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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA

Ramon Ruelas Castellano

Petitioner,

v.

Samuel J. Olson, Field Office Director  
of Enforcement and Removal  
Operations, St. Paul Field Office,  
Immigration and Customs  
Enforcement; Kristi NOEM, in her  
official capacity as Secretary of the  
U.S. Department of Homeland  
Security; Todd Lyons, in his official  
capacity as acting director of U.S.  
Immigration and Customs  
Enforcement; Joel Brott, Sherburne  
County Jail Sheriff.

Respondents.

Case No.

**PETITION FOR WRIT OF  
HABEAS CORPUS**

## INTRODUCTION

1  
2 1. Petitioner, Ramon Ruelas Castellano, is in the physical custody of  
3 Respondents at the Sherburne County Jail. He now faces unlawful detention  
4 because the Department of Homeland Security (DHS) and the Executive  
5 Office of Immigration Review (EOIR) have concluded Petitioner is subject to  
6 mandatory detention.  
7

8 2. On August 2, 2025, Petitioner was charged with, inter alia,  
9 having entered the United States without inspection. 8 U.S.C. §  
10 1182(a)(6)(A)(i).

11 3. On August 25, 2025 DHS amended the charges to allege  
12 Petitioner was removable for being an immigrant who, at time of application  
13 for admission, was not in possession of a valid entry document. 8 U.S.C.  
14 §1182 (a)(7)(A)(i)(I). DHS cited no new facts were cited in support of this  
15 amended charge.  
16

17 4. Based on this allegation in Petitioner's removal proceeding, DHS  
18 denied Petitioner release from immigration custody, consistent with a new  
19 DHS policy issued on July 8, 2025, instructing all Immigration and Customs  
20 Enforcement (ICE) employees to consider anyone inadmissible under §  
21 1182(a)(6)(A)(i)—i.e., those who entered the United States without  
22

1           5.     Petitioner sought a bond redetermination hearing before an  
2 immigration judge (IJ), but on August 26, 2025, the IJ denied bond, having  
3 determined Petitioner was subject to mandatory detention under INA §  
4 235(b)(2)(A) and thus the IJ lacked jurisdiction to assess if Mr. Ruelas  
5 Castellano could be released on bond. In the alternative, the IJ found Mr.  
6 Ruelas Castellano has not met his burden to show that he is not a danger to  
7 the community.

9           6.     On September 3, 2025, the Petitioner filed a Motion Requesting  
10 Custody Redetermination pursuant to *Matter of Joseph*. The Motion alleged  
11 the Petitioner had been erroneously included in a category subject to  
12 mandatory detention and the IJ properly had jurisdiction to adjudicate a  
13 request for a custody/bond redetermination.

15           7.     On September 8, 2025, the IJ denied the Motion and reaffirmed  
16 her finding that pursuant to *Matter of Yajure Hurtado*, the Petitioner was  
17 properly categorized as an applicant for admission under INA § 235(b)(2) and  
18 the IJ lacked jurisdiction to consider the Respondent for release on bond.

19           8.     Petitioner's detention on this basis violates the plain language of  
20 the Immigration and Nationality Act. Section 1225(b)(2)(A) does not apply to  
21 individuals like Petitioner who previously entered and are now residing in  
22 the United States. Instead, such individuals are subject to a different statute,  
23 8 U.S.C. § 1226(a), that allows for release on conditional parole or bond. That  
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1 statute expressly applies to people who, like Petitioner, are charged as  
2 inadmissible for having entered the United States without inspection.

3 9. Respondents' new legal interpretation is plainly contrary to the  
4 statutory framework and contrary to decades of agency practice applying §  
5 1226(a) to people like Petitioner.  
6

7 10. Accordingly, Petitioner seeks a writ of habeas corpus requiring  
8 that he be released unless Respondents provide a bond hearing under §  
9 1226(a) within fourteen days.  
10

## 11 JURISDICTION

12  
13 11. Petitioner is in the physical custody of Respondents. Petitioner is  
14 detained at the Sherburne County Jail in Elk River, Minnesota.  
15

16 12. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas  
17 corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2  
18 of the United States Constitution (the Suspension Clause).

19 13. This Court may grant relief pursuant to 28 U.S.C. § 2241, the  
20 Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28  
21 U.S.C. § 1651.  
22  
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1 **VENUE**

2 14. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*,  
3 410 U.S. 484, 493- 500 (1973), venue lies in the United States District Court  
4 for the District of Minnesota, the judicial district in which Petitioner  
5 currently is detained.

6  
7 15. Venue is also properly in this Court pursuant to 28 U.S.C. §  
8 1391(e) because Respondents are employees, officers, and agencies of the  
9 United States, and because a substantial part of the events or omissions  
10 giving rise to the claims occurred in the District of Minnesota.

11 **REQUIREMENTS OF 28 U.S.C. § 2243**

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

17  
18 17. Habeas corpus is “perhaps the most important writ known to the  
19 constitutional law . . . affording as it does a *swift* and imperative remedy in  
20 all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400  
21 (1963) (emphasis added). “The application for the writ usurps the attention  
22 and displaces the calendar of the judge or justice who entertains it and  
23  
24

1 receives prompt action from him within the four corners of the application.”  
2 *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

3  
4 **PARTIES**

5 18. Petitioner Ramon Ruelas Castellano is a citizen of Mexico who  
6 has been in immigration detention since August 2, 2025. After arresting  
7 Petitioner in Burnsville, Minnesota, ICE did not set bond and Petitioner  
8 requested review of his custody by an IJ. On August 26, 2025, Petitioner was  
9 denied bond by an IJ at the Fort Snelling Immigration Court, finding she  
10 lacked jurisdiction under INA § 235(b)(2). On September 08, 2025, the IJ  
11 reaffirmed her determination that the Petitioner was detained under INA §  
12 235 pursuant to the BIA holding in *Yajure Hurtado* and she lacked  
13 jurisdiction to determine if he merited release on bond.

14 19. Respondent Samuel Olson is the Director of the MSP Field Office  
15 of ICE’s Enforcement and Removal Operations division. As such, Samuel  
16 Olson is Petitioner’s immediate custodian and is responsible for Petitioner’s  
17 detention and removal. He is named in his official capacity.

18 20. Respondent Kristi Noem is the Secretary of the Department of  
19 Homeland Security. She is responsible for the implementation and  
20 enforcement of the Immigration and Nationality Act (INA), and oversees ICE,  
21 which is responsible for Petitioner’s detention. Ms. Noem has ultimate  
22 custodial authority over Petitioner and is sued in her official capacity.  
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1 preventing flight and mitigating the risks of danger to the community.  
2 *Zadvydas*, 533 U.S. at 690; *Demore*, 538 U.S. at 528. A noncitizen may only  
3 be detained based on these two justifications if they are otherwise statutorily  
4 eligible for bond. *Zadvydas*, 533 U.S. at 690.

5  
6 25. “The fundamental requirement of due process is the opportunity  
7 be heard at a meaningful time and in a meaningful manner.” *Mathews v.*  
8 *Eldridge*, 424 U.S. 319, 333 (1976). To determine what process Petitioner is  
9 due, this Court should consider (1) the private interest affected by the  
10 government action; (2) the risk that current procedures will cause an  
11 erroneous deprivation of that private interest, and the extent to which that  
12 risk could be reduced by additional safeguards; and (3) the government's  
13 interest in maintaining the current procedures, including the governmental  
14 function involved and the fiscal and administrative burdens that the  
15 substitute procedural requirement would entail. *Id.* at 335.

16  
17 26. The INA prescribes three basic forms of detention for the vast  
18 majority of noncitizens in removal proceedings.

19 27. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in  
20 standard removal proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals  
21 in § 1226(a) detention are generally entitled to a bond hearing at the outset of  
22 their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who  
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1 have been arrested, charged with, or convicted of certain crimes are subject to  
2 mandatory detention, *see* 8 U.S.C. § 1226(c).

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

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

9 30. This case concerns the detention provisions at §§ 1226(a) and  
10 1225(b)(2).

11 31. The detention provisions at § 1226(a) and § 1225(b)(2) were  
12 enacted as part of the Illegal Immigration Reform and Immigrant  
13 Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104–208, Div. C, §§ 302–03,  
14 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section 1226(a) was  
15 most recently amended earlier this year by the Laken Riley Act, Pub. L.  
16 No.119-1, 139 Stat. 3 (2025).

17 32. Following the enactment of the IIRIRA, EOIR drafted new  
18 regulations explaining that, in general, people who entered the country  
19 without inspection were not considered detained under § 1225 and that they  
20 were instead detained under § 1226(a). *See* Inspection and Expedited  
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1 Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal  
2 Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

3 33. Thus, in the decades that followed, most people who entered  
4 without inspection and were placed in standard removal proceedings received  
5 bond hearings, unless their criminal history rendered them ineligible. That  
6 practice was consistent with many more decades of prior practice, in which  
7 noncitizens who were not deemed “arriving” were entitled to a custody  
8 hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994);  
9 *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a)  
10 simply “restates” the detention authority previously found at § 1252(a)).  
11

12 34. On July 8, 2025, ICE, “in coordination with” DOJ, announced a  
13 new policy that rejected well-established understanding of the statutory  
14 framework and reversed decades of practice.  
15

16 35. The new policy, entitled “Interim Guidance Regarding Detention  
17 Authority for Applicants for Admission,”<sup>1</sup> claims that all persons who entered  
18 the United States without inspection shall now be deemed “applicants for  
19 admission” under 8 U.S.C. § 1225, and therefore are subject to mandatory  
20 detention provision under § 1225(b)(2)(A). The policy applies regardless of  
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23 \_\_\_\_\_  
24 <sup>1</sup> Available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>.

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

3 36. On September 05, 2025, the Board of Immigration Appeals (BIA)  
4 adopts this same position in the case *Matter of Yajure Hurtado*, 29 I&N Dec.  
5 216 (BIA 2025). That decision holds that all noncitizens who entered the  
6 United States without admission or parole are considered applicants for  
7 admission and are ineligible for immigration judge bond hearings.  
8

9 37. ICE and EOIR have adopted this position even though federal  
10 courts have rejected this exact conclusion. For example, after IJs in the  
11 Tacoma, Washington, immigration court stopped providing bond hearings for  
12 persons who entered the United States without inspection and who have  
13 since resided here, the U.S. District Court in the Western District of  
14 Washington found that such a reading of the INA is likely unlawful and that  
15 § 1226(a), not § 1225(b), applies to noncitizens who are not apprehended upon  
16 arrival to the United States. *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239  
17 (W.D. Wash. 2025); *see also Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025  
18 WL 1869299, at \*8 (D. Mass. July 7, 2025) (granting habeas petition based on  
19 same conclusion).  
20

21 38. “The idea that a different detention scheme would apply to non-  
22 citizens ‘already in the country,’ as compared to those ‘seeking admission into  
23 the country,’ is consonant with the core logic of our immigration system.”  
24

1 *Martinez v. Hyde*, CV 25-11613-BEM, 2025 WL 2084238 (D. Mass. July 24,  
2 2025) (citing *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018)).

3 39. DHS's and DOJ's interpretation defies the INA. As the *Rodriguez*  
4 *Vazquez* court explained, the plain text of the statutory provisions  
5 demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.  
6

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

11 41. The text of § 1226 also explicitly applies to people charged as  
12 being inadmissible, including those who entered without inspection. *See* 8  
13 U.S.C. § 1226(c)(1)(E). Subparagraph (E)'s reference to such people makes  
14 clear that, by default, such people are afforded a bond hearing under  
15 subsection (a). As the *Rodriguez Vazquez* court explained, "[w]hen Congress  
16 creates "specific exceptions" to a statute's applicability, it "proves" that  
17 absent those exceptions, the statute generally applies. *Rodriguez v. Bostock*,  
18 779 F. Supp. 3d 1239, 1257 (W.D. Wash. 2025) (citing *Shady Grove*  
19 *Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).  
20

21 42. Section 1226 therefore leaves no doubt that it applies to people  
22 who face charges of being inadmissible to the United States, including those  
23 who are present without admission or parole.  
24

1 43. By contrast, § 1225(b) applies to people arriving at U.S. ports of  
2 entry or who recently entered the United States. The statute's entire  
3 framework is premised on inspections at the border of people who are  
4 "seeking admission" to the United States. 8 U.S.C.  
5 § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this  
6 mandatory detention scheme applies "at the Nation's borders and ports of  
7 entry, where the Government must determine whether a[] [noncitizen]  
8 seeking to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S.  
9 281, 287 (2018).

11 44. Accordingly, the mandatory detention provision of § 1225(b)(2)  
12 does not apply to people like Petitioner, who have already entered and were  
13 residing in the United States at the time they were apprehended.

#### 15 **FACTS**

16 45. Petitioner has resided in the United States since 2003, and lives  
17 in Saint Paul, Minnesota.

18 46. On August 02, 2025, the U.S. Department of Homeland Security's  
19 Form I-213 from the day of the arrest recorded that Petitioner was arrested  
20 for being "an alien present in the United States without being admitted or  
21 paroled." On August 25, 2025, without providing any facts to support  
22 amending the charge, the U.S. Department of Homeland Security Form I-261  
23 amended to allege the Petitioner was "as an immigrant who, at the time of  
24

1 application for admission, is not in possession of a valid unexpired...entry  
2 document required by the Act." The petitioner is now detained at the  
3 Sherburne County Jail.

4 47. Petitioner's criminal history principally involves minor traffic  
5 offenses and no offenses subjecting him to mandatory detention. Petitioner's  
6 record includes a past DWI in January 2025, with consistent participation in  
7 rehabilitation programming and documented support from community  
8 members willing to drive him to obviate any potential safety risk.

9  
10 48. Petitioner is currently in removal proceedings before the Fort  
11 Snelling Immigration Court pursuant to 8 U.S.C. § 1229a.

12 49. Petitioner has raised a United States citizen minor daughter.

13 50. Petitioner is engaged to a United States Citizen who is currently  
14 awaiting her marriage license through the County of Washington.

15 51. Petitioner is successful business owner with three separate  
16 locations that rely on his presence and management.

17 52. Petitioner is also a homeowner, and landlord of three homes that  
18 he rents to three families.

19 53. Petitioner has relief available to him He has a prima facie case  
20 for 42(b) cancellation of removal.

21 54. Petitioner is neither a flight risk nor a danger to the community.  
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1 55. Following Petitioner's arrest and transfer to Sherburne County  
2 Jail, Petitioner subsequently requested a bond redetermination hearing  
3 before an IJ.

4 56. On August 26, 2025, an IJ denied bond and affirmed she lacked  
5 jurisdiction under the *Yajure Hurtado* decision.  
6

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

10 58. Any appeal to the BIA, while available, is futile for his release.  
11 The recent BIA decision in *Yajure Hurtado* would subject the Respondent to  
12 detention without discretionary bond, likely in contravention of federal law.  
13 Moreover, in the *Rodriguez Vazquez* litigation, where EOIR and the Attorney  
14 General were defendants, DOJ affirmed its position that individuals like  
15 Petitioner are applicants for admission and subject to detention under §  
16 1225(b)(2)(A). *See* Mot. to Dismiss, *Rodriguez Vazquez v. Bostock*, No. 3:25-  
17 CV-05240-TMC (W.D. Wash. June 6, 2025), Dkt. 49 at 27–31.  
18

19  
20 **CLAIMS FOR RELIEF**

21 **COUNT I**

22 **Violation of the INA**  
23  
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1 59. Petitioner incorporates by reference the allegations of fact set  
2 forth in the preceding paragraphs.

3 60. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does  
4 not apply to all noncitizens residing in the United States who are subject to  
5 the grounds of inadmissibility. As relevant here, it does not apply to those  
6 who previously entered the country and have been residing in the United  
7 States prior to being apprehended and placed in removal proceedings by  
8 Respondents. Such noncitizens are detained under § 1226(a), unless they are  
9 subject to § 1225(b)(1), § 1226(c), or § 1231.  
10

11 61. The application of § 1225(b)(2) to Petitioner unlawfully mandates  
12 his continued detention and violates the INA.  
13

14  
15 **COUNT II**

16 **Violation of Due Process**

17 62. Petitioner repeats, re-alleges, and incorporates by reference each  
18 and every allegation in the preceding paragraphs as if fully set forth herein.  
19

20 63. The government may not deprive a person of life, liberty, or  
21 property without due process of law. U.S. Const. amend. V. “Freedom from  
22 imprisonment—from government custody, detention, or other forms of  
23 physical restraint—lies at the heart of the liberty that the Clause protects.”  
24



- 1 c. Award Petitioner attorney's fees and costs under the Equal  
2 Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412,  
3 and on any other basis justified under law;  
4  
5 d. Order a bond redetermination hearing be held; and  
6  
7 e. Grant any other and further relief that this Court deems just and  
8 proper.

8 DATED this 30<sup>th</sup> day of September 2025.

9 /s/Gloria Contreras Edin  
10 Gloria Contreras Edin (SBN 0353255)  
11 Contreras Edin Law, PA  
12 663 University Ave. West 200  
13 St. Paul, MN 55104  
14 (651) 771-0019  
15 Gloria@contrerasedinlaw.com

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*Attorney for Petitioner*