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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Jose Ignacio Munoz Corral,

Petitioner-Plaintiff,

v.

Russell Hott, IMMIGRATION CUSTOMS  
ENFORCEMENT AND REMOVAL  
OPERATIONS CHICAGO FIELD OFFICE  
DIRECTOR; Sandra Salazar, IMMIGRATION  
CUSTOMS ENFORCEMENT AND  
REMOVAL OPERATIONS CHICAGO FIELD  
OFFICE DIRECTOR; Marcos Charles,  
ACTING EXECUTIVE ASSOCIATE  
DIRECTOR, ENFORCEMENT AND  
REMOVAL OPERATIONS; Todd M. Lyons,  
ACTING DIRECTOR, IMMIGRATION  
CUSTOMS ENFORCEMENT, Madison  
Sheahan, DEPUTY DIRECTOR,  
IMMIGRATION CUSTOMS  
ENFORCEMENT; Kristi Noem, SECRETARY  
OF THE DEPARTMENT OF HOMELAND  
SECURITY; Pam Bondi, ATTORNEY  
GENERAL OF THE UNITED STATES; and  
Donald J. Trump, PRESIDENT OF THE  
UNITED STATES,

Respondents

Case No. 1:25-cv-12167

Honorable Judge Andrea R. Wood  
Magistrate Judge Jeffrey T. Gilbert

**PETITION FOR WRIT OF HABEAS  
CORPUS AND REQUEST FOR  
RELEASE FROM DETENTION**

**Expedited Hearing Requested**

**PETITION FOR WRIT OF HABEAS CORPUS AND REQUEST FOR RELEASE FROM DETENTION**

NOW COMES the Petitioner, Mr. Jose Ignacio Munoz Corral (“Petitioner” or “Mr. Munoz Corral”) by and through his attorney, Angelika D. Charczuk of ADC Immigration Law, and hereby submits a Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 to this Court.

**INTRODUCTION**

1. Petitioner, Mr. Jose Ignacio Munoz Corral, has been residing in the United States since approximately 2014 and was apprehended by the Department of Homeland Security (DHS) U.S. Immigration & Customs Enforcement (ICE) officers in a wide scale immigration enforcement action on or about October 2, 2025, at Home Depot in Woodridge, Illinois.

2. Mr. Munoz Corral is alleged to be a noncitizen of the United States and is presumed to have entered the United States without inspection or admission in or around 2014 in violation of 8 U.S.C. § 1182(a)(6)(A)(i) and/or § 1182(a)(7)(A)(i). He has resided in Illinois for approximately eleven (11) years, has two minor U.S. citizen children, and has no criminal record. Mr. Munoz Corral is currently detained in the U.S. Immigration & Customs Enforcement Broadview Facility at 1930 Beach St., Broadview, IL 60155.

3. Petitioner faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have alleged Petitioner is subject to mandatory detention per current application of the DHS July 8, 2025, policy as well as the September 5, 2025, Board of Immigration Appeals (“Board” or “BIA”) decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

4. Petitioner is neither a flight risk nor a danger to the community, as he has resided at his most recent address in Illinois for approximately five years and has no criminal record. However, on or about October 2, 2025, ICE detained him without notice or opportunity to be

heard, on the decision of an individual without authority to do so, without findings required by law, and in violation of agency rules.

5. Petitioner is presumed to be charged with, *inter alia*, having entered the United States without admission or inspection. See 8 U.S.C. § 1182(a)(6)(A)(i). The Petitioner has not been served any documents.

6. Based on this allegation in Petitioner's removal proceedings, DHS denied Petitioner release from immigration custody, 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.

7. 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 mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.

8. Further, despite a legal ruling in *Rodriguez v. Bostock*, 2025 WL 1193850 (W.D. Wa. Apr. 24, 2025), rejecting this position, Respondents continue to maintain that noncitizens who entered the United States without inspection are not eligible for bond redetermination hearings, because they are applicants for admission within the meaning of 8 U.S.C. § 1225(b)(2)(A).

9. 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.

10. 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 are presumed to have previously entered and are now residing in the United States. 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 presumed to be charged as inadmissible for having entered the United States without inspection.

11. 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.

#### PARTIES

12. Petitioner, Mr. Jose Ignacio Munoz Corral, has lived in the United States for eleven (11) years. Prior to Petitioner's detention on or about October 2, 2025, he was residing in [REDACTED]. Petitioner is currently detained at the U.S. Immigration & Customs Enforcement Broadview Facility at 1930 Beach St., Broadview, IL 60155 and in the physical custody of the above-named Respondents.

13. Respondents Samuel Olson and Sandra Salazar are the Immigration Customs Enforcement and Removal Operations Chicago Field Office Directors, and are custodial officials acting within the boundaries of the judicial district of the United States Court for the Northern District of Illinois, acting with authority designated to them in their official capacity by Respondents Marcos Charles, Acting Executive Associate Director, Enforcement and Removal Operations, Todd M. Lyons, Acting Director, Immigration Customs Enforcement, Madison

Sheahan, Deputy Director, Immigration Customs Enforcement, Kristi Noem, Secretary of DHS, Pam Bondi, Attorney General of the United States, and Donald J. Trump, President of the United States.

**JURISDICTION**

14. The Petitioner is in the physical custody of Respondents. Petitioner is detained at the U.S. Immigration & Customs Enforcement Broadview Facility at 1930 Beach St., Broadview, IL 60155.

15. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et. seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. No. 104-208, 110 Stat. 1570. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 and the Suspension Clause of the Constitution because this action is a habeas corpus petition, and under 28 U.S.C. § 1331 because this action arises under federal law, including the Immigration and Nationality Act, 8 U.S.C. § 1101, *et seq.*, and Administrative Procedure Act, 5 U.S.C. § 551, *et seq.* In sum, this Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

16. 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.

17. Although Congress has stripped district courts of habeas jurisdiction in various immigration provisions, *e.g.*, 8 U.S.C. § 1252, those provisions are inapplicable here. Although Congress has the power to deprive district courts of habeas jurisdiction, that power is strictly construed. See, *e.g.*, *Reno v. American-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 483-84

(1999) (finding it “implausible” that listing three discrete actions is Congress’ way of referring to all claims arising from removal proceedings); see also *Jennings v. Rodriguez*, 138 S. Ct. 830, 840-41 (2018) (observing that, historically, when confronted with “capacious” phrases, the Court has rejected “uncritical literalism”). Because the vast majority of jurisdiction-stripping provisions do not mention challenges to detention decisions, they do not deprive this Court of habeas jurisdiction over Petitioner’s challenges to his detention. See, e.g., 8 U.S.C. § 1252(a)(2)(A) (depriving district courts of habeas jurisdiction to review expedited orders of removal); 8 U.S.C. § 1252(a)(2)(B) (depriving district courts of habeas jurisdiction over certain forms of deportation relief).

18. The only provision that conceivably applies to Petitioner’s challenges is 8 U.S.C. § 1226(e), which purports to deprive district courts of jurisdiction over “discretionary” detention decisions. However, that provision does not apply to challenges brought within a petition for habeas corpus. As the Supreme Court has explained, because immigration law has historically used “judicial review” and “habeas corpus” to mean different things, a jurisdiction-stripping provision in the INA must explicitly reference “habeas corpus” or “28 U.S.C. § 2241” to deprive district courts of habeas jurisdiction at all. *INS v. St. Cyr*, 533 U.S. 289, 311-13 (2001).

19. The inapplicability of § 1226(e) to habeas challenges is confirmed by the statutory history of the INA. Prior to the Supreme Court’s decision in *INS v. St. Cyr*, the INA’s jurisdiction-stripping provisions did not specifically mention “habeas corpus.” See, e.g., 8 U.S.C. § 1252(a)(2)(A) (2000) (no mention of habeas corpus). The Supreme Court then concluded that, because they did not specifically mention habeas corpus, all issues remained reviewable in habeas corpus proceedings. See *Cyr*, 533 U.S. at 312-13. Congress then amended the INA to specifically include references to habeas corpus in several jurisdiction-stripping provisions. Compare, e.g., 8

U.S.C. § 1252(a)(2)(A) (2000) (no mention of habeas corpus) with 8 U.S.C. § 1252(a)(2)(A) (2020) (2005) (mentioning habeas corpus). This was done in direct response to the Court’s decision in *St. Cyr*. H.R. Rept. No. 109-72, 173-76 (2005) (explaining Supreme Court’s ruling in *St. Cyr*, discussing its impact, and describing how changes to the INA are intended to mitigate and resolve perceived issues).

20. At that time, Congress did not amend § 1226(e) to include reference to habeas corpus, and it still has not. *Compare, e.g.*, 8 U.S.C. § 1252(a)(2)(A) (2005) (mentioning habeas corpus) with 8 U.S.C. § 1226(e) (2005) (no mention of habeas corpus) and 8 U.S.C. § 1226(e) (2020) (still no mention of habeas corpus). This observation lends strong credence to the notion that Congress intended that § 1226(e) would leave habeas review intact. See also H.R. Rept. No. 109-72, 175 (2005) (amendments “would not preclude habeas review over challenges to detention that are independent of challenges to removal orders. Instead, the bill would eliminate habeas review only over challenges to removal orders”).

21. That conclusion is supported by canons of statutory construction. “When Congress acts to amend a statute, we presume it intends its amendment to have real and substantial effect.” *Stone v. INS*, 514 U.S. 386, 397 (1995) (citing *Reiter v. Sonotone Corp.*, 442 U.S. 330, 339 (1979) and *Moskal v. United States*, 498 U.S. 103, 109-11 (1990)). Reasoning by contrapositive, it follows that when Congress intends no change to occur, it will not amend a statute. So, by leaving § 1226(e) alone, it follows that Congress intended to leave intact district courts’ habeas corpus jurisdiction over challenges to detention decisions by immigration enforcement agencies.

22. Furthermore, even if § 1226(e) *did* apply to petitions for habeas corpus in general, it would not apply to Petitioner’s specific claims. Section 1226(e) only purports to deprive district

courts of jurisdiction to review the agency's "discretionary judgment." Administrative agencies do not have discretion to violate the constitution, so decisions that do so, by definition, are not "discretionary judgments." *See* 8 U.S.C. § 1226(e). It follows that, as a matter of statutory construction, § 1226(e) cannot be said to apply to constitutional claims challenging detention.

23. Therefore, this Court holds the jurisdiction to review this habeas petition on behalf of the Petitioner-Plaintiff.

#### VENUE

24. 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 Northern District of Illinois, the judicial district in which Petitioner currently is detained.

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

26. Under 28 U.S.C. §1391(e)(1), the proper venue lies in the United States District Court for the Northern District of Illinois, the judicial district in which DHS originally arrested and is currently detaining Petitioner, where Petitioner lives, and where Respondents Samuel Olson and Sandra Salazar act as the Immigration Customs Enforcement and Removal Operations Chicago Field Office Directors.

#### REQUIREMENTS OF 28 U.S.C. § 2243

27. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an 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.* (emphasis added).

28. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . 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) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

### **LEGAL FRAMEWORK**

29. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

30. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an Immigration Judge (“IJ”). See 8 U.S.C. § 1229a. 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).

31. 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).

32. 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).

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

34. 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).

35. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *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).

36. Thus, in the decades that followed, most people who entered without inspection and were placed in standard removal proceedings 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)).

37. 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 practice.

38. The new policy, entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission,” 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 applies regardless of when a person is apprehended, and affects those who have resided in the United States for months, years, and even decades.

39. On September 5, 2025, the BIA adopted this same position in a published decision, *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). 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.

40. 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 reading of the statute as ICE.

41. 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).

42. Subsequently, court after court has 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); *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); *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).

43. Courts have uniformly rejected DHS's and EOIR's new interpretation because it defies 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.

44. 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]."

45. 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.

46. 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.

47. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. 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).

48. 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.

#### **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

49. Exhaustion is not required of this claim. *See Gonzalez v. O'Connell*, 355 F.3d 1010, 1016 (7th Cir. 2004). Exhaustion is not required in four (4) circumstances: (1) When delay would cause undue prejudice; (2) When the agency lacks the ability or competence to resolve the dispute; (3) When exhaustion would be futile because the agency has already decided the issue; and (4) When substantial constitutional questions are raised. *Id.* (citing *Iddir v. INS*, 301 F.3d 492, 498 (7th Cir. 2002)). This claim falls into three of the four exceptions to exhaustion.

50. First and foremost, delay would cause undue prejudice to Petitioner as, per *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), the BIA held that under the "plain language" of INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A), immigration judges categorically lack jurisdiction

to conduct bond hearings for noncitizens deemed “present in the United States without admission,” even in cases where the Department of Homeland Security (DHS) has elected to place such individuals into removal proceedings under INA § 240. *Id.* at 229. The Board’s decision recharacterizes § 235(b)(2)(A) as a sweeping “catch-all” detention mandate for virtually all applicants for admission not subject to expedited removal under § 235(b)(1). *Id.* at 219-220. In doing so, the Board selectively relies on *Jennings v. Rodriguez*, 583 U.S. 281, 299 (2018), to claim that detention under § 235(b)(2)(A) must continue “until removal proceedings have concluded.” *Id.* at 225.

51. For the same reason explained above, this claim falls into two (2) other exceptions: the agency lacks the ability or competence to resolve the dispute and exhaustion would be futile because the agency has already decided the issue.

52. Since the Immigration Judge (IJ) is not empowered to overrule Board of Immigration Appeals precedent, particularly with respect to case law that is so recent, it would be futile to require Petitioner to first seek custody redetermination before the IJ. It must be further stressed that the reasoning explained above represents a striking departure from decades of agency practice and jurisprudence. For years, DHS and the Immigration Courts have recognized the authority of Immigration Judges to conduct custody redetermination hearings in precisely these circumstances. The Board’s sudden and disingenuous reinterpretation of the statute disregards both its own precedent and the constitutional concerns raised by prolonged detention without individualized review. By invoking “plain language” now—after years of contrary interpretation—the agency effectively insulates detention decisions from meaningful administrative review.

53. Accordingly, the Petitioner has no further recourse within the immigration court system or the Board. The exhaustion requirement is therefore satisfied. In light of the Board's denial of Immigration Judge jurisdiction to hear custody redetermination requests, habeas corpus is the only mechanism available to challenge Respondent's ongoing detention and to vindicate constitutional rights at stake.

54. Nor does 8 U.S.C. § 1226(e) bar review of this claim. Supreme Court and Seventh Circuit precedent establish that § 1226(e) does not strip district courts of habeas jurisdiction over challenges to the government's detention authority under the statute. *See Jennings*, 138 S. Ct. at 841 (citing *Demore v. Kim*, 538 U.S. 510, 516 (2003)); *see also Parra v. Perryman*, 172 F.3d 954, 957 (7th Cir. 1999). This claim fits comfortably within that description. Furthermore, even if those cases did not leave this court's habeas jurisdiction intact, the Constitution itself would. *See* U.S. Const., Art. I, § 9, cl.2; *see also Boumediene v. Bush*, 553 U.S. 723, 792-93 (2008) (attempts to strip habeas jurisdiction that do not leave an adequate alternative are inoperative).

55. Because the Immigration Court currently lacks jurisdiction to evaluate Petitioner's custody determination, Petitioner asks this Court to do so, and order that he be released immediately.

#### **STATEMENT OF FACTS AND PROCEDURAL HISTORY**

56. Mr. Jose Ignacio Munoz Corral was born on [REDACTED] 1990, and is thirty-five (35) years old. He has resided in the United States continuously for approximately 11 years, and he has resided at his current address in Blue Island, Illinois, since approximately 2020.

57. Petitioner is the father of two U.S. citizen children, D.C. Muñoz (age 5) and D.A. Muñoz (age 3), who reside in his care. He financially provides for and supports them, and his continued presence in the United States is vital to their safety, well-being, and stability.

58. Although legally single, Petitioner is a devoted parent in his family with his longtime partner and two U.S. citizen children. He is actively involved in the day-to-day care and upbringing of his children, ensuring that they have the necessities of life, as well as love and emotional support.

59. Petitioner is employed in the construction industry, where he contributes valuable labor to his community. Through his steady employment, he is able to provide for his family and contribute to the local economy.

60. Petitioner has no criminal history. He has never been arrested nor detained in any country prior to his current immigration detention. He has maintained a clean criminal record throughout his time in the United States, demonstrating his good moral character and dedication to abiding by the laws of this country.

61. Petitioner has established significant ties to the United States through his long-term residence, his family relationships, his employment, and his integration into the community.

62. Petitioner's circumstances present compelling humanitarian factors, particularly the young age of his U.S. citizen children, who would suffer exceptional and extremely unusual hardship without his presence, financial, and emotional support.

63. Upon arrest, ICE transferred Petitioner to the U.S. Immigration & Customs Enforcement Broadview Facility, where he is currently detained. Petitioner's absence is creating a serious disruption to his children's lives, causing psychological and emotional distress at an age when parental presence is essential to their growth and development. In addition, his removal or detention would place them at risk of material deprivation, as they would lose their primary source of income and security.

64. Petitioner provides both the stability of a present and loving father for his U.S. Citizen children and the financial support needed to meet their basic needs, including food, housing, clothing, and medical care. Without his ability to work in construction and support them, his children would face exceptional and extremely unusual hardship.

65. If found to be inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) and/or § 1182(a)(7)(A)(i), Petitioner appears *prima facie* eligible for immigration relief under 8 U.S.C. § 1229b(b) (Cancellation of removal and adjustment of status for certain nonpermanent residents) in that (1) He has maintained continuous physical presence in the United States for more than ten (10) years; (2) He has also demonstrated good moral character throughout this time, with no criminal history and a record of steady employment in construction to support his family; (3) He has qualifying relatives, namely his two U.S. citizen children, D.C. Munoz, age five (5), and D.A. Munoz age three (3); and (4) His removal from the United States would cause them exceptional and extremely unusual hardship, given their young age and complete dependence on him for financial stability, emotional support, and access to essential needs such as food, housing, and medical care. These factors, taken together, establish his statutory eligibility for immigration relief.

### **CLAIMS FOR RELIEF**

#### **FIRST CLAIM FOR RELIEF VIOLATION OF THE INA**

66. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

67. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all alleged noncitizens residing in the United States who are alleged to be subject to the grounds of inadmissibility. As relevant here, it does not apply to those who are alleged to have previously

entered the country and have resided in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such alleged noncitizens are detained under § 1226(a), unless they are subject to §1225(b)(1), § 1226(c), or § 1231.

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

#### **SECOND CLAIM FOR RELIEF VIOLATION OF THE BOND REGULATIONS**

69. Petitioner incorporates by reference the allegations of fact set forth in preceding paragraphs.

70. 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 are alleged to have entered without inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. § 1226 and its implementing regulations.

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

72. 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.

**THIRD CLAIM FOR RELIEF  
VIOLATION OF PROCEDURAL DUE PROCESS**

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

74. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

75. Petitioner has a fundamental interest in liberty and being free from official restraint.

76. The government’s detention of Petitioner without a bond redetermination hearing to determine whether he is a flight risk or danger to others violates his right to due process.

**FOURTH CLAIM FOR RELIEF  
EQUAL ACCESS TO JUSTICE ACT UNDER 28 U.S.C. 2412 63**

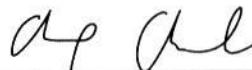
77. If Petitioner prevails, he requests attorney’s fees and costs under the Equal Access to Justice Act, as amended. 28 U.S.C. § 2412.

**PRAYER FOR RELIEF**

WHEREFORE, Petitioner requests that this Court:

- a. Assume jurisdiction over this matter;
- b. Order that Petitioner shall not be transferred outside the Northern District of Illinois while this habeas petition is pending;
- c. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner immediately or, in the alternative, immediately provide Petitioner with a bond hearing pursuant to 8 U.S.C. §1226(a);
- e. Declare that Petitioner's detention is unlawful;
- f. Set aside Respondents' unlawful detention policy under the APA, 5 U.S.C. § 706(2);
- g. Award Petitioner reasonable 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 underlaw; and
- h. Grant any other and further relief that this Court deems just and proper.

Respectfully submitted,



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Illinois ARDC No. 6338808

DATED: 03 of October of 2025.  
Chicago, IL

**/s/ Linda Sanchez Ortega**  
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*Attorneys for Plaintiff*

**28 U.S.C. § 2242 VERIFICATION STATEMENT**

I am submitting this verification on behalf of the Petitioner because I am the Petitioner's attorney. I have reviewed relevant documentation of the events described in this Petition and Complaint reasonably available to me prior to and at the time of filing. On the basis of those documents and discussions with individuals whom Petitioner authorized to speak on his behalf, I hereby verify that the statements made in this Petition and Complaint are true and correct to the best of my knowledge.

DATED: 03 of October of 2025.  
Chicago, IL

  
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*Attorney for Petitioner-Plaintiff*

**CIVIL LOCAL RULE 3.2 DISCLOSURE STATEMENT**

Counsel Petitioner furnishes this disclosure in compliance with Civil L.R. 3.2 and Fed. R. Civ. P. 7.1.

Full name of every party counsel represents in this case:

Petitioner is an individual, not a corporation.

Attorneys who will appear, or are expected to appear, for Petitioner include:

Angelika D. Charczuk , ADC Immigration Law

Linda Sanchez Ortega, Hirsch Law Group

Maritza Jaimes, Jaimes Law LLC

DATED: 03 of October of 2025.  
Chicago, IL



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*Attorney for Petitioner-Plaintiff*

### **CERTIFICATE OF SERVICE**

I, the undersigned counsel, hereby certify that on this date I filed the Petition for Writ of Habeas Corpus and all accompanying attachments through the CM/ECF system. Upon receipt of the issued, stamped summons, I will promptly serve a copy of the petition and summons by U.S. Certified Priority Mail with Return Receipt Requested on each of the following individuals:

**Field Office Director / Todd M. Lyons, Acting Director**  
**Broadview Service Staging Area**  
**1930 Beach Street**  
**Broadview, IL 60155**

**Russell Hott, Field Office Director**  
**Sandra Salazar, Field Office Director**  
**ICE – Enforcement and Removal Operations (Chicago Field Office)**  
**101 W. Congress Parkway, Suite 4000**  
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**Marcos Charles, Acting Executive Associate Director, ERO**  
**U.S. Immigration and Customs Enforcement – ERO Headquarters**  
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**U.S. Attorney's Office (NDIL) – Civil Process Clerk**  
**United States Attorney's Office**  
**Northern District of Illinois (Eastern Division)**  
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**Attorney General of the United States: Pam Bondi**  
**U.S. Department of Justice**  
**950 Pennsylvania Avenue, NW**  
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**Office of the General Counsel**  
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**Donald J. Trump, President**  
**The White House**  
**1600 Pennsylvania Avenue NW**  
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