within the borders of the United States long after their entry received bond hearings, unless their criminal history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed "arriving" were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply "restates" the detention authority previously found at § 1252(a)).

40. On July 8, 2025, ICE, "in coordination with" DOJ, announced a new policy that rejected well-established understanding of the statutory framework and reversed decades of normative agency practice.

41. The new policy, entitled "Interim Guidance Regarding Detention Authority for Applicants for Admission," [1] claims that all persons who entered the United States without inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A). The policy

[1] *Available at* https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission.

applies regardless of when a person is apprehended and affects those who have resided in the United States for months, years, and even decades.

42. On September 5, 2025, the BIA adopted this same position in a published decision, *Matter of Yajure Hurtado*. There, the Board held that all noncitizens who entered the United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are ineligible for IJ bond hearings. *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

43. Since Respondents adopted their new policies, dozens of federal courts have rejected their new interpretation of the INA's detention authorities. Courts have likewise rejected *Matter of Yajure Hurtado*, which adopts the same interpretation of the statute as ICE.

44. Even before ICE or the BIA introduced these nationwide policies, IJs in the Tacoma, Washington, immigration court stopped providing bond hearings for persons who entered the United States without inspection and who have since resided here. There, the U.S. District Court in the Western District of Washington found that such a reading of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025).

45. Subsequently, several courts have adopted the same reading of the INA's detention authorities and rejected ICE and EOIR's new interpretation. *See, e.g.*, *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*, No. CV 25-11613-BEM, --- F. Supp. 3d ----, 2025 WL 2084238 (D. Mass. July 24, 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), *report and recommendation adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937

(DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051 (ECT/DJF), --- F. Supp. 3d ----, 2025 WL 2466670 (D. Minn. Aug. 27, 2025) *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *see also, e.g.*, *Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at *2 (D. Neb. Sept. 3, 2025) (noting that "[t]he Court tends to agree" that § 1226(a) and not § 1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 at *3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14, 2025) (same).

46. Courts have uniformly rejected DHS's and EOIR's new interpretation because it contradicts the INA. As the *Rodriguez Vazquez* court and others have explained, the plain text of the

statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

47. Section 1226(a) applies by default to all persons "pending a decision on whether the [noncitizen] is to be removed from the United States." These removal hearings are held under § 1229a, to "decid[e] the inadmissibility or deportability of a[] [noncitizen]."

48. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)'s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). As the *Rodriguez Vazquez* court explained, "[w]hen Congress creates 'specific exceptions' to a statute's applicability, it 'proves' that absent those exceptions, the statute generally applies." *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); *see also Gomes*, 2025 WL 1869299, at *7.

49. Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

50. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry. The statute's entire framework is premised on inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies "at the Nation's borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018) (reversing the lower court's

judgement because it adopted an implausible construction of §§1225(b)(1), (b)(2) and 1226(c).

51. In *Jennings*, the Supreme Court describes section 1226 as governing "the process of arresting and detaining" noncitizens who are living "inside the United States" but "may still be removed," including noncitizens "who were inadmissible at the time of entry." *Jennings*, 583 U.S. at 288. In harmonizing sections 1225 and 1226, the Supreme Court explains "in sum, U.S. immigration law authorizes the Government to detain certain [noncitizens] *seeking* admission into the country under §§ 1225(b)(1) and (b)(2). It also authorizes the Government to detain certain [noncitizens] *already in the country* pending the outcome of removal proceedings under §§ 1226(a) and (c).'" *Id.* at 289 (emphasis added).

52. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply to people like Petitioner, who have already entered and were residing in the United States at the time they were apprehended. Instead, 8 U.S.C. § 1226 is the appropriate governing framework.

The Special Case of Unaccompanied Alien Children ("UAC")

53. Congress defines a UAC as "someone under 18, lacking immigration status, and without a parent or legal guardian in the U.S. to provide care." *See* 6 U.S.C. § 279(g)(2). Congress has enacted legislation to exclusively govern the detention, transfer, and placement of UACs. *See* 8 U.S.C. § 1232 and 6 U.S.C. § 279.

54. Specifically, through the *Homeland Security Act*, Congress assigned the care and custody of UACs to HHS (through ORR). *See* 6 § U.S.C. 279(a)-(b) (establishing the Office of Refugee Resettlement and vesting it with exclusive responsibility for the care and placement of UACs). Additionally, through the *Trafficking Victims Protections Reauthorization Act*

(TVPRA), Congress mandates DHS to transfer UACs to HSS/ORR custody no later than 72 hours after making the UAC status determination, absent exceptional circumstances. 8 U.S.C. § 1232(b)(3).

55. Once an alien is identified as a UAC, their custody transfers from DHS to the Department of Health and Human Services ("HHS"), and the child is entitled to specific protections, such as release to the least restrictive environment. *See* 8 U.S.C. § 1232(b)(3) (requiring federal agencies to *transfer* the child's *custody* to HHS *within 72 hours* of making the *UAC determination*, except in limited circumstances not relevant here) (emphasis added); 8 § U.S.C. 1232(c)(2) (instructing officers to place the UAC "in the least restrictive setting that is in the *best interest of* the *child, subject only* to considerations of *self*-harm, *danger* to community, and [*flight risk*]") (Emphasis added); 8 U.S.C. § 1158(b)(3)(C) (assigning USCIS initial asylum jurisdiction, placing the UAC in a non-adversarial setting); 8 U.S.C. § 1232(a)(5)(D)(i) (exempting UAC from expedited removal if they are nationals of non-contiguous countries).

56. If a minor in HHS custody reaches the age of 18 and is transferred to the custody of DHS, "the Secretary shall consider placement in the least restrictive setting available after taking into account the alien's danger to self, danger to the community, and risk of flight." 8 U.S.C. § 1232(c)(2)(B). Such "age-outs" are eligible for alternatives to detention, placement with a sponsor, or in a supervised group home. *Id.*

57. When interpreting the UAC protection provisions, courts agree that age-out (i.e., turning 18 years old) does not retroactively erase the legal protections afforded to an individual that was designated as a UAC upon being processed by the Department. *See J.O.P. v. U.S. Dep't of Homeland Security*, 409 F. Supp. 3d 367 (D. Md. 2019); *see also F.J.A.P. v. Garland*, 91

F.4th 1273 (D.C. Cir. 2024) (confirming that USCIS jurisdiction over an asylum application attaches once an applicant is designated as a UAC); *Flores v. Lynch*, 828 F.3d 898 (9th Cir. 2016) (reaffirming that statutory and settlement protections for minors continue to shape custody treatment even when the child turns 18 – particularly during age out transitions); *and Flores v. Sessions*, No. CV 85-4544, 2017 WL 6049373 (C.D. Cal. Dec. 21, 2017) (holding that the government must ensure a safe and orderly transfer when UACs age out at 18, and cannot simply treat them as if they were never designated UACs).

58. As the *J.O.P* court put it, DHS may not unilaterally nullify a prior UAC determination and strip an UAC away of the statutory protections afforded under 8 U.S.C. § 1232(c)(2)(A)-(B). *See J.O.P. v. U.S. Dep't of Homeland Security*, 409 F. Supp. 3d 367 (D. Md. 2019). Congress did not give DHS authority to strip children of their UAC status once designated, as such, once the UAC determination is made, the statutory provisions attached to it stand. *Id.* The plaintiffs in *J.O.P.* were children who had been previously designated as UACs under the Homeland Security Act and TVPRA, challenging a DHS policy that effectively rescinded their UAC determination because it outwardly stripped USCIS of jurisdiction on the basis that the child had either turned eighteen or was reunited with a parent. *Id.* at 371-75. The court granted the Plaintiffs' Motion for a Temporary Restraining Order against DHS to protect the UACs from irreparable harm, holding that DHS could not unilaterally second-guess or rescind *prior* UAC *determinations*. *Id.* at 380. The court, agreeing with the Ombudsman's interpretation, reasoned that the TVPRA's protections were meant to *attach* upon *designation* and *remain in place*. *Id.* at 374. The statute does not grant DHS discretion to unilaterally revisit a prior UAC determination, nor does it authorize the agency to strip away protections Congress afforded to children simply because they have since

turned eighteen or a parent has been located. *Id.* at 377-78.

59. In 2021, the U.S. District Court for the District of Columbia issued a permanent injunction to ensure ICE's compliance with section 1232(c)(2)(B) when UACs age out. *Ramirez v. U.S. Immigr. & Customs Enf't*, 568 F. Supp. 3d 10 (D.D.C. 2021). In that case, a nationwide class of noncitizens who entered the United States as unaccompanied alien children and subsequently turned 18 while still in custody challenged ICE's treatment of "age-outs" under the Trafficking Victims Protection Reauthorization Act (TVPRA). *Id.* Plaintiffs argued—and the Court agreed—that ICE systematically violated 8 U.S.C. § 1232(c)(2)(B) and the Administrative Procedure Act (APA) by failing to make individualized custody determinations and by defaulting former UACs into adult immigration detention without considering less restrictive placements. *Id.* The Court found that ICE's practices, including deficient training, misuse of the Age-Out Review Worksheet, and lack of consistent documentation, unlawfully deprived class members of the statutory protections Congress created for minors aging into adult custody. *Id.* As a remedy, the Court entered a permanent injunction requiring ICE to comply with § 1232(c)(2)(B), maintain a national age-out shelter list, correct the worksheet, and submit to five years of monitoring, ensuring that age-outs are considered for the least restrictive setting available. *Id.*

60. Additionally, once an alien is identified as a UAC (with narrow screening exceptions for certain contiguous-country cases) the child "shall be" placed in removal proceedings" under 8 U.S.C. § 1229a, rather than processed under 235(b). 8 U.S.C. § 1232(a)(5)(D)(i).

61. This statutory carve-out demonstrates Congress's clear intent to treat UACs differently than adults arriving without admission.

62. This distinction is reinforced by the Fourth Circuit's decision in *D.B. v. Cardall*, 826 F.3d

721 (4th Cir. 2016), which recognized that the Office of Refugee Resettlement's custodial authority over UACs is rooted in child welfare responsibilities rather than immigration detention. The court emphasized that once DHS determines an individual is a UAC, federal law requires transfer to HHS custody, where placement decisions must be based on the child's best interests, safety, and well-being, including suitability of proposed custodians. *Id.* at 732–34. Thus, unlike adults detained under § 235(b), whose custody is tied to immigration enforcement and mandatory detention, UACs fall under a different statutory scheme where custody is protective and welfare oriented.

63. Consistent with this statutory and judicial framework, a noncitizen like Petitioner—who entered the United States as a UAC and was transferred to ORR custody—is entitled to the continued protections of the TVPRA, including eligibility for release on bond or placement in the least restrictive setting, even after turning 18. In Petitioner's case, DHS improperly revisited his custody determination while he was still a minor, despite ORR having lawfully released him to his aunt. DHS then issued him an order of release on recognizance, requiring him to report to ICE upon turning 18, at which point he was detained without the individualized analysis mandated by § 1232(c)(2)(B). This sequence of events mirrors the statutory violations identified in *Ramirez v. U.S. Immigration & Customs Enforcement*, where the court found that ICE's practice of defaulting age-outs into detention, without considering less restrictive alternatives, unlawfully deprived class members of the protections Congress intended. Here, Petitioner remained in DHS's constructive custody through the order of recognizance, and his subsequent detention—absent compliance with the TVPRA's requirements—was unlawful.

64. The continued applicability of the TVPRA's protections to Petitioner's custody status does

not nullify 1226(a); rather, the two statutes work in tandem. Section 1232(c)(2)(B) imposes a substantive obligation on DHS to consider release to the least restrictive setting when an individual ages out of ORR custody, while § 1226(a) provides the procedural mechanism for effectuating such release through bond, conditional parole, or supervision.

UNDERLYING FACTS AND PROCEDURAL HISTORY OF THE CASE

65. Petitioner entered the United States as a UAC on March 28, 2022, at the age of 15.

66. On March 29, 2022, he was issued a Warrant for Arrest of Alien and detained under section 236 of the INA.

67. On March 29, 2022, Petitioner was also issued a Notice to Appear ("NTA"), charging him as an alien present in the United States who has not been admitted or paroled. This NTA was not filed with the immigration court.

68. Upon determining that Petitioner was a UAC, DHS transferred him to the custody of the Office of Refugee Resettlement ("ORR") of the Department of Health and Human Services.

69. On or about April 9, 2022, Petitioner was released from ORR into the custody of his aunt, Ms. Suzel Araguez.

70. On August 31, 2022, Petitioner filed a request for parole with ICE Miramar, which was subsequently verbally denied.

71. On or about September 12, 2024, Petitioner presented himself to ICE in Miramar, FL represented by former counsel. On that date, while Petitioner was still a minor, DHS issued an Order of Release on Recognizance, indicating that "in accordance with section 236 of the Immigration and Nationality Act . . . you are being released on your own recognizance." He was ordered to report on September 11, 2024 to the same ICE office.

72. On September 12, 2024, the Department issued a second NTA. ICE has charged Petitioner with, *inter alia*, being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who is an alien present in the United States without being admitted or paroled.

73. On September 28, 2024, this NTA was filed with the Miami Immigration Court, commencing removal proceedings against Petitioner.

74. On September 11, 2024, Petitioner was detained when he complied with his ICE reporting requirement.

75. From the date Petitioner was released on recognizance to the date of his detention, he had not committed any criminal or new immigration violations.

76. Petitioner is an 18-year-old high school senior with no criminal record. He is enrolled in JROTC at school and has been a member of the Coral Gables Firefighter Cadet Program for three years, aspiring to become a firefighter. He has completed Emergency Medical Responder training and contributed countless volunteer hours to the City of Coral Gables and its residents. Petitioner's family ties are extensive. His father, grandmother, aunt, and uncle all reside in the United States. His father was paroled into the United States over one year ago and is awaiting adjudication of his application for adjustment of status under the Cuban Adjustment Act. Once his father's adjustment application is approved, Petitioner will become prima facie eligible for an I-130 petition as the minor son of a Lawful Permanent Resident, followed by an I-601A waiver and consular processing. Additionally, Petitioner's grandmother is a Lawful Permanent Resident, and his aunt and uncle are United States citizens. Petitioner is neither a flight risk nor a danger to the community.

77. On September 17, 2025, Petitioner requested a bond redetermination hearing before an IJ. He is currently scheduled for said bond hearing on September 26, 2025.

78. Pursuant to *Matter of Yajure Hurtado*, the immigration judge is unable to consider Petitioner's bond request.

79. As a result, Petitioner remains in detention. Without relief from this court, he faces the prospect of months, or even years, in immigration custody, separated from his family and community.

CAUSES OF ACTION

COUNT ONE
Violation of the INA

80. The allegations in the above paragraphs are realleged and incorporated herein.

81. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who were previously detained by ICE on a warrant pursuant to § 1226, released under § 1226, and have been residing in the United States prior to being apprehended by Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

82. It likewise does not apply to noncitizens who entered as unaccompanied alien children and were processed under the provisions of 8 U.S.C. § 1232 and 6 U.S.C. § 279, as opposed to § 1225(b), and subsequently placed directly into § 1229a removal proceedings.

83. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates the INA.

COUNT TWO
Violation of Fifth Amendment Right to Procedural Due Process – Unlawful Detention Without a Pre-Deprivation Hearing

84. The allegations in the above paragraphs are realleged and incorporated herein.

85. It has long been established that aliens, even if in the United States unlawfully, are entitled to due process of law under the Fifth Amendment. *See Mathews v. Diaz*, 426 U.S. 67, 77 (1976) ("Even one whose presence in this country is unlawful, involuntary, or transitory is entitled to th[e] constitutional protection [of the Due Process Clause]"); *see also Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) ("It is well established that certain constitutional protections available to persons inside the United States are unavailable to aliens outside of our geographic borders. But 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").

86. The Due Process Clause of the Fifth Amendment prohibits the government from depriving individuals of liberty without notice and a meaningful opportunity to be heard. *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).

87. When the Government interferes with a liberty interest, it must provide constitutionally sufficient procedures. *Ky. Dep't of Corr. v. Thompson*, 490 U.S. 454, 460 (1989). The adequacy of these procedures is determined by weighing three factors: (1) the private interest that will be affected by the official action, (2) the risk of erroneous deprivation of that interest through the available procedures, and (3) the Government's interest, including the fiscal and administrative burdens that the additional or substantive procedures would entail. *See Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

88. Applying these factors here demonstrates that the procedures attendant upon Petitioner's detention are constitutionally insufficient.

89. First, Petitioner has a significant interest at stake. Being free from physical detention by one's own government "is the most elemental of liberty interests." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004). Petitioner is being held at the Krome Service Processing Center and is far from his family and community.

90. Second, the risk of erroneous deprivation is extraordinarily high. Petitioner had already been found not to be a danger to the community or a flight risk on two separate occasions: first upon his initial entry, when he was released from ORR custody to his aunt, and again on September 12, 2024, when ICE reviewed his custody and issued paperwork releasing him on his own recognizance. Nevertheless, when Petitioner complied with his obligations and appeared at his ICE check-in, he was summarily re-detained without a bond hearing and without the government identifying any new facts or changed circumstances. Absent a pre-deprivation hearing, there was no safeguard to prevent ICE from arbitrarily re-arresting Petitioner in direct contradiction of the prior determination that release was warranted

91. Third, the government's interest in detaining Petitioner without a hearing is minimal, if it exists at all. The government has already determined that Petitioner does not pose a risk to the community or a risk of flight. Providing a bond hearing before re-arrest would impose little to no fiscal or administrative burden, while simultaneously protecting core constitutional rights. Respondents' decision to re-detain Petitioner without such a hearing contravenes federal law and violates his procedural due process rights.

92. This arbitrary deprivation of liberty without a pre-deprivation hearing violates the constitutional requirement that detention be accompanied by due process safeguards. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (holding that immigration detention is subject

to constitutional limits); *Demore v. Kim*, 538 U.S. 510, 532 (2003) (emphasizing limited scope and justification for immigration detention).

93. By taking Petitioner back into custody under these circumstances, Respondents acted unlawfully and in violation of Petitioner's Fifth Amendment due process rights.

COUNT THREE
Violation of Fifth Amendment Right to Substantive Due Process

94. The allegations in the above paragraphs are realleged and incorporated herein.

95. The Fifth Amendment's Due Process Clause not only guarantees procedural safeguards, but also protects individuals against governmental conduct that "shocks the conscience" or interferes with rights implicit in the concept of ordered liberty. *County of Sacramento v. Lewis*, 523 U.S. 833, 846–47 (1998).

96. Here, Petitioner had twice been affirmatively determined not to be a danger to the community or a flight risk: first upon his release from ORR custody to his aunt, and again on September 12, 2024, when ICE conducted a custody review and issued paperwork releasing him on his own recognizance.

97. Despite these findings, Petitioner was re-detained when he complied with his reporting obligations and appeared at his scheduled ICE check-in. This re-detention occurred without any new facts or changed circumstances that could justify depriving him of liberty.

98. The government's conduct is arbitrary and capricious, amounting to punishment rather than regulation. It transforms ICE's discretionary authority into an unchecked power to re-incarcerate noncitizens at will, untethered to legitimate governmental objectives.

99. By subjecting Petitioner to renewed detention without justification, Respondents violated Petitioner's substantive due process rights under the Fifth Amendment. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (immigration detention is constitutionally limited and must

bear a reasonable relation to its purposes); *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992) (continued confinement is impermissible absent a legitimate basis such as dangerousness or flight risk).

100. Respondents' actions shock the conscience because they reflect arbitrary government conduct that disregards both prior determinations and Petitioner's fundamental right to be free from unjustified physical confinement.

COUNT FOUR
Violation of the Bond Regulations

101. The allegations in the above paragraphs are realleged and incorporated herein.

102. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA. Specifically, under the heading of "Apprehension, Custody, and Detention of [Noncitizens]," the agencies explained that "[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) will be eligible for bond and bond redetermination." 62 Fed. Reg. at 10323 (emphasis added). The agencies thus made clear that individuals who were present without having been admitted or paroled were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. § 1226 and its implementing regulations.

103. Nonetheless, pursuant to *Matter of Yajure Hurtado*, EOIR has a policy and practice of applying § 1225(b)(2) to individuals like Petitioner.

104. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

COUNT FIVE
Violation of the Administrative Procedure Act ("APA")

105. The allegations in the above paragraphs are realleged and incorporated herein.

106. The Administrative Procedure Act ("APA") provides the framework for judicial review of agency action. While § 701(a)(2) precludes review where "agency action is committed to agency discretion by law," this limitation is narrowly construed considering the language of § 702. *Norton v. Southern Utah Wilderness Alliance*, 542 U.S. 55, 64–65 (2004); 5 U.S.C. § 551(13). Namely, § 702 expressly authorizes review by any person "suffering legal wrong because of agency action" or "adversely affected or aggrieved by agency action within the meaning of a relevant statute." 5 U.S.C. § 702; 5 U.S.C. § 551(13).

107. Moreover, in *Southern Utah Wilderness Alliance*, the Supreme Court clarified that "agency action" encompasses discrete action, or failure to act when mandated by statute, rather than broad challenges to an agency's overall program management. *Southern Utah Wilderness Alliance*, 542 U.S. at 64–65; 5 U.S.C. § 551(13) (agency action includes the whole or part of an agency's order, relief, or denial of relief).

108. When reviewing the erroneous agency action, section 706 directs courts to resolve all relevant questions of law, interpret statutory provisions, and "compel agency action unlawfully withheld or unreasonably delayed." 5 U.S.C. § 706(1)–(2). Courts must also "hold unlawful and set aside" agency actions that are arbitrary, capricious, contrary to law, in excess of statutory authority, procedurally defective, unsupported by substantial evidence, or unwarranted by the facts. *Id.*

109. To invoke judicial review of an agency action, and hold unlawful or set aside arbitrary or capricious actions under § 706, a plaintiff must demonstrate Article III

standing—an injury in fact, traceable to the challenged action, and redressable by a favorable decision—and must show that the interest asserted is "arguably within the zone of interests" protected by the statute invoked. *Ass'n of Data Processing Serv. Orgs., Inc. v. Camp*, 397 U.S. 150, 153 (1970); *Clarke v. Sec. Indus. Ass'n*, 479 U.S. 388, 399 (1987); *Nat'l Credit Union Admin. v. First Nat'l Bank & Trust Co.*, 522 U.S. 479, 492 (1998). This zone-of-interests requirement is not demanding, and any doubt is resolved in the plaintiff's favor. *Nat'l Credit Union Admin.*, 522 U.S. at 492 (reaffirming the standard established by *Sec. Indus. Ass'n*, 479 U.S. 388 (1987)).

110. Finally, to overcome the allegation of an agency's erroneous actions under § 702, the agency must prove to the satisfaction of the reviewing court, that its actions were not arbitrary and capricious under §706. *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 52 (1983); 5 U.S.C. § 702; 5 U.S.C. § 706(1)–(2). In *State Farm Mut. Auto. Ins. Co.*, the Court defined the arbitrary and capricious standard of §706 as requiring the agency to show it engaged in reasoned decision-making when deciding the matter at issue. *State Farm Mut. Auto. Ins. Co.*, 463 U.S. at 52; 5 U.S.C. § 706(1)–(2).

111. The APA framework squarely applies to Petitioner's case. ICE's July 8, 2025 "Interim Guidance Regarding Detention Authority for Applicants for Admission," adopted "in coordination with" DOJ, and EOIR's implementation of that guidance—together with the Board's published decision in *Matter of Yajure Hurtado* (Sept. 5, 2025)—constitute "final agency action" because they mark a consummation of the agencies' decision-making process and determine legal rights and obligations by categorically placing noncitizens like Petitioner under 8 U.S.C. § 1225(b)(2)(A) and denying access to IJ bond hearings. *See* 5 U.S.C. § 704.

112. These agency actions are contrary to law and in excess of statutory authority because they disregard the statutory text, structure, and history establishing that detention of noncitizens already within the United States and placed in § 1229a proceedings is governed by § 1226(a), not § 1225(b)(2). *See* 8 U.S.C. §§ 1226(a), 1229a. Following *Loper Bright Enterprises v. Raimondo*, courts do not defer to an agency's interpretation merely because the statute is ambiguous; rather, courts must exercise independent judgment in interpreting the INA. *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024). The agencies' interpretation fails on that independent review.

113. The agencies' actions are also arbitrary and capricious under § 706(2)(A) because they (a) represent an unexplained reversal of decades of settled practice and regulatory interpretation without reasoned analysis; (b) fail to consider important aspects of the problem, including Congress's UAC framework in 8 U.S.C. § 1232 and 6 U.S.C. § 279; (c) ignore serious reliance interests of noncitizens and the adjudicatory system, which had long afforded IJ bond review under § 1226(a); and (d) apply a border-inspection scheme designed for "arriving" individuals to persons apprehended well after entry, which lacks a rational connection to the statute's purposes. *See State Farm*, 463 U.S. at 43; *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515–16 (2009) (agency changing policy must provide a reasoned explanation and address reliance interests); *Dep't of Homeland Sec. v. Regents of the Univ. of California*, 591 U.S. 1, 24–26 (2020) (failure to consider reliance interests renders rescission arbitrary and capricious).

114. The July 8, 2025 guidance operates as a substantive rule with legal consequences but was issued without notice-and-comment rulemaking as required by 5 U.S.C. § 553. It therefore is unlawful and must be set aside for "failure to observe procedure required by

law." 5 U.S.C. § 706(2)(D). *See also Perez v. Mortgage Bankers Ass'n*, 575 U.S. 92, 96–97 (2015) (distinguishing interpretive from legislative rules and reaffirming § 553 requirements for the latter).

115. Independently, the agencies failed to follow their own binding regulations by denying Petitioner access to custody review and IJ bond procedures that apply under § 1226(a), violating the *Accardi* doctrine. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 267–68 (1954); 8 C.F.R. §§ 236.1, 1236.1, 1003.19. Agency action taken in derogation of binding regulations is unlawful under § 706(2)(A), (C), and (D).

116. EOIR's and ICE's new interpretation also disregards the UAC statutory scheme, which (a) mandates placement in § 1229a proceedings, (b) assigns protective custody to HHS/ORR, and (c) provides a tailored set of safeguards incompatible with blanket categorization under § 1225(b)(2). *See* 8 U.S.C. § 1232(a)(5)(D)(i), (b)(3), (c)(2); 6 U.S.C. § 279; *D.B. v. Cardall*, 826 F.3d 721, 732–34 (4th Cir. 2016). The failure to grapple with this framework is arbitrary and capricious.

117. As applied to Petitioner, the agencies' actions (a) deprived him of an IJ bond hearing under § 1226(a); (b) subjected him to mandatory detention under § 1225(b)(2)(A) without statutory basis; and (c) foreclosed individualized custody determinations despite prior government findings that he is neither a danger nor a flight risk. This discrete deprivation is reviewable and unlawful under 5 U.S.C. § 706(2)(A)–(C), and the failure to provide the required bond process is "agency action unlawfully withheld" under § 706(1).

118. Petitioner has standing to challenge these actions: he suffers concrete and ongoing injury (continued detention without access to an IJ bond hearing), traceable to Respondents' policies and decisions, and redressable by vacatur and injunctive relief

requiring custody to be governed by § 1226(a) and the implementing regulations. His interests are plainly within the INA's zone of interests, which protects access to § 1226(a) custody determinations for noncitizens in § 1229a proceedings.

119. For all of these reasons, Respondents' actions are arbitrary, capricious, an abuse of discretion, contrary to law, and in excess of statutory authority, and must be set aside under 5 U.S.C. § 706(2).

REQUEST FOR RELIEF

WHEREFORE, Mr. Losada respectfully requests the Court to grant the following relief:

1. Accept jurisdiction over this matter;
2. Order that Mr. Losada shall not be transferred outside the United States District Court for the Southern District of Florida while this habeas petition is pending;
3. Issue an Order to Show Cause pursuant to 28 U.S.C. § 2243, directing Respondents to show cause why the petition for a writ of habeas corpus filed by Mr. Losada should not be granted within three days;
4. Issue a Writ of Habeas Corpus requiring that Respondents release Mr. Losada or, in the alternative, provide Mr. Losada with a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days;
5. Declare that Mr. Losada's detention is unlawful;
6. Award Mr. Losada attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
7. Grant any further relief this Court deems just and proper.

Respectfully submitted,

/s/ *Liliana Gomez*
Liliana Y. Gomez, Esq.
Florida Bar No. 123559
Liliana Y. Gomez, P.A.
5000 SW 75th Ave., Suite 400
Miami, FL 33155
786.502.7615 Tel
Liliana@lilianagomezlaw.com
Counsel for Petitioner

Dated: September 25, 2025

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

I represent Petitioner, Iker E. Losada Mesa, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 25th day of September 2025.

s/*Liliana Gomez*
Liliana Y. Gomez
Florida Bar No. 123559